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29	1760/H(E)75-15.9.75	Republication of Election Commission Not. No.3/6/68(1)-1 Dated 18.3.1968.
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31	32/R.o----23.9.75	Counting of votes under act 1951.
31	Bill No. 4 of 1975	Sikkim contingency fund Bill 1975.
32	Bill No.5 of 1975	Gangtok Municipal Corporation Bill 1975.
33	1706/H/75 ---6.9.75	Revised categories gradation pay scales educational and technical standards and length of service stipulations for the concepts of Medical Services.
34	1880/H/75--24.9.75	Sikkim judicial service Rules.
35	Bill NO.2 of 1975	Sikkim appropriation Bill 1975.
36	2/L/75--18.9.75	Sikkim Act II of 1975.
37	1916/H/1975--26.9.75	2nd October 75 is declared public holiday throughout Sikkim on the occasion of Gandhi Jayanti.
38	81/H/75 --1.10.75	Republication of Election Commission of India Noti. No.429/Skm/(1) --26.9.75.
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39	157/H/75 --4.10.75	Republication.
40	154/LR 29/9.75	R.C Poudyal elected as Speaker.
40	F(7(3)H/75 17.10.75	Sikkim cultivators protection Rules 1975
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44	Act No. V of 1975	Act No. III of 1975 Sikkim contingency fund act 1975.
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49	171/P -31.10.75	Prevention of insults to National Honour Act 1971.
50	F7(2)H/75 -30.10.75	Notification papers have been extended up to 5.11.75
51	F7(3)H/75 11.11.75	Adoption of Sikkim laws amendment order No. 1 of 75.
52	-----	Sikkim regulation of transfer and use of lands Act 75 Act No. VI of 75.
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53	1/CEO -15.11.75	Publication of electoral rolls of 32 Assembly Constituencies of Sikkim state.
54	174/H/75 --26.11.75	Sikkim cultivators protection (Temporary provision) ACT 1975.
55	177/H/75 29.11.75	Republication of ministry of Law and Justice Not. No. S.O 608(e) dated 20.10.75.
56	2/H --20/11/75	Republication of election commission of India Noti. No 508/skm/75 date 20.1.75.
57	180/H/75 -4.12.75	Shri S.K Rai elected as the member of House of people.
58	185/H/75 --6.12.75	Pay fixation of Speaker & Deputy. Speaker.
59	2/P -8.12.75	Postponed the date of Panchayat election.
60	187/H/75 9.12.75	Enforcement of the following Acts (a) Indian Telegraph Act (b) Indian Wireless Telegraphy Act
61	188/H/75 --9.12.75	(b) The Telegraph Wire (Unlawful provision) Act 1950 (74 of 1950) Enforcement of the following Acts shall be come into force in the State of Sikkim (a) Indian telegraph Rules 1951 (b) Indian Wireless telegraphy rules ©Indian wireless telegraphy (Amateur Service) Rules 1962 (d) Indian telegraphy wireless (Experimental Service) Rules 1962. (e) Indian wireless telegraphy (demonstration liscence) Rules 1962 (f) Liscensing of wireless receiving rules (g) Wireless telegraph rules 1973 (h) Wireless telegraph (foreign aircraft) Rules 1973.
62	4/H 5.12.75	Republication of election commission not. No. 429/skm/75(3) dated 5.12.75.
63	5/H -3.12.75	Republication of election commission of India noti. No. 434/skm/75(1) dated 3.12.75.
64	6/H 3.12.75	Republication of election commission of India nitification no. 434/skm/75(2) dated 3.12.75.
65	54/B dated 3.12.75	Nominate the Councillors for Gangtok Municipal Corporation.

GOVERNMENT OF SIKKIM

HOME DEPARTMENT

Notification No. H (GA) XIV/75/14

Gangtok, the 16th May, 1975

THE SIKKIM GOVERNMENT RULES OF BUSINESS

In exercise of the powers conferred by clause (3) of the article 166 of the Constitution of India, the Governor of Sikkim is pleased hereby to make the following rules namely:-

Part I

Preliminary

1. These rules may be called the Sikkim Government Rules of Business.
2. In these rules, unless the context otherwise requires:
 - (a) “ article” means an article of the Constitution of India;
 - (b) “Council” means the Council of Ministers constituted under article 163;
 - (c) “Secretary” means a Secretary to the Government of Sikkim and includes a Joint Secretary, a Deputy Secretary and an Under Secretary.
 - (d) “Schedule” means a schedule appended to these rules.

Part II

Disposal of Business

3. Each department of the Secretariat shall consist of the Secretary to the Government who shall be the official head of the department and of such other officers and servants subordinate to him as the State Government may determine:

Provided that –

- (a) more than one department may be placed in charge of the same Secretary;
 - (b) the work of a department may be divided two or more Secretaries.
4. The Council shall be collectively responsible for all executive orders issued in the name of the Governor in accordance with the rules whether such orders are authorized by the council or by an individual Minister on a matter pertaining to his portfolio or as a result of discussions at a meeting of the council or otherwise.
5. Subject to the orders of the Chief Minister under rule 11 all cases referred to in the second schedule shall be brought before the council in accordance with the provisions of Part III;

Provided that no case in regard to which the Finance Department is required to be consulted under the provisions of these rules shall, save in exceptional circumstances under the directions of the Chief Minister, be discussed by the council unless the finance Minister has had the opportunity for its consideration.

6. Without prejudice to the provisions of rule 4, the Minister in charge of a department shall be primarily responsible for the disposal of the business pertaining to that department.

7. (1) No department shall without previous consultation with the Finance department authorize any orders (other than orders pursuant to any general dislocation made by the finance department) which-

- (a) either immediately or otherwise will effect the finance of the State; or
- (b) involve any grant of land or assignment of revenues; or
- (c) in any way involve any relinquishment of revenue.

(2) No proposal which requires the previous consultation of the Finance Department under these rules, but in which the Finance Department has not concurred, may proceed with unless a decision to that effect has been taken by the council.

(3) No re-appropriation shall be made by any department other than Finance Department, except in accordance with such general delegation as finance Department may have made.

(4) Except to the extent a power may have been delegated to the department under rules approved by the finance Department, every order of an administrative department conveying a sanction to be enforced in Audit shall be communicated to the Audit authorities by the Finance Department.

(5) Nothing in these rules shall be constructed as authorizing any department including the Finance Department, to make re-appropriation from one grant specified in the Appropriation Act to another such grant.

(6) The Finance Department shall after previous consultation with the Home Department, authorize any orders which-

- (a) relate to the number of grading or cadre of posts or the emoluments or other conditions of service or posts;
- (b) involve the addition of a posts or the abolition of a post from the public service or the authorized emoluments of any post;
- (c) involve the sanction of allowances or special or personal pay for any post or classes of posts.
- (d) involve an expenditure for which no provision has been made in the Appropriation Act or which is in excess of the provisions made in the Act, in as far as this may relate to the functions or functionaries directly under the Finance Department.

Part III

Procedure of the council

8. The Chief Secretary or such other officer as the Chief Minister may appoint, shall be the Secretary to the Council

9. All cases referred to in the First Schedule shall be submitted to the chief Minister after consideration by the Minister in charge with a view to obtaining his orders for circulation of the case under rule 13, or for bringing it up for consideration at a meeting of the Council.

10. (1) The Chief Minister may direct that any case referred to in the First Schedule may, instead of being brought up for discussion at a meeting of the Council, be circulated to a Minister for opinion, and if all the Ministers are unanimous and the Chief Minister thinks that a discussion at a meeting of the council is unnecessary, the case shall be decided without much discussion. If the Ministers are not unanimous or if the chief Minister thinks that a discussion at meeting is necessary the case shall be discussed at a meeting of the Council.

(2) If it is decided to circulate for opinion any case to the Ministers, copies of all papers relating to such case which are circulated among the ministers shall simultaneously be sent to the Governor.

11. (1) In cases which are circulate for opinion under rule 10, the Chief Minister may direct, if the matter is urgent that if any Minister fails to communicate his opinion to the Secretary to the Council by a date to be specified by him in the memorandum for circulation, it shall be assumed that he has accepted the recommendation contained therein.

(2) If the Ministers have accepted the recommendations contained in the memorandum for circulation or the date by which they were required to communicate their opinion has expired, the Secretary to the Council shall submit the case to the chief Minister. If the chief Minister accepts the recommendation and if he has no observation to make, he shall return the case to the Secretary to the who will pass it on to the Secretary concerned who will thereafter take steps to issue the necessary orders.

12. When it has been decided to bring a case before the council, the department to which the case belongs shall, unless the Chief Minister otherwise directs, prepare a memorandum indicating with sufficient precision the salient facts of the case and the points for decision. Such memorandum and such other papers as are necessary to enable the case to be disposed of shall be circulated to the Ministers. Copies of the memorandum and other papers shall at the same time be sent to the Governor.

13. In case which concern more Ministers than one, the Ministers shall attempt by previous discussion to arrive at an agreement. If an agreement is reached, the memorandum referred to in rule 11 or rule 12 shall then adopt the general recommendation of the Ministers concerned and if no agreement is reached the memorandum shall state the points of different and the recommendations to each of the Ministers concerned.

14. (1) The Council shall meet at such place and time as the Chief Minister may direct.

(2) After an agenda paper showing the cased to be discussed at a meeting of the Council has been approved by the Chief Minister, copies thereof together with copies of such memorandum as having been circulated under rule 12 shall be sent by the Secretary to the Council to the Chief Minister and other Ministers so as to reach them two clear days before the date of such meeting. The Chief Minister may in case of emergency curtail the said period of two days. Copies of the agenda and the memorandum shall at the same time be sent to the Governor.

(3) Except with the permission of the Chief Minister, no case shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required under rule 12.

(4) If any Minister is on tour, the agenda paper shall be forwarded to the Secretary in the department concerned who, if he considers that the discussion of any case should await the return of the case until the return of the Minister.

(5) The Chief Minister or in his absence any other minister nominated by him, shall preside at a meeting of the Council

(6) The Secretary to the Department concerned with a case shall attend the meeting unless his presence is excused by the Chief Minister.

(7) The Secretary to the Council shall attend all meeting of the council and shall prepare a record of the decisions. He shall forward a copy of such record to each of the Ministers including the Chief Minister and to the Governor.

15. (1) When a case has been decided by the Council after discussion at a meeting, the Minister concerned shall take action to give effect to the decision.

(2) the record of the case to be maintained by the Secretary to the Council shall consist of

(i) A copy of all papers circulated under rule 12 and 14;

(ii) A copy of the record prepared under rule 14 (7).

(3) The decision of the Council relating to each case shall be separately recorded and after approval by the Chief Minister or any other Minister presiding, shall be placed with the record of the case and a copy of the approved draft shall be sent to the Governor.

Part IV
Departmental Disposal of Business
A - General

16. Except as otherwise provided by any other rule, case shall ordinarily be disposed of by or under the authority of the Minister in charge who may, by means of standing orders give such directions as he thinks fit for the disposal of cases in the department. Copies of such standing orders shall be sent to the Governor and the Chief Minister.

17. Each Minister shall by means of standing order arrange with the Secretary of the department that matters or classes of matters are to be brought to his personal notice. Copies of such standing orders shall be sent to the Governor and the Chief Minister.

18. (1) Except as otherwise provided therein, cases shall be submitted by the Secretary in the department to which the case belongs to the Minister in charge.

(2) A case in which consultation with any other department is required under these rules, shall not be submitted to the Minister unless that department has been consulted. In submitting the case to the Minister the Secretary shall specifically invite the attention of the Minister in charge to the views of the department.

19. Every Tuesday, the Secretary shall submit to the Minister in charge, a statement showing particulars of cases disposed of in the department by the Minister and the Secretary respectively, during the preceding week. A copy of the statement showing cases disposed of by the Minister, shall simultaneously be submitted to the Chief Minister and to the Governor.

20. When the subject of a case concerns more than one department, no order shall be issued nor shall the case be laid before the Council until it has been considered by all the departments concerned unless the case is one of extreme urgency.

21. If the departments concerned are not in agreement regarding the case dealt with under rule 11, the Minister in charge of the department may, if he wishes to proceed with the case direct, that the case be submitted to the Chief Minister for orders for laying the case before the Council.

22. (1) A Secretary may ask the papers in any department other than the Finance Department to be seen, if such papers are required for the disposal of a case in his department.

(2) Such request shall be dealt with under the general or special orders of the Minister in charge.

(3) A Minister may send for any papers from any department for his information provided that, if he is of opinion that any further action should be taken on them, he shall communicate his views to the Minister in charge of the department concerned and, in case of disagreement may submit the case to the Chief Minister with a request that the matter be laid before the Council. No further notes shall be recorded in the case before the papers are so laid before the Council.

Provided that if the paper is of secret nature, it shall be sent to the Minister only under orders of the Minister in charge of the department to which it belongs:

Provided further that no paper under disposal shall be sent to any Minister until it has been seen by the Minister in charge of the department to which it belongs.

(4) (a) All papers relating to any matter that may have to be submitted to the Council or to the Chief Minister, shall be submitted through the Chief Secretary, who will then forward the same with his comments, if any. The chief secretary also may, on the orders of the chief Minister or of any other Minister or of his own motion, ask to see any paper relating to any case in any department and any such request by him shall be complied with by the Secretary of the department concerned.

(b) The Chief Secretary may, after examination of the any case requisitioned by him in his motion or on the orders of any Minister, submit it for orders of the Minister in charge or of the Chief Minister through the Minister in charge.

(5) The Chief Secretary may call for powers from any Department.

23. If a question arises as to the department to which a case properly belongs, the matter shall be referred for the decision of the Chief Secretary who will, if necessary, obtain the orders of the Chief Minister.

24. All communications received from the Government of India (including those from the Prime Minister and other Minister of the Union) other than those of routine or unimportant character, shall as soon as possible after receipt, be submitted by the Secretary to the Minister in charge and to the Governor and the Chief Minister for information.

25. Any matter likely to bring the State Government into controversy with the Government of India or with any other State Government shall, as soon as the possibility of such a controversy is seen, be brought to the notice of the Governor and the chief Minister and the Minister in charge.

26. (1) The following classes of case shall be submitted to the Chief Minister before issue of orders:

(i) Proposal for the grant of pardons reprieves, respites, or remissions of punishment or for the suspension, remission or commutation of a sentence in pursuance of article 16.

(ii) Cases raising questions of policy and cases of administrative importance not already covered by the First Schedule.

(iii) Constitution of any advisory board under article 22 (4) (a) or any other statutory provision for the detention person without trial.

(iv) Proposal for the dismissal, removal or compulsory retirement of any accused officer.

(v) Proposal for the appointment and posting of the following officers:

(a) Development commissioner

(b) Secretaries and Joint Secretaries of Departments of Government.

(c) Heads of Departments.

(d) District Judge.

(e) District Magistrate/ District Officers.

(f) Commissioner of Police.

(g) Superintendents/Deputy Commissioner of Police.

(h) Superintending Engineers.

(vi) Any communication from the Election commissioner, especially with reference to its requirements as to staff and action proposed to be taken.

(vii) Appointment of Chief Secretary.

(2) The following classes of cases shall be submitted by the Chief Minister to the Governor before the issue of orders.

(i) Cases raising questions of policy.

(ii) Proposal for the appointment and designation and removal of the Advocate General of the State.

(iii) Recommendations of the Governor for presentation to the Legislative Assembly, of annual financial statements and statements relating to supplementary additional or excess grants and appropriation bills.

(iv) Cases which affect the relation of the State Government with the Government of India, any other State Government, the Supreme Court of the High Court.

(v) Cases which affect or are likely to affect the peace and tranquility of the State.

(vi) Cases pertaining to the Governor's personal establishment and Government house matters.

(vii) Proposals for the appointment of Chairman and members of the Public Service commission.

(viii) Any department from these rules which come to the notice of the chief Secretary or the Secretary of any department.

(ix) Such other cases of administrative importance as the chief Minister may consider necessary.

27. The Chief Minister shall-

(a) cause to be furnished to the governor such opinion relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for; and

(b) if the governor so requires submission for the consideration of the Council any matter on which a decision has been taken by a Minister but it has not been considered by the Council.

B – Finance Department

28. The Finance Department shall be consulted before the issue of orders upon all proposals which affect the finances of the State and in particulars-

(a) proposals to add any post or abolish any post from the public service or to vary the emoluments if any post;

(b) proposals to sanction an allowance or special or personal pay for any post or class of posts or to any servant of the Government of the State;

(c) proposals involving abandonment of revenue or involving an expenditure for which no provision has been made in the Appropriation Act.

29. The views of the Finance Department shall be brought to the permanent record of the Department to which the case belongs and shall form part of the case.

30. The finance Department may by general or special order prescribe cases in which its assent may be presumed to have been given.

31. (1) The finance Minister may call for any papers in a case in which any of the matters referred to in rule 7 or rule 28 is involved and the Department to which the request is addressed shall supply the papers.

(2) On receipt of papers called for under sub-rule (1), the Finance Minister may request that the papers with his note on them shall be submitted to the Council.

(3) The Finance Department may make rules to govern financial procedure in general in all departments and the dealings of other departments with the Finance Department.

C- Law Department

32. Except as hereinafter provided the Law Department is not, in respect of legislation, an originating or initiating Department and its proper function is to put into technical shape the projects of legislation of which the policy has been approved; and every proposal to initiate legislation shall be considered in, and if necessary transferred to, the department to which the subject-matter of the Legislation relates and the necessity for legislation and all matters of substance to be embodied in the Bill shall be discussed and , subject to rule 5 settled in such Department.

33. Proposals to initiate legislation shall be treated as a case and shall be disposed of accordingly: Provided that the case shall not be submitted to the Chief Minister until the Department concerned has consulted the Law Department as to-

- (i) the need for the proposal legislation from a legal point of view.
- (ii) the competence of the State Legislature to enact the measure proposed;
- (iii) the requirements of the Constitution as to obtaining the previous sanction of the President thereto; and
- (iv) the consistency of the proposal measures with the provisions of the Constitution, and in particular those relating to the Fundamental Rights.

34. If legislation is decided upon by the Minister in charge the Department will, if the legislation involve expenditure from the consolidation fund of the State, prepare in consultation with the Finance Department a final memorandum. The papers shall then be sent to the Law Department requesting it to draft the Bill accordingly.

35. The Law Department shall thereafter prepare a draft Bill and return the case to the Department concerned.

36. The Administrative Department shall obtain the opinions of such officers and bodies as it seems necessary on the Draft bill and submit the opinion received with a copy of the tentative Draft Bill to the Minister in charge.

37. If the tentative Draft Bill is approved by the Minister in charge it shall be circulated to the other Ministers and copy supplied to the Governor and unless the Chief Minister directs otherwise the tentative Draft Bill shall be brought before a meeting of the Council.

38. If it is decided to proceed with the Bill, with or without amendments, the originating Department shall send the case to the Law Department requesting it to prepare a final draft of the Bill.

39. The Law Department shall then finalize the draft and send a Draft Bill to the originating Department indicating at the same time the sanctions, if any, required for the Bill. If any provisions in the Bill involving expenditure from the consolidated fund of the State are modified in the finalized draft the Department shall send the finalized draft Bill to the Finance Department for revising, if necessary, the financial memorandum.

40. The originating Department will then transfer the final Draft Bill to the Law Department with the instructions Government thereon. After such transfer the Bill shall be deemed to belong to the Law Department.

41. Notwithstanding anything contained in rule 31, measure designed solely to codify and consolidate existing enactments and legislation of a formal character such as repealing and amending bills may be initiated in the Law Department:

Provided that the Law Department shall send a copy of the Draft Bill to the Department which is concerned with the subject matter, for consideration as an administrative measure and the Department to which it is sent shall forthwith make such enquiries as it thinks fit and shall send to the Law Department its opinion thereon together with a copy of every communication received by it on the subject

42. (1) Whenever a private Member of the State Legislature gives notice of his intention to move for leave to introduce Bill the Law Department shall forthwith send a copy of the Bill and the Statement of Objects and Reasons for information to the Chief Minister and the Department to which the case belongs.

(2) The Bill shall be dealt with as a case by the Law Department in the first instance, where it shall be considered in its technical aspects, such as need for previous sanction of the President and the competence of the State Legislature to enact the measures and the forward with its opinion to the Department to which the case belongs.

(3) If any provisions of such Bill involve expenditure from the consolidated fund of the State, the Department shall, before it is circulated, prepare in consultation with the finance Department the financial memorandum in respect of the Bill.

43. The provisions of rule 42 shall apply as far as may be to amendments of substance recommended by the Select committee and also to all amendments, notice of which is given by Members of the State Legislature for being moved during the consideration of a Bill in that Legislature.

44. (1) When a bill has been passed by the Legislature it shall be examined in the Department concerned and the Law Department and shall be forwarded to the Governor with

(a) a report of the Secretary of the Department concerned as to the reasons, if any, why the Governor's assent should not be given;

and

(b) a report of the Law Secretary as to the reasons, if any, why the Governor's assent should not be given or the Bill should not be reserved for the consideration of the President.

(2) Where the governor directs that the Bill should be reserved for the consideration of the President or returned to the Legislature with a message, necessary action in that behalf shall be taken by the Secretary to the Governor in consultation with the Secretary to the Administrative Department concerned and the Law Secretary.

(3) After obtaining the assent of the Governor or the President, as the case may be, the Law Department shall take steps for the publication of the Bill in the official gazette as an act of the Legislature.

45. Whenever it is proposed in any Department other than the Law Department-

(i) to issue a statutory rule, notification or order;

or

(ii) to sanction under a statutory power the issue of any rule, bye-law, notification or order by a subordinate authority;

or

(iii) to submit to the Central Government any draft statutory rule, notification or order for issue by them;

the draft shall be referred to the Law Department for opinion and for revision, where necessary.

46. (1) All administrative Departments shall consult the Law Department on-
- (a) the construction of statutes, Acts, regulations and statutory rules, orders and notifications;
 - (b) any general legal principles arising out of any case; and
 - (c) the institution or withdrawal of any prosecution at the instance of any administrative Department.
- (2) Every such reference shall be accompanied by an accurate statement of the facts of the case and the points on which the advice of the Law Department is desired.

Part V
Special Responsibilities of the Governor

47. Where the Government has, in the exercise of his special responsibility under clause (g) of article 371 F, passed any orders, the same shall be complied with any by the Minister and the Secretary concerned.
48. The Governor may call for any case, papers, report or other documents which he considers necessary for the discharge of his special responsibility under clause (g) of article 371 F and the person concerned shall comply with such requisition without delay.

Part VI
Supplementary

49. The Secretary of the Department concerned is in each case responsible for the careful observance of these rules and then he considers that there has been any material departure from them he shall personally bring the matter to the notice of the Minister in-charge and the Chief Secretary.
50. These rules may to such extent as necessary be supplemented by instructions to be issued by the Governor on the advice of the chief Minister.

BY ORDER OF THE GOVERNOR

T.S GYALTSEN
Chief Secretary
Government of Sikkim

FIRST SCHEDULE

1. Proposals for the appointment or removal of the Advocate-General or for determining or varying the remuneration payable to him.
2. Proposals to summon, prorogue or dissolve the Legislature of the State.
3. Proposals for the making or amending of rules regulating the recruitment and the conditions of service of -
 - (a) persons appointed to the Secretariat staff of the Assembly (Article 187 (3));
 - (b) officers and servants of the High Court under Article 229, provisos to clauses (1) and (2)
 - (c) persons appointed to the public service and posts in connection with the State (proviso to Article 309).
4. Decision on questions arising as to whether the Member of a House of the Legislature of the State has become subject to any disqualification under Article 191 and any proposals to refer such questions for the opinion of the election Commission; any proposal to recover or to waive recovery of the penalty due under Article 193.
5. The annual financial statements to be laid before the Legislature and demands for supplementary, additional or excess grants.
6. Proposals relating rules to be made under Article 208 clause (2)
7. Proposals for the making or amending the rules Under Article 234
8. Proposals for the issue of a notification under Article 237.
9. Any proposals involving appointment of or any action for the dismissal, removal or suspension of a Member of the Public Service commission.
10. Proposals for making or amending regulations under Article 318 or under the proviso to clause (3) of Article 320.
11. Report of the Public Service Commission on its work (Article 320 (2) and any action proposed to be taken with reference thereto.
12. Proposals for legislation including the issue of ordinance under Article 213 of the constitution.
13. Cases in which the attitude of the Government to any resolution or a bill to be moved in the Legislature is to be determined.
14. Proposals for the imposition of a new tax or any change in the method of assessment or the pitch of any existing tax or land revenue or irrigation rates or for the raising of loans on the security or revenues of the State or for giving of a guarantee by the Government of the State.
15. Any proposal which affects the finances of the State which has not the consent of the Finance Minister.
16. Any proposal for re-appropriation to which the consent of the Finance Minister is required and has been withheld.

17. Proposals involving the alienation either temporary or permanent or of sale, grant or lease of government property exceeding Rs. 25,000/- in value of the abandonment or reduction of revenues exceeding that amount except when such alienation, sale, grant or lease of government property is in accordance with the rules or with a general scheme already approved by the council.
18. The annual audit review of the finances of the State and the report of the Public Accounts Committee.
19. Proposals involving any important change of policy or practice.
20. Proposals to vary or reverse a decision previously taken by the Cabinet
21. Proposed changes in the administrative system of the State.
22. Any proposal for the withdrawal of a prosecution by Government against the advice tendered by the Law Department.
23. Proposal for the creation for a period exceeding six months or abolition of any public office, the maximum remuneration of which exceeds Rs. 800/-
24. Proposals involving any important alteration in the conditions of service of the members of the State Service or in the method of recruitment to the Service or post to which appointment as made by the Government.
25. Reports of the committees of Inquiry appointed by the Government on its own initiative or in pursuance of a resolution passed by the State Legislature.
26. Proposals for appointments inconsistent with the recommendation of the Public Service Commission.
27. Proposals which adversely affect the operation of the policy laid down by the Central Government.
28. Cases required by the Government for the Chief minister to be brought before the Council.

SECOND SCHEDULE

Cases for submission to the Chief Minister and the Governor:

SL No.	Nature of cases	reference to Provision of the Constitution if any	Authority to whom to be submitted
1.	Appointment and resignation of Chief Minister and other Ministers	Article 164	Governor
2.	Summoning or prorogation of the Legislative Assembly or dissolution		

	Of the Legislative Assembly	Article 174	Chief Minister And the Governor
3.	The Governor's address and message to the Legislative Assembly	Article 175	Chief Minister and the Governor
4.	Disqualification of members of Legislative Assembly	Article 192	Chief Minister and the Governor
5.	Bills passed by the Legislative Assembly for the Governor's assent	Article 200	Governor
6.	Promulgation and withdrawal of Ordinances	Article 213	Chief Minister and the Governor
7.	Special responsibility of Governor	Article 371 F (g)	Governor
8.	Any other matter which the Chief Minister may from time to time, by General or special order specify	NIL	Chief Minister

GOVERNMENT OF SIKKIM

HOME DEPARTMENT

NOTIFICATION

7 (20) h/77.

DATED 2ND September, 1977.

In modification of home Department Notification No. H (GA)XIV/75/14 dated the 16th May, 1975, the Governor of Sikkim is pleased hereby to incorporate the following provision as Clause 7A in the Sikkim Government Rules of business.

“7 A financial powers:-

1. Grants other than Contingent Grants.
 - (a) The Ministers may sanction expenditure not exceeding 2 lakhs in each individual case.
 - (b) Sanction exceeding these amounts shall be placed before the Cabinet.

2. The exercise of the powers mentioned above are subject to the following:-
 - (a) There is a specific provision in the budget
 - (b) The proposals are processed through the Finance Department before submission to the Minister for sanction.
 - (c) The expenditure sanctioned is non-recurring”

M.P.Pradhan
Chief Secretary

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex.Gaaz.	Gangotk , May 16, 1975	No. 28
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SKM/GOVERNOR (1) 75

ORDER

I, Bipeñ Behari Lal, governor of Sikkim, hereby appoint Kazi Lhendup Dorji Khangsarpa to be the Chief Minister and on the advice of the Chief Minister the following persons to be members of the Council of Ministers:-

Bhawani Prasad Dahal

Bhuwani Prasad Kharel

Dorji Tshering Bhutia

Nayen Tsering Lepcha

Rinsing Tongden Lepcha

B.B. LAL,

**GOVERNOR
16.5. 1975**

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 29

Gangtok, May 16, 1975

HOME DEPARTMENT

Notification No. H (GA) I/75/1

Dated Gangtok, the 16th May, 1975.

In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, the Governor of Sikkim is pleased hereby to make the following rules for the allocation of business of the government of Sikkim, namely:

1. **Short title** – These rules may be called the Government of Sikkim (Allocation of Business) Rules, 1975.
2. **Allocation of business** - the business of the Government of Sikkim shall be transacted in the Departments specified in the first Schedule to these rules.
3. **Distribution of subjects** – The distribution of subjects among the Departments shall be as specified in the Second Schedule to these rules.
4. **Allocation of Departments among Ministers-** (1) The Governor may, on the advice of the Chief Minister, allocate the business of the Government of Sikkim among Ministers by assigning one or more Departments to the charge of a Minister.
(2) Notwithstanding anything contained in sub-rule (i) the Governor may, on the advice of the Chief Minister:-
 - (a) associate in relation to the business allotted to a Minister under sub-rule (1), another Minister or Deputy Minister to perform such functions as may be assigned to him ; or
 - (b) entrust the responsibility for specified items of business affecting any one or more than one Department to a Minister who is in charge of any other Department.

BY ORDER OF THE GOVERNOR

T.S. GYALTSEN,
Chief Secretary
Government of Sikkim

THE FIRST SCHEDULE

(See Rule 2)

D E P A R T M E N T S

1. HOME DEPARTMENT
2. ESTABLISHMENT DEPARTMENT
3. AGRICULTURE DEPARTMENT
4. LAND REVENUE DEPARTMENT
5. FINANCE DEPARTMENT
6. FOOD SUPPLIES AND FAIR PRICE SHOPS DEPARTMENT
7. PRESS,PUBLICITY AND CULTUREAL AFFAIRS DEPARTMENT
8. ECCLESIASTICAL DEPARTMENT
9. FOREST DEPARTMENT
10. BAZAR DEPARTMENT
11. MEDICAL AND PUBLIC HEALTH DEPARTMENT
12. ANIMAL HUSBANDRY DEPARTMENT
13. EDUCATION DEPARTMENT
14. ELECTRICITY TRANSMISSION AND TRANSFORMATION DEPARTMENT
15. PUBLIC WORKS DEPARTMENT
16. GENERAL EXCISE AND MOTOR VEHICLES DEPARTMENT
17. TRADE; INDUSTRY AND COMMERCE DEPARTMENT

18. ELECTRICITY DEPARTMENT

19. PANCHAYAT AND RURAL WORKS DEPARTMENT

20. EXCISE (ABKARI) DEPARTMENT

21. CO-OPERATION DEPARTMENT

22. PLANNING AND DEVELOPMENT DEPARTMENT

23. TOURISM DEPARTMENT

24. LAW DEPARTMENT

25. LEGISLATIVE DEPARTMENT.

THE SECOND SCHEDULE

(See Rule 3)

DISTRIBUTION OF SUBJECTS AMONG THE DEPARTMENTS IN SIKKIM

1. HOME DEPARTMENT:

Assumption of office by Governor.
Business of Government – distribution among departments.
Business rules and Secretariat instructions.
General Administration
Establishment side of the Council of Minister- arrangements for meetings.
Cipher – Cipher correspondence.
Elections to the State Legislative Assembly
Government Servant's Conduct Rules.
Internal Security
Electoral rolls- preparation of.
Office Procedure
Political offences- prosecutions and withdrawal thereof.
Administration of Justice
Jurisdiction and powers of courts excepts High Court.
Public Order
Police.
Public Service Commission.

Raj Bhavan

- (a) Establishment
- (b) Grants
- (c) Personal staff of Governor
- (d) Works

State Administration report.

Secretariat

- (a) Establishment
- (b) Library
- (c) Manual
- (d) State Emblem

Visits of high personages- very important personages
Flags- flying of- rules etc.
Census
Ceremonials
Pool transport
Public services- statutory rules of the services with which the department is concerned.

2. ESTABLISHMENT DEPARTMENT:

Appointments, promotions, leave, increments, transfers etc.; in respect of Gazetted officers.
Civil list preparation of
Service matters of Class II non-gazetted employees
Fixation of pay.
Revision of pay-scales
Revision of Service rules.

3. AGRICULTURE DEPARTMENT

Agriculture including agricultural education, research and engineering.
Import into, or export out of Sikkim, for agricultural produce.
State works and building under the administrative control of Agriculture department
Distribution of agricultural inputs
Public Service:- statutory rules of the services with which the Department is concerned.

4. LAND REVENUE DEPARTMENT

Land records.
Land reforms
Land revenue administration.
Land acquisition for roads, Army border roads- other projects within Sikkim and other compensation cases
Appointment of Mondal for each Revenue Block
Jails
Questions relating to citizenship
Cardamom Khazana
District officers and staff
Public Services- statutory rules of the services with which the Department is concerned.

5. FINANCE DEPARTMENT

Account:- control of accounts, organizations under heads of departments in connection with the State Trading Schemes, etc.
Advance grants- votes of credits and exceptional grants.
Annual financial statement and Appropriation bills (Budget) Appropriation accounts and Auditor-General's report thereof.
Audit of receipts and accounts of Stores and stocks.
Consolidated Fund of the State.
Contingency fund of the State – sanction of advances.
Economy in expenditure.
Famine Relief fund
Financial Rules
Fundamental rules.
Treasury and Accounts Service
Loans and advances.
Public debt of the State.
Public services- statutory rules of the services with which the department is concerned.
Re-appropriations.

Secretariat Central Accounts section
State balances.
Matters relating to banking and stock exchange
State pensions.
Supplementary additional or excess grants and statements of expenditure.
Taxation and allied measures.
Traveling Allowance Rules.
Treasury rules.
Ways and means.

6. FOOD SUPPLIES AND FAIR PRICE SHOPS DEPARTMENT

procurement of controlled food commodities.
Distribution of controlled food commodities in Sikkim.
Transit permits and lists of monthly allotment of food commodities- procurement of Civil supplies.
Control and fixation of prices of foodgrains and other articles of food.
Public services- statutory rules of services with which the Department is concerned.
Rationing
Transport of goods to fair price shops.
Collection and auction of Cardamom
Supervision of fair price shops.

7. PRESS, PUBLICITY AND CULTURAL AFFAIRS DEPARTMENT

Newspapers and periodicals.
Press notes, communiqué release and feature articles.
Issue of publications – pamphlets- publicity materials and journals.
Publicity- general publicity and Government activities.
Information Centre.
Photographic Cell and Projection Unit.
Preservation and consolidation of ancient art and culture.
Collection and compilation of folk songs, etc.
Cultural shows- arrangements of.
Preservation of ancient monuments.
Sports and games- organization-grants-in-aid to
Institute of Tibetology.
Fostering competitive programmes for community development.
District Library attached to the Community Centre.
Museums.
Sikkim Government Press.
Stationery and Printing
Public services- statutory rules of the services with which the department is concerned.

8. ECCLESIASTICAL DEPARTMENT:

Ecclesiastical Affairs.
General control and supervision over the affairs of Monasteries, shrines and temples.
Payment of subsidies and aids.
Reconstruction of old Monasteries in Sikkim.
Sacred hot springs, sacred temples and sacred caves in Sikkim

Reconstruction of chorten.
Supervision and control of income and expenditure of Monasteries.
Ensuring observance of Government rules and orders regarding prohibition against taking of Lives or killings during auspicious days.
Disputes in Monasteries.
Inspection of Monasteries and temples.
Preservation of sacred places of pilgrimage.
Organizing festivals, etc.

9. FOREST DEPARTMENT

Management of government forests.
Private State forests under government management.
Management of gardens and parks in Sikkim
Wildlife- protection and management.
Soil conservation- measures and control
Control of government reserves lands
Control of pasture lands in Alpine region.
Development of minor forest projects like cardamom; and medicinal herbs within Government forest lands.
Plantations.
Fisheries.
Public services- statutory rules of the services with which the department is concerned.

10. BAZAR DEPARTMENT

Grant of different types of licenses.
Collection of fees, tax etc. from Bazars.
Allotment of sites.
Improvement of bazars.
Supervision of construction of shops- houses.
Miscellaneous work concerning bazaars.
Public services- statutory services with which the department is concerned.

11. MEDICAL AND PUBLIC HEALTH DEPARTMENT

Administration of public health and medical relief in the State.
Medical and health education
Medical and public health stores.
Preventive health services.
Hospital administration.
Control of communicable diseases.
Environmental, sanitation, provision of water conservancy and hygienic disposal of waste
School health.
Maternity, child health and family planning
Public Services – statutory rules of the services with which the department is concerned.

12. ANIMAL HUSBANDRY DEPARTMENT

All work relating to improvement of live- stock and poultry.
Animal health control including vaccination, etc.

Dairy development.
Rabies control.
Development of food and fodder resources.
Inspection, quality control and marketing and regulation of markets for live-stock and live-stock products.
Beekeeping
Training programmes relating to Animal Husbandry.
Public services- statutory rules of the service with which the department is concerned.

13. EDUCATION DEPARTMENT

Education.
Educational institutions.
Examinations.
Adult and social education.
Scholarship.
Laboratories.
Literary and scientific associations.
Technical education.
Public services- statutory rules of the services with which the department is concerned.

14. ELECTRICITY TRANSMISSION AND TRANSFORMATION DEPARTMENT

Construction of transmission and distribution lines.
Construction of sub-stations.
Additions and alterations to the existing systems in Sikkim.
Design specification and preparation of estimates for various schemes.
Public services- statutory rules of the services with which the department is concerned.

15. PUBLIC WORKS DEPARTMENT

Public works (Bridges and roads, canal bank and tank bandhs, rope way, ferries, etc.)
Survey.
Preparation of plans and estimates, execution, completion of projects relating to public works.
Buildings- residential and non-residential.
General planning and up-keep of all bazaars in Sikkim.
Maintenance of stores for government and public supplies.
Controlling rest houses.
Control over sewerage and water supply schemes.
Technical checking and guidance to private buildings.
Assessment of all government and private buildings.
Public services- statutory rules of the services with which the department is concerned.

16. GENERAL EXCISE AND MOTOR VEHICLES DEPARTMENT

Collection of data of goods imported into Sikkim and maintenance of registers of each.
Preparation of statement if imported goods.
Refund of excise duty.
Excise checkposts-staff thereof.

Endorsement of dutiable imported goods.
Public Services- Statutory rule of the services with which the department is concerned.
Registration of motor vehicles.
Issue of Taxi route permits
Issue of driving licenses.
Endorsement of fitness certificates.
Collection of Motor vehicles road tax.
Meeting of State Transport Authority
Realization of government revenue by way of taxes and fees from vehicle owners.
Sikkim Nationalised Transport.

17. TRADE INDUSTRIES AND COMMERCE DEPARTMENT

Industries in the State.
Cottage and village industries.
Development of industries other than cottage industries.
Industrial cooperative.
Trade aid to industries.
Trade and commerce.
State owned industries and industries in the joint sector.
Public services- statutory rules of the services with which the department is concerned.

18. ELECTRICITY DEPARTMENT

Supply of electric power to consumers in Sikkim.
Generation, transmission, distribution and utilization of power.
Public services- statutory rules of the services with which the department is concerned

19. PANCHAYAT AND RURAL WORKS DEPARTMENT.

Minor irrigation programmes.
Construction of foot suspension bridges, log bridges and rural water supply scheme.
Construction works of primary schools.
Maintenance and protection of completed village roads.
Management of village Panchayats- Panchayat Act of 1965- Elections to Panchayats.
Development of rural areas.
Public services- statutory rules of the services with which the department is concerned

20. EXCISE (ABKARI) DEPARTMENT

Settlement of excise shops by auction.
Detection and prevention of illicit and unauthorized distillation and sale.
Detection of adulterations of authorized quality products.
Collection and realization of revenue.
Prosecuting offenders as well as trying cases departmentally.
Supervision of Sikkim distillery.
Issue of import and export permits.
Public services- statutory rules of the services with which the department is concerned

21. CO-OPERATION DEPARTMENT

Management of the affairs of the Co-operative Societies.

Advances to Co-operative societies.

Ensuring proper distribution- utilization and timely recoupsments of loans to co-operative societies.

Encouraging Co-operative movement in the State.

Realization of loans.

Public services- statutory rules of the services with which the department is concerned

22. PLANNING AND DEVELOPMENT DEPARTMENT

Assessment of resources for medium term and annual plans and proposing augmentation or resources.

Determination of priorities fro five Year and annual plans.

Periodical review of progress.

Co-ordination of solving inter sectoral problems and formulation of policies and programmes in different sectors.

Public services- statutory rules of the services with which the department is concerned

23. TOURISM DEPARTMENT

Tourism

Public services- statutory rules of the services with which the department is concerned

24. LAW DEPARTMENT

Act.

Advising Government- In matters of litigations, appeals etc. and on legal questions which are not of sufficient importance to necessitate a reference to the Advocate-General.

Bills, and non-official-Security of.

Generally to assist other departments in all matters of a legal nature that may be referred to it.

General questions relating to Legal Assistance.

Government Bills- Drafting and scrutiny

Law Officers- Reference to.

Matters connected with the fixation fees of Law officers of this Government.

Legal and Legislative publications such as Codes, Acts, Manuals, other than Departmental Mannuals.

Legislation.

Legislature- Rules of procedure and standing orders- Scrutiny of.

Notification, agreement and all conveyances – Scrutiny of.

Subsidiary legislation.

25. LEGISLATURE DEPARTMENT:

Sikkim Assembly Secretariat Services.

Coordination of answers questions.

Election to the Rajya Sabha by Members of the Assembly – Conduct of.

Legislators' Quarters and Hostel – Administration of.

Legislative Library.

Members of the Assembly.

Presiding Officers- all questions relating to the Speaker, the Deputy Speaker, the chairman of Committees.

Rules of Procedure and Conduct of Business in the Legislative Assembly.

Business relating to the Legislative Assembly under the Constitution and the rules of procedure and Conduct of Business.

Summoning and propagation of the State Legislature.

Watch and Ward of the Legislature Buildings.

SIKKIM

GOVERNMENT



GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

EX. Gaz	Gangtok , May 16, 1975	No 30
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**HOME DEPARTMENT
Notification No H(GA)II/75/2
Dated Gangtok, the 16th May 1975.**

In exercise of the powers conferred by clause (1) or Article 299 of the Constitution, of India, the Governor of Sikkim is pleased hereby to direct that contracts and assurances of property made in the exercise of the executive powers of the State of Sikkim may be executed on behalf of the Governor by the officers mentioned below;

1. Chief Secretary
2. All Secretaries to the Government of Sikkim.

By order of the Governor

T.S.GYALTSEN

**Chief Secretary
Govt. of Sikkim.**

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

EX. Gaz	Gangtok , May 16, 1975	No 31
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**HOME DEPARTMENT
Notification No H(GA)III/75/3
Dated Gangtok, the 16th May 1975.**

In exercise of the powers conferred by clause (2) of Article 166 of the Constitution of India, the Governor of Sikkim is pleased hereby to make the following rules, namely:

1. Thee rules may be called the Authentication (Orders and Other Instruments), rules , 1975 .
2. Orders and other instruments made and executed in the name of the Governor shall be authenticated by the signature of the Chief Secretary, a Secretary , a Joint Secretary , a Deputy Secretary , or an Under secretary to the Government of Sikkim, or an officer of the Government of Sikkim specially empowered in his behalf by the Governor.

By order of the Governor

T.S.GYALTSEN

**Chief Secretary
Govt. of Sikkim.**

SIKKIM



GOVERNMENT.

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

EX. Gaz	Gangtok , May 16, 1975	No 32
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HOME DEPARTMENT Notification No H(GA)IV/75/4 Dated Gangtok, the 16th May 1975.

In pursuance of the powers conferred by paragraph 4 of the Constitution of India (Removal of Difficulties)Order No XI , the Governor of Sikkim is pleased hereby to authorize that, pending the sanction by the Legislative Assembly of the State of Sikkim , expenditure of sums not exceeding those specified in column (2) of the Schedule annexed hereto and amounting in the aggregate to the sum of two crores, fifty three lakhs and fifty four thousand rupee may be incurred from and out of the consolidated fund of the State of Sikkim towards defraying the several charges which will come in course of payment during the period commencing on the 26th April , 1975 and ending with the 31st July, 1975 in respect of the services and purposes specified in column (1) of the said Schedule.

THE SCHEDULE

Service and purposes	Sums not exceeding			
	Total	Voted	Charged	
	1	2		
State Legislature	Revenue	58,000	9,000	67,000
Governor			3,00,000	3,00,000
Cabinet	Revenue	1,00,000		1,00,000

Law & Justice	Revenue	32,000	24,000
56,000	Capital	17,000	17,000
	Revenue	3,000	3,000
Elections	Revenue	3,000	3,000
Establishment deptt.	Revenue	23,000	23,000
Finance Deptt.	Revenue	49,000	49,000
Tax collection Deptt.	Revenue	2,05,000	2,05,000
	Capital	25,000	25,000
Pension and other			
Retirement Benefits	Revenue	38,000	38,000
Miscellaneous Expenditure	Revenue	7,73,000	7,3,000
Of the			
Finance Deptt.	Capital	1,00,000	1,00,000
Gen, Admin. Deptt.	Revenue	2,13,000	2,13,000
Police	Revenue	6,76,000	6,76,000
	Capital	75,000	75,000
Public Service Commission	Revenue	10,000	10,000
Jails	Revenue	37,000	37,000
Miscellaneous Expenditure			
of the General Administr-			
ation Deptt.	Revenue	4,41,000	4,41,000
Trade, Commerce &			
Industires Deptt.	Revenue	6,000	6,000
Trade and Industries	Revenue	55,000	55,000
	Capital	10,79,000	10,79,000
Village & Small Industires	Revenue	4,21,000	4,21,000
Mineral department	Capital	2,63,000	2,63,000
Education, culture & other	Revenue	19,53,000	19,53,000
Miscellaneous Expenditure	Capital	3,17,000	3,17,000
Medical & Family Planing	Revenue	10,08,000	10,08,000
	Capital	3,17,000	3,17,000
Public Health & Sanitation			
& Water	Revenue	6,21,000	6,21,000
Supply	Capital	5,25,000	5,25,000
Publicity	Revenue	83,000	83,000
Labour & Employment	Revenue	52,000	52,000

Co-operation	Revenue	63,000	63,000
	Capital	75,000	75,000
Agriculture	Revenue	10,42,000	10.42.000
	Capital	23,000	23,000
Animal Husbandry	Revenue	4,05,000	4,05,000
	Capital	1,30,000	1,30,000
Dairy Development	Revenue	97,000	97,000
Minor Irrigation	Revenue	3,93,000	3,93,000
Forest , Soil Conservation	Revenue	17,32,000	17,32,000
& Fisheries	Capital	25,000	25,000
Panchayat & Rural dev.	Revenue	7,67,000	7,67,000
Food & Civil Supplies	Revenue	1,23,000	1,23,000
	Capital	7,50,000	7,50,000
General Excise	Revenue	46,000	46,000
Roads & Bridges	Revenue	30,05,000	30,05,000
	Capital	20,82,000	20,82,000
Road & Transport	Revenue	20,72,000	20,72,000
	Capital	1,22,000	1,22,000
Tourism	Revenue	81,000	81,000
	Capital	2,43,000	2,43,000
Public Works Dept.	Revenue	5,39,000	5,39,000
	Capital	1,25,000	1,25,000
Stationary & Printing	Revenue	1,81,00	1,81,00
Electricity Schemes	Revenue	3,97,000	3,97,000
	Capital	6,25,000	6,25,000
Bazar & Urban Dev.	Revenue	1,21,000	1,21,000
Planning & Development	Revenue	1,36,000	1,36,000
Loans to Govt. Servants	Capital	1.13,000	1,13,000

Total	2,50,11,000	3,43,000	2,53,54,000
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By Order of the Governor

T.S.GYALTSEN
Chief Secretary
Govt. of Sikkim.

SIKKIM



GOVERNMENT.

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

EX. Gaz	Gangtok , May 16, 1975	No 33
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HOME DEPARTMENT Notification No H(GA)IV/75/5 Dated Gangtok, the 16th May 1975.

The Governor of Sikkim is pleased to allocate the portfolios among the council of Miisters as Follows:-

Land	1.	Kazi Lhendup Dorji Khangsarpa CHIEF MINISTER &	Home , establishment, Agriculture, Revenue , Finance, Press, Publicity. Cultural Affairs , Ecclesiastical, Forest , Bazar, Animal Husbandry, Electricity (Transmission & Transformation)General Excise & Motor Vehicle , trade Industires & Commerce , Electricity , Panchayat & Rural Works, Cooperation, Planning & Development , Tourism , Law & Legislative.
	2.	Mr. Bhuwani Prasad Dahal, Minister	Food Supplies & Fair Price Shops
	3.	Mr. Dorjee Tsering Bhutia Minister	Medical & Public Health
	4.	Mr. Rinzing Tongden Lepcha Minister	Public Works

- | | | |
|----|--------------------------------------|-----------------|
| 5. | Mr. Nayen Tsering Lepcha
Minister | Education |
| 6. | Mr Bhuwani Prasad Kharel
Minister | Excise (Abkari) |

By Order of the Governor

**T.S.GYALTSEN
Chief Secretary
Govt. of Sikkim.**

SIKKIM



GOVERNMENT.

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

EX. Gaz	Gangtok , May 16, 1975	No 34
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HOME DEPARTMENT Notification No. H(GA)VI/75/6 Dated Gangtok the 16th May,19

In pursuance of paragraph 7 of the Constitution (Removal of difficulties) _ Order No XI the Governor of Sikkim is pleased hereby to determine , that the allowances specified below shall be payable to the members of the Legislative Assembly of the State of Sikkim with effect from the 26th April,1975.

- (a) Allowance Rs. 800/-per month
- (b) Travelling Allowance Either bus or one single seat of taxi fare
from place of residence to Gangtok

BY ORDER OF THE GOVERNOR

T.S GYALTSEN

**Chief Secretary
Government of Sikkim**

SIKKIM



GOVERNMENT.

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Ex.Gaz.	Gangtok, May, 16,1975	No.35
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HOME DEPARTMENT

Notification No. H(GA)VII/75/7
Dated Gangtok, the 16th May, 1975

In pursuance of paragraph 6 of the Constitution (Removal of Difficulties) Order No. XI , the Governor of Sikkim pleased hereby to fix that the salaries and allowances specified below shall be payable to the Deputy Speaker of the Legislative Assembly of Sikkim.

1, Deputy Speaker

- (a) Pay Rs.1,750/-per month
- (b) Residence Rs. 400/-per month unless Govt. accommodation is provided
- © Transport Rs.400/- per months plus driver unless a govt. vehicle is provided

BY ORDER OF THE GOVERNOR

T.S GYALTSEN

**Chief Secretary
Government of Sikkim**

SIKKIM



GOVERNMENT.

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Ex.Gaz.	Gangtok, May, 16,1975	No.36
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HOME DEPARTMENT

Notification No. H(GA)VII/75/8

Dated Gangtok, the 16th May, 1975

In pursuance of paragraph 5 of the Constitution (Removal of Difficulties) Order No. XI . the n Governor of Sikkim is pleased to determine that the salaries and allowances specified below shall be payable to the Minister:

1. Chief Minister
 - a. Pay :Rs. 2,250/- per month
 - b. Accommodation : Free Furnished house
 - c. Transport : One vehicle with driver

2. Ministers
 - a. Pay : Rs. 1,750/-per month
 - b. Accommodation : Free furnished house or Rs. 400/- per month as house rent allowance in lieu thereof.
 - c. Transport : Government vehicle with driver or Rs. 400/- per month as conveyance allowance plus a driver.

BY ORDER OF THE GOVERNOR

T.S GYALTSEN

**Chief Secretary
Government of Sikkim**

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.	Gangtok , May 16, 1975	No 37
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HOME DEPARTMENT

The Government of India, Ministry of Home Affairs Notification No. S.O. 280 (E) dated 16th May, 1975 regarding extension of Central Enactments is published for general information.

“ S.O. 280 (E) in exercise of the powers conferred by clause (N) of article 371 F of the constitution, the President hereby extends to the State of Sikkim the enactments specified in the schedule annexed here to subject to the modifications, if any, specified in that schedule and the following further modifications, namely:

(1) Any reference in the said enactments to a law not in force, or to a functionary not in existence, in the State of Sikkim shall be construed as a reference to the corresponding Law in force, or to the corresponding functionary in existence, in that State.

Provided that if any question arises as to who such corresponding functionary is or if there is no such corresponding functionary, the Central Government shall decide as to who such functionary will be and the decision of the Central government shall be final.

(2) Notwithstanding anything contained in the relevant provision, if any, of each such enactment for the commencement thereof, the provisions of each such enactment shall come into force in the State of Sikkim on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of any enactment and for different areas in the State of Sikkim and any reference in any such provision to the commencement of the Act shall be constructed as a reference to the coming into force of that provision in the area where it has been brought into force ()

THE SCHEDULE

YEAR	NO.	SHORT TITLE	MODIFICATION
1	2	3	4
1850	18	The Judicial Officer Protection Act, 1850.	
1884	4	The Indian Explosives Act, 1884.	
1885	13	The Indian telegraph Act, 1885	
1886	3	The Police act, 1888.	
1897	3	The Epidemic diseases Act, 1897	

1897	10	The Central Clause Act, 1897.
1898	6	The Indian Post Office Act, 1898.
1901	2	The Indian Tolls (Army and Air Force) Act, 1901
1903	7	The Indian Works of Defence Act, 1903.
1906	3	The Indian Coinage Act, 1906.
1908	6	The Explosive substances Act, 1908.
1920	34	The Passport (Entry into India, Act, 1920.
1922	7	The Emigration act, 1922.
1923	19	The Official Secrets Act, 1923.
1933	17	The Indian Wireless Telegraphy Act, 1933.
1934	2	The Reserve Bank of India Act, 1934, in the First Schedule in Paragraph 2, For “ And Tripura” substitute “Tripura and Sikkim”
1938	4	The Insurance Act, 1938.
1939	16	The Registration of Foreigners Act, 1939.
1946	25	The Delhi Special Police Establishment Act, 1946.
1946	31	The foreigners Act, 1946.
1947	2	The Prevention of Corruption Act, 1947.
1947	15	The Armed forces (Emergency Duties) Act, 1974
1947	46	The United Nations (Privileges and Immunities) Act, 1947.
1948	31	The National Cadet Corps Act, 1948.
1948	37	The Census Act, 1948.
1948	56	The Territorial Army Act, 1948.
1949	66	The Central reserve Police Force Act, 1949.
1950	7	The High Courts (Seals) Act, 1950.
1950	12	The Emblems and /names (Prevention of Improper use) Act, 1950.
1950	29	The Transfer of Prisoners Act, 1950
1950	40	The Army and Air Force (Disposal of Private Property) Act, 1950.
1950	45	The Air force Act, 1950
1950	46	The Army Act, 1950
1950	74	The Telegraphs Wires (Unlawful Possession)Act, 1950.
1952	30	The Requisitioning and Acquisition of Immovable Property Act, 1952.
1952	53	The Notaries Act, 1952.
1952	62	The High Court Judges (Conditions of Service) Act, 1954
1954	28	The Notaries Act, 1952.
1952	62	The Reserve and Auxillary Air Forces Act, 1952
1954	28	The High Court Judges (Conditions of Service) Act, 1954
1955	37	The Citizenship Act, 1955.
1956	24	The Parliamentary Proceeding (Protaction Publication) Act, 1956
1956	48	The National Highways Act, 1956.
1959	54	The Arms Act, 1959.
1961	23	The Criminal Law amendment Act, 1961
1962	34	The Extradition Act, 1962.
1963	19	The Official Languages Act, 1963.
1964	28	The Legal Tender (Inscribed Notes) Act, 1964.
1966	33	The Police Forces (Restriction if Hights) Act, 1966
1967	15	The Pass Ports Act, 1967.
1967	37	The Unlawful Activities (Prevention) act, 1968
1968	27	The Civil Defence Act, 1968.
1968	47	The Border Security Force Act, 1968.
1968	51	The Judges (Inquiry) Act, 1968,

1969	18	The Registration of Births and Deaths Act, 1969
1971	26	The Maintenance of Internal Security Act, 1971.
1971	42	The Defence of India Act, 1971
1971	52	The Small coins (Offences) Act, 1971.
1971	69	The Prevention of Insults to National Honour Act, 1971.
1971	70	The Contempt of Courts Act, 1971.

Gangtok:

The 16th May, 1975.

T. S. GYALTSEN
Chief Secretary
Government of Sikkim

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. May 16, 1975

No. 38

HOME DEPARTMENT

The Constitution (Thirty-six Amendment) Act, 1975 is published for general information.

“ THE CONSTITUTION THIRTY-SIXTH AMENDMENT) ACT, 1975

(Assented on 16.5.1975)

AN

ACT

Further to amend the constitution of India.

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

Short title and Commencement.

1. (i) This Act may be called the Constitution (Thirty-sixth Amendment Act, 1975.

(2). It shall be deemed to have come into force on the date on which the Bill for this Act (introduced in the House of the People as the Constitution (Thirty-eighth Amendment) Bill, 1975), as passed by the House of the People, is passed by the Council of States.

Amendment of First Schedule

2. In the First Schedule to the constitution, under the heading “I. THE STATES”, after entry 21, the following entry shall be inserted, namely:-

“22 Sikkim the territories which immediately before the commencement of the constitution (thirty-sixth Amendment) Act, 1975, were comprised in Sikkim”.

Insertion of new Article 371 F

3. After article 371 F of the Constitution, the following article shall be inserted namely:-

**Special provisions
With State of Sikkim**

“ 371 F. Notwithstanding anything in the Constitution-

- (a) the Legislative Assembly of the State of Sikkim shall consist of not less than thirty members.
- (b) As from the date of commencement of the constitution (Thirty-sixth Amendment) Act, 1975 (hereafter in this article referred to as the appointed day) –
 - (i) The Assembly for Sikkim formed as a result of the election held in Sikkim in April, 1974 with thirty-two members elected in the said elections (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution;
 - (ii) the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution and;
 - (iii) the said Legislative Assembly of the State of sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under this constitution.
- (c) in the case of the Assembly deemed to be the Legislative Assembly of the State of Sikkim under clause (b), the references to the period of five years in clause (1) of article 172 shall be construed as references to a period of four years and the said period of four years shall be deemed to commence from the appointed day;
- (d) until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of the People and the State of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim;
- (e) the representative of the State of Sikkim in the House of the People in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim;
- (f) Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim.
- (g) the Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time, deem fit to issue, act in his discretion;
- (h) all property and assets (whether within or outside the territories comprised in the State of Sikkim) which immediately before the appointed day were vested in the Government of Sikkim or in any person for the purposes of the Government

of Sikkim shall as from the appointed day, vest in the Government of the State of Sikkim;

(i) the High Court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall on and from the appointed day, be deemed to be the high Court for the State of Sikkim;

(j) all courts of civil, criminal and revenue jurisdiction, all authorities and officers, judicial. Executive and ministerial, throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provisions of this constitution;

(k) all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority;

(l) for the purpose of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim and for the purpose of bringing the provisions of any such law into accord with the provisions of this Constitution, the President may, within two years from the appointed day, by order, make such adoptions and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon, every such law shall have effect subject to the adaptations and modifications so made, and such adaptation or modification shall not be questioned in any court of law;

(m) neither the supreme Court nor any other court shall have jurisdiction in respect of any dispute or other matter arising out of any treaty, agreement, engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any of its predecessor Governments was a party, but nothing in this clause shall be construed to derogate from the provisions of article 143;

(n) the President may, by public notification, extend with such restrictions or modifications as he thinks fit to the State of Sikkim any enactment which is in force in a State in India at the date of the notification;

(o) if any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may, by order, do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty;

(p) all things done and all actions taken in or in relation to the State of Sikkim of the territories comprised therein during the period commencing on the appointed day and ending immediately before the date on which the constitution (Thirty-sixth Amendment) Act, 1975, receives the assent of the President shall, in so far as they are in conformity with the provisions of this constitution as amended by the constitution (Thirty-sixth Amendment) Act, 1975, be deemed for all purposes to have been validly done or taken under this constitution as so amended”.

Amendment of
Fourth Schedule.

4. In the Fourth Schedule to the constitution, in the Table,-

(a) after entry 21, the following entry shall be inserted, namely:-
“22. Sikkim

(b) existing entries 22 to 25 shall be renumbered as entries 23 to 26 respectively;

(c) for the figure “231”, the figures “232” shall be substituted.

Consequential
Amendments.

5. The following consequential amendments shall be made in the Constitution,
Namely:-

(a) article 2A shall be omitted;

(b) in article 80, in clause (1), the words and figures “Subject to the provisions
of paragraph 4 of the Tenth Schedule”, shall be omitted;

(c) in article 81, in clause (1), the words and figure “ and paragraph 4 of the
Tenth Schedule” shall be omitted;

(d) the Tenth Schedule shall be omitted”.

**Gangtok,
The 16th May, 1975**

T.S. GYALTSEN

**Chief Secretary,
Government of sikkim**

GOVERNMENT. GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok. May 16, 1975

No. 39

HOME DEPARTMENT
HOME DEPARTMENT
Notification No SKM?GOV/75/3

Dated Gangtok , the 16th May,1975

The Governor ,on the advice of the Council of Ministers has been pleased to appoint Shri T.S.Gyaltsen as the Chief Secretary to the government of Sikkim with effect from May 16,1975

BY ORDER

T.P. Sharma

Secretary to the Governor.

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. May 16, 1975

No.40

HOME DEPARTMENT

The Constitution(Removal of Difficulties) Order No. XII is published for general information. In exercise of the power conferred by Clause(o) of article 371 of the Constitution of India and of all other powers enabling him in this behalf the President is pleased to make the following order, namely;_

1.(1) This order may be called the Constitution(Removal of difficulties) order no XI

(2) It shall come into force at once

2. The governor of Sikkim shall before entering upon his office; make and subscribe the oath affirmation prescribed in article 159 of the Constitution in the presence of the judge appointed to perform the duties of the office of the Chief Justice of the High Court for the State notwithstanding that such judge has not made and subscribed the oath or affirmation under art 219 of the constitution.

3. The allowances and privileges of the Governor of Sikkim shall until provision in that behalf made by parliament by Law under clause (3) of article 158 of the Constitution be such as the President may by order determine.

4. The Governor of Sikkim may authorize by one or more orders such expenditure from the consolidated fund of the State of Sikkim as he deems necessary for a period of not more than six months beginning with the 26th day of April ,1975 pending the sanction of such expenditure by the Legislative assembly of the State of Sikkim

5. THE salaries and allowance of Ministers for the State o f Sikkim shall thrill they are determined by the Legislature of State by law under clause (5) of article 164 of the constitution be such as the Governor of Sikkim my by order, determine.

The Salaries and allowance of the Speaker and the Deputy speaker of Legislative Assembly of the state of Sikkim shall until provision in the behalf is made by the legislature of the State of Sikkim by Law under article 186 of the Constitution , be such as the Governor of Sikkim may , by order fix.

7.The salaries and allowance e of the members of the Legislative Assembly of the State of Sikkim shall until provision in that respect is made by the Legislature of the State of Sikkim by Law under article 195 of the Constitution, be such as the Governor of Sikkim may by order, determine.

8. Until the Legislature of the State of Sikkim otherwise provides by law, the English Language shall continue to be used for those official purposes within the State for which it was being used immediately before the 26th day of April, 1975.

9. Article 2107 of the constitution shall have effect as if the following further provision were added to clause (2) thereof namely.

Provided further that in relation to the State of Sikkim this clause shall have effect as if for the words "fifteen years from the commencement of this constitution" occurring therein the words "fifteen years from the commencement of the Constitution (Thirty-sixth amendment) Act, 1975," were substituted.

10. Until rules are made under clause (1) of article 208 of the Constitution by the Legislature of the State of Sikkim, the rules as to procedure and conduct of business in force immediately before the commencement of the State of Sikkim subject to such modifications and adaptations as may be made thereof the Governor of Sikkim.

11. Notwithstanding that no provision or insufficient provision has been made under clause (1) of article 371 F of the Constitution for the adaptation of a Law in force immediately before the 26th day of April 1975, in the territories comprised in the state of Sikkim, any court, tribunal or authority required to be empowered to enforce such Law may, for the purpose of facilitating its application in relation to the State of Sikkim construe the Law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

**Gangtok,
The 16th May 1975**

**T.S. Gyaltzen,
Chief Secretary,
Govt. of Sikkim.**

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. May 16, 1975

No.41

HOME DEPARTMENT.

The adaptation of Sikkim Laws(number)order,1975 is published for general information.

“In exercise of the power conferred by clause(i) of Article 371 F of the Constitution, the President of India hereby makes the following order, namely

1(i) This order may be called the adaptation of Sikkim Law(Number i)order 1975

2,It shall be deemed to have come into force on the 26th day of april,1975

2(i)In this order:-

(a)“Appointed Day”means the 26th day of April,1975

(b) “Existing Law” means any law in force immediately before the Appointed day in the whole or any part of the territories comprised in the State of Sikkim.

2 The general clause act 1897 applies for the interpretation of the Order as it applies for the interpretation of the Central Act.l

3. Whenever an expression mentioned in column I of the Table hereunder occurs(otherwise than in a title or preamble or in a citation or description of an enactment) in an existing law then , in the application of the Law in relation to the Administration of the State of Sikkim,or as the case may be, to any part of , unless the context otherwise required m, there shall be substituted there for the expression set opposite to it in column 2 or the said Table ,and there shall also be made in any sentence in which that expression occurs such consequential amendment as the rules of garammer may require.

TABLE

His Highness The Maharaj of Sikkim
His Highness The maharaja Sahib
The Maharaja in Council
Sikkim Darbar
Darbar
Sikkim /government

State Government

4.As from the appointed day, the Laws mentioned in the first schedule to this Order shall stand repealed.

5. The Laws mentioned in the second schedule to this Order until altered or replaced or amended by the competent authority have effect subject to the adaptations and modifications directed by the schedule.

THE FIRST SCHEDULE

1. Office Order Number 45/P.S dated the 22nd September 1960 declaring the High Court of Judicature, Sikkim a vacation Department.
- 2.
3. 2. The Sikkim subjects Regulation, 1961

THE SECOND SCHEDULE

1. The High Court of Judicature (Jurisdiction and Powers) Proclamation 1955.
2. Omit section 2, 3 and 5 and section 9 to 13. Section 6 for Sub-section (A) Substitute—
“(A) Subject to the provision of the constitution of India, the High Court shall be the final authority in all Judicial Matters Civil or Criminal”
Section 7 and 8 omit” With the approval of the Maharaja”
3. Home and Police Department Notification No 4081/HP regarding the control of undesirable within Sikkim—paragraphs 3

- (i) For the words” Superintendent of Police” in the two places they occur, substitute” Deputy Commissioner of Police”
- (ii) For “Dewan” substitute” District Magistrate” for paragraph 4, substitute
“The district Magistrate, on receipt of the report from the Deputy Commissioner of Police may, after giving the person concerned a notice to show cause as to why his movement should not be restricted within the area or areas specified in the notice or why he should not be expelled from the State of Sikkim, direct him either to remove himself to the area specified in the Order or from the State itself. The Order shall specify the route by which the person concerned shall remove himself into the area or out of the State as soon as possible within which the removal should be executed. Provided that the person aggrieved by the order shall have a right of appeal to; the State Government within such time as may be specified in the Order and the Government may either rescind the Order or confirm it”

3. RULES REGARDING REGISTRATION OF DOCUMENTS

In paragraph I omit” the registration work at the head office shall be under the direct control of His Highness the Maharaja of Sikkim

4. THE SIKKIM GOVERNMENT SERVICE CONDUCT RULES 1957

Rule 10, omit words “The Ruling family of the Darbar or” in the two places they occur.

5. Rules for the payment of Darbar witnesses in Courts

In Rules I and VI omit “Darbar”

Gangtok
The 16th May 1975

T.S Gyaltzen
Chief Secretary
Government of Sikkim

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. May 16, 1975

No.42

HOME DEPARTMENT

Notification no 495/H/75
Dated Gangtok, the 16th May, 1975

The Council of Ministers, in a meeting held on 13th May, 1975, paid warm tributes to the Chief Executive of Sikkim and unanimously resolved to place on record as follows:-

“The Cabinet wished to place on record its deep sense of gratitude and appreciation for the help, advice and guidance rendered by Shri B.B.Lal as Chief Executive.”

T.S GYALTSEN,

**Chief Secretary
Government of Sikkim**

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. May 16, 1975

No.43

HOME DEPARTMENT

Notification No.H(GA)IX/75/9
Dated Gangtok the 16th May,1975

Shri Bipen Behari Lal,ICS, assumed the office of the Governor of Sikkim with effect from the forenoon of 16th May,1975.

T.S.GYALTSEN,

**Chief Secretary,
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. May 16, 1975

No.44

HOME DEPARTMENT

Notification No 41H/75
Dated Gangtok the 16th May, 1975

In pursuance of the decision taken by the Government of Sikkim, an Anti-Corruption Branch is hereby set up in the Police Department with immediate effect. The Anti Corruption Branch would form a specialized Agency responsible for investigation into all cases of corruption. It will function under the direct control and supervision of the Commissioner, Sikkim Police, and will take up enquiries into complaints of corruption referred to it by the State Government and the Commissioner, Sikkim Police.

BY ORDER OF THE GOVERNOR

**T.S GYLATSEN
Chief Secretary
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok. May 16, 1975

No.45

HOME DEPARTMENT

Notification No 41H/75/II
Dated Gangtok the 16th May,1975

The governor of Sikkim is pleased to declare the following Heads of Department as ex-officio Secretaries of the Department concerned for the purpose executing contracts and assurance of property, on behalf the Governor of Sikkim as notified in the Home DEpartment Notification No H(GA)II/75/2 dated the 16th May,1975.

They are also authorized to authenticate orders and other instrument amade and executed in the name of the Governor of Sikkim in accordance with the Notification no H(GA)/III/75/3 dated the 16th May,1975.

Heads of Department declared as ex-officio Secretaries	Department
1. Development commissioners	Planning & Development
2./Director of Education	Education
3.Director of Agriculture	Agriculture
4.Officer on Special Duty	Ecclesiastical
5.Chief Vonservator of Forests	Forest
6.Director of Health Services	Medical & Public Health
7./ Director of Animal Husbandry	Animal Husbandry
8.Chief engineer	S.P.W.D
9.Chief Engineer	Transmission&Transformatio
10. Register co-operative societies	Co-operation
11.General Manager	S.N.T.
12Commissioner Sikkim Police	Home (Police)

By order of the Governor

THE CONSTITUTION (THIRTY-SIXTH AMENDMENT) ACT, 1975

(Assented on 16.5. 1975)

AN ACT

Further to amend the constitution of India.

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

Short title and commencement.

1. (1) This Act may be called the Constitution (Thirty-sixth Amendment) Act, 1974.
- (2) It shall be deemed to have come into force on the date on which the Bill for this Act was introduced in the house of the People as the constitution (Thirty-eight Amendment) Bill, 1975), as passed by the House of the People, is passed by the Council of States.

Amendment of First Schedule

2. In the First Schedule to the Constitution, under the heading “ I. THE STATES”. after entry 21, the following entry shall be inserted, namely:-
“22. Sikkim – The territories which immediately before the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975, were comprised in Sikkim”.

Insertion of new article 371F. Special provisions with respect of the State of Sikkim.

3. After article 371F of the Constitution, the following article shall be inserted, namely:-

Special provisions with respect to the State of Sikkim

- “ 371F. Notwithstanding anything in the constitution,-
- (a) the Legislative Assembly of the State of Sikkim shall consist of not less than thirty members.
 - (b) As from the date of commencement of the constitution (Thirty-sixth Amendment) Act, 1975 (hereafter in this article referred to as the appointed day)-
 - (i) the Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 with thirty-two members elected in the said elections (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution;
 - (ii) the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution; and
 - (iii) the said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under this constitution;
- (c) in the case of the Assembly deemed to be the Legislative Assembly of the State of Sikkim under clause

(b), the reference to the period of five years in clause (I) of article 172 shall be construed as reference to a period of four years and the said period of four years shall be deemed to commence from the appointed day;

(d) until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of the People and the State of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim;

(e) the representative of the State of Sikkim in the House of the People in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim;

(f) Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim;

(g) the Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the president may, from time to time, deem fit to issue, act in his discretion;

(h) all property and assets (whether within or outside the territories comprised in the State of Sikkim) which immediately before the appointed day were vested in the Government of Sikkim or in any person for the purposes of the government of Sikkim shall, as from the appointed day, vest in the Government of the State of Sikkim;

(i) the high court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall, on and from the appointed day, be deemed to be the High Court for the State of Sikkim;

(j) all courts of civil, criminal and revenue jurisdiction, all authorities and all officers, judicial, executive and ministerial, throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provision of this constitution;

(k) all law in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority;

(l) for the purpose of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim and for the purpose of bringing the provisions of any such law into accord with the provision of this Constitution, the President may, within two years from the appointed day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon, every such law shall have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law;

(m) neither the Supreme Court nor any other court shall have jurisdiction in respect of any dispute or other matter arising out of any treaty, agreement, engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any of its predecessor Governments was a party, but nothing in this clause shall be construed to derogate from the provisions of article 143;

- (n) the President may, by public notification, extend with such restriction, or modifications as he thinks fit to the State of Sikkim any enactment which is in force in a State of India at the date of the notification;
- (o) if any difficulty arises in giving effect to any of the foregoing provisions, of this article, the President may, by order, do anything (including any adaptation or modification or any other article) which appears to him to be necessary for the purpose of removing that difficulty;

Provided that no such order shall be made after the expiry of two years from the appointed day;

(p) all things done and all actions taken in or in relation to the State of Sikkim or the territories comprised therein during the period commencing on the appointed by and ending immediately before the date on which the Constitution (Thirty-sixth Amendment) Act, 1975, receives the assent of the President shall, in so far as they are in conformity with the provisions of this constitution as amended by the constitution ((Thirty-sixth Amendment) Act, 1975, be deemed for all purposes to have been validly done or taken under this constitution as so amended.

Amendment of Fourth Schedule

4. In the fourth Schedule to the constitution, in the Table,-

- (a) after entry 21, the following entry shall be inserted, namely:-
“22. Sikkim 1” ;
- (b) existing entries 22 to 25 shall be renumbered as entries 23 to 26 respectively;
- (c) for the figures “231”, the figures “232” shall be substituted.

Consequential amendments

5. The following consequential amendments shall be made in the Constitution,
Namely:-

- (a) article 2A shall be omitted;
- (b) in article 80, in clause (1), the words and figures “Subject to the provisions of paragraph 4 of the Tenth Schedule”, shall be omitted;
- (c) in article 81, in clause (1), the words and figure “ and paragraph 4 of the Tenth Schedule” shall be omitted;
- (d) the Tenth Schedule shall be omitted.”
-

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,4 1975

No. 1

HOME DEPARTMENT

Noiicion No H (GA)X/75/10

Dated Gangtok , the 4th June,1975

The Governor of Sikkim is pleased hereby to appoint Mr. Anandamoy Bhattacharjee as Advocate General of Sikkim with effect from the date he takes over charge.

**T.S.Gyaltzen
Chief Secretary
Government of Sikkim.**

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,10, 1975

No.2

HOME DEPARTMENT

Noiicion No H (GA)XIII/75/13

Dated Gangtok , the 10th June,1975

Subject: Delegation of Administrative & Financial Powers in favour of the Chief Justice of Sikkim High Court

The undersigned is directed to convey the sanction of the Governor of Sikkim to the delegation of the following powers to the Hon'ble Chief Justice of Sikkim High Court.

1. (a) CREATION OF PERMANENT POSTS
CLASS ii (Non gazetted) III,IV
- (b) CREATION OF TEMPORARY POSTS

Powers to create temporary posts in Class II (Non Gazetted), III & IV in Class II (Gazetted) and Administrative fgrade for any specified period not exceeding one year.

NOTE: The exercise of the powers for creation of Department and temporary posts will be subject to the general conditions laid down in rule of the Book of Financial powers and subject to the following restriction:

- (i) The temporary posts created should besides carrying the approved designations and scales of pay, also conform to the pattern of staff composition recognized as appropriate to the establishment.
 - (ii) Funds to meet the cost of temporary posts are available by valid appropriation or re appropriation from within the Budget provision made.
 - (iii) The powers conferred above are not excercised for revision of the scales or rate of pay of the existing posts.
 - (iv) Any other orders which may be issued in future from time to time.
2. The Chief Justice will exercise all powers enumerated in Article 229 and 235 of the Constitution of India

POWERS OF APPROPRIATION AND RE APPROPRIATION

3. The Chief Justice of Sikkim High Court shall sanction appropriation and re appropriation subject to orders which may be issued from time to time.

POWERS TO INCUR EXPENDITURE

4. The Chief Justice of Sikkim High Court shall exercise financial power upto Rs. 3000/- (Rupees three thousand) only recurring and up to Rs.12,000 (Rupees twelve thousand) only Non Recurring items in each case.

NOTE: The powers in respect of item 4 will be exercised subject to availability of funds by valid appropriation of re appropriation form within the sanctioned budget allotment and orders or rules which may be issued from time to time.

POWERS TO WRITE OFF LOSSES

5.

(a)	Losses of irrecoverable value of store or public money.	}	Rs. 1000/- in each case
(b)	Losses of irrecoverable advances.		
©	Deficiencies and depreciation in value of furniture.		
6. The Governor is also pleased to declare the Hon'ble Chief Justice of the Sikkim High Court as a Head of Department under clause 5(8) of the Sikkim Government service Rules for the purpose of administrative and financial matters in respect of all Gazetted and Non gazetted staff except the District Officers (District Magistrate)

He shall act as the Controlling Officer in respect of T.A. Bills for all Gazetted and Non gazetted staff under him including T.A. for extra jurisdictional journeys of all officers and staff under his control and shall also be the Drawing and Disbursing Officer in respect of the officers and the Staff of the High Court of Sikkim and the Disttrict Judicial Courts.

The Notification supersedes all the previous Notifications, orders etc, issued in regard to grant of administrative and financial powers.

BY ORDER OF THE GOVERNOR

T.S. GYALTSEN
Chief Secretary
Government of Sikkim

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,12, 1975

No.3

HOME DEPARTMENT

The Government of India, Ministry of Law, Justice & Company Affairs , Notification No 19/ 37/75Jus, dated the 16th May, 1975 is published for general information.

“S.O 210 (E) In pursuance of the Notification of the Government of India in the Ministry of Home Affairs No S.o 208 (E) , dated 16th May 1975, the Central Governemnt hereby appoints the Day of May 1975 as the date ofn which the following Acts shall come into force in the State of Sikkim namely:-

1. The High Courts (Seals)Act, 1950(7 of 1950)
2. The Notarles Act 1952, (53 Of 1952)
3. The High Court Judge (Conditions of Service) Act, 1954 (28 of 1954)
4. The Judges (Inquiry) Act, 1968 (51 of 1968)
5. The Contempt of Courts Act, 1971 (70of 1971)

Gangtok,
The 12th June 1975

T.S. GYALTSEN
Chief Secretary
Government of Sikkim

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,12, 1975

No.4

HOME DEPARTMENT

The Government of India, Ministry of Law, Justice and Company Affairs , Notification No. 19/37/75 Jus, dated the 16th May 1975 , is published for general information.

“S.O 211 (E) In exercise of the powers conferred by section 23 and 24 of the High Court Judges (Conditions of Service) Act 1954 (28 of 1954), the Central Government hereby directs that the High Court Judges Rules, 1956 shall extend to, and come into force in, the State of Sikkim with effect on and from the 15th day of May , 1975, and further directs that in Rule 2 of the said Rules, in the first provision after the words” High Court of Delhi”, the words “or of Sikkim” shall be inserted.”

Gangtok,
The 12th June 1975

T.S. GYALTSEN
Chief Secretary
Government of Sikkim

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,12, 1975

No.5

HOME DEPARTMENT

The Government of India, Ministry of Law, Justice and Company Affairs , Notification No. 19/37/75 Jus, dated the 16th May 1975 , is published for general information.

“S.O 211 (E) In exercise of the powers conferred by section 24 of the High Court Judges (Conditions of Service) Act 1954 (28 of 1954), the Central Government hereby directs that the High Court Judges (Traveling Allowances) Rules, 1959 , shall extend to, and come into force in, the State of Sikkim with effect on and from the 16th day of May 1975”.

Gangtok,
The 12th June 1975

T.S. GYALTSEN
Chief Secretary
Government of Sikkim

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,12, 1975

No.6

HOME DEPARTMENT

The Government of India, Ministry of Law, Justice and Company Affairs , Notification No. 19/37/75 Jus, dated the 16th May 1975 , is published for general information.

“S.O 211 (E) In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952), The Central Government hereby directs that the Notaries Rules, 1956 shall extend to, and come into force in the State of Sikkim with effect on and from the 16th day of May 1975”.

Gangtok,
The 12th June 1975

**T.S. GYALTSEN
Chief Secretary
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,14, 1975

No.7

HOME DEPARTMENT

The Government of India, Ministry of Home Affairs , Notifications dated the 16th May 1975 are published for general information.

“S.O 211 (E) In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952), The Central Government hereby appoints the 16th day of May, 1975 as the date on which the Defense of India Act, 1971 (42of 1971), shall come into force in the State of Sikkim”.

[No. F/II/160011/25/75-S&P (D.11)"]

Gangtok,
The 14th June 1975

**T.S. GYALTSEN
Chief Secretary
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,16, 1975

No.8

**HOME DEPARTMENT
Dated Gangtok, the 16th June 1975.**

The Governor of Sikkim is pleased hereby to extend “The Emblem and Names (Prevention of Improper Use) Act, 1950 (No. 12 of 1950) with amendments , to the State of Sikkim.

Gangtok,
The 16th June 1975

**T.S. GYALTSEN
Chief Secretary
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,16, 1975

No.9

HOME DEPARTMENT

Notification No. 3(21) 968/75/H

Dated Gangtok, the 16th June 1975.

Shri Justice Rajinder Sanchar assumed the office of the Chief Justice of the High Court of Sikkim with effect from the forenoon of 16th May 1975.

Gangtok,
The 16th June 1975

**T.S. GYALTSEN
Chief Secretary
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,16, 1975

No10

HOME DEPARTMENT

No975/H/75

Dated Gangtok, the 16th June 1975.

The Governor of India, Ministry of Law, Justice and Company Affairs (Department of Justice) Notification No. 19/37/75-Jus, dated 16th May, 1975 are published for general information.

“In exercise of the powers conferred by clause (1) of article 222 of the Constitution , the President after consultation with the Chief Justice of India is pleased to transfer Shri Justice Rajinder Sanchar , Judge of the High Court of Delhi , as judge of the High Court of Sikkim with effect from the 16th May 1975”.

In exercise of the powers conferred by article 223 of the Constitution , the President is pleased to appoint Shri Justice Rajinde Sachar to perform the duties of the Chief Justice of the High Court of Sikkim with effect from the date on which he assumes charge as a judge of that High Court”.

Gangtok,
The 16th June 1975

**T.S. GYALTSEN
Chief Secretary
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,21, 1975

No11

HOME DEPARTMENT

No995/H/75

Dated Gangtok, the 21st June 1975.

The Government of India, Ministry of the Home affairs Notification dated 16th May,1975, are published for general information.

“S.O.214(E):- In pursuance of the notification of the government of India in the Ministry of Home Affairs No. S.O. 208(E) dated 16th May 1975 the Central Government hereby appoints the 16th day of May,1975 as the date on which the Citizenship Act,1956 (57 of 1955), shall come into force in the State of sikkim

[No 26011/8(1)of 1955]”

.” S.O. 215(E):- In exercise of the powers conferred by section 18 of the Citizenship Act 1955(57 of 1955), the Central Government hereby directs that the Citizenship Rules ,1956 shall extend to and come into force in the State of Sikkim with effect on and from the 16th day of May,1975.

No.26011/8(ii)/75-IC]”

“S.O. 216(E) :- In exercise of the powers conferred by section 18(1),(2)(f) and 5(1) (b) of the Citizenship Act, 1955(57 of 1955), the Central Government hereby directs that the Citizens(Registration at Indian Consulates) Rules , 1956,shall extend to and come into force ,In the State of Sikkim with effect on and from the 16th day of May,1975

(26011/8(III)/75-75-C]”

“S.O. 217(E):- In exercise of powers conferred by section 7 of the Citizenship Act, 1955(57 of 1955), The central Government hereby makes the following order , namely:-

1. This order may be called the sikkim (Citizenship) order ,1975
2. Every person who immediately before the 26th day of April, 1975, was a Sikkim Subject under the Sikkim Subject Regulation 1961,shall be deemed to have become a citizen of India on that day.

(NO.16011/8(IV)/75-IC]”

**T,S . GYALTSEN,
Chief Secretary**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,21, 1975

No12

HOME DEPARTMENT

No995/H/75

Dated Gangtok, the 21st June 1975.

The following Proclamation of Emergency by the President of India issued under G.S..R No. 353 (E) dated the 25th June,1975 ,is published for general information:-

PROCLAMATION OF EMERGENCY

“In exercise of the powers conferred by Clause(1) of Article 352 of the Constitution, I Fakhruddin ali Ahmed ,President of India, by this Proclamation declare that a grave emergency exists whereby the Security of India is threatened by Internal disturbance”.

**T.S.GYALTSEN
Chief Secretary
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,21, 1975

No13

HOME DEPARTMENT

SKM.(Gov.)156/75

Dated Gangtok, the 28th June 1975.

I Bipen Behari Lal, Governor of sikkim, hereby appoint on the advice of the Chief Minister,shri Krishna Bahadur Limboo to be a member of the Council of Minister

B.B. LAL,

GOVERNOR

28.6.1975

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. June ,28, 1975

No14

HOME DEPARTMENT

Notification No. H (GA) V/75/15

Dated Gangtok, the 28th June 1975.

The Governor of Sikkim is pleased to reallocate the portfolios among the Council of Ministers as follows:

1.Kazi Lhendup Dorji Khangsherpa Home, Establishment, Finance, press,

1.Chief Minister.

publicity, Ecclesiastical, forest , Electricity (Transmission and Transformation), General Excise and Motor Vehicle, Trade, Tourism, Law and Legislature.

2.Shri Bhawani Prasad Dahal
Minister

Food & Civil Supplies, Agriculture ,
Animal Husbandry.

3.Shri Dorjee Tshering Bhutia
Minister

Medical & Public Health , Bazar and
work relating to the proposed Gangtok Municipality.

4 Shri Rinzing Tongden Lepcha
Minister.

Public Works.

5. Ahri Nayen Tsering Lepcha
Minister

Education & Culture

6. Shri Bhawani Prasad Kharel
Minister

Excise (Abkari) , Panchayat Rural
Works , Land Revenue & Cooperation.

7. Shri Krishna Bahadur Limboo
Minister.

Planning & Development

By Order

**T.S. Gyaltzen,
Chief Secretary
Government of Sikkim.**

or any other officer specially empowered by Government in this behalf , shall, on receipt of any such complaint made by or on behalf of the cultivator and after giving the cultivator and the person terminating or causing the termination of such cultivation an opportunity of being heard and after holding such enquiry as he may deem fit, by order, made within thirty days from the date of the receipt of such complaint, directs that the land be immediately restored to the cultivator and shall do and shall be entitled to do all that may be necessary for effecting such restoration.

(3) for the cultivation of any land , no cultivator shall be required to pay or deliver to the person whose land he cultivated and no person whose land is cultivated by a cultivator shall be entitled to receive from the cultivator , more than half of the produce of the land or the price thereof , as the case maybe as rent or share or on any other account.

Explanation

“Cultivator” means a person who cultivates the land on another person on condition of payment of rent, in cash or in kind or on condition of delivering or receiving share or any fixed quantity of the produce and includes a persons who cultivates the land of another person on any terms or conditions except as a paid servant or hired labourer.

Gangtok, the 2nd july, 1975

B.B.Lal
Governor of Sikkim

Notification No H (GA) XVI/ 75/16
Dated Gangtok., the 2nd July 1975

The Governor of Sikkim have fixed the 2nd July 1975, as the date on which Ordianry No I of 1975 called the Sikkim Cultivators (Protection)Ordinance, 1975 shall come into force in all parts of the State of Sikkim.

T.S.Gyaltzen
Chief Secretary
Government of Sikkim,

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. July ,17, 1975

No16

HOME DEPARTMENT

Notification No. 75/H/75

Dated Gangtok, the 17th July 1975.

In pursuance of the decision taken by the Cabinet in its meeting held on 8th July , 1975 it is hereby declared that the 2nd Saturday of every month shall be observed as a holiday and the remaining Saturdays as full working days. This order will come in too force with effect from 1st August 1975.

**T.S.Gyaltzen
Chief Secretary
Government of Sikkim,**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok., July 25, 1975

No. 17

FINANCE DEPARTMENT

Notification no. 5/Fin.

Dated Gangtok, the 25th July, 1975

In pursuance of the powers conferred by paragraph 4 of the constitution of India (Removal of difficulties) Order No. XI, the Governor of Sikkim is pleased hereby to authorize that, pending the sanction by the Legislative Assembly of the State of Sikkim, expenditure of sums not exceeding those specified in column (2) of the Schedule annexed hereto and amounting in the aggregate to the sum one crore eighty-nine lakhs and thirty-seven thousand rupees may be incurred from and out of the consolidated fund of the State of Sikkim towards defraying the several charges which will come in the course of payment during the period commencing on the 1st of august, 1975 and with the 30th September, 1975 in respect of the services and purposes specified in column (1) of the said Schedule.

THE SCHEDULE

Services and purposes		Sums not exceeding		
		Voted	Charged	Total
1			2	
State Legislature	Revenue	38,000	6,000	44,000
Governor			2,00,000	2,00,000
Cabinet	Revenue	81,000		81,000
Law and Justice	Revenue	22,000	16,000	38,000
	Capital	12,000		12,000
Elections	Revenue	2,000		2,000
Establishment Department	Revenue	16,000		16,000
Finance Department	Revenue	32,000		32,000
Tax Collection charges	Revenue	1,36,000		1,36,000

	Capital	16,000	16,000
Pensions & Other Retirement Benefits	Revenue	26,000	26,000
Miscellaneous Expenditure of the Finance Department	Revenue	12,66,000	12,66,000
	Capital	66,000	66,000
General Administration Dept.	Revenue	1,42,000	1,42,000
Police	Revenue	4,50,000	4, 50,000
Public Service Commission	Revenue	6,000	6,000
Jails	Revenue	24,000	24,000
Miscellaneous Expenditure of General Administration Dept.	Revenue	2,94,000	2, 94,000
Trade, Commerce & Industries Department	Revenue	4, 000	4,000
Trade and Industries	Revenue	36, 000	36,000
	Capital	7,20,000	7,20,000
Village & Small Scale Industries	Revenue	2,80,000	2,80,000
Mineral Development	Capital	1,76,000	1,76,000
Education, Culture & Other	Revenue	13,02,000	13,02,000
Miscellaneous Expenditure	Capital	2,12,000	2,12,000
Medical & Family Planning	Revenue	6,72,000	6,72,000
	Capital	2,12,000	2,12,000
Public Health, Sanitation and Water Supply	Revenue	4,14,000	4,14,000
	Capital	3,50,000	3,50,000
Publicity	Revenue	56,000	56,000
Labour and Employment	Revenue	34,000	34,000
C-operation	Revenue	42,000	42,000
	Capital	3,50,000	3,50,000
Agriculture	Revenue	6, 94, 000	6, 94,000
	Capital	16, 000	16, 000
Animal husbandry	Revenue	2, 70, 000	2, 70,000
	Capital	86, 000	86,000
Dairy Development	Revenue	64, 000	64, 000
Minor Irrigation	Revenue	2, 62,000	2, 62, 000
Forest, Soil conservation & Fisheries	Revenue	11, 54, 000	11, 54, 000
	Capital	16, 000	16,000
Panchayat & Rural Development	Revenue	5, 12, 000	5, 12,000
Food and Civil Supplies	Revenue	82, 000	82, 000
	Capital	5, 00, 000	5, 00, 000
General Excise	Revenue	30, 000	30, 000
Roads & Bridges	Revenue	20,04,000	20, 04,000
	Capital	13, 88,000	13,88,000
Road transport	Revenue	25, 10,000	25,10, 000
	Capital	82,000	82, 000
Tourism	Revenue	1, 62,000	1, 62, 000
Public works Department	Revenue	4, 60,000	4, 60, 000
	Capital	84,000	84,000
Stationery & Printing	Revenue	1,20,000	1,20,000
Electricity Schemes	Revenue	2,64,000	2,64,000
	Capital	4,16,000	4,16,000
Bazar and Urban Development	Revenue	80,000	80,000

Planning & Development	Revenue	90,000	90,000
Loans to Government Servants	Capital	<u>76,000</u>	<u>76,000</u>
	Total:	<u>1,87,15,000</u>	<u>2,22,000</u> 1,89,37,000

By Order of the Governor

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

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok., July 23, 1975

No. 18

HOME DEPARTMENT
Notification No. 1289/ome
Dated Gangtok, the 23rd July, 1975.

The Governor of Sikkim has been pleased to direct that the Legislative assembly of Sikkim will meet on Tuesday the 29th July, 1975.

Members are requested to be present at 11 a.m. at assembly House, Gangtok on the above date.

R.K. GUPTA

**Secretary to
Legislative Assembly
of Sikkim**

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok., July 23, 1975

No. 19

HOME DEPARTMENT

**Notification No 63/H/75
Dated Gangtok, the 2nd July, 1975**

The State Government of Sikkim is pleased to designate all the District Officer in charge of the district of Gangtok, Mangan, Namchi and Gyalshing as District Magistrates. They shall exercise all the powers of the district Magistrates provided in the Criminal Procedure Code (Act of 1898) within the district defined in the Notification No.4/H dated the 4th July, 1963.

The above orders shall take immediate effect.

**T. S. GYALTSEN.
Chief Secretary,
Government of Sikkim.**

SIKKIM

GOVT.



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok., August 13, 1975

No.20

ORDINANCE NO. 11. OF 1975

THE SIKKIM PREVENTION OF TRANSFER AND UNAUTHORISED USE OF LANDS ORDINANCE, 1975

WHEREAS the Government of Sikkim has undertaken the task of introducing necessary and suitable measures relating to land reform in Sikkim..

AND WHEREAS to facilitate the implementation of the said task and pending the enactment of necessary legislation for the same, it has become necessary to make temporary provisions for preventions of transfer of lands by the landowners and unauthorised use of lands.

AND WHEREAS the Legislative Assembly of Sikkim is not in session and I am satisfied that circumstances exist which render it necessary for me to take immediate action;

I, B.,B Lal, Governor of Sikkim, am pleased , in exercise of the power conferred by clause (1) of Article 213 of the Constitution of India, hereby make and promulgate the following Ordinance, namely-

Short title, extent and commencement

1 (1) This Ordinance may be called the Sikkim Prevention of Transfer and and Unauthorised Use lands Ordinance.1975

(2) It extend to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Sikkim Gazettee, appoint and different dates may be appointed for different areas in Sikkim.

Prevention of transfer and unauthorized Use of lands.

2.(1) Notwithstanding anything to the contrary contained in any other law of lands or any contract or custom.

(1) No landowner shall transfer by sale, lease or any way what so ever any land or any right or interest in any land.

(a) No landowner shall transfer by sale , lease or any way what so ever any land or any right or interest in any land.

(b) No person shall fell, remove or dispose of trees on any land and,

(c) No person shall quarry any land or remove any sub soil material from any land,

Without the permission in writing of the District Officer within whose jurisdiction the land is situated or of such other officer as may be specially empowered by the Stater Government in this behalf.

(2) The State Government may prescribe rules laying down the principles ,terms and conditions in accordance with which permission refers to in sub-section (1) may be granted.

Explanation

(1)“Land ” means any land used or capable of being used for any agricultural or non agricultural purpose and includes forests;

(2) “Landowner” means any person owing lands more than ten acres in area, whether in his own possession or otherwise , in the State of Sikkim.

Contravention and Penalties

3 (1) Any transfer made in contravention of the provision of clause (a) of Sub-section (i) of section 2 shall be void;

(2) If any person commits a breach of the provisions of clause (b) or Clause (c) of Sub section (i) of section (2) she shall be punished with fine not exceeding two thousand rupees and if the breach is a continuing during which the breach continues and the trees or sub soil materials, as the case may be , shall be forfeited to the State Government.

Gangtok, the 13th August , 1975

B.B.Lal
Governor of Sikkim

Notification No H (GA) XVIII/ 75/18
Dated Gangtok., 13th August 1975

The Governor of Sikkim have fixed the 13th August 1975 , as the date on which Ordinary No II of 1975 called the Sikkim Prevention of Transfer and Unauthorised use of lands Ordinance , 975 shall come into force in all parts of the State of Sikkim.

T.S.Gyaltzen
Chief Secretary
Government of Sikkim,

SIKKIM



GOVERNMENT.

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok., August 27, 1975

No. 21

BILL NO. 1 OF 1975.
THE SIKKIM CULTIVATORS PROTECTION
(TEMPORARY PROVISIONS) BILL 1975.

A
B I L L

to make temporary provisions of cultivators against termination of cultivation of lands cultivated by them for restoration of such lands in case of illegal termination, for limiting the liability of the cultivators and for other matters connected therewith.

WHEREAS it is expedient to make temporary provisions for protection of the cultivators against termination of their cultivation of lands cultivated by them, for restoration of such lands in case of illegal termination, for limiting the liability of the cultivators and for other matters connected therewith :

It is hereby enacted as follows:-

*Short title,
Extent*

*Commencement
and duration*

1. (1) This Act may be called the Sikkim Cultivators Protection (Temporary Provisions) Act. 1975.
- (2) It extends to the whole of Sikkim
- (3) It shall come into force at once and shall remain in force for a period of two Years from the date of its commencement; but the State Government may, by notification in the Sikkim Government Gazette, extend the period of its duration for a further period not exceeding one year.

Definitions,

2. In this Act, unless there is anything repugnant in the subject or context.
 - (1) "Agriculture Year" means the year commencing from the 1st day of February.
 - (2) "Civil Court" does not include the High court or the supreme court:
 - (3) "Cultivator" means a person who cultivates the land of another person on condition of payment of rent, in cash or in kind, or on condition of delivering or receiving share or any fixed quantity of the produce and includes a person who cultivates the land of another person on any terms and conditions except as a paid servant or hired labourer;
 - (4) "Owner" means a person whose land is cultivated by a cultivator:

- (5) “ Prescribed” means prescribed by rules made under this Act:
- (6) “Prescribed Authority” means the District Officer within whose jurisdiction the land is situated and shall also include any other officer specially empowered by the State Government in this behalf.

*Act to prevail
Etc. and over-riding effect of the Act;*

3. (1) The provisions of this act and rules made there under shall have effect notwithstanding anything to the contrary contained in any other law or in any customus age, contract or instrument.

(2) Any law or custom or usage having the force of law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act.

(3) Any other law in force immediately before the commencement of this Act shall cease to have effect in so far it is inconsistent with any of the provisions contained in this Act.

*Protection of
Cultivators against
termination of
Cultivation and
restoration of
Land.*

4. (1) No owner shall be entitled to terminate the cultivation of his land by a cultivator his land by a cultivator except in execution of an order made by the prescribed authority on the ground that the cultivator has without any reasonable cause failed to cultivate the

(2) Any order of ejectment passed under the provisions of this Act shall be executed by the prescribed authority, but proper compensation as may be determined by the prescribed authority shall be paid by the owner to the cultivator for his share of the standing crops, if any.

(3) If any owner terminates or cause to be terminated the cultivation of any land by a cultivator in contravention of the provisions of this act, the prescribed authority shall, on receipt of any application made by or on behalf of the cultivator and after giving the cultivator and the owner an opportunity of being heard and after making such inquiries as he may deem necessary by order direct –

(a) in a case where such land has not been cultivated or has been cultivated by the owner or by any person on his behalf other than a cultivator, that the land be immediately restored to the cultivator and further that forty or cent or any produce of the land shall be forfeited to the State Government and the remaining sixty percent of such produce shall be retained by the cultivator.

(b) in a case where such land has been cultivated by a new cultivator engaged by the owner, that the land be restored at the end of the cultivation season to the applicant cultivator and further that the new cultivator shall retain fifty percent of the produce harvested before restoration and make over the remaining fifty percent of such produce to the applicant cultivator.

*Limit of liability of
Cultivators:*

5. For the cultivation of any land, no cultivator shall be required to pay or deliver to the owner and no owner shall be entitled to receive from the cultivator, more than half the produce of the land or the price thereof , as the case my be, as rent or share or any other account.

6. (1) If a cultivator

*Surrender or
abandonment:*

- (a) surrenders his right to cultivate in respect of land cultivated by him as a cultivator, or
- (b) abandons cultivation of such land, the owner of the land shall give information in writing of such surrender or abandonment to the prescribed authority.

(2) On receipt of such information the prescribed authority shall, after giving the cultivator and the owner an opportunity of being heard and making such inquiries as he may deem necessary, by order determine whether the cultivator voluntarily surrendered or abandoned his right of the cultivation in relation to such land.

(3) If the prescribed authority determines that the cultivator had not voluntarily surrendered or abandoned the cultivation of the land which was being cultivated by him as such and that he had been compelled by force or otherwise to surrender or abandon the cultivation of such land, the prescribed authority shall restore the cultivator to the cultivation of the land.

(4) If the cultivator is not available or is not willing to be restored to the cultivation of such land, or if the prescribed abandoned the cultivation of such land, the owner shall not resume personal cultivation of such land, but may, with the permission of the prescribed authority, have the land cultivated by another cultivator of the locality who is willing to cultivate the land as cultivator.

*Continuation of
Right of*

7. (1) where a cultivator cultivating any land dies, the cultivation of such land may be continued for the

*Cultivation on
Cultivator's death;*

remaining period of that agricultural year by the lawful heir of the cultivator and if such lawful heir continues the cultivation, he shall have all the rights and be subject to all the liabilities of a cultivator under this Act in respect of such remaining period.

(2) Where:-

- (a) no lawful heir of the cultivator is in a position to cultivate the land personally, or
- (b) the lawful heir omits or fails to take any steps for the continuation of the cultivation of the land within fifteen days from the date of the death of the cultivator, or if the agricultural operations in the neighboring lands are not then in progress, within fifteen days from the date of commencement of such operation, the cultivation of the land may be continued by such person as may be nominated by the owner.

*Cultivator and the
Owner to receive
recover
Their dues:*

8. (1) If a cultivator fails or omits or neglects to pay the rent or share or fixed quantity of the produce payable to the owner, the owner shall be entitled to such owner the same or quantity of the produce due to him or its money value

*Jurisdiction to
Decide certain
Disputes:-*

9. Every dispute between a cultivator and the owner in respect of the following matter, namely:-

- (a) division or delivery of the produce or payment of rent,
- (b) recovery of rent, share or fixed quantity of the produce under the provisions of sub-section (10 or sub-section (2) of section 8.

(c) termination of cultivation by the cultivator, shall be decided by the prescribed authority.

Appeal

10. An appeal shall lie within the prescribed period to an appellate Officer to be appointed by the State Government against any final order of the prescribed authority made under this Act, except where such order was made by the prescribed authority with the consent of the parties to the dispute.

Procedure and execution:

11. (1) the procedure to be followed by the prescribed authority or by the Appellate Officer shall be as may be prescribed
(2) An order made by prescribed authority or the Appellate Officer shall be executed by the prescribed authority in such manner as may be prescribed.

Protection to Persons.

12. No suit, prosecution or other legal proceedings shall lie against any persons for anything which is in good faith done or intended to be done under or in Pursuance of the provisions of this Act, or the Sikkim cultivators (Protection) Ordinance, 1975.

Bar of jurisdiction. questioned

13. No order or other proceedings whatsoever under this Act, shall be

In any Civil Court and no Civil court shall entertain any suit or proceeding in Respect of any matter for which provision is made in this Act.

Power to make rules

14. (1) The State Government may make rules for carrying out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

- (a) the period within which the cultivator shall pay or deliver to the owner the rent, or share or fixed quantity of the produce to which the owner is entitled under this Act;
- (b) the period within which an appeal shall lie under Section 10 to an Appellate Officer;
- (c) the procedure to be followed by the prescribed authority or the Appellate Officer;
- (d) the manner in which the final order by the prescribed authority or the Appellate Officer shall be executed;
- (e) any other matter required to be prescribed under this Act.

Repeal and Savings:

15. (1) The Sikkim cultivators (Protection) Ordinance.1975 is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance any proceeding or remedy in respect of any right, privilege, obligation or liability under the said Ordinance and relating to the period before such repeal maybe instituted, Continued or enforced as if the said Ordinance had been force and had not been Repealed.

STATEMENT OF OBJECTS AND REASONS

The task of introducing suitable measures relating to the agrarian reforms in Sikkim has been engaging the attention of the Government of Sikkim for quite some time and in taking steps towards the implementation of that task, the problems of the tillers of the soil in Sikkim, who cultivate lands of other persons under various systems and precarious terms and conditions, have appeared to the Government to require immediate intervention and making of some immediate provisions for their protection against termination of their cultivation and for the continuity of cultivation by the existing cultivator and for limiting their liability and other matters connected therewith. Pending enactment of a comprehensive legislation relating to agrarian and land reforms, the Government have thought it necessary to make some immediate and temporary provisions for providing protection and for providing or continuity of such cultivation and restoration of lands to the cultivators in case of illegal termination of cultivation and for limiting the liability of the cultivators and other connected matters in the interest of social justice as also of agricultural production and economy. The Sikkim Cultivators (Protection) Ordinance, 1975, has been promulgated with the above objects in view.

The Bill has been framed with the above objects in view and seeks to replace the Sikkim Cultivators... (Protection) Ordinance, 1975.

B.P. KHAREL,

**Minister of Land Revenue Department
Member in- Charge**

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok., August 28, 1975

No. 22

OFFICE OF THE SECRETARY OF LAND REVENUE

Government of Sikkim

Dated Gangtok, the 28th August, 1975.

It is hereby notified for general information of all concerned that Land Revenue is payable to the Government of Sikkim in respect of all lands in the State of Sikkim and all the district Officers and all others connected with the collection of land revenue in respect of any land in the states of Sikkim are directed to collect land revenue and all other public dues relating to lands in the State of Sikkim and to get them deposited in the government account under proper heads relating to Land Revenue with immediate effect. It is notified further that land Revenue will include among others Damthey Khazana.

By Order

R.B. MUKHUIA

**Secretary,
Department of Land Revenue,
Government of Sikkim
Gangtok**

SIKKIM



GOVERNMENT.

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok., August 27, 1975

No. 23

BILL NO. 2 OF 1975.
THE SIKKIM REGULATION OF TRANSFER AND USE OF LANDS BILL 197

A
B I L L

To make provision for the regulation of transfer and use of lands by the landowners and other persons and for other matters connected therewith..

WHEREAS :the Government of Sikkim has undertaken the task of introducing necessary and suitable measures relating to land reforms in Sikkim and of giving effect to the policy that lands are so distributed as best to sub-serve the common good and that land properties are not concentrated to the common detriment.

AND WHEREAS to facilitate the implementation of the said task and to give effect to such policy it is expedient to make provisions for the regulation of transfer and use of lands by the landowners and other person and for other matters connected therewith;

It is hereby enacted as follows:-

*Short title,
Extent Commencement*

1. (1) This Act may be called the Sikkim Regulation of Transfer and Use of Lands Act, 1975
- (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 Sikkim Government Gazette, appoint and different dates may be appointed for different areas in Sikkim.

*Regulation of transfer
And use of lands.*

- 2.(1) Notwithstanding anything to the contrary contained in any other Law or custom or contract.
 - (a) no landowner shall transfer by sale, lease or anyway whatsoever any land or right or interest in any land,
 - (b) no person shall fell , remove or dispose of any trees in any land and
 - (c) no person shall quarry any land or remove any sub soil material from anyland-

without the permission in writing of the District Officer within whose jurisdiction the land is situated or of such other officer as may be specially empowered by the State Government in this behalf.

2. The State Government may make rules laying down the principles, terms and conditions in accordance with which the permission referred to in sub-section (1) may be granted.

Explanation:-

- (1) "Land " means any land used or capable of being used for any agricultural or non agricultural purpose and includes forests;
- (2)
- (3) "Landowner" means any person owning lands more than ten acres in areas, whether in his own possession or otherwise in the State of Sikkim.

Contravention and penalties:

3. (1) Any transfer made in contravention of the provision of clause (a) of subsection (1) of section 2 shall be void;
- (4) If any person commits a breach of provision of clause (b) or clause (c) of sub section (1) of Section 2 he shall be punished with fine not exceeding two thousand rupees and if the breach is a continuing one , with a further fine not exceeding two hundred rupee for each day during which the breach continues and the trees or sub-soil materials, as the case maybe shall be forfeited to the State Government.

Repeal and savings:

4. (1) The Sikkim Prevention of Transfer and Unauthorised Use of Lands Ordinance , 1975 is hereby repealed.
- (2) Notwithstanding the repeal of the said Ordinance , any proceeding or remedy in respect of any right, obligation or liability under the said Ordinance and relating to the periods before such repeal maybe instituted , continued or enforced as if the said Ordinance had been in force and had not been repealed.

STATEMENT OF OBJECTS AND REASONS

The Government of Sikkim have under taken the task of introducing necessary and suitable measures relating to landforms in Sikkim and to give effect to the policy that land properties are not concentrated to the common detriment and lands are so distributed as best to sub serve the common good, In order to implement the said task and to give effect to such policy , the Government have thought it necessary to regulate transfer and use of lands and have felt that unregulated or indiscriminate transfers of lands by way of sale, lease or otherwise will create serious impediments and obstacles to the proper distribution of lands to sub-serve the common good and will enable persons to evade the provisions of the land reform legislation or may result in concentration of land properties to common detriment . The Sikkim Prevention of Transfer and Unauthorised Use of Lands Ordinance 1975 has been promulgated with the above objects in view.

The Bill has been framed with the above objects in view and seeks to replace the Sikkim Prevention of Transfer and Unauthorised Use of Lands Ordinance 1975.

B.P. KHAREL,
Minister of Land Revenue Department Deptt.
Member in- Charge

SIKKIM



GOVT.

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok., September 6,, 1975

No. 24

ELECTION DEPARTMENT Notification no. I/P.

In accordance with the Sikkim Panchayat Act 1965 the next Panchayat Election for all the Units throughout Sikkim will be held according to the programme detailed below:-

1.	Publication of Panchayat Election Programme	...	6.9.75
2.	Publication Draft Electoral Rolls	...	8.9.75
3.	Objection for correction , inclusion and e xclusion of names of voters to be filed on or before	...	4.10.75
4.	Objection to be decided on or before	...	11.10.75
5.	Publication of Final Electoral Rolls	...	25.10.75
6.	Nomination papers to filled on or before	...	1.11.75
7.	Scrutiny of Nomination papers to be completed	...	8.11.75
8.	Publication of Valid Nomination	...	10.11.75
9.	Last date for withdrawal of candidature	...	13.11.75
10 Elections:-			
(i)	West & South District	...	12.12.75
(ii)	East & North districts.	...	19.12.75
11.	Counting of Votes , to be started.	...	18.12.75
	West	...	22.12.75
	South	...	26.12.75
	East	...	29.12.75
12.	Announcement of Results	...	19.01.76
13.	Election of President , Vice President and Secretaries to be completed by...	...	20.02.76

D.C.Lucksom
Chief Election Officer,
Government of Sikkim.

SIKKIM



GOVERNMENT.

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok., September 8,, 1975

No. 25

THE SIKKIM APPROPRIATION BILL 1975

A

BILL

To authorize payment and appropriation OF CERTAIN SUMS FROM AND OUT OF THE Consolidated Fund of the State of Sikkim for the service of the financial year 1975-76

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

1. This act may be called the Sikkim Appropriation Act 1975. Short title.
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 (inclusive of the sums specified in column 2 of the Schedule to the Authorisation Orders issued by the Governor of Sikkim on the 16th May, 1975 and 25th July 1975) to the sum of ten crores, ninety six lakhs, thirty-six thousand and five hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76 in respect of the service specified in column 2 of the schedule.

*Issue of Rs. 10,96,36
500 out of the Consolidated
Fund of the State of Sikkim
for the financial year 1975-*
3. The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the service and purpose expressed in the Schedule in relation to the said year.

Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1	2	3	Sums not exceeding		
No. Of Vote	Services and purposes	Voter by the Legislative Assembly	Charged on the Conso- lidated fund	Total	
—					
1.	State Legislature	Revenue	2,86,000	1,00,000	3,86,000
	Governor	Revenue	-	5,60,500	5,60,500
2	Cabinet	Revenue	3,96,000	-	3,96,000
3	Agriculture	Revenue	43,66,400	-	43,66,400
		Capital	92,000	-	92,000
4.	Animal Husbandry and Dairy Development	Revenue	20,66,600	-	20,66,600
		Capital	4,20,000	-	4,20,000
5.	Bazar	Revenue	4,53,500	-	4,53,500
6.	Co-operation	Revenue	2,52,000	-	2,52,000
		Capital	3,00,000	-	3,00,000
7.	Ecclesiastical Department	Revenue	3,20,000	-	3,20,000
		Capital	1,99,600	-	1,99,600
8.	Education	Revenue	62,82,000	-	62,82,000
		Capital	24,04,000	-	24,04,000
9.	Electricity	Revenue	35,64,000	-	35,64,000
		Capital	10,00,000	-	10,00,000
10.	Establishment Department	Revenue	1,00,000	-	1,00,000
11.	Excise (Abkari)	Revenue	2,85,700	-	2,85,700
12.	Finance Department	Revenue	2,18,000	-	2,18,000
13.	Income Tax & Sale Tax.	Revenue	79,000	-	79,000
14.	Other Expenditure of the Finance Department	Revenue	90,37,500	40,000	90,37,500
		Capital	5,32,000	-	5,32,000
15.	Food Supplies and Fair Price Shops	Revenue	82,900	-	82,900
		Capital	34,00,000	-	34,00,000
16.	Forest, Fisheries and Soil Conservation	Revenue	70,53,800	-	70,53,800
		Capital	1,00,000	-	1,00,000
17.	General Excise and Motor Vehicles	Revenue	2,36,100	-	2,36,100
18.	Sikkim Nationalized Transport	Revenue	80,23,900	-	80,23,900
		Capital	2,65,000	-	2,65,000
19.	Home Department	Revenue	25,09,500	-	25,09,000
20.	Administration of Justice	Revenue	3,13,000	2,49,500	3,13,000
21.	Police	Revenue	27,18,700	-	27,18,000
22.	Land Revenue	Revenue	8,71,900	-	8,71,800
23.	Law Department	Revenue	97,000	-	97,000
24.	Medical, Public Health	Revenue	51,16,600	-	51,16,600

and Sanitation	Capital	10,70,000	-	10,70,000
25. Panchayat and Rural Works	Revenue	46,50,000	-	46,50,000
26. Planning and Development Department	Revenue	5,44,000	-	5,44,000
27. Press, Publicity and Cultural Affairs	Revenue	13,25,900	-	13,25,900
	Capital	94,000	-	94,000
28. Public works, Roads, Bridges and Water Supply	Revenue	1,73,00,900	-	1,73,00,900
	Capital	1,16,54,000	-	1,16,54,000
29. Tourism	Revenue	1,90,000	-	1,90,000
	Capital	11,01,000	-	11,01,000
30. Trade, Industries and Commerce	Revenue	48,12,700	-	48,12,700
	Capital	25,01,000	-	25,01,000
<hr/>				
	Total:	10,86,86,500	9,50,000	10,96,36,500
<hr/>				

SIKKIM



GOVT.

GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. September 12, 1975

No. 26

HOME DEPARTMENT (ELECTION)

**Notification No. 1751/H/(E)75
Dated the 12th September, 1975**

The Government of India (Election Commission of India) Notification No. 154/SKM/75 dated the 12th September 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information.

ELECTION COMMISSION OF INDIA 'NIRVACHAN SADAN'

NOTIFICATION

New Delhi
Dated the 12th September 1975

No. 154/SKM/75 In exercise of the powers conferred by section 13 A of the Representation of the People Act, 1950 (43 of 1950), the election Commission, in consultation with the government of Sikkim, hereby nominates Shri D.C. Lucksom, secretary to the Government of Sikkim in the food And Civil Supplies Department, to be the Chief Electoral Officer for the State, with effect from the date he assumes charge of that office.

By Order.

A.N. Sen
Secretary

Notification No. 1752/ H/(E) 75
Dated the 12th September, 1975

The Government of India (election commission of India) Notification No. 464/SKM/75 (1) dated the 12th September, 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information.

**ELECTION COMMISSION OF INDIA
'NIRVACHAN SADAN'**

New Delhi
Dated the 12th September 1975

No. 464/SKM/75 (I): Whereas one seat has been allotted to the State of Sikkim in the House of the People by clause (d) of Article 371F of the Constitution as inserted by the constitution (Thirty-sixth Amendment) Act, 1975; and

Whereas the representative of the State of Sikkim in the existing House of the People shall be elected by the members of the Legislative Assembly of Sikkim under the provision of clause (e) of the said Article 371F;

Now, therefore, in exercise of the powers conferred by section 14A of the representation of the People Act, 1951 (43 of 1951) as inserted by the election laws (Extension of Sikkim) Ordinance, 1975, the election commission hereby calls upon the members of the Legislative Assembly of Sikkim to elect one member to till the said seat in accordance with the provisions of the said Act and the Rules and Orders made thereunder.

By Order.

A.N. Sen
Secretary

Notification No. 1753/ H/(E) 75

Dated the 12th September, 1975

The Government of India (election commission of India) Notification No. 464/SKM/75 (2) dated the 12th September, 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information.

**ELECTION COMMISSION OF INDIA
'NIRVACHAN SADAN'**

New Delhi

Dated the 12th September 1975

No. 464/SKM/75 (2) : In pursuance of the provisions of Section 39 of the representative of the People Act, 1951 (43 Of 1951), the election commission hereby appoints, with respect to the election to the House of the People by the member of the Legislative Assembly of Sikkim to be held in pursuance of its Notification No. 464/SKM/75- (I), dated the 12th September, 1975:

- (a) the 19 September, 1975 (Friday), as the last date for making nominations;
- (b) the 20 September, 1975 (Saturday), as the date for the scrutiny of nominations;
- (c) the 22 September, 1975, (Monday), as the last date for the withdrawal of candidatures;
- (d) the 29 September, 1975, (Monday), as the date on which a poll shall, if necessary, be taken;
- (e) the 30 October, 1975 (Friday), as the date before which the election shall be completed.

By Order.

A.N. Sen,
Secretary

Notification No. 1754/ H/(E) 75

Dated the 12th September, 1975

The Government of India (Election Commission of India) Notification No. 464/SKM/75 (3) dated the 12th September, 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information.

**ELECTION COMMISSION OF INDIA
'NIRVACHAN SADAN'**

New Delhi

Dated the 12th September 1975

No. 464/SKM/75 (3) : In pursuance of the Section 56 of the Representative of the People Act, 1951 (43 Of 1951), the election commission hereby fixes 11 A.M. to 4. P.M., as the hours during which a poll shall, if necessary, be taken for the election to the House of the People by the member of the Legislative Assembly of Sikkim to be held in pursuance of its Notification No. 464/SKM/75- (I), dated the 12th September, 1975:

By Order.

A.N. Sen,
Secretary

Notification No. 1755/ H/(E) 75
Dated the 12th September, 1975

The Government of India (Election Commission of India) Notification No. 464/SKM/75 dated the 12th September, 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information.

**ELECTION COMMISSION OF INDIA
'NIRVACHAN SADAN'**

New Delhi
Dated the 12th September 1975

No. 464/SKM/75: In exercise of the powers conferred by section 21 and sub-section (I) of Section 22 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission, in consultation with the Governor of Sikkim, hereby-

- (i) nominates Shri R.K. Gupta, Secretary to the Legislative Assembly of Sikkim, to be the Returning Officer, and
- (ii) appoints Shri B.n. Sharma, Deputy district Officer, East district, Gangtok to assist the said Returning Officer in the performance of his functions,

in respect of election of one member to the House of the People by the members of the Legislative Assembly of Sikkim, to be held in pursuance of the Election commission's Notification published in the Gazette of India on 12 September, 1975

By Order.

A.N. Sen,
Secretary

Notification No. 1756/ H/(E) 75

Dated the 12th September, 1975

The Government of India (Election Commission of India) Notification No. F.13.(2)/SKM/75 LEG II, dated the 12th September, 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information

PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY PART II. SECTION 3 SUB-SECTION (ii)
DATED THE 12TH SEPTEMBER, 1975.

**GOVERNMENT OF INDIA
MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)**

NOTIFICATION

New Delhi , the 12th September, 1975

S.O. In pursuance of section 12A of the Representative of the People Act, 1951 (43 to 1951) the President is pleased to call upon the elected members of the Legislative Assembly of the State of Sikkim to elect, in accordance with the provisions of the said Act and the rules and orders made thereunder on member to fill the seat allotted to the State of Sikkim in the council of States.

(Sd/K.K. SUNDARAM)

Secretary to the Government of India

Notification No. 1757/ H/(E) 75

Dated the 12th September, 1975

The Government of India (Election Commission of India) Notification No. 318/SKM/75 (I) dated the 12th September, 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information

**ELECTION COMMISSION OF INDIA
'NIRVACHAN SADAN'**

Dated the 12th September, 1975

No. 318/SKM/75 (I) : Whereas the President has by notification published in the Gazette of India, on the 12th September, 1975, called upon the elected members of the Legislative Assembly of Sikkim to elect one member to the Council of States;

Now, therefore, in exercise of the powers conferred by sub-section (I) 39 of the Representation of the People Act, 1951, the Election commission hereby appoints with respect to the said election-

- (a) the 19 September, 1975 (Friday), as the last date for making nominations;
- (b) the 20 September, 1975 (Saturday), as the date for the scrutiny of nominations;
- (c) the 22 September, 1975, (Monday), as the last date for the withdrawal of candidatures;
- (d) the 30 September, 1975, (Tuesday), as the date on which a poll shall, if necessary, be taken; and
- (e) the 30 October, 1975 (Friday), as the date before which the election shall be completed.

By Order.

A.N. Sen,
Secretary

Notification No. 1758/H/ (E) 75
Dated the 12th September, 1975

The Government of India (Election Commission of India) Notification No. 318/SKM/75 (2) dated the 12th September, 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information

**ELECTION COMMISSION OF INDIA
'NIRVACHAN SADAN'**

New Delhi
Dated the 12th September, 1975

No. 318/SKM/75 (2) : In exercise of the powers conferred by section 56 of the representation of the People Act, 1951, the election commission hereby fixes 11 A.M. to 4 P.M., as the hours during which the poll shall, if necessary, be taken at the election to the council of States in the State of Sikkim to be held in pursuance of the President's notification published in the Gazette of India, on 12 September, 1975.

By Order.

A.N. Sen,
Secretary

Notification No. 1759/H/ (E) 75
Dated the 12th September, 1975

The Government of India (Election Commission of India) Notification No. 318/SKM/75 dated the 12th September, 1975 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 12th September, 1975 are republished for general information

**ELECTION COMMISSION OF INDIA
'NIRVACHAN SADAN'**

New Delhi
Dated the 12th September, 1975

No. 318/SKM/75: In exercise of the powers conferred by section 21 and sub-section (1) of section of the representation of the People Act, 1951 (43 to 19510, the election commission, in consultation with the government of Sikkim, hereby-

- (ii) nominates Shri R.K. Gupta, Secretary to the Legislative Assembly of Sikkim, to be the returning Officer, and
- (iii) appoint Shri B.N. Sharma, Deputy District Officer, east District, Gangtok, to assist the said Returning Officer in the performance of his functions,

in respect of election of one member to the council of States by the elected members of the Legislative Assembly of Sikkim, to be held in pursuance of the President's notification published in the Gazette of India on 12 September, 1975.

By Order.

A.N. Sen
Secretary

BY ORDER

T.S. GYALTSEN
Chief Secretary,
Government of Sikkim

SIKKIM



GOVERNMENT.

GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. September 11, 1975

No. 27

HOME (ELECTION)

**NOTIFICATION No. 961/H/(E)-75
Dated Gangtok, the 11th September, 1975**

The Ordinance, 1975 (No. 9 of 1975) promulgated by the President of India on 9th September, 1975 to provide for the Extension of the Representation of the People Act, 1950 and the representation of the People Act, 1951, to the State of Sikkim is hereby published for general information.

BY ORDER.

T.S. GYALTSEN,

Chief Secretary,
Government of
Sikkim

THE ELECTION LAWS (EXTENSION TO SIKKIM) ORDINANCE, 1975 No. 9 OF 1975

Promulgated by the President in the twenty-sixth year of the Republic of India.

An Ordinance to provide for the extension of the Representation of the People Act, 1950 and the Representation of the People Act, 1951, to the State of Sikkim.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action:

Now therefore, in exercise of the powers conferred by clause

(I) of article 123 of the constitution, the President is pleased to promulgate the following Ordinance:-

1. (1) This Ordinance may be called the election Laws (Extension of Sikkim) Ordinance, 1975.

Short title and commencement.

(2) It shall come into force at once.

2. (1) The Acts mentioned in the schedule are hereby extended to, and shall be in force in, the State of Sikkim.

Extension and amendment of Election laws.

(2) With effect from the commencement of this Ordinance, the Acts mentioned in the schedule shall be amended as specified, therein

(3) Any reference in the Acts mentioned in the schedule to a Law not in force, or to a functionary not in existence, in the State of Sikkim shall be construed as a reference to the corresponding Law in force, or to the corresponding functionary in existence, in the State:

Provided that if any question arises as to who such corresponding functionary is, or if there is no such corresponding functionary, the Central Government shall decide as to who such functionary will be and the decision of the Central Government shall be final.

**THE SCHEDULE
(SEE SECTION 2)
THE REPRESENTATION OF THE PEOPLE ACT, 1950
(43 OF 1950)**

Section 7A- After Section 7, Insert:-

Total number of seats “ 7A. (1) Notwithstanding anything contained in section 7, in the Legislative
In the Legislative
Assembly of Sikkim
and- Assembly Cons

- (2) Every Assembly constituency referred to in Sub-section (I) shall be a single member constituency.
- (3) In the Legislative Assembly so deemed to be duly constituted, the extent of each Constituency and the reservation of seats shall be as provided for immediately before the commencement of the constitution (Thirty sixth Amendment) Act 1975.

Section 25A. In Part III, after section 25 insert:-

Condition of “25^A. Notwithstanding anything contained in section 15 and 19, for the Sangha
Registration Constituency in the State of Sikkim, only the Sanghas belonging to Monastires,
as Elector in recognized for the purpose of the Election held in Sikkim in April, 1974 for
Sangha Cons- forming the Assembly of Sikkim shall be entitled to be registered in the electoral
tituency in Sikkim. Roll, and the said electoral roll shall, subject to the provisions of sections 21 to 25, be
prepared or revised in such manner as may be directed by the Election Commission in consultation with the
Government of Sikkim.

The First Schedule :- In the first schedule under the heading “ I States” , After serial number 15 and the
entries relating thereto, insert:-

“15A. Sikkim.....I”

**THE REPRESENTATION OF THE PEOPLE ACT, 1951
(43 OF 1951)**

Section 4 – In section 4, Omit “AND” at the end of clause (cc) and after that clause insert:-
(CCCT) In the case of the seat allotment to the State of Sikkim, he is an elector for the Parliamentary Constituency of Sikkim.”

Section 5 A – After section 5 Insert:-

“5. A, Notwithstanding anything contained in section 5, A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim.
(Deemed to be the Legislative Assembly of that state duly constituted under the Constituency unless .

QUALIFICATIONS FOR MEMBERSHIP OF LEGISLATIVE ASSEMBLY OF SIKKIM.

- (A) In the case of seat reserved for Sikkimese of Bhutia – Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly Constituency in the State other than Constituency reserved for the Sanghas.
- (B) In the case of a seat reserved for sikkimese of Nepal origin he is a person of Nepal origin and is an elector for any Assembly constituency in the State.
- (C) In the case of a seat reserved for scheduled Castes, he is a member of any of the Cases specified in the Representation of Sikkim Subjects Act 1974 and is an elector for any Assembly constituency in the state : and
- (D) In the case of seat reserved for Sanghas , he is an elector of the Sangha Constituency”.

Section 12 A- After Section 12, insert:-

Notification for- Election to fill The seat allotted to The State of Sikkim In council of States. “12A. for the purpose of filling for the first time the seat allotted to the State of Sikkim by the Constitution (Thirty Sixth Amendment) Act, 1975 in the Council of States , the president shall , by a Notification published in the Gazette of India on such date as may be recommended by the Election Commission, call upon the Elected members of the Legislative /assembly of the State of Sikkim to elect a member in accordance with the provisions of this act and of the rules and orders made there under and the election so held shall for all purposes and intent be deemed to have been held under section 12”.

Section 14A- After Section 14 insert:-

Notification for elec- Ing the representative Of the State of Sikkim To the existing house Of the people. “14A. For the purpose of electing a Representative of the State of Sikkim to the House of the People, specified in Clause (E) of Article 371F of the Constitution , the Election Commission shall call upon the members of the Legislative Assembly of the State of Sikkim to elect the Representative in Accordance with such Of the provisions of this Act, and the Rules and orders made there under, as are applicable to the election of the members of the Council of States.”

Section 33 – In Section 33 after Sub-section (1) , insert:-

- (A) Notwithstanding anything contained in sub section (I) , for election to the Legislative Assembly of Sikkim (Deemed to be the Legislative Assembly of that State duly constituted under the

constitution), the Nomination Paper to be delivered to the returning Officer shall be in such form and manner as may be prescribed.

Provided that the said nomination paper shall be subscribed by the candidate as Assenting to the nomination , and –

- (A) In the case of a seat reserved for Sikkimese of Bhutia – Lepcha origin, also by at least twenty electors of the Constituency as proposers and twenty electors of the constituency as seconders.
- (B) In the case of a seat reserved for Sanghas , also by at least twenty electors of the Constituency as proposers and at least twenty electors of the Constituency as seconders.
- (C) In the case of a seat reserved for Sikkimese of Nepali origin an elector of the Constituency as proposer.

Provided further that no Nominatin Paper shall be delivered to the Returning Officer on a day which is a public holiday.

Section34:- _ In Section 34, in Sub section (@) , for “

“Under Sub – section (i) of Section 33”” Substitute “ under Sub –Section (I) or, as the case may be, Subsection (iA) of Section 33.”

Section 35- In Section 35, for “Under Sub Section(I)”

Substitute “Under Sub section(I) or, as the case may be , Sub section(I-A)”.

SIKKIM

GOVERNMENT.



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

Ex. Gaz

Gangtok, September, 8 1975

No. 28

**LEGISLATIVE DEPARTMENT
Notification .**

No. 1/L/75. – 8th September , 1975. – The following Act of the Sikkim Legislature having been assented to by the Governor on the 8th September 1975 , is hereby published for general information.

Sikkim Act I of 1975.

The Sikkim Cultivators Protection

(Temporary Provisions) Act 1975.

[Passed by the Sikkim Legislature]

ACT NO. 1 OF 1975

THE SIKKIM CULTIVATORS PROTECTION

(TEMPORARY PROVISIONS) ACT 1975

AN

ACT.

to make temporary provision for protection of cultivators against termination of cultivation of lands cultivated by them, for restoration of such lands in case of illegal termination, for limiting the liability of the cultivators and for other matters connected therewith.

WHEREAS it is expedient to make temporary provisions for protection for protection of the cultivators against termination of their cultivation of lands cultivated by them , for restoration of such lands in case of illegal termination, for limiting, the liability of the cultivators and for other matters connected therewith.:

It is hereby enacted as follows:-

- Short title, extent, Commencement And duration*
1. (1) This Act may be called the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975.
 - (2) It extends to the whole of Sikkim.
 - (4) It shall come into force at once and shall remain in force for a period of two years from the date of its commencement; but the State Government may, by notification in the Sikkim Government Gazette, extend the period of its duration for a further period not exceeding one year.
 - (5)
- Definitions:-*
2. In this Act, unless there is anything repugnant in the subject or context:
 - (1) "Agriculture Year", means the year commencing from the first Court:
 - (2) "Civil Court" does not include the High Court or the Supreme Court:
 - (3) "Cultivator" means a person who cultivates the land of another person on condition of payment of rent, in cash or in kind, or on condition of delivering or receiving share or any fixed quantity of the produce and includes a person who cultivates the land of another person on any terms and conditions except as a paid servant or hired labourer:
 - (4) "Owner" means a person whose land is cultivated by a cultivator:
 - (5) "Prescribed" means prescribed by rules made under this Act:
 - (6) "Prescribed Authority" means the District Officer within whose jurisdiction the land is situated and shall also include any other officer specially empowered by the State Government in this behalf.
- Act to prevail Over other laws, Ect. And Over riding Effect of the Act,*
- (1) The provision of this Act and or any rules made there under shall have effect nor withstanding anything to the contrary contained in any other law or in any custom, usage, contract or instrument.
 - (2) Any law or custom or usage having the force of law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act .
 - (3) Any other law in force immediately before the commencement of this Act shall cease to have effect in so far it is inconsistent with any of the provisions contained in this Act.
- Protection of Cultivators Against Termination of Cultivation And restoration Of land.*
4. (1) No owner shall be entitled to terminate the cultivation of his land by a cultivator except in execution of an order made by the prescribed authority on the ground that the cultivator has without any reasonable cause failed to cultivate the land
 - (2) Any order of adjustment passed under the provisions of this act shall be executed by the prescribed authority , but proper Compensation as may be determined by the prescribed authority shall be paid by the owner to the cultivator for his share of the standing crop, if any.
 - (3) If any owner terminates or causes to be terminated the cultivation of any land by a cultivator in contravention of the provisions of this Act, the prescribed authority shall , on receipt of any application made by or on behalf of the cultivator and after giving the cultivator and the owner an opportunity of being heard and after making such inquiries as he may deem necessary, by order direct____
 - (a) in a case where such land has not been cultivated or has been cultivated by the owner or by any person on his behalf other than a cultivator, that the land be immediately restored to the cultivator

and further that forty per cent of any produce of the land shall be forfeited to the State Government and the remaining sixty per cent of such produce shall be retained by the cultivator.

- (b) in a case where such land has been cultivated by a new cultivator engaged by the owner, that the land be restored at the end of the cultivation season to the applicant cultivator and further that the new cultivator shall retain fifty per cent of the produce harvested before restoration and make over the remaining fifty percent of such produce to the applicant cultivator.

*Limit of liability
Of cultivators*

5. For the cultivation of any land, no cultivator shall be required to pay or deliver to the owner and no owner shall be entitled to receive from the cultivator, more than half of the principal produce of the land or the price thereof; as the case may be, as rent or share or on any other account.

Surrender or

6. (1) If a cultivator:-
- a. Surrenders his right to cultivate in respect of land cultivated by him as a cultivator, or
 - b. Abandons cultivation of such land, the owner of the land shall give information in writing of such surrender or abandonment to the prescribed authority.
- (2) On receipt of such information the prescribed authority shall, after giving the cultivator and the owner an opportunity of being heard and making such inquiries as he may deem necessary, by order determine whether the cultivator voluntarily surrendered or abandoned his right of cultivation in relation to such land.
- (3) If the prescribed authority determine that the cultivator had not voluntarily surrendered or abandoned the cultivation of the land which was being cultivated by him as such and he had been compelled by force or otherwise to surrender or abandon the cultivation of such land, the prescribed authorities shall restore the cultivator to the cultivation of the land.
- (4) If the cultivator is not available or is not willing to be restored to the cultivation of such land, or if the prescribed authority determines that the cultivator had voluntarily surrendered or abandoned the cultivation of such land, the owner shall not resume personal cultivation of such land, but may, with the permission of the prescribed authority, have the land cultivated by another cultivator of the locality who is willing to cultivate the land as cultivator.

*Continuation of
Right of
Cultivation on
Cultivator's
Death.*

- 7 (1) Where a cultivator cultivating any land dies, the cultivation of such land may be continued for the remaining period of that agricultural year by the lawful heir of the cultivator and if such lawful heir continues the cultivation, he shall have all the rights and be subject to all the liabilities of a cultivator under this Act in respect of such remaining period.

- (2) Where :-
- (a) no lawful heir of the cultivator is in a position to cultivate the land personally, or
- (b) the lawful heir omits or fails to take any steps for the continuation of the cultivation of the land within fifteen days from the date of the death of the cultivator, or if the agricultural operations in the neighbouring lands are not then in progress, within fifteen days from the date of commencement of such operation, the cultivation of the land may be continued by such person as may be nominated by the owner.

*Cultivator and
The owner to
Receive their
Dues*

8. (1) If a cultivator fails or omits or neglects to pay the rent or share or fixed quantity of the product payable to the owner, the owner shall be entitled to recover such rent or produce due to him or its money value.
- (2) If he produce of any land cultivated by a cultivator whether owner shall be entitled to recover from, such owner the share or quantity of the produce due to him or its money value.

*Jurisdiction to
Decide certain
Disputes:*

9. Every dispute between a cultivator and the owner in respect of the following matter, namely:—
- (a) division or delivery of the produce or payment of rent,
- (b) recovery of rent, share or fixed quantity of the produce under the provisions of sub-section (1) or sub-section (2) of section 8.
- (c) termination of cultivation by the cultivator, shall be decided by the prescribed authority.

Appeal:

10. appeal shall lie within the prescribed period to an Appellate Officer to be appointed by the state Government against any final order of the prescribed authority made under this Act, except where such order was made by the prescribed authority with the consent of the parties to the dispute.

11. (1) The procedure to be followed by the prescribed authority or by the Appellate Officer shall be as may be prescribed.

*Procedure and
Execution*

- (2) An order made by prescribed authority or the Appellate Officer shall be executed by the prescribed authority in such manner as may be prescribed.

*Protection
To person*

12. No suit, prosecution or other legal proceedings shall lie against any persons for anything which is in good faith done or intended to be done under or in pursuance of the provisions of this Act, or the Sikkim Cultivators (Protection) Ordinance 1975.

*Bar of
Jurisdiction.*

13. No order or other proceedings whatsoever under this Act shall be questioned in any Civil Court and no Civil Court shall entertain any suit or proceeding in respect of any matter for which provision is made in this act.

*Power to make
Rules*

14. (1) The state Government may make rules for carrying out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters , namely:-

- (a) the period within which the cultivator shall pay or deliver to the owner the rent , or share or fixed quantity of the produce to which the owner is entitled under this act;
- (b) the period within which an appeal shall lie under Section 10 to an Appellate Officer;
- (c) the procedure to be followed by the prescribed authority or the appellate Officer;
- (d) the manner in which the final order by the prescribed authority or the Appellate Officer shall be executed;
- (e) any other matter required to be prescribed under this Act.

Repeal and Savings:

15. (1) The Sikkim Cultivators (Protection) Ordinance 1975 in hereby repealed.
(2) Notwithstanding the repeal of the said Ordinance any proceeding or remedy in respect of any right, privilege, obligation or liability under the said Ordinance and relating to the period before such repeal may be instituted, continued or enforced as if the said Ordinance had been in force and had not been repealed.
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BY ORDER OF THE GOVERNOR

**P.K.PRADHAN
SECRETARY TP THE
GOVERNMENT OF SIKKIM.**

SIKKIM



GOVT.

GAZETTE

(EXTRAORDINARY) PUBLISHED BY AUTHORITY

Ex. Gaz	Gangtok, September, 15 1975	No. 29
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HOME DEPARTMENT
Notification no 1760/H(E) 75
Dated 15th September , 1975

The Government of India (Election Commissioner of India)Notification No;3/6/68(i)-I dated 18th March 1968 as published in the Gazette of India are republished for general information.

New Delhi
18th march 1968

Notification No. 13/6/78(i)-1

In pursuance of clause (a) of article 84 and clause(a) of article 173 of the Constitution of India and in suppression of its notification No3/6/66 dated the 25th April,1967, the Election Commissioner hereby authorizes:-

- (i) the returning officer concerned and all the assistant returning officers subordinate to him
- (ii) all stipendiary presidency magistrates and all stipendiary magistrates of the first class ,and
- (iii) all district judges and all persons be longing to the judicial services of the State other than district judge.

As the persons before any one of whom a person having been nominated as a candidate(herein force for and to as the candidate) for election to fill a seat in the council of States, or in the House of the people , or in the Legislative Assembly of the State(other than Jammu and Kashmir), or in the Legislative Council ,or a State(other than Jammu and Kashmir)having Legislative Council, shall make and subscribe the oath or affirmation in the form set out for the purpose in the third schedule to the said constitution.

2. Notwithstanding anything contained in paragraph 1,in pursuance of clause(a)of the said article 84 and clause(a) of the said article 173 the Election Commission hereby also authorize as the person before whom the candidate may make and subscribe the said oath or affirmation,

- (a) Where the candidate is confirmed ina prison, the superintendent of the prison,
- (b) Where the candidate is under preventive detention, the commandant of the detention camp

- (c) Where the candidate is confined to bed in a hospital or elsewhere owing to illness or any cause, the medical superintendent in charge of the hospital or the medical practitioner attending on him,
- (d) Where the candidate is out of India, the diplomatic or consular representative of India in the country where the candidate happens to be or any person authorized by such diplomatic or consular representative,
- (e) Where the candidate is for any other reason unable to appear, or prevented from appearing before the returning officer concerned or any assistant or application made to it in this behalf.

EXPLANATION – In this notification.

- (1) the expression “the returning officer concerned “ means:-
 - (a) where a person has been nominated as a candidate for election to fill a seat in the House of the People from a parliamentary constituency of a seat in the Legislative Assembly of a State from an assembly constituency or a seat in the Legislative Council of a State from a council constituency , the returning officer for that constituency.
 - (b) where a person has been nominated as a candidate for election to fill a seat in the Council of States of the elected members of the Legislative Assembly of a State, the returning officer for that election.
 - (c) Where a person has been nominated as a candidate for election to fill a seat in the Legislative Council of a State by the members of the Legislative Assembly of that state , the returning officer for that election.
- (1A) the expression “district judge” and “judicial service shall have the meanings respectively assigned to them in article 236 of the Constitution of India.
- (2) the expression “parliamentary constituency” assembly constituency” and “council constituency” shall have the meanings respectively assigned to them in the Representation of the People Act, 1950 (43 of 1950)

BY ORDER

**(SIGNED) K.S.RAJAGOPALAN,
SECRETARY TO THE ELECTION COMMISSION OF
INDIA**

BY ORDER

**T.S.GYALTSEN,
CHIEF SECRETARY, GOVERNMENT OF SIKKIM**

SIKKIM



GOVT.

GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

Ex. Gaz	Gangtok, September, 15 1975	No. 29 A
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**HOME DEPARTMENT
Notification no 156/H 75
Dated 15th September , 1975**

Mr Chatur Sing Roy was declared elected as the Speaker of Sikkim Legislative Assembly on the 5th September ,1975.

R.K. GUPTA

**SECRETARY,
SIKKIM LEGISLATIVE ASSEMBLY.**

SIKKIM



GOVT.

GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

Ex. Gaz	Gangtok, September, 23, 1975	No. 30
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**HOME DEPARTMENT
(ELECTION)
Notification no 31/R.O.
Dated 23RD, September, 1975**

In pursuance of the provisions of Sub-Section (1) of section 29 of the Representation of the people Act, 1951, I.R.K. Gupta, Returning Officer for the election of the council of States by Members of the Sikkim Legislative Assembly, hereby fix, with the previous approval of the Election Commission, the Sikkim Legislative Chamber, Gangtok, as the place at which the Poll for the above election will be taken between 1.A.M. and 4 P.M. on 30th September, 1975.

R.K. GUPTA,

**Returning Officer
For Election to the Council of States**

SIKKIM



GOVERNMENT.

GAZETTE

(EXTRAORDINARY) PUBLISHED BY AUTHORITY

Ex. Gaz	Gangtok, September, 23, 1975	No. 32
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BILL NO 4 OF 1975 THE SIKKIM CONTINGEN

To make provisions for the establishment of a Municipal Corporation in Gangtok and matters connected therewith;

WGEREAS it is expedient to make provisions for the establishment of a Municipal Corporation at Gangtok and matters connected therewith.

It is hereby enacted as follows:-

CHAPTER I

Preliminary

*Short title,
extent and
commencement:*

- I, (1) This Act may be called the Gangtok Municipal Corporation Act, 1975,
- (2) It extends and applies to the town of Gangtok ; but the State Government may by notification extend all or any of the provisions of this Act to areas outside the town of Gangtok,
- (3) It shall come into force on such date as the state Government may by notification appoint.

Definitions:
“Bridge”
“buildings”

2. In this Act, unless there is anything repugnant in the subject or context –
- (1) “bridge” includes as culvert;
- (2) “buildings” includes a house, out house, stable, privy, urinal , shed, hut, wall (other than a boundary wall not exceeding ten feet in height) and any other such structure, whether of masonry, bricks, wood, mud metal or any other material what so ever , but does not include any temporary shed erected on ceremonial or festive occasion;

“Conservancy”

3. “conservancy means the removal and disposal of sewage, offensive matter and rubbish;

- “Dangerous disease”* 4. “dangerous disease” means-
- (a) cholera, plague, small-pox, cerebrospinal meningitis and diphtheria; and
 - (b) any other disease which the state Government may, by notification, declare to be a dangerous disease for all or any of the purpose of this Act.
- “Drain”* 5. “drain includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other such device for carrying of sullage, sewage, offensive matter, polluted water, rain water or sub-soil water;
- “Holding”* 6. “holding” means land held under one 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.
- “Hut”* Explosion: Holdings separate by a street or other means of communication shall be deemed to be adjoining within the meaning of this provision;
7. “Hut” means any building which is constructed principally of wood, bamboo, mud, leaves, grass or hatch and includes any temporary structure of whatever size or any small building (not being masonry building) of whatever material made;
- “Inhabitant”* 8. “Inhabitant” used with reference to any local area means any person ordinarily residing or carrying on business or owing or occupying immovable property therein;
- “Land”* 9. “land” includes benefits arising out of land, and things attached to the earth, or permanently fastened to any thing attached to the earth;
- “Market”* 10. “market” includes any place where persons assemble for the sale of any living thing intended for human food or of any article of food;
- “Notification”* 11. “notification” means a notification published in the official Gazette.
- “Occupier”* 12. “occupier” means any person for the time being in possession or deemed to be in possession of any land or building in respect of which the word is used and includes an owner living in, or otherwise using, his own land or building.
- “Owner”* 13. “owner” includes the person for the time being receiving the rent of any land or building or any part of any land or building whether on his own account or as a agent or as a receiver, or who would so receive such rent if the land building or part thereof were let to a tenant;
- “Prescribed”* 14. “prescribed” means prescribed by this Act or by rules or by laws made hereunder.
- “Private Street”*: 15. “private street” means any street road, lane, gully, alley, passage or square which is not a public street as defined in this Section but does not include a passage securing access to less than four premises, or a passage provided in effecting the partition of any building amongst joint-owner;
- “Public Street”* 16. “public street” means any street, road, lane, gully, alley, passage, pathway,

square or court, whether a thoroughfare or not, over which the public have a right of way, and includes-

- (a) the roadway over any public bridge or causeway,
- (b) the footway attached to any such street, public bridge or causeway,
- (c) the passage connecting two public streets and
- (d) the drains attached to any such street, public bridge or causeway, and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all and up to the boundary wall, hedge or pillar of the premises, if any, abutting on the street, or if a street alignment has been fixed, then up to the alignment;

- “Sewage” 17. “sewage” means night soil and other contents of privies, urinals cesspools or drains and includes trade effluent and discharges from manufactories of all kinds;
- “Slaughter house” 18. “slaughter house” means any place used for the slaughter of cattle, sheep, goat, kids or pigs for the purpose of selling the flesh thereof as meat:
- “Year” 19. “year” means a year beginning on the first day of April.

CHAPTER II

The Municipal Authorities.

- Constitution and InCorporation of corporation and number of councilors.* 3. 1. The shall be established for the town of Gangtok a Municipal Corporation. consisting of such number of councilors not exceeding nine in number as the State Government may specify in the notification constituting the Corporation. The boundaries of the Corporation shall be specified in the notification and may, by notification be altered by the State Government from time to time.
1. The corporation shall be a body corporate by the name of he Gangtok Municipal Corporaion having perpetual succession and a common seal and by that name shall sue and be sued.
 2. The first Councilors shall be nominated by the Government by notification and shall hold office for four years commencing fom the date of he first meeting of the newly formed corporation after the notification a which a quorum is present.
 3. Subject to the provision of sub-section (3), the Councillors shall be elected in the manner prescribed by rules made by the State Governmentand shall hold office for four years commencing from the date of he first meeting of the corporation after such election a which a quorum is present.
- Power o divide cor- Poration into wards And fix the number of Councilors of each ward* 4. The State government may, by notification, divide the Corporation into wards and for the purpose of the election of the councilors determine the number of Councilors to be elected from each such Ward.
- Disqualifcation far Being a Councilor* 5 (i) A person shall not be eligible for nomination or elect6ion as a councilor if such person-

- (a) has been adjudged by a competent Court to be of unsound mind; or
- (b) is under twenty one years of age; or
- (c) is an undischarged insolvent, or
- (d) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part ;or
- (e) is a municipal office or servant or holds any office of profit under he Corporation ; or
- (f) has directly or indirectly by himself or by his partner or employee or any employee , any share or interest in any contract or employment with , by, or on behalf of, the Corporation ; or
- (g) is in arrears for more than six months in payment of any rate or tax.
- (ii) If any person is or has been convicted by a Criminal Court of an offence punishable with imprisonment for a period of more than six moths, such person shall no be eligible for election or nomination for five years from he date of expiration of the sentence:
 Provided that , on application made by a person disqualified under this sub-section , the state government shall by an order made in this behalf remove the disqualification if in the opinion of he State Government the offence does not involve moral turpitude.

Oath of allegiance to 6. Every person who is nominated or elected as Councilor shall before taking his seat make and subcribe before such officer as the State Government may authorize in this behalf an oath or affirmation in the following form, namely , “I, A.B., having been nominated / elected a councilor of the Gangtok Municipal , Corporation , 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 ha I will faithfully discharge the duties upon which I am about to enter”.

Be taken by the Councilors

Election of Chairman 7. At the first meeting of the Corporation , the councilors, after making and subscribing the oath of allegiance under Section 6 shall appoint one of their member to preside a the meeting and shall proceed to elect a Chairman and a Vice Chairman of the Corporation.

And Vice Chairman

*Removal of Councillors*8. (i) The State Government may remove a Councilor-

- (a) if the removal is recommended by a resolution of the Corporation passed a special meeting called for the purpose and supported by he Votes of not less than two thirds of he total number of the councilors of the Corporation holding office for the time being;or
- (b) if he has been declared by the State Government by notification issued after due enquiry o have violated his oath of allegiance; or
- (c) if he absents himself from the meetings of the Corporation for six months continuously without having obtained permission from the Chairman , or in his absence from the Vice chairman; or
- (d) if he refuses to act or becomes incapable of acting or is declared in solvent or if, after his appointment as Councillor , he is convicted of an offence which in the opinion of the State Government involves moral turpitude; or
- (e) if he acquires or continues to have directly or indirectly by himself or his partner or his agent , any share or interest in any contract or employment with,

by or on behalf of the Corporation or holds any office of profit under the Corporation; or

(f) if he is in arrears for more than one year in payment of rates and taxes payable under his Act.

(2) Before removing a councillor under sub-section (i), the State Government shall allow the councillor concerned an opportunity of being heard.

(3) All acts and proceedings of any councillor shall, if done previously to such removal, be valid and effectual to all intents and purposes.

Appointment of Subordinate Officer

(1) The Corporation may subject to the provision of this Act and the rules made thereunder from time to time determine what officers and other servants of the Corporation are necessary for the Corporation and may make appointments of such officers and servants and fix their salaries and allowances.

(2) The Corporation may delegate to the Chairman the power to appoint and dismiss such officers and servants as it may deem fit.

(3) No appointment to and dismissal from the post of any officer or servant carrying a monthly salary of rising by periodical increments to more than three hundred rupees shall be made by the Corporation under sub-section (1) or by the Chairman under sub-section (2) without the approval of the State Government.

(4) No person shall be eligible for employment as an officer or servant of the Corporation if he has, directly or indirectly by himself or his partner or employer or employee, any share or interest in any contract or employment with, by, or on behalf of the Corporation and if any such officer or servant subsequently acquires such share or interest he may be removed from service in accordance with rules which may be prescribed.

Appointment of Executive Officer by the State Government

(1) The State Government may, after consulting with the councillors, if it thinks necessary so to do in the public interest, appoint by notification, an Executive Officer for the Corporation and shall make such appointment if in its opinion the affairs of the Corporation are not properly managed or can not be managed in accordance with law, for such period as may be specified in the notification.

(2) The Executive Officer shall be paid out of the Municipal Fund such salary and allowance as may from time to time be fixed by the State Government.

(3) The Executive Officer appointed under this section shall exercise such power of the Chairman or of the Corporation as may be conferred on him by notification by the State Government and on such notification such powers shall cease to be exercisable by the Chairman or by the Corporation as the case may be.

(4) The Corporation may delegate to the Executive Officer all or any of the powers of the Corporation.

(5) The State Government may at any time suspend, remove, dismiss or otherwise punish the Executive Officer appointed under this Section.

Power of the Executive Officer

(1) The Executive Officer shall be the principal executive officer of the Corporation and all other officers and servants of the Corporation shall be subordinate to him. He shall have the same right of being present at a meeting of the Corporation or any special or standing committee, and of taking part in the discussion thereat as

if he was a councilor or a member of the committee, but he shall not be entitled to vote at such meeting.

(2) Subject to the provisions of sub-section (3) and sub section (4) of section 10, the Executive Officer shall act in respect of all other matters under the direction of the Chairman through whom he shall be responsible to the Corporation .

Power to make rules(12) The Corporation may, subject to the sanction of the State Government, make rules as to-

- (i) the appointment , leave, duties, condition or service , disciplinary proceedings, punishment or dismissal and removal of the officers and servants of the Corporation
- (ii) the granting of pensions, gratitudes, bonuses or other grants and allowances to or for the officers and servants of the Corporation out of the Municipal funds.

- (iii) the creation and management of a provident fund or annuity fund, for compelling contributions to such provident or annuity fund on the part of their officers and servants, and for supplementing such contributions out of the municipal fund;

- (iv) the nature and amount of security to be furnished by different classes of officers and servants of the corporation for the proper discharge of their duties;

- (v) the payment to be made out of the Municipal Fund to the Chairman, Vice –chairman , councilors and officers and servant of the Corporation for traveling expenses as may be incurred in performing journeys for carrying out for purposes of this Act.

Meeting and(13) (1) The chairman or in his absence, the Vice –Chairman shall call a meeting of the Corporation at least once in every month.

Persons to Preside as meeting

(2) The Chairman or in his absence the Vice-Chairman shall call a special meeting of the corporation on a requisition signed by not less than one third of the total number of Councillors; if the chairman or Vice –chairman fails to give notice a special meeting to be held within fifteen days after such requisition has been made, the meeting may be called on seven days notice by the councilors signing the requisition.

(3) The Chairman, or in the absence, the Vice-Chairman shall preside at every meeting and in the absence of both the Chairman and Vice-chairman , the Councillor shall choose one of their member to preside.

Decisions of(14) (1) All questions which may come before the Corporation at a meeting shall be decided by a majority of votes and in case of equality of votes, the person presiding shall and have a second or casting vote.

Of question
And casting vote

(2) No Councillor shall vote on any matter affecting his own pecuniary interest or on any question exclusively relating to his liability to any tax, rate, toll or fee or any assessment of himself or valuation of any property in which he is in any way interested as owner, manager or agent or otherwise.

Quorum and(15)(1) No business shall be transacted in any meeting of the Corporation unless a quorum shall be present

Adjournment
For wants of
Quorum:

(2) One –third of the total number of the councilors holding office for the time being shall be the quorum; provided that in case where the total number of Councillors holding office for the time being is not evenly divisible by three, the one third shall be ascertained by taking the number next above such total number which is evenly divisible by three , as the number to be divided.

(3) If at the appointed time for a meeting, or within half an hour thereafter, a quorum is not present, the meeting shall be adjourned to some future day to be appointed by the Chairman or, in his absence, by the Vice –Chairman and three day’s notice of such adjourned meeting shall be given, and no quorum shall be necessary for such adjourned meeting

Notice of meeting and minutes of proceedings: (16) (1) A list of the business to be transacted at a meeting and, in the case of a meeting called on a requisition , the terms of the requisition, shall be sent to every Councillor at least three days before the date appointed for the meeting and no business of which such notice has not been given shall be brought forward at a meeting.

(2) Minutes of the proceedings of all meetings of the corporation, in which shall be recorded inter alia the names of all the Councillors present , and the person presiding, shall be entered into a book to be kept for the purpose and shall be signed by the person presiding over the meeting and such book shall be open to inspection of the tax payers.

(4) The minutes shall be laid before the next meeting of the Corporation for confirmation and shall be also signed by the person presiding at such meeting.

(5)

Formation of standing Committee (17) (1) The Corporation may from time to time appoint standing committees and by specific resolution delegate to, or withdraw from, such committees any of its functions , power and duties.

(2) Each standing committee shall consist of Councillors who shall not be less than two thirds of the total number of the members of the committee and such other person not exceeding one third in numbers as the Corporation at a meeting may, from time to time determine and nominate for this purpose.

(3) All the proceedings of any such committee shall be subject to confirmation or modification by the corporation unless in special case the corporation at a meeting otherwise directs.

(6) All questions regarding the removal or resignation of members of committee shall be decided by the Corporation.

Formation of Joints committee (18) (1) The corporation may join with any other local authority in constituting out of their respective bodies a joint committee for any purpose in which they may be jointly interested and in delegating to any such joint committee any power which might be exercised by the Corporation or any of the local authorities concerned.

(2) Such joint committee may, from time to time , make rules as to its proceedings and as to the conduct of correspondence relating to the purpose for which it is constituted.

Decision of Disputes between Local authorities: (19) If a dispute arises between the Corporation and any other local authority on any matter in which they are jointly interested, such dispute shall be referred to the State Government whose decision shall be final and shall not be questioned in any Court.

Power to make Rules as to business Of Corporation and the Committee: (20) the corporation may, subject to the sanction of the State Government, make rules as to

- (a) the time of its meeting, the business to be transacted at meetings and the period of notice of meetings and the manner in which such notice shall be given.
- (b) The conduct and control of proceedings at meetings, the due record of all discussion and dissents and the adjournment of meetings;
- (c) The custody of the common seal;
- (d) The division of duties among the Councillors and the power to be exercised by the Councillors to whom particular duties are assigned;
- (e) The manner of appointment and the constitution of committees and the regulations and conduct of their business; and
- (f) The delegation of powers or duties to committees or to the Chairman of a committee.

Validation of Acts and proceedings: (21) (1) No act done or proceedings taken under this act shall be questioned on the ground of merely of-

- (a) the existence of any vacancy in or any defect in the constitution of the corporation or any standing, joint or other committees or any disqualification in less than half of the councillors or members of the committee present when the act or proceeding was done or taken;
- (b) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Corporation, or any of the standing, joint or other committees, the minutes of the proceedings of which have been duly signed by the person presiding over the meeting, shall be deemed to have been duly convened and when the minutes are confirmed at the subsequent meeting shall be deemed to be free from all defects and irregularities and the accidental omission to serve notice of a meeting on any councillor shall not affect the validity of the meeting.

CHAPTER III.

Municipal property and finance.

Corporation may Acquire and dispose Property: (22) The Corporation may acquire by gift, purchase or otherwise and hold property whether movable or immovable within or without the limits of the Corporation may also sell or otherwise dispose of such property in pursuance of a resolution at a meeting.

Property of the Corporation (23) (1) All the property within the limits of the corporation of the nature hereinafter in this section specified, other than property owned or maintained by the central or the State Government or any other local authority, shall vest in and belong to the Corporation and shall with all other property of whatsoever nature or kind which may become vested in the Corporation, be under its direction, management and control, that is to say__

- (a) all public streets and all things connected with or provided for such streets;
- (b) all public channel , water courses, springs , tanks, reservoirs, cisterns, walls and other water-works , bridgees, building and all other materials or things connected therewith,
- (c) all public sewers and drains and all works, materials and things appertaining thereto and other conservancy works.
- (d) All sewage, rubbish and offensive matters deposited on streets or collected by the Corporation from streets , latrines, urinals, sewers, cess – pools and other places;
- (e) All public lamps, lamp-posts and apparatus connected therewith or appertaining thereto; and
- (f) All buildings erected by the Corporation and all lands, buildings or other property transferred to the Corporation or acquired by gift, purchase or otherwise.

(3) The State Government may, by notification , exclude any street, bridge, sewer or drain from the operation of the Act or any specified provision of this Act.

Execution of contracts

24 (1) The Corporation may enter into and perform any contract necessary for the prupose of this Act.

(2) Every contract made on behalf of the Corporation in respect of any sum exceeding five hundred rupees or which shall involve a value exceeding five hundred rupees shall be sanctioned by the Corporation at a meeting and shall be in writing and signed by at least two Councillors, one of whom shall be the Chairman or Vice-chairman and shall be sealed with the Common seal of the Corporation and unless so executed, such contract shall not be binding on the corporation.

THE MUNICIPAL FUND

Municipal fund: (25) (1) There shall be one Municipal Fund held by the Corporation in trust for the purpose of this Act to which all sums realized or reliable under this Act and all sums otherwise received by the Corporation shall be credited.

(2)Unless the state Government otherwise directs, all sums received on account of the Municipal Fund shall be paid into a Government Treasury or into any Bank used as a Government Treasury and shall be credited to an accountant to be called he account of the Gangtok Municipal Corporation.

(3) All sums from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the purpose of this Act or of which payment is duly directed or sanctioned by or under any of the provisions of this Act or payment of which is directed or sanctioned by the corporation with the approval of the State Government.

Budget:

(26) (1) At least two moths before the close of the year, the Corporation shall have prepared a completer accountant of the actual and expected receipts and expenditure for that year together with a budget estimate of the income and expenditure of the Corporation for the next year.

(2) When the budget has been passed at a meeting , the Corporation shall obtain the approval of the State Government and shall not incur any expenditure except in accordance with the budget approved by the state Government.

(3) A revised or supplementary budget may be passed by the Corporation in the course of the year and, if approved by the State Government , the Corporation may incur expenditure in accordance with the revised supplementary budget .

Power of make Rules (27) The State Government may make rules;

- (a) to regulate the application of the Municipal Fund to the purposes to which it is applicable;
- (b) to regulate the keeping, checking and publication of accounts and periodical audit thereof;
- (c) to regulate the preparation of the budget estimate including revised or supplementary budget estimate and the expenditure of money for purpose provided therein;
- (d) to provide for the retention of adequate working and closing balances;
- (e) to regulate the preparation, submission and publication or of returns, statements and reports by the corporation and to prescribe registers and forms;
- (f) to determine the person by whom orders for payment of money fro the Municipal Fund may be signed, how such payment shall be made and by whom receipts may be given;
- (g) to provide for the supply of certified copies of municipal records to the public and the levy of fees for such supply.

CHAPTER IV.

MUNICIPAL TAXATION

Power to Impose Taxes

- (28) The Corporation may, from time to time at a meeting convened expressly for the purpose, subject to the provision of the Act, impose within the limits of the Corporation the following rates, taxes and fees or any of them;
- (a) a rate on holdings except holdings belonging to state and Central Governments situated within the limits of the Corporation assessed on their annual value;
 - (b) a conservancy rate on the annual value of holdings;
 - (c) a water rate on the annual value of the holdings;
 - (d) a tax on trades, profession and callings;
 - (e) any other tax, rate or fees which the Corporation is empowered to impose under any law for the time being in force.

Annual value of Holdings:

29. (1) The annual value of a holding shall be deemed to be the gross annual rental at which the holding may reasonably be expected to let.
- (2) If such gross annual rental cannot be easily estimated or ascertained, the annual value of such holding shall be deemed to be an amount which may be equal to but not exceeding seven and half percentum on the value of the building or buildings on such holding at the time of assessment plus a reasonable ground rent for the land comprised in the holding.
- (3) The value of any machinery or furniture which may be on a holding shall not be taken into consideration in estimating the annual value of such holding under this section.

Restriction on the Imposition of rates

30. (1) The rate on holding shall not exceed fifteen percentum on the annual value of holdings;
- (2) The Corporation at a meeting may, either wholly or partially, exempt from the rate on holdings any holding which is used exclusively as a place of public worship or for purpose of public charity or as public burial or burning ground under this Act or as a mortuary.
- (3) The water rate shall not be levied at more than seven and half percentum and shall be imposed only on holdings within an area for the supply of water to which the Corporation has made arrangements.
- (6) The conservancy rate shall not be levied at more than ten per centum on the annual value of the holdings and the Corporation shall make arrangements for the cleansing of all latrines, urinals and cess-pools. A rebate of seventy five percentum of the conservancy rate levied on a holding shall be allowed if the holding is provided with necessary sanitary type latrines in working order and with no service privy or service-urinal.

Preparation of valuation lists:

- 31.(1) When it has been decided to impose any rate to be assessed on the annual value of holdings, the corporation at a meeting shall appoint as assessor for the purpose who shall determine annual value of all buildings within the Corporation and shall enter such value in a valuation list.
- (2) A new valuation lists shall unless otherwise ordered by the State Government be prepared in the same manner once in every five years.

Determination of Percentage of rate Of holding & Preparation of assessment lists:

32. (1) The corporation at a meeting to be held before the close of the year next preceding the year to which the rate will apply shall determine the percentage on the valuation of holdings at which any rate on the annual value of holdings shall be levied and the percentage so fixed shall remain in force until the Corporation at a meeting shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year.
- (2) As soon as possible after the percentage at which the rate or rates shall be levied for the next year has been determine under sub-section (1) , the Corporation shall cause to be prepared by the assessor an assessment list, which shall contain the following particulars and any other which the Corporation may think proper to include4:-
- (a) the name and / or number and other particulars of the street in which the holding is situated.
 - (b) The number of the holding on the register;
 - (c) A description of the holding;
 - (d) The annual value of the holdings
 - (e) The name of the owner and occupier;
 - (f) The amount of rate payable for the year showing each rate separately.
 - (g) The amount of quarterly installment ;

Amendment and alteration of lists reduction or Remission of Rates:

33. (1) The Corporation at a meeting may for good and sufficient reason recorded in writing, at any time, direct alteration or amendment of the assessment list. *By and* revaluing or re-assessing any building.
- (2) The Corporation at a meeting may reduce or remit the amount payable as rate or rates on account of any holding. If it is satisfied that the levy of such rate or rates would be productive of excessive hardship to the person liable to pay the same.

Publication of Notice Of Assessment & Review

34. (1) When the assessment lists mentioned in section 32 has been prepared or reviewed , the Chairman shall sigh the same and shall cause it to be deposited in the office of the corporation and shall also give notice of assessment to the owners or occupiers in respect of their respective holdings,.
- (2) Any person who is dissatisfied with the amount of assessment in respect of his holding or disputes his liability to be assessed, may apply to the Corporation to review the amount of assessment or valuation or to exempt him from the assessment of rate and such application shall be disposed of by the Corporation at a meeting or by any committee constituted and authorized

by the Corporation by a resolution.

- (3) No such application shall be received after the expiration of 60 days from the date of service of the notice under sub-section (1)
- (4) An appeal against any decision under subsection (2) may be filed within 30 days from the date of such decision before the District officer within whose jurisdiction the Corporation is situated, and the decision on appeal shall be final and shall not be questioned in any court.

Tax to be paid quarterly in advance & notice Of Demand.

35. (1) The rate or rates assessed shall be payable by the owner in quarterly installment and every such installment shall be due in the first day of the quarter in respect of which it is payable.
- (2) As soon as may be after any sum has become due on account of any tax, rate or fee, the Corporation shall cause to be presented to the persons liable a notice of demand in the prescribed form.

Levy by Distress & Realization by suit:

36. (1) If any person does not within sixty days of the service of a notice of demand under sub-section (2) of Section 35 pay the sum due either at the office of the Corporation or to some person authorized by the Corporation in this behalf or show sufficient cause for not paying the same, the amount of the arrear due along with interest at the rate of twelve percent per annum and with costs, may, at any time be levied by distress and sale of any movable property belonging to the defaulter except plough, plough – cattle, tools or implements of agricultural or trade.
- (2) In the event of failure to recover the whole or any part of the sum due by distress and sale under sub-section (1) the Corporation may sue the person liable to pay the same in any Court of Competent jurisdiction.

Tax on profession, Trades & Callings:

37. When it has been determined that a tax shall be imposed on any profession, trade or callings, every person who exercise within the Corporation either by Himself or by an agent or representative any such profession, trade or calling shall take out a yearly license and pay the taxes may be imposed by the Corporation which shall be realized in quarterly instalments.

Power of Govt. to direct Corporation to make Payment to the Department Government;

38. The State Government may by notification direct that the works as may be specified in the notification may be continued to be undertaken by the concerned departments of the State Government within the limits of the of the Corporation and that so long such works will be so continued to be undertaken by the concerned department of the State Government, a portion of the taxes collected by the Corporation as may be fixed by the State Government shall be paid by the Corporation to the departments concerned.

- Power to make Rules:* 39. The State Government may make rules-
- (a) prescribing the qualification of and the procedure to be followed by, an assess or appointed under this Act;
 - (b) prescribing the procedure to be followed for reviewing assessment;
 - (c) prescribing the form of notice of demand under sub-section (2) of Section 35 and fixing the fees payable in connection with distress under this Act;
 - (d) prescribing the conditions and limitations under which a license may be granted for the purpose of a tax on trades , professions and callings ;
 - (e) regulating any other matter relating to tax , fees or rates in respect of which this Act make no provision or insufficient provision and for which provision is, in the opinion of the State Government , necessary-

CHAPTER V , Streets.

- Power of corporation
To lay out, make impro-
vements of & close Public
Streets:* 40. The Corporation in pursuance of a decision arrived at a meeting may
- (a) lay out new streets, squares and gardens;
 - (b) construct new bridges, causeways, culverts, and subways;
 - (c) turn divert or temporarily or permanently close any public square, street or garden;
 - (d) widen, open, enlarge or otherwise improve any public street, square or garden;
 - (e) pass order regulating or prohibiting any disruption of traffic on any particular or public streets or on public streets in general or preventing obstruction, encroachment or excavation on or near such street or streets.

CHAPTER VI

Conservancy and Drainage.

- Duties of corporation
For conservancy & for
The removal of
Drainage* 41. The Corporation shall provide for the removal-
- (a) of sewage , rubbish and offensive matters from all public latrines, urinal and drains and from all public streets and other property vested in the Corporation.
 - (b) if a conservancy – rate has been imposed under Section 28 of sewage and offensive matters from all private latrines, urinals and cesspools.
- Appointed Hour for
Placing rubbish etc.
On public street:* 42. (1) The corporation at a meeting may from time to time publish an order prescribing the hours within which only an owner or occupier of any house or lands, in a proper receptacle provided by the Corporation in order that such rubbish or offensive matters may be removed by the servants of the Corporation.
- (2) No person shall place or cause to be placed rubbish or offensive matters on a public street at other than the times appointed and except in the receptacles provided for by the corporation under sub-section (1)

Corporation to provide Water Supply and Lighting.
Water supply and Lighting .

- (43) (1) It shall be lawful for the Corporation-
- (a) to provide a sufficient supply of water for the domestic use of the inhabitants;
 - (b) to cause the public streets to be sufficiently lighted.
- (2) If a water –rate has been imposed under Section 28, the Corporation shall provide a sufficient supply of water for the domestic use of the inhabitants;
- (3) If lighting – rate has been imposed under section 28 , the Corporation shall cause he public streets to be sufficiently lighted.

CHAPTER VII

Buildings.

Building-sies & erection of buildings: 44. No piece of land shall be used as a site for the erection of a building and no building shall be erected otherwise than in accordance with the provision of this Chapter and of any rule or by law made under this Act, relating to the use of building sites or to the erection of buildings, as the case may be.

*Application of Sanction:*45. Every person who intends to erect a building shall first submit an application in the forms prescribed to the Corporation together with such plans, specification and other particulars as may be prescribed in any rule or by law made in this behalf by the Corporation.

Permission to Execute Work when to be given At effused 46. (1) Within thirty days after the receipt of any application made under section 45 or of any information or documents, which the Corporation may reasonably require, the applicant to furnish before deciding whether permission shall be granted to execute any work under the aforesaid section, the Corporation shall by written order, either-

- (a) grant permission conditionally or unconditionally to execute the work, or
- (b) refuse permission on the ground that the plans, specifications and other particulars are not in conformity with the rules or by laws made in this behalf or that the proposed buildings is likely to affect the safety of the site or its adjoining area or privilege, safety or sanitation of any neighboring building or buildings or of the locality.

(2) When the Corporation grants permission conditionally under clause (a) of sub section (1) , it may in regard there to impose such conditions , consistent with this Act , as it may think fit.

(3)The decision of the Corporation in the matter of granting or not granting the permission as stated above shall be final and shall no be questioned in any court.

*Duration and expiry
Of permission to
Erect a building:*

47. (1) A permission to erect a building granted under section 46 shall, unless it is renewed on an application made to the corporation for this only for two years after the date on which it is granted, unless the work of erection has been commenced within that period but in any case shall not continue for a period longer than three years from the said date unless it is so renewed.

(2) Any person who erects a building or continues the work of erection of a building, when the permission granted therefore has expired, shall be deemed to erect such building or to continue such work without sanction.

*Application of Act to
Alteration or addition*

48. (1) The provision of this chapter and any rules or by-laws made under this act relating to the erection of buildings, shall also apply to every building material alterations of or additions to, any building, but shall not apply to necessary repairs not involving any on the works which constitute a material alteration or addition,.

(2) An alteration or addition in or to a building shall, for the purpose of this Chapter and of any rule or by laws made under this Act, be deemed to be material if-

(a) it increases or diminishes the height of, the area covered by or the cubical capacity of the building or any part thereof ; or

(b) it 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 ;or

(c) it converts into a place for human habitation a building or part of a building originally constructed for other purpose; or

(d) it is an alteration or addition declared by any rule or by laws made in this behalf to be a material alteration or addition.

(3) If any question arises as to whether any addition or alteration is necessary repairs not affecting the position, safety, stability, use, sanitary, condition or dimension of a building or room such question shall be referred to the corporation at a meeting and the decision of the Corporation shall be final.

*Order for demolition of
building*

49. if any building or part of any building has been commenced or alteration of constructed not in conformity with the provisions of this Chapter or any rules or by laws made in relation to buildings, the Corporation may, in addition to any prosecution that may be instituted under this Act, apply to a Magistrate and the Magistrate may order such building or such portion thereof as the case may be to be demolished after giving the owner of such building an opportunity of being heard and of adducing evidence, if he is satisfied that the building or the portion thereof is affecting or is likely to affect the health or comfort of the owner or occupier of any other building or the sanitation of the safety of any other building, or the site or has encroached upon any public street,

Power to make rules

50. The Corporation may make rules relating to submission and disposal of applications for the plans specifications and other matter in respect of building and any other matter which it may deem necessary for carrying out the provision of this Chapter.

CHAPTER VIII

Insanitary and Dangerous Property

Power to direct the Filling up etc. of Unwholesome wells, Ditches etc.

51.(1) When-

- (a) any ditch, pool well, tank, pond, pit or marshy or undrained ground ;or
- (b) any cistern reservoir or water tank or any other receptacle or place where water is stored or accumulated; or
- (c) any waste stagnant water, whether within any private enclosure or not,

Appears to the corporation to be or to be likely to become injurious to health or offensive to the neighbourhood, the Corporation may by written notice require the owner or occupier of the land or building to which such ditch, pool well cistern reservoir or receptacle pertains, or of the land, as the case may be, in which such pool, ditch, tank, pond, pit ground , place is situated at the expense of such owner or occupier-

- i. to cleanse the same; or
- ii. to re-exchange the same ; or
- iii. to fill up the same with suitable materials; or
- iv. to drain off or to remove water from the same; or
- v. to take such other order therewith as the Corporation may deem necessary within such period as may be specified in the notice.

(4) If the owner or occupier fails to comply with the notice under subsection (1) the Corporation shall be entitled to get the works done and recover the cost incurred therefore from the owner or occupier as the case may be as if it were arrear of rate payable under this Act.

Procedure in case of Buildings deemed human habitation.

52. (1) If, for any reason , any building or portion of a building intended for, or used as , a dwelling place appears to the Corporation to be unfit for human habitation, the Corporation may by notice require the owner or occupier of such building to make such alteration as the Corporation may think necessary in the building in order to make it fit for human habitation.

(2) If after one month after the service of the notice under sub-section (1) it appears to the Corporation that the building has not been rendered fit for human habitation , and that the necessary steps are not being taken with all due diligence to render it so fit, the Corporation may apply to a Magistrate to prohibit the further use of such building or portion thereof as the case may be or to execute such work as in the opinion of the Magistrate may be necessary to render the building fit for human habitation.

*Prevention of danger
From ruinous buildings
Etc.*

53. Notwithstanding anything contained in this Act, where it appears to the Corporation that immediate action is necessary for the purpose of preventing imminent danger to person or property from any building , wall bank or other structures or anything affixed thereto, or to remove any tree or other things which appears to the Corporation to be a source of imminent danger to person or property, the Corporation may take such immediate action as it may deem fit; and such a case, it shall not be necessary for the Corporation to give notice

or to apply to the Magistrate, if it appears to the Corporation that the object of taking such immediate action would be defeated by the delay incurred in giving notice or apply to the Magistrate.

CHAPTER IX.

Offensive and Dangerous Trades , Occupation or Processes

*Power of prohibit
certain offensive
& Dangerous trades
without Licenses.*

54. (1) No person shall use or permit to be used any place within such local limits as may be fixed by the Corporation at a meeting without a licence from the Corporation (which shall be renewable annually) for any of the following purposes, namely.

- (i) for the slaughter of animals, or for the skinning or disemboweling of animals for purposes other than human consumption;
Provided that this clause shall not apply to slaughter of animals for a bonafide religious purpose or on a ceremonial occasion or
- (ii) for storing hides, horns or skins; or
- (iii) for boiling or storing offal, blood , bones, or rags; or
- (iv) for melting tallow ; or
- (v) for tanning or for the manufacture of leather goods; or
- (vi) for oil – boiling; or
- (vii) for soap making; or
- (viii) for burning or baking bricks, pottery, or lime whether for trade of private purpose ; or
- (ix) as a depot for trade in coal or coke; or
- (x) for storing kerosene, petroleum , naphtha, or any inflammable oil or oil or spirit; or
- (xi) for trading in, or storing for other than his own domestic use , hay straw, wood thatching grass, jute or other dangerously inflammable materials.

*Licensing for keeping
& Horses etc.*

55.. No dairyman, milkman or stable – keeper shall keep cattle, ponies, cattle horses or other four footed animals for the purpose of trade or business Except in a place licenced by the Corporation.

*Condition for keeping
Sheep and Goats*

56. (1) Within such limits as the corporation at a meeting may direct , no Pigs, : person shall keep pigs or in any place more than twenty sheep or twenty goats without a licence from the Corporation which shall be renewal annually.
(2) The Corporation , at a meeting, may charge an annual fee not exceeding two rupee for such license and in respect of such licence may impose such condition a fencing, rainage, paving, cleansing and other matters for the regulation of such Places as the Corporation may deem fit.

*Power to make Bye
regulating places Used
for offensive trades, Etc.*

57. The Corporation may make bye- laws regulating places used for laws offensive or dangerous trades.

CHAPTER X Fairs and Melas

*Power of Corporation
To grant licenses for
or Melas*

58. The Corporation at a meeting may require the owner or lessee of a fair or mela or an owner or a lessee of land intending to hold a fair or Fairs mela thereon, to obtain a license in this behalf from the corporation on such terms and conditions and on payment or such fee as may be prescribed.

Rules for Fairs & Melas

59. The State Government may make rules regulating the granting of licenses for holding fairs and melas and fixing the fees in respect thereof.

CHAPTER XI Market and Slaughter Plaae.

*Power to provide and
Maintain municipal
Markets, slaughter-house
yards:*

60. The Corporation at a meeting may-
(a) construct, purchase , or take on lease or otherwise acquire any land or building for the purpose of establishing a municipal market or and stock municipal slaughter house or municipal stock yards or of extending or Improving any existing municipal market, municipal slaughter –house or municipal stock –yard, and
(c) from time to time build and maintain such municipal markets, municipal slaughter –house and municipal stock –yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets, slaughter – house or stocks –yards and charge rents, tolls and fees for the right to expose good for sale in such market and for the use of shops, stalls, slaughter-house , stock-yards and standings therein.

- Power to close Municipal slaughter House and stock yards*
61. The Corporation at a meeting may , at any time, in the interest of markets, public, temporarily or permanently, close any municipal market municipal slaughter house or municipal stock-yard or any portion thereof.
- Prohibition of use of Municipal market Without permission*
62. No person shall, without the permission of the corporation , sell or expose for sale any living thing or any article within a municipal market.
- Power of permit for Opening or running Of private market:*
63. if the Corporation publishes an order in this behalf, no person shall establish a new private market or continue to run any existing private market, for the purpose of sale or exposing for sale any article of human food except with the sanction of the Corporation and in conformity with the terms of a license granted by the Corporation.
- Licencing of private Slaughter-houses and Prohibition:*
64. (i) The Corporation may, subject to such terms and conditions as may be prescribed , grant and withdraw licences for the use of any premises for the slaughter of animals for the sale of their flesh for human consumption.
- (ii) No person shall slaughter any animal for the sale of its flesh for human consumption within the corporation at any place other than a municipal slaughter house or a slaughter-house licenced under sub section (1)
- Duration of License:*
65. Every licence granted under this Chapter shall be in force until the end of the year during which it is granted.

CHAPTER XI

Restrain of Infection.

- Restrain of Infection:*
66. The Corporation may make by – laws for the effective control , restraint and prevention of any dangerous disease and in particular and without prejudice to the generality of he foregoing power, the Corporation may, and when required by the State Government , shall make by laws regulating the following matters:
- (a) the restraint, segregation and isolation of persons suffering from any dangerous or likely to suffer from any dangerous disease owing to exposure to infection or contagion.
- (b) the removal , disinfection and destruction of personal effects, goods and other property and disinfection of houses exposed to infection or contagion;
- (c) the removal to hospital and the treatment of persons suffering from any dangerous disease or likely to suffer from any such disease , owing to exposure to infection or contagion;

- (d) the speedy burial or cremation of the bodies of persons who have died from any dangerous disease;
- (e) house to house visiting and inspection;
- (f) the promotion of cleanliness, ventilation and disinfection;
- (g) the duties and responsibilities in respect of the prevention and notification of any dangerous disease;
- (h) the duties and responsibilities of parents or guardians in respect to their school going children who are suffering or have recently suffered from any dangerous disease or have been exposed to infection or contagion and the duties and responsibilities of persons in charge of schools in respect of such children;
- (i) the prevention of the spread from any animal, or the carcasses or product of any animal, to man, of rabies, glanders, anthrax, plague, tuberculosis, trichinosis, or any other disease communicable to man by any animal or the carcass or product of any animal.
- (j) The prevention of the spread and the eradication of malaria, the destruction of mosquitoes and the removal or abatement of conditions permitting or favouring the multiplication or prevalence of mosquitoes;
- (k) The prevention of the spread of diseases by flies or other insects and the destruction of such insects, and the removal or abatement of conditions permitting or favouring the prevalence or multiplication of such insects;
- (l) The destruction of rodents and other vermins and the removal or abatement of conditions permitting or favouring the harbourage or multiplication thereof;
- (m) The prevention of the spread of any dangerous disease by the carrying on of any business, trade or occupation;
- (n) The regulation of rag – flock manufacture and the trade in rags in bones and in second hand clothing, beddings or any similar article and the requiring of any such article to be disinfected before its importation, removal sale or exposure for sale, or use in any manufacturing process;
- (o) The disposal of any refuse, waste matter or other matter or thing, which has been contaminated with or exposed to infection or contagion; and
- (p) Compulsory vaccination, inoculation or their measures in respect of persons residing within the Corporation and such other preventive measures.

CHAPTER XIII.

Nuisance

Nuisance:

67. (1) The powers conferred by the Chapter shall be in addition and not in derogation of any powers conferred by the other provisions of this Act.

(2) (a) the condition of-

(i) any premises or part thereof of such a construction or in such a state or so situated or so dirty as to be a cause of annoyance to the inmates thereof, the neighbours or the public or injurious or dangerous to health or unsafe, including places infected by, or providing haunts of mosquitoes or mosquito-larvae, flies or fly maggots, hookworm larvae or ova, or rats or other noxious animals or insects and thereby liable to favour the spread of infectious disease;

(ii) any street, tank, pool, ditch, gutter, water course, sink, cistern, water – closet, earth – closet, privy, urinal, cess – pool, drain, dung pit or ash- pit so foul or in such a state or so situated as to be a cause of annoyance to the inmates of the premises, the neighbours or the public, or injurious or dangerous to health;

(iii) any premises by reason of abandonment of disputed ownership or for any other reason unoccupied and thereby become a resort of idle and disorderly person;

(iv) any school, factory, workshop or other trade premises so unclean as to be a cause of annoyance to the inmates, the neighbours or the public, or injurious to health, or not so ventilated as to render harmless, as far as practicable, all gases, vapours, dust, or other impurities, generated in the course of the work carried on therein, that are a cause of annoyance to the inmates, the neighbours or the public or injurious to health, or so overcrowded as to be injurious to the health of the persons therein engaged or employed, or not provided with sufficient and suitable privy or urinal accommodation;

(v) any offensive trade or business so carried on as to be injurious to health or offensive to the public;

(vi) any well, tank or other water – supply injurious or dangerous to health;

(vii) any stable, cowshed or other building or enclosure in which any animal or animals are kept in such a manner or in such numbers as to be a cause of annoyance to the inmates of the

premises , the neighbours or the public or injurious or dangerous to health;

(viii) any burial or burning ground which in the opinion of the corporation is injurious or dangerous or likely to be injurious or dangerous to health of persons living in the neighbourhood or to the public or offensive to such persons;

(ix) any accumulation or deposit, including any deposit of animal or vegetables or animal refuse, which its offensive to the neighbours or to the public or injurious or dangerous to health or any deposit of offensive matter , refuse or offal or manure within fifty yards of any public street, wherever situated, and ;

(b) any act, omission , condition or thing which the State Government shall declare to be a nuisance, or which after due inquiry by the Corporation on the complaint of two or more persons residing in the neighbourhood is found by the Corporation to be a cause of annoyance to the neighbours or to the inmates of the premises affected or to the public or to be dangerous or injurious to health; shall be deemed to be a nuisance liable to be dealt with under the provisions of this Chapter:

Provided that no nuisance shall be deemed to have been committed in respect of any accumulation or deposit necessary for the effectual carrying on of any business, trade or manufacture , if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purpose of the business, trade or manufacture and that the best available means have been taken for preventing injury or danger thereby to the public health.---

Inspection for ascertain of nuisance:

68. (1) The corporation shall cause to be made from time to time inexistence inspection with a view to ascertain what nuisance exist calling for removal under the powers of this Act , and shall enforce so far as possible the provision of this Act in order to remove the same, and otherwise put in force the powers vested in the Corporation relating to public health, so as to secure the proper sanitary condition of all premises within the Corporation.

(2) If the Corporation or a Health Officer or a Sanitary Inspector has reasonable grounds for believing that a nuisance exists in any premises , the Corporation may order of such officer may make an infection of such premises at any hour, when the operations suspected to cause nuisance are believed to be in progress or are usually carried on or when the special conditions suspected to cause the nuisance are believed to exist, and may cause such work to be done as may be necessary for an effectual examination of the said premises, including the opening of he ground or surface , where necessary and the testing of the drain.

(3) Where the ground or surface has been opened and no nuisance is found to exist, the Corporation shall restore the premises at their own cost.

Municipal Officer give Information as to nuisance:

69. Information of any nuisance under this Chapter may be given to the Corporation by any person and every officer of the Corporation shall bring the existence of any nuisance to the notice of the Corporation or cause it to be brought to the notice of the Corporation .

Notice to remove nuisance:

70. The Corporation , if satisfied of the existence of a nuisance, shall serve no notice on the author of the nuisance or if he cannot be found, then on the owner occupier of the building premises on which the nuisance arises or continues, requiring him to remove it within the time specified in the notice and to execute such works and do such things as may be necessary for that purpose and if the Corporation thinks it desirable (but not otherwise) specifying any works to be executed to prevent a recurrence of the said nuisance;

Provided that-

- (a) Where the nuisance arises from any want or defect of a structural character, or where the building or premises are unoccupied , the notice shall be served on the owner;
- (b) Where the author of the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the owner or occupier of the building or premises , the corporation may remove the same and may do what is necessary to prevent the recurrence thereof.

Procedure in case owner Fails to comply with notice

71. (1) If the person on whom a notice to remove a nuisance has been served under section 70 fails to comply with any of the requirements thereof within the time specified , or if the nuisance, although removed since the service of the notice , if in the opinion of the Corporation likely to recur on the same premises shall cause a complaint relating to such nuisance to be made before a Magistrate., and such Magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.

(2) If the Magistrate is satisfied that the alleged nuisance exists, or that , although removed , it is likely to recur on the same premises, he shall make-

- (a) On the author thereof, or the owner or occupier of the premises, as the case may be , an order requiring him to comply with all or any of the requirements of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for that purpose , or an order prohibiting the recurrence of he nuisance and directing the execution of any works necessary to prevent the recurrence or an order both requiring the removal and prohibiting the recurrence of the nuisance , or

- (b) An order on the Corporation directing them to remove or prevent the recurrence of the nuisance or both, at the expense of the author therefore the owner or occupier of the premises, on as the case may be.
- (3) Before making any order the Magistrate may , if he thinks fit, adjourn the bearing or further hearing of the case until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.
- (4) Any costs incurred by the Corporation in executing an order of the magistrate under clause (b) of sub-section (2) shall be payable on demand, and if not paid on demand, may be recovered by distress and sale of the removable property of the defaulter.

Magistrate may order local Authority to execute works cases.

- 79. Whenever it appears to the satisfaction of the Magistrate that the author of the nuisance or that the owner or occupier of the premises is not in certain known or cannot be found, the Magistrate may at once order the Corporation to execute the works thereby directed and the cost of executing the same shall be payable by the person liable , if subsequently found, and if not paid on demand within fifteen days from the date of execution of the work, may be recovered by distress and sale of the moveable property of the defaulter , if known.

CHAPTER XIV

Places for disposal of the Dead and Registration of Births and Deaths

Provisions of place to be burial grounds.

- 80. The Corporation at a meeting may from time to time cut of the used as Municipal fund with the sanction of the State Government provides fitting places either within or without the limits of Corporation to be used as burial grounds or burning grounds and may impose such fee as may be fixed by the Corporation at a meeting with the approval of the State Government in respect of every corpse buried or burnt within such burial or burning grounds.

Registration of birth and death.

- 81. The Corporation , if required by the State Government to do so, shall at A meeting provide for the registration of birth and deaths within the limit of the Corporation and for the issue of certificates of birth and deaths.

CHAPTER XV

Penalties and Miscellaneous

- Offence punishable with*
82. Whosoever commits any offence by contravening or failing to comply with any provision of this Act or rule or by – laws made thereunder or Any direction lawfully given to him or any requisition lawfully made upon him under any provision of this Act or rules or by-laws made thereunder , shall be punished with fine which may extend to five hundred rupees: And if such offence is continues in its nature, to further fine which may extend to fifty rupees for each day during which the offence is continued after the first day.
- Sanction and limitation For prosecution.*
83. No prosecution for an offence under this Act or any rules or by-laws Made in pursuance thereof shall be instituted without the order or consent of the Corporation and no such prosecution shall be instituted except within six months next after the commission of the offence, unless the offence is of continuous in its nature, in which case of prosecution may be instituted within six months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman.
- Notice of suit against Corporation*
84. (1) No suit or other legal proceedings shall be brought against the Corporation or the Councillors or any of the agent, officers or servant of the Corporation, or any person acting under its or their direction, for any act purporting to be done under this Act or any rules or by laws made thereunder, until the expiration of one month next after notice in writing is served on the corporation or the Councillor or such agent officer or servant or person acting under its or their direction, as the case by, stating the cause of action and the name and place abode of the person who intend to bring the suit or proceeding and the relief claimed.
(2) Every such suit or proceeding shall be commenced within six months next after the accrual of cause of action and not afterwards.
- Corporation to provide Urinals and Latrine*
85. The Corporation shall, as soon as possible , take steps for the public construction of public urinals and latrine at such places as the . corporation will deem fit and shall make necessary arrangements for their proper cleansing and disinfection.
- Licensing of certain trade And business.*
86. The Corporation may with the previous sanction of he state Government Direct that----
- (a) No person shall without or otherwise in conformity with the terms of license granted by the Corporation in this behalf , carry on within the limits of the corporation the trade or business of a dairy men or milk men or of a baker, confectioner, ice or aerated water manufacturer or sweet – meat maker or of a keeper of a tea Shop, hotel or eating place;

- (b) Such person as mentioned in such section (1) shall observe such terms and conditions as to cleanliness, hygienic and sanitary conditions as may be described by the Corporation by rules.

*Powers of Chairman and
Delegation to Vice
Chairman.*

87. (1) The Chairman shall for the transaction of business of the Corporation connected with this Act or any other law or for the purpose of making any order authorized thereby , exercise all the powers vested by this Act in the Corporation;
Provided the Chairman shall not act in opposition to, or in contravention of any order or action of the Corporation at a meeting or exercise any power which is vested in or directed to be exercised by the corporation at a meeting.

(2)The Chairman may in accordance with the decision of the corporation at a meeting , delegate all or any of his powers to the Vice Chairman.

(88) Every Councillor , every officer and servant of the corporation and every person authorized by the corporation to do any act under this Act or any rule or by-law made thereunder shall be deemed to be a public servant within the meaning of section (21) on the Indian Penal Code.

*Power of entry to inspect,
Survey of execute work:*

89. The Chairman, Vice Chairman, Executive Officer or any other person authorized by the corporation in this behalf , may enter into on any building or land with or without assistants or workmen in order to make any inquiry, inspection , test, examination , survey , measurement or valuation or for the purpose of lawfully placing or removing pipes, meters or other things , or to execute any other work which is authorized by the provision of this Act or of any rule, by law or order made thereunder or which it is necessary for any of the purpose of this Act or in pursuance of the said provision or any resolution passed by the Corporation, to make or execute:

Provide that-

- (a) except when it is in this Act or in any rule or by law made thereunder otherwise expressly provided , no such entry shall be made between sunset and sunrise;
- (b) except when it is otherwise expressly provided as aforesaid, no dwelling house, and no part of a public building used as a dwelling place , shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twelve hours previous notice of the intention to make such entry;
- (c) reasonable notice shall be given in every case even when any premises may otherwise be entered without notice , to enable the inmates of any apartment appropriated to women to remove to some part of the premises where their privacy may be preserved;
- (d) due regards shall be paid ,so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of he occupants of the premises.

-----How to be effected;

90. When any notice, bill, summons or other documents is required by this Act or by any law made thereunder to be served upon or issued to any person , such service or issue shall be effected-

- (a) by giving or tendering such documents to such persons; or
- (b) if such person is not found , by leaving such document at his last known place of abode or business within the Corporation or by giving or tendering the same or by sending it by post to any adult male member of his family or adult male servant in his employment; or
- (c) if such person does not reside within the Corporation and his address elsewhere is known to the Corporation , by forwarding such document to him by post in a cover bearing the said address; or
- (d) if none of the means referred to in clause (a) , (b) or (c) be available, by affixing such notice, bill summons or other document on some conspicuous part of the land or building (if any) or other thing to which the document relates.

Residuary power to make rules and by laws: 91.

- (1) Without prejudice to any of the provision here in before contained, the State Government may make rules for carrying out the purposes and objects of this Act
- (2) Without prejudice to any of the provisions here in before contained, the Corporation may make by laws for any of the purpose connected with this Act.

92. No suit or legal proceedings shall be against the Councillors, or any officer or servant of the Corporation or any other person for anything in good faith done or intended to be done under the provision of his Act or rules or by laws made under this Act.

Overriding effect of this Act: 93.

Any law in force immediately before the commencement of this Act with respect to any matter for which provision is made in this Act or which is inconsistent with the provision of this Act shall cease to have effect in the areas within the jurisdiction of the Corporation constituted under this Act.

STATEMENT OF OBJECT AND REASONS

The government of Sikkim have felt the immediate necessity to consolidate the administration of the areas in Gangtok and other areas through the constitution of a Municipal Corporation for better urban management and community services to the inhabitants of Gangtok other areas and to bring about regulatory and controlled growth of the civic life in the Town of Gangtok and other areas. This bill has been framed with the above objects in view.

**DORJEE TSHERING BHUTIA
MEMBER IN-CHARGE.**

- (2) Female Worker (NMEP) Grade I (ii) Posts in grade I shall not exceed 20% of total posts in Grades I & II.
- (3) Field Worker (NMEP) Grade I (iii) Existing Surveillance Workers (NMEP) who have not passed Class VIII would be in this category which is to be wasted out
- (4) Surveillance Worker (NEMP)
/ health Worker Grade IV

Class III (a)

180-4-200Eb -5-250Eb -5-325(30 years)

- (1) Laboratory Assistant Grade II (i) Revised designation and pay scales for existing posts of Junior Laboratory Technician/X-Ray Assistant i pay scale of 170-280
- (2) X-Ray Assistant Grade II
- (ii) There will be no further recruitment in these categories
- (iii) Existing Junior Laboratory Technician & X-Ray Assistant will have to qualify in a 3 months departmental course before he is placed in the revised pay scale (180-325).
- (3) Surveillance Worker (NMEP)/
Health Worker Grade III
- (i) Existing Surveillance Workers having minimum Class VIII educational qualification will be considered for this Grade after successful completion of prescribed departmental course.
- (ii) Future recruitment at this level subject to minimum educational qualification of Class VIII passed and having undergone successfully 18-24 months course.
- (iii) Posts in this Grade to be limited to 50% of total posts in all four grades.
- (iv) The existing categories of vaccinator, Extension Educator, Vaccination Inspector and Asst. Compounder will be merged in the category of health Worker subject to qualifications / screening prescribed above.
- (4) Assistant Nurse –cum

Midwife Grade III (i) Revised designation for Assistant Nurse
(ii) Minimum educational qualification Class VIII passed and subject to having undergone successfully the prescribed 2 years course in Sikkim.

(5) Insect Collector, (NMEP) The present categories of Insect Collector (NMEP) and Malaria Mechanic will be designated as Health worker grade III when the Multi – purpose Health Programme comes into effect.

(6) Malaria Mechanic (NMEP)

Class III (b)

200-5-225EB-6-285EB-6-345 (25 years)

- (1) Laboratory Assistant Grade I (i) Promotion from grade II may be considered after 15 years total service subject to availability of posts.
- (2) X-Ray Assistant Grade I (ii) Post limited to 20% of posts in grades I and II.
(iii) these categories to be wasted out.
- (3) Surveillance worker (NMEP)/ health Worker Grade II (i) This will be the designation for inspector surveillance (NMEP) when the programme is converted into Multi purpose Health Programme.
(ii) Promotion from Grade III may be considered after 10 years total service preferably from those who have passed SFE / HSE, & subject to availability of post which will be limited to 20% of total posts under Grade I,II,III and IV.
- (4) Assistant Nurse – Cum Midwife Grade III (i) Revised designation for Junior Nurse.
(ii) Promotion from Grade III after 10 years service.
(iii) Posts limited to 30% of total posts under Grades I,II, and III.

Class II (a) Non –Gazetted.

230-6-260EB-6-290EB-7-325EB-8-405 (25 years)

- (1) Assistant Nurse cum midwife Grade I (i) Revised designation for Senior Nurse.

- (ii) Promotion from Grade II after 7 years service as A.N.M Grade II
- (iii) Posts limited to 20% of total posts in all the three Grades for ANMs.

(2) Para – Medical Tech.
Grade III

- (i) Basic educational qualification HSE or equivalent passed and holding Diploma / Certificate in relevant approved course.
- (i) Laboratory Technician
- (ii) X-Ray Technician
- (iii) Operation Theatre Technician
- (iv) Blood Transfusion Tech.
- (v) Physiotherapy technician
- (vi) Medical Records Technician
- (vii) Dental Mechanic
- (viii) Dental Hygienist
- (ix) Pharmacist
- (x) Health sub- Inspector (Sanitation)
- (ii) All existing Compounders holding recognized Diploma /Certificate in Pharmacy will be redesignated as Pharmacists and placed in the appropriate Grade for paramedical technicians.
- (iii) The existing post of Senior Inspector (Sanitation) to be redesignated as Health Sub-inspector (Sanitation).

(3) Surveillance Worker
(NMEP) Health Worker
Grade I.

- (i) Promotion from surveillance Worker (NMEP) / HW after 7 years service in Grade II Subject to availability of posts.
- (ii) Posts limited to 10% of total posts in all four grades.
- (iii) This will be the designation for Senior Inspector Malaria / Surveillance when the programme is converted into Multi – purpose Health Programme.

Class II (b) Non Gazetted .

260-6-290EB-7-325-EB-8-445 (25 years)

(1) Staff Nurse/ Ward
Sister / Sister Tutor/
Specialist Nurse.

- (i) Basic educational qualification HSE or equivalent passed and holding a 3 1/2 year Diploma in general Nursing and Midwifery.
- (ii) A staff nurse will be considered for selection to undergo prescribed training in ward Sister/ Sister Tutor / Specialist Nurse Course provided she has put in minimum of 5 years service.

- (iii) Those successfully qualifying on the Ward Sister/ Sister Tutor/ Specialist Nurse Course will be eligible for two advance increments in their pay scales.
- (2) Para Medical Technician Grade II Categories as per Class II (a) (2) above except Health Sub- Inspector (Sanitation)
 - (i) Promotion from Grade III may be considered after minimum 10 years service in that grade subject to availability of vacancies which will be limited to 30% of total posts in all the three Grades.
- (3) Health Inspector (Sanitation)
 - (i) Promotion from Health Sub Inspector may be considered after minimum 10 years service in that grade subject to availability of vacancies
- (4) Health Organiser (Basic Health)
 - (i) Selective promotion from qualified Health Worker Grade I subject to availability of vacancies under the approved staffing pattern. Basic education SFE/HSE passed.
 - (ii) Existing incumbents of the post of S.M.Is (Pay Scale 230-405) may be considered for being placed in the grade of Health Organiser (B.H.) provided they have put in 20 years total service.

Class II (c) Non Gazetted

300-10-350EB-12-410EB-15-560 (20 years)

- (1) Assistant Matron
 - Promotion from ward Sister / sister Tutor / Specialist Nurse after total 12 years service subject to successful completion of Nursing Administration Course and availability of vacancy.
- (2) Para- medical Technician Grade I categories as per Class II (b) (2) above.
 - (i) Promotion from Grade II may be considered after 18 years total service subject to availability of vacancy which will be limited to 20% of total posts in All the three grades.
- (3) Health Supervisor (sanitation)
 - (i) Promotion from health Inspector (Sanitation may be considered after 18 years total service subject to availability of vacancy.

Gazetted Grade – Junior scale

430-20-63EB-25-880(26 years)

- (1) Junior General Duty Medical Officer.
- (i) Basic Qualification M.B.B.S.
 - (ii) Must serve for 3 years before being considered for post graduation selection being subject to the requirements for the service.
- (2) Junior Specialist-
- (i) Surgery
 - (ii) Medicine
 - (iii) Anesthesiology
 - (iv) Ophthalmology (Eye)
 - (v) Otorhinolaryngology (ENT)
 - (vi) Pathology
 - (vii) Radiology
 - (viii) Venereology & Dermatology
 - (ix) Psychiatry
 - (x) Obstetrics & Gynaecology
 - (xi) Dental Surgery
 - (xii) Paediatrics
 - (xiii) Physiotherapy
 - (xiv) Preventive Medicine.
- (3) Deputy Assistant Director of Health services (DADHS)
- Post may be held by a non M.B.B.S in specified appointments in the Directorate of Health Services.
- (4) Health Officer
- Minimum qualification a post – graduate Diploma in social and preventive medicine.
- (5) Matron
- Promotion from Assistant Matron subject to availability of vacancy.

Gazetted Grade – Senior Scale.
550-25-700EB-30-1120 (20 years)

- (1) District Medical Officer (DMO)
- (i) Field of ligibility for promotion to this post will be---

- Assistant Director of Health services. (ADHS)
Health Officer (HO)
- (a) Junior GDMO,
(b) DADHS &
(c) Health Officer
- after minimum 4 years service in Gazetted Grade (Junior Scale).
- (ii) Post of Registrar, STNM Hospital when authorized would be placed in this category.
- (2) Assistant Malaria Unit Officer (NMEP)
- Field of eligibility for promotion to this post will be as in the case of District Medical Officers subject to possession of post graduate qualification in social and preventive medicine and having successfully undergone an approved malariology course .
- (3) Senior Specialist Specuakutues as per Gazetted Grade junior Scale (2)
- Promotion from junior specialist after minimum 4 years service.
- (4) Senior General Duty Medical Officer
- Promotion from Junior GDMO after minimum 4 years service.
- (5) Administrative Grade
650-30-950-EB-40-1350 (20years)
- (1) Deputy Director of Health Service (DDHS)
- (i) Promotion from D.M.O / AMUO (NMEP) after 10 years total service in accordance With Para 2 (4) read with para 3 of Home Department Notification No. 381 A/H dated 25.7.73.
- (2) Superintendent , STNM Hospital
- Promotion from D.M.O. / AMUO (NMEP) / senior specialist after 10 years total service in accordance with Para 2 (4) read with Para 3 of Home Department notification No

- (3) Malaria Unit Officer (NMEP) (MUO) Promotion from DMO/ AMUO (NMEP) after 10 years total service subject to possession of qualification prescribed for the post of AMUO (NMEP) and in accordance with Para 2 (4) read with Para 3 of Home Department Notification No. 381 A/H dated 25.7.73
- (4) Specialist Advisor. (i) Selection from amongst senior Specialists after total 10 years service in accordance with Para 2 (4) read with Para 3 of Home Department Notification No. 381 A/H, dated 25.7.73

SELECTION GRADE

925-40-1165eb-50-1665 (16 YEARS)

Director of Health Service

Selection from Administrative Grade.

2. The officers and staff specific to the Health Service will continue to be governed by the general Service Conditions laid down in the Home Department Notification No 381 A/H , dated 25.7.73 as amplified by Home Department Notification No 513/H, dated 31.8.73 and other orders of the Govt. issued from time to time.
3. Number of vacancies in each scale shall be as stated against each category or as per the approved staffing pattern.``
4. Rates of Nor practicing allowance, qualification pay, District Hospital charge Allowance , an other allowances shall be admissible as per existing order.
5. Upkeep of uniform allowance for those whom free uniforms are supplied shall be as under-
- | | |
|-------------------------------|-------------|
| (a) Nurses and ANMs | Rs. 12/-p.m |
| (b) Others excluding officers | Rs. 6/-p.m |
6. The following allowances shall cease to be drawn with effect from 1.10.75
- | |
|-------------------------------|
| (a) Rice Concession Allowance |
| (b) Visiting Allowance |
| © Chaprasi Allowance |
| (d) T.B. Allowance |
7. The above Orders shall come into effect from 1st April 1975.

T.S. GYALTSEN
Chief Secreary,
Government of Sikkim

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. September 24, 1975

No34

HOME DEPARTMENT

Notification No. 1880/H/75

The governor, Sikkim, in consultation with the High Court of Sikkim, is pleased to make the following rules, namely:-

1. Shorttitle and commencement: These rules may be called the Sikkim Judicial Service Rules and they shall come into force the date of publication in the Sikkim gazette.
2. *Definition:* In these rules, unless the context otherwise requires:
 - (a) ‘Governor’ means the Governor of Sikkim.
 - (b) ‘High Court’ means the High Court of Sikkim
 - (c) ‘Service’ means the Sikkim Judicial service.
 - (d) “Members of the Service” means a person appointed in a substantive capacity under the provisions of these rules and includes a person appointed on probation.
3. For the purpose of recruitment to the service , there shall be a selection committee consisting of the following:
 - (1) Chief Justice , High Court of Sikkim.
 - (2) Chief Secretary Government of Sikkim , Secretary to the Chief Justice shall be the ex-officio Secretary of the committee.
4. A candidate shall be recruited if he is:
 - (a) a person practicing as an Advocate in India or a person qualified to be admitted as an Advocate under the Advocate Act 1961, and
 - (b) not more than 32 years of age on 1st day of January , of the following year.
5. For the purposes of selection , the Selection Committee shall call for interview all those candidates who fulfill the above said qualifications.

6. The Selection Committee shall prepare a list of the selected candidate and in making the selection shall see that preference has been given to candidates who are conversant with local laws, customs and regional languages. The list so prepared shall then be sent to the High Court which shall forward it with its recommendation to the Governor for filling up the vacancies then existing or that may occur within a period of one year of the preparation of the list.

Disqualifications:

- (1) No person who has more than one wife living shall be eligible for appointment to the service provided that the Governor may, if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this sub rule.
- (2) No woman who is married to any person who has a wife living shall be eligible for appointment to the Service.
Provided that the Governor may, if he is satisfied that there are special grounds for doing so, exempt any such woman from the operation of this sub-rule.

7. All candidates on appointment may be required to undergo initial training at any place within or outside Sikkim as the High Court may determine. The nature or duration of such training shall be as determined by the High Court from time to time . after the satisfactory completion of such initial training such candidates shall be placed on probation for a period of two years.

8. All person appointed to the service on probation shall be confirmed at the end of the said period of two years,

provided that the Government may, on the recommendation of the High Court extend the period of probation, but in no case shall be the period of probation extend beyond three years in all.

9. The services of the appointed during training or probation are liable to be terminated without assigning any reason.

10. After successful completion of the period of probation the officers shall be confirmed in the service by the Governor in consultation with the High Court and the same shall be notified in the Gazette.

11. The scale of pay of members of the service shall be as follows :

Gazette Grade (Junior Scale) Rs.430-20-630-
EB-25-880.

12. Candidates shall on the selection undergo a test for a medical fitness before appointment and shall pass during the period of probation such departmental examinations as may be laid down by the High Court.

13. Every member of the service unless he has already done so shall be required to take the oath of allegiance to India and to the Constitution of India as by law established.
14. For all other matters such as fixation of pay, allowances and other condition of services, the members of the service shall be governed by the Sikkim Government Service Rules.

BY ORDER

T.S.GYALTSEN

**Chief Secretary,
Government of Sikkim**

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. September

29, 1975

No. 35

THE SIKKIM APPROPRIATION (NO .2) BILL . 1975

A

BILL

to authorise payment AND APPROPRIATION OF CERTAIN FURTHER SUM FROM AND OUT OF THE Consolidated fund of the State of Sikkim for the service of the financial year 1975 -76

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

1. This act may be called the Sikkim Appropriation (No. 2) Act 1975 Shorttille
2. From and out of the Consolidated Fund of the State of Sikkim there may be paid and applied sum not exceeding That specified in column 3 of the Schedule amounting to Twenty five lakhs of rupee towards defraying the charges which will come in course of payment during the financial year 1975-76 , in respect of the service specified in column 2 of the Schedule. Issue of Rs. 2500,000 of the consolidated fund of the State of Sikkim for the financial year 1975-76
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 service and purpose expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE

(See section 2 and 3)

1	2	3		Total
No. of Vote	Service & Purpose	Sums not exceeding Voted by Legislative Assembly	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
14.	Other expenditure of Finance Department			
	Capital	2500,000		25,00,000
	Total	25,00,000		25,00,000

STATEMENT OF OBJECTS AND REASONS

This Bill introduced in pursuance of article 204 (1) of the Constitution of India, read with article 205 thereof to provide for the appropriation out of the Consolidated Fund of the State of Sikkim of the moneys required to meet the supplementary grant made by the Legislative Assembly for expenditure of the Government of Sikkim for the financial year 1975-76

Chief Minister and Minister of Finance.

SIKKIM



GOVT.

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok. September

18, 1975

No. 36

LEGISLATIVE DEPARTMENT

Notification

No.2/L75-18th September 1975 –The following Act of the Sikkim Legislative having been assented to by the Governor on the 18th September,1975,is hereby published for general information;-

SIKKIM ACT II OF 1975 THE SIKKIM APPROPRIATION ACT,1975 AN ACT

To authorize 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 1975-76

Be it enacted by the Legislature of the State of Sikkim in the twenty sixth year of the Republic of India as follows:-

1. This Act may be called the Sikkim appropriation Act 1975 *Short title.*
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 (inclusive of the sums specified in column 2 of the Schedules to the authorization orders issued by the Governor of Sikkim on the 16th may 1975 and 25th July 1975 to the sum of ten crores, ninelakhs, thirty six thousand and five hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76 in respect of the services specified in column 2 of the Schedule. *Issue of Rs. 10.96, 36,500 out of the consolidated Fund of the State of Sikkim for the financial year 1975-76*
3. The sums authorized to be paid and applied from and out of the Consolidated fund of the State of Sikkim by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. *Appropriation.*

By order of the Governor
P.K,Pradhan
Secretary
To the Government of Sikkim.

THE SCHEDULE
(See section 2 and 3)

1	2	3		
No. of Vote	Service and purpose	Voted by the Legislative Assembly	Sums not exceeding Charged on the consolidated Fund	Total.
1.	State legislature	Revenue	2,86,000	1,00,000
	Governor	Revenue	-	5,60,500
2.	Cabinet	Revenue	3,96,000	3,96,000
3.	Agriculture	Revenue	43,66,400	43,66,400
		Capital	20,66,600	
4.	Animal Husbandry and Dairy Development	Revenue	4,20,000	20,66,600
		Capital	4,53,500	4,20,000
5.	Bazar	Revenue	2,52,000	4,53,500
6.	Co-operation	Revenue		2,52,000
7.	Ecclesiastical Dept.	Revenue		
8.	Education	Revenue		
		Capital		
9.	Electricity	Revenue		
		Capital		
10.	Establishment Dept.	Revenue		
11.	Excise (abkari)	Revenue		
12.	Finance Dept.	Revenue		
13.	Income Tax & Sales Tax	Revenue		
14.	Other Expenditure of the Finance Dept.	Revenue		
		Capital		
15.	Food Supplies and fair Price shop	Revenue		
		Capital		
16.	Forest, Fisheries and Soil Conservation	Revenue		
		Capital		
17.	General Excise and Motor Vehicles	Revenue		
18.	Sikkim Nationalized	Revenue		

Transport	Capital
19. Home Dept.	Revenue
20. Administration and Justice	Revenue
21. Police	Revenue
22. Land Revenue	Revenue
23. Law Department	Revenue
24. Medical , public Health and sanitation	Revenue Capital
25. Panchayat and Rural Works	Revenue
26. Planning and Development Department	Revenue
27. Press, Publicity and Cultural Affairs	Revenue Capital
28. Public Works , Roads. Bridges and Water Supply	Revenue Capital
29. Tourism	Revenue Capital
30. Trade, Industries and Commerce.	Revenue Capital

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. September 26, 1975

No. 37

HOME DEPARTMENT

HOME DEPARTMENT No SKM?GOV/75/3

Dated Gangtok , the 26th September ,1975

2nd October ,1975 is declared as a public holiday throughout the State of Sikkim on the occasion of Gandhi jayanti

By Order

T.S.GYALTSEN

**Chief secretary
Government of sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. May 16, 1975

No. 38

HOME DEPARTMENT

The Constitution (Thirty-six Amendment) Act, 1975 is published for general information.

“ THE CONSTITUTION THIRTY-SIXTH AMENDMENT) ACT, 1975

(Assented on 16.5.1975)

AN

ACT

Further to amend the constitution of India.

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

*Short title and
Commencement.*

1. (i) This Act may be called the Constitution (Thirty-sixth Amendment Act, 1975.

(2). It shall be deemed to have come into force on the date on which the Bill for this Act (introduced in the House of the People as the Constitution (Thirty-eighth Amendment) Bill, 1975), as passed by the House of the People, is passed by the Council of States.

*Amendment of
First Schedule*

2. In the First Schedule to the constitution, under the heading “I. THE STATES”, after entry 21, the following entry shall be inserted, namely:-

“22 Sikkim the territories which immediately before the commencement of the constitution (thirty-sixth Amendment) Act, 1975, were comprised in Sikkim”.

*Insertion of new
Article 371 F*

3. After article 371 F of the Constitution, the following article shall be inserted namely:-

*Special provisions
With State of Sikkim*

“ 371 F. Notwithstanding anything in the Constitution-

- (c) the Legislative Assembly of the State of Sikkim shall consist of not less than thirty members.
- (d) As from the date of commencement of the constitution (Thirty-sixth Amendment) Act, 1975 (hereafter in this article referred to as the appointed day) –
- (j) The Assembly for Sikkim formed as a result of the election held in Sikkim in April, 1974 with thirty-two members elected in the said elections (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution;
- (ii) the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution and;
- (iii) the said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under this constitution.
- (c) in the case of the Assembly deemed to be the Legislative Assembly of the State of Sikkim under clause (b), the references to the period of five years in clause (1) of article 172 shall be construed as references to a period of four years and the said period of four years shall be deemed to commence from the appointed day;
- (d) until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of the People and the State of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim;
- (e) the representative of the State of Sikkim in the House of the People in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim;
- (f) Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim.
- (g) the Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time, deem fit to issue, act in his discretion;
- (h) all property and assets (whether within or outside the territories comprised in the State of Sikkim) which immediately before the appointed day were vested in the Government of Sikkim or in any person for the purposes of the Government

of Sikkim shall as from the appointed day, vest in the Government of the State of Sikkim;

(i) the High Court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall on and from the appointed day, be deemed to be the high Court for the State of Sikkim;

(j) all courts of civil, criminal and revenue jurisdiction, all authorities and officers, judicial, Executive and ministerial, throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provisions of this constitution;

(k) all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority;

(l) for the purpose of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim and for the purpose of bringing the provisions of any such law into accord with the provisions of this Constitution, the President may, within two years from the appointed day, by order, make such adoptions and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon, every such law shall have effect subject to the adaptations and modifications so made, and such adaptation or modification shall not be questioned in any court of law;

(m) neither the supreme Court nor any other court shall have jurisdiction in respect of any dispute or other matter arising out of any treaty, agreement, engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any of its predecessor Governments was a party, but nothing in this clause shall be construed to derogate from the provisions of article 143;

(n) the President may, by public notification, extend with such restrictions or modifications as he thinks fit to the State of Sikkim any enactment which is in force in a State in India at the date of the notification;

(o) if any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may, by order, do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty;

(p) all things done and all actions taken in or in relation to the State of Sikkim of the territories comprised therein during the period commencing on the appointed day and ending immediately before the date on which the constitution (Thirty-sixth Amendment) Act, 1975, receives the assent of the President shall, in so far as they are in conformity with the provisions of this constitution as amended by the constitution (Thirty-sixth Amendment) Act, 1975, be deemed for all purposes to have been validly done or taken under this constitution as so amended”.

*Amendment of
Fourth Schedule.*

4. In the Fourth Schedule to the constitution, in the Table,-

(d) after entry 21, the following entry shall be inserted, namely:-

“22. Sikkim

- (e) existing entries 22 to 25 shall be renumbered as entries 23 to 26 respectively;
- (f) for the figure “231”, the figures “232” shall be substituted.

*Consequential
Amendments.*

- 5. The following consequential amendments shall be made in the Constitution, Namely:-
 - (f) article 2A shall be omitted;
 - (g) in article 80, in clause (1), the words and figures “Subject to the provisions of paragraph 4 of the Tenth Schedule”, shall be omitted;
 - (h) in article 81, in clause (1), the words and figure “ and paragraph 4 of the Tenth Schedule” shall be omitted;
 - (i) the Tenth Schedule shall be omitted”.
 - (j)

Gangtok,
The 16th May, 1975

T.S. GYALTSEN

**Chief Secretary,
Government of sikkim**

SIKKIM



GOVERNMENT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok. May 16, 1975

No. 39 A

LEGISLATIVE ASSEMBLY OF SIKKIM

Notification No. 157/H/75

Dated Gangtok, the 4th October, 1975.

Mr R.C.Poudyal was declared elected as the Deputy Speaker of the /Sikkim Legislative Assembly on the 1st October, 1975

R.K.Gupta

**Secretary
Sikkim Legislative Assembly**

SIKKIM



GOVT.

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Ex. Gaz.

Gangtok. October, 9, 1975

No. 40

LEGISLATIVE ASSEMBLY OF SIKKIM
Notification No. 157/H/75
Dated Gangtok, the 29th September, 1975.

THE SIKKIM CULTIVATORS PROTECTION RULES , 1975

In exercise of the powers conferred by section 14 of the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975, the State Government hereby makes the following rules:-

- Short Title:* 1. These rules may be called the Sikkim Cultivators Protection Rules , 1975.
- Definition* 2. (1) In these rules-
- (a) “the Act:” means the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975;
- (b) “section mean a section of the Act;
- (2) Words and expressions used in the Act and also in these rules shall, unless the context otherwise requires have the meaning assigned to them in the Act.
- Period for Filling Appeal* 3. (1) The period within which the appeal mentioned in section 10 is to be filled shall be thirty days from the date of the order appealed against;
- And procedure to be Followed:* Provided, however the Appellate Officer may admit any appeal after the period of thirty days from the date of the order appealed against if such officer is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.
- (2) The Appellate Officer may for sufficient cause make an order stating the operation or execution of the order appealed against.
- (3) Every appeal shall be filled in the form of a memorandum and shall be signed and verified by the appellant . It shall be accompanied by an authenticated copy of the order appealed against and shall contain the following particulars:
- (a) the name and address of the appellant;
- (b) the name and address of the respondent;
- © the location of the land cultivated by the cultivator ; and
- (d) the grounds of appeal.

(4) After admitting the appeal, the Appellate Officer shall call for the records of the case from the officer or authority against whose order the appeal has been filled and after giving the appellants and respondents an opportunity of being heard shall dispose of the appeal.

(5) Every Appeal shall, as far as may be practicable, be disposed of by the Appellate Officer within one month from the date of filing of the appeal.

Manner of making Application and Procedure to be Followed by the Prescribed authority in Respect of disputes Under section 9:

4.(1) A cultivator or an owner may make an application for the decision of any dispute in respect of matters referred to in Section 9. Every such application shall be signed and verified by the applicant and shall contain the following particulars:-

- (a) the name and place of residence of the applicant;
 - (b) the name and place of residence of the opposite party;
 - (c) the location and sufficient description for the purpose of identification of the land and regard to which the application is made;
 - (d) the point or points in dispute and the claim of the applicant;
- (2) The application shall be accompanied by as many true copies thereof as there are opposite parties along with the notices to be served on them.
- (3) The prescribed authority shall fix a date for consideration of the application and after giving the parties an opportunity of being heard shall dispose of the application.
- (4) Every such application shall, as far as may be practicable, be disposed of within three weeks from the date of filing of the application.
- (5) In disposing of such application, the prescribed authority shall only make a summary record of the essential facts disclosed in the hearing on which evidence has been taken and the order is based. The order shall contain a concise statement of the dispute, the points for determination and the decisions thereon together with the reason for the decisions.

Manner of service Of notices and Process:

5. All notices and processes under these rules shall be served either by registered post or in the manner provided for the service of a process of a Civil Court.

Manner of execution order:

6. Any party may apply to the prescribed authority for the execution of any order made by the prescribed authority or the Appellate officer and the prescribed authority shall execute such order in manner provided for execution of decrees of Civil Courts after serving on the person against whom execution is applied for a notice to show cause, within seven days of the service of the notice, why the order shall not be executed.

7 The money value under section 8 (a) shall be the value of the crop estimated the price prevailing in the harvest month in the market nearest to the land.

8. The period mentioned in Clause (a) of Sub-Section (2) of Section 14 shall be three months from the date of harvesting of the crop.

BY ORDER

R.B.MUKHIA

DEPARTMENT OF LAND, REVENUE

GOVERNMENT OF SIKKIM, GANGTOK

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok October 17th 1975

No.40A

HOME DEPARTMENT

**Notification No. F.7(3)H/75
Dated Gangtok , the 17th October,1975**

In pursuance of section 1(3) of the sikkim Regulation of Transfer and use of Lands Act,1975,it is hereby notified that the State Government has fixed 17th October,1975,as the date on which the sikkim Regulation of Transfer and use of Lands Act,1975(Sikkim Acts No VI of 1975) has come into force in the shole State of sikkim.

By Order.

**T.S.GYALTSEN,
Chief Secretary,
Government of Sikkim**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok October 17th 1975

No.41

**SIKKIM LEGISLATIVE ASSEMBLY
No. 2136/H/H/75
Dated Gangtok, the 20th October, 1975**

NOTIFICATION

The following order of the Governor of Sikkim, dated the 18th October, 1975 is published for general information.

“In exercise of the powers conferred by Art.174(2)(a) of the Constitution I,B.B.Lal, Governor of Sikkim hereby prorogue the Legislative Assembly of Sikkim which was summoned to meet from 4th September, 1975.

**B.B.Lal
Governor of Sikkim**

**R.K.Gypta
Secretary
Sikkim Legislative Assembly**

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok October 18th 1975

No.42

RAJ BHAVAN, GANGTOK

In exercise of the powers conferred by Art 174(2) (a) of the Constitution B.B.Lal<Governor of Sikkim hereby
prorogue the Legislative Assembly of Sikkim which was summoned to meet from 4th September,1975

B.B.Lal

Governor of sikkim

18.10.75

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok October 20th 1975

No.43

RAJ BHAVAN, GANGTOK

LEGISLATIVE DEPARTMENT
Notification

No. 3/L/75:-20th October, 1975:/The following Act of the Sikkim legislature having been assented to by the Governor on the 12th October 1975, is hereby published for general information.

Sikkim Act No. III of 1975
THE SIKKIM CONTINGENCY FUND ACT, 1975
AN
ACT

1. short title:- This Act may be called the Sikkim Contingency Fund Act, 1975.
2. ESTABLISHMENT OF THE CONTINGENCY FUND OF THE STATE OF SIKKIM

There shall be established a Contingency Fund in the nature of an imprest entitled the Contingency Fund of the State of Sikkim, into which shall be paid from and out of the consolidated Fund of Sikkim a sum of twenty –five lakhs of rupees.

3. CUSTODY OF THE CONTINGENCY FUND AND WITHDRAWAL THEREFROM:-

The Contingency fund of the State of Sikkim shall be held on behalf of the Governor by a Secretary to the Government of Sikkim in the Finance Department, and no advances shall be made out of such fund except for the purpose of meeting unforeseen expenditure pending authorization of such expenditure by the Legislature of Sikkim under appropriations made by law.

3. **POWER TO MAKE RULES:-** For the purpose of carrying out the object of this Act, the State Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and withdrawal of moneys from, the contingency Fund of the State of Sikkim.

By order of the Governor
P.K. Pradhan
Secretary to the
Government of Sikkim

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok October 20th 1975

No.44

RAJ BHAVAN, GANGTOK

LEGISLATIVE DEPARTMENT
Notification

No. 5 /L/75, 20 October, 1975. The following Act of the Sikkim Legislative Assembly having been assented to by the Governor on the 12th October 1975, is hereby published for general information.

**Sikkim Act No. V of 1975
THE SIKKIM APPROPRIATION (NO. 2) ACT, 1975**

**AN
ACT**

To authorize payment and appropriation of certain further sum from AND OUT OF THE Consolidated Fund of the State of Sikkim for the service of the financial year 1975-76.

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

- | | | |
|---|----|--|
| Short title | 1. | This Act may be called the Sikkim Appropriation (No 2) act 1975 . |
| Issue of Rs. 25,00,000 out of the Consolidated Fund of the State of Sikkim for the financial year 1975-76 | 2. | From and out of the Consolidated Fund of the State of Sikkim there may be paid and applied sum not exceeding that specified in column 3 of the Schedule amounting to twenty five lakhs of rupees towards defraying the charges which will come in course of payment during the financial year 1975-76 in respect of the service specified in column 2 of the schedule. |
| Appropriation : | 3. | The sum authorized to be paid and applied from and out of the consolidated fund of the State of Sikkim by this Act shall be appropriated for the service and purpose expressed in the Schedule in relation to the year. |

By order of the Governor,
P.K.Pradhan

THE SCHEUDLE
(SEE SECTION 2 AND 3)

1	2	3		
		Sums not exceeding		
No of Vote	Service & Purpose	Voted by Legislative Assembly	Charged on the consolidated fund	Total
14.	Other expenditure of finance Department	Rs.	Rs.	Rs.
	Capital:	25,00,000	...	25,00,000
	Total	25,00,000		25,00,000

SIKKIM



GOVT.

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Ex. Gaz.

Gangtok October 20th 1975

No.45

**LEGISLATIVE DEPARTMENT
Notification**

No.,4/L/75 20th October,1975.The following Act of the Sikkim Legislative having been assented to by the governor on the 12th October 1975,is hereby published for general information.

SIKKIM ACT NO. IV OF 1975

THE GANGTOK MUNICIPAL CORPORATION

ACT,1975

**An
Act**

The Gangtok Municipal Corporation

Act 1975

AN ACT

To make provisions for the establishment of a Municipal Corporation in Gangtok and matters connected therewith;

WHEREAS it is expedient to make provisions for the establishment of a Municipal Corporation at Gangtok and matters connected therewith.

It is hereby enacted as follows:-

CHAPTER I Preliminary

- Short title, extent and 1* (1) This Act may be called the Gangtok Municipal Corporation act, 1975.
Commencement
- (2) It extends and applies to the town of Gangtok, but the State Government may be notification extend all or any of the provisions of this Act to areas outside the town of Gangtok.
- (3) It shall come into force on such date as the State Government may by notification appoint.
- Definitions:* 2. In this Act, unless there is anything repugnant in the subject or context
Bridge (1) "bridge" includes a culvert;
"Building" (2)"buildings" includes a house , out – house, stable, privy, urinal, shed, hut, wall (other than a boundary wall, not exceeding ten feet in height) and any other such structure , whether of masonry , bricks, wood, mud, metal or any other material whatsoever, but does not include any temporary shed erected to ceremonial or festive occasion;
- "Conservancy"* (3) "Conservancy" means the removal and disposal of sewage, offensive matter and rubbish;
- "Dangerous disease"* (4) "Dangerous disease" means –
(a) Cholera, pleague, small pox, cerebrospinal meningitis and diphtheria; and
(b) any other disease which the State Government may, by notification, declare to be a dangerous disease for all or any of the purpose of this Act.
- "Drain"* (5) "Drain" includes a sewer , a house – drain , a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other such

<i>“Holding”</i>	<p>device for carrying of sullage, sewage , offensive matter , polluted water, rain water or sub-soil water;</p> <p>(6) “Holding” means land held under one 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, where house or place of trade or business, such holdings shall be deemed to be one holding for the purpose of this Act.</p>
<i>“Hut”</i>	<p>Explanation: Holding separated by a street or other means of communication shall be deemed to be adjoining within the meaning of this provision;</p> <p>(7) “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 (not being masonry building) or whatever material made;</p>
<i>“Inhabitant”</i>	<p>(8) “Inhabitant” used with reference to any local area means any person ordinarily residing or carrying on business or owing or occupying immovable property therein;</p>
<i>“Land”</i>	<p>(9) “Land” includes benefit arising out of land , and things attached to the earth, or permanently fastened to any thing attached to the earth;</p>
<i>“Market”</i>	<p>(10) “Market” includes any place where person assemble for the sale of any living thing intended for human food or of any article of food;</p>
<i>“Notification “</i>	<p>(11) “Notification” means a notification published in the official Gazette.</p>
<i>“Occupier”</i>	<p>(12) “Occupier” means any person for the time being in possession or deemed to be in possession of any land or building in respect of which the word is used and includes an owner living in, or otherwise using, his own land or building.</p>
<i>“Owner”</i>	<p>(13)“Owner “ includes the person for the time being receiving the rent of any land or building or any part of any land or building whether on his own account or as agent or trustee for any person of society or for any religious or charitable purpose, or as a receiver , or who would so receive such rent if the land building or part thereof were let to a tenant;</p>
<i>“Prescribed”</i>	<p>(14) “Prescribed “ means prescribed by this Act or by rules or by – laws made thereunder ;</p>
<i>“Private Street”</i>	<p>(15) “Private Street” means any street , road, lane, gully, alley, passage or square which is no a public street as defined in this Section , but does not include a passage securing access to less than four premises , or a passage provided in effecting the partition of any building amongst joint – owners;</p>

- “Public Street”* (16) “Public Street” means any street , road lane, gully, alley, passage, pathway, square or court, whether a thoroughfare or not, over which the public have a right of way and includes-
- (a) the roadway over any public bridge or causeway.
 - (b) the footway attached to any such street, public bridge or causeway;
 - (c) the passage connecting two public streets and
 - (d) the drain attached to any such street, public bridge or causeway, and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all and upto the boundary wall, hedge or pillar of the premises , if any, abutting on the street, or if a street alignment has been fixed , then upto the alignment;
- “Sewage”* (17)“Sewage” means night soil and other contents of privies , urinals, cesspools or drains and includes trade effluent and discharges from manufactories of all kinds;
- “Slaughter – house”* (18)“Slaughter house” means any place used for the slaughter of cattle , sheep goat, kids or pigs for the purpose of selling he flesh thereof as meat:
- “year”* (19)“year” means a year beginning on he first day of April.

CHAPTER I I

The Municipal Authorities.

- Constitution and in- 3. Corporation of Corp- Corporation and number Of councilors.* (1) There shall be established for the town of Gangtok Municipal Corporation consisting of such number of councilors not exceeding nine I number as the State Government may specify in the notification constituting the Corporation The boundaries of the corporation shall be specified in the notification and may, by notification be altered by the State Government from time to time .
- (2) The Corporation shall be a body corporate by the name of the Gangtok Municipal Corporation having perpetual succession and a common seal and by that name shall sue and be sued.
- (3) The first Councillors hall be nominated by the Government by notification and shall hold office for four years commencing from the date of the first meeting of the newly formed Corporation after the notification at which a quorum is present.

(4) Subject to the provision of sub-section (3), the Councillors shall be elected on the basis of adult franchise in the manner prescribed by rules made by the State Government and shall hold office for four years commencing from the date of the first meeting of the corporation after such election at which a quorum is present.

Power to divide Corporation into Wards and fix the Number of Councilors of each Ward.

4. The state Government may, by notification, divide the Corporation into Wards and for the purpose of election of the councilors determine the number of Councillors to be elected from each such ward.

Disqualification for such person-

5. (1) A person shall not be eligible for nomination or election as councilor if

(a) has been adjudged by a competent Court to be of unsound mind; or

(b) is under twenty one years of age; or

(c) is an undischarged insolvent, or

(d) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or

(e) is a municipal officer or servant or holds any office of profit under the Corporation; or

(f) has directly or indirectly by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by, or on behalf of, the Corporation; or

(g) is in arrears for more than six months in payment of any rate or tax.

(2) If any person is or has been convicted by a Criminal Court of an offence punishable with imprisonment of a period of more than six months, such person shall not be eligible for election or nomination for five years from the date of expiration of the sentence:

Provided that, on application made by a person disqualified under this sub-section, the state Government shall by an order made in this behalf remove the disqualification if in the opinion of the State Government the office does not involve moral turpitude.

Oath of allegiance to 6.
taken by the Councillors.

Every person who is nominated or elected as Councillor shall be before taking his seat make and subscribe before such officer as the State Government may authorize, in this behalf an oath or affirmation in the following form, namely, "I, A.B, having been nominated/ elected a councillor of the Gangtok Municipal Corporation, 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 will faithfully discharge the duties upon which I am about to enter."

Election of Chairman 7.
and vice Chairman

At the first meeting of the Corporation, the Councillors, after making and subscribing the oath of allegiance under Section 6 shall appoint one of their members to preside at the meeting and shall proceed to elect a Chairman and a Vice Chairman of the Corporation.

Removal of Councillor 8.

- (1) The State Government may remove a Councillor-
 - (a) if the removal is recommended by a resolution of the corporation passed at a special meeting called for the purpose and supported by the Votes of not less than two thirds of the total number of the councillors of the Corporation holding office for the first time being ;or
 - (b) if he has been declared by the State Government by notification issued after due enquiry to have violated his oath of allegiance; or
 - © if he absents himself from the meetings of the Corporation for six months continuously without having obtained permission from the Chairman, or in his absence from the Vice- Chairman; or
 - (d) if he refuses to act or becomes incapable of acting or is declared insolvent or if, after his appointment as Councillor, he is convicted of an offence which in the opinion of the state Government involves more turpitude; or
 - (e) if he acquires or continues to have directly or indirectly by himself or his partner or his agent any share or interest in any contract or employment with, by, or on behalf of the corporation or holds any office of profit under the Corporation; or
 - (f) if he is in arrears for more than one year in payment of rates and taxes payable under this Act.
- (2) Before removing a Councillor under sub-section (1), the State Government shall allow the Councillor concerned an opportunity of being heard.
- (3) All acts and proceedings of any councillor shall, if done previously to such removal be valid and effectual to all intents and purposes.

*Appointment of
Subordinate Officer*

9. (1) The Corporation may subject to the provision of this act and the rules made thereunder from time to time determine what officers and other servants of the Corporation are necessary for the Corporation and may make appointments of such officers and servants and fix their salaries and allowances.
- (2) The Corporation may delegate to the chairman the power to appoint and dismiss such officers and servants it may deem fit.
- (3) No appointment to and dismissal from the post of any officer or servant carrying a monthly salary rising by periodical increments to more than three hundred rupees shall be made by the Corporation under sub section (1) or by the Chairman under sub-section(2) without the approval of the State Government.
- (4) No person shall be eligible for employment as an officer or servant of the corporation if he has , directly or indirectly by himself or his partner or employer or employ any share or interest in any contract or employment with , by , or on behalf of the Corporation and if any such officer or servant subsequently acquires such share or interest he may be removed from service in accordance with rules which may be prescribed.

*Appointment of
Executive officer by
The State Govt.*

10. (1) The State Government may, after consulting with Councillors, if it thinks necessary so to do in the public interest, appoint by notification, an Executive Officer for the Corporation and shall make such appointment if in its opinion the affairs of the Corporation are not properly managed or can not be managed in accordance with law, for such period not exceeding one year at a time as may be specified in the notification.
- (2) The Executive Officer shall be paid out of the Municipal Fund such salary and allowance as may from time to time to be fixed by the State Government.
- (3) The Executive Officer appointed under this section shall exercise such powers of the Chairman or of the Corporation as maybe conferred on him by notification by the State Government and on such notification such powers shall cease to be exercisable by the Chairman or by the Corporation as the case may be.
- (4) The Corporation may delegate to the Executive Officer all or any of the powers of the corporation.

- (5) The state Government may at any time suspend, remove , dismiss or otherwise punish the Executive Officer appointed under this Section.

Powers of the Executive Officer

11. (1) The Executive Officer shall be the principal executive officer of the Corporation and all other officers and servants of the Corporation shall be subordinate to him. He shall have the same right of being present at a meeting of the Corporation or any special or standing committee, and of taking part in the discussion thereat as if he was a Councillor or a member of the Committee, but he shall not be entitled to vote at such meeting.
- (2) Subject to the provision of sub-section (3) and sub-section (4) of section 10 , the Executive Officer shall act in respect of all other matters under the direction of the Chairman through whom he shall be responsible to the corporation .

Power to make rules

12. The Corporation may, subject to the sanction of the State Government , make rules as to-
- (i) the appointment, leave duties, conditions of service, disciplinary proceedings, punishment or dismissal and removal of the officers and servants of the Corporation.
- (ii) the granting of pensions, gratitudes , bonuses or other grants and allowances to or for the officers and servants of the corporation out of the Municipal Funds.
- (iii) the creation and management of a provident fund or annuity fund,for compelling contributions to such provident or annuity fund of the part of their officers and servants, and for supplementing such contributions out of the Municipal fund;
- (iv) the nature and amount of security to be furnished by different classes of officers and servants of the corporation for the proper discharge of their duties;
- (v) the payment to be made out of the Municipal Fund to the Chairman, Vice Chairman , Councillors and officers and servants of the Corporation for traveling expenses as may be incurred in performing journey for carrying out for purpose of this act.

Conduct of business.

Meeting and persons To preside at meeting

- 13 (1) The Chairman or in his absence, the Vice Chairman shall call a meeting of the Corporation at least once in every month.
- (2) The Chairman or in his absence the Vice Chairman shall call a special meeting of the corporation on a requisition signed by not less than one third of the total number of Councillors; if the chairman or Vice Chairman fails to give notice of a special meeting to be held within fifteen days after such requisition has been made, the meetings may be called on seven days notice by the Councillors signing the requisition.

- (3) The Chairman , or in the absence, the Vice Chairman shall preside at every meeting and in his absence of bo the Chairman and the Vice Chairman , the Councillor shall choose one of their member o preside.

*Decisions of
Question and casting
Vote and prohibition
From voting*

14. (1) All questions which may come before the Corporation at a meeting shall be decided by a majority of votes and in case of equality of votes, the person presiding shall have a second or casting vote.
- (2) No councilor shall vote on any matter affecting his own pecuniary interest or on any question exclusively relating to his liability to any tax, rate, toll or fee or any assessment of himself or valuation of any property in which he is in any way interested as owner, manager or agent or otherwise.

*Quorum and
Adjournment for want
Of quorum:*

15. (1) No business shall be transacted in any meeting of the Corporation unless quorum shall be present.
- (2) One- third of the total number of the councilor holding office for the time being shall be the quorum; provided that in case where the total number Councillors holding office for the time being is not evenly divisible by three, the one-third shall be ascertained by taking the number next above such total number which is evenly divisible by three, as the number to be divided.
- (3) If at the appointed time for a meeting, or within half an hour thereafter a quorum is not present, the meeting shall be adjourned to some future day to be appointed by the chairman, or in his absence, by the Vice Chairman and three day notice of such adjourned meeting shall be given , and no quorum shall be necessary for such adjourned meeting.

*Notice of meeting
lists of business
of proceedings:*

16. (1) A list of the business to be transacted a meeting and, in the and case of meetingcalled on a requisition, the terms of the and minutes requisition, shall be sent to every Councillor at least three days before the date appointed for the meeting and no business of which such notice has not been given shall be brought forward at a meeting.
- (2) Minutes of the proceedings of all meetings of the Corporation, in which shall be recorded interalia the names of all the Councillors present, and the person presiding , shall be entered into a book to be kept for the purpose and shall be signed by the to inspection of the tax payers.

- (3) The minutes shall be laid before the next meeting of the corporation for confirmation and shall be also signed by the person presiding at such meeting.

*Formation of standing
Committee:*

- (1) The Corporation may from time to time appoints standing committees and by specific resolution delegate to, or withdraw from such committees any of its function , powers and duties.
- (2) Each standing committee shall consist of Councillors who shall not be less than two thirds of he total number of the members of the committee and such other person not exceeding one third in number as the Corporation at a meeting may, from time to time, determine and nominate for this purpose.
- (3) All the proceedings of any such committee shall be subject to confirmation or modification by the corporation unless in special case the corporation at a meeting otherwise directs.
- (4) All questions regarding the removal or resignation of members of a committee shall be decided by the Corporation.

*Formation of Joint
Committees:*

18. (1) The Corporation may join with any other local authority in constituting out of their respective bodies a joint committee for any purpose in which they may be jointly interested and in delegation to any such joint committee any power which might be exercised by the Corporation or any of the local authorities concerned.
- (2) Such joint committee may, from time to time , make rules as to its proceedings and as to the conduct of correspondence relating to the purpose for which it is constituted.

*Decision of disputes
Between local
authorities.*

19. If a dispute arises between the Corporation and any other local authority on any matter in which they are jointly interested , such Dispute shall be referred to the State Government whose decision shall be final and shall not be questioned in any court.

*Power to make rules
as to business of
Corporation and the
Committee.*

20. The Corporation may, subject to the sanction of the State Government .

- (a) the time of its meetings, the business to be transacted at meetings and the period of notice of meetings and the manner in which such notice shall be given;
- (b) the conduct and control of proceedings at meetings, the due record of all discussion and dissents and the adjournment of meetings;
- (c) the custody of the common seal;
- (d) the division of duties among the Councillors and the powers to be exercised by the councilors to whom particular duties are assigned;
- (e) the manner of appointment and the constitution of committees and the regulation and conduct of their business; and
- (f) the delegation of powers or duties to committees or to the Chairman of a Committee.

Validation of acts
proceedings:

21. (1) No act done or proceedings taken under this Act shall be and questioned on the ground merely of-
- (a) the existence of any vacancy in or any defect in the constitution of the Corporation or any standing, joint or other committees or any disqualification in less than half of the Councillor or members of the committee present when the act ore proceeding was done or taken;
 - (b) any defect or irregularity not affecting the merits of the case.
- (2) Every meeting of the Corporation , or any of the standing joint or other committees, the minutes of the proceedings of which have been duly signed by the person presiding over the meeting, shall be deemed to have duly convened and when the minutes are confirmed at a subsequent meeting shall be deemed to be free from all defects and irregularities and the accidental omission to serve notice of a meeting on any councilor shall not affect the validity of the meeting.

CHAPTER III.

Municipal Property and Finance

- Corporation may Acquire and dispose Property.* 22. The Corporation may acquire by gift , purchase or otherwise and hold property whether moveable or immovable within or without the limits of the Corporation and may also sell or otherwise dispose of such property in pursuance of a resolution at a meeting.
- Property of the Corporation* 23. (1) All property within the limits of the Corporation of the nature hereinafter in this section specified , other than property owned or maintained by the Central or the State Government or any other property of what so ever nature or kind which may become vested in the Corporation, be under its direction, management and control, that is to say-
- (a) all public streets and all things connected with or provided for such streets;
 - (b) all public channel, water courses, springs , tanks , reservoirs, cisterns, walls and other water-works, bridges, buildings and all other materials or things connected therewith:
 - (c) all public sewers and drains and all works, materials and things pertaining hereto and other conservancy works.
 - (d) all sewage , rubbish and offensive matters deposited on streets or collected by the Corporation from streets, latrines , urinals , sewers, cess -pools and other places.
 - (e) all public lamps, lamps – posts and apparatus connected therewith or appertaining thereto; and
 - (f) all buildings erected by the Corporation and all lands, buildings or other property transferred to the Corporation or acquire by gift purchase or otherwise.
- (2) The State government may, by notification, exclude any street, bridges sewer or drain from the operation of the Act or specified provisions of this Act.
- Execution of Contracts* 24. (1) The corporation may enter into and perform any contract necessary for the purpose of this Act.

- (2) Every contract made on behalf of the Corporation in respect of any sum exceeding five hundred rupees or which shall involve a value exceeding five hundred rupees shall be sanctioned by the Corporation at a meeting and shall be in writing and signed by at least two councilors, one of whom shall be the chairman or Vice Chairman and shall be sealed with the common seal of the Corporation and unless so executed , such contract shall not be binding on the corporation.

THE MUNICIPAL FUND

- Municipal Fund:* 25 (1) There shall be one Municipal Fund held by the Corporation in trust for the purpose of this Act to which all sums realized or realizable under this Act and all sums otherwise received by the Corporation shall be credited.
- (2) Unless the State Government otherwise directs, all sums received on account of the Municipal Fund shall be paid into a Government Treasury or into any Bank used as a Government Treasury and shall be credited to an account to be called the account of the Gangtok Municipal Corporation.
 - (3) All sums from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and cost necessary for carrying out the purposes of this Act or of which payment is duly directed or sanctioned by or under any of the provision of this Act or payment of which is directed or sanctioned by the Corporation with the approval of the State Government.
- Budget* 26. (1) At least two months before the close of the year , the Corporation shall have prepared a complete account of the actual and expected receipts and expenditure for that year together with a budget estimate of the income and expenditure of the Corporation for the next year.
- (2) When the budget has been passed at a meeting , the corporation shall obtain the approval of the State Government and shall not incur any expenditure except in accordance with the budget approved by the state Government.
 - (3) A revised or supplementary budget may be passed by the Corporation the course of the year and , if approved by the State Government , the Corporation may incur expenditure in accordance with the revised or supplementary budget .

Power to make rules: 27.

The State Government may make rules;

- (a) to regulate the application of the Municipal Fund to the purpose to which it is applicable;
- (b) to regulate the keeping, checking and publication of accounts and periodical audit thereof;
- (c) to regulate the preparation of the budget estimate including revised or supplementary budget estimate and the expenditure of money for purposes provided therein;
- (d) to provide for the retention of adequate working and closing balance
- (e) to regulate the preparation, submission and publication of return statements and reports by the Corporation and to prescribe regulating and forms:
- (f) to determine the persons by whom orders for payment of money from the Municipal Fund may be signed, how such payments shall be made and by whom receipts may be given;
- (G) To provide for the supply of certified copies of municipal records to the public and the levy of fees for such supply.

CHAPTER IV

MUNICIPAL TAXATION

Power to Impose Taxes 28.

The Corporation may, from time to time at a meeting convened expressly for the purpose, subject to the provision of the Act, impose within the limits of the Corporation the following rates, taxes and fees or any of them:-

- (a) a rate on holdings except holdings belonging to State and Central Government situated within the limits of the Corporation assessed on their annual value;
- (b) a conservancy rate on the annual value of holdings;
- (c) a water rate on the annual value of the holdings;
- (d) a tax on trades, profession and callings;
- (e) any other tax, rate or fees which the Corporation is empowered to impose under any law for the time being in force.

Annual Value of Holdings: 29.

- (1) The annual value of a holding shall be deemed to be the gross annual rental at which the holding may reasonably be expected to let.
- (2) If such gross annual rental cannot be easily estimated or ascertained, the annual value of such holding shall be deemed to be an amount which may be equal to but not exceeding seven and half percentum on the value of the building or for the land comprised in the holding.

- (3) The value of any machinery or furniture which may be on a holding shall not be taken into consideration in estimating the annual value of such holding, under this section.

*Restriction 30.
On the imposition
of rates:*

- (1) the rate on holdings shall not exceed fifteen per centum on the annual value of holdings;
- (2) The Corporation at a meeting may, either wholly or partially, exempt from the rate on holdings any holding which is used exclusively as a place of public worship or for purpose of public charity or as public burial or burning ground under this Act or as a mortuary.
- (3) The water rate shall not be levied at more than seven and half per centum and shall be imposed only on holdings within an area for the supply of water to which the corporation has made arrangements.
- (4) The conservancy rate shall not be levied at more than ten per centum on the annual value of the holdings and the Corporation shall make arrangements of the cleansing of all latrines, urinals and cess-pools. A rebate of seventy five per centum of the conservancy rate levied on a holding shall be allowed if the holding is provided with necessary sanitary-type latrines in working order and with no service privy or service urinal.

*Preparation of
Valuation list.*

31. (1) When it has been decided to impose any rate to be assessed on the annual value of holdings, the Corporation at a meeting shall appoint assessor for the purpose who shall determine annual value of all buildings within the Corporation and shall enter such value in a valuation lists.
- (2) A new valuation list shall unless otherwise ordered by the State Government be prepared in the same manner once in every five years.

*Determination of 32.
Percentage of rate
of Holding & preparation
of assessment list:*

- (1) The corporation at a meeting to be held before the close of the year next preceeding the year to which the rate will apply shall determine the percentage on the valuation of holdings at which any rate on the annual value of holdings shall be levied and the percentage so fixed shall remain in force until the Corporation at a meeting shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year.

- (2) As soon as possible after the percentage at which the rate or rates shall be levied for the next year has been determined under sub-section (1) , the Corporation shall cause to be prepared by the assessor an assessment list, which shall contain the following particulars and any other which the Corporation may think proper to include:-
 - (a) the name and/or number and other particulars of the street in which the holding is situated;
 - (b) the number of the holding on the register;
 - (c) a description of the holdings;
 - (d) the annual value of the holdings;
 - (e) the name of the owner and occupier;
 - (f) the amount of rate payable for the year showing each rate separately;
 - (g) the amount of quarterly installment.

*Amendment and
Alteration of lists
And reduction
Or remission of rates.*

33. (1) The Corporation at a meeting may for good and sufficient reason recorded in writing, at any time, direct alteration or amendment of the assessment list by revaluing or re-assessing any building.
- (2) The Corporation at a meeting may reduce or remit the amount payable as rate or rates on account of any holding. If it is satisfied that the levy of such rate or rates would be productive of excessive hardship to the person liable to pay the same.

*Publication of Notice
Assessment & review*

34. (1) When the assessment list mentioned in section 32 has been prepared or reviewed, the Chairman shall sign the same and shall cause it to be deposited in the office of the Corporation and shall also give notice of assessment to the owners and occupiers in respect of their respective holdings.
- (2) Any person who is dissatisfied with the amount of assessment in respect of his holding or disputes his liability to be assessed , may apply to the Corporation to review the amount of assessment or valuation or to exempt him from the assessment of rate and such application shall be disposed of by the corporation at a meeting or by any committee constituted and authorized by the corporation by a resolution.
- (3) No such application shall be received after the expiration of 60 days from the date of service of the notice under sub-section.
- (4) An appeal against any decision under subsection(2) may be filed within 30 days from the date of such decision before the District Officer within whose jurisdiction the Corporation is situated , and the decision on appeal shall be final and shall not be questioned in any court.

- Tax to be paid Quarterly in advance & notice of Demand* 35. (1) The rate or rates assessed shall be payable by the owner in Quarterly installment and every such instalment shall be due in the first day of the quarter in respect of which it is payable.
- (2) As soon as may be after any sum has become due on account of any tax rate or fee, the Corporation shall cause to be presented to the person liable a notice of demand in the prescribed form.
- Levy by Distress & realization by suit.* 36. (1) If any person does not within sixty days of the service of a notice of demand under sub-section(2) of section 35 pay the sum due either at the office of the Corporation or to some person authorized by the Corporation in this behalf of show sufficient cause for not paying the same , the amount of the arrear due along with interest at the rate of twelve percentum per annum and with cost, may , at any time be levied by distress and sale of any moveable property belonging to the defaulter except ploughs, plough –cattle , tool or implements of agriculture or trade.
- (2) In the event of failure to recover the whole or any part of the sum due by distress and sale under sub-section (1), the Corporation may sue the person liable to pay the same in any court of competent jurisdiction.
- Tax on profession, Trades & Calling* 37. When it has been determined that a tax shall be imposed on any profession trade of calling , every person who exercise within the corporation, either by himself or by an agent or representative any such profession, trade or calling shall take out a yearly licence and pay the tax as may be imposed by the Corporation which shall be realized in quarterly instalments.
- Power of the Govt. to direct Corp. to make payment to the Deptt. of the Govt.* 38. The State Government may by notification direct that the works as may be specified in the notification may be continued to be undertaken by the concerned departments of the State Government within the limits of the corporation and that so long such works will be so continued to be undertaken by the concerned departments of he state Government, a portion of the taxes collected by the Corporation as may be fixed by the State Government shall be paid by the Corporation to the departments concerned.
- Power to make Rules:* 39. The State Government may make rules-
- (a) prescribing the qualifications of and the procedure to be followed by, an assessor appointed under this Act;
- (b)prescribing the procedure to be followed for reviewing assessment
- (c) prescribing the form of notices of demand under sub-section of Section 35 and fixing the fees payable in connection with distress under his Act;

- (d) prescribing the condition and limitations under which a licence may be granted for the purpose of a tax on trades, professions and callings;
- (e) regulating any other matter relating to tax, fees or rates in respect of which this Act makes no provision or insufficient provision and for which provision is, in the opinion of the State Government, necessary.

CHAPTER V Streets

Power of corporation 40. to lay out , make Improvements of & Close public streets:

The Corporation in pursuance of a decision arrived at a meeting may-

- (a) lay out new streets, square and gardens;
- (b) construct new bridges, cause ways, culverts, and sub-ways;
- (c) turn , divert or temporarily or permanently close any public square, street or garden;
- (d) widen, open, enlarge or otherwise improve any public street , square or garden;
- (e) pass order regulating or prohibiting any description of traffic or any particular or on public street in general or preventing obstruction, encroachment or excavation on or near such street or streets.

CHAPTER VI. Conservancy and Drainage

Duties of corporation 41. For conservancy & for the removal of drainage

- (a) The corporation shall provide for the removal- of sewage, rubbish and offensive matters from all public latrines, urinals and drains and from all public streets and other property vested in the Corporation;
- (b) if a conservancy – rate has been imposed under Section 28, of sewage and offensive matters from all private latrines , urinals and cesspools.

Appointed Hours for 42. Placing rubbish etc. public street;

- (1) The Corporation at a meeting may from time to time publish an order prescribing the hours within which only an owner or occupier of any house or land, in a proper receptacle provided by the Corporation in order that such rubbish or offensive matters may be removed by the servants of the Corporation.
- (2) No person shall place or cause to be placed rubbish or offensive matters on a public street at other than the times appointed and except in the receptacles provided for by the corporation under Sub-section(1)

Water Supply and Lighting

Corporation to provide water supply & Lighting.

43. (1) It shall be lawful for the Corporation-
- (a) to provide a sufficient supply of water for the domestic use of the inhabitants;
 - (b) to cause the public streets to be sufficiently lighted.
- (2) If a water – rate has been imposed under Section 28, the Corporation shall provide a sufficient supply of water for the domestic use of he inhabitants;

If lighting – rate has been imposed under section 28, the Corporation shall cause the public streets t be sufficiently lighted.

CHAPTER VII. Buildings.

Building-sites & erection of buildings:

44. No piece of land shall be used as a site for the erection of a and no building shall be erected otherwise than in accordance with the provision of this Chapter and of any rule or by law made under this Act , relating to the use of building sites or to the erection of buildings , as the case my be.

Application for sanction:

45. Every person who intends to erect a building shall first submit an application in the forms prescribed to the Corporation together with such plans , specification and other particulars as may be prescribed in any rule or by-law made in this behalf by the Corporation.

Permission to execute work when to be given corporation or refused:

46. (1) Within thirty days after the receipt of any application made under section 45 or of any information or documents , which the may reasonably require, the applicant to furnish before deciding whether permission shall be granted to execute any work under the aforesaid section, the Corporation shall by written order, either-
- (a) grant permission conditionally or unconditionally to execute the work, or
 - (b) refuse permission on the ground that the plans, specifications and other particulars are not in conformity with the rules or by laws made in this behalf or that the proposed building is likely to affect the safety of the site or its adjoining area or privilege, safety or sanitation of any neighbouring building or buildings or of the locality.

- (2) When the Corporation grants permission conditionally under clause(a) of sub-section(1) , it may in regard thereto impose such conditions, consistent with this Act, as it may think fit.
- (3) The decision of the corporation in the matter of granting or not granting the permission as stated above shall be final and shall not be questioned in any court.

*Duration and expiry
Of permission to erect
A building:*

- (1) A permission to erect a building granted under Section 46 shall, unless it is renewed on an application made to the corporation for this only for two years after the date on which it is granted , unless the work of erection has been commenced within that period but in any case shall not continue for a period longer than three years from eh said date unless it is so renewed.
- (2) Any person who erects a building or continues the work of erection of a building , when the permission granted therefore has expired, shall be deemed to erect such building or to continue such work without sanction.

*Application of Act
to alteration or*

- 48.(1) The provisions of this Chapter and any rules or by-laws made under this Act relating to the erection of buildings, shall also apply to every material alteration of or additions to, any building, but shall not apply to necessary repairs not involving any of the works which constitute a material alteration or addition.
- (2) An alteration or addition in or to a building shall, for the purpose of this Chapter and of any rule or by law made under this Act, be deemed to be material if-
 - (a) it increases or diminishes the height of, the area covered by or the cubical capacity of he building or any part thereof; or
 - (b) it affects or is likely to affect prejudicially the stability or safety of the buildings or the condition of the building in respect of drainage, ventilation, sanitation or hygiene; or
 - (c) it converts into a place for human habitation a building or part of a building originally constructed for other purpose ; or
 - (d) it is an alteration or addition declared by any rule or by laws made in this behalf to be a material alteration or addition.
- (3) If any question arises as to whether any addition or alteration is necessary repairs not affecting the position, safety , stability, use, sanitary condition or dimension of a building or room, such question shall be referred to the Corporation at a meeting and the decision of the Corporation shall be final.

*Order for demolition 49.
of alteration of buildings*

If any building or part of any building has been commenced or constructed not in conformity with the provisions of this Chapter or any rules or by law made in relation to buildings, the Corporation may, in addition to any prosecution that may be instituted under this Act, apply to a Magistrate and the Magistrate may order such building or such portion thereof as the case may be to be demolished after giving the owner of such building an opportunity of being heard and of adducing evidence, if he is satisfied that the building or the portion thereof is affecting or is likely to affect the health or comfort of the owner or occupier of any other building or the sanitation of the safety of any other building, or the site or has encroached upon any public street.

*Power to make rules*50.

The corporation may make rules relating to submission and disposal of application for the plans specifications and other matter in respect of building and any other matter which it may deem necessary for carrying out the provisions of this Chapter.

CHAPTER VIII

Insanitary and dangerous property

*Power to direct the 51.
filling up etc. of un
wholesome wells,
Ditches etc.*

- (1) When-
- (a) any ditch, pool, well, tank, pond, pit or marshy or undrained ground or
 - (b) any cistern reservoir or water tank or any other receptacle or place

- where water is stored or accumulated; or
- (c) any waste or stagnant water, whether within any private enclosure or not.

Appears to the Corporation to be or to be likely to become injurious to health or offensive to the neighbourhood, the Corporation may by written notice require the owner or occupier of the land or building to which such ditch, pool, well, cistern reservoir or receptacle pertains, or of the land, as the case may be, in which such pool, ditch, tank, pond, pit, ground, place, is situated at the expense of such owner or occupier.

- (i) to cleanse the same; or
- (ii) to re-excavate the same; or
- (iii) to fill up the same with suitable materials; or
- (iv) to drain off or to remove water from the same; or
- (v) to take such other order therewith as the corporation may deem necessary within such period as may be specified in the notice.

(2) If the owner or occupier fails to comply with the notice under sub-section (1) the Corporation shall be entitled to get the works done and recover the cost incurred therefore from the owner or occupier as the case may be as if it were arrear of rate payable under this Act.

*Procedure in case of 52.
Building deemed unfit
for human habitation*

(1) If, for any reason, any building or portion of a building intended for, or used as, a dwelling place appears to the Corporation to be unfit for human habitation the Corporation may by notice require the owner or occupier of such building to make such alteration as the Corporation may think necessary in the building in order to make it fit for human habitation.

(2) If after one month after the service of the notice under sub-section (1) , it appears to the corporation that the building has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, the Corporation may apply to a Magistrate to prohibit the further use of such building or portion thereof as the case may be or to execute such work as in the opinion of the Magistrate may be necessary to render the building fit for human habitation.

*Prevention of danger 53.
From ruinous buildings
Etc.*

Notwithstanding anything contained in this Act , where it appears to the Corporation that immediate action is necessary for the purpose of preventing imminent danger to person or property from any building, wall, bank or other structures or anything affixed thereto, or to remove any tree or other things which appears to the Corporation to be a source of imminent danger to person or property , the Corporation may take such immediate action as it may deem fit ; and in such a case , it shall not be necessary for the Corporation to give notice or to apply to the Magistrate , if it appears to the Corporation that the object of taking such immediate action would be defeated by the delay incurred in giving notice or applying to the Magistrate.

CHAPTER IX. Offensive and Dangerous Trades, Occupation or Processes.

*Power to prohibit 54.
certain offensive &
dangerous trade
Without Licences*

(1) No person shall use or permit to be used any place within such local limits as may be fixed by the Corporation at a meeting without a license from the Corporation (which shall be renewable annually) for any of the following purposes , namely:-

- (i) for the slaughter of animals, or for the skinning or disemboweling of animals for purpose other than human consumption; provided that this clause shall not apply to slaughter of animals for a bonafied religious purpose or on a ceremonial occasion or
- (ii) for storing hides, horns or skins; or
- (iii) for boiling or storing offal , blood, bones or rags ; or
- (iv) for melting tallow; or
- (v) for tanning or for the manufacture of leather goods; or
- (vi) for oil boiling; or
- (vii) for soap making ; or
- (viii) for burning or baking bricks, pottery, or lime whether for trade or private purposes ; or
- (ix) as a depot for trade in coal or coke; or
- (x) for storing kerosene, petroleum, naphtha , or any inflammable oil for spirit ; or
- (xi) for trading in, or storing for other than his own domestic use, hay, straw, wood thatching grass, jute or other dangerously inflammable materials.

*Licensing for keeping 55.
cattle & Horses etc.
business*

No dairyman, milkman or stable – keeper shall keep cattle , ponies, horses or other four-footed animals for the purpose of trade or except in a place licenced by the Corporation.

*Conditions for keeping 56.
Pigs, Sheep and Goats:*

- (1) Within such limits as the Corporation at a meeting may direct, no person shall keep pigs or in any place more than twenty sheep or twenty goats without a licence from the Corporation which shall be renewable annually.
- (2) The Corporation, at a meeting, may charge an annual fee not exceeding two rupee for such licence and in respect of such licence may impose such conditions a to fencing, rainage , paving, cleansing and other matters for the regulation of such places as the Corporation may deem fit.

*Power to make by law 57.
regulating places .
.used for offensive
trades, etc*

The corporation may make bye –laws regulating places used for offensive or dangerous trades

CHAPTER X Fairs and Melas.

- Power of corporation to grant licences for* 58. The Corporation at a meeting may 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 Corporation on such terms and conditions and on payment to such fee as may be prescribed.
- Rules for Fairs & Mela* 59. The State Government may make rules regulating the granting of licences for holding fairs and melas and fixing the fees in respect thereof.

CHAPTER XI Market and Slaughter Place.

- Power to provide and maintain municipal Markets, slaughter* 60. The Corporation at a meeting may
- (a) construct, purchase, or take on lease or otherwise acquire any land or building for the purpose of establishing a municipal market or municipal slaughter – house or municipal stock yards or of extending or improving any existing municipal market , municipal slaughter house or municipal stock-yard, and
- (b) from time to time build and maintain such municipal markets, municipal slaughter house and municipal stock yards and such stall, shops, sheds, pens, and other buildings or convenience for the use of person carrying on trade or business in or frequenting such markets , slaughter house or stock yards and charge rents, tools and fees for the right to expose goods for sale in such market and for the use of shops , stalls slaughter-houses, stock yards and standings therein.
- Power to close Municipal Market, Slaughter houses and stock yards:* 61. The Corporation at a meeting may, at a time, in the interest of public temporarily or permanently , close any municipal market, municipal slaughter house or municipal stock yard or any portion thereof.
- Prohibition of use of Municipal market Without permission :* 62. No person shall, without the permission of the Corporation, sell or expose for sale any living thing or any article within a municipal market.
- Power to permit opening Or running of private Market:* 63. If the corporation publishes an order in this behalf , no person shall establishes a new private market or continue to run any existing Private market, for the purpose of sale or exposing for sale any article of human food except with the sanction of the Corporation and in conformity with the terms of a licence granted by the Corporation.

Licencing of private Slaughter-house and Prohibition:

64. (1) The Corporation may, subject to such terms and conditions as may be prescribed, grant and withdraw licences for the use of any premises for the slaughter of animals for the sale of their flesh for human consumption.
- (2) No person shall slaughter any animal for the sale of its flesh for human consumption within the Corporation at any place other than a municipal slaughter house or a slaughter-house licenced under sub-section (1)

Duration of Licence

65. Every licence granted under this Chapter shall be in force until the end of the year during which it is granted.

CHAPTER XII Restrain of Infection.

Restrain of Infection.

66. The corporation may make by-laws for the effective control, restraint and prevention of any dangerous disease and in particular and without prejudice to the generally of the foregoing power, the Corporation may, and when required by the State Government, shall make by-laws regulating the following matters:
- (a) the restraint, segregation and isolation of person suffering from any dangerous or likely to suffer from any dangerous disease owing to exposure to infection or contagion;
 - (b) the removal, disinfection and destruction of personal effects, goods and other property and disinfection of houses exposed to infection or contagion;
 - (c) the removal to hospital and the treatment of persons suffering from any dangerous disease or likely to suffer from any such disease, owing to exposure to infection or contagion;
 - (d) the speedy burial or cremation of the bodies of persons who have died from any dangerous disease;
 - (e) house to house visiting and inspection;
 - (f) the promotion of cleanliness, ventilation and disinfection;
 - (g) the duties and responsibilities in respect of the prevention and notification of any dangerous disease;

- (h) the duties and responsibilities of parents or guardians in respect to their school going children who are suffering or have recently suffered from any dangerous disease or have been exposed to infection or contagion and the duties and responsibilities of persons in charge of school in respect of such children;
- (i) the prevention of the spread from any animal, or the carcasses or product of any animal, to man, of rabies, glanders, anthrax, plague, tuberculosis, trichinosis, or any other disease communicable to man by any animal or the carcasses or product of any animal;
- (j) the prevention of the spread and the eradication of a malaria, the destruction of mosquitos and the removal or abatement of condition permitting or favouring the multiplication or prevalence of mosquitoes;
- (k) the prevention of the spread of diseases by flies or other insects and the destruction of such insects, and the removal or abatement of conditions permitting or favouring the prevalence or multiplication of such insects;
- (l) the destruction of rodents and other vermins and the removal or abatement of conditions permitting or favouring the harbourage or multiplication thereof;
- (m) the prevention of the spread of any dangerous disease by the carrying on of any business, trade or occupation;
- (n) the regulation of rag –flock manufacture and the trade in rags in bones and in second hand clothing, beddings or any similar article and the requiring of any such article to be disinfected before its importation, removal, sale or exposure for sale, or use in any manufacturing process;
- (o) the disposal of any refuse, waste matter or other matter or thing, which has been contaminated with or exposed to infection or contagion; and
- (p) compulsory vaccination, inoculation or their measures in respect of persons residing within the corporation and such other preventive measures.

CHAPTER XIII

Nuisance.

- Nuisance:* 67. (1) The powers conferred by the Chapter shall be in addition and not in derogation of any powers conferred by the other provisions of this Act.

- (2) (a) the condition of –
- (i) any premises or part thereof of such a construction or in such a state or so situated or so dirty as to be a cause of annoyance to the inmates thereof, the neighbours or the public or injurious or dangerous to health or unsafe, including places infected by, or providing haunts for mosquitoes or mosquito-larvae, flies or fly maggots, hookworm larvae or ova, or rats or other noxious animals or insects and thereby liable to favour the spread of infectious disease;
 - (ii) any street, tank pool ditch, gutter water course, sink, cistern, water closet, earth closet, privy, urinal, cess pool, drain dung pit or ash pit so foul or in such a state or so situated as to be a cause of annoyance to the inmates of the premises, the neighbours or the public, or injurious or dangerous to health;
 - (iii) any premises by reason of abandonment of disputed ownership or for any other reason unoccupied and thereby become a resort of idle and disorderly person;
 - (iv) any school, factory, workshop or other trade premises so unclean as to be a cause of annoyance to the inmates, the neighbours or the public, or injurious to health, or not so ventilated as to render harmless, as far as practicable, all gases, vapours, dust or other impurities, generated in the course of the work carried on therein, that are a cause of annoyance to the inmates, the neighbours or the public or injurious to health, or so overcrowded as to be injurious to the health of the persons therein engaged or employed, or not provided with sufficient and suitable privy or urinal accommodation;
 - (v) any offensive trade or business so carried on as to be injurious to health or offensive to the public.
 - (vi) any well, tank or other water supply injurious or dangerous to health;
 - (vii) any stable, cowshed or other building or enclosure in which any animal or animals are kept in such a manner or in such numbers as to be a cause of annoyance to the inmates of the premises, the neighbours or the public or injurious or dangerous to health;
 - (viii) any burial or burning ground which in opinion of the corporation is injurious or dangerous or likely to be injurious or dangerous to health of persons living in the neighbourhood or to the public or offensive to such persons;

- (ix) any accumulation or deposit, including any deposit of animal or vegetables or animal refuse, which is offensive to the neighbours or to the public or injurious or dangerous to health or any deposit of offensive matter, refuse or offal or manure within fifty yards of any public street, wherever situated ; and
- (b) any act , omission, condition or thing which the State Government by shall declare to be a nuisance, or which after due inquiry by the corporation on the complaint of two or more persons residing in the neighbourhood is found by the corporation to be a cause of annoyance to the neighbours or to the inmates of the premises affected or to the public or to the dangerous or injurious to health;shall be deemed to be a nuisance liable to be dealt with under the provisions of this chapter;

Provided that no nuisance shall be deemed to have been committed in respect of any accumulation or deposit necessary for the effectual carrying on of any business, trade or manufacture, if it be provided to the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purpose of the business, trade or manufacture and that the best available means have been taken for preventing injury or danger thereby to the public health.

*Inspection for ascertain-68.
ing existence of nuisance*

(1)The Corporation shall cause to be made from time to time inspection with a view to ascertain what nuisance exist calling :for removal under the powers of this Act, and shall enforce so far as possible the provision of this Act in order to remove the same and other wise put in force the powers vested in the Corporation relating to public health, so as to secure the proper sanitary condition of all premises within the Corporation.

(2) If the corporation or a Health Officer or a Sanitary Inspector has reasonable ground for believing that a nuisance exists in any premises, the Corporation may order of such officer may make an infection of such premises at any hour, when the operations suspected to cause nuisance are believed to be in progress or are usually carried on or when the special conditions suspected to cause the nuisance are believed to exist, and may cause such work to be done as may be necessary for an effectual examination of the said premises, including the opening of the ground or surface, where necessary, and the testing of the drains.

(3) Where the ground or surface has been opened and no nuisance is found to exist, the Corporation shall restore the premises at their own cost.

*Municipal Officer to give
give Information as to
Nuisance:*

Information of any nuisance under this Chapter may be to the Corporation by any person and every officer of the Corporation shall bring the existence of any nuisance to the notice of the Corporation or cause it to be brought to the notice of the Corporation.

*Notice to remove
Nuisance.*

70.

The Corporation, if satisfied of the existence of a nuisance, shall serve a notice on the author of the nuisance or if he cannot be found, then on the owner occupier of the building or premises on which the nuisance arises or continues, requiring him to remove it within the time specified in the notice and to execute such works and do such things as may be necessary for that purpose and if the Corporation thinks it desirable (but not otherwise) specifying any works to be executed to prevent a recurrence of the said nuisance;

Provided that-

- (a) Where the nuisance arises from any want or defect of a structural character, or where the building or premises are unoccupied, the notice shall be served on the owner;
- (b) Where the author of the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the owner or occupier of the building or premises, the Corporation may remove the same and may do what is necessary to prevent the recurrence thereof.

*Procedure in case
persons fail to comply
with notice*

71 (1) If the person on whom a notice to remove a nuisance has been served under section 70 fails to comply with any of the requirements thereof the time specified, or if the nuisance, although removed since the service of the notice, is in the opinion of the corporation likely to recur on the same premises shall cause a complaint relating to such nuisance to be made before a Magistrate, and such Magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.

(2) If the Magistrate is satisfied that the alleged nuisance exists, or that, although removed, it is likely to recur on the same premises, he shall make-

- (a) on the author thereof, or the owner or occupier of the premises, as the case may be, an order requiring him to comply with all any of the requirements of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for the purpose, or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence or an order both requiring the removal and prohibiting the recurrence of the nuisance, or
- (b) an order on the corporation directing them to remove or prevent the recurrence of the nuisance or both, at the expense of the author thereof or the owner or occupier of the premises, on as the case may be.
- (3) Before making any order the Magistrate may, if he thinks fit, adjourn the hearing or further hearing of the case until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.
- (4) Any costs incurred by the Corporation in executing an order of the Magistrate under clause (b) of sub-section (2) shall be payable on demand, and if not paid on demand, may be recovered by distress and sale of the moveable property of the defaulter.

Magistrate may order Local authority to execute works in certain cases.

79. Whenever it appears to the satisfaction of the Magistrate that the author of the nuisance or that the owner or occupier of the premises is not known or cannot be found, the Magistrate may at once order the Corporation to execute the works thereby directed and the cost of executing the same shall be payable by the person liable subsequently found, and if not paid on demand within fifteen days from the date of execution of the work, may be recovered by distress and sale of the moveable property of the defaulter, if known.

CHAPTER XIV

Places for disposal of the Dead and Registration of Births and Deaths

Provisions of place to Be used as burial Grounds.

73. The Corporation at a meeting may from time to time cut of the Municipal Fund with the sanction of the State Government provides fitting places either within or without the limits of Corporation to be used burial grounds or burning grounds and may impose such fees as may be fixed by the Corporation at a meeting with the approval of the State Government in respect of every corpse buried or burnt within such burial or burning grounds.

*Registration of birth
And death*

(74) The Corporation, if required by the State Government to do so, shall at a meeting provide for the registration of births and deaths within the limit of the corporation and for the issue of certificates of birth and deaths.

CHAPTER XV Penalties and Miscellaneous.

*Offence punishable
with fine*

(75) Whosoever commits any offence by contravening or failing to comply with any provision of this Act or rules or by-laws made thereunder or any direction lawfully given to him or any requisition lawfully made upon him under any provision of this Act or rules or by-laws made thereunder, shall be punished with fine which may extend to five hundred rupees: and if such offence continues in its nature, to further fine which may extend to fifty rupees for each day during which the offence is continued after the first day.

*Sanction and limita-
tion for prosecution*

(76) No prosecution for an offence under this Act or any rules or by-made in pursuance thereof shall be instituted without the order or Consent of the Corporation and no such prosecution shall be instituted except within six months next after the commission of the offence, unless the offence is of continuous in its nature, in which case of prosecution may be instituted within six months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman.

*Notice of suit against
Corporation.*

(77) (1) No Suit or other legal proceedings shall be brought against the Corporation or the Councilors or any of the agents, officers or servants of Corporation, or any person acting under its or their direction, for any act Purporating to be done under this Act or any rules or by-laws made there under, until the expiration of one month next after notice in writing is served on the Corporation or the Councilor or such agent, officer or servant or person acting under its or their direction, as the case may be, stating the cause of action and the name and place abode of the person who intend to bring the suit or proceeding and the relief claimed.

(2) Every such suit or proceeding shall be commenced within six months next after the accrual of cause of action and not afterwards.

*Corporation to provide
Public Urinals and
Latrines*

(78) The corporation shall, as soon as possible, take steps for the construction of public urinals and latrines at such places as the corporation will deem fit and shall make necessary arrangements for their proper cleaning and disinfection.

*Licencing of certain
Trade and business*

(79) The Corporation may with the previous sanction of the State Government direct that ----

(a) No person shall without or otherwise in conformity with the terms of license granted by the corporation in this behalf, carry on within the limits of

the Corporation the trade or business of a dairy men or milk men or of a baker, confectioner, ice or aerated water manufacturer or sweet-meat maker or of a keeper of a tea Shop, hotel or eating house;
(b) Such person as mentioned in such section (1) shall observe such terms and conditions as to cleanliness, hyegenic and sanitary conditions as may be described by the corporation by rules.

*Powers of Chairman and
Delegation to Vice-
Chairman*

(80) (1) the chairman shall for the transaction of business of the corporation connected with this Act or any other law for the purpose of making any order authorized thereby, exercise all the powers vested by this Act in the Corporation;

Provided the chairman shall not act in opposition to, or in contravention of any order or action of the corporation at a meeting or exercise any power which is vested in or directed to be exercised by the corporation at a meeting.

(2) The chairman may in accordance with the decision of the Corporation at a meeting, delegate all or any of his powers to the Vice-Chairman.

*Councilors, Munipal
Officers etc been
Public servants:*

(81). Every councilor, every officer and servant of the corporation and every person authorized by the Corporation to do any act under this Act or any rule or by-law made thereunder shall be deemed to be a public servant within the meaning of section (21) of the Indian Penal Code.

*Power of entry to
Inspect, survey or
Execute work:*

(82). The Chairman, Vice-Chairman, Executive Officer or any other person authorized by the corporation in this behalf, nay enter into on any building or land with or without the assistance or workmen in order

To make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing pipes, meters or other things, or to execute any other work which is authorized by the provision of this Act or of any rule, by-law or order made thereunder or which it is necessary for any of the purpose of this Act or in pursuance of the said provision or any resolution passed by the corporation, to make or execute:

Provided that-

(a) Except when it is in this Act or in any rule or by-law made thereunder

otherwise expressly provided, no such entry shall be made between

sunset and sunrise;

(b) Except when it is otherwise expressly provided as aforesaid, no dwelling house, and no part of a public building used as a dwelling

place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twelve hours' previous notice of the intention to make such entry;

(c) reasonable notice shall be given in every case even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove to some part of the premises where their privacy may be preserved;

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

Service how to be effected:

(83) When any notice, bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person, such service or issue shall be effected-

(a) by giving or tendering such documents to such persons; or

(b) if such person is not found, by leaving such document at his last known place of abode or business within the Corporation or by giving or tendering the same or by sending it by post to any adult male member of his family or adult male servant in his employment; or

(c) if such person does not reside within the corporation and his address elsewhere is known to the Corporation, by forwarding such document to him by post in a cover bearing the said address; or

(d) if none of the means referred to in clause (a), (b) or (c) be available, by affixing such notice, bill, summons or other document on some conspicuous part of the land or building (if any) or other thing to which the document relates.

Residuary power to Make rules and by-laws:

(84) (1) Without prejudice to any of the provisions hereinbefore contained, the State Government may make rules for carrying out the Purposes and objects of this Act.

(2) Without prejudice to any of the provisions hereinbefore contained, the Corporation may make by-laws for any of the purpose connected with this Act.

Protection of action

(85) No suit or legal proceedings shall be against the Councilors, or any officer or servant of the Corporation or any other person for anything in good faith done or intended to be done under the provision of this Act or rules or by-laws made under this Act.

Overriding effect of this Act:

(86) Any law in force immediately before the commencement of this Act with respect to any matter for which provisions is made in this Act

or which is inconsistent with the provisions of this Act shall cease to have effect in the areas within the jurisdiction of the Corporation constituted under this Act.

By Order of the Governor

P.K. Pradhan,

**Secretary to the
Governor of Sikkim**

SIKKIM

GOVERNMENT



GAZETTE
(EXTRAORDINARY)

PUBLISHED BY AUTHORITY

EX.GAZ.

OCTOBER 8, 1975

No. 46

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
NO. F.7 (1) H/75

The government of India, ministry of home affairs, notification dated the 26th august 1975 regarding extension of central enactment is published for general Information:-

S.Oin exercise of the powers conferred by clause (N)of article 371F of the constitution, the president hereby extends to the state of sikkim the enactments specified in the schedule annexed hereto subject to the modification, if any specified in that schedule and the following further modification namely.

(1) Any reference in the said enactment to a law not in force or to a functionary not in existence, in the state of sikkim shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that state:

provided that if any question arises as to who such corresponding functionary is or if there is no such corresponding functionary, the central government shall decide as to who such functionary will be and the decision of the central Government shall be final.

(2) Notwithstanding anythings contained in the relevant provision, if any, if each such enactment for the commencement thereof, the provisions of each such enactment shall come into force, in the state of Sikkim on such date as the central government may, by notification in the official gazette, appoint:

Provided that different dates may be appointed for different provisions of any enactment and for different areas in the state of Sikkim and any reference in any such provision to the commencement of the act shall be construed as a reference to the coming into force of that provision in the areas where it has been brought into force.

THE SCHEDULE

Year	NO.	Short title	modifications
1	2	3	4
1948	15	The Industrial Finance Corporation Act,1948	
1951	61	The All-India Services Act,1951	In section 3in sub-section(1), for"the state Jammu and Kashmir" substitute "the state of Jammu and Kashmir and Sikkim".
1951	63	The State Financial Corporations Act 1951	
1955	10	The Essential Commodities Act, 1955	

1962	26	The National Cooperative Development Corporation Act, 1962
1963	10	The Agricultural Refinance Corporation Act, 1963
1964	18	The Industrial Development Bank of India act, 1964
Gangtok		

T.S GYALSTSEN,
Chief Secretary

Government of Sikkim

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

OCTOBER 29, 1975

No. 47

HOME DEPARTMENT

No. f.7 (4)75

The government of India ministry & civil supplies dept. of civil supplies & cooperation notification no.23 (16)-IT 75 dated 16th May 1975 is published for general information:-

S.O.... In pursuance of the notification of the government of India in the ministry of home affairs No.S.O... 208(E) dated the 16th May, 1975 the central government hereby appoint the 1st day of September 1975, as the date on which the emblems and names (prevention of improper use) act, 1950 (12 of 1950) shall come into force in the state of Sikkim.

Gangtok

**T.S GYALTSEN,
Chief Secretary
Government of Sikkim**

Gangtok,
Dated the 29th October, 1975

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

OCTOBER 29, 1975

No. 48

HOME DEPARTMENT

No.f.7 (15) h75

The government of India ministry of home affairs notification no 1-11012/2/75/s&p (d1) dated the 16th July 1975 is published for general information:-

S.O.....in pursuance of the notification of the government of India in the ministry of home affairs no. S.O 208(E) dated the 16th May 1975 the Central Government hereby appoint the 16th July 1975 as the date on which the prevention of insults to national honour act,1971 (69of1971) shall come into force in the state of Sikkim.

**T.S GYALTSEN,
Chief Secretary**

**Gangtok,
Dated the 29th october1975**

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

OCTOBER 31, 1975

No. 49

**ELECTION DEPARTMENT
Notification no.171/p
Dated Gangtok the 31st October, 1975**

In supersession to the previous notification no.1/p dated Gangtok, September 6th 1975 the filling of nomination papers have been extended upto 5.11.1975.

**D.C LUCKSOM
Chief election officer,
Government of Sikkim.**

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

OCTOBER 30, 1975

No. 50

HOME DEPARTMENT

No.F/ (2) Home /75

Dated Gangtok the 30th October, 1975

The Adaptation of Sikkim laws (no.1) amendment order, 1975 is published general information:-
In exercise of the powers conferred by clause (1) of article 371F of the constitution the president hereby makes the following order to amend the adaptation of Sikkim laws (no.1) order,1975 namely:-

1. (1) This order may be called the adaptation of Sikkim laws (no.1) amendment order `1975.

(2) It shall be deemed to have come into force on the 26th day of April 1975.

2. In the adaptation of sikkim laws(no.1) order,1975 paragraph 5 shall renumbered, the following sub-paragraph (1) of that paragraph and after the sub-paragraph so renumbered the following sub-paragraph shall be inserted namely:-

‘(2) notwithstanding the direction in the second schedule for the omission of section II of the High Court of judicature (judicature and power) proclamation of 1955 every memorial petition for the review of any case under that section pending immediately before the commencement of this order shall. On such commencement, stand transferred to the high court and the high court shall dispose of such petition as if such petition were an application for review made to it’.

T. S. GYALTSEN
Chief Secretary
Government of Sikkim

SIKKIM

GOVERNMENT



GAZETTE

(EXTRAORDINARY)
PUBLISHED BY AUTHORITY

EX.GAZ.

NOVEMBER 11,, 1975

No. 51

LEGISLATIVE DEPARTMENT

No.F/ (3) H /75

Dated Gangtok the 11TH November , 1975

No. 6/L/75- 10th November , 1975 – The following Act of the Sikkim Legislative having received the assent of the President is hereby published for general information.

SIKKIM ACT NO VI OF 1975.
THE SIKKIM REGULATION OF TRANSFER AND USE OF LANDS ACT 1975
AN
ACT

to make provisions for the regulation of transfer and use of lands by the landowners and other persons and for other matters connected therewith.

WHEREAS the Governor of Sikkim has undertaken the task of introducing necessary and suitable measures relating to land reforms in Sikkim and of giving effect to the policy that lands are so distributed as best to subserve the common goods and that land properties are not concentrated to the common detriment.

AND WHEREAS to facilitate the implementation of the said task to give effect to such policy, it is expedient to make provisions for the regulation of transfer and use of lands by the landowners and other persons and for other matters connected therewith:

It is hereby enacted as follows:

- Short title , extent
And commencement
1. (1) This Act maybe called the Sikkim Regulation of Transfer and use of Lands Act, 1975.
 - (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 Sikkim Government Gazette, appoint and different dates may be appointed for different areas in Sikkim.

- Regulation of transfer
And use of lands.
- 3.(1) Notwithstanding anything to the contrary contained in any other law or custom or Contract:
- (a) no landowner shall transfer by sale, lease or anything whatsoever any land or right or interest in any land.
 - (b) No person shall fell, remove or dispose of any trees in any land, and
 - (c) No person shall quarry any land or remove any sub-soil material from any land-
- Without the permission writing of the District Officer within whose jurisdiction the land is situated or of such other officer as maybe specially empowered by the State Government in this behalf.
- (2) The State Government may make rules laying down the principles , terms and conditions in accordance with which the permission referred to in sub section (1) may be granted.

EXPLANATION

- (1) “Lands means any land used or capable of being used for any agricultural or non-agricultural purpose and includes forests;
- (2) “Landowners” means any person owing lands more than ten acres in areas , whether in his own possession otherwise, in the State of Sikkim.

- Contravention and Penalties:
3. (1) Any transfer made in contravention of the provision of clause (a) of sub section (1) of Section 2 shall be void:
- (2) If any person commits a breach of provisions of clause (b) or clause (c) of sub-section (1) of Section 2, he shall be punished with fine not exceeding two thousand rupees and if the breach is a continuing one, with a further fine not exceeding two hundred rupees, for each day during which the beach continues and the trees or sub-soil materials, as the case maybe , shall be forfeited to the State Government.
- Repeal and savings:
4. (1) The Sikkim Prevention of Transfer and Unauthorised Use of Lands ordinance , 1975, is hereby repealed.
- (2) Notwithstanding the repeal of thee Said Ordinance , any proceeding or remedy in respect of any right , obligation or liability under the said Ordinance and relating to the period before such repeal maybe instituted , continued or enforced as if the said Ordinance had been in force and had not been repealed.

The Sikkim Regulation of Transfer and Use of Land Bill , 1975 passe by the Legislative Assembly of Sikkim on the 6th day of September , 1975 , having been reserved by the Governor for the consideration of the President was assented to by the President on 17.10.1975.

T.S.GYALTSEN

**Chief Secretary
Government of Sikkim
[F No. 7 (3) – Home /75]**

SIKKIM

GOVERNMENT



GAZETTE

(EXTRAORDINARY) PUBLISHED BY AUTHORITY

EX.GAZ.

NOVEMBER 15,, 1975

No. 52

SIKKIM CONTINGENCY FUND RULES

In exercise of the powers conferred by section 4 of the Sikkim Contingency Fund Act , 1975 , the Governor of Sikkim is pleased to make the following rules:-

1. These Rules may be called the Sikkim Contingency Fund Rules , 1975.
2. The Sikkim contingency Fund shall be held on behalf of the Governor by a Secretary to the Governor of Sikkim in the Finance Department.
3. Advances from the Fund shall be made only to meet unforeseen expenditure for such services, the expenditure on which, as authorized by the Annual Appropriation Act, is found to be insufficient or where a need has arisen during the current financial year for supplementary or additional new expenditure or expenditure on some new service or scheme, not contemplated in the annual financial statement for that year. The unforeseen expenditure to be sanctioned pending its authorization by the Legislature under appropriation made by law must be of such an emergent character that its postponement would either be not administratively possible or would involve serious inconvenience or serious loss or damage to public service.
4. A proposal for an advance from the Fund shall be submitted to the Secretary to the Governor of Sikkim ,Finance Department . The Head of the Department shall, while referring such a proposal to the Finance Department , prepare a self contained note indicating:-
 - (i) brief particulars of the expenditure involve,
 - (ii) the circumstances in which provision could not be included in the budget.
 - (iii) why its postponement is not possible.
 - (iv) the amount required to be advanced from the Fund with full cost of the proposal for the year or part of the year, as the case may be, and
 - (v) the grant or appropriation under which supplementary provision will eventually have to be obtained.

5. A copy of the order sanctioning the Advance, which shall specify the amount , the grant or appropriation to which it relates and give brief particulars by sub-heads and units of appropriation of the expenditure shall be forwarded to the Audit and Accounts Officer of the State.
6. All bills for such expenditure shall conspicuously be labeled as pertaining to the Contingency Fund, quoting the order sanctioning the advance from the Fund, and the usual classification of expenditure on the bills shall also invariably be given by the disbursing effects.
7. Supplementary estimates for all expenditure financed form the fund shall be presented to the Legislature at the earliest opportunity . Such an estimate can either be or for the amount equal to the full estimated expenditure for which an advance has been made from the Fund or for a reduced sum owing to certain savings being available within the grant or charged appropriation concerned or because of the estimate of expenditure at the time of sanctioning an advance having been subsequently found to be in excess of requirement, of for a token sum only where expenditure involved can be met entirely by savings in the grant or charged appropriation concerned.

NOTES:- (1) While presenting to the State Legislature, supplementary estimates for expenditure financial from the Fund , a note to the following effects shall be made in the explanatory memoranda relating to such estimates:

“A sum of Rs..... has been advanced from the Sikkim Contingency fund and an equivalent amount is required to enable repayment to be made to that Fund.”

(2) If any new expenditure or expenditure on a new service or scheme not contemplated in annual financial statement for which an advance from the Contingency fund has been sanctioned can be met wholly or partly form savings available within the authorized appropriation, the note appended to the estimate submitted shall be in the following form:

“The expenditure is on a new item-service or scheme. A sum of Rs..... has been advanced from the Contingency Fund and an equivalent amount is required to enable repayment to be made to that Fund. The amount, namely Rs..... can be found by re-appropriation of savings within the grant / charged appropriation and a token vote only is now required / vote is required for the balance. That is Rs.....only”.

8. If, any case , after the order sanctioning an advance from the Contingency Fund has been issued in accordance with rule 5 and before action is taken in accordance with rule 7 , it is found that the advance sanctioned will remain wholly or partly unutilized, an application shall be made to the sanctioning authority for canceling or modifying the sanction , as the case may be.
9. All advances sanctioned from the Contingency Fund to meet the expenditure in excess of the provision for any service included in an appropriation (Vote on Account) Act shall be recouped to the Fund as soon as the Appropriation act in respect of the expenditure on the services for the whole year, including the excess met from the advance from the Fund, has been passé.
10. As soon as the State Legislature has authorized the expenditure by including it in a Supplementary Appropriation Act , the advance made from the Fund shall be recouped to the Fund and necessary adjustment made in the account.

11. As soon as the advance made from the Contingency Fund has been recouped to the Fund, consequent on the enactment of the Appropriation Act, the Finance Department shall inform the Audit & Accounts Officer of the State, about it , indicating the number and date of the order under which the original advance was made. A copy of the Appropriation Act shall also be forwarded.
12. The Heads of department / officers shall maintain a separate record of all transaction connected with the expenditure out of the advances from the Contingency Fund in the same form or forms as are used for the maintenance of records of expenditure out of the Consolidated Fund and in similar details in respect of major and minor heads and units of appropriation as would have been operated upon had the expenditure been incurred out of the Consolidated Fund. The form or forms referred to above may, however, be so amplified as to enable the disbursing officer to keep close watch on the progress of expenditure from and out of individual advances from the Funds as also to keep a record of the details in respect of recoupment, when made, of those advances to the Fund.
13. An account of the transactions of the Fund shall be maintained by the Finance Department in a separate register in the Form annexed to these rules.
14. Actual expenditure incurred against advances from the Contingency Fund shall be recorded in the account relating to the Contingency Fund in the same detail as it would have been shown if it had been paid out of the Consolidated Fund.

**ANNEXURE
FORM
(SEE RULE 13)
Sikkim Contingency Fund
Amount of the Fund :Rs. 25 Lakhs.**

Sl. No.	Date of	Number and	Number and
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GOVERNMENT

GAZETTE

(EXTRAORDINARY) PUBLISHED BY AUTHORITY

EX.GAZ.

OCTOBER 15, 1975

No. 53

ELECTION DEPARTMENT

Notification no.1/CEO
Dated Gangtok the 5th November, 1975

Publication of draft electoral rolls of 32 Assembly constituencies of Sikkim state.

This is for information of the public general that:-

- (1) The draft electoral rolls of 32 assembly constituencies of Sikkim state have been published on November, 15th 1975.
- (2) The period for lodging for claims and objection has been extended upto December, 15th 1975.
- (3) The period for disposal of claims and objection is extended upto December, 24th 1975.
- (4) The date for printing of supplements and final publication of electoral rolls has been fixed on December, 30th 1975.
- (5) The electoral rolls will be available for inspection by the member of the public upto December, 14th 1975 in the following places:-

CONSTITUENCY

PLACE OF INSPECTION

- | | |
|----------------|---|
| (I) YOKSOM | (a) the chief electoral district officer's
(b) district officer's office, west
© Junior school, Geyzing , |
| (ii) TASHIDING | (a) the chief electoral officer's office,
(b) District officer's office,
© Tashiding out post police, |
| (iii) GEYZING | (a) The chief electoral officer's office
(b) District officer's office
© Geyzing thana. |
| (iv) DENTAM | (a) The chief electoral district officer's, |

- (v) **BARMIOK** (B) District officer's office
 © Dentam thana.
 (a) the chief electoral district officer's
 (b) District officer's office
- (vi) **RICHENPONG** © Kaluk out post police,
 (a) The chief electoral district officer's
 (b) District officer's office
- (vii) **CHAKUNG** © Kaluk out post police
 (a) The chief electoral district officer's
 (b) District officer's office
- (viii) **SOREONG** (c) Soreong thana.
 (a) The chief electoral district officer's
 (b) District officer's office
- (ix) **DARAMDIN** (c) Soreong thana.
 (a) The chief electoral district officer's
 (d) District officer's office
 © Sombaria out post police.
- (x) **JORETHANG-NAYABAZER** (a) the chief electoral district officer's
 (b) District officer's office, namchi.
 (c) Jorehang police station,
- (vi) **RALANG** (a) The chief electoral district officer's
 (b) District officer's office
 © Ralang out post police.
- (xii) **WAK** (a) The chief electoral district officer's
 (b) District officer's office
 © Namchi police station.
- (xiii) **DAMTHANG** (a) The chief electoral district officer's
 (b) District officer's office
 (c) Namchi police station.
- (xiv) **MELLI** (a) The chief electoral district officer's
 (b) District officer's office
 (c) Melli out post police.
- (xv) **RETEYPANI-WEST PENDAM** (a) The chief electoral district officer's
 (b) District officer's office
 (c) Rangpo police station.
- (xvi) **TEMI-TARKU** (a) The chief electoral district officer's
 (b) District officer's office
 © Temi junior high school,
- (xvii) **CENTRAL PENDAM-EAST
 PANDAM** (a) the chief electoral district officer's
 (b) District officer's office east
 © Ranpo police station.
- (xviii) **RHENOK** (a) The chief electoral district officer's
 (b) District officer's office
 © Rhenock police station.
- (xix) **REGU** (a) The chief electoral district officer's
 (b) District officer's office
 © Rongli out post police.
- (xx) **PATHANG** (a) The chief electoral district officer's
 (b) District officer's office

- (xxi) LOOSING-PACHEKHANI
- © Rongli out post police.
 - (a) The chief electoral district officer's
 - (b) District officer's office
- (xxii) KHAMDONG
- © Pakyong out post police
 - (a) The chief electoral district officer's
 - (b) District officer's office
- (xxiii) DJONGU
- © Makha out post police.
 - (a) The chief electoral district officer's
 - (b) District officer's office mangan
- (xxiv) LACHEN MANGSHILA
- © Fair price shop sankalang,
 - (d) Fair price shop dikchu,
 - (a) The chief electoral district officer's
 - (b) District officer's office
- (xxv) KABI- TINGDA
- © Fair price shop chungthang.
 - (a) The chief electoral district officer's
 - (b) District officer's office
- (xxvi) RAKDONG- TENTEK
- © Phensang junior high school,
 - (e) Fair price shop kabi
 - (a) The chief electoral district officer's
 - (b) District officer's office
- (xxvii) MARTAM
- © Samdong junior high school,
 - (a) The chief electoral district officer's
 - (b) District officer's office
- (xxviii) RUMTAK
- © Singtam junior high school,
 - (a) The chief electoral district officer's
 - (b) District officer's office
- (xxix) ASSAM LINGJEY
- © Ranipol checks post.
 - (a) The Chief Electoral Officer's Office.
 - (b) District Officer's Office
 - (c) Primary School, Assam Lingjey.
- (xxx) RANKA
- (a) The Chief Electoral Officer's Office
 - (b) District Officer's Office
 - © Ranka School
- (xxxi) GANGTOK
- (a) The Chief Electoral Officer's Office
 - (b) District Officer's Office
 - (c) The District Officer's Office, East
- (xxxii) Sangha
- (a) The Chief Electoral Officer's Office
 - (b) District Officer's Office
 - © District Officer's Office , South
 - (d) D District Officer's Office, North
 - (e) District Officer's Office ,East
 - (f) All the Monasteries , West , South , North East.

**D.C. Lucksum,
Chief Electoral Officer**

SIKKIM

GOVERNMENT



**GAZETTE
(EXTRAORDINARY)**

PUBLISHED BY AUTHORITY

EX.GAZ.

NOVEMBER 26, 1975

No. 54

HOME DEPARTMENT

Notification no.174/hH/75.

Dated Gangtok the 26th November, 1975

In pursuance of section 10 of Sikkim cultivator protection (temporary provision) act no.1/of 1975) the state government has been pleased to appoint the secretary department of land revenue, as an appellate officer to decide disputes between a cultivator and the owner a therein.

By order

**T.S. GYALTSEN,
Chief Secretary
Government of Sikkim
(File no.7/(3) home/75)**

S.O 609(E)-where election have been held in pursuance of the ratification no.S.O 507(E), dated the 12th September 1975, issued under section 12Aof the representation of the people act 1951(43of1951) **for the** purpose of electing one member to fill the seat allotted to the state of sikkim in the council of state.

Now, therefore in pursuance of section 71 of the said act, the name of member elected by the elected member of the legislative assembly of the state of Sikkim is hereby notified for general information:-

Name of member

Leonard of Soloman Saring

(No.F.13 (2)/75-LEG.II (ii)

E. VENKATESWRAN Jt.secy”

BY ORDER

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

NOVEMBER 20, 1975

No. 56

HOME DEPARTMENT

Notification no.2/H

Dated Gangtok the 20th november1975

Election commission of India notification no.508/SKM/75 dated 20 November 1975 are republished in the extraordinary gazette of Sikkim for general Information :-

ELECTION COMMISSION OF INDIA

**Nirvachan sadan
Ashoka road
New Delhi**

Dated 20 November1975

NOTIFICATION

No.508/SKM/75:- In pursuance of the provisions in sub-section (1) of section 13AA of the representation of the people act,1950 the election commission in consultation with the state government hereby designates the districts officer of each of the districts in the state of sikkim as the district election officer of the district of which he is the district officer.

**Sd/- (A.N Sen)
Secretaty**

By order

**D.C LUCKSOM
Chief electoral officer Sikkim**

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

December 4, 1975

No. 57

**HOME DEPARTMENT
Notification no.180/H/75
Dated Gangtok the 4th December 1975**

Ministry of Law, Justice & Company Affairs (Legislative Department Notifications No. S.O. 614(E) dated 24th October, 1975 and S.O. 647 (E) dated 10th November, 1975 are republished in the Extra Ordinary Gazette of Sikkim for general information:

S.O.614 (E) – In pursuance of the Provision of section 67 of the Representation of the People Act, 1951 (43 of 1951), the following declaration containing the name of the candidate elected to fill the seat allotted to the State of Sikkim in the House of the People is published for general information:-

DECLARATION

Election to the House of the people by the elected members of the Legislative Assembly of Sikkim. "In pursuance of the provisions contained in sub-section (2) of section 53 of the Representation of the People Act, 1951, read with sub-rule (1) of rule 11 of the Conduct of Election Rule, 1961, I declare, at page in the Gazettee of India, extraordinary, Part II, Section

SHRI S.K.RAI
P.O.GANGTOK

Has been duly elected to fill the seat in their House.

Place : WHITE HALL, GANGTOK

Date 22.9.1975

Sd/ R.K. GUPTA
Returning Officer for
Election to the House of the
People.

No. F 13(1) /75-Leg II

Sd/ E.VENKATESWARAN
Joint Secretary,

S.O 647(E) In the notification of the government of India in the Ministry of Law, Justice and Company Affairs (Legislative Department) No. S. 0614S. (E), dated the 24th October 1975, published in the Gazettee of India, Extraordinary, Part II, section 3, Sub-section (ii) dated the 24th October 1975, at page 2361, in line 17, for "their", read "that".

No. F 13(1) /75-Leg II

Sd/ E.VENKATESWARAN
Joint Secretary,

By order,

T.S.GYALTSEN,
Chief Secretary,
Government of Sikkim.

File No. 3 (23) – Home /75.

SIKKIM

GOVERNMENT  **GAZETTE**

EXTRAORDINARY)

PUBLISHED BY AUTHORITY

EX.GAZ.

NOVEMBER 20, 1975

No. 58

HOME DEPARTMENT

Notification no.183/H/75

Dated Gangtok, the 6th December, 1975

In suppression of notification No.H (GA) VII/75/7 dated 16th May, 1975, the Governor of Sikkim is pleased hereby to fix the pay of the Speaker and the Deputy Speaker as follows:-

(1) SPEAKER:

- (a) Rs1750/-p.m.
- (b) Residence:Rs.400/-p.m unless govt. accommodation is provided.
- (c) Transport: Rs.400/- p.m unless a Govt vehicle is provided.
- (d) Entertainment: as for cabinet ministers.

(2) DEPUTY SPEAKER:

- (a) Pay: Rs.1600/-p.m.
- (b) Residence: Rs.400/- p. m unless Govt accommodation is provided.
- © Transport: Rs.400/-p.m unless govt. vehicle is provided.

T.S GYALTSEN
Chief Secretary,
Government of Sikkim.

(No. F3 (12) H/75)

SIKKIM

GOVERNMENT



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**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

DECEMBER 8, 1975

No. 59

Notification no. 2/P

Dated Gangtok the 8th December, 1975]

In pursuance of gazette notification no. 1/p dated the 6th September, 1975 the date for holding panchayat election to the state of Sikkim on 12th December, 1975 in south and west districts is hereby postponed to 15th December, 1975.

By order,

D.C Lucksom

Chief Electoral Officer, Sikkim.

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

DECEMBER 9, 1975

No. 61

**HOME DEPARTMENT
Notification no.188/h/75
Dated the 9h December, 1975**

The government of India ministry of communication notification No.S.O (E) dated 17th June 1975 No.S.O... 264 (E) dated 17th June 1975 1975 and No.S.O 344 (E) dated 10th July 1975 are publish for general information:-

S.O263(E)-in exercise of the power conferred by section 4and 7 of the Indian telegraph act 1885 (13of 1885) the central government hereby directs the following rules shall extend to and come into force the state in the state of Sikkim with effect on and from the dated of publication of this notification in the official gazette namely:-

- (i) The Indian telegraph rules, 1951.
- (ii) The Indian wireless telegraphy commercial radio operator certificates of proficiency and licence to operator wireless telegraphy rules 1954.
- (iii) The Indian wireless telegraphy (Amateurs Service) rules, 1958.
- (iv) The Indian wireless telegraphy (Experimental Service) rules 1962
- (v) The Indian wireless telegraphy (Demonstration Licence) rules 1962
- (vi) The licensing of wireless telegraphy receiving apparatus rules, 1965.
- (vii) The Indian wireless telegraphy rules 1965.
- (viii) The Indian wireless Telegraph (Foreign Aircraft) Rules, 1973.

(No. R.IIOII-4 -74 -LR)

S.O.264 (E)___In exercise of the power conferred by section 7 of the Indian telegraphy act.1885 (13 of 1885) and section to of the Indian wireless telegraphy act, 1933(17 of1933) the central government hereby directs that the commercial broadcast licensing (dealers) rule, 1965 shall extends to, and come into force in, the state of Sikkim with effect on and from the date of publication of the notification in the official gazette

(No.R.11011/4/74-lr)

sd/-S.M. Agarwal,
Addl. Secretary

S.O...344(E).-in exercise of the powers conferred by section to of the Indian wireless telegraphy act, 1933(17of1933) the central government hereby directs that the Indian wireless telegraphy (possession rules, 1965, shall extend to, and come into force in, the state of Sikkim with effects on and from the 10th day of july,1975.

Sd- (DALJINDER SINGH)

Senior member (po.is) end Ex- office

Addl . Secretary to the government of India.

(NO. 1/41/75-RL)

By order.

T.S. GYALTSEN,

Chef Secretary to the government of Sikkim.

(F.7.(33) home/75)

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

DECEMBER 5, 1975

No. 62

**HOME DEPARTMENT
(ELECTION)**

Notification no.4/h

Dated gangtok the 5th December, 1975

Election commission of India notification no.428/SKM/75 (3) dated 5th December,1975 is republished in the extraordinary gazette for general information:-

ELECTION COMMISSION OF INDIA

**NIRVACHAN SADAN
ASHOKA ROAD**

NEW DELHI dated 5th December, 1975.

NOTIFICATION

No.429/SKM/75(3) :- in exercise of the powers conferred by sub-rule (1)of rule 23 k of the registration of electors rule, as the officer to whom an appeal lie from any decision of the electoral registration officer of any assembly constituency in that state under rule 20, rule 21Aor rule 21Aof the said rules.

**Sd/- A.N.Sen
Secretary**

**By order
D.C Lucksom
Chief electoral officer, Sikkim.**

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

DECEMBER 3, 1975

No. 63

**HOME DEPARTMENT (ELECTION)
NOTIFICATION NO.5/H
Dated Gangtok the 3rd December, 1975**

Election commission of India notification no.434/SKM (1) dated 3 December, 1975 is republished in the extraordinary gazette of Sikkim for general information:-

ELECTION COMMISSION OF INDIA

**NIRVANCHAN SADAN
ASHOKA ROAD
NEW DELHI
Dated 3 December 1975
Agrahayana 12, 1897(SAKA)**

NOTIFICATION

No.434/SKM /75(1)- on pursuance of the provisions of section 21 of the representation of the people act, 1951 (43 of 1951) the election commission in consultation with the government of Sikkim hereby designates the district officer, east Sikkim P.O Gangtok to be the returning officer for the Sikkim parliamentary constituency comprising the state of Sikkim.

By order

Sd/- A.N SEN

Secretary

**D.C LUCKSOM
Chief election officer.
Sikkim**

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

DECEMBER 3, 1975

No. 64

**HOME DEPARTMENT
(ELECTION)**

Notification no.6/h

Dated 3 December 1975

Election commission of India notification no.434/skm/75 (2) dated 3 December 1975 is republished in the extraordinary gazette of Sikkim for general information:-

ELECTION COMMISSION OF INDIA

**“NIRVACHEN SADAN”
ASHOKA ROAD
NEW DELHI**

**Dated 3 December 1975
Agrahayana 12, 1897(SAKA)**

NOTIFICATION

No. 434.SKM/75(2) in exercise of the powers conferred by sub-section (1) of section 22 of the representation of the people act, 1951 (43 of 1951) the election commission hereby appoint the following officer of the government of Sikkim as assistant returning officers to assist the returning officer for the Sikkim parliamentary constituency in the performance of his function as such returning officer:-

1. District officer west Sikkim P.O. Geyzing .
2. District officer South Sikkim P.O. Namchi.
3. District officer, North Sikkim, P.O Mangan.
4. Deputy district officer-cum planning officer, east sikkim, P.O. Gangtok

**Sd/- A.N.SEN
Secretary**

BY ORDER

**D.C LUCKSOM
Chief Electoral Officer, Sikkim.**

SIKKIM

GOVERNMENT



GAZETTE

**(EXTRAORDINARY)
PUBLISHED BY AUTHORITY**

EX.GAZ.

DECEMBER 3, 1975

No. 65

**BAZER DEPARTMENT
Office order no. 54/D**

The cabinet is pleased to nominate the following as councilors for Gangtok municipal corporation with immediate effect:-

1. Mr.Balchand Sarda.
2. Mrs.Durga Lama.
3. Mr.Sonam. Paljor.
4. Mr.l.d.Tsering.
5. Mr B.D Basnet.
6. Mr.Dumber Sundas Darji.
7. Mr.Nim Tsering Sherpa.
8. Mr.Man Bahadur Chhetri.
9. Mr.Durga Parsad Bhawanipuri

By order

**D.C Lucksom
Secretary
Bazaar department.**

