

THE
SIKKIM CODE

VOLUME VI

SIKKIM ACTS, SUBORDINATE LEGISLATION
AND NOTIFICATIONS
INCLUDING LIST OF CENTRAL ACTS EXTENDED
AND ENFORCED TILL DECEMBER, 2001
WITH NOTIFICATIONS
(1998-2001)

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VOLUME VI

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PART I

SIKKIM ACTS

THE SIKKIM APPROPRIATION ACT, 1998
(ACT NO. 1 OF 1998)
AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the Service of the Financial Year 1997-98.

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

Short title

1. This Act may be called the Sikkim Appropriation Act, 1998.

Issue of Rs.137,64,01,000/ out of the Consolidated Fund of the State of Sikkim for the Financial year 1997-1998

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 6 of the schedule amounting in the aggregate to the sum of one hundred thirty-seven crores, sixty-four lakhs, one thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 1997-98, in respect of the services and purposes specified in column 3 of the Schedule.

Appropriation

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(Rupees in thousands)

Sl. No.	Demand No.	Services and purposes to which grant/appropriation relates		Voted by the Legislative Assembly	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	2	3	4	5	6	
1	1	State Legislature	Revenue	500	400	900
2		Governor	Revenue		800	800
3	2	Council of Ministers	Revenue	1047	...	1047
4	4	Election	Revenue	4990	...	4990
5		Interest Payment	Revenue	...	17353	17353
6	4	Police	Revenue	6390	. .	6390
7	15	Jails	Revenue	320	. .	320
8	17	Public Works (Buildings)	Capital	32320	280	32600
9	19	Pension and Other Retirement Benefits	Revenue	7250	152	7402
10	20	Miscellaneous General Services	Revenue	968000	. .	96800
11	25	Water Supply and Sanitation	Revenue	3950	. .	3950
			Capital	25850	. .	25850
12	28	Social Security and Welfare	Revenue	800	. .	800
13	31	Relief on Account of Natural Calamities	Revenue	70000	. .	70000

1	2	3		4	5	6
14	34	Agriculture	Revenue	3067	. .	3067
15	35	Soil and Water Conservation	Revenue	785	. .	785
16	39	Forestry and Wild life	Revenue	323	. .	323
17	41	Food, Storage and Warehousing	Revenue	690	. .	690
18	45	Power	Revenue	23400	. .	23400
			Capital	14800	. .	14800
19	48	Roads and Bridges	Capital	12900	. .	12900
20	49	Road Transport Services	Revenue	3100	. .	3100
21	52	Tourism	Capital	3000	. .	3000
22		Public Debt	Capital	..	173159	173159
		Total:		**118425**	**192144**	**1376401**

THE SIKKIM APPROPRIATION (VOTE ON ACCOUNT) ACT, 1998
(ACT NO. 2 OF 1998)
AN
ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Sikkim for the Services of a part of the Financial Year 1998-99.

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

Short title

1. This Act may be called the Sikkim Appropriation (Vote on Accounts) Act, 1998.

Issue of Rs.792,19,75,000/ out of the Consolidated Fund of the State of Sikkim for the Financial year 1998-1999

2. From and out of the Consolidated Fund of the State of Sikkim, there may be withdrawn sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sums of seven hundred and ninety-two crores, nineteen lakhs, seventy-five thousands rupees towards defraying the several charges which will come in course for payment during the Financial Year 1998-99 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of vote	Services and purposes		Voted by the Legislative	Charged on the Consolidated Fund	SUMS NOT EXCEEDING TOTAL
1	2		3	4	5
1	State Legislature	Revenue	500	400	900
2	Governor	Revenue	...	800	800
3	Council of Ministers	Revenue	..	3056	3056
4	Administration of Justice	Revenue	7278	5215	12493
5	Election	Revenue	3475	..	3475
6	Income and Sales Tax	Revenue	3608	..	3608
7	Land Revenue	Revenue	15958	..	15958
8	Stamps and Registration	Revenue	75	..	75
9	Excise (Abkari)	Revenue	7188	..	7188
9	Taxes on Vehicles	Revenue	1173	..	1173
10	Others Taxes and Duties on Commodities & Services	Revenue	1198	..	1198
	Interest Payments			250569	250569
11	Secretariat-General Services	Revenue	25770	..	25770
12	District Administration	Revenue	11364	..	11364
13	Treasury and Account Administration	Revenue	14935	..	14935
14	Police	Revenue	192019	..	192019
15	Jails	Revenue	2000	..	2000
16	Stationery and Printing	Revenue	8810	..	8810
17	Public Works (Building)	Revenue	143200	355	143555
18	Other Administrative Services	Revenue	23798	..	23798
19	Pension and Other Retirement Benefits	Revenue	53475	125	53600
20	Miscellaneous General Services	Revenue	4895220	..	4895220
21	Education	Revenue	424483	..	424483
22	Sports and Youth Services	Revenue	8971	..	8971
23	Art and Culture	Revenue	7405	..	7405
24	Medical and Public Health	Revenue	140370	..	140370
25	Water Supply and Sanitation	Revenue	39510	..	39510
		Capital	85505	..	85505
26	Urban Development	Revenue	20435	..	20435
		Capital	23515	..	23515
27	Information and Publicity	Revenue	8528	..	8528
28	Social Security and Welfare	Revenue	32672	..	32672
		Capital	260	..	260

1	2	3	4		5
29	Labour and Labour Welfare	Revenue	3588		3588
30	Nutrition	Revenue	12455	. .	12455
31	Relief on Account of Natural Calamities	Revenue	25810	. .	25810
32	Other Social Services (Ecclesiastical)	Revenue	4085	. .	4085
33	Secretariat-Social Services	Revenue	1698	. .	1698
34	Agriculture	Revenue	77531	. .	77531
		Capital	2875	. .	2875
35	Soil and Water Conservation	Revenue	20445	. .	20445
36	Animal Husbandry	Revenue	38044	. .	38044
		Capital	1800	. .	1800
37	Dairy Development	Revenue	12050	. .	12050
38	Fisheries	Revenue	5878	. .	5878
		Capital	950	. .	950
39	Forestry and Wildlife	Revenue	85558	. .	85558
		Capital	1100	. .	1100
40	Other Agriculture Programme	Revenue	18608	. .	18608
		Capital	5000	. .	5000
41	Food, Storage and Warehousing	Revenue	70208	. .	70208
		Capital	1300	. .	1300
42	Co-operation	Revenue	10873	. .	10873
		Capital	7925	. .	7925
43	Rural Development	Revenue	42500	. .	42500
		Capital	5800	. .	5800
44	Irrigation and Flood Control	Revenue	21908	. .	21908
		Capital	150	. .	150
45	Power	Revenue	101440	. .	101440
		Capital	154400	. .	154400
46	Industries	Revenue	24428	. .	24428
		Capital	30000	. .	30000
47	Mines and Geology	Revenue	3748	. .	3748
		Capital	1150	. .	1150
48	Roads and Bridges	Revenue	100867	. .	100867
		Capital	164234	. .	164234
49	Road Transport Services	Revenue	91600	. .	91600
		Capital	9100	. .	9100
50	Other Scientific Research	Revenue	4601	. .	4601
51	Secretariat-Economic Services	Revenue	11900	. .	11900
52	Tourism	Revenue	22310	. .	22310
53	Aid Materials and Equipments	Revenue	3	. .	3
	Public Debt	Capital	. .	62045	62045
54	Loans to Government Servants	Capital	5250	. .	5250
		TOTAL	**7598650**	**323325**	**7921975**

THE SIKKIM ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) ACT, 1998
(ACT NO. 3 OF 1998)
AN ACT

further to amend the Sikkim Essential Services Maintenance Act, 1993.

Be it enacted by the Legislature of Sikkim in the forty-ninth Year of the Republic of India as follow:-

Short title and commencement

1 (1) This Act may be called the Sikkim Essential Services Maintenance (Amendment) Act, 1998.

(2) It shall come into force at once.

Amendment of Section 2

2 In the Sikkim Essential Services Maintenance Act, 1993, in section 2 after clause (ga), the following clause shall be inserted namely:-

"(gb) any service connected with education, teaching and administration of schools, colleges and other establishments imparting education."

THE SIKKIM MINISTERS, SPEAKER, DEPUTY SPEAKER AND MEMBERS OF THE SIKKIM LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES) AMENDMENT ACT, 1998.

(ACT NO. 4 OF 1998)
AN
ACT

further to amend the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977.

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

Short title and commencement

1. (1) This Act may be called the Sikkim Ministers, Speaker, Deputy Speaker and Member of the Legislative Assembly (Salaries and Allowances) Amendment Act, 1998.

(2) It shall come into force on the 1st day of April 1998.

Amendment of Section 3

2. It the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977 (hereinafter referred to as the principal Act), in section 3, in sub-section (3),-

(i) in clause (a), for the words "one thousand" the words "four thousand" shall be substituted;

(ii) in clause (b), for the words "five hundred" the words "fifteen hundred" shall be substituted; and

(iii) in clause (c), for the words "one thousand" the words "two thousand" shall be substituted.

Amendment of Schedule

3. In the principal Act, for the existing Schedule, the following Schedule shall be substituted namely:-

"SCHEDULE"

(See sub-section (1) and (2) of section 3)

Sl. No.	Designation	Salary	Sumptuary Allowance
1	Chief Minister	Rs. 9500/-	Rs. 5000/-
2	Speaker	Rs. 8500/-	Rs. 4500/-
3	Minister	Rs. 7500/-	Rs. 4000/-
4	Deputy Speaker	Rs. 7500/-	Rs. 4000/-
5	Minister of State	Rs. 6500/-	Rs. 3000/-
6	Deputy Minister	Rs. 5500/-	Rs. 2500/-

THE SIKKIM NON-BIODEGRADABLE GARBAGE (CONTROL AMENDMENT) ACT, 1998
(ACT NO. 5 OF 1998)
AN
ACT

to amend the Sikkim Non-Biodegradable Garbage (Control) Act, 1997.

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

Short title and commencement

1. (1) This Act may be called the Sikkim Non-Biodegradable Garbage (Control) Amendment Act, 1998

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

Amendment of Section 2

2. In clause (c) of section 2 of the Sikkim Non-Biodegradable Garbage (Control) Act, 1997, after the word "force", the words "or in the absence of any such authority, the Urban Development and Housing Department, Government of Sikkim"; shall be added.

THE SIKKIM ENTERTAINMENT TAX (AMENDMENT) ACT., 1998
(ACT NO. 6 OF 1998)
AN
ACT

further to amend the Sikkim Entertainment Tax Act, 1980.

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

Short title, extent& commencement

1. (1) This Act may be called the Sikkim Entertainment Tax (Amendment) Act, 1998.

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

Amendment of Section 2

2. (2) In the Sikkim Entertainment Tax Act, 1980, (hereinafter referred to as the "principal" Act) in section 2,-

(1) after clause (b) the following clause shall be inserted, namely:-

"bb" cable television" means a system organised by any proprietor on payment of any contribution or subscription or installation charges or connection charges or any other charges collected in any manner whatsoever from subscribers for exhibition of films or moving pictures or series of pictures or serials by means of transmission of television signals by wire where subscriber's television set is linked by metallic coaxial cable or optic fibre cable to a central system called the head end, owned by the proprietor by using a video cassette or disc or both, recorder or player or similar such apparatus on which prerecorded video cassettes or discs or both are played or replayed and the films or moving pictures or series of pictures or serials or any other programmes which are viewed and heard on the television receiving set at a residential or non-residential place of the subscriber",

(2) after clause (bb) the following clauses shall be inserted, namely:-

"(bbb)" disc antenna means an apparatus installed by the proprietor which receives television signals which enables viewers to tune into transmission and is erected or installed for exhibition of films or moving pictures or series of pictures, or serials or any other programme by means of transmission of television signals by wire where subscriber television sets at the residential or non-residential place are linked by metallic coaxial cable or optic fibre cable to a central system called the head end, on payment of the subscriber of any contribution and subscription or installation charges or connection charges or any other charges collected in any manner whatsoever",

(3) in clause (c),

(i) after the word "payment", the following shall be added, namely.- "or in the case of television exhibition with the aid of any type of antenna with a cable net-work attached to it or cable television, for which persons are required to make payment by way of contribution or subscription or installation charges or any other charges collected in any manner whatsoever".

(ii) in the Explanation, after the world "entertainment" the following shall be added, namely·-

"and also includes any exhibition by cinematograph including video exhibition or television exhibition with the aid of any type of antenna with a cable network attached to it or cable television, for the purpose of transmitting signals to subscribers";

(4) in clause (f) after sub-clause (iv), the following sub-clause shall be inserted, namely:-

"(v)" any payment made by a subscriber by way of contribution or installation charges or connection charges or any other charges collected by a proprietor in any manner whatsoever for television exhibition with the aid of any type of disc antenna with cable network attached to it;

(5) in clause (g) after word "thereof" the following shall be added, namely:- "or responsible for, or for the time being in charge of management of providing or maintaining or operating cable connection from any type of disc antenna or cable television, whether or not he has obtained Licence or Certificate of Registration, if any, for such entertainment under any law for the time being in force".

(6) after clause (h) the following clause shall be inserted, namely:-

"(i) "tax" means an entertainment tax levied under this Act".

Amendment of Section 3A

3. In the principal Act, in section 3A, in sub-section (1), for the words "three thousand rupees" the words "ten thousand rupees" shall be substituted.

Insertion of new section "5A" Tax on exhibition of entertainment by means of disc antenna or cable television and furnishing of returns

4. In the principal Act, after section 5, the following sections shall be inserted, namely:-

"5A. (1) Notwithstanding anything contained in section 3, 3A 3B, 4 and 5 of this Act, there shall be levied and paid by the proprietor to the State Government entertainment tax at the rate of 25 percent of the total payment made by every subscriber by way of contribution of subscription or installation and connection charges or any other charges collected in any manner whatsoever, to the proprietor for the exhibition of films or moving pictures, series of pictures by means of any type of disc antenna or cable television"

(2) Where the number of subscribers increases in any period during the financial year, the proprietor shall have to pay the tax per subscriber at the rate prescribed under sub section (1) for such period in which increase takes place.

(3) The tax leviable under sub-section (1) shall be paid within such period and in such manner as may be prescribed.

(4) Every proprietor providing an entertainment with the aid of any type of disc antenna or cable television shall furnish such return relating to number of connection holders and the payment of tax to such officer, in such manner and within such period as may be prescribed".

THE SIKKIM URBAN AND REGIONAL PLANNING AND DEVELOPMENT ACT, 1998 (ACT NO. 7 OF 1998)

AN ACT

to make provision for the promotion of development and regulation of growth of regions and of urban and rural areas in the State of Sikkim and for purposes connected therewith and incidental thereto.

Whereas it is expedient to make provision for the promotion of development and regulation of growth of regions and of urban and rural areas in the State of Sikkim and for purposes connected therewith and incidental thereto.

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

CHAPTER-1

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Sikkim Urban and Regional Planning and Development Act, 1998.

(2) It extends to the whole of Sikkim.

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

Definitions

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

(1) "agriculture" includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder and trees or any kind of cultivation of soil, breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees and use of land which is ancillary to the farming of land or any other agricultural purposes, but shall not include the use of any land attached to a building for the purposes of a garden to be used alongwith such building, and "agricultural" shall be construed accordingly;

(2) "amenity" includes roads and streets, water, gas and electric supply, open spaces, parks, recreational grounds, playgrounds, cultural centres, natural features street lighting, sewerage, drainage, public facilities and such other utilities, services and conveniences;

(3) "annual plan" means a plan conceived within the framework of the development plan of the development area containing the physical and fiscal details of the new and ongoing projects or schemes to be undertaken in a financial year;

(4) "Area of bad layout or obsolete development" means an area consisting of land which is badly laid out or of obsolete development together with other land contiguous or adjacent thereto which is defined by a perspective plan, development plan or an annual plan as an area of bad layout or obsolete development;

(5) "Authority" means a Development Authority constituted under sub-section (3) of section 21 for a development area under this Act;

(6) "Board" means the Sikkim Urban and Regional Planning Board constituted under section 3 of this Act;

(7) "Building" includes any structure of erection or part of a structure or erection which is intended to be used for residential, industrial commercial or other purposes whether in actual use or not;

(8) "building operations" include:-

(a) erection or re-erection of a building or any part of it;
(b) roofing or re-roofing of a building or any part of a building or an open space;
(c) any material alteration or enlargement of any building;
(d) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements or materially affect its security; and
(e) the construction of a door window opening on any street or land not belonging to the owner of the building;

(9) "Chief Town Planner" means the State Chief Town Planner appointed under section 7 of this Act;

(10) "commerce" means the carrying on of any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to making profit, hospitals or nursing homes, infirmaries, educational institutions and also hotels, restaurants and boarding houses not attached to any educational institution, sarais and "commercial" shall be construed accordingly;

(11) "commercial Use" includes the use of any land or building or part thereof for purposes of commerce for storage of goods, or as an office, whether attached to any industry or otherwise;

(12) "court" means a principal civil court of original jurisdiction and includes any other civil court empowered by the Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;

(13) "development" with its grammatical variations means the carrying out of building, engineering mining, quarrying or other operations in, over or under land, the cutting of a hill or any portion thereof or the making of any material change in any building or land, or in the use of any building or land, and includes sub-division of any land;

(14) "development area" means the area or group of areas declared as development area under sub-section (1) of section 21 of this Act;

(15) "development plan" means a development plan prepared for the development area under this Act;

(16) "Engineering Operations" include the formation or the laying out of means

of access to a road or the laying out of means of water supply, sewerage, gas or of electricity cables or lines or of telephone lines and other communication lines and public utility services;

(17) "existing land use" means the pre-dominant purpose for which any land or building was being used on a specified date;

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

(19) "Industry" includes the carrying on of any manufacturing process as defined in the Factories Act, 1948 and "industrial" shall be construed accordingly;

(20) "Industrial use" includes the use of any land or building or part thereof for purposes of any industry;

(21) "land" includes benefits arising out of land attached to the earth or permanently fastened to anything attached to the earth;

(22) "local authority" means a Municipal corporation or Municipal Council or Nagar Panchayat constituted under the Sikkim Municipalities Act, 1995 or a Bazaar committee or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund or which is permitted by the Government to exercise the powers of a local authority, and includes Urban Development and Housing Department and a local authority is a "Local authority" concerned if any land within its local limits falls in the area of a prepared or to be prepared under this Act;

(23) "local newspaper" in relation to any regional planning area or the development area means any newspaper published or circulated within that areas;

(24) "means of access" includes any means of passage whether private or public, for vehicles or for pedestrians and includes any street;

(25) "natural hazard" means the probability of occurrence within a specified periods of time in a given area of a potentially damaging natural phenomenon; sudden happening and occurrence of natural calamity like flood, earthquake, etc.;

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

(27) "occupier" includes -

(a) a tenant;
(b) an owner in occupation of or otherwise using his land or building or part thereof;
(c) a rent free occupant of any land or building or part thereof;
(d) a licensee in occupation of any land or building or part thereof;
(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;

(28) "operational construction" means any construction whether temporary of permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely:-

(a) railways;
(b) national highways;
(c) national waterways;
(d) major ports;
(e) airways and aerodromes;
(f) posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication;
(g) regional grid for electricity; and
(h) any other service which the Government may, if it is of opinion that the operation, maintenance, development or execution of such other service is essential to the life of the community, by notification, declare to be a service for the purpose of this clause.

Explanation For the removal of doubts, it is hereby declared that the construction of -

(i) new residential buildings (other than gate lodges, quarters for limited essential operational staff and the like) roads and drains in railway colonies, hotels clubs, institutions and schools in the case of railways, and

(ii) a new building, new structure or new installation or any extension thereof, in the case of any other service, shall not be deemed to be an operational construction within the meaning of this clause.

(29) "owner" includes a mortgagee in possession, a person who for the time being is necessary or is entitled to receive, or has received, the rent premium for any land whether on his own account or an account of, or on behalf of, or for the benefit of any other person or as an agent, trustee, guardian or receiver for any other person or for any religious or charitable institution, or who would so receive the rent or premium or any other consideration or to be entitled to receive the rent or premium if the land were let to a tenant, and includes the Head of a Government Department, General Manager of a Railway, the Secretary or other principal officer of Local Authority, statutory authority of a company, in respect of properties under their respective control;

(30) "perspective plan" means a long term (twenty five years) plan providing the goals, policies, strategies and general programmes of *spatio*-economic development of the State of Sikkim or the development area, as the case may be;

(31) "plan" means a state perspective plan prepared by the Board under section 4 or a regional development plan of the regional planning area prepared by the Chief Town Planner under section 12 or a perspective plan or a development plan or an annual plan of a development area prepared by the Development Authority under Chapter VI of this Act and includes their review and revision;

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

(33) "projects and schemes" means plans conceived within the framework of approved perspective plan, development plan or the annual plan of the development area containing detailed working layouts with all supporting in-

frastructure and documents including cost of development, source of finance and recovery instruments for their execution;

(34) "promoter" includes an individual company or association or body of individuals, whether incorporated or not, a co-operative society, a corporate body or an agency-national or international to whom a licence is given under section 76 to undertake development works within the framework of a plan or a development scheme duly approved under this Act;

(35) "private street" means any street, road, square, court, alley, passage or riding path which is not a public street but does not include a pathway made by the owner of premises on his own land to secure access to or for the convenient use of such premises;

(36) "public place" means any place or building which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any fees or not;

(37) "public building" means any building to which the public or any class or section of the public are granted access or any building, which is open to the public or any class or section of the public and includes any building-

(a) used as a school or college or a university or other educational institution, hostel, library, hospital, nursing home, dispensary, clinic, maternity centre or any other like institution, club, lodging house, *choultry*, coffee house, boarding house, or eating house;

(b) ordinarily used by the-

(i) Central or any State Government or any local authority or any body corporate, owned or controlled by the Central or any State Government, or

(ii) public or any class or section of the public for religious worship or for religious congregation;

(38) 'public open space" means any land, whether enclosed or not, belonging to the Central or any State Government or any local authority or any body corporate owned or controlled by the Central or any State Government, on which there is no building or of which not more one-twentieth part is covered with buildings and the whole or remainder of which is used for purposes of recreation or as open space;

(39) "public street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way, whether a thoroughfare or not, and includes the roadway over any public bridge or causeway, the footway attached to any such street, public bridge or causeway and the drains attached to any such street, public bridge or causeway and land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property whether the property is private property or property belonging to the Central or State Government;

(40) "railway" means a railway defined in the Indian Railways Act, 1890;

(41) "re-allocation of population" means in relation to an area of bad-layout or obsolete development or a slum area, the making available in that area or elsewhere, of accommodation, for residential purposes or for carrying on business and other activities, together with amenities, to persons living or carrying on business or other activities in the said area who have to be so accommodated so that the said area may be properly planned;

(42) "regulation" means a regulation made under this Act by on Authority and includes zoning and also other regulations made as a part of a development plan;

(43) "residence" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out-houses, if any, appertaining to such building and "residential" shall be construed accordingly.

(44) "rule" means a rule made under this Act by the State Government;

(45) "scheme" means a development scheme and includes a plan or plans together with the descriptive matter, if any relating to such scheme;

(46) "slum area" means any predominantly residential area where the dwellings which by reason of dilapidation, overcrowding, faulty arrangements or design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to safety, health or morals of the inhabitants or others and which is defined by a development plan as slum area;

(47) "State" means the State of Sikkim;

(48) "to erect" in relation to any building includes-

(a) any material alteration or enlargement of any building,
(b) the conversion by structural alteration of place for human habitations of any building not originally constructed for human habitation;
(c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
(d) the conversion of two or more places of human habitation into a greater number of such places,
(e) such alterations of a buildings as alteration of its drainage or sanitary arrangements or materially affect its security;
(f) the addition of any rooms, buildings, houses or other structures to any buildings; and
(g) the construction in a wall adjoining any street or land not belonging to the owner of wall, of a door opening on to such street or land.

(49) "unauthorised occupation" in relation to any premises means the occupation by any person of the premises belonging to the Authority without any authority for such occupation and includes the continuance of this occupation by any person of the premises after the authority (whether by way of grant or any other mode of transfer under which he was allowed to occupy the premises) has expired or has been determined for any reasons whatsoever;

(50) "urban local body" means a municipal corporation or a municipal council or a nagar panchayat constituted under the Sikkim Municipalities Act,1995.

Words and expressions used in this Act but not defined shall have the same meanings respectively assigned to them in the Sikkim Municipalities Act, 1995; the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 and the Sikkim Building Construction Regulation,, 1991.

CHAPTER-II

SIKKIM URBAN AND REGIONAL PLANNING BOARD

State Urban and Regional Planning Board

3. (1) As soon as may be, after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute and appoint for the purpose of carrying out the functions assigned to it under this Act, the Sikkim Urban and Regional Planning Board

(2) The Board shall consist of a Chairperson, Vice Chairperson and not more than twenty other members to be appointed by the Government.

(3) The Chairperson of the Board shall be the Chief Minister of the State.

(4) The Vice-Chairperson of the Board shall be the Minister-in-charge of Urban Development and Housing Department.

(5) The other members shall consist of the following.-

(a) Chairperson of the State Planning Board or the Deputy Chairperson of the State Planning Board in case the Chairperson is the Chief Minister;
(b) Chief Secretary of the State;
(c) Secretaries to the Government not exceeding eight in number in the departments dealing with Urban Development and Housing, Agriculture, Industries, Planning and Development, Education, Finance, Rural Development, Buildings, Public Health Engineering, Mines and Geology, Roads and Bridges and Tourism;
(d) Chairperson, State Finance Commission constituted under Article 243-1 of the Constitution of India read with section 97 of the Sikkim Panchayat Act, 1993;
(e) Secretary, Sikkim Nationalised Transport;
(f) Chairperson, State Pollution Control Board;
(g) Principal Chief Conservator of Forests and Wild Life;
(h) Secretary, Power;
(i) Two members to be nominated by the Central Government to represent the Department /Ministers of that Government dealing with Defence, Public Works and Urban Development;
(j) Two non-officials, who in the opinion of the Government, have special knowledge or practical experience of matters relating to town and country planning, Mines and Geology, engineering, transport, industry, commerce, agriculture or economics;

(k) One member of the Sikkim Legislative Assembly to be nominated by the Government.

(6) The Chief Town Planner shall be the ex-officio Secretary to the Board.

Functions and powers of the Board

4. (1) Subject to the provisions of this Act and the rules framed thereunder, the functions of the Board shall be to advise the Government in matters relating to policy formulations for planning, development and implementation of State programmes and use of rural and urban land in the State, and to guide, direct, and assist the District Planning Committee constituted under section 184 of the Sikkim Municipalities Act,1995.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Board shall, with the advice of the Chief Town Planner of the State, formulate perspective plan within three years from the date of commencement of this Act, for achieving spatio–economic development and social justice. Such a plan shall contain policies and strategies regarding any or all of the following matters as may be considered necessary, namely:-

(a) Physical and natural resource potentials and their utilization and fiscal resource mobilization;
(b) natural disaster prone areas;
(c) poverty alleviation and employment in both formal and informal sectors;
(d) development of trade, commerce, and industries;
(e) agriculture and rural development;
(f) national and state level transportation network;
(g) infrastructure development;
(h) urbanisation trends, urbanisation policy, settlement pattern of large and medium towns and their functional specialization;
(i) protection of environmentally and ecologically sensitive areas and conservation of national and state level heritage areas;
(j) generalised land use;
(k) phasing of the plan in periods of five years co-terminous with the State Five Year Plan; and
(l) any other particulars and details as may be prescribed or as may be directed by the Government.

(3) Annual review of the physical achievements of the investments made by the various Authorities and agencies for the last preceding year and submission of a report thereon to the Government.

(4) Advising the Government on resolving inter-district spatial development, resource utilisation and infrastructure development issues.

(5) Resolution of conflicts arising out of overlapping function between the District Planning Committees and the municipal bodies constituted under the Sikkim Municipalities Act, 1995 and the Development authorities set up under this Act.

(6) Any other matter as may be prescribed or as may be directed by the Government.

Terms of office &

5. (1) The term of office and conditions of service of the members of the Board

conditions of service of the Members of the Board

shall be such as may be prescribed and the non-official members shall be entitled to receive such allowances as may be fixed by the Government

(2) The Government may, if it thinks fit, terminate the appointment of any non-official member of the Board at any time.

(3) A member of the Board appointed under clause (j) of sub-section (5) of section 3 may resign his membership of the Board by giving notice in writing to the Government and on such resignation being accepted by the Government, he shall cease to be a member of the Board.

(4) Any vacancy created under sub-section (2) or (3) shall be filled by fresh appointment by the Government.

Meetings of the Board

6. (1) The Board shall meet at such times and places, not less that twice in a calendar year and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings.

(2) The Chairperson or in his absence the Vice-Chairperson or in the absence of both, any member chosen by the members present from amongst themselves shall president a meeting of the Board.

State Chief Town Planner and his functions

7 (1) For the purpose of advising the Government matters related to urban and regional planning and development and also to perform the functions specified in subsection (2) of section 4, the Government shall appoint a person having educational qualifications as may be prescribed as the Chief Town Planner of the State, hereinafter called the Chief Town Planner.

(2) The Government shall provide the Chief Town Planner such establishment consisting of such officers and staff as may be necessary.

(3) The pay and allowances of the Chief Town Planner and his establishment shall be met out of the consolidated fund of the Government.

(4) The duties and functions of the Chief Town Planner shall-

(a) advise and render technical assistance to the Government pertaining to spatial planning and development and implementation of relevant state programmes;
(b) render technical assistance to the Board in the formulation of State urbanisation policy and State perspective plan;
(c) render technical guidance and assistance to the District Planning Committees constituted under section 184 of the Sikkim Municipalities Act, 1995 in the preparation of draft development plans of the districts in the State;
(d) prepare a Regional Development Plan for the regional planning area and follow the necessary procedure for its approval and revision as laid down in Chapter III of this Act;
(e) scrutinize the various plans submitted to the Government and the Board for approval under this Act;
(f) ensure that the development plans prepared by the authorities are within the framework of the approval perspective plan of the concerned area;
(g) prepare and publish plans, if so directed by the Government in the

vent of default by District Planning Committee or the Authority;

(h) render technical assistance and guidance to the authorities and other development agencies operating in the State;

(i) provide or organise necessary research inputs and other studies either himself or through the help of consultants for formulation of policies, strategies, norms, standards, laws, rules, regulations and guidelines pertaining to urban and regional planning and development;

(j) provide and promote manpower training facilities;

(k) establish an urban and regional planning information system and a network for dissemination of information among various development agencies; and

(l) perform any other function, as may be directed by the Government, from time to time.

Office of the Chief Town Planner to function as technical secretariat for the Board

8. The office of the Chief Town Planner shall also function as the technical secretariat of the Board and in order to enable him to perform the functions as detailed in sub-section (4) of section 7, the Government shall provide in consultation with the Board, such additional officers and staff to the Chief Town Planner as it may consider necessary.

Approval of State Perspective Plan

9. (1) The State Perspective Plan, after approval by the Board, shall be forwarded to the Government.

(2) On receipt of the State Perspective Plan the Government may publish the salient features of such a plan in at least two local newspapers circulating the State of which one must be in the regional language, for information of the public specifying the place or places where a full copy of such may be inspected, invited objections, suggestions, modification, if any.

(3) Any such objections, suggestions, modifications shall be examined and considered by a Committee to be constituted by the Government.

(4) The Government may, approve the perspective plan with or without the modifications proposed by the Committee within a period of 90 (ninety) days from the date of receipt of the State perspective plan by the State Government.

Review and Revision of State Perspective Plan

10 (1) At least once in ten years from the dated of approval of the State Perspective Plan by the Government under sub-section (4) of section 9, the Board with the assistance of the Chief Town Planner, shall review such plan and prepare a fresh State Perspective plan for a period of twenty-five years from the date of review after incorporating such modifications and amendments as may be necessary and submit the same for approval to the Government.

(2) The provisions of sections 4,7, and 9 shall mutatis mutandis apply to such perspective plan.

CHAPTER - III

REGIONAL DEVELOPMENT PLANS

Declaration of Regional Planning Area

11 (1) The Government may, after consultation with the Board, by notification in the Official Gazette from time to time, declare any area in the State to be a regional planning area for the purpose of this Act.

(2) Every such notification published under sub-section (1) shall define the limits of the area to which it relates.

(3) The Government may, after consultation with the Board, amalgamate two or more regional planning areas into one such area or sub-divide a regional planning area into different such areas and constitute them as separate regional planning areas or include any such-sub-divided areas in any other regional planning area, as the case may be, and notify the same in the Official Gazette.

(4) The Government may, by notification in the Official Gazette, direct that any of the rules and orders made, regulations and directions issued and powers conferred under this Act and in force in any regional planning area with which or in which any other area is amalgamated or included, shall apply to the area so amalgamated or included under this section to such extent and subject to such modifications, additions or restrictions, as may be specified in such notification

Preparation of Regional Development Plan

12. (1) As soon as may be, after the declaration of the regional planning area under section 11, the Chief town Planner shall, subject to such directions as may be issued by the Board and within such time as may be prescribed, after carrying out such surveys as may be necessary of the physical, social and economic conditions and potentialities of the area in respect of which a regional development plan is to be prepared, prepare a regional development plan for such area together with a report explaining the various aspects of the developments proposed in such plan.

(2) It shall be the duty of every Government Department and local authority to furnish as soon as may be possible, maps, reports and record as may be required by the Chief Town Planner in the preparation of the regional development plan.

Contents of a Regional Development Plan

13 (1) Subject to the provisions of this Act and any rules made thereunder, the regional development plan shall indicate the stages by which development may be carried out, the network of transport and communication lines, the proposals for conservation and development of natural resources and such other matters as may have an influence on the development of the concerned area.

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

(a) broad demarcation of areas for agriculture, forestry, industry, mineral development, urban and rural settlements and other activities;

(b) natural disaster prone area;

(c) the reservation of land for recreation, botanical and zoological gardens, natural reserves, animal sanctuaries, dairies and health resorts and for preservation, conservation and development of area of natural scenery, forests, wild life, natural resources and landscaping;

(d) preservation of objects, features, structures or places of historical, natural, archaeological or scientific interest and educational value;

(e) prevention of erosion of soil, provision of land stability and slope linked controls, provision for afforestation, or re-afforestation, improvement and re-development of water front areas, rivers and lakes;

(f) transport and communications network such as roads, highways, railways, waterways, canals and airports including their future development;

(g) rural and urban centres, both existing and new, indicating the extent of their anticipated growth;

(h) proposals for irrigation, water supply, hydro-electric works, flood control and prevention of water pollution and waste management;

(i) re-allocation of population or industry from over-populated and industrially congested area and indication the density of population or the concentration of industry to be allowed in any areas.

(3) The regional development plan shall, in particular include:

(a) the existing land use map and the narrative report thereon;

(b) a narrative report supported by necessary map and charts explaining the provisions of the regional development plan;

(c) recommendations to the Government regarding the directions to be issued to the concerned local authorities and the different departments of the Government, if any, in respect of enforcement and implementation of the proposals contained in the regional development plan; and

(d) a report indicating the priorities assigned to works included in the regional development plan and the planning of the programme of development as such.

Power of Govt. to require the Chief Town Planner to prepare a Regional Development Plan for any area.

14. Notwithstanding anything contained in section 12, the Government may be notification require the Chief Town Planner to prepare and submit to the Board before a fixed date, a regional development plan in respect of any area.

Board to consider the Regional Development Plan

15. The Chief Town Planner shall submit the regional development plan prepared under section 12 to the Board for its consideration and may make such changes in the regional development plan as may be necessary in the light of the views expressed by the Board.

Public Notice of the Regional Development Plan

16. (1) The Chief Town Planner shall notify the regional development plan, as modified under section 15, in the Official Gazette, and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected and inviting comments in writing from the public on the regional development plan within such period as may be specified in such notification:

Provided that such period shall not be less that two months from the date on which the regional development plan is published in the Official Gazette.

(2) After the expiry of the period mentioned in sub-section (1), the Chief Town Planner shall submit the comments received from the public to the Board for its consideration.

(3) The Chief Town Planner shall, if necessary, revise the regional development plan, in the light of any modifications suggested by the Board and submit them to the Government together with the comments received from the public on the regional development plan for approval.

Approval by the Government

17 (1) The Government shall, within sixty days from the date of receipt, either approve the regional development plan as submitted to it under section 16 or may approve the regional development plan with such modifications as it may consider necessary, or may return the said plan to the Chief Town Planner with instructions either to modify the plan or to prepare a fresh regional development plan in accordance with such directions as the Government may issue in this behalf.

(2) Where a fresh regional development plan is required to be prepared under sub-section (1), the provisions of sections 15 and 16 shall, mutatis mutandis apply to the preparation and approval of such plan.

Publication of Regional Development Plan

18. The Chief Town Planner shall notify the regional developmentry plan, as approved by the Government in the Official Gazette and also in one or more local newspapers, indicating therein the place or places where copies of the same may be inspected.

Effect of the Regional Development Plan

19 On and from the date of publication of the regional development plan under section 18 for an area, all development programmes undertaken within that area by any Department of the Government by public and private institutions or by any other person shall conform to the provisions of such regional development plan

Revision of the Regional Development Plan

20 If the Government, at any time, after a regional development plan has been published in the Official Gazette under section 18, but at least once in five years there from, is of the opinion that a revision of such regional development plan is necessary, it shall direct the Chief Town Planner to undertake the revision of the regional development plan and thereupon the foregoing provisions of this Act relating to the preparation and approval of the regional development plan shall, as far as may be, apply to the revision of a regional development plan under this section.

CHAPTER - IV

DEVELOPMENT AREAS AND DEVELOPMENT AUTHORITIES AND THEIR OBJECTS

Declaration of Development Area and constitution of Development Authority

21. (1) Upon enforcement of this Act in any area or areas under sub-section (3) of section 1, the Government shall, for the purposes of proper development of such area or areas, by notification, declare such area or areas to be a development area for the purposes of this Act and shall assign a name to such area.

(2) The Government may, by notification and in accordance with such rules as may be made in that behalf-

(a) exclude from a development area any area comprised therein, or
(b) include in a development area any other area.

(3) As soon as may be, after the notification of a development area under sub-section (1), the Government shall, by notification in the Office Gazette, constitute for the said development area a Development Authority, with effect from such date as may be specified therein.

(4) Every Authority so constituted shall be a body corporate by the name of the development area for which it is constituted having a perpetual succession and a common seal with power to acquire, hold, manage and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(5) The Authority shall consist of the following members, namely:-

(a) The Chairman, who shall be appointed by the Government;

(b) The Vice-Chairman, who shall be an officer of the Government to be appointed by the Government and shall be the whole-time Chief Executive of the Authority,
(c) an Engineer Member, to be appointed by the Government;
(d) a Finance and Accounts Member to be appointed by the Government;
(e) a Town Planning Member to be appointed by the Government;
(f) an Urban Designer or Architect Member to be appointed by the Government;
(g) Secretary, Urban Development and Housing Department, Government of Sikkim or his representative, member ex-officio; and
(h) Chairman of urban local bodies comprised within the development area, members ex-officio.

(6) The Vice-Chairman shall be a whole time member and any of the members appointed under clause (c), (d), (e) and (f) of sub-section (5) may either be whole time or part-time members.

(7) The Chairman, the Vice-Chairman and the whole time members shall be entitled to receive from the funds of the Authority such salaries and allowances, if any, and governed by such conditions of service as may be pre-

scribed by rules made in this behalf.

(8) The Chairman, Vice-Chairman and members appointed under clauses (c) to (f) of sub-section (5) shall hold office during the pleasure of the Government.

(9) Any member specified in clauses (c), (d), (e) and (f) of sub-section (5), if part time, and the members specified in clause (h) of that sub-section may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Government in this behalf.

(10) A member, other than an ex-officio member, may resign his office by writing under his hand addressed to the Government, but shall continue in office until his resignation is accepted by the Government.

(11) No act or proceedings of the Authority shall be invalid by reason of any vacancy in, or defect in the constitution of the Authority.

(12) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business at its meetings (including quorum at meetings) as may be prescribed.

Power to withdraw a Development Area from operation of this Act

22 (1) The Government may, if it is of opinion that it is necessary so to do in the public interest, by notification, withdraw from the operation of the relevant provisions of this Act, the whole or a part of any development area declared thereunder.

(2) When a notification is issued under sub-section (1) in respect of any development area or part thereof-

(a) the relevant provisions of this Act and all rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred thereunder shall, cease to apply to the said area or part and the Authority, if any, constituted, under this Act shall cease to have jurisdiction in respect of the said area or part, as the case may be, but where any Authority has been constituted exclusively for such area or part, such Authority shall, on the date of the notification, stand dissolved;

(b) the Government shall, in consultation with the Board, and the local authority or authorities concerned, frame a Scheme determining the portion of the balance of the fund of the Authority concerned which shall vest in the Government and in the local authority or authorities concerned, and the manner in which the properties and liabilities of the Authority shall be apportioned between the Government and such local authority or authorities, and on the Scheme being notified in the Official Gazette, the fund, property and liabilities of the Authority shall vest and be apportioned accordingly

Appointment of local authority as development authority

23 (1) The Government may, in consultation with the Board, appoint any local authority as the development authority for the area of that local authority and for such other contiguous or adjacent area or areas as the Government may declare as a development area under section 21.

(2) Where a local authority is appointed as a development authority under sub-

section (1), the provisions of sections 21, 25 and 26 shall not apply, and the provisions of the Act by which such local authority is constituted shall continue to apply to it in respect of matters covered by the aforesaid sections.

(3) A local authority appointed as a development authority under section 23 shall, for the purpose of performing the functions of a development authority under this Act, constitute a Development Committee consisting of the following, namely:-

(a) A Chairman;
(b) a Town Planning Officer, who shall be the Member Secretary to the Committee; and
(c) five other members, two of whom shall be appointed by the Government

Functions and powers of development authority

24. (1) Subject to the provisions of this Act and the rules framed thereunder and any directions which the Government may give, the functions of every development authority shall be to:-

(a) prepare an existing land use map,
(b) prepare and enforce a perspective plan;
(c) prepare and enforce a development plan;
(d) prepare and enforce an annual plan,
(e) prepare and enforce development schemes;
(f) set up special function agencies, if required and guide, direct and assist them on matters pertaining to their respective functions; and
(g) carry out or cause to be carried out execution of projects and schemes framed under the perspective plan, development plan or the annual plan and for these purposes, it may carry out or cause to be carried out, surveys of the development area and prepare report or reports of such surveys, and to perform such other functions, which are supplemental, incidental or consequential to any of the functions aforesaid or as may be prescribed.

Staff of the authority

25. (1) Subject to such control and restrictions as may be prescribed by rules, the Authority may appoint a Secretary and such number or other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(2) The Secretary and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

Advisory Council

26. (1) The Government shall, as soon as may be after the constitution of the Authority, by notification, constitute an Advisory Council for the purpose of advising the Authority on the preparation of perspective plan, development plan, annual plan and development schemes and on such other matters relating to the planning of development, or arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority.

(2) The Advisory Council shall consist of the following members, namely:

(a) the Vice-Chairman of the Authority, ex-officio; who shall be the President.

(b) the members of the Authority referred to in clauses (g) and (h) of sub-section (5) of section 21 ex-officio;

(c) a member of the Sikkim Legislature, representing the whole or any part of the development area, to be nominated by the Government;

(d) members not exceeding three in number to be nominated by the Government who are elected members of the District Planning Committee or the municipal bodies constituted under the Sikkim Municipalities Act, 1995 or the panchayats constituted under the Sikkim Panchayat Act, 1993 as may be considered necessary

(e) members not exceeding four in number to be nominated by the Government who, in the opinion of the Government have special knowledge or practical experience of matters relating to industry, landscaping, mines and geology, economics, geography or environmental science

(3) The Advisory Council shall meet twice in a year and shall have the powers to regulate its own procedure

(4) The members of the Advisory Council, other than the ex-officio members shall hold office during the pleasure of the Government.\

(5) The members of the Advisory Council excepting the members specified in clauses (c) and (d) of sub-section (2) may be paid such fees and allowances for attending its meetings, as may be determined by regulations made in this behalf.

Constitution of Committees

27 (1) The Authority may constitute as many committees consisting wholly of members or wholly of other persons or partly of members and partly of other persons and for such purposes as it may think fit.

(2) A Committee constituted under this section shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meeting as may be determined by regulations made in this behalf.

(3) The members of a Committee (other than those who are members of the Authority) shall be paid such fees and allowances for attending its meeting and for attending to any work of the Authority, as may be determined by regulations made in this behalf.

Objects of the authority

28. The objects of the Authority shall be to promote and secure the development of all or any of the areas comprised in the development area concerned according to plan and for that purpose the Authority shall have power to acquire, hold, manage and dispose of land other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage, and other services and amenities and generally to do anything (including controlling development and co-ordinating developmental programmes of related agencies) necessary or expedient for purposes of such development and for purposes incidental thereto;

Provided that save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Authority of any law

for the time being in force.

Authority to act on general business principles

29. The Authority while carrying out its functions, shall operate on general business principles.

CHAPTER - V

PREPARATION OF EXISTING LAND USE MAP AND REGISTER

Preparation of existing Land Use Map and Register

30. The Chief Town Planner and the Authority shall, not later than six months after the declaration of the regional planning area under section 11 and the development area under section 21 respectively or within such time as the Government may from time to time, extend, but not later than one year, prepare an Existing Land Use Map and a Land Use Register in the prescribed form indicating the present use of every piece of land in the regional planning area or the development area, as the case may be,

Provided that if a local authority has been appointed as the development authority for any development area and such local authority has prepared a Map or a Register, or both, in respect of the said area before the application of this Act to that area, the Map or the Register so prepared shall be deemed to be a Map or Register under this section.

Notice of the preparation of the Map and Register

31 (1) After the preparation of the Map and Register under section 30, the Chief Town Planner in the case of the regional planning area and the Authority in the case of the development area shall publish a public notice stating that such Map and Register has been prepared, and indicating therein the place or places where copies of the Map or Register, or both may be inspected, and inviting objections in writing from any person with respect to the Map and the Register within thirty days of the publication of such notice.

(2) After the expiry of the period mentioned in sub-section (1), an officer designated by the Chief Town Planner or the Authority or a Committee appointed by the Chief Town Planner or the Authority for the purpose, as the case may be, shall after allowing a reasonable opportunity of being heard to all the persons who have filed the objections, make a report to the Chief Town Planner or the Authority, as the case may be.

(3) The Chief Town Planner or the Authority, as the case may be, shall consider the report made under sub-section (2) and may make such modifications in the Map or Register or both as may be considered proper and adopt the Map and the Register.

Provided that the adoption of the Map and the Register by the Authority shall be by a Resolution.

(4) As soon as may be, after the adoption of the Map and the Register under sub-section (3), the Chief Town Planner or the Authority, as the case may be, shall publish notice of the adoption of the Map and the Register and of the place or places where copies of the same may be inspected and shall submit copies of the Map and the Register to the Board and the Government.

(5) A copy of the public notice referred to in sub-section (4) shall also be published in the Official Gazette and such publication shall be conclusive evidence that the Map and Register have been duly prepared and adopted.

Power of the Govt. in case of default of Chief Town Planner or Authority to prepare the Map and Register

32. (1) Where by virtue of the foregoing provisions of this Act, a Map and a Register are to be prepared then-

(a) if within the period specified in section 30 or within such period as the Government may extend, no Map or Register has been prepared; or

(b) if at any time the Government is satisfied that the Chief Town Planner or the Authority are not taking steps necessary to prepare such a Map and Register within that period, the Government may direct the Board in the case of the Chief Town Planner and the Chief Town Planner in the case of the Authority to prepare the Map and the Register

(2) The Board and the Chief Town Planner shall, after the preparation of the Map and the Register, submit the same to the Government and the Board respectively, and the Government and the Board shall, for the purpose of adopting the Map and Register so prepared, follow the procedure and exercise the powers of the Chief Town Planner and the Authority specified in section 31 of this Act.

(3) Any expenses incurred under this section in connection with the preparation and publication of a Map and Register in respect of a regional planning area or a development area shall be met by the Chief Town Planner or the concerned Authority, as the case may be.

CHAPTER - VI

PREPARATION OF PLANS AND THEIR APPROVAL

Preparation of Perspective Plan of development area and its contents

33. (1) As soon as may be, after the declaration of the development are under section 21 of this Act, the Authority shall, within one year after such declaration, prepare in consultation with the local authorities concerned, a twenty to twenty five years perspective plan of the development area including such contiguous areas thereto, as may be considered necessary or as the Government may direct to be include, after reviewing the implementation of such plan, if any, prepared earlier.

(2) The perspective plan prepared under sub-section (1) shall incorporate socio-economic and developmental issues, goal, objectives, potentials, policies, strategies, and priorities pertaining to the following as far as may be relevant-

(a) Physical characteristics and natural resources;
(b) Demography;
(c) Existing and proposed land uses;
(d) Economic development in primary, secondary and tertiary sectors as may be applicable;
(e) Poverty alleviation and employment generation in formal and informal sectors;
(g) Transportation network including intercity and intra city mass trans-

portation system and its interface with location of major activity nodes and land use pattern,

(h) Integrated infrastructure development covering-

(i) water harvesting and its utilisation,
(ii) energy;
(iii) drainage,
(iv) sanitation,
(v) refuse disposal,
(vi) education;
(vii) recreation;
(viii) recreation;
(ix) communication, and
(x) other utilities and services such as police protection, fire protection, etc.,

(i) Protection of environmentally sensitive areas and conservation of heritage,
(j) Provision of land stability and slope linked controls,
(k) Spatial development indicating direction of growth of settlement and its components such as residential, commercial, and industrial areas, open spaces, roads, etc.;
(l) Renewal and upgradation of old or dilapidated areas and slums,
(m) fiscal resource mobilisation;
(n) Implementation mechanism and process;
(o) Phasing of the plan in periods of five years preferably co- terminus with the State five year plans, and
(p) Any other particulars and details as may be considered necessary by the Authority

Existing plan to be deemed as perspective plan

34. If prior to the commencement of this Act, any Master Plan or Development Plan for the development area has been prepared under any other law, such master plan or development plan shall be deemed to be a perspective plan of the area prepared under this act.

Power of Govt. in case of default of development authority to prepare the plan

35 (1) Where by virtue of the provisions of this Act, a plan is to be prepared,
(a) If within the period prescribed, no plan has been prepared, or
(b) If at any time the Government is satisfied that the Authority is not taking steps necessary to prepare such a plan within that period, the Government may direct the Chief Town Planner to prepare the plan and recover the cost thereof from Authority concerned out of its funds.

(2) After the preparation of the Plan, the Chief Town Planner shall submit the Plan to the Board and the Board shall follow the procedure and exercise the powers of the Authority under section 37 and 38.

Preparation of Development Plan of the development area and its contents

36. (1) Every Authority shall, not later the eighteen months from the date of declaration of the development area under section 21, prepare a development plan within the framework of the approved perspective plan covering the whole or part of the development area, as may be necessary, for a period of five years.

(2) Notwithstanding anything contained contrary to sub-section (1) in case no

approved perspective plan exists, the Authority shall take into account the provisions of the perspective plan under preparation according to the provisions of sub-section (1) of section 33, and prepare the development plan within three years from the date of declaration of the development area under section 21.

(3) A development plan shall generally indicate the manner in which the use of land in the development area covered by such plan shall be regulated and also indicate the manner in which the development therein shall be carried out. In particular it shall, provide so far as may be necessary, for all or any of the following-

(a) analysis of dynamics of development which may include analysis of history of development, present status and trend of development, location, site and situation, regional context, hinterland, its attributes and accessibility, physio-graphic and demographic characteristics, city influence area and its characteristics including settlement pattern, rural-urban relationship and fringe area developments;

(b) current issues and prospects regarding;

(i) economic base and employment in trade, commerce and industries in both formal and informal sectors;
(ii) hierarchy of commercial areas, dispersal of commercial activities and related issues;
(iii) dispersal of industries or restriction on specific type of industries considering the pollution level and environmental sustainability;
(iv) urban poverty and alleviation
(v) housing including informal sector housing, resettlement strategy and slum upgradation,
(vi) educational facilities including specialised education and research centres, health facilities including specialised hospitals, cultural and religious facilities,
(vii) public and semi-public offices;
(viii) system of open spaces, play fields and recreation areas; conservation areas, ecological and environmentally sensitive areas and public gathering grounds;
(ix) transportation covering; road, railway, pedestrian-path networks and related activity centres, parking terminal facilities; mass transportation system and its integration with activity nodes and land use pattern and airport;

(c) existing land use;

(d) space requirement for various activities,

(e) economic and spatial development goals and objectives.

(f) development proposals which may include;

(i) concept of hierarchy of planning units and distribution of various activity nodes, facility centres, etc.
(ii) mass transportation system and land use interface, transport and communication facilities such as hierarchy and network

of roads, highways, parkways, railways, waterways, canals and airport including their extension, development and co-ordination;

(iii) proposals for designing the use of land for residential development including informal sector housing and slum upgradation; commercial, industrial, agricultural and recreational use,

(iv) proposals for reservation of land for community facilities and services; public purposes such as schools, colleges and other educational institutions, medical and public health institutions, markets, social welfare and cultural institutions, theatres and places for public entertainment, public assembly museums, art galleries, religious buildings, parks gardens and playgrounds; stadia, sites and services schemes, slum upgradation schemes, housing accommodation for socially and economically backward classes of people, parking and terminal facilities such as inter-city and intra- city bus and truck terminus, dairies, areas for open spaces, zoological gardens, natural reserves and sanctuaries; burial grounds, cremation grounds including electric crematorium, slaughter houses, tanneries and for such other purposes as may, from time to time, be considered necessary;

(v) proposals for water supply, drainage, sewage and solid waste disposal, other pubic utilities, amenities and services including supply of electricity and gas and provision for telephones and postal services;

(vi) public and semi-public offices;

(vii) renewal and redevelopment areas;

(viii) protection of environment, prevention of air and water pollution, promotion of ecological aspects, preservation, conservation and development of areas of natural scenery and landscape, urban forestry;

(ix) preservation of features, structures, places of historical, architectural and scientific interest and educational value;

(x) proposals for flood control, land stability and sloped liked controls;

(xi) proposals for preservation of land for public purpose by the central, State and local government or any other authority or body established by or under any law for the time being in force;

(xii) the filling up or reclamation of low lying, swampy or unhealthy areas of levelling up of land;

(xiii) proposals for preparation of development schemes pertaining to tourism, environmental conservation, heritage, sites for reclamation, highway corridor development and the like; and

(xiv) such other proposals for public purposes as may, from time to time, be approved by the Authority or as may be directed by the Government in this behalf;

(g) implementation mechanism which shall include-

(i) phasing of proposals contained in the development plan depending upon the priorities determined;

(ii) identification of sector-wise schemes and projects to be im-

plemented by Central or State Government, authority, corporate bodies, co-operative and private sector;

(iii) development promotion regulations for promoting and regulating the use and development of land including imposition of conditions and restrictions in regard to the open spaces to be maintained for the buildings, the Floor Ration or the Floor Space Index, the location, number, size, height, number of storeys and character of buildings and density of built-up area allowed in specified area, the use and purposes to which building or specified areas of land may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking spaces, loading and unloading space for any building and the size of any projections and advertisement signs and hoarding and other matters as may be considered necessary for carrying out the purposes of this Act;

(iv) Fiscal requirements and resource mobilisation proposals;

(h) monitoring and review mechanism.

Approval of perspective plans of development area

37 (1) As soon as may be, but not later than thirty days of the preparation of the perspective plan of a development area, the concerned Authority shall accord its consent to the contents of the perspective plan and forward it to the Chief Town Planner and the District Planning Committee if constituted under section 184 of the Sikkim Municipalities Act, 1995, for concurrence.

(2) The Chief Town Planner and the District Planning Committee respectively, within thirty days from the date of receipt of the perspective plan forwarded to it under sub-section (l) shall examine it in the light of the State perspective plan and the regional development plan and the District Planning Committee in the light of the draft development plan, if any, of the district concerned and communicate in writing their concurrence to the State perspective plan and the regional development plan and the draft development plan of the district, as the case may be, with or without specific modifications.

(3) On receipt of the concurrence under sub-section (2), the Authority shall, not later than thirty days, modify if necessary, the perspective plan in the light of the specific modifications obtained in the concurrence letter of the Chief Town Planner or the District Planning Committee, as the case may be, and resubmit modified plan to the Chief Town Planner, or the concerned District Planning Committee, as the case may be.

(4) The Chief Town Planner or the District Planning Committee,, as the case may be, shall further examine the modified perspective plan, in the light of the specific modifications, suggested by it under sub-section (2) and communicate in writing within thirty days from the date of resubmission of the plan under sub-section (3) its concurrence with or without further modifications.

(5) If the concurrence of the Chief Town Planner or the District Planning Committee is not received within the time allowed under sub-section (2) or sub-section (4), the concurrence shall be deemed to have been given by the Chief Town Planner or, as the case may be, the District Planning Committee.

(6) As soon as may be, but not later than thirty days from the date of receipt of the concurrence from the Chief Town Planner and the District Planning Committee, and after modifying the perspective plan, if necessary, the Authority shall publish a notice in atleast one local newspaper of the preparation of the perspective plan inviting objections of the notice in the newspaper. The notice shall state the name of the place or places where a copy thereof or extracts therefrom certified to be correct shall be available for sale to the public at a reasonable price.

(7) The Authority shall, within a period of sixty days of the date of expiry of notice under sub-section (6), consider all the objections received within the time allowed under sub-section (6) and after making such enquiry as it may consider necessary and after giving reasonable opportunity of being heard to those persons who have made a request in writing for being so heard, modify, if necessary, the perspective plan and submit it together with the objections and suggestions received under sub-section (6) to the Government and also to the Chief Town Planner for approval.

(8) The Government shall in consultation with the Chief Town Planner, approve the perspective plan with or without modifications within sixty days of its receipt.

(9) The Authority shall publish a notice in the Official Gazette and one local newspaper of the approval of the perspective plan, stating the name of the place where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom certified to be correct shall be available for sale to public at a reasonable price.

(10) The perspective plan shall come into force from the date of publication of notice of approval of the perspective plan in the Official Gazette under sub-section 9.

(11) The provisions relating to the District Planning Committee as referred to in this section shall take effect only when the District Planning Committee are constituted under section 148 of the Sikkim Municipalities Act, 1995.

Approval of Development plan

38 (1) As soon as may be, but not later than thirty days of the preparation of the development plan of a development area, the Authority shall accord its consent to the development plan, and forward it to the Chief Town Planner and the District Planning Committee if constituted for concurrence.

(2) The Chief Town Planner and the District Planning Committee, shall thirty days from the date of the receipt of the development plan forwarded to it under sub-section (1), examine it in the light of the perspective plan approved or under the process of approval under section 37 and communicate their concurrence in writing to the development plan being within the framework of perspective plan or suggest specific modifications if any, to bring it in conformity with the perspective plan.

(3) The Authority shall modify, if necessary, within thirty days, the development plan in the light of the specific modifications suggested in the concurrence letter of the Chief Town Planner or the concerned District Planning Committee and resubmit it to the Chief Town Planner or the concerned District Planning Committee, as the case may be.

(4) The Chief Town Planner or the District Planning Committee, shall further examine the development plan, in the light of specific modifications suggested by it under sub-section (2) and communicate within thirty days from the date of resubmission of the plan, under sub-section (3), its concurrence in writing with or without further specific modifications.

(5) In case there are further specific modifications suggested in the concurrence letter received under sub-section (4), the Authority shall take necessary action to modify the development plan and resubmit, within thirty days, the modified plan for concurrence of the Chief Town Planner or the District Planning Committee, but the part in respect to which no specific modifications has been suggested shall deemed to have been concurred with and the Authority shall proceed further for getting approval as provided under sub-section (7) of that part of the development plan in respect of which no modifications are required under sub-section (4).

(6) If the concurrence of the Chief Town Planner or the District Planning Committee is not received within the time allowed under sub-section (2) or (4) as the case may be, within thirty days from the date of resubmission under sub-section (5) as the case may be, the concurrence shall be deemed to have been given by the Chief Town Planner or, as the case may be, the District Planning Committee.

(7) As soon as may be, but not later than thirty days from the date of receipt of the concurrence letter from the Chief Town Planner the District Planning Committee as the case may be, under sub-section (2), (4) and (5) or deemed concurrence as stipulated under sub-section (6), as the case may be, the Authority shall publish a notice in at least one local newspaper of the preparation of the development plan, inviting objections and suggestions from the public within thirty days from the date of publication of the notice in the newspaper. The notice shall state the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom, certified to be correct, shall be available for sale to the public at reasonable price

(8) The Authority shall, within a period of sixty days of the date of expiry of notice under sub-section (7), consider all objections and suggestions received within the time allowed under sub-section (7) and after making such enquiry as it may consider necessary and after giving reasonable opportunity of being heard to those the development plan and submit to the Government for approval.

(9) As soon as may be, after the receipt of the development plan, but not later than two months, the Government after consulting the Chief Town Planner, may either approve the development plan or may approve it with such modifications as it may consider necessary or may return the development plan to the Authority to modify the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf

(10) Immediately after the development plan has been approved by the Government, the Authority shall publish a notice in Official Gazette and in at least one local newspaper of the approval of the development plan, stating the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom certi-

fied to be correct shall be available for sale to public at a reasonable price.

(11) The development plan shall come into force from the date of publication of notice in the Official Gazette under sub-section (10).

(12) The provisions relating to District Planning Committees shall take effect only when the District Planning Committees are constituted under section 184 of the Sikkim Municipalities Act, 1995.

Review, revision and preparation of fresh perspective plan of the development area

39 (1) Immediately after the expiry of ten years from the date of approval of the perspective plan of the development area under section 37, the Authority shall review such plan and prepare a fresh perspective plan for a period of twenty to twenty five years from the date of review after incorporating such modifications and amendments as may be considered necessary and submit it for approval:

Provided that the time period taken for the review and preparation of fresh perspective plan shall not exceed two years.

(2) The provisions of sections 33 and 37 shall, mutatis mutandis, apply to the preparation and approval of such a fresh perspective plan.

Review, revision and preparation of fresh perspective plan of the development area

40 (1) Immediately after the expiry of three years from the date of approval of the development plan of the development area under section 38, the Authority shall review such plan and prepare a fresh development plan for five years commencing from the date of expiry of such a plan in force after incorporating such modifications and amendments as may be considered necessary and submit it for approval:

Provided that the time period taken for the review and preparation of fresh development plan shall not exceed eighteen months.

(2) The provisions of section 34 and section 38 shall, mutatis mutandis, apply to the preparation and approval of such a fresh development plan.

Provisions of development plan to prepare

41 If any provision of an approved development plan of a development area is at variance with the provisions of the approved perspective plan of the same area, the provision contained in the approved development plan shall prevail.

Modifications in perspective plan or development plan of development area

42 (1) Notwithstanding anything contained in sections 39 and 40, the perspective plan or development plan of a development area may be modified any time and for this purpose, the Authority shall publish a draft of the proposed modifications by a notice in at least one local newspaper inviting objections and suggestions from the public within thirty days from the date of aforesaid publication of the notice, and after giving an opportunity of being heard to such persons who have made request for being heard and after considering the objections and suggestions finalise the modifications in the plan and submit it to-

(a) the Board in the case of modifications in a perspective plan, or
(b) the Government in case of modifications in the development plan.

(2) The Board or the Government, as the case may be, approve the modifica-

tions with or without variations or refuse to approve the modification by a notification, in the Official Gazette and in at least one local newspaper:
Provided that no modifications shall be proposed or approved unless they are

(a) of emergent nature ; or
(b) of minor nature in the interest of implementation which do not materially affect the structure of the plan; and
(c) in public interest and are notified to be public.

CHAPTER -VII

CONTROL OF DEVELOPMENT AND USE OF LAND

Use and development of plan to be in conformity with the development plan with the development plan or scheme

43. After the coming into operation of any development plan or a development Scheme in an area, no person shall use or permit any other person to use any land or carry out any development in that area otherwise than in conformity with such a development plan or a development scheme
Provided that the Authority may allow on application, the continuance, for a period not exceeding ten years, upon such terms and conditioned as may be prescribed by the regulations made in this behalf, of any land for the purpose and to extent, for and to which it is being used on the date on which such a plan or Scheme came into operation.

Prohibition of development

44. (1) After the enforcement of this Act and subject to the provisions of this Act, no development, or institution, or change of use of any land shall be undertaken or carried out in that area :-

(a) without obtaining a certificate from the Authority certifying that the development charges as leviable under this Act have been paid or that no such development charges are leviable; and
(b) without obtaining the permission in writing as provided for hereinafter.

Provided that no such permission shall be necessary-

(i) for carrying out such works for the maintenance, improvement or other alteration of any building, which affects only the interior of building or which do not materially affect the external appearance on the building;
(ii) for carrying out by the Central or the State Government or any local authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;
(iii) for carrying out by the Central or the State Government or any local authority of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains pipers, cables or other apparatus including the breaking open of any street or other land for that purpose;
(iv) for the excavation (including wells) made in the ordinary course of agricultural operations;
(v) for the construction of un-metalled road intended to give access to land solely for agricultural purposes ;

(vi) for normal use of land which has been used temporarily for other purposes .

(vii) in case of land, normally used for one purpose and occasionally used for any other purpose for the use of land for that other purpose on occasions ;

(viii) for use, for any purpose incidental to the use of a building for human habitation, or any other building or land attached to such building.

Permission for development

45. (1) Any person or body intending to carry out any development on any land shall make an application in writing to the Authority for permission in such form containing such particulars and accompanied by such documents, fee and plans as may be prescribed by the rules and regulations ;

(2) On such application have been duly made, and on payment of the development charges as may be assessed under Chapter X of this Act,

(a) the Authority may pass an order:

(i) granting permission unconditionally or

(ii) granting permission subject to such conditions as it may consider fit, or

(iii) refusing permission;

(b) without prejudice to the generality of the foregoing clause, the Authority may impose conditions.

(i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land permitted shall be discontinued,

(ii) for regulating the development or use of any other land under the control of the applicant or for the carrying out of works on any such land as may appear to the Authority to be expedient for the purpose of the permitted development .

(3) The Authority in dealing with the applications for permission shall have regard to :

(a) the provisions of the development plan or development scheme in force or under preparation, or

(b) any other material consideration

(4) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order.

(5) And such order shall be communicated to the applicant in the manner prescribed by regulations

(6) In the case of a department of Central or State Government or local authority intending to carry out any development other than operational constructions on any land, the concerned department or local authority, as the case may be, shall notify in writing to the Authority, of its intention to do so, giving full particulars thereof and accompanied by such documents and plans as may be prescribed by the Government from time to time, at least thirty days prior to the undertaking of such development; where the Authority has raised any objection pertaining to the proposals received under sub-section (2) in respect of the conformity of the proposed development either to any matter in sub-section (3) or to any of the building bye-laws in force at the time, the department or the local authority, as the case may be, shall :-

(a) either make necessary modifications in the proposals for development to meet the objections raised by the Authority, or

(b) submit the proposals for development together with the objections raised by the Authority to the Government for decision. When proposals and objections have been submitted, no development shall be undertaken until the Government has finally decided on that matter.

(7) The Government on receipt of the proposals for development together with the objections of the Authority shall, in consultation with the Chief Town Planner either approve the proposals with or without modifications or direct the concerned department or local authority, as the case may be, to make such modifications in the proposals as they consider necessary in the circumstances.

(8) The "Operational Constructions" of the departments of the Central or State Government or local authority, as may be notified by the Government from time to time, shall be exempted from the purview of the authority.

Appeal against refusal or conditional grant of permission

46 (1) Any applicant aggrieved by an order passed under sub-section (2) of section 45 may appeal, within one month of the communication of that order or if no order is passed, after the expiry of the period of three months from the date of submitting the application of permission, to the Government or an officer appointed by the Government, in this behalf in the manner and accompanied by such fees as may be prescribed.

(2) The appellate authority, after receiving the appeal and after giving reasonable opportunity to the appellant and the concerned Authority to be heard, may pass an order dismissing the appeal or allowing the appeal by :-

(a) granting permission unconditionally; or
(b) granting permission subject to such conditions as it may think fit, or
(c) removing the conditions subject which permission has been granted and imposing other conditions, if any as it may consider fit.

Lapse of permission

47 Every permission for any development granted under this Act shall remain in force for a period of three years only from the date of such permission, Provided further that such lapse shall not be a bar for any subsequent application for fresh permission under this Act.

Obligation to acquire land on refusal of or on grant of permission certain cases

48 (1) Where :-

(a) any land is designated by a plan as subject to compulsory acquisition, or
(b) any land is allotted by a plan for the purpose of any functions of a Government or a local authority or a statutory body, or land is designated in such plan as a site proposed to be developed for the purposes of any functions of any such Government, authority or body; or
(c) any land is indicated in any plan as land on which a highway is proposed to be constructed or included, or
(d) any land for the development of which permission is refused or is granted subject to conditions, any owner of land referred to in clauses (a), (b), (c) or (d) claims:-

(i) that the land has become incapable of reasonably beneficial use in its existing state, or

(ii) where planning permission is given subject to conditions that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with the conditions , or

(e) the owner of the land because of its designation or allocation in any plan claims that he is unable to sell it except at a lower price than that at which he might have reasonably expected to sell if it were not so designated or allocated;

The owner or person affected may served on the Government within such time and in such manner, as may be prescribed by regulations, a notice (hereinafter referred to as "the purchase notice") requiring the appropriate authority to purchase his interest in the land in accordance with the provisions of this Act.

(2) The purchase notice shall be accompanied by the copy of an application made by the applicant to the Authority, and of an order or decision of that Authority and of the Government, if any, in respect of which the notice is given.

(3) On receipt of a purchase notice, the Government shall, forthwith, call from the Authority such report or records of both, as may be necessary, which those authorities shall forward to the Government as soon as possible but later than thirty days from the date of their requisition.

(4) On receiving such reports or records, if the Government is satisfied that the conditions specified in sub-section (1) are fulfilled and that the order or decision for permission was not duly made on the ground that the applicant did not comply with any of the provisions of this Act or rules or regulations, it may confirm the purchase notice, or direct that planning permission be granted without condition or subject to such conditions as will make the land capable or reasonably beneficial use. In any other case, it may refuse to confirm the purchase notice, but in that case, it shall give the applicant a reasonable opportunity of being head.

(5) If within a period of six months from the date from which the purchase notice is served, the Government does not pass any final order thereon, the notice shall be deemed to have been confirmed at the expiration of that period.

(6) If within one year from the date of confirmation of the notice, the appropriate authority fails to make an application to acquire the land in respect of which the purchase notice has been confirmed, the reservation, designation, allotment, indication or restriction on development of the land shall be deemed to have lapsed; and thereupon the land shall be deemed to be released from the reservation, designation or, as the case may be, allotment, indication or restriction and shall become available to the owner for the purpose of development otherwise permissible in the case of adjacent lands under the relevant plan.

Power of 49. (1) If it appears to the Authority that it is expedient, having regard to develop-

revocation or modification of permission to develop

ment plan prepared or under preparation and to any other material consideration that any permission to development land granted under this Act or any other law should be revoked or modified, the Authority after giving the person concerned an opportunity of being heard against such revocation or modification, may, by an order, revoke or modify the permission to such extent as appears to it to be necessary :

Provided that-

(a) where the permission relates to the carrying out of building or other operations, no such order:-

(i) shall affect such of the operations as have been previously carried out;

(ii) shall be passed after these operations have substantially progressed or have been completed,

(b) where permission relates to a use of land, no such order shall be passed at any time after the change has taken place.

(2) When a permission is revoked or modified by an order made under sub-section (1), if the owner claims from the Authority within the time and in the manner prescribed, compensation for the expenditure incurred in carrying out the works after the grant of permission and in accordance with such permission, which has been rendered abortive by the revocation or modification, the Authority shall, after giving the owner reasonable opportunity of being heard by an officer appointed by it in this behalf, and after considering the officer's report assess and offer such compensation to the owner as it thinks fit.

(3) If the owner does not accept compensation, and gives notice, within such time as may be prescribed, of his refusal to accept, the Authority shall refer the matter for the adjudication of the Court and the decision of the Court shall be final and binding on the owner and Authority.

Penalty for unauthorised development or for use otherwise than in conformity with the development plan or development scheme

50 (1) Any person who, whether at his own instance or at the instance of any other person or anybody commences, undertakes or carries out development, institutes, or changes use of any land or building:-

(a) in contravention of any development plan or development scheme;

(b) without obtaining a certificate regarding development charges under clause (a) of sub-section (1) of section 44;

(c) without permission as required under this Act;
(d) in contravention of any condition subject to which such permission has been granted;
(e) after the permission for development has been revoked under section 49; or
(f) in contravention of the permission which has been modified under section 49,

shall, on conviction be punishable with simple imprisonment for a term which may extend to three years, or with a fine which may extend to ten thousand rupees or with both and in the case of a continuing offence with a further fine which may extend to five hundred rupees for each day during which such offence continues after conviction for the first commission of the offence.

Power to require removal of unauthorised development.

51 (1) Where any development of land has been or is being carried out as described in section 50, the Authority, shall serve on the owner a notice requiring him, within such period, not exceeding one month, as may be specified therein, after the service of the notice, to take such steps as may be specified in the notice.

(a) in cases specified in clauses (a), (c) or (e) of sub-section (1) of section 50 to restore the land to its condition before the said development takes place.
(b) in cases specified in clause (d) or (f) of sub-section (1) of section 50 to secure compliance with the conditions or with the permission as modified;
(c) in cases specified in clause (b) of sub-section 50 to pay the development charges and such penalty, if any, as may be prescribed,

(2) In particular, any such notice may, for the purpose of sub-section (1) require:-

(a) the demolition or alteration of any building or works;
(b) the carrying out on land, of any building or other operations; or
(c) the discontinuance of use of any land;

Provided that in case the notice required the discontinuance of use of any land, the Authority shall serve a notice on the occupier also.

(3) Any person aggrieved by such notice may, within the period specified in the notice and in the manner prescribed -

(a) apply for permission under section 45 of this Act for the retention on the land or any buildings or works or for the continuance of any use of the land, to which the notice relates; or
(b) appeal to such authority and in such manner as may be prescribed.

(4) (a) The notice shall be of no effect pending the final determination or withdrawal of the application or the appeal.

(b) (i) The provisions of the foregoing sections 45, 46 and 47 shall apply to such application with such modifications as may be necessary

(ii) If such permission as aforesaid is granted on that application, the notice shall not take effect, or if such permission is granted for the retention only of some buildings or works or for the continuance of use of only a part of the land, the notice shall not take effect regarding such buildings or works or such part of the land, but shall have full effect regarding other buildings or works or other parts of the land.

(5) The appellate authority may dismiss the appeal or accept the appeal by quashing or varying the notice as it may consider fit.

(6) If within the period specified in the notice or within such period after the disposal or withdrawal of the application for permission or the appeal under sub-section (3) the notice or so much of it continues to have effect, or the notice with variation made in appeal, is not complied with, the Authority may -

(a) prosecute the owner for not complying with the notice and in case where the notice required the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice; and

(b) (i) in the case of the notice requiring the demolition or alteration of any building or works or carrying out of any building or any other operations, itself cause the restoration of the land to its condition before the development took place and secure the compliance with the conditions of the permission or with the permission as modified, by taking such steps as the Authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations;

(ii) the Authority may recover the cost of any expenses incurred by it in this regard from the owner as arrears of land revenue.

(7) Any person prosecuted under clause (a) of sub-section (6) shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to ten thousand rupees, or with both and in the case of a continuing offence, with a further fine which may extend to five hundred rupees for each day during which such offence continues after conviction for the first commission of the offence.

Power to stop unauthorised development.

52. (1) Where any development of land as described in section 50 is being carried out but has not been completed, the Authority may serve on the owner and the person carrying out the development, a notice requiring the development of land to be discontinued from the time of the service of such notice.

(2) Where such notice has been served, the provisions of clauses (b) of sub-section (4) and sub-section (5) of section 51 shall apply with such modifications as may be necessary;

Provided that provisions of clause (a) of sub-section (4) of section 51 shall apply, in spite of filing an application for permission for development or an appeal as provided in clause (b) of sub-section (3) of section 51, and the notice shall continue to have full effect.

(3) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served, shall be punishable with simple imprisonment for a term which may extend to three years, or with a fine which may extend to ten thousand rupees, or with both and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for each day after the date of the service of the notice during which non-compliance has continued or continues.

(4) If such notice is not complied with forthwith, the Authority or such officer of the Authority who may be authorised in this behalf, may require any police officer to remove such person and all assistants and workmen from the land at any time after the service of such notice and such police officer shall apply with the requisition accordingly.

(5) After the requisition under sub-section (4) has been complied with, the Authority or such officer of the Authority who may be authorised on this behalf, may if he thinks fit, depute, by a written order, a police officer or any officer or employee of the Authority to watch the land in order to ensure that the development is not continues. The Authority shall be empowered to seal the unauthorised development.

Removal or discontinuance of unauthorised temporary development summarily.

53. (1) Notwithstanding anything contained in this Chapter, hereinbefore, where any person has carried out any development of a temporary nature unauthorisedly as indicated in sub-section (1) of section 50, the Authority may by an order in writing direct that person to remove any structure or work erected, or discontinue the use of land made, unauthorisedly as aforesaid, within fifteen days of the receipt of the order; and if thereafter, the person does not comply with the order within the said period, the Authority may request the District Magistrate or the Commissioner of the Police, or the Superintendent of Police, as the case may be, or authorise any of its officers or servants, to have such work summarily removed or such use summarily discontinued without any notice as directed in the order; and any development unauthorisedly made again, shall be summarily removed or discontinued without making any order as aforesaid.

(2) The decision of the Authority on the question of what is development of a temporary nature shall be final.

(3) The Authority may recover the cost of any expenses incurred by it in this regard from the owner as arrears of land revenue.

Power to require removal of authorised development or use of land.

54. (1) If it appears to the Authority that it is expedient in the interest of the proper planning of its areas (including the interests of amenities), having regard to the perspective plan of the development area or its development plan prepared, and to any other material consideration,

(a) that any use of land should be discontinued; or

(b) that any conditions should be imposed on the continuance thereof, or

(c) that any building or works should be altered or removed; the Authority may, by notice, served on the owner,

(i) require the discontinuance of that use; or

(ii) impose such conditions, as may be specified in the notice, on the continuance thereof, or

(iii) require such steps, as may be specified in the notice to be taken for the alteration or removal of any building or works, as the case

may be, within such period, being not less than one month, as may be specified therein, after the service of the notice.

(2) Any person aggrieved by such notice, may within the said period and in the manner prescribed, appeal to the authority as may be prescribed.

(3) If an appeal is filed under sub-section (2), the provisions of clause (a) of sub-section (3) and sub-section (4) of section 51 shall apply, with such modifications as may be necessary.

(4) If any person:-

(a) has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or

(b) has carried out any work in compliance with the notice, and claims from the authority within the time and in the manner prescribed compensation in respect of that damage, or of any expenses reasonably incurred by him for complying with the notice, the provisions of sub-section (2) and (3) of section 49 shall apply with such modifications as may be necessary.

(5) If any person interested in the land in respect of which a notice is issued under this section, claims that by reason of the compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal, if any, filed under sub-section (2) and in the manner prescribed, serve on the Government, an acquisition notice requiring his interest in the land to be acquired.

(6) When a notice is served under sub-section (5) the provisions of sub-section (2) to (5) of section 48 shall apply with such modifications as may be necessary.

Interim provision pending preparation of plan.

55. Where the Authority in exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of a plan before such plan has become operative, the Authority shall have regard to the provision which in its opinion will be required to be included for securing the proper planning of the concerned area.

Over-riding effect of this Act.

56. Notwithstanding anything contained in the Sikkim Municipalities Act, 1955 or any other law relating to municipalities and municipal corporations contrary to the provisions contained in this Act, the provision of this Act shall have an over-riding effect over all such laws.

CHAPTER - VIII
DEVELOPMENT SCHEMES

Power of the Authority to engage consultants.

57. (1) Subject to the provisions of this Act and rules and regulations made thereunder, the Authority may undertake development in any area under its jurisdiction by framing and executing development schemes.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the Authority to undertake development in any area outside its jurisdiction for the purpose of providing amenities and utilities which are wholly or partly

beneficial to the residents of the area under its jurisdiction.

Publication of the development scheme and its approval

58. (1) A development scheme may be prepared for making provision for all or any of the following matters, namely:

(a) acquisition of land by purchase, lease or otherwise and to erect thereon such buildings or to carry out such operations as may be necessary for the purposes of carrying on its functions;
(b) establishment of a new town;
(c) establishment of industries, industrial estates, flatted factories, service industries,
(d) establishment of commercial centres and tourism related infrastructure;
(f) development and landscaping of open spaces, recreational grounds, parks, zoological and botanical gardens, public assembly grounds and social forestry;
(g) conservation of ecologically sensitive areas and prevention of injury or contamination of rivers, water bodies and sources of water supply;
(h) preservation and protection of heritage sites and buildings, objects of historical importance or natural beauty and of buildings actually used for religious purposes;
(i) control of floods and air and water pollution,
(j) housing schemes for different income groups including housing for economically weaker sections of the society;
(k) construction and maintenance of rest houses, night shelter, infirmaries,, homes for destitutes, children, disabled, handicapped, senior citizens, etc.;
(l) redevelopment and renewal of blighted areas;
(m) resettlement, rehabilitation and upgradation of slum areas;
(n) provision of health care, educational, cultural, religious and recreational facilities;
(o) provision of water supply, electricity and gas; disposal of sewage, solid waste and refuse and manufacture of its bye-products;
(p) provision of sanitary arrangements including construction of drains and general conservancy, public conveniences etc.,
(q) construction, reconstruction, alteration, improvement and maintenance of public roads, and streets, bridges, parking lots, transport terminals including bus depots, airports, bus bays and stops, street lighting and avenue plantation.
(r) provision of public transportation including mass transportation by rail or road or ropeway.
(s) provision of communication facilities;
(t) provision of burial and cremation grounds;
(u) slaughter houses;
(v) closure or demolition of dwellings and portions of dwellings unfit for human habitation;
(w) demolition of obstructive buildings or obstructive portions of buildings; and
(x) such other matters not inconsistent with the objects of this Act, as may be considered necessary.

(2) Every development scheme shall contain details, as far as may be applicable, in respect of

(a) land assembly over which the development scheme is to be imple-

mented.

(b) layout plan and other relevant drawings and details including, if necessary, the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specific areas, the purposes for which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space and loading and unloading space for any building and the size of projections and advertisement signs and hoardings;

(c) total estimated cost, sources of funding and cost recovery statement;

(d) manner of disposal of assets, if any;

(e) management and maintenance mechanism; and

(f) any other matter considered necessary

(3) The Authority may, on such terms and conditions as may be agreed upon, undertake formulation and execution of any developmental project anywhere on behalf of the local authority, body corporatem, co-operative society, or a department of the State or the Central Government;
Provided that permission for such development has been obtained under the provisions of Chapter VII of this Act by the concerned local authority, body corporate or co-operative society, as the case may be, the department of the State or the Central Government.

(4) No development scheme shall be framed by the Authority and no project shall be formulated by any other person or body including departments of Central and State Governments unless they are in conformity with the provisions of a plan approved under this Act.

Power of the authority to engage consultants

59 The Authority may, for framing and executing a development scheme, engage any consultant on such terms and conditions as may be agreed upon between it and the consultant.

Publication of the development scheme and its approval

60 (1) As soon as may be, after a development scheme has been formulated, the authority shall publish it in at least one local newspaper, a notice of preparation of the development scheme and the place or the places where copies of the same may be inspected, inviting objections and suggestion in writing from the public to be filed within thirty days from the date of publication of such notice in the newspaper. The notice shall also state the name of the place or places where a copy of the development scheme shall be available for inspection by the public during the office hours:
Provided that no such notice under this sub-section shall be required where the development scheme is within the framework of the approved development plan of a development area.

(2) After the expiry of the period allowed under sub-section (1) for filing objections and suggestions, the Authority shall consider all the objections and suggestions received and shall after allowing reasonable opportunity of being heard, to any person who has made a request of being so heard, make such modifications in the development scheme as it considers proper within a period of sixty days of the date of expiry of the notice period allowed under sub-section (1) and shall approve the development scheme.

(3) Immediately after the approval of the development scheme by the Authority, it shall notify in Official Gazette and publish a notice, in at least one local newspaper, of the approval of the development scheme mentioning the place or places and the time at which the scheme shall be open to inspection by the public.

Power of the Authority to set-up functional agencies

61 (1) The Authority may, with the prior approval of the Government, set up functional agencies for performance of such specific functions, not inconsistent with the objects of this Act, in such cases where it considers appropriate that it would be in public interest and would effect economy and efficiency in the performance of the functions assigned to it.

(2) The composition, management and the procedures of the aforesaid agencies to be set-up under sub-section (1) shall be such as may be prescribed.

Auction of Floor Area Ratio

62. (1) If the Authority is satisfied that in a particular locality, augmentation of infrastructure, particularly relating to transportation, has occurred to such an extent that there is a scope for permitting additional built-up space by way of additional Floor Area Ratio (FAR) for Floor Space Index (FSI) over and above the permissible FAR or FSI in the area, it may prepare, with the approval of the Government, a scheme identifying the specific area where such additional built-up space can be permitted by way of auction and specifying the applicable development control norms.

(2) The scheme prepared under sub-section (1) shall qualify the total additional built-up space to be permitted and maximum sport Floor Area Ratio or Floor Space Index to be allowed by auction. Thereupon, the Authority, shall auction the aforesaid additional built-up space in the manner prescribed.

Provided that no auction shall take place unless augmentation of infrastructure and services mentioned in sub-section (1) has become fully operational.

CHAPTER - IX

ACQUISITION, ASSEMBLY AND DISPOSAL OF LAND

Power to acquire land under the Land Acquisition Act, 1894 in certain areas

63 (1) Any land required, reserved or designated in a perspective plan, a development plan, or an annual plan, or a development scheme shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act 1 of 1894) and may be acquired by the Government on request by the Authority.

(2) Where any land has been acquired by the Government under sub-section (1), it may after it has taken possession of the land, transfer the land to the Authority for the purpose for which the land has been acquired on payment by the Authority of the compensation awarded under the Act and of the charges incurred by the Government in connection with the acquisition.

Special provision for invocation of section 4 of Land Acquisition Act, 1894 in certain cases

64. (1) The notification for approval of
(a) the regional development plan under section 18;
(b) the development plan of the development area under sub-section (10 of section 38, and
(c) the development scheme under sub-section (3) of section 60 shall, notwithstanding anything contained in the Land Acquisition Act, 1894 be deemed to be a declaration duly made under section 4 of the said Act.

Acquisition of property by the Authority.

65. The Authority may acquire any movable or immovable property by purchase, exchange, gift, lease, mortgage, or by any other means permissible under any law for the time being in force.

Transfer of Government land to the Authority.

66. The Government may, by order and on such terms and conditions as may be agreed upon between the Government and the Authority, place at the disposal of the Authority any developed or undeveloped Government land situated within the jurisdiction of such Authority for the purpose of development in accordance with he provisions of this Act.

Acquisition of land by way of negotiated settlement.

67. The Authority may acquire land by agreement by paying such amount as may be arrived at through negotiated settlement in such manner as may be prescribed under regulations.

Disposal of land and other property by the Authority.

68. The disposal of any land acquired by the Government and transferred to the Authority under section 63 or any land transferred to the Authority under section 63 or any land transferred to it under section 65, 66, 67 or any other land with or without carrying out development thereon, or any other immovable property belonging to the Authority, shall be done in accordance with the rules made for the purpose in this behalf.

CHAPTER X
LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE

Levy of development charge.

69. (1) Subject to the provisions of this Act and the rules made thereunder, and with the previous sanction of the Government, every Authority shall, by notification published in the Official Gazette, levy a charge (hereinafter called the development charge) on the carrying out of any development or the institution or change of use of charge) on the carrying out of any development or the institution or change of use of land for which permission is required to be obtained under Chapter VII of this Act, in the whole or any part of the development area, at the rates specified in section 70;

Provided that the rates may be different for different parts of the development area.

(2) The development charge shall be leviable on any person who undertakes or carries out such development and institutes or changes any such use.

(3) Notwithstanding anything contained in sub-section (1) and (2), no development charge shall be levied on development or institution of, change of use of any land vested in, or under the control or possession of the Central Government, the State Government or any local authority.

(4) The Government may, by rules, provide for exemption from the levy of development charge, any development, institution or change of any use of any land specified in the rules.

Rates of development charge.

70. (1) For the purpose of assessing the developmental charge, the use of land building shall be classified under the following categories:

(a) agricultural,
(b) residential,
(c) industrial.

(d) commercial, and
(e) miscellaneous

(2) In classifying the use of land and building under any of the categories mentioned in sub-section (1), the predominant purpose for which such land and building is used shall be the main basis for such classification;

Provided that where land appurtenant to a building is used for any purpose independent of the building, development charge may be levied separately for such use also.

(3) The actual charges may vary from one town to another and within the town from one area to another depending on its development and institution or change of use.

(4) The development charge shall not exceed:

(a)	for the institution of use.		
	(i)	for residence	Rs. 10/- sq. mtr.
	(ii)	for industry	Rs. 50/- sq. mtr.
	(iii)	for commerce	Rs.200/-sq. mtr.
(b)	for change of use:		
	(i)	from agriculture to residence	Rs. 15/- sq. mtr.
	(ii)	from agriculture to industry	Rs. 55/- sq. mtr.
	(iii)	from agriculture to commerce	Rs.205/-sq. mtr.
	(iv)	from residence to industry	Rs. 40/- sq. mtr.
	(v)	from residence to commerce	Rs.190/-sq. mtr.
	(vi)	from industry to residence	Rs. 40/- sq. mtr.
	(vii)	from industry to commerce	Rs.150/-sq. mtr.

Assessment and recovery of development charge.

71 (1) Any person who intends to carry out any development, or to institute, or change any use of any land for which permission under Chapter VII is necessary, whether he has applied for such permission or not or who has commenced the carrying out of any such development or has carried out such development or instituted or changed any use, shall apply to the Authority within such time and in such manner as may be prescribed for the assessment of development charge payable in respect thereof.

(2) The Authority shall, on such application being made, or if no such application is made, after serving a notice on the person liable for development charge, determine in the manner specified in sub-section (3) and (4), the development charge, if any, is leviable in respect of that development or use.

(3) The Town Planning Member shall, after giving a reasonable opportunity of being heard to the person who has made an application under sub-section (1) or who has been served with a notice under sub-section (2) make a report to the Authority.

(4) After taking into consideration the report of the Town Planning Member made under sub-section (3), the Authority shall assess the amount of development charge by an order:

Provided that

(a) where permission under Chapter VII has not been granted for carrying out the said development, the Authority may postpone the assessment of the development charge;

(b) where the application relates to the carrying out of any development in any land, the Authority may refuse to assess the development charge payable in respect thereof, unless it is satisfied that the applicant has an interest in the land sufficient to enable him to carry out such development, or that the applicant is able to obtain such interest and that the applicant will carry out the development within such period as the Authority considers appropriate,

(c) where the application relates to the institution or change of any use of land, the Authority may refuse to assess the amount of development charge payable in respect thereof unless it is satisfied that the use will be instituted within such period as the Authority considers appropriate

(5) The Authority shall deliver or serve a copy of such order on the applicant or the person liable for the development of charge.

(6) Such order of assessment subject to the provisions of section 72, shall be final and shall not be questioned in any court

Appeals against assessment.

72. (1) Any person aggrieved by an order of assessment made under section 71 may, within such time and in such manner, as may be prescribed, appeal to the Board.

(2) On an appeal made to the Board under sub-section (1), the Chief Town Planner shall, after giving a reasonable opportunity of being heard to the appellant and the Authority concerned, make a report to the Board

(3) The Board may, after taking into consideration the aforesaid report, and if it deems necessary, after giving a reasonable opportunity of being heard to the appellant and the Authority concerned, pass such order as it deems fit

Development charge to be a charge on land and to be recoverable as arrears of land revenue.

73. (1) If any development of land is commenced or carried out or any use is instituted or changed without payment of the amount of the development charge assessed under the provisions of this Chapter, the amount of the development charge shall, subject to prior payment of the land revenue, if any, be a first charge upon the interest of the person so liable in the land on which development has been commenced or carried out or the use has been instituted or changed and also in any other land in which such person has any interest.

(2) The development charge shall be recoverable as arrears of land revenue

CHAPTER - XI

PRIVATE AND JOINT SECTOR PARTICIPATION IN DEVELOPMENT

Development works by promoters

74. Subject to the provisions of this Act and the rules and regulations made thereunder, the Authority for the purpose of implementing the proposals contained in an approved plan, permit a promoter, to undertake or carry out a development work within the area of its jurisdiction.

Power to grant licence to promoters

75. (1) The Authority may grant a licence to a promoter-national or international, to undertake or carry out a development work in its area of jurisdiction, on such terms and conditions as may be mutually agreed upon after following such procedure and on payment of such license fee as may be prescribed:

Provided that prior permission of the Government shall be required for granting license to an international promoter.

(2) Before granting such license under sub-section (1), the Authority shall ensure that development charges as leviable under this Act have been paid or that no development charges are leviable under this Act.

Application for grant of licence.

76. (1) Any promoter intending to undertake or carry out any development work shall make an application in writing for grant of a licence to undertake or carry out such work to the Authority in such form accompanied by such documents and fee and in such manner as may be prescribed.

(2) The Authority may, after making such enquiry as it considers necessary, by an order in writing,

(a) grant a licence in the prescribed from after the applicant has furnished to it a bank guarantee equivalent to ten per cent of the estimated cost of the development work and has entered into an agreement with it containing such details as may be considered necessary including provisions for ensuring:

(i) that the development shall be within the framework of the approved plan and shall conform to the provisions of the development control rules and applicable building rules, bye-laws, and

(ii) that the time schedule within which the development work is to be completed shall be adhered to;

(b) or refuse to grant a licence after affording the applicant an opportunity of being heard.

(3) No licence shall be granted when the estimated cost of the development work exceeds,

(a) rupees ten lakhs without the prior approval of the Chief Town Planner;

(b) rupees twenty five lakhs, without the approval of the Government.

(4) The licence so granted shall be valid for a period of three years. It may, however, be renewed for reasons to be recorded in writing from time to time for a period not exceeding one year on payment of prescribed fee.

Additional provisions where cost of development work is to be realised in advance

77. Where a development work envisages realisation in advance of the cost of development from the prospective allottees, the promoter shall deposit an amount equivalent to twenty five per cent of the sum collected, from time to time, by him from the prospective allottees, within a period of ten days of its realisation, in a separate account to be maintained in a scheduled bank and pledged to the Authority. This amount can only be withdrawn on completion of the development work.

Provisions for economically weaker sections

78 (1) Where a development work for which licence is granted envisages provision of developed plots or built-up space, such percentage of the plots or built-up space shall be reserved for economically weaker sections of the society, as may be mutually agreed, and the cost of development of such reserved developed plots or built-up space shall be fully or partly, as may be agreed, distributed over developed plots or the built spaces meant for allottees other than economically weaker sections

(2) The developed plots or built-up space reserved for economically weaker sections of the society shall be allotted by the promoter to only those beneficiaries who are identified by the Authority, at such cost as may be mutually agreed.

Recovery of capital maintenance cost of amenities

79 Where a licence has been granted for providing or maintaining or both providing and maintaining any amenity, utility, service or facility, the Authority may permit the promoter to recover the capital and maintenance cost by way of collection of users charges as may be agreed upon in the manner prescribed under regulations.

Development works in joint sector

80 The Authority may enter into collaboration with a promoter or national or international agency to jointly undertake implementation of any development work within the framework of an approved plan on such terms and conditions as may be mutually agreed. Such collaboration may include provision for facilities including shelter for economically weaker sections or sharing of developed plots and built spaces or sharing of profits,

Provided that where the collaboration is with an international agency, prior approval of the Government shall be necessary

Rules for regulating development by private and joint sector

81 The Government shall frame rules for regulating development works by private-sector and under joint-sector

Reference to Arbitrator in case of dispute

82 If any dispute arises out of any agreement into with the promoter by the Authority, it shall be referred to the Arbitrator appointed by the Government under the Arbitration Act, 1940.

CHAPTER - XII

FINANCE, ACCOUNTS AND AUDIT

Fund of the Authority and its application

83. (1) The Authority shall have and maintain a separate fund called "development fund" to which shall be credited-

(a) sum of money received from the Government or any other State, national or international agency, loans, advances, or otherwise for the performance of functions under this Act and for any other function which the Government may assign;
(b) all development charges or other charges or fees received under this Act or rules or regulations made thereunder;
(c) contribution from municipalities under section 90,
(d) sum of money borrowed under section 122 from the market with the

approval of Government by way of debentures, bonds and other means in accordance with the prescribed rules;

(e) sum of money earned from remunerative projects by way of rent or otherwise and disposal of its assets;

(f) sum of money earned from projects implemented under section 80;

(g) increased stamp duty received under section 86;

(h) charges for using agricultural land for building purposes under section 87;

(i) users' charges received by the Authority from the disposal of land, buildings and other properties, and

(k) any other sum of money received by the Authority from any other source for performing its functions.

(2) The development fund shall be applied towards meeting –

(a) the expenditure incurred in the administration of this Act;

(b) the cost of acquisition of land in the development area for the purpose of planned development;

(c) the expenditure for development of land in the development area;

(d) any expenses incurred by the Authority under this Act in connection with preparation of perspective plan, development plan and annual plan and planning and execution of projects and schemes unless expressly provided otherwise in this Act;

(e) the expenditure for such other purposes as the Government may direct, and

(f) the expenditure for such other purposes not inconsistent with this Act.

(3) The development fund account of every Authority shall be opened and maintained in the current or savings account of the State Bank of India or any other nationalised bank. Such surplus amount of money out of the aforesaid fund, as may determined by the Authority in this behalf, shall be invested in such manner as may be approved by the Authority, but such investment shall be only in Government approved securities.

(4) The Government may take such grants, advances and loans to the Authority as the Government may deem necessary for the performance of the functions of the Authority under this Act, and all such grants, loans and advances made shall be on such terms and conditions as the Government may determine.

Budget

84. The Board and every Authority, shall prepare in such form and at such time every year, as may be prescribed, a budget in respect of the financial year next ensuing, showing their estimated receipts and expenditure. Such number of copies of the budget, as may be prescribed, shall be forwarded to the Government

(a) directly in the case of the Board,

(b) through the Board, in the case of the Authority.

Accounts and Audit

85. (1) The Board and every Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.

(2) The accounts maintained under sub-section (1) shall be subject to audit

annually by the Accountant General of the State and any expenditure incurred by him in connection with such audit shall be payable by the concerned Authority to the Accountant General.

(3) The Accountant General or any person appointed by him in connection with the audit of accounts under sub-section (2), shall have the same right, privilege, and authority in connection with such audit as the Accountant General has in connection with the Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the concerned Authority. The accounts as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Government-

(a) directly in the case of the Board;
(b) through the Board, in the case of the Authority

Increase in duty on certain transfer of immovable property

86. (1) The duly imposed under the laws for the time being in force in Sikkim in respect of any deed of transfer of immovable property shall, in the case of immovable property situated within the area under the jurisdiction of the Authority be increased by three percentum on the value of the property transferred or in the case unsufructuary mortgage on the amount secured by the instrument

(2) All collections resulting from the said increase shall, after deducting incidental expenses, if any, be paid to the Authority at such time and in such manner as may be prescribed

Charges for using agricultural land for building purposes

87. (1) If any land located within the jurisdiction of the Authority, the presents use of which is recorded as 'agriculture' in the records of rights maintained by the Government and the owner of such land intends to construct a building or structure thereon for use as permissible in the development plan, the owner thereof shall before applying for permission to construct such building under section 45 first apply to the concerned Authority for permission to use the land for the intended purpose.

(2) The application under sub-section (1) shall be accompanied with a charge which shall be equivalent to fifty per cent of the difference in market value of the land assessed with its agricultural use and its market value with intended use, and such other documents, and details as may be prescribed

Contribution by the Authority to the Board, and the District Planning Committee

88 Every Authority at the beginning of the financial year shall contribute a sum equivalent to half per cent of the total sum of money credited during the last preceding year to its development fund constituted under sub-section 91) of section 83, to the Board and another one and a half per cent to the District Planning Committee.

Levy of user's charge.

89. (1) In order to recover fully or partly the capital expenditure and the cost of maintenance of utilities, amenities, services or facilities provided by the Authority, it may levy and collect a charge from the users, (hereinafter called the users' charge).

(2) The amount of users, charges to be levied and its manner of assessment

and collection shall be such as may be prescribed under regulations.

(3) The Authority may assign, on such terms and conditions, as may be agreed, the task of providing and maintaining any utility, amenity, service or facility, within the area of jurisdiction, to any person or agency including an association or body of individuals whether corporate or not and permit them to collect such users' charges from such beneficiaries and subject to such terms and conditions as may be prescribed under regulations.

Contribution by municipal bodies to the development fund.

90. Every municipal body within the development area shall, at the beginning of the financial year, contribute from municipal fund, a sum not less than then per cent of its total receipts from all sources during the last preceding year to the development fund of the Authority, as the Government may specify from time to time.

Annual reports

91 (1) The Board shall prepare every year on its activities, during that year and submit the report to the Government in such form on or before such date as may be prescribed and the Government shall cause a copy of the report to be laid before the State Legislature.

(2) The Authority shall prepare every year a report on its activities during that year clearly specifying sector-wise physical targets achieved alongwith regular financial statements and submit the report to the Government and the Board in such form on or before such date, as may be prescribed.

Pension and Provident fund.

92. (1) The Board and the Authority shall constitute for the benefit of their whole time paid members, officers and other employees, in such manner and subject to such conditions, as may be prescribed, such pension and provident funds as it may deem fit.

(2) Where any pension or provident fund has been constituted, the Government may declare that the provisions of the General Provident Fund (Sikkim Services) Rules, 1984 and the Sikkim Services (Pension) Rules, 1990 shall apply mutatis mutandis.

CHAPTER - XIII
SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Action by Government while issuing notification under subsection (3) of section 1

93. Simultaneously with the coming into force of the provisions of this Act in any area by notification under sub-section (3) of section 1 with effect from such date as may be specified therein the Government shall frame a scheme determining -

(a) the Government authorities or the development authorities, if any, or by whatever name called, constituted under any other law in force in the area, which shall cease to exist from the said date;

(b) the transfer of all the officers and employees of the authorities as mentioned in clause (a) above to the concerned Authority, from the said date;

(c) proportion of all properties, funds and dues which are vested in or realisable by the authorities mentioned in clause (a) which shall vest in or be realisable by Authority or authorities mentioned in clause (a) above shall be discharged by the Authority.

Restrictions on use and development of land after declaration of regional planning area/development area

94 (1) On or after the date on which the declaration of regional planning area under section 11 and development area under Sections 11, 21 of this Act is notified-

(a) no person shall within the area included in the regional planning area or the development area, as the case may be, erect or proceed with any building work, remove, pull down, alter, make additions to or make any substantial repair to any building, part of building, a compound wall or any drainage work or remove any earth, stone or material, or subdivide any land or charge the use of any land or building unless such person has applied for and obtained necessary permission from the Chief Town Planner or such other authority as may be desired by Government in the case of regional planning area and the Authority in the case of development area under its jurisdiction.

(b) The Chief Town Planner or the Authority as the case may be.. on receipt of such application, shall at once furnish the applicant with a written acknowledgement of its receipt and may, after an inquiry, either grant or refuse such permission or grant if subject to such conditions as it may think fit impose. If no decision is communicated to the applicant within three months from the date of such acknowledgement, the applicant shall be deemed to have been granted such permission,

(c) If any person contravenes the provisions contained in sub-section (1) or sub-section (2), the Chief Town Planner or the Authority, as the case may be, may direct such person by notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove, pull down, or alter any building or other work or restore the land in respect of which such contravention is made to its original condition.

(d) Any expenses incurred by the Chief Town Planner or the Authority, as the case may be, under sub-section (3) shall be a sum due to them under this Act which may be recovered from the person in default or the owner of the plot as arrears of land revenue, and

(e) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Chief Town Planner, or the Authority under sub-section (1)

(2) Wherever the Government, after the declaration of the regional planning area under section 11 or the development area under sub section 21 but before the publication of the Map and the Register under section 32, is satisfied that in any regional planning area or development area or part thereof, the change of the land use or any building operation or any other operation as mentioned in sub-section (1) therein :-

(a) is likely to cause injurious disturbance of surface or any land or soil, or is considered detrimental to the preservation of the soil, prevention of landslips or protection against erosion, or

(b) is likely to make it difficult to plan and develop the area in question in accordance with the provisions of this Act, the Government may, by notification published in the Official Gazette, freeze the existing land

use: for a period not exceeding three years;

(c) on the issuance of a notification under the this sub-section:-

(i) no person shall change the use of any land or carry out any development of land other than the change for the purpose of agriculture without the written permission of the Chief Town Planner in the case of the regional planning area and the Authority in the case of the development area, and

(ii) no local authority or officer or other authority shall, notwithstanding anything contained in any other law for the time being in force, grant permission for the change in use of land without the written permission of the Chief Town Planner in the case of the regional planning area and the Authority in the case of the development area;

(d) any permission which the Chief Town Planner or the Authority, as the case may be, may grant under this sub-section shall be subject to such conditions and restrictions as may be imposed in this behalf by the Government

Power of entry

95 (1) The Chief Town Planner or an officer authorised by him or any officer authorised in this behalf by the Board or the Authority, as the case may be, may enter into or upon any land or building with or without assistants or workmen within the area under their respective jurisdiction under this Act for the purpose of -

(a) making an enquiry, inspection, measurement or survey or taking levels or photographs of such land or building,

(b) selling out boundaries and intended lines of works,

(c) making such levels, boundaries and lines by placing marks and cutting trenches,

(d) examining works under construction and ascertaining the course of sewers and drains,

(e) digging or boring into the sub-soil,

(f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations made thereunder, and

(g) doing any other thing necessary for the efficient administration of this Act,

Provided that

(i) in the case of any building used as a dwelling house or upon any enclosed part of garden attached to such a building, no such entry shall be made without the consent of the occupier thereof. If no consent is given, entry can be made by giving

such occupier atleast twenty-four hours notice in writing of the intention to enter;

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from the land or the building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made to the social and religious usages of the occupants of the land or building entered.

(2) The powers of the Chief Town Planner or the Board under sub-section (1) shall extend to the whole of the State of Sikkim and the powers of the Authority under sub-section (1) shall extend to its development area and such other area which the Government may have directed to be included in a development plan

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person, after such entry, shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to three thousand rupees, or with both.

Service of notice etc.

96. (1) All documents including notices and orders required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or rule or regulation made thereunder, be deemed to be duly served -

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company or corporation, society or other body, if the document is addressed to the head of the Government department, General Manager of the Railway, Secretary or Principal Officer of the local authority, statutory authority, company, corporation, society or any other body at its principal, branch, local or registered office, as the case may be, and is either -

(i) sent registered post to such office, or
(ii) delivered at such office;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at is principal place of business, identifying it by the name or style under which its business is carried on, and is either -

(i) sent by registered post, or
(ii) delivered at the said place of business;

(c) in any other case, if the document is addressed to the person to be served and -

(i) is given or tendered to him; or

(ii) if such person cannot be found is affixed on conspicuous part of his last known place of residence or business or is given or

tendered to some adult member of his family or is affixed on some conspicuous part of the land or the building to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming or describing that land or building) without further name or description, and shall be deemed to be duly served :-

(a) If the document so addressed is sent or delivered in accordance with clause (c) of sub-section (1); or
(b) if the document so addressed or a copy thereof so addressed is delivered to some person on the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document is deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the officer authorised in this behalf by the Board, or the Authority, as the case may be, by notice in writing require the occupier, if any, of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

Public notice how to be made know and the notices, etc. to fix reasonable time

97 (1) Every public notice given under this Act or rules or regulations made thereunder shall be in writing under the signature of such officer as may be authorised in this behalf by the Board, or the Authority and shall be widely made known in the locality to be affected there by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper and such other means which such authorised officer may consider fit.

(2) Where any notice, order or other document issued or made under the Act or any rule or regulation made thereunder, requires anything to be done for the doing of which no time is fixed in this Act or rule or regulation made thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

Authentication of orders and documents

98 All permissions, orders, decisions, notices and other documents of the Chief Town Planner, the Board, or the Authority shall be authenticated by the signature of such officer as may be authorised by the Chief Town Planner or the Board or the Authority, as the case may be, in this behalf.

Mode of proof of records.

99 A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board or the Authority, if duly certified by legal keeper there or other person authorised by the Board, or the Authority shall be received as prima facie evidence of the matters and transactions therein recorded.

in every case where, and to the same extent as the original entry or document would, if produced, have been admissible to prove such matters

Restriction on the summoning of officers and servants of the Board and the Authority

100. No Chairperson, Vice-Chairperson, member or officer or servant of the Board or the Authority shall in any legal proceedings to which the Board or the Authority is not a party, be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause

Prohibition to supply electricity, water etc.

101 Any agency charged with the duty of supplying electric energy to buildings or installations within a development area, shall not give electric connection and any agency charged with the duty of supplying water and rendering such other services to buildings or installations in a development area shall not give water connection or render such other services to any newly constructed building or convert to permanent domestic use any connection already taken unless the application for such connection is accompanied by a no-objection certificate from the concerned Authority.

Transfer to authority for purposes of development of land or building vested in local authority

102 (1) Whenever any building or any street, square or other land or any part thereof, which is situated within any development area and is vested in any local authority is required for the purposes of development by the Authority, it shall give notice accordingly to the Executive Officer of the concerned local authority, and such building, street, square, other land or part thereof, shall, notwithstanding anything contained in the law under which the said local authority is constituted, thereupon vest in the Authority

(2) Where any property vests in the Authority under sub-section (1) and the Authority makes a declaration that such property shall be retained by it for a period to be specified in the declaration, the property shall, on the expiration of said period, revert to the local authority

(3) Where a declaration is made under sub-section (2), no compensation shall be payable by the Authority to the concerned local authority in respect of the property so vested in the Authority

(4) Where any land or building vests in the Authority under sub-section (1) and no declaration is made under sub-section (2) in respect of the land or the building, the Authority shall pay to the local authority concerned as compensation a sum equal to the market value of such land or building as on the date of notice under sub-section (1)

Provided that the land of equal market value may be given in exchange, or lieu of compensation.

(5) If, in any case, where the Authority has made a declaration in respect of any land under sub-section (2) and retains or disposes of the land contrary to the terms of the declaration so that the land does not revest in the local authority, the Authority shall pay to the concerned local authority compensation in respect of such land in accordance with the provisions of sub-section (3).

(6) If any question or dispute arises-

(a) as to whether compensations is payable under sub-section (3) or sub-section (4); or

(b) as to the amount of compensation paid or proposed to be paid under sub-section (3) or sub-section (4); or

(c) as to whether any building or street, or a square or other land or any part thereof is required for the purposes of development by the Authority; the matter shall be referred to the Government whose decision thereon shall be final.

Restriction of power of a local authority to make rules, regulations or bye-laws in respect of certain matters.

103 (1) Notwithstanding anything contained in any law for the time being in force, no rule, regulation or bye-law shall be made or amended by local authority in respect of matters specified in sub-section (2), unless the Authority, upon consideration of the rule, regulation or bye-law, certifies that it does not contravene any of the provisions of any perspective plan or any development plan or regulations pertaining to planning or building standards.

(2) The matters referred to in sub-section (1) are the following, namely -

(a) water supply, drainage and sewerage disposal;

(b) erection or re-erection of buildings, including grant of building permissions, licenses and imposition of restriction on use and sub-division of land and building;

(c) sub-division of land into building sites, roads and lanes, recreational sites and sites for community facilities; and

(d) development of land, improvement schemes, and housing and rehousing schemes

Power of Authority to require local authority to assume responsibility in certain cases

104 Where any area has been developed by the Authority it may require the local authority within whose local limits the areas so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which is its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority, and where such terms and conditions cannot be agreed upon, on terms and conditions settled by the State Government in consultation with the local authority on a reference of the matter to State Government by the Authority.

Restriction on registration of documents.

105 Notwithstanding anything contained in the law for the time being in force in Sikkim, no deed or document in respect of transfer, by way of sale, gift, exchange, lease, mortgage with possession or otherwise of any land, or subdivision of any land or building situated within a development area shall be registered by the authority competent to register such deed or document under the provisions of the said Act, unless such deed or document is accompanied by a non-objection certificate from the concerned Authority, in the form prescribed under rules:

Provided that the competent authority may register any transfer:-

(a) Where the land is owned by a person and the transfer is made without involving any further divisions;

(b) where the partition/sub-division of land is made in a Joint Hindu Family;

(c) where the lease is made in relation to a part or whole of a building; and

(d) where the mortgage is made for procuring the loans for construction or improvement over the land either from the Government of from any other financial institution constituted or established under any law for the time

being in force or recognised by the Government

Exemption from Stamp duty under law for the time being in force in Sikkim

106. Notwithstanding anything contained in the law for the time being in force in Sikkim no duty shall be imposed on any deed or transfer of immovable property either by or in favour of the Authority

Offences by companies

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

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

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

Explanation :- For the purpose of this section-

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

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

Penalty for obstructing contractor or removing mark.

108 If any person-

(a) obstructs, of molests any person engaged or employed by the Board or the Authority or any person with whom the Board or the Authority has entered into a contract, in the performance or execution by such person of his duty or anything which he is empowered or required to do under this Act, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary for the execution of works authorised under this Act,

he shall be punishable with fines which may extend to five hundred rupees or with imprisonment for a term which may extend to two months or with both.

Sanction of prosecution

109. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board or the Authority concerned or any officer authorised by the Board or the Authority, as the case may be, in this behalf

Compounding of offences

110 (1) The Board or the Authority concerned or any person authorised in this behalf may either before or after the institution of the proceedings compound any offence made punishable by or under this Act

(2) When an offence has been compounded, the offender, if in custody, shall

be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

Cognizance of offence

111 (1) Notwithstanding anything contained in any other provisions of any other Act it shall be competent for the Court of Judicial Magistrate of First Class to take cognizance of offences under this Act.

(2) An officer of the level of Under Secretary of above shall be the competent authority to file a complaint under the provision of this Act.

(3) All complaints shall be filed within a period of 3 months for the date of occurrence of commission of the offence.

Right to appear by recognised agent

112. Every party to a proceeding before the Board or the Authority constituted under this Act, shall be entitled to appear either in person or by his agent authorised in writing in that behalf.

Jurisdiction of courts

113 No Court inferior to that of Magistrate of the First Class shall try an offence punishable under this Act.

Fine when realised to be paid to the concerned Authority

114. All fines realised in connection with prosecution under this Act shall be paid to the concerned Authority in the prescribed manner.

Members and officers to be public servants

115 Every member and every officer and the other employees of the Board and the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Protection of action taken in good faith

116 No suit, prosecution or other legal proceedings shall lie against any person deemed to be a public servant under section 109 for anything which is done or intended to be done in good faith under this Act or any rules or regulation made thereunder.

Duty of police officer

117 It shall be the duty of every police officer-

(a) to cooperate with the Authority for carrying into effect and enforcing the provisions of this Act or any rule or regulation made thereunder;

b) to communicate without delay to the proper officer or employee of the Authority and information which such police officer receives of a design to commit, or of the commission of, any offence against this Act or any rule or regulation made thereunder, and

(c) to assist any officer or employee of the Authority reasonably demanding the aid of such police officer for the lawful exercise of any power vested in him under this Act or any rule or regulation made thereunder.

Finality of orders

118. Save as otherwise expressly provided in this Act, every order passed or direction or notice issued by the Government or the Board, the Chief Town Planner or the Authority, as the case may be, under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

Validation of acts and proceedings.

119 (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of-

(a) the existence of any vacancy in, or any defect in the constitution of the Board, or a Authority,
(b) any person having ceased to be member of the Board or the Authority
(c) any person associated with the Board or a Authority under the provisions of section 120 having voted in contravention of the said section, or
(d) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure, or
(e) any omission, defect or irregularity not affecting the merits of the case

(2) Every meeting of the Board or the Authority, minutes of the proceedings of which have been duly signed as prescribed, shall be taken to have been duly convened and to be free from all defects and irregularities

Temporary association of persons

120 (1) The Board and the Authority may associate with themselves in such manner and for such purposes, as may be prescribed, any person whose assistance or advice they may consider necessary in performing any of their functions assigned to them under this Act

(2) Any person associated under sub-section (1) shall have the right to take part in the discussions in the meeting of the Board and the Authority relevant to the purpose but shall not have the right to vote and shall not be construed as a member for any other purpose.

Power to delegate

121 (1) The Board may, by a resolution, direct that any power exercisable by it under this Act or rules or regulations made thereunder, may also be exercised by any Authority, or by any District Planning Committee and the municipal bodies constituted under the Sikkim Municipalities Act, 1995 or a panchayat constituted under the Sikkim Panchayat Act, 1993 as the case may be, or by any officer of the Board or the Government or the Authority, or the District Planning Committee or the municipal body or a panchayat as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Chief Town Planner may, by an order in writing, delegate any power exercisable by him under this Act or rules or regulations made thereunder, to any officer of the Board or the Government or any Authority or the District Planning Committee or the municipal bodies or panchayat in such cases and subject to such conditions, if any, as may be specified therein

(3) The Authority by a resolution direct that any power exercisable by it under this Act or rules or regulations made thereunder, except the power to prepare perspective plan, development plan, annual plans or development schemes or to make regulations may also be exercisable by any other local authority or any officer of the Government or the Authority or the District Planning Committee or the municipal bodies or a panchayat in such cases and subject to such conditions, if any, as may be specified therein

Provided that the delegation to an officer of the Government shall require prior Government sanction

(4) The Town Planning Member may, by an order in writing, delegated any power exercisable by him under this Act or rules or regulations made thereunder to any officer subordinate to him in such cases and subject to such conditions, if any, as may be specified therein.

Power of the Authority to borrow money

122 (1) The Authority may from time to time, borrow at such rate of interest and for such period and upon such terms, as the Government may approve, any sum of money required for efficient performance of the functions assigned to it under this Act and rules and regulations made thereunder.

(2) The Authority shall maintain a sinking fund for the repayment of money borrower under sub-section (1) and shall be every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all money so borrowed

(3) The sinking fund shall be applied in or towards, the discharge of the loan for which such fund was created and until such fund is wholly discharged, it shall not be applied for any other purpose.

Control by the Government and the Board

123 (1) The Board and the Authority shall carry out such directions as may be issued to them, from time to time, by the Government for the efficient administration of this Act and the Authority shall also carry out such directions as may be issued, from time to time, by the Board for the purpose.

(2) In case of any dispute in connection with the exercise of its powers and discharge of its functions by the Board or any Authority under this Act, the decision of the Government on such disputes shall be final.

Suspension of the development plan in emergency by Government.

124. If the Government is satisfied that a grave emergency exists which necessitates the suspension of any approved development plan, annual plan or the development scheme or part thereof it may, by notification in the Official Gazette, suspend such plan, annual plan or development scheme or part thereof for such period, as it may consider necessary.

Returns and information.

125. (1) The Board and the Authority shall furnish to the Government such plans, reports, returns and other information, as the Government may, from time to time, require.

(2) The Authority, urban local bodies and the panchayats shall furnish to the Board, such plans, reports, returns and other information, as the Board may, from time to time, require.

Qualifications of the Chief Town Planner and the Town Planning Members of the Authority.

126. The Chief Town Planner appointed under section 7 and the Town Planning Member of the Authority appointed under clause (e) of sub-section (5) of section 21 shall possess such educational qualifications from any institution recognised by the Institute of Town Planners, India, as may be prescribed.

Effect of laws.

127 (1) Save as provided hereinbefore, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(2) Notwithstanding anything contained in any such other law, when permis-

sion for development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained

Power to fix land values within the development area.

128 (1) Notwithstanding anything contained in any law for the time being in force, every Authority at an interval of every five years, after conducting such enquiry, as may be considered necessary, fix, by notification in the Official Gazette and in a local newspaper, the values of land in respect of each locality of the development area.

(2) Different values may be fixed for different localities in a development area after taking into consideration the use to which the land is put at the time of enquiry under sub-section (1).

(3) The notification fixing the values of land under sub-section (1) shall require prior Government approval.

Provisions of the perspective plan to stand modified in certain cases

129. After the coming into operation of development plan of an area, the approved perspective plan of the same area shall stand modified or altered to the extent the proposals in the development plan are at variance with the perspective plan.

Power to make agreement

130 The Board or the Authority may enter into agreement with any person, body, agency, promoter, company, society or the Government for discharging their duties and performing their functions assigned to them under this Act.

Power to make rules.

131 (1) The Government may, after consultation with the Authority only with regard to the matters concerning the Authority, may make rules by notification in the Official Gazette, to carry out all or any of the purposes of this Act and prescribe forms for any proceedings for which it considers that form should be provided

Provided that such consultation with the Authority shall not be necessary on the first occasion of the making of the rules under this section, but the Government shall take into consideration any suggestions which the authority may make in relation to the amendment of such rules after they are made.

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

(a) the functions and powers of the Board and the Authority;

(b) the term of office and conditions of service of the members of the Board and the Authority;

(c) the qualification of disqualification for being chosen as members of the Board and the Authority;

(d) the time and place for holding of and the procedure to be followed in the meetings including quorum of the Board and the Authority;

(e) the powers and duties of the officers and employees of the Board;

(f) the qualifications, functions, powers and duties of the Chief Town

Planner and the Town Planning Member of the Authority including their conditions of service;

(g) the time within which the regional development plan is to be prepared by the Chief Town Planner under section 12;

(h) the stages by which development may be carried out to be indicated in the regional development plan;

(i) the manner of nomination of representatives of local authorities under this Act;

(j) procedure for exclusion from or inclusion in a development area under section 21;

(k) the terms and conditions of the members of the Development Committee constituted under sub-section (3) of section 23;

(l) the form in which the Map and the Register is to be prepared under section 30;

(m) the form in which the application for permission for development shall be made, particulars to be furnished and documents and plans which shall accompany such application together with the fee;

(n) the amount of fee to be paid for revalidation of permission under section 47;

(o) the manner in which and the purpose for which any Authority may associate with itself any person under the provisions of this Act;

(p) the control and restriction in relation to the appointment of officers and employees of the Board and the Authority including conditions of service of such officers and employees;

(q) the form and content of the perspective plan, the development plan, the annual plan and the development schemes and the procedure to be followed in connection with their preparation, submission and approval and the form and the manner of their publication;

(r) the manner of appeal to the Authority under clause (b) of sub-section (3) of section 51;

(s) the composition, management and conduct of functional agencies under sub-section (2) of section 61;

(t) the manner of auction of additional built-up space under sub-section (2) of section 62;

(u) the manner and procedure by which land shall be acquired through negotiated settlement under section 67;

(v) the manner of disposal of land by the Authority under section 68.

(w) the levy, manner of assessment and recovery of development charges exemption from its levy under sections 69, 70 and 71, and the manner of appeal under section 72,

(x) the procedure to be following in granting license and the license for to be paid by promoters under sub-section (1) of section 75, the form of application and documents to accompany, the amount of application fee, the format of the license form and the fee to be charged for revalidation of the license under section 76;

(y) manner in which development work by private sector and joint sector shall be regulated under section 81,

(z) the manner in which a acquisition notice is to be served, and claim for compensation is to be made, the time within which such claim is to be made and the procedure to be followed for assessment of compensation,

(za) the form of the budget of the Board and the Authority, the date on or before it shall be prepared, the manner of preparing it and the number of copies that has to be sent to the Government under section 84;

(zb) the time by which and the manner in which the increase in stamp duty under section 86 shall be credited to the Development Fund of the Authority;

(zc) the details and documents to accompany the application for change of use of agricultural land under section 8,

(zd) the form and the date before which the annual reports are to be submitted under section 91,

(ze) the manner of and conditions subject to which the pension and provident fund shall be constituted under section 92; and

(zf) any other matter which has to be or may be prescribed by rules or any other matter for efficient administration of the objectives of this Act.

(3) The Government shall have powers to make rules

(a) in respect of conditions on which officers and employees of the Authority may be appointed, reduced in rank, suspended, discharged, removed or dismissed,

(b) in respect of accounts to be maintained by the Authority;

(c) in respect of returns, statements, reports and accounts be submitted by the Authority to the Government;

(d) prescribing and defining the mutual relationship to be observed between the Authority and the local authority in any matter in which they are jointly interested;

(e) in respect of principles, guidelines, planning standards, building regulations, conditions and restrictions in accordance with which development may be undertaken or regulated;

(f) in respect of authentication of development plans at the time of approval by the Government and custody thereof and the procedure of its production before courts for verification;

(g) in respect of calling of tenders, security amount, acceptance of tenders, issue of work orders, entering into contract, execution of works, compromise of claims, and matters ancillary thereto;

(h) in respect of the stages of which the development of any particular feature of a zone may be carried out;

(i) in respect of the local enquiries or other hearings that may be made before a development plan is approved;

(j) in respect of the manner in which the Government land after transfer to the Authority shall be dealt with;

(k) in respect of matters relating to leasing or hiring out or transfer of any property belonging to the Authority and matters ancillary or consequential thereto;

(l) in respect of the powers to be exercised and the functions to be performed by the members of the Authority including the Chairman and the Vice-Chairman.

(4) In making any rule, the Government may provide that a breach thereof, shall be punishable with fine which may extend to one thousand rupees and in the event of the continuance of the offence, with an additional fine which may extend to thirty rupees for every day during which such breach continues after conviction for the first such breach.

Power to make regulations

132. (1) The Authority may, with the previous approval of the Government make regulations not inconsistent with this Act and the rules made thereunder to carry out the purposes of this Act; and without prejudice to the generality of this power such regulations may provide for:-

(a) the powers and duties of the officers and employees of the Authority; the salaries, allowances and conditions of service of its officers and employees;

(b) the terms and conditions of the continuance of use of any land used otherwise than in conformity with a perspective plan or development or an annual plan;

(c) the fees and allowances which may be paid to the members of the Advisory Council for attending its meetings under sub-section (5) of section 26;

(d) the summoning and holding of meetings of a Committee constituted under section 27, the time and place where such meeting are to be

held, the conduct of business at such meeting and the number of members necessary to form a quorum under sub-section (2) of section 27,

(e) the fee and allowances payable to the members of the Committee (other than the members of the Authority) for attending the meeting of the Committee or any other work of the Authority under sub-section (3) of section 27,

(f) works for the maintenance, improvement and other alterations of any building for which permission shall not be required under section 44;

(g) the form in which application for permission under sub-section (1) of section 45, the particulars to be contained in and the documents to be accompanied with such application,

(h) the manner in which order under sub-section (2) of section 45 shall be communicated to the applicant under sub-section (5) of section 45,

(i) the amount of leviable users' charges and its manner of collection under sub-section (2), and terms and conditions including beneficiaries from which users' charges may be collected under sub-section (3) of section 89,

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1), may be made by the Government and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

(3) The regulations so made shall be published in the Official Gazette and shall come into force on the date of such publication.

Cancellation of regulation by the Government

133. The Government may, in consultation with the Authority and after previous publication of their intention, rescind any regulation made by the Authority, and thereupon such regulations shall cease to have effect.

Laying of rules before State Legislature

134. (1) All rules made under this Act shall be laid for not less than thirty days, before the State Legislature, as soon as may be, after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following.

(2) All rules so made and after action completed under sub-section (1), shall be published in the Official Gazette and shall come into force on the date of such publication.

Dissolution of the Authority

135. (1) Where the Government is satisfied that the purpose for which any Authority was constituted under this Act has been substantially achieved so as to render the continued existence of such authority unnecessary, the Government may, by notification in the Official Gazette, declare that the Authority shall be dissolved and cease to exist with effect from such date as may be specified in the notification and the Authority shall be deemed to be dis-

solved and cease to exist accordingly.

(2) From the said date:-

(a) all properties, funds and dues which are vested in, or realisable by the Authority shall vest in or be realisable by the Government or any agency or agencies, as may be specified by the Government in this behalf;

(b) all liabilities which are enforceable against the Authority shall be enforceable against the Government;

(c) for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Government.

Repeal and Savings.136. (1) The Sikkim Town and Country Planning and Restriction of Transfer and use of Lands ordinance, 1997 is hereby repealed.

(2) The Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 and the Sikkim Building Construction Regulation, 1991 shall cease to apply to the development areas declared under this Act.

(3) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power, conferred by or under the said Ordinance and the Act shall, so far as it is not consistent with the provisions of this Act, be deemed to have been done or take under this Act.

THE SIKKIM APPROPRIATION ACT, 1998
(ACT NO. 8 OF 1998)

AN
ACT

to provide for the authorisation of appropriation of money out of the Consolidated Fund of the State of Sikkim to meet the amount spent on certain services during the Financial Year ended on the 31st day of March, 1994 in excess of the amount authorised or granted for the said services.

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

Short title

1. This Act may be called the Sikkim Appropriation Act, 1998.

Issue of Rs 1,53,71,186/- out of the Consolidated Fund of the State of Sikkim for the Financial Year ended on 31st March, 1994

2. The sum specified in column 5 of the Schedule amounting to one crore fifty three lakhs seventy one thousand one hundred and eighty six rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim to meet the amount spent for defraying the charges in respect of the services and purposes specified in column 2 of the Schedule during the Financial Year ended on the 31st day of March, 1994 in excess of the amount authorised or granted for services and purposes for that year.

Appropriation

3. The sums deemed to have been authorised to be paid and applied from the out of the Consolidated Fund of the State of Sikkim under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the Financial Year ended on the 31st day of March, 1994.

THE SCHEDULE
(SEE SECTIONS 2 & 3)

1	2	3	4	5
				(Rupees in thousands)
Demand No.	**Services and purposes to which grant appropriation relates**		**Voted by the Legislative Assembly**	**SUMS NOT EXCEEDING Charged on the Consolidated Fund**	**TOTAL**
			Rs.	Rs.	Rs.
1	State Legislature	Revenue	. . .	32526	32526
17	Public Works (Buildings)	Revenue	.	3392	3392
23	Art and Culture	Revenue	185716	. .	185716
24	Medical and Public Health	Revenue	3957992	.	3957992
25	Water Supply and Sanitation	Capital	150799	.	150799
26	Urban Development	Revenue	538775	. . .	538775
27	Information and Publicity	Revenue	21935	. .	21935
36	Animal Husbandry	Capital	829	. . . .	829
38	Fisheries	Revenue	143687	. . .	143687
41	Food, Storage and Warehousing	Revenue	5343	.	5343
45	Power	Capital	10198435	.	10198435
52	Tourism	Revenue	131757	. .	131757
	TOTAL :-		**15335268**	**35918**	**15371186**

THE SIKKIM APPROPRIATION ACT, 1998
(ACT NO. 9 OF 1998)

AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the services of the Financial Year 1998-99

BE it enacted by the Legislature of Sikkim in the Forty-nine Year of the Republic of India as follows.

Short title

1. This Act may be called the Sikkim Appropriation Act, 1998.

Issue of Rs 1639,63,01,000/- out of the Consolidate Fund of the State of Sikkim for the Financial Year, 1998-99

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 6 of the Schedule amounting in the aggregate to the sum of one thousand six hundred thirty nine crores, sixty three lakhs, one thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year, 1998-99 in respect of the services and purposes specified in column 2 of the Schedule

Appropriation

3 The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of vote	Services and purposes		Voted by the Legislative	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
1	State Legislature	Revenue	17260	450	17710
2	Governor	Revenue	...	6362	6362
3	Council of Ministers	Revenue	27580	...	27580
4	Administration of Justice	Revenue	18805	17380	36185
5	Election	Revenue	8869	..	8869
6	Income and Sales Tax	Revenue	9115	..	9115
7	Land Revenue	Revenue	29943	..	29943
8	Stamps and Registration	Revenue	150	..	150
9	Excise (Abkari)	Revenue	15775	..	15775
9	Taxes on Vehicles	Revenue	3945	..	3945
10	Other Taxes and Duties on Commodities & Services	Revenue	2845	639137	2845
	Interest Payments			40470	639137
11	Secretariat-General Services	Revenue	58740	.	4070
12	District Administration	Revenue	24902	..	58740

13	Treasury and Account Administration	Revenue	34820		34820
14	Police	Revenue	381186		38116
15	Jails	Revenue	4830		4830
16	Stationery and Printing	Revenue	18320		18320
17	Public Works (Building)	Revenue	331080	660	331740
18	Other Administrative Services	Revenue	260447		260447
19	Pension and Other Retirement Benefits	Revenue	56730	125	56730
20	Miscellaneous General Services	Revenue	146950	250	147220
21	Education	Revenue	9787140		9787140
22	Sports and Youth Services	Revenue	12318		12318
23	Art and Culture	Revenue	16150		16150
24	Medical and Public Health	Revenue	307178		307178
25	Water Supply and Sanitation	Revenue	86490		86490
		Capital	187540		187540
26	Urban Development	Revenue	45810		45810
		Capital	21780		21780
27	Information and Publicity	Revenue	18255		18255
28	Social Security and Welfare	Revenue	80661		80661
		Capital	10000		10000
29	Labour and Labour Welfare	Revenue	7775		7775
30	Nutrition	Revenue	22190		22190
31	Relief on Account of Natural Calamities	Revenue	126923		126923
32	Other Social Services (Ecclesiastical)	Revenue	9970		9970
33	Secretariat-Social Services	Revenue	4655		4655
34	Agriculture	Revenue	199889		199889
		Capital	4850		4850
35	Soil and Water Conservation	Revenue	46291		46291
36	Animal Husbandry	Revenue	74723		74723
		Capital	2547		2547
37	Dairy Development	Revenue	11100		11100
38	Fisheries	Revenue	14055		14055
		Capital	1000		1000
39	Forestry and Wildlife	Revenue	143423		143423
		Capital	1100		1100
40	Other Agriculture Programme	Revenue	38126		38126
41	Food, Storage and Warehousing	Revenue	138590		138590
		Capital	2200		2200
42	Co-operation	Revenue	22031		22031
		Capital	4615		4615
43	Rural Development	Revenue	76045		76045
		Capital	8600		8600
44	Irrigation and Flood Control	Revenue	52195		52195
45	Power	Revenue	221080		221080
		Capital	321200		321200
46	Industries	Revenue	59065		59065
		Capital	23100		23100

47	Mines and Geology	Revenue	8475		8475
		Capital	1500		1500
48	Roads and Bridges	Revenue	211472		211472
		Capital	326017		326017
49	Road Transport Services	Revenue	179230		179230
		Capital	13200		13200
50	Other Scientific Research	Revenue	6937		6937
51	Secretariat-Economic Services	Revenue	25699		25699
52	Tourism	Revenue	29938		29938
		Capital	4480		4480
	Public Debt	Capital		324090	324090
53	Loans to Government Servants	Capital	12100		12100
		TOTAL	**15403902**	**992399**	**16396301**

THE SIKKIM REGISTRATION OF TOURIST TRADE ACT, 1998
(ACT NO. 10 OF 1998)

AN
ACT

to provide for registration of persons dealing with tourists and for matters connected therewith.

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

CHAPTER-I

Short title, extent and commencement

1 (1) This Act may be called the Sikkim Registration of Tourist Trade Act, 1998.

(2) It extends to the whole of Sikkim.

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

Definitions

2 In this Act unless the context otherwise requires,

(a) "black-list" means a list maintained and exhibited by Tourism Department for dealers, hotel-keepers and travel agents who have been black-listed under the provisions of this Act.;

(b) "dealer" means a person carrying on in a tourist area the business of selling any notified article, whether wholesale or retail and includes his agent or employee transacting business on his behalf;

(c) "hotel" means any premises, establishment or part or part of premises, including holiday home, resort, restaurants, lodges, dhabas, bar, tent where lodging with or without board or other service is provided for a monetary consideration.

(d) "hotel keeper, means any person who owns or operates a hotel as proprietor and includes a person managing or operating the affair of a hotel for and on behalf of the proprietor ;

(e) "malpractice" includes dishonesty, cheating, touting, impersonation, obstruction in allowing free choice for shopping or stay or travel arrangements,

charging a price higher than that displayed on the label or remuneration higher than that fixed under this Act, or by other competent authority, failure to execute an order within the stipulated time according to the terms agreed.

Explanation-I: For the purpose of this clause, labelled prices shall be reasonable prices with stock number recorded on each label of each item as reflected in the stock books of dealer/manufacturer maintained at their places of business which shall be open for inspection by the buyer(s) of the item(s) or by the prescribed authority.

Explanation-II The expression 'touting' means coercing for shopping, accommodation, transportation, luggage carrying, sight-seeing or pestering or any particular premises by a person, establishment or manufacturer with considerations of personal benefit.

(f) "notified article" means any article notified by the Government in the Official Gazette for the purpose of this Act .

(g) "part" means a part of this Act ,

(g) "person " includes an individual irrespective of having trade licence issued by competent authority under any authority of law, a registered firm, body corporate, Association of persons, society or a company ,

(i) "prescribed authority" means the authority notified as such, by the Government provided that different authorities may be notified for different provisions of this Act ;

(j) "tourist" means a person or group of persons including pilgrims visiting the State from any part of India or outside India ,

(K) "tourist area" means any area notified by the Government in the Official Gazette to be a tourist area for the purpose this Act ,

(l) "travel agent" means a person engaged in the business of conducting tours and travel, trekking, camping, tour operating or other arrangements for tourist for a monetary consideration and includes a tourist guide, excursion agent, or tour operator or cargo agent.

Explanation - For the purposes of clauses (e) and (l) the expression "travel arrangements" includes -

(i) arrangements for transportation, sight seeing ,
(ii) arrangements for lodging with or without board , and
(iii) rendering other services such as assistance for game, sports or receipt of despatch or personal belonging of a tourist.

CHAPTER-II
REGISTRATION OF DEALERS

Registration

3 (1) Any person intending to carry on business of dealer under this Act, shall, before he commences such business, apply for registration to the prescribed authority in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1) any person already carrying on business of selling any notified article in a tourist area on the

date such article is notified under clauses (f) of section 2 shall apply for registration under this Act within five months from the aforesaid date

Certificate of registration	4		The prescribed authority, shall, unless registration is refused under section 5, direct that the name and particulars of the dealer of entered in the register maintained for the purpose and shall issue a certificate of registration to the dealer in the prescribed form within the period of three months from the date of the receipt of the application.
Refusa. to register	5	(1)	The prescribed authority may refuse registration of a dealer under this Act if he is convicted of any offence punishable under any law providing for prevention of hoarding, smuggling or profiteering or adulteration of food or drug or office under chapter XIII and XIV of the Indian Penal Code, 1860 and three years have not elapsed since the expiry of any sentence imposed upon him
		(2)	No application for registration shall be refused unless, the person applying for registration has been afforded a reasonable opportunity of being heard
Removal of the name from the register	6	(1)	The prescribed authority may by an order in writing remove the name of a dealer from the register and cancel his certificate of registration on any of the following grounds, namely,-
			(a) if he ceases to be a dealer , (b) if he is convicted of any offence punishable under Chapter XIII and XIV of the Indian Penal Code, 1860 or under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs of corruption, (c) if he black-listed by the prescribed authority.
		.(2)	Any dealer whose name is removed from the register under sub-section (1) shall forthwith cease to be dealer
Black-listing of dealers	7	(1)	The prescribed authority may, on proof of complaint of malpractice or for any other offence committed under this Act, for reasons to be recorded, black-list a dealer, after taking into consideration the nature of malpractice or a gravity of offence for such period as the prescribed authority deem fit.
		(2)	The particulars of a dealer back-listed shall be exhibited at conspicuous places in all tourist areas or spots and notified to all travel, trade and other concerned organisations after the order black-listing him has become final (3) Notwithstanding action taken under sub-section (1), the dealer shall be liable to be prosecuted under the provisions of law if deemed necessary
Notice of removal and black-listing of dealers	8		Before removing the name of dealer under section 6 or black-listing him under Section 7, the prescribed authority shall give notice to the dealer of the ground or grounds on which it is proposed to take action and hold an enquiry in the presence of the dealer giving him a reasonable opportunity of showing cause against it
Removal of the name of blacklising dealer	9		If the prescribed authority is satisfied that there are sufficient grounds for removal of a dealer from the black-list, he may, after recording the reasons order his removal from such list and issue a fresh certificate of registration on payment of prescribed fees and notify the same for the information of all concerned.

CHAPTER -III
REGISTRATION OF HOTELS

Registration

10 (1) Any person intending to operate a hotel in a tourist area shall, before operating apply for registration to the prescribed authority in the prescribed manner

(2) Notwithstanding anything contained in sub-section (1), any person already operating/runner a hotel in a tourist area on the date of the notification under clause (k) of section 2 is issued, shall apply for registration within three months from the aforesaid date.

(3) Every application made under sub-section (1) shall be disposed off within a period of one month from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration

Certificate of registration

11 (1) The prescribed authority shall, unless registration is refused under section 12 direct that the name and the particulars of the hotel and the hotel keeper be entered in the register maintained for the purpose and shall issue a certificate of registration to the hotel keeper in the prescribed form.

Refusal to register a hotel

12 (1) The prescribed authority may refuse registration of a hotel under this Act on any of the following grounds, namely-

(a) if the hotel keeper does not hold a licence or certificate required to be held by him under any law for the time being in force ;

(b) if the hotel keeper is found to be in unlawful possession or under his control of any explosive substance of a nature likely to endanger life or to cause serious injury to property ,

Explanation :-Explosive substance shall be deemed to include any material for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used or adapted for causing, aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement

(c) if the hotel-keeper is convicted of any offence under the Arms Act, 1959, and five years have not been elapsed since the expiry of the sentence imposed upon him ;

(d) if the hotel keeper is convicted of any offence punishable under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 ; and five years have not elapsed since the expiry of the sentence imposed upon him,

(e) if the hotel keeper is convicted of any offence punishable under Immoral Traffic (Prevention) Act, 1956 and five years have not elapsed since the expiry of the sentence imposed upon him ,

(f) if the hotel-keeper is convicted of any offence under Chapter XIII and XIV of the Indian Penal Code, 1860 and under any law providing for the prevention of hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since

the expiry of the sentence imposed upon him;

(g) if the hotel keeper has been declared an insolvent by a court of competent jurisdiction and has not been discharged.

(h) if the name of hotel keeper has been removed from the register under any of the clauses (a) to (i) of sub-section (1) of section 13 and six months have elapsed since the date of removal ;

(i) if in the opinion of the prescribed authority, there is any sufficient ground, to be recorded in writing for refusing registration

2 No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard

Removal of the name from the register

13. (1) The prescribed authority may by an order in writing, remove the name of a hotel from the register and cancel its certificate of registration on any of the following grounds, namely :-

(a) if the hotel-keeper ceases to operate the hotel for a period of one year in the tourist area for which it is registered;

(b) if any complaint of malpractice is received and proved against a hotel-keeper;

(c) if the hotel is black-listed under section 14;

(d) if the hotel-keeper is found to be in unlawful possession or under his control of any explosive substance of a nature likely to endanger life or to cause serious injury to property.

Explanation - Explosive substance shall be deemed to include any material for making any explosive substance ; also any apparatus, machine, implement of material used, or intended to be used or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement

(e) If the hotel-keeper is convicted of any offence under the Arms Act, 1959 and five years have not elapsed since the expiry of the sentence imposed upon him;

(f) if the hotel-keeper is convicted of any offence punishable under Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 , and five years have not elapsed since the expiry of the sentence imposed upon him ;

(g) if the hotel -keeper is convicted of any offence punishable under the Immoral Traffic (Prevention) Act, 1956 and five years have not elapsed since the expiry of the sentence imposed upon him ;

(h) if the hotel-keeper is convicted of any offence under Chapter XIII and XIV of the Indian Penal Code, 1860 and under any law providing for the prevention of hoarding, smuggling, gambling or profiteering or adulteration of food or drug and three years have not elapsed since

the termination of the sentence imposed upon him;

(i) if the hotel-keeper has been declared an insolvent by a court of competent jurisdiction and has not been discharged.

(2) Any hotel the name of which is removed from the register under sub-section (1) shall forthwith cease to operate.

Black listing of hotels

14. (1) The prescribed authority may on proof of complaint of malpractice or for any other offences committed under this Act, for reasons to be recorded, black -list a hotel after taking into consideration the nature of malpractice or the gravity of office, for such period as the prescribed authority may deem fit

(2) The particulars of a black-listed hotel shall be exhibited at conspicuous places in all tourist areas and notified to all travel , trade and other concerned organisations, foreign missions in India, Indian missions abroad

(3) Notwithstanding action taken under sub-section (1), the hotel keeper shall be liable to be prosecuted un the provisions of law if deemed necessary

(4) If the prescribed authority is satisfied that there are sufficient grounds for removal of a hotel from the black-list he may, after recording the reasons, order its removal from such list and issue a fresh certificate of registration on payment of prescribed fees and notify the same for the information of all concerned.

Notice of removal and black listing of hotel

15. Before removing the name of a hotel from the register under section 13 or black-listing it under section 14, the prescribed authority shall give a notice to the hotel-keeper of the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of the hotel-keeper giving him a reasonable opportunity of showing cause against it.

Fixation of rates

16. The prescribed Authority may, in consultation with the hotel keeper by notification in the Official Gazette, fix in respect of each hotel the reasonable maximum rate and the service charges, if any, commensurate with the standard of hotel and quality of food, accommodation and service, which may be charged by the hotel-keeper for board or lodge or for both from the person staying therein or from other customers

Hotel keeper to display information

17. Every hotel-keeper shall cause to be displayed at some conspicuous place of the hotel, such information as may be prescribed.

Hotel keeper to present detailed bill.

18. Every hotel-keeper shall render detailed bills to the person residing in the hotel and other customers and shall give receipts in acknowledgement of all payments.

CHAPTER - IV

TRAVEL AGENTS

Registration

19 (1) No person shall carry on the business of a travel agent in a tourist area unless he is registered in accordance with the provisions of this Act.

(2) Any person intending to act as a travel agent in a tourist area shall, before he commences to act as such, apply for registration to the prescribed authority in the prescribed manner.

(3) Notwithstanding anything contained in sub-section (2), any person acting as a travel agent in a tourist area on the date a notification under clause (k) of section 2 is issued, shall apply for registration within three months from the aforesaid date.

(4) Every application made under sub-section (2) shall be disposed off within a period of three months from the date of receipt of the application, failing which the application shall be deemed to have been accepted for registration.

Certificate of registration

20. The prescribed authority shall unless registration is refused under section 21 direct that the name and particulars of the travel agent be entered in the register maintained for the purpose and issue a certificate of registration to the travel agent in the prescribed form.

Refusal to Register

21. (1) The prescribed authority may refuse the registration of a travel agent under the Act on any of the following grounds, namely :-

(a) If he does not possess any of the prescribed qualifications ,

(b) if he has been convicted of any offence under Chapters XIII,XIV,XVI and XVII of the Indian Penal Code, 1860 or under any of the provisions of this Act of any offence punishable under any law for the time being in force providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him ,

(c) if he has been convicted of any offence punishable under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 and five years have not been elapsed since the termination of sentence imposed upon him ;

(d) if he has been convicted of any office punishable under Arms Act, 1959 and five years have not elapsed since the expiry of sentence imposed upon him;

(e) if he has been convicted of any offence punishable under Immoral Traffic (Prevention) Act, 1956 and five years have not elapsed since the expiry of sentence imposed upon him;

(f) if he has been declared an insolvent by a Court of Competent jurisdiction and has not been discharged ;

(g) if his name has been removed from the register under this Act and one year has not elapsed since the date of removal.

(2) No application for registration shall be refused unless the person applying for registration has been allowed an opportunity of being heard.

Removal of the name of a travel agent from the Register

22. (1) The prescribed authority may, by an order in writing, remove the name of a travel agent, from the register and cancel his certificate of registration on any of the following grounds, namely :-

(a) if he ceases to act as a travel agent in a tourist area;

(b) if he is convicted of any offence under Chapters XIII and XVII of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption ;

(c) if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against him;

(e) if he is black-listed by the prescribed authority;

(f) if he has been convicted of any offence punishable under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 five years have not elapsed since the expiry of sentence imposed upon him

(g) if he has been convicted of any offence punishable under Arms Act 1959 and five years have not elapsed since the expiry of sentence imposed upon him.

(h) if he has been convicted of any offence punishable under Immoral Traffic Prevention Act, 1956 and five years have not elapsed since the expiry of sentence imposed upon him

(2) Any travel agent whose name is removed from the register under sub-section (1) shall forthwith cease to be travel agent.

Black listing of travel agents

23 (1) The prescribed authority may, on proof of any complaint of malpractice or for any other offence committed under this Act, for reasons to be recorded, black-list a travel agent after taking into consideration the nature of malpractice of the gravity of offence, for such period as the prescribed authority deem fit

(2) The particulars of a travel agent black-listed shall be exhibited at conspicuous places and notified to all travel, trade and other concerned organisations, foreign missions in India and Indian missions abroad.

(3) Notwithstanding action taken under sub-section (1) the travel agent shall be liable to be prosecuted under the provisions of law if deemed necessary.

(4) If the prescribed authority is satisfied that there are sufficient grounds for removal of a travel agent from the black list, he may, after recording the reasons, order his or its removal from such list and issue a fresh certificate of registration on payment of prescribed fees and notify the same for information of all concerned.

Notice of

24 Before removing the name of a travel agent from the register under section 22 or

removal black listing of travel agent

black-listing him under section 23, prescribed authority, shall give notice to the travel agent of the ground or grounds on which it is proposed to take action and hold an inquiry in the presence of that person, giving him a reasonable opportunity of showing cause against it.

Fixation of rates.

25. The prescribed authority, may, by a notification in the Official Gazette, fix reasonable maximum rates which may be charged by a travel agent for the services rendered by him to a person engaging him as such.

Travel Agent not to demand tips

26. No travel agent shall demand any tips, gratuity, presents or commission other than :nat permissible under this Act from any person engaging him or from any dealer selling any notified article to any person or from any hotel-keeper in whose hotel such person resides or intends to reside.

CHAPTER-V

APPEAL

Appeal.

27 (1) Subject to the provisions of sub-section (2) an appeal shall lie from every order of the prescribed authority under this Act to the appellate authority to be pointed by the Government.

(2) Every such appeal shall be preferred within thirty days from the date of communication of the order.

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filling it within the prescribed time limit.

(3) The appellant shall have a right to appear through a counsel and the prescribed authority may be represented by such officer of person or a counsel as the Government may appoint.

(4) On receipt of any such appeal, the appellate authority shall after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, dispose off the appeal for reasons to be recorded.

(5) The proceedings before the appellate authority shall be completed within four months of its institution.

Procedure to be followed by Prescribed Authority.

28. The prescribed authority shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely :-

(1) Summoning and enforcing attendance of the complainant or the person against whom complaint is made under this Act and witnesses required in connection therewith ;

(2) Compelling the production of any document;

(3) examining witnesses on oath ; and

(4) may summon and examine suo motu any person whose evidence appears to be material.

Explanation: For the purpose of enforcing the attendance of witnesses and other persons mentioned above, the local limits of the jurisdiction of the prescribed authority extends to the whole of the State.

CHAPTER-VI

OFFENCES AND PENALTIES

Penalty for default in registration.

29. (1) Any person carrying on the business of a dealer, hotel -keeper or travel agent without a proper registration under this Act or in violation of any of the provisions of the Act shall be punishable with a fine which may extend to Rs. 5,000/- and if the breach is continuing one with a fine of Rs. 200/- for each day

(2) The fine imposed under sub-section (1) shall be recovered as if it is a fine recoverable under the provisions of the Code of Criminal Procedure, 1973.

Explanation - A person who has made an application within the prescribed period and is pending disposal shall not be a defaulter for the purposes of this section

Penalty for the false statement.

30. If any person required to make a statement under this Act wilfully makes or suppresses a material fact with an intention to mislead the authority, he shall be liable to punishment with simple imprisonment for a term which may extend to six months or with fine not exceeding Rs. 1,000-/ or with both.

Certificate not to be assigned.

31. Any person who lends, transfers or assigns the certificate of registration issued under this Act, shall be liable to punishment with imprisonment which may extend to six months or with fine not exceeding Rs. 5,000/- or with both

Certificate and documents to be shown to persons on demand

32. (1) Any person registered under this Act, shall, at all times on demand, produce and show his certificate or any other document required under this Act to,

(a) The prescribed authority or any officer duly authorised by him in his behalf; and

(b) any bonafide customer

(2) Any person who refuses on demand to show his certificate of document, or allow it to be read by any of the persons authorised to demand, he shall be liable to punishment with fine not exceeding Rs. 500/-

Penalty for malpractice

33. Any dealer, hotel-keeper travel agent or any other person to whom this Act may be made applicable, commits a malpractice or contravenes any other provisions of this Act in the tourist area for which no specific penalty has been provided, shall be liable to punishment with imprisonment for a term which may extend to three months or with fine not exceeding Rs. 1,000/- or with both

Obstructing lawful authorities	34		If any person wilfully obstructs or offers any resistance to or otherwise interferes in the discharge of the functions of the authority or any officer authorised by him exercising any power, or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the rules made thereunder, he shall be liable to punishment with imprisonment which may extend to three months or with fine not exceeding Rs. 1,000/- or with both
Institution of proceedings	35		No prosecution shall be instituted against any person for any offence under this Act except on a complaint made by the prescribed authority
Cognizance of offence	36		No Court inferior to that of Judicial Magistrate First Class shall try any offence punishable under this Act.
Procedure	37	(1)	For the purpose of realisation of fine or imposition of other punishment as set out in this Chapter the procedure as provided in Criminal Procedure Code, 1973 shall be followed.
		(2)	All complaints shall be filed within one year from the date of offence.
Composition of offences	38		The prescribed authority may accept from any person accused of an offence under this Act a sum of money by way of composition for such offence and may out of money so received, compensate the person against whom the offence has been committed to the extent the prescribed authority deems reasonable.

CHAPTER-VII

MISCELLANEOUS

Notification of changes	39	(1)	Whenever a business for which a certificate of registration is held by a person devolves by inheritance or otherwise upon any person or undergoes a change in respect of any particular person entered in the register under this Act, such person shall, within sixty days of the date of such devolution or change, notify in writing the fact to the prescribed authority.
		(2)	The prescribed authority shall make necessary changes in the register maintained for the purpose and in the certificate of registration.
		(3)	Notwithstanding anything contained in sub-section (2) the prescribed authority may remove from the register the name of the person in whose favour the certificate was issued and cancel the certificate of registration if the successor is not qualified to be registered under this Act.
Return of certificate of registration	40		When a certificate of registration is cancelled under this Act, the person holding such certificate shall, within seven days from the date of publication of the order of cancellation in the Official Gazette, return it to the prescribed authority.
Duplicate Certificate	41		If a certificate of registration issued under this Act is lost, damaged or destroyed, the prescribed authority shall on an application made on that behalf by the person holding such certificate and on payment of the prescribed fee, issue a duplicate certificate.

Certificate of registration to be kept exhibited	42.		The certificate of registration shall be exhibited by the person holding it in a conspicuous place at the principal place of his business and if he has no place of business, he shall keep it on his person
Publication of list of persons removed from the register	43.		The prescribed authority shall from time to time publish in such manner it deems fit, the names and addresses of the persons and of the hotel whose names have been removed from the register and who have been refused registration under this Act
Power to inspect	44.		The prescribed authority or any person authorised by him in this behalf or any other lawful authority may within the tourist area, inspect at all reasonable times, the premises in which a dealer or a travel agent carries on his business or any premises where a hotel is operated and require such dealer, travel agent or a hotel-keeper to produce any document, kept in pursuance of this Act or the rules made thereunder for inspection.
Fixation of rates for other services.	45.		The prescribed authority may by a notification in the Official Gazette fix the reasonable maximum rates which may be charged for hiring of tents, ponies, yaks, sleeping bags, rafting materials and others excepting a motor vehicle as defined in the Motor Vehicles Act, 1988 in a tourist area
Powers of the Government to apply the Act to other persons	46		The Government may by notification in the Official Gazette direct that all or any of the provisions of this Act or the rules made thereunder shall with such exceptions, adaptations or modifications as may be considered necessary apply to persons doing the business in a tourist area of letting or plying for hire tents, ponies, yaks, sleeping bags, rafting materials and others or to such other persons as may be specified in the notification
Powers and duties of police in respect of offences and assistance to the prescribed authority	47		Every Police Officer shall give immediate information to the prescribed authority of an offence coming to his knowledge which has been committed against this Act or any rule made thereunder and shall assist the prescribed authority in the exercise of his lawful authority.
Indemnity	48.		No suit, prosecution or other legal proceedings whatsoever shall lie against the Government or any person in respect of anything which is in good faith done or intended to be done under this Act.
Reservation of power of local authority	49.		Nothing in this Act shall take away or diminish any of the powers vested in any local authority by or under any law for the time being in force.
Power to make rules	50	(1)	The Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act
		(2)	In particular and without prejudice to the generality of the foregoing powers, such rules may be provide for -
			(a) The maintenance of registers, books and forms by a hotel-keeper, dealer or travel agent for conduct of business,
			(b) the form of application for registration and certificate of registration
			(c) the fee for registration;

(d) the manner of giving notices under this Act ;
(e) classification of hotels and travel agents ;
(f) qualifications for registration as travel agents ;
(g) manner of publication of the names and addresses of the persons and of the hotel removed from the register or to whom registration has been refused ;
(h) manner in which dealer, a hotel and a travel agent shall be black-listed and the publication of names and addresses of such dealer hotel and travel agent ;
(i) the place where the prescribed authority shall hold enquiry under this Act ; and
(j) all manners expressly required to be prescribed under this Act.

(3) The rules made under this Act shall be subject to previous publication in the Official Gazette.

Power to remove difficulties.

51. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order, remove such difficulty :

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

THE HIGH COURT OF JUDICATURE (JURISDICTION AND POWERS) PROCLAMATION (AMENDMENT) ACT, 1998

(ACT NO. 11 OF 1998)

to amend the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1955.

WHEREAS it is expedient to declare and prescribe the limits of the ordinary original civil jurisdiction and make the provisions for appeals to the High Court from the judgement and orders of any Judge of the Court.

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

Short title and commencement.

1 (1) This Act may be called High court of Judicature (Jurisdiction and Powers) Proclamation (Amendment) Act, 1998.

(2) It shall come into force at once.

Amendment of Preamble

2 In the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1955 (hereinafter referred to as the said Proclamation), in the Preamble, the word "the terms of office of the Judge of Judges" shall be omitted.

Insertion of sections 2 and 3.

3. In the said Proclamation, after section 1, the following sections shall be inserted, namely -

"2 Ordinary Original Civil Jurisdiction.
Notwithstanding anything contained in any law for the time being in

force, the High Court shall have, in respect of territories for the time being included in the State of Sikkim, Ordinary Original Civil Jurisdiction in every suit the value of which exceeds rupees fifty thousand.

3. Pending Proceedings before Subordinate Courts in Sikkim

All the proceedings immediately before the commencement of the Act in any subordinate court in the State of Sikkim in or in relation to any such civil suit as referred to in section 2 shall, after such commencement stand transferred to High Court and a Judge thereof sitting singly shall proceed to try, hear and determine the matter as if it had been pending therein".

Insertion of section 5

4. In the said Proclamation, after section 4, the following section shall be inserted, namely :-

"5. Appeals or Revisions to the High Court from Judgement of the Court.

An appeal or revision shall lie to the High Court from the Judgement, decree or order passed or made in exercise of ordinary original civil jurisdiction by the Judge sitting singly :

Provided that such appeal or revision shall be entertained only "when the strength of the Judges available in the High Court is not less than three."

THE SIKKIM CIVIL COURT (AMENDMENT) ACT, 1998

(ACT NO. 12 OF 1988)

AN

ACT

further to amend the Sikkim Civil Courts Act, 1978.

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

Short title and commencement.

1. (1) This Act may be called the Sikkim Civil Courts (Amendment) Act, 1998

(2) It shall come into force on such date as the High Court of Sikkim may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In the Sikkim Civil Courts Act, 1978 (hereinafter referred to as the principal Act), -

(i) in sub-section (1) of section 2, after the words " District Judge" the following words shall be added, namely :-

"as defined under Article 236 of the Constitution of India"

(ii) in sub-section (2) for the words "the Court of Additional District Judge" the following shall be substituted, namely :-
"The Court of Civil Judge (Senior Division) "

(iii) in sub-section (3) of section 2, after the words "The Court of Civil Judge", the following words and sign shall be inserted, namely :-
"(Junior Division)".

Amendment of section 3. 3 In section 3 of the principal Act for the words "the District Judge, the Additional District Judge and the Civil Judge now fixed", the following shall be substituted, namely :-

"District Judge as defined in Article 236 of the Constitution, Civil Judge (Senior Division) and the Civil Judge (Junior Division) in consultation with the High Court".

Amendment of section 5. 4 In sub-section (1) and (2) of section 5 of the principal Act, for the words "Additional District Judges" the following shall be substituted, namely :-

"Judicial Officers of the Sikkim Superior Judicial Service"

Amendment of section 6 5 In section 6 of the principal Act for the words "under this Act" the following shall be substituted, namely :-

"within the respective District"

Amendment of section 7. 6. (1) In sub-section (1) of section 7 of the principal Act, for the words "the Senior Additional District Judge present thereat, or if an Additional District Judge is not present at that place, the Senior Civil Judge" the following shall be substituted, namely :-

"any member of the cadre of Superior Judicial Service as may be decided by the High Court and present thereat or if no such officer of the cadre of superior Judicial Service is present at that place, the Civil Judge (Senior Division)"

(2) In sub-section (2) of section 7, for the words "Additional District Judge or the Civil Judge", the following shall be substituted, namely :-

"member of cadre of Superior Judicial Service or the Civil Judge (Senior Division)"

Amendment of section 8 7 In sub-section (1) and (2) of section 8 of the principal Act, wherever the words "Additional District Judge" occurs, the same shall be substituted by the words "Civil Judge (Senior Division)"

Amendment of section 9 8 (1) In sub-sections (1),(3) and (4) of section 9 of the principal Act, wherever the words "Civil Judge (Junior Division)".
(2) In sub-section (1) of section 9 of the principal Act, the words "either to his own Court or" shall be deleted.
(3) In sub-section (3) of section 9 the words "to his own Court or any other Court", shall be deleted

Amendment of section 15 9. In section 15 of the principal Act, after the words "Civil Courts", the following shall be inserted, namely :-

"in the District".

Amendment of section 16

10. (1) In section 16 of the principal Act for sub-section (1), the following shall be substituted, namely :-

"(1) Save as aforesaid and subject to provision of sub-section (2), the jurisdiction of a District Judge shall extend to all suits of which the value exceeding twenty five thousand rupees but not exceeding fifty thousand rupees and the jurisdiction of a Civil Judge (Senior Division) shall extend to all suits of which the value exceeding ten thousand rupees but not exceeding twenty five thousand rupees and the jurisdiction of a Civil Judge (Junior Division) shall extend to all suits of which the value does not exceed ten thousand rupees."

(2) Sub-section (2) of section 16 of the principal Act shall be deleted.

Amendment of section 17.

11. (1) In sub-section (1) of section 17 of the principal Act, for the words "Additional District Judge", the following shall be substituted, namely :- "the Civil Judge (Senior Division)".

(2) Sub-section (2) of section 17 of the principal Act shall be deleted.

Amendment of section 18.

12. (1) In sub-section (1) of section 18, after the words "Civil Judge", the following shall be inserted, namely :-

"(Junior Division)".

(2) In clause (a) of sub-section (1) of section 18 of the principal Act, for the words "fifty thousand" the words "ten thousand" shall be substituted.

(3) Sub-section (2) of section 18 of the principal Act shall be deleted

Insertion of new section 19A. Transfer of pending cases.

13. After section 19 of the principal Act, the following section shall be inserted, namely :-

19 A All suits and proceeding of a Civil nature wherein the subject matter exceeds in amount or value of ten thousand rupees and all suits and proceedings of a Civil nature wherein the subject matter exceeds in amount or value of twenty five thousand rupees but not exceeding fifty thousand rupees pending in the Court of the Civil Judge immediately before the commencement of the Sikkim Civil Courts (Amendment) Act, 1998, shall after such commencement stand transferred to and be disposed of by a Civil Judge (Senior Division) and a District Judge respectively within the local limits of their ordinary jurisdiction. Also all suits and proceedings for a Civil nature wherein the subject matter exceeds in amount or value of fifty thousand rupees pending in the Court of District Judge immediately before the commencement of the Sikkim Civil Courts (Amendment) Act, 1998, shall after such commencement, stand transferred to or be disposed of by the High Court".

File I/1

THE SIKKIM APPROPRIATION ACT, 1998
(ACT NO. 13 OF 1998)

AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the Financial Year, 1998-99

Be it enacted by the Legislature of Sikkim in the Forty-ninth Year of the Republic of India as follows -

Short title. 1. This Act may be called the Sikkim Appropriation Act, 1998.

Issue of Rs. 54,26,75,000/- out of the Consolidated Fund of the State of Sikkim for the Financial Year, 1998-99. 2. From and out of the Consolidated Fund of the Sate of Sikkim, there may be paid and applied sums not exceeding those specified in Column 5 of the Schedule amounting in the aggregate to the sum of fifty four crores twenty six Lakhs seventy five thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year, 1998-99, in respect of the services and purposes in Column 2 of the Schedule.

Appropriation 3 The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

1	2		3	4	5
				(In thousand of Rupees) SUMS NOT EXCEEDING	
No of	Services and purposes		Voted by the Legislativethe Assembly	Charge on the Consolidated Fund	Total
1	State Legislature	Revenue	2700	550	3250
	Governor	Revenue		532	532
2	Council of Ministers	Revenue	3818	..	3818
3	Administration of Justice	Revenue	1435	..	1435
5	Income Tax and Sales Tax	Revenue	800	..	800
6	Land Revenue	Revenue	2014	..	2014
11	Secretariat General Services	Revenue	3950	..	3950
14	Police	Revenue	14500	..	14500
15	Jails	Revenue	1065	..	1065
16	Stationery and Printing	Revenue	200	..	200
17	Public Works (Building)	Revenue		260	260
		Capital	75000	..	75000
18	Other Administrative Services	Revenue	968	..	968
21	Education	Revenue	169800	..	169800
22	Sports and Youth Services	Revenue	2170	..	2170

23	Art and Culture	Revenue	1200	.	1200
24	Medical and Public Health	Revenue	30000	.	30000
25	Water Supply and Sanitation	Revenue	3000	. .	3000
		Capital	37000	.	37000
26	Urban Development	Revenue	1000	.	1000
		Capital	30000	.	30000
27	Information and Publicity	Revenue	2000	.	2000
28	Social Security and Welfare	Revenue	11865	.	11865
29	Labour and Labour Welfare	Revenue	1600	.	1600
32	Other Social Services (Ecclesiastical)	Revenue	4798	. .	4798
34	Agriculture	Revenue	1963	. .	1963
35	Soil and Water Conservation	Revenue	2600	.	2600
36	Animal Husbandry	Revenue	8650	. .	8650
37	Dairy Development	Revenue	1800	.	1800
39	Forestry and Wild Life	Revenue	25751	.	25751
40	Other Agriculture Programme	Revenue	1600	.	1600
41	Food, Storage and Warehousing	Revenue	3273	.	3273
43	Rural Development	Revenue	14000	. .	14000
44	Irrigation and Flood Control	Revenue	2000	. .	2000
		Capital	200	.	200
45	Power	Capital	40000	.	40000
46	Industries	Revenue	2000	.	2000
		Capital	5000	. .	5000
47	Mines and Geology	Revenue	900	. .	900
		Capital	800	.	800
48	Roads and Bridges	Capital	10000	. .	10000
50	Other Scientific Research	Revenue	2800	.	2800
51	Secretariat Economic Services	Revenue	7113	. .	7113
52	Tourism	Revenue	8500	.	8500
		Capital	1500	. .	1500
		TOTAL	**541333**	**1342**	**542675**

THE SIKKIM APPROPRIATION ACT, 1999

(ACT NO 1 OF 1999)

AN
ACT

to authorise payment and appropriation of certain further sums from and out the Consolidated Fund of the State of Sikkim for the Services of the Financial Year 1999-2000.

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

Short title

1 This Act may be called the Sikkim Appropriation Act, 1999

Issue of Rs 1723,14,38,000/- out of the Consolidated Fund of the State of Sikkim

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 5 of the Schedule amounting in the aggregate to the sum of one hundred thirty-seven crores, sixty-four lakhs, one thousand rupees toward defraying the several charges which will come in course for payment during the Financial Year 1999-2000 in respect of the services and purposes specified in Column 2 of the Schedule

for the Financial year 1999-2000.

Appropriation 3 The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE

(In thousand of Rupees)

No of vote	Services and purposes		SUMS NOT EXCEEDING Voted by the Legislative	Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
1	State Legislature	Revenue	17560	650	18210
	Appropriation-Governor	Revenue	. .	7648	7648
2	Council of Ministers	Revenue	27458		27458
3	Administration of Justice	Revenue	20015	14300	34315
4	Election	Revenue	18005	. .	18500
5	Income and Sales Tax	Revenue	10260		10260
6	Land Revenue	Revenue	26178		26178
7	Stamps and Registration	Revenue	400	.	400
8	Excise (Abkari)	Revenue	25325		25325
9	Taxes on Vehicles	Revenue	2877		2877
10	Other Taxes and Duties on Commodities and Services	Revenue	2610	.	2610
	Interest Payment	Revenue	. .	749110	749110
	Public Service Commission	Revenue		4170	4170
11	Secretariat - General Services	Revenue	54450		54450
12	District Administration	Revenue	23245		23245
13	Treasury and Accounts Administration	Revenue	26575	.	26575
14	Police	Revenue	335422		335422
15	Jails	Revenue	5790		5790
16	Stationery and Printing	Revenue	18100		18100
17	Public Works (Building)	Revenue	285060	700	285060
		Capital	268229		268229
18	Other Administrative Services	Revenue	49530		49530
19	Pension and Other Retirement Benefits	Revenue	171000	435	171435
20	Miscellaneous General Services	Revenue	9791040	.	9791040
21	Education	Revenue	1088829	. .	1088829
22	Sports and Youth Services	Revenue	13998	. .	13998
23	Art and Culture	Revenue	17485	. .	17485
24	Medical and Public Health	Revenue	382383	. .	382383
25	Water Supply and Sanitation	Revenue	109970	. .	109970
		Capital	153490	. .	153490
26	Urban Development	Revenue	44090	.	44090
		Capital	21780		21780

27	Information and Publicity	Revenue	17084		17084
28	Social Security and Welfare	Revenue	70925		70925
29	Labour and Labour Welfare	Revenue	8850		8850
30	Nutrition	Revenue	21595		21595
31	Relief on Account of Natural Calamities	Revenue	109830		109830
32	Other Social Services (Ecclesiastical)	Revenue	8832		8832
33	Secretariat - Social Services	Revenue	3865		3865
34	Agriculture	Revenue	164075		164075
		Capital	5300		5300
35	Soil and Water conservation	Revenue	39091		39091
36	Animal Husbandry	Revenue	62025		62025
		Capital	2800		2800
37	Dairy Development	Revenue	4300		4300
38	Fisheries	Revenue	12020		12020
		Capital	1000		1000
39	Forestry and Wildlife	Revenue	154384		154384
		Capital	1100		1100
40	Other Agriculture Programme	Revenue	36190		36190
		Capital	3000		3000
41	Food, Storage and Warehousing	Revenue	318613		318613
		Capital	2200		2200
42	Co-operation	Revenue	23650		23650
		Capital	50400		50400
43	Rural Development	Revenue	79490		79490
		Capital	5200		5200
44	Irrigation and Flood Control	Revenue	44525		44525
		Capital	200		200
45	Power	Revenue	239890		239890
		Capital	402800		402800
46	Industries	Revenue	57020		57020
		Capital	304900		304900
47	Mines and Geology	Revenue	8300		8300
		Capital	2300		2300
48	Roads and Bridges	Revenue	209627		209627
		Capital	322567		322567
49	Road Transport Services	Revenue	181250		181250
		Capital	11500		11500
50	Other Scientific Research	Revenue	9505		9505
51	Secretariat-Economic Services	Revenue	31328		31328
52	Tourism	Revenue	66660		66660
		Capital	4480		4480
	Public Debt	Capital		328400	328400
53	Loans to Government servants	Capital	12100		12100
		TOTAL	**16126025**	**1105413**	**17231438**

THE SIKKIM APPROPRIATION ACT, 1999

(ACT NO. 2 OF 1999)

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year 1998-99

BE enacted by the legislature of Sikkim in the Fifty second Year of the Republic of India as follows :-

Short title. 1. This Act may be called the Sikkim Appropriation Act,1999

Issue of Rs. 24,02,27,000/- out of the Consolidated Fund of the State of Sikkim for the Financial Year 1998-99

2. Form and out of the Consolidated Fund of the State of Sikkim, there may be paid and applied sums not exceeding those specified in Column 5 of the Schedule amounting in the aggregate to the sum of twenty four crores two lakhs twenty seven thousand rupees only towards defraying the several charges which will come in course for payment during the Financial year 1998-99, in respect of the services and purposes specified in Column 2 of the Schedule.

Appropriation. 3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purpose specified in the Schedule in relation to the said year

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of vote	Services and purposes		Voted by the Legislative	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
	Governor	Revenue	..	1685	1685
3	Administration of Justice	Revenue	..	1000	1000
9	Taxes on Vehicles	Revenue	263	..	263
11	Secretariat General Services	Revenue	449	..	449
14	Police	Revenue	2650	..	2650
15	jails	Revenue	128	..	128
16	Stationery and Printing	Revenue	250	..	250
17	Public Works (Building)	Revenue	200	..	200
21	Education	Revenue	21500	..	21500
24	Medical and Public Health	Revenue	95000	..	95000
25	Water Supply and Sanitation	Revenue	8000	..	8000
26	Urban Development	Revenue	400	..	400
28	Social Security and Welfare	Revenue	4156	..	4156
34	Agriculture	Revenue	2560	..	2560
		Capital	420	..	420
36	Animal Husbandry	Revenue	210	..	210

39	Forestry and Wild Life	Revenue	3207	. .	3207
40	Other Agricultural Programmes	Revenue	300	. .	300
41	Food, Storage and Warehousing	Revenue	50000	. .	50000
43	Rural Development	Revenue	325	. .	325
44	Irrigation and Flood Control	Revenue	18350	. .	18350
45	Power	Capital	24000	. .	24000
50	Other Scientific Research	Revenue	855	. .	855
51	Secretariat Economic Services	Revenue	1119	.	1119
52	Tourism	Revenue	3200	. .	3200
		TOTAL	**237542**	**2685**	**240227**

THE SIKKIM COURT FEES (EXEMPTION AND MISCELLANEOUS PROVISIONS) AMENDMENT ACT, 1999

(ACT NO. 3 OF 1999)

AN
ACT

further to amend the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983.

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

Short title, extend and commencement

1. (1) This Act may be called the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Amendment Act, 1999.

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

Insertion of new section 7

2 In the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983, after section 6, the following section shall be inserted, namely :-

"7 Notwithstanding anything contained in the Act in all petitions for cases to be taken up by the Lok Adalats or settled and or processed under Legal Services Authorities Act, 1987, no court fees shall be payable".

THE SIKKIM RESEARCH INSTITUTE OF TIBETOLOGY (RENAMING) ACT, 2000 (ACT NO. 1 OF 2000)

AN ACT

to rename the Sikkim Research Institute of Tibetology incorporated by Charter of Incorporation promulgated on the 28th day of October, 1958 and subsequently amended by the Proclamation dated the 22nd day of May, 1959 and the Charter of Incorporation of the Sikkim Research Institute of Tibetology (Amendment) Act, 1976

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

Short title and commencement

(1) (1) This Act may be called the Sikkim Research Institute of Tibetology (Renaming) Act, 2000

(2) It shall come into force at once

Renaming of Sikkim Research Institute Tibetology

(2) On and from the date of commencement of this Act, the Sikkim Research Institute of Tibetology incorporated by the Charter of Incorporation promulgated on the 28th day of October, 1958 and subsequently amended by the Proclamation promulgated on the 22nd day of May, 1959 and the Charter of Incorporation of the Sikkim Research Institute of Tibetology (Amendment) Act, 1976 shall be renamed as the "Namgyal Institute of Tibetology."

THE SIKKIM MINING CORPORATION PROCLAMATION (AMENDMENT) ACT, 2000 (ACT NO. 2 OF 2000)

AN ACT

to amend the Sikkim Mining Corporation Proclamation, 1960.

BE it enacted by the Legislature of Sikkim in the Fifty-first-Year of the Republic of India as follows -

Short title and commencement.

(1) (1) This Act may be called the Sikkim Mining Corporation Proclamation (Amendment) Act, 2000

(2) In the Sikkim Mining Corporation Proclamation, 1960, in sub-section (1) of section 8,

Amendment of section 8

(i) for clause (a), the following clause shall be substituted, namely -

"(a) The Chairman who shall be appointed by the Government of Sikkim"

(ii) in clause (b), for the word "one", the word "two" shall be substituted"

SIKKIM COURT FEES (EXEMPTION AND MISCELLANEOUS PROVISION) AMENDMENT ACT, 2000

(ACT NO. 3 OF 2000)

AN
ACT

further to amend the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983.

BE it enacted by the Legislature of Sikkim in the Fifty-first Year of the Republic of India as follows:-

Short title and commencement.

1 (1) This Act may be called the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Amendment Act, 2000.

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

Amendment of section 3.

2 In the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983 (hereinafter referred to as the said Act), in section 3 for the words "rupees ten thousand" the following words shall be substituted namely:- "rupees twenty five thousand".

Deletion of sub-section (1) and (3) of section 3A.

3 In the said Act, in section 3A, sub-section (1) and (3) shall be deleted.

Amendment of section 6.

4 In the said Act, in section 6 the following sub-clause shall be inserted after sub-clause (iii), namely:-

"(iv) Settlement by the Lok Adalat".

Substitution of new section for section 7.

5 In the said Act, for section 7, the following section shall be substituted namely:-

"7. Notwithstanding anything contained in Act, no Court fee shall be payable for Suits, Appeals, Writ Petitions, Revisions, Reviews, Miscellaneous Petitions etc. filed by a person who has been provided with legal services or aid under the provisions of the Legal services Authority Act, 1987 and the Rules and Regulations framed thereunder."

THE SIKKIM CIVIL COURTS (AMENDMENT) ACT, 2000

(ACT NO. 4 OF 2000)

AN
ACT

further to amend the Sikkim Civil Courts Act, 1979.

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

Short title and commencement.

1 (1) This Act may be called the Sikkim Civil Courts (Amendment) Act, 2000.

(2) It shall come into force on such date as the High Court of Sikkim may, by notification in the Official Gazette, appoint.

Amendment of section 16.

2 In the Sikkim Civil courts Act, 1978 (hereinafter referred to as the principal Act), in section 16, for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) Save as aforesaid, the jurisdiction of a Civil Judge (Senior Division) shall extend to all suits the value of which exceeds fifty thousand rupees but does not exceed sixty thousand rupees and the jurisdiction of Civil Judge (Junior Division) shall extend to all suits, the value of which does not exceed fifty thousand rupees".

Amendment of section 19A.

3 In the principal Act, for section 19A, the following section shall be substituted, namely :-

"19A. All suits and proceedings of a Civil nature wherein the value of subject matter exceeds fifty thousand rupees but does not exceed sixty thousand rupees pending in the court of District Judge immediately before the commencement of the Sikkim Civil Courts (Amendment) Act, 1998, shall after such commencement, stand transfer to or be disposed of by the Civil Judges (Senior Division)"

THE HIGH COURT OF JUDICATURE (JURISDICTION AND POWERS) PROCLAMATION (AMENDMENT) REPEAL ACT, 2000

(ACT NO. 5 OF 2000)

AN
ACT

to repeal the High Court of Judicature (Jurisdiction and Powers) Proclamation (Amendment) Act, 1998.

BE it enacted by the Legislature of Sikkim in the Fifty-first Year of the Republic of India as follows :-

Short title

1 This Act may be called the High Court of Judicature (Jurisdiction and Powers) Proclamation (Amendment) Repeal Act, 2000.

Repeal of Act 11.

2 The High Court of Judicature (Jurisdiction and Powers) Proclamation (Amendment) Act, 1998, is hereby repealed.

of 1998.

THE SIKKIM SALES TAX (AMENDMENT) ACT, 2000
(ACT NO. 6 OF 2000)

AN
ACT

further to amend the Sikkim Sales Tax Act, 1983.

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

Short title extent and commencement.

1 (1) This Act may be called the Sikkim Sales Tax (Amendment) Act, 2000.

(2) It extends to the whole of Sikkim.

(3) It shall be deemed to have come into force on the 13th day of January, 2000.

Amendment section.

2 In the Sikkim Sales Tax Act, 1983 (hereinafter referred to as the principal Act), in section 5, in sub-section (1),-

(i) in clause (a), for the words" at the rate of ten paise in the rupee", the words, at such rates not exceeding twenty paise in the rupee as the State Government may, from time to time by notification specify", shall be substituted;

(ii) In clause (c), for the words at such rate not exceeding fifteen paise in the rupee", the words' at such rates not exceeding twenty paise in the rupee," shall be substituted.

Amendment of section 14A.

3 In the principal Act, in Section 14 A, in sub-section (1), for the words" not exceeding four percentum of the said payment", the words" not exceeding eight percent of the said payment", shall be substituted.

Amendment of Schedule I and Schedule II.

4 In the principal Act, for the existing Schedule I and Schedule II, the following Schedules shall be substituted, namely:-

SCHEDULE I
(see section 8)

1 Betel Leaves.
2 Books, Periodicals, Journals and Newspapers, exercise books, educational charts, maps and instrument, boxes, globes and other instruments used in educational institutes.
3 Unbranded bread.
4 Condoms and contraceptives.
5 Curd, lassi and butter milk except when sold in sealed container.
6 Fresh eggs.
7 Electrical energy.
8 Fresh meat and fish.
9 Fresh vegetable, green or dried, (except when sold in sealed container) including chilli.
10 Jaggery.
11 Unprocessed salt.

12 Unprocessed cereals and pulses including rice and wheat.
13 Fresh flowers.
14 Fresh milk and pasteurised milk other than powdered or condensed milk.
15 Vegetables seed-Planting materials like seed, seedlings, suckers, nursery plants used for raising crops.
16 Handloom Woven
- a) Handloom Khadi products except those made from silk yarn
- b) Khadi/handloom garments.
- c) Locally produced handicrafts.

17 Khandsari.
18 Organic manure.
19 Flour including atta, suji and maida.
20 Wheel chairs, crutches and such other articles used by handicapped persons.
21 Glass bangles.
22 Livestock including poultry.
23 Non-Judicial stamp papers, Cartridge paper sold by Govt. treasury through stamp vendors.
24 Raw cotton.
25 Text books.
26 Exercise books for education purposes.
27 Life saving drugs, namely -

(I) Antidotes
- a) Atropine
- b) Oxime-Pralidoxime - Obidoxime
- c) Naloxone
- d) Sodium Calcium, edetate (EDTA)
- e) Dimer Caprol (BAL)
- f) Penicillamine
- g) Amy Nitrate and others

(II) Cardiac Stimulants
- a) Adrenaline
- b) Dopamine

(III) Fibrinolytic agents
- a) Streptokinase
- b) Urokinase
- c) Ateplase (PA)

(IV) Steroids
- a) Dexa methasone
- b) Hydrocortisone

(V) Analeptics
- a) Nikethamid
- b) Doxapram

(VI) Drugs for hypertensive emergencies
- a) Diazoxide
- b) Sodium Nitroprusside

(VII) Andrenergic crisis
- a) Phentolamine

b) Phenoxy Benzamine

VIII) Anti Toxins
- a) Tetanus Antitoxin
- b) Gas Gangrene Antitoxin
- c) Diptheria Antitoxin
- d) Anti snake venom
- e) Anti-D-Immunoglobulin (Human)
- f) Anti rabies Hyperimmune Serum

(IX) Intra venous fluids
- a) Normal Saline
- b) Dextrose- 5%, 10%, 25%
- c) Dextran
- d) Hemacael and others

28 Anti T B DRUGS
- a) Ethambutol (tablet)
- b) Isoinazid (tablet/syrup)
- c) Refampicin (injection)
- d) Streptomycin (injection)
- e) Pyrizinamide (tablet)

29 Rubber and plastic/ chappel, sandal and shoes with MRP of Rs. 200/- or less.

30 Turmeric.

31 Tamarind

32 Sugar as defined in the Central Excises and Salt Act, 1944 (1of 1944) excluding imported sugar in all forms.

33 All varieties of cotton fabrics, man made fabrics and woollen fabrics excluding imported varieties of such fabrics.
[Explanation - The expression "cotton fabrics", "man made fabrics" and "woollen fabrics", shall have the same meanings as are respectively assigned to them in the Central Excises and Salt Act, 1944 (1 to 1944) excluding imported varieties of such fabrics].

34 Tobacco as defined under the Central Excises and Salt Act, 1944 (1of 1944).

35 Renewable energy devices, and spare parts.

36 Cooked food.

37 Agricultural Implements.

38 Poultry feed, Cattle feed, Pig feed, Fish feed including feed additives like nutrients, medicines or supplements of such feed.

39 Rape seed oil and Palm/Palmoleon oil.

SCHEDULE II
(SEE SECTION 5)

1 Mustard oil and mixture of mustard oil.

2 Vehicles of all types driven or operated by petrol/diesel or electrical energy except those specified elsewhere in this Schedule.

3 Declared goods.

4 Edible oils and oil cakes other than Mustard oil, Rape seed oil, Palm/ Palmoleon oil, or other than those specified elsewhere in the Schedule.

5 Processed salt, fish and meat when sold in sealed containers.

6 Cumin seed.

7 Branded bread.
8 Bicycles.
9 Ready made garments.
10 Utensils and Kitchenwares.
11 Bone meal.
12 Chemical fertilizers, pesticides, weedicides and insecticides.
13 Ores and minerals.
14 Ice.
15 All types of Yarn.
16 Charcoal.
17 Raw wool.
18 Hosiery goods.
19 Bran oil.
20 Sponge iron.
21 HDPE packs.
22 GI-pipe.
23 Starch.
24 Garlic and ginger.
25 Maize products.
26 Safety matches.
27 Cardamom.
28 Gingeli Oil.
29 Hand pump/water pump and oil engines.
30 Aluminium in all its forms namely: aluminium ingots slabs, bars, rods, pipes, tubes, wires, coils sheets, plates, circles, sections, channels, angles, joists, extrusions, including aluminium scraps but excluding aluminium foils.
31 Information technology (IT) products, namely: computers, computer peripherals, digital electronic equipments, communication equipments, electronic components, IT software other than those specified elsewhere in the Schedule.
32 Industrial inputs:-

(a) Non ferrous metal viz Sulphur and zinc,
(b) belting,
(c) bearing,
(d) all types of chemicals and intermediate chemicals including barytes, hydrogen peroxide, silicon carbide, lime, caustic soda including wax and paraffin and ferro silicon.
(e) dyes and chemicals,
(f) ferro alloy and super alloy,
(g) transformer,
(h) polystyrene.

33 Bulk drugs other than those specified elsewhere in this schedule.
34 Blanket of all kinds, quilt, quilt cover and quilt razaigelafs.
35 Orange.
36 Pollution control equipments.
37 Sand, stone chips and stones.
38 Butter and ghee.
39 Fruits, vegetables and spices such as pastes, squashes, juices, pickels, jams and jellys processed or manufactured in Sikkim.
40 Sewing thread.
41 Napa slabs.

42 Kerosene.
43 Vanaspati (vegetable ghee)
44 Fire wood.
45 Raw silk.
46 Beedi leaves.
47 Packing materials including HDPE bags Corrugated boxes and containers.
48 De-oiled cake.
49 Vegetable oil.
50 Solvent oil.
51 RCC sleepers.
52 Filters.
53 Agarbatti
54 Tiles.
55 Caramics.
56 Suitcases.
57 Cast Iron Castings.
58 Surgical instruments.
59 All types of electrical goods including fans but excluding Transformers.
60 Tanned leather and leather goods.
61 Paper and paper pulp.
62 Saree falls.
63 All kinds of bricks including refractory bricks.
64 Printing ink.
65 Electrodes.
66 Sanitary ware.
67 Stainless steel.
68 Milk food and milk products.
69 Sewing machines.
70 Nut powder.
71 Flasks.
72 Explosives.
73 Blades and razors etc.
74 Timber.
75 Drugs and medicines other than life saving drugs and anti-tuberculosis drugs (as listed in S. No. 27 and 28 of Schedule 1)
76 Foot wear other than rubber and plastic (chappals/sandals and shoes with MRP of Rs. 200/- or less.
77 Magnets.
78 Electric Motors.
79 Nutrition food.
80 Hose pipes.
81 Sweet meat.
82 Plants and machinery including spare parts, components and accessories thereof
83 Tea and coffee
84 Toffee, chocolate, biscuits and confectionery.
85 Cake, pastries, cocoa products including chewing gums
86 Toothpaste, tooth brush, tooth powder, mouth wash and deodorants.
87 Batteries and parts thereof.
88 All types of furniture.
89 Camphor.

90 Electrical bulbs and tube lights including vapour lamps, halogen lamps of all varieties and descriptions.
91 Photographic goods.
92 Tyres and tubes and flaps of tyres and tubes.
93 Foam.
94 Electronic goods other than those specified elsewhere in the Schedule.
95 Cooking gas (LPG)
96 Building materials such as plywood and cement
97 Paints and colours.
98 Diesel oil.
99 Dry fruits.
100 Plastic goods other than plastic chappals, sandals, and shoes with MRP of Rs 200/- or less.
101 Roofing light and false roofing materials including cement and asbestos sheets, hard and soft boards and panels as well as asphaltic roofings.
102 All types of cables and electrical wires.
103 Fire fighting equipments.
104 Cereals and pulses when sold in sealed containers including polypackets
105 Articles of foods and drinks including sweet meat when sold:-
(a) In the three star, four star and five star hotels as recognised by the Ministry of Tourism, Government of India/Sikkim.
(b) In places other than (a) above when sold in sealed container, or packet including polythene packet.
106 Food preservatives, food colors and food flavouring essences.
107 Hardware goods specified as hardwares under the Notification No. 832/ ST/11/ 3096 Dt. 16.12.86.
108 Jointing power and SITU mixture for laying tiles and chips and deodorants.
109 Kirana goods and spices when sold in sealed containers or polythene packets.
110 Mercury.
111 Mosquito repellents.
112 Magnesium Carbide/ Carbonate.
113 Manihari goods specified as "manihari goods" under Notification No. 832/ ST/ 11/ 3096 Dt. 16.12.86.
114 Lubricants including lubricating oil, brake oil, grease and engine oil
115 Optical goods namely spectacles, sun glasses, goggles, lenses and frames including attachments.
116 Pipes and pipefittings of all varieties including casing, other than GI pipe
117 Rolling shutters and collapsible gates whether operated manually, mechanically or electrically and their parts and accessories thereof.
118 Sacks of all types.
119 Sport goods of all types.
120 Stoves, that is gas stove and kerosene stoves, Gas metallic cylinder, Gas mantle, parts and accessories thereof.
121 Chicory, Coffee beans, seed raw or toasted.
122 Chana-choor, dalmut, fried potato chips, fried gram when sold in sealed containers including polypackets.
123 Fruits, vegetables and spices such as pastes, squashes, juices, pickles, jams and jellys processed or manufactured outside Sikkim.

124 Instant mix such as jamoon mix, idli mix, ice-cream mix, jelly mix and the like, samber and rasam powers and pastes, masala powers and pastes, curry power and pastes such as soft drink concentrates (other than soft and vegetables concentrates) whether in liquid or power or crystal form when sold in bottles, tins, cans, or in any cans, or in any kinds of sealed containers.

125 Water tank and storage tank of all varieties and description

126 Toys other than electronic toys.

127 Motor parts, accessories and components thereof.

128 Stationery including the items specified under Notification No. 832/ ST/11/ 3096 dt. 16.12.86.

129 Glazed earthenware.

130 Chinaware including crockery.

131 Gypsum of all forms and descriptions.

132 Acids.

133 Coir products of all kinds

134 Bulldozers, tractors, excavators, pipelayers, wheel laden scrappers, mobile cranes, power tillers, earth movers, dumpers, dippers and parts and accessories/ components thereof.

135 Items of goods not specified by name of description other than those specified in Schedule I and Schedule II and by any other Notifications.

136 Weather proofing compounds.

137 Fire works.

138 Furs and skins.

139 Lifts and elevators.

140 Marble and marble titles.

141 Sandal wood and oil.

142 Telephone including cellular and mobile phones, pagers and parts/ accessories thereof.

143 Typerwriters.

144 Cutlery.

145 Preserved Food articles.

146 Silk and silk fabrics

147 Vacuum cleaners.

148 T.V. VCR and C.D and VCP.

149 Teleprinters.

150 Transmission wires and tower.

151 Voltage stabilizers.

152 Washing machines

153 Wireless equipments

154 Air conditioner

155 Arms and ammunition.

156 Articles of Stainless steel other than those specified elsewhere in the Schedule.

157 Carpets.

158 Cushion and mattress.

159 Electronic toys.

160 Fancy leather goods.

161 Musical instruments and equipments.

162 Non Alcoholic drinks, that is to say mineral water, aerated water including soda water, soft water whether or not flavoured or sweetened and whether or not containing vegetables or fruit juice of fruit pulp when sold in bottles, tins, cans or in any kind of sealed contain-

ers.
163 Hair oil.
164 Synthetic gems.
165 Calculating machines
166 Cigarette cases and lighters.
167 Cinematographic equipment.
168 Ivory products.
169 Air circulators and air coolers.
170 Glassware other than glass bangles.
171 Naphtha.
172 Spark plugs.
173 Rubber goods other than rubber chappals, sandals and shoes with MRP of Rs. 200/- or less.
174 Cosmetics and soaps.
175 Adhesives.
176 PVC articles.
177 Laminated sheets.
178 Oxygen and gas.
179 Aeronautics.
180 Watches and clocks.
181 ACSR conductors.
182 Refrigerators.
183 Radios, spare parts, accessories and components thereof.
184 Loud speakers/ public address systems.
185 Duplicating/address printing machines.
186 Binoculars and telescopes.
187 Disc antenna, spare parts and accessories thereof.
188 Photocopiers.
189 Granite stones whether polished or unpolished, polished cuddapah stones, slabs and tiles.
190 Industrial gas
191 Petroleum products including motor sprit, aviation and turbine fuel.
192 Liquor.
193 Narcotics.
194 Molasses.
195 Rectified spirits.
196 Bullion.
197 Gold articles.
198 Precious stones.
199 Silver articles."

5 (1) The Sikkim Sales Tax (Amendment) ordinance, 2000 (Ordinance No. 1 of 2000) is hereby repealed.

Repeal and Saving.

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

THE SIKKIM STRAY DOGS AND RABIES CONTROL ACT, 2000

(ACT NO. 7 OF 2000)

AN
ACT

to provide for regulating the up-keeping of pet animals and destruction of rabid animals and for the prevention and control of the disease in the interest of the public health and for matters connected therewith and incidental thereto

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

Short title and commencement.

1 (1) This Act may be called the Sikkim Stray Dogs and Rabies Control Act, 2000.

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

(3) It shall come into force at once.

Definitions.

2 (1) In this Act, unless the context otherwise require;

(a) 'animal' means any mammal of species naturally susceptible to rabies, except man;

(b) 'authority' means the Sikkim Licensing and Registering Authority constituted under section 7;

(c) 'authorised officer' means an officer appointed by the Department to issue licence under this Act or to carry out any functions under this Act as required;

(d) 'department' means the Department of Animal Husbandry and Veterinary Services;

(e) 'dog' means an animal belonging to the species (Mammals) Canis familiaries of the order of mammals Camivora;

(f) 'exposed to rabies' means a person or an animal being bitten, scratched or licked by or having being other direct physical contact with a rabid dog or a dog/other animals suspected of being affected with rabies;

(g) 'Infected area' means an area which is declared to be an infected area for the purpose connected with the control and elimination of rabies by an order of the Department;

(h) "licence' means a licence granted under this Act and includes any permit, approval or their form of authorization;

(i) 'local authority' means the members of the public authorised by the Department or the local panchayat/local urban bodies of the area concerned;

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

(k) 'owner' means every person who is the sole or part owner of any animal and includes any person who is in-charge of an animal, and the occupier of the premises on which any animals is found shall be deemed to be the owner of such animals until the contrary is proved;

(l) 'prescribed' means prescribed by rules made under this Act;

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

(n) 'stray dog' means any dog not kept in compliance with the regula-

tions of rabies control;

(o) 'vaccination' means the administration of all approved anti-rabies vaccine to an animal;

(p) 'veterinary hospital' means an institution or centre by whatever name called where such animals are admitted for treatment;

(q) 'veterinary officer' means an registered Veterinary Practitioner appointed by the Government to receive information about animals and carcasses affected or suspected of being affected with specified diseases for the area in which the animal or carcass exists.

Notice of Rabies or suspected rabies	3		A person who know or suspect that an animal is exposed to rabies or was at the time of its death so affected, shall with all practicable speed, give notice to an officer of the local authority, a health worker or to an officer Incharge of the respective Police Station, he shall immediately transmit the information received by him in the most expeditious manner in all cases to the Veterinary Officer.
Declaration of infected area	4		Where the 'Department believes or suspects that rabies exists in an area, may by order declare that area together with any adjoining area into which he considers there may be a possibility of rabies spreading to be an Infected area for the purposes connected with the control and eradication of the disease
Detention or destruction of any dog/exposed to rabies	5	(1)	The Veterinary Officer shall cause any dog/other animals bearing proof of valid vaccination having registration taken/certificate which has been exposed to rabies, to be revaccinated or to be obtained at home, muzzle and leash confinement for 90 days under veterinary surveillance. The dog/ other animals must be presented twice a month to the Veterinary Officer.
		(2)	A Veterinary Officer shall cause any stray/dog any other animals which has been exposed. (a) to a dog/ any other animals of suspected or unknown rabies status; to be destroyed without payment or any compensation to the owner; (b) to a known rabid dog/any other rabid animals to be destroyed forthwith under the powers conferred by sub-section (2) of section 5.
Vaccination of dogs and other animals in an infected area	6	(1)	The Department may require that all dogs over the age of three months shall be vaccinated against rabies and that the vaccination shall be repeated every twelve months
		(2)	The vaccination shall be carried out by the Department at such place and as such time with the collaboration of the local authority.
		(3)	All owners shall present their dogs for vaccination, the Veterinary Officer shall provide the owner with a certificate of vaccination in the form appended to this Act.
		(4)	Any owner not presenting his/her dog or dogs for vaccination shall be guilty of an offence under the Act.
Registration and licensing of dogs	7	(1)	There shall be constituted an authority to be called the Sikkim Licensing, and Registering authority consisting of the Veterinary Officers posted within the State to cause registration of dogs over the age of three months and

thereafter annually.

(2) The dog owners shall:-

(a) present the dog on its attaining the age of three months at such time and place as determined by the Department for registration and licensing of dogs;

(b) produce a certificate that the dog had been vaccinated at the period of not more than twelve months; and

(c) pay such registration and licensing fee as may be determined by the Department by notification.

(3) The Licensing and Registering Authority shall:-

(a) provide the owner with a certificate of registration of the dog; and

(b) provide distinguishing token collar as proof or registration.

(4) Every adult dog shall be registered and licensed in every twelve months.

(5) any owner not presenting their dog or dogs for annual registration/licensing shall be guilty of an offence under this Act and shall be liable to a fine of rupees one hundred which may extend to rupees five hundred.

(6) The licence and the certificate of registration shall be renewed in such manner as may be prescribed.

(7) The State Government may, by notification in the Official Gazette-

(a) ascertain first vaccination age of dogs;

(b) declare time for providing booster dose;

(c) prepare annual schedule of registration;

(d) postpone registration schedules for want of vaccine stock for unavoidable circumstances.

Seizure, detention and disposal of animals not under control

8 (1) A Veterinary Officer, an Officer of the local authority or Officer-In-Charge of the respective Police Station may, after due notice has been given to the members of the public in the area, seize and detain or destroy any stray dog in the area duly applying the provisions namely:-

(a) The local authority shall take all reasonable steps to draw the attention of members of the public in their area in the address or location of any place at which dogs seized under sub-section (1) to a period of 3 days unless claimed by or on behalf of its owner within that period;

(b) An owner claiming his dog from a place of detention under the provisions of sub-section (1) shall be liable to appropriate penalties and fines if it is established that he has committed offences under sub-section (5) of section 7 of the Act;

(c) Where a dog seized under this section is not claimed by or on behalf of its owner within the period specified under clause (a) of sub-section (1) of section 8. The local authority may order it to be destroyed and disposed of its carcass;

(d) Where circumstances prevents a dog which is liable to be seized under this section from being so seized, it shall be lawful for a Veterinary Officer or an Officer of the local authority or Officer-In-charge of the respective Police Station to destroy the dog without seizing it;

(e) The Department shall issue guidelines on the methods to be applied for destruction of stray dogs;

(f) A Veterinary Officer, an Officer of the local authority of Officer-In-Charge of the respective Police Station may enter any land for the purpose of seizing and destroying a dog which is liable to be seized under this Act;

Offences — 9 — Any person who contravenes any provisions of this Act, rules, notifications or directions issued thereunder, shall be punishable with a fine of Rs. 500/- (Rupees five hundred) or an imprisonment for a period of one month, or with both.

Power to make rules — 10 — (1) The State Government may, by notification, make rules to carry out all or any of the following matters; namely.-

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

(a) Charges to be levied for registration and vaccination.
(b) Manner of disposal of carcass and charge of its disposal.
(c) Cost of destruction of stray animals affected with rabies.

Power to remove difficulties — 11 — If any difficulty arises in giving effect to the provision of this Act, the State Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

THE SIKKIM FORESTS, WATER COURSES AND ROAD RESERVE (PRESERVATION AND PROTECTION) AMENDMENT ACT, 2000

(ACT NO. 8 OF 2000)

AN
ACT

to amend the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1998.

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

Short title and commencement — 1. (1) This Act may be called the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988.

(2) It shall come into force from the date of its notification in the Official Gazette.

Amendment of section 20 — 2. In the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (hereinafter referred to as the principal Act), in section 20,

(i) in clause (k) for the words" ten thousand" the words "twenty thousand" shall be substituted.

(ii) After clause (k) of section 20, the following words shall be added, namely:-
"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than three years but may extend up to seven years.

Amendment of section 22

3. In section 22 of the principal Act, for the existing sub-section (1), the following shall be substituted:-

"(1) The State Government may by notification in the Official Gazette declare the provisions of this Chapter applicable to any Khasmal or Gorucharan forest which is not included in a reserved forest but which is the property of Government, or over which the Government has property rights, or to the whole or any part of the forest product to which the Government is entitled."

Amendment of section 24

4 (i) In section 24 of the principal Act, in clause (h) of sub-section (1) for the words "five thousand" the words "ten thousand" shall be substituted.

(ii) after clause (h) of sub-section (1), the following words shall be added, namely:-

"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than three years but may extend up to seven years".

Amendment of section 28

5 In section 28 of the principal Act, for the words "five thousand" the words 'ten thousand' shall be substituted.

Amendment of section 29

6 In section 29, after sub-section (8), the following sub-section shall be inserted, namely:-

"(9) The river bank referred to in sub-section (1) of section 29 shall be under the administrative control of the Forest Department as if it were a forest constituted under this Act."

Amendment of section 30.

7 (i) In section 30 of the principal Act, in clause (b) of sub-section (1) the words "or a river bank" shall be deleted.

(ii) After clause (b) in sub-section (1), the following clause shall be inserted, namely:-
"(c) removes any forest produce from a river bank without permission".

(iii) In sub-section (1) for the words "six thousand" the words "twelve thousand" shall be substituted.

(iv) After sub-section (1) of section 30, the following words shall be added, namely:-
"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than the three years but may extend upto seven years".

Amendment of section 37

8 In section 37 of the principal Act, for the words "two thousand" the words "five thousand" shall be substituted.

Amendment of section 42

9 In sub-section (3) of section 42 of the principal Act, for the words "two thousand" the words "five thousand" shall be substituted.

Amendment of section 51

10 (1) In sub-section (3) of section 51 of the principal Act, for the words "six months" the words "three years" and for the words "one thousand" the words "five thousand" shall be substituted.

Amendment of section 53

11 In sub-section (1) of section 53 of the principal Act, for the words "fifty" the words "two hundred and fifty" shall be substituted.

Amendment of Marginal Heading.

12 In the marginal heading of section 57 of the principal Act, after the word "reserved forest" the following words shall be inserted, namely:-

"Khasmal or Gorucharan forests."

Amendment of section 68

13 In sub-section (1) of section 68 of the principal Act, for the words "two thousand" the words "five thousand" shall be substituted.

Amendment of section 69.

14 In section 69 of the principal Act,

(i) for the words "six thousand" the words "twelve thousand" shall be substituted.

(ii) after clause (d), the following words shall be added, namely:-
"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall be less than three years but may extend upto five years.

Amendment of section 70

15 In section 70 of the principal Act,

(i) in sub-section (1), after the words "forest officer" the following words shall be inserted, namely:-
"or Police officer".

(ii) for sub-section (2) the following sub-section shall be substituted namely:-

"(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the Officer-In-Charge of the nearest Police Station".

Amendment of section 71

16 After section 71 of the principal Act, the following section shall be inserted, namely:-

"71 A. Certain offences to be non-bailable-

Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973:-

(a) The offences under sections or clauses of sections mentioned in clause (b) shall be non-bailable.

(b) The sections and clauses of sections of this Act referred to in clause (a) are the following, namely:-

(i) section 20 clauses (a), (b), (c), (d), (e) and (k);
(ii) section 24 clause (a), (b), and (h) of sub-section (1);
(iii) section 42, sub-section (3) and
(iv) section 69.

(c) No person accused of any offence referred to in clause (b), shall if in custody, be released on bail or on his own bond unless-

(i) the prosecution has been given an opportunity to oppose the application for such release, and,
(ii) where the prosecution opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence."

Amendment of section 72

17 For section 72 of the principal Act, the following shall be substituted, namely:-

"72 The Chief Judicial Magistrate or any other Judicial Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court may, try summarily under the Code of Criminal Procedure, 1973 (2 of 1974), any forest offence punishable with imprisonment for a term not exceeding one year or with fine not exceeding two thousand rupees, or with both."

Amendment of section 74

18 In clause (a) of sub-section (1) of section 74 of the principal Act, for the word "twice" the words "four times" shall be substituted.

Amendment of section 79

19 In sub-section (1) of section 79 of the principal Act, after clause (j) the following clause shall be inserted, namely:-

"(k) to declare any tree or group of trees or other forest produce on any land to be reserved from any date it they are of ecological, silvicultural or of heritage importance".

Amendment of section 83

20 (1) After clause (g) in sub-section (2) of section 83 of the principal Act, the following clause shall be inserted namely:-

"(h) to allow quarrying of sand and stone from rivers and their banks or any other area".

(2) In sub-section (2) of section 83 of the principal Act, clause (h) shall be renumbered as clause "(i)".

Amendment of section 84

21 In section 84 of the principal Act,-

(i) for the words "six thousand" the words "twelve thousand" shall be substituted,

(ii) After the words "or with both" the following words shall be added, namely:-

"Where the offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term which shall not be less than three years but may extend upto seven years".

Amendment of section 85

22 In sub-section (2) of section 85 of the principal Act-

(i) for the words "five thousand" the words "ten thousand" shall be substituted.
(ii) After the words "or with both" the following words shall be added namely:-

"Where an offender has been previously convicted for an offence under this section, the Magistrate having jurisdiction shall inflict a penalty of imprisonment for a term of one year".

THE SIKKIM APPROPRIATION ACT, 2000
(ACT NO. 9 OF 2000)

AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the services of the Financial Year 1999-2000.

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

Short title

1 This Act may be called the Sikkim Appropriation Act, 2000.

Issue of Rs 66,33,66,000/- out of Consolidated Fund of the State of Sikkim for the Financial Year 1999-2000.

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 5 of the Schedule amounting in the aggregate to the sum of sixty-six crores thirty three lakhs sixty-six thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 1999-2000, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation

3 The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of vote	Services and purposes		SUMS NOT EXCEEDING Voted by the Legislative Assembly	Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
1	State Legislature	Revenue	790	. .	790
	Governor	Revenue	.	1637	1637
3	Administration of Justice	Revenue	710	825	1535
4	Election	Revenue	2400	.	2400
6	Land Revenue	Revenue	5815	. .	5815
10	Other Taxes and Duties on Commodities and Services	Revenue			
		Revenue	78	. .	78
11	Secretariat-General Services	Revenue	840	. .	840
12	District Administration	Revenue	977	. .	977
13	Treasury and Accounts Administration	Revenue	1484	. .	1484
14	Police	Revenue	42161	. .	42161
15	Jails	Revenue	478	. .	478
17	Public Works (Building)	Revenue	1500	. .	1500
		Capital	4675	. .	4675
18	Other Administrative Services	Revenue	3130	. .	3130
21	Education	Revenue	4033	. .	4033
22	Sports and Youth Services	Revenue	410	. .	410
24	Medical and Public Health	Revenue	19517	. .	19517
25	Water Supply and Sanitation	Revenue	9700	. .	9700
		Capital	126171	. .	126171
26	Urban Development	Capital	100	. .	100
28	Social Security and Welfare	Revenue	7525	. .	7525
		Capital	10000	. .	10000
31	Relief on Account of Natural Calamities	Revenue	98600	. .	98600
32	Other Social Services (Ecclesiastical)	Revenue	500	. .	500
34	Agriculture	Revenue	35216	. .	35216
35	Soil and Water Conservation	Revenue	3338	. .	3338
36	Animal Husbandry	Revenue	16357	. .	16357
37	Dairy Development	Revenue	10653	. .	10653
39	Forestry and Wild Life	Revenue	16763	. .	16763
40	Other Agricultural Programme	Revenue	200	. .	200
43	Rural Development	Revenue	6200	. .	6200
		Capital	1000	. .	1000
44	Irrigation and Flood Control	Revenue	92889	. .	92889
45	Power	Revenue	35545	. .	35545
		Capital	8480	. .	8480
46	Industries	Revenue	1880	. .	1880
47	Mines and Geology	Revenue	519	. .	519

48	Roads and Bridges	Capital	1318	..	1318
49	Road and Transport Services	Revenue	24000	..	24000
50	Other Scientific Research	Revenue	2622	..	2622
51	Secretariat-Economic Services	Revenue	1900	..	1900
		Capital	60400	..	60400
	Total		**660904**	**2462**	**663366**

THE SIKKIM APPROPRIATION ACT, 2000
(ACT NO. 10 OF 2000)

AN
ACT

to provide for the authorisation of appropriation of money out of the Consolidated Fund of the State of Sikkim to meet the amount spent on certain services during the Financial Year ended on the 31st day of March, 1995 in excess of the amount authorised or granted for the said services.

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

Short title

1 This Act may be called the Sikkim Appropriation Act, 2000.

Issue of Rs 92,44,486/- out of the Consolidated Fund of the State of Sikkim for the Financial Year ended on 31st March 1995

2 The sum specified in column 5 of the Schedule amounting to ninety two lakhs forty four thousand four hundred and eighty six rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim to meet the amount spent for defraying the charges in respect of the services and purposes specified in column 2 of the Schedule during the Financial Year ended on the 31st day of March, 1995 in excess of the amount authorised or granted for those services and purposes for that year.

Appropriation

3 The sum deemed to have been authorised to be paid and applied from and out of the consolidated fund of the State of Sikkim under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the Financial Year ended on the 31st day of March, 1995.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(Figures in Rupees)

No of vote	Services and purposes		Voted by the Legislative	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
2	Council of Ministers	Revenue	29499	..	29499
3	Administration of Justice	Revenue		600320	600320

4	Election	Revenue	6217	. .	6217
6	Land Revenue	Revenue	65765	. .	65765
9	Taxes on Vehicles	Revenue	1928	. .	1928
15	Jails	Revenue	42654	. .	42654
16	Stationery and Printing	Revenue	12471	. .	12471
18	Other Administrative Services	Revenue	248974	. .	248974
20	General Services	Revenue	3126363	. .	3126363
21	Education	Revenue	1114565	. .	1114565
23	Art and Culture	Revenue	112782	. .	112782
25	Water Supply and Sanitation	Revenue	566755	. .	566755
26	Urban Development	Revenue	1438355	. .	1438355
		Capital	1403024	. .	1403024
33	Secretariat Social Services	Revenue	19481	. .	19481
35	Soil and Water Conservation	Revenue	62778	. .	62778
36	Animal Husbandry	Revenue	372270	. .	372270
38	Fisheries	Capital	14308	. .	14308
42	Co-operation	Revenue	5977	. .	5977
	Total:		**8644466**	**600320**	**9244486**

THE SIKKIM APPROPRIATION ACT, 2000
(ACT NO. 11 OF 2000)

AN
ACT

to provide for the authorisation of appropriation of money out of the Consolidated Fund of the State of Sikkim to meet the amount spent on certain services during the Financial Year ended on 31st day of March, 1996 in excess of the amount authorised or granted for the said services.

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

Short title

1 This Act may be called the Sikkim Appropriation Act, 2000.

Issue of Rs. 97,95,295/- out of the Consolidated Fund of the State of Sikkim for the Financial Year ended on 31st March, 1996

2 The sum specified in column 5 of the Schedule amounting to ninety seven lakhs ninety five thousand two hundred and ninety five rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim to meet the amount spent for defraying the charges in respect of the services and purposes specified in column 2 of the Schedule during the Financial Year ended on the 31st day of March, 1996 in excess of the amount authorised or granted for those services and purposes for that year.

Appropriation

3 The sum deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the Financial Year ended on the 31st day of March, 1996.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of demand	Services and purposes		Voted by the Legislative Assembly	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
1	State Legislature	Revenue	..	339981	339981
2	Council of Ministers	Revenue	304947	..	304947
3	Administration of Justice	Revenue	..	425710	425710
5	Income Tax and Sales Tax	Revenue	357860	..	357860
8	Excise	Revenue	31986	..	31986
9	Taxes on Vehicles	Revenue	42361	..	42361
11	Secretariat - General Services	Revenue	693376	..	693376
	Public Service Commission	Revenue		42781	42781
15	Jails	Revenue	49797	..	49797
17	Public Works (Buildings)	Revenue	1941883	..	1941883
19	Pension and Other Retirement Benefits	Revenue	215689	..	215689
23	Art and Culture	Revenue	17267	..	17267
25	Water Supply and Sanitation	Revenue	1225856	..	1225856
26	Urban Development	Revenue	1411933	..	1411933
28	Social Security and Welfare	Capital	5385	..	5385
30	Nutrition	Revenue	54542	..	54542
36	Animal Husbandry	Capital	96673	..	96673
37	Dairy Development	Revenue	33914	..	33914
38	Fisheries	Revenue	94246	..	94246
		Capital	503	..	503
39	Forestry and Wild Life	Capital	3559	..	3559
41	Food, Storage and Warehousing	Revenue	26420	..	26420
		Capital	5219	..	5219
43	Rural Development	Revenue	2208161	..	2208161
49	Road Transport Services	Revenue	151830	..	151830
54	Loans to Government Servants	Capital	9750	..	9750
	Total:		**8986823**	**808472**	**9795295**

THE SIKKIM APPROPRIATION (VOTE ON ACCOUNT) ACT, 2000
(ACT NO. 12 OF 2000)

AN
ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Sikkim for the services of a part of the Financial Year 2000-01.

BE it enacted by the Legislature of Sikkim in the Fifty-first Year of the Republic of India as follows:-

Short title

1 This Act may be called the Sikkim Appropriation (Vote on Account) Act, 2000.

Issue of Rs 238,24,23,000/- out of the Consolidated Fund of the State of Sikkim for the Financial Year ended on 31st March, 2000-01

2 From and out of the Consolidated Fund of the State of Sikkim, there may be withdrawn sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sums of two hundred thirty-eight crores twenty-four lakhs twenty-three thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 2000-01 in respect of the services and purposes specified in column 2 of the Schedule.

3 The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said Year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

1	2		3	4	5
				(In thousand of Rupees)	
No of Demand	Services and purposes		Voted by the Legislative Assembly	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	State Legislature	Revenue	4989	163	5152
	Appropriation - Governor	Revenue	. .	2113	2113
2	Council of Ministers	Revenue	7386	. .	7386
3	Administration of Justice	Revenue	5490	3775	9265
4	Election	Revenue	1921		1921
5	Income Tax and Sales Tax	Revenue	2675		2675
6	Land Revenue	Revenue	7451	. .	7451
7	Stamps and Registration	Revenue	100	. .	100
8	Excise (Abkari)	Revenue	6276	.	6276
9	Taxes on Vehicles	Revenue	643	. .	643
10	Other Taxes and Duties on Commodities and Service	Revenue	731		731
	Interest Payments			220658	220658
	Public Service Commission	Revenue		1099	1099
11	Secretariat - General Services	Revenue	14445	. .	14445
12	District Administration	Revenue	6272	. .	6272

13	Treasury and Account Administration	Revenue	7229	. . .	7229
14	Police	Revenue	95463	. .	95463
15	Jails	Revenue	1473	. .	1473
16	Stationery and Printing	Revenue	5114	. .	5114
17	Public Works (Buildings)	Revenue	41469	175	41644
		Capital	24325	. .	24325
18	Other Administrative Services	Revenue	12831	. .	12831
19	Pension and Other Retirement Benefits	Revenue	50250	. .	50250
20	Miscellaneous General Services	Revenue	889863	. .	889863
21	Education	Revenue	267475		267475
22	Sports and Youth Services	Revenue	4756	. .	4756
23	Art and Culture	Revenue	5237	. .	5237
24	Medical and Public Health	Revenue	65156	. .	65156
25	Water Supply and Sanitation	Revenue	24428	. .	24428
		Capital	15125	. .	15125
26	Urban Development	Revenue	10776	. .	10776
		Capital	4650	. .	4650
27	Information and Publicity	Revenue	5899	. .	5899
28	Social Security and Welfare	Revenue	11619	. .	11619
29	Labour and Labour Welfare	Revenue	2329	. .	2329
30	Nutrition	Revenue	5506	. .	5506
31	Relief on account of Natural Calamities	Revenue	13859	. .	13859
32	Other Social Services (Ecclesiastical)	Revenue	2123	. .	2123
33	Secretariat - Social Services	Revenue	990	. .	990
34	Agriculture	Revenue	31344	. .	31344
		Capital	700	. .	700
35	Soil and Water Conservation	Revenue	8080	. .	8080
36	Animal Husbandry	Revenue	15606	. .	15606
		Capital	675	. .	675
37	Dairy Development	Revenue	1903	. .	1903
38	Fisheries	Revenue	2982	. .	2982
		Capital	200	. .	200
39	Forestry and Wild Life	Revenue	30223	. .	30223
		Capital	250	. .	250
40	Other Agricultural Programme	Revenue	6145	. .	6145
		Capital	875	. .	875
41	Food Storage and Warehousing	Revenue	41426	. .	41426
		Capital	375	. .	375
42	Co-operation	Revenue	7756	. .	7756
		Capital	8250	. .	8250
43	Rural Development	Revenue	19563	. .	19563
		Capital	1025	. .	1025
44	Irrigation and Flood Control	Revenue	22480	. .	22480
		Capital	50	. .	50
45	Power	Revenue	60102	. .	60102
		Capital	65000	. .	65000
46	Industries	Revenue	16767	. .	16767
		Capital	2225	. .	2225
47	Mines and Geology	Revenue	4704	. .	4704

		Capital	625	. .	625
48	Roads and Bridges	Revenue	35381	. .	35381
		Capital	30125	. .	30125
49	Road Transport Services	Revenue	47557	. .	47557
		Capital	3500		3500
50	Other Scientific Research	Revenue	2900	. .	2900
51	Secretariat-Economic Services	Revenue	5593	. .	5593
		Capital	8650	. .	8650
52	Tourism	Revenue	8621	. .	8621
		Capital	1250	. .	1250
	Public Debt	Capital	. .	32708	32708
53	Loans to Government Servants	Capital	2500	. .	2500
	Total:		**2121732**	**260691**	**2382423**

THE SIKKIM ESSENTIAL SERVICES MAINTENANCE ACT, 2000

(ACT NO. 13 OF 2000)

AN
ACT

to provide for the maintenance of certain essential services and the normal life of the community in the State of Sikkim.

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

Short title, extent and commencement.

1 (1) This Act may be called the Sikkim Essential Services Maintenance Act, 2000.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on and from 11th March, 2000.

Definitions.

2 In this Act, unless the context otherwise requires;

(a) "Essential service" means:-

(i) any service connected with the production, storage, supply or distribution, as the case may be, of gas or water;

(ii) any service connected with the maintenance of drainage, conservancy including scavenging, slaughter-houses, markets and all medical facilities provided by the State and transport service appurtenant to any such service;

(iii) any service connected in any establishment or undertaking dealing with the production, supply or distribution of electricity;

(iv) any service connected with the procurement, storage, distribution and supply of food and other essential commodities;

(v) any service connected with the maintenance of law and order in the State;

(vi) any service connected with education, teaching and administration of schools, colleges and other establishments imparting education;

(vii) any service connected with the maintenance of public health and

sanitation, including hospitals and dispensaries;

(viii) any service connected with and department of the State Government or any local authority or other organisation, institutions relating to fire service, extinguishment or control of fire or conservancy or drainage or sanitation;

(ix) any transport service for the carriage of passengers or goods;

(x) any service connected with the loading, unloading or storage of goods;

(xi) any service in connection with election to the legislatures of the State;

(xii) any other service which the State Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, of the community or would result in the infliction of grave hardship on the community may, by notification in the Official Gazette, declare to be essential service for the purposes of this Act.

(b) "Government" means the Government of Sikkim;

(c) "Strike" means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any numbers of persons who are or have been so employed to continue to work or to accept employment, and includes-

(i) casual leave or other leave en masse in pursuance of common understanding among the persons who avail themselves of such leave, or under the direction of any other person or any body of persons;

(ii) refusal to work overtime where such work is necessary for the maintenance of any essential service;

(iii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work, in any essential service.

Power to prohibit strikes in essential services.

3 (1) If the State Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special order, prohibit strikes in any service specified in the order.

(2) An order made under sub-section (1) shall be published in the Official Gazette or in such manner as the State Government considers best calculated to bring to the notice of the persons to be affected by the order.

(3) An order made under sub-section (1) shall be force for six months only, but the Government may, by a like order, extend it for any period not exceeding six months if they are satisfied that in public interest it is necessary or expedient so to do.

(4) Upon the issue of order under sub-section (1)-

(a) no person employed in any essential service to which the order relates shall go or remain on strike;

(b) any strike declared or commenced, whether before or after the issue of the order, by persons employed in any such service shall be illegal.

Penalties.

4 Any person who,-

(a) commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike, or

(b) instigates or incites other persons to take part in or otherwise acts in futherance of a strike which is illegal under this Act, or

(c) knowingly expends or supplies any money in furtherance or support of a strike which is illegal under the Act, or

(d) by the use of force or show of force or otherwise, prevents any other persons employed in any essential service, specified in the order issued under sub-section (1) of section 3, from performing his duties under such employment, shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

Power to arrest without warrant

5 Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of `974), any Police Officer may arrest without warrant any person who is reasonably suspected of having committed any office under this Act.

Offence to be tried summarily

6 Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974), all offences under this Act shall be tried in a summary way by any Judicial Magistrate of First Class and provisions of sections 262 to 265 (both inclusive) of the said code shall, as far as may be, apply to such trial:

Provided, that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

Act to override other laws.

7 The provisions of this Act and of any notification and order issued there under shall have effect notwithstanding anything inconsistent therewith in any law for the time being in force.

THE SIKKIM PRIMARY EDUCATION ACT, 2000
(ACT NO. 14 OF 2000)

AN
ACT

to provide for free and compulsory primary education for children in the State of Sikkim.

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

Short title, extent and commencement

1 This Act may be called the Sikkim Primary Education Act, 2000.

(1) It extends to the whole of Sikkim.

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

Definitions

2 In this Act, unless the context otherwise requires,

(a) 'academic year' means the year beginning on such date as the State Government may, by notification in the Official Gazette, specify in respect of any specified area or for approved schools generally or for any approved

school or class of approved schools in particular;

(b) 'approved schools' means any school in any specified area imparting primary education which-

(i) is under the management of the State Government, or the local authority.

(ii) being under any other management, is recognised by the local authority or the State Government or an officer authorised by it in this behalf as an approved school for the purposes of this Act.

(c) 'area of compulsion' means any area in which primary education is declared to be compulsory under section 4 or 16;

(d) 'attendance authority' means any person appointed to be an attendance authority under section 7;

(e) 'to attend an approved school' means to be present for instruction at an approved school on such days in an academic year and at such time or times on each one of those days as may be fixed by the local authority concerned;

(f) 'child' means a boy or girl within such age-group not being less than six or more than fourteen years as may be specified in a declaration made under section 4 or 16;

(g) 'Director' means an officer appointed by the State Government as the Director of Education and includes any officer who may be authorised by the Sate Government to perform all or any of the functions of the Director under this Act;

(h) 'local authority' means a Municipal Corporation, an authorised Municipality or an authority constituted by or under any law for the time being in force or any person or body of persons empowered by the State Government to control primary education in any area specified by the State Government;

(i) 'parent' in relation to any child includes a guardian and every person who has the actual custody of the child;

(j) 'prescribed' means prescribed by rules made under this Act.

(k) 'prescribed authority' means such authority as may be appointed by the Government;

(l) 'primary education' means education in such subjects and up to such standard not beyond the 8th standard as may, be general or special order, from time to time, be determined by the State Government;

(m) 'special school' means any institution which imparts such primary education as in the opinion of the State Government or the local authority is suitable for children suffering from any physical or mental defect.

Scheme for primary education

3 (1) It shall be the duty of every local authority to provide for compulsory primary education for children ordinarily residing within its jurisdiction, and for this purpose it shall, from time to time, submit to the State Government proposals in the form of a Scheme in respect of the whole or such part of the area within its jurisdiction and for children of such ages and up to such standard as the local authority deems fit.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, at any time, direct a local authority to submit to it within a specified time a Scheme for compulsory primary education in any area within the jurisdiction of the local authority for children of such ages and ordinarily resident therein, and up to such standard as the State Gov-

ment may specify.

(3) Every Scheme shall be submitted in such form as the Director may specify and shall contain the following particulars, namely:-

(a) proposed area of compulsion;
(b) the census of children of the age to which the Scheme shall apply classified according to age and languages spoken by the children;
(c) a list of existing approved schools and the schools, if any, proposed to be opened or recognised for the purpose, classified by languages in which instruction is or is proposed to be imparted;
(d) a schedule of existing and proposed teaching and non-teaching staff including clerks and inferior servants;
(e) the recurring and non-recurring cost of the Scheme;
(f) a copy of the resolution of the local authority agreeing to bear its share of the additional recurring and non-recurring cost; and
(g) such other particulars, as may be prescribed.

(4) The State Government may after making such inquiry as it may consider necessary, sanction with or without modifications the Scheme submitted by the local authority under sub-section (2)

Primary education to be compulsory in areas covered by Schemes

4 (1) On receipt of sanction under sub-section (4) of section 3, the local authority shall make a declaration in accordance with the sanctioned Scheme to the effect that on and from a dated to be specified by the State Government, primary education shall be compulsory in the area specified in the declaration for children ordinarily resident in that area and within such age-group and up to such standard as may be specified in the declaration.

(2) Every declaration under sub-section (1) shall be published in the Official Gazette and in such other manner as the local authority may decide.

(3) Such date shall be specified by the State Government under sub-section (1) and shall be not earlier than sixty days after the date of publication of the declaration.

Grants-in-Aid.

5 The State Government shall in respect of every Scheme sanctioned under sub-section (4) of section 3 or prepared under sub-section (1) of section 18, bear such part of the recurring and non-recurring cost as it may from time to time determine.

Local Authority to prepare list of children

6 It shall be the duty of the local authority to cause as early as possible after the publication of a declaration under section 4 to be prepared with a list of children in the area of compulsion in such manner as may be determined by the Director, and the local authority shall cause the list be revised at such intervals as may be prescribed.

Attendance authorities.

7 (1) The local authority may appoint as many persons as it thinks fit to be attendance authorities for the purpose of this Act and may also appoint as many persons as it considers necessary to assist the attendance authorities in the discharge of their duties.

(2) Any person appointed under sub-section (1) may, in the exercise of any of

the powers conferred by or under this Act, put such questions to any parent and require of him of such information about his child as he considers necessary; and every such parent shall be bound to answer such questions and furnish such information to the best of his knowledge or belief.

Attendance authority to notify parents.

8 It shall be the duty of the attendance authority to notify the parent of each child to whom the declaration under section 4 or 16 applies that he is under an obligation to ensure the attendance of such child at an approved school on and from the date specified in the notice.

Parent to cause child to attend school

9 In every area of compulsion, save as provided in section 12, the parent of a child to whom a Scheme applies shall, if such parent and child ordinarily reside in such area, cause the child to attend an approved School unless there be a reasonable excuse for his non-attendance within the meaning of section 10.

Reasonable excuse for non-attendance.

10 For the purposes of this Act, the following circumstances shall be deemed to be a reasonable excuse for the non-attendance of a child at an approved school-

(a) that there is no approved School within the prescribed distance from his residence in which instruction is given in the language spoken by the child;
(b) that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by the local authority or has received a certificate from the attendance authority of having completed primary education up to the standard included in the Scheme applicable to him;
(c) that the child suffers from physical or mental sickness or defect which prevents him from attendance;
(d) that after due application, entrance to an approved School has been refused to the child and there is no other approved School to which he can be admitted within the prescribed distance, until such time as the parent is notified by the attendance authority that the child can be admitted;
(e) that there is no approved School in the locality to which the parent can send the child without exposing him to religious instruction to which the parent objects;
(f) that there is any other compelling circumstance which prevents the child from attending School, provided the same is certified as such by the attendance authority; and
(g) such other circumstances as may be prescribed.

Special schools for physically or mentally deficient children.

11 If there be a special School within the prescribed distance from the residence of a child suffering from a physical or mental defect, the attendance authority may, if it is satisfied that the child is not receiving any instruction in some other manner considered by it to be satisfactory, by order require the child to attend the special School; and it shall be the duty of the parent of such child to cause the child to attend the special School unless there be a reasonable excuse for the non-attendance of the child within the meaning of clause (f) of section 10.

Special provision for part-time

12 Where the attendance authority is satisfied that a child, due to the economic or other circumstances of its facility, is unable to attend an approved

education in certain cases

school in the manner required by or under this Act, it may, by order, and subject to such conditions, if any, as it may impose, permit the child to attend any approved School established as a part-time institution or in which primary education is imparted on a part-time basis.

Attendance orders

13 (1) Wherever the local authority has reason to believe that the parent of a child has failed to cause the child to attend School in accordance with the provisions of this Act and that there is no reasonable excuse for the non-attendance of the child within the meaning of section 10, it shall hold an inquiry in the prescribed manner.

(2) If as result of the inquiry, the local authority is satisfied that the child is liable to attend School in accordance with the provisions of this Act and that there is no reasonable excuse for his non-attendance within the meaning of section 10, it shall pass an attendance order in the prescribed form directing the parent to cause the child to attend School accordingly with effect from the date specified in the order.

(3) An attendance order passed against a parent in respect of a child under sub-section (2) shall, subject to the provision of sub-section (6), remain in force so long as this Act continues to apply to the child.

(4) If any parent against whom an attendance order has been passed, in respect of his child under sub-section (2), transfers the custody of the child to any other person during the period in which the attendance order is in force, such parent shall be bound immediately to give intimation thereof in writing to the local authority.

(5) An attendance order made under this section against a parent in respect of a child shall have effect in relation to every other person to whom the custody of the child may be transferred during the period in which the order is in force as if he were the parent, and the provisions of sub-section (4) shall apply accordingly to such person.

(6) A parent may at any time apply to the authority passing an attendance order for cancellation of the attendance order on the ground-

(a) that he is no longer the parent in respect of the child; or

(b) that circumstances have arisen which provide a reasonable excuse for non-attendance of the child in accordance with the order and thereupon, the authority passing an attendance order may, after holding an enquiry in the prescribed manner, cancel or modify the attendance order.

(7) Any parent aggrieved by an order made under sub-section (2) or sub-section (6) may, within thirty days from the date of such order, appeal to the prescribed authority who may confirm, modify or rescind the order as it deems fit.

Penalty for employing child to whom Scheme applies

14 Whoever knowingly takes into his employment, either on his own behalf or on behalf of any person, any child in respect of whom the provisions of section 9 apply, so as to interfere with the education or instruction of such child shall, subject to the provisions of section 20 on conviction, be punished with a fine not exceeding twenty-five rupees and in the case of continuing contravention with an additional fine not exceeding rupee one for every day during which such contravention continues after conviction for the first of such contravention.

Primary education to be free	15	(1)	No fees shall be charged in respect of any child for attending in any school maintained by the Government.
		(2)	Where, in respect of any child an attendance order has been passed under section 13 and the only School which he can attend is an approved School under private management falling within sub-clause (ii) of clause (b) of section 2, the local authority shall take such steps as it may think fit for the purpose of ensuring that the primary education which the child is to receive, is free.
Failure of local authority to prepare or implement scheme	16	(1)	If any local authority when called upon to submit a Scheme under sub-section (2) of section 3 fails to do so or after a Scheme has been sanctioned under sub-section (4) of section 3, fails to give effect to a Scheme so sanctioned, whether wholly or in part, the State Government may, after making such inquiry as it considers necessary and after giving an opportunity to the local authority to be held in the matter, appoint any person to prepare the Scheme or to give effect to it, as the case may be, and may direct that such part of the expenses as the State Government may determine, shall be defrayed out of the funds belonging to the local authority. The person so appointed shall perform all the functions of a local authority under this Act in respect of the Scheme.
		(2)	Where any such direction as is referred to in sub-section (1) is issued, any person who has for the time being in the custody of any moneys on behalf of the local authority either as a banker or in any other capacity, shall notwithstanding anything contained in any law for the time being in force, is bound to comply with such direction. Every payment made pursuant to such direction shall be sufficient discharge to such person from all liability to local authority in respect of any amount so paid by him out of the money of the local authority so held by him.
Penalty for the contravention of section 13.	17	(1)	If any parent fails to comply with an attendance order made under section 13 unless such order is rescinded in an appeal made under sub-section (7) of that section, he shall, on conviction, be punished with a fine not exceeding two rupees; and in the case of a continuing contravention, with an additional fine not exceeding one rupee for every day during which such contravention continues after conviction for the first of such contravention: Provided that the amount of fine payable by any one person in respect of any child in any one academic year shall not exceed fifty rupees.
		(2)	If any person fails to furnish any information as required by sub-section (4) of section 13, he shall, on conviction, be punished with fine which may extend to twenty five rupees.
Power to withdraw, modify or suspend schemes of compulsion.	18		A sanctioned Scheme may, with the sanction of the State Government, be withdrawn or from time to time, modified or temporarily suspended by a local authority or may, by an order published, with the reasons for making it, in the Official Gazette be modified, cancelled or temporarily suspended by the State Government.
Courts competent to try of fences	19	(1)	For the purpose of taking cognizance of an offence under section 14 or section 17, the Courts of Judicial Magistrate shall be competent to take

under sections 14 and 17.			cognizance of such offence within their respective Districts.
		(2)	A Court of a Judicial Magistrate taking cognizance of any offence under sub-section (1) shall try the case summarily in the manner provided in section 263 of the Code of Criminal Procedure, 1973.
Cognizance of offences	20		No Court shall take cognizance of an offence under this Act except on a complaint presented in person or sent by registered post by the attendance authority or any other person authorised in this behalf by the local authority by general or special order. Before making any complaint under section 14 of this Act against any person, the attendance authority or the person authorised by the local authority to make a complaint shall, unless such person has been previously convicted under that section, cause a warning to be given to such person
Certain persons to be public servants	21		Every person appointed under sub-section (i) of section 7 and every person authorised under section 20 to make complaints shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code. 1860 (45 of 1860)
Protection of action taken in good faith	22		No suit, prosecution or other legal proceedings shall lie against the State Government or any authority or person in respect of anything which is in good faith done or intended to be done under this Act.
Delegation of Powers.	23	(1)	The State Government may, by notification in the Official Gazette and subject to such conditions, if any, as may be specified in the notification, authorised any officer or authority subordinate to it to exercise all or any of the powers conferred on the State Government by or under this Act.
		(2)	A local authority may, be general or special order, authorise any of its members or any of the powers conferred on the local authority by or under this Act.
Constitutional powers and procedure of Primary Schools Panchayat	24	(1)	The State Government may, be notification the Official Gazette, constitute a Primary Schools Panchayat for the trial of offences punishable under this Act.
		(2)	The Primary Schools Panchayat constituted under sub-section (1) shall consist of three members appointed by the State Government, one of whom shall be the Chairman. The qualifications of the members shall be such as may be prescribed. The members so appointed shall hold office during the pleasure of the State Government.
		(3)	Two members shall form a quorum for the disposal of the business of the Primary Schools Panchayat.
		(4)	Any vacancy of a member of the Primary Schools Panchayat shall be filled as early as practicable: Provided that, during any such vacancy the remaining members may act as if no vacancy had occurred.
		(5)	Every local authority shall, with the approval of the State Government, maintain an adequate staff for enabling a Primary Schools Panchayat to discharge its functions under this Act.
Certificate of Head Master to be conclusive	25		Where the parent of a child has failed to comply with an order made under sub-section (2) or as the case may be, such order as modified under sub-section (6) of section 13, unless such order has been rescinded by a com-

evidence of parents failure to comply with section 17.			petent authority under sub-section (7) of that section, the Headmaster of such School shall issue a certificate to the effect that such parent has failed to cause the child to attend school in compliance with such direction and such certificate shall, until the contrary is proved, be presumed to be conclusive evidence of such failure in a prosecution against the parent under section 17.
Saving of pending proceedings	26		Every prosecution under section 14 or 17 pending before any Court in any area on the date on which a Primary School is constituted for such area under section 24 and all proceedings arising from or to any such prosecution shall be tried, heard and determined by such Court or any other Court having jurisdiction to try, hear and determine the same, as if no such Primary School Panchayat had been constituted for such area.
Power to make rules	27	(1)	The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Act.
		(2)	In particular and without prejudice to the generality of the foregoing powers, such rules may be made to provide for all matters expressly required or allowed by this Act to be prescribed by rules.
		(3)	Every rule made under this Act shall be laid, as soon as may be after it is made, before the House, while it is in Session, for a total period of thirty days which may be comprised in one Session or in two or more successive Sessions, and if, before the expiry of the Session immediately following the Session or successive Sessions aforesaid, the House agree in making any modification in the rule or the House agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule
Repeal and Savings	28	(1)	Every Scheme of compulsion sanctioned under any of the provisions so repealed and in force immediately before the commencement of this Act shall be deemed to be a Scheme sanctioned under this Act and shall be executed in accordance with the provisions of this Act.
		(2)	Any right, privilege, obligation or liability acquired, accrued or incurred under any such Scheme or under any other provisions so repealed shall continue as if acquired, accrued or incurred under this Act and it may be enforced in accordance with the provisions of this Act.
		(3)	Any proposal, appointment, notification, order, rule, notice, report or delegation made or issued under any of the provisions so repealed shall, in so far as it is not inconsistent with the provisions of this Act, continue to be lawful until it is altered or superseded by a proposal, appointment, notification, order, rule, notice, report or delegation made or issued under this Act.

THE SIKKIM HOUSING AND DEVELOPMENT BOARD (AMENDMENT) ACT, 2000
(ACT NO 15 OF 2000)

AN
ACT

further to amend the Sikkim Housing and Development Board Act, 1979.

Be it enacted by the Legislature of Sikkim in the Fifty-first Years of the Republic of India as follows:-

Short title and commencement.

1 (1) This Act may be called the Sikkim Housing and Development Board Amendment Act, 2000.

(2) It shall come into force from the date of its publication in the Official Gazette.

Amendment of section 2

2 In section 2 of the Sikkim Housing and Development Board Act, 1979 (herein after referred to as the principal Act),-

(a) In clause (7), after the word "Act", the words "and includes residential, rental, commercial and cash loan housing schemes" shall be inserted;

(b) after clause (16), the following clause shall be inserted, namely:-
"(16 (a)) "State Government" means the Government of Sikkim".

Amendment of section 3

3 In section 3 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) The Board shall be deemed to be local authority for the purposes of this Act, the Land Acquisition Act, the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Act, 1980 and the Sikkim Public Demand Recovery Act, 1988.

Amendment of section 4.

4 In section 4 of the principal Act, in sub-section (1),-

(a) for the words "Local Self Government and Housing Department", the words "Urban Development and Housing Department" shall be substituted;

(b) for clauses (ii), (iii), (iv), (v) and (vi), the following clauses shall be substituted, namely:-

"(ii) Secretary, Urban Development and Housing Department;
(iii) Secretary, Rural Development and Department;
(iv) Commissioner-cum Secretary, Planning and Development Department;
(v) Principal Chief Engineer-cum Secretary, Building and Housing Department;
(vi) Secretary, Sikkim Housing and Development Board;
(vii) Any other professional, technical or eminent person whose expertise and experience may be useful to the Board to be nominated by the State Government for such time as may be specified in this behalf".

Amendment of section 6.

5 In section 6 of the principal Act,

(a) in the proviso to sub-section (2), for the word, "the maximum of which exceeds one thousand rupees a month", the words "which exceeds the lowest scale payable to a Group B Employee of the State Government" shall be and shall always be deemed to have been substituted:

(b) after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) The pay, allowances, leave and other benefits of the employees of the Board shall be regulated by the rules relating to such pay, allowances, leave and other benefits framed by the State Government for its employees from time to time or any other rules as may be framed and adopted by the Board."

Amendment of section 8.

6 In section 8 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) Subject to the provisions sub-section (1) , no officer or other employees, except the Secretary of the Board, shall be appointed or deputed by the State Government, without the consent of the Board The Board shall have right not to accept the appointment or deputation of any officer and staff made by the State Government without the consent of the Board."

Amendment of section 9.

7 In section 9 of the principal Act, in clause (a), for the word "two", the word "three" shall be substituted.

Amendment of section 10.

8 In section 10 of the principal Act,

(a) in the proviso to sub-section (1),
(i) in paragraph (a), for the words "five lakhs" the words "fifty lakhs" shall be substituted;
(ii) in paragraph (b), for the words "fifty thousand", the word "five lakhs" shall be substituted;

(b) In sub-section (2), after the words "original contract", the words "subject to adherence to overall limit of variation within the Scheme as provided under the proviso to section 19 of this Act" shall be added.

Amendment of section 12.

9 In section 12 of the principal Act,

(a) in sub-section (1), after the words "State Government", the words "including implementation of cash loan Schemes and may also incur expenditures for such housing scheme on any other land as the State Government may deem fit";

(b) in sub-section (3), the words "and with the previous approval of the State Government" shall be deleted and after the words "as the case may be", the words "or any other commercially profitable construction Scheme on a turnkey basis" shall be added.

Amendment of section 13.

10 In section 13 of the principal Act,-

(a) in clause (f), after words "Board premises", the words "including for commercial purposes to generate revenue of the Board", shall be added:

(b) for clause (h) , the following clause shall be substituted, namely:-
"(h) borrowing and advancing of money for the purpose of repair and construction of individual houses,".

Amendment of section 19

11 In the proviso to section 19 of the principal Act, for the words "ten percent", the words "fifteen percent" shall be substituted.

Amendment of section 21

12 In section 21 of the principal Act;

(a) for the marginal heading "other duties of the Board", the marginal heading "Other powers and duties of the Board" shall be substituted;

(b) in clause (iv) of sub-section (2),

(i) in sub-clause (c), the words "for residential or nonresidential houses" shall be deleted;

(ii) for sub-clause (d), the following sub-clause shall be substituted, namely:-

"(d) undertaking training of unskilled and semi-skilled persons for deployment in the construction industry through Palika Karigar Kendras and or Building Centres";

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

"(v) render techno-economic consultancy including approval, planning and designing services in respect of construction Schemes on commercial consideration;

(vi) undertake or associate with specific infrastructure development project like town planning and creation if called upon to do so:

(vii) manufacture and sell of building materials through Building Centres;

(viii) enter, with prior approval of the State Government, into joint sector agreements which are commercially viable and beneficial for the people of the State of Sikkim;

(ix) invest suitably any surplus land in any Nationalised Bank and other Government undertakings within India so as to achieve assured return without impairing the liquidity of the Board".

Amendment of section 23

13 In section 23 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to the provisions of the Land Acquisition Act, if the State Government is of the opinion that the land outside the State is required to be acquired for undertaking a Scheme that would be beneficial to the State, it may direct the Board to take step to acquire the same in accordance with the direction as the State Government may pass in this behalf."

Amendment of section 25

14 In section 25 of the principal Act, for subsection (5), the following sub-section shall be substituted, namely:-

"(5) All moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the State Bank of Sikkim, or in any other Nationalised Bank operating in Sikkim:

Provided that nothing contained in this sub-section shall prejudice the decision of the Board to invest any surplus fund in the manner specified in clause (ix) of sub-section (2) of section 21."

Amendment of section 27.

15 In section 27 of the principal Act, in sub-section (1),-

(a) after the words "in any year", the words "though not provided for in the approved annual budget" shall be added;

(b) in clauses (a) and (b), for the words "fifty thousand rupees" and "two lakhs rupees", the words "two lakhs fifty thousand rupees" and "ten lakhs rupees" shall, respectively be substituted.

Amendment of section 30.

16 In section 30 of the principal Act,-

(a) for sub-section (1) and sub-section (2) the following sub-sections shall be substituted, namely:-

"(1) The Board shall cause to be maintained proper book of accounts and records in such forms and manner as may be prescribed or as per the accounts manual to be adopted by the Board by resolution to this affect in the manner of commercial pattern of accounting.

(2) The Board shall cause its accounts to be audited annually by an Auditor to be appointed by the Board from amongst the Chartered Accountants empanelled by the State Government. The auditor so appointed shall have the right to demand the production of books, accounts, vouchers, documents and all other papers relating to accounts or otherwise, and to inspect any of the offices of the Board";

(b) after sub-section (2), the following sub-section, shall be inserted, namely:-

"2 (a) The Auditor of the Board shall examine each balance sheet and profit and loss account and state whether they represent a true and fair position of assets and liabilities of the Board in the case of the former and of the result from operations during the period covered in the case of the latter".

Amendment of section 35.

17 In section 35 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely:-

"(b) the principles and terms and conditions in allotment of tenements and premises and in the grant of housing loan".

THE SIKKIM ALLOTMENT OF HOUSE SITES AND CONSTRUCTION OF BUILDING (REGULATION AND CONTROL) AMENDMENT ACT, 2000

(ACT NO. 16 OF 2000)

AN ACT

further to amend the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985.

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

Short title, extent and commencement.

1 (1) This Act may be called the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Amendment Act, 2000.

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

Amendment of section 2

2 In the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (hereinafter referred to as "the principal Act), in section 2,-

(a) in clause (c), after the word "means" and before the word "father" the words "husband, wife," shall be inserted:

(b) in clause (d), for the words "Local, Self Government and Housing Department", the words" Urban, Development and Housing Department" shall be substituted;

(c) for clause (e), the following shall be substituted namely-
"notified area" means any area whether Government or private notified from time to time for the purpose of Chapter II and III to this Act.

(d) in clause (j), after the words "ground rent" and before the words "or other rates" the following words shall be inserted, namely:-
"or cost of the land".

(e) after clause (j), the following clauses shall be added, namely:-

"(K)" lease deed" means the lease deed executed between the allottee and the Government with regard to the allotted site for a specific period of time",
"(l)" "Site" means the area allotted for a building or house within which shall be integrated all the amenities like septic tanks, water tanks, soakpits, staircase etc, including the area to be cover by the topmost widest chajja/ hood.

Amendment of section 4

3 In the principal Act, in section 4:-

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) (a) The Government may allot a site to a person on application made by him in such form and in such manner as may be prescribed subject to fulfilment of the criteria laid down in the regulations where a site is actually available but the submission of an application alone does not confer any legal right to the applicant for allotment of a site.

(b) No Government servant who has not rendered regular service for a

minimum period of 12 (twelve) years shall be eligible for allotment of a site.

(c) Persons already having a dwelling house in a private holding or otherwise in a particular town or bazar shall not be eligible for allotment of site within any Urban area".

(ii) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) An allottee shall pay such site salami and cost of land as may be notified by the Government from time to time".

(iii) after sub-section (3), the following new sub-section shall be inserted, namely:-

"(4) After the allotment of the site, the allottee shall get the lease deed registered in the office of the Registrar of the concerned district,

Insertion of new section 4A

4 In the principal Act, after section 4, the following section shall be inserted, namely:-

"4A Allotment of site acquired for public purposes:-
Where a site acquired for a public purpose is proposed to be allotted for a private purpose, such an allottee shall deposit such amount of charges as may be ascertained by the Government towards the cost of the land and such an area also shall be held as lease hold."

Amendment of section 5

5 In the principal Act, in section 5, in sub-section (1), after the word "registration" and before the word "Whether", the words "of lease deed" shall be inserted.

Amendment of section 7

6 In the principal Act, in section 7:-

(i) in sub-section (1), after the words, "notified area" and before the words "without obtaining", the words "whether Government or private holdings" shall be inserted;

(ii) in sub-section (2), after the words "notified area" the words "whether Government or private" shall be added:

(iii) in sub-section (3), after the words "Government shall", the following shall be substituted, namely:- "ensure that the roofing of a house and its all round elevation shall be in traditional style".

Amendment of section 11

7 In the principal Act, in section 11, for the words "five hundred" the words "five thousand" shall be substituted.

THE SIKKIM APPROPRIATION ACT, 2000

(ACT NO. 17 OF 2000)

AN

ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year 2000-2001

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

Short title

1 This Act may be called the Sikkim Appropriation Act, 2000.

Issue of Rs. 1175,19,48,000/- out of the Consolidated Fund of the State of Sikkim for the Financial Year 2000-01

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 5 of the Schedule amounting in the aggregate to the sum of one thousand one hundred seventy five crores nineteen lakhs forty eight thousand rupees to wards defraying the several charges which will come in course for payment during the Financial Year 2000-01, in respect of the services and purposes specified in Column 2 of the Schedule.

Appropriation

3 The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

1	2		3	4	5
				(Figures in Rupees)	
No of Demand	SERVICES AND PURPOSES		Voted by the Legislative Assembly	SUMS NOT EXCEEDING Charged on Consolidated Fund	TOTAL
1	State Legislature	Revenue	20187	650	20837
	Governor	Revenue	. .	8452	8452
2	Council of Ministers	Revenue	29543	. .	29543
3	Administration of Justice	Revenue	21654	14700	36354
4	Election	Revenue	7685	. .	7685
5	Income Tax and Sales Tax	Revenue	10700	. .	10700
6	Land Revenue	Revenue	30603	. .	30603
7	Stamps and Registration	Revenue	400	. .	400
8	Excise (Abkari)	Revenue	25105	. .	25105
9	Taxes on Vehicles	Revenue	2573	. .	2573
10	Other Taxes and Duties on Commodities and Services	Revenue	2924	. .	2924
	Interest Payments	Revenue	. .	883523	883523
	Public Service Commission	Revenue	. .	4395	4395
11	Secretariat- General Services	Revenue	58655	. .	58655

12	District Administration	Revenue	25086	..	25086
13	Treasury and Accounts Administration	Revenue	28964	..	28964
14	Police	Revenue	399123	..	399123
15	Jails	Revenue	5890	..	5890
16	Stationery and Printing	Revenue	20455	..	20455
17	Public Works (Building)	Revenue	115675	..	116375
		Capital	490434	..	490434
18	Other Administration Services	Revenue	61992	..	61992
19	pension and Other Retirement Benefit	Revenue	201000	..	201000
20	Miscellaneous General Services	Revenue	3559452	..	3559452
21	Education	Revenue	1075974	..	1075974
22	Sport and Youth Services	Revenue	21921	..	21921
23	Art and Culture	Revenue	15146	..	15146
24	Medical and Public Health	Revenue	414428	..	414428
25	Water Supply and Sanitation	Revenue	107211	..	107211
		Capital	351989	..	351989
26	Urban Development	Revenue	41803	..	41803
		Capital	27500	..	27500
27	Information and Publicity	Revenue	18597	..	18597
28	Social Security and Welfare	Revenue	69799	..	69799
		Capital	2860	..	2860
29	Labour and Labour Welfare	Revenue	9316	..	9316
30	Nutrition	Revenue	22023	..	22023
31	Relief on Account of Natural Calamities	Revenue	169611	..	169611
32	Other Social Services (Ecclesiastical)	Revenue	8490	..	8490
33	Secretariat-Social Services	Revenue	3959	..	3959
34	Agriculture	Revenue	244272	..	244272
		Capital	1600	..	1600
35	Soil and Water Conservation	Revenue	32119	..	32119
36	Animal Husbandry	Revenue	60256	..	60256
		Capital	800	..	800
37	Dairy Development	Revenue	5610	..	5610
38	Fisheries	Revenue	12876	..	12876
		Capital	800	..	800
39	Forestry and Wild Life	Revenue	168161	..	168161
		Capital	500	..	500
40	Other Agricultural Programme	Revenue	65757	..	65757
		Capital	53000	..	53000
41	Food Storage and Warehousing	Revenue	138219	..	138219
		Capital	1500	..	1500
42	Co-operation	Revenue	33623	..	33623
		Capital	31400	..	31400
43	Rural Development	Revenue	107169	..	107169
		Capital	15000	..	15000
44	Irrigation and Flood Control	Revenue	370768	..	370768
		Capital	50350	..	50350
45	Power	Revenue	262507	..	262507
		Capital	363400	..	363400

46	Industries	Revenue	58816	..	58816
		Capital	15150	..	15150
47	Mines and Geology	Revenue	9515	..	9515
		Capital	1800	..	1800
48	Roads and Bridges	Revenue	242191	..	242191
		Capital	429630	..	429630
49	Road Transport Services	Revenue	166353	..	166353
		Capital	11875	..	11875
50	Other Scientific Research	Revenue	9901	..	9901
51	Secretariat-Economic Services	Revenue	29033	..	29033
52	Tourism	Revenue	41006	..	41006
		Capital	4480	..	4480
	Public Debt	Capital	..	219664	219664
53	Loans to Government Servants	Capital	12100	..	12100
	Total:		**10619864**	**1132084**	**11751948**

THE SIKKIM INDUSTRIAL PROMOTION AND INCENTIVE ACT, 2000

(ACT NO. 18 OF 2000)

AN
ACT

to make provisions for incentives for tiny, small scale, medium scale and large scale industries set up within the State of Sikkim.

Whereas it is expedient to make provisions for incentives for tiny, small scale, medium scale and large scale industries set up within the State of Sikkim

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

Short title and commencement. 1 (1) This Act may be called The Sikkim Industrial Promotion and Incentive Act, 2000.

(2) It shall come into force at once.

Application. 2 This Act shall be applicable to all industrial units existing on the date of commencement this Act and also the industrial unit as may be set up after the commencement of this Act. Notwithstanding anything contained herein the Industries set up prior to commencement of this Act and enjoyed benefits, concessions, incentives or some other package of subsidies etc. for a period of five years under any Notification of Rules or Orders or Schemes etc. shall not be eligible for any benefits under this Act.

Definitions. 3 In this Act unless the context otherwise requires:-

(a) "Artisan and tiny units, Small Scale Units and Medium/Large scale Units" mean an Industrial Unit as defined by the Government of India from time to time and includes co-operative industrial units;

(b) "Capital" means the total investment of money on tangible assets like building, etc. and intangible assets like good will;

(c) "Company" means a unit registered under the provision of the law relating

to registration of Companies for the time being in force in the State;

(d) "Cooperative Society" means and Co-operative industrial unit registered under the Sikkim Co-operative Society Act, 1978;

(e) "Fixed Investment" means investment made in land, building, plant and machineries and other capital goods;

(f) "Partnership Firm" means a unit formed by two or more persons;

(g) "Proprietorship" means a unit owned by a single person;

(h) "Small Scale Industry" means where the investment in fixed assets in plant and machineries, (i.e.excluding the cost of land, building, etc.) whether held on ownership terms or on lease or on hire purchase, not exceeding 100 lakhs;

(i) "Working Capital" means that component of fund loan which is required for meeting up the expenditure on day-to-day operation of a unit including cost of inventories, raw materials, component works in progress and operative expenses like wages, salaries, power charges and other recurring expenses;

(j) "Working Capital Loan" means a loan required for acquisition current assets for meeting day to day requirements of an industrial unit for completing the operation cycle and includes cash credit and over draft facilities and any other short term loan required by the industrial unit;

(k) "year" means the financial year commencing on the first day of April and ending on the 31st day of March next following.

Disqualification. 4 Where an industrial unit fails to furnish any information or material particulars or record or document or having received the benefits available under the act is found to have resorted to malpractice or misused benefits of concessions or suppresses or furnishes wrong information or is otherwise found to have not acted bonafide shall be disqualified from availing any benefits or concession or incentive under the Act.

Sanctioning, recovery, reimbursement etc 5 Sanctioning authority for benefits/incentives under this Act shall be such as would be notified by the State Government from time to time who shall also be the authority to receive all applications for such incentives or benefits and also shall deal with any issue of recovery, reimbursement or adjustment.

Subsidy of Interest on Working Capital 6 Where an industry has received or is eligible to receive subsidy on interest, such subsidy will be for interest in excess of 14% of the interest payable by the industrial unit on the working capital loan and will be available for a period of five years in the following manner to different categories of industries from the date of obtaining loan:-

Artisan and Tiny Scale Units	**Small Scale Units**	**Medium/Large Scale Units.**
Rs. 10,000.00 (Rupees ten thousand) or actual difference in interest whichever is less.	Rs. 50,000.00 (Rupees fifty thousand) or actual difference in interest whichever is less.	Rs. 1,00,000.00 (Rupees on lakh), or actual differences in interest whichever is less.

Price Preference 7 Industrial units either small or large set up within the territory of State of Sikkim shall enjoy a price preference to the extent of 15% over the rates of price quoted for same product having same or equivalent quality brought from outside the state.

Subsidy on power	8		An industrial unit consuming power upto Rs. 50,000.00 per annum shall be eligible for 50% reimbursement.
Exemption on security deposit and/or earnest money	9		Industrial unit shall be exempted from payment of security deposit and or earnest money in respect of tenders or quotations for purchase of stores by Government Department.
International Standard Organisation/Indian Standard Institute Certification	10.		The industrial unit shall obtain India Standard Institute/International Standard Organisation Certificate in respect of their products to compete at the state and national level and to ensure product quality and for such the State Government shall reimburse 100% of the expenditure incurred on the registration fees, testing fees, annual license fees, purchase of testing equipment provided the maximum amount payable by way of reimbursement shall not exceed Rs. 25,000.00
Subsidy on Registration Fee of Promotion Council, Indian Standard Institution, Commodity Board, Chamber of Commerce.	11		The amount spent by an industrial unit in obtaining a registration with Promotion Council, Indian Standard Institution, Commodity Board, Chamber of Commerce, etc. shall be reimbursed to the unit, subject to a maximum of Rs. 10,000.00 (Rupees ten thousand) or the actual registration fee, whichever is less.
Taxation matter	12.		Exemption under Notification No. 2/TIC dated the 16th February, 1974 will continue.
Periods of exemption	13	(1)	The benefits, concessions or exemptions as conferred under this Act shall be for such period as may be notified by the sanctioning authority.
		(2)	The sanctioning authority may with the approval of the Government from time to time, notify such additional benefits, concessions or exemptions applicable to industrial units as may be considered desirable.
Power to Remove Difficulties	14		If any difficulty arises in giving effect to the provisions of this Act, the Government may be order not in consistent with the provisions of this Act, remove such difficulties.
Repeal			All the notifications, orders, instructions, circulars, schemes etc. issued from time to time for the purpose of extending benefits/incentives/concessions to industry both tiny, small scale or medium/large scale industry are hereby repealed.

THE SIKKIM MINISTERS, SPEAKER, DEPUTY SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES) AMENDMENT ACT, 2000

(ACT NO. 19 OF 2000)

AN ACT

further to amend the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977.

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

Short title and commencement

1 (i) This Act may be called the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Amendment Act, 200.

(ii) It shall come into force at once.

Amendment of Section 7A

2 In the Sikkim Ministers, Speaker, Deputy Speaker, and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977, in section (a) sub-section (1) and (2), the words "if located within and around Gangtok" shall be omitted.

THE SIKKIM EDUCATION ACT, 2000
(ACT NO. 20 OF 2000)

AN ACT

to provide for establishment of educational institutions in Sikkim and matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Sikkim in the Fifty-first Year of the Republic of India as follows:-

Short title, extent, application and commencement.

1 (1) This Act may be called the Sikkim Education Act, 2000.

(2) It extends to the whole of Sikkim.

(3) It applies to all educational institutions and tutorial institutions in the State except:-

(a) the institutions financed by the Central Government and/or declared by Parliament by law to be institutions of National importance and

(b) the colleges and institutions in so far as the matters pertinent to them are dealt with in the enactments relating to the establishment to Universities or the terms and conditions under which affiliations is given by such Universities in the State or outside the State.

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

Definitions.

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

(a) 'academic year' means the period of the working days commencing from February to December of every year;

(b) 'attendance' means the presence for instructions on all days in the academic year during the hours notified by the State Government except on declared holidays;

(c) 'Director' means the Director of Education appointed by the Government and includes any person discharging the duties and functions of the Director;

(d) 'District Education Officer' means the officer appointed as such and includes Joint Director, Deputy Director or any other officer authorised in his behalf in the Government to exercise the powers and perform the functions of a District Education Officer;

(e) 'district' means a revenue district;

(f) 'education' means general education, technical education, adult education (including non-formal) oriental Education and any branch of education which the Government may, by notification, specify;

(g) 'educational institution' means a school, college, special institution or any other institution by whatever name called where the activity of imparting education, art or culture is carried on and includes an orphanage, boarding home hostel, workshop, laboratory and every premises attached thereto but does not include a tutorial institution having less than five pupils;

(h) 'Government' means Government of Sikkim;

(i) 'Grant or grant-in-aid' means any sum of money paid as aid by the State Government to any educational institution;

(j) 'Manager' means-

(i) in relation to a government educational institution, the officer or the authority to whom the power of immediate control over the institution has been entrusted and includes principal or headmaster;

(ii) in relation to any other institution the person nominated to manage the affairs of the institution and includes principal or headmaster;

(k) 'minority educational institution' means an education institution established and administered by a minority whether based on religion or language having the right to do so under clause (I) of article 30 of the Constitution of India;

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

(m) 'Prescribed' means prescribed by rules made by the Government under this Act;

(n) 'private institution' means an institution imparting education or training established and administered or maintained by any person or body of persons and recognised as educational institution by the Government and includes a college, a special institution and a minority educational institution but does not include-

(i) an educational institution established by the Central Government or the State Government;

(ii) an institution established by any University;

(o) 'special institution' means reformatory school, school for physically handicapped or mentally retarded or other disabled or defective pupils, institution imparting religious education or any other institution which may be notification by the Government as special institution;

(p) 'student' means a person who is admitted to any educational institution for learning or training and whose name is lawfully borne on the attendance register of the institution;

(q) 'teacher' means any member of the teaching staff in an educational institution appointed to give instruction in that institution.

CHAPTER - II

ADMINISTRATIVE MACHINERY

Appointment of Director of Education,etc

3 (1) The Government may appoint for the State a Director of Education for the purpose of exercising control, supervision and regulating the proper functioning of the educational institutions.

(2) The Government may also appoint such number of Additional Directors, Joint Directors, Deputy Directors and such other officers as it think fit to assist the Director in the discharge of his duties.

(3) Subject to the general or special orders of the Government made in this behalf, the Director shall be the Chief Controlling authority in all matters connected with the establishment, administration and functioning of educational institutions in the State

District Education Officer.

4 (1) The Government may appoint for each district one or more District Education Officer and every such District Education Officer shall exercise powers of control and supervision over the educational Officers and other institutions in the district subject to the control of the Director

(2) The Government may sanction the appointment of such number of Officers and staff as may be necessary to assist the District Education Officer;

(3) All the officers and staff shall exercise such powers and functions as may be entrusted by the District Education Officer.

CHAPTER- III

EDUCATIONAL INSTITUTIONS AND THEIR FUNCTIONS

Classification

5 Educational institutions in the State shall be classified as follows:-

(i) Government institutions
(ii) Other institutions (whether aided or unaided)

Permission for establishment of Private educational Institutions

6 (1) No private educational institution shall, after the commencement of this Act, be established or upgraded except in accordance with the previous permission of the Government.

(2) While granting permission the Government shall have due regard to the following matters, namely:-

(a) there is need for such facilities in the locality,
(b) financial capacity of the applicants,
(c) health and hygiene of the place,
(d) provision for adequate buildings, playground and other necessary

equipment,

(e) availability of able or qualified teaching staff, and

(f) any other matter as the Government thinks fit to grant permission.

(3) While granting recognition to the minority managed educational institution, the instruction issued by the Department of Education, Ministry of Human Resource Development will be kept in view as far as practicable depending upon local condition.

(4) Notwithstanding anything contained above so far it relates to the establishment of technical institution and matters relating thereto, the provisions of the All India Council for Technical Education, Act, 1987 and the rules and regulations made thereunder shall be followed.

Grant or withdrawal of recognition of institutions

7 (1) The Director may, by order in writing, grant recognition in respect of any educational institution imparting education, or for higher class in any such institution permitted to be established under section 6 of this Act subject to such conditions as the Director may impose regarding accommodation, equipment, appointment of teaching staff, syllabi, text books and other matter in the interest of the students and the educational standards to be maintained.

(2) Where the Manager of any educational institution:-

(a) fails to fulfil all or any of the conditions of recognition as laid down by the orders of the Director;

(b) denies admission to any person, on grounds of religion, caste, race, language or any of them;

(c) directly or indirectly acts in any manner to jeopardise the secular nature of the education and educational institutions or principles of national integration;

(d) employs or continues to employ as members of teaching staff or non-teaching staff who after enquiry are found to be unfit or undesirable to be employed or continued in an educational institution;

(e) fails to obey, carry out and implement the orders or directions of the authorities under this Act;

(f) contravenes any of the provisions of this Act or rules framed thereunder,

the Director upon the recommendation of the Government, may for reasons to be recorded in writing, withdraw the recognition of the institution after giving an opportunity for making a representation against such withdrawal.

(3) Where the Government is of opinion that recognition granted to any educational institution should in public interest, be withdrawn, it may, by notification, withdraw the recognition granted to such institution.

(4) Notwithstanding anything contained in any other law for the time being in force, no educational institution which has not been recognised or the recognition of which has been withdrawn, shall be entitled-

(a) to function as an educational institution in any place in the State or;

(b) to send up candidates for examinations in courses of study held in the State by whatsoever authority conducted, or

(c) to receive any aid or assistance from the State Government or any

financial institution in which the State Government or the Central Government has any interest.

Special Provision in respect of existing institutions.

8 (1) All private institutions, minority institutions and special institutions existing on the date of commencement of this Act, shall, within three months from the date of commencement of this Act shall apply for recognition under this Act, and every such application shall be disposed of within three months as far as possible from the date of the application.

Provided that such institution shall be allowed to continue if such institution has applied for recognition within the time specified above and its application has not been finally disposed of by the authority, whichever is later

(2) No such institution shall be run after the application for recognition is rejected.

Government institutions

9 The Government, for the purpose of implementing the provisions of this Act, provide adequate facilities for imparting general education, technical education, special education and teacher in the State of Sikkim by:-

(a) establishing and maintaining educational institutions, and
(b) permitting any statutory body or local authority, person or body of persons to establish educational institutions and maintain them according to such standards and specification as may be specified in the Official Gazette

Appointment and removal of manager

10 (1) All the educational institutions in the State shall appoint a person as Manager who shall be responsible to the authorities under this Act for implementation of all order, directions and notifications issued in accordance with the provisions of this Act and rules made thereunder.

(2) Such appointment shall be notified to the Director of Education within three months from the date of commencement of this Act.

(3) If any institution fails to notify such appointment within the specified period, the District Education Officer shall notify any member of the teaching staff of an institution to be the Manager of that institution.

(4) If the Director is satisfied that a Manager is responsible for lapses of implementing the orders, directions and notifications issued under this Act and rules made thereunder, or has become unfit to be continued as Manager, he shall after giving him an opportunity for making a representation, disqualify him to be continued as Manager.

(5) Upon receipt of orders from the Director under sub-section (4), the management of said educational institution shall remove such person from the post of Manager and make a fresh appointment in that place.

(6) A Manager so disqualified shall not be entitled to be nominated as a Manager for a period of five years from the date of such removal.

Duties of Manager

11 (1) The Manager appointed under section 10 shall be responsible for managing and conducting the affairs of the educational institution in accordance with the directions, orders, and notifications issued by the authorities under this Act and rules made thereunder and maintaining properties of the said insti-

tution in proper and good condition.

(2) It shall be the duty of the Manager to maintain registers and records as directed by the Directors.

(3) The Manager shall afford all assistance for inspection as and when required by the authorities under this Act.

(4) The Manager shall submit a report at the end of every academic year to the Director giving particulars of the movable and immovable properties, income and expenditure and details of the activities of the institution both curricular and extra curricular during the academic year.

Restriction of alienation of Property

12 (1) Notwithstanding anything contained in any other law for the time being in force, no sale, mortgage, lease, pledge, gift, charge or transfer of possession in respect of property of a private or special institution shall be made or created without the previous permission in writing of the Director of Education on the application made in this behalf.

(2) The Director on receipt of such application for permission, shall pass orders within three months and give reasons in case of rejection of the permission.

(3) Any sale, mortgage, lease, pledge, gift, charge or transfer of possession in respect of property so made in contravention of the provision of this section shall be null and void.

CHAPTER- IV

GRANT OR GRANT-IN-AID

Grant or Grant-in-aid

13 (1) The Government shall, within the limits of its economic capacity, set apart a sum of money annually for being given as grant or grant-in-aid to educational institutions other than those run by the Government which are recognised under this Act.

(2) The Government may, in cases in which it thinks fit, sanction grant or grant in-aid to recognised educational institutions and authorise the Director by general or special order for disbursing the grant or grant-in-aid as per the guidelines issued by the Government in this behalf.

(3) Every application for sanction of the grant or grant-in-aid shall be made of Government in the prescribed form signed by the Manager alongwith the annual report of the educational institution.

(4) The decision of the Government to grant or reject the grant or grant-in-aid shall be final and binding on the educational institution.

(5) Notwithstanding anything contained in this Act, the Government may, after such enquiry as it may deem fit, withhold or reduce or withdraw any grant or grant-in-aid payable to the educational institution for reasons to be recorded in writing. An order passed under this sub-section shall be final and binding on the educational institution.

(6) On the withdrawal of recognition, the grant-in-aid already paid to the institution shall be recovered from the institution as a public demand in accordance with the provisions of the Sikkim Public Demands Recovery Act, 1988.

(7) Every educational institution which has been recognised under this Act shall submit to the Director of Education the educational statistics annually in the form as may be prescribed. Failure on the part of any educational institution to submit the same may lead to withdrawal of recognition under this Act.

CHAPTER-V

ACCOUNTS, AUDITS AND RETURNS

Accounts and Audit

14 (1) Every educational institution receiving grant or grant-in-aid from State funds or from other sources shall maintain accounts in such manner and in such form as directed by the authorities under this Act.

(2) The accounts of every educational institution receiving grant or grant-in-aid or moneys from other sources shall be audited at the end of every academic year by persons notified by the Director from time to time. After audit, the statement of accounts shall be submitted to the Director.

Inspection and inquiry

15 (1) The Director or any officer authorised by the Director shall have the right to inspect or inquire or cause an inspection or inquiry into the affairs of every educational institution and draw up a report of findings of such an inspection or inquiry.

(2) The Director shall afford an opportunity to the educational institution to make representation of the findings of the report.

(3) The educational institution shall be allowed a period of thirty days for rectification of the defects pointed out in the report after the representation of the educational institution is submitted.

(4) If the educational institution fails to comply with the directions given by the Director for rectification, the Director shall take such action as he deems fit in the circumstances to rectify the defects or deficiencies and for this purposes shall have all the powers of the management of the said institution.

CHAPTER- VI

TAKING OVER OF MANAGEMENT REQUISITIONING AND ACQUISITION OF EDUCATIONAL INSTITUTIONS

Taking over management/ management of educational institutions in public interest

16 (1) Where the Government is of opinion that the management of any educational institution should either in public interest or in order to secure the proper management of the said educational institution be taken over, it may, after giving an opportunity to the management to make any representation, take over the management of said educational institution by issuing a notification and on and from the date of such notification the management

of the said educational institution shall vest in the Government with all its assets, moveable and immovable properties.

(2) Upon publication of the notification under sub-section (1), all the liabilities of the educational institution shall stand postponed for a period of five years or till the institution is finally acquired, whichever is earlier.

(3) Notwithstanding anything contained in the Limitation Act, 1963, the period of limitation for any claims through Civil Court shall exclude the period covered by sub-section (2) of this section.

(4) All persons who are the management on the date of the notification shall cease to hold any office in the management and shall be deemed to have vacated their office as on that date.

(5) The Director either personally or through a body of persons nominated by him, shall assume the management of the said educational institution.

(6) All contracts with the management before the notification shall automatically stand terminated. The Director or the new management may renew the contracts upon fresh negotiation and fresh terms mutually agreed between the parties. All contracts of employment shall be in force during the period agreed under the contract of employment.

(7) All claims against the management of the said educational institution shall remain to be the claims against the said institution and the Government shall not be liable to any of those claims or liabilities of the said educational institution.

(8) Upon vesting of their management of the said educational institution, the Government shall pay an amount equivalent of the net value of the property as assessed by the competent authority in five equal instalments within five year from the date of vesting.

Requisting assets of an educational institution

17 (1) Where recognition or permission granted to an educational institution is withdrawn under this Act, or where an educational institution is closed or mismanaged and, if, in the opinion of the Government, it is necessary to requisition the assets and the property of such an institution, the Government may, after giving an opportunity to the management of the institution to make representation, requisition such assets and property and make such further orders regarding the possession and use of such assets and property of such an educational institution, as may appear necessary or expedient in connection with the purpose of such requisitioning.

(2) Where any property is requisitioned under sub-section (1) the Government may-

(a) use or deal with such property for any educational purpose, or
(b) by order permit any person or body of persons to use or deal with such property for any such purpose subject to the payment of rent or other sums to the Government.

(3) The Director or any person authorised by him shall enter upon the property requisitioned and take possession of the property requisitioned by dispos-

sessing any person remaining possession of such property so requisitioned.

(4) Any person who resists the Director or any person authorised by him to the possession shall be liable to be evicted by an order of the Magistrate having jurisdiction over the property to be executed by the police.

(5) The Government may, by notification release the property from the order or requisition in whole or in part if it is of the opinion that there is no necessity for keeping the property under requisition.

(6) On such release, the property shall vest in the person or body of persons from whom it was requisitioned and the Government shall be discharged of all the liabilities in respect of that property.

(7) During the period of requisition, the Government shall pay rent to the owner of the property at a rate as applicable to similar properties in that area as per rules framed by the Government for fixing rent.

Acquisition of Property

18 (1) Where any property is vested under section 16 in connection with the taking over of the management of the educational institution, or is subject to requisition under section 17, the Government may, if it considers it necessary to acquire the property for any public purpose connected with education, acquire at any time such property by publishing a notice in the Official Gazette to the effect that the Government has decided to acquire the property in pursuance of this section.

(2) When notice under sub-section (1) is published in the Official Gazette, the said property shall, on and from the date on which the notice is so published, cease to be subject of requisitioning and shall vest absolutely in the Government free from all encumbrances.

Provided that no requisition under this section shall be made unless the State Government pay compensation, solatium and interests etc, to the management of educational institution as per the provisions of the Land Acquisition Act, 1894.

CHAPTER- VII

STANDARD OF EDUCATION AND DISCIPLINE

Education in Sikkim State to be free

19 (1) The education in all Government educational institutions in the State of Sikkim shall be free to everybody.

(2) The fees chargeable in other schools shall be levied subject to the approval of the Government.

Standard of Education

20 (1) The standards of education, syllabi, text-book and other requirements shall be such as may be prescribed by the Government.

(2) For the purposes of sub-section (1), the Government may set up a Committee for advising the Government on all aspects connected with education from time to time.

Discipline

21 The Director shall draw up a code of conduct for students and teachers for

amongst Students

maintaining discipline and fair teacher-student relationship.

Examinations assessment

22 (1) The examination system whether by internal assessment, external assessment or partly internal and partly external shall be regulated by the Director as to make it a reliable and effective method of student evaluation.

(2) The Government may draw-up a Scheme for all matters connected with the implementation of examination system and the conduct of examinations.

CHAPTER- VIII

TEACHERS AND STAFF OF EDUCATIONAL INSTITUTIONS

Appointment of Teachers

23 (1) Teachers shall be appointed-

(a) on regular basis or,
(b) on contract basis,

(2) Any teacher may be initially appointed under a contract for an agreed period.

(3) The terms and conditions of the contract in force on the date of commencement of this Act, shall continue till they are altered or amended by the Government .

(4) No teacher appointed on contract shall be entitled to claim regularisation as a matter of right.

(5) Pay and allowances for teaching and other staff may be such as regulated by the orders of the Government issued from time to time.

(6) The Government shall have power to lay down the conditions of service of teachers and other staff employed in educational institutions.

(7) The members of staff and teachers of all educational institutions are government by the conditions of service laid down by the Government from time to time.

(8) No educational institution can offer service conditions lesser than those laid down by the Government.

Termination of Service.

24 (1) Termination of service on the expiry of the contract shall not be construed as termination of service by the employer.

(2) The service of an employee including a teacher shall not be terminated without reasonable cause and without one month's notice or payment of one month's salary in lieu of notice.

(3) No employee shall be discharged or dismissed for a misconduct unless an enquiry is conducted according to principles of natural justice.

(4) No teacher shall be placed under suspension without the prior permission

of the District Education Officer.

Appeal against order of termination.

25 (1) Any employee of an educational institution who is suspended, dismissed, discharged or terminated may prefer an appeal against the order within thirty days to the Director.

(2) The Director after hearing both parties may dismiss the appeal or allow the appeal and set aside the order and pass such other order as it deems fit in the circumstances of the case

(3) Against the order of the Director a second appeal shall lie to the Government within thirty days from the date of the order.

(4) The Government may dismiss the appeal, allow the appeal or pass such order as it deems fit in the circumstances of the case.

Welfare of the employees and their code of conduct.

26 (1) The Government may appoint a joint and Consultative Committee consisting of representatives of Government, representatives of management of educational institutions and representatives of employees of educational institution to deal with matters pertaining to welfare of employees. The recommendations of such a Committee will be directory in nature.

(2) The Government may in consultation with the representatives of employees of educational institutions prescribe the code of conduct and duties of employees

(3) Till new conduct rules are published, all the existing rules shall continue to be in force.

CHAPTER-IX

PARENT-TEACHER ASSOCIATION

Parent - Teacher Association

27 (1) The Manager of every educational institution shall constitute a parent teacher association to discuss and decide the obligations to the cause of the education and student-teacher relationship.

(2) It shall consist of not more than ten members comprising five members from the parents and the other five from the teachers.

(3) It shall meet atleast twice in a year.

(4) The minutes of meeting shall be forwarded to the District Education Officers for information and action, if necessary.

CHAPTER- X

PENALTIES

Penalties.

28 (1) If any educational institution whose application for recognition is refused or whose recognition has been withdrawn under this Act is found running in contravention of this Act shall be punished with fine which may extend to ten thousand rupees and in the case of continuing contravention with an

additional fine which may extend to one thousand rupees per day during which such contravention continues after the first conviction.

Offences by companies, etc

29 Where a body of persons contravenes any provision of this Act, or rules made thereunder or notification or order or direction issued under this Act or the rules made thereunder, all the persons/persons comprising the body of persons are liable for prosecution unless they establish that they inspite of due care and diligent conduct could not prevent the contravention.

Explanation- In this section, body of persons means a company, a partnership firm or an association whether registered or not.

Offences to be cognizable

30 (1) No prosecution for an offence under this Act shall be instituted except or with the written consent of the State Government or a person authorised in this behalf by the State Government.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act.

CHAPTER- XI

MISCELLANEOUS

Appeals

31 Save as other wise provided in this Act:-

(a) Any person aggrieved by an order passed by an officer or authority other than the Director under this Act, may prefer an appeal to the Director within thirty days of the receipt of the order.

(b) Any person aggrieved by an order passed by the Director, may prefer an appeal to the Government within thirty days from the receipt of the order.

Powers of Revision

32 (1) The Government may suo-motu or on an application from any interested person, within thirty days, call for and examine the record of an educational institution or any authority or officer or person or body of persons in respect of any order or decision not being a proceeding in arbitration before the District Collector, to satisfy as to the regularity, propriety or legality or correctness of the order in case it appears to the Government that it requires to be modified or cancelled or reversed or remitted for consideration, it may pass order accordingly:
Provided that no order shall be passed adversely affecting any party without affording an opportunity for making representation.

(2) The Government may stay the operation of any order or decision pending revision.

Power to review

33 The Government or the Director may, sub-motu or an application preferred in this behalf of any person within three months from the date of the order or decision, review any such order or decision if it was passed by it or him under any mistake of fact or law or in ignorance of any material fact.

Powers of the Government to give directions

34 (1) The Government may, subject to the other provisions of this Act, by order, direct the Director or any other officer not below the rank of District Education Officer to conduct an enquiry or to initiate appropriate proceedings

under this Act in respect of any matter specified in the said order and the Director or other officer, as the case may be, shall report to the Government in due course the result of enquiry made or the proceeding initiated by him.

(2) The Government may give directions to any educational institution as to giving effect to any of the provisions contained in this Act or of any rules, orders, directions or notifications made or issued under this Act and the manager or the owner of such educational institution shall comply with such direction.

Delegation of powers

35 The State Government may be notification in the Official Gazette and subject to such conditions, if any, as may be specified in the notification, authorise any officer subordinate to it to exercise all or any of the powers conferred on the State Government by or under this Act.

Emergency powers of the Director

36 (1) If at anytime, it appears to the Director that the manager of any educational institution has committed default in performing any function relating to maintenance and administration of the educational institution entrusted to him, he may, by order in writing fix a period for the performance of such functions.

(2) If the Manager fails to perform the function within such period so fixed the Director may appoint any officer subordinate to him to perform the function on behalf of the Manager and recover the costs incurred, if any, from the said institution or from the grant-in-aid payable to the institution.

Power to enter and inspect

37 Every officer not below the rank of Assistant Education Officer in the Education Department shall have power to enter into an educational institution and inspect its register, records, documents and accounts or books of accounts pertaining to property, both movable and immovable.

Protection of acts done in good Faith

38 No suit, prosecution or other legal proceeding shall be instituted against the Government, Director or any other officer, authority or person for anything which is in good faith done or intended to be done under this Act or the rules, orders or notification made or issued thereunder.

Managers and employees to be public servant.

39 Every Manager and employees of every educational institution shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 while on duty in connection with the affairs of the educational institution.

Power to make rules.

40 The Government may, by notification, make rules to carry all or any of the provisions of this Act.

Existing rules to continue.

41 All rules, notifications, orders or contracts shall continue to be in force as if they were made under this Act until they are superseded.

THE SIKKIM CEILING ON GOVERNMENT GUARANTEES ACT, 2000
(ACT NO. 21 OF 2000)

AN
ACT

to provide ceiling on Government Guarantees and other matters connected therewith.

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

Short title and commencement

1 (1) This Act may be called the Sikkim Ceiling on Government Guarantees Act, 2000.

(2) It shall come into force at once.

Definitions

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

(a) 'Default risk' means the probability of default by the borrower on whose behalf the Government Guarantee is given, depending on the amount borrowed the type of industry and the economic, situations.
(b) "Government" means the State Government of Sikkim.
(c) "Government Guarantee" includes the guarantee given by the State Government on behalf of Departmental Undertakings, Public Sector Undertakings, Local Authorities, Statutory Boards and Corporations and Co-operative Institutions.

Ceiling on Government Guarantees

3 The total outstanding Government Guarantees as on the first day of April of any year shall not exceed thrice the State's tax revenue receipts of the second preceding year as in the books of the Accountant General of Sikkim.

Prohibition

4 Notwithstanding any thing contained in any other law, no Government guarantee shall be given in respect of a loan of any private individual, institution or company.

Guarantee Commission

5 (1) The Government shall charge a minimum of one percent as guarantee commission which shall not be waived under any circumstances.

(2) The Government may, by notification in the Official Gazette, specify commission at an enhanced rate depending on the default risk of the project.

THE SIKKIM APPROPRIATION ACT, 2000
(ACT NO. 22 OF 2000)

AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year 2000-01.

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

Short title

1 This Act may be called the Sikkim Appropriation Act, 2000.

Issue of Rs 93,48,90,000/- out of the Consolidated Fund of the State of Sikkim for the Financial Year 2000-2001

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 5 of the Schedule amounting in the aggregate to the sum of ninety three crores, forty eight lakhs, ninety thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 2000-01, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation

3 The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of Demand	SERVICES AND PURPOSES		Voted by the Legislative Assembly	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
1	State Legislature	Revenue	2370	350	2720
2	Council of Ministers	Revenue	8339	..	8339
3	Administration of Justice	Revenue	4000	..	4000
4	Election	Revenue	350	..	350
5	Income and Sales Tax	Revenue	910	..	910
6	Land Revenue	Revenue	2000	..	2000
8	Excise (Abkari)	Revenue	530	..	530
11	Secretariat-General Services	Revenue	4800	..	4800
12	District Administration	Revenue	999	..	999
13	Treasury and Accounts Admn	Revenue	4000	..	4000
14	Police	Revenue	13049	..	13049
15	Jails	Revenue	5190	..	5190
17	Public Works	Revenue	62700	..	62700
		Capital	45050	..	45050
18	Other Admn Service	Revenue	4915	..	4915
21	Education	Revenue	109800	..	109800
23	Art and Culture	Revenue	13200	..	13200
24	Medical and Public Health	Revenue	18761	..	18761
25	Water Supply and Sanitation	Revenue	2500	..	2500
		Capital	1	..	1
26	Urban Development	Revenue	6100	..	6100
		Capital	54000	..	54000
27	Information and Publicity	Revenue	1000	..	1000
28	Social Security and Welfare	Revenue	11352	..	11352
		Capital	10000	..	10000
29	Labour and Labour Welfare	Revenue	40	..	40
30	Nutrition	Revenue	22600	..	22600
32	Other Social Services (Ecclesi)	Revenue	3000	..	3000

34	Agriculture	Revenue	13226	. .	13226
		Capital	1400	. .	1400
35	Soil and Water Conservation	Revenue	2675	. .	2675
36	Animal Husbandry	Revenue	13304	.	13304
		Capital	550	.	550
37	Dairy Development	Revenue	6426	. .	6426
38	Fisheries	Revenue	600	. .	600
		Capital	400	.	400
39	Forestry and Wild Life	Revenue	34261	. .	34261
40	Other Agriculture Programme	Revenue	11179	. .	11170
42	Co-operation	Capital	12000	. .	12000
43	Rural Development	Revenue	2500	. .	2500
44	Irrigation and Flood Control	Revenue	574	. .	574
46	Industries	Revenue	16500	. .	16500
		Capital	17000	. .	17000
47	Mines and Geology	Capital	5000	. .	5000
48	Roads and Bridges	Revenue	6500	. .	6500
		Capital	331500	. .	331500
49	Roads Transport Services	Revenue	28350	. .	28350
		Capital	6000	. .	6000
50	Other Scientific Research	Revenue	800	.	800
51	Secretariat - Economic Service	Revenue	5700	.	5700
52	Tourism	Revenue	6548	. .	6548
		Total:	**934540**	**350**	**934890**

THE SIKKIM APPROPRIATION ACT, 2000
(ACT NO. 23 OF 2000)

AN
ACT

to provide for the authorisation of appropriation of money out of the Consolidated Fund of the State of Sikkim to meet the amount spent on certain services during the Financial Year ended on the 31st day of March, 1997 in excess of the amount authorised or granted for the said services.

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

Short title.

1 This Act may be called the Sikkim Appropriation Act, 2000.

Issue of Rs. 96,97,518/- out of the Consolidated Fund of the State of Sikkim for the Financial Year ended on 31st March 1997

2 The sum specified in column 5 of the Schedule amounting to ninety six lakhs, ninety seven thousand five hundred and eighteen rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim to meet the amount spent for defraying the charges in respect of the services and purposes specified in column 2 of the Schedule during the Financial Year ended on the 31st day of March, 1997 in excess of the amount authorised or granted for those services and purposes for that year.

Appropriation.

3 The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the financial Year ended on the 31st day of March, 1997.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of Demand	SERVICES AND PURPOSES		Voted by the Legislative Assembly	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
	Governor	Revenue	. .	172632	172632
2	State Legislature	Revenue	303158	. .	303158
9	Taxes on Vehicles	Revenue	9914	. .	9941
16	Stationery and Printing	Revenue	20087	. .	20087
17	Public Works (Building)	Revenue	. .	43920	43920
30	Nutrition	Revenue	199329	. .	199329
32	Other Social Services (Eccl.)	Revenue	35145	. .	35145
34	Agriculture	Capital	21996	. .	21996
36	Animal Husbandry	Capital	73396	. .	73396
41	Food, Storage and Warehousing	Capital	182910	. .	182910
45	Power	Capital	578060	. .	578060
49	Road Transport Services	Capital	5373	. .	5373
	Public Debt	Capital	. .	8051571	8051571
	Total:		**1429395**	**8268123**	**9697518**

THE SIKKIM APPROPRIATION ACT, 2000
(ACT NO. 24 OF 2000)

AN
ACT

to provide for the authorisation of appropriation of money out of the Consolidated Fund of the State of Sikkim to meet the amount spent on certain services during the Financial year ended on the 31st day of March, 1998 in excess of the amount authorised or granted for the said services.

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

Short title. 1 This Act may be called the Sikkim Appropriation Act, 2000.

Issue of Rs. 54,284/- out of the consolidated Fund of the State of Sikkim for the Financial Year ended on 31st March, 1998. 2 The sum specified in column 5 of the Schedule amounting to fifty four thousand two hundred and eight four rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the Sate of Sikkim to meet the amount spent for defraying the charges in respect of the services and purposes specified in column 2 of the Schedule during the Financial Year ended on the 31st day of March, 1998 in excess of the amount authorised or granted of those services and purposes for that year.

Appropriation. 3 The sums deemed to have been authorised to be paid and applied from and out of the consolidate Fund of the State of Sikkim under this Act shall be appropriated

and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the financial Year ended on the 31st day of March, 1998.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of Demand	SERVICES AND PURPOSES		SUMS NOT EXCEEDING Voted by the Legislative Assembly	Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
3	Administration of Justice	Revenue	. .	3546	3546
34	Agriculture	Capital	18415	.	18415
49	Road Transport Services	Revenue	32323	. .	32323
		Total:	**50738**	**3546**	**54284**

THE SIKKIM SALES TAX (AMENDMENT) ORDINANCE, 2000
(ORDINANCE NO. 1 OF 2000)

(Promulgated by the Governor in the Fiftieth year of the Republic of India).

AN
ORDINANCE

to amend the Sikkim Sales Tax Act, 1983.

WHERE AS the Legislative Assembly of Sikkim is not in session and the Government is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article:- 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:-

Short Title and Commencement

1 (1) This Ordinance may be called the Sikkim Sales Tax (Amendment) Ordinance, 2000.

(2) It shall come into force at once.

Amendment of Section 5 (1) (a)

2 In the Sikkim Sales Tax Act, 1983 (hereinafter referred to as the principal Act), in section 5, in sub-section (1), in clause (a), for the words" at the rate of ten paise in the rupee", the words "at such rates as the State Government may, from time to time by notification specify," shall be substituted.

Amendment of Section5(1)(c)

3 In the principal Act, in section 5, in sub-section (1), in clause (c), for the words" at such rate not exceeding fifteen paise in the rupees", the words at such rates as the State Government may, from time to time by notification specify," shall be substituted.

Amendment of Section I and Schedule II

4 In the principal Act, for the existing Schedule I and Schedule II, the following Schedules shall be substituted, namely:-

"SCHEDULE - I

1. Betel Leaves
2. Books, Periodicals, Journals & Newspapers
3. Bread (Unbranded)
4. Condoms & Contraceptives
5. Curd, Lassi & Butter Milk except when sold in sealed container
6. Eggs
7. Electrical Energy
8. Fresh Meat & Fish
9. Fresh Vegetable, Green or Dried other than chilly, except when sold in tinned container
10. Jaggery
11. Unprocessed Salt
12. Unprocessed cereals and pulses including rice & wheat
13. Fresh flowers
14. Fresh milk
15. Vegetables seed-Planting materials like seed, seedlings, suckers, nursery plants used for raising crops.
16. Handloom woven-
    (a) Handloom Khadi products except those made from silk yarn
    (b) Khadi/Handloom Garments.
    (c) Locally produced handicrafts
17. Khandasari
18. Organic manure
19. Flour including Atta, Suji & Maida
20. Wheel Chairs & Crutches used by handicapped persons
21. Glass Bangles.
22. Livestock including Poultry
23. Non-Judicial stamp papers, Cartridge paper sold by Govt. treasury through stamp vendors
24. Cotton
25. Text Books
26. Exercise Books for educational purposes

"SCHEDULE - II

1. Declared goods
2. Edible oils & oils cakes
3. Processed Salt, Vegetables, Fish & Meat sold in sealed containers
4. Pasteurised milk
5. Cumin seed
6. Kerosene

7. Poultry feed & cattle feed including prawn feed
8. Branded bread
9. Bicycles.
10. Vanaspati
11. Renewable energy devices
12. Ready made garments
13. Utensils & Kitchenwares
14. Bone meal
15. Chemical fertilizers, pesticides, weedicides & insecticides
16. Ores & minerals
17. Fire wood
18. Ice
19. Staple yarn
20. Charcoal
21. Raw wool
22. Raw silk
23. Beedi leaves
24. Packing materials including gunny bags, HDPE bags, Corrugated boxes & containers
25. Hosiery goods
26. Bran oil
27. Sponge iron
28. Chillies
29. Tumeric
30. De-oiled cake
31. HDPE packs
32. Tamarind
33. Vegetable oil
34. Solvent oil
35. Agricultural implements....
36. GI-pipe
37. Starch
. Garlic & Ginger
39. Maize products
40. Safety matches
41. Cardamom
42. RCC sleepers
43. Works contract
44. Filters
45. Agarbatti
46. Cooked foods
47. Water chemicals
48. Tiles
49. Sulphur
50. Zinc
51. Electronic goods
52. Ceramics
53. Suitcase
54. Barytes
55. Cast Iron Castings
56. Surgical instruments
57. Electrical goods
58. Diesel locomotives
59. Photographic goods

60. Silicon Carbides
61. Tanned leather & Leather goods
62. Paper & paper pulp
63. Napa slabs
64. Hydrogen peroxide
65. Leasing
66. Refractory bricks
67. Tyres & tubes
68. Printing ink
69. Electrodes
70. Lime
71. Sanitary ware
72. Stainless steel
73. Milk food & milk products
74. Sewing machines
75. Foam
76. Dyes & chemicals
77. Dyes & ghee
78. Sewing thread
79. Saree falls
80. Nut powder
81. Hand pump
82. Ferro alloys & Super alloys
83. Bearings
84. Flasks
85. Caustic soda
86. Tractors & earth moving machinery
87. Aluminium
88. Explosives
89. Blades & Razors etc.
90 Timber
91. Polystene
92. Drugs & medicines
93. Foot ware
94. Ferro silicon
95. Magnets
96 Electric motors
97. Nutrition food
98. Hose pipes
99. Sweet meat
100. Ship building
101. Cooking gas
102. Machinery of all kinds
103. Tea & coffee
104. Toffes, Chocolate, Biscuits & confectionery
105. Cake, Pastries
106. Toothpaste
107. Building material such as bricks, plywood & cement
108 Oil engines
109. Electric bulbs
110. Paints & colors
111. Batteries & parts thereof
112. Wooden furniture
113. Computers

FIL

114. Camphors
115. Bulldozers, Excavators, Pipelayer, Wheel laden, Scrapper, Mobile crane Power tiller, Earth movers, Dumpers, dippers & accessories-components thereof.
116. Weather proofing compounds
117. Fire works
118. Furs & skins
119. Lift & skins
120. Diesel Oil
121. Marble & Marble tiles
122. Sandal wood & oil
123. Telephone and parts thereof
124. Typewriters
125. Cutlery
126. Dry Fruits
127. Preserved Food articles
128. Silk & silk fabrics
129. Vacuum cleaners
130. T.Vs, VCRs & C Ds
131. Teleprinters
132. Transformers
133. Transmission wires & Tower
134. Voltage stabilizers
135. Washing machines
136. Wireless equipments
137. Air conditioner
138. Arms & Ammunition
139. Articles of Stainless steel
140. Carpets
141. Cushion & mattress
142. Electronic toys
143. Fancy leather goods
144. Steel furniture
145. Moulded furniture
146. Musical instruments
147. Aerated drinks
148. Hair oil
149. Synthetic gems
150. Calculating machines
151. Cigarette cases & lighters
152. Cinematographic equipment
153. Ivory products
154. Fans & Air circulators
155. Glassware other than bangles
156. Naptha
157. Spark plug
158. Plastic goods
159. Rubber goods
160. Cosmetics & soaps
161. Adhesives
162. PVC articles
163. Asphaltic roofing
164. Motor vehicles except tractors
165. Laminated sheets

166. Cables
167. Oxygen & gas
168. Aeronautics
169. Watches & clocks
170. ACSR conductors
171. Refrigerators
172. Petroleum products
173. Liquor
174. Narcotics
175. Molasses
176. Rectified spirits
177. Bullion
178. Gold articles
179. Precious stones
180. Silver articles."

THE SIKKIM CIVIL COURTS (AMENDMENT) ORDINANCE, 2000
(ORDINANCE NO. 2 OF 2000)

(Promulgated by the Government in the Fifty-first year of the Republic of India)

AN
ORDINANCE

further to amend the Sikkim Civil Courts Act, 1978.

WHERE AS Legislative Assembly is not in Session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article:- 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance, namely:-

Short title and Commencement

1 (1) This Ordinance may be called the Sikkim Civil Courts (Amendment) Ordinance, 2000.

(2) It shall come into force at once.

Amendment of section 3.

2 In the Sikkim Civil Courts Act, 1978, section 3 of the Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) Notwithstanding anything contained in sub-section (1), where a post of Civil Judge-cum-Judicial Magistrate is lying vacant and its functions are being carried on by any other Judicial Officer as per the directions of the High Court, no such post of Civil Judge-cum-Judicial Magistrate shall be filled up unless at least 50 Civil Suits have been filled within the preceeding one year in the said Court of Civil Judge-cum-Judicial Magistrate located at a place where there is the Court of Judicial Magistrate. However, in respect of place/places where there is no Court of Chief Judicial Magistrate and the post of Civil Judge-cum-Judicial Magistrate is lying vacant at such place

the post of Civil Judge-cum-Judicial Magistrate shall not be filled up unless at least 30 Civil Suits have been filled within the preceding one year. The High Court may allocate the functions of Civil Judge-cum-Judicial Magistrate at such place to such other Judicial Officer as it may deem fit so that Judicial Officers are available at all District Head Quarters. Nothing in this Ordinance shall prevent the High Court from exercising its power of transfer of Civil Judges in such manner as may be considered expedient."

SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 2001

(ACT NO. 1 OF 2001)

AN
ACT

Further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

Be it enacted by the Legislature of Sikkim in the Fifty-second Year of the Republic of India as follows :-

Short title and Commencement

1. (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 2001.

(2) It shall come into force on the 1st day of April 2001.

Amendment of Section 3

2. In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in Section 3, sub-section (1) :

(a) for the works "one thousand rupees" wherever they occur, the words "two thousand rupees" shall be substituted ;

(b) for the words "two thousand rupees" the words "three thousand rupees" shall be substituted.

THE SIKKIM APPROPRIATION ACT, 2001

(ACT NO. 2 OF 2001)

AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year 2000-2001.

BE it enacted by the Legislature of Sikkim in the Fifty Second Year of the Republic of India as follows:-

Short title

1. This Act may be called the Sikkim Appropriation Act, 2001

Issue of Rs 18,21,72,000/- out of the Consolidated Fund of the State of Sikkim for the Financial Year 2000-2001

2. Form and out of the Consolidated Fund of the State of Sikkim, there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of eighteen crores, twenty one lakhs, seventy two thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 2000-2001, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of Demand	SERVICES AND PURPOSES		Voted by the Legislative Assembly	SUMS NOT EXCEEDING Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
	Governor	Revenue	. .	1080	1080
16	Stationery and Printing	Revenue	1000	. .	1000
17	Public Works (Building)	Revenue	. .	400	400
		Capital	10921	. .	10921
25	Water Supply and Sanitation	Capital	17900	. .	17900
28	Social Security and Welfare	Revenue	6876	. .	6876
34	Agriculture	Revenue	2050	. .	2050
		Capital	900	. .	900
35	Soil and water Conservation	Revenue	155	. .	155
36	Animal Husbandry	Revenue	500	. .	500
38	Fisheries	Revenue	236	. .	236
39	Forestry and Wild Life	Revenue	2400	. .	2400
45	Power	Capital	19200	. .	19200
46	Industries	Revenue	500	. .	500
48	Roads and Bridges	Capital	500	. .	500
51	Secretariat- Economic Services	Revenue	14248	. .	14248
52	Tourism	Revenue	3306	. .	3306
	E-Public Debt	Capital	. .	100000	100000
	Total:		**80692**	**101480**	**182172**

THE SIKKIM APPROPRIATION ACT, 2001
(ACT NO. 3 OF 2001)

AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year 2001-2002.

BE enacted by the legislature of Sikkim in the Fifty second Year of the Republic of India as follows:-

Short title

1. This Act may be called the Sikkim Appropriation Act, 2001

Issue of Rs. 10,58,64,47,000/- out of the Consolidation Fund of the State of

2. From and out of the Consolidated Fund of the State of Sikkim, there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of Rupees one thousand fifty eight crores sixty four lakhs forty seven thousand only towards defraying the several charges which will come in course for payment during the Financial year 2001-2002, in

Sikkim for the Financial Year 2001-2002

respect of the services and purposes specified in column 2 of the Schedule.

Appropriation

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purpose specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of Demand	SERVICES AND PURPOSES		SUMS NOT EXCEEDING Voted by the Legislative Assembly	Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
1	Agriculture	Revenue	230454	. .	230454
		Capital	3100	. .	3100
2	Animal Husbandry	Revenue	159055	. .	159055
		Capital	800	. .	800
3	Buildings and Housing	Revenue	56292	. .	56292
		Capital	80000	. .	80000
4	Co-operation	Revenue	29085	. .	29085
		Capital	44850	. .	44850
5	Culture	Revenue	26178	. .	26178
		Capital	21000	. .	21000
6	Ecclesiastical	Revenue	8585	. .	8585
7	Education	Revenue	1225965	. .	1225965
		Capital	267700	. .	267700
8	Election	Revenue	7540	. .	7540
9	Excise	Revenue	14998	. .	14998
10	Finance	Revenue	2169802	897876	3067678
		Capital	4100	369572	373672
11	Fisherise	Revenue	14255	. .	14255
		Capital	1500	. .	1500
12	Food, Civil Supplies & Consumer Affairs	Revenue	142800	. .	142800
		Capital	2150	. .	2150
13	Forestry & Wild Life	Revenue	222125	. .	222125
		Capital	2000	. .	2000
	Governor	Revenue	. .	10819	10819
14	Health and Family Welfare	Revenue	364704	. .	364704
		Capital	45640	. .	45640
15	Home	Revenue	83792	. .	83792
16	Horticulture	Revenue	54185	. .	54185
		Capital	4000	. .	4000
17	Industries	Revenue	74266	. .	74266
		Capital	49054	. .	49054

18	Information and Public Relations	Revenue	23763	. .	23763
		Capital	500	. .	500
19	Information Technology	Revenue	4350	. .	4350
		Capital	650	. .	650
20	Irrigation & Flood Control	Revenue	95308	. .	95308
		Capital	20500	. .	20500
21	Judiciary	Revenue	21109	18950	40059
22	Labour	Revenue	4900	. .	4900
23	Land Revenue	Revenue	208180	. .	208180
		Capital	2100	. .	2100
24	Law	Revenue	9315	. .	9315
25	Legislature	Revenue	23517	1050	24567
26	Mines & Geology	Revenue	11450	. .	11450
		Capital	5000	. .	5000
27	Motor Vehicles	Revenue	9403	. .	9403
28	Parliamentary Affairs	Revenue	1620	. .	1620
29	Personnel, Administrative Reforms and Training	Revenue	13466	. .	13466
30	Planning and Development	Revenue	51928	. .	51928
		Capital	35000	. .	35000
31	Police	Revenue	486239	. .	486239
		Capital	449590	. .	449590
33	Printing & Stationery	Revenue	23025	. .	23025
34	Public Health Engineering	Revenue	50155	. .	50155
		Capital	59092	. .	59092
	Public Service Commission	Revenue	. .	4610	4610
35	Public & Bridges	Revenue	242931	. .	242931
		Capital	470535	. .	470535
36	Rural Development	Revenue	361870	. .	361870
		Capital	207700	. .	207700
37	Science and Technology	Revenue	7000	. .	7000
38	Sikkim Nationalised Transport	Revenue	203058	. .	203058
		Capital	15700	. .	15700
39	Social Welfare	Revenue	153196	. .	153196
		Capital	23500	. .	23500
40	Sports & Youth Affairs	Revenue	18312	. .	18312
		Capital	54015	. .	54015
41	Tourism	Revenue	50254	. .	50254
		Capital	19000	. .	19000
42	Urban Development & Housing	Revenue	72190	. .	72190
		Capital	75900	. .	75900
43	Vigilance	Revenue	11250	. .	11250
		Total:	**9283570**	**1302877**	**10586447**

THE SIKKIM CIVIL COURTS (AMENDMENT) ACT, 2001
(ACT NO. 4 OF 2001)

AN
ACT

further to amend the Sikkim Civil Courts Act, 1978

BE it enacted by the Legislature of Sikkim in the Fifty-second Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Sikkim Civil Courts (Amendment) Act, 2001.

(2) It shall come into force at once.

Amendment of Section 3.

2. In the Sikkim Civil Courts Act, 1978, Section 3 of the Act shall be renumbered as sub-section (1) of that Section and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :-

"2) Notwithstanding anything contained in sub-section (1), where a post of Civil Judge-cum-Judicial Magistrate is lying vacant and its functions are being carried on by other Judicial Officer as per the directions of the High Court, not such post of Civil Judge-cum-Judicial Magistrate shall be filled up unless atleast 50 (fifty) Civil Suits have been filed within the preceeding one year in the said Court of Civil Judge-cum-Magistrate located at a place where there is the Court of Chief Judicial Magistrate. However, in respect of place/places where these is no Court of Chief Judicial Magistrate and the post of Civil Judge-cum-Judicial Magistrate is lying vacant at such place, the post of Civil Judge-cum-Judicial Magistrate shall not be filled up unless at least 30 (thirty) Civil Suits have been filed within the preceding one year. The High Court may allocate the functions of Civil Judge-cum-Judicial Magistrate at such place to such other Judicial Officer as it may deem fit so that Judicial Officer are available at all District Headquarters. Nothing in this Act shall prevent the High Court from exercising its power of transfer of Civil Judges in such manner as may be considered expedient.

Repeal and Saving

3. (1) The Sikkim Civil Courts (Amendment) Ordinance, 2000 (Ordinance No. 2 of 2000) is, hereby repealed.

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

THE SIKKIM NON-BIODEGRADABLE GARBAGE (CONTROL) AMENDMENT ACT, 2001
(ACT NO.5 OF 2001)

AN
ACT

further to amend the Sikkim Non-Biodegradable (Control) Act, 1997.

Be it enacted by the legislature of Sikkim in the Fifty-second Year of the Republic of India as follows:-

Short title, extent and commencement. 1 (i) This Act may be called the Sikkim Non-Biodegradable Garbage (Control) (Amendment) Act, 2001
(ii) It extends to the whole of Sikkim
(iii) It shall come into force at once.

Amendment of section 8 2. In the Sikkim non-Biodegradable Garbage (Control) Act, 1997 in section 8, for sub-section (1) the following sub-section shall be substituted, namely :-

(1) "Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act or of any rules, notification or order made or issued under this Act, shall be punishable with imprisonment for a term which shall not be less than one month and which may extend to six months and shall also be liable to fine which shall not be less than rupees five thousand

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 2001
(ACT NO. 6 OF 2001)

AN
ACT

further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

Be it enacted by the Legislature of Sikkim the Fifty-second Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 2001.

(2) It shall be deemed to have come into force on the 21st day of April, 1994.

Amendment of Section 3. 2. In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in the second proviso of Section 3 of sub-section (1), for the word "Sixty" the words "Seventy five" shall be substituted.

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 2001
(ACT NO. 7 OF 2001)

AN
ACT

further to amend the Sikkim Panchayat Act, 1993

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

Short title and commencement.

1. (1) This Act may be called the Sikkim Panchayat (Amendment) Act, 2001.

(2) It shall come into force at once.

Amendment of Section 12

2. In section 12 of the Sikkim Panchayat Act, 1993, in sub-section (1), for the existing proviso the following proviso shall be substituted, namely :-
"Provided however, that the existing system of the Traditional Institutions of Dzumsas practised in the two villages of the Lachen and Lachung in the North District of the State shall continue to exist in accordance with the traditional and customary Laws of the Dzumsas. Notwithstanding other provisions of the Sikkim Panchayat Act the traditional institutions of the Dzumsas existing in the villages of Lachen and Lachung shall exercise the Powers and Functions exercised by them under the existing Traditional and customary law."

THE SIKKIM ALLOTMENT OF HOUSE SITES AND CONSTRUCTION OF BUILDINGS (REGULATION AND CONTROL) AMENDMENT ACT, 2001
(ACT NO. 8 OF 2001)

AN
ACT

further to amend the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985.

Be it enacted by the Legislature of Sikkim in the Fifty-Second Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Amendment Act, 2201
(2) It extends to the whole of Sikkim.
(3) It shall come into force at once.

Insertion of new section

2 In the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (hereinafter referred to as the said Act), in section 7, after sub-section (1), the following sub-section shall be inserted, namely :-

"(1-A). No construction of any building or structure of any height shall be undertaken without provision for earthquake resistance system.
The State Government shall make necessary regulations prescribing the required structural designs on this behalf."

Amendment of Section 11

3. In the said Act, in section 11, for the words "five hundred ", the words "three thousand" shall be substituted.

Repeal and Saving

4. (1) The Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Amendment Ordinance, 2001 (Ordinance No. 7 of 2001) is hereby repealed.

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

THE SIKKIM MINISTERS, SPEAKER, DEPUTY SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES) AMENDMENT ACT 2001

(ACT NO. 9 OF 2001)

AN
ACT

further to amend the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977.

Be it enacted by the Legislature of Sikkim in the Fifty-Second Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Amendment Act, 2001.

(2) It shall be deemed to have come into force on the 1st day of April, 2001.

Amendment of Section 3.

2. In the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977 (hereinafter referred to as the Principal Act), in Section 3, in sub-section (3),

(i) in clause (a), for the words "four thousand", the words "eight thousand" shall be substituted ;
(ii) in clause (b), for the words "fifteen hundred", the words "three thousand " shall be substituted ; and
(iii) in clause (c), for the words "two thousand", the words "four thousand" shall be substituted.

Amendment of Schedule.

3. In the principal Act, for the existing Schedule, the following Schedule shall be substituted, namely :

"SCHEDULE
(SEE SUB-SECTION (1) AND (2) OF SECTION 3)

Sl.No.	Designation	Salary	Sumptuary Allowance
1.	Chief Minister	Rs.19,000/-	Rs. 10,000/-
2.	Speaker	Rs.17,000/-	Rs. 9,000/-
3.	Minister	Rs.15,000/-	Rs. 8,000/-
4.	Deputy Speaker	Rs.15,000/-	Rs. 8,000/-
5.	Minister of State	Rs.13,000/-	Rs. 6,000/-
6.	Deputy Minister	Rs.11,000/-	Rs. 5,000/-

THE SIKKIM COMMISSION FOR BACKWARD CLASSES (AMENDMENT) ACT, 2001
(ACT No. 10 OF 2001)

AN
ACT

to amend the Sikkim Commission for Backward Classes Act, 1993.

Be it enacted by the Legislature of Sikkim in the Fifty-Second Year of Republic of India as follows :

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Commission for Backward Classes (Amendment) Act, 2001

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

Amendment of Section 3.

2. In the Sikkim Commission for Backward Classes Act, 1993, in section 3, for sub-section 4, the following shall be substituted, namely,

"(4) The State Government shall appoint a person who is a socio-political worker of eminence, ability, integrity and standing and who inspires confidence amongst the other backward classes the Chairperson of the Commission".

THE SIKKIM STATE COMMISSION FOR WOMEN ACT, 2001
(ACT No. 11 OF 2001)

AN
ACT

to constitute a Commission for Women in the State of Sikkim and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Sikkim in the Fifty-Second Year of the Republic of India as follows :-

CHAPTER - 1
PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim State Commission for Women Act, 2001.
(2) It extends to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions

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

(a) "Administrative Department" means the Department of Social Welfare.
(b) "Commission" means the State Commission for Women constituted under section 3 ;
(c) "Convenor Secretary" means the Convenor Secretary not below the rank of

Joint Secretary in the Department of Social Welfare to be appointed by the State Government by notification and any other Officer duly authorised by the Convenor Secretary in this behalf

(d) "member" means a member of the Commission.

(e) "Prescribed" means prescribed by rules made under this Act.

CHAPTER - II

THE STATE COMMISSION FOR WOMEN

Constitution of State of Commission for Women

3. (1) The State Government shall constitute a body to be known as the State Commission for Women to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of :

(a) A Chairperson, who is an eminent woman social worker or a professional, committed to the cause of women, to be nominated by the State Government.

(b) Six members to be nominated by the State Government from amongst persons of ability, integrity and standing of whom,

(i) One shall be an official, Secretary in charge of the department of Social Welfare.

(ii) One shall be an eminent advocate.

(iii) Two shall be a social workers of repute, and

Provided that at least one member each shall be from amongst persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

(3) An officer not below the rank of Deputy Secretary to the Government of Sikkim in-charge of Women and Child Development shall be the member-Secretary of the Commission whose duty shall be to facilitate co-ordination between the Commission and the Government in the activities and policies relating to women's' Development and participation in the development of the State

Quorum

4. The Quorum for a meeting of the Commission shall be four.

Terms of Office and Conditions of Service of Chairperson and Members

5. (1) The Chairperson and every member shall hold office for such period not exceeding three years as may be specified by the State Government in this behalf.

(2) The Chairperson or a member (other than the Official Member) may by writing and addressed to the State Government resign from the office of the Chairperson or, as case may be of the member at any time.

(3) The State Government shall remove a person from the office of Chairperson or a member referred to in sub-section (2) if that person :-

(a) becomes an undischarged insolvent ;

(b) has been convicted and sentenced to imprisonment for an offence involving moral turpitude ;

(c) becomes of unsound mind and stands so declared by a competent court ;

(d) refuses to act or becomes incapable of acting ;

(e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(f) in the opinion of the State Government has so abused the position of Chairperson or Member as to render that person's continuance in office which is detrimental to the public interest ;

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard.

(4) a vacancy caused under sub-section (2) or otherwise shall be filled by fresh nominations.

(5) The salaries and allowances payable and other terms and conditions of service of the Chairperson and Member shall be such as may be prescribed.

Officers and Employees of the Commission

6 (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the function of the Commission under this Act.

(2) The salaries and allowances payable to, and the other terms and conditions of the service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Salaries and allowances to be paid out of Grants

7. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pension payable to the officers and other employees referred to in section 6 shall be paid out of the grants referred to in sub-section (1) of section 12.

Vacancies etc. not to invalidate proceedings of the Commission.

8. No act of proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Committees of the Commission

9 (1) The Commission may appoint such Committees as may be necessary for dealing with such special issues as may be taken up by the Commission from time to time.

(2) The Commission shall have the power to co-opt members of any Committee appointed under sub-section (1), such number of persons, who are not members of the Commission as it may think fit and the persons so co-opted shall have right to attend the meetings of the Committee and take part in its proceedings but shall not have the right to vote.

(3) The person co-opted shall be entitled to receive such allowances for attending the meetings of the Committee as may be prescribed.

Procedure to be regulated by the Commission

10 (1) The Commission or a Committee thereof shall meet as and when necessary and meet a such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure and the procedure of Committees thereof.

(3) All orders and decisions of the Commission shall be authenticated by the Convenor-Secretary or any other officer of the Commission duly authorised by the Convenor-Secretary in this behalf.

CHAPTER -III

FUNCTIONS OF THE COMMISSION

Functions of the Commission

11. (1) The Commission shall perform all or any of the functions, namely :

(a) make in-depth studies on :-

(i) The economic, social and health situations of the women of the State with particular emphasis on the tribal areas, which are under developed with respect to women's literacy, morality and economic development.

(ii) condition in which women work in factories; establishments, construction sites and other similar situations and recommend to the State Government on the basis of specific reports on improving the status of women in the said areas ;

(b) compile informations from time to time instances of all offences against women in the State or in selected areas including cases related to marriage and dowry, rape, kidnapping, criminal abduction, eve-teasing, immoral trafficking in women and cases of medical negligence in causing delivery or sterilization or medical intervention that relates to child bearing or childbirth ;

(c) co-ordinate with the State Cell and District Cells for atrocities against women, if any, for mobilisation of public opinion in the State and whole or in specific areas which would help speedy reporting and detection of offences of such atrocities and mobilisation of public opinions against the offenders ;

(d) receive complaints on :-

(i) atrocities on women and offences against women ;

(ii) deprivation of women of their rights relating to minimum wages, basic health and maternity rights ;

(iii) noncompliance of policy decisions of the Government relating to women ;

(iv) rehabilitation of deserted and destitute women and women forced into prostitution, addiction and substance abuse;

(v) atrocities on women in custody and take up with authorities concerned for appropriate remedial measures ;

(e) assist, train and orient the non-governmental organisations in the State in legal counselling of poor women and enabling such women to get legal aid :

(f) inspect or cause to be inspected, a jail remand home, women's institution or other place of custody, where women are kept as prisoners or otherwise and take up with concerned authorities for remedial activity if necessary ;

(g) perform functions in relations to any other matter which may be referred to it by the State Government ;

(2) The State Government shall cause all the recommendations or reports, or any part thereof as may be presented to it by the Commission under sub-clause (ii) of clause (a) of sub-section (1) which relate to any matter with

which the State Government is concerned to be laid before the legislature of the State alongwith a Memorandum explaining the action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of such recommendations.

(3) The Commission shall while investigating any matter referred to in clause (a) or clause (d) of sub-section (1) of section 11 have all the powers of the Civil court trying a suit and in particular in respect of the following matters, namely :-

(a) summoning and enforcing the attendance of any persons from any part of India and examining him on oath ;
(b) requiring the discovery and production of any document ;
(c) receiving evidence on affidavits ;
(d) requisitioning any public record or copy thereof from any court of office ;
(e) issuing commissions or the examinations of witnesses and documents ;
(f) any other matters which is required to be, or may be prescribed.

CHAPTER - V

FINANCE, ACCOUNTS AND AUDIT

Grants by the State Government

12. (1) The State Government shall, after due appropriation made by the Legislature of Sikkim in this behalf pay to the Commission by way of grants such sum of money as the State Government may think fit for being utilised for the purpose of this Act.

(2) The Commission may spend such as it thinks fit for performing the function under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and Audit

13. (1) The Commission shall maintain proper account and other relevant records and prepare an annual statement of accounts in such forms as may be prescribed by the State Government in consultation with the Accountant General, Sikkim.

(2) The Accounts of the Commission shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The Accountant General and any person authorised by him in connection with the audit of the accounts of the Commission under this act shall have the same rights and privileges and the authority in connection with such Audit as the Accountant General generally has in connection with the audit of Government accounts in particular shall have the right to demand the production of books of accounts, connected vouchers and other documents and papers and to inspect any of the officers of the Commission.

(4) The accounts of the Commission as certified by the Accountant General or

any other person authorised by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government by the Commission through the Administrative Department

Annual report

14. The Commission shall prepare, in such form and at such time, for each financial year as may be prescribed its annual report giving a full account of its account or its activities during the previous financial year and forwarded a copy thereof to the State Government

Annual report and Audit report to be laid before the State Legislature

15. The State Government shall cause the annual report together with a memorandum of action taken on the recommendation contained therein so far as they relate to the State Government and the reasons for the nonacceptance, if any, of such recommendations and the audit report to be laid as soon as may be, after the reports are received before the State Legislature

CHAPTER - V

MISCELLANEOUS

Chairperson Members and Staff of the Commission to be public servants

16. The Chairperson, the member, officers and other employees shall be deemed to be public servants within the meaning of section (21) of the Indian Penal Code 1860 (45 to 1860)

State Government to consult Commission

17. The State Government shall consult the Commission on all major policy matters affecting women

Power to make rules

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

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

(a) Salaries and Allowances payable to and the other terms and conditions of service of the Chairperson and Members under sub-section (5) of section 5 and of officer and other employees under sub-section (2) of section 6

(b) allowances for attending the meeting of the Committee by the co-opted persons under sub-section (3) of Section 9

(c) other matters under clause (1) of sub-section (3) of section 11,

(d) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13,

(e) the form in, and the time at which, the annual report shall be prepared under section 14, and

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

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the House, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive session aforesaid, the House agree in making any

modification in the rule, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

THE SIKKIM SALES TAX (AMENDMENT) ACT 2001

(ACT NO. 12 OF 2001)

AN
ACT

further to amend the Sikkim Sales Tax Act, 1983.

Be it enacted by the Legislature of the Sikkim in the Fifty-Second year of the Republic of India

Short title and commencement

1. (1) This Act may be called the Sikkim Sales Tax (Amendment) Act, 2001

(2) It shall come into force at once

Amendment of Schedule I

2. In the Sikkim Sales Tax Act, 1983, (hereinafter referred to as the said Act), in Schedule I,

(i) the following shall be omitted, namely :-
"36. Cooked food ;
39 Rape Seed Oil and Palm/Palmolion oil" ;

(ii) serial numbers 37 and 38 shall be renumbered as serial numbers 36 and 37 respectively ;

(iii) after serial number 37 as to renumbered, the following shall be added, namely :-

"38 Artificial limbs.
39. Kum Kum
40.Hand made safety matches
41. Indigenous Handmade Musical Instruments.
42 Plain Water
43. Aluminium Utensils".

Amendment of Schedule II

3. In the said Act, in Schedule II,

(i) in serial number 4, the words "other than Mustard oil" shall be omitted,

(ii) in serial number 10, after the words "Utensils and Kitchenwares", the words "excluding aluminium utensils" shall be inserted,

(iii) in serial number 26, after the words "Safety matches", the words "excluding handmade safety matches' shall be inserted,

(iv) for serial number 31, and the entries relating thereto, the following shall be substituted, namely :-
'31. Information Technology products as follows, namely :-

84.69	Word processing machines and electronic typewriters.
84.70	Electronic calculators.
84.71	Computer systems and peripherals, electronic diaries.
84.72	Parts and accessories of word processing machines, electronic calculators, electrical typewriters, computer systems and peripherals, electronic diaries.

85.01	DC micro motors/stepper motors of an output not exceeding 37.50 watts.
85.03	Parts of HSN 85.01 for items listed above.
85.04	Un-interrupted power suppliers (UPS) and their parts.
85.05	Permanent magnets and articles, intended to become permanent magnets (Ferrites).
85.17	Electrical apparatus for like telephony or line telegraphy including line telephone sets with cordless hand sets and telecommunication apparatus for current line systems for digital line systems, videophones.
85.18	Microphones, multimedia speakers, head phones, earphones and combines of microphones/ speaker sets and their parts.
85.20	Telephone answering machines.
85.22	Parts of telephone answering machines.
85.23	Prepared unrecorded media for sound recording or similar recording of other phenomena.
85.24	I.T. Software on any media,
85.25	Transmission apparatus other than apparatus for radio broad casting or TV broadcasting transmission apparatus incorporating reception apparatus, digital still image video cameras.
85.27	Radio communication receivers, radio pagers.
85.29	(i) Aerials, antennas and their parts. (ii) Parts of items at 85.25 and 85.27 listed above.
85.31	LCD Panels, LED Panels and parts thereof.
85.32	Electrical capacitors, fixed variable or adjustable (Pre-set) and parts thereof.
85.33	Electrical resistors including rheostats and otentiometers other than heating resisters.
85.34	Printed circuits.
85.36	Switches, connectors and relays for upto 5 amps, at voltage not exceeding 250 volts, Electronic fuses.
85.40	Data/graphic display tubes, other than T.V. picture tubes and parts thereof.
85.41	Diodes, transistors and similar semi conductor devices, photosensitive semi conductors devices including photo voltaic cell whether or not assembled I modules or made up into panels; light emitting diodes; mounted piezo-electric crystals.
85.42	Electronic integrated circuits and micro assemblies.
85.43	Signal generators and parts thereof.
85.44	Optical fibre cables
90.01	Optical fibre and optical fibre bundles and cables.
90.13	Liquid crystal devices, flat panel display devices and parts thereof.
90.30	Cathode ray oscilloscopes, spectrum analysers, cross-talk meters, gain measuring instruments, distortion factor meters, psophometers, net work and logic analyzer and Signal analyzer.

(v) in serial number 161, after the words "musical instruments and equipments", the words "excluding indigenous hand made musical instruments", shall be inserted.

(vi) after serial number 199, the following serial number and the entries relating thereto shall be added, namely :-

"200 Cooked Food".

THE SIKKIM APPROPRIATION ACT, 2001
(ACT NO.13 of 2001)

AN
ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year 2001-2001.

Be it enacted by the Legislature of Sikkim in the Fifty Second Year of the Republic of India as follows:-

Short title

1. This Act may be called the Sikkim Appropriation Act, 2001.

Issue of Rs 71 17 28 000/- out of the Consolidated Fund of the State of Sikkim for the Financial Year 2001-2002

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 5 of the Schedule amounting in the aggregate to the sum of seventy one crores seventeen lakhs twenty eight thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 2001-2002, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE
(SEE SECTION 2 AND 3)

(In thousand of Rupees)

No of Demand	SERVICES AND PURPOSES		SUMS NOT EXCEEDING Voted by the Legislative Assembly	Charged on the Consolidated Fund	TOTAL
1	2		3	4	5
1	Agriculture	Revenue	1055	. .	1055
2	Animal Husbandry	Revenue	13979	. .	13979
3	Buildings and Housing	Revenue	6000	. .	6000
		Capital	15995	. .	15995
4	Co-operation	Revenue	3000	. .	3000
5	Culture	Revenue	7200	.	7200
6	Ecclesiastical	Revenue	5300	. .	5300
7	Education	Revenue	8122	. .	8122
		Capital	2503	. .	2503
9	Excise	Revenue	725	. .	725
10	Finance	Revenue	1100	1	1101
		Capital	. .	300	300
11	Fisheries	Capital	10000	. .	10000
12	Food, Civil Supp. and Consu. Affairs	Revenue	5709	. .	5709
13	Forestry & Wild Life	Revenue	36405	. .	36405

	Governor	Revenue	. .	2161	2161
14	Health and Family Welfare	Revenue	40757	. .	40757
15	Home	Revenue	5404	. .	5404
16	Horticulture	Revenue	926	. .	926
17	Industries	Revenue	6550	. .	6550
18	Information and Public Relation	Revenue	10000	. .	10000
20	Irrigation and Flood Control	Revenue	88145	. .	88145
		Capital	30100	. .	30100
21	Judiciary	Revenue	200	. .	200
23	Land Revenue	Revenue	22334		22334
24	Law	Revenue	1120	. .	1120
25	Legislature	Revenue	3560	1000	4560
29	Personnel, Administrative Reforms and Training	Revenue	520	. .	520
30	Planning and Development	Revenue	1820	. .	1820
		Capital	11273	. .	11273
31	Police	Revenue	26340	. .	26340
		Capital	30440	. .	30440
32	Power	Capital	63800	. .	63800
34	Public Health Engineering	Revenue	3500	. .	3500
		Capital	5200	. .	5200
35	Roads and Bridges	Revenue	13800	. .	13800
		Capital	74883	. .	74883
36	Rural Development	Revenue	2286	. .	2286
		Capital	23800	. .	23800
38	Sikkim Nationalised Transport	Revenue	22000	. .	22000
		Capital	3500	. .	3500
39	Social Welfare	Revenue	34104	. .	34104
		Capital	2000	. .	2000
40	Sports and Youth Affairs	Capital	42921	. .	42921
41	Tourism	Revenue	5174	. .	5174
		Capital	3066	. .	3066
42	Urban Development & Housing	Capital	4300		4300
43	Vigilance	Revenue	350	. .	350
		TOTAL:	**708266**	**3462**	**711728**

PART II

SUBORDINATE LEGISLATION, NOTIFICATIONS, ETC.

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.

NOTIFICATION

NO. 69/GEN/DOP **DATED: 24.1.1998**

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules, namely :-

1. Short title and commencement:-

(1) These rules may be called the **Sikkim Government Services (Revised Pay) Rules, 1998.**

(2) They shall be deemed to have come into force on the 1st day of January, 1996.

2. Categories of Government servants to whom the rules apply:-

(1) Save as otherwise provided by or under these rules, these rules shall apply to persons other than members of the All India Services, appointed to the State Services and posts in connection with the affairs of the State of Sikkim.

(2) These rules shall not apply to:-

(a) persons not in whole time employment ;
(b) persons paid out of contingencies;
(c) persons employed on consolidated rates of pay;
(d) persons paid otherwise than on a monthly basis including those paid only on a piece rate basis;
(e) persons whose services have been obtained on deputation;
(f) any other class or category of persons whom the Government may by order, specially exclude from the operation of all or any of the provisions contained in these rules.

NOTE : (1) These rules shall apply to persons on work-charged establishment and on contract holding posts on existing pay scales.

(2) These rules shall also apply to persons who cease to be in service on account of death, retirement or otherwise between the 1st day of January, 1996 and the date of publication of these rules.

3. Definition: In these rules, unless the context otherwise requires:-

(a) 'basic pay' means pay including stagnation increments and personal pay which has been sanctioned for a post held by a Government servant substantively or in an officiating capacity or to which he may be entitled by reason of his position in a cadre plus any other emoluments which may be specially classed as pay by the Government ;

(b) 'existing scale' in relation to Government servant means the present scale applicable to the post held by the Government servant (or as the case may be, personal scale applicable to him) as on the 1st day of January 1996 whether in a substantive or is on officiating capacity;

(c) "revised scale" in relation to any post specified in column 2 of the First Schedule means the scale of pay specified against that post in column 4 in Part A and column 3 in Part B thereof;

(d) "Schedule" means the schedule annexed to these rules.

4. **Scale of pay of posts** :- As from the date of commencement of these rules of pay of every posts specified in column 2 of the Schedule shall be as indicated against it in column 4 Part A and column 3 in Part B thereof.

5. **Drawl of pay in the revised scales** :- Save as otherwise provided in these rules, a Government employees shall draw pay in the revised scale application to the posts to which the said employee is appointed.

6. **Fixation of initial pay in the revised scale** :-

(1) The initial pay of a Government employee governed by the revised pay scale with effect from the 1st day of January, 1996 shall, unless in any case the Government by special order or otherwise directs, be fixed in the following manner, namely :-

(a) an amount representing 40 percent of the basic pay in the existing scale shall be added to the "existing emoluments" of the employee,
(b) after existing emoluments have been so increased, the pay shall thereafter be fixed in the revised scale at the state equal to the amount so computed, if there happens to be one, otherwise at the stage next above such amount;
(c) if the minimum of the revised scale is more than the amount so arrived at, the pay shall be fixed at the minimum of the revised scale,
(d) if amount so arrived at is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale.

(2) Wherein in the fixation of pay under sub-rule (1), the pay of Government employees drawing pay at more than four consecutive stages in an existing scale gets bunched, that is to say gets fixed in the revised scale at the same state., the pay in the revised scale of such of these Government employees who are drawing pay beyond the first four consecutive stages in the existing scale shall be stepped up by the grant of increment(s) in the revised scale in the following manner:-

(a) for Government employees drawing pay from the 5th upto the 8th stage in the existing scale -by one increment;
(b) for Government employees drawing pay from the 9th upto 12th stages in the existing scale if there is bunching beyond the 8th state - by two increments;
(c) for Government employees drawing pay from the 13th upto the 16th state in the existing scale, if there is bunching beyond the 12th state - by three increments. If by stepping up of the pay as above, the pay of a Government employee gets fixed at stage in the revised scale which is higher than the stage or stages in the revised scale at which the pay of a Government employee who was drawing pay at the next higher state or stages in the same existing scale is fixed, the pay of the latter shall I also be stepped up on to the extent by which it falls short of that of the former.

(3) The fixation shall be made in the manner that every employee will get at least one increment in the revised scale of pay for every three increments inclusive of stagnation increment(s), if any) in the pre-revised scale of pay.

(4) The "existing emoluments" for the purpose of fixation of pay in the sub-rule (1)

shall include

(a) the basic pay in the existing scale as on the 1st day of January 1996;
(b) dearness allowance appropriate to the basic pay admissible at index average 1510 (1960=100), and,
(c) interim relief admissible on the basic pay as on 1-1-1996. However, special pay/special allowance and non-practising allowance shall not be reckoned as pay for the fixation of pay in the revised scale.

(5) Where in the fixation of pay under sub-rule (1), (2) and (3) pay of a Government employee who in the existing scale was drawing immediately before the 1st day of January,1996 more pay than another Government employee junior to him in the same cadre, gets fixed in the revised scale at stage lower than that of such junior, his pay shall be stepped up to the same stage in the revised scale as that of the junior.

(6) Where the increment of a Government employee falls on 1st day of January 1996, he/she shall have option to draw the increment in the existing scale or the revised.

(7) The pay of a government employee under suspension on the 1st day of January 1996 shall on the termination of suspension be regulated as follows:-

(a) if his/her service is terminated there is no question of fixation of pay in the revised scale;

(b) if the period of suspension is treated as spent on duty or leave other than extraordinary leaves the fixation of pay shall be done in accordance with sub-rule (1), (2) and (3).

(c) if the period of suspension is treated as extra-ordinary leave, the pay in the revised scale shall be fixed only with effect from the date of joining duty.

7. Date of next increment in the revised scale:-

(1) The next increment of a Government employee whose pay has been fixed in accordance with sub-rule (1) and,
(2) of Rule 6 shall be granted on the date he would have drawn the increment had he continued in the existing scales;

Provided that in cases where the pay of the Government employee is stepped up under sub-rule (3) and (5) of Rule 6 the next increment shall be granted on the completion of qualifying service of twelve months from the date of stepping up of the pay in the revised scale.

Provided further that in cases, other than those covered by the proceeding proviso, the next increment of a Government employee, whose pay is fixed on the 1st day of January, 1996 at the same stage as the one fixed for another Government employee junior to him in the same cadre and drawing pay at a lower stage than him in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier.
Provided also that in the case of persons who had been drawing maximum of the existing scale of more than a year as on the 1st day of January 1996, next incre-

ment in the revised scale shall be allowed on the 1st day of January, 1996

8. **Stagnation increments** :- A Government employee shall be eligible for one increment for every two years of service rendered after reaching the maximum of his scale subject to a maximum of three increments. The rate of such increment shall be the rate applicable before reaching the maximum of that scale.

9. **Classification of posts** :- In accordance with these rules classification of posts shall be as follows:-

Group D - All posts in the scales of pay the maximum of which is Rs. 4170/-.
Group C - All posts in the scales of pay the maximum of which is over Rs 4170/- but not exceeding Rs. 9700/-.
Group B - All posts in the scales of pay the maximum of which is over Rs.9700/- but not exceeding Rs. 12000/-;
Group A :- All posts in the scales of pay the maximum of which exceeds Rs. 12000/-

10. **Procedure for fixation of the pay in revised scale** :-

(1) The pay of Government employees may be fixed under the revised scales in accordance with the prescribed manner laid down under Rule 6. A statement for fixation of pay in the revised scale is attached with these rules at Appendix I.
(2) The fixation of pay for employees of Group A and Group B may be done by the Department of Personnel, Administrative Reforms and Training and for Group C and Group D by the respective departments.
(3) For employees of Group A and Group B the Department of Personnel, Adm. Reforms & Training and for Group C and group D the Head of Department concerned would arrange to prepare six copies of statement of fixation of pay of each government employee in the prescribed proforma and send the same to the Pay Cell in Department of Personnel, Adm. Reforms & Training for approval.
(4) After approval, the Pay Cell would return two copies in the case of Group A and Group B employees and three copies in the case of Group C and Group D employees to the concerned Head of Department for drawl of arrears and pasting in the service book of employees. In respect of Group A and Group B employees the third copy would be sent to the Department of Personnel, Adm. Reforms & Training for similar pasting in the service book. The fourth copy shall be sent to the Accountant General, Sikkim, and the fifth to Pay & Accounts Office. The last copy would be retained in the Pay Cell
(5) The Head of Department would arrange to ensure that a copy of the approved statement of fixation of pay in the revised scale is pasted in the service book of the employees under proper attestation.

11. **Overriding effect of Rules** :-

The provisions of the Sikkim Government Service Rule 1974, the Sikkim Government Service (Revised Pay) Rules, 1986, the Sikkim Government Services (Revised Pay) Rules, 1987 shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules to the extend they are inconsistent with these rules.

12. **Powers to relax** :-Where the Government is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case, the Government may by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as the Government may consider necessary for dealing with the case in a just and equitable manner.

13. **Interpretation:-** If any question arises relating to interpretation of these rules it shall be referred to the Government in the Department of Personnel., Adm. Reforms & Training for decision.

NOTE 1 The distinction of gazetted and non-gazetted posts shall stand discontinued henceforth;

NOTE 2 : The powers of attestation etc. vested in the gazetted grades so far shall be exercised by officers appointed or promoted in the revised scale pay of Rs. 7000-225-11500 and above.

FIRST SCHEDULE

(See Rule 4)

Part 'A'

Sl.	Posts	Existing scale(s) (Rs.)	Revised Scale(s) (Rs.)
(1)	(2)	(3)	(4)
1	All posts carrying existing scales specified in column (3) except category of posts specified in Part B	800-12-920-14-1060 825-12-1005-14-1075 840-15-1020-20-1200	2850-55-4170
2	-do-	875-15-995-2--1275 910-15-1030-20-1290	3050-75-4550
3	-do-	975-20-1175-25-1550	3200-80-4800
4	-do-	1030-25-1230-30-1680 1080-25-1280-30-1760	4000-100-6000
5	-do-	1200-30-1560-30-1950 1320-30-1560-40-2040	4300-125-6800
6	-do-	1410-30-1560-40-1800-50-2300	5000-150-8000
7	-do-	1520-40-1600-50-2300-60-2660	5500-175-9000
8	-do-	1820-60-2600-75-3200	7000-225-11500
9	-do-	2120-60-2300-75-3200-100-3600	7500-250-12000
10	-do-	2525-75-3200-100-4000	8500-275-12900
11	-do-	2800-100-3500-125-4500	9000-300-13800
12	-do-	3450-125-4700	11000-350-16250
13	-do-	3700-125-4700-150-5000 4000-125-4500-150-5400	12500-375-17000
14	-do-	4500-150-5700	14300-400-18300
15	-do-	5700-150-6300-200-6700	17200-450-21250

With respect to the teaching staff in Education department, personnel of Police Department and the category of posts specified below, the revised pay scales shall be as follows:-

Sl No.	Category of Posts	Revised Scale (Rs)
(1)	(2)	(3)
1	School Mother	3200 - 80 - 4800
2.	Primary Teacher	4200 -110 - 6400
3.	Head Master of Primary School	5000 -150 - 8000
4.	Graduate Teacher	5500 -175 - 9000
5.	Headmaster of Junior High School	5700 -200 - 9700
6.	Post Graduate Teacher	7000 -225 -11500
7.	Headmaster of Secondary School	7500 -250 -12000
8.	Principal of Sr. Secondary School	9000 -300 -13800
9.	Principal T.T.I.	9000 -300 -13800
10	Principal I.T.I.	9000 -300 -13800

POLICE PERSONNEL

Sl No. (1)	Category of Posts (2)	Revised Scale (Rs.) (3)
1.	Constable	3200 - 80 - 4800
2	Lance Naik	3400 - 85 - 5100
3.	Naik	3600 - 90 - 5400
4	Head Constable	4000 -100 - 6000
5.	Assistant Sub Inspector	4200 -110 - 6400
6	Sub Inspector	5000 -150 - 8000
7	Police Inspector	7000 -225 -11500
8.	Deputy Superintendent of Police	7500 -250 -12000
9.	Additional Superintendent of Police	8500 -275- 12900
10.	Superintendent of Police	9000 -300- 13800
11	Senior Superintendent of Police	11000 -350- 16250

STENOGRAPHER

Sl No. (1)	Category of Posts (2)	Revised Scale (Rs) (3)
1.	Stenographer Selection Grade I	8500- 275- 12900
2.	Stenographer Selection Grade II	7000- 225- 11500
3.	Stenographer Grade I	5500 - 175- 9000
4.	Stenographer Grade II	5000 - 150- 8000
5.	Stenographer Grade III	4300 - 125- 6800

OTHERS

Sl No (1)	Category of Posts (2)	Revised Scale (Rs) (3)
1	Forest Guard	3050 - 75 - 4550
2.	Head Forest Guard	3200- 80 - 4800
3	Block Officer	4200- 110 - 6400
4.	Range Officer	5500- 175 - 9000
5.	Village Level Worker	4000- 100 - 6000

APPENDIX - I

STATEMENT OF FIXATION OF PAY UNDER SIKKIM GOVERNMENT SERVICE (REVISED PAY) RULES,1998
(See Rule 10)

1 Name of the Govt. employee :

2 Designation of the post in which pay is to be fixed as on 1st January, 1996 :

3 Status (Substantive/Officiating) :

4 Existing scale of pay :

5 Revised scale of pay :

6 Existing emoluments as on1.1.1996

a) Basic Pay (including stagnating increment, if any :

7 Fitment weightage (40% of Basic Pay)

8 Total (Serial No(s) 6 (d) and 7 :

9 (a) State in the revised scale of pay at which pay is to be fixed under sub-rule (1) excluding benefit of bunching

(b) Number of increments due on account of bunching under sub-rule 2

(c) Stage in the revised scale at which pay is to be fixed including the benefit on account of bunching :

10. Pay fixed on the revised scale of pay (Stage of Pay at Sl No. 9(c) or 9(d) whichever is higher. :

11. Stepped up pay with reference to the revised pay of Junior, if applicable. :
Name and pay of the junior are to be indicated. :

12. Date of next increment under rule 7 and pay after grant of increment. :

Date of increment	Pay after increment
_____	_____

13. Any other relevant information:

Date:

Signature of Head of Office/Department

Pre-checked and approved.

OFFICER ON SPECIAL DUTY (PAY CELL)
DEPTT. OF PERSONNEL, ADM.REFORMS & TRG.

THE SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998

No.1NF/SLSA/98 Dated 18.4.1998

CHAPTER - I
PRELIMINARY

1. Short title and commencement :-

(1) These Regulations may be called the **Sikkim State Legal Services Authority Regulation,1998.**

(2) They shall come into force with immediate effect.

2. Definition -

(1) In these Regulations, unless the context otherwise requires :-

(a) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987) as amended by Act,1994 (No. 59 of 1994);
(b) "Authority" means State Legal Services Authority, District Legal Services authority;
(c) "Committee" means High Court Legal Services Committee, or Taluk Legal Services Committee as the case may be;
(d) "Rules" means the Sikkim State Legal Services Authority Rules, 1995;
(e) "High court" means High Court of Sikkim;
(f) "Chief Justice" means Chief Justice of the High Court and includes "Acting Chief Justice" as defined in Article 223 of the Constitution.

(2) All other words and expressions used in the Regulations, which are not defined herein, shall have the same meanings as assigned in the Act or the Rules.

CHAPTER II

STATE AUTHORITY

3. Powers and function of the Patron-in-Chief.

(1). The Patron-in-Chief or in his absence, the Executive Chairman shall have overall supervision and control over the functioning of the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority or Taluk Legal Services Committee.

(2) The Patron-in-Chief or in his absence the Executive Chairman shall at any time call upon the Member Secretary of the State Legal Services Authority, Secretary of the High Court Legal Services Committee, the Chairman and Member Secretary of the District Legal Services Authority, or Taluk Legal Services Committee or as the case may be and give such instructions from time to time to implement the Schemes of the Act.

(3) Both the Patron-in-Chief and the Executive Chairman in particular may undertake such tour throughout the State for promoting the Legal Services Programmes and the Scheme of the Act and to implement the same in the State. The actual expenses incurred by the Patron-in Chief and the Executive Chairman in particular in respect of the tour and other programmes, shall be met out by the funds of the Sikkim State Legal Services Authority or High Court of Sikkim.

4. **Meetings of the State Legal Services Authority -**

(1) The State Authority shall meet at least once in 6 months at the place, date and time specified by the Executive Chairman of the Authority.

(2) The meetings of the State Authority shall be presided over by the Executive Chairman or in his absence by any member chosen by the members present and the quorum of the meeting of the State Authority shall be 5 and no quorum shall be necessary for adjourned meeting.

(3) All the subject matters of the agenda shall be decided in the meeting by the majority of votes of the members present and in case of equal number of votes, the person presiding shall have a second or casting vote.

(4) Any member of the State Authority desiring consideration of nay subject or matter at any meeting of the State Authority, may intimate in writing such subject or matter to the Member Secretary. If such intimation is received before issue of the notice of the meeting, the subject or matter shall if so directed by the Patron-in-Chief or in his absence, the Executive Chairman, be included in the Agenda of the meeting. If such intimation is received after issue of the notice, the subject or matter may be considered at the meeting with the permission of the person presiding at the meeting.

(5) The Member Secretary of the State Authority shall prepare the Agenda of the meeting of the State Authority and the Executive Chairman shall, finally approve the Agenda. However, any urgent matter may also be discussed in the meeting, though not included in the Agenda. The notice of every meeting of the State Authority, shall be given in writing by the Member Secretary to the Members, at least 3 clear days before the date of the meeting. However, in urgent matters, the notice of only 24 hours may be given.

(6) The agenda of the meetings shall be sent to the members along with the notice.

(7) The Member Secretary shall draw up the minutes of the meeting of the State Authority within 3 days of the meeting and send it to all members of the State Authority as soon as possible.

(8) The minutes shall contain a record of the decisions taken and resolutions passed at the meeting and the discussions at the meeting shall not ordinarily from part of the minutes, unless the Patron-in-Chief or the Executive Chairman so directs. The minutes shall be recorded in a separate register maintained for that purpose in the Office of the State Authority.

5. **Allowances Payable to the Members of the State Authority -**

(1) The sitting fee is payable to the non-official members of the State Authority for attending the meeting of any Committee as may be fixed by the Executive Chairman.

(2) No daily allowances shall be paid to the Patron-in-Chief and Executive Chairman for attending the meetings of the State Authority or of any Committee thereof in any place within Sikkim.

6. **Funds, Accounts and Audit of the State Authority-**

(1) The funds of the Authority shall consist of such funds as may be allocated and granted to it by the Central Authority as also such amount received from time to time by way of donations or by way of cost, charges and expenses recovered from the persons provided with legal aid or the opposite party or otherwise.

(2) The fund of the Authority shall be maintained in a scheduled bank.

(3) For the purpose of meeting the incidental expenditure etc., minor charges such as court fee stamps and expenditure necessary for obtaining copies of documents etc. a permanent advance of Rs. 5000/- shall be placed at the joint disposal of the Under Secretary and Accountant of the State Authority.

(4) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the Authority shall be met out of the funds of the Authority. The Member Secretary or the Under Secretary or Deputy Secretary and the Accountant shall jointly operate the bank accounts of the authority after obtaining approval of the Chairman;

(5) The Member Secretary and Accountant shall cause to be kept and maintain true and correct accounts of all receipts and disbursements and furnish quarterly reports to the State Authority.

(6) The accounts of the Authority shall be audited by the Accounts Officer as mentioned in subsection 2 of section 18 (e) of the Act at least once in a year and any expenditure incurred in connection with such audit shall be paid by the Authority.

7. Finance and Accounts -

(1) The State Authority and Committee shall establish fund respectively and credit it in any scheduled bank.

(2) The Accounts shall be operated by the respective Secretary.

(3) The respective Authority and Committee shall maintain following Registers;

(a) Receipt Book
(b) General Cash Book
(c) Office Cash Book
(d) Acquittance Roll
(e) Register of T.A.
(f) Register of Bills
(g) Register of Stamps
(h) Register of Stocks of Furniture,
(i) Register of Stationery/Bank Cheque
(j) Cheques (Supplied by the Bank)
(k) Classification Register of Expenditure
(l) Register of Funds received
(m) Voucher Book
(n) Ledger of Properties purchased.

(4) All the expenditure of the respective Authority and Committee, shall be placed before the respective Finance Committees for ratification.

8. Executive Committee of the State Authority -

(1) The Executive Chairman of the State Authority shall constitute an Executive Committee consisting of 5 Members out of the Members nominated, and hold such meetings once in a month at the place, date and time fixed by the Executive Chairman.

(2) The Member Secretary shall with the approval of the Executive Chairman, prepare the agenda for the meeting of the Executive Committee and send it along with the notice of the meeting of

atleast 3 clear days. In urgent cases 24 hours notice may be given and the quorum shall be 3. No quorum shall be necessary for adjourned meetings.

(3) The Executive Committee, for the purpose of conducting the meeting, shall follow the procedure as mentioned in Regulation No 4

9. Powers and duties that may be conferred on the Executive Committee-

(1) The Executive Committee shall be in overall charge of all matters connected with the powers, functions and administration of the State Legal Services Authority.

(2) The State Authority may subject to any condition specified by it confer on the Executive Committee such powers and duties for the effective function and administration and supervision over the District Authority and Taluk Legal Services Committee, and to implement the Scheme of the Act.

10. Finance Committee of the State Authority -

(1) The Executive Chairman of the State Authority shall constitute a Finance Committee consisting of five members, out of the members nominated, and hold such meetings once in a month at the place, date and time fixed by the Executive Chairman.

(2) The meeting of the finance committee shall be held with previous notice of the meeting of at least 3 clear days. The quorum of the meeting shall be 3 and no quorum shall be necessary for the adjourned meeting. In case of urgent meetings, the 24 hours notice shall be sufficient.

11. Functions of the Finance Committee -

(1) It shall be review the receipt the expenditure of Funds of the State Legal Services Authority.

(2) It shall suggest ways and means to augment the resources to the State Authority.

(3) It shall consider the budget and the annual statement of accounts of the State Authority.

(4) The Committee shall submit its report or recommendation in respect of all financial matters placed before it to the Executive Committee.

(5) The proceedings of the Finance Committee and the minutes thereof shall be recorded by the Member Secretary or Under Secretary and after the approval of the Chairman, send copies thereof to the member.

12. Panel of Advocates -

The Executive Committee of the State Authority shall prepare a panel of advocates to prosecute the cases on behalf of the persons provided with legal aid under these Regulations.

13. Disqualification of Legal Practitioners-

(1) No legal practitioner on the panel shall charge or collect any remuneration from an aided per in any form whatsoever.

(2) The name of a legal practitioner who contravenes the schemes of the Act, Rules and this Regulation, shall be removed from the panel and he shall also be liable to be prosecuted as per law for professional misconduct.

14. The Duties of the Legal Practitioners -

(1) The legal practitioner conducting a case on behalf on an aided person shall not later than two days after the case is decided, apply for copies of judgments and decrees if any and immediately on receipt of the copies, submit them to the Committee, District Authority, Taluk committee, as the case may be, which appointed him to conduct the said case together with detailed comments thereon. The Taluk Committee, High Court Committee, District Authority or State Authority as the case may be, shall take steps to recover costs, if any, awarded by the Court to the aided person and consider the feasibility of filling an appeal or revision, if-

(a) the case has been decided against the aided person;
(b) the case is prima facie fit for appeal; and
(c) the aided person has applied for legal service for filing the appeal or revision as the case may be.

15. Functions of the State Authority -

Besides the functions enumerated in section 7 of the Act, the State Authority shall also perform all or any of the following functions, namely :-

(1) generate awareness, among the masses about their legal right;
(2) promote legal literacy ;
(3) hold seminar and workshop to promote the above;
(4) provide pre-litigation advice;
(5) provide pending litigation counselling;
(6) render conciliation advice;
(7) in house counselling in the office;
(8) counselling under Family Court Act;
(9) publicity campaign through AIR, Doordarshan and newspaper, leaflets and pamphlets in local languages including English and Hindi;
(10) exhibition on KNOW YOUR RIGHTS, ETC.;
(11) to establish, maintain, promote, protect and safeguard the rights, interests and privileges of the society by rendering legal aid, advice and assistance for practical purposes;
(12) to enforce the rights of the people and secure the benefits to which the people are entitled;
(13) to uphold the assurance provided in the Magna Carta to the effect; inter-alia;
(14) legal information;
(15) legal literacy campaign;
(16) legal advice;
(17) legal aid;
(18) legal aid courses for lawyers and legal aid activists;
(19) holding seminars for lawyers & Paralawyers;
(20) holding workshops & conferences on legal matters;
(21) holding Legal Aid Clinics in different Districts of the State for catering legal aid schemes to then door steps of the weaker section of society;
(22) conducting socio-legal survey and research;
(23) conducting Legal Aid Classes in different parts of the State;
(24) creating awareness about concept of public interest litigation for greatest good to the greatest number;
(25) counselling of mentally deprived children;
(26) rendering legal advice and assistance to the vulnerable section of the society;
(27) to identify problems of the community;
(28) to establish short stay home for destitute women;
(29) to establish permanent alternative dispute Resolution Centre, family counselling centre and Research institute for Comparative Constitutional Law and Human Rights;

(30) to establish accommodation for Counselling Centres one each in East, North, West and South Districts;
(31) to call for services of psychologists, psychiatrics;
(32) to create Non-Government Organisations and to keep co-ordination with them;
(33) Referral Service;
(34) help in monitoring pre-release exercise and rehabilitation of make and female non-criminal lunatics in Jail, if any;
(35) Legal Aid Library facility;
(36) spreading awareness on legal matters through regular Assistance Columns;
(37) establishment of marriage and family counselling centre;
(38) Para Legal Training Programmes;
(39) to persuade the State Government for establishments separate Jail for men and women separately in the Districts and Sub-divisions in the State;
(40) Support Service in Courts through panel of lawyers maintained by Legal Services Authority;
(41) holding of maximum number of Lok Adalats preferably once in a week on matrimonial disputes, bank loan and other loan matters, land acquisition cases, matters relating to industrial disputes, landlord tenant controversies, petty criminal cases, if any, between departments of the Government, State owned corporations, motor accident claim cases, commercial disputes etc.
(42) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act.
(43) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;
(44) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
(45) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
(46) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
(47) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IV A of the Constitution;
(48) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;'
(49) provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;
(50) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Schedules Castes and the Schedules Tribes, women and rural and urban labour and prevention of child labour;
(51) co-ordinate and monitor the functioning of District Authorities, High Court Legal Services Committee, Taluk Legal Services Committees and voluntary social service institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes,
(52) to collect, trace out and compile old local laws, rules, regulations, orders, circulars or any documents or instruments have force of law promulgated by the former Maharaja of Sikkim, old judgements/orders of Courts prior to and till 26.4.1975 and to constitute a Sub-Committee for the aforesaid purpose and to monitor its function.

CHAPTER III

HIGH COURT LEGAL SERVICES COMMITTEE

16. Number, experience and qualifications of members of the Committee under clause (b) of sub-section (20 of section 8-A of the Act -

(1) The Committee shall have not more than eleven members including the Chairman thereof.

(2) The High court Legal Services Committee established under section 8-A shall consist of the following members namely :-

(a) This Chief Justice of the High Court of Acting Chief Justice as the case may be, OR a sitting Judge of the High Court (to be nominated by the Chief Justice of the High Court);
(b) The President, Sikkim High Court Bar Association, or any member of the said Bar nominated by the President.
(c) The President, Sikkim High Court Advocates Bar Association, or any member of the said Bar nominated by the President;
(d) Registrar (of the cadre of District Judge/Judicial Service) to be the Member Secretary of the committee to be appointed by the Chief Justice under sub-section (3) of section 8-A of the Act.

(3) The chief Justice or Acting Chief Justice as the case may be of the High Court may nominate other members (not exceeding six) from among those possessing the experience and qualification provided in sub-regulation (4).

(4) A person shall not be qualified for nomination as a member of the Committee, unless he is-

(a) an eminent social Worker who is engaged in the upliftment of the Weaker section of the people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour; or
(b) an eminent person in the field of law; or
(c) a person of repute who is specially interested in the implementation of the Legal Services Scheme.

17. **Terms of office and other conditions of appointment of members of the Committee** -

(1) The term of office of the members of the Committee nominated under sub-regulation (30 of regulation 16 shall be two years and they shall be eligible for renomination.

(2) A member of the Committee nominated under sub-regulation (30 of regulation 16 may be removed by the Chief Justice of the High Court, if the member -

(a) has been adjudged an insolvent; or
(b) has been convicted of an offence, which in the opinion of the State Authority, involves moral turpitude; or
(c) has become physically or mentally incapable of acting as a member; or
(d) has so abused his position or render his continuance in the Committee prejudicial to the public interest.

(3) A member may, by writing under his hand addressed to the Chairman, resign from the committee and such resignation shall take effect from the date on which it is accepted by the State Authority or on the expiry of thirty days from the date of tendering resignation, whichever is earlier.

(4) If any member nominated under sub-regulation (30 of regulation 16 ceases to be a member of the Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be member for the remaining term of the member in whose place he is nominated.

(5) Subject to the provisions of sub-regulation (6) all members nominated under sub-regulation (30 of regulation 16 shall be entitled to payment of travelling allowance and daily allowance in respect of journey performed in connection with the work of the Committee and shall be paid by the Committee at the rates admissible to the first grade officers of the State Government under the State Government Travelling Allowances Rules.

(6) If a member is a Government employee, he shall be entitled to draw travelling allowance and daily allowance at the rates to which he is entitled to under the Travelling Allowance Rules applicable to him and shall draw from the Department, in which he is employed and not from the Committee.

18. Functions of the Committee -

(1) It shall be the duty of the Committee to give effect to the policy and direction of the State Authority.

(2) Without prejudice to the generality of the functions referred to in sub-regulation (10 the Committee shall, for the High Court, in consultation with the Executive Chairman, State Authority, perform all or any of the following functions, namely :-

(a) provide legal services to persons who satisfy the criteria laid down under the Act and the Rules.
(b) conduct Lok Adalats for High Court cases; and
(c) encourage the settlement of disputes by way of negotiations, arbitration and conciliation.

19. Function of the Secretary -

(1) The Secretary shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Committee and shall work under the supervision and direction of the Chairman of the Committee.

(2) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursements of the funds of the Committee.

(3) The Secretary shall convene meetings of the committee with the previous approval of the Chairman and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

20. Meetings of the Committee -

(1) The Committee shall ordinarily meet twice in a month on such date and at such place as the Secretary may, in consultation with the Chairman, decide.

(2) The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside at the meeting of the Committee.

(3) The procedure at any meeting of the Committee shall be such as the Committee may determine.

(4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Committee. A copy of the minutes shall , as soon as may be after the meeting be forwarded to the State Authority.

(5) The quorum for the meeting shall be six including the Chairman or the member presiding over the meeting.

(6) All questions at the meeting of the Committee shall be decided by a majority of the members present and voting and in case of a tie the person presiding shall have a second or casting vote.

21. Funds, Accounts and Audit of the Committee -

(1) The funds of the Committee shall consist of such amounts as may be allocated and granted to it by State Authority as also such amounts as may be received by the Committee, from time to time, either by way of donations or by way of costs, charges and expenses recovered from the legal aided persons or the opposite party or otherwise.

(2) The funds of the Committee shall be maintained in a Scheduled Bank.

(3) For the purpose of meeting, the incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents, etc., a permanent advance of rupees three thousand shall be placed at the disposal of the Secretary.

(4) All expenditure on legal aid and advice, provision of other legal services as also expenditure necessary for carrying out the various functions of the Committee, shall be met out of the funds of the Committee. Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.

(5) The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority. The accounts of the Committee shall be subject to audit at least once a year, and any expenditure incurred in connection with such audit shall be paid by the Committee.

CHAPTER IV
DISTRICT LEGAL SERVICES AUTHORITIES

22. Secretary, District Authority -

(1) The Secretary of the District Authority appointed under sub-section (3) of section 9 of the Act, shall act, exercise and perform the duties of the Secretary of the District Authority in addition to the duties to be discharged by him as a Judicial Officer.

(2) The Secretary shall be the principal officer of the District Authority and shall be custodian of all assets, accounts, records and funds placed at the disposal of the District Authority.

(3) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the District Authority.

(4) The Secretary shall convene meetings of the District Authority with the previous approval of the Chairman and shall also attend meetings, and shall be responsible for maintaining a

record of the minutes of the proceedings of the meetings.

23. Meetings of the District Authority -

(1) The District Authority shall ordinarily meet twice in a month on such date and a such place, as the Secretary may, in consultation with the Chairman, decide.

(2) The Chairman, and in the absence of the chairman, a person chosen by the members present from amongst themselves shall preside at the meeting of the District Authority.

(3) The procedure at any meeting of the District Authority shall be such as the District Authority may determine.

(4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the District Authority. A copy of the minutes shall, as soon as may be after the meeting, be forwarded to the Chairman of the District Authority.

(5) The quorum for the meeting shall be three including the Chairman or the member presiding over the meeting.

(6) All questions at the meeting of the District authority shall be decided by a majority of the members present and voting and in case of tie the person presiding shall have a second or casting vote.

24. Funds of the District Authority -

(1) The funds of the District Authority established under section 17 of the Act, shall be maintained in a Scheduled Bank.

(2) For the purpose of meeting the incidental minor charges such as court fee, stamp and expenditure necessary for obtaining copies of documents, etc., a permanent advance of rupees two thousand shall be placed at the disposal of the Secretary of the District Authority.

(3) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the District Authority, shall be met out of the funds of the District Authority and in accordance with such rules as may be made by the State Authority.

(4) The District Authority shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority. Such accounts shall be audited in accordance with the provision of section 18 of the Act.

CHAPTER V
TALUK OR SUB-DIVISIONAL LEGAL SERVICES COMMITTEE

25. Secretary of the Taluk or Sub-Divisional Legal Services Committee -

(1) The Chairman of the Taluk or Sub-Divisional Legal Services Committee shall also act, exercise and perform the duties of the Secretary of the Taluk or Sub-Divisional Legal Services Committee.

(2) The Secretary shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Taluk or Sub-Divisional Legal Services Committee.

(3) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the Taluk or Sub-Divisional Legal Services committee.

(4) The Secretary shall, with the previous approval of the Chairman, convene meetings of the Taluk or Sub-Divisional Legal Services Committee and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

26. Meeting of the Sub-Divisional Legal Services Committee -

(1) The Taluk or Sub-Divisional Legal Services Committee shall ordinarily meet twice in a month on such date and at such place, as the Chairman may decide.

(2) The Chairman and, in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside the meeting of the Taluk or Sub-Divisional Legal Services Committee.

(3) The procedure at any meetings of the Taluk or Sub-Divisional Legal Services Committee shall be such as the Taluk or Sub-Divisional Legal Services Committee may determine.

(4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the Taluk or Sub-Divisional Legal Services Committee. A copy of the minutes shall, as soon as may be after the meeting, be forwarded to the District Authority as well as State Authority.

(5) The quorum for the meeting shall be three including the Chairman or the member presiding over the meeting.

(6) All questions at the meeting of the Taluk of Sub-Divisional Legal Services Committee shall be decided by majority of the members present and voting and, in case of a tie, the person presiding shall have a second or casting vote.

27. Funds, Accounts and Audit of the Taluk or Sub-Divisional Legal Services Committee -

(1) The funds of the Taluk or Sub-Divisional Legal Services Committee shall consist of such amount as may be allocated and granted to it by the State Authority as also such amounts as may be received by the Committee from time to time either by way of donations or by way of costs, charges and expenses recovered from the Legal aided persons or the opposite-party or otherwise.

(2) The funds of the Taluk or Sub-Divisional Legal Services committee shall be maintained in a Scheduled Bank.

(3) For the purpose of meeting the incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents, etc., a permanent advance of rupees two thousand shall be placed at the disposal of the Secretary of the Taluk or Sub-Divisional Legal Services Committee.

(4) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the Taluk or Sub-Divisional Legal Services Committee shall be met out of the funds of the Taluk or Sub-Divisional Legal Services Com-

mittee. The Secretary shall operate the bank accounts of the Committee in accordance with the direction of the Chairman.

(5) The Taluk or Sub-Divisional Legal Services Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority. The accounts of the Taluk or Sub-Divisional Legal Services Committee shall be subject to audit at least once a year and any expenditure incurred in connection with such audit shall be paid by the Taluk or Sub-Divisional Legal Services Committee.

CHAPTER VI
LEGAL AID

28. **Modes of legal aid- Legal aid may be given in all or any one or more of the following modes, namely :-**

(1) payment of the court fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings;

(2) representation by a legal practitioner in legal proceedings;

(3) supply of certified copies of judgements, orders, notes of evidence and other documents in legal proceedings;

(4) preparation of pleadings, memo of Appeal, Paper Book, including printing and translation of documents, in legal proceedings; and

(5) drafting of legal documents, special leave petition etc.

29. Notwithstanding anything contained in any of the provisions above, legal aid shall be provided in all such matters or cases wherever a direction from any Court has been issued in this regard.

30. **Legal aid not to be given in certain cases -**

Legal Aid shall not be given in the following cases namely-

(1) Proceedings wholly or partly in respect of-
   (a) defamation; or
   (b) malicious prosecution.

(2) Proceedings relating to any election.

(3) Proceedings incidental to any proceedings referred to in items (1) and (2).

(4) Proceedings in respect of offences punishable with finely only.

(5) Proceedings in respect of economic offences and offences against social laws, such as the Protection of Civil Rights Act, 1955, and the Immoral Traffic (Prevention) Act, 1956.

(6) Where a person seeking legal aid -

(a) is concerned with the proceedings only in a representative or official capacity; or

(b) is concerned with the proceedings jointly with some other persons or persons whose interests are identical with his and such person or any of such persons is adequately represented in the proceedings or;

(c) is a formal party to the proceedings, not materially concerned in the outcome of proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

31. Application for legal aid or advice-

(1) Any person desiring legal aid or advice may make an application in Form A addressed to the Secretary of the Authority/Committee. But if the applicant is illiterate or not in a position to fill in the particulars required in the application, the Secretary or any other officer of the Committee or any legal practitioner whose name appears on the panel of legal aid lawyers of the Authority/Committee, as the case may, be or any person authorised by the applicant, shall gather the necessary particulars from the applicant and prepare the application on his behalf and after reading it out and explaining it to him, obtain his signature or thumb mark on it.

(2) The Authority/Committee shall maintain a Register of applications wherein all applications for legal aid and advice shall be entered and registered and the action taken on such applications shall be noted against the entry relating to each such application

32. Disposal of applications-

(1) On receipt of an application for legal aid or advice, in the case of High Court Committee or District Authority, the Secretary shall scrutinise the application for the purpose of deciding whether the applicant is deserving of legal aid in accordance with the provisions of these regulations and for the purpose of arriving at such decision, he may require the applicant to submit further information as may be necessary and also discuss the matter personally with the applicant. The application shall be processed as early as possible and preferably within one week.

(2) The Legal Services Authority/Committee to which application is made shall consider the application and decide desirability of granting application and its decision to give or refuse legal aid shall be final.

(3) Where it is decided not to give legal aid to an applicant, the reasons for not doing so shall be entered in the Register of applications maintained by the Authority/Committee and information in writing to that effect shall be communicated to the applicant.

(4) No application for legal aid and advice shall be allowed, if the Authority/Committee is satisfied that-

(a) the applicant has knowingly made false statement or furnished false information as regards his means or place of residence; or
(b) in a proceeding, other than the one relating to criminal prosecution, there is no prima facie case to institute or, as the case as may be, to defend the proceeding; or
(c) the application is frivolous of fictitious; or
(d) the applicant is not entitled to the same under regulation 16 or any other provision of these regulations; or
(e) having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

33. Certificate of Eligibility -

(1) Where an application for legal aid or advice is allowed, the Secretary of the Authority/Committee shall issue a certificate or Eligibility in Form B to the applicant entitling him to legal aid or advice in respect of the proceeding concerned.

(2) The Certificate of Eligibility shall stand cancelled if the legal aid is withdrawn and the lawyer to whom the case of the applicant is assigned as also the court before which the case is pending shall be informed accordingly in writing.

34. Honorarium payable to Legal Practitioner on the panel -

(1) Subject to the approval of the State Authority, the panel prepared by the Executive Authority under Regulation 12 shall be valid for a period of two years. The legal practitioners on the panel shall be paid honorarium as set out in the Schedule or as may be fixed by the Executive Chairman.
Provided that where the matter is disposed of in less than five effective hearings, the fee payable shall be half of the fee prescribed in the Schedule.

(2) No legal practitioner to whom any case is assigned either for legal advice or for legal aid shall receive any fee or remuneration whether in cash or in kind or any other advantage, monetary others, from the aided person or from any other person on his behalf.

(3) The legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the honorarium to him in connection with the legal proceeding conducted by him on behalf of the legally aided person to the Secretary of the Authority/Committee who shall, with the approval of the Chairman and after due scrutiny and countersignature, place the same before the Authority/Committee for sanction and on such sanction being given by the Authority/Committee the amount shall be paid by the Secretary to the Legal practitioner. It will however, be open to the legal practitioner to waive the honorarium in whole or part.

(4) Notwithstanding anything contained in this regulation, the Court may, in any case in which no legal practitioner on the panel has been engaged, direct engagement of any other legal practitioners as it may deem appropriate and, in every such case -

(a) it shall be the duty of the legal practitioner so engaged to inform the fact of his engagement to the concerned Authority/Committee; and
(b) the provisions of these regulations shall apply to such legal practitioner as they apply to a legal practitioner on the panel.

(5) Notwithstanding anything contained in these Regulations, the Advocates on panel shall continue at the pleasure of the Executive Chairman.

35. Duties of Aided Person -

(1) A person seeking legal aid or advice shall comply with any requisition or direction that any be made upon him by the Authority/Committee from the date the application for legal aid or advice is made till the completion or cessation of legal aid or cancellation of the Certificate of Eligibility.

(2) Every such person shall execute and agreement in Form C agreeing in the event of the Court passing a decree order in his favour awarding costs to him or other monetary benefit or advantage, to repay by way of reimbursement to the Committee all costs, changes and expenses incurred by the Committee in giving him legal aid. For facilitating such reimbursement

he shall execute an irrevocable Power of Attorney in Form D authorising the Member-Secretary/Secretary of the Authority/Committee to do all such acts and things as may be necessary for realisation of the amount decreed or ordered to be paid to him. The costs, charges and expenses which may be recovered by the Authority/Committee as aforesaid shall be credited to the State Government.

(3) Every aided person or his representative shall attend the office of the Authority/Committees or by the legal practitioner rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the legal practitioner concerned and shall attend the Court, as and when required, at his own expenses.

36. **Cancellation of Certificate of Eligibility -**

(1) The Authority/Committee may either on its own motion or otherwise cancel the Certificate of Eligibility granted under regulation 33 in the following circumstances; namely :-

(a) in the event of being found that the aided person was possessed of sufficient means or the Certificate of Eligibility was obtained by misrepresentation or fraud;
(b) in the event of any material change in the circumstances of the aided person;
(c) in the event of any misconduct, misdemeanour or negligence on the part of the aided person in the course of receiving legal aid;
(d) in the event of the aided person not co-operating with the Authority/committee or with a the legal practitioner assigned by the Committee/Authority/Court.
(e) in the event of the aided person engaging a legal practitioner other than the one assigned by the committee/Authority unless the engagement is under direction of any Court;
(f) in the event of death of the aided persons, except in the case of civil proceedings where the right of liability services;
(g) a report has been received the Advocate assigned to the legally aided person that the legally aided person is not co-operating with the Advocate assigned to him or is guilty of misconduct towards the Advocate and such report has been verified by the Chairman of the Legal Services Committee/Authority;
(h) in the event of extenment under any law for the time being in force, of the aided person, from the area or place of his residence of business;

Provided that no such Certificate of Eligibility shall be cancelled without giving notice thereof to the aided person or to his legal representatives in the event of his death, to show cause as to why the Certificate should not be cancelled.

(2) Where the Certificate of Eligibility is cancelled on the grounds set out in clause (a) above, the Authority/Committee shall discontinue legal aid allowed and shall be entitled to recover from the aided person the amount of legal aid granted to him.

37. Proceeding by the Chairman in most urgent cases - Notwithstanding anything to the contrary contained in these regulation, in case the Chairman of any Committee/Authority is of the opinion that such a situation has arisen wherein immediate action is required to be taken or there is no possibility of immediately convening the meeting of the Committee/Authority, then he may, in anticipation of the approval of the Committee/Authority concerned, take such action so taken to the Committee/Authority concerned.

38. If any difficulty arises in giving effect to the provisions of these Regulation, the Executive Chairman may, by order published in the Official Gazette make such provisions of the Regulations as appear to him to be necessary or expedient for removing the difficulty.

CHAPTER VII
MISCELLANEOUS

39. Travelling Allowance and Daily Allowance for journey is connection with Lok Adalats and legal aid programmes of the State Authority -

(1) The ex-officio Members of the State Authority including the Patron-in-Chief and the Executive Chairman shall be entitled to draw their Travelling Allowance and Daily Allowance from the State Legal Aid fund established under section 16 of the Act for performing the functions of the State Authority at the rate applicable to them under the rules governing their conditions of service.

(2) The other person, who are required by the State Authority to participate in the Lok Adalats or legal aid programmes of the State Authority, shall be entitled to the payment of Travelling Allowance and Daily Allowance from the State Legal Aid Fund in respect of journeys performed by them in connection therewith, at the rate applicable to them under the rules governing their conditions of service.
Provided that where no rule is applicable to any such persons, the participating person shall be entitled to Travelling Allowance and Daily Allowance at the rate applicable to the 1st Grade Officers of the State Government.

(3) No Travelling Allowance and Daily Allowance shall be admissible under this rule to any Member or the person referred to in sub-rules (1) and (2) if he draws Travelling Allowance and Daily Allowance from any other source for performing the same journey.

40. Expenditure for the State Legal Aid fund -

(1) All expenditures from the State Legal Aid Fund shall be subject to the approval of the State Authority.

(2) Where any expenditure is incurred without such approval to meet any urgent requirement, the Member-Secretary shall place the matter before the State Authority as its next meeting held immediately after the expenditure so incurred, for ratification.

SCHEDULE
See Regulation 34(1)

A. In all cases before Courts and Tribunals except before the High Court, the Honorarium shall be as follows:-

			Rs.
(1)	Suits		
	Probable Proceedings	....	500.00
	Drafting of plaint	...	300.00
	Drafting of written statement	..	100.00
(2)	Original proceedings before Criminal and Revenue Courts	...	300.00
(3)	Appeals from original decree	...	500.00
(4)	Appeal from orders	...	200.00
(5)	Criminal Appeals and Revisions against orders of conviction	...	500.00
(6)	Other revisions	...	250.00

(7)	Other proceedings	...	250.00

B. In all cases before the High Court, the honorarium shall be as follows:-

(1)	First Appeal	...	700.00
(2)	Second Appeal up to admission	...	200.00
	Hearing	...	500.00
(3)	Misc.Appeal up to admission	...	150.00
	Hearing	...	250.00
(4)	Civil Revision up to admission	...	150.00
	Hearing	...	350.00
(5)	Criminal Appeals	...	500.00
(6)	Criminal Revision up to admission	...	150.00
	Hearing	..	350.00
(7)	Proceeding under section 482 of the code of Criminal Procedure, 1973 up to admission	...	150.00
	Hearing	...	350.00

C. In all cases for advice Rs.50 per case

FORM A
See Regulation 31 (1)
Form of Application for Legal Aid or Advice

To,
The Secretary.....Authority/Committee

Sir,
I ..... aged about .....son/daughter/wife/widow of,..... at present residing at ..... beg to apply for legal aide/advice under the following circumstances, namely:

1. I am employed/not employed :
   (a) Nature of employment/ occupation/trade/business :
   (b) Whether employed in the Army/Navy/ Air Force or Police Force or retired therefrom :
   (c) Since what time :
2. My monthly income is :
3. (a) My residential premises are rented in my name or jointly or they are owned by me alone or jointly :
   (b) The rent thereof or the value thereof :

4. I have agricultural lands at ..... bearing Survey No..... paying assessment of Rs.....per annum. (State, if owned or taken on rent)

(a) Income thereof is :
(b) Value of produce thereof is :

5. My other sources of income are :
(Give particulars)

6. My other assets/properties/effects and
their value :

7 I have/have not disposed of any of my possession/assets and effects within a period of six months prior to the date of this application by way of sale, gift, mortgage or otherwise.

8. The number of members of my family is..... and their relations with me is as under:

9. The number of dependant members in my family is ..... and their relationship with me is as under:

10. The income, if any, of other members of my family residing with me is as under:

11. The nature of legal aid or advice required is in respect of:
(State the nature of dispute, claim of right and state the documents in support thereof. State also separately the origin of dispute, claim or rights of other relevant particulars thereof)

12 The proof in support of my aforesaid claim/right/dispute/defence is as under:

13 I have/have not applied for legal aid or advice previously. If yes, state the content or substance thereof or the result thereof. (If any advice has been received, please disclose the same)

14 I am willing to furnish such further information as may be required for the purpose of enabling you to consider this application fully.

15. I am/am not in a position to pay court costs and costs of miscellaneous proceedings (the applicant may also state the amount which he is prepared to pay by way of costs and miscellaneous costs or a proportion or part thereof).

16. I shall reimburse the State Government all cost, charges and expenses incurred by the Committee in giving me legal aid, if the Court passes a decree or order in my favour awarding costs to me or their monetary benefits or advantage or if I cease to be entitled to legal aid under these regulations.

17 The above statements are true to the best of my knowledge and belief.

Date:
Place

Signature of Applicant

FORM B

See Regulation 33 (1)

The High Court Legal Services Committee/District Authority

CERTIFICATE OF ELIGIBILITY

This is to certify that with reference to application dated the .... Sri/Smt..... ..... residing at ..... is entitled to receive legal aid or advice in respect of legal proceeding, particulars whereof are given below:-

Name of Court/Tribunal Authority	:
Number and description of the legal proceeding	:
Name and Address of opponent	:
Extent of aid to be given	:
Other relevant particulars	:

Place:
Date:

Secretary
.....Authority/Committee

FORM C

See Regulation 35 (2)

FORM OF AGREEMENT TO BE EXECUTED BY AN APPLICANT FOR GRANT OF LEGAL AID

This Agreement made the .....day of ..... between..... son/wife/daughter of .... aged .....years residing at (hereinafter referred to as "the Applicant") of the one part and the Governor of Sikkim exercising the executive power of the Government of the State of Sikkim (hereinafter referred to as "the Government") of the other part;

Whereas in pursuance of section 6 of the Legal Services Authorities Act, 1987 the State Government have constituted a body called "The State Legal Service Authority" (hereinafter referred to as the State Authority) for the State of Sikkim to exercise the powers and to perform the functions conferred on or assigned to, a State Authority under this Act;

And whereas the State Authority has made necessary regulations called "The Sikkim State Legal Services Authority Regulation, 1998" (hereinafter referred to as the said regulations) as required under Section 29A of the said Act, for the purposes of giving effect to the provisions of the Act.;

And whereas the Applicant has under the said Regulations applied on the .....19 for legal aid in connection with *..... ..... (hereinafter referred to as "the said proceeding") which the Government has agreed to grand under the said Regulations through the ** ..... Authority/Committee (hereinafter referred to as "the Authority/the Committee".

And whereas under the provisions of the said Regulations, the applicant has under circumstances mentioned therein to repay to the Authority/Committee for and on behalf of the Government as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with the said

---

* *Fill in the particulars of the proceeding for which legal aid has been applied for.*

** *Mention the full name of the Authority/Committee granting the legal aid.*

property by the Government through the Authority/Committee for and on behalf of the Applicant as and by way of legal aid under the said Regulations and the applicant is required to execute an Agreement for the purpose in the prescribed form being in fact these presents.

Now this Agreement witnesseth and it is hereby agreed and declared by and between the parties hereto as follows:

1. In consideration of the Applicant being granted Legal Aid as aforesaid under the said Regulations in connection with the said proceeding the Applicant doth hereby covenant and agree as follows:-

   i) In the event of the applicant succeeding in the said proceeding and the Court passing any decree or order awarding costs in favour of the Applicant or the Court passing any decree or order for payment to the Applicant of an amount whatsoever the Applicant shall repay to the Authority/Committee for and on behalf of the Government as and by way of reimbursement, all costs, charges, expenses incurred by the Government through the Authority/Committee for and on behalf of the Applicant in connection with the said proceeding as and by way of legal aid under the said Regulations.

   ii) The Authority/Committee for and behalf of the Government may take such action or proceeding as it thinks fit for executing any decree or order passed by the Court in the said proceeding in favour of the applicant and recovered the amount decreed or ordered in the said proceeding to be paid to the applicant and appropriate therefrom the amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/Committee for and on behalf of the applicant as and by way of legal aid under the said Regulations and the applicant doth hereby authorise the Authority/Committee to do so. The applicant shall render to the Authority/Committee all such assistance as may be required by it for the purpose.

   iii) If the applicant fails to repay to the Authority/Committee for and on behalf of the Government the amount as aforesaid or any part thereof the same shall be deemed to be arrears of land revenue and the Government and or Authority/Committee for and on behalf of the Government may without prejudice to any other rights and remedies of the Authority/Committee and the Government, recover the same from the applicant as arrears of land revenue.

2. The Government will bear any pay the stamp duty on this agreement

In witness whereof, the applicant has hereto set his hand and the Governor of Sikkim has caused..... to set his hand, affixed his Official Seal hereto for and on his behalf the day and year first hereinabove signed and delivered by ..... the within named Shri/Smt/Kum. ..... the applicant above-named in the presence of :-

1. ..... 2 .....

Signed, sealed and delivered by Shri*..... for and on behalf of the Governor of Sikkim in the presence of:

1. ..... 2. .....

---

* *Here enter the name and designation of the officer concerned who has been authorised to execute contract on behalf of the Governor of Sikkim under Article 299 (1) of the Constitution of India.*

FORM D

See Regulation 35 (2)

FORM OF IRREVOCABLE POWER OF ATTORNEY

To All to Whom These Presents Shall Come

I, ... son/wife/daughter of .....years residing at ..... hereby declare as follows:-

Whereas in pursuance of Section 6 of the Legal Services Authorities Act, 1987 the State Government have constituted a body called "The State Legal Services Authority" (hereinafter referred to as the State Authority) for the State of Sikkim to exercise the powers and to perform the functions conferred on, or assigned to, a State Authority under the said Act;

And whereas the State Authority has made necessary regulations called "The Sikkim State Legal Services Authority Regulation 1998 (hereafter referred to as the said Regulation) as required under section 29 A of the said Act for the purpose of giving effect to the provisions of that act;

And whereas I have under the said Regulation applied for legal aid in connection with "..... (hereinafter referred to as "the said proceeding"- which the ..... Authority/ Committee** ..... on behalf of the Government has agreed to grand under the said Regulations (hereinafter referred to as "the Authority/the Committee").

And whereas under the provisions of the said regulations, the applicant has, under certain circumstances, mentioned therein to repay to the Authority/Committee for and on behalf of the Government as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with such proceeding by the Government through the Authority/Committee for and on behalf of the applicant as and by way of legal aid under the said Regulations;

And whereas as required by the said Regulations by an agreement of even date but executed prior to the execution of these presents and made between myself (hereinafter referred to as "the Applicants" of the one part and the Governor of Sikkim exercising the executive power of the Government of the State of Sikkim (herein and hereinafter referred to as "the Government") of the other part it has been agreed inter alia that the Authority/Committee for and on behalf of the Government may take such action or proceeding as it thinks fit and executing the decree or order passed by the Court in the said proceeding in my favour and recovering the amount decreed or ordered in the said proceeding to be paid to me and to appropriate therefrom the amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/Committee for and on my behalf as and by way of legal aid under the said Regulations and I have thereby authorised the Authority/Committee to do so;

And whereas as per the provisions of the said Regulations the applicant, to whom the Government have agreed to grant legal aid through the Authority/Committee, has to execute an irrevocable Power of Attorney in favour of the Authority/Committee appointing..... as his/her Attorney inter alia for enabling the Authority/Committee to take such action or proceedings as it thinks fit for executing the decree or order passed by the Court in my favour in the said proceeding and for recovering the amount decreed or ordered in the said proceeding to be paid to me as aforesaid;

---

* *Fill in the particulars of the proceeding for which legal aid has been applied for.*

** *Mention the full name of the Authority/Committee granting the legal aid.*

NOW KNOW YE THESE PRESENTS WITNESS THAT I ..... hereby irrevocably nominate, constitute and appoint the Secretary of the Authority/Committee (hereinafter referred to as "the Attorney".) to be my true and lawful Attorney for me and on my behalf and in my name or in the name of the Attorney to do, execute and perform the following acts, deeds, matters and things, that is to say:

(1) to ask, demand, recover, and receive from the party who has been decreed or ordered in the said proceeding to pay me the amounts specified therein and upon receipt thereof or any part thereof in my name or in the name of the Attorney as the case may require to make, sign, execute and deliver such receipts, releases or other discharges for the same, respectively as the Attorney shall think fit or be advised;

(2) to commence, prosecute and enforce, proceedings for realisation of the amount of any decree or order passed in the said proceeding in my favour or whereunder any amount is decreed or ordered to be paid to me including applications for execution of the said decree or order and for the purpose to sign, declare and affirm all applications, petitions, affidavits that may be necessary and appoint advocates on such terms and conditions including fees payable to them as the Attorney shall think fit and to sign Vakaltnama and necessary authority in their favour and from time to time discharge them and to appoint or employ others in their place and stead.....

(3) to compromise, refer to arbitration, abandon or submit to judgement in any such proceedings specified in clause (2) above;

(4) to concur in doing any of the acts, deeds, matters and things herein before mentioned in conjunction with any other person or persons interested in the premise.

IN GENERAL to do all other acts, deeds, matters and things whatsoever or about the recovery or realisation of the amount which has been declared or ordered to be paid to me in the said proceeding as amply and effectually to all intents and purposes as I could do my own proper person if these presents had not been executed.

AND I HEREBY RATIFY AND CONFIRM AND AGREE TO RATIFY AND CONFIRM whatsoever the Attorney shall do or purport to do by virtue of these presents.

AND I DECLARE the power hereby created shall be irrevocable till the Authority/Committee for and on behalf of the Government is repaid or realise the said amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/Committee for and on my behalf as and by way of legal aid under the said Regulations.

IN WITNESS WHEREOF I ..... have hereunto set my hand this ..... day of ..... in the year one thousand nine hundred and ..... signed and delivered by the within named in ..... the presence of:

1.....

2.....

GOVERNMENT OF SIKKIM
FOREST DEPARTMENT

No.140/F

Dated 25.4.98

NOTIFICATION

In exercise of powers conferred by clause (a) of sub-section (2) of section 83 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby make the following rules namely :-

Short title and commencement

1. (1) These rules may be called the **Sikkim Forests (Compounding of Offences) Rules, 1998**.
(2) They shall come into force from the date of their publication in the Official Gazette.

Definition

2. In these rules, unless the context otherwise requires, -

(a) "Act" means the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988;
(b) "Form" means a from appended to these rules;
(c) "Offender" means any person who has committed a forest offence under this Act;
(d) "Value" means the value as may be notified by the Government in respect of forest produce.

Booking of forest offence, issue of seizure memo

3 When a forest offence is booked, it shall be dealt with in the manner hereinafter provided. A seizure memo is to be given to the offender as prescribed in Form A and enquiry instituted by the Range Officer or Block Officer.

Report of offence to magistrate

4. A report of seizure of forest produce and tools, carts, vehicles etc. used in committing the offence shall be submitted immediately by the Range Officer or Block Officer to the Magistrate of the First Class having jurisdiction with a copy to the Divisional Forest Officer in Form B prescribed for the purpose.

Safe custody of forest produce

5. The seized forest produce shall be stored in safe custody of a forest official who will report to the Divisonal Forest Officer in Form C, that the produce is in safe custody.

Undertaking by offender to get offence compounded

6. Every offender who expresses his willingness to have the offence compounded under section 74 of the Act shall forthwith give a written undertaking in that regard in Form D.

Power of Forest Officer to compound offences

7. After the offender gives an undertaking as specified in rule 6.

(i) for all forest offences, an officer not below the rank of Assistant Conservator of Forests, and
(ii) for forest offences involving timber of volume not more than 50 cubic feet the Range Officer shall be competent to compound the offence under section 74 by passing and order in this behalf.

Every order so passed shall be in Form E and shall immediately be communicated to the offender.

Refusal by Forest

8. Every officer competent to compound the offence may refuse to compound the

Officer to compound any case

offence in any particular case without assigning any reason and proceed to prosecute the offender under rule 14.

Payment to be made for compounding of offence

9. While compounding the offence, the compounding officer shall accept a sum of money which shall be as provided for in section 74 of the Act

Appeal against order of compounding offence

10. Any person aggrieved by an order passed by an officer under the foregoing rules, may prefer an appeal, within 48 hours from the date of receipt of such order to the Assistant Conservator of Forest or the Divisional Forest Officer in case such order is passed by the Rage Officer, and to the Conservator of Forests in case such order is passed by an Assistant Conservator of Forests or Divisional Forests Officer. The Appellate Authority shall dispose off the appeal within 48 hours of its receipt and the order so passed by him shall be final.

Power of Appellate Authority to verify compounding order

11. The Appellate Authority referred to in Rule 10, may, if no appeal is preferred, call for the records governing a compounding order and satisfy itself as to the legality, propriety and regularity of such order.

Period within which payment to be made

12. The offender shall pay the money as stated by the Compounding Officer within a period of 5 days of receipt by him of the order compounding the offences and the offender and seized property shall then be released forthwith.

Procedure on default of payment

13. In case the offender does not pay the amount fixed for compounding under the foregoing rules, the Forest Officer may proceed to prosecute the offender under rule 14 or proceed to dispose off the produce in the manner hereinafter provided-

(a) When an offender fails to get the offence compounded by payment within the stipulated time; or if he expresses his unwillingness to opt for compounding the offence in writing, whichever is earlier, the compounding officer may seize the vehicle(s) used in the commission of the offence and dispose off the forest produce by open public auction after giving wide publicity and credit the proceeds to Government revenue. The offset price for such auction shall be the value of forest produce. The compounding or auctioning officer may meet up the expenditure incurred, if any, in apprehending the offender and seizing the forest produce with vehicles, tools etc., from the proceeds of the compensation or auction of forest produce subject to the following :-

Upto 5 percent of the proceeds with the prior approval of the Divisional Forest Officer.
Upto 10 percent of the proceeds with the prior approval of the Conservator of Forests;

(b) The vehicle seized under sub-rule (a) may be released on payment of compensation which shall be a sum of money equivalent to twice the value of the forest produce in respect of which the offence was committed.

Filing of chargesheet in case of prosecution

14. If an offence is not compounded or if the seized property is not disposed off as provided for in the foregoing rules, the Assistant Conservator of Forests or the Divisional Forest Officer shall order the prosecution of the offender duly appointing the Rage Officer as Prosecuting Officer. The Prosecuting Officer shall then file a charge-sheet in Form F before the Magistrate having jurisdiction.

FORM A

See Rule 3 of the Sikkim Forest (Compounding of Offences) Rules, 1998

SEIZURE MEMO

Name of the accused	:
Parentage and address	:
Age of accused	:
Description of materials seized	:
Name and address of at least two witnesses	:
Date of seizure	:
Time of seizure	:
Place of seizure	:

The above mentioned items have been seized from my custody on account of it not being legal.

Signature of accused

Signature of Officer

Name of accused

Designation

FORM B

See Rule 4 of the Sikkim Forest (Compounding of Offences) Rules, 1998
REPORT OF SEIZED PROPERTY IN A FOREST OFFENCE
(Under section 55 of the Sikkim Forests, Water Courses and Road Reserve (Prevention and Protection) Act, 1998)

To,

The Judicial Magistrate,
Chief Judicial Magistrate.

I submit that the following property is seized by me on .....at a.m./p.m. in connection with a forest offence.

1. Name of accused with address and parentage :
2. Nature of offence :
3. Probable section and Act under which offence committed :
4. Particulars of property with measurement :
5. Date and time of offence :
6. Locality of offence :
7. Name and address and signature of atleast two witnesses:

Date:

Signature
Designation:
Range:

FORM C

See Rule 5 of Sikkim Forest (Compounding of Offence) Rules, 1998

CERTIFICATE OF SAFE CUSTODY

The following articles seized in a forest offence are in my safe custody. They are given in my custody by ..... (Name and designation).

I undertake to safeguard them from damage and loss and shall produce the same on demand by an authorised officer of the Forest Department.

Details of articles taken over:

Date

Signature of the Forest Officer who seized the articles and handed over to the custodian.

FORM D

See Rule 6 of Sikkim Forest (Compounding of Offence) Rules, 1998

COMPOUNDING STATEMENT

1 I ..... son/daughter..... resident of ..... being ..... accused for ..... for ..... (forest offence) hereby do undertake of my own free will to pay compensation under the Sikkim Forest (Compounding of Offences) Rules, 1998.

2. Should I fail to remit the amount of compensation imposed the authorities are free to take any further action including confiscation of materials relating to which an offence was committed by me.

3. I also clearly understand that compounding of the offence by the competent authority under the rules is discretionary and my willingness to pay compensation or payment made in anticipation of compounding order does not prevent the competent authority to decide a different course of action.

1. Name of the accused :
2. Father's name :
3. Address :
4. Particulars of offences under investigation :
5. Signature of offender :

Signature of witnesses: (1) Date:

(2) Address:

Name, designation and signature of officer receiving this settlement.

Date

FORM E

See Rule 7 of Sikkim Forest (Compounding of Offence) Rules, 1998

COMPOUNDING ORDER

1. In view of the compounding statement given by the accused Shri ....., I hereby order that a sum of Rs..... be paid towards compensation by the offender.
2. On payment of compensation amount if full the seizure detailed hereunder shall be released.

DETAILS OF SEIZURES

3. If the compensation is not paid in full within five (5) days from the date of receipt of this order, authorities will take further steps according to the above mentioned rules.
4. Appeal lies on this order to the Assistant Conservator of Forests( )/Divisional Forest Officer ( )/ Conservator of Forests, if preferred within 48 hours from the date of receipt of this order.
5. He is requested to acknowledge receipt of this by fixing the date of receipt also.

Place:
Date:
To,
Shri .....

Competent Authority
Designation.....

To be served on the offender by Range/Block Officer duly acknowledging receipt of the offender with date and time of the receipt in the duplicate copy.

FORM F

See Rule 14 of Sikkim Forest (Compounding of Offence) Rules, 1998

FOREST OFFENCE REPORT

Range..... Date.....

To,
The Judicial/Chief Judicial Magistrate,

Sir,
I am submitting the following report relating to a forest offence for cognizance under Section 90 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection Act, 1988.

1. Locality and date of offence:
2. Where/when and by whom detained and by whom and when reported No. and date of report :
3. Number, name, age, parentage and address of the accused and if arrested by whom, when and where :

4. Nature of offence, section, rule of Act liable. If offence is theft of forest produce, state whole quantity and value involved. (If the offence is illegal grazing, state number and description of animals. :

5. Name address and parentage and addresses of witnesses; Points on which evidence of each witness is received :

6. Nature of the defence, state whether the accused is willing to compound :

7. Description and value of produce etc., seized by whom and when :

8. In whose charge and by whom and when left, where the receipt is recorded :

9. History of the case and date of enquiry by the undersigned :

Place:
Date:

Signature
Designation

(To be written in duplicate at the time using carbon paper. Original to be filed as charge-sheet and duplicate to be retained as office copy)

RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF SIKKIM

No.35(14) 97-98/40/RDD/P(II) **26th June, 1998**

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 130 of the Sikkim Panchayat Act, 1993 (6 of 1993), the State Government hereby makes the following rules, namely :-

Short title and commencement

1. (1) These rules may be called the **Sikkim Panchayat (Procedure for Convening and Conducting the Meetings of Gram Sabha) Rules 1998**

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

Definitions

2. In these rules, unless the context otherwise requires,

(a) "Act" means the Sikkim Panchayat Act, 1993,

(b) "Prescribed Authority" means the Secretary in the Rural Development Department, Government of Sikkim;

(c) "Section" means the sections of the Act.

Jurisdiction of Gram Sabha

3. The area comprised within the jurisdiction of a Gram Panchayat constituted under section 12 of the Act shall be the jurisdiction of a Gram Sabha.

Member of Gram Sabha

4. Every person who is entitled to vote to elect members of a Gram Panchayat and Zilla Panchayat of a district shall be a member of the Gram Sabha of that Gram Panchayat.

Notice of meeting

5. (1) The notice of every meeting of a Gram Sabha shall be given atleast fifteen days before the date of the meeting and such notice shall also be affixed on the Notice Board of the Panchayat Bhawan and such other places where people gather to the maximum.

(2) The notice issued under sub-rule (1) shall also be sent to Adhakshya and Up-Adhakshya of Zilla Panchayat concerned, prescribed authority and such other officers of the State Government dealing with the Gram Panchayat of the concerned district.

Place of meeting

6. Every meeting of the Gram Sabha shall be held at the Panchayat Bhawan or where there is no Panchayat Bhawan of the Panchayat concerned, at such other place as the Sabhapati may fix:

Provided that while fixing the place under this rule, the Sabhapati shall give due regard to the fact that the place is so fixed that it will be convenient to members of all Panchayat wards comprising the Gram Sabha to attend the meeting.

Register of proceeding

7. (1) A register of proceedings shall be maintained by the Sachiva of the Gram Panchayat who shall obtain in the register the signatures or thumb impression of the members present at the meeting.

(2) The proceedings of every meeting of the Gram Sabha shall be recorded by the Sachiva in the language commonly known by all the members and it shall be signed by the person presiding over the meeting.

(3) A copy of the proceedings shall be sent to the District Development Officer-cum-Panchayat Officer, the prescribed authority and the Adhakshya of Zilla Panchayat, as soon as may be, but before the expiry of fifteen days, from the date of the meeting. The Sachiva shall keep proper record of all actions taken in this regard.

(4) Proceedings of the last meeting of the Gram Sabha shall be read at the subsequent meeting and confirmed.

Resolutions

8. (1) The person presiding over the meeting may disallow the moving or discussion of any resolution of propositions which he considers to be beyond the scope of the Sabha and in doing so he shall record his reasons in writing.

(2) All resolutions or propositions not disallowed under sub-rule (1) shall be discussed and passed by a majority of votes by the members present and voting in the meeting and in case of equality of votes the person presiding over the meeting shall have a casting vote.

Transaction of business

9. (1) The order of the business to be transacted at every meeting shall be decided by the person presiding over the meeting.

(2) In particular and without prejudice to the provisions of sub-rule (1), such meeting may consider and make recommendations and suggestions to Gram Panchayat on the matters specified in clauses (a) to (e) of sub-section (1) of section 10 and section 11 of the Act.

Regulation of conduct of business

10. It shall be the duty of the person presiding over the Sabha to regulate the conduct of business in a Sabha and to preserve order therein. If any member disregards the authority of presiding person or is guilty of obstruction or offensive conduct during the meeting, the presiding person may ask him to behave properly and on his failure to do so direct him to withdraw from the meeting.

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS AND TRAINING
GANGTOK

20/GEN/DOP **Dated 17.6.98**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the constitution of India, the Governor of Sikkim hereby makes the following rules, namely :-

1. **Short title and commencement -**

(1) These rules may be called the **Sikkim State Para-Medical Service Rules, 1998.**

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

2. **Definitions -**

In these rules, unless the context otherwise require,

(a) "appointed day" means the date from which the provisions of these rules comes into force;
(b) "Commission" means the Sikkim Public Service Commission;
(c) "Committee" means the Selection Committee constituted under rule 17;
(d) "Cadre post" means any of the post specified in Schedule - I;
(e) "Controlling authority' means the Government of Sikkim in the Department of Personnel, Administrative Reforms and Training;
(f) "Government" means the Government of Sikkim;
(g) "Governor" means the Governor of Sikkim;
(h) "Member of service" means the person who is appointed to the service in accordance with provisions of these rules;
(i) "Schedule" means the Schedule appended to these rules;
(j) "Service" means the Sikkim State Para - Medical Service;
(k) "State" means State of Sikkim;
(l) "Year" means the financial year commencing on the 1st day of April and ending on the 31st day of March next following.

3. **Constitution and composition of service-**

(1) There shall be constituted a service to be known as the Sikkim State Para - Medical Service consisting of persons appointed to the service under rules 6 and 7;

(2) The authorised strength, composition of the service, grades and scale of pay shall be as indicated in Schedule I at the initial constitution and shall be as determined by the Governor from time to time;

(3) The scale of pay admissible to the members of the service shall be as shown in Schedule I- at its initial constitution and shall be as determined by the Governor from time to time after the appointed day.

(4) Members of the Service :-

(1) The following category of persons shall be the members of the service namely :-

(a) persons appointed at the initial constitution under rule 6;

(b) persons appointed to the service under rule 7.

(2) The persons appointed under clause (a) of sub-rule (1) shall, on such appointment be deemed to be a member of the service in the appropriate grade applicable to him under Schedule II from the appointed day.

(3) The person appointed under clause (b) of sub-rule (1) shall be the member of the service in the appropriate grade applicable to him in Schedule II from the date of such appointment.

5. **Appointment and postings:-**

(1) All appointments to the cadre posts after the appointed day shall be made by the Governor of Sikkim by one of the methods as specified in rule 7 and save as provided in sub-rule (2) and (3), no cadre post shall be filled otherwise then by the member of the service.

(2) Notwithstanding anything contained in sub-rule (1), the Government shall have the right to fill up any cadre by obtaining officers of similar service on deputation from the Central or other State Government for any period of time;

(3) The member of the service may, in public interest be posted by the Government to any cadre post or under any other Government or under an organisation on such terms and conditions as may be specified by the Government.

6. **Initial constitution of the service -**

All persons holding, on the appointed day, any of the cadre post on a regular basis, otherwise than as a purely temporary arrangement or on contract or on deputation from Central or any other Government shall be deemed to have been appointed to the corresponding post and grades in the service.

7. **Method of recruitment to the service -**

Subject to the provision of rule 6 any vacancy arising in the service after the appointed day shall be filled in the manner provided in Schedule II.

8. **Recruitment by competitive examination -**

(1) Selection on a competitive examination for recruitment to service shall be held at such interval as the Government may, from time to time, in consultation with the Commission, determine.

(2) The examination shall be conducted by the Commission in accordance with such rules and syllabus as the Government may, from time to time, make in consultation with the Commission.

(3) Of the number of vacancies to be filled on the results of each examination there shall be reservation in favour of candidates belonging to Scheduled Castes, Schedules Tribes and Other Backward Classes subject to the condition as the Government may, from time to time, specify.

(4) Subject to sub-rule (3), the Commission shall forward to the Government a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine.

(5) The inclusion of a candidate's name in the list prepared under sub-rule (4) shall confer no rights to appointment to the service.

9. Conditions of eligibility for appearing at the competitive examination -

In order to be eligible to appear in the interview or to compete at the competitive examination, a candidate must satisfy the following conditions, namely :-

(a) the condition specified in Schedule II.
(b) Any other conditions that may be specified by the Government in consultation with the Commission;
(c) Should pay the fees, if any, specified by the Commission.

10. Attempt at the examination -

No candidate shall be permitted to appear/compete more than three times at the interview/competitive examination.

Note : A candidate shall be deemed to have competed at the examination if he actually appears in any one or more subjects.

11. Disqualification for admission to examination -

Any attempt on the part of the candidate to obtain support for his candidature by any means shall render himself liable to be disqualified for admission to the interview/competitive examination by the Commission.

12. Commission's decision -

The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the interview/examination shall be final and no candidate to whom certificate of admission has not been issued by the Commission shall be admitted to interview/examination.

13. Appointment from the list -

Subject to the provisions of rules 14, 15 and 16, candidates shall be considered for appointment to the available vacancies in the order in which their names appears in the list.

14. Disqualification for appointment on ground of plural marriage -
No person,

(a) who has entered into or contracted marriage with a person having a spouse living, or
(b) who, having a spouse living, has entered into or contracted marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law or customs applicable to such person and the other party to the marriage, exempt such person from the operation of this rule.

15. Penalty for impersonation etc :-

A candidate, who is or has been declared by the Commission guilty of impersonation or submitting false or fabricated documents which have been tempered with or of making statements which are incorrect or false or suppressing material information or of using or attempting to use unfair means in the examination hall or otherwise resorting to any other irregular or improper means for obtaining admission to the examination may, in addition to rendering himself liable to a criminal prosecution, be debarred either permanently or for a specified period-

(a) by the Commission from admission to any examination or appearance at any interview held by the Commission for selection of candidate; and
(b) by the Government from employment under them.

16. Disqualification for appointment on medical ground :-

No candidate shall be appointed to the service two, after such medical examination, as the Government may prescribed is not found to be physically and mentally fit and free from any mental or physical defect likely to interfere with the discharge of the duties of the service.

17. Recruitment by promotion -

(1) There shall be a Selection Committee consisting of the following members for the purpose of recruitment of members of the service by promotion namely :-

(a) Chairman, Sikkim Public Service Commission.
(b) Member, Sikkim Public Service Commission;
(c) Secretary to the Government in the Department of Personnel, Administrative Reforms and Training;
(d) Secretary to the Government in Health and Family Welfare Department;
(e) Secretary to the Government to be nominated by the Government.
(f) The Commission may co-opt any other suitable/expert advisor.

(2) The Chairman or where the Chairman is unable to attend, the Member of the Commission shall preside over the meeting of the Committee. The absence of a member other than the Chairman or Member of the Commission, shall not invalidate the proceedings of the Committee if more than half the members of the Committee had attended its meeting.

(3) The Government shall, every year, for the purpose of recruitment by promotion to the service, where such promotion is provided, prepare a list of names of eligible members of the service in order of seniority who have on the first day of the year completed the required length of service as indicated in Schedule II

(4) The number of candidates to be included in the list prepared under sub-rule (3) shall not exceed five times the number of vacancies anticipated. Provided that such restriction shall not apply where the number of eligible persons are less than its maximum permissible number, and in such a case the names of all the eligible persons shall be forwarded.

(5) The Government shall forward to the Commission the list of persons referred to in sub-rule(3) together with their character rolls and service records of the period the members of service have to complete to become eligible for promotion indicat-

ing the anticipated number of vacancies to be filled by promotion in course of period of twelve months commencing from the date of preparation of the list.

(6) The Commission shall prepare a final list of person who are found to be suitable for promotion to the service on or overall relative assessment of their character rolls, service records and interview.

(7) The number of persons to be included in the final list shall not exceed twice the number of vacancies to be filled by promotion.

(8) The Commission shall forward the final list prepared under sub-rule (6) to the Government alongwith the character rolls and service records received from the Government.

(9) The list shall ordinarily be in force for the period of twelve months from the date of recommendation of Commission.

(10) Appointment by promotion of persons included in the final list of the service shall be made by the Government in the order in which the names of persons appear in the list for the time being in force.

(11) It shall not be ordinarily necessary to consult the Commission before such appointment is made unless during the period intervening between the inclusion of the names of the persons in the list and the date of proposed appointment where occurs deterioration in the work of the person which in the opinion of the Government is such as to render him unsuitable for appointment by promotion to the service.

18. Probation :-

(1) Every person recruited to the service by competitive examination shall be appointed to the service on probation for a period of two years.

(2) Every person recruited to the service by promotion shall be appointed to the service on probation for a period of one year.

(3) The Government may, if it so thinks fit in any case or class of cases, extend the period of probation by a period not exceeding two years for reason to be recorded in writing.

19 Discharge of the probationer :

A probationer shall be liable to be discharged from the service or as the case may be, reverted to his substantive post, if :-

(a) he fails to pass departmental examination; or

(b) the Government is satisfied that the probationer is ineligible for recruitment to the service; or is unsuitable for being a member of the service, or

(c) he is found lacking in qualities of mind and character needed for the service or in the constructive outlook and human sympathy needed in public service generally; or

(d) he fails to comply with any of the provisions of these rules.

20. Confirmation :-

Where a probationer has completed his period of probation to the satisfaction of the Government, he shall, subject to the other provisions of these rules, be confirmed in the service at the end of his period of probation.

21. Seniority :-

The inter–seniority of the members of the service shall be determined in accordance with the Sikkim State Service (Regulation of Seniority) Rules, 1980.

22. Promotion from one grade to another in the service :-

(1) The Committee constituted under sub-rule (1) of rule 17 shall also be the Committee for the purpose of promotion of the member of the service to the higher posts of the service.

(2) The Chairman or where the Chairman is unable to attend, the member of the Commission shall preside over the meeting of the Committee. The absence of a member other than the Chairman on the Member of the Commission, shall not invalidate the proceeding of the Committee if more than half the members of the Committee has attended its meeting.

(3) The Government shall, from time to time, for the purpose of sub-rule (1) prepare a list of names of the members of the service in order of seniority who have completed the prescribed length of service as indicated in Schedule II for promotion to the next higher grade on the first day of that year.

(4) The Government shall, forward to the Commission the list prepared under sub-rule (3) along with their character rolls and service records of the period the members of the service have to complete to become eligible for promotion, indicating the anticipated number of vacancies to be filled by promotion in course of period of twelve months commencing from the date preparation of the list.

(5) The Commission, after satisfying, itself that the records and the information complete in all respects have been received, shall convene a meeting of the Committee. The Committee shall prepare a final list of the persons who are found suitable for promotion.

(6) The number of persons to be included in the list shall not exceed twice the number of vacancies to be filled by promotion.

(7) The Commission shall forward the final list prepared under sub-rule (5) to the Government alongwith character rolls and service records received from Government.

(8) The list shall ordinarily be in for a period of twelve months from the date of recommendation of the Commission.

(9) Promotion of the persons included in the list to the relevant higher grade shall be made by the Government against the existing vacancies in the order in which their names appear in the list.

(10) It shall not be ordinarily necessary to consult the Commission before such promo-

tion is made unless during the period of twelve month from the date of recommendation of the Commission there occurs a deterioration in the work of the members of the service which in the opinion of the Government is such as to render him unsuitable for promotion.

23. Administrative control :-

(1) The control over the service including appointments, transfers and deputation shall vest with the Controlling Authority.

(2) The head quarters of a member of service shall not be changed save with the concurrence of the Controlling Authority.

24. Residuary matters :-

All other matters in relation to the service not specified or for which no provisions have been made in these rules shall be regulated by rules and orders applicable to other officers of Government of equivalent status.

25. Interpretation :-

If any question arises to the interpretation of these rules, the decision of the Government thereon shall be final.

26. Power to relax:-

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

SCHEDULE - I

(See sub-rule (2) of Rule 3)

COMPOSITION, STRENGTH, GRADES AND SCALE OF PAY

S.No.	Name of Post	Strength	Grade	Scale of Pay
01.	Assistant Director (Nutrition)	5	Junior Grade	Rs.7000-225-11500
02.	Health Education Officer/District Health Education Officer	12	Junior Grade	Rs.7000-225-11500
03.	Medical Stores Officer(Central Health Stores Organisation/Family Welfare)	5	Junior Grade	Rs.7000-225-11500
04.	Dietician	5	Junior Grade	Rs.7000-225-11500
05.	Assistant Director (Sanitation)	6	Junior Grade	Rs.7000-225-11500
06.	Technical Officer (Non-Medical)	6	Junior Grade	Rs.7000-225-11500
07.	Community Health Officer	10	Junior Grade	Rs.7000-225-11500
08	Physictherapist	6	Junior Grade	Rs.7000-225-11500
09.	Non-Medical Leprosy Officer	4	Junior Grade	Rs.7000-225-11500
10.	Food Inspector (Prevention of Food Adulteration)	4	Junior Grade	Rs.7000-225-11500
11.	Public Analyst	1	Junior Grade	Rs.7000-225-11500
12.	Entomologist	1	Junior Grade	Rs.7000-225-11500
13.	Assistant Malaria Officer	2	Junior Grade	Rs.7000-225-11500

14	Senior Drug Inspector	2	Junior Grade	Rs.7000-225-11500
15	Clinical Psychologist	1	Junior Grade	Rs.7000-225-11500
16	Psychiatric Social Worker	1	Junior Grade	Rs.7000-225-11500
17	Deputy Director (Nutrition)	2	Senior Grade	Rs.9000-300-13800
18	Deputy Director (Health Education/ Mass Media/School Health)	4	Senior Grade	Rs.9000-300-13800
19	Senior Medical Stores Officer (Central Health Store Organisation/ Family Welfare)	4	Senior Grade	Rs.9000-300-13800
20	Senior Dietician	2	Senior Grade	Rs.9000-300-13800
21	Deputy Director (Sanitation)	2	Senior Grade	Rs.9000-300-13800
22	Senior Technical Officer (non-Medical)	4	Senior Grade	Rs.9000-300-13800
23	Senior Community Health Officer	2	Senior Grade	Rs.9000-300-13800
24	Senior Physiotherapist	1	Senior Grade	Rs.9000-300-13800
25	Senior Non-Medical Leprosy Officer	1	Senior Grade	Rs.9000-300-13800
26	Senior Food Inspector	2	Senior Grade	Rs.9000-300-13800
27	Public Analyst	1	Senior Grade	Rs.9000-300-13800
28	Chief Drug Inspector	1	Senior Grade	Rs.9000-300-13800
29	Joint Director (Nutrition)	1	Selection Grade	Rs.11000-350-16250
30	Joint Director (Health Education)	1	Selection Grade	Rs.11000-350-16250
31	Joint Director (Central Health Store Organisation)	1	Selection Grade	Rs.11000-350-16250
32	Chief Dietician	1	Selection Grade	Rs.11000-350-16250
33	Joint Director (Sanitation)	1	Selection Grade	Rs.11000-350-16250
34	Chief Physiotherapist	1	Selection Grade	Rs.11000-350-16250
35	Chief Food Inspector (Prevention of Food Adulteration)	1	Selection Grade	Rs.11000-350-16250
	TOTAL	104		

Deputation Reserve	10 per cent of 103 = 10
Leave Reserve	5 per cent of 103 = 5
Training Reserve	5 per cent of 103 = 5
Total authorised strength	**123**

SCHEDULE - II

(See sub-rule (2) and (3) of Rule 4)

S.No.	Name of Post/Grade/Pay Scale	Mode of Recruitment	Eligibility condition
A..	NUTRITION WING		
01.	Assistant Director (Nutrition) /Junior Grade/ Rs.7000-225-11500	100% by promotion	8 (eight) years of regular service as Nutrition Educator cum- Inspector
02.	Deputy Director (Nutrition) /Senior Grade/ Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Asst. Director (Nutrition)
03.	Joint Director (Nutrition) /Selection Grade/ Rs.11000-350-16250	100% by promotion	8 (eight) years of regular service as Deputy Director (Nutritions)
B.	HEALTH EDUCATION WING		
01.	Health Education Officer/District Health Education Officer/Junior Grade/ Rs.7000-225-11500	100% by promotion	8 (eight) years of regular service as Health Educator/Extension Educator with Degree from recognised university with and Diploma in Health Education/ Health Education with certificate course in leprosy for National Leprosy Eradication Programme.
02.	Deputy Director (Health Education/Mass Media/School Health/Senior Grade/ Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Health Education Officer/ District Health Education Officer
03.	Joint Director (Health Education) Selection Grade-II Rs 11000-350-16250	100% by promotion	8 (eight) years of regular service as Deputy Director (Health Education/ Mass Media/School Health).

C	CENTRAL HEALTH STORES ORGANISATION/ FAMILY WELFARE		
01	Medical Stores Officer (Central Health Stores Organisation/Family Welfare)/Junior Grade Rs.7000-225-11500	100% by promotion	8 (eight) years of regular service as Stores Inspector with certificate course in Medical Stores Management.
02	Senior Medical Stores Officer (Central Health Stores Organisation/Family Welfare) Junior Grade Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Senior Medical Stores Officer (Central Health Stores Organisation/ Family Welfare)
03	Joint Director (Central Health Stores Organisation) Selection Grade-II Rs 11000-350-16250	100% by promotion	8 (eight) years of regular service as Senior Medical Stores Officer (Central Health Stores Organisation/Family Welfare).
D	STNM HOSPITAL/DISTRICT HOSPITAL (DIETETICS)		
01.	Dietician Junior Grade II Rs.7000-225-11500	100% by direct recruitment	B Sc.degree from a recognised University with Diploma in Dietetics from a recognised Institute
02	Senior Dietician Senior Grade Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Dietician.
03	Chief Dietician Selection Grade-II Rs.11000-350-16250	100% by promotion	8 (eight) years of regular service as Senior Dietician.
E.	STNM HOSPITAL/DISTRICT HOSPITAL		
01.	Assistant Director (Sanitation) Junior Grade Rs.7000-225-11500	100% by promotion	8 (eight) years of regular service as Sanitary Inspector
02	Deputy Director (Sanitation) Senior Grade Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Asst. Director (Sanitation)

03.	Joint Director (Sanitation) Selection Grade II Rs.11000-350-16250	100% by promotion	8 (eight) years of regular service as Deputy Director (Sanitation)
F.	STNM HOSPITAL/DISTRICT HOSPITAL/ IODINE DEFICIENCY/DISEASE CELL		
01	Technical Officer (Non-Medical) Junior Grade Rs. 7000-225-11500	100% by promotion	8 (eight) years of regular service as Medical Laboratory Technician/Laboratory Technician Grade 1/Laboratory Technician of Iodine Deficiency Diseases/ National Malaria Eradication Programme/ National Leprosy Eradication Programme.
02.	Senior Technical Officer (Non-Medical) Senior Grade, Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Technical Officer (Non-medical)
G.	DISTRICT HOSPITAL/PRIMARY HEALTH CENTRE		
01.	Community Health Officer/Junior Grade Rs.7000-225-11500	100% by promotion	8 (eight) years of regular service as Health Assistant Grade I/Compounder Grade I/ Pharacist.
02.	Senior Community Officer/Senior Grade Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Community Health Officer.
H.	STNM HOSPITAL/DISTRICT HOSPITAL		
01.	Physiotherapist Junior Grade Rs.7000-225-11500	66% by direct recruitment;	B.Sc. degree in physiotherapy from a recognised university.
		34% by promotion	8 (eight) years of regular service as Physiotherapist Assistant Grade- I

02	Senior Physiotherapist/Senior Grade/ Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as physiotherapist.
03	Chief Physiotherapist Selection Grade-II Rs.11000-350-16250	100% by promotion	8 (eight) years of regular service as senior physio therapist.
I	NATIONAL LEPROSY ERADICATION PROGRAMME		
01	Non-Medical Leprosy Officer/Junior Grade Rs 7000-225-11500	100% by promotion	8 (eight) years of regular service as Non-Medical Supervisor Urban Leprosy Assistant.
02	Senior Non-Medical Leprosy Officer/ Senior Grade Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Non-Medical Leprosy Officer
J.(1)	PREVENTION OF FOOD ADULTERATION CELL		
01	Food Inspector/ Junior Grade Rs.7000-225-11500	100% by direct recruitment	B.Tech (Food Science) or B.Sc (Food Technology) or as may be prescribed under prevention of Food Adulteration Act.
02	Senior Food Inspector/Senior Grade Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Food Inspector and qualification as prescribed under prevention of Food Adulteration Act.
03	Chief Food Inspector/Selection Grade II Rs 11000-350-16250	100% by promotion	8 (eight) years of Service as Senior Food Inspector.
	J(2)		
01	Public Analyst/Junior Grade Rs.7000-225-11500	66% by direct recruitment.	B.Tech degree Food Science/B.Sc (Food Technology), M.Sc (Chemistry) with three years experience in prevention of Food Adulteration Laboratory or as may be prescribed under prevention of food Adulteration Act..

		34% by promotion	8 (eight) years of regular service as Analytical Chemist.
02.	Public Analyst Senior Grade Rs.9000-300-13800	100% by promotion	6 (six) years of regular service as Public Analyst (Grade II)
K.	NATIONAL MALARIA ERADICATION PROGRAMME		
01.	Entomologist/Junior Grade Rs.7000-225-11500	66% by direct recruitment	B.Sc. degree with diploma in Entomology from a recognised university/institute.
		34% by promotion	8 (eight years of regular service as Laboratory Technician (National Malaria Eradication Programme) Grade I with certificate course in Entomology from a recognised institute.
02.	Assistant Malaria Officer/Junior Grade Rs.7000-225-11500	100% by promotion	8 (eight) years of regular service as Health Assistant Grade (I).
L.	DRUGS AND COSMETIC CELL		
01.	Senior Drugs Inspector/Junior Grade Rs.7000-225-11500	66% by direct recruitment	B.Pharmacy degree with Drug Inspector Training course from a recognised university/institute or as may be prescribed under Drugs & Cosmetic Act.
		34% by promotion	8 (eight) years of regular service as Drug Inspector.
02.	Chief Drugs Inspector/Senior Grade Rs.9000-300-11500	100% by promotion	6 (six) years of regular service as Senior Drug Inspector.

M.	MENTAL HEALTH PROGRAMME		
01.	Clinical Psychologist Junior Grade Rs.7000-225-11500	100% by direct recruitment	Master of Philosophy in medical and social psychology or social psychology in clinical psychology or Master of Art degree in clinical psychology with minimum three years related experience.
02.	Psychiatric Social Worker/Junior Grade Rs.7000-225-11500	100% by direct recruitment	Master of Philosophy degree or Master of Art in social psychology with three years in related field.

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS AND TRAINING
GANGTOK

No.29/GEN/DOP

Dated: 27th June, 1998

NOTIFICATION

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

1. (1) These rules may be called the **Sikkim State Health Service (Amendment) Rules, 1998**
(2) They shall come into force with immediate effect.

2. In the Sikkim State Health Service Rules, 1993 (hereinafter referred to as the said rules) for the word and figure "Schedule I," wherever they occur, the word, figure and letter "Schedule and Schedule I A" shall be substituted.

3. In the said rule, in Schedule I,-

(i) Sl.No. 28 to 36 shall be omitted,
(ii) for the "TOTAL" "2477"", the 'TOTAL' '222" shall be substituted;
(iii) for the words and figure "Reserve against authorised post of 247", the words and figure "Reserve against authorised post of 222" shall be substituted;
(iv) for the figure "49 against Deputation Reserve (20%), the figure "44" shall be substituted;
(v) for the figure "12" against Leave Reserve (5%) the figure"11" shall be substituted,
(vi) for the figure "37" against Training Serve (15%) the figure "33" shall be substituted,
(viii) for the figure "345" against "TOTAL AUTHORISED STRENGTH', the figure "310" shall be substituted.

4. In the said rules, after the Schedule I and before the Schedule II, the following Schedule shall be inserted namely :-

'SCHEDULE I A
COMPOSITION AND STRENGTH OF THE DENTAL HEALTH CADRE

Sl.No.	Name of the post & grade in the service	No. of post	Pay Scale
01.	Dental Surgeon Junior Grade	14	Rs.7000 -225-11500
02.	Dental Surgeon/Junior Specialist (Dental) Junior Grade I	8	Rs. 7500 -250-12000
03.	Senior Dental Surgeon/Specialist (Dental) Senior Grade.	6	Rs.9000 -300-13800
04.	Senior Dental Health Officer Consultant Grand II (Dental) Joint Director (Dental) Selection Grade II	3	Rs 11000-350-16250
05.	State Dental Health Officer/Consultant Grade I (Dental) Additional Director (Dental) Selection Grade I.	2	Rs 12500-375-17000
06.	Chief Consultant (Dental) Director (Dental) Supertime Grade II	!	Rs 14300-400-18300"

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS AND TRAINING
GANGTOK

No.21/GEN/DOP **Dated: 17th June, 1998**

NOTIFICATION

In exercise of the power conferred by the provision to the article 309 of the Constitution, the Governor of Sikkim hereby makes the following rules, namely :-

Short title and commencement :-

(1) These rules may be called the **Sikkim State Subordinate Para - Medical Recruitment Rules, 1998.**

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

2. Number of post, classification and scale of pay :-

Number of posts, their classification and scale of pay attached thereto shall be as specified in columns 3 to 5 of the scheduled annexed to these rules.

3. Method of recruitment, age limit, qualification etc :-

The method of recruitment, age limit qualification and other matter relating to the said post shall be as specified in columns 6 to 10 of the said Schedule.

4. Disqualification:-

No person:-

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who have a spouse living has entered into or contracted a marriage with any person shall be eligible for appointment to the said post.

Provided that the State Government may, if satisfied that such marriage is permissible under the personal law or customs applicable to such person and other party to the marriage, exempt such person from the operation of these rules.

5. Power to relax:-

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

6. Saving:-

Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Caste, Scheduled Tribe, Other Backward Classes and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

Sl. No.	Name of post	No. of post	Classi-fication	Scale of Pay	Age limit for direct recruitment	Educational Qualification required for direct recruitment and other eligibility conditions	Method of recruitment	In case of recruitment by promotion grade/post from which promotion to be made	If departmental promotion committee
1	2	3	4	5	6	7	8	9	10
		STNM/DISTRICT HOSPITAL/PRIMARY HEALTH CENTRE/PRIMARY HEALTH SUB-CENTRE							
1	Multi-Purpose Worker (Male)	213	Grade III	Rs.4000 -100-6000	18-25	Class X passed from recognised Board with Mult-purpose worker (Male) training course	100% direct recruitment	Not Applicable	Constituted by the Government from time to time
2	Multi-Purpose Worker (Male)	—	Grade III	Rs.4300-110-6400	Not Applicable	Not Applicable	100% by promotion	8 years of regular service as Multi-purpose Worker Grade III	-do-
3	Multi-Purpose Worker (Male)	—	Grade I	Rs.5000-150-8000	Not Applicable	Not Applicable	100% by promotion	8 years service as Multi-purpose Worker Grade -II	-do-
4	Health Assistant	30	Grade II	Rs.4300-110-6400	Not Applicable	Not Applicable	100% by promotion	8 years service as Multi-purpose Worker Grade -II	-do-

1	2	3	4	5	6	7	8	9	10
5	Health Assistant	08	Grade I	Rs.5000-150-8000	Not Applicable	Not Applicable	100% by promotion	8 years service as Multi-purpose (Male) Grade -II/ Health Assistant Grade II	Constituted by the Government from time to time
6				NATIONAL LEPROSY ERADICATION PROGRAMME					
i)	Para Medical Worker	21	Grade II	Rs.4000-100-6000	18-25	Class X passed from a recognised Board with Para Medical Worker (Leprosy) training course from recognised Institute	100% by direct recruitment	Not applicable	-do-
ii)	Para Medical Worker	---	Grade I	Rs.4300-110-6400	Not applicable	Not applicable	100% by direct recruitment	8 years of regular service as Para Medical Worker Grade II	-do-
iii)	Non Medical Supervisor/Urban Leprosy Assistant	16	---	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Para Medical Worker Grade I	-do-
iv)	Health Educator	04	---	Rs.5000-150-8000	21-30	Degree from recognised University	66% by direct recruitment	Not applicable	-do-
					Not applicable	Not applicable	34% by promotion	8 years of regular service as Para-Medical worker Grade I	-do-

1	2	3	4	5	6	7	8	9	10
7.				NATIONAL MALARIA ERADICATION PROGRAMME					
i)	Insect Collector	05	Grade III	Rs 4000-100-6000	18-25	Class X passed with Certificate course in Insect Collection from a recognised Institute	100% by direct recruitment	Not applicable	Constituted by the Government from time to time.
ii)	Insect Collector	—	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years regular service as Insect Collector (Grade III)	-do-
iii)	Insect Collector	—	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Insect Collector (Grade II)	-do-
8.				STNM/DISTRICT HOSPITAL					
i)	Ward Master	05	Grade III	Rs.4000-100-6000	18-25	Class X passed from recognised Board with certificate course in Ward Master	100% by direct recruitment	Not applicable	-do-
ii)	Ward Master	—	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years regular service as Ward Master Grade III	-do-
iii)	Ward Master	—	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100%by promotion	8 years regular service as Ward Master Grade II	-do-

1	2	3	4	5	6	7	8	9	10
9			STNM/DISTRICT HOSPITAL (RADIOLOGY & OPERATION THEATRE)						
i)	Dark Room Assistant	06	Grade III	Rs.4000-100-6000	18-25	Class X passed with Certificate Course in Dark Room Assistant	100% by direct recruitment	Not applicable	Constituted by the Government of Sikkim from time to time.
ii)	Dark Room Assistant	—	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years of regular service as Dark Room Assistant, Grade III	-do-
iii)	Dark Room Assistant	—	Grade I	Rs.5000-150-8000	Not applica-ble	Not applicable	100% by promotion	8 years regular service as Dark Room Assistant, Grade II	-do-
10.1									
i)	Operation Theatre Technician	17	Grade III	Rs.4000-100-6000	18-25	Class X passed with Certificate Course in Opera-tion Theatre Technician	100% by direct recruitment	Not applicable	-do-
ii)	Operation Theatre Technician	---	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years regular service as Opera-tion Theatre Technician Grade III	-do-
iii)	Operation Theatre Technician	---	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Operation Theatre Technician Grade III	-do-

1	2	3	4	5	6	7	8	9	10
11									
i)	Dental Assistant	15	Grade III	Rs.4000-100-6000	18-25	Class X passed with experience in Dental Assistant	100% by direct recruitment	Not applicable	Constituted by the Goverment from time to time.
ii)	Dental Assistant	---	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years regular service as Dental Assistant Grade III	-do-
iii)	Dental Assistant	---	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Dental Assistant Grade II	-do-
12									
i)	Orthopaedic Plaster Assistant	08	Grade III	Rs.4000-100-6000	18-25	Class X passed with one year training in Ortho-paedic Plaster Technician	100% by direct recruitment	Not applicable	-do-
ii)	Orthopaedic Plaster Assistant	---	Grade II	Rs.4300-100-6000	Not applicable	Not applicable	100% by promotion	8 years regular service as Ortho-paedic Plaster Assistant Grade III	-do-
iii)	Orthopaedic Plaster Assistant	---	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Ortho-paedic Plaster Assistant Grade II	-do-

1	2	3	4	5	6	7	8	9	10
13			NATIONAL TUBERCULOSIS CONTROL PROGRAMME						
i)	Treatment Organiser	08	Grade III	Rs.4000-100-6000	18-25	Class X passed with Multi-purpose worker (Male) training and then National Training Institute Training	100% by direct recruitment	Not applicable	Constituted by the Government from time to time
ii)	Treatment Organiser	---	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years regular service as Treatment Organiser Grade III	-do-
iii)	Treatment Organiser	---	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Treatment Organiser Grade II	-do-
14			MEDICAL RECORD CELL						
i)	Medical Record Technician	08	Grade III	Rs.4000-100-6000	18-25	Class X passed from a recognised Board with Certificate Course in Medical Records Technician	100% by direct recruitment	Not applicable	-do-
ii)	Medical Record Technician	---	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years regular service as Medical Record Technician Grade III	-do-
iii)	Medical Record Technician	---	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Medical Record Technician Grade II	-do-

1	2	3	4	5	6	7	8	9	10
15			STNM/DISTRICT HOSPITAL/PRIMARY HEALTH CENTRES (RADIOLOGY)						
i)	X-Ray Technician	20	Grade III	Rs.4000-100-6000	18-25	Class X passed from a recognised Board with Certificate course in X-Ray Technician	100% by direct recruitment	Not applicable	Constituted by the Government from time to time
ii)	X-Ray Technician	02	Grade II	Rs.4300-110-6400	18-25	Class XII passed with two years X-Ray technician training	50% by direct recruitment	Not applicable	-do-
					Not applicable	Not applicable	50% by promotion	8 years of regular service as X-Ray Technician Grade III	-do-
iii)	X-Ray Technician	---	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years of regular service as X-Ray Technician Grade II	-do-
iv)	Radiographer/ CT Scan Radiographer	08	---	Rs.5000-150-8000	21-30	Class XII passed from recognised Board with Diploma in Radiography	100% by direct recruitment	Not applicable	-do-
16									
i)	E C G Technician	08	Grade II	Rs.4300-110-6400	18-25	Class XII passed with two years E.C.G Technician Training	100% by direct recruitment	Not applicable	-do-

1	2	3	4	5	6	7	8	9	10
ii)	E.C.G Technician	02	Grade I	Rs.5000-150-8000	21-30	Not applicable	50% by direct recruitment	Not applicable	Constituted by the Government from time to time
					Not applicable	Not applicable	50% by promotion	8 years regular service as E.C.G.Technician Grade II	-do-
17			STNM/DISTRICT HOSPITALS/PHCS/NLEP/IDD/NMEP/NUTRITION/NTCP						
i)	Laboratory Technician	37	Grade III	Rs.4000-100-6000	18-25	Class X passed from a recognised Board with two years Laboratory Technician Course	100% by direct recruitment	Not applicable	-do-
ii)	Laboratory Technician	20	Grade II	Rs.4300-110-6400	18-25	Class XII passed from a recognised Board with two years Laboratory Technician Course	50% by direct recruitment	Not applicable	-do-
					Not applicable	Not applicable	50% by promotion	8 years regular service as Laboratory Technician Grade III	-do-
iii)	Laboratory Technician	05	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Laboratory Technician Grade II	-do-

1	2	3	4	5	6	7	8	9	10
iv)	Medical Laboratory Technician	08	---	Rs.5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Medical Technology (Laboratory)	50% by direct recruitment	Not applicable	-do-
					Not applicable	Not applicable	50% by promotion	8 years of regular service as Laboratory Technician	-do-
18			STNM/DISTRICT HOSPITALS (BLOOD BANK)						
i)	Blood Bank Technician	03	Grade III	Rs 4000-100-6000	18-25	Class X passed from a recognised Board with Certificate Course in Blood Bank Technician	100% by direct recruitment	Not applicable	-do-
ii)	Blood Bank Technician	04	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years service as Blood Bank Technician (Grade III)	-do-
iii)	Blood Bank Technician	04	Grade I	5000-150-8000	21-30	Class XII passed with Diploma in Blood Bank Technician from a recognised Institute	50% by direct recruitment	Not applicable	-do-
					Not applicable	Not applicable	50% by promotion	8 years regular service as Blood Bank Technician (Grade II)	

1	2	3	4	5	6	7	8	9	10
19			STNM/DISTRICT HOSPITALS/PHC (PHYSIOTHERAPY)						
i)	Physiotherapy Assistant	06	Grade III	Rs.4000-100-6000	18-25	Class X passed from a recognised Board with Certificate Course in Physiotherapy Assistant	100% by direct recruitment	Not applicable	Constituted by the Government from time to time
ii)	Physiotherapy Assistant	04	Grade II	Rs.4300-110-6400	Not applicable	Not applicable	100% by promotion	8 years regular service as Physiotherapy Assistant (Grade III)	-do-
iii)	Physiotherapy Assistant	01	Grade I	5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as Physiotherapy Assistant (Grade II)	-do-
20			PREVENTION OF FOOD ADULTERATION ACT (LABORATORY)						
i)	Laboratory Assistant	02	Grade III	Rs.4000-100-6000	18-25	Class X passed from a recognised Board with one year training in prevention of Food Adulteration Act, Laboratory	100% by promotion	Not applicable	-do-
ii)	Assistant Chemist	02	---	Rs.4300-110-6400	18-25	Class XII passed from a recognised Board with one year training in Analysis of Food	100% by direct recruitment	Not applicable	-do-

1	2	3	4	5	6	7	8	9	10
						& water under prevention of Food Adultera-tion Act			
iii)	Analytical Chemist	03	---	Rs.5000-150-8000	21-30	B Sc (Chemistry) from a recognised University	100% by direct recruitment	Not applicable	-do-
21			STNM/DISTRICT HOSPITALS/PRIMARY HEALTH CENTRE						
i)	Compounder	27	Grade II	Rs 4300-110-6400	18-25	Class X passed from recognised Board with Certificate Course of Compounder	100% by direct recruitment	Not applicable	-do-
ii)	Compounder	15	Grade I	Rs.5000-150-8000	Not applicable	Not applicable	100% by promotion	8 years regular service as com-pounder Grade II	-do-
22			CENTRAL HEALTH STORES ORGANISATION/FAMILY WELFARE/DISTRICT HOSPITAL						
i)	Stores Inspector	08	---	Rs.5000-150-8000	21-30	Minimum Class XII passed with a Diploma in Pharmacy	50% by direct recruitment	Not applicable	-do-
					Not applicable	Not applicable	50% by promotion	8 years regular service as Com-pounder/Health Assistant/ Multi-purpose Worker (Male) Grade II	-do-

1	2	3	4	5	6	7	8	9	10
23			STNM/DISTRICT HOSPITALS						
i)	Opthalmic Assistant Refractionist	11	—	Rs.5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Opthalmic Assistant/Refractionist	100% by direct recruitment	Not applicable	Constituted by the Government from time to time
24			HEALTH EDUCATION CELL						
i)	Health Educator/ Extension Educator	19	---	Rs 5000-150-8000	21-30	Degree from a recognised University	100% by by direct recruitment	Not applicable	-do-
25			NUTRITION WING						
1)	Nutrition Educator-cum-Inspector	08	---	Rs.5000-150-8000	21-30	B.Sc (Home Science) from a recognised University Not applicable	100% by direct recruitment	Not applicable	-do-
26			STNM/DISTRICT HOSPITAL						
i)	Pharmacist	07	--- ---	Rs5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Pharmacy	100% by direct recruitment	Not applicable	-do-

1	2	3	4	5	6	7	8	9	10
27			DRUGS AND COSMETIC CELL						
i)	Drug Inspector	02	---	Rs.5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma/Degree in Pharmacy from a recognised Institute	100% by direct recruitment	Not applicable	Constituted by the Government from time to time
28			STNM/DISTRICT HOSPITAL (SANITATION)						
i)	Sanitary Inspector	04	---	Rs. 5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Sanitary Health Inspector	100% by by direct recruitment	Not applicable	-do-
29			STNM/DISTRICT HOSPITALS (MARTURY)						
i)	Autopsy Technician	05	---	Rs.5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Autopsy Technician	100% by direct recruitment	Not applicable	-do-
30			STNM/DISTRICT HOSPITALS						
i)	Occupational Therapist	02	---	Rs.5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Occupational Therapy techniques.	100% by direct recruitment	Not applicable	-do-

1	2	3	4	5	6	7	8	9	10
ii)	Audio-metrician	04	---	Rs.5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Audio-metrician	100% by direct recruitment	Not applicable	Constituted by the Government from time to time
iii)	Speech Therapist	02	---	Rs. 5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Speech Therapy	100% by direct recruitment	Not applicable	-do-
iv)	Electro Encephalograph Technician	01	---	Rs.5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Electro Encephalograph Techniques.	100% by direct recruitment	Not applicable	-do-
v)	Councillor	02	---	Rs.5000-150-8000	21-30	Post Graduate in Sociology or Graduate with three years experience in Psychiatric Counselling	100% by direct recruitment	Not applicable	-do-
vi)	Dental Hygienist/ Dental Technician/Dental Mechanic	08	---	Rs.5000-150-8000	21-30	Class XII passed from a recognised Board with Diploma in Dental Hygienist/Dental Technician/Dental Mechanic.I	100% by direct recruitment	Not applicable	

STATE LEGAL SERVICE AUTHORITY, SIKKIM

NO.4/NF/SLSA/ 98 DATED 18.8.98

NOTIFICATION

SIKKIM STATE LEGAL SERVICE AUTHORITY (RECRUITMENT AND APPOINTMENT) RULES, 1998

In exercise of the powers conferred by note appended to Schedule A,B,C and of the Sikkim State Legal Services Authority Rules, 1995 as amended in 1998 the State Legal Services Authority hereby makes the following rules in so far as this relates to Recruitment and Appointment of Officers and as employees of Sikkim State Legal Services Authority, High Court Legal Services Committee, District Legal Service Authority, High Court Legal Services Committee, District Legal Authority, Taluk/Sub-Divisional Legal Services Committee

PART -I

Short title and commencement

1. (1) These rules may be called the **Sikkim State Legal Services Authority (Recruitment and Appointment) Rules,1998.**

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

Definition

2 In these rules, unless the context otherwise requires:-

(1) "Appointment" means appointment to a post under State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority, Taluk or Sub-Divisional Legal Services Committee whether on permanent, temporary or officiating basis, or on probation.

(2) "Post" means a post, whether permanent or temporary in the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority, Taluk or Sub-Divisional Legal Services Committee.

(3) " Executive Chairman" means Executive Chairman of the State Legal Services Authority.

(4) "Member Secretary" means Member Secretary of the State Legal Services Authority.

(5) "Chairman" means Chairman of the District Legal Services Authority.

(6) "Selection Committee" means Selection Committee, as may be constituted by the Executive Chairman from time to time for the purpose of selection of officers and staff for different posts.

(7) "Rule" means the Sikkim State Legal Services Authority (Recruitment and Appointment) Rules,1998.

(8) "Patron-in-Chief" means Patron-in-Chief of the State Legal Services Authority.

(9) "Deputation" means and includes an employee posted in any post on deputation either from the State Government or from the High Court of Sikkim or any Government undertaking.

(10) "Absorption" means where an employee on deputation to a post is permanently absorbed, subject to the rules as applicable to an employee under Sikkim State Legal Services Authority (Recruitment and Appointment) Rules, 1998 either before or after completion of period of deputation.

(11) "Competitive examination" means examination in such subjects including typing, stenography etc. or such other test as may be prescribed by the Executive Chairman from time to time for different posts.

(12) "Promotion" means an employee who is promoted to a post.

(13) "Employee" means an employee who is serving in any post.

(14) "Authority" means State Legal Services Authority.

Method of recruitment to posts indicated at Schedule A, B, C, D of State Legal Services Authority Rules, 1995 as amended in 1998

3. The method of recruitment to the posts at Schedule A,B,C and D, of State Legal Services Authority Rules,1998, as amended in 1998 shall be such as is specified in Appendix - I, II, III and IV respectively.

Disqualification

4. No person - (a) who has entered into or contracts marriage with a person having a spouse living ; or (b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment.

Reservation

5. The order/notification issued by the State Government from time to time with regard to reservation, relaxation of age, or any other concession in respect of Scheduled Tribe, Scheduled Caste, Other Backward Classes or any other special category of person shall apply mutatis mutandis subject to such variations, if any, as the State Authority may specify provided that such variation shall not be in contravention of the over-all policy in this regard.

Selection procedure in post other than with State Authority

6. In all cases for the purpose of selection where written examination is conducted followed by viva-voce/interview a selection committee shall be constituted by the Executive Chairman consisting of such member as may be decided by him and the said selection committee on the basis of performance of a candidate in the written examination/test and interview or where no written test is held in interview only shall prepare panel of names of candidate in order of merit and forward the same with its recommendation to the Member Secretary of the State Legal Services Authority for the purpose of final appointment and the Member Secretary on receipt of the same shall place the matter before the Executive Chairman for his approval and upon such approval the Member Secretary shall proceed to issue necessary office order for the purpose of appointment.

Selection procedure in post other than with State

7 For the purpose of appointment to a post in the High Court Legal Services Committee or District Legal Services Authority or Taluk/Sub-Divisional Legal Services Committee, the Executive Chairman may constitute a Selection Committee

Authority

consisting of such members as may be decided by him which may include the Member Secretary of the High Court Legal Services Committee if the post relates to High Court Legal Services Committee and where the post relates to either the District Legal Services Authority or Taluk/Sub-Divisonal Committee the concerned Chairman of the District Authority. The said selection committee, on the basis of performance of a candidate in the written examination/test and interview or where no written test is held, in the interview only, shall prepare panel of names of candidate in order of merit and forward the same with its recommendation to the Member Secretary of the State Legal Services Authority for the purpose of appointment and the Member Secretary on receipt of the same shall place the matter before the Executive Chairman for his approval and upon such approval he shall forward the matter to the Member Secretary of the High Court Legal Services Committee for issue of necessary office order of appointment if the post relates to High Court Legal Services Committee or if the post relates to either any of District Legal Services Authority or Taluk/Sub-Divisonal Legal Services Committee to the concerned Chairman of the District Legal Services Authority for the purpose of issue of necessary office order of appointment.

Format of application

8. For the purpose of filling up any of the posts the vacancy shall be advertised and such advertisement should be displayed in notice board and also published in local papers inviting application containing the following particulars :-

(i) Name

(ii) Father's name

(iii) Present address

(iv) Technical Qualification

(v) Qualification (Educational)

(vi) Employment Card No.

(vii) Experience, if any.

Notwithstanding anything contained herein, the appointment to a post of orderly may be made in such manner as the Executive Chairman may direct from time to time.

Written test/ interview

9. In case of direct recruitment depending on number of posts and the category of the post the authority may at its discretion either hold written test followed by interview or may dispense with written test and instead hold interview for the purpose of selection.

Transfer and posting

10. The Executive Chairman may from time to time effect transfer of staff and their posting in such manner as it may consider expedient.

Method of promotion

11. Where a post is required to be filled up by way of promotion it shall be made on the basis of merit-cum-seniority from amongst eligible candidates.

Promotion quota

12. In all cases and in respect of posts which are required to be filled up either by promotion or by direct recruitment, only 50% of the post shall be filed up by

promotion and the remaining 50% by direct recruitment or deputation provided that in respect of such categories of post which cannot be filled up by promotion all the posts may be filled up by direct recruitment.

Age

13. In respect of appointment either by way of promotion, deputation or direct recruitment, the age limit as prescribed by the State Government in the equivalent post shall be followed and in so far as appointment by way of deputation is concerned where no age limit has been prescribed by the State Government rule, the State Authority may in its discretion prescribe such age limit as it may consider expedient.

Deputation and absorption

14. Wherever the authority has decided to fill up a post by way of bringing an officer/staff on deputation the period of deputation shall normally be 2 years and thereafter the authority may at its discretion extend the period of deputation for such further period as it may consider.

Provided further that the Executive Chairman may in his discretion and on being satisfied order for absorption of any officer or other employee who is on deputation to a post any time during the period of deputation and such absorption may be given effect after obtaining clearance of the parent department where the officer/employee was working immediately preceding the period of his deputation.

Past service

15. Where an employee has been absorbed by the Authority in any post the service of such an employee rendered by him /her prior to his/her coming over shall be counted as per the norms/rule prevailing in the State Government.

Disciplinary Authority

16. (1) All matters of promotion, seniority, transfer etc. of the officers and staff working in any post with the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority or Taluk/Sub-Divisional Legal Services Committee shall be decided by Executive Chairman or, if authorised, by the Member Secretary of the State Authority, Member Secretary of the High Court Legal Services Committee in respect of the staff and officers in their respective establishment or by Chairman of the District Legal Services Authority if so authorised in respect of officers and staff of District Legal Services Authority and Taluk/Sub-Divisional Legal Services Committee in their respective area of jurisdiction.

(2) The Disciplinary Authority shall be as indicated in Table A.

TABLE - A

Class of Officer	Disciplinary Authority	Powers to Exercise	Appellate Authority
Gazetted/Group-B	Executive Chairman, Member Secretary, SLSA in respect of SLSA, Member Secretary, HCLSC in respect of HCLSC, Chairman DLSA for DLSA and Taluk/ Sub-Divisional Legal Services Committee	All	Patron-in-Chief
Non-Gazetted/ Group C & D		All	Executive Chairman

Appeal

17. An appeal shall lie against an order passed by the Member Secretary of the State Legal Services Authority or Member Secretary of High Court Legal Services Committee or Chairman of the District Legal Services Authority under the foregoing rules to the Executive Chairman who may dispose it himself and such order shall be final subject to power of review.

18. Where the State Legal Services Authority is of the opinion that it is necessary to dispense with or relax the operation of any provision or rule, it may for reasons to be recorded in writing and by order relax any of the provisions or rules with respect to such issues as may be considered necessary for dealing with the case in a just and equitable manner.

19. Notwithstanding anything contained in these rules relating to appointment of officers and staff to any post, if any officer or staff of the High Court Establishment or of the State Government was working for and with the State Legal Services Authority, High Court Legal Services Committee, District Legal Service Authority, Taluk or Sub-Divisonal Legal Services Committee in any post, the Executive Chairman of the State Authority may being satisfied regularise and absorb any officer or staff either in the Authority or any Committees as if the officers or the staff concerned was on deputation with the Authority subject, however to that the parent department or establishment where he/she was working has given clearance in this regard, provided further that this provision shall be valid only for the purpose of initial appointment to a post during the period of transition for a period of three months until September, 1998 and thereafter this provision shall be deemed to have been deleted unless its continuance is to be notified with such modification if any as may be considered.

APPENDIX - I

Serial No	Name of post	Classification	Scale of Pay	Method of Recruitment	Age Limit for direct recruitment	Qualification	Period of Probation	In case of recruitment by promotion/deputation/ transfer, Grade from which category itis to be made	Selection Committee	Appointing Authority
1	2	3	4	5	6	7	8	9	10	11
1	Deputy Secretary	Group A	At par with the State Govt. employee holding equivalent post	Direct/ Promotion/ Deputation		Graduate with LL.B Degree and experience of dealing with Legal service matter.	2 yrs.	In case of promotion from Under Secretary Grade	As may be constituted by Executive Chairman	Executive Chairman
2	Under Secretary	Group B	-do-	Direct/ Deputation		7 years experience in Govt.Service/High Court Establishment Service with Law Degree and knowledge of working of SLSA	2 yrs	N.A.	-do-	-do-
3	Senior Accountant	Group C	-do-	Direct/ Promotion/ Deputation.		As prescribed by the Govt. for such post.	1 yr.	In case of promotion from Junior Grade Accountant	-do-	Member Secretary

APPENDIX - I

1	2	3	4	5	6	7	8	9	10	11
4	Steno Selection Grade II	Group C	At par with the State Govt. employee holding equivalent post	Direct/ Promotion/ Deputation		As prescribed by the Govt. for such post	1year	In case of promotion from Steno Grade II	As may be constituted by Executive Committee	Member Secretary
5	Steno Grade I	-do-	-do-	-do-		-do-	-do-	In case of promotion from Steno Grade III	-do-	-do-
6	LDC Typist	Group C	-do-	Direct		-do-	-do-	N.A.	-do-	-do-
7	Driver	Group C	-do-	-do-		-do-	-do-	N.A.	-do-	-do-
8	Peon/ Orderly	Group D	-do-	-do-		-do-	-do-	N.A	-do-	-do-
9	Sweeper - cum- Chowkidar	Group D	-do-	-do-		-do-	-do-	N.A.	-do-	-do-

APPENDIX - II

Serial No	Name of post	Classification	Scale of Pay	Method of Recruitment	Age Limit for direct recruitment	Qualification	Period of Probation	In case of recruitment by promotion/deputation/ transfer, Grade from which category itis to be made	Selection Committee	Appointing Authority
1	2	3	4	5	6	7	8	9	10	11
1	Office Superintendent	Group C	At par with the State Govt employees holding equivalent post	Deputation		As prescribed by the State Government for such post.	1 year		As may be constituted by Executive Committee	Member Secretary *(HCLSC)
2	Junior Accountant	Group C	-do-	Direct		-do-	1 year	N.A.	-do-	-do-
3	LDC/Typist	Group C	-do-	-do-		-do-	1 year	N.A.	-do-	-do-
4	Peon	Group D	-do-	-do-		-do-	-do-	N.A.	-do-	-do-

* High Court Legal Services Committee

APPENDIX - III

Serial No.	Name of post	Classification	Scale of Pay	Method of Recruitment	Age Limit for direct recruitment	Qualification	Period of Probation	In case of recruitment by promotion/deputation/ transfer, Grade from which category itis to be made	Selection Committee	Appointing Authority
1	2	3	4	5	6	7	8	9	10	11
1	U.D.C	Group C	At par with the State Govt. employees holding equivalent post	Direct/ Promotion		As prescribed by the State Government for such post.	1 year	In case of promotion from L.D.C.	As may be constituted by Executive Chairman	Chairman *(DLSA)
2	Junior Accountant	Group C	-do-	Direct		-do-	1 year	N.A.	-do-	-do-
3	Steno III	Group C	-do-	-do-		-do-	-do-	N.A.	-do-	-do-
4	Peon	Group D	-do-	-do-		-do-	-do-	N.A.	-do-	-do-

* District Legal Services Authority

APPENDIX - IV

Serial No	Name of post	Classification	Scale of Pay	Method of Recruitment	Age Limit for direct recruitment	Qualification	Period of Probation	In case of recruitment by promotion/deputation/ transfer, Grade from which category itis to be made	Selection Committee	Appointing Authority
1	2	3	4	5	6	7	8	9	10	11
1	Junior Accountant	Group C	At par with the State Govt employees holding equivalent post	Direct		As prescribed by the State Government for such post	1 year	N.A.	As may be constituted by Executive Chairman	Chairman *(DLSA)
2	Peon/ Orderly	Group D	-do-	-do-		-do-	1 year	-do-	-do-	-do-

* District Legal Services Authority

GOVERNMENT OF SIKKIM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
GANGTOK

No.01/WL/F/02 **Dated 16.9.1998**

NOTIFICATION

In exercise of the powers conferred by section 33 'A' read with section 64 of the Wildlife (Protection) Act, (53 of 1972), the State Government hereby makes the following rules, namely .-

Short title and commencement

1. (1) These rules may be called the **Sikkim Wildlife (Immunization of Livestock) Rules, 1998.**

(2) They shall come into force at once

Definition

2. (1) In these rules, unless the context otherwise requires.

(a) "Act" means the Wildlife (Protection) Act, 1972.

(b) "Chief Wildlife Warden" means the persons appointed as such under clause (a) of sub-section 4.

(c) "Competent authority" means the authority in respect of an establishment ordinarily administering such establishment and such authority as may be notified by the State Government in this behalf.

(d) "Communicable diseases" means any disease which are communicable from domesticated animals to wild animals and vice versa.

(e) "Immunization" means preventive inoculation in animals against any communicable diseases.

(f) "Livestock" includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yak and also includes their youngs.

(g) "Sanctuary" means an area declared, whether under section 26 'A' or section 38 or deemed, under sub-section 66 to be declared, as a Wildlife sanctuary.

(2) Words and expressions used in these rules and defined in the Act shall have the same meaning as assigned therein the Act

Immunization of livestock

3 (1) A Veterinary Centre as may be established by the competent authority shall be located within a radius of five kilometres from the protected area

(2) The competent authority shall ensure all livestock in the periphery and vicinity of National Park and Sanctuary shall be immunized against any communicable disease.

(3) The Chief Wildlife Warden or the authorised officer shall co-ordinate for immunization of livestock in and around the protected area.

(4) No person shall take or cause to be taken or graze, any livestock in a

Sanctuary without getting it immunized.

(5) If any livestock is found to have strayed into the protected area or its vicinity, the In-charge of the protected area either himself or through such other officer as may be authorised in this regard, seize the animal and shall impose a fine Rs. 50/- on each animal and on realisation of the fine, shall release the animal after properly immunizing the animal.

HIGH COURT OF SIKKIM
GANGTOK

No.68/HCS **Dated, the 27th August, 1998**

HIGH COURT OF SIKKIM (RECRUITMENT, CONDITIONS OF SERVICE AND CONDUCT) RULES,1998.

CITATION OF AUTHORITY:- The Chief Justice of the High Court of Sikkim, in exercise of the powers conferred under Article 229 of the Constitution of India and all other powers enabling him in this behalf, with the approval of the Governor so far as the rules relate to salaries, allowances, leave or pension, is pleased to make the following rules regulating the appointment, conditions of service and conduct of officers and servants of the High Court.

PART-I

1. **Short title, commencement and application :**

(1) These rules shall be called the **High Court of Sikkim (Recruitment, Conditions of Service and Conduct) Rules, 1998.**

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

(3) These rules shall apply to all officers and staff of the Court appointed to various posts before, on or after the coming into force of these rules .

Provided that the appointment of officers and staff made before the commencement of these rules shall be deemed to have been made under these rules and shall not be adversely affected thereby.

2. **Definitions :**

In these rules, unless the context otherwise requires :-

(a) "Administrative Judge" means any Judge who is nominated by the Chief Justice either generally or by a special order to deal with any matter connected with the establishment of the High Court,

(b) "Chief Justice" means the Chief Justice of the High Court of Sikkim and includes any

Judges appointed by the President under Article 223 to perform the duties of the Chief Justice;

(c) "Constitution" means the Constitution of India.

(d) "Court" means the High Court of Sikkim;

(e) "Competitive examination" means the examination in which papers, other practical tests like typing, stenography etc. and viva voce text or other tests as may be prescribed by the Chief Justice from time to time for different posts;

(f) "Disciplinary Authority" in relation to imposition of a penalty on an Officer/Court staff means the authority competent under these rules to impose on him that penalty;

(g) "Governor" means the Governor of Sikkim;

(h) "Member of Superior Judicial Service" means any member holding any post on the Cadre of Superior Judicial Service;

(i) "Member of Sikkim Judicial Service" means any member holding any post on the Cadre of Sikkim Judicial Service;

(j) "Member of Establishment" means any person holding office against any post on the establishment of the Court;

(k) "Officer of the Court" means an officer of the High Court and "Court Staff" means an official appointed to, or borne on the cadre of the staff of the High Court shown in the First Schedule as amended from time to time.

(l) "Post" means a post as specified in the first Schedule as modified from time to time by the Chief Justice in the pursuance of powers delegated by the State Government or created in consultation with the State Government where necessary;

(m) "Promotion" means promotion to a post or class of posts based on seniority-cum-merit.

(n) "Recognised University" means any University incorporated by Law in India, or any other University which is declared by the Chief Justice to be recognised University, for the purpose of these rules;

(o) "Registrar General" means the Registrar General of the High Court of Sikkim which includes Registrar (Judicial);

(p) "Selection" means promotion to a post or class of posts by selection based on merit, with due regard to seniority;

(q) " Schedule" means a Schedule to these rules;

(r) "State Government" means the Government of Sikkim.

PART-II

STRENGTH, APPOINTMENT AND CONDITIONS OF SERVICE

3. Strength and Composition of the staff of the Court -

The establishment of the High Court shall consist of posts specified in Schedule I to these rules as modified from time to time by the Chief Justice in pursuance of the powers delegated by the State Government and the scales of pay to which the holders of the said post shall be respectively entitled, shall be those specified in the sixth column of the Schedule and allowed from time to time by the State Government to the Government servant.

4. Eligibility - A candidate for appointment to any post on the establishment of the High Court must be :-

(i) a citizen of India.

Provided that no person -

(a) who has entered into or contracted a marriage with a person have a spouse living, or

(b) who having spouse living has entered into or contracted a marriage with another person shall be eligible for appointment as officer or staff of the High Court.

(ii) not less than 18 years of age as on the first day of January of the recruitment year and not more than 30 years of age on the last day of the year. However, in the case of the candidate belonging to Scheduled Caste, Scheduled Tribe, Backward Class or who is an ex-serviceman, the upper age limit relaxation shall be the same as may from time to time be prescribed by the State Government for entry into service for such candidate(s). The Chief Justice may relax the upper age limit of a departmental candidate competing for direct recruitment

5. Qualification for appointment - The qualification for recruitment to any post or class of posts shall be as specified in the Second Schedule, provided that the Chief Justice may in very exceptional cases, by special order, relax the qualifications as aforesaid.

6. Method of Appointment -

(a) Appointment to a post or to a class of posts may be made by the mode as prescribed in the Second Schedule

(b) When the appointment is to be made by promotion on the basis of seniority-cum-merit the selection will be made either on the basis of service record of the eligible officer/ staff, and/or written examination as may be prescribed by the Chief Justice

Provided that where the Chief Justice considers it appropriate a Committee may be constituted by him for making its recommendation for the proposed selection.

(c) When the appointment is to be made by direct recruitment, the selection will be made on the basis of competitive examination as may be prescribed by the Chief Justice.

(d) Any vacancy arising in the High Court establishment shall be filled in the manner provided in Schedule II.

Explanation 1 Where the posts are required to be filled in partly by promotion and partly by direct recruitment, the recruitment shall be made in accordance with the roster maintained for the post(s) under these rules.

In case required number of suitable candidates is not available to fill up all posts in each category the shortfall shall be made good for the time being in the manner as may be prescribed by the Chief Justice.

Explanation 2 The notice inviting applications for direct recruitment shall be published as follows :-

(a) By affixation on the Notice Board of High Court and Courts Subordinate thereto ;

(b) By sending notice to the Employment Cell of the Department of Personnel, Adm. Reforms & Training, Government of Sikkim; and

(c) By publication in local newspaper (dailies) of different languages as may be directed by the Chief Justice.

7. **Probation** -

(a) Every person appointed to a post by direct recruitment shall be on probation for a period of one year from the date of joining the post.

(b) Every Officer or staff of the Court appointed to a post by promotion shall be on probation for a period of one year.

(c) A person on probation shall be liable to be discharged from service without assigning any reason;

(d) A person on probation who holds a lien on any permanent post may if he so desires during the period of probation have the option to revert back to his permanent post after giving due notice.

8. **Confirmation**- Any officer or staff appointed on probation may be confirmed by the Chief Justice on satisfactory completion of his initial or extended period of probation subject to the availability of permanent post

9. **Temporary appointment** -

(a) Where it is expedient to fill a vacancy in any post and undue administrative inconvenience is anticipated in filling up that post on regular basis, the Chief Justice may fill up the vacancy by appointing a suitable person on adhoc basis until regular appointment.

(b) (i) A person appointed under sub-rule (a) shall be replaced as soon as possible by a candidate appointed on regular basis under these rules.

(ii) A person appointed under sub-rule (a) shall not be regarded as a probationer holding the post nor such appointment shall confer upon him any right to claim appointment to such post on regular basis.

10. **Seniority** -

(1) Persons appointed in a substantive or officiating capacity to a post or class of post (s) on the date immediately preceding the date on which these rules came into force, shall retain the relative seniority already assigned to them.

(2) Subject to the provisions of sub-rule (1) and (3) of these rules, permanent members of each post or class of post (s) shall rank senior to persons holding such post in temporary or officiating capacity.

(3) Notwithstanding the provisions of sub-rule (2) the above relative seniority of the direct recruits shall be determined by the order of merit in which they are selected for appointment;

Provided that where the persons appointed on probation are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

(4) The relative seniority of persons promoted to the various post (s) or class of post(s) shall be determined by the order of their appointment to such post (s) provided that where persons promoted initially on temporary basis are confirmed subsequently in an order different from the order indicated at the time of the promotion, seniority shall follow the order of confirmation and not the original order of merit.
Explanation -

(a) Where promotions are made on the basis of selection the seniority of such promotee in such post shall be in the order of merit determined by the appointing authority

(b) Where promotions are made on the basis of selection the seniority subject to fitness and merit, the seniority of persons considered fit for promotion at the same time shall be the same as their relative seniority in the lower grade from which they are promoted. Where however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher post over the junior person who had superseded him

(5) The relative seniority of direct recruits and promotes shall be determined according to the roster maintained for this purpose.

(6) In case of any dispute regarding seniority the same shall be decided by the Chief Justice whose decision shall be final

11. Authority competent to make appointment, promotions, seniority, etc. :-

(1) All matters of appointments, promotions and seniority of the members of the Non-Gazetted staff of the High Court Establishment shall be decided by the Administrative Judge or by the Registrar General, if so authorised, and those of the Gazetted staff by the Chief Justice or by the Administrative Judge, if so authorised by the Chief Justice

(2) In all matters relating to seniority, leave promotion, pension and other matters regarding the conditions of service for which no provision for insufficient provision has been made in these rules, and order for the time being in force and application to the Government servants appointed to corresponding or comparable Civil Services and posts in connection with the affairs of the State of Sikkim shall apply, mutatis mutandis to the members of the establishment subject to such modifications, variations and exceptions, if any, as the Chief Justice may from time to time specify:

Provided that the powers exercisable under the said rules and orders by the State Government or any authority not lower than the State Government, shall be exercisable by the Chief Justice or by such person has be may, by general or special order,

direct and the powers under the said rules and or others by any other authority shall be exercisable by such persons.

Provided that the scales of pay and dearness and other allowances including compensatory allowances and house rent allowance granted to the members of the Establishment shall continue to be governed by the rules and orders of Sikkim Government in force on the date of enforcement of these rule.

Provided that it shall be competent for the Chief Justice to revise from time to time scales of pay and allowances of the employees of this Court so as to bring them at par with the scales of pay and allowances which may be sanctioned by the Government of Sikkim from time to time for the corresponding or comparable categories of employees.

Any question arising as to which rules orders are applicable to the case of any person serving on the establishment of the High Court shall be decided by the Chief Justice.

13. (1) **Control and Discipline** -

In particular and without prejudice to the generality of this rule, the Sikkim Government Servants (Discipline and Appeal) Rules, 1985, as amended from time to time, shall apply in matters of discipline and punishment subject to the following modifications :-

(i) The expression "Government Servant" occurring in these rules, shall be construed to mean the officers and members of the High Court staff.

(ii) The words "Governor" or "Government" wherever appearing in these rules shall be construed to mean the "Chief Justice".

(iii) For the Schedule, the following Schedule shall be substituted :-

Class of Officers	Disciplinary Authority	Powers to exercise	Appellate Authority
All Gazetted Grades	Chief Justice or Administrative Judge if so authorised	All	Chief Justice if the order is passed by Administrative Judge and Full Court if the order is passed by the Chief Justice
All Non-Gazetted Grades	Administrative Judge or Registrar General if so authorised	All	Chief Justice or Administrative Judge if so authorised.

(2) Nothing in these rules shall debar the Chief Justice from altering on appeal or otherwise an order of punishment, including adverse remarks recorded in a character roll or of appointment, not provided for above, which may be passed by the Registrar or the Administrative Judge.

14. **Powers to relax rules in favour of individuals :-**

In very exceptional cases where the Chief Justice is satisfied that the operation of any rule causing undue hardship in any particular case, he may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as he may consider

necessary for dealing with the case in a just and equitable manner, provided that the case is not dealt with in a manner less favourable to the officers or officials concerned than in accordance with the rules.

PART - III
MISCELLANEOUS

15. Power and Procedure for sending High Court Staff on Deputation:-

Notwithstanding anything contained in any other rule for the time bring in force, the High Court, wherever it receives any requisition/deputation proposal from any statutory establishment or Government Department it may recommend the names of such officer/staff as may be decided by the Chief Justice of the High Court for the purpose of being sent on deputation to such statutory establishment or Government Department and the Government Department or the statutory establishment on receipt of such recommendation of names of officer/staff of the High Court may as its discretion appoint such staff/officer on deputation. Where, however, the Government Department or a statutory organisation has decided to appoint and subsequently regularise the services of such officer/staff or absorb in the said Department/Government Establishment it shall communicate its decision in this regard to the High Court for issue of No Objection Certificate and the High Court on receipt of such communication may either issue No Objection Certificate or may recall a staff/officer on the expiry of period of deputation.

Provided further that where no objection certificate has been issued in respect of an officer/staff of the High Court and his/her service has been regularised in the Department/statutory establishment where he/she was on deputation, such staff/officer would be deemed to have ceased to be staff/officer on the High Court Establishment for all purpose.

16. Power and Procedure for appointment on deputation:-

Notwithstanding anything contained in any other Rule for the time being in force, the Chief Justice may appoint officer or staff of any category on deputation from any Government Department or statutory establishment for such specified period as may be determined by the Chief Justice and may either extend or curtail the period of deputation or may consider absorption of such staff or officer in the High Court Establishment, provided that in the event of a decision to absorb such staff or officer in the High Court Establishment the same shall be done only after obtaining the consent of the officer/staff concerned and with due clearance from the lending Department or parent Department.

17. Interpretation:-

All questions relating to the interpretation of these rules shall be referred to the Chief Justice whose decision thereon shall be final.

18. Removal of difficulties:-

If any difficulty arises in giving effect to any of the provisions of these rules, the Chief Justice may by order in writing do what appears to him to be necessary for the purpose of removing the difficulty.

19. Residuary powers:-

Nothing in these rules shall be deemed to affect the powers of the Chief Justice to pass such

orders from time to time as he may deem fit, in regard to matters as have not been provided for or not been sufficiently provided for in these Rules.

20. Security:-

All officers having any dealing with public money holding any of the following posts shall on appointment give such security as the Registrar may from time to time prescribe -

i) Court Officer
ii) Accounts Officer
iii) Senior Accountant
iv) Librarian
v) Accountant
vi) Junior Accountant
viii) Copyist
viii) Assistant in charge of stationary.

21. Repeal and Saving:-

Save as provided hereunder, the High Court Establishment (Appointment and Conditions of Service) Rules, 1979 are hereby repealed :-

Provided that any reference in any order to the provision of the repealed rules shall, unless a different intention appears from the context, be construed as a reference to the corresponding provision of these rules

Provided further that the repeal of the 1979 Rules hall not except as expressly provided in these rules ,

(a) affect the approval of the Governor so far as the rules relate to salaries, allowances, leave or pensions,

(b) revive anything not in force or existing at the time at which the repeal takes effect,

(c) affect the operation of any previous order or decision given under the Rules so repealed or anything duly done or suffered thereunder ; or

(d) affect any right, privilege, obligation or liability acquired, accrued or incurred under the 1979 rules; or

(e) affect any penalty, or punishment incurred or inflicted under the 1979 rules, or

(f) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid

SCHEDULE - I

Sl. No.	Name of Post	Existing	Proposed	Classification	Scale of Pay	No. of Post		(A)	Remarks (B)
						Pmt.	Temp.		
1	2	3	4	5	6	7	8	9	10
1	Registrar	1	—	Group A	Scale of Sikkim Superior Judicial Service	1	—	The incumbent will carry his own scale of pay	The existing post of Registrar is to be re-designated as Registrar General on creation of the post of Registrar (Judicial) and Additional Registrar
2	Registrar (Judicial)	—	1	-do-	-do-	1	—	—	—
3	Additional Registrar	—	1	-do-	Rs.12500-375-17000	1	—	—	The existing post is co-terminus with the vacation of office by the present incumbent.
4	Joint Registrar-cum- Principal Private Secretary	1	—	-do-	Rs.11000-350-16250	—	1	—	—
(a)	Joint Registrar (Judicial)	—	1	-do-	Selection Grade of Sikkim Judicial Service	1	—	The incumbent will carry his own scale of pay	—
(b)	Joint Registrar (Adm.)	—	1	-do-	Rs.11000-350-16250	1	—	—	—
5	Principal Private Secretary	—	1	-do-	Rs.9000-300-13800	1	—	—	This post shall be taken up for creation after the vacation of the post of Joint Registrar-cum-Principal Private Secretary by the present incumbent

SCHEDULE - I

1	2	3	4	5	6	7	8	9	10
6	Officer on Special Duty	1	—	Group A	Rs. 9000-300-13800	1	—	—	—
7	Deputy Registrar	1	—	-do-	-do-	1	—	The existing post will be redesignated as Dy. Registrar (Codification Cell), in view of creation of post of Protocol Officer in the Grade of Deputy Registrar	—
(a)	Deputy Registrar (Judicial)	—	1	-do-	Time scale/Sr scale of Sikkim Judicial Service	—	—	—	—
(b)	Protocol Officer (in the Grade of Dy. Registrar)	1	—	-do-	Rs9000-300-13800	1	—	—	The post will not be filled up till the work load increases. The post of Secretary to Chief Justice since been redesignated as Assistant Registrar (Protocol) is abolished.
8	Secretary to Chief Justice	—	—	Group B	Rs. 7500-250-12000	—	—	—	Proposal for abolition of the post is under process. It would be abolished when the post of Protocol Officer in the grade of Dy. Registrar is filled up. Till that time this post be designated as Asst. Registrar (Protocol).

SCHEDULE - I

1	2	3	4	5	6	7	8	9	10
9	(a) Assistant Registrar	3	—	Group B	Rs.7000-225-11500	3	—	—	—
	(b) Assistant Registrar (Lib)	1	—	-do-	-do-	1	—	—	—
10	Reader	2	3	-do-	-do-	5	—	—	—
11	Private Secretary	3	2	-do-	-do-	5	—	—	—
12	Court Officer	1	—	-do-	-do-	1	—	—	—
13	Accounts Officer	1	—	-do-	-do-	1	—	—	—
14	Office Superintendent	4	—	Group C	Rs.5500-175-9000	4	—	—	—
15	Librarian	1	—	-do-	-do-	1	—	—	—
16	Senior Accountant	1	—	-do-	-do-	1	—	—	—
17	Personal Assistant (to be attached to Hon'ble Judges)	—	5	-do-	-do-	5	—	An honorarium of Rs.300 pm (for attending duties in the residential office of Hon'ble Judges beyond office hours)	Proposal for creation of 3 such posts is under process in the State Govt. Remaining 2 posts will be taken up for creation when the strength of Judges increases in the High Court.
18	Personal Assistant to Registrar General	1	—	-do-	-do-	1	—	—	The PA attached to the existing post of Registrar will be re-designated as PA to Registrar General when the existing post of Registrar will be redesignated as Registrar General

SCHEDULE - I

1	2	3	4	5	6	7	8	9	10
19	Personal Assistant to Registrar (Judicial)	—	1	Group C	Rs 5500-175-9000	1	—	—	The post will be taken up for creation only after the post of Registrar (Judicial) is created.
20	P.A. to Addl. Registrar	—	1	-do-	Rs 5000-150-8000	1	—	—	The post will be taken up for creation after the creation of the post of Addl. Registrar
(a)	Typist to Joint Registrar cum PPS	—	1	-do-	Rs 3400-85-5100	1	—	—	—
(b)	Typist to Joint Registrar	—	2	-do-	-do-	2	—	—	The posts will be taken up for creation only after the creation of the posts of Joint Registrars.
21	PA to Dy. Registrar	1	—	-do-	Rs 5000-150-8000	1	—	—	This post is to be redesignated as Stenographer Grade II (Pool)
(a)	Typist to Dy Registrar	—	1	-do-	Rs 3400-85-6100	1	—	—	—
(b)	Typist to O.S.D.	—	1	-do-	-do-	1	—	—	—
(c)	Typist to Dy. Registrar (Judicial)	—	1	-do-	-do-	1	—	—	This post will be taken up for creation only after the post of Dy. Registrar (Judl.) is created.
22	Head Assistant	2	—	-do-	Rs 4300-125-6800	2	—	—	—
23	Translator	1	—	-do-	-do-	1	—	—	—
24	Accountant	1	—	-do-	-do-	1	—	—	—

SCHEDULE - I

1	2	3	4	5	6	7	8	9	10
25	Assistant Librarian	1	—	Group C	Rs.4000-100-6000	1	—	—	—
26	Junior Accountant	1	—	-do-	-do-	1	—	—	—
27	Upper Division Assistant	2	—	—	-do-	2	—	—	—
28	Lower Division Assistant	8	2	-do-	Rs.3400-85-5100	10	—	—	One of such posts may be designated as L.D.A-cum-Protocol Assistant whose service may be utilised for general duties when the pressure of protocol works will be less. Such Assistant must have educational qualification as prescribed by the State Government for the post of L.D.A, good physique, well conversed and well acquainted with localities and local languages. Candidate must be a Sikkimese. Preference would be given to persons having military or police background.
29	Supervisor	1	—	-do-	-do-	1	—	—	The nature of work and workload do not justify the post. Therefore, the post shall stand abolished and converted to the post of L.D.A. with the vacation of the post by the present incumbent. The present incumbent is accordingly declared surplus. However, he may be retained in service provided he is ready and willing to discharge such duties as would be assigned to him by the Registrar.

SCHEDULE - I

1	2	3	4	5	6	7	8	9	10
30	Copyist	1	—	Group C	Rs. 3400-85-5100	1	—	—	—
31	Driver	8	2	-do-	Rs. 3050-75-4550	10	—	—	—
32	Restorer	5	—	-do-	-do-	5	—	—	—
33	Book Binder	1	—	-do-	-do-	1	—	—	The nature of work and the work load do not justify the post. Therefore, the post shall stand abolished with the vacation of the post by the present incumbent. The present incumbent is accordingly declared surplus. However, he may be retained in service provided he is ready and willing to discharge such duties as would be assigned to him by the Registrar.
34	Bailiff	1	—	-do-	-do-	1	—	—	-do-
35	Mali	7	2	Group D	Rs. 2850-55-4170	9	—	—	-do-
	Note: The proposed posts at Sl. No(s) 2, 3, 4(a), 4(b), 7(a), 10, 11, 18, 19, 20, 20(b), 21, 21(a), 21(b), 28, 31, 35, 36 and 37 will be taken up with the State Government for creation in future in a phased manner depending upon increase in workload, number of cases and/or of the strength of Judges only after the High Court takes a decision in its full Court Meeting								
36	Peon	27	5	Group D	Rs. 2850-55-4170	32	—	Existing posts include the posts of Usher, Head Peon and Farash	
37.	Residential Orderly (Sevak/Cook)	3	—	-do-	-do-	8	—	Rs.200/- p.m. as honorarium for working as residential Orderlies round the clock.	
38	Chowkidar/ Sweeper-cum-Chowkidar	2	—	-do-	-do-	2	—	—	
39	Sweeper	3	—	-do-	-do-	3	—	—	

SCHEDULE - II

Sl. No	Name of Post		Classification	Scale of Pay	Method of Recruitment, qualifications for the post/ grade from which promotion is to be made
	Existing	Proposed			
1	2	3	4	5	6
1	—	Registrar General	Group A	Scale of Sikkim Superior Judicial Service	By selection from amongst the Members of the Sikkim Superior Judicial Service
2	—	Registrar (Judicial)	-do-	-do-	-do-
3	—	Addl. Registrar	-do-	Rs.12500-375-17000	By selection from amongst Joint Registrar having put in at least 10 years of service as such on the basis of merit-cum- seniority. If no such candidate is available by selection from amongst members of Sikkim Judicial Service holding the post of Chief Judicial Magistrate for at least 5 years.
4	Joint Registrar-cum-Principal Private Secretary	---	-do-	Rs.11000-350-16250	---
		(a) Joint Registrar (Judicial)	-do-	Selection grade of Sikkim Judicial Service	By selection from amongst the members of Sikkim Judicial Service who are holding the post of Chief Judicial Magistrate.
		(b) Joint Registrar (Admn.)	-do-	Rs.11000-350-16250	By selection from amongst Officer-on-Special Duty and Deputy Registrar on the basis of merit-cum-seniority. If not available by selection from amongst the members of Sikkim Judicial Service who are holding the post of Chief Judicial Magistrate.
5	—	Principal Private Secretary	-do-	Rs.9000-300-13800	By selection from amongst Group 'A' and 'B' officers who are Graduate, possessing the qualification of Stenographer Gr.-I on the basis of merit-cum-seniority.
6	Officer on Special Duty	---	-do-	-do-	By selection from among Assistant Registrars and Readers on the basis of merit-cum-seniority.

SCHEDULE - II

1	2	3	4	5	6
7	Deputy Registrar	—	Group A	Rs.9000-300-13800	—
		(a) Dy. Registrar (Judicial)	-do-	Time Scale/Sr. Scale of Sikkim Judicial Service	By selection from amongst members of Sikkim Judicial Service.
	(b) Protocol Officer (in the Grade of Dy.Registrar)	—	-do-	Rs.9000-300-13800	By selection from amongst Asstt. Registrars and Court Officer, who are graduates or officers having 5 years experience as Asstt. Registrar or Court Officer
8	Secretary to the Chief Justice	—	Group B	Rs.7500-250-12000	Proposal for abolition of the post is under process. It would be abolished when the post of Protocol Officer in the Grade of Deputy Registrar is filled up. Till that time this post be designated as Asst. Registrar (Protocol)
9.a	Assistant Registrar	Assistant Registrar (Adm.)	-do-	Rs.7000-225-11500	By promotion from amongst Office Superintendents, Librarian and Sr. Accountant who are graduates on the basis of Seniority-cum-Merit. (The existing posts under 9a, 9b & 9c are only redesignated indicating the section).
9b	Assistant Registrar	Assistant Registrar (Judl)	-do-	-do-	-do-
9c	Assistant Registrar	Assistant Registrar (Confidential)	-do-	-do-	-do-
9d	Assistant Registrar (Library)	—	-do-	-do-	-do- (newly created)
10	Reader	Reader	-do-	-do-	By promotion from amongst Office Superintendent, Librarian, Senior Accountant, PA to Judges, PA to Registrar who are graduates failing which by direct recruitment on the basis of competitive examination from amongst Law Graduate candidates.

SCHEDULE - II

1	2	3	4	5	6
11	Private Secretary	Private Secretary	Group B	Rs 7000-225-11500	By promotion from amongst graduate stenographer Gr I having 6 years experience or from amongst under Graduate Stenographer having an experience of 20 years as Steno Gr.I on the basis of seniority-cum-merit. If no departmental candidate is available, by direct recruitment or on deputation.
12	Court Officer	---	-do-	-do-	By promotion amongst Office Superintendent, Librarian and Senior Accountant on the basis of seniority-cum-merit.
13	Accounts Officer	---	-do-	-do-	Appointment shall be made from members of Sikkim Finance and Accounts Service on deputation. If the service of such deputationist is found satisfactory, he may be permanently absorbed. No deputationist shall be brought until the present incumbent can be accommodated in a suitable post carrying the same scale.
14	Office Superintendent	---	Group C	Rs.5500-175-9000	By promotion amongst Head Assistant and Translator on the basis of seniority-cum-merit failing which the post shall be filled up by direct recruitment on the basis of competitive examination from amongst graduate candidates.
15	Librarian	—	-do-	-do-	The minimum qualification for the post of Librarian shall be a Degree or Diploma in Library Science or a Higher Secondary with five years experience in Library work. The post may be filled up by promotion from amongst the High Court staff possessing the necessary qualification as above failing which by direct recruitment.
16	Senior Accountant	—	-do-	-do-	By promotion from amongst Accountant having a Bachelor's Degree in Commerce equivalent educational qualification with 5 years experience in accounts or Higher Secondary passed with 10 years experience in Accounts. If no person with the above qualification is available in the High Court then by direct recruitment of persons holding the above qualification on the basis of competitive examination.

SCHEDULE - II

1	2	3	4	5	6
17	---	Personal Assistant (to be attached to Hon'ble Judges)	Group C	Rs.5500-175-9000	By selection from amongst Stenographer Grade II who are graduates having 5 yrs. of experience or from amongst under graduates having 10 yrs. experience as Steno Grade II, failing which on the basis of competitive examination from amongst candidates possessing the qualification of Stenographer Grade-I.
18	---	Personal Assistant to Registrar General	-do-	-do-	-do-
19	---	P.A. to Registrar (Judicial)	-do-	-do-	-do-
20	---	PA to Additional Registrar	-do-	Rs.5000-150-8000	Senior Secondary examination passed from a Recognised Board having 80 & 40 w.p.m. in shorthand and typing respectively.
20		a) Typist to Joint Registrar-cum-PPS	-do-	Rs.3400-85-5900	Graduate from recognised University/Under Graduate with a certificate of type-writing speed of 45 w.p.m.
		b) Typist to Joint Registrar	-do-	-do-	-do-
21	P.A. to Deputy Registrar	---	-do-	Rs.5000-150-8000	Senior Secondary Examination passed from recognised Board having 80 & 40 w.p.m. in shorthand and typing respectively.
		a) Typist to Deputy Registrar	-do-	Rs.3400-85-5100	-do-
		b) Typist to O S.D.	-do-	-do-	-do-
		c) Typist to Dy Registrar (Judl.)	-do-	-do-	-do-

SCHEDULE - II

1	2	3	4	5	6
22	Head Assistant	---	Group C	Rs4300-125-6800	By promotion from amongst Assistant Librarians, Jr. Accountant and Upper Division Assistant with 4 years regular service on seniority-cum-merit.
23	Translator	---	-do-	-do-	By selection from amongst Court Staff posessing Degree of a recognised University with knowledge in Hindi and Local languages failing which by direct recruitment from amongst candidates who are Graduates and conversant with Hindi and local languages.
24	Accountant	---	-do-	-do-	By promotion from amongst Junior Accountant, Asst. Librarian and Upper Division Assistant possessing Degree preferably in Commerce from any recognised University.
25	Assistant Librarian	---	-do-	Rs.4000-100-6000	By promotion from amongst Lower Division Asstt., Copyist and Supervisor on the basis of seniority-cum-merit. Preference will be given to candidate posessing certificate in Library Science or experience in Library Works. If no such candidate is available by direct recruitment from amongst candidates posessing a certificate in Library Science or a Bachelor's Degree with 2 years experience in Library works.
26	Junior Accountant	---	-do-	-do-	By promotion from amongst Lower Division Asstt., Copyist posessing Bachelor's Degree in Commerce on the basis of seniority-cum-merit failing which by direct recruitment from amongst candidates posessing Bachelor's Degree in Commerce in other stream with 5 years experience in Accounts.
27	Upper Division Assistant	---	-do-	-do-	50% of the post shall be filled up by direct recruitment from amongst Graduate Clerks or persons having Class XII examination passed with 5 yrs. regular service. Staff on the establishment of the High Court posessing such qualification shall also be eligible to compete. The remaining 50% of the posts shall be filled up by promotion amongst Lower Division Assistant and Copyist on the basis of seniority-cum-merit. Preference will be given to the Graduate candidates.

SCHEDULE - II

1	2	3	4	5	6
28	Lower Division Assistant	—	Group C	Rs3400-85-5100	50% of available vacancies by direct recruitment from candidates possessing minimum educational qualification of Matriculation having minimum speed of 45 w.p.m. in typing and must be able to converse in one of the languages - Nepali, Sikkimese Bhutia, Lepcha or Limbu. The remaining 50% by promotion from amongst Rosterer and other staff in the establishment of High Court, who are Matriculates having knowledge of type-writing at a minimum speed of 30 w p.m.
29	Supervisor	—	-do-	-do-	The post is being abolished and is being proposed to be converted to the post of Lower Division Assistant.
30	Copyist	—	-do-	-do-	By direct recruitment from amongst candidates posessing minimum educational qualification of Matriculation having minimum speed of 45 w.p.m in typing and must have proficiency in one of the languages - Nepali, Sikkimese Bhutia, Lepcha or Limbu, failing which by promotion from amongst Matriculate Restorer and other staff in the establishment of High Court having knowledge of typing at a minimum speed of 30 w.p.m.
31	Driver	—	-do-	Rs.3050-75-4550	By direct recruitment from amongst Class VIII passed candidates possessing a licence of driving light vehicle with an experience of 3 years
32	Rosterer	—	-do-	-do-	By promotion from amongst Matriculate Group 'D' employees with 3 years of service, failing which by direct recruitment from amongst Matriculate candidates.
33	Book Binder	---	-do-	—	The post is being abolished
34	Bailiff	—	-do-	-do-	-do-
35	Mali	—	Group D	Rs.2850-55-4170	By direct recruitment from amongst the candidates having proficiency in gardening and having passed Class VIII.
36	Peon	—	-do-	-do-	By direct recruitment from amongst the candidates possessing educational qualification of Class VIII passed

SCHEDULE - II

1	2	3	4	5	6
37	Residential Orderly (Sevak)	---	Group D	Rs.2850-55-4170	By direct recruitment from amongst the candidates posessing educational qualification of Class VIII pass.
38	Chowkidar/ Sweeper-cum-Chowkidar	---	-do-	-do-	-do- (Preference shall be given to Ex-servicemen for the post of Chowkidar)
39	Sweeper	---	-do-	-do-	-do-

Note: Offcers from Judicial Service while holding the post at Sr. No(s) 3, 4(a), 4(b) and 7(a) may carry his own pay and scale if the same is beneficial to the incumbent.

GOVERNMENT OF SIKKIM
FOREST DEPARTMENT

No.402/F **Dated 5.9.1998**

NOTIFICATION

In exercise of the powers conferred by clause (d) of sub-section (2) of section 83 of the Sikkim Forests Water Courses and Road Reserve (Preservation the Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules to regulate the grant of rewards to informers and non-gazetted officers in respect of offences reported, detected and acted up by forest officers, namely :-

Short title and commencement

1. (1) These rules may be called the **Sikkim Forests Department Reward Rules,1998.**

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

2. Definitions :

(a) "Act" means the Sikkim Forest, Water courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988).

(b) "forest fires" means the outbreak of a fire on any forest land as defined in the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988) or any other land covered with trees.

(c) "forest offence" means an offence punishable under the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988) or any rules made thereunder.

(d) "informer" means any person furnishing information of the occurrence or impending occurrence of a forest offence.

(e) "offender" means any person who has committed a forest offence.

(f) "value" means the value as may be notified by the Government in respect of forest produce.

Persons furnishing information to be rewarded

3. Any person or persons furnishing informations leading to or otherwise, contributing to the booking of forest offence and/or successful penal action against the offenders, may be granted a reward, to be authorised by the Divisonal Forest Officer which shall be paid in cash, to the extent of 3 % of the value of the produce involved in the office. In case of auctioning or compounding of the produce, 3 % of the proceeds shall be granted to informers as reward after authorisation by the Divisional Forest Officer.

Government officials to be rewarded

4. Non-Gazetted Government officials who apprehend forest offence shall be granted rewards to the extent of 3 % of the value of the produce of 3 % of the proceeds of compounding or auctioning after authorisation by the Conservator of Forests or 10% of the proceeds of compounding or auctioning after authorisation by an officer not below the rank of Additional Chief Conservator of Forests.

Incentive rewards for forest fire prevention

5. Incentive rewards for preventing forest fires shall be granted upto Rs. 500/- to any individual/individuals who render exceptionally good services in keeping a forest free from fire or suppressing fire.

Rewards by Government

6. The Government may grant a regard to any individual contributing to the booking and/or disposal of any forest offence by displaying exemplary courage or who gets injured in the course of duties relating to apprehension of offenders under the Forest Acts or any rules made thereunder, if the reward exceeds the delegated powers under these rules.

Rewards not to be claimed as matter of right

7. (1) The rewards under these rules are discretionary and cannot be claimed as a matter of right.

(2) No appeal shall lie against any authority on any reward made by the authority competent to make reward under these rules.

GOVERNMENT OF SIKKIM
FOREST DEPARTMENT

No.442/F **Dated 14.9.1998**

NOTIFICATION

The Governor of Sikkim hereby makes the following Rules for regulating the allotment of Government quarters to employees of the Forest Department, Government of Sikkim, namely .-

SHORT TITLE AND COMMENCEMENT :-

1. (1) These rules may be called the **Government of Sikkim, (Forest Department) Allotment of Staff Quarters Rules, 1998.**

(2) They shall come into force with immediate effect.

DEFINITIONS :-

In these rules, unless the context otherwise requires ;

(a) "Competent Authority" means the Principal Chief Conservator of Forests, Government of Sikkim or an officer duly authorised by him,

(b) "Department" means the Department of Forests, Environment and Wildlife, Government of Sikkim;

(c) "family" means the legal wife or husband, children, step children, legally adopted children, parents, brothers and sisters ordinarily residing with him/her;

(d) "Government" means the Government of Sikkim ;

(e) "Government servant" means and include all Sikkim Government regular employees of the Forest Department ;

(f) "premises" means the area in and around the Government quarters in the administrative control of the Forest Department ,

(g) "priority date" means date on which a Government servant was appointed or promoted on the grade which entitled him for allotment of a particular type of quarters ;

(h) "quarters" means any residence under the administrative control of the Forest Department ,

(i) "station" means the place of posting of the Government servant ;

(j) "sub-letting" means letting on rent or otherwise to another person by the allottee without the permission of the competent authority.

EXPLANATION :- Any sharing of accommodation by an allottee with family shall not be deemed to be subletting.

(k) "temporary transfer" means transfer of an employee for a period not exceeding one

hundred and eighty days from one station to another station.

(l) "type" in relation to a Government servant means the type of quarters to which he is eligible under rule 5 ;

(m) "waiting list" means the list of applications for allotment or change of quarters prepared by the Department based on priority date.

3. ELIGIBILITY FOR ALLOTMENT OF QUARTERS TO GOVERNMENT SERVANTS

A Government servant who is not a casual or Muster Roll employee and who does not own a house in his/her name in the name of his/her family in the place of his/her posting shall be eligible for allotment of quarters.

4. ELIGIBILITY OF ALLOTMENT OF QUARTERS TO HUSBAND AND WIFE.

(1) No Government servant shall be allotted quarters under these rules if the wise or husband, as the case may be, of the Government servant has already been allotted quarters at a station unless such quarters is surrendered to the Government:

Provided that his sub-rule shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by the Court.

(2) Where two Government servants in occupation of separate quarters allotted under rules marry each other, they shall, within one month of the marriage, surrender one of the quarters.

(3) If the quarter is not surrendered as required under sub-rule (2), the allotment of quarters of the lower type shall be deemed to have been cancelled on the expiry of such period and if the quarters are of the same type, the allotment of such one of them, as the competent authority may decide, shall be deemed to have been cancelled on the expiry of such period.

(4) Where both husband and wife are employed under the Government, the entitlement for allotment for quarters to each of them under these rules shall be considered independently.

(5) Notwithstanding anything contained in sub-rules (1) to (4), -

(a) If a wife or husband, as the case may be, who has already occupied a quarters under these rules, is subsequently allotted a residential accommodation at the same station from a pool to which these rules do not apply, she or he, as the case may be, shall surrender any of the quarters within one month of such allotment:

Provided that his clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by the Court.

(b) Where two Government servants in occupation of separate quarters at the same station, one allotted under these rules and other from a pool to which these rules do not apply, marry each other, any of them shall surrender one of the quarters within one month of such marriage.

(c) If a quarters is not surrendered as required under clauses (a) or (b) , the allotment of the quarters under these rules shall be deemed to have been cancelled on the expiry of such period.

(d) If a single lady Government servant occupying quarters marries a man having his own house, she shall surrender her quarters within two months after marriage :

Provided that the provision shall apply, only when both the husband and wife are posted in the same station.

5. CLASSIFICATION OF QUARTERS -

Save as otherwise provided in these rules, a Government servant shall be eligible for allotment of quarters of the type shown against each Grade as in the Table below :-

TABLE

	CATEGORY OF OFFICERS	TYPE OF QUARTERS
(1)	Additional Chief Conservator of Forests & above (equivalent to Commissioner or above)	Type I (Single Unit Plinth Area above 1500 sq.ft.
(2)	Conservator of Forests/equivalent	Type IA (Single Unit Plinth Area between 1200 sq.ft - 1500 sq.ft.
	Divisional Forest Officers/equivalent	Type IB (Multiple Unit)
(3)	Asst. Conservator of Forests/equivalent	Type II
(4)	Range Officers, Block Officers & 'C' Grade employees	Type III
(5)	Forest Guards and 'D' Grade employees and Drivers	Type IV
(6)	Occupation of servant quarters attached to Type I quarters.	The occupant of the Type I quarters have the authority to allow persons to occupy the servant quarters.

6. BASIS OF ALLOTMENT OF QUARTERS -

Save as otherwise provided in these rules, quarters falling vacant shall be allotted by the competent authority as per the waiting list prepared by the Department in every quarter of year on the basis of the applications for allotment or change of allottee collected till last day of the month preceding the period for which the list is being prepared subject to the following conditions, namely :-

(a) the competent authority shall not allow quarters of a type higher than that to what the applicant is eligible under rule 5 ;

(b) the competent authority shall not compel any applicant to accept quarters of a lower type than that to what the applicant is eligible under rule 5 ;

(c) the competent authority may cancel the existing allotment of quarters of a Government servant and allot him alternative quarters of the same type or in emergent circumstances an alternative quarters of the type next below the type for which he is eligible under rule 5 ;

7 NON ACCEPTANCE OF ALLOTMENT ORDER OR FAILURE TO OCCUPY THE ALLOTTED QUARTERS AFTER ACCEPTANCE

If a Government servant fails to accept the quarters allotted within fifteen days or after acceptance fails to take possession of the quarters within thirty days from the date of issue of the allotment, he or she shall not be eligible for another allotment for a period of one year from the date of allotment order.

8 PERIOD FOR WHICH ALLOTMENT SUBSISTS AND THE CONCESSIONAL PERIOD FOR FURTHER RETENTION

(1) allotment shall be effective from the date on which it is accepted by the Government servant shall continue in force until -

(a) the expiry of concessional period permissible under sub-rule (2) after the Government servant ceases to be on duty in an eligible office at the station ;

(b) it is cancelled by the competent authority or is deem to have been cancelled under the provisions of these rules; or

(c) it is surrendered by the Government servant, the Government servant ceases to occupy the quarters;

(2) Any quarters allotted to a Government servant may be retained on the happening of any of the events specified in column (1) of the table below for the period specified in the corresponding entry in the column (2) thereof.

TABLE

EVENTS OF THE HAPPENINGS		PERMISSIBLE PERIOD OF RETENTION OF QUARTERS
(a) Resignation, dismissal, removal from service. Termination of service or unauthorised absence without permission	...	Thirty Days
(b) Retirement or terminal leave	...	Ninety Days
(c) Death of the allottee	...	One hundred eighty days
(d) Transfer to other place within Sikkim	...	Sixty days.
(e) Transfer to place outside Sikkim	...	Ninety days.
(f) On proceeding on in-service training	...	Full period of training.

EXPLANATION .-

(1) The period permissible on transfer mentioned against item (d) above, shall count from the date of relinquishing charges plus the period of leave, if any sanctioned to and availed of by the Government servant joint duty at the new office.

(2) A Government servant who has retained the quarters by virtue of the concession under item (a) or item (b) shall, on re-employment in an eligible office within the period specified in the table, be entitled to retain that quarters and shall also be eligible for any further allotment of quarters under these rules.

(3) Notwithstanding anything contained in sub-rule (2), when a Government servant is dismissed or removed from service or when his service has been terminated or

remains on unauthorised or removed from service or when his service has been terminated or remains on unauthorised absence without proper permission and if the Head of Department in respect of the office in which such Government servant was employed immediately before such dismissal, removal or termination or unauthorised absence of the Government servant is satisfied that it is necessary or expedient in the public interest to do so, he may request the competent authority to cancel the allotment of the quarters made to such Government servant either forthwith or with effect from such date prior to the expiry of the period of thirty days referred to in item (a) of sub-rule (2) of the table as he may specify and the competent authority shall act accordingly.

9 PROVISION RELATING TO HOUSE RENT ALLOWANCE -

Where an allotment of accommodation has been accepted by the Government servant, the deduction of house rent allowance shall commence from the first day of the month of occupation of quarters.

10 PERSONAL LIABILITY OF THE GOVERNMENT SERVANT -

The Government servant to whom quarters is allotted shall be personally liable for any damage beyond normal wear and tear caused there to the quarters, to the furniture, fixture of fittings during the period of occupancy.

11 SURRENDER OF AN ALLOTMENT AND PERIOD OF NOTICE -

(1) A Government servant may at any time surrender an allotment by giving intimation at least ten days before the date of vacation of the quarters. The allotment of the quarters shall be deemed to have been cancelled with effect from the eleventh day after the day on which letter is received by the competent authority or date specified in the letter, whichever is later.

(2) If he fails to give due notice, he shall be responsible for payment of house rent for that period.

12 CHANGE OF QUARTERS :-

(1) A Government servant to whom quarters has been allotted under this rules may apply for a change to another quarters of the same type or a quarters of the type of which he is eligible under rule 6. Not more than one change shall be allowed in respect of one type of quarters allotted to the Government servant.

(2) Change shall be offered strictly in accordance with the provisions laid down in rule 6.

(3) If a Government servant fails to accept change of quarters offered to him/her within a period of fifteen days of the issue of such offer or allotment, he/she shall not be considered again for a change of quarters of that type.

(4) If a Government servant after accepting a change of quarters fails to take possession of the house within three days, allotment order for the change shall be cancelled. However, a quarters on the death of any member of his family if he applied for change within three months of such occurrence ;

13 MUTUAL EXCHANGE OF QUARTERS -

The Government servant to whom quarters of the same type have been allotted under these rules, may apply for permission to mutually exchange their quarters. Permission for mutual exchange may be granted if both the Government servants are reasonable expected to be on duty in eligible offices and to reside in the mutually exchanged quarters for atleast six months from the date of application of such exchange.

14 HANDING AND TAKING OVER OF THE QUARTERS -

(1) On vacation of the quarters, the occupant shall hand over the same to the Range Officer under whose jurisdiction the quarters in question are located. Similarly, the occupant shall take over the quarters from the concerned Range Officer. The inventory of furniture, fittings and fixtures of the quarters shall be strictly maintained by the Range Officer under whose jurisdiction the quarters fall.

(2) The unserviceable and aged old furniture shall be condemned by the concerned Range Officer after obtaining approval from the competent authority thereto.

15 MAINTENANCE OF QUARTERS

The Government servant to whom a quarters has been allotted shall maintain the quarters and premises in a clean condition. Addition or alteration to the quarters shall not be permitted without the written permission of the competent authority. No domestic animals other than pet animals are allowed to be kept in the quarters.

16. HOLDING MEETING IN THE QUARTERS -

The occupant of any quarters shall not be permitted to hold any political meeting in the quarters.

17 OPENING OF SHOP IN QUARTERS -

No quarters shall be used for opening of any shop and for any other trade commerce.

18 SUB-LETTING AND SHARING OF ACCOMMODATION -

No Government servant shall share or sub-let the quarters allotted to him/her. The outhouses, servant quarters and garage shall be used only for the bonafide purposes.

19 CONSEQUENCE IN CASE OF BREACH OF THESE RULES -

(1) If any Government servant to whom quarters has been allotted, sub-let the quarters or erects any unauthorised structure in any part of the quarters or uses the quarters or any portion thereof for any purpose other than that for which it is meant or tampers with electric or water connection or commits any other breach of rules, or conducts himself or herself in a manner which is prejudicial to the maintenance of harmonious relation with his/her neighbours or knowingly furnishes incorrect information in any application or written statement with a view to securing allotment, the competent authority, without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the quarters.

(2) Where action to cancel the allotment is taken on account of unauthorised sub-

letting of the premises by the allottee, a period of thirty days shall be allowed to the Government servant for vacating the premises. The allotment shall be cancelled with effect from the date of vacation of the premises or expiry of the period of thirty days from the date of orders for cancellation of allotment, whichever is earlier.

(3) Where the allotment of any quarters is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbours, the Government servant at the discretion of the competent authority may be allotted another quarters in the same class at any other place.

(4) The competent authority shall be competent to take all or any of the actions under sub-rule (1) to (3) in case the Government violates the rules and instructions issued to him. The competent authority may issue order to refrain him for allotment of Government residential accommodation for a period not exceeding three years.

(5) Where any penalty under this rule is imposed by the competent authority, the aggrieved person may, within twenty one days of the receipt of the orders file a representation to the Chief Secretary.

(6) The original order imposing the penalty shall stand unless it is modified or rescinded as a result of representation under sub- rule (5).

20. OVERSTAYAL IN QUARTERS AFTER CANCELLATION OF ALLOTMENT -

Where, after an allotment has been or is deemed to be cancelled under any provision contained in these rules, the quarters remain or has remained in occupation of the Government servant to whom it was allotted or if any person claiming through him, such Government servant shall be liable to pay damages for use and occupation of quarters, services, furniture and garden charges equal to double the market rent as may be determined by Government from time to time, or twice the house rent allowance admissible for the period the quarters was under his occupation from the date of cancellation of allotment, whichever is higher;

PROVIDED THAT THE GOVERNMENT SERVANT ON SPECIAL CASE, MAY BE ALLOWED BY THE COMPETENT AUTHORITY TO RETAIN QUARTERS ON PAYMENT OF HIS HOUSE RENT ALLOWANCE OR THE MARKET STANDARD RENT WHICHEVER IS HIGHER, FOR THE PERIOD NOT EXCEEDING SIX MONTHS BEYOND THE PERIOD PERMISSIBLE UNDER SUB-RULE (2) OF RULE 8.

21 RELEASE OF HOUSE RENT ALLOWANCE ON VACATION OF QUARTERS -

(1) On vacation of quarters, house rent allowance of the Government servant shall be released from the date of vacation of the quarters.

(2) The certificate fro the release of house rent allowance shall be given only on production of clearance certificate from Power Department and Public Health Engineering Department for full payment of electric bills and water bills.

22 EVICTION OF UNAUTHORISED OCCUPANT -

Occupation of quarters by a Government servant in contravention of the provisions of these rules shall be deemed to be unauthorised occupation and such occupants shall

be evicted from the quarters in accordance with the provisions of law for the time being in force relating to eviction of unauthorised occupation of public premises.

23. EFFECT OF ALLOTMENT OF GOVERNMENT SITE OR GRANT OF HOUSING LOAN TO GOVERNMENT SERVANT IN OCCUPATION OF A QUARTERS -

On allotment of Government site or grant of housing loan both to a Government servant in occupation of a quarters within the periphery of Gangtok, the occupant shall vacate the quarters within 1 (one) year from the date of such allotment of Government site or grant of housing loan both for construction of house at Gangtok.

24. INTERPRETATION

If any question arises as to the interpretation of these rules, it shall be referred to the Government and its decision thereon shall be final.

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
GANGTOK

No.27/Ex(Abk)99 **Dated: 30th March, 1999**

CHAPTER -I

PRELIMINARY

Short title, extent and commencement

1 (1) These rules may be called the **Sikkim Excise (Indian Made Foreign Liquor Manufactured in Sikkim) Licensing of Warehouse Rules, 1999.**

(2) They extend to the whole of Sikkim

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

Definitions

2 (1) In these rules, unless the context otherwise requires -

(a) "Act" means the Sikkim Excise Act, 1992 ;

(b) "controlling officer" means an Excise Officer duly authorised by the Commissioner of Excise for the overall supervision of the warehouse.,

(c) "duty" means excise duty or countervailing duly as defined in clause (g) of section 2 of the Act

(d) "excise officer' means the Additional Commissioner, Joint Commissioner, Deputy Commissioner, Assistant Commissioner and any officer appointed or invested with the power under section 5 of the Act;

(e) "Foreign Liquor" means-

(i) Brandy, whisky, rum, vodka, gin, liquors, cordial, bitters and wines or mixture containing any of the liquor aforesaid ;

(ii) Spirit sophisticated or compound so as to resemble in colour and flavour, brandy, whisky, rum, vodka, gin, liqueurs, cordials, bitters or other similar potable alcoholic preparations,

(iii) Spirit, including rectified spirit, intended to be used for the manufacture of brandy, whisky, rum, vodka, gin, squash, cordials, bitters or other similar alcoholic preparations ; and

(iv) beer, ale, porter, cider, sherry and other similar potable fomented liquors ;

Provided that the term "Potable Foreign Liquor" shall not include unless there is anything repugnant in the subject or in the context, the spirit including rectified spirit mentioned in item (iii) aforesaid.

(f) "form" means the form appended to these rules ;

(g) "transport" to remove from one place to another within Sikkim ;

(h) "warehouse" means premises wherein excisable article is deposited and kept after payment of duty and other levies as may be notified from time to time ;

(i) "Warehouse Officer" means Inspector/Sub-Inspector/Assistant Sub-Inspector authorised by the Commissioner of Excise to supervise day to day activities of the warehouse.

(2) Words and expressions not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

CHAPTER- II

GRANT OF LICENCE

Manufacturers of foreign liquor to apply for licence

3. All the manufacturers of Indian Made Foreign Liquor who intend to establish warehouse/warehouses shall make application to the Commissioner of Excise in Form I appended to these rules

Scrutiny of application and grant of licence

4. On receipt of application in Form I, as referred to in rule 3, the particulars and other information as furnished by the applicant shall be verified and scrutinised by officers authorised by the Commissioner of Excise. After having satisfied, the Commissioner of Excise shall issue the Licence in Form II appended to these rules.

Terms and conditions of the licence

5. The terms and conditions of the Licence are as under :-

(1) The licensee shall pay the Excise duty and other levies as may be prescribed by the Commissioner of excise from time to time before the stock of liquor is transported from the distillery/brewery to the warehouse.

(2) The transport of liquor shall take place only on the strength of transport pass issued by the Officer-in-charge of distillery/brewery. The transport pass shall be in Form III appended to these rules which should be filled in quadruplicate and sent to the Warehouse Officer The Warehouse Officer, after receiving the consignment of liquor shall furnish the certificate of having received the consignment of liquor. He shall, thereafter, retain the original copy of the transport pass and return the duplicate copy of the same to the Officer-in-charge after duly signing it. The triplicate copy of the pass shall be given to the authorised person of the distillery/brewery and the quadruplicate copy shall be retained as office copy by the Officer-in-charge of distillery/brewery

(3) The manufacturer of foreign liquor shall issue the liquor from the Warehouse only to the retailers who are holding valid excise licence issued under the authorisation of the Commissioner of Excise. Issue of liquors from the warehouse to the retailers shall be only on the strength of transport pass in Form IV issued by the Warehouse Officer. The warehouse officer shall issue the transport pass in triplicate. The original copy shall

be given to the retailers who shall lift the liquor from the warehouse. The duplicate copy shall be given to the authorised person of the distillery/ brewery and the triplicate copy shall be retained as office copy of the Warehouse Officer.

(4) No exemption of duty shall be allowed on the loss of liquor either on transit or in the Warehouse.

(5) The location of the warehouse be such that there is smooth vehicular movement and no obstruction to pedestrians is caused.

(6) The structure of the warehouse should be such that the same should be safe and secured and quipped with fire fighting equipments as per requirement.

(7) The licensee can have more than one such warehouse as per requirement and need.

(8) The Licensee shall pay warehouse licence fee at the rate of Rs. 10,000/- (Rupees ten thousand) only per warehouse per annum. The registration fee shall be paid during the first week of April of each financial year

(9) The licensee is not authorised to store in the warehouse any other items other than the liquor manufactured by him.

(10) The licensee shall submit in writing the ex-godown price of liquor/beer which may exclude excise duty, other levies and taxes and retailers commission to the Commissioner of Excise. The liquor/ beer shall be released to the retailer only after retail rate is fixed and other to this effect is issued by the Commissioner.

(11) The retailers of liquor/beer shall be allowed a commission of 5 (five) percent on the ex-warehouse price of liquor/beer.

(12) The warehouse shall be operated wither by the licensee himself or through his managers/employees. In case of operation of the warehouse by the manager employees of the licensee, he shall issue authorisation and specimen signature of such manager/employee should be sent to the Commissioner of Excise.

(13) The licensee shall not operate the warehouse by any other means other than the procedure as laid down in sub-rule (12) of rule 5.

(14) The licensee shall provide office accommodation to the Warehouse Officers in the premises of the warehouse alongwith the required furniture, etc. as may be determined by the Commissioner of Excise.

(15) The licensee shall operate the warehouse from 9.00 AM to 4.00 PM strictly. However, on Sundays and dry days as declared and notified by the Commissioner of Excise, the licensee shall not operate his business.

(16) The licensee shall provide all the forms as prescribed under these rules as aforesaid and bear the cost thereof.

(17) The licensee shall maintain proper record in Form V appended to this rule

and shall furnish monthly returns to the warehouse officer, controlling officer and the Commissioner of Excise within the first week of every month.

(18) The licensee shall not issue liquors to any person from the distillery/brewery except for exports to other States, to defence units/para military forces stationed in the State of Sikkim and not to those who are in possession of licence. The licensee shall issue liquor/beer on duty free on duty concession to persons holding valid permit issued under the authorisation of the Commissioner of Excise.

(19) Infringement of any of the above conditions shall be liable for actions as per the provisions under the Sikkim Excise, 1992.

(20) The terms and conditions of the licence may be amended wholly or partly, as the Commissioner of Excise may deem to be necessary and proper.

FORM I
(See Rule 3)

To,
The Commissioner,
Excise (Abkari) Department,
Government of Sikkim
Gangtok, Sikkim.

Dated:

Sir,

We propose to establish warehouse/warehouses in the following location:

1.
2.
3.
4.

Layout plan in scale of each warehouse along with the No Objection Certificate of the landlord is enclosed. Submitted for necessary action.

Thanking You,

Yours faithfully,

Signature
Name of the Manufacturer

SEAL

FORM II
(See rule 4)

LICENCE FOR WAREHOUSE OF INDIAN MADE FOREIGN LIQUORS MANUFACTURED IN SIKKIM

Licence No...../Ex(Abk.) Dated.

Licence is hereby granted under the provision of Sikkim Excise Act, 1992 and the rules, regulation and orders made thereunder to ..... for operating warehouse/warehouses at..... from to ....

1.
2.
3.
4.

The licensee shall abide by the terms and conditions as laid down in the Sikkim Excise (Indian Made Foreign Liquor Manufactured in Sikkim) Licensing of warehouse Rules, 1999.

Place:
Seal:
DATE:

COMMISSIONER
EXCISE (ABKARI) DEPARTMENT

FORM (I)
(See rule 5(2)

TRANSPORT PASS

Permit No ..... Dated:

1. Name of manufacturer :
2. Place of Destination :
3. Brand/quantity of each item :

BRAND	QUANTITY Q/P/N	TOTAL CASES	DETAILS OF EXCISE DUTY PAID

Signature of Officer-in-charge

FORM III
(See rule 5(2)

TRANSPORT PASS

Permit No..... Dated:

1. Name of manufacturer :
2. Place of Destination :
3 Brand/quantity of each item :

BRAND	QUANTITY Q/P/N	TOTAL CASES	DETAILS OF EXCISE DUTY PAID

Signature of Officer-in-charge

FORM III
(See rule 5(2)

TRANSPORT PASS

Permit No..... Dated:

1. Name of manufacturer :
2. Place of Destination :
3 Brand/quantity of each item :

BRAND	QUANTITY Q/P/N	TOTAL CASES	DETAILS OF EXCISE DUTY PAID

Signature of Officer-in-charge

FORM III
(See rule 5(2)

TRANSPORT PASS

Permit No..... Dated:

1. Name of manufacturer :
2. Place of Destination :
3. Brand/quantity of each item :

BRAND	QUANTITY Q/P/N	TOTAL CASES	DETAILS OF EXCISE DUTY PAID

Signature of Officer-in-charge

FORM IV
(See rule 5(2)

TRANSPORT PASS

Permit No..... Dated:

1. Name of the Vendor :
2. Address :
3. Place of Destination :
4. Brand/Quantity of each item :

BRAND	QUANTITY Q/P/N	TOTAL IN CASES

Signature of the Warehouse Officer

FORM IV
(See rule 5(2)

TRANSPORT PASS

Permit No..... Dated:

1. Name of the Vendor :
2. Address :
3. Place of Destination :
4. Brand/Quantity of each item :

BRAND	QUANTITY Q/P/N	TOTAL IN CASES

Signature of the Warehouse Officer

FORM IV
(See rule 5(2)

TRANSPORT PASS

Permit No..... Dated:

1. Name of the Vendor :
2. Address :
3. Place of Destination :
4. Brand/Quantity of each item :

BRAND	QUANTITY Q/P/N	TOTAL IN CASES

Signature of the Warehouse Officer

FORM IV
(See rule 5(2)

TRANSPORT PASS

Permit No..... Dated:

1. Name of the Vendor :
2. Address :
3. Place of Destination :
4. Brand/Quantity of each item :

BRAND	QUANTITY Q/P/N	TOTAL IN CASES

Signature of the Warehouse Officer

FORM V
(See Rule 5(14)

Location of Warehouse:

Monthly Statement of stock of Indian Made Foreign Liquor and Beer for the Month of

Sl No	Name of Licensee	Bill No.	Date	Brand Name	Opening Stock	Fresh Arrival	Total	Issue	Closing Balance	Remarks

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No.58/HOME/99 **Dated: 7.9.99**

NOTIFICATION

In exercise of the powers conferred by section 312 of the Code of Criminal Procedure, 1973 (2 of 1974) and in supersession of Notification No. 6 (24) Home/80-82 dated 22nd April, 1982 published in Extra- Ordinary Gazette No. 31 A dated the 23rd April, 1982 and any other Notification on the subject, the Government of Sikkim hereby makes the following rules for the payment, on the part of the State Government, of the reasonable expenses of the complaints and witnesses attending any Criminal Court in the State for the purpose of any inquiry, trial or other proceedings before such Court under the said Code, namely :-

1. **Short title, extent and commencement :-**

   (1) These rules may be called the **Sikkim Payment by Government of Expenses of Complainants and Witnesses (Attending Criminal Courts) Rules, 1999.**

   (2) They extend to the whole of Sikkim.

   (3) They shall come into for at once.

2. **Definitions** - In these rules, unless the context otherwise requires :-

   (1) "Code" means the Code of Criminal Procedure 1973 (2 of 1974)

   (2) "Witness" means a person required to attend a Criminal Court on behalf of the State for giving evidence in any inquiry, trial or other proceedings before such Court under the Code, and includes a complainant attending such court for any of the said purposes.

3. **Authority and conditions for payment of expenses to Witnesses -**

   (1) The payment, on the part of the State Government, of the reasonable expenses of witnesses as provided in these rules, may be ordered.

      (a) by the High Court or a Court of sessions in any case which comes before such Court;

      (b) by a Magistrate.

   (2) The Court may refuse the payment of such expenses-

      (a) to any complainant whose complaint has been declared to be false or frivolous ;

      (b) to any witness whose evidence the court does not consider to be substantially true; or

      (c) to any complainant or witness who without sufficient cause remains ab-

sent on any day fixed for the hearing and whose presence is secured by the issue of any coercive process.

4. Diet and Travelling Allowance:-

(1) There shall be paid a diet allowance at the following rates, namely :-

(a) Ordinary witnesses - Rupees 50/- per diem without halt
Rupees 100/- per diem with halt.

(b) Expert witnesses such as Doctors, Engineers, Executive Magistrates, Finger Print Experts, Class I Officers etc.
Rupees 75/- per diem without halt.
Rupees 150/- per diem with halt.

Provided that such officer/ experts shall not claim T.A. and D.A., from the Government or the organization under which they are working, for attending the Courts for evidence

(2) Diet Allowance may be paid to the witness only for the days of court attendance and for the minimum period required preliminary to such attendance and immediately thereafter.

(3) Subject to rule 5, travelling allowance will be paid at the discretion of the Court only if the witness has to travel five kilometres or more in order to attend the Court and has spent for the journey, at the following rates, namely:-

(a) When journey is by road all categories of witnesses shall be paid actual bus fare wherever SNT bus services are available or actual taxi fare (on per passenger basis) wherever SNT bus services are not available

(b) Where journey is by train :-

(i) Ordinary witnesses - Sleeper class non A/C fare
(ii) Expert witnesses - A/C3-Tier or I Class non A/C fare

(4) Diet Allowances shall ordinarily be paid only to such witness who travels five kilometres or more in order to attend the Court to give evidence.

(5) Notwithstanding anything contained in sub-rules (3) and (4), the Court may, in appropriate cases, for reasons to be recorded, order payment of Travelling Allowance at the rate of Rupees 2.50 per kilometre for journey on foot and such Diet Allowance as it may consider reasonable when the distance to be travelled by the witness is on foot within five kilometres of the Court house and when the journey is performed partly by bus and partly on foot for more than five kilometres.

(6) Diet Allowance may, at the discretion of the Presiding Officer of the Court, be paid also to an escort of a Witness or Witnesses, who, by reason of tender age or bodily infirmity, is/are unable to travel alone in order to attend the court, if the escort himself is not required to attend the Court as a Witness.

5. **Payment of Daily Allowance and Travelling Allowance to Government Servant in a case in which Government is not a party** :- When a Government servant appears to give evidence in a case in which the State Government is not a party, the Government servant giving evidence regarding the facts of which he has official knowledge will be paid daily allowance and travelling allowance according to the rules under which the Government servant draws such allowance for a journey on tour.

GOVERNMENT OF SIKKIM
DEPARTMENT OF FORESTS, ENVIRONMENT AND WILDLIFE
GANGTOK

No.464/F **Dated: 7.8.99**

NOTIFICATION

In exercise of the powers conferred by sub section (1) of section 42 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1980, the State Government hereby makes the following rules, namely :-

Short title, extent and commencement

1. (1) These rules may be called the **Sikkim Transit of Timber and other Forest Produce Rules, 1999.**

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

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

Definitions

2. In these rules, unless the context otherwise requires :-

(a) "Act" means the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act,1988;

(b) "Additional Chief Conservator of Forests" means the Additional Chief Conservator of Forests having territorial functions;

(c) "agency" means any group of persons or organisation registered with the Central or State Government or part of it;

(d) "Conservator of Forests" means the Conservator of Forests having territorial functions;

(e) "District" means the land revenue administrative district;

(f) "forest officers" means the forest officers as defined in the Act ;

(g) "forest produce" includes –

(i) (a) the following found in or brought from a forest or not, that is to say:- bark, charcoal, firewood, myrabolence, natural varnish, resin, shellac, logs ;

for transit permit

any timber or forest produce shall apply in Form B to the Divisional Forest Officer in whose territorial jurisdiction the forest produce is located, stored or available.

Report of Range Officer

5. The Divisional Forest Officer shall obtain a report in Forms C of the nature , quantity and origin of the timber or forest produce sought to be transported, from the Range Officer or Block Officer under whose territorial jurisdiction it is located, stored or available

Power of Forest Officers to issue transit permit

6. (1) The Divisional Forest Officer shall, after satisfying himself that the timber or forest produce is legally obtain and can be allowed to be transported to another place from where it is located, stored or available, take the following action :-

(a) issue a transit permit duly charging fees as prescribed in rule 7 if the forest produce is sought to be transported within the District of its origin.

Provided that in the absence of 5 (five) continuous days or more of the Divisional Forest Officer, the Conservator of Forests may issue such a transit permit after obtaining report of the Range Officer as provided under the rules.

(b) Countersign the report and submit it to the Conservator of Forests or Additional Chief Conservator of Forests if the timber or forest produce is sought to be transported from one District to another or within the same District if the route by which it will be conveyed, passes through another District or outside the State of Sikkim.

(2) When a report for the issue of a transit permit is submitted to the Conservator of Forests or Additional Chief Conservator of Forests, the same shall be forwarded to the Chief Conservator of Forests or Principal Chief Conservator of Forests for approval.

(3) After the approval is granted, the Conservator of Forests shall issue a transit permit duly charging fees as prescribed in rule 7.

Fees to be levied

7. The transit permits shall be issued after levying a fee (hereinafter referred to as fees) which shall be equal to the commercial rate of royalty for the timber or forest produce as notified in the Schedule of rates currently in force:

Provided that no fees shall be levied for transporting of old used wood.

Conditions governing issue of transit permits

8. All transit permits shall be governed by the following condition :

(a) the transit permit shall be valid for seven days and not liable to be used before 6 A.M. and after 6 P.M. except with the permission of the transit permit issuing officer.

(b) the timber or forest produce shall be taken to each checkpost on the route indicated on the transit permit for checking and examination by the forest officers and the transit permit shall be signed by such officers, seal affixed thereon and entry made in the checkpost register ,

(c) the owner or bearer of the transit permit shall not carry timber or forest

produce in excess of the quantity or of any species other than that allowed by it ;

(d) the timber or forest produce allowed to be transported by issue of a transit permit shall follow the route indicated therein and not deviate from it except as provided in these rules, and

(e) any other conditions which may be notified by the Government from time to time.

Affixing of hammer marks

9 The timber or other forest produce authorised for transport by issue of transit permit as aforesaid shall be imprinted with hammer mark by the Range Officer from whose territorial jurisdiction it will be transported after he checks the timber or other forest produce and ensures that it is the one for which application was made in Form B and reported in Form C, and in case of a Utilisation Transit Permit issued under rule 22, that its origin is from the Utilisation extraction area.

Transit permit for furniture

10 The transit permits for transporting new furniture shall be issued after payment of fees on the actual quantity of timber utilised in their making of the furniture which shall be assessed and mentioned in the report to be submitted by the Range Officer as provided in the rules. While issuing transit permits for old furniture made of 5 (five) cubic feet or more timer, a fee o Rs. 50/- and for old furniture made of less than 5 cubic feet of timber, a fee of Rs. 25/- shall be levied.

Concession on transit permit fees

11. Concession in fees to be levied on the issue of a transit permit shall be made as follows :-

(a) 50% of the normal rate when the origin of timber is private land holding.

(b) 25% of the normal rate when timber is sought to be transported within 3 (three) months of the day on which it was last transported by payment of fees, and within a distance of 25 (twenty five) kms. from the destination to which it was last transported.

(c) 10% of the rate when the sawn or cut timber was purchased from the Forest Department in an auction.

Particulars of permits

12. (1) Every transit permit issued under these rules shall specify

(a) The name of the person or agency to whom such pass is granted ;

(b) the quantity and description of timber or forest produce;

(c) the places from and to which such timber or forest produce is to be conveyed ;

(d) the period of time for which the permit is to be valid.

(2) The transit permits shall be in triplicate and bound in books which shall bear an identifying number and the passes in each book shall be numbered serially.

(3) First of the triplicate forms will form the counterfoil and second and third parts shall be given to the person in charge of the produce under transit and shall be produced whenever required by any checking officer men-

tioned under rule 8 and 20. The third part shall be collected by the Range Officer who affixes the hammer mark as mentioned under rule 9, who will initial the second part and affix his seal duly mentioning the time and date of lifting of such timber or forest produce. The third part shall then be sent to the office of the Divisional Forest Officer for compilation.

Separate passes for each load

13. No transit permit shall ordinarily cover more than one load, whether such load be carried by a person, animal or in a vehicle. But the transit permit issuing authority may, whenever he deems fit order that one pass may cover upto two numbers at the same time.

Provided that if the transit permit covers more than two loads in vehicles, the owner of the timbers or forest produce shall maintain a register at all the checkposts where entries will be made by the checkpost staff each time a load is carried.

Passes not to be tampered with or reused

14. No alteration shall be made in any thing printed or written on any transit permit, except in the matter of route and period which may be done only by the transit permit issuing authority for sufficient reasons to be mentioned in the permit and not transit permit shall be used after the expiry of its validity.

Transit permit to be issued for importing timber

15. No timber or forest produce shall be brought within the State of Sikkim from outside, except by a transit permit to be issued by the Conservator of Forest in lieu of the transit pass issued by the authority in charge of the place of origin of the timber of forest produce and such transit permit shall be issued after levying the import fee notified by the Government in the schedule of rates currently in force.

Depots, check posts and their purposes

16. The Government may establish at such places at it shall deem fit, deports and checkposts to which timber or other forest produce shall be taken,

(a) for initial examination or subsequent checking regarding bonafide removal of forest produce;

(b) for determining the amount of money payable on account thereof to the State Government, and for the payment of any money so found to be due;

(c) in order that any mark required by law or by these rules to be affixed thereto may be so affixed ; and

(d) for stocking of confiscated timber or other forest produce that was being transported in violation of these rules.

Situation of depot and checkposts to be published

17. The Principal Chief Conservator of Forests shall make known, by notification in the Official Gazette, the establishment of any new deports and checkposts and require loads or vehicle carrying timber or other forest produce to stop at these places for the purposes mentioned in rule 16.

Depots to be incharge of Forest Officer

18. Each depot shall be in charge of a forest officer of officers appointed or posted by the Government for this purpose.

Govt. marks not to be imitated or defaced

19. No person other than a forest officer whose duty it is to use such marks shall use any hammer marks for timber identified with, or nearly resembling any Government transit marks or any mark with which timber belonging to Government is

marked and no person shall while any timber is in transit under a transit permit issued under these rules, alter or efface any mark on the same

Detention, stoppage and examination of forest produce

20 (1) Any forest produce in transit to which these rules apply and any person, animal, vehicle, vessel or craft carrying such forest produce may be stopped, detained, examined and checked at the any place by any forest or police officer of the State Government not below the rank of a forest guard or Sub-Inspector of Police as the case may be, if such officer shall have reasonable grounds for suspecting that any money which is due to Government in respect thereof has not been paid or that any forest offence has been or is being committed in respect thereof .

Provided that no such officer shall vexatiously or unnecessarily detain any forest produce which lawfully is in transit, and not vexatiously or unnecessarily unload any such forest produce or cause the same to be unloaded for the purpose of examination

(2) The person in charge of such forest produce shall furnish to any such officer all the information required by him in connection with the forest produce and if he is transporting the same under a transit permit shall produce such permit on demand for the inspection of such officer and shall not in any way prevent or resist the stoppage or examination of the said forest produce by such officer.

Prohibition on conversion of timber

21. No person shall establish a saw bench or saw pit for cutting, covering or fashioning of timber or firewood or manufacture of charcoal without obtaining a marking order in Form D from a forest officer not lower in rank than a Range Officer when timber of other forest produce is to be extracted from a private land holding, and a Divisional Forest Officer then such timber or forest produce is to be extracted from a forest produce is to be extracted from forest land.

Transit permit for removal of forest produce by Utilisation Circle

22. The transit permit for the removal of timber or other forest produce by the Utilisation Circle of the Forest, Environment & Wildlife Department shall be issued by the Conservator of Forests in charge of that Circle in Form E which shall be of yellow colour ;

Provided that such timber or forest produce is removed in a vehicle registered in the name of the Forest Environment & Wildlife Department or hired by it and hammer marked as mentioned in rule 9 and subject to the conditions mentioned in rule 8.

No transit by water courses

23. The timber of other forest produce shall not be transported in any form by any person through rivers or streams within Government or private land.

Transit permit when not required

24. No transit permit will be required -

(a) when timber is to be moved within the limits of a village or from a nearby forest land to a village when the same has been collected with the permission of a forest officer who is authorised under the law to grant such permission.

Provided that such movement is made only by head load .

(b) when any forest produce is exempted the State Government from the operation of these rule by notification in the Official Gazette.

Penalties for contravention of rules

25 Any contravention of the provision of these rule shall be a forest offence and the forest officer detecting the offence shall proceed -

(a) by compounding the offence as provided for in the Sikkim Forest (Compounding of Offences) Rules, 1988, or

(b) by prosecuting the offender in Form F of the Sikkim Forests (Compounding of Offences) Rules, 1988 and the offender shall on conviction, be punishable with imprisonment which may extend to one year or with fine which may extend to two thousand rupees or with both, and where the offence is committed after sunset or before sunrise, of after preparation for resistance to lawful authority, or where the offender has been previously convicted for a like offence, the Magistrate having jurisdiction shall impose double the penalty prescribed herein

FORM A
(See Rule 3)

TRANSIT PERMIT

Sl. No. ... Dated, the

Locality of origin

1 Name and situation of forest land/private holding (Indicate Cadastral Plot No. in case of private holding)

_____

2 Name and address of person to whom the forest produce has been given/sold

_____

3 Description of produce

(a) Quantity and size _____

(b) Type of forest produce _____

4 Destination _____

5 Route by which produce is to move _____

6 Date of expiry of permit: _____

Conservator of Forests
Territorial Circle
Government of Sikkim

Note *This permit shall not be used before 6 a.m. or after 6 p.m. for transporting timber or other Forest produce and it shall not be used in violation of the Sikkim Transport of Timber and Other Forest Produce Rules, 1999.*

FORM B

(See Rule 4)

APPLICATION FORM FOR OBTAINING TRANSIT PERMIT

1 Name of applicant: _____

2. Address _____

_____

3. Place where timber/forest produce is available _____

_____

4 Species and quantity of timber/forest produce _____

_____

5 State us to which timber/forest produce is to be put. _____

_____

6 Place to which timber/forest produce is to be taken _____

_____

7. Marking Order/Collection Permit No _____

_____

8 Office from which Marking Orders Collection Permit was issued _____

_____

9 Whether Marking Order/Collection Permit was issued to applicant._____

_____

10 If answer to 9 is NO, state how the timber/forest produce was acquired (by sale, auction etc.)

_____

11 Route by which the timber/forest produce is to be transported

_____

SIGNATURE OF APPLICANT

FROM C

(See Rule 5)

FIELD REPORT FOR ISSUE OF TRANSIT PERMIT

1. Name of Applicant: _____

2. Address: _____

3. Locality of present stocking of timber or forest produce: _____

_____

4. Name of forest or private holding from where obtained:

_____

5. Mode of acquiring timber or forest produce (Marking Order, Auction, other- please specify and documents in support)

_____

_____

7. Quantity of timber or forest produce: _____

8. Name of species of timber or forest produce:

_____

9. Place to which the timber or forest produce is to be transported:

_____

10. Route by which timber or forest produce is to be conveyed:

_____

Countersignature of
Divisional Forest Officer

Signature of Reporting
Range or Block Officer

FORM D

(See Rule 21)

MARKING ORDER

Memo No. Dated:

From:

The Divisional Forest Officer/Range Officer
_____ Division/_____ Range_____

To

The Range Officer/Block Officer

_____ / _____ Block.

Please arrange to mark the undermentioned tree/trees in favour of Shri/Smt. _____

from _____ forest on payment_____

of royalty at _____. These/it should be marked before felling and only on silvicultural activity.

Particulars of trees	Girth
1.	
2.	
3	
4	

Dragging, rolling and sliding the timbers in the forest are strictly prohibited. All timbers must be hammer marked before removal from the saw bench which may be allowed for sawing the above mentioned trees only.

This Marking Order is valid from three months from the date of issue.

1. For bonafide use at _____

2. For commercial use at _____
(Strike out whichever is inapplicable)

Divisional Forest/Range Officer

_____ Division/Range

Date_____

FORM - E

(See Rule 22)

Sl. No. Dated:

UTILISATION TRANSIT PERMIT

1. Locality of origin

2. Name of forest

3. Name of Territorial Range :

4. Description of timber or other forest produce :

   (a) Quantity and size

   (b) Type of forest produce :

5. Destination (Name of store or depot and place)

6. Type and number of vehicle(s) to be used for transporting :

7. Route by which produce is to move :

8. Date of expiry of permit

9. Number of hammer used for marking the timber :

Conservator of Forests
Utilisation Circle

SIKKIM STATE LEGAL SERVICES AUTHORITY
GANGTOK

NO.66/SLSA **Dated: 21.9.1999**

NOTIFICATION

The State Legal Services Authority frames the following rules to govern the terms and conditions of Lawyers/Counsels on the panel of the State Legal Services Authority -

1. These rules may be called the **State Legal Services Authority Panel Advocates' Terms and Conditions Rules, 1999.**

2. They shall come into force at once

3. They shall apply to Advocates on the panel of State Legal Services Authority to whom cases either pertaining to District Legal Services Authority, High Court Legal Services Committee or Taluk Legal Services Committee will be assigned.

4. There shall be Senior Advocates, Advocates and Junior Advocates on the panel of State Legal Services Authority

5. An Advocate who has more than twelve years of continuous practice as an Advocate may be designated as Legal Service Advocate/Senior Counsel and will be entitled to fees as applicable to a Senior Government Advocate.

6. An Advocate who has more than seven years of continuous practice as an Advocate may be designated as Legal Service Advocate and shall be entitled to the rate of fees as applicable to a Government Advocate under the Law Officers (Terms and Conditions) Rules, 1995

7. An Advocate who has completed three years of continuous practice as an Advocate may be designated as Legal Service Junior Advocate and will be entitled to fees as applicable to a Assistant Government Advocate as per law Officers (Terms and Conditions) Rules, 1995.

8. The provisions regarding "effective hearing and "non-effective hearing", the rates of fees applicable to Senior Government Advocates, Government Advocates and Assistant Government Advocates under Law Officers (Terms and Conditions) Rules, 1995 shall apply to Legal Service Senior Advocate, Advocate and Junior Advocate on the Panel of State Legal Services Authority, provided further that no Sr. Advocate, Advocate and Jr. Advocate on the panel of State Legal Services Authority will be entitled to conveyance allowance, consolidated fees, medical benefits as provided under Law Officers (Terms and Conditions) Rules, 1995.

9. With regard to the provisions of termination, resignation, appointment, interpretation of rules etc. the rules as applicable to Senior Government Advocate, Government Advocate and Assistant Government Advocate shall apply to Sr. Advocate, Advocate and Jr. Advocate on the panel of State Legal Services Authority

10. If a counsel is required to move outstation, he would be entitled to T.A./D.A. at the rate applicable to class I Government Officer. He shall be entitled to fare for two persons by taxi for outstation duty. He shall be entitled to 20% of total fees as clerkage provided a lawyer has appointed a clerk and name of such clerk has to be notified. He will also be

required to conduct one case free of charge in every six month. He shall keep all the matter pertaining to the case strictly confidential. Actual expenses incurred in typing/ xeroxing/stationery etc will be reimbursed against receipts.

In case of any doubt on nay matter regarding fees etc , the decision of the Executive Chairman, State Legal Services Authority shall be final and binding.

11. A Legal Aid Counsel will be entitled to a retainer fee of Rs 500/- P.M. for attending Court of Chief Judicial Magistrate/Judicial Magistrate during the remand hour for discharging duties connected with remand only. For conducting cases as a defence counsel or as a Legal Service panel counsel for aided person the fees payable to Lawyer/ Counsel on the panel of State Legal Services Authority would be paid to him in addition to his retainer fees of Rs. 500/- P.M.

12. Advocates on the panel of State Legal Services Authority while submitting their bills shall enclose certificates from the Presiding Officer of Subordinate Courts and Registrar General/Joint Registrar of High Court and copy of the orders from the concerned Court and the bills shall be duly certified by the Advocate concerned in the prescribed format.

13. Bills submitted by Advocates on the panel of State Legal Services Authority shall be processed expeditiously and efforts to make payment shall be made preferably within a period of one month provided the bills are complete in all respect.

14. It shall be the duty of a Sr. Advocate or an Advocate of Jr. Advocate on the panel of State Legal Services Authority to forward a copy of complete set of brief as may be the case. Further, certified true copy of orders passed by the Court shall be submitted within 7 days from the date of passing each of the order.

15. It shall be the duty of Sr. Advocate/Advocate/Jr. Advocate on the panel of State Legal Services Authority to ensure that cases assigned to them are completed/disposed of within a period of one year in the Subordinate Courts and where such disposal has not been possible, they shall move the High Court for issue of necessary direction to the concerned Court for disposal of the cases within such period as the High Court may deem fit.

DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.
GOVERNMENT OF SIKKIM

No.J(68)/26/GEN/DOP **Dated: 9.7.1999**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor hereby makes the following rules regulating the method or recruitment to the post of Joint Legal Officer, Deputy Legal Officer and Legal Officer/Administrative Officer (Legal) in the Law Department, Government of Sikkim, namely :-

1. **Short title and commencement :**
   1) These rules may be called the **Sikkim State Legal Services Recruitment Rules, 1999.**
   (2) They shall come into force on the date of their publication in the Official Gazette

2. **Number of Posts, Classification and Scale of Pay:**
   Number of Posts, classification and scale of Pay in relation to the posts of Joint Officer, Deputy Legal Officer and Legal Officer/ Administrative Officer (Legal) shall be as specified in column 3,4 and 5 of the said schedule.

3. **Method of recruitment, age limit, other qualification etc.:-**
   The method of recruitment to the said posts, age limit, qualification and other matters relating to the said posts shall be as specified in Column 6,7,8 and 9 of the Schedule aforesaid.

4. **Disqualification -**
   No person
   (a) who has entered into or contracted a marriage with a person have a spouse living, or
   (b) who have a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment for the said post.

   Provided that the State Government, may, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other grounds for so doing exempt any person from the operation of this rule.

5. **Power to relax:**
   Where the State Government is of opinion that it is necessary or expedient so to do, it may be by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons :

   Provided that where no suitable or sufficient provisions have been made in so far as the Sikkim State Legal Services Recruitment Rules is concerned, the provision as applicable to the Staff/Officers of the corresponding Grade shall, mutatis mutandis apply subject to such modifications as may be made, or required to be made.

6. **Saving-**
   Nothing in these rules shall affect reservation, relaxation of age limit and other concession required to be provided for the Scheduled Caste, Scheduled Tribes, Other Backward Classes and other special Categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

SCHEDULE

Sl. No.	Name of Post	No. of post	Classification	Scale of Pay	Method of recruitment, whether direct or promotion	Age limit for direct recruits	Educational & other qualifications required for Direct recruitment	Educational & other qualifications required forpromotee including other experience	Period of probation	If a DPC composition
1	2	3	4	5	6	7	8	9	10	11
1A	Legal Officer (Junior Grade)	4	Group B	7000-225-11500	50% by direct recruitment	Age between 21 & 30 yrs, relaxable by 5 years in case of candidate belonging to STs/SCs and 3 yrs in the case of OBCs category	Degree in Law and 3 yrs practice as an Advocate. Other eligibility conditions as applicable for appointment in the State of Sikkim	Not applicable	1 year	(1) Chairman, Sikkim Law Commission, (2) Member, SPSC (3) Secretary to the Department of Personnel, Administrative Reforms. (4) Secretary/ Heads of Department concerned
1B	Administrative Officer (Legal)			-do-	50% by promotion	Not applicable	Not applicable	Degree in Law having at least ten years experience in Legislative drafting OR having experience in Legal Advice OR opinion OR having dealt with Legal matters	-do-	-do-
2	Deputy Legal Officer (Senior Grade)	2	Group A	9000-300-13800	100% by promotion	Not applicable	Not applicable	(a) Degree in Law (b)While considering the promotion on the basis of the quota, the case of the trained persons shall invariably be considered first irrespective of the number of vacancies available in the grade. A member of the grade will be promoted to the Senior Grade if found suitable by the Selection Committee on completion of satisfactory service of six years in the Junior Grade. However, promotion to the posts of Senior Legal Officer shall be subject to availability of vacancies	Not applicable	-do-

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11
3	Joint Legal Officer (Drafting) Selection Grade II	1	Group A	11000-350-16250	100% by promotion or on deputation if no officer is eligible 100% by promotion	Not applicable	Not applicable	A member of the Grade will be promoted to the Selection Grade II by the Selection committee on completion of satisfactory service of eight years in Senior Grade. However, promotion to the posts of Joint Legal Officer (Drafting) shall be subject to availability of vacancy.	Not applicable	(1) Chairman, Sikkim Law Commission, (2) Member, SPSC (3) Secretary to the Department of Personnel, Administrative Reforms. (4) Secretary/ Heads of Department concerned

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.88/HOME/99 **Dated 24.11.99**

NOTIFICATION

Whereas the High Court of Sikkim has vide its letter No. 4436/HCS dated 1.11.99 drawn the attention of the State Government to the Resolutions passed in the Chief Justices' Conference held on 28th and 29th November, 1997 at New Delhi.

And whereas in the Chief Justices' Conferences it was resolved that medical facilities which are available to sitting Judges of the High Court be extended to retired Judges of the High Courts and Supreme Court of India;

And whereas no separate rules for provision of medical facilities have been framed for the retired Judges of the High Court of Sikkim due to the limited resources of the State of Sikkim;

And whereas, it is now considered expedient to frame rules providing for medical entitlement of the retired Judges of the High Court of Sikkim;

Now therefore, in exercise of powers conferred under the provision of section 23 D (2) of the High Court Judges (Conditions of Service) Act, 1954, the State Government in consultation with the High Court of Sikkim, hereby makes the following rules :-

Title and commencement

1. These Rules may be called the **Medical Facilities for the Retired Judges of the High Court of Sikkim and their Families Rules, 1999.**

2. These Rules shall come into force from the date of publication of the Notification in the Official Gazette.

Definition

3. A retired Judge of the High Court of Sikkim for the purpose of these Rules, shall mean a judge who was or is initially appointed as a Judge of the High Court of Sikkim and who retires after the commencement of these rules either as Judge or as Chief Justice of any High Court or as Judge or Chief Justice of the Supreme Court.

Entitlements

4 (i) A retired of the High Court of Sikkim shall be entitled to same medical benefits as are applicable to a sitting Judge of the High Court of Sikkim and his family member under rules and orders issued by the Government of Sikkim and as amended from time to time.

(ii) A retired Judge shall be entitled to take medical treatment in any Hospital/ Nursing Home in the country on the basis of a referral by the District Medical Officer or Sub-Divisional Doctor or a Doctor having M.D. degree who has been a medical practitioner for more than ten years in the place of stay of a retired Judge or the place where the need for medical treatment arises.

(iii) Where, however, a retired Judge has been re-employed or has joined profession, the provisions of these rules shall not apply.

(iv) Reimbursement in respect of the entitlements as per Rule 4 shall be made by the High Court of Sikkim. For this purpose the State Government shall provide adequate funds to the High Court under the salaries head.

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.89/HOME/99 **Dated 24.11.99**

NOTIFICATION

Whereas the High Court of Sikkim has vide its letter No. 4436/HCS dated 1.11.99 drawn the attention of the State Government to the Resolutions passed in the Chief Justices' Conference held on 28th and 29th November, 1997 at New Delhi.

And whereas in the Chief Justices' Conferences it was resolved that secretarial assistance and domestic help be made available to the retired Judges of the High Courts and Supreme Court of India;

And whereas in pursuance of the said resolution it is considered expedient to make such assistance available to the retired Judges,

Now therefore, the State Government in consultation with the High Court of Sikkim, hereby makes the following rules -

Title and commencement

1 These Rules may be called the **Retired Judges' Secretarial Assistance and Domestic Help Rules, 1999.**

2. These Rules shall come into force from the date of publication of the Notification in the Official Gazette.

Definition

3 A retired Judge of the High Court of Sikkim for the purpose of these Rules, shall mean a judge who was or is initially appointed as a Judge of the High Court of Sikkim and who retires after the commencement of these rules either as Judge or as Chief Justice of any High Court or as Judge or Chief Justice of the Supreme Court.

Entitlements

4 (i) A retired of the High Court of Sikkim shall be entitled to secretarial service of a person in the grade of Stenographer (Grade-II) of the State Government who may be appointed by the retired Judge. The services of such person shall be transferred to Sikkim High Court on the death of the retired Judge if such a request is made by the incumbent concerned.

(ii) A retired Judge of the High Court of Sikkim shall also be entitled to employ a domestic attendant to work as Driver-cum-Peon from the place where the retired Judge is settled on a pay scale admissible to a Peon of the High Court of Sikkim on regular appointment. The services of such person shall be transferred to Sikkim High Court on the death of the retired Judge is such a request is made by the incumbent concerned.

(iii) Where, however, a retired Judge has been re-employed or has joined profession, the provisions of these rules shall not apply.

5. Reimbursement in respect of the entitlements as per Rule 4 shall be made by the High Court of Sikkim. For this purpose the State Government shall provide adequate funds to the High Court under the salaries head.

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT

No.15/EX(ABK) **28th March, 2000**

NOTIFICATION

In exercise of powers conferred by clause (a) of section 77 read with section 10 of Sikkim Excise Act, 1992 (2 of 1992), the Government of Sikkim hereby makes the following rules, namely -

CHAPTER - I

PRELIMINARY

Short title, extent and commence-ment

1. (1) These rules may be called the **Sikkim Excise (Distillery for Manufacture of Spirit and Foreign Liquor) Rules, 2000.**

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

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

Definitions

2. (1) In these rules, unless the context otherwise requires -

(a) "Act" means the Sikkim Excise Act, 1992,

(b) "blending" means the mixture of spirit or wines of different strength or different qualities

(c) "bottling room" means the portion of a distillery which is set apart for carrying out bottling operation ;

(d) "Commissioner" means the Excise Commissioner ;

(e) "compounding' means the artificial preparation of foreign liquor by the addition of imported or locally made liquor, flavouring or colouring matter or both,

(f) "Controlling Officer" means Assistant Commissioner, Deputy Commissioner, Joint Commissioner, Additional Commissioner as may be designated by the Commissioner of Excise to provide overall supervision of the distillery ;

(g) "distillery" means the building or place where rectified spirit and liqueurs manufactured and includes every place therein where the spirit and foreign liquor is stored and it is issued ;

(h) "distiller" means a person who holds a licence to work a distillery

(i) "foreign liquor" means Brandy, Whisky, Rum vodka, Gin, Liquors, Cordials, bitters and wines or mixture containing any other liquor as

aforesaid ,

(j) "finished store room" means that portion of distillery which is set apart for the storage of finished liquor in sealed bottled or other receptacles;

(k) "form" means a form appended to these rules;

(l) "gravity" means the proportion which the weight of a liquid bears to that of an equal bulk of distilled water the gravity of distilled water at 60^0F being taken to 1000;

(m) "hopback" means any vessel into which words are run after boiling in order to remove the spent hops ;

(n) "London Proof" or " Proof" means the strength or proof as ascertained by means the of sykes hydrometer and denotes that spirit which at the temperature of 51 F Weights exactly 12/13th part of an equal measure of distilled water;

(o) "laboratory" means the laboratory of the Chemical Examiner of the Excise Department, Government of Sikkim ,

(p) "licence" means a licence granted under these rules ;

(q) "licensed premises" means premises within which the licensee is allowed to establish a distillery ,

(r) "manufacture" means and includes -

(i) "process, whether natural or article by which any intoxicant is produced or prepared ,

(ii) redistillation , and

(iii) every process for the rectification, flavouring, blending or colouring of liquor or for the reduction of strength of liquor for sale .

(s) "manufacturing room" means that portion of distillery in which the act manufacture of liquor takes places;

(t) "mashtun" means any vessel in which malt or grain is exhausted in the course of brewing;

(u) "Officer-in- Charge" means an Excise officer of the rank of Sub-Inspector or Inspector of Excise under whose control the distillery shall operate

(v) "Obscuration" means the difference caused by matter in solution, between the true strength of spirit and that indicated by the hydrometer;

(w) "ordinary denatured spirit" means spirit " means spirit denatured with the general denaturant prescribed for use in Sikkim;

(x) "plain spirit" means spirit to which no flavouring or colouring matter or other material or ingredient has been added;

(y) "prescribed" or "approved" means prescribed or approved by the Commissioner;

(z) "rectified spirit" means plain spirit of a strength of not less " than forty degree above proof;

(za) "reducing" means the reduction of a liquor from a higher to lower alcoholic strength by the addition of water;

(zb) "racking or settling" means any vessel into which worts are passed from a fermenting vessel and racked either at-once or after a time into store vats or casks;

(zc) "still" includes any part of a still and any apparatus for distillation or manufacture of spirit;

(zd) "sugar" means any saccharine substance extract or syrup and includes any material capable malt or grain of any kind ;

(ze) "storage room" means that portion of a distillery which is set apart of storing finished liquor in vats and tanks before bottling;

(zf) "to gauge" means to determine the quantity of spirit contained in or taken from any cask or other receptacle; or to determine the capacity of a cask or other receptacles;

(zg) "to prove" means to test the strength of spirit by a hydrometer or other instruments prescribed by the commissioner;

(zh) "underback" means any vessels into which worts are run either from the masthun or hopback;

(zi) "wash" means materials for distillations which is under, or has undergone fermentation by natural or artificial means and also includes impure alcohol;

(zj) "wort" means liquor obtained by the exhaustion of malt or grain by the solution of sugar in the process of brewing.

(2) words and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act.

CHAPTER II

Application for licence

3. (1) Any person or a registered firm or a registered company desirous to obtain a licence for manufacture and sale of excisable articles in any place in Sikkim shall apply in writing in Form-D-I to the Commissioner.

(2) Once the application is entertained, the applicant shall furnish the following details to the Commissioner:

(a) the name or names and the address or addresses of the person or persons applying;

(b) the purpose for which the distillery is proposed to be opened, specifying in detail the nature of the business which the applicant desires to carry on therein;

(c) the name of the place where the distillery is to be constructed or worked and the annual capacity;

(d) the number and full description of the still, vats and other permanent apparatus which the applicants wishes to set up and the size and capacity of such stills etc.,

(e) the date from which, in the event of a licence being granted to him, the applicant proposed to commence working the distillery;

(f) a correct plan in quadruplicate of the building which he intends to use or to construct for his distillery and a plan showing the position of stills, vats and other permanent apparatus therein and a list of store room, ware house etc. connected therein;

(g) statement explaining the process alongwith the flow chart in quadruplicate.

Consideration of application

4 (1) On receipt of the details mentioned under sub-rule (2) of rule (3) the Commissioner shall examine the suitability of the site and buildings, if there be any already and on any other points. After examinations of all details the Commissioner shall decide whether the licence for the opening of the distillery should be granted or not. In this regard, the Commissioner shall be guided by the following principles :

(a) If the application is for production of spirit and foreign liquor, sale of which is either wholly or partly to be made within the State of Sikkim, the grant of licence shall be limited to the demand of spirit and foreign liquor within the State and necessity for such a distillery in the State.

(b) However, sub-rule (1) (a) of rule 4 shall not apply if the application is for production of spirit and foreign liquor wholly for export to other states.

(2) Purposes for which a distillery may be opened;

(a) supply for country spirit;
(b) supply of rectified spirit;
(c) supply of foreign liquor;
(d) supply of spirits for the manufacture of chemicals, medicated articles, etc. or for the other industrial purpose;
(e) for all or any of the above purposes combined.

(3) The Commissioner shall sanction with the approval of the Government the opening of a distillery and the concerned Excise Officer accordingly.

Construtions of distillery

5. The applicant shall then be called upon to make arrangements for the construction of the distillery. Upon completion of the building and after the stills and other appliances and apparatus have been set up, he must deposit fresh copies of the plans with the Commissioner, who shall cause them to be verified in any manner as he thinks proper.

Addition or alteration to building stills etc. requires previous sanction of the Commissioner

6. No addition or alternation to the buildings, stills or other permanent apparatus as shown in the plans finally submitted by the applicant shall be made without previous sanction of the Commissioner obtained through the controlling officer and officer-in-Charge. When any such additions alternations are made fresh plans must be submitted to the Commissioner through the Controlling Officer with a certificate from the Officer-in-Charge that they are correct.

Commissioner to verify description and plans

7. It will be open to Commissioner to verify at any time any of the descriptions and plans above mentioned and on section. Such may be done by any officer deputed for the purpose and such officer shall be allowed full access to the premises. Sanction to the plan may be withheld until any point in respect of which they differ from plans already sanctioned has been rectified to the satisfaction of the Commissioner. The distiller shall be bound to carry out such rectification with a reasonable time to be fixed by the Commissioner.

Conditions precedent to grant licence

8. (1) No licence shall be granted unless :-

(a) the applicant has satisfied the Commissioner that the plant is capable of producing liquors of required quality and quantity.

(b) the applicant has satisfied the Commissioner that the proposed building, tanks, plant and machineries etc. to be used in connection with the business or distillery storage and issue of liquor are built in accordance with the details description and specification and that due precaution has been taken against fire;

(c) the applicant has deposited as security for the fulfilment of all conditions of his licence a sum of Rs. 1,00,000 (Rupees one lakh) in favour of Commissioner of Excise.

(2) On a licence being granted, the Commissioner shall retain with it the original of the plan and the statement explaining the process along with the flow chart forwarded by the applicant and after duly stamping the duplicate, triplicate and quadruplicate thereof with the seal of the Excise Department:
(a) forward the duplicate to the Officer-in-Charge of the distillery;
(b) forward the triplicate to the Controlling Officer, and
(c) return the quadruplicate together with the licence to the applicant.

Power to refuse or grant licence

9 (1) Subject to provisions of sub-rule (1) of rule 4, the Commissioner shall have power to grant or refuse any application for renewal of a licence.

(2) Any person aggrieved with any order of the Commissioner refusing to grant or renewal of licence may, within thirty days of the order, apply to the State Government for revision and the Government may make such order in the case as it thinks fit.

Form of licence

10. The Commissioner shall grant a licence in form D-II for running a distillery. The

and licence fee for running a distillery

fee thereof shall be Rs. 1,00,000 (Rupees One Lakh) for every financial year. The details of annual licence fee paid shall be entered on the licence and countersigned by the Commissioner. The licence fee shall be credited to the Government account under Major Head 0039-State Excise-800 other receipts-(iv) Miscellaneous Receipts.

Forefeiture or deduction from deposit

11. In the event of any breach of the provisions of the Act and Rules made there under if it is proved before the Commissioner, the whole or part of the security deposit, as State Government may determine, shall be forfeited together with the suspension or cancellation of distillery licence.

Licensee to give notice of commencement of working

12. Every licensee shall give at least fifteen days notice in writing to the Officer-in-Charge, Controlling Officer and the commissioner, of the date on which he proposes to commence working the distillery and at least one month notice before he ceases to work.

Power to withdraw establishment

13. In case licence is ceased for manufacturing or issuing spirits for a period exceeding one month, the Commissioner may withdraw the establishment stationed at the distillery and may prohibit all further distillation, procession and issue of spirits until the licensee has given him fifteen propose in writing of the date on which he proposes to recommence distilling or processing or issuing spirits as the case may be.

Arrangement of stills etc.

14. The licensee shall arrange his stills so that spirit can be discharged into close and locked receivers of such pattern and no spirit can be removed from them unless they are unlocked. The Commissioner may require the distiller to affix to any receive and apparatus which will prevent the supply and discharge cocks being open at the same time. Every pipe used for conveying spirit of feints must be so fixed and placed as to be visible throughout its entire length and shall, if the Commissioners so direct, be coated with oil paints of a particular colour and all joints thereof shall be sealed in such manner as the commissioner may prescribe. If the condensing worm is made of copper, or if the spirit passes through pipes wholly or partly made of copper, such measures as the Commissioner may direct, shall be taken by the distiller in order to protect the liquor from serious contamination by the copper

(2) There shall be opening into any still, condenser or refrigerator, excepts :-

(a) for connection with wash backs or spirit receivers;
(b) properly secured air cork or air valves of a number and description approved by the Commissioner.

(3) The licensee shall provide and maintain suitable and fastening wherever the Commissioner may deem necessary, to all stills, spirits receivers, vats and other receptacles, fermentation rooms, store rooms, pipers, etc. to the satisfaction of the Commissioner, for the attachment of locks to be provided by the Government. The keys of all such locks shall be retained by the Officer-in-Charge. The distiller shall attach his own locks to all rooms used for the storage of spirit and may, if he so desires, also attach his own lock to any other fastening but shall be bound immediately to remove such locks when required by the Officer-in-Charge to allow free inspection.

(4) The licensee shall, if the Commissioner so direct, provide between the stills and the spirit receivers a glass safe by which the quantity and strength

of the spirit, which are running well at any moment visible to the operator, or a sampling apparatus so constructed that for every sample drawn off and into a closed and shall be discharged into a closed and locked receptacle. If required sampling apparatus shall be provided. The distiller shall also, if so required, provide breach pipes fitted with locks by means of which spirits of different strength and qualities may be diverted into separate receivers.

(5) The stills, receivers and vats shall be so arranged that the spirit may be conveyed from the receivers to the store room through closed pipes. All pipes and all joints thereof shall be secured and sealed to the satisfaction of the Commissioner.

(6) All receivers and vats in the distillery must be so placed as to admit of the contents being accurately gauged or measured and must be fitted to the satisfaction of the Commissioner with proper dipping rods so adjusted to fix dipping places that the contents thereof at fifth of centimetre or depth may at any time be ascertainable. The receiver and vats shall also be gauged in such manner as the Commissioner may from time to time, direct, no vessels shall be used as a receiver or store vat until checked by such officer as the Commissioner may appoint. Records of the dimensions of such vessels shall be maintained in Form D-III.

(7) Every cock kept or used in a distillery shall be of such pattern and constructed in such manner as the Commissioner may from time to time direct.

(8) The licensee shall cause to be painted with oil colour and shall keep so painted upon the outside of every room or place and upon conspicuous part of every vessels or utensils, according to the purpose, for which it is to be used and when more than one room, place, vessels or utensils is used for the said purposes, he shall also paint a progressive number of each beginning with the number one.

Vessel for storage

15. The spirit shall be stored in sound vessels. Each vessels shall bear a serial number, painted or cut thereon. Its external parts must also be clearly visible.

The licensee shall not cause or allow the dipping place or level of any vessel to be altered or any device to be used to deceive the Officer-in-Charge in taking the gauge of any vessel or prevent him from taking a true account of all wash or spirit in any vessel.

Dipping place or level of vessel not to be altered

16. The materials, or bases, to be used in distillation shall only be of such description as are generally approved by the Commissioner. All materials used must be of good quality and no ingredient noxious to health shall be used in distillation or added to the spirit intended for human consumption.

Materials

17. The licensee shall only distill wash which has been prepared within the distillery and no wash (except spent wash from which all alcohol has been extracted) shall be removed from or allowed to pass out the distillery, expect sealed samples forwarded by the Officer-in-Charge to the Chemical Examiner of the Excise (ABKARI) Department under the general or special order of the Commissioner.

Wash not to be removed from the

18 (1) Except with written permission of the Commissioner, no ash or spirits not prepared or manufactured in the distillery shall be brought into the distillery.

distillery

(2) All wash made in the distillery shall be fermented in the wash backs and shall be conveyed directly there from into the still.

(3) The licensee besides redistilling the feints or weak spirit which becomes available in the process of distillation of wash, can also redistill the spirit which is imported from the other States. However, for import of spirit, permission on Commissioner has to be obtained by the licensee.

Strength of spirit manufactured to be regulated by the Commissioner

19. The spirits manufactured in the distillery shall be distilled above or below such strengths and shall be subjected to such periodical analysis as the Commissioner may direct, and the licensee shall be bound to take steps to remedy any defects in his product which the Commissioner may consider material.

Notices

20. (1) The distiller shall transfer spirit from the spirit receivers to the spirit store room and of wash from the fermenting vessels or wash backs to the still only after giving a notice in writing to the Officer-in-Charge and obtaining his approval thereof. He shall also state that percentage of proof spirit contained in the wash immediately before the distillation thereof. This percentage shall be determined by the means of instruments approved by the Commissioner.

(2) The licensee shall comply with such orders as may be prescribed by the Commissioner for the periodical stoppage of distillation for the purpose of ascertaining the quality of spirit distilled from the quantity of was passed into the still.

Transfer of spirit from receiver to store room

21. All spirit collected in the receivers or imported from other States shall be transferred or conveyed into the spirit store room without "unnecessary delay" provided that no spirit shall be so transferred between 8 P.M. and 8 P.M.

Working Hours

22. (1) All operations in a distillery requiring the presence of an Office of the Excise Department, shall be stopped on second Saturdays and Public Holidays declared as such under the Negotiable Instruments Act. 1881. In a distillery the distiller shall so arrange his operations that no Officer/staff of the Excise Department need ordinarily be on duty for more than eight hours on any working days.

(2) If the licensee requires any Officer/Staff of Excise Department to be on duty at the distillery on any Second Saturdays, Sundays or public holidays mentioned in sub-rule (1) above or fore more than eight hours on any working days. he shall give in writing at least twenty four hours notice to this effect to the Officer-in-Charge of the distillery, stating clearly the work to be done and the approximate time that the work is likely to take.

Overtime allowance

23. Any Officer/Staff of the Excise Department who are required to work during holidays mentioned under sub-rule (1) and extra hours as mentioned in sub-rule (2) of rule 22, shall be paid overtime allowances by the licensee as per the rates that may be prescribed by the Commissioner, from time to time The Officer-in-Charge shall maintain proper account for such overtime allowances based on the motive given by the licensee under sub-rule (2) of rule 22 in Form D-IV.

Allowances for loss in transit

24. (1) An allowances shall be made for the actual loss in transit by leakage and evaporation of spirits transported by land in wooden or metal vessels at rates not exceeding the maximum quantities specified in the following scale for wooden or metal vessels, as the case may be, namely :-

MAXIMUM QUANTITIES OF ALLOWANCES

		Wooden Vessels % (In London Proof litre)	Metal Vessels (In London Proof litre)
a)	For a journey of duration not exceeding two days	2	0.5
b)	For a journey of duration exceeding two days but not exceeding nine days	3	1.0
c)	For a journey of duration exceeding nine days but not exceeding eighteen days.	4	1.5
d)	For a journey of duration exceeding eighteen days	5	2.0

Provided that, in any case, the temperature of the spirits on arrival at their destination is found to be lower that when they were despatched, a further allowance shall be made, if necessary of 0.05 percent (In London Proof Litre) for every degree Fahrenheit of difference between the two temperature in addition to the allowance already made under this sub-rule.

(2) The allowances under this rule shall be determined by deducting from the quantity of spirit despatched, the quantity received at the place of destination, both quantities being stated in terms of London Proof Litres and shall be calculated on the quantity of spirits contained in each comprised in a consignment.

(3) If the report of an Officer-in charge/ Controlling Officer by whom a consignment of spirit transported by land has been gauged and proved on arrival at its destinations, should show that wastages to a greater extent than that indicated in Sub-rule (1) has occurred, the licensee shall be liable to pay duty or fee at the rate imposed under the section 23 of the Sikkim Excise Act, 1992 Provided that each case of excess deficiency shall be reported to the Commissioner for orders, and the Commissioner may in his discretion on good cause being shown, remit the duty and fee or fees leviable on such deficiency.

(4) The duty and fee or fees on a deficiency of spirits in excess of the allowances referred to in sub-rule (1) shall, if levied, be realised by the Controlling Officer as directed by the Commissioner. The Controlling Officer shall make report of realisation of the amount to the Commissioner.

Levy of duty

25. (1) In respect of any quantity of spirit other than country spirit so imported or transported, which having been certified as received in any vessel, is not forthcoming at store of spirit the time when the spirit is gauged and proved for removal the maximum allowances deficiency is as under :

		(a) On spirit stored in any wooden	(i) For any period not exceeding one month	1.0%
			(ii) For any period exceeding one month	1.5%
		(b) On spirit stored in any metal vessel	For any vessel period	0.5%

(2) The percentage of allowance is calculated in London Proof Litre. If the deficiency is more than the maximum limit of the deficiency as prescribed above, the licensee shall be liable to pay duty or fee at the rate imposed under section 23 of the Sikkim Excise Act, 1992.

Levy of duty and fee on excess deficiency in storage for the purpose of maturation other than country liquor

26. In case of storage of spirit in wooden cask/vat for maturation the maximum allowances for deficiency is as under :-

Where the time of storing in warehouse does not exceed	Percent of allowance of deficiency
2 months	02.0%
6 months	03.0%
1 year	04.0%
2 years	06.0%
3 years	08.0%
4 years	10.0%
5 years	12.0%

(The percentage of allowances is calculated in London Proof Litre.)

Gates to remain closed at night when the Officer In-charge/Staff are not present

27 When distillation is carried out at night and all times the Officer-in-Charge/Staff is not present in the distillery, the distillery gates shall remain locked. Provided that, on second Saturdays, Sundays and other prescribed holidays, with the permission of the Officer-in-Charge, the registered employees of licensee may be allowed to ingress and egress between sunrise and sunset.

Allowances for loss in distribution, blending, reduction, filtration, bottling and storage of liquor

28 (1) An allowance shall be made for the actual loss by way of leakage and evaporation, in the process of distillation of the wash including the wash made out of rectified spirit as follows :

(a) Distillation in patent still - 2.5% of the charge in terms of London Proof litre.

(b) Distillation in pot still - 3.0%

(Under bond) Other than country liquor

(2) The actual limit of wastage of allowance for blending, reduction, filtration, bottling and storage within the bonded area of the distillery shall be 6.0% of the monthly total charge in London Proof litre basis. The licensee shall prepare monthly account of such wastage under sub-rule (1) and (2) above and the account shall be checked by the Officer in-Charge. If the wastage is more than the prescribed limit as above, the Officer-in-Charge shall record his views and comments and forward the same to the Controlling Officer who in turn may further check the accounts and forward the report to the Commissioner. The Commissioner shall on merit of the case write off such wastages. If the Commissioner is not satisfied on the grounds of the excess wastages than the prescribed limit prescribed in sub-rule (2) above,

he may record his views and issue instructions to the Controlling Officer to a Demand Notice to the licensee and realise the excise duty or fee which is prescribed for the foreign liquor for the time being in force.

Calculation of duty in case of obscuration

29. When it is known or suspected that saccharine or other matter of such a nature as to prevent the true strength being ascertained by means of the hydrometer is present in spirit, the number of degrees to be added to the apparent strength on account of obscuration shall be certified by the Chemical Examiner on analysis of a sample of the spirit submitted to him, and duty shall be calculated on the quantity and strength of such spirit after the addition of the number of degrees of proof certified as necessary to be added to the apparent strength as ascertained by the hydrometer.

Purposes for which spirits may be issued

30. (1) The spirit may be removed from a distillery or warehouse other than a warehouse to which a bonded manufacturer licensed under the Medicinal and Toilet preparations (Excise Duties) Rules, 1956 is attached as under:

(a) Under bond for payment of duty or pass fee as the case may be :-

(i) for transport to another distillery or warehouse including a warehouse to which a bonded manufactory, as aforesaid is attached;

(ii) for export to another State or Union Territory subject to the provision of Sikkim Foreign Liquor (Import, Export and Transport) Rules, 1993 and such restrictions as the Commissioner may, by general or special order, impose;

(b) On payment of duty or pass fee as the case may be :-

(i) for local consumption or use subject to the provisions of Sikkim Foreign Liquors (Import, Export and Transport) Rule, 1993;

(ii) in the case of foreign liquor, for export to another State or Union Territory or supply out of India subject to the provisions of Sikkim Foreign Liquors (Import, Export , and Transport) Rules, 1993;

(iii) in the case of rectified spirit, for export to another State or Union Territory or supply out of India when such export or supply has been permitted by the Commissioner by general or special order.

(2) The spirit may be removed from a warehouse to which a bonded manufactory as aforesaid, is attached as under :-

(a) under bond for payment of duty or pass fee as the case may be, only to the bonded manufactory as aforesaid and to such other warehouse as the Excise Officer may permit by an order in writing and;

(b) on payment of duty or pass fee, as the case may be, only in accordance with terms and conditions of the licence granted in that half.

(3) The spirits other than Indian made foreign liquor may be removed from dis-

he may record his views and issue instructions to the Controlling Officer to a Demand Notice to the licensee and realise the excise duty or fee which is prescribed for the foreign liquor for the time being in force.

Calculation of duty in case of obscuration

29. When it is known or suspected that saccharine or other matter of such a nature as to prevent the true strength being ascertained by means of the hydrometer is present in spirit, the number of degrees to be added to the apparent strength on account of obscuration shall be certified by the Chemical Examiner on analysis of a sample of the spirit submitted to him, and duty shall be calculated on the quantity and strength of such spirit after the addition of the number of degrees of proof certified as necessary to be added to the apparent strength as ascertained by the hydrometer.

Purposes for which spirits may be issued

30. (1) The spirit may be removed from a distillery or warehouse other than a warehouse to which a bonded manufacturer licensed under the Medicinal and Toilet preparations (Excise Duties) Rules, 1956 is attached as under:

(a) Under bond for payment of duty or pass fee as the case may be :-

(i) for transport to another distillery or warehouse including a warehouse to which a bonded manufactory, as aforesaid is attached;

(ii) for export to another State or Union Territory subject to the provision of Sikkim Foreign Liquor (Import, Export and Transport) Rules, 1993 and such restrictions as the Commissioner may, by general or special order, impose;

(b) On payment of duty or pass fee as the case may be :-

(i) for local consumption or use subject to the provisions of Sikkim Foreign Liquors (Import, Export and Transport) Rule, 1993;

(ii) in the case of foreign liquor, for export to another State or Union Territory or supply out of India subject to the provisions of Sikkim Foreign Liquors (Import, Export , and Transport) Rules, 1993;

(iii) in the case of rectified spirit, for export to another State or Union Territory or supply out of India when such export or supply has been permitted by the Commissioner by general or special order.

(2) The spirit may be removed from a warehouse to which a bonded manufactory as aforesaid, is attached as under :-

(a) under bond for payment of duty or pass fee as the case may be, only to the bonded manufactory as aforesaid and to such other warehouse as the Excise Officer may permit by an order in writing and;

(b) on payment of duty or pass fee, as the case may be, only in accordance with terms and conditions of the licence granted in that half.

(3) The spirits other than Indian made foreign liquor may be removed from dis-

tilleries and warehouse without payment of duty and pass fees and without bond :-

(a) if issued to hospitals, dispensaries and other medical institutions under Government management or supervision, the indents being signed or countersigned by a Superintendent of the hospital ,

Provided that in case of such hospitals, dispensaries where there is no Superintendent of hospital the indents for duty free supplies of such spirit shall be signed by the Medical Officer-in-Charge of the hospital or dispensary;

(b) If issued to hospital, dispensaries and other medical institutions, not under Government management or supervision but specially authorised by the Commissioner (upon the Certificate of an officer of or above the rank of an Assistant Director Health Services as to their satisfactory management) to obtain supplies of such spirit without payment of duty and pass fee or pass fees, the indent being signed or countersigned by the Medical Officer-in-Charge of such hospital, dispensary or institution;

(c) if issued to veterinary institution the indents being signed or countersigned by any Officer of or above the rank of an Assistant of the Veterinary Services;

(d) if issued to any local body for bonafide public health, the indent being signed or countersigned by the Chief Medical Officer of the District;

(e) if issued to any educational institution for laboratory use or to any institution or person for research in the public interest or for development of science or industry, the indent being signed or countersigned by the head of the institution or, by the person making research, as the case may be and supply being limited to an annual quota fixed by the Commissioner or the person carrying on research, with the previous approval of the Commissioner (upon a certificate from the Director of Education or the Director of Health Service), or from any other authority as the case may be.

(4) The supply of such spirit without payment of duty and pass fee under sub-rule (3) of rule 30 shall be made in accordance with the terms and conditions of a permit granted by the Commissioner in Form D-V.

Reduction, compounding and bottling of liquors other than wines and fermented liquors

31. No substance except demineralised water shall be used for reduction. The licensee shall reduce the strength of the spirit only to such strength as may be prescribed/approved by the Commissioner No compounding, blending reduction or bottling of foreign liquor shall be permitted except in the premises duly licensed in the this behalf by the Commissioner.

Approved essence, flavours, colours, tinctures, concentrates etc.,

32. The licensee shall use only such essence, flavours, colours, tinctures, etc in such proportion as may be approved by the Commissioner.

to be used by the licensee

Licensee required to obtain permission to undertake reduction, blending and bottling foreign liquor in collaboration with other distillery under the brand names of the collborator

33. The licensee is required to obtain permission of the State Government with other distilleries under their brand name to undertake reduction blending and bottling of foreign liquor

Distillation of spirit out of molasses, malt grains etc., to be optional

34. Subject to the economic viability of the project the licensee may undertake manufacture of foreign liquor either from the basic raw materials namely molasses malt, grains, etc or can manufacture foreign liquor by using rectified spirit Extra Neutral Alcohol and Malt spirit procured from other sources In such cases of manufacture of foreign liquors bottling fee as may be prescribed by the State Government may be charged to the licensee on the volume of production manufactured in the brand name owned by the collaborator Further each brand of product in different sizes of packaging along with the label to the affixed therein shall have to be approved by the Commissioner

Bottling and packing

35. (1) No liquor shall be bottled by the licensee except in the presence of the Officer-in-charge deputed for the purpose

(2) The bottles to be used for the purpose of bottling liquor shall be hygienically cleaned and washed by an automatic bottle washing machine

(3) Immediately after the bottles are filled up, they shall be pilfer proof capped and labelled and removed to the finished store room.

(4) An account of the transaction in the bottling room shall be maintained in form D-IV. The licensee shall store all liquor manufactured and bottled in the distillery

Licensee to inscribe certain details on the labels

36. (1) Every bottle or other receptacle containing foreign liquor manufactured in Sikkim and filled on the premises with liquor shall bear a label correctly and truly specifying :-

(a) the place of origin of liquor,
(b) the description of liquor (including the strength of liquor and minimum content);
(c) the place of maturing, blending and bottling,
(d) the name of the bottler
(e) the fact that the blending and bottling was done in the State of Sikkim.

(2) The labels on the bottles of foreign liquor for use to defence personal shall also have the following legends printed on them-Diagonally across the labels, a legend in red ink as follows
"For Defence Personnel Only"

(3) The labels to be used on liquor bottled for export to another State or country shall be of such design and bear such words as may be required by the regulation of the State or country. They shall be over printed with words "For Sale in the (name of the state or country) only. The type to be smaller than two line pica.

(4) The labels on the bottles shall be so affixed as to be easily distinguishable No label shall be pasted over the words, letter and figures moulded or sanblasted thereon

(5) The licensee shall use only the registered label approved by the Commissioner Before bringing any label into use the licensee shall submit copies of labels in quadruplicate to the Officer-in-charge, who shall forward them to the Commissioner for his approval through the Controlling Officer The Commissioner if he approves the label, shall number it and affix his official seal One copy will be retained in the Commissioner is office for record out of remaining three copies one copy each will be sent to the Officer-in-charge of the distillery for information and two copies to the licensee for his record The licensee shall comply with such instructions as the Commissioner may issue with respect to any label.

(6) The capsules to be used on liquor bottled for export to another State, country shall be of such design and bear such words as may be registered by the regulation of State

(7) Unless otherwise allowed by the Commissioner all bottles shall be securely sealed with pilfer proof capsules in such a way as to make it possible to remove the seal without its being cut and or broken The capsules to be used on various kinds of liquor shall be standard sizes and shall bear such words which are approved by the Commissioner

(8) The licensee shall invariably use the capsules which correspond to the pattern and specification approved by the Bureau of Indian Standard He shall comply with such instructions as the Commissioner may, from time to time, issue with respect to any capsule

(9) The contests of a litre, Quart, Pints and Nips bottle must not be less than 1000 ml , 750 ml , 375 ml and 180 ml respectively

(10) The guaranteed fluid of each bottle shall be clearly indicated in bold letter on the tables.

Storage

37. In the distillery, in the finished store room and nowhere else, such stock of liquor shall remain under the joint lock and key of the Officer-in-charge and licensee

Removal of liquor and payment of Excise Duty and fee

38. (1) A licensee desiring to remove liquor form the distillery shall make and application in Form D-VII to the Officer-in-charge along with a challan, bank receipt showing the payment of Excise Duty and export pass fee if any, in State Bank of Sikkim in respect of liquor proposed to be so removed The Excise Duty and export pass fee shall be credited to the appropriate Head of Accounts

(2) On receipt of application under sub-rule -

(1) the Officer-in-charge/Controlling Officer after ascertaining the particulars and satisfying himself, issues transport pass/pass export pass in accordance with Sikkim Foreign Liquor (Import, Export and Transport) Rules, 1993.

Instruments to be supplied

39. The Officer-in-charge shall be supplied instruments such as saccharometers and termometers, etc. as may be required by the licensee and an account thereof shall be maintained by the Officer-in-charge. He will be responsible their safe custody, and if any instrument is broken or lost for want of proper care, he may be required to make good such loss or damage.

Distillery to be opened for inspection by the Officers

40. The licensee, shall at any time permit the Excise Officer, or any Officer of the Excise Department not below the rank of an Excise Inspector as directed by the Commissioner, to inspect and examine his distillery, the premises, warehouse, utensils and the liquor made or stored therein and shall render the inspecting officer all proper assistance in making such inspection and examination.

Use of deleterious matter prohibited

41 The Commissioner may prohibit the use of any material in the manufacture of liquor which in his opinion is of deleterious nature.

Analysis of liquor

42. (1) On completion of the manufacture of liquor the Officer-in-charge shall permit the licensee to take free sample (not exceeding such quantity as the Commissioner may by order in writing permit for the purpose) for analysis in the licensee is laboratory and declaration the true strength of alcohol.

(2) Any quantity left over after analysis shall be immediately brought back to the distillery and mixed with the main bulk of the batch before it is removed from the storage room or the bottling room.

(3) An account of the quantity used by the licensee for analysis shall be maintained in Form -D-VIII.

(4) The alcoholic strength of liquor as declared by the licensee shall be entered by the licensee in register in Form-D-IX.

(5) Immediately after the declaration by the licensee of the alcoholic strength of finished liquor and before such liquor is removed to the storage room or bottling room, the licensee shall make proper entries in the register in Form -D-IX.

Regulation of business of licensee

43. (1) All transaction pertaining to the manufacture, bottling and issues of liquor shall be under excise supervision. The Commissioner may appoint such staff at the distillery for excise supervision as is considered necessary and the establishment cost of such staff shall be paid to the State Government by the licensee

(2) The licensee shall conduct his business either personally or by an agent authorised in writing by him in that behalf.

(3) The licensee shall keep the licensed premises and all the goods therein open for inspection and examination at all reasonable times by the Commissioner, Controlling officer empowered under Sikkim Excise Act, 1992. The licensee shall render all assistant in making such inspection and examination.

(4) The licensee shall preserve invoices, cash memoranda, permits and other documents relating to the consignments, received and dealt with by him for period of five years after the year to which they relate.

(5) The licensee shall provide all printed forms transit pass, export pass, excise verification certificate form, gate pass, cash book and office stationery to the distillery as per the scale so fixed by the Commissioner.

(6) The licensee shall not discontinue the manufacture of liquors unless he has given two calendar notice to the Commissioner of his intention to do so.

Licensee to maintain accounts

44. (1) The licensee shall maintain accounts in proper forms and registers as required by these rules. The accounts shall be written every day by the licensee and it shall be the duty of the Officer-in-charge to check the accounts forms and register at least every days.

(2) The licensee shall deliver to the Officer-in-charge not less than the 5th day of each month, a return of transaction in triplicate of business in respect of the preceding month, in duplicate in Form Ni. KKKMS-I, MS-II, MS-III, Ms-IV, Ms-V, Ms-VI, Ms-VII, Ms-VIII to Ms-XV. The Officer-in-charge shall send two copies of such reports with his remarks to Controlling Officer.

Monthly examination of stock

45 The accounts of a distillery and the stock of liquor in hand in the distillery shall be examined by the controlling officer once in a month. If the quantity of the liquor in stock in the distillery on such examination is found to exceed the quantity shown as in hand in the stock account, distiller shall be liable to pay duty on such excess at double the rate prescribed for ordinary issue. If the quantity be found less than that shown in the stock account, the cause of the deficiency shall be inquired and the result report to the Commissioner, who may direct the levy of a fine not exceeding double the amount represented by the duty on such defect.

Licensee to adopt measures to avoid fire hazards

46. The licensee shall ensure that no smoking and use of naked lights or fires shall be allowed within the premises of the distillery.

Government not liable for loss etc of spirit in the distilleries and ware houses.

47 The Government shall not be held responsible for the destruction, loss or damage by fire, theft or any other case whatsoever, occurring to any spirit stored in the distillery or warehouse or in gauging, weighment or proof. In case of five or other accident the Officer-in-charge of a distillery or warehouse shall immediately attend to open it any hour by day or night.

Licensee to maintain accounts, registar forms, etc in addition to what has already been prescribed including the enclosure attached

48. In addition to the register and accounts books as prescribed under these Rules including the enclosures (Form-R-I to R-XVII the licensee shall also keep such registers and accounts, form time to time.

Licensee to ensure as to how the accounts

49. No entry in any of the books as prescribed under these rules and kept by the licensee shall be erased or over written. Should it be necessary to correct and entry, a line should be drawn through the incorrect entry in such a manner as to

register as prescribed is to be written

leave it distinctly visible amended entry should be inserted above it. Every such correction shall be initiated and attested by the person who make such correction an get the same countersigned by the Officer-in-charge.

Licensee to furnish the details of employees to the Officer In-charge and no other persons beside the employees to be allowed to enter the distillery by the Officer In-charge.

50. The names of all person to be engaged as employees of the licensee shall be submitted for approval to the Officer-in-charge by the licensee. No persons other than those approved by the officer-in-charge shall be permitted to work as employees

Licensee to issue authorisation to his employees to act on his behalf.

51. The licensee shall not carry business of manufacture and sale of liquor except either personally or by an age or servant duly authorised by him in this behalf. Such authorisation given by the licensee shall be countersigned by the Officer-in-charge. The Officer-in-charge may refuse countersignature in such authorisation if the person in whose favour the authorisation has been made by the licensee is convicted under any law or the likely to create law and other problem within the distillery

Licensee not to sale, transfer or sublet the distillery without the approval of the State Govt.

52. Except with the written permission of the State Government, the licensee shall not sole, transfer or sublet the right of manufacture conferred upon him by the excise licence granted under these rules. They shall also not enter into nay agreement or arrangement which is of the nature of a sublease, the decision of the Commissioner in such cases shall be final and binding on the licensee.

Licensee to declare the details of partnership

53 (1) No person shall be recognised as a partner of a licensee for the purpose of this licence, unless the partnership has been declared to the Commissioner before the licence is granted and the names of the partners have entered jointly in the licence or if the partnership is entered into after the grant of the licence, unless the Commissioner agrees on application made to it, to alter the licence and to add the name or names of the partner or partners in the license

(2) In case where the licence is granted in favour of a company, it shall be binding on such a company to communicate in detail to the Commissioner any change in the directors of the company within 15 (fifteen) days from the date of such changes

Licensee not to sell liquor to any one other than persons holding licence/Import permit

54 The licensee shall not sell liquor manufactured by him to any person other then the holder of trade and import licence. Such sale against import licence shall made by the licensee duly following the Sikkim Excise (Import, Export and Transport) Rules, 1993.

Environment and pollution control measures to be

55. The licensee shall not cause any harm to the environment and the distillery shall operate with the clearance and supervision of the Environment and Pollution Control Board.

adopted by the licensee

Control of Officer in-charge over the admittance of persons into the licensed premises and authority to conduct checking of unauthorised movement of liquor

56 Excepting the employees of the licensee no other person shall enter into the licensed premises without the written permission of the Officer-in-charge. To ensure that no liquor is taken out of the licensed premises of the distillery without the payment of excise duty, the Officer-in-charge is authorised to check the bags in persons, vehicles, etc. without any exception.

Collection of duty

57 The Officer-in-charge shall be responsible for the correct collection of duty and fees, at the prescribed rate, before any liquor is allowed to be removed from the distillery.

Supervision

58 (1) The Officer-in-charge shall exercise such supervision made under this rule is properly complied with by the licensee.

(2) The Controlling Officer specially empowered in this behalf, by the Commissioner, shall inspect the distillery and shall submit the notes of his inspection to the Commissioner. He shall also be responsible for the correct maintenance of accounts and collection of duty by the Officer-in-charge.

Authority of persons authorised by licensee

59 (1) The agents, clerks and other persons, who have been duly authorised in the behalf of the licensee, and approved by the Officer-in-charge, may enter into and carry out their work in connection with the manufacture during the working hours of the distillery.

(2) Any person duly authorised in this behalf by the licensee may sign all application and indents for the issue of liquor.

Special duties of Officer in-charge posted to distillery

60. It shall be the special duty of the Officer-in-charge to see that -

(a) the licensee's licence is in the prescribed form-D-X is renewed in time :

(b) the licensee makes entry of his premises and utensils in form -D-XI,

(c) the vats, tanks and rooms in the brewery are properly numbered and marked,

(d) the entries made by the distiller in the books of accounts which are prescribed under the rules are promptly and correctly made.

Control

61. The Officer-in-charge shall unless directed, work under the supervision of and correspond with the Controlling Officer in whose charge the distillery lies. In all ordinary matters regarding the working of the distiller should in the first instance, apply to the Officer-in-charge who will if necessary secure the orders.

Commissioner to appoint Excise Officers and other Excise Staff and licensee to bear

62. Every distillery shall be placed by the Commissioner under the charge of an Excise Inspector or Excise Sub-Inspector to be designated as Officer-in-charge of the distillery. The Commissioner will further appoint such other officers of the Excise Department as he may deem fit to the charge of the distillery. The cost of the establishment including basic pay, Dearness Allowance, House Rent Allow-

the establishment cost.		ance and Hill Compensatory Allowance etc. in respect of all such officers and excise staff shall be paid by the licensee every month. The amount shall be deposited under Major Head 0039-State Excise-800-other receipts (IV) Miscellaneous Receipt.
Unrenewed licensee to be null and void	63.	The unrenewed licence shall be null and void and the liquor produced in the distillery after the expiry of the licence shall be liable to seizure and confiscation and the parties working in the distillery shall be liable to the penalties under the provisions of Sikkim Excise Act, 1992; Provided that in the event of renewal of licence being refused, permission may be granted for continuing operations temporarily, for a reasonable time, pending revision from the State Government.
Removal of liquor after expiry of licence.	64.	On the expiry of licence or if licence is cancelled or suspended, the distillery shall be bound to pay the excise duty and other levies as applicable and remove all liquor remaining within the distillery after completion of procedure laid down. Failure to do so within ten days of receipt of written notice from the Commissioner shall entail on the distiller the liabilities of meeting the cost of establishment on Excise Officers and staff which it may be necessary to employ at the distillery. In the event of failure to remove the liquor for more than three weeks, the liquor shall be either forfeited or further time allowed at the discretion of the Commissioner.
Officer In-charge to be provided with Office by the distillery.	65.	The licensee shall provide, within the distillery premises, an office for the Officer-in-charge duly equipped with office furniture and fixtures as per the direction of the Commissioner
Quarter for Establishment and Office furniture	66.	The licensee shall provide at his cost suitable quarters to the satisfaction of the Commissioner and for the Officer-in-charge and other establishment in close proximity of the distillery and shall keep the same and the appliances there to in proper repairs with require furniture as per the scale as determined by the Commissioner.
Govt. not liable for loss etc of liquor in distillery.	67.	The Government shall not be liable for the destruction, loss or damage of any liquor stored in a distillery by fire or theft, or by gauging or by any other cause, whatsoever. In case of fire or other accident, the Officer-in-charge of the distillery shall immediately attend to open the premises at any hour of the day and night.
Licence to be suspended or cancelled on breach of rules	68.	For any breach of the rules as aforesaid by the licensee, The Commissioner, after giving show cause notice to the licensee, suspend or cancel the licence as per the provisions of the Sikkim Excise Act, 1992 If the Commissioner with the concurrence of the State Government decides to suspend or cancel the licence, the license shall not be entitled to any compensation on account of such suspension or cancellation.
Regulations of licences which are already issued and distilleries which are already in operation.	69.	The provisions of the Sikkim Excise (Distillery for Manufacture of Spirit and Foreign Liquor) Rules, 2000 shall apply to all the units which are already in operation in Sikkim.

FORM D-1
(See Rule 3(1)

Application for licence to Construct and Work a Distillery to Manufacture Foreign Liquor

To,

The Commissioner of Excise,
Government of Sikkim,
Gangtok

Sir,

I/We/am/are interested in establishing a Distillery in the State of Sikkim. The Brewery is proposed to be located at ..... East/North/South/West District. I/We agree to be abided by the provisions of the Sikkim Excise (Distillery for manufacture of spirit and foreign liquors) Rules, 2000 with modifications/amendments made from time to time.

I/We/am/are submitted herewith the details as required under rule 3 of the Sikkim Excise (Distillery Rules, for manufacture of spirit and foreign liquor).

Yours faithfully,

Date : .....
Place : .....

FORM D-II
(See Rule - 10)

LICENCE FOR CONSTRUCTION AND WORKING A DISTILLERY FOR THE MANUFACTURE OF SPIRIT/FOREIGN LIQUOR

LICENCE NO.....

Licence is hereby granted to .....

for opening a Distillery located at.....
as per the provision under section 10 read with sub-rule (a) or (b) of Rule 4 of the Sikkim Excise Act, 1992. The operation of distillery shall be governed by the Sikkim (Distillery for the manufacture of spirit and foreign liquor) Rule 2000. The Distillery shall have the annual capacity of ..... London Proof Litre per year.

Place
Date.

Commissioner of Excise
Government of Sikkim

FORM D- III
(See Rule 14 (6))

Register of dimension and capacities of wash backs, vats, vessels or receivers.

PART - I

Description of vessel	No. of vessel	1st Gauging			1st Re- Gauging		
		Page	Date	Initials	Page	Date	Initials
1	2	3	4	5	6	7	8

2nd Re - Gauging			3rd Re - Gauging			4th Re - Gauging		
Page	Date	Initials	Page	Date	Initials	Page	Date	Initials
9	10	11	12	13	14	15	16	17

PART - II

TABLE OF DIMENSIONS OF NO . . . . . GAUGED BY

Depth	Dimensions 1 2 3 4	Area of a centimetre Mean	Litre	Contents/ Litres
1	2	3		4

TABLE OF NO.
PART - III

	Tenths			
0 Litre	1 litre	2 litre	3 litre	4 litre
1	2	3	4	5

	Tenths				
5 litre	6 litre	7 litre	8 litre	9 litre	Dip/ centimenters
6	7	8	9	10	11

FORM D-IV

MEMORANDUM OF OVERTIME FEES PAYABLE TO THE UNDERMENTIONED OFFICER OF THE DISTILLERY FOR THE MONTH OF _____

Name of Officer	Designation	Salary (As defined in SAR)	No. of hours charged for	Amount payable calculated at the rates of 1/2 hrs. pay for each hour of overtime work	Treasury and challan by which fee was realised and remitted
1	2	3	4	5	6

Total amount remitted by the licensee:

Total amount payable to Officer,
Not to exceed 50% of the Salary : Rs._____

Officer In-charge

Certified that the fees charge for were duties falling within the scope of the ordinary duties, but performed on holidays or out of office hours convenience of private persons. The fee was realised and remitted to the _____ treasury in Challan No._____ .

FORM - D - V
(See Rule 30 (4))

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT

No. *Ex (ABK) Dated.

To,
The Officer - In - Charge,
Excise (ABK) Department,
_____.
Rangpo.

Sub : Permit for Sikkim Made Foreign Liquor

Please issue the following Sikkim Made Foreign Liquor to Shri/Smt./Sushri . . . . . on concessional rate of Excise Duty. The Duty on Sikkim Made Liquor shall Rs. . . . . per case

This permit is valid for a period of 7 (seven) days from the date of issue.

PART - D - VI
(See Rule 35 (4))

Register of operations in the bottling room of the potable liquor

Manufactory of _____

Opening Balance

Month and Date	Batch No.	Variety of liquor	In vats on other vessels Litres.	No. of Bottles				
				750 ml	375 ml	180ml *	*	*
1	2	3	4	5	6	7	8	9	10

Quantity of potable liquor received from room for storage quantity of potable liquor received from manufacturing room in vats.

Batch No.	Variety of liquor	Strength	Quantity in litres	Page No. register P.L. VI.	Batch No	Variety of liquor	Strength	Quantity in litres	Page No. register P.L V
11	12	13	14	15	16	17	18	19	20

FORM - D - VI Contd.

QUANTITY OF POTABLE LIQUOR BOTTLED

Batch No.	Variety of liquor	Quantity in litres	Number of Bottles filled in					
			750ml	375ml	180ml	*	*	*
21	22	23	24	25	26	27	28	29

QUANTITY TRANSFERRED TO LIQUOR ROOM

Batch No.	Variety of liquor	Number of Bottles filled in					
		750ml	375ml	180ml	*	*	*
30	31	32	33	34	35	36	36

FORM - D - VI Contd.

QUANTITY OF POTABLE LIQUOR BOTTLED

Batch No.	Variety of liquor	In vats or other vessels/ litre	Number of Bottles filled in					
			750ml	375ml	180ml	*	*	*
38	39	40	41	42	43	44	45	46

Licence	Manufactory Officer	The pages of register in Form P.L. VIII to be mentioned in this columns against each entry of quantity transferred to liquor room (see columns)	Remarks
47	48	49	50

Here mentioned bottles or vessels of any other capacity are allowed by the Commissioner to be filled in.

FORM - D - VII
(See Rule 38 (1))

TRANSIT PASS FOR THE ISSUE OF SIKKIM MADE FOREIGN LIQUOR FROM

No . . . . . (Original/Duplicate/Triplicate/Quadruplicate)
Locality of the Shop . . . . . .
Date of issue . . . . . .

Description and Quantity	Bulk Gallon or Cases Qrt	Pts	Nips

Pass the Liquor/Liquors mentioned above for transport to the shop belonging to:-

_____ Full duty, Vend fee, Surcharge, Extra Cost and Cost Price paid per imperial Gallon, vide R. R. No. _____ as under.

Excise Duty _____
Vened Fee _____
Extra Cost _____
Cost Price _____
Total Rs _____

This pass is valid for I (one)/ 3 (three) / 6 (six) days.
Total No. of cases _____

Asstt. Commissioner
Excise (Abkari) Department
Government of Sikkim

FORM - D - VIII
(See Rule 42 (3))

Name of the potable liquor _____
Manufactory _____

ACCOUNTS OF SAMPLES OF THE POTABLE LIQUOR TAKEN FOR ANALYSIS

Date of drawing	Variety of liquor	Batch No.	Quantity Litres	Issued Millilitres	Quantity used for analysis Litres	Milli- litres
1	2	3	4	5	6	7

Quantity returned to the manufactory and mixed with the main bulk			
Litres	Millilitres	Initials of the Manufactory Officer	Remarks
8	9	10	11

FORM - D - IX
(See Rule 42 (4))

REGISTER OF OPERATIONS IN THE MANUFACTURING ROOM OF THE POTABLE LIQUOR

Manufactory _____

Month & Date	Quantity of spirit received from spirit store			
	Litre	Strength	Proof Litres	Page No. of register in Form P.L.IV
1	2	3	4	5

Quantity of Spirit used			Potable Liquor manufactured			
Litres	Strength	Proof litres	Batch No.	Variety of Liquor	Qty. in litres	Strength
6	7	8	9	10	11	12

FORM - D - IX contd.

QUANTITY OF POTABLE LIQUOR TRANSFERRED

Batch No	Variety of liquor	To room for storage in vats/litres	To bottling room/litres	Batch No	Variety of liquor	Quantity in litres	Strength
13	14	15	16	17	18	19	20

Signature of Licensee	Signature of Manufactory Officer	Remarks
		The page No. of the P.V. VI and P.L. VII registers to be mentioned in this columns against each entry of quantity transferred to storage vat and bottling room (see columns 13 to 16)
21	22	23

CERTIFICATE OF OFFICER - IN - CHARGE

I, Shri ..... Officer - In - Charge of ..... certify that the details as furnished overleaf by the licensee in correct.

Signature of
Officer - In - Charge

Counter Signature of
Controlling Officer.

FORM - D - X
(See Rule 59 (a))

APPLICATION FOR RENEWAL OF LICENCE.

To,
The Commissioner of Excise,
Government of Sikkim.

Through: The Officer - In - Charge, Excise Department.

Sir,

I am enclosing herewith the Excise Licence No ..... Granted in favour of ..... for renewal for the year ..... and modification made is as under:-

.....
.....
.....

Signature of the Licensee
or his authorised signatory.

FORM - D - XI
(See Rule 60 (b))

REGISTER OF VATS OR RECEPTACLES FOR POTABLE LIQUOR

Manufactory by . . . . . .

Consecutive Numbers	Description of vats, vessels or receptacles	Gauged contents	When taken into use	When taken out of the use	Where installed	Remarks
1	2	3	4	5	6	7

FORM - R - I

REGISTER OF ISSUES UNDER BOND (DUTY - FREE) AND TO GOVERNMENT LIQUOR WAREHOUSES

Number and date	Amount authorised to be removed	Strength authorised	Destination	Date when racked	No of Cask
1	2	3	4	5	6

Weight of empty package	Weight of full package	Weight of spirit	Temperature	Indication	Strength
7	8	9	10	11	12

FORM - R - I Contd.

Weight of spirit per litre	Litre	Proof Litre	Vat from which drawn	Date and hour when spirit removed	Remarks
13	14	15	16	17	18

FORM R II

REGISTER OF DUTY PAID SPIRIT ISSUED TO SHOPS

Date of presentation of permit at distillery of warehouse	Serial No.	Permit		Name of Taluka or State	Name of shop
		No	Date		
1	2	3	4	5	6

FORM - R - II (contd).

Route to be taken	No. on each cask	Registered capacity of each cask	Spirit actually contained in each cask	Temperature	Indication
7	8	9	10	11	12

Strength	Proof litres	Vats from which drawn	Date and hour when the spirit was issued	Initials of issuing Officer	Remarks
13	14	15	16	17	18

FORM R III

REGISTER OF SPIRIT ISSUED FROM WAREHOUSE OF . . . . . DISTILLERY

1	Name and date of permit
2	Amount authorised to be removed
3	Strength authorised
4	Designation
5	Date when racked
7	Weight of empty package
8	Weight of full package
9	Weight of spirit
10	Temperature
11	Indication
12	Strength
13	Weight of spirit for litres
14	Bulk litres
15	Proof litres
16	Vat from which drawn
17	Date and hour when spirit received
18	Remarks

FORM - R - IV

NAME OF FERMENTIES BASE . . . . STOCK ACCOUNT OF FERMENTATION
BASES MOLASSES/MAHOUWA FLOWERS.

Date	Opening	Received	Total	Used	Closing	Remarks
1	2	3	4	5	6	7

FORM - R - V

NAME OF UNIT. . . . . TANK NO.

STORAGE ACCOUNT OF ALCOHOL IN TANKS/KIND OF ALCOHOL

Date	Opening Balance		Receipt		Total		Issues		Closing Balance		Initials	Remarks
	BL	STG	Indent	BL	STG	BL	STG	Indent	BL	STG		

FORM R -VI

NAME OF UNIT. . . . . .

RECTIFIED SPIRIT REGISTER

Excise Pass No.& Date	Challan No. Date	No. of Drums	Total BL/AL	Trucks	No. of Drums	Strength	Received B.L.	Remarks

FORM R -VII

STOCK REGISTER OF LIQUORS IN VATS

VAT NO.....

Date	Opening	Strength	Issued Transferred	Fresh Arrival	Closing Balance	Loss	Remarks

FORM R -VIII

SALES STOCK REGISTER

NAME OF THE UNIT_____

Products	Opening Stock	Sales to				
		Vendors/ Local/Army/ ASC/CSD(1) Exp.	Misc.	Balance	Receipt Godown	Brand Liquors

Products	Opening Stock	Sales to			
		Vendors/ Local/Army/ ASC/CSD(1) Exp.	Misc.	Balance	Receipt Godown
Liquors					
Country Liquor					
Export					

FORM - R - IX

FERMENTATION AND DISTILLATION REGISTER

_____ DISTILLERY

Date when set up when spirit sent to redistillation	No. of washback or receiver or vat	Material used		Water/litrels or strenght of single distilled spirit	Spent wash/litres or proof litres of single distilled spirit
		Description	Weight Kg/lts or single distilled spirit		
1	2	3	4	5	6

Total washes Produced	Initital	Saccharometer reading corrected for temperature			When sent to still
		On day	On day	On day	
7	8	9	10	11	12

FORM - R - IX (CONTD.)

No of Degree attenuation	Presumed produced based on attenuation	Date and Hour when sent to still	Still No.	Nos. of wash back sent to still	Total materials used in preparation of washed distilled
13	14	15	16	17	18

Total presumed produced based on attenuation	Recover No.	Litres	Spirit out turned Strength and temperature	Proof litres	Litre proof spirit per kilogram
19	20	21	22	23	24

Percentage by which actual products is greater or less than the presumed produce	LOS on redistillation	Gain on redistillation	Percentage of loss or gain on redistillation
25	26	27	28

FORM - R - IX (CONTD.)

Date of removable to Ware House or for redistillation	Vat. No. or still No. to which removed	Vat Book page	Stock	Remarks
29	30	31	32	33

FORM R-X

DISTILLERY'S DECLARATION OF WASH MADE

I hereby decare that the undermentioned wash has been prepared this day in the _____Distillery.

Number of wash back	Materials used		Water litre	Spent Wash litres	Total Wash litres	Original Specific gravity	Remarks
	Description	Quantity					
1	2	3	4	5	6	7	8

Dated this .....day of .....20....

Chemist and Supervisor
Processing Section

FORM - R - XI

NOTICE TO REMOVE WASH OR SPIRITS

I hereby give notice that I propose to remove wash/spirit as follows:-

Date and hour of removal	Name and number of vessels from which to be removed	Name and number of still or vat to be removed to	Remarks
1	2	3	4

Atleast one hour notice to be given in each case

Dated this . . . . . day of 200 . . . . . Distillery Manager

FORM - R - XII

VAT ACCOUNT REGISTER

Vat No. . . . . Total Depth . . . . . Contents . . . . . .

Date	Vat Dip	Litres	Temperature	Indication	Strength	Proof litres
1	2	3	4	5	6	7

FORM - R - XII (Contd.)

Quantity received or sent from receiver				Decrease in vat or in pumping (cols. 24 to 28.)	Found in vats casks former other vessels
Proof	Litres	No. of receiver or vat.	Water added litres	Proof litres	Proof litres
8	9	10	11	12	13

FORM - R - XII (Contd.)

	Deficiencies proof litres			Deficiency allowed	Excess deficiency
Blending & reducing	Evaporation	Racking	Other	Proof Litres	Proof Litres
14	15	16	17	18	19

Increase Proof Litres				Issues Proof Litres	
Racking	Other	Date when racked	Litres	Transferred to another vat	For distillation
20	21	22	23	24	25

FORM - R - XII (Contd.)

Proof litres					
Sent under bond	Issued for duty	Issued duty free	Register and page	Remarks	Officer's Initials
26	27	28	29	30	31

FORM - R - XIII

SPIRIT STOCK ACCOUNT OF . . . . . DISTILLERY OR WARE HOUSE

On hand and received					
Date	Opening balance	From what receiver or vat or distillery or warehouse	Register Qty and page	Received from receiver or distillery or warehouse	Transferred from another vat
1	2	3	4	5	6
		P.L.		P.L.	P. L

FORM - R - XIII Contd

On hand and received							
Increase from			Excess deficiency in transit ordered to be charged with duty	Total and page	Received	Delivered and in hand	
Racking	Transit	Other			Book	Date	Destination of purchase
7	8	9	10	11	12	13	14
P.L.	P.L.	P. L.					

Delivered and in hand						
Transferred to another vat	Issued for redistillation	Sent under bond	For duty	Issues		
				Issued	Blending to reducing	Evaporation
15	16	17	18	19	20	21
P.L.	P.L.	P. L	P.L.	P.L.	P.L.	P.L.

Deficiencies allowed			Excess deficiencies		
Racking	Transit	Other	Transit	Reducing - Racking blending, evaporation and other	Total
22	23	24	25	26	27
P.L.	P.L.	P. L	P.L.	P.L.	P.L

FORM - R - XIV

ACCOUNT OF SPIRIT FOR THE MONTH OF . . . . . 2000 AT ..... DISTILLERY

Serial No.	Nature of transaction	Spirit proof litres
1	2	3

1. Quantity on hand at the commencement of the month.
2. Quantity manufactured during the month.
3. Quantity supplied to the Central and State Government during the month.
4. Quantity disposed off in any other way during the month.
5. Quantity remaining on hand and at close of operation on the last day of the month.

Dated

Signature of the Manager.

FORM - R - XV

Spirit stock account for the month of . . . . . at . . . . . distillery

On hand and received						
Received						
Opening balance	Quantity received		Increased from			
	From receiver of distillery	Transferred from other vats	Racking	Transit	Other	Total
1	2	3	4	5	6	7
P.L.	P.L.	P. L.	P.L	P.L.	P.L.	P.L.

FORM - R - XV (Contd.)

DELIVERED						
ISSUES			DEFICIENCIES ALLOWED			
Transferred to other State	Issued for redistillation	Issued to under work	Issued to shops on duty	Issued duty free	Blending or reducing	Evaporation
8	9	10	11	12	13	14
P.L.	P.L.	P. L.	P.L	P.L.	P.L.	P.L.

FORM R-XV (Contd.)

Deficiencies allowed			Excess deficiencies under			
Racking	Transit	Other	Transit	Blending reduction evaporation, racking and other	Total	Closing balance
15	16	17	18	19	20	21
P.L.	P.L.	P. L.	P.L	P.L.	P.L.	P.L.

				Strength		
Total during the month from April	Duty per litre	Litre	Litre	Litre	Litre	Litre
22	23	24	25	26	27	28

FORM - R - XVI

Name of Distillery . . . . . .
Month . . . . . 200 . . . . . .

Statement showing excess/loss in (1) redistillation (2) transit (3) reduction (4) blending (5) evaporation.

Vat No.	Date	Quantity taken up for	Proof litres
		1. Redistillation. 2. Transfer. 3. Reduction. 4. Blending. 5. Evaporation 6. Racking. 7. Any other Operation.	

Quantity remaining after the transaction mentioned in columns 3 are over	Loss allowed proof litres	Excess proof litres	percentage proof litres	Reasons for the excess/loss
	4	5	6	7 8
(1)	Proof litres			
(2)	Proof litres			
(3)	Proof litres			
(4)	Proof litres			
(5)	Proof litres			
(6)	Proof litres			
(7)	Proof litres			

No. Date 200 . . . . . .

. . . . . Distillery Officer

FORM - R - XVII

Name of distillery . . . . . .
Month of 200

Statement showing the information regarding distillation of spirit when the out turn of spirit is less than 42.5 and 36.5 proof litres per quintal of mahuwa flowers and molasses respectively.

Sl. No	Date	Quantity of molasses/ mahuwa flowers taken up for distillation quintals	Sugar percentage molasses/mahuwa flowers
1	2	3	4

Details of fermentation and distillation process	Quantity of spirit that ought to have been produced/ litres.	Quantity actually produced/ litres	Difference Col (6) minus Col (7)	Reason for loss production
5	6	7	8	9

Form No. M.S.I

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF LOCAL CIVIL SALE OF LIQUORS FROM IMFL (LOCAL) &
REALISATION OF EXCISE DUTY FOR THE MONTH OF----------

Sl No.	Name of Unit	Name of Party issued to	T.P.No. & Date	Date of issue	Brand Name	Qty.in bulk lts.	Excise Duty in Rs.	B.R.No. & Date	Op.Bal of Adv. Deposited	Amt. Adjusted (Rs.)	Amt. Balance (Rs.)	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. M.S.II

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF LOCAL DEFENCE SALE OF LIQUORS FROM IMFL (LOCAL) & REALISATION OF EXCISE DUTY FOR THE MONTH OF_____

Sl No.	Name of Unit	Name of Army Unit	T.P.No. & Date	Date of issue	Brand Name	Qty.in bulk lts.	Excise Duty in Rs.	B.R.No. & Date	Op.Bal of Adv. Deposited	Amt. Adjusted (Rs.)	Amt. Balance (Rs.)	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. M.S.III

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF CONCESSION OTHER THAN DEFENCE & REALISATION OF EXCISE DUTY
FOR THE MONTH OF----------

Sl No.	Name of Unit	Name of Party issued to	T.P.No. & Date	Date of issue	Brand Name	Qty.in bulk lts.	Excise Duty in Rs.	B.R.No. & Date	Op.Bal of Adv. Deposited	Amt.Dep. Closing Balance (Rs.)	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. M.S.IV

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF DUTY FREE FOR THE MONTH OF _____

Sl No.	Name of manf.unit	Name of the person issued to	T.P.No. & Date	Date of Issue	Brand Name	Quantity	Coupon No.	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. M.S.V

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign LIquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF IMFL (IMPORTED) FOR CIVIL AND REALISATION OF EXCISE DUTY FOR THE MONTH OF_____

Sl No.	I.P.No. Date	F.P.No.	Name of the Importer	Name of Exporter	Brand Name	Quantity in B.L.	Ex-Duty Rs.	B.R. No. Date	Date of Arrvl. of Consmt. & location	EVC No. Date	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. M.S.VI

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF IMFL (IMPORTED) FOR DEFENCE AND REALISATION OF EXCISE DUTY FOR THE MONTH OF_____

Sl No.	I.P.No. Date	F.P.No.	Name of the Importer	Name of Exporter	Brand Name	Quantity in B.L.	Ex-Duty Rs.	B.R. No. Date	Date of Arrvl. of Consmt. & location	EVC No. Date.	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No 105 - M.S.VII

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF IMFL (LOCAL) FOR LOCAL SALE FOR THE MONTH OF_____

Sl No.	Name of Unit	Date	Brand Name	QUANTITY					
				Opening Stock	Fresh Arrival	Total	Issue	Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF IMFL (LOCAL) FOR LOCAL DEFENCE SALE FOR THE MONTH OF_____

Sl No.	Name of Unit	Date	Brand Name	QUANTITY					
				Opening Stock	Fresh Arrival	Total	Issue	Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No.105 - M.S.IX

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign LIquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF IMFL (LOCAL) FOR CONCESSION FOR THE MONTH OF_____

Sl No.	Name of Unit	Date	Brand Name	QUANTITY					
				Opening Stock	Fresh Arrival	Quantity Total	Issue	Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. - 105 - M.S.X

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign LIquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF STOCK OF IMFL (LOCAL) FOR DUTY FREE FOR THE MONTH OF_____

Sl No.	Name of Unit	Date	Brand Name	QUANTITY					
				Opening Stock	Fresh Arrival	Total Quantity	Issue	Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No.- 105 - M.S.XI

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign LIquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF STOCK OF IMFL (LOCAL) FOR CIVIL EXPORT FOR THE MONTH OF_____

Sl No.	Name of Unit	Date	Brand Name	QUANTITY					
				Opening Stock	Fresh Arrival	Total Quantity	Issue	Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No.- 105 - M.S.XII

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF STOCK OF IMFL (LOCAL) FOR CSD EXPORT FOR THE MONTH OF_____

Sl No.	Name of Unit	Date	Brand Name	QUANTITY					
				Opening Stock	Fresh Arrival	Total Quantity	Issue	Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. M.S.XII

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF STOCK OF IMFL (LOCAL) FOR CSD EXPORT FOR THE MONTH OF_____

Sl No.	Name of Unit	Date	Brand Name	QUANTITY					
				Opening Stock	Fresh Arrival	Total Quantity	Issue	Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No - 105 - M S XIV

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF CIVIL EXPORT OF IMFL (LOCAL) REALISATION OF EXPORT PASS FREE FOR THE MONTH OF_____

Sl No.	Name of Importer	State	Name of Mfg.Unit	I.P.NO. & Date	T.P.No. & Date	E.P.No. & Date	Date of issue	Brand Name	Qty. (in BL)	Exp.Fee (Rs.)	B.R.No. Date	O.B.Adv. Deptt. Amt. Adj. Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. M.S.XV

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF CSD EXPORT OF IMFL (LOCAL) REALISATION OF EXPORT PASS FREE FOR THE MONTH OF_____

Sl No.	Name of Importer	State	Name of Mfg Unit	I.P.NO. & Date	T.P.No. & Date	E.P.No. & Date	Date of issue	Brand Name	Qty. (in BL)	Exp.Fee (Rs.)	B.R.No. Date	O.B.Adv. Deptt. Amt. Adj. Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No. - 105 - M.S.XVI

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF CIVIL EXPORT BEER (LOCAL) REALISATION OF EXPORT PASS FREE FOR THE MONTH OF_____

Sl No.	Name of Importer	State	Name of Mfg.Unit	I.P.NO. & Date	T.P.No. & Date	E.P.No. & Date	Date of issue	Brand Name	Qty. (in BL)	Exp.Fee (Rs.)	B.R.No. Date	O.B.Adv. Deptt. Amt. Adj. Closing Balance	Remarks

Furnished by:_____ Entered by:_____ Checked by:_____

Form No.105 M.S.XVII

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
Foreign Liquors & Spirits
IMFL (Local)

MONTHLY STATEMENT OF RECTIFIED SPIRIT FOR THE MONTH OF_____

Sl No.	Name of Importer	Op.Bal (in BL)	Fr.Qty Revd. & Date	Name of Exp.& State	Tank No.	T.P.No.	E.P.No.	I.P.No.	Qty.Alld. for Exp.& Qty. Disp. (in BL)	Tr.Loss (in BL) Strength O.P	R.S. Commnd (in BL)	Clg. Bal (in B.L.)	Remarks

Furnished by: _____ Entered by: _____ Checked by: _____

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT

No.16/EX/(ABK) **Dated: 28th March, 2000**

NOTIFICATION

In exercise of powers conferred by clause (a) of section 77 read with section 10 of Sikkim Excise Act, 1992 (2 of 1992), the Government of Sikkim hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) These rules may be called the **Sikkim Excise (Brewery) Rules, 2000**.

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

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

Definitions

2. (1) In these rules, unless the context otherwise requires,

(a) "Act" means the Sikkim Excise Act, 1992.
(b) "Beer" means any liquor prepared from malt or grain with or without the addition of sugar and with hops and includes ale, porter and stout;
(c) "bottling means transfer of manufactured beer into bottles, casks or kegs for final removal from a brewery;
(d) "bottling foom" means that portion of a brewery which is set apart for carrying out bottling operation;
(e) "brewery" means a building or place where beer is manufactured and includes every place therein where beer is stored and is issued,
(f) "Brewer" means a person holding licence for running a brewery;
(g) "Commissioner" means the Excise Commissioner;
(h) "Controlling Officer" means Assistant Commissioner, Deputy Commissioner, Joint Commissioner and Additional Commissioner as may be designated by the Commissioner of Excise to provide overall supervision of the brewery ;
(i) "cooler" means any vessel into which words are passed to be cooled and includes a refrigerator;
(j) "copper" means any vessel in which either worts or water is boiled or heated in the course of brewing;
(k) "fermenting vessel" means any vessel in which words are fermented,
(l) "finished store room" means that portion of brewery which is set apart for the storage of finished beer in sealed bottles or other receptacles;
(m) "form" means a form appended to these rules;
(n) "gravity" means the proportion which the weight of a liquid bears to that of an equal bulk of distilled water, the gravity of distilled water at 60° F being taken to 1000;

(o) "hop back" means any vessel into which words are run after boiling in order to remove the spent hops;

(p) "laboratory" means the laboratory of the Chemical Examiner of the Excise Department, Government of Sikkim;

(q) "licence" means a licence granted under these rules;

(r) "licensed premises" means premises within which the licensee is allowed to establish a brewery;

(s) "Licensee" means a holder of licence;

(t) "manufacturing room" means that portion of a brewery in which the actual manufacture of beer takes places;

(u) "mashtun" means any vessel in which malt or grain is exhausted in the course of breqing;

(v) "Officer-in-charge" means and Excise Officer of the rank of Sub-Inspector or Inspector or Excise under whose control the brewery shall operate;

(w) "racking" or "settling back" means any vessel into which words are passed from a fermenting vessel and racked either at once or after a time into store vats or casks;

(x) "storage room" means that portion of a brewery which is set apart for storing finished beer in vats before botting;

(y) "underback" means any vessels into which words are run either from the mashtun or hop back;

(z) "wort" means liquor obtained by the exhaustion of malt or grain by the solution of sugar in the process of brewing;

(2) words and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act.

CHAPTER II

Application for licence

3. (1) Any person or a registered firm or a registered company desirous to obtain a licence to establish and work a brewery in the State of Sikkim shall apply for a licence thereof in the Form- (1) appended to these rules through the Commissioner, Government of Sikkim.

(2) Once the application is entertained, the applicant shall file a plan and full description of his premises and vessels, clearly specifying the purpose of, and the distinguishing mark on each room and vessel. The plan shall be drawn to scale on tracing cloth showing the exact position and dimensions of each room and vessels proposed to be used. The application shall be accompanied by a plan in quadruplicate containing a full description of the premises and material, utensils, plant and implements or apparatus required for manufacturing beer based on its annual capacity. The applicant shall also submit with the application four signed copies of a statement explaining the process which he desires to adopt for manufacturing beer. On receipt of an application, the Commissioner shall forward it to the State Government with his recommendations thereon.

Inspection of premises before grant of licence

4. Before the licence to brew is granted, an Excise Officer authorised by the Commissioner shall inspect the premises, etc. compare the same with the plan and the entry aforesaid and certify accordingly.

Conditions precedent to grant of licence

5. (1) No licence shall be granted unless :-

(a) the applicant has satisfied the Commissioner that the plant is capable of the producing not less than 2, 500 c/s or 19500 BL of beer per day;

(b) the applicant has satisfied the Commissioner that the proposed building, vessels, plant and apparatus to be used in connection with the business or brewing, storage and issue of beer are built in accordance with the details, description and specification and that due precaution has been taken against fire;

(c) the applicant has deposited as security for the fulfilment of all conditions of his licence a sum of Rs. 1,00,000/- (Rupees one lakh) in favour of Commissioner of Excise.

(2) On a licence being granted, the Commissioner shall retain with it the original of the plan and the statement explaining the process forwarded by the applicant and after duly stamping the duplicate, triplicate and quadruplicate thereof with the seal of the Excise Department.

(a) forward the duplicate to the Officer-in-charge of the brewery;

(b) forward the triplicate to the Controlling Officer, and

(c) return the quadruplicate together with the licence to the applicant.

Power to refuse or grant licence

6. (1) Subject to provisions of sub-rule (2) of rule 3, the Commissioner shall have power to grant or refuse any application for renewal of a licence.

(2) Any person aggrieved with any order of the Commissioner refusing to grant or renew a licence may, within thirty days of the order, apply to the State Government for revision and the government may make such order in the case as it thinks fit.

Form of licence and licence fee for running a brewery

7. The Commissioner shall grant a licence in for B-II for running a brewery. The fee thereof shall be Rs. 1,00,000/- (Rupees one lakh) for every financial year. The details of annual licence fee paid shall be entered in the licence and countersigned by the Commissioner.

Forfeiture and deduction from security deposit

8. In the event of any breach of the provisions of the Excise laws for the time being in force being proved before the Commissioner, the whole or part of the security deposit, as State Government may determine, shall be forfeited together with the suspension or cancellation or brewery licence.

Renewal of licence

9. Application for renewal of licence for the following financial year shall be made to the Commissioner through the Excise Officer on or before February 28th of each year in Form B (3). If there has been alteration in either plant or building, fresh plans must be submitted. If there has been no alteration, a certificate to this effect from the Officer-in-charge should be attached with the application for renewal of the licence.

Unrenewed licence to be void

10. Unrenewed licence shall be null and void and the beer produced in the brewery after the expiry of the licence shall be liable to seizure and confiscation and the

parties working in the brewery is liable to be penalised under the Sikkim Excise Act, 1992.

Provided that in the event of renewal of licence being refused, permission may be granted for continuing operations temporarily for a reasonable time, pending revision from the State Government.

Removal of beer after expiry of licence

11. On the expiry of licence or if licence is cancelled or suspended, the brewer shall be bound to pay the excise duty and other levies as applicable and remove all beer remaining within the brewery after completion of the procedure laid down.

Failure to do so within ten days of receipt of written notice from the Commissioner shall entail on the brewer the liabilities of meeting the cost of any establishment cost on Excise Officers and staff which it may be necessary to comply at the brewery. In the event of failure to remove the beer for more than three weeks, the beer shall be either forfeited or further time allowed at the discretion of the Commissioner.

Office for the Officer In-charge provided by the licensee

12. The licensee shall provide, within the brewery enclosure, an office for the Officer-in-charge duly equipped with office furniture and fixtures as per the direction of the Commissioner.

Quarter for establishment with furniture

13. The licensee shall provide at his cost suitable quarters to the satisfaction of the Commissioner for the Officer-in-charge and other establishment in close proximity of the brewery and shall keep the same and the appliances there to in proper repairs with required furniture as per the scale as determined by the Commissioner.

Govt. not liable for loss etc. of beer in brewery.

14. The Government shall not liable for the destruction, loss or damage any beer stored in brewery by fire or theft, or by gauging or by any other causes, whatsoever. In case of fire or other accident, the Officer-in- charge of the brewery shall immediately attend to open the premises at any hour of the day and night.

General arrangement and management of breweries distinguishing mark to be painted on each room, place and vessels.

15. On the outside of the door of every room and place in which business is carried on, and on some conspicuous part of each vessel, there shall be legible, utensil, room or place, according to the purpose for which is intended to be used, if more than one room or vessel is used for the same purpose, each shall be distinguished by a progressive number.

Manner of fixing of vessels.

16. Mashtuns, under backs, wort receivers, coppers and collecting and fermenting vessels shall be so placed and fixed that contents of each can be accurately gauged or measured.

All mashtuns and other vessles to be gauged

17. All mashtuns and fermenting vessels shall be gauged jointly by the Officer-in-charge and the licensee. Tables in Form B(4) shall be prepared by the Officer-in-charge showing the total capacity of each vessel in hecto litres.

Placement of

18. All mashtuns, under backs, coolers, fermenting vessels and settling backs shall

masthuns, etc. to admit gauging and alterations to be intimated.

be so placed and fixed as so placed and fixed as to admit of their contents being accurately ascertain by gauge or measure and shall not be altered in gauge or measure and shall not be altered in shape, position or capacity without two days notice in writing to the Officer-in-charge.

Regauging necessary after alteration in placement of mashtuns etc.

19. No vessel which has been altered in shape, position or capacity shall again be taken into use unless it has been re-gauged by the Officer-in-charge and new tables worked out by him, if necessary.

Brewers to provide weighs, scales and other appliances.

20. (1) The brewer must provide and maintain adequate number of scales in good working order and weights of correct specification and other necessary and reasonable appliances to enable the Officer-in-charge and other officers to take account of or check by weigh, gauge or measure all materials and liquids produced in brewing and provide sufficient lights, ladders, facilities to enable the Excise staff to perform their duties.

(2) The licensee shall also provide in the brewery proper gauge rods, a standard saccharometer, a thermometer and a hydrometer.

Commissioner to appoint Excise Officers and other Excise Staff and licensee to bear the establishment cost.

21. Every brewery shall placed by the Commissioner under the charge of an Excise Inspector or Excise Sub-Inspector to be designated as Officer-in-charge of the brewery. The Commissioner will, further, appoint such other officers of the Excise Department as he may deem fit to the charge of the brewery. The cost of the establishment including basis pay, DA and HRA, etc. in respect of all such officers shall be paid by the licensee every month. The amount shall be deposited under Major Head 0039-State Excise -800-other receipts (IV) Miscellaneous Receipt.

Working hours

22. (1) All operations in a brewery requiring the presence of an Officer of the Excise Department, shall be stopped on Second Saturdays. Sundays and Public Holidays declared as such under the Negotiable Instruments Act, 1881. In a brewery shall so arrange his operations that no Officer/staff of the Excise Department need ordinarily be on duty for more than eight hours on any working days.

(2) If the licensee requires any Officer/Staff of Excise Department to be on duty at the brewery on any Second Saturdays, Sundays or public holidays mentioned in Sub-rule (1) above or for more than eight hours on any working days, he shall give in writing at least twenty four hours notice to this effect to the Officer-in-charge of the brewery, stating clearly the work to be done and the approximate time that the work is likely to take.

Control

23. The Officer-in-charge shall unless directed, work under the supervision of and correspond with the Controlling Officer in whose charge the brewery lies. In all ordinary matters regarding the working of the brewery, the brewer should in the first instance, apply to the Officer-in-charge, who will, if necessary, secure the orders.

Control of Officer In-charge over admittance of persons into the

24. Excepting the employees of the licensee no other person shall enter into the licensed premises without the written permission of the Officer-in-charge. To ensure that no beer is taken out of the licensed premises of the brewery without the payment of Excise Duty, the Officer-in-charge is authorised to check the

licensed premises and authority to conduct checking of unauthorsed movement of beer

bags in persons, vehicles, etc without any exception

Overtime allowance

25. Any Officer/Staff of the Excise Department who are required to work during holidays mentioned under sub-rule (1) and extra hours as mentioned in sub-rule (2) of rule 22, shall be paid overtime allowance by the licensee as per the rates that may be prescribed by the Commissioner, from time to time. The Officer-in-charge shall maintain proper account for such overtime allowances based on the notices given by the licensee under sub-rule (2) of rule 22 in Form B (14)

Special duties of Officer In-charge posted to brewery

26. It shall be the special duty of the Officer-in-charge to see that :-

(1) the licensee's licence in the prescribed form B (2) is renewed in time

(2) the licensee makes entry of his premises and utensils in form B (4);

(3) the vessels and rooms in the brewery are properly numbered and marked

(4) the entries made by the brewer in the brewing book in Form B (5) are promptly and correctly made

(5) no materials other than those entered by the brewer in the brewing book are used;

(6) no words are removed from the brewery until an account of them has been taken, and

(7) the rules prescribed the management of breweries are strictly followed

Instruments to be supplied

27 The Officer-in-charge shall be supplied instruments, such as saccharometers and thermometers etc. as may be required by the licensee and an account thereof shall be maintained by the Officer-in-charge in Form B (5). He will be responsible for their safe custody, and if any instrument is broken or list for want of proper care, he may be required to make good such loss or damage.

Brewery open to inspection by the Officers

28. The licensee, shall at any time permit the Excise Officer, or any Officer of the Excise Department not below the rank of an Excise Inspector as directed by the Commissioner, to inspect and examine his brewery, the premises, warehouse utensils and the beer made or stored therein and shall render the inspecting officer all proper assistance in making such inspection and examination.

Notice before brewing

29. The licensee is required to send to the Officer-in-charge, 48 (forty eight) hours before brewing, a written notice of his intension to brew.

Use of deleterious matter prohibited

30 The Commissioner may prohibit the use of any material in the manufacture of beer, which, in his opinion, is of deleterious nature.

Manufacture of beer

31 (1) Beer shall be brewed form such materials which in the opinion of the Officer-in-charge are good quality. Not less than 5 percent by weight of the materials (exclusive of hops) used in brewing, shall consist of malt. No saccharin, sucramine, and compounds of saccarin, sucramine and artificial products or hop substitutes which furnish the chemical tests of saccharin shall be used in the manufacture of beer. Wort shall not be renewed of a higher gravity than 1073 at 60° F. Nothing shall be added to the beer after it has been racked and removed to the bottling room.

(2) The licensee shall keep the total produce of a brewing separate from the produce of any other brewing for a period of twenty four hours unless an account of the first mentioned produce is taken sooner by the Officer-in-charge.

(3) The licensee shall not mix the produce of one brewing with that of another except in his store vats or casks. No such mixing shall be carried out unless previous notice is given by him in writing to the Officer-in-charge. He shall specify the quantity and gravity of the wort before mixing and after mixing.

(4) All grains in a mashtun shall be kept untouched for a period of one hour after the time specified for the works to be drawn off and until the Officer-in-charge has attended and taken account of such grains.

(5) All words shall be removed successively and in the usual order of brewing to the under back, coppers, coolers and fermenting vessels and shall not be removed from the last named vessels until an account has been taken by the Officer-in-charge or until twenty four hours have elapsed after the time when the words were collected in these vessels.

(6) After the words commence running into fermenting vessels, the whole produce of the brewing shall be collected within eighteen hours.

(7) Only pure demineralised water shall be used for the manufacture of beer.

Brewing book

32 The licensee shall keep in the brewery, a brewing book supplied by the Commissioner. This book shall be property of Government which shall be accessible for inspection by the inspecting officer or any other officer authorised in this behalf. This shall be replaced every quarter. The entries in this book shall be made by any responsible employee of the licensee in the prescribed from the From B (13) approved by the Controlling Officer. There shall be no mutilations of defacement of the entries already made.

Brewing book maintenance

33 The brewer shall enter in the proper columns at least twenty four hours before begin to mash, malt or grain or to dissolve sugar, the day and hour of the brewing and in the Remarks column, the consecutive number of the brew and the works Indian or English as the case may be, with date and hour making entry, and at least six hours before the time entered separately in the proper columns the quantities of malt or unmalted corn, sugar and of hops or hop-substituted used and the hour when all the words will be drawn off the grain in the mashtun. He

shall also enter in the appropriate columns the dip and gravity of words collected, the number and description of the vessel or vessels in which they have been collected, and the date and hour of the entry shall be made within one hour after the collection has been completed and if the words are not made before 6 p.m the entry shall be made before 8 p.m. next morning. If fermentation has started before the requisite entry the brewer shall enter the true original gravity of warts. Each entry shall be initiated by the brewer or his agent.

Analysis of beer

34. (1) On completion of the manufacture of beer the Officer-in-charge shall permit the licensee to take free sample (not exceeding such quantity as the Commissioner may by order in writing permit for the purpose) for analysis in the licensee is laboratory and declaration of the true strength of alcohol.

(2) Any quantity leftover after analysis shall be immediately brought back to the brewery and mixed with the main bulk of the batch before it is removed from the storage room or the bottling room.

(3) An account of the quantity used by the licensee for analysis shall be maintained in Form B (5).

(4) The alcoholic strength of beer as declared by the licensee shall be entered by the licensee in register in Form B (6).

(5) Immediately after the declaration by the licensee of the alcoholic strength of finished beer and before such beer is removed to the storage room or bottling room, the licensee shall make proper entries in the register in Form B (7).

(6) The Officer, shall check the entries, and if they are found in order, he shall put his initial in relevant entries in the register as prescribed under sub-rule (5) above.

Accounts of transaction

35. (1) The licensee shall keep accounts of transactions taking place in ever fermentation room in a register in prescribed Form B (8).

(2) Each variety of beer manufactured it shall be registered by name and shall bear a distinctive number in the register.

(3) As soon as a batch of beer is manufactured it shall be removed either to the storage room or to the bottling room It shall then be stored carefully, measured into vats or measuring vessels in the storage room and accounted for in a register in For B (9).

(4) The finished beer stored in the storage room shall be removed to the bottling room whenever required and shall be accounted for in the register in Form B(10).

(5) As soon as a batch of finished beer is bottled, it shall be removed in bottles to the finished store room and accounted for in a register in Form B(11).

Bottling and packing

36. (1) No beer shall be bottled by the licensee except in the presence of the Officer-in-charge deputed for the purpose.

(2) All bottles and packages containing beer shall bear a label showing the name of the manufacturer, the name of the beer, the place of manufacture, batch number and alcoholic strength, the strength of lager beer should not exceed five percent volume and strong beer should not exceed eight per-cent volume by volume

(3) The guaranteed fluid contents of each bottles, cask or keg shall be clearly indicated in bold letters on the label.

(4) All labels required to be used for the purpose of bottling beer shall be submitted to the Commissioner for his approval. No label shall be used unless it is approved by the Commissioner.

(5) The bottles to be used for the purpose of bottling beer shall be hygienically cleaned and washed by an automatic bottle washing machine.

(6) Immediately after the bottles are filled up, they shall be crown corked and labelled and removed to the finished store room. The casks or kegs shall be properly closed with bungs, sealed, labelled and then removed to the finished store room.

(7) The crown corks shall be metallic an shall be firmly fixed in position by a corking machine or any other suitable appliance. The crown cork shall bear the name of the manufacturer.

(8) An account of the transactions in the bottling room shall be maintained in Form B (10).

Storage

37 The licensee shall store all beer manufactured and bottled in the brewery in the finished store room and nowhere else. Such stock of beer shall remain under the joint lock and key of the Officer-n-charge and the licensee.

Removal of beer

38. (1) A licensee desiring to remove beer from the brewery shall make an application in Form B(12) to the Officer-in-charge along with a challan, bank receipt showing the payment of Excise Duty and Export Pass Fee, if any, in State Bank of Sikkim in respect of beer proposed to be so removed.

(2) On receipt of application under sub-rule :-

(1) the Officer-in-charge/Controlling officer ascertaining the particulars and satisfying himself, issues transport pass/export pass in accordance with Sikkim Foreign Liquor (Import, Export and Transport) Rules, 1993.

Mode of issue of beer from brewery

39. Issues may be made from the breweries as under :-

(1) On pre-payment of duty form transport to the licensed wholesaler premises or the licensed vendor or vendors.

(2) For export under bond to other State in India.

Collection of duty

40. The Office-in-charge shall be responsible for the correct collection of duty and fees, at the prescribed rate, before any beer is allowed to be removed from the brewery.

Supervision

41. (1) The Officer-in-charge shall exercise such supervision as is required to ensure that the materials which go to make beer are used according to the approved formula and process.

(2) The Controlling Officer specially empowered in this behalf, by the Commissioner, shall inspect the brewery and shall submit the notes of his inspection to the Commissioner. He shall also be responsible for the correct maintenance of accounts and collection of duty by the Officer-in-charge.

Authority of persons authorised by licensee

42. (1) The agents, clerks and other persons, who have been duly authorised in this behalf by the licensee, and approved by the Officer-in-charge, may enter into and carry out their work in connection with the manufacture during the working hours of the brewery.

(2) Any person duly authorised in this behalf by the licensee may sign all application and indents for the issue of beer.

Regulation of business of licensee

43. (1) All transaction pertaining to the manufacture, bottling and issues of beer be under Excise supervision. The Commissioner may appoint such staff at the brewery for Excise supervision as is considered necessary and the establishment cost of such staff shall be paid to the State Government by the licensee.

(2) The licensee shall conduct his business either personally or by an agent authorised in writing by him that behalf.

(3) The licensee shall keep the licensed premises and all the goods therein open for inspection and examination at all reasonable times by the Commissioner, Controlling Officer and Officer-in-charge or any other Officer empowered under Sikkim Excise Act, 1992. The licensee shall render all assistant in such inspection and examination.

(4) The licensee shall preserve invoices, cash memoranda, permits and other documents relating to the consignments, received and dealt with by him for a period of five years after the year to which they relate.

(5) The licensee shall provide all printed forms transit pass, export pass, excise verification certificate form, gate pass, cash book and office stationery to be used in the Excise Office attached to the brewing as per the scale so fixed by the Commissioner.

(6) The licensee shall not discontinue the manufacture of beer unless he has given two calendar months notice to the Commissioner of his intention to do so.

Licensee to maintain accounts

44. (1) The licensee shall maintain accounts in proper forms and registers as required by these rules. The accounts shall be written every day by the licensee and it shall be the duty of the Officer-in-charge to check the at least every days.

(2) The licensee shall deliver to the Officer-in-charge not less than the 5th day of each month, return of transaction in triplicate of business in respect of the preceding month. The Officer-in-charge shall send two copies of such reports with his remarks to Controlling Officer. The Controlling Officer in turn send one copy of the monthly returns to the Commissioner.

Wastage allowance

45. An allowance of ten percent shall be made from the monthly total of the charges on account of wastage. The licensee shall however be liable for payment of duty as per the prevailing rate in case of fire, a any such accident which causes loss most mas, wort and beer. Losses on account of force majeure shall be exempted from payment of duty

Provision for sour or spoilt beer

46 (1) Written application must be made by the licensee to the Commissioner for all allowance for sour spoilt beer. Such application shall be accompanied by (a) brewer's report indicating that the beer was brewed by him and he had never left the fermentation section of the brewery and no part of it consists of "bottoms" of "returns" from vendors or other customers. (b) representative samples of such sour or spoilt beer to be sent to the Chemical Examiner of the Excise Laboratory for examination.

(2) On receipt of the reports, if the Commissioner is satisfied that the beer has become "sour" or "spoilt" beer in presence of licensee, Controlling Officer of the brewery and the Officer-in-charge, shall make note of such destruction in the brew book.

Monthly examination of stock

47. The accounts of a brewery and the stock of beer in hand in the brewery shall be examined by the Controlling Officer once in a month. If the quantity of the beer in stock in the brewery on such examination is found to exceed the quantity shown as in hand in the stock account, the brewer shall be liable to pay duty on such excess at double the rate prescribed for ordinary issue. If the quantity be found less than that shown in the stock account, the cause of the deficiency shall be inquired and the result reported to the Commissioner, who may direct the levy of a fine not exceeding double the amount represented by the duty on such defect.

Licensee to adopt measures to avoid fire hazards

48. The licensee shall ensure that no smoking and use of naked lights or fires shall be allowed within the premises of the brewery.

Licensee to maintain accounts register in addition to what has already been presented if directed to do so by the Commissioner

49. In addition to the register and accounts books as prescribed under the Sikkim Excise (Brewery) Rules, 1999, the licensee shall also keep such registers and accounts books as the Commissioner direct from time to time.

Licensee to ensure as to how the accounts register as prescribed is to be written

50. No entry in any of the books as prescribed under these rules and kept by the licensee shall be erased or over written. Should it be necessary to correct an entry, a line should be drawn through the incorrect entry in such a manner as to leave it distinctly visible and amended entry should be inserted above it. Every such correction shall be initialled and attested by the person who make such correction and get the same countersigned by the Officer-in-charge.

Licensee to furnish the details of employees to the Officer In-charge and no other person

51. The names of all person to be employed as brewers, managers or other employees of the licensee shall be submitted for approval to the Officer-n-charge by the licensee. No persons other than those approved by the Officer-in-charge shall be permitted to work as brewers or managers or employees.

besides the employees to be allowed to enter the brewery by the Officer In-charge.

Licensee to issue authorisation to his employees to act on his behalf.

52. The licensee shall not carry business of manufacture and sale of beer except either personally or by an agent or servant duly authorised by him in this behalf. Such authorisation given by the licensee shall be countersigned by the Officer-in-charge. No authorisation shall be countersigned by the Officer-in-charge. The Officer-in-charge may refuse countersigning in such authorisation if the person in whose favour the authorisation has been made by the licensee is convicted under any law or the likely to create law and order problem within the brewery. The licensee shall be responsible for breach of any rules made under Sikkim Excise (Brewery) Rules, 2000 to any of his employees.

Licensee not to sale, transfer or sublet the brewery without the approval by the State Govt.

53. Except with the written permission of the State Government, the licensee shall not sale, transfer or sublet the right of manufacture conferred upon him by the Excise licence granted under these rules. They shall also not enter into and agreement or arrangement which is of the nature of a sublease, the decision of the Commissioner in such cases shall be final and binding on the licensee.

Licensee to declare the details of partnership.

54. (1) No person shall be recognised as a partner of a licensee for the purpose of this licence, unless the partnership has been declared to the Commissioner before the licence is granted and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the grant of the licence, unless the Commissioner agrees on application made to it, to alter the licence and to add the name or names of the partner of partners in the licence.

(2) In case where the licence is granted in favour of a company, it shall be binding on such a company to communicate in detail to the Commissioner any change in the directors of the company within 15 (fifteen) days from the date of such changes

Licensee not to sell beer to anyone other than persons holding licence/import permit.

55. The licensee shall not sell beer manufactured by him to any person other than the holder of trade and the import licence. Such sale against import licence shall made by the licensee duly following the Sikkim Excise (Import, Export and Transport) Rules, 1995.

Environment and pollution control measures to be adopted by the licensee.

56. The licensee shall not cause any harm to the environment and the brewery shall operate with the clearance and supervision of the Environment and Pollution Control Board constituted by the State Government so far as matters connected with environment and pollution is concerned.

Licence to be suspended and canceled on the breach of rules.

57 For any breach of rules as aforesaid by the licensee, the Commissioner after giving so cause notice to the licensee, suspend or cancel the licence as per the provision of Sikkim Excise Act, 1992. If the Commissioner with the concurrence of the State Government decides to suspend or cancel the licence, the licensee

shall not be entitled to any compensation on account of such suspension or cancellation.

Regulation of licences which are already issued and breweries which are already in operation.

58. The provisions of the Sikkim Excise (Brewery) Rules, 2000 shall apply to all the units, which are already in operation in Sikkim.

FORM - B I
(See rule 3)

APPLICATION FOR LICENCE TO CONSTRUCT AND ORK A BRE ERY TO MANUFACTURE BEER

(Delete the letters and words not applicable)

To,

The Commissioner,
Excise (Abk) Department,
Government of Sikkim
Gangtok, Sikkim.

Sir,

I/We am/are interested in establishing a Brewery in the State of Sikkim. The Brewery is proposed to be located at _____ East/North/South/West District. I/We agree to be abided by the provisions of the Sikkim Excise (Brewery) Rules, 2000 with modifications/amendments made from time to time.

I/We am/are submitting herewith the details as required under Rule 3 of the Sikkim Excise (Brewery) Rules, 2000. Further, I/We undertake to furnish any additional information required by the Commissioner of Excise in this behalf.

Yours faithfully,

Date:
Place:

FORM B (2)
(See Rule 7)

LICENCE FOR MANUFACTURE OF BEER

LICENCE NO:_____

Licence is hereby granted to _____ for operating a Brewery located at _____ as per the provision under section 10 of he Sikkim Excise Act, 1992. The operation of the brewery shall be governed by the Sikkim Excise (Brewery) Rules, 2000. The brewery shall have the annual capacity of _____ hecto litre per year.

Commissioner of Excise
Government of Sikkim

FORM B (3)
(See Rule 9)

APPLICATION FOR RENEWAL OF LICENCE

To,

The Commissioner,
Excise (Abk) Department,
Government of Sikkim
Gangtok, Sikkim.

Through: The Officer In-charge, Excise Department

Sir,

I am enclosing herewith the Excise Licence No._____ granted in favour of for renewal for the year_____ the details of addition of plant, machineries, vats and layout and modification made is as under:

_____

Signature of Licensee or
his authorised signatory

FORM B (4)
(See rule 17)

REGISTER OF VATS, VESSELS AND RECEPTACLES

Sl. No.	Consecutive vessels number	Purpose for which the vessel is used	Capacity of vessel in hecto litres	Date from which the vessel is used	Date from which the vessel is out of use	Where the vessel is installed	Remarks
1	2	3	4	5	6	7	8

FORM B (5)
(See Rule 34(3))

ACCOUNT OF QUANTITY OF BEER USED FOR ANALYSIS

Date of drawing	Brand Name & type of beer	Batch	Quantity issued (Litres)	Quantity used for analysis (Litres)	Quantity brought back to brewery & mixed with main bulk	Initial of the Officer In-charge	Remarks
1	2	3	4	5	6	7	8

FORM B (6)
(See Rule 34(4))

REGISTER SHOWING THE DETAILS OF ALCOHOLIC STRENGTH OF BEER

Sl.No.	Vat No.	Date of Testing	Brand Name and Types and Types of Beer	Strength of Beer (%vol/vol)
1	2	3	4	5

FORM B (7)
(See Rule 34(5))

Sl	Month & date	Quantity of fermented material received from the fermentation		Quantity of finished Beer received from the maturation vessel			
		Bulk in litres	Strength	Batch No.	Brand Name & type of Beer	Quantity in litres	Strength
1	2	3	4	5	6	7	8

Batch No.	Quantity of Beer Transferred			Quantity of Beer in Balance			
	Brand Name & Type of Beer	To storage vessels (in litres)	To vessel in bottling room (in litres)	Batch No.	Brand Name & Type of Beer	Quantity in litres	Strength
9	10	11	12	13	14	15	16

Signature of		Remarks
Licensee	Officer In-charge	
17	18	19

FORM B (8)
(See Rule 35(1)

REGISTER OF TRANSACTION IN THEIR FERMENTATION ROOM(S)

Month & Date	Vessel No. in which charged	Quantity charged (in litres)	Date on which charged i.e date of commencement of fermentation	Date of completion of fermentation
1	2	3	4	5

FORM B (10)
(See Rule 35(4) and 36 (8)

REGISTER SHOWING THE DETAILS OF OPERATIONS IN THE BOTTLING ROOMS OF THE BREWERY

Month & Date	Opening Balance		Strength	Quantity in litres
	Batch No.	Brand Name, Varieties of and Types of Beer		
1	2	3	4	5

QUANTITY OF BEER RECEIVED FROM THE MANUFACTURING/STORAGE ROOM(S)

Batch No.	Brand Name	Quantity in litres	Strength in litres	Page No. of Register in Form B 7
1	2	3	4	5

QUANTITY OF BEER BOTTLED

Batch No	Brand Name and type of beer	Qty in litres	No of Bottles/ Casks/Kegs	Contents in each kinds of bottle/ casks/kegs in Bulk litre/ml
1	2	3	4	5

QUANTITY OF BEER TRANSFERRED TO THE FINISHED STORE ROOM

Batch No	Brand Name and type of beer	No of Bottles/ Casks/Kegs	Contents in each kind of bottle/ Casks/Kegs in Bulk litre/ml
1	2	3	4

FORM B -11

[See Rule 35(3)]

REGISTER OF TRANSACTION IN THE STORE ROOM OF THE BREWERY

Brand Name and Type	Month and Date	Opening Balance of Beer		Quantity of Beer		
		Batch No	Number of bottles/casks/ kegs/lts/mls.	Contents in each kind bottles/cask kegs/bulk lts	Batch No.	Number of bottles casks/ kegs
1	2	3	4	5	6	7

REGISTER OF TRANSACTION IN THE STORE ROOM OF THE BREWERY

Received From Bottling Room		Quantity of Beer Issued From Finished Store			
Contents in each kind of bottles casks/kegs/bulk litres/ml.	Batch No.	Number of bottles casks/kegs	Contents in each bottle casks/kegs bulk/lts/ml	Transport Export No.	Name of the Party to whom issued
1	2	3	4	5	6

B.R.No. & Date	Amount of duty paid	Amount	Closing Balance			Signature of Licence	Remarks of Officer In-charge
			Batch No.	Number of bottle/ casks/kegs	Content in each kind of bottles/ casks/kegs bulk lts/mls		
7	8	9	10	11	12	13	14

APPLICATION FOR CLEARANCE OF BEER ON PAYMENT OF DUTY FROM THE BREWERY

No. & date of entry in the register in Form BR-VII	Batch No.	Brand Name & Type of Beer	Bulk in Litres and	No. of .. kind of bottle/ casks/kegs	Contents in each kind of bottle/ casks/kegs Bulk ltr/ml	Strength
1	2	3	4	5	6	7

AMOUNT OF EXPORT PASS FEE AND DUTY PAID

Marks and number of Containers	Rate of duty	Amount of duty paid	Challan/ B.R.No. and date	Rate of export fee	Amount of export fee paid	Purpose for which cleared	Remarks
8	9	10	11	12	13	14	15

I declare that the above particulars are true and correctly stated. I apply for leave to clear the above Beer for the purpose stated in column 14 above.

The beer will be transported to _____ (mention the place where the consignment will be transported) by _____ (mention the route i.e. rail or road).

Place:
Date:
To
The Officer In-charge

(Signature of the licensee or his authorised agent)

FORM - B (13)
(See Rule 32)

BREWING BOOK

When entry made			Notice to				Quantity to be used of					Time when wort will be drawn off grain in the mashtun	
Date	Hour	Number of brewing	Mash, Malt or corn		Dissolve Sugar		Malt Bushels	Unmalted Corn	Sugar	Hops	Hop Substitutes	Date	Hour
			Date	Hour	Date	Sugar							
1	2	3	4	5	6	7	8	9	10	11	12	13	14

When collected		Works collected				Initials		Remarks
Date	Hour	Vessel						
		No.	Name	Dip	Gravity	Brewer's/Licensee	Officer In-charge	
15	16	17	18	19	20	21	22	23

FORM - B (14)
(See Rule 25)

MEMORANDUM OF OVERTIME FEES PAYABLE TO THE UNDERMENTIONED OFFICER OF THE _____BREWERY FOR THE MONTH OF _____

Name of Officer	Designation	Salary (as defined in S.A.R)	No.of hours charged for	Amount payable calculated at the rate of 1 1/2 hrs pay for each hour of overtime work	Treasury and challan No. by which fee was realised and remitted
1	2	3	4	5	6

Total amount remitted by the licensee

Total amount payable to Officer not to exceed 50% of salary RS._____

Officer In-charge

Certified that the fees charged for were dutied falling within the scope of the ordinary duties, but performed on holidays or on covenience of private persons. The fee was realised and remitted to the _____. Treasury Challan Noi.

GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANGTOK

No.104(181)/UDHD/1986-2000 **Dated: 17th June, 2000**

NOTIFICATION

In exercise of the powers conferred by section 8 of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985. (10 of 1985) the State Government hereby makes the following rules namely:-

Short title, extent and commencement

1. (1) These rules may be called the **Sanitation Rules for Towns of Sikkim, 2000.**

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

(3) They shall come into force at once.

Definition

2. In these rules, unless the context otherwise requires :-

(a) "Act" means the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985.
(b) "Commercial building" means the building which is utilised for shops, hotels, lodge, guest house,, holiday home, cinema halls, video halls, nursing homes etc;
(c) "Covered area" means the sum total of the floor-wise area from the ground floor to the topmost floor regardless of whether Blue Print Plans of the building is approved or not;
(d) "Department" means the Department of Urban Development and Housing, Government of Sikkim;
(e) "Offensive matter" means kitchen or stable refuse, dung, dirt, putrid or purifying substances and filth of any kind which is hazardous to the public health.
(f) "receptacles" means container or dustbins.
(g) "residential building" means the building which is occupied by the owner and his family including the tenants".
(h) "rubbish" includes dust, ashes, broken bricks, mortar, broken glass and refuse of any kind but does not include offensive matter or sewerage.
(i) "sewerage" means night solid and other contents of privies, urinals, cesspool or drains and includes trade effluents and discharges from manufactures of all kinds;,
(j) "town" means a place or places which are notified by the Government in the Official Gazette as Towns.

Disposal of rubbish/offensive waster materials

3. (1) No person shall place or cause to be placed rubbish or offensive matters in any place other than in the receptacles provided by the Department from where these rubbish and offensive matters will be removed by the employees of the Department.

(2) No person shall dispose of or throw out rubbish, offensive materials in the jhoras.

Prevention of mosquitoes breeding

4. (1) No occupier shall cause, permit or suffer any water within his holding to form a collection in which mosquitoes breed or are likely to breed unless such collection is effectively treated to prevent such breeding.

Explanation :- The natural presence of mosquitoes larvae in any standing or flowing water shall be an evidence that mosquitoes are breeding in such water.

(2) The owner or occupier of any house, building or land shall not therein keep any bottle, vessel, can or any other container broken or unbroken, in such manner that it is likely to collect and retain water which may breed mosquitoes.

Prohibition of hanging of clothes

5. No person shall hang clothes on the balconies of his building or house facing the main streets or public thorough fare.

Disposal of dead bodies of animals

6. Whenever an animals in the charge of person dies otherwise than by being slaughtered either for sale of consumption or for some religious ceremonial occasion the person in charge thereof shall either-

(a) convey the caccass within 12 (twelve) hours to a place or field outside the town for disposal of such carcasses, or

(b) give notice of the dealt within three hours to the employees of the Department for the disposal of the same

Private latrine and house drain connection

7. (1) if any premises intended for human habitation are without latrines or house drain connection or is such premises have inadequate latrines or house drains, the Department may by written notice require the owner of such premises-

(a) to provide such latrines or house drains or such additional latrines or house drains as the department may direct.

(b) to connect the latrines or house drains to the main sewerage line where there is main sewerage line;

(c) to connect the latrines or house drains to the nearest suitable jhora

(2) The owner of occupier of such premises shall also made adequate provision to prevent overflow such latrines or house drains while complying with the provision of sub-rule (1).

Repairs, alteration and removal of latrine and drain connections

8. When any premises for human habitation have undesirable or defective latrines which are likely to cause health hazard to the public, the Department may, be a written notice require the owner of such premises :-

(a) to repair such latrine or house drain,

(b) to alter such latrine or house drain,

(c) to remove such latrine or house drain

Prohibtion of construction of latrine over/into jhora.

9. No person shall construct latrines with its effluent connected to the public or private jhoras nor shall any person construct any latrines, shed, disposal system of any kind over any public or private jhoras.

Storm water drain

10. The owner of a building or structure shall provide adequate plinth protection and storm water drainage system leading to the nearest public jhora or drain.

Overflow or overhead water reservoir.

11. The owner of a building or structure shall prevent overflow or leakage of overhead water reservoir by providing proper ball cock or stop cock system in the inflow and outflow pipes.

Prohibtion of overhead open drainage.

12. No person shall build or construct or install open overhead drainage into jhoras or public or private drains. Such system shall be directly connected to the jhoras and/or public drains by concealed pipes from the source itself.

Power to entry, inspect, survey or execute work.

13. The Officers and staff of the Department, not below the rank of Sub-Inspector may enter into any building or land with or without assistants or, workman in order to make any inquiries inspection or survey of for measurement or execution of any work under the provision of these rules.

(1) No entry shall be made between sunset and sunrise ; and

(2) Due regard shall be given to the social and religious usages of the occupants of the premises.

Levy of sanitation tax.

14. The sanitation tax for the total covered area of a house or building of each floor but excluding the courtyard and hood shall be levied as per the following rates, namely :-

(1) Residential building and Government Offices @ Rs. 0.10 paise per square foot per annum.

(2) Commercial building @ Rs. 0.20 paise per square foot per annum.

NOTE where a building is utilised for both the purposes the tax shall be computed accordingly.

Remedial Action.

15. Notwithstanding anything contained in these rules or any other law, any officer not below the rank of a Sub-Inspector, who is authorised by the Secretary, Urban Development and Housing Department in writing, is empowered to take such steps to keep the premises clean and collect such tax not exceeding Rs. 100/- from the person who commits any act contrary to these rules, defray expenses and credit the balance of tax to the Government Account.

Office punishable with fine.

16. Subject to the Section 10 of the Act (10 of 1985) all offences under these rules shall be punishable with fine which may extend to Rs. 1000/-.

Offences to be cognizable and bailable.

17. All offences under these rules shall be cognizable and bailable and shall be triable by Magistrate of the First Class.

Filing of complaint

18. All complaints shall be filed by and Officer not below the rank of an Under Secretary or any other officer authorised in this behalf by the Secretary, Urban Development and Housing Department, Government of Sikkim.

Limitation

19. All complaints shall be filed within one year from the date of an offence.

Protection of

20. No Suit other legal proceedings shall lie against any officer of the Government

Action taken in good faith

for anything which is in good faith done or intended to be done in pursuance of these rules.

Repeal and saving

21. (1) The Sanitation Rules for Town of Sikkim, 1989, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under the provisions of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985.

GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANGTOK

No.153/97-98/UD&HD **Dated: 17th June, 2000**

NOTIFICATION

In exercise of the powers conferred by clause (r) of section 8 read with section 7 of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985, the State Government hereby makes the following rules for the control, regulation and recovery of fee for the use of parking area, namely :-

Short title, extent and commencement

1. (1) These rules may be called the **Sikkim Vehicles Parking Rules, 2000**.

(2) They shall apply to Gangtok in the first instance and the State Government may, by notification published in the Official Gazette, apply the same to such other areas which the State Government may deem fit.

(3) They come into force at once.

Definitions

2. In these rules unless the context otherwise requires :-

(a) "day" means the day starting from 6 A.M. in the morning to 7 P.M. in the evening.

(b) "Department" means the Department of Urban Development and Housing in the Government of Sikkim.

(c) "Heavy Vehicle" means a transport vehicle the registered axle weight of which exceeds 10600 pounds or the registered laden weight of which exceeds 14500 pounds.

(d) "lanes" means feeder streets small in size connecting the mains streets to other shopping/residential areas.

(e) "Light transport" means any public service vehicle other than a heavy transport vehicle or a delivery van.

(f) "main street" means the principal roads which have shopping centres in

either sides.

(g) "motor cycle" means the motor vehicle other than an invalid carriage with less than four wheels the unladen weight of which inclusive of any side car attached to the vehicle does not exceed 900 pounds.

(h) "over night" means the night starting from 7 P.M. in the evening to 8 A.M. in the morning.

(i) "parking area" means a large piece of ground earmarked for parking vehicles as specified in Schedule I appended to these rules.

No parking of vehicles on the National Highway, mainstreet and lanes of the town.

3. No vehicles shall be parked on the National Highway, main streets and lanes of the town

Parking fee of vehicles

4. (1) All vehicles other than those specified in Schedule II appended to these rules parked in the parking area shall be liable to pay parking fee to the Department or an agent appointed by the Department.

(2) (a) The following fees shall be levied for every parking or vehicles in any of the parking area specified in Schedule - I.

(i). Motor cycle/Scooter	@	Rs. 2.00	per day.
(ii) Light vehicle	@	Rs. 5.00	per day.
(iii) Heavy vehicle	@	Rs. 10.00	per day.
(iv) Private light vehicle	@	Rs. 5.00	per day.

(b) The rate prescribed for light vehicle shall apply to Government vehicles also.

(c) The following rates of fees shall be levied for overnight parking of the vehicles in the designated areas, namely :-

(i) Motor cycle/Scooter	@	Rs. 4.00	per night.
(ii) Light vehicle	@	Rs. 10.00	per night.
(iii) Heavy vehicle	@	Rs. 20.00	per night.
(iv) Private light vehicle	@	Rs. 10.00	per night.

(2) If the owner of the vehicles or his agent or servant does not pay the fee prescribed in the rules, the authority empowered by the State Government shall detain the vehicle in his custody till such fee is paid.

Owner of vehicles not to misuse the parking area

5. (1) Vehicles shall be kept in the parking areas as specified as Schedule I strictly for parking purposes.

(2) No repairs or vehicles are permitted in the parking area.

(3) The owner of vehicles of his agent or servant shall not dump rubbish or waste materials in the parking area.

Revision of rate of fees

6. The rate of fees as applicable under these rules shall be revised after every five years

Penalty

7. Any contravention of the provision of these rules shall dealt with in accordance with the provisions of the Sikkim (Repeal and Miscellaneous) Provisions Act. 1985

Repeal and saving

8. (1) The Sikkim Vehicles Parking Rules, 1992 is hereby Repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under the provisions of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985.

SCHEDULE I
(See Rule 2(i))

Sl No	Designated Parking Place	Capacity in numbers Truck/Nissan/Jeep/Gypsy/Car/Van/Two wheelers				Remarks
1	2		3.			4
01	Old Market, M G Marg	-	70	110	-	Parking for light vehicles
02	New Market, M G Marg	-	50	115	-	-do-
03	Infront of Blue Sheep Restaurant	-	8	12	30	This area to be designated as parking place for two wheelers
04	Children Park Stand	-	110	-	-	Only Commander Jeeps meant for Inter-State services.
05	Infront of Star Cinema Hall	-	-	-	30	Parking for two wheelers.
06	Opposite Rural Development Shop in New Market	-	-	-	30	Parking for two wheelers
07	Above Paljor Stadium Road	-	30	40	-	Parking for light vehicles
08	Diesel Power House	-	3	5	-	-do-
09.	Sichey Busty Below Co-operative	-	4	6	-	-do-
10	a) Old West Point	-	-	10	-	-do-
	b) Parking yard under Construction	-	50	60	-	Parking for light vehicles. This does not include the new parking place, Police traffic.

1	2		3	4		5
						Estimated about 150 light vehicles and 90 two wheelers.
11.	Deorali Bazar	-	6	10	-	Parking for light vehicles
12.	P.N.G.School gate	-	-	4	-	-do-
13.	Near Forest Office	-	3	5	-	-do-
14.	New Fly Over	-	25	-	-	Earmarked as per traffic only light vehicles preferably private vehicles.
15.	Infront of Denzong Cinema Hall upto Lhasa Hotel	-	20	30	-	Earmarked for taxi only as per Traffic Police
16.	Parking above Veterinary Office	-	-	-	-	Parking for heavy vehicles.
17	O' Point near GICI	-	5	9	-	Parking for light vehicles.
18.	Below Old Assembly House	-	6	10	-	-do-
19.	Tashiling Secretariat	-	15	20	-	-do-
20.	Tibet Road near Chumbi Residency	-	-	10	-	Parking place earmarked by Traffic Police.
21.	Opposite Mr. Chamla Tshering's House, Tibet Road	-	-	6	-	Earmarked by Traffic Police.
22.	New Assembly House	-	-	15	-	Parking for light vehicles.
23.	Infront of Yuksom House, Development Area	-	8	-	-	-do-
24.	Infront of Sahitya Bhavan	-	6	8	-	-do-
25.	Shopping Complex Development Area	-	15	15	-	-do-
26.	Infront of Sangram Bhavan By the side of Sangram Bhavan	-	5	10	-	Presently infront of Sangram Bhavan UD&HD garbage vehicle parked.
27.	Infront of Shopping Complex	-	-	10	-	Parking for light vehicles.

1	2	3	4	5
28	Near Vajra Cinema Hall	-	-	Parking for heavy vehicles.
29	Convoy Ground, Tadong	-	-	-do-
30	Outside Sikkim Jewel Gate	-	-	Earmarked by Traffic Police

SCHEDULE II
(See Rule 4(1))

The following vehicles are exempted from the payment of parking fee for parking them in the Parking Areas.

1. Ambulance (on duty)
2. Fire Brigade vehicle (on duty)
3. Police Vehicles (on duty)
4. Vehicles on Conservancy duty.
5. Defence Vehicles - Army, GREF and Assam Rifles.
6. Flag Cars.

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRAINING

No.23/GEN/DOP **Dated 2.9.2000**

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor hereby makes the following rules regulating the method of recruitment to the post of Junior Land Record Officer, Revenue Inspector, Survey Inspector, Head Surveyor, Revenue Supervisor, Chairman in the Land Revenue Department, Government of Sikkim, namely :-

1. **Short title and Commencement :-**

(1) These rules may be called the **Sikkim Sub-Ordinate Land Revenue Service Recruitment Rules, 2000.**

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

2. **Number of posts, classification and scale of pay :-**

Number of posts, classification and scale of pay in relation to the posts of Junior Land Record Officer, Revenue Inspector, Survey Inspector, Head Surveyor, Revenue Supervisor, Chairman shall be as specified in column 3,4 and 5 of the Schedule attached

3. **Method of recruitment, age limit, other qualification etc. :-**

The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns 6 to 11 of the said Schedule.

4. **Disqualification :**

No person :-

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment or the said post.

Provided that the State Government, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other ground for so doing exempt any person from the operation of this rule.

5. **Power to relax :-**

Where the State Government is of opinion that it is necessary or expedient so to do It may be, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

Provided that where no suitable or sufficient provisions have been made in so far as the Sikkim Sub-Ordinate Land Revenue Service Recruitment Rules is concerned, the provision as applicable to the Staff/Officers of the corresponding Grade shall, mutatis mutandis

apply subject to such modification as may be made, or required to be made.

6. **Saving :-**

Nothing in these rules shall affect reservation, relaxation of age limit and other concession required to be provided for the Schedules Caste, Scheduled Tribes, other Backward Classes and other Special Categories of persons in accordance with the order issued by the State Government from time to time in this regard.

SCHEDULE

Sl. No.	Name of Post	No. of post	Classi-fication	Scale of Pay	Age limit for Direct Recruit-ment	Educational Qualifica-tion required for direct recruitment and other eligibility condition	Method of Recruitment	In case of Recruitment by promotion grae/ post to which promo-tion to be made	Period of proba-tion	If a DPC exists, what is its compostion
1	2	3	4	5	6	7	8	9	10	11
1	Assistant Surveyor -cum-Chainman	44	Group C	3400-85-5100	18-30 (Upper age limit is relaxable by 5 years in case of SC/ST candidate and 3 years in case of OBC candidates)	Class X passed from a recognised Board	By direct recruitment through open com-petitive examination	Not applicable	2 years subject to successful completion of the training	As may be nominated by the Govern-ment from time to time.
2	Revenue Surveyor/ Supervisor	63	Group C	4000-100-6000	18-30 (Upper age limit is relaxable by 5 years in case of SC/ST candidate and 3 years in case of OBC candidates)	Class XII passed from a recognised Board with mathematics as one of the subjects.	50% by promotion through limited de-partmental competi-tive examination and 50% by direct re-cruitment through open competitive examination	Asst. Surveyor -cum-chainman with 4 years continuous regular service in the grade.	(1). One year for promotees. (2) Two years for direct recruitment. Subject to successful completion of the training.	-do-
3	Head Surveyor	14	Group C	4300-125-6800	Not applicable	Not applicable	100% by promotion through limited de-partmental competi-tive examination	Revenue Surveyors/ Supervisor with 4 years continuous regular service in the grade.	1 year.	-do-
4	Junior Land Record Officer/ Revenue Inspector/ Survey Inspector	20	Group C	5000-150-8000	18-30 (Upper age limit is relaxable by 5 years in case of SC/ST candidate and 3 years in case of OBC candidates)	Graduate with Pure Sci-ence	50% by promotion through limited de-partmental competi-tive examination and 50% by direct re-cruitment through open competitive examination	Head Surveyors with 4 years continuous regular service in the grade.	(1) One year for promotee. (2) Two years for direct recruit subject to successful completion of training.	-do-

Note: (1) The Chainman who are presently in the pay scale of Rs.2850-55-4170 will be allowed the prescribed pay scale of Rs.3400-85-5100 only if they fulfil the required minimum education qualification of Class X passed from a recognised Board.

Note: (2) The Chainman who do not fulfil the educational qualification requirements shall be governed by rules applicable to other common category of Group D

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS AND TRAINING
GANGTOK

[illegible]/GEN/DOP **Dated: 8.9.2000**

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor is hereby pleased to make the following rules regulating the recruitment, promotion and seniority of the Sikkim Police Force, namely :-

1. **Short title and commencement :**

(1) These rules may be called the **Sikkim Police Force (Recruitment, Promotion and Seniority) Rules, 2000.**

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

2. **Application :**

Notwithstanding anything to the contrary contained in any other rules for the time being in force, these rules shall apply to the posts specified in column 2 of the schedules I and II in respect of matters covered by these rules.

3. **Definitions :**

In these rules, unless the context otherwise requires :

(a) Appointing authority means-

(1) in relation to the posts upto and including the Sub-Inspector, the Director General of Police.
(2) in relation to the post of Inspector of the Force, the Governor.

(b) "Commission" means the Sikkim Public Service Commission;
(c) "Committee" means the Departmental Promotion Committee as may be constituted by the Government from time to time;
(d) "Force" means the Sikkim Police Force constituted under the Police Act, 1861;
(e) "Government" means the State Government of Sikkim;
(f) "Governor" means the Governor of Sikkim.
(g) "Home Guard" means a person appointed under sub-section (1) of section 4 of the Sikkim Home Guards Act, 1992 (1 of 1992);
(h) "Member of the service" means a member of the Sikkim Police Force;
(i) "Schedules" means the schedules appended to these rules;
(j) "Year" means the financial year.

4. **Constitution of the Force:**

The Force shall consist of the following, namely:-

(a) Persons holding the posts upto and including inspectors under Schedule I of the

Sikkim Police Force (Recruitment, Promotion and Seniority) Rules, 1981

(b) Persons holding the posts of Constable, Head Constable, Assistant Sub-Inspector, and Inspector under the Sikkim Vigilance Police Force (Recruitment, Promotion and Seniority) Rules, 1981.

(c) Persons holding the posts of Sub-Inspector and Inspector under the Sikkim Armed Police (Recruitment, Promotion and Seniority) Rules, 1989.

(d) Persons recruited to the Force in accordance with the provision of these rules.

5. Method of recruitment, age, qualification and eligibility conditions :

The method of recruitment, eligibility conditions and other matters connected therewith shall be as specified in the Schedules. Relaxation in the upper age limit shall be 2 years in the case of Home Guards.

6. Disqualification for appointment on medical grounds :

No candidates shall be appointed to the Force who, after such medical examination, as the Government may prescribe, is not found to be mentally or bodily sound and which is likely to interfere with the discharge of the duties of the Force.

7. Period of probation :

Every person appointed to the Force, whether by promotion or by direct recruitment, shall be on probation as specified in the Schedules.

Provided the appointing authority may for reasons to be recorded in writing extend the period of probation for a period not exceeding one year.

8. Promotions :

(a) All promotions to the Force shall be made on the recommendation of the Committee, in relation to posts upto Sub-Inspectors and the Commission, in respect of the posts of Inspectors.

(b) Where pre-promotional written examination are prescribed for those not having the required educational qualification, the minimum qualifying marks shall be 45%.

(c) The Government shall, from time to time, for the purpose of this rule, prepare a list of persons holding the posts mentioned in the Schedules I and II in order of seniority who have completed the prescribed length of service for promotion to the posts of Sub-Inspector and Inspector, respectively.

(d) The number of persons included in the list to be forwarded to the Commission or the Committee, as the case may be, shall be five eligible persons in order of seniority and thereafter in multiples of two for every additional vacancy:
Provided it shall not apply where the number of eligible persons is less than the maximum permissible number and in such a case, the names of all the eligible persons shall be included in the list.

(e) The Government shall forward to the Commission or the Committee, as the case may be, the list prepared under sub-rule (d) along with the Confidential Reports and service records of the persons included in the list for the period of service required for promotion indicating the anticipated number of vacancies to be filled by promotion in course of period of 12 months commencing from the date of preparation of the list.

(f) (1) In respect of the Inspectors, the Commission after satisfying the them-

selves that the records and information are complete in all respect have been received, shall consider and prepare a final list of persons who are found suitable for promotion.

(2) In respect of posts upto the Sub-Inspector, the Committee shall prepare the final list in accordance with the conditions specified in the Schedules.

(g) The number of persons to be included in the list shall not exceed twice the number of vacancies to be filled by promotion.

(h) (1) The Commission shall forward the list prepared under clause (1) of sub-rule (f) to the Government alongwith all the confidential reports and service records received from the Government. The Competent Authority shall order promotion of the persons included in the final list in the order in which their names appear in the list.

(2) The Committee shall forward the list prepared under clause (2) sub-rule (f) to the Department along with all the records.

(i) The final list shall ordinarily be in force for a period of 12 months from the date of recommendation of the Commission or the Committee, as the case may be.

9. Seniority :

(i) The relative seniority of the members of the Force recruited directly, shall be determined by the order of me it in which they are selected for such recruitment. Members as a result of an earlier selection shall be senior to those recruited as a result of a subsequent selection.

(ii) The relative seniority of persons promoted from a lower post shall be on the basis of seniority -cum-merit subject to successfully passing the prescribed exam.

(iii) The relative seniority inter-se of members recruited directly and through promotion shall be determined according tot the rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion, respectively, in these rules.

10. Scale of Pay :

(i) The scale of pay admissible to the member of the Force shall be determined by the Government from time to time.

(ii) All the Commencement of these rules, the scale of pay admissible to the members of the Force shall be as shown in column 3 of the Schedules.

11. Execution of Agreement :

A probationer, who is appointed to the Force by direct recruitment, shall execute and agreement in the form as may be prescribed by the Government binding himself and one surety, jointly or severally in the event of his failing to comply with any of the provisions of these rules to the satisfaction of the Government to refund any money paid to him consequent on his appointment as probationer.

12. Training :

A probationer, who has been appointed to the Force, shall undergo such training and

for such period as the Competent Authority may direct.

13. Discharge or reversion of a probationer :

A probationer shall be liable to be discharged from the Force or as the case may be, reverted to his substantive post -

(i) if he fails to successfully complete the prescribed training; or

(ii) the Competent Authority is satisfied that the probationer was ineligible for recruitment to the Force or is unsuitable for being a member of the Force; or

(iii) if he is found lacking in qualities of mind and character or in the constructive outlook and human sympathy needed in the public service; or

(iv) if he fails to comply with any of the provisions of these rules.

14. Administrative control :

(i) The control over the Force including appointments, transfers and deputations shall vest with the Government in the Department of Personnel in relation to the Inspectors.

(ii) The control over the Force, in relation to posts upto the Sub-Inspectors, the Director General of Police shall have control. However, prior consent of the Director-Vigilance shall be obtained in the matter of transfer and deputations of those persons who at the time are in the Vigilance Department.

15. Residuary matters :

All other matters in relation to the force not specified or for which not provisions has been made in these rules shall be regulated by rules and orders applicable to other government servants of the Government of equivalent status.

16. Interpretation :

If any question arises as to the interpretation of these rules the decision of the Government thereon shall be final.

SCHEDULE I

Sl.No.	Name of Post	Pay Scale	Age	Mode of Recruitment	Probation Period	Physical measurement	Eligibility condition
1	2	3	4	5	6	7	8
1	Constable	3200-80-4800	18-22 yrs	100% by direct recruitment	2 years	a) Height - 5'3" b) Chest - 32" with minimum expansion of 2" c) Weight 50 kgs.	Class X passed
2	Head Constable	4000-100-6000	NA	100% by promotion	1 year	NA	Qualifying length of service must be 6 yrs as constable
3	Asst. Sub-Inspector	4200-11-6400	NA	100% by promotion	1 year	NA	a) Qualifying length of service must be 4 yrs as Head Constable b) Must pass pre-promotional examination if not class X passed.

SCHEDULE II

1	2	3	4	5	6	7	8
1	Sub-Inspector	5000-160-8000	18-25 yrs	i) 50% by direct recruitment	2 yrs.	a) Height - 5'5" b) Chest - 33" with minimum expansion of 2" c) Weight 50 kgs.	Class XII passed
				ii) 50% by promotion	2 yrs	NA	a) Qualifying length of service must be 5 yrs as Asst. Sub-Inspector of Schedule I of these rules and as Major Havildar of Sikkim Armed Police. b) Must pass the pre promotional examination if not a class XII pass.
2	Inspector	7000-225-11500	NA	100% by promotion	1 year	NA	a) Qualifying length of service must be 8 yrs. as Sub Inspector. b) Must pass pre-promotional examination if not a degree holder.

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

NO.89/HOME/2000 **Dated: 31.10.2000**

NOTIFICATION

The Government of Sikkim is hereby pleased to make the following rules to regulate all matters relating to the State Guests in Sikkim, namely :-

1. **Short title and commencement:**

(1) These rules may be called the **Sikkim State Guests Rules, 2000.**
(2) They shall come into force from the date of their publication in the Official Gazette.

2. **State Guest:**

(1) The following dignitaries shall be treated as State Guests when they visit the State of Sikkim both for official and non-official purposes, namely :-

1. President of India
2. Vice-President of India
3. Prime Minister India
4. Chief Justice of India
5. Governors of other States
6. Speaker of Lok Sabha
7. Cabinet Ministers of Union
8. Chief Ministers of other States
9. Judges of the Supreme Court
10. Deputy Chairman, Rajya Sabha
11 Deputy Speaker, Lok Sabha
12. Ministers of State of the Union
13. Chief Justices of High Courts
14. Speakers of State Legislative Assemblies of other States
15. Deputy Speakers of State Legislative Assemblies of other States
16 Ministers/Ministers of State of other States.

(2) Notwithstanding anything contained in sub-rule (1) above, the Chief Justice and Judges of the High Court of Sikkim shall be treated as State Guests whenever they visit Delhi and Calcutta where the State Government has its Establishments.

(3) A retired Chief Justice or Judge initially appointed as Judge of the High Court of Sikkim shall be treated as State Guest wherever such Judge visits Sikkim and also Calcutta and Delhi where the State Government has its Establishments.

(4) A Judge initially appointed as the Judge of the High Court of Sikkim and transferred outside the State shall be treated as a State Guest whenever he visits Sikkim.

(5) The dignitaries mentioned in sub-rule (2) to (4) of these rules shall be accommodated in Room Nos. 201 and 202 in Old Sikkim House, New Delhi and in VIP Rooms in Kusum Apartments, Calcutta. In case of non-availability of the said

accommodations, alternative accommodation arrangements shall be made.

(6) (a) Any other per may be declared and treated as State Guests for a period of one week by special order of the Government.

(b) The family members of the State Guest, no exceeding two, when accompanying the State Guest will be treated as State Guest. They will include the guest himself, spouse and one dependent member.

(c) The personal staff and entourage accompanying the visiting dignitaries mentioned in Sl.No. 1 to 12 12 of sub-rule (1) of rule 2 shall be provided with free boarding and lodging and transport, the expenses of which shall be borne by Home Department.

(d) The State Guest facilities will be provided for a period of one week to the Chairman of any Enquiry Commission appointed by the State if/she is not belonging to the State of Sikkim.

3. Reception:

(1) State Guests are generally received at Rangpo, Sikkim/West Bengal Border if the dignitaries are travelling by road. Reception at Bagdogra Airport can also be made depending upon the status of the guest and Importance of his visit. Generally, these arrangements will be made by the Protocol Section of the Home Department.

(2) One Liaison Officer will be provided to the visiting State Guest throughout his visit to Sikkim.

(3) Press, Photography and other arrangements for the coverage of VVIP visit will be made by the Information and Public Relations Department considering the importance of the visit (s).

4. Transport:

Vehicle (s) will be provided to the visiting State Guest, free of charge, within the State of Sikkim. One State car will be provided to the State Guest.

5. Accommodation:

(1) The State Guests as far as possible will be accommodated in the State Guest House. However, dignitaries listed at Serial Nos 1-12 of sub-rule (1) of rule 2 will be accommodated at Raj Bhawan subject to the prior approval of the Raj Bhawan authorities.

(2) Where no suitable accommodation is available in the State Guest House, the accommodation will be arranged in MLA Hostel and in the event of non- availability, accommodation shall be arranged in a hotel.

(3) Free boarding will be provided to the State Guest at the places of their stay. If during their stay in the State, the State Guest wishes to entertain some of his own guests, the expenses on such entertainment will have to be borne by the Guest(s) himself/herself.

(4) No alcoholic drinks, cigarettes etc. will be provided to the State Guest at the

Government expenses. The State Guest will be allowed local telephone calls at Government expenses. However, trunk calls/STD/ISD calls, if any, made by him/her will be payable by the State Guest.

6. Security:

VVIPs/VIPs/State Guests will be provided security by the Sikkim Police as per the instructions issued by the Ministry of Home Affairs, Government of India on the subject from time to time and as per threat perception and security requirement as per the assessment of the State Police.

7. Departmental Guests:

When a Department considers that a particular official visiting the State needs to be treated as the Guest of the Department, then a proposal in this regard should be submitted to Home and Finance Departments for clearance. This facility shall be extended for a period of one week. However, before submitting the proposal, the Department should be satisfied that the visit of the official is in the interest of the State.

8. Power to relax:

Where the Government of Sikkim is of the opinion that it is necessary or expedient so to do, it may by order, for reason to be recorded in writing, relax any to the provisions of these rules.

9. Savings

The provisions of these rules shall be in addition to and not in derogation of any Order, Notifications or executive instructions etc. for the time being enforced, regulating any of the matters dealt with in these rules.

GOVERNMENT OF SIKKIM
DEPARTMENT OF FORESTS, ENVIRONMENT AND WILDLIFE

NO.421/F/ENV & WL Dated the 27th Jan 2001

NOTIFICATION

In exercise of the powers conferred by section 54 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules, namely :-

Short title, extent and commencement

1 (1) These rules may be called the **Sikkim Forests Cattle Trespass Rules, 2000**

(2) They shall extend to the whole of Sikkim

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

Definitions

2 (1) In these rules, unless the context otherwise require :-

(a) "Act" means the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988.

(b) "agent" means and includes relatives, shepherd, servant or any person who tends cattle on behalf of the owner;

(c) "cattle" means the cattle as defined under the Act;

(e) "Conservator of Forests" means an Officer of that designation in the Government in charge of territorial functions;

(e) "contingency advance" means and amount of money to be provided for each cattle pound as an advance to cover the cost of maintaining such number of cattle as may be determined and fixed by Government, by notification from time to time.

(f) "Divisional Forest Officer" means the officer of that designation in the Government who is responsible for implementation of all forest acts in the places of seizure and impounding of cattle;

(g) "feeding schedule" means the hours of feeding as may be fixed by Government by notification;

(h) "Form" means the form appended to these rules;

(i) "Forest Officer" means the Forest Officer as defined under the Act;

(j) "grazing" includes eating,, browsing, consuming or any way destroying any plant life whether natural or artificially planted, irrespective of the type of plant or its number;

(k) "maintaining" includes feeding, watering, medication administered,

expenditure on transportation and any other expenses incurred towards the well being of the cattle;

(l) "Principal Chief Conservator of Forests" means an officer of that designation in the Government in charge of territorial functions;

(m) "Range Officer" means the officer of that designation in the Government who is responsible for implementation of all forest acts in the places of seizure and impounding of cattle;

(n) "scientific lines" means proper facilities for care of the animal (s) so that they are not put to any distress;

(o) "unauthorised" means not permitted or carried out in an area closed for it by Government.

(2) Words and expressions used herein but not defied shall have the meanings respectively assigned to them in the Act.

Cattle pounds to be established

3. The Principal Chief Conservator of Forests shall establish cattle pounds within the territory of Sikkim wherever he shall deem it necessary to do so in the interest of protection of forests from unauthorised grazing. The cattle pounds shall be established on scientific lines with suitable place for resting and feeding of cattle within forest land or land acquired by the Forest, Environment and Wildlife Department.

Appointment of Pound Keeper

4 The State Government shall appoint a Pound Keeper for such number of cattle heads as may be determined and notified by the Government to look after the impounded cattle and the cattle pound. All Pound Keepers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Cattle to be seized

5 Cattle found to be entering or grazing on reserved forest lands, plantation areas or any other land closed for grazing under the Act or any other Forest or Wildlife laws for the time being in force in Sikkim shall be seized and dealt with by the forest officer (hereinafter called impounding officer).

Seizure memo to be prepared

6 The impounding officers shall prepare a seizure memo for cattle in Form A for the cattle seized by him and apply a copy of it to its owner or his agent.

Cattle to be taken to Cattle pound

7 He shall then take the cattle to the nearest cattle pound established under rule 3 within twenty-four hours of the seizure.

Cattle to be handed over to Pound Keeper

8 On reaching the Cattle pound, the impounding officer shall hand over the cattle seized by him under rule 5 to the Pound Keeper in Form B who shall confine then in the cattle pound.

Impounding Officer to maintain Feeding Schedule

9 The impounding officer shall maintain the feeding schedule for all cattle seized by him from the time of its seizure till they are handed over to the safe custody of them Pound Keeper as provided under rule 8.

Cattle Details Register

10. Every Pound-Keeper shall keep a cattle details register (hereinafter referred to as CDR) containing pages that are serially numbered and certified by the Divisional Forest Officer.

Pound Keeper to enter cattle details

11 (1) When cattle are brought to a pound, the pound Keeper shall enter in the CDR the following details namely:-

(a) the number and description of the animals
(b) the day and hour on and at which they were so brought, and
(c) the name and residence of the owners, if known

(2) The Pound Keeper shall give a copy of the entry to the owners oft heir agents

Pound Keeper to look after impounded cattle

12. The Pound Keeper shall take charge of feed and water the cattle until they are disposed off as hereinafter directed and for this purpose he shall keep a cattle feeding register in which he shall make entries of feeds and watering administered to the impounded cattle. The owner of the cattle may, if he so wishes, visit the cattle pound at the times of feeding and watering of his cattle and if he is not satisfied as to the proper feeding of the cattle, register a complaint to the Range Officer having territorial jurisdiction of the place of the cattle pound.

Procedure on receiving complaint of improper care of cattle

13. The Range Officer shall on receiving the complaint as provided for under rule 12, make an enquiry and submit a report to the Divisional Forest Officer who shall proceed to take action against the Pound Keeper under the Sikkim Government Servants; Conduct Rules, 1981, if he has been found to be negligent in maintaining the feeding schedule.

Provided that any officer not below the rank of a Block Officer having territorial jurisdiction in the place of location of the cattle pound may, if he finds that the Pound Keeper has not been maintaining the feeding schedule, make a report to the Divisional Forest Officer who shall then initiate action as provided for above.

Feeding details to be made public

14. The Pound Keeper shall make known through a public notice to be prominently displayed, the rates of the feed as well as the feeding schedule to be followed.

Contingency advance to be provided

15. The Government shall provide a contingency advance to every cattle pound established under rule 3 to cover the expenditure towards maintenance of the pounded cattle which shall be under the charge of the Divisional Forest Officer.

Impounding Officer to make report to Range Officer and procedure thereof

16. The Impounding Officer shall make a report of the seizure and impounding of cattle in Form C to the Range Officer with a copy to the Divisional Forest Officer at the earliest nut not later than thirty-six hours of impounding the cattle under rule 8 who shall proceed as follows:-

The Range Officer shall:

(a) if the cattle is involved in an offence of grazing in a reserved forest, wither prosecute the owners of the cattle Form F of the Sikkim Forests (Compounding of Offences) Rules,1988 or forward the case to the Divisional Forest Officer for compounding under section 74 of the Act; or

(b) if the cattle is involved in an offence of grazing in an area closed by the Government for grazing under section 25 or 32 of the Act, levy for each head of cattle such in as may be fixed by the Government by notification from time to time under sub-section (1) of section 53 of the Act.

Range Officer to release cattle on bond or after payment of fine

17 (1) In case the Range Officer proceeds to prosecute the owner as provided for in clause (a) of rule 17, then he may release the impounded cattle on the execution by the owner of a bond in Form D for the production of the cattle if and when required before the Magistrate have jurisdiction to try the offence on account of which the seizure had been made:

Provided that if the owner refuses to execute such bond within the period as mentioned at rule19, the Range Officer shall write to the Magistrate stating this and obtain his permission to put the cattle to auction and deposit the money so obtained in the form of a security which shall be forfeited to the Government if the owner is adjudged guilty of the offence for which his cattle were seized.

(2) In case the Range Officer proceeds to compound the offence or levy a fine as provided under clause (b) or rule17, he shall release the cattle after the compensation or the fee and such other charges as are leviable under these rules, is received by him from the owner of the impounded cattle.

Provided that the owner or his agent, on taking back the cattle, shall sign a receipt for them in the register kept by the Range Officer for the purpose and which shall contain all the details pertaining to the cattle to be released which have been entered in the CDR.

Maximum period of impounding

18. No cattle shall be impounded under these rules for a period of more than seven days from the date of their being impounded.

Procedure for unclaimed cattle

19. If the impounded cattle is not claimed within forty eight hours of their impounding as provided under rule 8, the Pound Keeper shall report the fact to the Range Officer who shall paste a notice in a conspicuous part of his office, the office of the District Collector and the office of the Divisional Forest Officer as well as announce it by beating of drums in the village or market place closest to the place of seizure of the cattle. The notice shall state.

(a) the number and description of the cattle;

(b) the place where they were seized;

(c) the place where they are impounded and

(d) the date of seizure.

Unclaimed cattle to be disposed of

20. If the cattle is not claimed within five days from the date of notice made under rule 19, the Range Officer shall dispose of the cattle by open public auction and deposit the proceeds in Government revenue.

Procedure when cattle owner refuses to pay compensation or fine

21 If the owner of the cattle or his agent appears and refuses or omits to pay or deposit the fees or compound the offence, the Range Officer shall proceed to dispose off the cattle as provided for under rule 20 after the expiry of seven days from the date of impounding or the cattle and after obtaining a permission in writing of the Divisional Forest Officer, in Form E in duplicate, one copy of which shall be served upon the owner or if he refuses to accept it, be pasted in a conspicuous place in the cattle pound.

Cattle owner to reimburse the cost of maintenance

22. The owner of the cattle impounded or his agent shall reimburse the cost of maintaining his cattle in the cattle pound and the same shall be deposited by him in cash to the Range Officer.

Procedure in respect of the diseased cattle

23. Cattle which are found to be diseased or injured shall be kept separately in the cattle pound and an application shall be made in Form F to the Veterinary Officer within twelve hours by the Pound Keeper.

Cattle not to be impounded except under rules

24. The Pound Keeper or any forest officer shall not impound cattle or dispose of impounded cattle except under the provision of these rules.

Appellate Authority

25. If any person is aggrieved by the seizure and impounding of his cattle under this rules, he may prefer and appeal in writing to the Conservator of Forests within seventy-two hours of impounding of his cattle, who shall dispose of the appeal within forty-eight hours. The order passed by him shall be final.

Power of Govt. to amend rules

26. The Government if it deems expedient and necessary so to do, any, by notification to be published in the Official Gazette make amendments to the provisions of these rules.

FORM A
(See Rule 6)

CATTLE SEIZURE MEMO

1. Name of the accused:
2. Parentage and address:
3. Age of accused:
4. Number of animals seized:
5. Description of animals seized:
6. Date of seizure:
7. Time of seizure:
8. Name of forest of seizure:
9. Name and address of two witnesses (if any):

The above mentioned cattle has been seized from my custody for illegal entry and/or grazing in the forest mentioned above.

Name of accused

Signature of accused

Signature of Officer
Designation

FORM B
(See Rule 8)

Cattle of the following description seized by me in ..... (name of forest/ plantation area/etc.) on .....(date) at.....(time) is handed over to ..... (name of Pound Keeper) at ..... (name of place where cattle pound is located) at .....(time).....

1. Number of cattle:
2. Description of cattle:
3. Name and residence of owner:
4. Name of person from whom seized:

Taken over — Handed over

Signature of Pound Keeper — Signature of Impounding Officer

FORM C
(See Rule 16)

SEIZURE REPORT

To,
Range Officer (Territorial)
.....
.....

Sir,

Cattle of the description mentioned below have been seized and impounded by me for illegal entry and/or grazing in ..... (name of forest/plantation area etc.) on .....(date at .....

1. Number of cattle.
2. Description of cattle:
3. Name of owner or/ and person from whom seized:
4. Name of cattle-pound where impounded
5. Time of impounding:
6. Date of impounding:

Name of Impounding Officer

Signature of Impounding Officer

FORM D
(See Rule 18)
BOND

Whereas I .....(name), inhabitant of ..... (place), have been called upon to enter into a bond to produce my cattle described hereunder, as and when-required by the Court of .....for evidence or other purpose in the mater of .....(state offence) now pending before it and, in case of my making default therein, I bind myself to forfeit to Government the sum of rupees.....
Dated, the..... day of .....

Seal of D.F.O. Signature

FORM E
(See Rule 23)

To,

The Veterinary Officer,

Sir,

The cattle of the following description presently confined in the ..... pound is sick and needs immediate veterinary attention:

Description

1.....

2.....

3.....

Name of Pound Keeper

Signature of Pound Keeper

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, A.R. & TRAINING
GANGTOK

NO.72/GEN/DOP Dated 07.03.2001

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor is hereby pleased to make the following rules further to amend the Sikkim State Animal Husbandry & Veterinary Service Rules,1994, namely :-

1 (1) These rules may be called the **Sikkim State Animal Husbandry & Veterinary Service (Amendment) Rules, 2001**.

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

2 In the Sikkim State Animal Husbandry and Veterinary Service Rules,1994, (here in after referred to as the said rules), for Schedule-I, the following Schedule shall be substituted, namely :-

SCHEDULE- I

Sl. No.	Name of the post/ Grade in the service	No.of posts authorised	Pay scale
1	2	3	4
A.	**Junior Grade**		
1.	Veterinary Officer	17	Rs.7000-225-11500
2.	Junior Disease Investigation Officer	01	Rs.7000-225-11500
3.	Artificial Insemination Officer	02	Rs.7000-225-11500
4.	Rinderpest Officer	01	Rs.7000-225-11500
5.	Poultry Development Officer	01	Rs.7000-225-11500
6.	Farm Manager	03	Rs.7000-225-11500
7.	Assistant Dairy Development Officer	01	Rs.7000-225-11500
8.	Milk Procurement Officer	01	Rs.7000-225-11500
	Total:	**27**	
B.	**Senior Grade**		
1.	Deputy Director (District)	04	Rs.9000-300-13800
2.	Deputy Director (Zoonoses)	01	Rs.9000-300-13800
3.	Deputy Director (Small Animal)	01	Rs.9000-300-13800
4.	Deputy Director (Rabbitry)	01	Rs.9000-300-13800
5.	Deputy Director (Breeding)	01	Rs.9000-300-13800
6.	Deputy Director (E & T)	01	Rs.9000-300-13800
7.	Deputy Director (Poultry)	01	Rs.9000-300-13800
8.	Deputy Director (DIC)	01	Rs.9000-300-13800
9.	Deputy Director (Research)	01	Rs.9000-300-13800
10.	Deputy Director (Animal Nutrition)	01	Rs.9000-300-13800
11	Deputy Director (Dairy)	01	Rs.9000-300-13800
12.	Deputy Director (Dairy Processing and quality control)	01	Rs.9000-300-13800

13	Dairy Development Officer	01		Rs.9000-300-13800
14	Marketing and Procurement Officer (Dairy)		01	Rs.9000-300-13800
15	Principal (Training)		01	Rs.9000-300-13800
16	Superintendent State Veterinary Polyclinic		01	Rs.9000-300-13800
17	Gynaecologist		01	Rs.9000-300-13800
18	Surgical Specialist		01	Rs.9000-300-13800
19	Canine Specialist		01	Rs.9000-300-13800
20	Co-ordinator		02	Rs.9000-300-13800
21	Chief Veterinary Officer (Sub-Division)		07	Rs.9000-300-13800
22	Manager (Bull Rearing Farm)		01	Rs.9000-300-13800
		Total	**32**	
C.	**Selection Grade - II**			
1	Joint Director		07	Rs.11000-350-16250
D.	**Selection Grade - I**			
1	Additional Director		03	Rs.12500-375-17000
E.	**Supertime Grade - II**			
1	Director (Animal Husbandry)		01	Rs.14300-400-18300
2	Director (Veterinary Service)		01	Rs.14300-400-18300
F.	**Supertime Grade - I**			
1	Principal Director		01	Rs.17200-450-21250
	Total of A+B+C+D+E=F	=	72	
	Deputation Reserve - 20% of 72	=	14	
	Leave Reserve - 5% of 72	=	04	
	Training Reserve - 15% of 72	=	11	
	Total cadre strength	=	**101**	

3. In the said rules for Schedule IA, the following schedule shall be substituted, namely:

SCHEDULE I A

Feed and fodder wing

Sl No	Name of the post and grade in the service	No. of post authorised	Pay Scale
1.	**Junior Grade** Development Officer (Feed & Fodder)	04	Rs.7000-225-11500
2.	**Senior Grade** Deputy Director (Feed & Fodder)	04	Rs.9000-300-13800
3.	**Selection Grade II** Joint Director (Feed and Fodder)	01	Rs11000-350-16250

4. In the said rules for Schedule II, the following Schedule II shall be substituted, namely

SCHEDULE - II

Sl. No.	Name of post	Method of recruitment	Qualification for direct recruitment	Age limt for direct recruitment	Whether qualification and age limit prescribed for direct recruitment is applicable in case of promotion	If the post is to be filled up by promotion, post/grade from which promotion is to be made
1	2	3	4	5	6	7
1	JUNIOR GRADE					
	1. Veterinary Officer	100% by direct recruitment	B.V.Sc. & A.H.	Minimum 21 yrs and maximum 30 yrs relaxable by five years in case of person belonging to Scheduled Caste, Scheduled Tribe community and in service Govt. employee and 3 (three) years in case of persons belonging to other backward classes.	Not applicable	Not applicable
	2. Junior Disease Investigating Officer	-do-	-do-	-do-	-do-	-do-
	3. Artificial Insemination Officer	100% by direct recruitment	-do-	-do-	-do-	-do-
	4. Rinderpest Officer	-do-	-do-	-do-	-do-	-do-
	5 Poultry Development Officer	-do-	-do-	-do-	-do-	-do-

1	2	3	4	5	6	7
	6. Farm Manager	i) 50% by direct recruitment ii) 50% by promotion	B.V.Sc. & A.H. Not applicable	-do-		Not applicable Livestock Inspector and other post or posts declared equivalent thereto by the Govt. with atleast 10 (ten) years service in the said post or posts.
	7. Assistant Dairy Development Officer	100% by direct recruitment	B.V.Sc.& A.H. or B.Sc. (Dairy)	-do-	-do-	Not applicable
	8. Milk Procurement Officer	100% by promotion	Not applicable	Not applicable	B.V.Sc & A.H. -do- -do-	Livestock Inspector and other post or posts declared equivalent thereto by the Govt. with atleast 10 (ten) years service in the said posts.
2	**SENIOR GRADE**					
	1) Deputy Director (District)	100% by promotion	Not applicable	Not applicable	B.V.Sc & A.H.	Member of service in Junior Grade with minimum of 6 (Six) years of continuous regular service in the grade subject of availability of vacancies.
	2) Deputy Director (Zoonoses)	100% by promotion	-do-	Not applicable	-do-	-do-
	3) Deputy Director (Small Animal)	100% by direct recruitment	-do-	-do-	-do-	-do-
	4) Deputy Director (Rabbitry)	-do-	-do	-do-	-do-	-do-

1	2	3	4	5	6	7
5.	Deputy Director (Breeding)	100% by promotion	Not applicable	Not applicable	B.V.Sc & A.H.	-do-
6.	Deputy Director (E and T)	-do-	Not applicable	Not applicable	-do-	-do-
7.	Deputy Director (Poultry)	-do-	Not applicable	Not appliable	B.V.Sc & A.H. should posess specialisation training in poultry	-do-
8.	Deputy Director (DIC)	-do-	Not applicable	Not applicable	B.V.Sc & AH/preferable MVSC or shoud have undergone training in Lab diagnosis	-do- -do-
9.	Deputy Director (Research)	-do-	Not applicable	Not applicable	BVSC & AH/ preferably MVSC or should have research experience of publication	-do-
10	Deputy Director (Animal Nutrition)	-do-	Not applicable	Not applicable	BVSC & AH/ preferably MVSC or should have undergone Feed analysis training.	-do-
11.	Deputy Director (Dairy)	-do-	Not applicable	Not applicable	BVSC & AH or Dairy/ IDD with Graduates	-do-
12	Deputy Director (Processing & Quality Control)	-do-	Not applicable	Not applicable	-do-	-do-
13	Dairy Development Officer	-do-	Not applicable	Not applicable	-do-	-do-

1	2	3	4	5	6	7
	15. Principal (Training)	100% by promotion	Not applicable	Not applicable	B.V.Sc & A.H.	-do-
	16. Superintendent (State Veterinary Polyclinic)	-do-	Not applicable	Not applicable	BVSC & AH/preferably MDDM or P.G.Diploma	-do-
	17. Gyneacologist	-do-	Not applicable	Not appliable	BVSC & AH with short training of not less than 3-6 months in the discipline	-do-
	18. Surgical Specialist	-do-	Not applicable	Not applicable	BVSC & AH/Short Training in surgery	-do-
	19. Canine Specialist	-do-	Not applicable	Not applicable	BVSC & AH/ short training in canine practice	-do-
	20. Co-ordinator	-do-	Not applicable	Not applicable	BVSC & AH	-do-
	21. Chief Veterinary Officer (Sub-division)	-do-	Not applicable	Not applicable	BVSC & AH	-do-
	22. Manager (Bull rearing farm)	-do-	Not applicable	Not applicable	BVSC & AH	-do-
2	SELECTION GRADE II					
	Joint Director	100% by selection	Not applicable	Not applicable	Not applicble	i) Members of service in Senior Grade with atleast 8 (eight) years service in that Grade.

1	2	3	4	5	6	7
						I) Deputy Director (Dairy) with atleast 8 (eight) years service in that post grade failing which by other members in Senior Grade with atleast 8 (eight) years service in that Grade with the qualification of atleast IDD.
4	SELECTION GRADE I Additional Director (Training)	100% by selection	Not applicable	Not applicable	Not applicable	Members of service in Selection Grade II with atleast 4 (four) years service in that grade.
5	SUPERTIME GRADE II Director	100% by selection	Not applicable	Not applicable	Not applicable	Members of service in Selection Grade I with atleast 4 (four) years service in that Grade.
6	SUPERTIME GRADE I Principal Director	100% by selection	Not applicable	Not applicable	Not applicable	Members of service in Supertime Grade II with atleast 2 (two) years service in that grade.

5. In the said rules, for Schedule II A, the following shall be substituted, namely:-

1	2	3	4	5	6	7
	FEED AND FODDER WING 1.Development Officer	No fresh recruitment. Candidate possessing B.Sc (Ag) shall be recruited in accordance with the provision of the Sikkim Stage Agriculture Service Rules, 1994.	Not applicable	Not applicable	Not applicable	Not applicable
	2. Deputy Director (Feed and Fodder)	100% by promotion	-do-	-do-	-do-	Development Officer (Feed and Fodder) with atleast 6 (Six) years continuous service in that grade.
	3. Joint Director (Feed and Fodder)	100% by selection	Not applicable	Not applicable	Not applicable	Deputy Director (Feed and Fodder) with atleast 8 (eight) years continuous service in that grade.

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS & TRAINING
GANGTOK

No. 12/GEN/DOP **Dated 17.4.2001**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor hereby makes the following rules regulating the method of recruitment to the posts of Assistant Director, Deputy Director, Joint Director, Additional Director and Director in the Information Technology Department, namely

1. **Short title and commencement :**

(1) These rules may be called the **Sikkim State Information Technology Service Recruitment Rules 2001;**

(2) They shall come into force at once.

2. **Number of posts, classification and scale of pay :**

The number of posts, their classification and scales of pay attached thereto in relation to the posts of Assistant Director, Deputy Director, Joint Director, Additional Director and Director shall be as specified in column 2,3 and 4 of the Schedule.

3. **Method of recruitment, age limit, qualification, etc :**

The method of recruitment, age limit, qualification and other matters relating to the said posts of Assistant Director, Deputy Director, Joint Director, Additional Director and Director shall be as specified in column 5 of the Schedule.

4. **Powers to relax -**

Where the State Government is of the opinion that it is necessary or expedient so to do, it may, by an order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

Provided that where no suitable sufficient provisions have been made in so far as the Sikkim State Information Technology Service Recruitment Rules are concerned, the provisions as applicable to the staff/officers of the corresponding grade shall, mutatis mutandis apply subject to such modification as may be made or required to be made.

5. **Saving :**

Nothing in these rules shall affect reservation, relaxation of age limit and other concession required to be provided to the Schedules Castes, Schedules Tribes, Other Backward Classes and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

6. Unless otherwise specified by a separate order the expenditure on salaries of the incumbents appointed under the Sikkim State Information Technology Service Recruitment Rules 2001 shall be met from the Budget Head 2852-07-800-OE-40-IT-400001-Salaries under PLAN.

SCHEDULE

Sl. No.	Name of Post	Number of posts	Classification/ Grade	Scale of Pay	Method of recruitment	Eligibility conditions required for direct recruitment/ promotees
1.	Asst. Director	5	Junior Grade	Rs 7000 -225- 11500	1 post by deputation or transfer and 4 posts by direct recruitment after 2002 AD	Age between 21 yrs and 30 yrs Upper age limit relaxable by five years in the case of Scheduled Tribe/Scheduled Caste candidates and by three years in the case of Other Backward Classes Classes category of candidates. Educational Qualification: Graduates with PG Diploma in Computer application from a recognised university with 1 year experience in Information Technology OR Electronics Graduates with 1 year experience in Information Technology OR Master in Computer Application.
2.	Deputy Director	1	Senior Grade	Rs.9000 -300- 13800	100% by promotion	Six years continuous service in Junior Grade as Assistant Director and subject to availability of vacancy.
3.	Joint Director	1*	Selection Grade II	Rs.11000 -350- 16250	-do-	Six years continuous service in Senior Grade as Deputy Director and subject to availability of vacancy
4.	Add Director	1	Selection Grade I	Rs.12500 -375- 17000	-do-	Four years continuous service as Joint Director in Selection Grade II and subject to availability of vacancy.
5.	Director	1*	Supertime Grade II	Rs.14300 -400- 18300	-do-	Four years continuous service as Additional Director in selection Grade I and subject to availability of vacancy.

*These posts shall not be filled up immediately.

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
GANGTOK

No.01/EX/(ABK) **Dated the 20th April, 2001**

NOTIFICATION

In exercise of the powers conferred by clause (f) of section 77 read with section 13 of the Sikkim Excise Act, (2 of 1992), the Government of Sikkim hereby makes the following rules, namely :-

CHAPTER - I

PRELIMINARY

Short title, extent and commence-ment

1. (1) These rules may be called the **Sikkim Excise (County Liquor) Licensing of Warehouse Rules 2001.**

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

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

Definitions

2. (1) In these rules, unless the context otherwise requires :-

(a) "Act" means the Sikkim Excise Act,1992;

(b) "Controlling Officer" means and Excise Officer duly authorised by the Commissioner of Excise for the overall supervision of the ware-house;

(c) "Country Liquor" means liquor manufactured either by the process of distillation or by compounding or blending spirits, with or with out essence colouring and flavouring substances;

(d) "duty" means excise duty of counter-vailing duty as defined in clause

(g) of section 2 of the Act;

(e) "Excise Officer" means the Additional Commissioner, Joint Com-missioner, Deputy Commissioner, Assistant Commissioner and any other Officer appointed or conferred with the powers under section 5 of the Act.

(f) "Form" means the form appended to these rules;

(g) "transport" means to remove from one place to another within Sik-kim;

(h) "Warehouse" means premises wherein country liquor is deposited and kept after payment of duty and other taxes as may be notified from time to time.

(i) "Warehouse Officer" means Inspector/Sub-Inspector/Assistant Sub-Inspector authorised by the Commissioner of Excise to supervise day to day activities of the warehouse.

(2) Words and expressions used herein but not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER-II

GRANT OF LICENCE

Grant of Licence

3. (1) All the manufacturers of Country Liquor who intend to establish warehouse/ warehouses shall submit an application to the Commissioner of Excise in Form I appended to these rules.

(2) On receipt of application as referred to in sub-rule (1), the particulars and other informations as furnished by the applicant shall be verified and scrutinised by Officer authorised by the Commissioner of Excise. After having satisfied, the Commissioner of Excise shall issue the licence in Form II appended to these rules.

Terms and conditions of the licence

4. The terms and conditions of the licence shall be as under :-

(1) The Licensee shall pay excise duty and other levies as may be notified by the Commissioner of Excise from time to time before the stock of Country Liquor is transported from the distillery to the Warehouse.

(2) The transport of country liquor, whether in bottles or pouches, shall take place only on the strength of transport pass issued by the Officer-in-charge of the Distillery in Form III. The Warehouse Officer, after receiving the consignment of country liquor shall furnish a certificate of having received the consignment. He shall, thereafter, retain the original copy of the transport pass and return the duplicate copy to the pass shall be given to the authorised person of the distillery and the quadruplicate copy shall be retained as office copy by the Officer-in-charge of the distillery.

(3) The manufacturer of country liquor shall issue the liquor from the warehouse only to the retailers holding valid Excise licences issued by the Commissioner of Excise. Issue of liquors from the Warehouse to the retailer shall be only on the strength of transport pass in Form IV issued by the Warehouse Officers in triplicate. The original copy shall be given to the retailers. The duplicate copy shall be given to the authorised person of the distillery and triplicate copy shall be retained as office copy of the Warehouse Officer.

(4) No exemption of duty shall be allowed on the loss of liquor either on transit or in the Warehouse.

(5) The location of the Warehouse shall be such that there is smooth vehicular movement and no obstruction to pedestrian caused.

(6) The structure of the Warehouse shall be such that the same is safe and secure and equipped with fire fighting equipments as per requirement.

(7) The licensee can have more than one such ware houses as per requirement and need.

(8) The licensee shall pay Warehouse Licence fee at the rate of Rs.1000/- (Rupees one thousand) only per Warehouse per annum. The registration fee shall be paid during the first week of April of each financial year.

(9) The licensee is not authorised to store in the Warehouse any other items other than country liquor manufactured by him.

(10) The Warehouse shall be operated either by the licensee himself or through his manager/employees. In case of operation of the Warehouse by the manager/employees. In case of operation of the Warehouse by the managers/employees of the licensee, he shall issue authorisation and specimen signature of such managers/employees and send it to the Commissioner, Excise.

(11) The Licensee shall not operate the Warehouse by any other means other than the procedure as laid down in sub-rule (10).

(12) The Licensee shall provide office accommodation to the Warehouse Officers in the premises of the Warehouse alongwith required furniture etc. as may be determined by the Commissioner of Excise.

(13) The Licensee shall operate the warehouse from 9.00 a.m. to 4.00 p.m strictly. However, on Sundays and dry days as may be declared and notified by the Commissioner of Excise, the Licensee shall not operate his business.

(14) The licensee shall provide all the Forms as prescribed under these rules as aforesaid and bear the cost thereof.

(15) The Licensee shall maintain proper records in Form V appended to these rules and shall furnish monthly returns to the Warehouse office, Controlling Officer and the Commissioner of Excise within the first week of every month.

(16) The terms and conditions of the licence may be suitably amended from time to time as the Commissioner of Excise may deem necessary and proper in public interest.

(17) The licensee shall abide by the conditions of this licence and the provisions of the Sikkim Excise Act, 1992 and the rules, regulations and orders made thereunder and shall give an undertaking to that effect in form VI.

(18) The licensee shall obey all lawful order made from time to time by the Commissioner or any Excise Officer duly authorised by the Commissioner in this behalf.

(19) The licence may be suspended or cancelled in accordance with the provision of Section 28 and 29 of the Sikkim Excise Act, 1992.

(20) Infringement of any of the above conditions shall be liable for actions under the provisions of the Sikkim Excise Act, 1992.

(21) The manufacturers shall provide the usual trade margin to the retailers and prescribed the maximum retail prices.

FORM - I
(See rule 3 (1))

To,

The Commissioner,
Excise (Abk) Department,
Government of Sikkim
Gangtok, Sikkim.

Sir,

We propose to establish warehouse/Warehouses for Country liquor in the following locations:

1.
2.

The layout plan in scale of each Warehouse alongwith No Objection Certificate of the landlord is enclosed.

Submitted for necessary action.

Thanking You.

Yours faithfully,

Place:
Date:

Signature
Name of the Manufacturer,
Seal

FORM - II
(See rule 3 (2))

LICENCE FOR WAREHOUSE OF COUNTRY LIQUOR MANUFACTURED IN SIKKIM

LICENCE NO ..... / EX (ABK) DATED:.....

Licence is hereby granted under the provision of Sikkim Excise Act, 1992 and the rules, regulations and orders made thereunder to .....for operating Warehouse/Warehouses at..... ..... from..... to.....

1.
2.

The Licensee shall abide by the terms and conditions as laid down in the Sikkim Excise (Country Liquor) Licensing of Warehouse Rules, 2001.

Place:
Seal:
Date:

COMMISSIONER OF EXCISE.

FORM III

(See rule 4 (2))

TRANSPORT PASS

Permit No.

1. Name of the manufacturer :
2. Place of destination :
3. Brand/quantity of each item :

Brand	Qty Q/P/N in Cases Gallons	Total cases/ Gallons	Details of Excise Duty Paid

Signature of Officer-in-Charge.

FORM - IV

(See rule 4 (3))

TRANSPORT PASS

Permit No. Date:

1. Name of the Vendor :
2. Address :
3. Place of destination :
4. Brand/Quantity of Each item :

Brand	Quantity Q/P/N in Cases/Gallons	Total Cases Gallons

Signature of Warehouse Officer.

FORM - V

(See rule 5 (15))

LOCATION OF WAREHOUSE:

MONTHLY STATEMENT OF STOCK OF COUNTRY LIQUOR FOR THE MONTH OF .....IN CASES/GALLONS

Sl. No.	Name of Licensee	Bill No.	Date	Brand Name	Opening Stock	Fresh arrival	Total	Issue	Closing balance	Remarks

Signature of Licensee Authorised Signatory

FORM - VI

(See rule 5 (17))

FORM OF UNDERTAKING

I/We ..... hereby undertake to abide by the conditions of the Licence in Form II that may be granted/renewed in my/our favour and the provisions of the Sikkim Excise Act, 1992 and the Sikkim Excise (Country Liquor) Licensing of Warehouse Rules, 2001 and other relevant rules, regulations and orders made thereunder from time to time.

Place:

Date:

Signature of the Licensee Applicant

To,

The Commissioner of Excise,
Government of Sikkim,
Gangtok,

GOVERNMENT OF SIKKIM,
FOREST, ENVIRONMENT & WILDLIFE DEPARTMENT
GANGTOK

No. 2/F.Env & W.L. **Dated: 07.4.2001**

NOTIFICATION

In exercise of the powers conferred by clause (h) of sub-section (2) of section 83 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules, namely :-

Short title, extent and commencement

1. (1) These rules may be called the **Sikkim Forest Department (Appointment of Sales Agents and Conditions of Sales of Timber) Rules, 2001**

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

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

Definitions

2. In these rules, unless the context otherwise requires :-

(a) "Act" means the Sikkim Forests, Water Courses and Roads Reserve (Preservation and Protection) Act, 1988;

(b) "agent" means the sales agent appointed under rule 6.

(c) "antecedents" means the past history of the applicant with respect to his integrity.

(d) "applicant" means any person who applies for timber dealership.

(e) "authentic" means conforming to relevant rules and regulations.

(f) "deal" means to acquire and sell.

(g) "forest laws" means all forest laws applicable within the State of Sikkim as well as the rules made thereunder.

(h) "form" means the form appended to these rules.

(i) "godown" means a store used by the agent for stocking and/or conducting business in timber.

(j) "Government" means the State Government of Sikkim.

(k) "hammer marks" means engraving or impression on the timber of a hammer issued for indicating lawful extraction of forest produce.

(l) "marking order" means an order given by authority to extract timber from a tree or trees as provided for in the Sikkim Transit of Timber and Other Forest Produce Rules,1999.

(m) "private land holding" means any land not being under the ownership or possession of the Government and recorded in private individuals name in the record or rights of land ownership of the Land Revenue Department of the Government of Sikkim.

(n) "property marks" means the engraving or impression on the timber of a hammer used by an agent with the approval of the Government to show that it was or is owned by him and acquired by him lawfully as provided for in these rules.

(o) "quantity-wise" means the physical volume content of timber expressed in cubic feet or cubic metres and for each type of timber separately.

(p) "schedule of rates" means the rate list of royalty of timber and other forest produce notified by the Government.

(q) "species-wise" means the biological type of the timber expressed either by the botanical name or vernacular name and separately for each type.

(r) "territorial jurisdiction" means the physical area over which an officer has control for the implementation of forest laws and rules as notified by the Government.

(s) "timber" includes trees when they have fallen and all wood cut up, sawn or fashioned or hollowed out for any purpose whatsoever.

Persons to apply for timber dealership

3. Any person who seeks to deal in timber shall apply in Form A to the Conservator of Forests in charge of Utilisation Circle hereinafter referred to as Conservator of Forests (Utilisation).

Power of Government to approve or reject application

4. The Conservator of Forests (Utiiisation) shall examine the application and the antecedents of the applicant and after satisfying himself that the application is genuine, submit it to the Government for approval provided that the government may summarily reject the application without assigning any person thereof.

Agreement to be drawn up between Governor and agent

5. After approval of the Government of accorded to the application, an agreement has to be drawn and executed between the Governor of Sikkim on the one hand and the applicant whose application has been approved, on the other, in Form B.

Licence to be issued

6. After the agreement is drawn and executed under rule 5, the Conservator of Forests (Utiiization) shall issue a licence to the applicant appointing him as Sales Agent, in Form C authorizing him to start his business of timber under the provisions of these rules.

Conditions of licence

7. The licences issued under the provisions of these rules shall be governed by the following conditions, namely :

(a) The agent may sell timbers obtained from all or any of the sources as hereinafter mentioned;

(i) by importing from outside the State of Sikkim on payment of import fee as prescribed in the Schedule at rates notified by the Government.

(ii) by purchasing from a private individual provided the timber in question has been obtained by the issue of valid marking order for a tree or trees in the same individuals private land holding.

(iii) by purchasing at an auction of the Forest, Environment and Wildlife Department being the highest bidder; and

(iv) by purchasing from a depot of the Forest, Environment and Wildlife Department.

(b) When an agent seeks to import timber from outside the state, he shall adopt the following procedure, namely :-

(i) he shall procure the timber from authentic sources outside the State;

(ii) he shall apply for a transit permit in the Office of the Conservator of Forests in charge of the Territorial Circle, duly enclosing documents of the Forest Division of the State from where he has procured the timber in support of its authenticity;

(iii) the Conservator of Forests, Territorial, shall take such steps as he deems fit to verify the authenticity of the timber sought to be imported.

(iv) after the Conservator of Forests, Territorial, is satisfied that the timber is authentic, he shall issue a transit permit to the agent to authorize him to transport the timber from the border of the State of Sikkim to his godown;

(v) the agent shall then import the timber duly observing all laws currently in force both of the other State or States while transporting the timber within their territorial jurisdiction, as well as those of the State of Sikkim while transporting the timber within its territorial jurisdiction;

(vi) all documents issued by the Division of the State or States of origin and passage of the timber shall become invalid on entry of the timber into the territorial jurisdiction of the State of Sikkim and the same will be cancelled by the official on duty at the first forest checkpost and returned to the Conservator of Forests (Territorial).

(c) When an agent seeks to procure timber by purchasing it from any other person, he shall obtain a transit permit from the Conservator of Forests (Territorial) or the Divisional Forest Officer according to procedure laid out for the purpose in the Sikkim Transit of Timber and Other Forest Produce Rules, 1999 hereinafter referred to as Transit Rules and he shall attach the following documents with his application for transit permit, namely :-

(i) the marking order issued to the person who is selling or otherwise giving the timber to him indicating that the timber was legally extracted;

(ii) details of the timber intended to be purchased by the agent in Form D.

(d) When the agent seeks to transport timber purchased by him in any auction of the Forest, Environment and Wildlife Department, shall contain a transit permit under the Transit Rules;

(e) The agent may procure timber directly from any of the depots of the Utilization Circle of the Forest, Environment and Wildlife Department at rates as may be determined and notified by the Government and for this purpose he shall obtain a transit permit challan and cash-memo from the Conservator of Forests (Utilization).

Conditions of sale

8. An agent shall observe the following conditions while conducting a sale of timber from his sale depot, namely :-

(a) he shall maintain the records of his stock of timber in a stock book the pages of which shall be serially numbered as prescribed in Form E, including the receipts as well as sales, quantity-wise and species-wise and the balance available in stock every day;

(b) he shall issue a cash-memo to each of his clients from serially numbered books, in the form as prescribed in Form F;

(c) he shall get the countersignature on the cash-memo of the Divisional Forest Officer of the Forest Division in which the timber will be transported by the purchaser, if the same is to be taken beyond a forest checkpost and for this he shall submit his stock book to him. The Divisional Forest Officer shall examine the records in the stock book and if he is satisfied that the timber is authentic shall countersign the cash memo;

(d) he shall have his own property hammer which shall be registered with the Forest, Environment and Wildlife Department and shall be valid for the period for which the licence has been issued to him, after which it shall be deposited in the Office of the Conservator of Forests (Utilization) who will issue a receipt to him in lieu of the hammer. If Government renews his licence, the hammer shall be returned to the agent and it shall remain forfeited with the Officer of the Conservator of Forests (Utilization) as long as the agent does not have a licence authorizing him to sell timber;

(e) a facsimile of the property hammer shall be submitted by the agent in the Office of the Conservator of Forests (Utilization) and another one in the Office of the Conservator of Forests (Territorial);

(f) the agent shall affix his property hammer mark on the timber sold by him on both the ends of each piece of timber adjacent to the hammer mark of the Government;

(g) the agent shall instal fire extinguishers and other fire-safety devices in his godown and shall produce a certificate from the Chief Fire Officer stating that he has done so along with his application for licence. Further, he shall maintain these devices in operational condition and use them in the event of a fire breaking out;

(h) the agent shall sell timber at a rate not above that notified by the Government and revised by it from time to time;

(i) the agent shall display a board at his godown and shop indicating his name rates and stock position of different species of timber which shall be updated every day.

(j) the agent shall pay sales tax or other taxes under the State Government as admissible;

(k) the agent shall allow examination of his stocks and documents by the Principal Chief Conservator of Forests or any other Officer designated by him in this respect at any time, and resistance or non-cooperation shall make him liable for penal action under the Act or any of the rules made thereunder. Further, he shall produce his licence for examination when ever called for by Principal Chief Conservator of Forests or his sub-ordinate officers;

(l) the agent shall keep his premises neat and clean and free of any sanitary defect;

(m) the agent shall not display or stock his timber on public thorough fares.

Penal action against agent

9. If an agent is found to be indulging in one or more of the following practices, namely :-

(a) acquiring and/or sale of timber which is not covered by legal documents,

(b) non-compliance with the terms and conditions as laid down in these rules or provisions of other forest laws,

(c) sub-lets the licence issued to him without the permission of the Government,

(d) uses a licence, the validity of which is expired, to procure or sell timber, his licence shall be summarily cancelled and all stock of timber not authentic, confiscated and penal action initiated against him under the provision of the Act.

Renewal of licence

10. A licence shall be renewed by the Government duly following the procedure as laid out above for a new licence.

Duty of agent to Forest Officers

11. An agent shall be deemed to be a right-holder and shall be bound to assist Forest Officers as provided for under section 85 of the Act.

Agent to adhere to Transit Rules

12. The agent shall observe the provisions of the Transit Rules while transporting any timber within the State of Sikkim failing which he is liable to penal action under these rules.

Power of Government to amend rules

13. The Government if it deems fit expedient and necessary so to do, may, by notification, to be published in the Official Gazette, make amendments to the provisions of these rules.

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
GANGTOK

No. 04/EX/(ABK) **Dated 2.7.2001**

NOTIFICATION

In exercise of powers conferred by sub-section (1) 27 of the Sikkim Excise Act, 1992 (2 of 1992), and all other powers enabling in that behalf, the Government of Sikkim, hereby makes the following rules, namely :-

CHAPTER-I

PRELIMINARY

Short title, extent and commencement

1. (1) These rules may be called the **Sikkim Excise (Procedure for Registration of Indian Made Foreign Liquor/Beer and Foreign Liquor Manufactories situated in other States and outside India) Rules, 2001.**

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

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

Definitions

2. (1) In these rules, unless the context otherwise requires :

(a) "Act" means the Sikkim Excise Act, 1992;

(b) "bonded warehouse" means a licensed bonded warehouse established under clause (c) of sub-section (1) of section 12 of the Act;

(c) "duty" means excise duty or countervailing duty as defined in clause (g) of section 2 of the Act;

(d) "duty paid imported foreign liquor" means liquor of all kinds imported into India on which the excise duty leviable under the Indian Tariff Act, 1934 or the Customs Act, 1962 have already been paid;

(e) "duty paid Indian Made Foreign Liquor" means Indian Made Foreign Liquor on which the Excise Duty or as the case may be, countervailing duty under the Act has been paid and includes Indian Made Foreign Liquor which is exempted from payment of such duty;

(f) "Exporting place" means any place in India outside the State of Sikkim from which Liquor is to be brought into the State of Sikkim;

(g) "Foreign Liquor" means all liquor produced and manufactured outside India;

(h) "Form" means the form appended to these rules;

(i) "Indian Made Foreign Liquor" means all foreign liquor produced and

manufactured in India;

(j) "Imported pass" means and includes a requisition or indent countersigned by the Commissioner or Additional Commissioner or Joint Commissioner or Deputy Commissioner of the importing place or the place of import as the case may be.

(k) "importing place" means any place in India outside the State of Sikkim to which foreign liquor is to be sent from the State of Sikkim;

(l) "Liquor" means

(i) Brandy, whisky, rum, vodka, gin, liqueurs, cordials, bitters and wines or tincture containing any of the liquor aforesaid,

(ii) spirit, sophisticated or compounded so as to resemble in colour and flavour, brandy, whisky, rum, vodka, gin, liqueurs, cordials, bitter or other similar potable alcoholic preparations,

(iii) spirit including rectified spirit intended to be used for the manufacture of brandy, whisky, rum, vodka, gin, squash, cordials, bitter or other similar potable alcoholic preparations; and

(iv) beer, ale, porter, cider, sherry and other similar potable fermented liqueurs

Provided that the expression "Potable liquor" shall not include, unless there is anything repugnant in the subject or in the context, the spirit including rectified spirit mentioned in item (iii) aforesaid;

(m) "place of export" means place in the State of Sikkim in which foreign liquor is imported;

(n) "place of export' means place in the State of Sikkim from which foreign liquor is exported;

(o) "verification" means

(i) examining the seals of the cask, drums or other receptacles forming the consignment of intoxicants to certify that they are not tempered with during transit;

(ii) ascertaining that the number and marks on the casks, drums or packages tally with those shown on the reverse on the permit,

(iii) ascertaining that the quantity transported tallies with the quantity mentioned in the permit and includes in the case of spirit the strength of which can be ascertained by the hydrometer examining the contents by drawing samples from the cask or drums or other packages in order to find that the strength of the spirit correspond to that shown on the reverse of the permit; and

(iv) satisfying that the duty or fee required to be paid under the Act or rules thereunder have been correctly levied and credited.

(p) "warehouse officer" means an officer-in-charge of a bonded warehouse.

(2) Words and expressions not defined in these rules but defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

Registration of Exporters of Indian Made Foreign Liquor/ Beer and Foreign Liquor

3 Any manufacturer of Indian Made Foreign Liquor/Beer/Foreign Liquor having such manufactory or brewery located in a State other than Sikkim and outside India desires to export Indian made Foreign Liquor/Beer in the State of Sikkim shall made an application, addressed to the Commissioner for registration shall contain the following particulars, namely -

(i) Name and address of the applicant :

In case of an applicant which is a firm or a company, the name and address of the partners and promoters of such applications shall be accompanied with an attested copy of Licences, registered a partnership deed and Article or Association and Memorandum of association (latest).

(ii) Number, date and validity period of the manufacturer brewery licence, with an attested copy thereof

(iii) Name of the brand, stating whether such brand is a registered trade mark and the number and date of trade mark registration with a copy of trade mark registration and a copy of certificate or registration.

(iv) An undertaking to the effect that the manufacturer undertakes to abide by the condition of the certificate or registration and the provisions of the Sikkim Excise Act, 1992 (Act No. 2 of 1992) and rules, regulations and orders made thereunder

Grant of Certificate of Registration

4. On receipt of the application made under rule 3, the Commissioner shall make such enquires as he deems necessary and on being satisfied that there is not objection to grant the registration applied for, he may grant the certificate of registration in the form on payment of fees (inclusive of consideration) of Rupees 20,000 (twenty thousand) only.

Approval of brands

5 The holder of certificate of registration granted under rule 4 shall apply to the Commissioner for approval of the brands of each kind of liquor intended to be exported for import in the State of Sikkim. On receipt of such application the Commissioner shall make such enquires as he deems necessary and on being satisfied that there is no objection to approve the brands ha may grant the approval thereof on payment of fees as shown below, namely :-

	Description	Fee for first registration & renewal per annum
(i)	Every Brand of Indian Made Foreign Liquor Imported from other States.	Rs. 5000/- per label per size.
(ii)	Every brand of Beer Imported from other States	Rs. 2500/- per label per size.
(iii)	Every Brand of Foreign Imported Liquor brought into India from Foreign Country.	Rs.10,000/- per label per size.
(iv)	Every Brand of Beer brought into India from Foreign Country	Rs. 5000/- per label per size.

Duration of registration

6. No certificate of registration issued under rule 4, and approval of brands under rule 5 shall be granted for a period beyond 31st day of March next following the date of grant of the said certificate.

Procedure of grant of certificate of registration for subsequent period

7. Any holder of the certificate granted under rule 4, who desires to continue such registration after the date of expiry may make an application as provided in rule 3 atleast 30 (thirty) days before the date of expiry of the certificate. The provisions of rules 3 and 4 and approval of brands under rule 5 shall, mutatis mutandis apply to the grant of certificate of registration for subsequent period.

Import of Foreign Liquor in the State & Payment of Excise Duty

8. Only such foreign liquor or beer as are manufactured by the holder of certificate of registration issued by the Commissioner shall be allowed to be imported in the State of Sikkim on payment of Excise Duty and fees, prescribed in this behalf from time to time, in the State.

Suspension and cancellation of certificate of registration

9. The certificate of registration may be suspended or cancelled in accordance with provisions of section 28 of the Act.

FORM
(See rule 4)

Certificate of registration (for manufactories of the Indian Made Foreign Liquor/Beer and foreign liquor situated in a State other than Sikkim and outside India.

CERTIFICATE

No. ...../

Certificate of registration is hereby granted to Shri/Smt.....

.....

(here state the name and address)

authorising him/them to export Indian Made Foreign Liquor/Beer and Foreign Liquor or both for import in the State of Sikkim having paid into the Government treasury at

.....(place) the sum of rupees twenty thousand on account of fee (inclusive of consideration), under and subject to the provisions of the Sikkim Excise Act,1992 and the Sikkim Foreign Liquor (Import, Export & Transport) Rules, 1993 and any other rules, regulations and orders made thereunder and subject to the following conditions, namely:-

CONDITIONS:

1. (a) All labels required to be used PP caps, size of bottles, Casks or Kegs shall be submitted to the Commissioner for his approval before export.

   (b) While applying for label registration the exporter shall submit a sample of bottle of each size along liquor compel with labels, caps, etc. in all respect.

2. All bottles and packages containing Indian Made Foreign Liquor/Beer and Foreign Liquor shall bear a label showing the name of manufactures, alcoholic strength, batch number and date of manufacture. In addition to above details, the label shall also contain an inscription, namely:-

   "FOR SALE IN SIKKIM ONLY" in bold letter and the guaranteed fluid contents of each bottle, cask or keg.

3. All bottles, cask or kegs shall be firmly crown corked or properly closed with bugges and sealed. Metallic crown corks shall be firmly fixed in a proper position by a working machine. Such crown cork shall bear the name of the manufacture.

4. Indian Made Foreign Liquor/Beer/Foreign Liquor meant for supplies to the Defence Service through the Canteen stores Department (India) Limited, shall bear an additional inscription as follows, namely:-

   "FOR DEFENCE SERVICE ONLY"

5. This certificate shall be suspended or cancelled in accordance with the provisions of sections 28 of the Sikkim Excise Act, 1992.

6. The holder of the certificate shall comply promptly with all lawful orders and directions issued from time to time by the Commissioner.

7. This certificate shall be valid from the date of its issue, till 31st day of March.....

(SEAL)

Gangtok, dated the

Commissioner of Excise
Sikkim State

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS & TRAINING
GANGTOK

No.42/GEN/DOP **Dated: 28.6.2001**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor hereby makes following rules regulating the method of recruitment to the posts of Assistant Architect Senior Architect Deputy Chief Architect and Chief Architect namely :-

1. **Short title and commencement -**

(1) These rules may be called the **Sikkim State Architect Service Recruitment Rules, 2001**

(2) They shall come into force at once

2. **Number of posts, classification and scale of pay-**

The number of posts, their classification and scale of pay attached thereto shall be specified in columns 2,3, and 4 of the Schedule

3. **Method of recruitment, age limit, qualification, etc. -**

The method of recruitment, age limit qualification and other matters relating to the said posts shall be as specified in columns 5 to 9 of the Schedule.

4. **Disqualification -**

No person -

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who having a spouse living has entered into or contracted a marriage with any person,
shall be eligible for appointment to any of the said post.

Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for doing so exempt any person from the operation of these rules.

5. **Power to relax -**

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

Provided that where no suitable or sufficient provisions have been made in so far as the Sikkim State Architect Service Recruitment Rules are concerned, the provisions as applicable to the staff/officers of the corresponding grade shall mutatis mutandis apply subject to such modifications as may be made, or required to be made.

6. **Saving -**

Nothing in these rules shall affect reservation, relaxation of age limit and other concession required to be provided for the Scheduled Caste, Scheduled Tribes, Other Backward Classes and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

SCHEDULE

Sl. No.	Name of Post	No. of post	Classification	Scale of Pay	Method of recruitment, whether direct or promotion	Eligibility condition required for direct recruitment	Eligibility condition required for promotion	Period of probation	If a DPC composition
1	2	3	4	5	6	7	8	9	10
1	Assistant Architect	9	Junior Grade	7000-225-11500	100 % by direct recruitment	Age between 21-30 (Upper age limit relaxable by 5 years in the case of Scheduled Tribe/Scheduled Caste candidates and by 3 years in case of Other Backward Classes category candidates. Educational Qualification: Degree of a recognised University in Architecture.	Not applicable	Two years	(1) Chairman, Sikkim Public Service Commission. (2) Member, SPSC (3) Secretary, Department of Personnel. (4) Secretary/Heads of Department concerned (5) Secretary to the Government nominated by the Government. The Committee may co-opt any expert/subject specialist to assist the Committee.
2	Senior Architect	03	Senior Grade	9000-300-13800	100% by promotion	Not applicable	6 (Six) years continuous service in Junior Grade as Assistant Architect and subject to availability of vacancy	One year	-do-
3	Deputy Chief Architect	02	Selection GradeII	11000-350-16250	100% by promotion	Not applicable	6 (Six) years continuous service in Senior Grade as Senior Architect and subject to availability of vacancy.	One year	-do-
4	Chief Architect	01	Supertime Grade II	14300-400-18300	100% by promotion	Not applicable	8 (Eight) years continuous service as Deputy Chief Architect in Selection Grade II and subject to availability of vacancy.	One year	-do-

GOVERNMENT OF SIKKIM
SOCIAL WELFARE DEPARTMENT
GANGTOK

No.11/SW **Dated 15th March, 2001**

NOTIFICATION

Whereas the State Government has deemed it expedient and necessary to frame rules with regard to grant Old Age Pension;

Now, therefore, the State Government hereby makes the following rules regulating grant of Old Age Pension, namely :-

Short title and commencement

1. (1) These rules may be called the **Sikkim Old Age Pension Rules, 2001**
(2) They shall come into force at once.

Definition

2. In these rules, unless the context otherwise requires;

(a) "Department" means the Social Welfare Department in the Government of Sikkim.

(b) "Form" means the form appended to these rules;

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

(d) "Local resident" means a person belonging to either Bhutia, Lepcha or Nepali Community possessing Sikkim Subject Certificate or Certificate of Identification;

(e) "Old age persons" means a person who has attained the minimum age of 65 (sixty five) years in respect of both made and female;

(f) "Poor and needy" means person having no regular source of income of his/her own or through financial support from family members i.e. Below Poverty Line Certificate holder and is non-recipient of any other pension from the State Government/Central Government or any other sources.

(g) "Selection Committee" means the Old Age Pension Selection Committee constituted under rule 4;

Amount of Pension

3. The amount of pension payable to each old age person shall be such as may be notified by the Government from time to time.

Selection Committee

4. There shall be a Selection Committee for the purpose of selection of the beneficiaries consisting of the following members namely;-

(1) Secretary, Social Welfare Department - Chairperson

(2) Joint Secretary - Member

(3) Social Welfare Officer - Member

Number of persons eligible ina household/ family	5.	In case both the husband and wife are old age persons and are eligible for Old Age Pension, only one Old age person from the family shall awarded Old Age Pension. In case of death of pensioner, such pension may be transferred to his/ her spouse, if alive on surrender of the pass book, provided he/she is 65 of age or more.
Cessation of Pension	6.	(1) The Old Age Pension shall cease from the date of the death of a pensioner. The amount due upto the corresponding month of death shall be paid to the immediate members of the pensioner and the pass book is to be surrendered to the Department. (2) In case of permanent migration of the pensioner outside Sikkim, the pension shall cease to be payable from the date of his/her migration. In such event the family/Panchayat of the pensioner shall surrender the pass book to the Department.
Authority competent to sanction pension	7	The Authority Competent to sanction pension shall be the Secretary, Social Welfare Department.
Procedure for Application	8	Application for pension shall be made prescribed from fee of charge, alongwith (three) passport size photographs, Sikkim Subject Certificate or Certificate of Identification, B.P.L. Certificate and date of birth duly certified by the concerned Panchayat.
Procedure for grant of pension	9.	(1) On receipt of an application in the prescribed Form the same shall be scrutinised by the Selection Committee regarding age, Sikkim Subject, Certificate of Identification, B.P.L. Certificate etc. and on complete/satisfactory documents, approval shall be accorded by the Secretary. (2) A copy of the Order for the grant and payment of Old Age Pension shall be endorsed to the District Collectors, Sub-Divisional Magistrates, Revenue Officers and Panchayats where the applicant actually resides and the applicant himself/herself.
Payment of Pension	10.	(1) The Secretary, Social Welfare Department shall be the competent authority to make payment of pension. (2) The pension shall be distributed by the Officers and staff of the Social Welfare Department in different districts. (3) The details of the pensioners/maintenance of accounts etc. shall be maintained by the Social Welfare Department.
Verification	11	If required, concerned officer of the Social Welfare Department shall make tour to village to verify the continued existence of the pensioner and other relevant particulars.
Intimation of Death of the pensioner	12.	In the event of death of the pensioner, the family member/Panchayat shall make report and also surrender the pass book to the Social Welfare Department, immediately.
Penalty	13.	The sanctioning authority shall have the right to recover payments made on the basis of false or mistaken information, if any, about eligibility and death of beneficiaries.

FORM

(See rule 8 and 9)

GOVERNMENT OF SIKKIM

SOCIAL WELFARE DEPARTMENT

APPLICATION FORM FOR GRANT OF OLD AGE PENSION

1. Name of Applicant .....
2. Father's Name/Husband's Name .....
3. Date of Birth.....
4. Whether Husband/Wife is recipient of Old Age Pension.....
5. Gram panchayat Unit No. and Name.....
6. Name of Ward.....
7. Constituency .....
8. Sub-Division.....
9. District.....
10. Name of Children Age Occupation

The informations given above are true to the best of my belief and knowledge. Further, if at any time the Department finds that the informations given are/is incorrect, I agree to surrender the pass book issued to me under these rules.

Signature of Thumb Impression of the Applicant.

To be enclosed.

1. 3 Recent Passport size Photographs.
2. Attested Photocopy of Sikkim Subject Certificate/Certificate of Identification.
3. Attested photocopy of B.P.L. Certificate.

Panchayat recommendation

It is certified that the applicant is..... years old and is poor and needy person. Hence, his/her application for Old Age Pension is hereby recommended.

Signature.....
Full Name.....
Seal.....

M.L.A. Recommendation

APPLICATION OF THE APPLICANT IS HEREBY RECOMMENDED.

Signature.....
Seal.....

FOR OFFICIAL USE ONLY

Application received along with

1) Pass-photos..... Nos.....
2) Sikkim Subject/Certificate of Identification (Photocopy)
3) B.P.L. Certificate (Photocopy)

Full Name.....
Designation.....
Date.....

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS AND TRAINING
GANGTOK

No. 40/GEN/DOP **Dated 23.6.2001**

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules regulating the method of recruitment and promotion to certain posts in the Directorate of Handicrafts and Handlooms, namely :-

1. **Short title and commencement :-**

(1) These rules may be called the **Directorate of Handicrafts and Handlooms Employees Recruitment Rules, 2001.**

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

2. **Application -**

These rules shall apply to the posts as specified in column 2 of the Schedule appended to these rules.

3. **Definitions -**

In these rules, unless the context otherwise requires :-

(a) "appointed day" means the date on which these rules shall come into force;

(b) "duty post" means any post included in the Schedule;

(c) "Government" means the Government of Sikkim;

(d) "Grade" means any of the grades or class specified in the Schedule;

(e) "Schedule" means the Schedule appended to these rules;

4. **Sanctioned Strength, Classification and Pay Scale :-**

The number of posts, pay scale and classification of the duty posts shall be as specified in columns 3 and 4 of the Schedule.

5. **Persons holding duty post -**

All persons holding duty posts on the appointed day shall be deemed to have been appointed to the corresponding duty posts respectively held by them.

6. **Method of recruitment, age limit and the qualification :-**

The method of recruitment, age limit, qualification and other matters relating to the duty posts shall be as specified in columns 5 and 6 of the said Schedule.

7. Disqualification :

No person :-

(a) who has entered into or contracted a marriage with a person, having a spouse living, or

(b) who having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to duty posts :

Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other grounds for so doing exempt any person from the operation of this rule.

8. Seniority :-

(1) The relative seniority of persons holding duty posts in different grades shall be regulated by their seniority obtained in the corresponding grade on the appointed day.

(2) The relative seniority of direct recruits and promotees after the appointed day, shall be determined by the order of merit in which they are selected for appointment.

(3) The relative seniority of direct recruits and promotees after the promotees in any grade shall be determined according to the rotation of vacancies for direct recruits and promotees.

9. Probation :-

(1) A person appointed to any of the duty by direct recruitment shall be on probation for two years.

(2) Any person promoted to any duty post shall be on probation for one year.

At the discretion of the appointing authority, the probation period may be extended for a period not exceeding 2 (two) years, in both cases, if the performance of the person so appointed or promoted to any duty post is not found satisfactory of if he fails to undergo such training as may be prescribed during the period of probation.

10. Training :

A person on probation shall required to undergo such training as may be prescribed by the Government.

11. Confidential :

Where a person appointed or promoted on probation has completed his period of probation to the confirmed in accordance with the rules and procedures prescribed for this purpose under the Sikkim Government Service Rules, 1974.

12. Power to relax :

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

13. Repeal and saving :-

(1) The conditions of service in respect of matters to which no provisions have been made in these rules shall be the same as are applicable generally to the employees of the Government from time to time.

2) Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for persons belonging to special categories of candidates.

(3) On and from the date on which these rules come into force, the provisions of rules or orders which are not in conformity with provisions of these rules shall stand repealed.

(4) Notwithstanding such repeal, anything done or any action taken under the said rules or orders shall be deemed to have been done or take under the corresponding provision of these rules.

SCHEDULE

Sl No	Post/Grade	Number of posts	Payscale & classification	Mode of recruitment	Eligibility conditions
1	2	3	4	5	6
I	TRAINING SECTION				
	i) Asst. Director	1	7000-225-11500 Group B	100% by promotion on seniority-cum-merit basis subject to availability of vacancy	8(eight) years of regular service as Inspectors, Branch Incharge, Asst.Marketing Officer and Technical Assistant (Handloom)
	ii) Inspector	1	5000-150-8000	100% by direct recruitment	i) Graduate from a recognised university with sound knowledge in culture and tradition of the State Preference will be given to those having knowledge in Sikkimese traditional handicrafts & handloom. ii) Should be in possession of Sikkim Subject Certificate. Certificate of Identification/Employment Card (L), Birth Certificate etc. Certificate where-ever applicable. iii) Age- Minimum 21 yrs and maximum 30 yrs. Relaxable by 5 yrs. in case of person already serving under the State Government/ Scheduled Tribes/Scheduled Caste candidates and 3 years in case of candidates belonging to Other Backward Classes

1	2	3	4	5	6
	3)Technical Assistant	1	5000-150-8000 Group C	100% direct recruitment	i) Class XII from a recognised Board with 3 (three) years diploma in Handloom Technology from a recognised Institute. ii) Should be in possessing of Sikkim Subject/Certificate of Identification/ Employment Card (L), Birth Certificate etc. iii) Age- Minimum 21 yrs and maximum 30 yrs. Relaxable by 5 yrs in case of person already serving under the State Government/ Scheduled Tribes/Scheduled Caste candidates and 3 years in case of candidates belonging to Other Backward Classes.
2.	CARPENTRY SECTION				
	1) Carpentry Instructor	4	4000-100-6000 Group C	100% direct recruitment	Class X passed. Should posses diploma in Carpentry from any recognised Technical Institute.
	2)Carpenter	2	2850-55-45170 Group D	a) 50% by direct recruitment. b) 50% by regularisation of MR workers on seniority-cum-merit subject to availability of vacancy.	i) Class VIII passed with Training Certificate in Carpentry from ITI Rangpo or any other recognised technical institute. ii) Should be in possession of Sikkim Subject Certificate/Certificate of Identification, Employment Card(L) Birth Certificate etc. iii) Age- Minimum 21 yrs and maximum 30 yrs. relaxable by 5 yrs in case of persons already serving under the State Government/ Scheduled Tribe/ Scheduled Caste candidates and 3 yrs in case of candidates belonging to Other Backward Classes. iv) From amongst senior MR workers with atleast 5 yrs of experience in carpentry.
3	BRANCH CENTRE				
	1) Assistant Director	1	7000-225-11500 Group B	100% by promotion on seniority-cum-merit basis subject to availability of vacancy	8 yrs of regular service as Inspector, Branch Incharge, Asst. Marketing Officer & Technical Asst. (Handloom)
	2) Inspector	1	5000-150-8000	100% by direct recruitment	i) Graduate from a recognised University with sound knowledge in culture and tradition of the State Preference will be given to those having knowledge in Sikkimese traditional handicrafts and handloom ii) Should be in possession of Sikkim Subject Certificate/Certificate of Identification, Employment Card (L), Birth Certificate etc iii) Age - 21 yrs and maximum 30 yrs relaxable by 5 yrs. in case of persons already serving under State Govt./ Scheduled Tribe/Caste candidates and 3 yrs in case of candidates belonging to Other Backward Classes

1	2	3	4	5	6
	3) Branch Incharge	19	5000-150-8000	a) 50% by direct recruitment	i) Graduate from a recognised University with sound knowledge in culture and tradition of the State. Preference will be given to those having knowledge in Sikkimese traditional handicrafts & handloom ii) Should be in possession of Sikkim Subject Certificate/Certificate of Identification, Employment Card(L) Birth Certificate iii) Age-Minimum 21 yrs and maximum 30 yrs relaxable by 5 yrs in case of Scheduled Tribe/Caste and persons already serving under the State Govt. 3 yrs. in case of candidates belonging to Other Backward Classes.
				b) 50% by promotion on seniority-cum-merit subject to availability of vacancy.	b) 8 yrs. of regular service as Sales Supervisor
4	FIELD LEVEL ORGANISATION				
	1) Assistant Director	1	7000-225-11500 Group B	100% by promotion on seniority-cum-merit basis subject to availability of vacancy	8 years of regular service as Inspectors, Branch Incharge, Asst. Marketing Officer, and Technical Assistant, (Handloom)
	2) Inspector	1	5000-150-8000 Group C	a) 100% by direct recruitment	i) Graduate from a recognised\ University with sound knowledge in culture and tradition of the State. Preference will be given to those having knowledge in Sikkimese traditional handicrafts & handloom. ii) Should be on possession of Sikkim Subject Certificate/Certificate of Identification. Employment Card(L) Birth Certificate. iii) Age- Minimum 21 yrs and maximum 30 yrs relaxable by 5 yrs in case of persons already serving under the State Govt. and persons belonging to Scheduled Tribe, 3 yrs in case of candidates belonging to Other Backward Classes.
5	PRODUCTION				
	1) Deputy Director	1	9000-300-13800 Group A	100% by promotion on seniority-cum-merit basis subject to availability of vacancy.	6 (six) years of regular service as Assistant Director
	2)Asst. Director	1	7000-225-11500 Group B	100% by promotion on seniority-cum-merit basis subject to availability of vacancy.	8 (eight) yrs of regular service as Inspectors, Branch Incharge, Asst. Marketing Officer & Technical Assistant (Handloom).
	3)Inspector (Production)	1	5000-150-8000	a) 100% by direct	i) Graduate from a recognised

1	2	3	4	5	6
				recruitment	University with sound knowledge in culture and tradition of the State. Preference will be given to those having knowledge in Sikkimese traditional handicrafts and handloom. ii) Should be on possession of Sikkim Subject certificate/Certificate of Identification, Employment Card(L), Birth Certificate etc. iii) Age- Minimum 21 yrs and maximum 30 yrs relaxable by 5 yrs in case of persons already serving under the State Govt. and persons belonging to Scheduled Tribe, 3 yrs in case of candidates belonging to Other Backward Classes.
6.	HANDMADE PAPER UNIT SECTION				
	1) Asst. Director Hand Made Paper Unit	1	7000-225-11500 Group B	100% by promotion	10 yrs. of regular service as Senior Supervisor
	2) Supervisor (HMPU)	2	4300-125-6800 Group C	a) 50% by direct recruitment & b) 50% by promotion on seniority-cum-merit subject to availability of vacancy.	i) Graduate with managerial course in handmade paper unit ii) Age: Minimum 21 years and maximum 30 years. Relaxable by 5 years in case of persons already serving under the State Govt.or ST and SC candidates and 3 years in case of candidates belonging to Other Backward Classes. iii)Should be in posession of Sikkim Subject certificate or Identification, Employment Card (L), Birth Certificate. 6 yrs. of regular service as Technician (HMPU)/ Artisan (HMPU)
	3) Technical Artisan (HMPU)	2	3400-85-5100 Group C	100% by promotion on seniority-cum-merit subject to availability of vacancy.	6 yrs. of regular service as Junior Technician as Jr. Artisan (HMPU).
	4) Binder (HMPU)	1	2850-55-4170	100% by direct recruitment	i) Class X pass from recognised Board. ii) Age- Minimum 21 yrs and maximum 30 yrs relaxable by 5 yrs in case of persons already serving under the State Govt. and persons belonging to Scheduled Tribe/Caste, 3 yrs in case of candidates belonging to Other Backward Classes.
7	SALES/MARKETING 1) Asst.Director	1	7000-225-11500 Group B	100% by promotion on seniority-cum-merit basis subject to availability of vacancy	8 yrs of regular service as Inspector, Branch Incharge, Asst. Marketing Officer & Technical Asst. (Handloom)
	2) Asst. Marketing Officer	1	5000-15-8000 Group C	a) 50% by direct recruitment and	i) Graduate from a recognised University with sound knowledge in culture and tradition of the State.

1	2	3	4	5	6
					Preference will be given to those having knowledge in Sikkimese traditional handicrafts and handloom ii) Should be on possession of Sikkim Subject certificate/Certificate of Identification, Employment Card(L), Birth Certificate etc. iii) Age- Minimum 21 yrs and maximum 30 yrs relaxable by 5 yrs in case of persons already serving under the State Govt. and persons belonging to Scheduled Tribe, 3 yrs in case of candidates belonging to Other Backward Classes.
				b) 50% by promotion seniority-cum-merit basis subject to availability of vacancy.	8 yrs of regular service as Sales Supervisor
	3) Sales Supervisor	1	4300-125-6800 Group C	100% by promotion on seniority-cum-merit basis subject to availability of vacancy	6 yrs of regular service as Sales Incharge
	4) Sales Incharge	2	4000-100-6000 Group C	100% by promotion on seniority-cum-merit basis subject to availability of vacancy	6 yrs regular service as Sales Assistant
	5)Sales Assistant	4	3400-85-5100 Group C	100% by direct recruitment	i) Minimum Class X or equivalent from a recognised Board with typing certificate. Preference will be given to the candidates having higher qualification and fluency in English language. ii)Should be on possession of Sikkim Subject certificate/Certificate of Identification, Employment Card(L), Birth Certificate etc. iii) Age- Minimum 21 yrs and maximum 30 yrs relaxable by 5 yrs in case of persons already serving under the State Govt. and persons belonging to Scheduled Tribe, 3 yrs in case of candidates belonging to Other Backward Classes.
8	INSTRUCTIONS 1) Thanka Painting Grade I	NA	7000-225-11500 Group B	Gradation	to be attained on completion of 20 yrs of service, i.e. total service of 20 yrs rendered in Grade III and II
	2) Thanka Painting Grade II	NA	5500-175-9000 Group C	Gradation	to be attained on completion of 10 yrs of service in Grade III
	3) Thanka Painting Grade III	NA	4300-125-8800 Group C	100% by direct recruitment	i)Passed out trainee of Directorate of Handicrafts & Handloom with 5 yrs. experience. ii) Age- Minimum 21 yrs and

1	2	3	4	5	6
					maximum 30 yrs relaxable by 5 yrs in case of persons already serving under the State Govt. and persons belonging to Scheduled Tribe/Caste, 3 yrs in case of candidates belonging to Other Backward Classes. iii)Should be on possession of Sikkim Subject certificate/Certificate of Identification, Employment Card(L), Birth Certificate etc.
2.	1) Arts/Wood Carving (Grade I) Mask Carving	NA	7000-225-11500 Group B	Gradation	to be attained on completion of 20 yrs of service i.e. total service of 20 service rendered in Grade III & II.
	2) Arts/Wood Carving (Grade II) Mask Carving	NA	5500-175-9000 Group C	Gradation	to be attained on completion of 10 yrs of service in Grade III.
	3)Arts/Wood/Carving (Grade III) Mask Carving	18	4300-125-6800 Group C	100% by direct recruitment	i) Passed out Trainee of Directorate of Handicrafts & Handloom with 5 yrs experience. ii) Age- Minimum 21 yrs and maximum 30 yrs relaxable by 5 yrs in case of persons already serving under the State Govt. and persons belonging to Scheduled Tribe/Caste, 3 yrs in case of candidates belonging to Other Backward Classes. iii)Should be on possession of Sikkim Subject certificate/Certificate of Identification, Employment Card(L), Birth Certificate etc. Sl. No. 2 is not covered by existing Notification.
3.	1) Carpet/Handloom/ Multicrafts Cane & Bamboo/Blanket/Tweed/ Dyeing (Grade I)	NA	7000-225-11500	Gradation	to be attained on completion on 20 yrs of service i.e. total service of 20 yrs in Grade III and II.
	2) Carpet/Handloom/ Multicrafts Cane & Dyeing (Grade II)	NA	5500-175-9000	Gradation	to be attained on completion on 10 yrs of service in Grade III.
	3) Carpet/Handloom/ Multicrafts Cane & Dyeing (Grade III)	NA	4000-125-6000	100% by direct recruitment	i) Passed out Trainee of Directorate of Handicrafts & Handloom with 2yrs experience. ii) Age- Minimum 21 yrs and maximum 30 yrs relaxable by 5 yrs in case of persons already serving under the State Govt. and persons belonging to Scheduled Tribe/Caste, 3 yrs in case of candidates belonging to Other Backward Classes. iii)Should be on possession of Sikkim Subject certificate/Certificate of Identification, Employment Card(L), Birth Certificate etc.

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS AND TRG.
GANGTOK

No. 31/GEN/DOP **Dated, Gangtok, the 17th May, 2001**

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor is hereby pleased to make the following rules regulating the appointment, promotion and seniority in the Sikkim Vigilance Police, namely :-

1. Short title and commencement :

(1) These rules may be called the **Sikkim Vigilance Police (Appointment, Promotion and Seniority) Rules, 2001.**

(2) They shall be deemed to have come into force w.e.f. 11th September, 2001 i.e. from the date of coming into force of the Sikkim Police Force (Recruitment, Promotion and Seniority) Rules, 2000.

(3) These rules supersede the Sikkim Vigilance Police (Appointment, Promotion and Seniority) Rules, 1981

2. Definitions :

In this rules, unless the context otherwise requires :

(1) "Appointing Authority" means the appointing authority specified under the Sikkim Police Force (Discipline and Appeal) Rules, 1989 as amended from time to time.

(2) "Deputation" means transfer of persons from other organisations to the Sikkim Vigilance Police for a specified period and includes the 'transfer on deputation'.

(3) "Director" means the Director of Vigilance in the Sikkim Vigilance Police.

(4) "Government" means the Government of Sikkim.

(5) "Schedule" means a schedule to these rules.

(6) "Sikkim Vigilance Police" means the Sikkim Vigilance Police constituted under the Sikkim Vigilance Police Act, 1978.

3. Application :

These rules shall apply to :

(1) All personnel existing on the permanent strength of the Sikkim Vigilance Police immediately before the coming into force of these rules.

(2) Personnel on deputation to the Sikkim Vigilance Police from the Sikkim Police

Force.

(3) Personnel on deputation from the Central Government or any other State Government.

(4) Persons holding posts specified in the schedules.

(5) Persons appointed on contract for temporary periods in the Sikkim Vigilance Police.

4. Composition and strength of the Sikkim Vigilance Police :

Subject of review by the Government from time to time, the composition and strength of the Sikkim Vigilance Police shall be as specified in schedule II.

5. Appointment :

(1) The method and source of appointment to the Sikkim Vigilance Police shall be as specified in the Schedules I and II.

Provided that all personnel existing on the permanent strength of the Sikkim Vigilance Police, immediately before the coming into force of these rules, shall be deemed to be on deputation from the Sikkim Police Force with effect from the date these rules are deemed to have come into force.

(2) Appointments to fill up vacant posts upto the rank of Sub-Inspector in Sikkim Vigilance Police will be made by the Director from the persons nominated for the posts by the Sikkim Police. Appointments to posts of the rank of Inspector and above will be made by the Government.

6. Period of deputation :

Appointment by deputation shall ordinarily be for a period of three years subject to extension by one year at a time up to a maximum of two years.

Provided that the personnel, existing on the permanent strength of the Sikkim Vigilance Police immediately before the coming into force of these rules and deemed to be on deputation with effect from the date these rules have come into force, will continue to hold their posts in the Sikkim Vigilance Police till such time as deemed appropriate by the Appointing Authority in the case of each personnel and, the period of deputation in such cases shall be construed accordingly.

7. Promotions :

(1) Promotion shall be made by the parent department/cadre controlling authority of the person concerned. A person getting promotion in his parent department/ cadre may be retained in the Sikkim Vigilance Police in the higher rank, subject to availability of vacancies, till the completion of his tenure.

(2) If suitable candidates are not available, posts up to the rank of Inspector may be filled by giving ad-hoc promotion to persons on deputation from the Sikkim Police Force, including those who were on the permanent strength of the Sikkim Vigilance Police prior to the coming into force of these rules, provided they have competed the minimum qualifying service prescribed for promotion to the post.

Such ad-hoc promotions shall not, however, entitle a person to claim any benefits in his parent department/cadre.

8. **Seniority :**

(1) Seniority of persons on deputation shall be as in their parent department/cadre.

(2) Seniority of persons existing on the permanent strength of Sikkim Vigilance Police immediately before the coming into force of these rules, via-a vis members of the Sikkim Police Force shall be determined on the basis of the criteria approved by the Government.

9. **Residuary matters :**

All other matters, in relation to the Sikkim Vigilance Police, not specified or for which no provision has been made in these rules, shall be regulated by rules and orders applicable to the Sikkim Police Force.

10. **Interpretation :**

If any question arises to the interpretation of these rules, the decision of the Government thereon shall be final.

SCHEDULE I

CLASSIFICATION OF POSTS AND METHOD OF APPOINTMENT

Name of Post/ Classification	Pay Scale	Age Educational Qualifications	Mode of Appointment	Minimum Qualifying Service Reqd. for promotion
1	2	3	4	5
Driver (Class III)	As prescribed for Sikkim Police Force	As prescribed for Sikkim Police Force	By deputation of Drivers from Sikkim Police Force	As prescribed for the Sikkim Police Force
Constable (Class III)	-do-	-do-	By deputation of Constable from Sikkim Police Force	NA
Head Constable (Class III)	-do-	-do-	i) By deputation of Head Constables from Sikkim Police Force or ii) By deputation of Constables from Sikkim Police Force eligible for promotion of HCs.	As prescribed for the Sikkim Police Force
Assistant Sub Inspector (Class III)	-do-	-do-	i) By deputation of ASIs from the Sikkim Police Force or	-do-

1	2	3	4	5
			ii) By deputation of HCs from Sikkim Police Force eligible for promotion to ASIs.	
Sub Inspector (Class III)	-do-	-do-	By deputation of Sub-Inspector from the Sikkim Police Force	-do-
Inspector (Class II)	-do-	-do-	i) By deputation of Inspectors from Sikkim Police Force or ii) By deputation of SIs from Sikkim Police Force eligible for promotion to Inspector.	-do-

SCHEDULE II
COMPOSITION, STRENGTH AND SOURCE AND APPOINTMENT TO THE SIKKIM VIGILANCE POLICE

Name of the post	No. of posts.	Source of appointment
Director	1	IPS officers of the rank of Inspector General of Police
Supdt. of Police	1	IPS/Sikkim Police Service officers of the rank of Superintendent of Police or Sr. Supdt. of Police
Dy. Supdt. of Police	4	On deputation of officers of rank of Dy. SP having experience in criminal investigation, from the Sikkim Police Service and, in case no suitable officers are available from the Central/other State Governments.
Inspector	8	On deputation of officers of the rank of Inspector or Sub-Inspectors eligible for promotion to Inspectors, having experience in criminal investigation from the Sikkim Police Force and, in case no suitable officers are available, from the Central/ other State Governments.
Sub Inspector	8	On deputation of officers of the rank of Sub-Inspectors, having experience in criminal investigation from Sikkim Police Force
Asst. Sub Inspector	5	On deputation from the Sikkim Police Force
Head Constable	7	-do-
Constable	35	-do-
Driver	4	-do-
Follower (Sweeper)	1	-do-
Technical/Legal Expert	1*	On deputation from the Central or State Government or on contract such person who are qualified for appointment to the superior technical services of the State Government. Legal expert should be qualified for appointment as Public Prosecutor.

* Additional number of technical experts may be appointed for a temporary period with the approval of the State Government depending upon requirement.

GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK

No.11/H&FW **Dated: 27/07/2001**

NOTIFICATION

In exercise of the powers conferred by sub-sections (2) and (3) of Section 94 of the Mental Health Act, 1987 (14 of 1987) and with previous approval of the Central Government, the State Government hereby makes the following rules, namely :-

CHAPTER - I

PRELIMINARY

Short title, extent and commencement

1 (1) These rules may be called the **Sikkim State Mental Health Rules, 2001.**

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

Definition

2. In these rules, unless the context otherwise requires :

1 (a) 'Act' means the Mental Health Act, 1987.

(b) 'Applicant' means the person who makes an application to the licensing authority for grant of licence;

(c) 'Authority' means the State Mental Health Authority constituted under section 4 of the Act;

(d) 'Chairman' means Chairman nominated under Rule;

(e) 'form' means form appended to these rules;

(f) 'licence' means licence granted under section 8 of the Act;

(g) 'Licensing Authority' means such officer or the Authority as may be specified by the State Government to be licensing Authority for the purpose of the Act;

(h) 'member' means member of the authority appointed under rule 3 ;

(i) "membership' means membership of the authority established under section 4 of the Act;

(j) "Non-Official Member' means a member appointed under sub-rule (2) of rule 3;

(k) 'Official Member' means official member appointed under sub-rule (1) of rule 3.

(l) 'Secretary' means Secretary to the Authority appointed under rule 13;

(m) "State Government' means Government of Sikkim;

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER - II

STATE MENTAL HEALTH AUTHORITY

Constitution of the authority

3. The authority shall consist of the following members, namely :-

(1) Official Members :

(a) Secretary, Health and Family Welfare Department,

(b) Secretary/Director, Social Welfare Department,

(c) Joint Secretary, Health and Family Welfare Department,

(d) Director of Health Services,

(e) Medical Superintendent, S.T.N.M. Hospital, Gangtok

(f) Consultant Psychiatrist, S.T.N.M. Hospital, Gangtok,

(2) Non-Official Member :

Three members including one Social Worker, one Clinical Psychologist and one Medical Psychiatrist who in the opinion of the State Government have special interest in the field of mental health.

Disqualification

4. A person shall be disqualified for being appointed as a member or removed from membership by the State Government, if he :-

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude, or

(b) is an undischarged insolvent; or

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

(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the State Government.

Chairman

5. (1) The State Government may nominate any official member to act as a Chairman of the Authority.

(2) The Chairman shall cease to hold the office when he ceases to be a member of the Authority.

Term of office of members

6. (1) Every official member shall hold office as such member so long as he holds the office virtue of which he was so appointed.

(2) Every Non-Official member shall hold office for a period of three years from the date of appointment and shall be eligible for reappointment.

(3) A Non-Official Member may at any time resign from the membership of Authority by forwarding his letter of resignation to the Chairman and such resignation shall take effect only from the date on which it is accepted

(4) When a vacancy occurs by resignation of a anon-official member under sub-rule (3), or otherwise, the State Government shall fill up vacancy by appointing from amongst category of persons referred to in sub-rule (2) rule (3) , and the person so appointed shall hold office for the remaining term of office of the member in whose .....he was so appointed.

(5) Where the term of office of any non-official member is about to expire, the State Government may appoint a successor at any time within three months before the expiry of the term of such member but the successor shall not assume duty until the term of the member expires.

CHAPTER - III

PROCEEDING OF THE AUTHORITY

Meeting of the Authority

7. The Authority shall ordinarily meet once in every six months at such time and place as may be fixed by the Chairman:

Provided that the Chairman may call special meeting at any time to deal with any urgent matter requiring the attention of the Authority and also call a special meeting if he received a requisition in writing signed by no less than four members and stating the purpose for which they desire that the meeting should be convened.

Subject for special meeting

8. Where the meeting referred to in the proviso to rule 7 has been convened, only the subjects for the consideration of which the meeting was convened shall be discussed.

Subject for the Annual meeting

9. At the annual meeting of the Authority, the following subjects shall be considered and disposed of, namely :-

(a) Review of the progress of implementation of the various provisions of the Mental Health Act during the preceding one year;

(b) other business on the Agenda; and

(c) any other business brought forward with the consent of the Chairman and in his absence with the consent of the officer presiding at the meeting

Procedure for holding meeting

10. (1) Every notice calling for a meeting of the Authority shall:

(a) Specify the place, date and hour of the meeting.

(b) Be served upon every member of the Authority not less than twenty one clear days in the case of annual meeting and fifteen days in the case of other meetings before the day fixed for the meeting.

(2) The Secretary shall prepare and circulate to the members alongwith the notice of the meting, an agenda for such meeting showing the business to be transacted.

(3) A member who wish to move a resolution on any matter included in the agenda shall give notice thereof to the Secretary not less than seven days before the date fixed for the meeting.

(4) A member who wish to move any motion not included in the agenda shall give notice thereof to the Secretary not less than fourteen days before the date fixed for the meeting.

Proceeding of the Authority

11. (1) The Chairman or in his absence, any member authorised by him shall preside at the meeting of the Authority.

(2) The quorum for the meeting of the Authority shall be four members.

(3) if within half an hour from the time appointed for holding a letter of the Authority the quorum is not present, the meeting shall be adjourned to the same day in the following week at the same place and time the Presiding Officer of such meeting shall inform the members present and sent notice to other members.

(4) If at the adjourned meeting also, the required quorum is not present within half an hour from the time fixed for holding the meeting, the members present shall constitute the quorum.

(5) In the adjourned meeting, if the Chairman is not present and no member has been authorised to preside over at such meeting, the members has been authorised to preside at the meeting.

(6) Each member, including the Chairman shall have one vote. In the case of an equality of votes, the Chairman or any member presiding over such meeting shall in addition have a casting vote.

(7) All decisions of the meeting of the Authority shall be taken by majority of the member present and voting.

Approval by circulation

12. Any business which may be necessary for the Authority to transact except such as may be placed before the annual meeting, may be carried out by circulation amongst all members and any resolution so circulated and approved by a majority of members shall be valid and binding as if such resolution had been passed at the meeting of the Authority.

Secretary to the Authority

13. (1) The Chairman shall appoint a Secretary to the Authority from amongst the persons possessing post graduate degree/diploma in Psychiatry and having three years experience in the field of Psychiatry.

(2) The Secretary shall be a full time or part time employee of the Authority and shall function as the Administrative Officer on the Authority.

(3) The Secretary shall be responsible for the control and management of office accounts and correspondences.

(4) The Secretary shall attend and take notes of the proceedings of the meeting of the Authority.

(5) The Secretary shall caused to be appointed such members of the ministerial and non-ministerial staff which are essential for the efficient functioning of the Authority.

(6) The Secretary shall exercise such other powers and discharge such other functions as authorised in writing by the Chairman for efficient functioning of Authority.

Forwarding of copies of the proceeding of the Authority to the State Government periodically

14. The Secretary shall forward copies of the proceeding of the Authority to the State Government periodically.

CHAPTER - IV

LICENCE

Application for licence

15. Every application for a licence under sub-section (1) or sub-section (2) of section 7 of the Act shall be made to the licensing authority in Form I or Form II as the case may be which shall be accompanied by a fee of rupees two hundred in the form of a Bank Draft in favour of the Licensing Authority.

Grant of licence

16. If the Licensing Authority is satisfied that the applicant fulfils the condition laid down in clauses (a), ( ) and ( ) of section 8 of the Act, it shall grant the licence in Form III.

Refusal of Licence and manner of communicating the Order

17. (1) If the Licensing Authority is satisfied that the applicant does not fulfil the conditions laid down in section 7 of the Act, it may after giving the applicant a reasonable opportunity of being heard against the proposed refusal of licence, by order setting out the reason therein, refuse to grant the license.

(2) Every order refusing to grant a licence under Section 8 shall be communicated to the applicant by sending a copy of the order by registered post to the address given in the application.

(3) A copy of the order shall also be conspicuously displayed on the notice board of the office of the licensing Authority.

Application for renewal

18. Every application for renewal of a licence under sub-section (5) of section 9 of the Act shall be made to the Licensing Authority in Form IV which shall be accompanied by a fee of rupees one hundred in the form of a Bank Draft drawn in favour of the Licensing Authority.

Refusal of licence

19. (1) If the Licensing Authority is satisfied that the conditions mentioned in the proviso to sub-section (5) of section 9 of the Act are not attracted, it shall renew the licence.

(2) If the Licensing Authority is of the opinion that the licence should not be renewed in view of the fact that the conditions mentioned in the proviso to sub-section (5) of the section 9 are attracted it may, after giving the applicant a reasonable opportunity of being heard against the proposed refusal of renewal of the licence, by order setting out the reason therein, refuse to renew the licence.

(3) Every order refusing to renew the licence under the proviso to sub-section (5) of section 9 shall communicated to the applicant by sending a copy of the order by registered post to the address given in the application for renewal.

Manner & condtions of maintaing Psychiatric hospitals or Psychiatric Nursing Homes

20 (1) Every Psychiatric Hospital or Nursing Home shall be maintained subject to the condition that :-

(a) such a hospital or nursing home is located only in area approved by the local authority.

(b) such hospital or nursing home is located in a building constructed with the approval of the local authority.

(c) the building, where such hospital or nursing home is situated, should have sufficient ventilation is free from any other things which may be detrimental to the patients admitted in such hospital or nursing home.

(d) such hospital or nursing home has enough beds to accommodate the patients;

(e) the nursing the other staff employed in such hospital or nursing home are duly qualified and competent to handle the work assigned to them;

(f) the Supervising Officer-in-charge of such hospital or nursing home is a person duly qualified having a post graduate qualification in Psychiatry recognised by the Medical Council of India.

(2) Subject to the fulfilment of the conditions specified in sub-rule (1), separate Psychiatric hospital or hospitals or nursing home or homes may be established by the State Government in any part of the State for the mentally ill persons who are under the age of sixteen years and who are also affected with physical disability.

Time of Appeal

21 (1) Any person aggrieved by the order of the Licensing Authority refusing to grant or renew a licence or revoking licence may prefer an appeal to the Chief Secretary, State Government of Sikkim, within sixty days of the communication of such order.

Provided that the Chief Secretary may entertain an appeal preferred after the expiry of the period specified in sub-rule (1), if he is satisfied that the applicant was prevented by sufficient cause from preferring the appeal on time.

(2) The appeal shall be in Form V and shall be sent to the Chief Secretary by

registered post or by appearing in person before and delivering the same to him or any other officer nominated by him on his behalf.

CHAPTER - V

PSYCHIATRIC HOSPITAL AND NURSING HOME

Minimum facilities for Treatment of Out Patients

22 Minimum facilities required for every Psychiatric hospital or Psychiatric nursing home for treatment of patients mentioned in section 14 of the Act shall be as follows :-

(1) Staff for 10 bedded hospital or nursing home.

(a) One full time qualified Psychiatrist (licensed) in the psychiatrist patients ratio of 1.10

(b) One Mental Heal Professional Assistant (clinical) Psychologist or Psychiatric Social Worker,

(c) Staff nurse in the nurse patients of 1:3

(d) Attenders in the attender patients ratio of 1:5

(2) Physical features

Adequate floor space depending on the number of beds shall be provided

(3) Support facilities

The minimum support facilities shall be as under :-

(a) Provision for emergency care for out patients and for handling medical emergencies for out patients and in patients.

(b) A well equipped Electro-Convulsive Therapy facilities

(c) Psychodiagnostic facilities

(d) Provision for recreation/rehabilitation activities and

(e) Facilities for regular out patients care.

Revocation of licence

23 (1) Where the Licensing Authority is satisfied that the licence of any Psychiatric hospital or nursing home is required to be revoked in pursuance of clause (a) or (b) of sub-section (1) of section 11 of the Act, it may, after giving the licensee a reasonable opportunity of being heard against the proposed vocation, by order setting out the grounds therein, revoke the licence.

(2) Every order revoking the licence under sub-rule (1) shall be communicated to the licensee by sending a copy of the order by registered post to the address given in the application.

(3) A copy of the order shall also be conspicuously displayed in the notice broad of the office of the Licensing Authority and the Psychiatric hospital or nursing home.

Maintenance of Records

24 Every Psychiatric hospital or a Psychiatric nursing home shall maintain the records of the treatment of patients in Form VI.

CHAPTER - VI

MISCELLANEOUS

Admission & detention in Psychiatric Hospital or Nursing Home

25 (1) An application for reception order may be made -

(a) by the Medical Officer-in-charge of the Psychiatric hospital or nursing home in Form -VII;

(b) by husband, wife or any relative of the mentally ill person in Form-VIII.

(2) Application from Husband or Wife

(a) Every application from husband or wife, relative or friend of person who is alleged to be mentally ill shall be accompanied by the necessary medical certificates

(b) Such application shall be signed either by the husband or wife or a relative or a friend as the case may be, and verified by two independent witnesses.

(c) The name, address, occupation and other details of all the applicants and the attesting witnesses shall be clearly given in such application.

Qualification & function of visitors

26 (1) The qualification of the persons to be appointed as visitors under section 37 of the Act shall be as follows -

(a) A degree in medicine with post graduate degree in Psychiatry, awarded by any university in India and recognised by Medical Council of India and having at least ten years standing in the profession and has held/ is holding the post of Medical Superintendent/Professor in Psychiatric hospital of Psychiatric wing of a hospital; or

(b) experienced as Social Worker/Clinical Psychologist/Psychiatric Nurse connected with any mental hospital for period of not less than ten years.

(2) The visitors appointed by the Government under section 37 of the Act shall be responsible for -

(a) review of admission and discharge of patients;

(b) inspection of wards, outdoor patients' department and kitchen;

(c) facilities to be provided;

(d) suggestion for improvement, and

(e) functioning as liaison officer between the Government and hospital.

Leave of absence

27. Every application by relative or any other person on behalf of the patient for leave of absence under Section 45 of the Act shall be made in Form IX.

Interception of Letters and Other communications addressed to the Mentally ill patients

28. No letter or other communication addressed to a mentally ill person intended for delivery either through the postal department or otherwise shall be intercepted, detained, or destroyed, except under the following circumstances, namely :-

(a) Any letter or other communication intended for delivery to a mentally ill patient shall be opened only if the person having the supervisory control over the communication of hospital find any information or material communicated to such patient will be detrimental to his health; or

(b) That the interception, detention or destruction of any letter or communication intended to be delivered to the mentally ill person is necessary in the interests of the public or the State.

FORM I

(See Rule - 15)

APPLICATION FOR MAINTAINING A PSYCHIATRIC HOSPITAL/ NURSING HOME

To,

The ..... Officer,
State Mental Health Authority,
Government of Sikkim

Dear Sir,

I/We intend to establish/maintain a Psychiatric Hospital/Psychiatric Nursing Home in respect of which I/We are holding a valid licence for the establishment/maintenance of such hospital/nursing home. The details of hospital/nursing home are given below :-

1. Name of Applicant :
2. Details of licence with reference to the name of the authority issuing the licence and date :
3. Age :
4. Professional experience in Psychiatry :
5. Permanent Address of the Applicant :
6. Location of the proposed hospital/nursing home :
7. Address of the proposed hospital/nursing home :
8. Proposed accommodations :
   a) No. of rooms :
   b) No. of Beds :
9. Facilities provided :
   a) Out patients :
   b) Emergency services :
   c) Impatient facilities :
   d) Occupational and recreational facilities :
   e) ECT facilities :
   f) X Ray facilities :
   g) Psychological testing facilities :
   h) Investigation & laboratory facilities :
   i) Treatment facilities :
10. Staff pattern
   a) No of doctors :
   b) No of nurses :
   c) No. of attenders :
   d) Others :

I am herewith sending a Bank Draft for Rs..... (Rupees.....)only drawn in favour of as licence fee.

I hereby undertake to abide by the rules and regulations of the Mental Health Authority. I request you to consider my application and grant licence.

Yours faithfully,

Signature.....

Date. .....

FORM II

(SEE RULE - 15)

APPLICATION FOR MAINTAINING A PSYCHIATRIC HOSPITAL/NURSING HOME

The .....
Government of .....
.....

Dear Sir/Madam,

I/We intend to establish a Psychiatric Nursing Home/Psychiatric Hospital at..... (mentioned the place).

I/We beg to give our details as under:-

1. Name of Applicant (in block letters) :
2. Qualification of the Medical Officer to be In-charge of the Nursing Home/Hospital (Certificate to be attached) :
3. Age :
4. Professional experience in Psychiatry :
5. Permanent Address of the Applicant :
6. Location of the proposed hospital/nursing home :
7. Address of the proposed hospital/nursing home :
8. Proposed accommodation :
   a) No. of rooms :
   b) No. of Beds :
9. Facilities provided :
   a) Out patients :
   b) Emergency services :
   c) Impatient facilities :
   d) Occupational and recreational facilities :
   e) ECT facilities :
   f) X Ray facilities :
   g) Psychological testing facilities :
   h) Investigation & laboratory facilities :
   i) Treatment facilities :

Yours faithfully,

Signature.....
Date: .....

FORM III

(See Rule - 16)

GRANT OF LICENCE FOR ESTABLISHMENT OF PSYCHIATRIC HOSPITAL/NURSING HOME

1) ..... being the licensing authority under the Mental Health Act, 1987, after due consideration of the application received under Section 7 and on satisfaction of fulfilment of the requirement provided for in section 8 and the other provisions of the Mental Health Act, 1987 (Central Act 14 of 1987),and the rules made thereunder by the applicant, hereby grant the licence for establishment/maintenance of the Psychiatric Hospital or nursing home in favour of ..... the applicant.

2) The licence shall remain valid for the period commencing from ..... and ending with ..... The licence shall be subject to the conditions laid down in the Mental Health Act, 1987, and the rules made thereunder.

Licensing Authority

Place
Date: SEAL

FORM IV

(See Rule - 19)

APPLICATION FOR RENEWAL OF LICENCE

From:

Dr.....

To,

The Licensing Authority,

.....

.....

Subject: Renewal of Licence

Sir,

I would like to request you to kindly renew my licence No..... dated ..... for the next ..... years. I am providing the facilities as prescribed by the Act.

I have herewith attached a Demand Draft of Rs 100/- (Rupees one hundred) only.

Thanking You,

Yours faithfully,

Place: Signature:

Date: Name & Address

FORM V

(See Rule - 21)

APPLICATION FOR APPEAL

To,

The .....

(Appellate Authority)

Government of .....

Sir,

I, Dr. ..... of ..... has applied for a licence for establishing a Psychiatric Nursing Home/Hospital at ..... (copy of the earlier application to be attached). My application was rejected by the licencing authority as per his/her letter No..... dated the ..... with the following reasons:-

1 .....

2 .....

(Copy enclosed)

The above reason(s) appear to be valid. I would request ou to consider my application. My justification are:-

1 .....

2 .....

I am willing to appear before you for a personal hearing if necessary. I am herewith enclosing a draft of Rs.500/-.

Thanking You,

Yours faithfully,

Place:

Signature:

Date:

Name & Address

FORM VI

(See Rule - 24)

PROFORMA OF CASE RECORD

1.	Name of the hospital	:
2.	Nursing Home	:
3.	Age	:
4.	Sex	:
5.	Date of Admission	:
6.	Date of Discharge	:
7.	Mode of Admission	:
8.	Complaints (Report from the relatives/other sources)	:
9.	Mental State Examination	:
10.	Physical Examination	:
11.	Laboratory Examination	:
12.	Provisional Diagnosis	:
13.	Initial Treatment	:
14.	Treatment and Progress notes	:

CLINICAL STATE AND SIDE EFFECTS TREATMENT

Final diagnosis:

Condition at discharge:

Follow up recommendations:

Date:

FORM VII

(See Rule - 25)

APPLICATION FOR RECEPTION ORDER

(By Medical Officer In-charge of a Psychiatric Hospital)

From:

Dr.....

To,

.....

Subject: Reception order for .....S/D.....

Sir,

I, Dr..... maintain Psychiatric Hospital/Nursing Home at ..... under Licence No. ..... dated .....

I request you to issue reception order in respect of Shri/Smt..... S/D of ..... who is being treated at my hospital/nursing home as a voluntary patient and is not willing to continue. He/she has the following symptoms and signs:

1.....

2.....

3.....

4.....

5.....

6.....

He/She requires to be in the hospital for treatment/personal safety/other protection.

Thanking You,

Yours faithfully

Place:

Date:

Signature.....

Name & Address.....

FORM VIII

(See Rule - 25)

APPLICATION FOR RECEPTION ORDER

(By relative or other)

To,

.....

Sir,

I, ... S/D of ..... residing at ..... request you to kindly arrange for admission in respect of Shri/Smt. .....aged..... years, S/D of ..... an in patient to ..... (name of hospital/nursing home). He/she has the following suggestive of mental illness.

1.
2.

I, who is ..... (relationship) of Shri/Smt. ..... have an income of Rs..... (Rupees..... .....) only per month and agree to pay the change of treatment of the pa-tient, if any, according to the rules and also to assure that I shall abide by the rules and regulations of the institution, I state that, I have/have not made any previous application with regard to the mental condition of ..... As required, I enclose herewith the medical certificate needed for the purpose.

Yours faithfully,
Signature:
Name:

Witnesses:
1. Name — Address:
2. Name — Address:

FORM IX

(See Rule - 27)

APPLICATION FOR LEAVE OF ABSENCE

(By relative or other)

To,
Dr.....
Subject: Request for leave of absence of Shri/Smt. .....
Sir,

I request that Shri/Smt. ..... aged .....yrs., S/D of ..... ad-mitted to your institution may be delivered to my care and costs on leave of absence. I hereby bind myself that on the said Shri/Smt. ..... being delivered to my care and custody, shall take proper care and shall prevent from doing any injury to himself/herself or others.

Thanking You,

Yours faithfully,
Signature
Name:

GOVERNMENT OF SIKKIM
SOCIAL WELFARE DEPARTMENT
GANGTOK

No. 1/SW **Dated: 5th June, 2001**

NOTIFICATION

In exercise of the powers conferred by Sub-Section (1) of Section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the State Government hereby makes the following rules, namely :-

CHAPTER - I

PRELIMINARY

Short title, extent and commencement

1. (1) These rules may be called the **Sikkim Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 2001.**

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

Definition

2. (1) In these rules, unless the context otherwise requires:-

(a) "Act" means the Persons with Disabilities (Equal Opportunities, Protection of rights and Full Participation) Act, 1995;

(b) "Appropriate Government" means the Government of Sikkim.

(c) "Chairperson" means a Chairperson appointed under the Act;

(d) "Member" means a member appointed under the Act;

(e) "Member Secretary" means a Member Secretary appointed under the Act;

(f) "Prescribed" means as prescribed by the rules;

(g) "Rules" means the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 2001.

(h) "Section" means a section of the Act;

(i) "Special" Employment Exchange means Employment Cell in Department of Personnel Administrative Reforms and Training constituted for giving equal opportunities and employment respecting.

(ii) persons who seek to engage employees from amongst persons suffering from disabilities;

(iii) persons with disability who seek employment;

(i) vacancies to which persons with disability seeking employment may

be appointed;

(j) "Vice-Chairperson" means a Vice-Chairperson appointed under the Act;

(k) "Year" means the financial year commencing on the first day of April;

2. Any other words or phrases used in this rule, but not herein defined, shall be given the meaning prescribed to them in the Act.

CHAPTER-II

DISABILITY CERTIFICATE

Authorities to give Disability Certificate

3. A Disability Certificate shall be issued by a Medical Board duly constituted by the State Government. The State Government shall constitute a Medical Board consisting of at least three members out of which at least one may be a Specialist in the particular field for assessing blindness, low vision, leprosy cured, hearing impairment, locomotive disability, mental retardation and mental illness, as the case may be

Validation of Disability Certificate

4. The Medical Board shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. Whenever there is any change of variation in the degree of disability, the Medical Board shall indicate the period of validity in the certificate

Eligibility criteria for Facilities, Concessions, Benefits etc.

5. The Certificate issued under the above rule shall be valid for the whole of the country except the State of Jammu and Kashmir and shall make a person eligible to apply for facilities, concessions and benefits, admissible under any Scheme of Government or Non-Governmental Organisations, subject to such conditions as the Central or the State Government may impose, from time to time.

Constitution of Appellate Medical Board

6. The State Government shall constitute an Appellate Medical Board to resolve any dispute.

Membership roll

7. The Member Secretary shall keep a record of names of members and their addresses.

Change of address

8. If a member changes his address, he shall notify his new address to the member-Secretary who shall thereupon enter his new address, the address in the official records but if he fails to notify his new address, the address in the official records shall for all purposes be deemed to be member's correct address.

CHAPTER-III

STATE COORDINATION COMMITTEE

Daily and Travelling Allowances

9. The member nominated under clauses (f) and (h) of sub-section (2) of section 13 who are resident at the State headquarters, shall be paid an allowance of Rupees

150/- for each day of the actual meetings of the State Coordination Committee. If they reside outside Gangtok, they shall be paid daily allowance and travelling allowance for each Day of the actual meetings as admissible to a Group A Officer of the State Government.

Provided that in case of a member of State Legislature who is also a member of the State Coordination Committee, the said daily and Travelling allowances shall be paid at the rates admissible to him as member of State Legislature, when the legislature is not in session and on production of a certificate by the member that he has not drawn any such allowances for the same journey and halts from any other Government source.

Notice of the State Co-ordination Committee meeting

10. (1) The meetings of the State Coordination Committee shall ordinarily be held at the State Headquarters on such dates as may be fixed by the Chairperson;

Provided that it shall meet at least once in every six months.

(2) The Chairperson shall, upon the written request of not less than 10 (ten) members of the State Coordination Committee, call a special meeting of the State Coordination Committee.

(3) 15 (fifteen) clear days' notice of an ordinary meeting and 5 (five) clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted there at, shall be given by the Member-Secretary to the members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the chairperson, may, in the circumstances of the case, thinks fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given 10 (ten) clear days, notice to the Member-Secretary, unless the chairperson, in his discretion, permits him to do so.

(6) (a) The State Coordination Committee may adjourn its meeting from day to day or to any particular day.

(b) Where a meeting of the State Coordination Committee is adjourned from day to day, notice of such adjourned meeting shall be given to the member available in the city, town, or other place where the meeting which is adjourned if held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(c) Where a meeting of the State Coordination Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date note of such meeting shall be given to all the members as provided in sub- rule (4).

Presiding Officer

11. The Chairperson all preside at every meeting of the Committee at which he is present, and in his absence, the Vice-Chairperson shall preside, but when both

the Chairperson and the Vice-Chairperson are absent from any meeting the members present shall elect one of the members to preside at that meeting

Quorum

12 (1) One-third of the total members shall form the quorum for any meeting

(2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future dates as he may fix

(3) No quorum shall be necessary for adjourned meeting

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting

(5) (a) Where a meeting of the State Coordination Committee is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available in the city, town or place where the meeting which is adjourned is held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(b) Where a meeting if the State Coordination Committee is adjourned under sub-rule (2) for want of quorum not to the following date with sufficient gap, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 10.

Minutes

13 Record shall be kept of the names of members who attend the Meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary

(a) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting which shall be confirmed and signed by the Presiding Officer at such meeting.

(b) The proceeding shall be open to inspection by any member at the office of the Member-Secretary during office hours.

Absence from meetings of State Coordination Committee

14. Any member of the State Coordination Committee absenting himself from three consecutive meetings without leave of the Chairperson shall cease to be a member of the State Coordination Committee

Maintaining order at meeting

15 The Presiding Officer shall maintain order at the meeting

Business to be transacted at meeting

16 (1) Except with the permission of the Presiding Officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 10, shall be transacted at any meeting

(2) At any meeting, business shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the chair

Decision by majority

17. All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the chairperson, or in the absence of Chairperson, the Vice-Chairperson or in the absence of both the Chairperson and the Five-Chairperson, the member Presiding at the meeting, as the case may be, shall have the casting vote

No proceeding to be invalid due to vacancy or any defect

18. No proceeding of the State Coordination Committee shall be invalid merely by reasons of existence of any vacancy or any defect in the Constitution of the Committee

CHAPTER - IV

THE STATE EXECUTIVE COMMITTEE

Daily and Travelling allowances

19 The members of the State Executive Committee nominated under clauses (d) and (e) of sub-section (2) of section 19, who are resident a State headquarters, shall be paid an allowance of Rs 150/- per day for each day of the actual meeting of the State Executive Committee if they are not resident of the State headquarters they shall be paid daily and travelling allowances for each day of the actual meetings admissible to a Group A Officer of the State Government

Notice of meetings

20. (1) The meeting of the State Executive Committee shall ordinarily be held at the State Headquarters, on such dates as may be fixed by the Chairperson.

Provided that it shall meet at least once in every three months

(2) The Chairperson shall, upon written request of not less than 10 (ten) members of the State Executive Committee, call a special meeting of the State Executive Committee.

(3) 15 (fifteen) clear days' notice of an ordinary meeting and 5 (five) clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and business to be transacted threat, shall be given by the Member-Secretary to the members.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairperson, may in the circumstances of the case, thinks fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given 10 (ten) clear days' notice to the Member-Secretary, unless the Chairperson, in his discretion, permits him to do so.

(6) (a) The State Executive Committee may adjourn its meeting from day to day or to any particular day.

(b) Where a meeting of the State Executive Committee is adjourned from day to day, notice of such adjourned meeting shall be given to

the members available in the city, town, or other place where the meeting which is adjourned if held, either telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(c) Where a meeting of the State Executive Committee is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4).

Presiding Officer

21. The Chairperson shall preside at every meeting of the Committee at which he is present, and in his absence the members present shall elect one of the members to preside at that meeting.

Quorum

22. (1) One third of the total members shall from the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.

(3) No quorum shall be necessary for the adjourned meeting.

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting.

(5) (a) Where a meeting of the State Executive Committee is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the member available in the city, town or other place where the meeting which is adjourned is held, either by telephone or by special messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(b) Where a meeting of the State Executive Committee is adjourned under sub-rule (2) for want of quorum not to the following date but to another date, notice of such adjourned meeting shall be given to all the members as provided in sub-rule (4) of rule 20.

Minutes

23. (1) Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting in book to be maintained for that purpose by the Member-Secretary.

(2) The Minutes of the previous meeting shall be read at the beginning of the every succeeding meeting which shall be confirmed and signed by the Presiding Officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary.

Absence from meetings of State Executive Committee

24. Any member of the State Executive Committee absenting himself for three consecutive meetings without leave of the Chairperson, shall cease to be a member of the State Executive Committee.

Maintaining Order at meeting

25 The Presiding Officer shall maintain order at the meeting.

Business to be transacted at meeting

26 At every meeting business shall be transacted in the order in which it is entered in the agenda, unless otherwise, resolved in the meeting with the permission of the Chair

Decision by majority

27 All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in the absence of Chairperson, the member presiding at the meeting, as the case may be, shall have the casting vote

No Proceeding to be invalid due to vacancy

28 No proceedings of the State Executive Committee shall invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the Committee

Manner and purposes of Association of persons with State Executive Committee

29 (1) The State Executive Committee may invite any person, whose assistance or advice, if considered useful in performing any of its functions, to participate in the deliberations of any of its meetings.

(2) If the persons associated with the State Executive Committee under Sub-rule (1) happens to be a non-official, resident at the State headquarters, he shall be entitled to get an allowance of Rs. 100/- only per day for each day of actual meeting of the State Executive Committee in which he is so associated

(3) If such person is not a resident at the State headquarters, he shall be paid daily and travelling allowance for each day of the actual meeting admissible to a Group A Officer of the State Government.

(4) If such person is a Government Servant, or an employee in a Government undertaking, he shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source

Fee for the associated person

30 Notwithstanding anything contained in rule 29 the State Executive Committee shall pay the person associated with the Committee, with the prior approval of the State Government such fees as considered appropriate depending on the nature of work assigned under section 22 of the Act, and the qualifications and experience of the associated person:

Provided that the State Executive Committee shall not associate any person without the prior approval of the State Government if the period of association exceeds four months or fees payable to him exceeds Rs. 3000/- per month

Tours by associated person

31 The associated person shall, with the prior approval of the chairperson, undertake tours within the country for the performance of the duties entrusted to him by the State Executive Committee and in respect of such tours he shall be entitled to travelling and daily allowances at the rates admissible to a Group A Officer of the State Government.

Associated person not to

32 The associated persons shall not disclose any information either given by the State Executive Committee or obtained during the performance of the duties

disclose any information

assigned to him either from the State Executive Committee or otherwise, to any person other than the State Executive Committee without the written permission of the Chairperson of the Committee.

Duties and functions of the associated person

33. The associated person shall discharge such duties and perform such functions as are assigned to him by the State Executive Committee.

CHAPTER - V

EMPLOYMENT

Reservation for the physically handicapped persons

34. The reservation for the physically handicapped persons in services under the Government shall be as may be specified by the State Government by notification in the official gazette, in his behalf.

Notification of the vacancies to the Special Employment Exchange

35. Special Employment Exchange to which vacancies are to be notified :

(1) Vacancies in posts of a technical and scientific nature occupying in Establishments in respect of which the State Government is the appropriate authority under the Act, shall be notified to the Special Employment Exchanges.

(2) Vacancies other than those specified in sub-rule (1) shall be notified to the local special Employment Exchange concerned.

Form and manner of notification of vaccancies.

36. The vacancies shall be notified in writing to the Special Employment Exchange and the following particulars shall be furnished, where practicable in respect of each type of vacancy :-

(1) Name and address of the employer.
(2) Telephone number of the employer, if any;
(3) Nature of vacancy-
  (a) Type of workers required (Designation);
  (b) Description of duties;
  (c) Qualifications required-
    (i) Essential
    (ii) Desirable
  (d) Age limits, if any;
  whether women are eligible?
(4) Number of vacancies :-
  (a) Regular
  (b) Temporary
(5) Pay and allowances
(6) Place of work (name of town/village and district in which it is situated).
(7) Probable date by which the vacancy will be filled.
(8) Particulars regarding interview/test of applicants.
  (a) Date of Interview/test
  (b) Time of Interview/test
  (c) Place of Interview/test
  (d) Designation and address of the person to whom applicants should report.

(9) Whether there is any obligation or arrangement for giving preference to the physically handicapped persons in filling up the vacancies, and if so, the number of vacancies to be filled by such persons.

(10) Any other relevant information :-

The vacancies shall be re-notified in writing to the Special Employment Exchange if there is any change in the particulars already furnished to the Special Employment Exchange under sub-rule (1) of rule 35.

Time limit for the notification of vacancies

37. (1) The vacancies, required to be notified to the Special Employment, shall be notified at least 15 (fifteen) days before the date on which applicants will be interviewed or tested are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(2) The vacancies, required to be notified to the Special Employment Exchange under rule 36 shall be notified at least four weeks before the date on which applicants will be interviewed or tested where interviews or tests are held, or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(3) The employer shall furnish to the concerned Special Employment Exchange the results of section within 15 (fifteen) days from the date of selection

Submission of returns

38. The employer shall furnish to the Special Employment Exchange quarterly returns in Form ER -I an biennial returns in Form ER-II as may be amended from time to time. Quarterly returns shall be furnished within thirty days of the due dates, namely, 31st March, 30th June, 30th September and 31st December Biennial return shall be furnished within thirty days of the due dates.

Form in which record to be kept by an employer

39. The employer shall maintain the record of employees with disabilities in Form III as may be amended from time to time.

CHAPTER VI

RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES.

Certificate of registration

40. Every application for a certificate of registration shall be made to the competent authority as may be specified by the State Government by notification in the Official Gazette, in Form IV as appended to this rule.

Order refusing to grant certificate

41. The Competent Authority may, after giving the applicant reasonable opportunity of being heard, make an order refusing to grant a certificate. Such order will contain specific reasons for refusal to grant such a certificate and shall be communicated to the applicant through registered post.

Validity of certificate of registration

42. A certificate of registration granted under Section 52 shall, unless revoked under Section 53 of the Act, remain in force for a period of three years.

Appeals

43. A person aggrieved by the order of the Competent Authority refusing to grant a certificate or revoking a certificate may, within a period of 30 (thirty) days, prefer

an appeal to the State Government against such refusal or revocation :

Provided that the said Government may entertain an appeal after the expiry of the said period of 30 (thirty) days if it is satisfied that there was sufficient cause for not filing it within that period.

CHAPTER-VII

INSTITUTIONS FOR PERSONS WITH SEVERE DISABILITIES

Institutions for persons with severe disabilities

44. (1) The State Government may, by notification in the Official Gazette, recognise any institution other than an institution established under sub-section (1) of section 56 that it is fit fro the rehabilitation of persons with the requirement of the Act and the provisions contained in these rules.

(2) For the purpose of this rule, "person with severe disability" means a person with eighty percent or more of one more disabilities.

Maintenance of institutions for persons with severe disabilities

45. The maintenance of the institutions established under sub-section (1) of section 56 of the Act and above rule shall be as may be prescribed by the State Government from time to time.

CHAPTER-VIII

COMMISSIONER FOR PERSONS WITH DISABILITIES

Procedure to be followed by Commission

46. (1) A complaint containing the following particulars shall be presented by the complainant in person of by his agent to the Commissioner of Persons with Disabilities or sent by registered post addressed to the Commissioner-

(a) The name, description and the address of the complainant;

(b) The name, description and the address of the opposite party or parties, as the case may be so far as they can be ascertained;

(c) The facts relating to compliant and when and where it arose,

(d) Documents in support of the allegations contained in the compliant; and

(2) The Commissioner on receipt of a complaint, shall refer a copy of the complaint to the opposite party/parties mentioned in the complaint directing him to give his version of the case within period of 30 (thirty) days or such extended reasonable period as may be granted by the Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the Commission on such days, the Commissioner may in his discretion either dismiss the complaint on default or decide on merits where the

opposite party or his agent fails to appear on the date of hearing, the Commissioner may take such necessary action under section 63 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party. He may, however, decide to dispose of the complaint ex-pert also.

(4) The Commissioner any on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint. But the complaint shall be decided, as far as possible, within a period of three months from the date of notice received by the opposite party.

Salary & allowances of the Commissioner

47. The Commissioner for Persons with Disabilities shall be entitled to such salary and allowances (including pension, gratuity and other retirement benefits and other terms and conditions of service as may be specified by the State Government at the time of appointment.

Submission of report to the State Government

48. The Commissioner shall submit report to the State Government on the implementation of the Act under Section 61 (d) of the Act at the interval of six months in such a manner that atleast two reports are sent in one financial year.

49. (1) The Commissioner shall, as soon as possible, after the end of the financial year but not later than the 30th day of September in the next year ensuing, prepare and submit to the State Government an annual report giving a true and faithful account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely ,-

(a) Names of Officers and staff of the Board and a chart showing the organisation set up.

(b) The functions which the Commissioner has been empowered under section 61 and 62 of the Act and the highlights of the performance in this regard.

(c) The main recommendations made by the Commissioner.

(d) Progress made in the implementation of the Act-district-wise.

(e) Any other matter which is deemed appropriate for inclusion by the Commissioner or as may be specified by the State Government, from time to time.

FORM ER I

(See Rule - 38)

QUARTERLY RETURN TO BE SUBMITTED TO THE
SPECIAL EMPLOYMENT EXCHANGE FOR THE QUARTER ENDED_____

Name and Address of the Employer: _____

Whether Head Office/Branch Office: _____

Nature of business/principal activity: _____

1) (a) Employment

(Total number of persons including working proprietors/partners/commission agents/ contingent paid and contractual workers, on the pay rolls of the Establishment excluding part-time workers and apprentices. The figure should include every person whose wage or salary is paid by the Establishment)

	On the last working day of the previous quarter	On the last working day of the quarter under report
Men with disability		
Women with disability		
TOTAL		

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the quarter

2 Vacancies Vacancies carrying total emoluments of Rs.60/- or over per month and of over three months duration

(a) Nature of vacancies occurred and notified during the quarter and the number filled during the quarter (Separate figures may be given for men with disability and women with disability)

Dated

Signature of Employer

To

The Employment Exchange_____
(Please fill in here the address of your Local Special Employment Exchange)

FORM ER II

(See Rule - 38)

OCCUPATIONAL RETURN TO BE SUBMITTED TO THE SPECIAL EMPLOYMENT EXCHANGE ONCE IN TWO YEARS

(On a date to be specified by Notification in the Official Gazette)

Name and Address of the Employer _____

Nature of business _____

(Describe what the establishment makes or does as its principal activity)

1 Total number of persons on the pay rolls of the establishment (specify date)_____

(This figure should include every person whose wage or salary is paid by the establishment)

(Separate figures for men with disability and women with disability may be given)

2 Occupational classification of all employees as given in item 1 above

(Please give below the number of employees in each occupation separately)

*Occupation	Number of employees		
	Men with disability	Women with disability	#Total
1	2	3	4

* Use exact terms such as Engineer (Mechanical), Teacher (Domestic Science), Officer on Duty (Actuary), Asst Director (Metallurgist), Scientific Asst, Chemist, Research Officer (Economist), Instructor (Carpenter), Supervisor Tailor, Fitter (Internal combustion engine), Inspector (Sanitary), Superintendent (Office), Apprentice (Electrician)

Please give as far as possible appropriate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement)

Number of vacancies which come within the purview of this Act

Occurred	Notified Employment Cell	Filled	Sources (Describe the source from which filled)
1	2	3	4

(b) Reasons for not notifying all vacancies occurred during the quarter under report vide 2 (a) above

3. Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	Number of unfilled vacancies/posts		
	Essential Qualification	Essential Experience	Experience not necessary
1	2	3	4

Please list any other occupations for which this establishment has recently any difficulty in obtaining suitable applicants.

Signature of Employer

To,
The Employment Exchange,

_____

_____

Note: This return shall relate to quarters ending 31st March/30th June/30th September and 31st December and shall be rendered to the Special Employment Exchange within 30 days after the end of the quarter concerned.

FORM III
(See Rule - 39)

1. Name and Address of the Employer _____

2. Whether Head Office/Branch Office _____

3. Nature of business/principal activity _____

4. Total number of persons on the pay-roll of the establishment _____
(This figure should include every person whose wage or salary is paid by the establishment)

5. Total number of disabled persons (disability wise) on the pay-roll of the establishment _____
(This figure should include every person with disability whose wage or salary is paid by the establishment)

6. (a) Occupational qualification of all employees as given in item 5 above
(Please give below the number of employees in each occupation separately)

*Occupation	Number of employees		Nature & Extent of Disability	#Total
	Men with disability	Women with disability		
1	2	3	4	5

* Use exact terms such as Engineer (Mechanical), Teacher (Domestic/Science), Officer on Duty (Actuary), Asst. Director (Metallurgist), Scientific Asst., Chemist, Research Officer (Economist), Instructor (Carpenter), Supervisor Tailor Fitter (Internal combustion engine) Inspector (Sanitary), Superintendent (Office), Apprentice (Electrician)
# Please give as far as possible appropriate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement)

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the quarter _____

7. Vacancies: Vacancies carrying total emoluments of Rs 60/- or over per month and of over three months duration.

(a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter

NUMBER OF VACANCIES WHICH COME WITHIN THE PURVIEW OF THIS ACT				
Occurred	Notified		Filled	Sources (Describe the source from which filled)
	Local Spl. Exc.	Emp.GEE		
1	2	3	4	5

b) Reasons for not notifying all vacancies occurred during the quarter under report vide 2(a) above

.....

8 Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	Number of unfilled vacancies/posts		
	Essential Qualification	Essential Experience	Experience not necessary
1	2	3	4

Please list any other occupations for which this establishment has recently any difficulty in obtaining suitable applicants.

Signature of Employer

Form - IV
(See Rule 40)

01 Name of the Applicant Organisation :

02 Address and phone number :

03 Application is
(a) An Organisation registered under the Law for the time being in force :
(b) A Public Trust registered under any Law for the time being in force :
(c) Indian Red Cross Society or its branches :
(d) Company registered under the Law for the time being in force :
(e) Any other organisation (details or registration with the name of the Act) which may be recognised by the Ministry for the purpose of this Scheme (Details of registration with the name of the Act) :

04 Dated of establishment of the Organisation :

05 Nature of the Organisation. (Please indicate precisely whether it is educational or training institution or a workshop for the blind, the deaf and dumb, the orthopaedically handicapped or mentally retarded persons, etc.) :

06 Brief history of the Organisation and of its objects and activities :

07 Whether recognised by the State Government :
08 Whether the Organisation is of an All India Character, If so, give the nature of its All India activities :

09. Whether located in its own/rented building

10. Present number of disabled beneficiaries

11. Likely dates of commencement and completion of project

12. Whether the project is likely to be assisted by some other official or non-official source

13. Whether necessary land for the proposed building is available If so, give details.
(Please indicate the location of the plot and enclose permission certificate for construction from then competent authority, etc.)

14. (a) Whether trained staff and other suitable facilities for undertaking the project are available, if so, give details
(b) In case new staff is to be appointed, give details of the qualifications, academic, professional and experience prescribed for the purpose
(c) Number of the employees working in the Organisation

15. List of papers/statements to be attached:

(a) Prospectus or a brief descriptive note giving aims and objects/activities of the organisation;
(b) Constitution of the Organisation;
(c) Constitution of the Board of Management with particulars of each member;
(d) Latest available annual report;
(e) Income and Expenditure accounts and receipt and payment accounts duly au dited by a Chartered Accountant or Government Auditor for the last two years for the organisation as a whole (alongwith a copy of the certified balance sheet from the previous financial year for the Organisation as whole);
(f) A statement giving details (Year, purpose, amounts, etc.) of assistance received during the last five years from the Central State Government, Central Social Welfare Board Local Bodies or any other quasi-Government Institution including requests made thereof to any one of those or any other organisation for the projects under consideration or for any other project;
(g) A statement giving item-wise and year-wise details of estimated recurring and non-recurring expenditure on the project;
(h) A copy each of the plan of the proposed building (rough sketch giving broad indication of the building to be constructed and area to be covered) and estimated cost of construction);
(i) A statement indicating the equipments, apparatus, furniture, library books, etc (by number of details whichever is possible) already available and separately a statement indicating the above items purchased year-wise with financial assistance from the Ministry of Welfare, and expenditure during the year for which grant sought for;

16. List of additional papers, if any;

17 List of additional information, if any.

Secretary
Social Welfare Department

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 7/LD/98 Date 9 April, 1998

NOTIFICATION

Consequent upon the enforcement of the Legal Services Authorities Act, 1987, as amended upto date in the State of Sikkim, the State Government have been pleased to dissolve, with immediate effect, the Sikkim State Legal Aid and Advice Board which was constituted under the Sikkim Legal Aid and Advice Scheme, 1982 vide Resolution No. 16(83) LD/79/248 dated 22.2.82 published in the Extra-Ordinary Gazette No. 84 dated 23.2.1982.

It is hereby further declared that all the office records, debt and liabilities, if any, all the properties and assets of the Committees or bodies if constituted by the Board shall stand transferred to and vested in the State Legal Services Authority, with immediate effect.

T.D.Rinzing
Legal Remembrancer -cum- and Secretary,
Law Department

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 8/LD/98 Date 9 April, 1998

NOTIFICATION

The State Government has been pleased to declare the Sikkim State Legal Services Authority constituted under Legal Services Authorities Act, 1987 as a separate establishment with immediate effect.

T.D.Rinzing
Legal Remembrancer -cum- and Secretary,
Law Department

GOVERNMENT OF SIKKIM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR
FOREST DEPARTMENT

Ref. No. 3/F **Date 9.4.98**

NOTIFICATION

The following notification is hereby being re-notified by the Forest Department for the general information of all :-

NOTIFICATION

Ref No 912/F Date 17.8.96

In exercise of the powers conferred by Sub-Section (I) section 68 of the Indian Forest Act, 1927 (XVL of 1927), the State Government hereby empowers all the Forest Officers not below the rank of Range Officers to carry out the purpose of Sub Section (I) and (II) of that section of the said Act.

Secretary
to the Government of Sikkim
Forest Department

File No. 2(2505) F/96

By Order

PCCF-cum-Secretary,
Forest Department

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS & TRG.
GANGTOK

No. 87/GEN/DOP **Date 9.4.98**

NOTIFICATION

Whereas by notification No 52/GEN/DOP dated 26/8/95 the Governor provided for Model 100 Point roster for implementation of vertical reservation quota in all direct recruitment appointments for citizens of the State belonging to Scheduled Tribe Scheduled Caste and Other Backward Classes communities.

2. And whereas the Governor provided horizontal reservation of 30% in all direct recruitment appointments for women vide Notification No. 39/GEN/DOP dated 29/7/97

3. Now, the Governor is further pleased to provide for horizontal reservation of 3% for ex-servicemen and horizontal reservation of 2% for physically handicapped citizens of the

State with immediate effect.

4. Consequently, the Governor fixed the following roster points for implementing 3% reservation for ex-servicemen and 2% reservation for physically handicapped in all direct recruitment jobs as follows :

Unreserved ex-servicemen.		Roster Point 40 and 80 in the first cycle and Roster Point 20 in second cycle.
ST ex-servicemen	:	Roster Point 85 in first cycle, 71 in second cycle and 59 in third cycle.
OBC ex-servicemen	:	Roster Point 93 in first cycle, 87 in second cycle and 87 in third cycle.
SC ex-servicemen	:	Poster Point 23 in third cycle, 57 in sixth cycle and 91 in ninth cycle.
Unreserved physically handicapped	:	Roster Point 66 in first cycle and 32 in second cycle.
ST physically handicapped	:	Roster Point 43 in second cycle and 85 in third cycle
OBC physically handicapped	:	Roster Point 61 in second cycle and 13 in fourth cycle.
SC physically handicapped	:	Roster Point 23 in sixth cycle and 73 in tenth cycle.

5. Since the Model 100 Point roster is in operation from 1st July 1995, horizontal reservation for ex-servicemen and physically handicapped to be implemented now will take off at the various roster point levels pending in each category of post.

6. There will be no carrying forward of roster points reserved for ex-servicemen and physically handicapped. Secondly, ex-servicemen and physically handicapped candidates selected on merit will be adjusted against the merit positions without adjusting them against the roster points reserved for them. Further, in case where roster point reserved for physically handicapped also happens to be reserved for women then women handicapped candidate will get advantage over her male counterpart.

R.S.BASNET
Secretary to the Government of Sikkim
Department of Personnel, Adm.Reforms & Training

GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH & FAMILY WELFARE,
GANGTOK

No. 04/H.F&W **Dated: 1st April, 1998**

NOTIFICATION

In exercise of the powers conferred by section 4 of the Sikkim Prohibition of Smoking and Non-Smokers Health Protection Act, 1997 (12 of 1997) hereinafter referred to as the said Act the Government of Sikkim hereby authorises the officer mentioned in column 2 of the Table given below, to act under the said Act in respect of places of public work or use declared to be No-Smoking places and public service vehicles mentioned in column 3 of the Table :

TABLE

Sl No	Designation	Name of place of public work of use.
1	2	3
1	All gazetted officers under the Government of Sikkim and Government of India, and all officers holding posts equivalent to category 'B' posts in autonomous corporations and local bodies.	All places of public work or use as defined in section 2(e) of the Sikkim Prohibition of Smoking and Non-Smokers Health Protection Act, 1997 and banquet halls, monuments, stadia (closed area only) cinema halls, hotels and restaurant (excluding separate place, if any, provided for smokers) all religious places and all public service vehicles as defined in Section 2 (f) of the said Act.
2	Manager/Assistant Manager in respect of cinema halls.	
3	Manager/Assistant Managers in respect of restaurants and hotels	
4	Driver/conductor in respect of public service vehicles.	

This Notification shall come into force with effect from 1st day of April, 1998.

D.DAHDUL
Secretary to the Government of Sikkim
Department of Health and Family Welfare

GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GANGTOK

No. 35(2)94-95/38/RDD/P(II) **Dated:13th May,1998**

NOTIFICATION

In exercise of the powers conferred under section 69 of the Sikkim Panchayat Act, 1993 (Act No 6 of 1993) the Government of Sikkim hereby transfers the activities pertaining to various development departments, specified in column numbers four, five and six of the statement attached to this Notification to the Zilla Panchayats, Gram Panchayats and Gram Sabhas respectively. All those activities/functions that have not been specifically transferred as per this Notification shall continue to be the responsibility of the development departments of the State Government covered by this Notification.

ACTIVITIES IN DETAILS FOR IMPLEMENTATION

SL. NO.	NAME OF DEPTT/ SCHEME	STATE	ZILLA	GRAM PANCHAYAT	GRAM SABHA
	AGRICULTURE				
01	Farmless Field Seed Production	Selection and Procurement of Seeds & Technological Supervision	Selection of Areas for Seed Production	Selection of Farmers for Seed Production	Selection of all beneficiaries through Gram Sabha
02	Manure and Fertilisers	Procurement of Fertilizer	Distribution under Supervision of Z.P.	Distribution through V.L.W. by Gram Panchayat	Selection of all beneficiaries through Gram Sabha
03	Plant Protection	Procurement of Pesticides and overall technical supervision	To persue the matter with the Deptt. on the basis of information from G. P.	Collection of Information of pests & diseases in plant & inform Z.P. Introduction customised services in common disease.	
04	(A) Commercial Crops	Procurement of Seeds where inter- districts ramification is there should lie with state Govt.	Procurement for intra Panchayat should lie with the Zilla Panchayat	To organise the G. S.for identification & process the list of Z. P. for supply & approval in case of Special Component Plan/ N. C. Plan	Identification beneficiaries
	(B) Other Minor C. Crops				
	(C) Spices (D) Tuber Crops				
05	Extension & Training	Providing curriculum Teaching Aids and other materials. Organisation of more sophosticated training and training of trainers	Organising routine training at farms	Identification of training needs of farmers	Gram Sabha to be involved while making identification organisation of training at V.L.W. level.
06	(A) Oil Seed Production Programme	As in Item 4	As in Item 4	As in Item 4	As in Item 4

	(B) Pulses Production	As In Item 4	As In Item 4	As In Item 4	As In Item 4
07	Rejuvenation of Old Orchards	Technological support Supervision of Annual Physical Target	Training / Drawing of Annual Action Plan	Training/ Implementation and Supervision. Identification of areas where rejuvenation is to be taken up	As In Item 4
08	Planting New Orchards	Procurement of Planting Materials in case of Inter District	Identification of beneficiaries & Distribution of Planting Materials	Distribution	Identification of beneficiaries
	Integrated Development of Fruit Vegetable Development Floriculture	Procurement of Planting Materials in case of Inter District Ramification			
09	Subsidy on Bank Finance Scheme	Formulation of Scheme and allocation	Approval of Scheme		Identification of beneficiaries through Gram Sabha
10	VLW Centre		Supervision/ Maintenence minor repairs upto Rs. 3 lakhs		Priority to be fixed in Gram Sabha
	ANIMAL HUSBANDRY				
01	Prevention and Control of Animal Disease	Formulation of Strategy for Prevention & Control. Procurement of Technology, Medicine & providing to Zilla	Identification of areas for Prevention and Control. Execution of Works & Monitoring I/C census of Animals to asses The requirement of vaccine & medicine for the District	Supervision of Prevention & Control Work in Co-Ordination with the respective V.O and report to Z. P.	
02	Herd Improvement (A) Through Natural Service	Formulation of programme and Policy Allocation of Fund to Zilla	Approval of Requirement Placed by G. P. and release of maintenance allowance on the report of G. P.	Identification of Farmers keeping the breeding animals	

	(B) Through A.L.	Formulation of Programme & Policy and allocation of Fund to Zilla	Implementation of Programme through concerned Field Functionaries		Supervision and Reporting
	ntegrated Piggery Dev. Programme	Programme introduction Guidelines and allocation of Funds	Implementation and Monitoring of the Scheme Training Orientation and Distribution of Piglets and Feeds	Identification of beneficiaries for the scheme approved by the Z.P. and reporting to Z. P.	Identification of beneficiaries
03	Extension & Training	Providing Curriculum Teaching Aids and other materials. Organisation of more sophisticated training and training of trainers	Organising routine training at farms	Identification of training needs of farmers	Gram Sabha to be involved while making identification Organisation of training at the Stockman level
04	Minor Works/ Supervision/ Maintenance	Allocation to District	Approval and implementation of minor works/ supervision/ maintenance accounts upto Rs. 3 lakhs	To report to Z.P for projecting requirement of minor works	Gram Sabha to identify the area
05	Stockman Centre		Supervision/ maintenance minor repairs Upto Rs. 3 lakhs		Priority to be fixed In Gram Sabha
	MEDICAL AND PUBLIC HEALTH				
01	Mass Education	Allocation of Funds to District	Implementation and Monitoring	To organise Swastha Samiti in G. P. and organise Health Camps in consultation with Z. P. & concerned C. M. O	
02	Rural Family Welfare Services	Allocation of Funds to Districts	Implementation and Monitoring		
03	Maintenance of PHSC	Allocation to District	Upto Rs. 3 Lakhs	Supervision	Priority to be fixed in Gram Sabha.

04	PHC				Supervision
05	I C D S	Women & Child Welfare Department to provide funds from the sources available	Construction of I.C.D. S Centres in consultation with State Govt.	Supervision of Centre and report to Z P.	Priority to be fixed in Gram Sabha
	RURAL DEVELOPMENT DEPARTMENT				
01	Maintenance of Panchayat Ghar	Fund allocation to District & monitoring	Project formulation and approval of scheme as per fund available upto Rs 3 Lakhs	Selection & Arrangement of land supervision of work & reporting to Z. P maintenance	Priority to be fixed in Gram Sabha
02	Rural Bridges		Upto 3 Lakhs maintenance	Identification	Priority to be fixed in Gram Sabha
03	Village WSS Repair/ Maintenance		Upto 3 Lakhs maintenance		As above in 2
04	Sanitation	Formulation of programme institutional latrine	Implementation of Household latrines		Identification of beneficiaries
05	NRSE National Programme on Bio-Gas Development	Fund Allocation to District & Overall Control	Identification of Areas on the basis of viability as per the guidelines of the scheme	Identification of beneficiaries, supervision of implementation and reporting to Zilla Panchayat	Identification of beneficiaries
	EDUCATION DEPARTMENT				
01	Minor Works	Jr. High School	Primary		
02	Non - Formal Education	Planning, Co -ordination & Management of Programmes as per GOI guidelines	Supporting State Authorities in survey & related Projects	Motivation and Supervision	Motivation

03	Adult Education	Planning, Co-ordination & Management of Programmes as per GOI Guidelines	Zilla Adhakshyas are the Presidents of Zilla Saksharta Samities and Co-ordinate the programme with the help of State Functionaries	Helping State Functionaries in literacy survey and selection of Instructors also identifying potential learners	Helping State functionries in literacy survey & selection of instructors aso identifying potential learners
04	Mid Day Meals	Co-ordination & Monitoring	Distribution of dry rations with help of District Authorities		
05	Primary Schools		Supervision/ Maintenance/ Minor Repairs Upto Rs. 3 Lakhs		Priority to be fixed in Gram Sabha
06	Jr. High Schools		Supervision		
	LAND REVENUE DEPARTMENT				
01	VLO Centres		Supervision/ Maintenance/ Minor Repairs Upto Rs 3. Lakhs		Priority to be fixed in Gram Sabha
	IRRIGATION DEPARTMENT				
01	Minor Irrigation Works		Supervision/ Maintenance / Minor repairs upto Rs. 3 Lakhs		Identification of beneficiaries
	FOREST DEPARTMENT				
01	Social Forestry		Social Forestry will be taken up by Zilla Panchayat		Identification of beneficiaries

2 ADMINISTRATIVE APPARATUS

In order to ensure that effective devolution of powers and functions to the Panchayati Raj Institutions (PRIs) takes place and resources placed at the disposal of the PRIs are utilised with the required degree of efficiency, economy and effectiveness a suitable machinery at the district level will be created. This will be as follows :-

i) Administrative Cell

The District Collector of the concerned district shall be the Sachiva of the Zilla Panchayat. He shall be the Chief Executive Officer of the Zilla Panchayat.

In addition to the manpower already available in the office of the Zilla Panchayat the following personnel will be posted immediately :-

ii) Finance and Accounts Cell

In view of the work load and nature of functions that are required to be carried out by the PRIs the following officers shall be posted immediately to the Zilla Panchayats on deputation :-

(a)	Accounts Officer -	one	(Assistance of the Accounts Officer posted in the office of District Collector will be harnessed)
(b)	Accountant -	one	
(c)	Jr. Accounts Clerk -	two	

iii) Technical Cell

In order to ensure proper formulation of schemes, observing correct technical parameters, effective supervision and proper monitoring and implementation of the programmes of all schemes that are
transferred to the Zilla Panchayats shall be implemented by the technical wing of the Zilla Panchayat which shall comprise of :

(a)	Assistant Engineer	-	one
(b)	Junior Engineer	-	two

In addition to the above manpower the following officers will be posted on deputation to the Zilla Panchayats in phased manner to take care of these responsibilities :-

(a)	Horticulture Officer	-	one
(b)	Vet. Officer	-	one
(c)	Asst.. Director, Education	-	one
(d)	Range Officer, Forest	-	one

No new post will be created.

In order to evolve a set of administrative procedure a detail guideline will be prepared by each Department with respect to the programmes transferred to the Zilla Panchayats.

All the officers placed on deputation to the Zilla Panchayat will be under the administrative control of the Zilla Panchayat Sachiva for all purposes.

iv) Planning Cell

For the purpose of evolving and formulating suitable development strategy and plans for the economic and social development of the district tailored to meet the particular requirements of the district, a planning cell will be established taking the entire district as a unit of development. The requirement projected by the Gram Sabha in respect of their Gram Panchayat shall be given due consideration and priority in the District Plan. Matters concerning specific need of a particular area and selection of the beneficiaries in regard to beneficiary oriented schemes shall originate from Gram Sabha. There should be total transparency. The Gram Sabha shall henceforth provide forum for just equitable and need based formulation and implementation of programme. The Constitution Amendment provides for decentralization and effective devolution of powers to the grassroot institution which is one of the guiding principle of participatory democracy. In order to achieve the above required objective the District Planning Cell will be set up immediately in Zilla Panchayat. This will consist of the followings :-

(a) District Planning Officer - one (to be posted on deputation)

(b) Statistician - two

(c) Research Assistant - one

(Services and the manpower available in the district of the State Statistical Cell of Planning & Devp Department will be harnessed)

It would be observed that, at the district level, the above machinery will provide a proper system of checks and balances with a view to ensuring that expenditure proposals are formulated in a proper manner taking into account the requirements and the expenditure estimates are scrutinised by the Planning Cell with reference to the programme content, programme objectives and whether they are in conformity with the overall objectives of planned development for the State. Thereafter, the proposals will be examined by Finance and Accounts Cell who will look at the proposals from the financial angle, whether there is adequate budget provision for the proposal, whether returns from the investment have been taken into account and whether the proposed expenditure is justified from all angles. It may be born in mind that all expenditure proposals should be prepared in a technically sound manner duly scrutinised by the Planning Cell and concurred to by the Finance and Accounts Cell before it is submitted to the Zilla Panchayat Sachiva for his approval/ sanction and where necessary for the sanction of the Adhakshya or Upadhakshya as per the evolution of powers.

3. DISTRICT BUDGET

Preparation of the District Budget

As regard the District Budget it is incumbent on the part of each of the Zilla Panchayat to prepare a detail District Budget. The format of preparing the District Budget will be prescribed by the Planning and Development Department of the State Government.

While preparing the budget, the Zilla Panchayat will take into account both the Plan and Non-Plan revenue and expenditure.

As regards the non plan budget, all the funds raised by the Zilla Panchayat through exercise of powers conferred on Zilla Panchayat by the Panchayat Act will be estimated and incorporated in the budget. Further, fund flow as that may come to the Zilla Panchayat through the award of the Finance Commission will also become part of the Zilla Panchayat's revenue budget. Estimates of expenditure will also be incorporated in the Non-Plan budget.

As regards the Plan budget, it will specifically provide for fund flow from the State Government through allocation from various Departments with respect to the subjects that are administered and implemented by the Zilla Panchayat. The budget will provide for expenditure with respect to each of the schemes to be implemented by the Panchayat. Detailed instructions will be issued by the Planning & Development with respect to the preparation of the Annual Budget

The intention is that the Zilla Panchayat budget will be duly scrutinised by the Finance Department and the Planning & Development Department of the Government of Sikkim and will be incorporated in the general budget to be presented to the State Legislature

The State Government will communicate at the beginning of the financial year, in accordance with the budget passed by the State Legislature, the funds that are earmarked under Non-Plan and Plan. The funds so transferred and the resources generated by the Zilla Panchayat will form the "Consolidated fund of the Zilla Panchayat" all expenditure from the consolidated fund of the Zilla Panchayat shall be incurred only in accordance with the Sikkim Zilla Panchayat Financial Rules and all expenditure will also be subject to audit by the Accountant General, Sikkim

It must be underlined that no expenditure from the consolidated fund of the Zilla Panchayat can be incurred without there being adequate budget provision and without the observance of the prescribed procedure under the financial rules and without the concurrence of the Plan and Finance Cells of the Zilla Panchayats

THE PLANNING CALENDAR

The Calendar of events for the planning process is to be adopted so that the Zilla Panchayat Plan can be smoothly incorporated into State sector plan

15th Aug	Adopting the tentative size for the State's Annual of the next year
25th Aug	Government in the Planning Department to indicate to Zilla Panchayat and Gram Panchayats in the financial ceiling within which their Annual Plan should be formulated for the next year
10 Sept	Gram Panchayats to send their plan proposals to Zilla Panchayats
30th Sept	Zilla Panchayats to build the Gram Panchayat proposals into the District Plan and send the Draft District Plan to the Government in the Planning Department and concerned State Head of the Department.
10th Oct to 25th Oct	Discussion with the Zilla Panchayats on their Draft District Plan by the Planning Department for achieving consistency and integration of District Sector with State Sector Schemes/Plans
Nov.	Government/State Heads of Department to consolidate these proposals and build them into the State's Draft Plan and send the same to the Planning Commission
Jan.	Approval of the Planning Commission to the State's Plan.
Feb	Finalising the State's Plan Budget in the light of Planning Commission's approval to the State Plan and finalising the District Plans of Zilla Panchayats.

This process has been designed to ensure that every reasonable local aspiration even at the village level is taken note of

DISTRICT PLANNING COMMITTEE

The 74th Amendment Act provides for the constitution of District Planning Committee to consolidate the plans prepared by the Panchayat and the municipalities in the district and to prepare a draft development plan for the district as a whole. This is with a view to ensure active involvement of the people (beneficiaries/user group) not only in the identification but formulation of District Plan/Budget but also in the implementation of schemes and maintenance of the assets created.

Further, the District Planning is to some extent akin to the concept of integrated area planning. District can be taken as sub-state decision making unit within the system of multi-level planning. It arises from the need to supplement the National and State Plans with a more detailed examination of the resources, problems and potential of local areas (Districts) so that investment programmes most specifically tailored to the particular needs of each District could be evolved and implemented. In Contrast to the National and State Plans the District Plan would represent a distinct multi-sectorial package of area specific investment proposal and institutional arrangement suited in the context. Each District Plan must specific to its own agro-climatic and socio-economic conditions but at the same time it should reflect basic objectives of the National Plan. The latter are the ultimate objectives which cover the overall activities of the Nation. The local level objectives are derived from them.

The logical corollary to this will be earmarking of funds (district budget) so that plans formulated problems identified would be effectively tackled.

5. CRITERIA FOR ALLOCATION OF PLAN OUTLAY

For realising the objectives of regional balance through decentralised planning the Government have approved the following criteria for distribution of Plan Outlay among Zilla Panchayat. As per this criteria backward regions/areas get a relatively higher share of outlay compared to developed region.

INDICATORS AND WEIGHTAGES FOR DISTRIBUTION OF PLAN OUTLAY

	Indicators	Weights (%)
1.	Population - RURAL	40
2.	Backwardness in Agriculture as measured by the value of Agriculture output as per hectare	7
3.	Backwardness in Irrigation as measured by the proportion of Irrigated Area to Net Area Sown	5
4.	Backwardness as measured by the value of Industrial output	3
5.	Backwardness in Communication as measured by road mileage	3
6.	Backwardness in Financial infrastructures measured by size of population served by each commercial and cooperative bank.	2

7.	Backwardness in Medical and health facilities as measured by the number of hospitals/PHC/PHSC		5
8.	Backwardness in power supply as measured by the proportion of villages electrified		5
9.	Problems of the weaker section.		
	(a)	as measured by the proportion of SCs/STs in the population	10
	(b)	as measured by the proportion of landless agricultural labourers	8
10.	Special Problems of drought prone areas/ dry areas		
	(a)	As measured by the area under forest	2
	(b)	As measured by the rural population of drought prone areas	2
11.	Literacy percentage		5
12.	Performance in Family Planning Programme		3
		TOTAL	**100**

(R.ONGMU) IAS
Secretary

Ex.Ordinary **SIKKIM GOVERNMENT GAZETTE** **Gangtok, Thursday, 21st May, 1998** **No.103**

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 22/HOME/98 **Dated 14.5.98**

NOTIFICATION

The State Government hereby confers the Status of Minister of State on all Adhakshyas of Zilla Panchayats and the status of Deputy Minister on all Up-Adhakshyas of Zilla Panchayats. Their salaries and allowances will be governed by the provisions of the Sikkim Ministers, Speaker, Deputy Speaker and Members of Legislative Assembly (Salaries and Allowances) Act, 1977.

By Order.

SONAM WANGDI
Chief Secretary

F.No.35(49) 97-98/RDD/P

GOVERNMENT OF SIKKIM
DEPARTMENT OF CO-OPERATION
Sahakari Bhawan
TADONG

No.1/Coop. Dated 11.5.1998

NOTIFICATION

In order to provide financial assistance to the Co-operative Societies other than Federal Co-operative Societies under section 55 of the Sikkim Cooperative Societies Act, 1978, the State Government hereby lays down the following norms, namely :-

1. The Co-operative Society shall furnish its audited balance sheet of the preceeding co-operative year

2. The Co-operative Society shall obtain the recommendations of the Circle Co-operative Inspector and District or Divisional Office Registrar of Cooperative Societies.

3. The rates subsidy for each category of the co-operative society shall be as indicated in the schedule. The above rates of subsidy shall be revised by the Government from time to time.

For each type of subsidy, the following conditions shall be fulfilled :-

(1) Managerial Subsidy

(a) The office bearer of the Co-operative Society shall have the following minimum qualifications :-

(i) Secretary/Manager - Class X passed and
(ii) Salesman - Class VII passed and above

(b) The office bearer should be a local domicile of Sikkim
(c) Minimum 20, numbers of new members should be enrolled every year
(d) Society should have increased its turnover by atleast 10% over last year
(e) In case of Multipurpose Co-operative, in addition to above (a) to (d), it should have achieved atleast, 30% loan recovery, 10% marketing of agricultural produces and 10% fertilizer distribution

(2) Rental Subsidy.

(a) The Co-operative Society should not have its own building.
(b) The Co-operative Society should furnish details indicating name of the house owner, date of occupation, house rent approved by the Committee and total space occupied.

(3) Interest Subsidy.

(a) The Co-operative Society should have availed loan from financial institution

for taking agricultural and animal husbandry marketing and other allied activities.

(b) The Co-operative Society shall furnish a certificate issued by the auditor indicating total interest paid by the Society in the last three years

(c) No subsidy will be released on consumption loan transactions

(4) Working Capital

The Co-operative Society should submit its audited financial statements indicated paid up share capital, borrowings from financial institutions, assets and liabilities, reserves and profit/loss accounts of the preceeding year and business development plans with target of the current year.

(5) Pre-Operative Expenses

(a) The subsidy for pre-operative expenses shall be given to meet up establishment costs like furniture/fixture and equipments, weight and measures, signboards and printing of books of accounts and cash memos.

(b) It is a one time grant and given only to the newly registered Societies

(6) The above financial assistance to the Co-operative Societies shall be subject to availability of fund.

SCHEDULE

Type/Classification of Subsidy	Class-D 1-5 year	Class-C 6-10 years	Class-B 11-15 years	Class - A 16-20 years
1. Managerial	Rs. 1,000/-p.m Rs. 12,000/- per annum	Rs. 800/-p.m Rs. 9,600/-per annum	Rs. 600/-p.m. Rs. 7,200/-per annum	Rs. 400/-p.m. Rs.4,800/- per annum
2. Rental	Rs. 500/- p.m. Rs. 6,000/- per annum	Rs. 400/- p.m. Rs. 4,800/- per annum	Rs. 300/-p.m. Rs. 3,600/- per annum	Rs. 200/- p.m. Rs. 2,400/-per annum
3. Interest Subsidy Bank Loan	80%	60%	40%	20%
4. Working Capital grants	Rs. 7,000/-	Rs. 6,000/-	Rs. 5,000/-	Rs. 4,000/-
5. Pre-operative Expenses	Rs. 5,000/-	-	-	-

By Order and in the name of the Governor

Secretary,
Department of Co-operation,
Government of Sikkim

GOVERNMENT OF SIKKIM
FINANCE DEPARTMENT
GANGTOK

No.10/FIN Dated 27.6.1998

NOTIFICATION

The Governor is pleased to delegate Financial Powers to the Chief Justice, High Court of Sikkim expenditure in excess of the limit delegated to the Registrar, High Court of Sikkim as contained in Appendix 3 (Part I & II) and 3 A of Sikkim Financial Rules as amended from time to time.

2. The exercise of the powers is subject to the following :-

(a) There is specific provision in the budget,

(b) The proposals are processed through the Finance Department before submission to the Chief Justice for sanction,

(c) The expenditure sanctioned is Non-recurring,

(d) The expenditure shall be in accordance with Notification No. 6/Fin. dated 20 7 89 as amended from time to time.

Tashi Topden, IAS
Secretary, Finance

GOVERNMENT OF SIKKIM
FOREST DEPARTMENT
(WILDLIFE CIRCLE)

No.225/WL/F/15/ADM Dated 18.6.1998

NOTIFICATION

In continuation of the Notification No. 209/WL/F/15 Dated 15/6/98 and in compliance with the directives of the Supreme Court in case No. 337 of 1995 (Centre for Environmental Law Vs Union of India), the State Government hereby specifies the duties, responsibilities, terms of appointment etc., of Honorary Wildlife Warden of the State Government as under, namely :-

1. THE DUTIES, RESPONSIBILITIES AND POWERS OF THE HONORARY WILDLIFE WARDEN SHALL BE AS FOLLOWS :-

(1) Duties & Responsibilities.

The main duties and responsibilities of the Honorary Wildlife Wardens are to

assist wholeheartedly the Wildlife Circle, Forest Department, Government of Sikkim, responsible for wildlife conservation works and emphasise the duties and responsibilities on the following matters :-

(a) Control on poaching and clandestine trade in wild animals and products/ articles thereof

(b) Detection and prosecution of offences under the Wildlife (protection) Act and the rules made thereunder.

(c) Preventing damage to the habitat of Wildlife.

(d) Identification and selection of areas suitable to be declared as sanctuaries, national parks, closed areas, etc , as well as measures for their proper protection

(e) Measures for dealing with the problems of damages caused by wild animals to life and property including assessment and payment of compensation, etc

(f) Carrying the message of conservation to the people and enlisting public support for nature and wildlife conservation. This effort should be especially directed towards the communities living in or near the declared wildlife reserves

2 POWERS

(a) An Honorary Wildlife Warden shall be subordinate to the Chief Wildlife Warden of the State and under section 59 of the aforesaid Act, he shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Protection for action taken in good faith is provided under section 60 of the Act.

(b) With a view to make the Honorary Wildlife Wardens useful and effective, the following specific powers under the Wildlife (Protection) Act, 1972 (53of 1972), are hereby delegated as under :-

(a) Power to inspect records of licences under section 47 (b).

(b) Powers of entry, search seizure and detention section 50 for prevention and detection of offences under the Act.

2 GENERAL CONDITIONS, ENTITLEMENT AND TERMS OF APPOINTMENT OF HONORARY WILDLIFE WARDEN SHALL BE AS FOLLOWS :-

(1) GENERAL CONDITION AND ENTITLEMENT :-

(a) No staff or vehicle support shall be provided to Honorary Wildlife Wardens as a matter of course. However, if the circumstances warrant, the departmental staff should provide all possible help and assistance.

(b) Each Honorary Wildlife Warden shall be issued an Identity Card having his photograph and signature duly attested by the Chief Wildlife Warden. He shall also receive the copy of Wildlife (Protection) Act and rules made thereunder.

(c) The State Government shall also reimburse actual expenses incurred by an Honorary Wildlife Warden on travel by public transport for carrying out the duties assigned to him. In addition, all expenses incurred in the detection of an offence under the Wildlife (Protection) Act, which leads to successful prosecution, shall be reimbursed after due verification.

2. THE TERMS OF APPOINTMENT :

(a) The terms of appointment of an Honorary Wildlife Warden shall be for a period of (2) two years subject to renewal on recommendation of the State Wildlife Advisory Board

(b) The State Government may, at its discretion, terminate the appointment of an Honorary Wildlife Warden at any time, without assigning reasons.

Chief Wild Life Warden
Forest Department
Government of Sikkim

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.34/HOME/98 **Dated 14.7.1998**

NOTIFICATION

The State Government is hereby pleased to announce that, henceforth, the awards of the President's Police Medal and the Police Medal shall be granted a one-time cash award at the following rates :-

1	President's Police Medal	-	Rs. 10,000/- (ten thousand) only
2	Police Medal	-	Rs. 5,000/- (five thousand) only.

F.No.46(4)/HOME/80/VOL II

SONAM WANGDI
Chief Secretary

GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH & FAMILY WELFARE
GANGTOK

No13/M

Dated 3.7.1998

NOTIFICATION

The Government is pleased to extend the facilities of embalming dead bodies at the S.T.N.M Hospital, Gangtok and District Hospital Namchi. However, the parties requesting for embalming any dead body is required to pay the following prescribed fee.

Embalming for Gangtok/Namchi area Rs. 300.00 (Rupees three hundred)

Embalming for outside Gangtok/Namchi Rs. 500.00 (Rupees five hundred)

(Transport is to be provided by the party to and from Gangtok/Namchi for transporting the dead bodies required to be embalmed)

The amount indicated above and applicable in each case is to be deposited by the party in the State Bank of Sikkim under the Revenue Head "0210-Medical & Public Health-01-Urban Health Services-020-Receipts from patient for Hospital and Dispensary Services". The Parties are required to confirm from the concerned Hospitals before the amount is deposited and this order takes effect with immediate effect.

By Order

File No 1(98)F.M

D.BAHDUL
Secretary to the Government of Sikkim

DEPARTMENT OF EDUCATION
GOVERNMENT OF SIKKIM
GANGTOK

Ref. No. 22/98 Edn.

Date 12.6.98

Consequent upon the decision of the Government the following schools are upgraded with effect from the academic session 1998

Sl. No.	CATEGORY OF SCHOOL	SCHOOL CODE NO.
A	JUNIOR HIGH SCHOOL TO SECONDARY SCHOOL	
1	Makha Junior High School (East)	E-47
2	Aho-Santi Junior High School (East)	E-34

B	PRIMARY TO JUNIOR HIGH SCHOOL	
1	Rayong Primary School (South)	S-139
2	Upper Jaubari Primary (South)	S-160
3	Alleydara Primary School (South)	S-67
4	Temi Tea Garden Primary School (South)	S-156
5.	Manzing Primary School (South)	S-125
6.	Lunchok Primary School (South)	S-120
7	Ganchong Primary School (East)	E-111
8.	Biring Primary School (East)	E-93
9.	Ahopul Kisan Primary School (East)	E-81
10	Yangthang Martam Primary School (East)	E-134
11.	Chhalamthang Primary School (East)	E-181
12	Sardong Primary School (West)	W-121
13	Mangsari Primary School (West)	W-102

By Order

T.T.DORJI, IAS
Commissioner-cum-Secretary, Education

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary **Gangtok, Tuesday, 18th August, 1998** **No.178**

FOREST DEPARTMENT
GOVERNMENT OF SIKKIM

Notification No. 202/F. **Dated 26.6.1998**

NOTIFICATION

Whereas the Khasmal and Goucharan forest lands in the State have been considerably degraded in most of the areas due to over exploitation of the forest produce without caring for the future, though a part of these forest lands were set aside for meeting the bonafide needs of the people who were to keep the boundaries of these forest lands intact in lieu of the rights and concession enjoyed by them, but, over the years due to increase in population of the villages, the pressure on these lands increased considerably and these land were denuded of the tree cover and subsequently the areas were encroached upon by the people.

And whereas, the Forest Department has made efforts to rehabilitate these areas to its original vegetation under various schemes, particularly, Social forestry and Centrally Sponsored Schemes and in many cases people's participation was also achieved, but the effort was abounded after undertaking the plantation area as care could not be undertaken by the Department due to lack of staff and lack of interest on the part of villagers.

And whereas, the 1988 National Forest Policy Resolution envisages people's involvement in the development and protection of forests for meeting the genuine demands of fuel-wood, fodder, small timber and non-timber forest produce including medicinal plants for the villages for bonafide use;

Now, therefore, in order to achieve the active participation of the villagers in the development and protection of forests, the State Government hereby notifies :-

That in Khasmal, Goucharan areas and degraded forest lands, sensitive to severe biotic interference and damage to the forest crop, Forest Protection Committees involving the residents of the adjoining villages shall be constituted. Such Committees may be given 25% of the net income derived from the forest

(including non-timber forest produce and medicinal plants) so protected after meeting the bonafide needs of the local villagers in respect of fodder and firewood from fallen and dry twigs. In addition, Village Forest Protection Committee may also be given 25% income generated from the intermediate fellings i.e. thinning and cleaning etc.

1. CONSTITUTION OF STATE LEVEL COMMITTEE :

There shall be a State Level High Power Committee as mentioned below to evolve a suitable and dynamic joint State Forest Management Policy during the period of initial implementation to make the programme well established to meet the aspirations of the people. The composition of the State Level High Power Committee shall be as follows:

2. COMPOSITION

1.	Chief Minister	Chairman
2.	Minister, Forest	Member
3.	Minister, Finance	Member
4.	Minister, Rural Development Department	Member
5.	Minister, Agriculture	Member
6.	Minister, Animal Husbandry	Member
7.	Minister, Tourism	Member
8.	Chief Secretary	Member
9.	Secretary, Finance	Member
10.	Development Commissioner	Member
11.	Secretary, Rural Development Department	Member
12.	Secretary, Agriculture	Member
13.	Secretary, Animal Husbandry	Member
14.	Secretary, Tourism	Member
15.	Indo-Swiss Project's Representative	Member
16.	District Panchayat's Representative	Member
17.	Non-Governmental Organisation's Representative	Member
18	Special Invitee (Two if required)	Member
19.	Principal, Chief Conservator of Forests -cum-Secretary, Forests.	Member Secretary

3. PROCEDURE FOR CONSTITUTION OF VILLAGE FOREST PROTECTION COMMITTEES AREA SELECTION FOR CONSTITUTION OF VILLAGE FOREST PROTECTION COMMITTEES

The Divisional Forests Officer shall select on priority basis such sensitive Panchayat Blocks in consultation with Divisional Forest Officer (Territorial) where the villagers are willing to offer their co-operation in the protection of forest crop on Khasmal, Goucharan and degraded forest lands falling in their area. Depending upon the size of the population and requirement of usfruct forest produce for each village, the Divisional Forest Officer concerned shall select a specific area for joint Forest Management for each selected Panchayat Block.

4. COMPOSITION OF VILLAGE FOREST PROTECTION COMMITTEE

(i) The Divisional Forest Officer in consultation with the Panchayat of the concerned Block shall select beneficiaries for constitution of the Village Forest Protection Committee within their respective jurisdictions and within the framework of this notification.

(ii) The beneficiaries ordinarily shall be economically backward class of people in the vicinity of the forests. Every family living in the Panchayat area shall, however, have the option

of becoming a member of the Village Forest Protection Committee, if such family, including the female members, is interested in the work of protection.

(iii) The concerned Panchayat shall extend necessary support and help to such Committees to ensure their smooth and proper functioning.

(iv) Each Village Forest Protection Committee shall have an Executive Committee to carry out the various activities assigned to Committee.

(v) The composition of the Executive Committee shall be as follows :-

a) Panchayat President of any member of Panchayat nominated by him — MEMBER

b) Elected representative of the beneficiaries (not exceeding six of which atleast 33% shall be women members) — MEMBER

c) Representative of National Government Organisation — MEMBER

d) Concerned Block Officer — MEMBER SECRETARY

The members of the Executive Committee shall elect the President in each meeting out of the elected members.

(vi) Constitution of the Village Forest Protection Committee and Executive Committee shall be approved by Divisional Forest Officer concerned on the recommendation of the concerned duly endorsed by the Panchayat for approval.

(vii) If any inclusion or change in the Village Forest Protection Committee/Executive Committee is necessitated after initial constitution, the Executive Committee shall make suitable recommendation to Divisional Forest Officer concerned duly endorsed by the Panchayat for approval.

(viii) The Block Officer as Member Secretary shall convene the meetings of the Executive Committee as well as Village Forest Protection Committee as per scheduled procedure.

(ix) The representative of the beneficiaries to Executive Committee shall be elected each year in Annual General Meeting of the Committee where the concerned Range Officer shall be the observer; and

(x) The concerned Range Officer shall monitor, supervise and review the functions of the Village Forest Protection Committee.

5. DUTIES

(i) The Village Forest Protection Committee shall maintain register showing necessary particulars of the beneficiaries who are members of the Committee e g. Name, Father's name, Age, Number of family members, address, name of the nominee etc. The nomination form duly filled in and approved by the Executive Committee shall be pasted in the register. Such registers are also to be maintained in the concerned Range Officer of the Forest Department for permanent records.

(ii) The Village Forest Protection Committee shall maintain a minute's book wherein proceedings of the meetings of the Executive Committee held from time to time as well as the proceedings of the Annual General Meeting of the Village Forest Protection Commit-

tee shall be recorded under the signature of the President of the concerned Committee and such minutes duly attested shall be sent to the concerned Range Officer for record

(iii) The Village Forest Protection Committee shall hold a general body meeting atleast once in every year where activities of the Committee as well details of distribution of usufructory benefits are to be discussed, besides electing representatives of beneficiaries to the Executive Committee.

(iv) Each Village Forest Protection Committee shall maintain a Register which shows expenditure on and Revenue from the Forest areas under their control by way of sale of grass, fodder, forest proceeds from thinnings, Minor Forest Produce etc

6 FUNCTION

A (i) To ensure protection of forests/plantations through members of the Committee.

(ii) To protect the Khasmal/Goucharan forests in their respective jurisdiction with the members of the Committee.

(iii) To inform forest personnel or any person or group of persons attempting trespass and wilfully or maliciously damaging the said forest/plantation or committing theft thereon

(iv) To prevent such trespass, encroachment, grazing, fire, theft or damage.

(v) To apprehend or assist the forest personnel in apprehension of such person or persons committing any of the offences mentioned above.

(vi) To assist the forest officials in the protection of the adjoining reserve forest areas.

B (i) To ensure smooth and timely execution of all forestry works taken up in the area under protection by the committee

(ii) To involve every member of the Committee in the matter of protection of forests/ plantations as well as other duties assigned to the Committee

(iii) To assist the concerned forest official in the matter of selecting/engaging labours required for forestry works.

C (i) To ensure smooth harvesting of the forest produce by the Forest Department.

(iii) To assist the concerned forest officials in proper distribution of earmarked portion i.e. 25% of net sale proceeds among the members of the Committee (as per the list in Range Officer).

(iii) To ensure that the usufructory rights allowed by the Government is not in any way misused by any of the members and forest plantation sites are kept free from any encroachment, whatsoever

D (i) To prevent activities in contravention of the provisions of Indian Forest 1927, Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 and any rules made there under

(ii) To report about the activities of a particular member, members which are found prejudicial and detrimental to the interests of a particular plantation and or forests to the concerned forest official, which may result in cancellation of membership of

the erring member forthwith.

(iii) To assist the forest officials to take action or proceed under Indian Forest Act, 1927, Sikkim forest, Water Courses and Road Reserve ((Preservation and Protection) Act, 1988 and Wild Life (Protection) Act, 1927 and any rules made thereunder against the offenders, including any erring member of the Committee found to be violating the Act or damaging the forests/plantations.

(iv) To assist the forest officials in preventing, controlling fires and grazing in the forests, plantations.

7 USUFRUCTUARY BENEFITS

(i) The members shall have to protect the forests, plantation for at least five years to be eligible for sharing of usufructs under this programme. For this purpose, the Village Forest Protection Committee shall get a certificate from concerned Range Officer every year in April stating that the Village Forest Protection Committee has protected the plantation, forest successfully during the previous financial year.

(ii) The forest official in consultation with the Executive Committee and with the approval of the Block Panchayat of the area, will distribute to the eligible members their proportionate shares of usufructs from the final harvesting, not before the crop attaining the age of ten years, or as fixed by the Forest Department, upon satisfactory performance of functions detailed hereinbefore.

(iii) The members shall be entitled to collect following items free of the royalty without causing any damage to forests, plantations.

a) fallen twigs, grass, fruits flower seeds and leaves, medicinal plants or portion thereof for their personnel use.

b) one fourth of the product obtained as intermediate yields form coppicing, thinnings etc. and also 25% from the sale proceeds of minor forest produce.

(iv) The concerned forest official shall set apart 25 of the net sale proceeds at every harvesting of the concerned plantation, forests i.e. timber, poles, firewood etc. and shall pay to all eligible members of their nominees, their proportionate share out of the said earmarked funds, as per para 7 (ii) of the notification.

This Notification shall come into force with effect from date of its publication in the Official Gazette.

By Order and in the name of the Governor

T.R.SHARMA, IFS
Principal Chief Conservator of Forests -cum- Secretary
Forest Department
Government of Sikkim,
Gangtok

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 40/HOME/98 **Date: 18.8.98**

NOTIFCATION

With a view to better mobilisation and augmentation of the royalty realisation in respect of forest produce of the Forest Department, it has been found expedient to review the existing system of collection of royalty on various forest products especially stones/stone chips and sand which are used in large quantity by the construction agencies particularly the Government Departments.

It has now been decided by the State Government to modify the system for deduction, at source, of the royalty component of any scheme. Henceforth, 50% of the royalty component on all forest produce included in the estimates of any scheme/project shall be deducted at source at the time of commencement of the scheme and the balance shall be deducted concerned Department/organisation at the time of release of final payment and the amount so deducted shall be paid into the relevant head of account of the Forest Department. The concerned Department/organisation shall not release the final bill of the contractor until and unless a clearance is obtained from the office of the Principal Chief Conservator of Forest, Forests Department to the effect that royalty on various forests produce has been fully paid and there are no dues outstanding against the contractor/user agency/departmental works etc.

So far as the Central Government organisation like GREF, CPWD, MES etc. are concerned, they should invariably furnish a copy of the sanctioned estimate of any annual construction activity or project to the Forests Department as and when the same is requested for. Based on the same, the Forests Department will realise the royalty

SONAM WANGDI
Chief Secretary

F.No.131/FTC/Schedule of Rates

GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK.

Notification No. 39/L.R. **Date:21.8.98**

NOTIFICATION

The Governor of Sikkim is hereby pleased to revise the rate of Land Revenue and Fees for various items of works under the Land Revenue Department as given herein below. They shall come into force with effect from 01.09.98 However the Local rate and the Land rent at Serial Number 4 and 5 shall come into force with effect from 01.04.99.

	ITEMS	REVISED RATE/RENT/FEES
1.	COPYING FEES	
	a). Maps	Rs. 10/- Rs. 5/- per hectare
	b). Khatiyan Copy	Rs. 10/- each
	c). Judgement order	Rs. 3/- per page plus Rs. 3/- copyist charge
2.	REGISTRATION FEE ;	
	Transfer of properties	4% on the consideration value of land. 1% stamp duty on the consideration value of land.
3.	SURVEY FEE ;	
	a). Average pay + DA + Actual motor hire for the journey & working.	
4.	LOCAL RATE	Rs. 5/-per annum for dwelling house.

5.	LAND RENT Types of land			
	i) WET LAND		Class	
		I	II	III
	Circle 'A' (per hectare)	Rs. 20.00	Rs. 16.00	Rs 12.00
	Circle 'B' (per hectare)	Rs. 18.00	Rs. 14.00	Rs. 10.00
	Circle 'C' (per hectare)	Rs. 16.00	Rs. 12.00	Rs. 8.00
	Special Circle 'C' (per hectare)	Rs. 12.00	Rs. 8.00	Rs. 6.00
	ii) DRY LAND			
	Circle 'A' (per hectare)	Rs. 8.00	Rs. 6.00	Rs. 6.00
	Circle 'B' (per hectare)	Rs. 8.00	Rs. 6.00	Rs. 4.00
	Circle 'C' (per hectare)	Rs. 6.00	Rs. 6.00	Rs. 4.00
	Special Circle 'C' (per hectare)	Rs. 6.00	Rs. 4.00	Rs. 4.00
	iii) B A N Z O (Barren) Banzo of all the circles per hectare	Rs. 2.00	Rs. 2.00	Rs. 2.00
6.	Firm Registration	Rs. 500/- each		

7 Registration of Organisation Rs. 500/- each

8 Registration of Companies Rs. 25/- Stamp duty

(a) For registration of company whose nominal share capital does not exceed Rs. 20,000/- Rs 1000/-

(b) For registration of a company whose nominal share capital exceeds Rs. 20,000/- fee of Rs. 1,000/- with the following additional fees regulated according to the amount of nominal capital :

i) For every Rs 10,000/- of nominal share capital or part of Rs. 10,000/- after the first Rs. 20,000/- upto Rs. 50,000/- Rs.30/-

ii) For every Rs. 10,000/- of nominal share capital or part of Rs. 10,000/- after the first Rs 50,000/- upto Rs. 5,00,000/- Rs.25/-

iii) For every Rs 10,000/- of nominal share capital or part of Rs. 10,000/- after the first Rs. 5,00,000/- upto Rs. 10,00,000/- Rs.20/-

iv) For every Rs. 10,000/- of nominal share capital or part of Rs. 10,000/- after the first Rs. 10,00,000/- upto Rs. 25,00,000/- Rs.15/-

v) For every Rs. 10,000/- of nominal share capital or part of Rs. 10,000/- after the first Rs. 25,00,000/- Rs.10/-

c) For filling, registering or recording any document by this Act required or authorised to be filed, registered or recorded other than the memorandum or abstract required to be filed with the Govt a fees of Rs 7.50p shall be payable

This is in supersession of all previous Sikkim Government Proclamations/Executive orders/Notifications/ Circulars/Memoranda/Rules and the Rule No 15 of the Registration of Companies Act (Sikkim) 1961.

By Order,

KARMA GYATSO,IAS
Commissioner-cum-Secretary,
Land Revenue Department
Gangtok

File No 81/96-97/LR

GOVERNMENT OF SIKKIM
ROADS & BRIDGES DEPARTMENT

No.6(48)D/79/80/1 Dated 1.9.98

NOTIFICATION

Consequent upon the approval of the Cabinet on 17.03.1998, the Dikchu-Sankalang-Mangan road hitherto constructed, developed and maintained by Roads and Bridges department, Government of Sikkim is handed over to Project Swastik, Border Roads Organisation, Government of India with effect from the date of actual handing and taking over with the express condition that the Border Roads will ensure that all the contract works and other employments pertaining to this road should be given to the local people as far as practicable and influx of labourers from outside area should be avoided.

By Order,

N.S.LEPCHA
Secretary to the Government of Sikkim,
Roads & Bridges Department,
Gangtok

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.54/HOME/98 Dated 6.10.98

NOTIFICATION

In supersession of Home Department's Notification No. 26 (109) Home P/89/52 dated 25th August, 1989, the State Government is pleased to declare that the following dignitaries (and their wives accompanying them) shall be treated as State Guests when they visit the State, irrespective of whether the visit is on duty or otherwise.

1 Judges of the Supreme Court.

2. Chief Justice of High Courts.

F.No.GOS/5(1) H/Protocol/98/Pt II

SONAM WANGDI, IAS
Chief Secretary

GOVERNMENT OF SIKKIM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
GANGTOK

Ref No.124/KNP/WLF/01 **Dated 2.9.98**

NOTIFICATION

In supersession of this Department's Notification No. 207/WL/F dated 1.9.1997, the State Government is, in accordance with the provisions of the Wildlife (Protection) Act, 1972 (as amended upto 1993), pleased to revise the entry and other related fees chargeable to the mountaineers, trekkers and other visitors including travel operators, guides, porters and pack animals in the Khangchendzonga (High Altitude) National Park and Wildlife Sanctuaries within Sikkim in the following manner with effect from 1.9.1998.

I ENTRY FEE IN THE KHANGCHENDZONGA (HIGH ALTITUDE) NATIONAL PARK (KNP)

1)	Indian	-	a)	Rs. 100/- per head for first 5 days.
		-	b)	Rs. 15/- per head per day for additional days.
2)	Foreigner	-	a)	Rs. 200/- per head for first 5 days.
			b)	Rs. 50/- per head per day for additional days
3)	Student			
	a) Indian	-	a)	Rs 50/- per head for first 5 days
			b)	Rs. 10/- per head per day for additional days.
	b) Foreigner	-	a)	Rs. 100/- per head for first 5 days.
			b)	Rs. 25/- per head per day for additional days.
4)	Guide and Porter with the team	-		Rs 5/- per head per day.
5)	Pack Animal	-		Rs. 5/- per animal per day.
6)	Tent Pitching charge	-		Rs. 20/- per tent per day.

II ENTRY FEE IN THE WILDLIFE SANCTUARIES (WLS)

1)	Indian	-	a)	Rs. 50/- per head for first 5 days.
			b)	Rs. 10/- per head per day for additional days.
2)	Foreigner	-	a)	Rs. 150/- per head for first 5 days.
			b)	Rs. 35/- per head per day for additional days.
3)	Student			
	a) Indian	-	a)	Rs. 25/- per head for first 5 days.
			b)	Rs. 10/- per head per day for additional days.

	b) Foreigner	-	a) Rs. 50/- per head for first 5 days b) Rs. 15/- per head per day for additional days
4)	Guide and porter with the team	-	Rs. 5/- per head per day.
5)	Pack animal	-	Rs. 5/- per animal per day.
6)	Tent Pitching charge	-	Rs. 20/- per tent per day.

III CAMERA OPERATING FEES

	FOREIGNER		INDIAN	
	KNP	WLS	KNP	WLS
a) Still Camera	150/-	25/-	50/-	15/-
b) Video Camera	1,000/-	300/-	200/-	100/-
c) Movie Camera	2,000/-	700/-	700/-	200/-

IV FILM MAKING FEES

a) Feature Film (one film at a time)	50,000/-	25,000/-	25,000/-	10,000/-
b) Documentary Film (one film at a time)	20,000/-	15,000/-	15,000/-	5,000/-

(Film making fee is in addition to camera operating fee)

V ACCOMMODATION IN LOG HUT (SUBJECT TO AVAILABILITY)

a) Wildlife Log Hut

1) Foreigner	- Rs. 250/- per head per night
2) Indian	- Rs. 150/- per head per night
3) Student	
a) Foreigner	- Rs. 100/- per head per night
b) Indian	- Rs. 50/- per head per night

VI CONCESSION Mountaineering and trekking expeditions conducted through the local tour operators, local guides and local porters will be given a concession of 20 percent on entry and tent pitching fees only for a period of two years.

VII CONDITIONS

a) The team shall enter the National Park and the Wildlife Sanctuary with an appropriate ENTRY PERMIT obtainable in the Wildlife Circle of the Department or in Wildlife Check Post in each entry point.

b) The team shall also ensure that necessary clearance for expedition in the restricted areas of Defence is obtained from the Ministries of Home Affairs and Defence of the Government of India

and the State Home Department

c) The shall carry sufficient quantity of Kerosene oil and LPG for heating and cooking purposes and discourage use of firewood by members including porters.

d) The team members shall keep to the permitted route and places. The pack animals being used should be free from any cattle disease.

e) The team shall ensure proper retrieval of garbages, poly bags, used tins etc. from the camping sites and route and abstain from polluting rivers and streams with human and kitchen wastes.

f) The team shall not enter with weapons which can decoy, injure or kill an animal, indulge in hunting and poaching of wild animals, kindle fire or leave any fire burning, destroy or remove any wildlife, trees, signposts etc. in the protected area.

g) The team shall have to apply in the form (supplied) and obtain permit for entry and other activity after paying necessary fees and shall also strictly adhere to the DOs and DON'Ts printed in the PERMIT

h) The team shall also respect the mountains, lakes and the rocks which are sacred to the local people and shall abide by the law of the land

T.R.SHARMA, IFS
Principal CCF-Secretary-cum-Chief Wildlife Warden

File No. 124/KNP/96

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary **Gangtok, Tuesday, 13th October, 1998** **No.230**

GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK

No.16/H&FW **Dated 22.9.98**

NOTIFICATION

With the commissioning of a C.T. Scan Unit in the STNM Hospital, the Government is pleased to prescribe the following charges for availing the C.T. Scan facilities with immediate effect

1. For general indoor patients	Free of cost
2. For all outdoor patients and patients of private cabins	Rs. 300/- per case
3. Special cases exclusively recommended by the Minister of Health and Family Welfare and the Chief Minister	Free of cost

All the requisitions for C.T. Scan are required to be routed through the consultant Radiologist and only after approval of the Medical Superintendent the C.T. Scan is to be undertaken.

The patients requiring C.T. Scanning are required to deposit the above prescribed amount in the State Bank of Sikkim under the revenue head "0210"-Medical & Public Health-01-Urban Health Services-020 Receipt from patients for Hospitals and Dispensary Services. The Medical Superintendent shall ensure that not more than 04 (four) cases are taken up per day

By Order and in the name of Governor

D.DAHDUL
Secretary to Health & Family Welfare

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.59/HOME/98 Dated 26.10.98

NOTIFICATION

The State Government feels the need to ensure the preservation and maintenance of religious institutions and places of worship in Sikkim. There are a large number of monasteries and other institutions which have a great religious significance. Besides, there are a large number of mountain peaks and lakes which are considered to be sacred and the State Government does not permit scaling of such peaks and defilement of such lakes.

The Central Government has also passed a legislation called the Places of Worship (Special Provision) Act, 1991 which prohibits conversion of any places of worship and provides for the maintenance of the religious character of any place of worship as it existed on the 15th day of August, 1947 and for matter connected therewith or incidental thereto. This Act specifically provides that no person shall convert any place of worship of any religious denomination or any section therein into a place of worship of different section of the same religious denomination or of a different religious denomination or any section thereof and punishment for contravention of its provisions is imprisonment for a term of upto three years with fine.

Therefore, in view of the concerns of the State Government as expressed above and in the light of the Central legislation, it is hereby notified that no conversion or alteration or new construction or any developmental activity shall be undertaken at the site or in close vicinity of any place of worship or religious institutions in the nature of restoration or construction can be undertaken only with the prior clearance of the State Government in the Ecclesiastical Department which is the nodal Department to deal with all such matters.

All Secretaries and Heads of Departments and other local authorities may take due notice of these directions and ensure strict compliance both in letter and in spirit.

SONAM WANGDI, IAS
Chief Secretary

File No. 41(EA) EAST/98-99

FOREST DEPARTMENT
GOVERNMENT OF SIKKIM

No.334/F Dated 10.8.98

NOTIFICATION

It is hereby notified for the information of all, that a fee of Rs. 20/- (Rupees Twenty) only will be levied by the Forests Department for issuing of No Objection Certificate (NOC) for Trade Licence or registration of land. This fee is to be paid by Bank Receipt under the Head "0406-800-Other receipt Forest"

This order will come into effect immediately.

By Order and in the name of the Governor

PCCF-CUM-SECRETARY,
Forest Department, Government of Sikkim, Gangtok

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary | Gangtok, Saturday, 5th December, 1998 | No.292

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.70/HOME/98 30.11.98

NOTIFICATION

The 'Serbang" forms an important part of the Buddhist religious tradition. It is taken out to honour very high ranking personages of the Buddhist order in a manner befitting their status. This singular honour is reserved for certain categories of very high ranking spiritual leaders and Chogyals (Dharma Rajas) and it is not accorded to people irrespective of their post and position. The State Government is concerned that there has been some misuse of the tradition in the past

With a view to preserve and protect the customs and traditions of Sikkim, the State Government deems it necessary hereby to declare that the 'Serbang' should be accorded and used strictly in conformity with religious traditions and according to entitlement. A complete ban is ordered on its use otherwise.

The Ecclesiastical Department should immediately issue appropriate directions to monasteries and concerned religious institutions accordingly

By Order,

SONAM WANGDI, IAS
Chief Secretary

F No 53/EA/EAST/98-99

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary | Gangtok, Monday, 7th December, 1998 | No.293

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.71/HOME/98 1.12.98

NOTIFICATION

Whereas various Commissions, Committees, Tribunals, etc are constituted by the State Government from time to time

And whereas it is expedient to prescribe the age limit for the purpose of being eligible to be a Member or to hold the office of Chairman, President, Chairperson, etc. of a Commission, Committee, Tribunal or any Authority or a Body constituted or set up by the State Government.

Now therefore the State Government in consideration of public interest is hereby pleased to prescribe that a person shall not be eligible to be a Member or continue as a Member of any Committee, Commission, Tribunal or to hold or continue to hold the office of Chairman, President, Chairperson of any Committee, Commission, Tribunal, Board, etc. on attaining the age of sixty-seven years with immediate effect.

By Order.

SONAM WANGDI, IAS
Chief Secretary

F.No 1065/CS/SKM/98

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.73/HOME/98 5.12.98

NOTIFICATION

In pursuance of the provisions of section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the governor of Sikkim as per the orders dated 18.9.1998 of the Hon'ble High Court of Sikkim in Writ Petition No. 508 of 1998 and Civil Miscellaneous Application No. 191 of 1998, is pleased to accord consent to the extension of the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole State of Sikkim for the investigation of offences punishable under sections 469, 506 and 507 of the Indian Penal Code, 1860 and under sections 12 and 14 of The Press and Registration of Books Act, 1867 in so far as it relates to newspapers only and attempt, abetment and conspiracy in relation to or in connection with one or more of the offences mentioned above and any offence or offences committed in the course of the same transaction or arising out of the same facts relating to Fake Publication of Magazines, Rato Gham in the edition of November, 1997 and Salpa in the edition of July, 1998.

By Order and in the name of Governor

F No7(6) HOME/84

SONAM WANGDI, IAS
Chief Secretary

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.76/HOME/98 15.12.98

NOTIFICATION

The State Government of Sikkim is pleased to allow the Hon'ble Judges, including the Hon'ble Chief Justice of the High Court of Sikkim to draw a conveyance allowance of Rs. 10,000/- (Rupees ten thousand) only per mensem in lieu of any official vehicle (s) including pool vehicle either of the High Court or of the State Government.

By Order and in the name of Governor

F No GOS/HOME-II/98/150

SONAM WANGDI, IAS
Chief Secretary

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary | Gangtok, Monday, 28th December, 1998 | No.303

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.77/HOME/98 **15.12.98**

NOTIFICATION

Since suitable and befitting official residence cannot be provided at present to Hon'ble Judges and Hon'ble Chief Justice, the State Government of Sikkim is pleased to allow the Hon'ble Judges, including the Hon'ble Chief Justice of the High Court of Sikkim to pay a rent of Rs. 1,000/- (Rupees one thousand) only per mensem as rent for the temporary government accommodation provided to them. The Hon'ble Judges will however, draw the house rent allowance as admissible to them till such time as suitable and befitting official residence are constructed.

By Order and in the name of Governor

SONAM WANGDI, IAS
Chief Secretary

F No GOS/HOME-II/TEMP/98/150

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary | Gangtok, Tuesday, 29th December, 1998 | No.329

GOVERNMENT OF SIKKIM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS-CUM-SECRETARY

No.870/F **16.12.98**

NOTIFICATION

The revised rates for holding seminars and conferences in Conference Hall of Department of Forest, Environment & Wildlife are as under :-

1.	State Government/Central Government Department	Rs 3000/- per day
2.	State based voluntary organisation affiliated to Government of India and NGOs who are working for the benefit of the rural mass for awareness programme, etc.	Rs. 5,000/- per day
3.	National level seminars, conferences, etc.	Rs. 5,000/- per day
4.	International level seminars, conferences, etc.	Rs. 5,000/- per day

Interested departments are requested to deposit the amount under Revenue Head '0406' Forestry, Wildlife 01 Forestry, 800-Other Receipts. Permission will be given only on production of Bank Receipt accompanied with written request from Secretary/authorised officer of the concerned department.

T.R.SHARMA, IFS,
Principal CCF-cum-Secretary,
Government of Sikkim

File No.3(12) GOS/DOF/97

EXCISE (ABKARI) DEPARTMENT
GOVERNMENT OF SIKKIM

No.14/EX(ABK)/98-99 **25.01.99**

NOTIFICATION

WHEREAS the State Government had granted Excise Licences vide licences No 1/Wholesale/Ex (Abk.) 95-96 and No. 2/Wholesale/Ex (Abk.)/95-96 both dated 10.5.95 for wholesale of liquor within the State of Sikkim as per provision under the Sikkim Excise Act 1992 and the licences were renewed till 31.3.1999.

AND WHEREAS the Government of Sikkim on considering the interest of the manufacturers and retailers of liquor in the State; to encourage competitive trade practices of liquor, to enable the consumers of liquor to procure quality liquor at a competitive price and ultimately help the State to mobilise additional revenue to the state exchequer have reviewed the policy on grant of such Excise Licences to wholesalers.

NOW THEREFORE, in greater public interest and in exercise of power conferred by Section 29 of the Sikkim Excise Act 1992, notice is hereby given to the wholesalers to wind up their business by 31.3.1999 and the Excise Licence No. 1/Wholesale/Ex (Abk.)/95-96 and Licence No 2/Wholesale/Ex (Abk.)/95-96 both dated 10.5.95 hereby stands withdrawn with effect from 1.4.1999.

Consequent upon the withdrawal of wholesalers licences as aforesaid, to regulate the liquor trade in the State, Excise licences shall be issued as per provisions under Sikkim Excise Act 1992 as follows :-

(1) That the existing manufacturers of liquor operating in the State of Sikkim shall make their own arrangement for creating their own distribution networks within the State for their products with effect from 1.4.99.

(2) That if any new unit manufacturers liquor within the State of Sikkim is in a position to start production, and market their products before 31.3.1999 they shall be allowed to open their own distribution network.

(3) That the Excise Licences for import and wholesale of liquor manufactured in other States shall be granted after payment of Excise Duty, Import Pass Fee and other levies as applicable.

By Order,

P.T.Gyamtsho, IAS
Secretary to the Government of Sikkim
Excise (Abkari) Department

Ex.Ordinary SIKKIM GOVERNMENT GAZETTE Gangtok, Saturday, 30th January, 1999 No.23

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRAINING.
GANGTOK.

No.99/GEN/DOP. Dated: 22/01/1999

NOTIFICATION

The three advance increments granted to graduate candidates on appointment as Lower Division Clerks or any other equivalent posts in the Government of Sikkim Vide Notification No. 291/GEN/EST dated 26.2.79 is hereby revoked with immediate effect.

By Order,

R.S.Basnet
Secretary to the Government
Department of Personnel, Adm., Reforms & Training

Ex.Ordinary SIKKIM GOVERNMENT GAZETTE Gangtok, Thursday, 11th February, 1999 No.30

GOVERNMENT OF SIKKIM
FINANCE DEPARTMENT
GANGTOK.

No.25/ Fin Dated: 05.02.1999

NOTIFICATION

It is hereby notified for the information of the general public that the cost of Stamp Paper and Sale Deed has been revised to Rs. 5/- and Rs. 10/- respectively w.e.f. 15/02/1999.

By Order,

Tashi Topden, IAS
Commissioner-cum-Secretary

Ex.Ordinary SIKKIM GOVERNMENT GAZETTE Gangtok, Thursday, 11th March, 1999 No.43

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.10/Home/99 Dated: 24/2/1999

NOTIFICATION

On the request of the Ministry of External Affairs, Government of India, the Governor of Sikkim is pleased to order opening of a Passport Collection Centre in the Home Department of Sikkim on behalf of the Ministry of External Affairs, Government of India.

2. The Centre shall have the following functions:-

i) Distribution of application forms for passport;

ii) Collection of application forms with the prescribed fees through Bank draft endorsed to Regional Passport Officer, Calcutta;

iii) Detaching of personal particulars forms and despatch to the concerned Police authorities for verification with a request to send reports direct to Regional Passport Officer, Calcutta; and

iv) Handing over of applications with Bank draft to the Regional Passport Officer, Calcutta.

3. The Passport Collection Centre has been established in the Home Department with effect from 29th January, 1999.

F No GOS/Home-II/99/8

Sonam Wangdi, IAS
Chief Secretary

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary **Gangtok, Tuesday, 23rd March, 1999** **No.50**

SIKKIM NATIONALISED TRANSPORT
GOVERNMENT OF SIKKIM
GANGTOK

No.1/T. **16.2. 1999**

NOTIFICATION

The State Government is pleased to announce that with effect from 1st April, 1999, all senior citizens who are recipients of old age pension shall be allowed to travel fee of charge throughout the State in all buses operated by the Sikkim Nationalised Transport Department.

In order to avail of this benefit, the old age pensioners must, at the time of travel, be in possession of old age pension identity cards issued by the concerned Department in the State Government.

T. W. Barphungpa, IAS
Commissioner-cum-Secretary
Sikkim Nationalised Transport Department
Government of Sikkim
Gangtok

GOVERNMENT OF SIKKIM
DEPARTMENT OF AGRICULTURE
TADONG.

No.272/Agl **Dated: 22.4.1999**

NOTIFICATION

The Government has been pleased to increase the subsidy of Fertilizer at the uniform rate of 40% on cost of fertilizers alongwith the existing rate of 100% subsidy on transport and handling.

The price of fertilizer is fixed as under the immediate effect :-

Sl No	Particulars	Full Procurement cost per M.T Rs	M.T.	40% subsidised selling price to farmer (in Rs.) sale	Rate per Kg on loose (maximum 10 kg)
1	UREA	4274.12	2564.47	128.50	3.00
2	DIAMMONIUM PHOSPHATE	8869.60	5321.85	266.00	5.70
3	MURIATE OF POTASH	3949.20	2369.52	118.50	2.75

The subsidised price is applicable to the farmers sold through the network of agency appointed by SIMFED For all other purposes and for purchase by the organisations both Government and Private, the rate of Fertilizer shall be on full cost basis.

By Order and inthe name of the Governor

Secretary
Department of Agriculture

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No.30/HOME/99 **Dated: 11.6.1999**

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

In exercise of the powers conferred by section 114 of the Motor Vehicles Act, 1988, read with clauses (i) and (ii) of sub-rule 229 of the Sikkim Motor Vehicles Rules, 1991, the State Government is hereby pleased to install 2 (two) weigh bridges at Melli, South Sikkim and Rangpo, East Sikkim to be maintained by Shri Shanker Agarwal of Namchi, South Sikkim.

The Officer authorised by the State Government under sub-rule (2) of the said rules, shall, if he has reason to believe that a goods vehicles or trailer is being used in contravention of section 113, require the driver to convey the vehicle to a weigh bridge on payment of weighment fee of Rs. 50/- (Rupees fifty) only for weighment.

On weighing any goods or trailer vehicle, if found overloaded, the excess load shall be off-loaded on the risk of the vehicle driver and he shall not remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 113 of the Act.

Whoever drives a motor vehicle causes or allows a motor vehicles to be driven in contravention of the provisions of section 113 or section 114 or section 115 shall be punishable with a minimum fine of two thousand rupees and an additional amount of one thousand per tonne of excess load, together with liability to pay charges for off-loading of the excess load.

Any driver of a vehicle who refuses to stop and submit his vehicles to weighing after being directed to do so by an officer authorised in this behalf under section 114 or removes or causes the removal of the load of part of its prior to weighing shall be punishable with fine which may extend to three thousand rupees

F.No.28(4) FCS/93

Sonam Wangdi
Chief Secretary

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary **Gangtok, Tuesday, 29th June, 1999** **No.146**

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No.36/HOME/99 **Dated: 28.6.1999**

NOTIFICATION

The Notification No. 62-Press/99 dated 5th April, 1999 issued by the President's Secretariat notifies the institution of President's Correctional Service Medals for Distinguished Service/Gallantry and Correctional Service Medals for Meritorious Service/Gallantry. This scheme of awards shall be deemed to have effect from 1st July, 1999. These awards are to be announced on the occasion of 26th January (Republic Day) and 15th August (Independence Day). The Government of India has instituted these Medals for rewarding officers and staff engaged in Prison. Administration in the State Governments/Union Territories Administration in consideration of Distinguished Service, Meritorious Service or Gallantry.

2. In order to make the recommendations for the grant of such awards, the State Government has decided to constitute a two-tiered Committee as done in the case of making recommendation for the President's Police Medals and Police Medals.

3. All recommendations for the President's Correctional Service Medals for Distinguished Service/Gallantry shall be considered and scrutinised at the first stage by Screening Committee consisting of the Director General of Police as Chairman and Inspector General of Police and Additional Secretary, Home as members. The Screening Committee will consider all cases in respect of eligible and suitable officers of the Prison Administration in the State and recommend cases to the Home Department for further consideration.

4. The recommendation received from the Screening Committee shall be considered and a final

recommendation made to the Government by a Committee comprising of the Chief Secretary/Home Secretary as Chairman and Secretary, Department of Personnel, Administrative Reforms and Training and Director General of Police as members.

No.GOS/HOME-II/99-21

Sonam Wangdi
Chief Secretary

Ex.Ordinary | **SIKKIM GOVERNMENT GAZETTE** Gangtok, Tuesday, 6th July, 1999 | **No.155**

MOTOR VEHICLES DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No40/MV/S **Dated: 26.3.1999**

NOTIFICATION

In exercise of the powers conferred by sub-section 1-A of section 4 of the Sikkim Motor Vehicles Taxation Act 1982 and Section 2 of Sikkim Motor Vehicles Amended Taxation Acts 1987 the State Government has been pleased to increase the existing rate of tax by 10% on all Motor Vehicles as per the schedule appended below with effect from the 1st day of April, '99, namely :-

SCHEDULE

(See sub-section 1-A of section 4 and section 2 of Amended Taxation Acts, 1987)

Sl No.	Description of Motor Vehicles and the rate of tax,	Rate of tax payable for the year.
(1)	(2)	(3)
	Vehicle for carrying passangers not plying for hire.	
	Vehicles other than Omni buses.	
	(1) Motor cycles/scooters kept for the personel use of the owners not being registered under the low relating the registration of companies for the time being in force.	Rs.72.00
	(2) Moror cycles/ scooters with side car for the personal use of owners not being companies registered under the law relating to registration of companies for the time being in force.	Rs.96.00
	(3) (a) Fiat car ketp for the personal use of owners not being companies registered under the law relating to registration of companies for the time being in force and invalid carriages.	Rs.240.00
	(b) Fiat car owned by companies registered under the law relating to registration of companies for the time being inforce for carrying employees or other passengers.	Rs.479.00

(1)	(2)	(3)
4	(a) Ambassador car kept for the personal use of owners not being registered under the law relating to registration of companies for the time being in force and invalid carriages.	Rs.287.00
	(b) Ambassador car owned by the companies registration under law relating to registered of companies for the time being in force for carrying employees or other passengers.	Rs.574.00
(5)	(a) Jeep (pnvate) kept for the personal use of owners not being registered under the law relating to registration of companies for the time being in force and invalid carriage.	Rs.304.00
	(b) Jeep (private) owned by companies registered under the law relating to registration of companies for the time being in force for carrying employees or other other passengers.	Rs.598.00
(6)	Motor cycle/scooters owned by companies registered under the law relating to registration or companies for the time being in force for carrying employees or other passengers.	Rs.135.00
(7)	Motor cycle/scooters with side car owned by companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.	Rs.198.00
	Omni bus with seating capacity for	
	(a) Not more than 8	Rs.598.00
	(b) More than 8, but not more than 20	Rs.718/- for 9 seats plus Rs.72 for every additional seat beyond 9 and upto 20.
	(c) More than 20	Rs.1580/- for 21 seats plus Rs.61/- for every additional seats beyond 21. Provided that if an Omni bus is fitted with solid tyres there shall be a surcharge per annum of Rs.12 1/2% of the amount payable under clause (a) or (b) or (c) above as the case may be;
	Vehciles for carrying passangers plying for hire.	
	Stage carriage with seating capacity for	
	(a) Not less than 8 but more than 26.	Rs.837/- for 8 plus
	(b) Not less than 27 but not more than 45.	Rs.96/- for every additional seat beyond 8 and upto 26.

(1)	(2)	(3)
		Rs.2632/- for 27 plus Rs.85/- for every additional seat beyond 27 and upto 45; Provided that if a stage carriage is fitted with solid tyres there shall be a surcharge per annum of 12 1/2% of the amount payable under clause (a) or (b) above, as the case may be, for such carriage.
	Vehicles other than stage carriage with seating capacity for	
	(a) Not more than 4 (3 wheelers) (4 wheelers)	 Rs.208/- Rs.311/-
	(b) More than 4	Rs.623/- for 5 plus Rs.63 for every additional seat beyond 5;
	(c) In case of jeep (tourist taxi) plying in Sikkim there shall be payable an additional charge per annum of 25% of the amount payable under clause (b) above.	Provided that if a vehicle for carrying passangers plying for hire which is a not a stage carriage fitted with solid tyres there shall be a surcharge per annum of 12/1/2% of the amount payable under clause (a) or (b) above, as the case may be for such vehicles.
	Vehicles for transport of goods including goods carriages. (a) Upto 500 kgs. registered laden weight.	 Rs.422/-
	(b) Exceeding 500 kg.but not exceeding 2000 kg. registered laden weight.	Rs.422/- plus Rs.48/- for every additional 250 kgs. or part thereof above 500 kg.
	(c) Exceeding 2000 kgs. but not exceeding 4000 kgs. registered laden weight.	Rs.709/- plus Rs.60/- for every additional 250 kgs or part thereof above 2000 kgs.
	(d) Exceeding 400 kgs. but not exceeding 8000 kgs. registered laden weight.	Rs.1188/- plus Rs.35/- for every additional 250 kgs. or part thereof above 4000 kgs.
	(e) Exceeding 8000 kgs. registered laden weight.	Rs.1571/- plus Rs.48/- for every additionall 250 kgs. or part thereof above 8000 kgs Provided that where a vehicle for transport of goods is fitted with solid tyres there shall be a surcharge per annum of 12.1/2% of the amount payable under clause (a) or (b) or (c) or (d) or (e) above, as the case may be for such vehciles.
	Tractors not used solely for agriculture purpose. (a) Upto 500 kgs. laden weight.	 Rs.240/-
	Exceeding 500 kgs. but not exceeding 2000 kgs. laden weight.	Rs.240/- plus Rs.64/- for every additional 250 kgs. or part thereof above 500 kgs

(1)	(2)	(3)
	(b) Exceeding 500 kgs. but not exceeding 2000 kgs. laden weight.	Rs. 240/- plus Rs. 64/- for every additional 250 kgs. or part thereof above 500 kgs.
	(c) Exceeding 2000 kgs. but not exceeding 4000 kgs. unladen weight.	Rs. 598/-plus Rs. 71/- for every additional 250 kgs. or part thereof above 2000 kgs.
	(d) Exceeding 4000 kgs. but not exceeding 8000 kgs. unladen weight.	Rs. 1173/- plus Rs. 120/- for every additional 250 kgs. or part thereof 4000 kgs.
	(e) Exceeding 8000 kgs. unladen weight.	Rs. 3087/- plus Rs. 184/- for every additionl 250 kgs. or part thereof above 8000 kgs. Provided that where a tractor is fitted with solid tyres there shall be a surcharge per annum of 12 1/2% of the amount payable under clause (a) or (b) or (c) or (d) or (e) above, as the case may be for such tractors.
	Trailors	Rate of tax payable for the year.
	(a) Upto 500 kgs registered laden weight.	Rs. 240/-
	(b) Exceeding 500 kgs.but not exceeding 2000 kgs. registered laden weight.	Rs.240/- plus Rs. 24/- for every additional 250 kgs. or part thereof above 500 kgs
	(c) Exceeding 2000 kgs. but not exceeding 4000 kgs registered laden weight.	Rs. 383/- plus Rs. 40/- forevery additional 250 kgs. or part thereof above 2000 kgs.
	(d) Exceeding 4000 kgs.but not exceeding 8000 kgs. registered laden weight.	Rs. 670/- plus Rs. 48/- for every additional 250 kgs. or part thereof above 4000 kgs.
	(e) Exceeding 8000 kgs laden weight	Rs. 1580/- plus Rs. 64/- for every additional 250 kgs or part thereof above 8000 kgs. Provided that where a trailor is fitted with solid tyres there shall be a surcharge per annum of 12/1/2% of the amount payable under clause (a) or (b) or (c) or (d) or (e) above, as the case may be for such trailor.

Lobzang Bhutia
Secretary to the Government of Sikkim
Motor Vehicles Department

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary | Gangtok, Thursday, 19th August, 1999 | No.185

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No.51/HOME/99 **Dated: 19.8.1999**

NOTIFICATION

In pursuance of the directives of the Supreme Court of India, the State Government, on the recommendation of the Wage Fixation Body constituted vide Notification No. 65/Home/98 dated 21.11.98, hereby fixes the rate of wages for prisoners to undertake labour work during their confinement in Jail. The schedule of rates shall be as follows:-

1.	Skilled labour	Rs. 15/- per diem
2.	Unskilled labour	Rs. 12/- per diem

The rates shall come into force with immediate effect.

This notification shall supersede earlier notifications in so far as the rate of wages is concerned. This is in compliance with the orders of the Hon'ble Supreme Court of India passed on 24.9.98 in Criminal Appeal No. 308 of 1986-State of Gujarat & Anr. Versus Hon'ble High Court of Gujarat.

Sonam Wangdi, IAS
Chief Secretary

F.No.GOS/HOME-II/93/1

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary | Gangtok, Tuesday, 7th September, 1999 | No.205

POWER DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No.33/P/GEN/97/PART-IV **Dated: 3.7.1999**

NOTIFICATION

The Governor of Sikkim is pleased to revise the tariff for consumption of electricity as per the Tariff Schedule annexed hereto. The Revised Schedule of Rates shall come into force from 1st May of 1999 provided that the bill for the month of May '99 and thereafter, irrespective of dates of meter reading prior to or after 1st May '99 shall deemed to be the energy consumed on or after 1st May 1999.

The rates of charges, conditions of supply and other matters specified in the schedule annexed hereto shall replace the existing rates of charges and corresponding provisions in the existing schedule and in the existing agreement, if any, with the Power Department, Government of Sikkim w.e.f 1st May, 1999.

This supersedes all the earlier notifications.

P.K.KHAREL
Secretary to the Govt. of Sikkim
Power Department

TARIFF SCHEDULE

1. DOMESTIC SUPPLY (DS) :

(a) Type of Consumer :

Power supply to single private house, residential flats and Government residential accommodation for lights, fans, domestic pumping sets, household appliances used for domestic purpose. This schedule can also be made applicable to the charitable organisations after verifying the genuineness of their non-commercial aspects by the concerned Divisional Officer.

(b) Nature of Service :
Low Tension ACC 400/230 volts, 2/3 phase/single phase, Cycles/see (HZ).

(c)	RATE (TARIFF) KWH (Unit) per month	RURAL CONSUMERS Paise per KWH (Unit)	URBAN CONSUMERS Paise per KWH (Unit)
(i)	Consumption upto 50 Units	80	110
(ii)	Consumption exceeding 50 Units but within 100 units.	110	150
(iii)	Consumption exceeding 100 units.	150	200
(d)	Monthly Minimum Charge :		
(i)	Single Phase Supply	Rs. 11.00	Rs. 17.00
(ii)	Three Phase Supply	Rs. 35.00	Rs. 100.00

(e) Important conditions of supply :

(i) Where supply to the consumer has been given without a meter or where the meter fixed is found defective for any reason, the consumption in units shall be computed in the manner indicated below.

Monthly Units (KWH) : $\text{Connected load (KW)} \times 60 \text{ (L.F)} \times 30 \text{ (days)} \times 6 \text{(hrs)} \over 100$

(AE (Commercial) has the power to assess the connected load and the same may be got approved by EE (Commercial) concerned

(ii) If electricity supplied in domestic premises is used for non-domestic and commercial purpose, the entire supply shall be charged under commercial supply

(f) MONTHLY REBATE : 5 Paise per unit if paid within the specified due date.

(g) ANNUAL SURCHARGE : 10% of the gross arrear outstanding every March end.

I COMMERCIAL SUPPLY (CS):

(a) Type of consumers :

Supply of energy for light, fan, heating and power appliances in commercial and non-domestic establishments such as shops, business houses, hotels, hostels restaurants, petrol pumps, service stations, garages, auditoriums, cinemas, hospitals, nursing homes, dispensaries, doctor's clinic which are used for private gains, educational institutions, telephones exchanges, nurseries, show rooms, X-ray plants, libraries, banks, video parlours, saloons, beauty parlours, health clubs or any house of profit.

(b) Nature of Supply .

Low Tension AC, 400/230 Volts, 2/3 Phase/Single phase, 50 cycles/Sec (HZ).

(c) RATE (Tariff):

(i) Consumption upto 100 Units : 250 Paise per unit.
(ii) In excess of 100 Units : 275 Paise per unit.

(d) Monthly Minimum Charge:

(i) Single Phase supply : 50.00 per month.
(ii) Three Phase supply : 250.00 per month.

(e) Important conditions of Supply : Same as I(e). (I) above.

(f) MONTHLY REBATE : 5 Paise per unit if paid within the due date.

(g) ANNUAL SURCHARGE : 10 % of the gross arrear outstanding every March end.

II L/T INDUSTRIAL SUPPLY (LTIS):

(a) Type of consumer :

Power supply to the Industries like Rural Industrial load, Agricultural load any other units of such kind having connected within 25 KVA in total.

(b) Nature of Service:

Low Tension AC. 400/230 Volts, 3 Phase/Single Phase, 50 Cycles/ Sec (HZ).

(c) RATE (Tariff):

(i) Upto 100 Units : 200 paise per KWH.

(ii) 1001 to 2000 Units : 225 paise per KWH

(iii) 2001 and above : 250 paise per KWH.

(d) Monthly Minimum Charge
Connected load or contract Upto 25 KVA Rs. 35.00 per KVA/month.

(e) Important Conditions of Supply : Same as I (e) above.

(f) MONTHLY REBATE : 5 Paise per unit if paid within due date.

(g) ANNUAL SURCHARGE : 15 percent of the gross arrear outstanding every March end.

IV. HIGH TENSION INDUSTRIAL, SUPPLY (HTIS):

Type of consumer :

All types of Industrial load having specific contract demand at single point at 11 KV or 66 KV, 3 Phase.

(b) Nature of supply :
High Tension AC, ii KV or 66 KV, 3 Phase, 50 C/S (Hz).

(c) RATE (Tariff)

(i) Upto 100 KVA Contract Demand :
Demand Charge
Plus
Energy Charge : Rs. 80.00 per KVA per month.
110 paise per KWH.

(ii) Above 100 KVA but less than 250 KVA:
Demand Charge :
Plus
Energy Charge : Rs. 85.00 per KVA per month.
125 paise per KWH.

(iii) In excess of 250 KVA:
Demand Charge :
Plus
Energy Charge : Rs. 90.00 per KVA per month.
135 paise per KWH.

Monthly demand charges shall be based on the contract demand or the connected load as assessed by the Department.

(d) Monthly Minimum Charge : Demand Charge

(e) MONTHLY REBATE : 5 percent of the gross bill amount if paid within the due date.

(f) ANNUAL SURCHARGE : 15 percent of the gross arrear outstanding every March end.

V. BULK SUPPLY (BS) :
(non-commercial supply)

(a) Type of consumer

Available for general of mixed loads exceeding 25 KVA to M.E.S. and other Military Establishments, Boarder Roads, SAP, Central PWD, Institutions, Hospitals, Departmental Colonies, AIR Installations, Aerodromes and other similar establishments where further distributions to various residential and non residential buildings is to be borne by the consumer.

(b) Nature of service :
Low Tension 400/230 Volts or 11 KV and 66 KV.

(c) RA Tariff .
All consumptions : 200 paise per Unit.

(d) Monthly Minimum Charges :
(i) For L.T. Supply (400/230 Volts) Rs. 70.00 per KVA of connected load.
(ii) For H.T. Supply
(11 KV or 66 KV) Rs. 60.00 per KVA of connected load.

(e) MONTHLY REBATE 5 paise per unit if paid within the due date.

(f) ANNUAL SURCHARGE 15 percent of the gross arrear outstanding every March end.

VI. SUPPLY TO THE PLACES OF WORSHIP (SPW)

(a) Type of consumer :
Supply of power to Gumpas, Manilakhangs, Tsamkhangs, Mandirs, Churches and Mosques as identified by the State Ecclesiastical Department of Sikkim.

(b) Nature of Service:
Low Tension 400/230 volts, 2/3 phase/single phase, 50 cycles/Sec (Hz.)

(c) Rate (Tariff):
Places of worship having:
Upto 3 light points : Free of costs for consumption upto 100 units.

In excess of 100 units : As applicable to domestic supply category
(ii) 4 to 6 light points : Free of cost for consumption upto 150 units.
In excess of 150 Units : As applicable to domestic supply category
(iii) 7 to 12 point : Free of cost for consumption upto 300 units.
In excess of 300 units.
(iv) 13 and more light points : Free of cost for consumption upto 500 units.

VII SUPPLY TO ARMY PENSIONERS AND BLINDS

Provided to the head of households who are age old pensioners or their surviving widows based on the list provided by Sikkim Rajya Sainik Board and also the head of households who are blind based on the list provided by the Sikkim branch of the National Association for Blinds.

(a) RATE (Tariff)
(i) All consumption upto 100 units : Free of cost.
In excess of 100 units : As applicable to domestic supply category.

VIII. TEMPORARY SUPPLY :

(a) Type of consumer :

Available for temporary purposes and for the period not exceeding two month in the first instance but can be extended for the further period not exceeding one month on each occasion. Duration of such extension cases lie entirely at the discretion of the Power Department.

(b) Nature of Service :
Low Tension AC 400/230 vols, 2/3 Single Phase, 50 Hz. or H.T. whichever is applicable and possible at the discretion of the Department.

(c) RATE (Tariff):
Tariff under schedule DS/CS/LTIS/THIS for corresponding permanent supply PLUS 25 percent additional charges on the total bill

IX SCHEDULE FOR MISCELLANEOUS CHARGES :

(1) SERVICE CONNECTION .
Upon receipt of written requisition from any intending consumer, the Department will serve estimate or quotation based on its prevailing schedule of costs, which will include the cost of services, security deposits and stamps for execution of Agreement. The entire service connection charges, as applicable, shall deposited by the consumer in advance.

(2) METER RENT :
Energy Meter and Maximum Demand Indicator etc. month :

(i)	Single Phase	:	Rs. 15.00
(ii)	Three Phase	:	Rs. 35.00
(iii)	Maximum Demand Indicator	:	Rs. 110.00
(iv)	Time Switch	:	Rs. 55 00

(3) TESTING OF METERS

(i)	Energy Meters	Rs. 55.00
(ii)	Other Metering Instruments	Rs. 165.00

(4) DISCONNECTION & RECONNECTION

(i)	DS and CS category	:	Rs. 60.00
(ii)	LTIS, THIS & Bulk category	:	Rs. 180.00

(5) Unless otherwise demanded by the department, replacement of meters or shifting the position of meter boards etc. can be entertained exclusively on the specific request of the consumers against a payment of Rs. 100.00 for one time which does not include the cost of required materials and labour.

(6) REPLACEMENT OF FUSES .
Services for replacement of fuses in the main cut-outs available against the following payments

(i)	Low Tension	Single Phase	Rs. 10.00
		Three Phase	Rs. 15.00
(ii)	High Tension		Rs. 30 00

(7) RESEALING OF METERS :
If by any reason the seal affixed in the Meter or cut-outs installed and secured by the Department are found tampered with, the Department reserves the right to impose penalty as applicable under the Electricity (Supply) Act 1948. In addition, the consumer is liable for meter testing and changing charges as applicable as per the above schedule IX 3/5. However, in the absence of any sign or premonition of such malpractice, the consumer is liable for payment of resealing charges @Rs. 20.00 per call of such services.

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary Gangtok, Friday, 24th September, 1999 No.210

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No.60/HOME/99 Dated: 23.9.1999

NOTIFICATION

The State Government is hereby pleased to announce the following benefits in respects of Armed Force Personnel killed in active operation and for the rehabilitation of the war widows and dependent family members :-

1. Ex-gratia payment of rupees two lakhs to soldiers from Sikkim who die in action on the war front.

2. A suitable rehabilitation package will also be worked out for war widows and dependent family members. Such package would involve, depending on the specific needs, allotment of a housing site, grant under housing package, a Government job to any one member of the family, admission in professional courses in the State Government educational institutions to the children of the deceased and such other relevant measures as may be deemed necessary by the State Government.

In addition, the State Government is also pleased to announce that all recipients of the prestigious Param Vir Chakra will henceforth be treated as State Guests whenever they visit Sikkim.

By Order,

F.No.GOS/HOME-II/TEMP/97/11

Sonam Wangdi
Chief Secretary

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary Gangtok, Wednesday, 13th October, 1999 No.228

GOVERNMENT OF SIKKIM
INDUSTRIES DEPARTMENT
GANGTOK

No.GO/3/DI/99 Dated: 31.3.99

NOTIFICATION

INFORMATION TECHNOLOGY POLICY FOR THE STATE OF SIKKIM

1 BACKGROUND :

Information Technology is redefining the way society functions around the world. The use of Information Technology improves productivity, enhances learning ability and allows connectivity to the whole world. In the current context of global economy, information technology can transform ourselves to a "knowledge driven society". The Government realizes this, as also the fact that the coming decades will witness exponential growth of opportunities for Information Technology applications in all developing sectors of the economy

such as Industry, Education, Health, Tourism and so on. In view of foregoing emerging trends the Government recognizes that Information Technology and its related activities are both appropriate and relevant for the development of the State. Hence, the Government will treat Information Technology as a thrust area for development and prioritize Information Technology in its planning for development.

Needless to say, the Information Technology Industry is capable of generating a very high growth of employment, ensuring good wage structure, improving the economy of the state and above all upgrading the skills and capabilities of the manpower resources in the state. All round the world nations are improving their Information Technology Infrastructure so that their citizens can benefit by the advances in technology.

The Government of Sikkim hereby commits to making Sikkim an Information Technology State of India. Sikkim could be equipped to be one of the leading state contributing to the software development in the world. The Government is also committing itself to the use of Information Technology for the purpose of Government, education and for the development of the State.

In order to make Sikkim one of the Information Technology States of India, the Government hereby announces its Information Technology Policy.

The Information Technology Policy would inter-alia consist of the policy of the Government on the promotion and use of Information Technology in the Government, for education, as also in all developing sectors and for promotion of Information Technology, telecom and technology application activities as an industry.

2. STATEMENT OF OBJECTS

The Government of Sikkim by the adoption of this Information Technology Policy, intends to achieve the following objectives and purposes; namely :

(01) Accelerated development of infrastructure to promote Information Technology and facilitate the setting up of technology parks, Export oriented units, hardware production units, service centres, software development centers as also and International School for Information Technology.

(02) Explore and tap on all possible resources bases to ensure sustained flow of development of Information Technology infrastructure in the State.

(03) Create a facilitating administrative structure, delivery arm, funding mechanism and fast track decision making contraptions within the administrative framework for the formulation, sanction, implementation, review and monitoring of the programmes/projects.

(04) Considering that the major driving force of all Information Technology related industries the world over is the private sector, it would be given the requisite opportunity and thrust to develop itself.

(05) Manpower development encompassing and envisaging the development of technical and generic skills, enhancing the knowledge base of the younger generation will be given a significant focus and priority attention. All possible measures would be taken to equip them to take up gainful self-employment utilizing the opportunities in present age driven by technology.

(06) Transform ourselves to a knowledge driven society exploiting the technology advances. The endeavour to achieve the above state objectives would mean :

(a) Use Information Technology to improve productivity in the Government to provide better services and improved quality of life to the citizens of the State.

(b) Better services through use of Information Technology for visiting tourists and businessmen/entrepreneurs coming forward from within and outside the state to invest in production, manufacturing and service industries in Sikkim.

(c) Improve revenue collections and speed up the process of tax demands, revenue assessments and collections by use of Information Technology.

(d) Increase export earnings from export of software, computer peripherals by encouraging industries through fiscal and regulatory benefits.

(e) Improve employment opportunities and generate employment in the State of Sikkim in the Information Technology area.

(f) To make Sikkim one of the leading exporters of Information Technology products in India.

(g) To reduce the cost of Information Technology so that the cost of business in Sikkim is reduced and the citizens of Sikkim are able to use Information Technology in a cost-effective manner.

(h) Encourage the use of Information Technology in schools, colleges and educational institutions in the State of Sikkim so as to enable students to improve their skills, knowledge and job prospects and enable them to obtain employment in this sunrise industry.

(i) To reduce the cost of governance by better utilisation of assets and resources of the state and of the country.

(j) To encourage industries to expand business in the State of Sikkim and generate employment.

3 STATE TASK FORCE ON ELECTRONICS AND INFORMATION TECHNOLOGY AS ALSO BOARD OF TECHNICAL EDUCATION AND RESEARCH :

(i) The Government forthwith constitutes a High Level Task Force comprising of the members mentioned hereunder at section 'B' to function as the State Level Task Force and Board of Technical Education and Research. This State Task Force/Board of Technical Education and Research will have the responsibility of :

(a) Setting up of required infrastructure for Electronics and Information Technology.

(b) Development of technical manpower.

(c) Formulation of policies conception and overseeing implementation of projects and programmes in Information Technology.

(d) Mobilizing funding from various sources from State, Centre, foreign investors, multilateral sources of funding and from any other innovative schemes for participation in venture capital investments etc.

(2) There shall be constituted a State Task Force/Board of Technical Education and Research consisting of the following members, namely :

(a)	Development Commissioner	Chairman
(b)	Secretary, Finance	Member
(c)	Secretary, Education	Member
(d)	Secretary, Industries	Member

(e)	Secretary, Science and Technology	Member
(f)	Representatives (minimum of 3) from Private Entrepreneurs and Industrialists	Member
(g)	Senior official of National Information Centre	Member
(h)	Senior official of Telecom Department	Member
(i)	Executive Director, Centre for Computer and Communication Technology	Member Secretary

The State Task Force/Board of Technical Education and Research would be advised and assisted on all matters related to its functioning by an Expert Core Group/special advisory panels.

4 EXPERT CORE GROUP/SPECIAL ADVISORY PANELS :

An expert core group comprising of professionals from all disciplines as also Information Technology/ Telecom would function as the advisory body to assist the State Task Force/Board of Technical Education and Research in the discharge of its functions. The Government shall if required constitute special advisory panels associating/co-opting any other eminent people from industries, universities or organizations (commercial or otherwise) both within and outside the country to guide the Government in the management and implementation of its Information Technology Policy. Such special advisory panel alongwith the expert core group shall meet once a quarter to review the progress of the policy implementation, improve the process of development of Information Technology Industries, development of infrastructure for promotion of Information Technology in the State, monitor the progress of education in Information Technology and other allied areas.

The Expert Core Group shall be headed by the Secretary Education as its Chairman and function either collectively forum or through several committees and heads of committees appropriately constituted.

5. ORGANISATIONAL STRUCTURE OF ELECTRONICS AND INFORMATION TECHNOLOGY :

(1) A separate Cell of Electronic and Information Technology under the Industries Department will be created and would be provided with necessary budgetary provisions under appropriate capital and revenue budget heads which inter-alia will provide for grant-in-aid, Government share of venture capital for major investments in Information Technology, capital assistance, subsidies, incentives and such other share in investments for manpower development, of soft ware application and for development of infrastructure.

(2) Centre for Computers and Communication Technology (hereinafter referred to as CCCT) would be the autonomous delivery arm of the Government for the implementation of the Information Technology Policy and function in close co-ordination with the State Task Force/Board of Technical Education and Research, Expert Core Group and the Department of Industries which will be its Administrative Department.

(3) CCCT which comprise of the State Internet Complex/R and D division and centres at Namchi (running Polytechnic and Advanced Polytechnic courses in addition to Department of Electronic Accreditation courses), Deorali, Government College and Mangan would function under the guidelines of its Governing Council and would be under the administrative control of the Department of Industries.

(4) The Government constitutes the following Governing Council of CCCT comprising of the following official members of State Task Force, namely :

(a)	Secretary, Finance	Member
(b)	Secretary, Education	Member
(c)	Secretary, Industries	Member

(d) Executive Director, CCCT — Member Secretary

(5) The Budgetary Provisions as under would be incorporated :

Revenue	Major Head-Industries 2852-600-001- Industries Direction & Administration	Demand No. 46-Industries
		55 Electronics and Information Technology
		01 Grant in aid to CCCT
		02 Incentives and subsidies
		11 Travel Expenses
		12 Office Expenses
		50 Other charges
		51 Motor Vehicle.
Capital	102 Capital outlay on Electronics and Information Technology.	

6 CONDUCT OF BUSINESS :

Appropriate rules of conduct of business for the State Task Force/Board of Technical Education and Research, Expert Core Group, Directorate of Electronics and Information Technology and Governing Council of CCCT shall be drawn up and notified by the Government within six months.

7 INFRASTRUCTURE ENVISAGED FOR CREATION :

The State Task Force/Board of Technical Education and Research would formulate projects in multi-farious disciplines which inter-alia envisages the following :

(1) Direct Internet connectivity from Videsh Sanchar Nagam Limited or any other future Internet Science Provider/gateway operations.

(2) Extensive networking on high bandwidth, muiticast, fiberoptic media channels using Asynchronous Transfer Mode or superior protocol implementations,

(3) Software and Hardware Technology Park.

(4) Technical Training Institutions.

(5) Developing applications of Information Technology addressing development sectors, Government and domains of public interest.

(6) Promotion of Electronics habits, E-commence, Electronics document processing/Interchange, data mining, warehousing, information kiosks, bar coding, single window delivery system, net-centric applications, intelligent interfaces for various application, tele-medicine, distance learning etc. All the infrastructure/facilities will be opened for use for all sections of society.

8 INFORMATION TECHNOLOGY POLICY FOR THE ADMINISTRATION :

(1) The Government shall endeavour to use Information Technology in the process of governance and improve its response to citizens.

(2) The Government shall endeavour to have connectivity between all its offices within a period of 5 (five) years so that communication can flow through E-Mail/electronic a document interchanges to enhance productivity. The decision process would also be driven electronically and adapted

to make use of technology trends.

(3) The Government shall endeavour to improve the process of governance so that citizens could file the documents required by the Government, electronically.

(4) All district headquarters would have video-conference facilities with the Government Secretariat and the district headquarters. All district headquarters as stated earlier would be connected with the Secretariat by E-mail to allow flow of information.

(5) The Government shall endeavour to put in place a training programme to enable government employees to use Information Technology to enhance productivity.

(6) The District Collectorates would be fully computerized within two years. The District Collectorates would be interconnected with each other and with the Secretariat to allow flow of information including document exchanges, remote process invocations and distributed processing.

(7) In order to improve efficiency, increase revenue collections, reduce delays and improve productivity, members of the public would be allowed the facility of filing various forms electronically for purposes such as house tax, assessment of property, wealth, land revenue demands and submit electronic application forms for various purposes in the Government departments through either front-end single window office/outlet or through separate electronic kiosks opened in other strategic locations for this purpose. Members of public would be allowed the facility of paying in their fees/taxes/demands etc. through electronic transfer of funds cash cards and smart cards.

(8) The Government shall make a special budget allocation every year to complete its computerization programme in each of its departments.

(9) The Task Force would conceive and oversee the implementation of the schemes, facilities and programmes envisaged under this policy.

(10) The Government shall improve infrastructure such as laying of communication cables interconnecting departments, setting up of data transfer exchanges, servers, routers, gateways etc ensuring reliable power supply, transport etc.

(11) Activities, projects and programmes which could be most efficiently, effectively and speedily implemented by private agencies, organisations would be handed over to them for execution with appropriate monitoring arrangements.

9. INFORMATION TECHNOLOGY FOR EDUCATIONAL SECTORS :

(1) The Government shall strengthen and encourage imparting of computer education, use of Information Technology in schools, colleges and educational institutions. The Government shall give special grants to schools, colleges and educational institutions to enable them to put the necessary infrastructure.

(2) The Government shall with the help of industry, starts a training programme for school teachers to help them use Information Technology in the teaching process.

(3) The Government shall endeavour to have Internet connectivity to all schools, colleges and educational institutions, possible within the next two years if possible.

(4) At the school level children would be taught to use computers and to learn through computers.

(5) All college students in the state of Sikkim would have to compulsorily take a three months

course in the use of Information Technology and in working on computers.

(6) The Government shall endeavour to increase the number of college students who specialize in Information Technology to meet the needs of the Information Technology Industry both for exports and for the domestic market. The syllabi for specialization in computer education would be recast to make it more relevant.

(7) The Government shall strengthen and encourage, augment computer education, evolve policies for the same and ensure that standards are maintained with respect to the syllabus content, training methods, infrastructure for imparting training, manpower requirements and qualifications and such other incidental matters. It shall guide and regulate other organizations engaged in the task of imparting computer education.

(8) The Government shall permit and encourage through process of accreditation/recognition, the imparting of computer education by the private local entrepreneurs on fulfilment of necessary terms and conditions which inter-alia ensure maintenance of standards of education and training.

(9) The specialized training in emerging areas of Computer and Communication Technology the State would consider sponsoring employees in various Government Departments, undertakings, autonomous organizations and other non-governmental/private organizations in such institutions outside the State as the situation may warrant.

(10) The Government would closely liaison with the efforts of other States as also corporate bodies/ associations including multinational agencies and under an appropriate arrangement train persons to meet the requirements of the domestic and export industry, conduct research in Information and productivity, train trainers, enrol student for masters and doctorates in computer science and conduct short term courses for industry.

10. INFORMATION TECHNOLOGY POLICY FOR INDUSTRY

GENERAL

The information Technology Industry would mean and include the software sector and the hardware sector (computers and peripherals). Information Technology Software "means any representation of instruction, data, sound or image, including source code and object code, recorded in machine, readable form, and capable of being manipulated or providing interactivity to a user by means of an automatic data processing machine falling under heading "Information Technology Products", "Information Technology Service" is defined as any service which results from the use of any Information Technology Software over a system of Information Technology Products for realising value addition. The term "Information Technology Industry" shall cover development, production and services related to Information Technology Products.

(1) The Government shall set up Electronic and Information Technology Cell as a single window for giving approvals to units setting up business in Sikkim in Information Technology areas, such agency shall give approvals, in accordance with the directives, guidelines of the State Task Force/Board of Technical Education and Research which shall be binding on all State Departments. The Electronic and Information Technology Cell shall improve the infrastructure in state to ensure accelerated development of the Information Technology Industry in various parts of the State.

(2) The Government shall endeavour to set up an Electronic suburban town in a suitable part of the State soley for development of Information Technology Industries and allied services.

(3) The Government shall coordinate and liasion with the Software Technology Parks of India, (STPI) the nodal agency for the software industry and organisations such as Videsh Sanchar Nagam Limited, Department of Telecommunication, Department of Electronic, National Information Centre, Confederation of Indian Industries and such other Government of India or private organisations, Ministers, High Commissions, Embassies of other countries and other multinational agencies/corporations to expand necessary infrastructure in the State of Sikkim to facilitate implementation of this Information Technology policy. These agencies shall be encouraged to set up gateways and earth stations and the Government shall grant free land and other appropriate facilities required for such installations.

11. FISCAL INCENTIVES :

In addition to all the fiscal incentives enjoyed by industrial units coming under the purview of the new industrial policy, the following set of fiscal and other incentives to the software, hardware industry and such other Industrial units catering to Information Technology are hereby granted.

(1) SOFTWARE UNITS

(a) REGISTRATION:

Software units, which are Export Oriented Units (EOU's), should necessarily get a registration from the Industries Department, as Software Technology Units (STU's) and the registration received from the Department of Industries, shall be the authorisation for availing the fiscal incentives.

(b) EXEMPTION FROM PAYMENT OS SALES AND TURNOVER TAX :

Software Technology Units shall be exempted from the payment of sales tax on purchase in Sikkim of all raw materials, components, packing materials, consumables, spares and all other items consumed or used by it for the purpose of exports. Submitting a copy of the registration certificate from the Department of Industries shall avail of such exemption to the suppliers of such items who shall not charge sales tax thereon. The suppliers shall give a copy of such registration to the Assessing Authorities upon his assessment. The Software Technology Units are also exempted from the payment of sales tax on diesel and furnace oil used for captive power generation. A similar procedure would be followed for this purpose.

(c) EXEMPTION FROM PAYMENT OF SALES TAX ON CAPITAL GOODS :

Software Technology Units are exempted from the payment of sales tax on purchases in Sikkim of all capital goods used for their business. The Department of Industries would certify the list of capital goods and a copy of the same would be used for availment of this exemption.

(d) EXEMPTION FROM ENTRY TAX :

The Software Technology Units shall be exempted from payment of entry tax on capital goods, on any raw material, computer parts, components, consumables packing materials, spares and all other items used by them for their business. To avail exemption, a copy of the registration certificate from the Department of Industries shall be used as a document of evidence.

(e) POWER CONNECTION :

The Software Technology Units shall be given power connection on a priority basis by the Power Department and other authorities. A special officer would be authorized in Power Department to deal with the power applications of Software Technology Units. Such application shall be put on the fast track and completed expeditiously. The rules and regulations governing the installation of Diesel Generator sets by the Software Technology Units will be simplified.

(f) EXEMPTION FROM POWER CUT :

The Software Technology Units shall not be subjected to any power cut imposed/regulated by the Power Department.

(g) OFFICE IN RESIDENTIAL AREAS :

Software Technology Units would be allowed to set up offices in residential areas also.

(h) EXEMPTION FROM POLLUTION CONTROL :

Software Technology Units shall be exempted from getting registered under the pollution control regulations of the Government of Sikkim as they are pollution free. No clearances need to be obtained by them from the pollution Control Broad

(i) Software Technology Units will be allowed to maintain records under relevant laws and rules in force in the electronic from and file the same with the concerned Authorities. A common format will be designed in respect of returns to be filed by the units under various legislation/rules and procedures. Paper work will be reduced drastically. The frequency of filing the returns will be reduced.

(j)) EXEMPTION FROM TAX ON SALE OF SOFTWARE IN INDIA :

The sale of computer software, programming and providing of computer software shall be exempted from the payment of sales tax, and all other like taxes in the State of Sikkim. The sale of computer software and programming and providing of computer software shall also be exempted from Inter State Sales Tax.

(k) EXEMPTION OF TAX ON LICENCES :

Export Import scripts, Replenishment licenses and Software Import licenses obtained by Software Technology Units and sold by them shall not be liable to Sales Tax, Central Tax or any other like tax levied by the State Government in the State of Sikkim.

(l) EXEMPTION FROM REGISTRATION CHARGES :

(a) The Government intends to exempt Software Technology Units from the payment of special duty payable on the registration of the Lease Agreements, Absolute Sale Deeds etc. The registration charges will be nominal.

(b) Execution of Lease Agreements, Sales Agreements by the appropriate authority will be simplified and the powers will be substantially delegated to the lower level officials.

(m) COMMON FACILITIES :

The Software Technology Units are authorised to form an Association of units in the Electronic City to set up utilities like hospital, schools and colleges, health, care facilities, recreation facilities etc. The Government will allot or acquire land to these private sectors agencies to set up these projects on a concessional basis.

(2) COMPUTER AND COMPUTER PERIPHERAL INDUSTRIES :

(a) REGISTRATION :

Industries registered with the Industries Department for the purpose of manufacture and sale of computers and computer peripherals (CCP Units) in the State of Sikkim shall be entitled to the following benefits :

(b) EXEMPTION FORM SALES AND TURNOVER TAX :

Computer and Computer Peripheral units shall be exempted from the payment of sales tax on any purchase made by them within the State of Sikkim of capital goods, raw materials, components, packing materials, spares, materials handling equipment, intermediaries, semi finished goods sub-assemblies and consumable used in the manufacturing of computers and computer peripherals. Such units shall be exempted from the payment of sales tax on diesel and furnace oil for captive power generation. Exemption from turnover tax shall likewise be granted subject to meeting of these terms and conditions, which shall be notified by the task force.

(c) EXEMPTION FROM ENTRY TAX :

Computers and Computer Peripherals units shall be exempted from the payment of entry tax and all other like state levies on any purchase made by them of capital goods, raw materials, components packing materials, spares, material handling equipments, intermediaries, semi-finished goods, sub-assemblies and computer peripherals. Such units shall be exempted from the payment of sales tax and entry tax on diesel and furnace oil for captive power generation.

(d) EXEMPTION FROM CENTRAL SALES TAX :

Computers and Computer Peripherals units shall not be liable to pay central sales tax on inter state sales

(e) POWER CONNECTION :

Computers and Computer Peripherals units shall be given power connection on a priority basis by the Power Department. A special officer would be authorised in Power Department to deal with the power applications of Computers and Computer Peripherals units, such application shall be put on the fast tract and completed expeditiously. The rules and regulations governing the installation of Diesel Generator sets by the Computers and Computer Peripherals units will be simplified.

(f) MAINTENANCE OF RECORDS IN ELECTRONIC FORM :

Computers and Computer Peripherals units will be allowed to maintain records under relevant laws, rules and procedures in force in the electronic from and file the same with the concerned Authorities. A common format will be designed in respect of returns to be

filed by the units under various legislations, rules and procedures. Paper work will be reduced drastically. The frequency of filing the returns will be reduced. Inspection under various Acts will be on a specific complaint only.

(g) EXEMPTION FROM POWER CUT.

Computers and Computer Peripherals units shall not be subjected to any power cut imposes/regulated by the Power Department or other authorities.

(h) EXEMPTION FROM REGISTRATION CHARGES :

i) The Government intends to exempt Computers and Computer Peripherals units from the payment of special duty payable on the registration of the lease agreements, absolute sale deeds etc. The registration charges will be nominal.

ii) Execution of lease agreements, sale deed by the appropriate authority will be simplified and the power will be substantially delegated to the lower level officials.

(i) COMMON FACILITIES :

Computers and Computer Peripherals units are authorised to form and Association of units in the Electronic City to set up utilities like hospital, schools and colleges, health care facilities, recreation facilities etc. The Government will allot land to these private sector agencies to set up these projects.

12. OTHER INCENTIVES :

Further to these above stated -

(1) The Government will provide Sikkim Industrial Development and Investment Corporation with certain amount of Corpus Fund, which will be deployed for development of local Information Technology related Industries only

(2) The Government will endeavour to help the local Information Technology units acquire working capital funds from banks and financial Institutions at concessional rate of interest.

13. EXISTING UNITS :

(1) All existing units should be registered itself to avail of all facilities mentioned herein above.

(2) Composite Units which are carrying out more than one activity under one name and style will need to register only once.

14. ENFORCEMENT :

(1) This policy will be applicable from 1st April 1999 and would be brought to review in every period of five years.

(2) The Policy paper has been cleared by the Finance and Planning and Development Departments and approval by the Cabinet.

Ms.C.CINTURY, IAS
Commissioner-cum-Secretary
Department of Industry

DEPARTMENT OF SPORTS AND YOUTH AFFAIRS
GOVERNMENT OF SIKKIM
GANGTOK

No.1384/SYA/98 **Dated: 14.5.98**

NOTIFICATION

To encourage and motivate talented sports persons in the pursuit of excellence, the Governor of Sikkim is hereby pleased to announce cash awards for the outstanding sports persons of the State. The cash awards will be for achievements in both individual and team events The category of tournaments recognized, and the cash awards to be given, are listed as under :-

1. I. Quantum of cash awards for the medalists in International competitions.

Representation in recognised International events including school International & World University Meets.	:	Rs. 10,000/- (within India) Rs. 20,000/- (outside India)

International Events,
Senior level individual winners

1.	Gold	-	Rs. 75,000/-
2.	Silver	-	Rs. 50,000/-
3.	Bronze	-	Rs. 25,000/-

Senior level team event winners

1.	Gold	-	Rs. 30,000/- (per head)
2.	Silver	-	Rs. 20,000/- (per head)
3.	Bronze	-	Rs. 15,000/- (per head)

Junior level individual event winner including school International Meets World University Meets.

1.	Gold	-	Rs. 50,000/-
2.	Silver	-	Rs. 30,000/-
3.	Bronze	-	Rs. 20,000/-

Junior level team event winner including school International Meets University Meet.

1.	Gold	-	Rs. 20,000/- (per head)
2.	Silver	-	Rs. 15,000 /-(per head)
3.	Bronze	-	Rs. 10,000/- (per head)

II. Quantum of cash awards for the medalists of National competitions
Senior level individual event winners.

1	Gold	-	Rs. 30,000/-
2.	Silver	-	Rs. 20,000/-
3.	Bronze	-	Rs. 15,000/-

Senior Level team event winners

1.	Gold	-	Rs. 10,000/- (per head)
2.	Silver	-	Rs. 5,000/- (per head)
3.	Bronze	-	Rs. 3,000/- (per head)

Junior Level individual event winners including All India School competition Inter University Meet.

1.	Gold	-	Rs. 20,000/-
2.	Silver	-	Rs. 10,000/-
3.	Bronze	-	Rs. 5,000/-

Junior level team event winner including All India School competitions Inter University Meet.

1.	Gold	-	Rs. 5,000/- (per head)
2.	Silver	-	Rs. 3,000/- (per head)
3.	Bronze	-	Rs. 2,000/- (per head)

III. Quantum of cash awards for the medalists in Regional/All India Services competition etc.

Senior level individual event winners

1.	Gold	-	Rs. 10,000/-
2.	Silver	-	Rs. 5,000/-
3.	Bronze	-	Rs. 3,000/-

Senior level team event winners

1.	Gold	-	Rs. 5,000/- (per head)
2.	Silver	-	Rs. 3,000/- (per head)
3.	Bronze	-	Rs. 2,000/- (per head)

Junior level individual event winners

1.	Gold	-	Rs. 5,000/- (per head)
2.	Silver	-	Rs. 3,000/- (per head)
3.	Bronze	-	Rs. 2,000/- (per head)

Junior level team event winners

1.	Gold	-	Rs. 3,000/- (per head)
2.	Silver	-	Rs. 2,000/- (per head)
3.	Bronze	-	Rs. 1,000/-

IV. Quantum of cash awards for the medalists of State competitions

1. Best Athlete (Boys)	-	Rs. 5,000/-
2. Best Athlete (Girls)	-	Rs. 5,000/-

Team event for senior level

1. Best player of the winning team	-	Rs. 3,000/- (boys)

2. Best player of the winning team - Rs. 3,000/- (girls)

2. Terms and conditions for the awards

(1) The cash awards will be given for excellent performances only in the following games and sports:-

OLYMPIC GAMES AND SPORTS

1.	Athletics	9.	Weightlifting	17.	Fencing
2.	Archery	10.	Gymnastics	18.	Rifle shooting
3.	Hockey	11.	Handball	19.	Yachting
4.	Football	12.	Cycling	20.	Canoeing
5.	Basketball	13.	Judo	21.	Equestrian
6.	Volleyball	14.	Table Tennis	22.	Tae Kwon do
7.	Boxing	15.	Lawn Tennis	23.	Trianthlon
8.	Wrestling	16.	Rowing	24.	Swimming.

NON OLYMPIC GAMES AND SPORTS

1.	Baseball	6.	Skating	11.	Snooker
2.	Cricket	7.	Softball	12.	Golf
3.	Korfball	8	Throwball	13.	Squash Racket
4.	Kho Kho	9.	Kabadi (National style)	14.	Yoga
5.	Netball	10.	Billiard.		

The State Government may, however, delete or add any other games and sports in the above mentioned list.

(2) The cash awards will be given to the position holders only in the following identified competitions/championships/tournaments, games, cups etc. organised by International Olympic Committee, Olympic Council of Asia, Commonwealth Games Federation, South Asian Games Federation, Indian Olympics Federation, Board. International/Asia Cricket Council Board and International/National Federation of the concerned game and other Bodies/Authorities etc. mentioned against the name of competitions, etc:-.

Sl No	Name of the competition/ championship/game/cup	Name of Sports/ games/discipline	Name of the organising authority/ Association/Federation/Body
1	2	3	4
	INTERNATIONAL		
1	Olympic Games	Olympic Games	International Olympic Committee
2	World Championships/Cup	Olympic and Non-Olympics olympic and Non- Olympic	International Federation of the concerned game, affiliated to the international Olympic Committee except in the case of International Cricket Control Board.
3	Common Wealth Games/ Cup/Championships	Olympic and Non-Olympic	Commonwealth Games Federation.
4	Asian Games	Olympic	Olympic Council of Asia.
5	Asian Championships/ Cup	Olympic and Non-Olympic	Asian Federation of the concerned game, affiliated to the Olympic Council of Asia or to the International Federation of the concerned game.
6	South Asian Federation Games	Olympic/and Non-Olympic	South Asian Games Federation in which teams from atleast three countries should have participated
7	International Competitions/ Championships.	Olympic/ Non-Olympic	International Federation of the concerned game, affiliated to the International Olympic Committee or by Asian Federation of the concerned game, affiliated to the Olympic Council of Asia, in which atleast teams from eight countries should have participated.
8	Cricket Test Matches/ series/ One Day International Cricket Matches series.		By International Cricket Control Board of Asia Cricket Control Board
	NATIONAL	Olympic	Organised by Indian Olympic Association.
1	National Games	Olympic	i) Organised by the National Federation of the concerned game, affiliated to the Indian Olympic Association in which atleast eight States should have participated.
2	National Championships/ Inter State Championship		
		Non-Olympic	ii) Organised by the National Federation of the game concerned, affiliated to the International Federation of the game, in which atleast eight States should have participated.

3	Federations Cups	Olympic and Non-Olympic		Organised by the National Federation of the concerned game, affiliated to the Indian Olympic Association of the International Federation of the game concerned.
4	Inter Zonal Competitions	Olympic	i)	Organised by the National Federation of the concerned game, affiliated to the Indian Olympic Association in which teams from atleast three zones should have participated.
		Non-Olympic	ii)	Organised by the National Federation of the game concerned affiliated to International Federation of the concerned games, in which teams from atleast three zones should have participated.
5	All India Inter University Championship/Competitions.			Organised by All Indian University Sports Control Board.
6	National School Games/ Championships.			Organised by the School Games Federation of India.
7	All India Women/Sports Festival/Tournaments/ Competitions			Organised by the Sports Authority of India.
8	All India Civil Services tournaments.			Organised by All India Civil Services Sports Control Board.
9	All India Inter State Board/ Tournaments.			Organised by All India Civil Services Sports Control Board. Organised by All India Sports Control Board of the concerned department/ Board, such as, All India police Sports Control Board, All India Electricity Board, Services control Board, Posts and Telegraphs, Sports Control Board etc. The concerned Board must be affiliated to the National Federation of the Games and in which eight affiliated units should have participated.

3. The cash awards will be given to the permanent residents of the State of Sikkim. A certificate to the effect to be issued by the Sub-Divisional Magistrate/District Magistrate of the concerned area must be produced while making the claim.

4. Attested copy of merit certificates issued by the affiliated federations/organisations for winning medals have to be produced at the time of the claim.

5. The cash awards will be considered only for the competition organised by Govt. Departments and affiliated State/National and International Federations/Associations.

6. Claims for the cash awards have to be made within three months of winning medal otherwise the claims will be treated as invalid.

7. The cash awards will be of one time value and further renewal will not be made. However, if a person receives medals the second and third time in succeeding years, he/she will be automatically getting the award as usual according to the rate to which it is related.

8 if an awardee wins medal in some other events also within a particular year, he/she will be entitled to cash award for the medal carrying the highest award only.

9. Winner who represents a club or section in any outside sports meets will not be entitled to the award.

10. The cash awards will not be considered for the medallist representing a department only at any level of competitions within or outside State.

11. The cash awards will be made through the Department of Sports and Youth Affairs.

12. The terms and conditions given above can be amended only by the State Government in consultation with the Department of Sports and Youth Affairs, Government of Sikkim.

13. This notification shall come into force with immediate effect.

By Order and in the name of the Governor

SONAM GYAMTSHO
Secretary to the Government of Sikkim
Department of Sports & Youth Affairs

GOVERNMENT OF SIKKIM
DEPARTMENT OF EDUCATION

No.01/06/18/2000/Est/Edn/345 **Dated: 5.2.2000**

NOTIFICATION

In order to being about qualitative improvement in the school education in the State, the Government has decided to raise the minimum essential qualification for recruitment of the following categories of teachers with immediate effect.

Sl.No.	CATEGORY OF POSTS	MINIMUM ESSENTIAL QUALIFICATION
1.	SCHOOL MOTHER	Class XII pass of a recognised Board.
2.	PRIMARY TEACHER	Class XII pass of a recognised with Teacher Training Certificate (Basic Trained) from a recognised Institution.
3.	GRADUATE TEACHER	A Bachelor degree in Science, Humanities or Commerce with B.Ed. of recognised University.

By Order,

T.T.DORJI, IAS
Commissioner-cum- Secretary, Education

GOVERNMENT OF SIKKIM
DEPARTMENT OF FINANCE
GANGTOK

No.13/FIN/ACCTT. **Dated: 29.3.2000**

NOTIFICATION

ISSUE OF 13.50 PER CENT GOVERNMENT OF SIKKIM (NATIONAL SMALL SAVINGS FUND) (NON-TRANSFERABLE) SPECIAL SECURITIES, 1999.

The Government of Sikkim (hereinafter called "the Government" hereby notifies the issue of 13.50 per cent Government of Sikkim (National Small Savings Fund) (Non-transferable)Special Securities, 1999 (hereinafter called as "special securities") from 1st April, 1999 until further notice.

2. Objective:
Consequent upon the creation of a new fund in the Public Account of India called the "National Small Savings Fund" (NSSF), the Government of Sikkim shall issue the special securities

notified hereunder against the, amounts received by the Government from NSSF from time to time.

3 Eligibility for subscription to the special securities:
The Secretary, Government of India, Ministry of Finance, Department of Economic Affairs, shall be eligible to subscribe to special securities for amounts released to the Government from time to time from NSSF.

4 Minimum subscription:
Special securities will be issued for a minimum amount of Rs 1,00,000 (face value) and in multiples of Rs. 1,00,000 thereafter.

5 Form of securities.
The special securities will be issued in the form of "Stock" to be held at the credit of the holder in the subsidiary General Ledger Account maintained with Public Debt Office, Reserve Bank of India, Nagpur.

6. Price, Date and Place of Issue.

(i) The special securities will be issued at par.
(ii) The date of issue of special securities shall be the date on which the special securities are credited to the Subsidiary General Account Provided that in case of amounts already released from NSSF and credited to the Government prior to the date of this Notification, the date of issue of special securities shall be the date of such credit to Government.

(iii) The Special securities will be issued Public Debt Office, Reserve Bank of India, Nagpur.

7 Tenure.
The tenure of special securities will be 25 years from the date of issue.

8 Interest:

(i) The special securities will bear interest at the rate of 13.50 per cent per annum. Interest will be payable at annual intervals reckoned from the date of issue of special securities. Interest on the security will be payable at the Public Debt Office of issue.
(ii) Interest will be paid after rounding off to the nearest hundred rupees.

9 Repayment:
The special securities shall be repayable in twenty equal annual instalments starting from the 6th year from the date of issue.

10. Transferability and Conversion:
The special securities shall not be transferable and conversion of the securities to any other form shall not be permitted.

11. Statutory Provisions:
With respect to any such matter has not been provided under this notification, the special securities shall be governed by the Public Debt Act, 1944 and the Public Debt rules, 1946 framed thereunder.

Tashi Topden, IAS
Principal Secretary,
Finance Department

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No 38/HOME/2000 **Dated:19.4.2000**

NOTIFICATION

The preparations for the smooth conduct of Census of India-2001 has begun in the State. The Houselisting Operations in Sikkim State will be conducted during 25th April to 24th May, 2002.

Under the Census Act, 1948 (37 of 1948), for smooth conduct of the census operations, a number of responsibilities and duties have been cast upon the general public. Thus it is expected that every person and occupier of a house shall grant access to the Census Officer for allowing them to paint on or affix to appropriate house numbers on each building for census purposes. Every occupier is expected to preserve these house numbers in good condition till the census is over. Further all the members of public are bound under the law to give truthfully the information to all census questions asked by the enumerator.

Under the Census Act,1948 provisions have been made for directing the public to cooperate in furnishing accurate and unambiguous information in respect of the questions that may be put to them through census. Provisions also exist in Section 11 of the Census Act, 1948 imposing penalties on the erring public. The important sections of the Act are reproduced below.

Section 8 (1) A census officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the State Government and published in the Official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Section 9 Every person occupying any house, enclosure, vessel or other place shall allow census officer such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, mark or numbers as may be necessary for the purposes of the census.

Section 10 (1) Subject to such orders as the State Government may issue in this behalf a census officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the State Government may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so

far as regards the inmates of such house or part thereof or the persons employed under him as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census officer or to such person as the census officer may direct.

Section11(1)(a) Any census officer of any person lawfully required to give assistance towards the taking of census who refuses to perform any duty imposed upon him by this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty, or,

(aa) any census officer or any person lawfully required to give assistance towards the taking of a census who neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another in performing any such duty or obeying any such order, or,

(d) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census officer which he is legally bound by section 8 to answer, or

(e) any person occupying any house, enclosure, vessel or other place who refuses to allow a census officer such reasonable access thereto as he is required by section 9 to allow, or

(f) any person who removes, obliterates, alters, or damages any letters marks or numbers which have been painted or affixed to the purposes of the census, or

(g) any person who having been required under section 10 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder, or

(h) any person who trespasses into a census office, shall be punishable with fine which may extend to one thousand rupees and in case of a conviction under part (b) or (c) shall also be punishable with imprisonment which may extend to six months;

(i) any person who removes, obliterates, alters, or damages any letters marks or numbers which have been painted or affixed for the purposes of the census, or

(j) any person who, having been required under section 10 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder, or

(k) any person who trespasses into a census office, shall be punishable with fine which may extend to one thousand rupees and in case of a conviction under part (a), (b) or (c) shall be punishable with imprisonment which may extend to three years.

(2) Whoever abets any offence under sub-section (1) shall be punishable with fine which may extend to one thousand rupees.

The above information is given for information and compliance of all concerned.

Sonam Wangdi, IAS,
Chief Secretary,
Government of Sikkim

F No.659/LR(S)

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM, REFORMS AND TRAINING
GANGTOK

No 03/GEN/DOP **Dated: 24.4.2000**

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

The upper age limit prescribed for entry into Government Service is 30 (thirty) years and concessions/relaxation that are available to weaker sections beyond the upper age limit are as follows namely :-

1	Scheduled Tribe	-	5	(Five) years.
2.	Scheduled Caste	-	5	(Five) years.
3.	Other Backward Classes	-	3	(Three) years.

Considering the fact the some of the employees of the erstwhile Rathongchu Hydro Electric Project have rendered services for considerable period of time and have crossed upper age limit, the Governor is pleased to relax the upper age limit by 10(ten) years in their case for the purpose of recruitment in the Government Service.

By order and in the name of the Governor.

R.S.BASNET,
Secretary to the Government of Sikkim,
Department of Personnel, Administrative Reforms and Training

GOVERNMENT OF SIKKIM
(Income & Sales Tax)
FINANCE DEPARTMENT

No 14(85)/IT & ST/156/2000 **Dated: 31.5.2000**

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

In exercise of the powers conferred by sub-section (1) of section 8 and clause (a) of sub-section (1) of section 5 of Sikkim Sales Tax Act, 1983 (4 of 1983) and in supersession of notification No. 522/IT & ST/ 2000 dated the 17th January, 2000 published in Extraordinary Gazette No. 6 dated 17th January, 2000 and in supersession of notification no. 14 (85) IT & ST/614 dated. 25th February 2000, of Finance (Income and Sales Tax) Department, the State Government hereby specified the following rates of sales tax in respect of goods specified in Schedule I and Schedule II, namely :-

"SCHEDULE - I
TAX FREE GOODS (0%)

1. Betel leaves.
2. Books , periodicals, journals and newspapers, exercise books, educational charts, maps and instrument, boxes, globes and other instruments used in educational institutes.
3. Unbranded bread.
4. Condoms and contraceptives.
5. Curd, lassi and butter milk except when sold in sealed container.
6. Fresh eggs.
7. Electrical energy
8. Fresh meat and fish
9. Fresh vegetable, green or dried, (except when sold in sealed container) including chilli.
10. Jaggery
11. Unprocessed salt
12. Unprocessed cereals and pulses including rice and wheat.
13. Fresh flowers.
14. Fresh milk and pasteurised milk other than powdered or condensed milk.
15. Vegetables seed - Planting materials like seed, seedlings, suckers, nursery plants used for raising crops.
16. Handloom woven -
    a) Handloom Khadi products except those made from silk yarn.
    b) Khadi/Handloom Garments.
    c) Locally produced handicrafts.
17. Khandsari.
18. Organic manure.
19. Flour including atta, suji and maida.
20. Wheel chairs, crutches and other articles used by handicapped persons.
21. Glass bangles.
22. Livestock including Poultry.
23. Non-Judicial stamp papers, Catridge paper sold by Govt. treasury through stamp vendors.
24. Raw cotton.
25. Text books
26. Exercise books for educational purposes.
27. Life saving drugs.

I. ANTIDOTES

a) Atropine.
b) Oxime - Pralidoxime
- Obidoxime
c) Naloxone.
d) Sodium Calcium, edetate (EDTA).
e) Dimer Caprol (BAL).
f) Penicillamine.
g) Amyl Nitrate and others.

II CARDIAC STIMULANTS

a) Adrenaline.
b) Dopamine.

III. FIBRINOLYTIC AGENTS

a) Streptokinase
b) Urokinase.
c) Ateplase (PA)

IV. STEROIDS
a) Dexa methasone.
b) Hydrocortisone

V. ANALEPTICS

a) Nikethamide
b) Doxapram.

VI. DRUGS FOR HYPERTENSIVE EMERGENCIES

a) Diazoxide.
b) Sodium Nitroprusside.

VII. ADRENERGIC CRISIS

a) Phentolamine
b) Phenoxy Benzamine.

VIII. ANTI TOXINS

a) Tetanus Antitoxin.
b) Gas Gangrene Antitoxin.
c) Diptheria Antitoxin.
d) Anti snake venom.
e) Anti - D - Immunoglobulin (Human)
f) Anti rabies Hyperimmune Serum.

IX INTRAVENOUS FLUIDS

a) Normal Saline
b) Dextrose - 5 %, 10%, 25%
c) Dextran.
d) Hemacael and others.

28. ANTI T.B. DRUGS

a) Ethambutol (tablet)
b) Isoinazid (tablet/syrup).
c) Refampicin (capsule/syrup).
d) Streptomycin (injection)
e) Pyrizinamide (tablet).

29. Rubber and Plastic/Chappel Sandal and Shoes with MRP of Rs. 200/- or less.

30. Turmeric.
31. Tamarind.
32. Sugar as defined in the Central Excises and Salt Act, 1944 (1 of 1944) excluding imported

sugar in all forms.

33. All varieties of cotton fabrics, man made fabrics and woollen fabrics excluding imported varieties of such fabrics.

(Explanation :- The expression "cotton fabrics", "man made fabrics" and "woollen fabrics", shall have the same meanings as are respectively assigned to them in the Central Excises and Salt Act, 1944 (1 of 1944) excluding imported varieties of such fabrics).

34. Tobacco as defined under the Central Excises and Salt Act, 1944 (1 of 1944).
35. Renewable Energy devices, and spare parts.
36 Cooked food.
37. Agricultural Implements.
38. Poultry Feed, Cattle Feed, Pig feed, Fish feed, including feed additives like nutrients, medicines or supplements of such feed.
39. Rape seed oil and Palm/Palmolson oil.

SCHEDULE II

Sl.No.	Description of Goods	Rate of Tax %
1.	Mustard oil and mixture of mustard oil	2 %
2.	Vehicles of all types driven or operated by petrol/diesel or electrical energy except those specified elsewhere in this schedule.	12 %
3	Declared goods	4 %
4.	Edible oil and oils cakes other than Mustard oil, Rapeseed oil, and Palm/Palmoleon oil.	4%
5.	Processed Salt, Fish and Meat when sold in sealed containers	4%
6	Cumin seed	4%
7.	Branded bread	4%
8.	Bicycles	4%
9	Ready made garments	4%
10	Utensils and Kitchenwares	4%
11.	Bone meal	4%
12.	Chemical fertilizers, pesticides, weedicides and insecticides	4%
13	Ores and minerals	4%
14.	Ice	4%
15	All types of yarn	4%
16.	Charcoal	4%
17.	Raw wool	4%
18.	Hosiery goods	4%
19.	Bran Oil	4%
20.	Sponge Iron	4%
21.	HDPE packs	4%
22.	GI-pipe	4%
23.	Starch	4%
24.	Garlic and Ginger	4%
25	Maize products	4%
26.	Safety matches	4%
27.	Cardamom	4%
28.	Gingeli Oil	4%
29.	Hand pump/water pump and oil engines	4%

30.	Aluminium in all its forms namely: Aluminium ingots, slabs, bars, rods, pipes, tubes, wires, coil sheets, plates, circles, sections, channels, angels, joists, extrusions, including aluminium scraps but excluding aluminium foils.	4%
31.	Information Technology (IT) products namely: Computers, Computer peripherals, digital electronic equipments, communication equipments electronic components, IT software other than those specified elsewhere in the schedule.	4%
32.	Industrial inputs :-	4%
	a) Non ferrous metal viz Sulphur and zinc b) Belting c) Bearing d) All types of chemicals and intermediate chemicals including barytes, hydrogen peroxide, silicon carbide. lime, Caustic soda including wax, paraffin and ferro silicon e) Dyes and chemicals f) Ferro alloy and super alloy. g) Transformer. h) Polystyrene	
33.	Bulk drugs other than those specified elsewhere in this schedule	4%
34.	Blanket of all kinds, Quilt, quilt cover and quilt razaigelafs	4%
35.	Orange	4%
36.	Pollution control equipments	4%
37.	Sand, stone chips and stones	4%
38.	Butter and ghee	4%
39.	Fruits, vegetables and spices such as pastes, squashes, juices, pickles, jams and jellys processed or manufactured in Sikkim	4%
40	Sewing thread	4%
42.	Napa slabs	4%
43.	Kerosene	12%
44.	Vanaspati (Vegetable ghee)	4%
45	Raw silk	8%
46.	Beedi leaves	8%
47.	Packing materials including HDPE bags, Corrugated boxes and containers.	4%
48.	De-oiled cake	4%
49.	Vegetable	4%
50.	Solvent oil	8%
51.	RCC sleepers	8%
52.	Filters	8%
53.	Agarbatti	4%
54.	Tiles	8%
55.	Ceramics	8%
56.	Suitcases	8%
57.	Cast Iron Castings	4%
58.	Surgical Instruments	8%
59.	All types of Electrical goods including fans but excluding Transformers	8%
60.	Tanned leather and Leather goods	8%
61.	Paper and paper pulp	8%
62.	Saree falls	8%

63.	All kinds of bricks including refractory bricks	8%
64	Printing ink	8%
65	Electrodes	8%
66	Sanitary ware	8%
67	Stainless steel	8%
68.	Milk food and milk products	8%
69.	Sewing machines	8%
70.	Nut powder	8%
71	Flasks	8%
72.	Explosives	8%
73.	Blades and Razors etc.	8%
74.	Timber	8%
75.	Drugs and medicines other than life saving drugs and anti-tuberculosis drugs *(as listed in Sl.No. 27 and 28 of Schedule I)*	8%
76.	Foot wear other than rubber and plastic/chappal/sandals and and shoes with MRP of Rs. 200/- or less.	8%
77	Magnets	8%
78	Electric motor	8%
79	Nutrition food	8%
80	Hose pipes	8%
81	Sweet meat	8%
82.	Plants and Machinery including spare parts, components and accessories thereof	8%
83	Tea and coffee	8%
84	Toffee, Chocolate, Biscuits and confectionery	8%
85	Cake, Pastries, cocoa products including chewing gums	8%
86	Toothpaste, toothbrush, toothpowder, mouthwash and deodorants	8%
87	Batteries and parts thereof	8%
88.	All types of furniture	8%
89	Camphor	8%
90.	Electrical bulbs and tube lights including vapour lamps, halogen lamps of all varieties and descriptions.	8%
91.	Photographic goods	8%
92.	Tyres and tubes and flaps of tyres and tubes	8%
93	Foam	8%
94	Electronic goods other than those specified elsewhere in the schedule	8%
95	Cooking gas (LPG)	12%
96	Building materials such as plywood and cement	12%
97.	Paints and colours	8%
98	Diesel oil	10%
99	Dry fruits	8%
100	Plastic goods other than plastic chappals, sandals and shoes with MRP of Rs. 200/- or less	8%
101	Roofing light and false roofing materials including cement and asbestos sheets, hard and soft boards and panels as well as asphaltic roofings	8%
102	All types of Cables and electrical wires	8%
103.	Fire fighting equipments	8%
104	Cereals and pulses when sold in sealed containers including polypackets	8%
105	Articles of foods and drinks including sweet and sweet meat when sold:-	
	a) in the three star, four star and five star hotels as recognised by the Ministry of Tourism, Govt. of India/Sikkim .	
	b) In places other than (a) above when sold in sealed container, or packet including polythene packet.	4%

106.	Food preservatives, food colours and food flavouring essences	4%
107.	Hardware goods specified as hardwares under the Notification No. 832/ST/11/3096 Dt. 16/12/86	8%
108.	Jointing powder and SITU mixture for laying tiles and chips and deodorant.	8%
109.	Kirana goods and spices when sold in sealed containers or polythene packets.	4%
110.	Mercury	8%
111.	Mosquito repellents	4%
112.	Magnesium Carbide/Carbonate	8%
113.	Manihari goods specified as "manihari goods" under Notification No. 832/ST/11/3096 Dt. 16-12-86	8%
114.	Lubricants including lubricating oil, brake oil, grease and engine oil	12%
115.	Optical goods namely spectacles, sun glasses, goggles, lenses and frames including attachments.	4%
116.	Pipes and pipe fittings of all varieties including casing, other than GI pipe	4%
117.	Rolling shutters and Collapsible gates whether operated manually, mechanically or electrically and their parts and accessories thereof	8%
118.	Sacks of all types	4%
119.	Sport goods of all types	4%
120.	Stoves, that is gas stoves and kerosene stoves, Gas metallic cylinder, gas mantle, parts and accessories thereof	8%
121.	Chicory, Coffee beans, seed raw or toasted	4%
122	Channa-choor, Dalmut, Fried potato chips, Fried Gram when sold in sealed containers including polypackets	8%
123.	Fruits, vegetables and spices such as pastes, squashes, juices, pickles, jams and jellys processed or manufactured outside Sikkim	4%
124	Instant mix such as jamoon, mix, ice-cream mix, jelly mix and the like, sambar and rasam powders and pastes, masala powders and pastes masala powders and pastes, curry powder and pastes such as soft drink concentrates (other than soft and vegetable concentrates) whether in liquid or powder or crystal from when sold in bottles, tins, can, or any cans, or any kinds of sealed containers	8%
125.	Water tank and storage tank of all varieties and description	8%
126	Toys other than electronic toys	8%
127.	Motor parts, accessories and components thereof	8%
128	Stationary including the items specified under Notification No. 832/ST/11/3096 dt. 16-11-86.	8%
129	Glazed earthenware	8%
130.	Chinaware including crockery	8%
131	Gypsum	8%
132.	Acids	8%
133.	Coir products of all kinds	8%
134.	Bulldozers, tractors, excavators, pipelayers, wheel laden scrappers, mobile cranes, power tillers, earth movers, dumpers, dippers and parts and accessories/components thereof.	8%
135.	Items of goods not specified by name or description other than those specified in Schedule I and Schedule II and by any other Notifications.	8%
136.	Weather proofing compounds	12%
137.	Fire works	12%

138.	*Furs and skins*	12%
139.	*Lifts and elevators*	12%
140	*Marble and marble tiles*	12%
141	Sandal wood and oil	12%
142	Telephone including cellular and mobile phones, pagers and parts/accessories thereof	12%
143	Typewriters	12%
144.	Cutlery	12%
145	Preserved food articles	12%
146.	Silk and silk fabrics	12%
147	Vacuum cleaners	12%
148.	T.V., VCR, C.D. and V.C.P.	12%
149.	Teleprinters	12%
150.	Transmission wires and tower	12%
151	Voltage stabilizers	12%
152.	Washing machines	12%
153	Wireless equipments	12%
154	Air conditioner	12%
155	Arms and Ammunition	12%
156	Articles of Stainless steel	12%
157	Carpets	12%
158.	Cushion and mattress	12%
159	Electronic toys	12%
160.	Fancy leather goods	12%
161.	Musical instruments and equipments	12%
162	Non Alcoholic drinks, that is to say mineral water, aerated water including soda water, soft water whether or not flavoured or sweetened and whether or not containing vegetable or fruit juice or fruit pulp when sold in bottles, tins, cans or in any kind of sealed containers	12%
163.	Hair oil	12%
164	Synthetic gems	12%
165	Calculating machines	12%
166.	Cigarette cases and lighters	12%
167.	Cinematographic equipment	12%
168.	Ivory products	12%
169.	Air circulators and air coolers	12%
170	Glassware other than bangles	12%
171.	Naphtha	12%
172	Spark plugs	8%
173.	Rubber goods other than rubber chappals, sandals and shoes with MRP of Rs. 200/- or less	12%
174	Cosmetics and soaps	12%
175	Adhesives	12%
176	PVC articles	12%
177	Laminated sheets	8%
178.	Oxygen and gas	12%
179	Aeronautics	12%
180	Watches and clocks	12%
181.	ACSR conductors	12%
182	Refrigerators	12%
183.	Radios, spare parts, accessories and components thereof	
184	Loud Speakers/Public Address Systems	12%
185	Duplicating/Address printing machines	12%

186.	Binoculars and telescopes	12%
187.	Disc antenna, spare parts and accessories thereof	12%
188.	Photocopiers	12%
189.	Granite stones whether polished or unpolished, cuddapah stones, slabs and tiles	12%
190.	Industrial gas	12%
191.	Petroleum products including motor spirit, aviation and turbine fuel	20%
192.	Liquor	20%
193.	Narcotics	20%
194.	Molasses	20%
195.	Rectified spirits	20%
196.	Bullion	1%
197.	Gold articles	1%
198.	Precious stones	1%
199.	Silver articles.	1%

Tashi Topden, IAS
Principal Secretary, IT,ST and Finance Department

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary **Gangtok, Wednesday, 7th June, 2000** **No.205**

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No 55/HOME/2000 **Dated: 6.6.2000**

NOTIFICATION

With a view to bring about administrative reforms, reduction in expenditure and better efficiency in the administration, the State Government is hereby pleased to declare the amalgamation and renaming of the following Departments with immediate effect :-

1. The Sikkim Nationalised Transport Department and the Motor Vehicles Department are amalgamated into one Department to be known as "Transport Department".

2. The Welfare Department and the Women and Child Development Department are amalgamated into one department to be known as "Social Welfare Department".

By Order,

Sonam Wangdi, IAS
Chief Secretary

F.No.GOS/HOME-II/95/38

SIKKIM COMMISSION FOR BACKWARD CLASSES
LOWER SECRETARIAT
GANGTOK

No 18/SCBC/99 Dated: 22.11.1999

NOTIFICATION

In pursuance of the provisions laid down under sec 8 (2) of the Sikkim Commission for Backward Classes Act 1993, the Commission resolves to adopt the following procedure to discharge its function -

1. The Commission while examining requests for inclusion of any class of citizens as backward class in the list and hearing complaints of over-inclusion or under-inclusion of any backward class in such lists may :-

   Call for information or report from the State Government or any other authority or organisation subordinate thereto within such time as may be specified by it :-

   Provided that -

   a) If the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own.

   b) If on receipt of the information or report, the Commission is satisfied either that further enquiry is required or that required action has been initiated or taken by the Government or authority, it may not proceed and inform the complaint accordingly.

2. The Commission shall take steps as may be deemed necessary for making the enquiry in the matter of inclusion or exclusion of any community or class of people in the list.

3. Notwithstanding anything contained in the Act, while dealing with complaints of over-inclusion or under-inclusion the Commission shall also adopt the following procedure, namely :-

   a) It may either or on its own motion or on receipt of any petition seek a report from the State Government.

   b) After receipt of the report, it may either not proceed with the complaint or as the case may be, may send its recommendation to the State Government.

4. State Government shall inform the Commission of the action taken on the recommendation within a period of 3 months.

5. The Commission shall while enquiring into any application or complaint shall exercise the power opportunity of being heard in the enquiry and to produce further evidence in support of his claim.

6. All interested parties will be entitled to file representation or/counter representation, documents, authentic books etc. in support of their claim or counter claim.

7. The parties will also be entitled to file affidavit in support of their claim/counter claim and they will also be entitled to adduce evidence by examining witnesses who shall however be subject to cross-examination if considered necessary

8. The Commission while making the enquiry shall take the criteria fixed by Mandal Commission such as (a) Social (b) Educational (c) Economic as approved by the Supreme Court in its judgement rendered in the case of Indra Sahawney Vs Union of India 1991 supp (3) Sec 217 and any other criteria the Commission in its wisdom deemed necessary.

9. During the course of enquiry the Commission may seek information from Bureau of Economics and Statistics, Census of India and other Departments and any other steps that may be considered necessary by the Commission for getting and evaluating the information

10. If, at any state of the inquiry, the Commission, considers it necessary to hear the applicant in person it shall give to the person a reasonable opportunity of being heard in the enquiry and to produce further evidence in support of his claim.

11. The Commission shall send a copy of its report together with its recommendation to the Govt. and Government shall, within a period of three months take action.

12. The Commission shall supply a copy of its report to the applicant.

13. The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

14. The Member Secretary shall look into the day to day office administration, subject to the general control of the Chairman, Sikkim Commission for Backward Classes.

D.K.Gajmere,
Secretary, Welfare &
Member Secretary, Sikkim Commission for Backward Classes

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary **Gangtok, Tuesday, 22nd August, 2000** **No.286**

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM, REFORMS AND TRAINING
GANGTOK

No 21/GEN/DOP **Dated: 22.8.2000**

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

The Government has noticed that despite various circulars/guidelines issued from time to time in the matter of maintenance of ACRs of the Government officers, the same are not written in time and submitted to the authorities concerned which has been causing great inconvenience and delay in considering the promotion of officers. It is also observed that there are no guidelines/procedures to be followed in the absence of ACRs of a relevant period to complete the required number of ACRs for considering the promotion of officers.

Therefore, the Government has decided to adopt the procedure laid down in Swamy's Establishment and Administration Manual para 6.2.1 (c) in the matter and is hereby prescribed as under :-

Where one or more ACRs have not been written for any reason during the relevant period, the DPC should consider the ACRs of the years preceding the period in question and if in any case even these are not available the DPC should take the ACRs of the lower grade into account to complete the numbers of ACRs required to be considered as per the provisions of different service rules pertaining to promotion. If this is also not possible, all the available ACRs should be taken into account.

It is further notified that all actions and promotions made so far by applying the above principle shall always be deemed to have been made under this provision.

R.S.Basnet
Secretary
Department of Personnel, Adm.Reforms & Trg.

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary **Gangtok, Friday, 1st September, 2000** **No.297**

GOVERNMENT OF SIKKIM
FINANCE (INCOME TAX & SALES TAX) DEPARTMENT

No378/IT& ST/2000 **Dated: 14.8.2000**

NOTIFICATION

In exercise of powers conferred by clause (c) of sub-section (1) of section 5 read with section 4 A of the Sikkim Sales Tax Act, 1983 (4 of 1983), and in supersession of all the previous notifications in respect of works contract, the State Government hereby specifies the rate of sales tax payable by a contractor involved in the execution of works-contract at four paise in a rupee with immediate effect

Tashi Topden, IAS
Principal Secretary-cum-Commissioner,
Government of Sikkim
File No 7 (128)/ST/83 Finance (Income and Sales Tax) Department

SIKKIM GOVERNMENT GAZETTE
Ex.Ordinary **Gangtok, Friday, 1st September, 2000** **No.298**

GOVERNMENT OF SIKKIM
FINANCE (INCOME TAX & SALES TAX) DEPARTMENT

No 379/IT & ST/2000 **Dated: 14.8.2000**

NOTIFICATION

In exercise of powers conferred by clause(c) of sub-section (1) of section 5 read with section 4 B of the Sikkim Sales Tax Act, 1983(4 of 1983), the State Government hereby specifies the rate of sales tax payable by a registered dealer in respect of transfer of right to use any goods (whether or not for a specified period) at eight paise in a rupee with immediate effect.

Tashi Topden, IAS
Principal Secretary-cum-Commissioner,
File No 7 (128)/ST/83 Finance (Income and Sales Tax) Department

FOOD AND CIVIL SUPPLIES & CONSUMER AFFAIRS DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

No 1(84)2000-01/CP/FCS & SA/19 **Dated: 4.9.2000**

NOTIFICATION

Whereas the Government of India in the Ministry of Consumer Affairs and Public Distribution have issued policy guidelines with directives to the State Governments/ UTs administrations including Sikkim to formulate their own Scheme of Consumer Welfare Fund for promotion and growth of Voluntary Consumer Organisations.

And whereas there being only two or three Voluntary Consumer Organisations active in the field of consumer protection and there is an imperative need to promote more Voluntary Consumer Organisations to intensify the Consumer movement in the State ,

And whereas the Government of Sikkim, after careful consideration of the existing status of consumer protection activities in the State, have felt the need to formulate its own Scheme of Consumer Welfare Fund in order to provide financial assistance to prospective as well as existing Voluntary Consumer Organisations for the purpose of organising consumer awareness programmes and educating the masses about consumer rights and privileges, establishment of Consumer Disputes Redressal Agencies for providing quick, swift, expeditious and inexpensive justice to aggrieved consumers and other important aspects of the Consumer Protection Act,1986.

Now, therefore the Government of Sikkim, in pursuance of the policy guidelines and directives from the Ministry of Consumer Affairs and Public Distribution, Government of India, New Delhi, hereby formulates the following Schemes, namely -

1. SHORT TITLE, EXTENT AND COMMENCEMENT

(i) This Scheme may be called the Sikkim State Consumer Welfare Fund Scheme, 2000.

(ii) It extends to the whole of Sikkim.
(iii) It shall come into force from the date of its publication in the Official Gazette

2. APPLICATION

(i) The Scheme shall be applicable to all Voluntary Consumer Organisations affiliated to the Federation of Consumer Association, Gangtok.

(ii) The Schemes shall also be applicable to existing Voluntary Consumer Organisations which have not availed of financial assistance from the Central Government under the Scheme of the Central Consumer Welfare Fund Rules, 1992.

3 DEFINITIONS

1) In this Scheme, unless the context otherwise requires :-

a) "Act" means the Consumer Protection Act, 1986 (68 of 86) amended from time to

time by the Central Government.

b) "Applicant" means any agency/organisation engaged in Consumer Welfare activities for the period of three years registered under the provisions of the law relation to registration of such organisations for the time being in force in the State;

c) "Application" means the proforma or application in Form A-1, appended to this Scheme.

d) "Central Government" means the Government of India;

e) "Committee" means the Committee constituted under paragraph 5 of the Scheme;

f) "Consumer" has the same meaning as assigned to it under clause (d) of sub-section (1) of section 2 of the Act and includes consumer of goods on which duty has been paid.

g) "Financial assistance" means the money provided as outright grant to the applicant in fulfilment of the formalities laid down for such purpose.

(h) "Scheme" means the Sikkim State Consumer Welfare Fund Scheme 2000.

(i) "State Government" means the Government of Sikkim.

(j) "Voluntary Consumer Organisation" means an organisation registered with the Land Revenue Department of the State Government under the provisions of the law relating to registration of such organisation and engaged in the consumer welfare activities which should have affiliation with the Federation of Consumer Association of Sikkim, for availing of assistance under this Scheme;

(k) "Welfare of the Consumer" includes promotion and protection of right of consumers.

(l) "Year" means the financial year commencing on the first day of April and ending on the 31st day of March next following.

(2) Words and expressions used in this Scheme and not defined but defined in the Consumer Protection Act, 1986 shall have the same meanings respectively assigned to them in the Act.

4. DISQUALIFICATION

Any Voluntary Consumer Organisation which :-

(a) denies or refuses to furnish any information demanded by the State Government; or

(b) after receipt of the financial assistance from the State Government under this Scheme, does not utilise for the specific and bonafide purpose but diverts for some other purpose not connected with the activity of the organisation;

(c) furnished wrong and incorrect information or suppresses relevant or material facts; or

(d) is blacklisted order recognised by the State Government or the Central Government; shall be disqualified from availing of financial assistance under this Scheme.

5. CONSTITUTION OF THE COMMITTEE

(1) There shall be a Committee constituted under this Scheme which shall consist of the following members, namely :-

1.	Commissioner-cum-Secretary, Food and Civil Supplies and Consumer Affairs Department	:	Chairman
2.	Additional Secretary, Food and Civil Supplies and Consumer Affairs Department	:	Member
3.	Joint Secretary, Department of Food and Civil Supplies & Consumer Affairs Department	:	Member
4.	President, Federation of Consumer Association of Sikkim	:	Member
5.	General Secretary, Federation of Consumer Association of Sikkim	:	Member
6.	Joint Controller, (Consumer Protection Cell) Consumer Affairs Department		Member Secretary

(2) The Chairman of the Committee shall sanction the financial assistance to the applicants after screening and full scrutiny of the application and documents submitted to them by the Committee as provided under clause 5.

6. PROCEDURE FOR CONDUCT OF BUSINESS

(1) The Committee shall meet as and when necessary, but not more than four months shall intervene between any two meetings.

(2) The Committee shall meet at such time and place as the Chairman of the Committee may deem fit.

(3) Each meeting of the Committee shall be called by giving notice in writing to every members of not less than seven days from the date of issue of such notice.

(4) Every notice of the meeting of the Committee shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat

(5) No proceedings of the Committee shall be valid unless it is presided over by the Chairman and a minimum of two other members are present.

6. POWERS AND FUNCTIONS OF THE COMMITTEE

(1) The Committee shall have powers :-

(a) to require any applicant to produce before it or a daily authorised officer of the State Government, such books, accounts, documents, instruments or commodities in custody and control of the applicant, as may be necessary for proper evaluation of the application.

(b) to require any applicant to allow entry and inspection of any premises from which activities claimed to be for the welfare of consumers are stated to be carried on to a duly authorised officer of the State Government.

(c) to get the accounts of the applicant audited for ensuring proper utilisation of the grant;

(d) to require any applicant in case of any default or suppression of material information on his/her part to refund in lump sum the sanctioned grant to the Committee and to be subject to prosecution under the relevant laws;

(e) to recover any sum due from any applicant in accordance with the provisions of this Scheme;

(f) to require any applicant or class of applicants to submit a periodical report indicating proper utilisation of the grant;

(g) to reject an application placed before it on the basis of involvement of factual inconsistency, or inaccuracy in the material particulars;

(h) to recommend minimum financial assistance by way of grant to an applicant having regard to his/her financial status and importance and utility of nature of activity under pursuit after ensuring that the financial assistance provided shall not be misutilised;

(i) to identify beneficial and safe sectors where investment out of the Consumer Welfare Fund may be made and make recommendations accordingly.

(2) The Committee shall not consider an application unless it has been inquire into in material details and recommended for consideration by the Member Secretary

8. THE SPECIFICATION OF PURPOSES FOR UTILISATION OF CREDITS AVAILABLE IN CONSUMER WELFARE FUND.

The Committee shall make recommendations :-

(a) for making available grants to any applicant;

(b) for investment of the money available in the Consumer Welfare Fund;

(c) for making available grants on a selective basis for reimbursing legal expenses incurred by a complainant or a class of complaints in a consumer dispute, after its final adjudication; and

(d) for making available grants for any purpose which may be considered appropriate by the Committee.

9. APPLICATION FOR FINANCIAL ASSISTANCE

All eligible applicants claiming financial assistance under this Scheme shall apply to the Member-Secretary to the Committee constituted under paragraph 5 of the Scheme in the proforma A-1 appended to this Scheme.

10. UTILISATION OF FINANCIAL ASSISTANCE

(1) Any applicant registered and running Voluntary Consumer Organisation for atleast three years, which avail of financial assistance under this Scheme shall utilise the money to pursue any or all the objects hereinafter mentioned, namely :-

(a) Organising consumer awareness programmes :-
Such programmes, as far as practicable, shall be conducted at the village block, sub-division and district levels duly involving the Gram Panchayat Wards/Units of the concerned areas wherever they are conducted.

(b) Preparation of publicity materials :-
The applicant shall prepare publicity materials like pamphlets, hand-outs, posters, booklets, etc. in simple regional language duly giving all material information which common people may easily understand.
It shall be mandatory for any applicant to get such publicity materials shown vetted and approved from the Committee constituted under paragraph 5 hereof.

(c) Dissemination of information and messages of the consumer protection
Sub-section (6) of section 6 of the Consumer Protection Act guarantees right of education to consumers. The applicants shall make all concerted efforts to disseminate information to the consumers through all available media so that the process of consumer awakening takes more faster pace.

(d) Filing of complaints on behalf of ignorant illiterate and helpless consumers :
Majority of the rural people and many of the urban people of the State have no knowledge about the existence of the Consumer Disputes Redressal Agencies which are dispensaries of swift, expeditious and inexpensive justice to aggrieved consumers. Consequently, very few cases are being filed in these Consumer Disputes Redressal Agencies.

The applicants shall identify the consumers who need help in filing consumer complaints in the appropriate forum and if need be the applicants can themselves file and contest cases on behalf of such ignorant, illiterate and helpless consumers Section 12 (b) of the Act has empowered the Voluntary Consumer Organisations to file consumer complaints on behalf of those consumer who are unable to do so

(2) The financial assistance granted under this Scheme shall be utilised for promotional activities aimed to generate consumer awareness, accelerating the pace of consumer welfare activities and to popularise the functioning of the Consumer Disputes Redressal Agencies and for purpose which are directly linked or are incidental to give momentum to the Consumer Movement in the State.

11. ESTABLISHMENT OF CONSUMER WELFARE FUND

There shall be established a Consumer Welfare Fund with the of State Government into which credits the amounts of money specified in the Guidelines under BACKGROUND column.

12. MAINTENANCE OF ACCOUNTS AND RECORDS OF CONSUMER WELFARE FUND

Proper and separate accounts in relation to the Consumer Welfare Fund shall be maintained by the Department Food and Civil Supplies and Consumer Affairs and shall be subject to audit

by the Office of the Accountant General (Audit), Sikkim.

13. OPERATION OF ACCOUNTS OF CONSUMER WELFARE FUND

A separate account shall be opened any of the Nationalised Banks functioning at Gangtok, East Sikkim, for operation of the Consumer-Welfare Fund. The accounts shall be operated and the cheques on account of financial assistance to any applicants or organisations under this Scheme shall be signed jointly by the Chairman and Member Secretary of the Committee The accounts pass books, cheque books or any other instruments in relation to the Consumer Welfare Fund shall remain in the safe custody of the Member-Secretary of the Committee

14. POWER TO ADD, AMEND, ALTER, MODIFY, VARY OR SUBSTITUTE:

Notwithstanding anything contained in this Scheme, the Government may, from time to time, as and when deemed necessary, add, amend, alter, modify, vary or substitute any of the provisions made herein The State Government also reserves the right to evolve a separate package of assistance for the Voluntary Consumer Organisations in the public interest

15. POWER TO REMOVE DIFFICULTIES

If any difficulty arises in giving effect to the provisions of this Scheme, the same shall be referred to the State Government in the Law Department whose decision thereon shall be final and binding. No appeal shall lie in any forum in case of a dispute. The financial assistance under this Scheme cannot be claimed as a matter of right.

Jayshree Pradhan, IAS
Commissioner-cum-Secretary,
Food & Civil Supplies & Consumer Affairs Department

(F No.1(84)2000-01/CP/FCS & CA)

FORM - A - 1

(Please see Paragraph 9 of the Consumer Welfare Fund Scheme 2000)

Important : Please fill up this form furnishing correct details sought for based on verifiable true state of affairs without causing supersession of any material information which if resorted to shall entail prosecution under the relevant laws.

1. Name and full postal address of the applicant :

2. Status of the applicant (whether Consumer Activist/women's Organisation/Voluntary Consumer Organisation :

3. Date of establishment :

4. Whether registered under the relevant Act or Law :

5. if yes, number and year of registration (attested copy of registration certificate to be enclosed). :

6 Whether the Organisation is of State/ District/Sub-Division/Block/Village level :

7. Number of Managing Committee members together with list of names addresses and occupations of the office bearers :

8. Brief details of the Organisation objectives and activities during the last three years :

9. Purpose for which the amount is required (Please state the details of the project and its proposed implementation) :

10. Amount of grant required item-wise details under non-recurring/recurring to be enclosed :

11. Time schedule of the activities arranged :

12. The total amount incurred/invested by the applicant or likely to be incurred by the applicant :

13. Sources of funding of the balance amount Whether the organisation is getting financial assistance from any official/non-official source If yes, give details. :

14. Details of prosecution, if any in a Court of Law, launched against the applicant during the last five years.

15. Copies of the following documents to be attached

i) Constitution of the Organisation and Articles of Association :

(ii) Last Annual Report and audited statement of accounts. :

DECLARATION

The particulars heretofore given are true and correct. Nothing material has been suppressed. It is certified that I/We have read the guidelines, terms and conditions governing the Scheme and undertake to abide by them on behalf of our Organisation/Institution. The financial assistance, if provided, shall be put to the declared use, for promotion and protection of the rights of consumers or for purposes relating thereto. I/We have signed this declaration after fully understanding the covenants of the Scheme.

Dated :_____

Place :_____ Applicant

RECOMMENDATION OF MEMBER-SECRETARY

Factual details furnished in the application have been verified in consultation with the Department of Food and Civil Supplies and Consumer Affairs (Consumer Protection Cell) who is administratively concerned in the matter and found to be correct/incorrect. The claims of the applicant are recommended for consideration by the Committee (Please give reasons in support of your recommendation).

Member Secretary
Sikkim State Consumer Welfare Fund Committee

RECOMMENDATION OF THE COMMITTEE

Recommended for the grant of Rs_____(Rupees_____
_____(only from the Sikkim State Consumer Welfare Fund as discussed in the meeting held on_____(date).

Chairman
Sikkim State Consumer Welfare Fund Committee

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No 40/LD/(R) 2001 Dated: 29.01.2001

NOTIFICATION

In pursuance of Notification No. 2602/A.H dated 25.3 1960 and in supersession of all other Notifications or Orders on the subject, the State Government hereby prescribes that the Office of the Secretary in the Law Department, located at Tashiling Secretariat, Gangtok, shall be the place where registration of Associations, Clubs etc, shall be conducted and the Secretary, Law Department shall be the Registering Authority to whom applications for registration of Associations, clubs etc, shall be addressed

T.D.Rinzing
Secretary, Law Department

F.No 32(1)

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No 9/HOME/2001 Dated: 5.2.2001

NOTIFICATION

1 With a view to further simplify the procedure for issue of permit for visit to Nathula, the State Government, in consultation with Headquarters, 17 Mountain Division, C/O 99 APO, is pleased to announce the introduction of single window system for obtaining permit for visits to Nathula.

2 Henceforth, the Tourism department shall be the sole authority to issue permit for visit to Nathula. All concerned desiring to visit Nathula are required to apply for the permit in the prescribed proforma in quadruplicate along with original Bank Receipt towards payment of environment fee @ Rs. 100/- per head to the Tourism Department. The Tourism Department on receipt of the application in the prescribed proforma for grant of permit shall issue the permit on usual terms and conditions applicable for visit to Nathula and also arrange to obtain the endorsement of the Police Checkpost on the spot by arranging to post an authorised official of the Police Checkpost in the office from where the permit is issued. The Army authority shall thereafter endorse the permit on way to Nathula at 5th Mile, J.N. Road Checkpost. A copy each of the application shall be retained by the Tourism Department, Police Checkpost, Army and the concerned applicant respectively, for their records.

3. The visitors to Nathula who are the residents of Sikkim and Department and State Guests shall be allowed to take their private/Government vehicles to Nathula. Such visitors shall however be subject to payment of Environment Fee.

4. The number of vehicles permitted for visit to Nathula shall be limited to 30 (thirty) vehicles per day. This is subject to review in due time.

5. The Tourism Department shall ensure that the formalities for issue of permit is simplified and also that each application is accompanied by original Bank Receipt on account of payment of environmental fee and no cash is handled.

S.W.Tenzing, IAS
Chief Secretary

File No. GOS/HOME-II/93/39/Vol.IV

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM., REFORMS & TRAINING
GANGTOK

No 81/GEN/DOP

Dated: 21.3.2001

NOTIFICATION

The Governor is pleased to decide that the attainment of the higher grade in respect of Librarians who have completed more than required length of service on the date of notification shall be regulated as under :-

The length of service for the purpose of attainment of higher grade shall be 65% of the excess length of service subject to the following conditions namely -

a) The benefits shall extend only to those who have completed more than 6 years of service as on 25 7 1995

b) The fraction of the length of service shall be rounded off to 1(one) year for those with more than 6 (six) months of service

c) The excess period of service that may be left over after the attainment of a particular grade shall be reckoned towards the attainment of next higher grade.

R.S.Basnet
Secretary to the Government of Sikkim,
Deptt of Personnel, Adm Reforms & Trg.

GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK

No18/H&FW

Dated: 27.11.2001

NOTIFICATION

In exercise of the powers conferred by sanction 16-A of the Prevention of Food Adulteration Act, 1954, (37 of 1954) and in supersession of the Notification No 30(9) LD/3/89/246, dated the 5th May, 1989, published in Extraordinary Gazette No. 58, dated the 6th May, 1989, the State Government hereby empowers all the Chief Judicial Magistrate in the State of Sikkim to try all offences under sub-section (1) of Section 16 of the said Act in a summary way.

T.Topden, IAS
Secretary, Deptt. of Heath & F W
Government of Sikkim

PART III

CENTRAL ENACTMENTS EXTENDED AND ENFORCED IN THE STATE OF SIKKIM WITH RELEVANT NOTIFICATIONS TILL 31.12.2001

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 16th May, 1975

The following notification made by the President on the 16th May, 1975 is published for general information:-

S.O. 208 (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 hereto subject to the modifications, if any, specified in that Schedule and the following further modifications, namely:-

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 responding law in the force, or to the corresponding functionary in existence, in that date:

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, be 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 area where it has been brought into force.

THE SCHEDULE

Year	No	Short title	Modifications
1	2	3	4
1850	18	The Judicial Officers Protection Act, 1850.	
1884	4	The Indian Explosives Act, 1884.	
1885	13	The Indian Telegraph Act, 1885.	
1888	3	The Police Act, 1888.	
1897	3	The Epidemic Diseases Act, 1897.	
1897	10	The General Clauses Act, 1897.	
1898	6	The Indian Post Office Act, 1898.	
1901	2	The Indian Tolls (Arms 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.	

1	2	3	4
1933	17	The Indian Wireless Telegraphy Act, 1933.	
1934	2	The Reserve Bank of India Act, 1924.	In the first schedule in para 2, for 'and Tripura' substitute "Tripura & 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, 1947.	
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 Telegraph 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 Reserve and Auxiliary Air Forces Act, 1952.	
1954	28	The High Court Judges (Conditions of Services) Act, 1954.	
1955	57	The Citizenship Act, 1955.	
1956	24	The Parliamentary Proceedings (Protection of 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 of Rights) Act, 1966.	
1967	15	The Passports Act, 1967.	
1967	37	The Unlawful Activities (Prevention) Act, 1967.	
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 Indian Act, 1971.	
1971	52	The Small Coins (Offences) Act, 1971.	
1971	69	The Prevention of Insults of National Honour Act, 1971.	
1971	70	The Contempt of Courts Act, 1971.	

[No.S-12014/3/75-SR]

F.A.AHMED
PRESIDENT

[1]S.O. 452 (E), *dated the 26th August, 1975.*

The following notification made by the President on the 26th August, 1975 is published for general information :-

In 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 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 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.

(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 construed 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	Modifications
1	2	3	4
1948	15	**The Industrial Finance Corporation Act, 1948**	
1951	61	**The All-India Services Act, 1951**	In section 3, in sub-section(1), for "the State of Jammu & Kashmir", substitute "the States 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.**	

[No. S-12014/3/75-SR, Vol. II]

F.A.AHMED
PRESIDENT

[1]Published in the Gazette of India, Extraordinary, 1979 Part II, Sec.3(ii), page 1955

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 15th January, 1976

The following notification made by the President on the 15th January, 1976 is published for general information:-

S.O. 42 (E).- In 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 modifications, if any, specified in that Schedule and the following further modifications, namely:-

(1) Any reference in that 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 construed 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	Modifications
1	2	3	4
1881	26	**The Negotiable Instrument Act, 1881.**	
1949	10	**The Banking Regulation Act, 1949.**	
1955	23	**The State Bank of India Act, 1955.**	

F.A.AHMED
PRESIDENT
(No. S- 12014/3/75-SR,Vol II)

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 8th December, 1976

S.O.778 (E). - The following notification made by the President on the 8th December, 1976 is published for general information -

NOTIFICATION

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, with immediate effect, the enactment specified in the Schedule annexed hereto subject to the modification specified in that Schedule and the following further modification, namely -

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.

THE SCHEDULE

Year	No	Short title	Modifications
1	2	3	4
1881	37	**The States Reorganisation Act, 1956**	In section 15, in clause (c), for "and Orissa", substitute, "Orissa & Sikkim"

F.A.AHMED
President of India
[No.S 12014/23/76-SR]

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 18th April, 1977

The following notification made by the Vice-President acting as President of India on the 16th April, 1977 is published for general information :-

S.O. 1223.- In exercise of the powers conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim the enactment specified in the Schedule annexed hereto 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 provisions to the commencement of the Act shall be construed as a reference to the coming into force of the provision in the area where it has been brought into force.

THE SCHEDULE

Year	No.	Short title	Modifications
1	2	3	4
1894	1	**The Land Acquisition Act, 1894**	
1949	46	**The Foreign Exchange Regulation Act, 1973**	

B.D.JATTI
Vice President
Acting as President of India
(No. F-11013/93/77-SKM)

MINISTRY OF HOME AFFAIRS

The following notification made by the President of India on the 29th July,1978 is published for general information:-

NOTIFICATION
New Delhi, the 29th July, 1978

S.O. 479 (E).- In exercise of the powers conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim, with immediate effect, the **Police Act, 1861, (5 of 1861)**, subject to the modification that any reference in the said Act 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.

Neelam Sanjiva Reddy, President
[F. 11013/6/78-SKM]

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 27th December, 1978

S.O. 738 (E).-The following notification made by the President of India on the 26th December, 1978 is published for general information :-

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 hereto 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 whom such corresponding functionary is or if there is no such corresponding functionary, the Central Government shall decide as to whom 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 enactments for the commencement thereof, the provisions of each such enactments 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 commencement of the Act shall be construed 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	Modifications
1	2	3	4
1952	37	**The Cinematograph Act, 1952**	
1954	37	**The Prevention of Food Adulteration Act, 1954**	
1956	74	**The Central Sales Tax Act, 1956**	
1957	14	**The Copyright Act, 1957**	
1958	24	**The Ancient Monuments and Archaeological Sites and Remains Act, 1958**	
1972	52	**The Antiquities and Art Treasures Act, 1972**	

Neelam Sanjiva Reddy, President
(No. F- 11013/7/78-SKM)

NOTIFICATION
New Delhi, the 27th June, 1979

S.O. 373 (E):- In 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 following modifications, namely -

(1) Any reference in the said enactments to a law not in fore, 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 decision of the Central Government shall be final.

(2) Notwithstanding anything contained in the relevant provision, if any, of each such enactments 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.

THE SCHEDULE

Year	No.	Short title	Modifications
1	2	3	4
1947	14	**The Industrial Disputes Act, 1947**	
1949	38	**The Chartered Accountants Act, 1949**	

Neelam Sanjiva Reddy
President of India
(F 11013/1/79 -SKM)

[1]***S.O. 756 (E)**, dated the 23rd November, 1979 - The following notification made by the President of India of India on the 23rd November, 1979 is published for general information:-*

In exercise of the powers conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim, the **Mines and Minerals Regulation and Development) Act, 1957 (67 of 1957)**, subject to the modification that any reference in the said Act 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 on 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.

Provided further that notwithstanding anything contained in the relevant provision of the said Act for the commencement thereof, the provisions of the said Act, shall come into force in the State of Sikkim on such date as the Central Government may, be notification in the Official Gazette, appoint.

Neelam Sanjiva Reddy
President of India.
[F 11013/ 1/79-SKM]

[1]Published in the Gazette of India, Extraordinary, 1979, Part II, Section 3 (ii), page 1324

the President hereby extends to the State of Sikkim the enactments specified in the Schedule annexed hereto subject to the following modifications, 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 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 from 1st February, 1983.

THE SCHEDULE

Sl. No	Year	No.	Short Title
1.	1931	16	**The Provisional Collection of Taxes Act, 1931**
2.	1944	1	**The Central Excises and Salt Act, 1944 read with the Central Excise Laws (Amendment) and Validation Act, 1982 (58 of 82)**
3.	1953	29	**The Tea Act, 1953**
4.	1955	16	**The Medicinal and Toilet Preparations (Excise Duties) Act, 1955**
5.	1957	58	**The Additional Duties of Excise (Goods of Special Importance) Act, 1957**
6.	1958	27	**The Mineral Products (Additional Duties of Excise and Customs) Act, 1958**
7	1974	12	**The Economic Offences (Inapplicability of Limitation) Act, 1974**
8.	1978	40	**The Additional Excise Duty (Textiles and Textile Articles) Act, 1978**
9.	1982	14	**The Finance Act, 1982**

ZAIL SINGH, President
[F.No. 11013/2/82-SKM]

EX.ORD. **THE GAZETTE OF INDIA**
New Delhi, Saturday, March 5, 1983 **No.111**

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 2nd March 1983

The following notification made by the President of India on the 2nd March, 1983 is published for general information:-

S.O. 163 (E).- In exercise of the power conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim the Industries (Development and Regulation) Act, 1951 (65 of 1951) and all rules, orders including notified orders, directions and notifications made thereunder

subject to the following modifications, namely:-

(1) In section 30, in sub-section (1) of the said enactment the words and commas "subject to the condition of previous publication;" shall be omitted;

(2) 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 such functionary will be and the decision of the Central Government shall be final.

(3) Notwithstanding anything contained in the relevant provision, if any, of the said enactment, for the commencement thereof, the provisions of the said enactment shall come into force in the State of Sikkim on and from the date of publication of this notification in the Gazette of India.

ZAIL SINGH, President
[F.No. 11012/ 2/ 82-SKM]

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

The following notification made by the President of India on the 23rd July, 1983 is published for general information:-

NOTIFICATION
New Delhi, the 22nd July, 1983

S.O. 525 (E).- In 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 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 at 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 construed as a reference to the coming into force of that provision in the area there it has been brought into force.

THE SCHEDULE

Sl No.	Year	No	Short title	Modification
(1)	(2)	(3)	(4)	(5)
01.	1839	32	Interest Act, 1839	In section 1, after the words "if it shall think fit" the words "and subject to the provisions of any other law for the time being in force" may be added
02	1850	37	Public Servants' (Inquiries) Act, 1850	In section 25, after the words "authority of Government", the words "or the authority to which the person accused is subordinate" may be added.
03	1855	12	Legal Representatives' Suits Act, 1855	NIL
04	1855	13	Fatal Accidents Act, 1855	NIL
05	1865	3	Carriers' Act, 1865	NIL
06	1872	9	Contract Act, 1872	NIL
07	1873	5	Government Savings Bank Act, 1873	NIL
08	1875	9	Indian Majority Act, 1875	NIL
09	1882	4	Trusts Act, 1882	NIL
10	1882	4	Transfer of Property Act, 1882	NIL
11	1882	5	Easement Act, 1882	NIL
12	1882	7	Powers-of-Attorney Act, 1882	NIL
13	1890	1	Revenue Recovery Act, 1890	NIL
14	1890	8	Guardians and Wards Act, 1890	NIL
15	1891	18	Bankers' Books, Evidence Act, 1891	NIL
16	1893	4	Partition Act, 1893	NIL
17	1895	15	Government Grants Act, 1895	NIL
18	1917	18	Post Office Cash Certificates Act, 1917	NIL
19	1920	33	Identification of Prisoners Act, 1920	NIL
20	1921	18	Maintenance Orders Enforcement Act, 1921	NIL
21	1922	22	Police (Incitement to Disaffection) Act, 1922	NIL
22	1923	8	Workmen's Compensation Act, 1923	NIL
23	1925	4	Soldiers' (Litigation) Act, 1925	NIL
24	1925	19	Provident Fund Act, 1925	NIL
25	1930	2	Dangerous Drugs Act, 1930	NIL
26	1930	3	Sale of Goods Act, 1930	NIL
27	1932	9	Partnership Act, 1932	The word "Vernacular" in section 72, wherever it occurs may be omitted.
28	1932	5	Manoeuvres, Field Firing And Artillery Practice Act, 1938	NIL
29	1938	20	Criminal Law Amendment Act, 1938	NIL
30	1938	24	Employers' Liability Act, 1938	NIL
31	1939	30	Commercial Documents Evidence Act, 1939	NIL
32	1940	10	Arbitration Act, 1940	NIL
33	1940	23	Drugs and Cosmetics Act, 1940	NIL

(1)	(2)	(3)	(4)	(5)
34	1947	18	Imports and Exports (Control) Act, 1947	NIL
35	1955	22	Protection of Civil Rights Act, 1955	NIL
36	1955	32	Prisoners (Attendance in Courts) Act, 1955	NIL
37	1956	33	Inter - State Water Disputes Act, 1956	NIL
38	1956	49	River Boards Act, 1956	NIL
39	1956	93	Young Persons (Harmful Publications) Act, 1956	NIL
40	1956	104	Suppression of Immoral Traffic in Women and Girls Act, 1956	NIL
41	1958	20	Probation of Offenders Act, 1958	NIL
42	1960	39	Prevention of Cruelty to Animals Act, 1960	NIL
43	1963	36	Limitation Act, 1963	$

$ *[(i) For section 30, the following may be substituted :-*
"Notwithstanding anything contained in this Act, any suit, appeal or application, which could be instituted, preferred or made before the commencement of this Act and for which the period of limitation is shorter than the period provided thereof by the law in force in Sikkim immediately before such commencement, may be instituted, preferred or made within the period provided by such law"
(ii) In Section 31 (a) for the words "Indian Limitation Act, 1908, expired before the commencement of this Act", the words "law in force in Sikkim immediately before the commencement of this Act, expired before such commencement" be substituted.]

44	1963	47	Specific Relief Act, 1963	NIL
45	1969	44	Oaths Act, 1969	NIL
46	1971	34	Medical Termination of Pregnancy Act, 1971	NIL
47	1867	25	Press and Registration of Books Act, 1867	NIL
48	1919	9	Electricity Act, 1919	NIL
49	1948	54	Electricity (Supply) Act, 1948	NIL
50	1953	32	Collection of Statistics Act, 1953	NIL
51	1952	36	Indian Standards Institution (Certification Marks) Act, 1952	NIL
52	1965	42	Cardamom Act, 1965	NIL
53	1962	58	Warehousing Corporations Act, 1962	NIL

ZAIL SINGH, President
[F.No. 11013/ 1/ 82 - SKM]

EX.ORD. THE GAZETTE OF INDIA New Delhi, Tuesday, January 6, 1987 No.6

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 29th December, 1986

S.O.No.6 (E).- In 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 following 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 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 construed as reference to the coming into force of that provision in the area where it has been brought into force.

SCHEDULE

S.No.	Year	No.	Short Title
1.	1948	61	**The Central Silk Board Act, 1948**
2.	1953	49	**The Salt Cess Act, 1953**
3.	1962	33	**The Atomic Energy Act, 1962**
4.	1966	54	**The Seeds Act, 1966**
5.	1968	34	**The Enemy Property Act, 1968**

ZAIL SINGH, President
[F.No. 11013/ 2/ 84 - SKM] .

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 23rd September, 1987

S.O. No.896 (E).- In exercise of the powers conferred by clause (n) of article 371F of the constitution, the President hereby extends to the State of Sikkim the enactment specified in the Schedule annexed hereto subject to the following modifications, 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) Notwitstanding anything contained in the relevant provision, if any, of such enactment for the commencement thereof, the provisions of 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 the 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 area where it has been brought into force.

THE SCHEDULE

S.No.	Year	No.	Short title
1.	1936	4	**Payment of Wages Act, 1936**

R.Venkataraman, President
[No. 11013/ 2/ 87 - SKM]

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 2nd December, 1987

S.O.1039 (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 enactment specified in the Schedule annexed hereto subject to the following modifications, 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 anything contained in the relevant provision, if any, of such enactment for the commencement thereof, the provisions of such enactment shall come into force in the State of Sikkim on such date as the Central Government may, be notification in the Official Gazette, appoint:

Provided, that different dates may be appointed for different provisions of the 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 area where it has been brought into force.

SCHEDULE

Sl.No.	Year	No.	Short Title
1	1968	46	**The Insecticides Act, 1968**

R.Venkataraman,
President of India
[No. 11013/ 2/ 87 - NE-III]

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 12th October, 1988

S. O. 949 (E).- In exercise of the powers conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim the enactment specified in the Schedule annexed hereto subject to the following modifications, 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 functionary will be and the decision of the Central Government shall be final.

(2) Notwithstanding anything contained in the relevant provision, of any, of such enactment for the commencement thereof, the provisions of 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 the said 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 area where it has been brought into force.

SCHEDULE

Year	No.	Short Title
1954	21	**The Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954**

R.Venkataraman,
President of India
[No. 11013/ 4/ 87 - NE-III]

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 12th October, 1988

S. O. 950 (E).- In exercise of the powers conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim the enactment specified in the Schedule annexed hereto subject to the following modifications, 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 anything contained in the relevant provision, if any, of such enactment for the commencement thereof, the provisions of 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 the 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 area where it has been brought into force.

SCHEDULE

Year	No.	Short Title
1955	25	**The Hindu Marriage Act, 1955**

R Venkataraman,
President of India
[No. 11013/ 5/ 87 - NE-III]

Published in the Gazette of India Extra-ordinary [Part II-Sec 3(ii)]

EX.ORD. **THE GAZETTE OF INDIA** **No.576**
New Delhi, Monday, November 7, 1988

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 7th November, 1988

S.O. 1028 (E).- In 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 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 or 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 provisions, 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 the enactment

and for different areas in the State of Sikkim and any reference in any such provision the commencement of the Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

SCHEDULE

Year	No.	Short Title
1961	43	**Income Tax Act, 1961**
1957	27	**Wealth Tax Act, 1957**
1958	18	**Gift Tax Act, 1958**

(3) The provisions of Chapter XVII of the Income Tax Act shall be made applicable with immediate effect.

(4) In the case of all assesses liable to advance tax of current income of the previous year relevant to the assessment year, 1989 - 90, the instalment of advance tax payable on or before the 15th day of September, 1988 shall be payable on or before the 15th day of December, 1988 along with the second instalment of advance tax.

R Venkataraman,
President of India
[No. 11013/ 2/ 88 - NE-III]

EX.ORD. THE GAZETTE OF INDIA New Delhi, Friday, May 25, 1990 No.278

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 20th May, 1990

S.O. 408 (E). - In exercise of the powers conferred by clause (n) of article 371 F of the Constitution, the President hereby extends to State of Sikkim the enactment specified in the Schedule annexed hereto subject to the following modifications, 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 these 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 such enactment for the commencement thereof, the provisions of 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 the 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 area where it has been brought into force.

SCHEDULE

Sl.No.	Year	No.	Short Title
1.	1961	47	**Deposit Insurance and Credit Guarantee Corporation Act, 1961**

R.Venkataraman,
President of India
[F. No. 11013/12/89-NE.III]

NOTIFICATION NO. S.O.142(E)
DATED FEBRUARY 12, 1992,
PUBLISHED IN THE GAZETTE OF INDIA, EXTRA., PART II, SECTION 3 (II),
DATED 19TH JANUARY, 1992, pp.2-3
[F. NO. 11013/3/87-NE.III]

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 **Factories Act, 1948 (63 of 1948)** subject to the following modifications, namely :-

(1) Any reference in the said Act 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.

(2) 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 of the said Act for the commencement thereof, the provisions of the said Act 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 the said Act and for different areas in the State of Sikkim, and nay reference in any such provision to the commencement of the said Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

[1992 CCL III Page 99]

PRESIDENT'S SECRETARIAT

NOTIFICATION
New Delhi, the 23rd January, 1995

S.O. 60(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 hereto 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 provision 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

SCHEDULE

Year	No.	Short title	Modifications
1952	19	The Employee's Provident Funds and Miscellaneous Provisions Act,1952	-
1972	39	The Payment of Gratuity Act, 1972	-

Shankar Dayal Sharma
President of India
[F. No. 4/6/94-B]

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 13th April, 1998

S.O. 343(E) - In exercise of the powers conferred by clause (n) of article 371 F of the Constitution, the President hereby extends to State of Sikkim the enactments specified in the schedule annexed hereto subject to the following 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 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 (s) 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 said enactment shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

SCHEDULE

Sl. No.	Year	No.	Short title
1	1948	8	**The Pharmacy Act, 1948**
2	1947	48	**The Indian Nursing Council Act, 1947**
3	1948	16	**The Dentists Act, 1948**
4	1956	102	**The Indian Medical Council Act, 1956**

K.R NARAYANAN
President of India
[F No. 9/11/96-NE II]

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 11th November, 1998

S.O. 989(E). - The following notification made by the President on dated the 23-11-1998 is published for general information.-

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 **Poisons Act, 1919 (Act No. 12 of 1919)**, subject to the modification that any reference in the said Act 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 not 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.

Provided further that notwithstanding anything contained in the relevant provision of the said Act for the commencement thereof, the provisions of the said Act shall come into force in the State of Sikkim on such date as the Central Government may, by notification in the Official Gazette, appoint.

K.R NARAYANAN
President of India
[F.No 16/10/98-B.F.]

Published in the Gazette of India, Extraordinary, Part II, Sec.3(ii)

MINISTRY OF HOME AFFAIRS
New Delhi, the 27th January, 1999

S.O. 40 (E). - The following notification made by the President of India on the 27th January,1999 is published for general information :-

NOTIFICATION

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 **Government Savings Certificates Act, 1959 (46 of 1959)** subject to the modification that any reference in the said Act 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.

Provided further that notwithstanding anything contained in the relevant provision of the said Act for the Commencement thereof, the provisions of the said Act shall come into force in the State of Sikkim on such date as the Central Government may, by notification in the Official Gazette, appoint.

K.R.NARAYANAN
President of India
[F. No. 4/2/95-BF]

MINISTRY OF HOME AFFAIRS
New Delhi, dated the 15th February, 2000.

S.O. (E). - The following notification made by the President on the 15th February, 2000 is published for general information :-

NOTIFICATION

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, with immediate effect, the enactment specified in the Schedule annexed hereto subject to the modification specified in that Schedule and the following further modifications, 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 anything contained in the relevant provision, if any, of such enactment for the commencement thereof, the provisions of 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.

SCHEDULE

Year	No.	Short Title	Modifications
1961	25	**The Advocates Act, 1961**	$

$ (i) in section 3, in sub-section-(1) for clause (b), the following shall be substituted, namely :-

"(b) for the States of Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Nagaland and Tripura to be known as the Bar Council of Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Nagaland and Tripura,"

(ii) in section 3, in sub-section (2) for clause (a) the following shall be substituted, namely:-

" (a) in the case of the State Bar Council of Delhi, the Additional Solicitor General of India, ex-officio, in the case of the State Bar Council of Assam, Nagaland, Meghalaya, Manipur, Sikkim and Tripura, the Advocate General of each of the States of Assam, Manipur, Meghalaya, Nagaland, Sikkim and Tripura, ex-officio; in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the State of Punjab and Haryana, ex-officio; and in the case of any other State Bar Council, the Advocate General of the State, ex-officio."

HOME DEPARTMENT

Notification No.7(26)-Home 77

Dated Gangtok, the 30th December, 1977

The following two notifications issued by the Government of India, Ministry of Home Affairs are republished for general information:-

1. Notification No.F.11013/9/77-SKM dated the 12th December, 1977 relating to the **Commissions of Inquiry Act, 1952**; and
2. Notification No. F.3/5/77-Judl., dated the 12th December, 1977 relating to the **Commission of Inquiry (Central) Rules, 1972.**

GOVERNMENT OF INDIA
MINSTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 12th December,1977

S.O. The following notification made by the President of India on the 5th December,1977 is published for general information:-

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, with immediate effect, the **Commissions of Inquiry Act, 1952 (60 of 1952)**, subject to the modification that any reference in the said Act to a law not in force in the State of Sikkim shall be construed as a reference to the corresponding law, if any, in force in that State.

NEELAM SANJIVA REDDY
President of India
[F.11013/9/77-SKM]

NO 3/5/77-JUDL
GOVERNMENT OF INDIA
MINSTRY OF HOME AFFAIRS

New Delhi, the 12th December, 1977

In exercise of the powers conferred by Section 12 of the Commissions of Inquiry Act,1952 (60 of 1952), the Central Government hereby directs that the **Commissions of Inquiry (Central) Rules, 1972**, shall extend to and come into force in the State of Sikkim with effect on and from the date of publication of this Notification in the Official Gazette.

Sd/- P.K Kathpalia
Jt Secty to the Govt. of India

By Order,

M.P. Pradhan,
Chief Secretary, Govt. of Sikkim

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION NO.7 (6) HOME/79
Dated Gangtok, the 30th May, 1979

The following notification issued by the Government of India, Ministry of Home Affairs is republished for general information.

NOTIFICATION
New Delhi, the 26th April, 1979

S.O. 299(E).- In exercise of the powers conferred by clause (n) of article 371 of the Constitution, the President hereby extends to the State of Sikkim the enactments specified in the Schedule annexed

hereto, 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 enactments for the commencement thereof the provisions of each such enactments 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 area where it has been brought into force.

SCHEDULE

Year	No.	Short title	Modifications
1962	52	**The Customs Act, 1962**	-
1974	52	**The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act,1974**	

NEELAM SANJIVA REDDY
President of India
[F.No. 11013/1/79–SKM]

MINISTRY OF FOOD

NOTIFICATION
New Delhi, the 17th December, 1993

S.O. 957(E). - In pursuance of the notification of the President of India No. S.O. 300 (E), dated the 19th April, 1993, published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), dated the 7th May, 1993, the Central Government hereby appoints the 1st day of January, 1994 as the date on which the **Food Corporations Act, 1964 (37 of 1964)** shall come into force in the State of Sikkim.

[File No. 15-6/81-FC I]
R.N.Tewari, Jt. Secretary

PRESIDENT HOUSE

NOTIFICATION No.S.O.1138(E)
Dated December 1, 1988

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 enactment specified in the Schedule annexed hereto subject to the modifications, if any, specified in that Schedule and the following further modifications, 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 arise 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 such enactment for the commencement thereof, the provisions of 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 the 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 area where it has been brought into force.

SCHEDULE

Year	No	Short title	Modification
1927	16	**Indian Forest Act, 1927**	-

Published in 1989 CCL III, 292

GOVERNMENT OF SIKKIM
LAW DEPARTMENT

NO.27/LD/RC/94 Gangtok, 15th September, 1994

NOTIFICATION

The following Notification of the Government of India in the Ministry of Home Affairs, dated the 9th July, 1994 are hereby republished for general information:-

MINISTRY OF HOME AFFAIRS,
New Delhi, the 9th July, 1994

"**S.O. 516(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 Indian Penal Code, 1860 (45 of 1860), subject to the following modifications, namely :-

(1) Any reference in the said Act 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 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 of the said Act for the commencement thereof, the provisions of the said Act 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 the said Act and for different areas in the State of Sikkim and any reference in any such provision to the commencement of the said Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Shankar Dayal Sharma
President
[No. 11013/4/93-NE-III]
Nilima Jauhari, Director (NEC)

NOTIFICATION
New Delhi, the 9th Juy, 1994

S.O. 517 (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 **Code of Criminal Procedure, 1973 (2 of 1974)**, subject to the following modification, namely:-

(1) Any reference in the said Act 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 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 of the said Act for the commencement thereof, the provisions of the said Act 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 the said Act and for different areas in the State of Sikkim and any reference in any such provision to the commencement of the said Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Shankar Dayal Sharma
President
[No. 11013/4/93-NE-III]
Nilima Jauhari, Director (NEC)

NOTIFICATION
New Delhi, the 9th July, 1994

S.O. 518 (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 **Indian Evidence Act 1872 (1 of 1872)**, subject to the following modifications, namely :-

(1) Any reference in the said Act to a law not in force or to a functionary no in existence, in the State of Sikkim shall be construed as a reference to the corresponding law in force, or 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 of the said Act for the commencement thereof, the provisions of the said Act 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 the said Act and for different areas in the State of Sikkim and any reference in any such provision to the commencement of the said Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force."

Shankar Dayal Sharma
President
(No. 11013/ 4/ 93 - NE- III)
Nilima Jauhari, Director (NEC)

B.R.Pradhan
Secretary to the Govt. of Sikkim,
Law Department
F.No.11(256) LD/1981

MINISTRY OF FINANCE
DEPARTMENT OF ECONOMIC AFFAIRS

NOTIFICATION
New Delhi, the 28th November, 1988

S.O. 1110(E) - in pursuance of the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 987 (E) dated the 22 nd October, 1988, the Central Government hereby appoints the 1st day of December, 1988 as the date on which the provisions of the **Public Debt Act, 1944 (18 of 1944)** shall come into force in the State of Sikkim.

(F.N0. 4(15) -PD /88)
T.R.Sahani,
Director (Budget)

FOREST DEPARTMENT
NOTIFICATION NO.3/F
Gangtok, the 26th June, 1976

MINISTRY OF AGRICULTURE AND IRRIGATION
(Department of Agriculture)

NOTIFICATION
New Delhi, the 1st May, 1976

G.S.R. 311(E)- In exercise of the powers conferred by Sub-Section (3) of section (1) of the **Wild Life (Protection) Act, 1972 (53 of 1972)**, the Central Government hereby appoints the date of publication of this notification in the Official Gazette as the date on which the said Act shall come into force in the State of Sikkim.

(No.F.11012/11/75-FRY(W.L.F.)
S.K.Seth
Inspector General of Forests &
Ex-officio Addl. Secy.

T.S.Gyaltshen
Chief Secretary, Gangtok

LAW DEPARTMENT
GOVERNMENT OF SIKKIM

NO 31/LD/RC/94 26th September, 1994

NOTIFICATION

The notification which had been published in an Extraordinary issue of Gazette of India, Part II, Section 3, Sub-Section (ii) dated 13sth June, 1994, is hereby republished for general information:-

MINISTRY OF HOME AFFAIRS
REPUBLIC OF INDIA
NOTIFICATION
New Delhi, the 6th June, 1994

S.O. 444(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 **Employees' State Insurance Act, 1948 (34 of 1948)**, subject to the following modifications, namely :-

(1) Any reference in the said Act 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 corresponding law in force, or the corresponding functionary in existence in that State:
Provided that if any question arises as to who such corresponding functionary 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, of the said Act for the

commencement thereof, the provisions of the said Act 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 the said Act and for different areas in the State of Sikkim, and any reference in any such provision to the commencement of the said Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

SHANKAR DAYAL SHARMA
President
(F.No 11013/1/93 NE-III)
Nilima Jauhari, Director (NEC)

B.B.Pradhan
Secretary to the Govt. of Sikkim,
Law Department
File No.11 (256) LD/81

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION
Dated Gangtok, the 9th August, 1977

No.19/Home/77.- The Government of India, Ministry of Home Affairs, Notification No.F.11013/9/77-SKM dated the 16th July, 1977, is hereby republished for general information:-

S.O. The following notification made by the Vice-President acting as President of India on the 16th July, 1977 is published for general information:-

In exercise of the powers conferred by Clause (n) of article 371 F of the Constitution, the Vice-President acting as President hereby extends to the State of Sikkim, with immediate effect, the **Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952)**, subject to the modification that any reference in the said Act 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.

B.D.JATTI
Vice-President
Acting as President of India,
(F. 11013/9/77-SKM)

Sd/- (M.L.Kampani)
Joint Secty. to the Govt. of India,
T.S.Gyaltsen,
Chief Secty., Government of Sikkim

MINISTRY OF LAW , JUSTICE AND COMPANY AFFAIRS
DEPARTMENT OF JUSTICE

NOTIFICATION
New Delhi, the 16th May 1975

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 the 16th May, 1975, the Central Government hereby appoints the 16th day of May, 1975, as the date on 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 Notaries Act, 1952 (53 of 1952)**

(3) **The High Court Judges (Conditions of Service) Act, 1954 (28 of 1954)**

(4) **The Judges (Inquiry) Act, 1968 (51 of 1968)**

(5) **The Contempt of Courts Act, 1971 (70 of 1971)**

(No. 19/36/75-Jus)

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 16th May 1975

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, 1955 (57 of 1955)**, shall come into force in the State of Sikkim.

(No. 26011/8(1)/75-I0)

MINISTRY OF COMMUNICATIONS

NOTIFICATION
New Delhi, the 31st May 1975

S.O. 241 (E). - 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 appoints the 2nd day of June, 1975, as the date on which the following Acts shall come into force in the State of Sikkim namely :-

(i) **The Indian Telegraph Act, 1885 (13 of 1885)**

(ii) **The Indian Wireless Telegraphy Act, 1933 (17 of 1933)**

(iii) **The Telegraph Wires (Unlawful Possession) Act,1950 (74 of 1950)**

(No. R. 11011/4/74-LR)
S.M.Agarwal, Addl. Secretary

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
DEPARTMENT OF JUSTICE

NOTIFICATION
New Delhi, the 20th June, 1975

S.O. 268 (E). - 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 appoints the 20th June, 1975 as the date on which the **Judicial Officers Protection Act, 19850 (18 of 1850)** shall come into force in the State of Sikkim

(No. 19/37/75-Jus.)
P.P.Nayyar, Jt.Secretary

Published in the Gazette of India, Exty.Part II Section 3 (ii) P 1355.

MINISTRY OF FINANCE
DEPARTMENT OF REVENUE AND INSURANCE

NOTIFICATION
New Delhi, the 24th June, 1975

S.O. 274 (E) - 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 appoints the 1st day of July, 1975, as the date on which the **Insurance Act, 1938 (4 of 1938)**, shall come into force in the State of Sikkim

(No F 56 (38) -Ins. I/75)
G.M.Damle,
Controller of Insurance and Ex-officio Jt.Secy.

Published in the Gazette of India, Exty., Part II, Section 3 (ii) P. 1377.

MINISTRY OF SHIPPING AND TRANSPORT
(Roads Wing)

NOTIFICATION
New Delhi, the 26th June 1975

S.O.276(E). - 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 appoints the 28th June, 1975, as the date on which the **National Highways Act, 1956 (48 of 1956)**, shall come into force in the State of Sikkim.

(No.PL-8(2)/75)
J.S.Marya
Director General (Road Development)
& Addl.Secretary

Published in the Gazette of India.Exty., Part II, Section 3 (ii) P. 1383.

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION
New Delhi, the17th September, 1975

G.S.R. 495 (E) - 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 appoints the 17th day of September, 1975, as the date on which the **Extradition Act, 1962 (34 of 1962)**, shall come into force in the State of Sikkim.

(No. L/413(1)/75)
S.P.Jacota
Joint Secretary and Legal Adviser

Published in the Gazette of India,Exty., Part II, Section 3 (i) dated 17.9.75 p. 1999.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 9th August, 1975

G.S.R. 991 - 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 appoints the 11th day of August, 1975, as the date on which the **General Clauses Act, 1897 (10 of 1897)**, shall come into force in the State of Sikkim.

(No.F.13 (10)/75-LJ)
S.Ramaiah,
Deputy Legislative Counsel.

MINISTRY OF HOME AFFAIRS
(Department of Official Language)

NOTIFICATION
New Delhi, the 30th September, 1975

S.O. 557(E) - In pursuance of the notification of the Government of India No. S.O. 208 (E), dated 16th May, 1975, the Central Government hereby appoints, the 2nd day of October, 1975 as the date on which the **Official Languages Act 1963 (19 of 1963)**, shall come into force in the State of Sikkim.

(No. 1/12012/1/75-OL (A.1)
B.D.Sharma,
Joint Secretary

Published in the Gazette of India, Exty., Part II, Section 3 (ii), p. 2203

MINISTRY OF FINANCE
(Department of Banking)

NOTIFICATION
New Delhi, the 23rd October, 1975

S.O. 615 (E) - In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 452 (E), dated the 26th August, 1975, the Central Government hereby appoints the 24th day of October, 1975 as the date on which the following Acts shall come into force in the State of Sikkim namely:-

1. **The Industrial Finance Corporation Act, 1948 (15 of 1948).**
2. **The State Financial Corporations Act, 1951 (63 of 1951).**
3. **The Agricultural Refinance Corporation Act, 1963 (10 of 1963).**
4. **The Industrial Development Bank Act, 1964 (18 of 1964).**

(No. F 1 (85) IF. I/74
M.K.Venkatachalam, Jt. Secty.

SIKKIM GOVERNMENT GAZETTE
Ex. Gaz **Gangtok, October 29, 1975** **No.48**

HOME DEPARTMENT
No. F. 7 (15)H/75

The Government of India, Ministry of Home Affairs Notification No. 1-11012/2/75/S&P (DI) 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 appoints the 16th July, 1975, as the date on which the **Prevention of Insults to National Honour Act, 1971 (69 of 1971)** shall come into force in the State of Sikkim.

Gangtok,
Dated the 29th October, 1975.

T.S.Gyaltsen
Chief Secretary, Govt. of Sikkim

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION
New Delhi, the 16th December 1975

G.S.R. 135 - 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 appoints the 1st day of December 1975, as the date on which the **Emigration Act, 1922 (7 of 1922)**, shall come into force in the State of Sikkim.

File No. V.III/381/13/75)
J.S. Mehta, Addl. Secretary

Published in the Gazette of India,Pt. II, Sec, 3 (i) dated 31 1.1976.

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION
New Delhi, the 12th January, 1976

G.S.R. 19 (E) - 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 appoints the 12th day of January, 1976, as the date on which the **United Nations (Privileges And Immunities) Act, 1947 (46 of 1947)** shall come into force in the State of Sikkim.

(No.UI-451(6)/75) 75)
N Krishnan, Jt. Secretary

Published in the Gaz. of India, Exty,Pt.II, Sec. 3 (i) dated 12.1.76.

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 27th January, 1976.

G.S.R. 41 (E) - 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 appoints the 1st February, 1976 as the date on which the **Registration of Foreigners Act, 1939 (16 of 1939)**, and the Foreigners Act, 1946 (31 of 1946) shall come into force in the State of Sikkim.

[No. 11011/1/75-F.I (i)]

Published in the Gaz. of India, Exty.Pt.II, Sec. 3 (i) dated 27.1.1976.

MINISTRY OF INDUSTRY AND CIVIL SUPPLIES
(Department of Civil Supplies and Co-operation)

NOTIFICATION
New Delhi, the 7th January, 1976.

S.O. 28 (E) - In pursuance of the notification of the Government of India in the Ministry of Home Affairs S O 452(E) dated the 26th August, 1975, the Central Government hereby appoints the Seventh day of January, 1976, as the date on which the **Essential Commodities Act, 1955 (10 of 1955)** shall come into force in the State of Sikkim.

(No. 26/10/75-ECR)
A.F.Couto, Jt. Secretary

Published in the Gaz. of India, Pt.II, Sec. 3 (ii) dated 7.1.1976 p. 59.

THE ELECTION LAWS (EXTENSION TO SIKKIM) ACT, 1976

NO. 10 OF 1976

[25th January,1976]

An Act 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

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 Election Laws (Extension to Sikkim) Act, 1976

(2) It shall be deemed to have come into force on the 9th day of September 1975.

Extension & amendment of election laws

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

(2) With effect from the commencement of this Act, 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 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.

Repeal and saving

3 (1) The Election Laws (Extension to Sikkim) Ordinance, 1975, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under or by virtue of the said Ordinance shall be deemed to have been done or taken under or by virtue of this Act.

THE SCHEDULE

(See Section 2)

THE REPRESENTATION OF THE PEOPLE ACT, 1950

(43 of 1950)

Total number of seats in the Legislative Assembly of Sikkim and Assembly constituencies

Section 7 A - After Section 7, insert -

"7 A (1) Notwithstanding anything contained in section 7, in the Legislative Assembly of the State of Sikkim (deemed under the Constitution (Thirty-sixth Amendment) Act, 1975 to be the Legislative Assembly of that State duly constituted), the total number of seats to be filled by persons chosen by direct election from Assembly constituencies shall be 32

(2) Every Assembly constituency referred to in sub-section (1) 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 25 A - In Part III, after section 25, insert :-

Conditions of registration as elector in Sangha constituency in Sikkim

"25 A. Notwithstanding anything contained in sections 15 and 19, for the Sangha constituency in the State of Sikkim, only the Sanghas belonging to monasteries, recognised for the purpose of the elections held in Sikkim in April, 1974, for forming the Assembly for Sikkim, shall be entitled to be registered in the electoral 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 :-

"15 A. Sikkim ..... 1" .

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 :-

"(ccc) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim;".

Section 5 A - After section 5, insert :-

Qualification for membership of Legislative Assembly of Sikkim

"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 Constitution) unless -

(a) in the case of a 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 the constituency reserved for the Sanghas;
(b) in the case of a seat reserved for Sikkimese of Nepali origin, he is a person of Nepali origin and is an elector for any Assembly constituency in the State;
(c) in the case of seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim Subject Act, 1974 and is an elector for any Assembly constituency in the State; and,
(d) in the case of a 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

"12 A. For the purpose of filing 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 Election Commission, call upon the elected members of the Legis-

Sikkim in the Council of States

lative 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 thereunder and the election so held shall for all purposes and intent be deemed to have been held under section 12".

Section 14 A - After section 14, insert :-

Notification for electing representative of the State of Sikkim to the existing House of the People

"14 A. For the purpose of electing a representative of the State of Sikkim to the House of the people, specified in clause (e) of article 371 F 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 thereunder, as are applicable to the election of the members of the Council of States".

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

"(1 A) Notwithstanding anything contained in sub-section (1) 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, by an elector of the constituency as proposer

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday.".

Section 34 - In section 34, in sub-section (2), for "under sub-section (1) of section 33", substitute "under sun-section (1) or, as the case may be, sub-section (1A) of section 33".

Section 35 - In section 35, for "under sub-section (1)" Substitute "under sub-section (1) or, as the case may be sub-section (1 A).".

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 30th January 1976

G.S.R. 201 - 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 appoints the first day of February, 1976, as the date on which the **Explosive Substances Act, 1908 (6 of 1908)**, shall come into force in the State of Sikkim.

(No. V-15014/1/75-GPA.11)
C.Chaktraborty, Dy. Secretary

Published in the Gaz. of India, Part II, See. 3 (i) dated 14.2.76 p. 345.

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 7th April 1976

S.O. 284(E) - 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 appoints the 12th day of April, 1976, as the date on which the **Maintenance of Internal Security Act, 1971 (26 of 1971)** shall come into force in the State of Sikkim.

[No. II/15012/2/75-S&P(D.II)]
C.V.Sarasimhan, Jt. Secretary

Published in the Gaz. of India, Exty. Part.II, See, 3 (ii), p. 845.

MINISTRY OF AGRICULTURE AND IRRIGATION

NOTIFICATION
New Delhi, the 1st May 1976

G.S.R. 311 (E) New Delhi, the 1st May 1976 - In exercise of the powers conferred by sub-section (3) of section (1) of the **Wild Life (Protection) Act, 1972 (53 of 1972)**, the Central Government hereby appoints the date of publication of this notification in the Official Gazette as the date on which the said Act shall come into force in the State of Sikkim.

[1976 CIS III 110]

Published in the Gazette of India, Ext.No. 158, Part II, See. 3 (i) dated May 1, 1976.

MINISTRY OF HOME AFFAIRS
NOTIFICATIONS
New Delhi, the 21st July, 1976

G.S.R.461 (E). - In pursuance of the notification of the Government of India in the Ministry of Home Affairs Government hereby appoints the 1st August, 1976 as the date on which the **Arms Act, 1959 (54 of 1959)**, shall come into force in the State of Sikkim.

(No.V.11012/2/75-GPA-II)

Published in the Gaz of India, Exty. Pt II. Sec.3(1) dated 21.7.76 p.1637)

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 16th May 1975.

S.O. 218 (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 **Defence of India Act, 1971 (42 of 1971)**, shall come into force in the State of Sikkim.

[No. F.II/16011/25/75-S&P(D.II.)]

Published in the Gazette of India, Part II, Sec. 2 (i) p. 1235

Ex.Gaz. **SIKKIM GOVERNMENT GAZETTE** **No.52**
Gangtok, Monday, July 26, 1976

HOME DEPARTMENT
NOTIFICATION
Gangtok, the 23rd July, 1976

No. 35/Home. Government of India, Cabinet Secretariat, Department of Personnel and Administrative Reforms New Delhi. Notification No. 228/16/75-AVD -II dated the 6th May, 1976 is republished for general information :-

NOTIFICATION

"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 appoints the 15th day of May, 1976, as the date on which the **Delhi Special Police Establishment Act, 1946 (25 of 1946)**, shall come into force in the State of Sikkim.

Sd/- B.C.Vajani
Under Secretary to the Government of India

T.S.Gyaltsen
Chief Secretary

(No. F 7 (34)- Home/76)

DEPARTMENT OF REVENUE AND BANKING
(Banking Wing)
NOTIFICATION
New Delhi, the 13th August 1976

S.O. 547 (E) - 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 appoints the 14th day of August, 1976, as the date on which the **Reserve Bank of India Act, 1934 (2 of 1934)** shall come into force in the State of Sikkim.

(No.7(63) D.O.III/75)

Published in the Gazette of India, Exty. Part II, Sec. 3 (ii) dated 14.8.76, p. 1683.

CABINET SECRETARIAT
(Department of Personnel & Administrative Reforms)
New Delhi, 30th August, 1976.

S.O. 3257 - 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 appoints the 1st day of September, 1976, as the date on which the **Prevention of Corruption Act, 1947 (2 of 1947)**, shall come into force in the State of Sikkim

(No. 372/10/76/AVD.III)
R.C. JOSHI, Dy Secretary

Published in the Gazette of India, Part II, Sec. 3 (ii) dt. 11.9.1976, p. 2993.

MINISTRY OF HOME AFFAIRS
New Delhi, the 3rd September, 1976

S.O. 3392 - 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 appoints the 20th September, 1976 as the date on which the **Passport (Entry into India) Act, 1920 (34 of 1920)** shall come into force in the State of Sikkim.

[No. 11011/1/75-F.I (i)]

Published in the Gazette of India, Part II, Sec.3 (ii) dated 23 9 76, p. 3097.

MINISTRY OF FINANCE
(Department of Economic Affairs)
New Delhi, the 3rd September, 1976

S.O. 3484 - 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 appoints the 16th day of August, 1976, as the date on which the **Legal Tender (Inscribed Notes) Act, 1964 (28 of 1964)**, shall come into force in the State of Sikkim.

(No. F.4/25/76-CY)
L.K.Malhotra, Under Secretary

Published in the Gazette of India, Part II, Sec. 3 (ii) dated 2.10.76, p. 3307.

HOME DEPARTMENT

NOTIFICATION
Gangtok, the 13th September, 1976.

No. 43/Home. The Ministry of Finance, Government of India, Department of Revenue and Banking (Banking Wing), New Delhi, Notification No. 7 (63)-B.D. III/75 dated 13th August, 1976, is republished for general information :-

"In pursuance of the Notification of the Government of India in the Ministry of Home Affairs S.O. 42 (E), dated the 15th January, 1976, the Central Government hereby appoints the 14th day of August, 1976 as the date on which the **State Bank of India Act, 1955 (23 of 1955)** shall come into force in the State of Sikkim.

Sd/- Baldev Singh
Joint Secretary to the Government of India"

By Order

(R.K.Gupta)
Additional Secretary,
Home Department

(F.7 (44)-Home/76)

MINISTRY OF HOME AFFAIRS
(Office of the Registrar General, India)

New Delhi, the 21st September, 1976

S.O. 3465 - 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, 1973, the Central Government hereby appoints the thirtieth day of September, 1976 as the date on which the following Acts shall come into force in the State of Sikkim, namely :-

1. **The Census Act, 1948 (37 of 1948).**

2. **The Registration of Births and Deaths Act, 1969 (18 of 1969).**

[No. 9/15/75/CTU(CEN)]
R.D.Chari,
Register General of India &
Ex-officio Joint Secretary

Published in the Gazette of India,, Part II, Sec. 3 (ii) dt, 25.9.1976, p. 3170.

HOME DEPARTMENT
NOTIFICATION

Gangtok, the 8th October, 1976.

No. 47/Home. Government of India, Cabinet Secretariat, Department of Personnel & Administrative Reforms, New Delhi Notification No. F 11022/2/75-AIS (I) dated the 16th May, 1976, is republished for general information :-

"S.O..... In pursuance of the Notification of the Government of India, in the Ministry of Home Affairs No. S O. 452(E) dated the 26th August, 1975, the Central Government hereby appoints the 16th day of May, 1976, as the date on which the **All India Services Act, 1951** and the rules and regulations made thereunder given in the schedule shall come into force in the State of Sikkim.

Sd/- S V.Juneja
Joint Secretary to the Government of India

SCHEDULE

Part I - Rules Common to all the all India Services.

Sl.No.

1. A.I.S (Leave) Rules, 1955
2. A.I.S. (Special Disability Leave) Regulations, 1957
3. A.I.S. (Study Leave) Regulations, 1960
4. A.I.S (Medical Attendance) Rules, 1954
5. A.I.S. (Provident Fund) Rules, 1955
6. A.I.S. (Compensatory Allowance)Rules, 1954
7. A.I.S. (Travelling Allowance) Rules, 1954
8. A.I S. (Conduct) Rules, 1968
9. A.I.S. (Discipline and Appeal) Rules, 1969
10. A.I S. (Death-cum-Retirement Benefits) Rules, 1958
11. A.I.S. (Commutation of Pension) Regulations, 1960
12. A.I.S. (Condition of Service Residuary Matters) Rules, 1960
13. A.I.S. (Overseas Pay, Passages and Leave Salary) Rules, 1957.
14. A.I.S. (Remittances into and Payments from Provident and Family Fund) Rules, 1958

Part II- Rules Applicable to the Indian Administrative Service

15. I.A.S. (Cadre) Rules, 1954
16. I.A.S. (Fixation of Cadre Strength) Regulations, 1955
17. I.A.S. (Recruitment) Rules, 1954
18 I A.S (Appointment by Competitive Examination) Regulations, 1955
19 I.A.S. (Appointment by Promotion) Regulations, 1955
20. I.A.S. (Appointment by Selection) Regulations, 1956
21. I.A.S. (Probation) Rules, 1954
22. I.A.S. (Probationer's Final Examination) Regulations, 1955
23. I.A.S. (Pay) Rules, 1954
24. I.A.S. (Regulation of Seniority) Rules, 1954

Part III - Rules Applicable to the Indian Police Service.

25. I.P.S. (Cadre) Rules, 1954
26 I P.S. (Fixation of Cadre Strength) Regulations, 1955.
27. I.P.S. (Recruitment) Rules, 1954.
28 I.P.S. (Appointment by Competitive Examination) Regulations, 1955
29. I.P.S. (Appointment by Promotion) Regulations, 1955
30. I P S (Probation) Rules, 1954
31. I.P.S. (Probationer's Final Examination) Regulations, 1965
32. I.P.S. (Pay) Rules, 1954.
33. I.P.S. (Regulation of Seniority) Rules, 1954.
34. I.P.S. (Uniform) Rules, 1954.

Part IV - Rules Applicable to the Indian Forest Service.

35 I F.S. (Cadre) Rules, 1966
36 I F S. (Fixation of Cadre Strength) Regulations, 1966.
37 I.F.S. (Recruitment) Rules, 1966
38 I.F.S. (Initial Recruitment) Regulations 1966.
39 I F.S. (Appointment by Competitive Examination) Regulations, 1966
40 I F S (Appointment by Promotion) Regulations, 1966
41. I.F.S. (Probation) Rules, 1958
42 I.F.S. (Probationer's Final Examination) Regulations. 1968.
43. I.F.S. (Pay) Rules, 1968
44 I F.S. (Regulation of Seniority) Rules, 1968

BY ORDER

(F 7(31)-Home/76)

R.K.Gupta
Additional Secretary

MINISTRY OF WORKS AND HOUSING
New Delhi, the 27th November, 1976

S.O. 4514 - In pursuance of paragraph (2) of the notification of the Government of India in the Ministry of Home Affairs number S.O. 208 (E) dated the 16th May, 1975, the Central Government hereby appoints the 1st December, 1976 as the date on which the **Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952)** shall come into force in the State of Sikkim.

(File No. 19014(2)/75-Pol.IV)
M.W.K.Yusufzai,
Director of Estates

Published in the Gazette of India, Part II, Sec. 3 (ii) dt. 27.11.76., p. 4132

HOME DEPARTMENT
NOTIFICATION
Gangtok, the 10th January, 1977

No. 1/Home. Govt. of India, Ministry of Communication (Post and Telegraphs Board), New Delhi Notification No. 19/1/75-CI dated the 2nd June, 1975 is republished for general information -

No. 19/1/75-CI, - 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 appoints the 2nd day of June, 1975, as the date on which the **Indian Post Office Act, 1898 (6 of 1898)**, shall come into force in the State of Sikkim.

Sd/- (D.N Ramchandani)
Sr. Member (Administration) &
Ex-Officio Additional Secretary to
the Government of India

T.S Gyaltsen
Chief Secretary
Government of Sikkim

F No. 7(33) - Home/ 75

MINISTRY OF AGRICULTURE AND IRRIGATION
(Department of Agriculture)

NOTIFICATION
New Delhi, the 8th September, 1977

S.O. 663(E) - In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. F. 11013/9/77-SKM dated the 23rd April, 1977, the Central Government hereby appoints the 8th day of September, 1977, as the date on which the **Land Acquisition Act, 1894 (1 of 1894)**, and the Lad Acquisition (Companies) rules, 1963, made under section 55 of the said Act, shall come into force in the State of Sikkim.

(No. F.12018/12/76-LRD)
R.K.Rath, Joint Secretary

Published in the Gazette of India, Exty., Part II, Sec.. 3 (ii) dt 8.9.1977, p.2545.

MINISTRY OF HEALTH AND FAMILY WELFARE

NOTIFICATION No.S.O.154(E)
New Delhi, the 26th March, 1979

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No S.O. 738 (E), dated the 27th December, 1978, the Central Government hereby appoints the 1st day of April, 1979, as the date on which the **Prevention of Food Adulteration Act, 1954 (37 of 1954)** shall come into force in the State of Sikkim.

[No. 15024/7/76-PH(F&N) PFA]

1979 CCL III 81

MINISTRY OF FINANCE
(Department of Revenue)

NOTIFICATION No.GSR.579(E)
New Delhi, the 30th September, 1982

"In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 738 (E), dated the 27th December, 1978, (Published in CCL 402) the Central Government hereby appoints the 1st day of October, 1982, as the date on which the **Central Sales Tax Act, 1956 (74 of 19656)**, shall come into force in the State of Sikkim".

(F.No 28/21/78-ST)

1982 CCL III 245)

MINISTRY OF FOOD & CIVIL SUPPLIES
(Department of Food)

NOTIFICATION No.GSR 926(E)
New Delhi, the 29th September, 1983

In pursuance of the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E), dated the 2nd July, 1983, published in the Gazette of India, Extraordinary Part-II, Section 3, sub-section (ii), dated the 29th July, 1983, the Central Government hereby appoints the 1st January, 1984, as the date on which the provisions of the **Warehousing Corporations Act, 1962** (58 of 1962), shall come into force in the State of Sikkim.

[F. No. 7-4/75-SG (Vol. II)]

(1984 CCL III 54)

MINISTRY OF ENERGY
(Department of Power)

NOTIFICATION No.S.O.7(E)
New Delhi, the 30th December, 1983

In pursuance of the powers vested in the Central Government under sub-para (2) of notification No. S.O. 529 (E) dated the 22nd July, 1983, the Central Government hereby appoints 1st January, 1984 as the date on which the following enactments shall come into force in the State of Sikkim :-

(i) **Indian Electricity Act, 1910 (9 of 1910).**

(ii) **Electricity (Supply) Act,1948 (54 of 1948).**

[No.25/13/83-D (SEB)]

(1984 CCL III 120)

MINISTRY OF COMMERCE
(Department of Commerce)

NOTIFICATION No.S.O 21(E)
New Delhi, the 16th January, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S O. 529 (E) dated the 2nd July, 1983, the Central Government hereby appoints the 16th day of January, 1984 as the date on which the **Cardamom Act, 1965 (42 of 1965)** shall come into force in the State of Sikkim.

[File No.32/27/82-Plant (B)]

(1984 CCL III 123)

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 28th February, 1984

S.O. 136 (E). - In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E), dated 22nd July, 1983, the Central Government hereby appoints the 1st day of March, 1984 as the date on which the **Young Persons (Harmful Publications) Act, 1956 (93 of 1956)** shall come into force in the State of Sikkim.

[No. II/14015/25/83-IS (D.IV)]
L.N.Gupta, Joint Secretary

Published in the Gazette of India, Extra., Part II, Section 3 (ii)

MINISTRY OF SOCIAL AND WOMEN'S WELFARE

NOTIFICATION
New Delhi, the 2nd October, 1985

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E), dated the 22nd July, 1983, the Central Government hereby appoints the 2nd October, 1985, as the date on which the **Probation of Offenders Act, 1958 (20 of 1958)** shall come into force in the State of Sikkim.

[F.No. 13-19/75 -SD]

Published in 1986 CCL Part III, 11

MINISTRY OF LABOUR

NOTIFICATION
New Delhi, the 30th October, 1986

In pursuance of the notification of the Government of India in the Ministry of Home Affairs S.O No. 529(E), dated 22nd July, 1983, published in 1983 CCL-473 (272), the Central Government hereby appoints 1st November, 1986 as the date on which the provisions of the **Workmen's Compensation Act, 1923 (8 of 1923)** shall come into force.

[No.S-61011/2/84/SSI]

Published in 1987 CCL III, 211

MINISTRY OF ENERGY
(Department of Atomic Energy)

NOTIFICATION No.S.O.1028
New Delhi, the 17th March, 1987

In exercise of the powers conferred by Clause 2 of Notification S.O. No. 6 (E) dated December 29, 1986 issued by the Ministry of Home Affairs read with sub-section (3) of Section 1 of the **Atomic Energy Act, 1962 (33 of 1962)** the Central Government hereby appoints the first day of April 1987 as the date on which the said Act shall come into force in the State of Sikkim.

[No.AEA/I/IV/84/ER]

(1987 CCL Part III 211)

MINISTRY OF PLANNING
(Department of Statistics)

NOTIFICATION No.S.O.216(E)
New Delhi, the 26th March, 1984

In pursuance of the Presidential Notification dated the 22nd July, 1983 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) dated the 29th July, 1983 extending to the State of Sikkim the enactments, including the **Collection of Statistics Act, 1953 (32 of 1953)** specified in the Schedule annexed thereto, it is hereby notified that the said Act shall come into force in the State of Sikkim on the 15th February, 1984

[No.AEA/I/IV/84/ER]

(1984 CCL III 231)

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Department of Company Affairs)

NOTIFICATION No.S.O.215(E)
New Delhi, the 27th March, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July, 1983, the Central Government hereby appoints the 1st day of April, 1984 as the date on which the provisions of the **Indian Partnership Act, 1932 (9 of 1932)** shall come into force in the State of Sikkim, subject to the modification that the word "vernacular" in Section 72 thereof, wherever it occurs therein, shall be omitted.

[File No. 2/9/80-CL-V]

(1984 CCL III 232)

MINISTRY OF COMMERCE
(Import Trade Control)

NOTIFICATION No.S.O.486(E)
New Delhi, the 30th June, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July, 1983, the Central Government hereby appoints the 1st day of July, 1984 as the date on which the **Imports and Exports (Control)Act, 1947 (18 of 1947)** shall come into force in the State of Sikkim.

[F.No.LS/Ref/87/78]

CCL 1984 III 312)

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O.599(E)
New Delhi, the 13th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 749 (E), dated the 16th October, 1982, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Code of Civil Procedure, 1908 (5 of 1908)** shall come into force in the State of Sikkim.

[File No.27/8/84.Leg.III]

(1984 CCL III 328)

MINISTRY OF INFORMATION AND BROADCASTING

NOTIFICATION No.S.O.612(E)
New Delhi, the 22nd August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E), dated 22nd July, 1983, the Central Government hereby appoints the date of publication of this notification as the date of commencement of the **Press and Registration of Books Act, 1867** to the State of Sikkim in so far as it relates to newspapers.

[File No.1/3/32-Press]

(1984 CCL III 328)

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O.641(E)
New Delhi, the 30th June, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E), dated the 22nd July, 1983, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Indian Contract Act, 1872 (9 of 1872)**, shall come into force in the State of Sikkim.

[F.No.14/1/83-Leg.III]

(1984 CCL III 334)

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O.642(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July, 1983, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Indian Trusts Act, 1882 (2 of 1882)**, shall come into force in the State of Sikkim.

[F.No.14/1/83-Leg.III]

1984 CCL III 334

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O.643(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July, 1983, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Transfer of Property Act, 1882 (4 of 1882)** shall come into force in the State of Sikkim.

[F.No.14/1/83-Leg.III]

Published in the Gazettee of India, Extra.,Part II, Section 3 (ii), dated 27th August, 1984, p.2

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O.644(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529(E) dated the 22nd July, 1983, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Guardians and Wards Act, 1890 (8 of 1890)** shall come into force in the State of Sikkim.

[F.No.14/1/83-Leg.III]

1984 CCL III 334

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O.645(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July, 1983, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Sale of Goods Act, 1930 (3 of 1930)** shall come into force in the State of Sikkim.

[F.No.14/1/83-Leg.III]

1984 CCL III 334

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O. 646(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No S.O. 529 (E) dated the 22nd July, 1983, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Arbitration Act, 1940 (10 1940)** shall come into force in the State of Sikkim.

[F.No.14/1/83 -Leg.III]

1984 CCL III 334

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O. 647(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No S.O. 529(E) dated the 22nd July,1983, the Central Government hereby appoints the 1st day of September,1984 as the date on which the **Limitation Act, 1963(36 of 1963)** shall come into force in the State of Sikkim.

[F.No.14/1/83 -Leg.III]

1984 CCL III 335

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O.648(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529(E) dated the 22nd July,1983, the Central Government hereby appoints the 1st day of September,1984 as the date on which the **Specific Relief Act, 1963 (47 of 1963)** shall come into force in the State of Sikkim.

[F.No.14/1/83 -Leg.III]

1984 CCL III 335

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No.S.O.649(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529(E) dated the 22nd July,1983, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Oaths Act, 1969 (44 of 1969)** shall come into force in the State of Sikkim.

[F.No.14/1/83 -Leg.III]

1984 CCL III 335

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No. S.O.650(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July,1983, the Central Government hereby appoints the 1st day of September,1984 as the date on which the **Powers of Attorney Act, 1882 (7 of 1882)** shall come into force in the State of Sikkim.

[F.No 14/1/83 -Leg III]

1984 CCL III 335

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No. S.O.651(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July,1983, the Central Government hereby appoints the 1st day of September,1984 as the date on which the **Partition Act, 1893 (4 of 1893)** shall come into force in the State of Sikkim.

[F.No.14/1/83 -Leg.III]

1984 CCL III 335

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No. S.O.652(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July,1983, the Central Government hereby appoints the 1st day of September,1984 as the date on which the **Indian Majority Act, 1875 (9 of 1875)** shall come into force in the State of Sikkim.

[F.No.14/1/83 -Leg.III]

1984 CCL III 335

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

NOTIFICATION No. S.O.653(E)
New Delhi, the 24th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E) dated the 22nd July,1983, the Central Government hereby appoints the 1st day of September,1984 as the date on which the **Legal Representatives' Suits Act, 1855 (12 of 1885)** shall come into force in the State of Sikkim.

[F.No.14/1/83 -Leg.III]

1984 CCL III 336

MINISTRY OF FINANCE
(Department of Economic Affairs)

NOTIFICATION No. S.O.659(E)
New Delhi, the 30th August, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E), dated the 22nd July,1983, the Central Government hereby appoints the 1st day of September, 1984 as the date on which the **Bankers Books Evidence Act, 1891 (18 of 1891)** shall come into force in the State of Sikkim

[F.No 18/17/82-B.O I.]

1984 CCL III 336

NO. 13-19/75-SD (VOL II)
GOVERNMENT OF INDIA
MINISTRY OF SOCIAL WELFARE
Shastri Bhavan, New Delhi 1

Dated the 5th October, 1984

To,

The Home Secretary,
Home Department,
Government of Sikkim,
Gangtok

Subject Enforcement of Suppression of Immoral Traffic in Women and Girls Act, 1956 in the State of Sikkim.

Sir,

I am directed to refer to your telex message No.7 (10) HOME/83/259 dated the 30th August, 1984, on the subject cited above and to say that the **Suppression of Immoral Traffic in Women and Girls Act, 1956** has been enforced in the State of Sikkim with effect from 15th September, 1984. In this regard a Gazette Notification No.S.O.713(E) dated the 15th September, 1984 has been issued by the Government of India. A copy each of the notification in English and Hindi is sent herewith for your information and further necessary action

Yours faithfully,
sd/-
(KARNAIL SINGH)
for Deputy Secretary
to the Government of India

MINISTRY OF FINANCE
(Department of Economic Affairs)

NOTIFICATION No. S.O.982(E)
New Delhi, the 31st December, 1984

In pursuance of the notification of the Government of India in the Ministry of Home Affairs S.O No. 529 (E) dated 22nd July,1983, the Central Government hereby appoints 31st December, 1984 as the date on which the provisions of the **Fatal Accident Act, 1855 (4 of 1855)** and the **Employers' Liability Act, 1938 (24 of 1938)** shall come into force.

[F No.S-61011/2/84III]

(1985 CCL Part III 68)

SIKKIM GOVERNMENT GAZETTE
EXT.ORD **Gangtok, Monday February 18, 1985** **No. 13**

DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 2/H&FW Dated 14th February, 1985

The Government of India, Ministry of Health and Family Welfare, Notification published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated the 5th October, 1984 is republished for general information.-

"**S.O. 767 (E)** - In exercise of the powers conferred by paragraph (2) of the notification of the Government of India, in the Ministry of Home Affairs, No.S O. 529 (E), dated the 22nd July, 1983, the Central Government hereby appoints the 15th day of September, 1984, as the date on which the **Drugs and Cosmetics Act, 1940 (23 of 1940)** shall come into force in the State of Sikkim."

S.V.Subramaniyan,
Joint Secretary to the Government of India

J.K.Thapa
Secretary to the Government of Sikkim,
Health Department.

F.No. 36/77-78/H&FW

MINISTRY OF AGRICULTURE
(Department of Agriculture and Co-operation)

NOTIFICATION
New Delhi, the 8th May, 1987

S.O.461 (E) - In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O 6 (E) dated the 29th December, 1986, the Central Government hereby appoints 8th day of May, 1987 as the date on which the **Seeds Act, 1966 (54 of 66)** shall come into force in the State of Sikkim.

[F.No 17-33/84-S.D- IV]
J.K.Arora, Jt. Secretary

Published in the Gazettee of India, Extra, Part II, Section 3 (ii) dated May 8, 1987

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)

NOTIFICATION
New Delhi, the 11th December, 1987

S.O.1080 (E) - In pursuance of paragraph (2) of the notification of the Government of India in the Ministry of Home Affairs No S -12014/3/75-SR Vol II dated 15th January, 1976, the Central Government hereby appoints the 15th December, 1987 as the date on which the provisions of the **Banking Regulation Act, 1949 (10 of 1949)** shall come into force in the State of Sikkim.

[F.No.1/18/84-B.O.I]
Mantreshwar Jha. Jt. Secty.

Published in the Gazettee of India, Extra, Part II, Section 3 (ii) dated December 11, 1987

INCOME TAX ACT, 1961, WEALTH TAX ACT, 1957 AND GIFT TAX ACT, 1958
COMMENCEMENT OF ACTS IN THE STATE OF SIKKIM

NOTIFICATION NO. S.O. 148(E)
Dated 23rd February 1988

In pursuance of paragraph (2) of the notification of the Government of India in the Ministry of Home Affairs No .S O. 1028(E), dated 7th November, 1988, the Central Government hereby appoints :-

(a) the 1st day of April, 1989, as the date on which the **Income Tax Act, 1961**, shall come into force in the State of Sikkim in relation to the previous year relevant to the assessment year commencing on the 1st day of April, 1989;

(b) the 1st day of April, 1990, as the date on which the **Wealth Tax Act,1957,** shall come into force in the State of Sikkim in respect of the net wealth of an assessee, residing in the State of Sikkim on the valuation date being 31st March, 1990.

(c) the 1st day of April, 1990, as the date on which the **Gift Tax Act, 1958**, shall come into force in the State of Sikkim in respect of the gifts made by a person, residing the State of Sikkim, on or after the 1st day of April,1989.

[No. 8207/F.No.139/10/88.TPL]
Vijay Mathur, Director (TPL II)
Ministry of Finance, Revenue Deptt.

MINISTRY OF FINANCE
(Department of Economic Affairs)

NOTIFICATION
New Delhi, the 28th November,1988

S.O. 1110(E) - In pursuance of the Notification of the Government of India in the Ministry of Home Affairs No. S.O. 987(E) dated the 22nd October,1988, the Central Government hereby appoints the 1st day of December,1988 as the date on which the provisions of the **Public Debt Act,1944 (18 of 1944)** shall come into force in the State of Sikkim.

[F.No.4 (15)- PD/88]
T.R.Shahani, Director (Budget)

Published in the Gazettee of India, Extra Ordinary, Part II, Section 3 (ii)

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 14th February, 1989

S.O. 150(E) - In pursuance of the Notification of the Government of India in the Ministry of Home Affairs S.O. 208 (E) dated 16th May, 1975, the Central Government hereby appoints the 1st day of March,1989, as the date on which the **Official Secrets Act,1923 (19 of 1923)** shall come into force in the State of Sikkim.

[No. II/17017/5//83-IS (US-D II]
M.L.Koul, Joint Secretary

Published in the Gazettee of India, Extra Ordinary, Part II, Section 3 (ii)

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

NOTIFICATION No.S.O.311(E)
New Delhi, the 28th April, 1989

In pursuance of paragraph (2) of the notification of the Government of India in the Ministry of Home Affairs No.S.O 950(E) dated the 12th October, 1988, the Central Government hereby appoints the 1st day of May, 1989, as the date on which the **Hindu Marriage Act, 1955 (25 of 1955)**, shall come into force in the State of Sikkim

[F No 1/18/84-B O.I.]

1990 CCL III 85

MINISTRY OF HEALTH AND FAMILY WELFARE
(Legislative Department)

NOTIFICATION No.S.O.852(E)
New Delhi, the 26th October, 1989

In exercise of powers conferred by paragraph (2) of the notification of the Government of India in the Ministry of Home Affairs No.S O.949(E) dated the 12th October, 1988, the Central Government hereby appoints the 1st day of November, 1989, as the date on which the provisions of the **Drugs and Magic Remedies (Objectionable Advertisements Act, 1954 (21 of 1954)**, shall come into force in the State of Sikkim.

[F No X/11012/2/89-DMS & PFA]

1990 CCL III 142

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)

NOTIFICATION
New Delhi, the 5th July, 1989

S.O. 525 (E) - In pursuance of paragraph (2) of the notification of the Government of India in the Ministry of Home Affairs No S-12014/3/75-SR/Vol.II dated 15th January, 1976, the Central Government hereby appoints the 1st day of August 1989 as the date on which the provisions of the **Negotiable Instruments Act, 1881 (26 of 1881)** shall come into force in the State of Sikkim

[F No 1/1/80 - B O I.]
Mantreshwar Jha, Jt. Secretary

Published in the Gazettee of India, Extra Part II, Section 3 (ii)

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.11/LD/RC/1988. Dated Gangtok, the 19th July, 1989

The following Notification of Ministry of Environment and Forests, Department of Environment, Forests and Wildlife published in the Gazette of India, Extraordinary, Part II, section 3 (ii), dated 20.4.1989 is hereby republished for general information :-

NOTIFICATION

S.O. 288 (E) - In pursuance of paragraph (2) of the notification of the Government of India in the Ministry of Home Affairs No SO 1138 E, dated the 1st December, 1988 and published in the Gazette of India Extraordinary, Part II, Section 3, sub-section (ii) dated the 6th December, 1988, the Central Government hereby appoints the 20th day of April, 1989 as the date on which the **Indian Forest Act, 1927 (16 of 1927)** shall come into force in the State of Sikkim

K.M.Chadha,
Joint Secretary to the Government of India

B.R Pradhan,
Secretary to the Government of Sikkim
Law Department

(F No. 11(531)/LD/1988)

MINISTRY OF FINANCE
(Department of Economic Affairs)

NOTIFICATION No. S.O.202(E)
New Delhi, the 11th March, 1992

In pursuance of paragraph (2) of the notification of the Government of India in the Ministry of Home Affairs No. S.O. 529 (E), dated the 22nd July, 1983, extending inter alia, the Government Savings Bank Act, 1873 to the State of Sikkim, the Central Government hereby appoints 11th March, 1992, as the date on which the **Government Saving Bank Act, 1873 (5 of 1873)** shall come into force in the State of Sikkim.

[F.No 15/11/88 - NSII]

(1992 CCL Part III, 304)

MINISTRY OF INDUSTRY
(Department of Industrial Development)

NOTIFICATION No. S.O.823 (E)
New Delhi, the 7th November, 1992

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 appoints the 7th day of November, 1992 as the date on which the **Explosives Act, 1884 (4 of 1884)** shall come into force in the State of Sikkim

[F.No 1/29/91-DPR/EGGS]

(1993 CCL Part III, 188)

MINISTRY OF HOME AFFAIRS

NOTIFICATION No.S.O.667(E)
New Delhi, the 13th September, 1994

In exercise of the powers conferred by Section 1 of the Indian Penal Code, 1860 (45 of 1860), as extended to the State of Sikkim vide Notification No.S.O.516 (E) dated the 9th July, 1994, the Central Government hereby appoints the 13th day of September, 1994 as the date on which the **India Penal Code, 1860 (45 of 1860)** shall come into force in the State of Sikkim

[F.No.11013/4/93-NEIII]

(1994 CCL Part III, 313)

MINISTRY OF HOME AFFAIRS

NOTIFICATION
New Delhi, the 13th September, 1994

In exercise of the powers conferred by sub-section (3) of Section 1 of the **Code of Criminal Procedure, 1973 (2 of 1974) 1860**, as extended to the State of Sikkim vide Notification No.S.O.517 (E) dated the 9th July, 1994, the Central Government hereby appoints the 13th day of September, 1994 as the date on which the provisions of the said Act shall come into force in the State of Sikkim.

[F.No.11013/4/93-NE III]

(1994 CCL Part III, 313)

MINISTRY OF HOME AFFAIRS

NOTIFICATION No.S.O.669(E)
New Delhi, the 13th September, 1994

In exercise of the powers conferred by Section 1 of the **Indian Evidence Act, 1872 (1 of 1872)**, as extended to the State of Sikkim vide Notification No S.O 518 (E) dated the 9th July, 1994, the Central Government hereby appoints the 13th day of September, 1994 as the on which the provisions of the said Act shall come into force in the State of Sikkim

[F.No 11013/4/93-NE III]

(1994 CCL Part III, 313)

MINISTRY OF LABOUR

NOTIFICATION No.S.O.944(E)
New Delhi, the 30th November, 1995

In pursuance of the notification of the Government of India in the Ministry of Home Affairs No. S.O 896/E dated the 23rd September, 1987, the Central Government hereby appoints the 30th day of November, 1995 as the date on which the **Payment of Wages Act, 1936 (4 of 1936)** shall come into force in the State of Sikkim.

[F.No.S-31013/1/88-WC(PW)]

(1994 CCL Part III, 276)

MINISTRY OF FOOD
NOTIFICATION
New Delhi, the 17th December, 1993

S.O.957 (E) -In pursuance of the notification of the President of India No. S.O 300 (E), dated the 19th April, 1993, published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), dated the 7th May, 1993, the Central Government hereby appoints the 1st day of January, 1994 as the date on which the **Food Corporations Act, 1964 (37 of 1964)** shall come into force in the State of Sikkim.

[File No 15-6/81-FC.I]
R.N Tewari, Jt. Secretary

Published in the Gazettee of India, Extra., Part II, Section 3 (ii), dated 7th May, 1993.

MINISTRY OF LABOUR
NOTIFICATION
New Delhi, the 12th October, 1995

S.O.837(E) - In exercise of the powers conferred by the President's Secretariat Notification No S.O 60(E) dated the 23rd January, 1995, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 27th January, 1995 at pages 1 to 4, the Central Government hereby appoints the 1st day of November, 1995, as the date on which the provisions of the **Payment of Gratuity Act, 1972 (39 of 1972)**, shall come into force in the State of Sikkim..

[No.S-42012/1/94-SSII]
R.K.Saini, Jt.. Secretary

Published in the Gazettee of India, Extra., Part II, Section 3 (ii), dated 27th January, 1995

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No 12/LD/RC Dated Gangtok, the 26th April, 1996

The notification which had been published in the Gazette of India Part II, section 3, sub-section (ii) dated the 28th October, 1995 is hereby republished for general information -

NOTIFICATION
New Delhi, the 13 October, 1995

"**S.O.2881**- In exercise of the powers conferred by paragraph (2) of the President's Secretariat Notification No. S.O 60(E), dated the 23rd January, 1995, published in the Gazette of India, Extraordinary, in Part II- Section 3, Sub-section (ii), dated 27th January, 1995, the Central Government hereby appoints the 1st day of November, 1995, as the date on which provisions of the **Employees Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952)** shall come into force in the State of Sikkim."

[File No S-35011/9/94-SS II]
R.K Saini
Jt Secretary to the Govt of India

[File No. 11(256)LD/77-96]
B.C.Sharma
Jt Secretary to the Govt of Sikkim

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

NOTIFICATION
New Delhi, the 10th August, 1999

S.O.766 (E) - In pursuance of paragraph 2 of the Notification of the Government of India, Ministry of Home Affairs number S.O.343 (E), dated the 13th April, 1998, the Central Government hereby appoints the 1st day of April, 1999, as the date on which the **Pharmacy Act, 1948 (8 of 1948)**, the **Indian Nursing Council Act, 1947, (48 of 1947), the Dentists Act, 1948 (16 of 1948)** and the **Indian Medical Council Act, 1956 (102 of 1956)** shall come into force in the State of Sikkim

[F.No.H-11018/1/89-PMS]
SUNILA BASANT, Jt. Secretary

Published in the Gazettee of India, Extra.,Part II, Section 3 (ii), dated 15th Sept , 1999

LIST OF CENTRAL ENACTMENTS EXTENDED/ENFORCED IN THE STATE OF SIKKIM

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
1	Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957)	1957	S.O.57/(E), dt.29.1.83	1.2.1983 vide S.O.57 (E) dt. 29.1.83
2	Additional Excise Duty (Textiles and Textile Articles) Act, 1978 (40 of 1978)	1978	S.O 57 (E) dt 29 1 1983	1.2 1983 vide S.O. 57 (E) dt 29.1 1983
3	Advocates Act, 1961 (25 of 1961)	1961	S.O (E),dt. 15.2.2000	—
4	Agricultural Refinance Corporation Act, 1963 (10 of 1963)	1963	S. O. 452 (E) dt. 26.8.1975	24.10.1975 vide S.O. 615(E) dt. 23.10.1975
5	All India Services Act, 1951 (61 of 1951)	1951	S.O.452 (E) dt. 26.8.1975	16.5.1976 vide Notification No. F. 11022/2/75-AIS (I) dt 16.5.1976
6	Air Force Act, 1950 (45 of 1950)	1950	S.O.208 (E) dt. 16.5.1975	—
7	Armed Forces (Emergency Duties) Act, 1947 (15 of 1947)	1947	S.O.208 (E) dt 16.5.1975	—
8	Arms Act, 1959 (54 of 1959)	1959	S.O 208 (E) dt. 16.5.1975	1.8.1976 vide G.S.R. 461 (E) dt. 21.7.1976
9	Army Act, 1950 (46 of 1950)	1950	S.O. 208 (E) dt. 16.5.1975	—
10	Army & Air Force (Disposal of Private Property) Act, 1950 (40 of 1950)	1950	S. O. 208 (E) dt. 16.5.1975	—
11	Ancients Monuments & Archaeological Sites & Remains Act, 1958 (24 of 1958)	1958	S.O. 738 (E) dt. 27.12.1978	—
12	Antiquities & Art Treasures Act, 1972 (52 of 1972)	1972	S.O. 738(E) dt. 27.12.1978	—
13	Arbitration Act, 1940 (10 of 1940)	1940	S.O. 529 (E) dt. 27.7.1983	1.9.1984 vide S.O. 646 (E) dt. 24.8.1984
14	Atomic Energy Act,1962 (33 of 1962)	1962	S.O. 6 (E) dt. 29.12.1986	1.4.1987 vide S.O. 1028 dt. 17.3.1987
15	Banking Regulation Act, 1949 (10 of 1949)	1949	S.O. 42 (E) dt. 15.1.1976	15.12.1987 vide S.O. 1080 (E) dt. 11.12.1987

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
16	Border Security Force Act, 1968 (47 of 1968)	1968	S.O. 208 (E) dt. 16.5.1975	—
17	Bankers' Books Evidence Act, 1891 (18 of 1891)	1891	S.O. 529 (E) dt. 22.7.1983	1.9.1984 vide S.O. 659 (E) dt. 30.8.1984
18	Census Act, 1948 (37 of 1948)	1948	S.O. 208(E) dt. 16.5.1975	30.9.1976 vide S.O. 3465 dt. 21.9.1976
19	Central Excises and Salt Act, 1944 (1 of 1944) read with the Central Excise Laws (Amendment) and Validation Act, 1982 (58 of 1982)	1944	S.O. 57 (E) dt. 29.1.1983	1.2.1983 vide S.O. 57 (E) dt. 29.1.1983
20	Central Reserve Police Force Act, 1949 (66 of 1949)	1949	S.O. 208(E) dt. 16.5.1975	—
21	Chartered Accountants Act, 1949 (38 of 1949)	1949	S.O. 373(E) dt. 27.6.1979	—
22	Citizenship Act, 1955 (57 of 1955)	1955	S.O. 208(E) dt. 16.5.1975	16.5.1975 vide S.O. 214 (E) dt. 16.5.1975
23	Code of Civil Procedure, 1908 (5 of 1908)	1908	S.O. 749(E) dt. 16.10.1982	1.9.1984 vide S.O. 599 (E) dt. 13.8.1984
24	Commissions of Inquiry Act, 1952 (60 of 1952)	1952	S.O. 83 (E) dt. 12.12.1977	—
25	Criminal Law (Amendment) Act, 1961 (23 of 1961)	1961	S.O. 208(E) dt. 16.5.1975	—
26	Civil Defence Act, 1968 (27 of 1968)	1968	S.O. 208 (E) dt. 16.5.1975	—
27	Contempt of Courts Act, 1971 (70 of 1971)	1971	S.O. 208(E) dt. 16.5.1975	16.5.1975 vide S.O. 210 (E) dt. 16.5.1975
28	Customs Act, 1962 (52 of 1962)	1962	S.O. 229(E) dt. 26.4.1979	—
29	Cardamom Act, 1965 (42 of 1965)	1965	S.O. 529(E) dt. 2.7.1983	16.1.1984 vide S.O. 21 (E) dt. 16.1.1984
30	Carriers' Act, 1865 (3 of 1865)	1865	S.O. 529(E) dt. 22.7.1983	—
31	Central Sales Tax Act, 1956 (74 of 1956)	1956	S.O. 738(E) dt. 27.12.1978	1.10.1982 vide G.S.R. 579 (E) dt. 30.9.1982

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
32	Cinematograph Act, 1952 (37 of 1952)	1952	S O 738(E) dt 27 12 1978	—
33	Collection of Statistics Act, 1953 (32 of 1953)	1953	S O 529 (E) dt 22 7 1983	15.2.1984 vide S O 216 (E) dt 26 3 1984
34	Commercial Documents Evidence Act, 1939 (30 of 1939)	1939	S O 529(E) dt 22 7 1983	—
35	Contract Act, 1872 (9 of 1872)	1872	S O 529(E) dt 22.7 1983	1 9 1984 vide S.O 641 (E) dt 24.8 1984
36	Criminal Law Amendment Act, 1938 (20 of 1938)	1938	S.O 529(E) dt 22 7 1983	—
37	Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (52 of 1974)	1974	S O 229(E) dt 27 4 1979	—
38	Copyright Act, 1957 (14 of 1957)	1957	S.O 738(E) dt 27 12 1978	—
39	Criminal Procedure Code 1973 (2 of 1974)	1974	S O 517(E) dt 9.7 1994	13 9 1994 vide S O 668 (E) dt 13 9 1994
40	Central Silk Board Act, 1948 (61 of 1948)	1948	S O 6(E) dt 29 12 1986	—
41	Defence of India Act, 1971 (42 of 1971)	1971	S.O 208(E) dt 16.5 1975	16 5 1975 vide S O 218 (E) dt 16 5 1975
42	Dangerous Drugs Act, 1930 (2 of 1930)	1930	S O 529(E) dt 22 7 1983	—
43	Delhi Special Police Establishment Act, 1946 (25 of 1946)	1946	S.O 208(E) dt 16 5 1975	15 5 1976 vide Notification No 228/16/75-AVD-II dt. 6.5.1976
44	Drugs and Cosmetics Act, 1940 (23 of 1940)	1940	S.O 529(E) dt 22 7 1983	15.9.1984 vide S O 767 (E) dt 5 10.1984
45	Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961)	1961	S O 408(E) dt 20.5 1990	—
46	Dentists Act, 1948 (16 of 1948)	1948	S.O. 343(E) dt 13.4.1998	1 4.1999 vide S O 766 (E) dt. 10.8.1999
47	Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954 (21 of 1954)	1954	S.O 949(E) dt 12.10.1988	1.11.1989 vide S O. 852 (E) dt 26.10.1989

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
48	Easements Act, 1882 (5 of 1882)	1882	S.O. 529(E) dt. 22.7.1983	—
49	Economic Offences (Inapplicability of Limitation) Act, 1974 (12 of 1974)	1974	S.O. 57(E) dt. 29.1.1983	1.2.1983 vide S.O. 57 (E) dt. 29.1.1983
50	Electricity Act, 1910 (9 of 1910)	1910	S.O. 529(E) dt. 22.7.1983	1.1.1984 vide S.O. 7 (E) dt. 30.12.1983
51	Electricity (Supply) Act, 1948 (54 of 1948)	1948	S.O. 529(E) dt. 22.7.1983	1.1.1984 vide S.O. 7 (E) dt. 30.12.1983
52	Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950)	1950	S.O.208(E) dt. 16.5.1975	—
53	Emigration Act, 1922 (7 of 1922)	1922	S.O.208(E) dt. 16.5.1975	1.12.1975 vide G.S.R. 135 dt. 16.12.1975
54	Employers' Liability Act, 1938 (24 of 1938)	1938	S.O. 529(E) dt. 22.7.1983	31.12.1984 vide S.O. 982 (E) dt. 31.12.1984
55	Essential Commodities Act, 1955 (10 of 1955)	1955	S.O. 452(E) dt. 26.8.1975	7.1.1976 vide S.O. 28 (E) dt. 7.1.1976
56	Epidemic Diseases Act, 1897 (3 of 1897)	1897	S.O. 208(E) dt. 16.5.1975	—
57	Explosives Act, 1884 (4 of 1884)	1884	S.O. 208(E) dt. 16.5.1975	7.11.1992 vide S.O. 823 (E) dt. 7.11.1992
58	Explosives Substances Act, 1908 (6 of 1908)	1908	S.O. 208(E) dt. 16.5.1975	1.2.1976 vide G.S.R. 201 dt. 30.1.1976
59	Extradition Act, 1962 (34 of 1962)	1962	S.O. 208 (E) dt. 16.5.1975	17.9.1975 vide G.S.R. 495(E) dt. 17.9.1975
60	Employee's Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952)	1952	S.O. 60(E) dt. 23.1.1995	1.11.1995 vide S.O.2881 dt. 30.10.1995
61	Employees' State Insurance Act, 1948 (34 of 1948)	1948	S.O. dt. 23.1.1995	—
62	Enemy Property Act, 1968 (34 of 1968)	1968	S.O. 6(E) dt. 29.12.1986	—
63	Factories Act, 1948 (63 of 1948)	1948	S.O.142(E) dt. 12.2.1992	—

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
64	Fatal Accidents Act, 1855 (13 of 1855)	1855	S.O. 529(E) dt. 22.7.1983	31.12.1984 vide S.O. 982 (E) dt. 31.12.1984
65	Finance Act, 1982 (14 of 1982)	1982	S.O. 57(E) dt 29.1.1983	1.2.1983 vide S.O. 57 (E) dt. 29.1.1983
66	Foreigners Act, 1946 (31 of 1946)	1946	S.O. 208(E) dt. 16.5.1975	1.2.1976 vide G.S.R. 41 (E) dt. 27.1.1976
67	Foreign Exchange (Regulation) Act, 1973 (46 of 1973)	1973	S.O. 1223 dt. 18.4.1977	—
68	Food Corporations Act, 1964 (37 of 1964)	1964	S.O. 300(E) dt. 7.5.1993	1.1.1994 vide S.O. 957 (E) dt. 17.12.1993
69	General Clauses Act, 1897 (10 of 1897)	1897	S.O. 208(E) dt. 16.5.1975	11.8.1975 vide G.S.R. 991dt. 9.8.1975
70	Government Saving Bank Act, 1873 (5 of 1873)	1873	S.O. 529(E) dt. 22.7.1983	11.3.1992 vide S.O. 202 (E) dt. 11.3.1992
71	Government Grants Act, 1895 (15 of 1895)	1895	S.O.529(E) dt. 22.7.1983	—
72	Guardians and Wards Act, 1890 (8 of 1890)	1890	S.O.529(E) dt. 22.7.1983	1.9.1984 vide S.O. 644 (E) dt. 24.8.1984
73	Gift Tax Act, 1958 (18 of 1958)	1958	S.O. 1028(E) dt. 7.11.1988	1.4.1990 vide S.O. 148 (E) dt. 23.2.1988.
74	The Government Savings Certificates Act, 1959 (46 of 1959)	1959	S.O. 40(E) dt. 27.1.1999	—
75	High court Judges (Conditions of Service) Act, 1954 (28 of 1954)	1954	S.O. 208(E) dt. 16.5.1975	16.5.1975 vide S.O. 210 (E) dt.16.5.1975
76	High Courts (Seals) Act, 1950 (7 of 1950)	1950	S.O. 208(E) dt. 16.5.1975	16.5.1975 vide S.O. 210 (E) dt. 16.5.1975
77	Hindu Marriage Act, 1955 (25 of 1955)	1955	S.O. 950(E) dt. 12.10.1988	1.5.1989 vide S.O. 311 (E) dt. 28.4.1989
78	Identification of Prisoners Act, 1920 (33 of 1920)	1920	S.O. 529(E) dt. 22.7.1983	—
79	Imports and Exports (Control) Act, 1947 (18 of 1947)	1947	S.O. 529(E) dt. 22.7.1983	1.7.1984 vide S.O. 486 (E) dt. 30.6.1984
80	Indian Coinage Act, 1906 (3 of 1906)	1906	S.O.208(E) dt. 16.5.1975	—

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
81	Indian Majority Act, 1875 (9 of 1875)	1875	S O 529(E) dt 22.7.1983	1 9 1984 vide S.O 652 (E) dt. 24 8 1984
82	Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952)	1952	S O. 529(E) dt. 22.7.1983	—
83	Indian Tolls (Army & Air Force) Act, 1901 (2 of 1901)	1901	S O. 208(E) dt. 16.5.1975	—
84	Industrial Disputes Act, 1947 (14 of 1947)	1947	S.O 373(E) dt. 27.6.1979	—
85	Industrial Development Bank of India Act, 1964 (18 of 1964)	1964	S.O. 452(E) dt. 26.8.1975	24.10 1975 vide S O 615 (E) dt 23 10.1975
86	Insurance Act, 1938 (4 of 1938)	1938	S.O 208(E) dt. 16.5 1975	1 7.1975 vide S O. 274 (E) dt 24.6.1975
87	Interest Act, 1839 (32 of 1839)	1839	S O. 529(E) dt. 22 7.1983	—
88	Industrial Finance Corporation Act, 1948 (15 of 1948)	1948	S O. 452(E) dt 26.8.1975	24.10.1975 videS.O. 615 (E) dt.23.10 1975.
89	Industries (Development and Regulation) Act, 1951 (65 of 1951)	1951	S O. 163 dt. 2.3.1983	—
90	Income Tax Act, 1961 (43 of 1961)	1961	S O 1028(E) dt. 7.11 1988	1.4.1989 vide S.O 148(E) dt. 23.2 1988
91	Insecticides Act, 1968 (46 of 1968)	1968	S.O 1039(E) dt. 2 12.1987	—
92	Indian Forest Act, 1927 (16 of 1927)	1927	S.O. 1138(E) dt. 6.12.1988	20.4.1989 vide S.O. 288(E) dt. 20.4.1989
93	Indian Evidence Act, 1872 (1 of 1872)	1872	S.O 518 (E) dt. 9.7.1994	13.9.1994 vide S.O. 669(E) dt. 13.9.1994
94	Indian Penal Code, 1860 (45 of 1860)	1860	S O. 516(E) dt. 9.7 1994	13 9.1994 vide S O 667(E) dt 13.9.1994
95	Indian Post Office Act, 1898 (6 of 1898)	1898	S.O. 208(E) dt 16.5.1975	2.6 1975 vide Notification No. 19/1/75-CI dt. 2.6.1975
96	Indian Medical Council Act, 1956 (102 of 1956)	1956	S.O. 344(E) dt. 13.4.1998	1.4.1999 vide S.O 766(E) dt. 10.8.1999

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
97	Indian Nursing Council Act, 1947 (48 of 1947)	1947	S O. 343(E) dt. 13 4 1998	1.4.1999 vide S O 766(E) dt 16.8.1999
98	Inter-State Water Disputes Act, 1956 (33 of 1956)	1956	S.O. 529(E) dt. 22 7.1983	—
99	Judges (Inquiry) Act, 1968 (51 of 1968)	1968	S.O. 208(E) dt. 6.5.1975	16 5 1975 vide S O 210(E) dt. 16 5 1975
100	Judicial Officers (Protection) Act, 1850 (18 of 1850)	1850	S.O. 208 (E) dt 16.5.1975	20.6.1975 vide S O 268(E) dt. 20.6 1975
101	Land Acquisition Act, 1894 (1 of 1894)	1894	S.O. 1223 dt. 18.4.1977	8.9.1977 vide S O 663(E) dt. 8.9 1977
102	Legal Tender (Inscribed Notes) Act, 1964 (28 of 1964)	1964	S O 208 (E) dt 16 5.1975	16.8.1976 vide S.O 3484 dt. 6 9 1976
103	Legal Representatives' Suits Act, 1855 (12 of 1855)	1855	S.O. 529 (E) dt 22.7.1983	1.9 1984 vide S.O 653(E) dt. 24.8 1984
104	Limitation Act, 1963 (36 of 1963)	1963	S.O 529(E) dt. 22.7 1983	1 9 1984 vide S.O 647(E) dt. 24.8.1984
105	Maintenance of Internal Security Act, 1971 (26 of 1971)	1971	S.O. 208(E) dt. 16.5 1975	12.4.1976 vide S O 284(E) dt. 7.4.1976
106	Maintenance Orders Enforcement Act, 1921 (18 of 1921)	1921	S.O. 529(E) dt. 22.7.1983	—
107	Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938)	1938	S O.529(E) dt. 22.7.1983	—
108	Medical Termination of Pregnancy Act, 1971 (34 of 1971)	1971	S.O.529(E) dt 22.7.1983	—
109	Medicinal & Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955)	1955	S.O. 57(E) dt 29 1 1983	1.2.1983 vide S O 57(E) dt. 29.1.1983
110	Mines & Minerals (Regulation & Development) Act, 1957 (67 of 1957)	1957	S O 756(E) dt. 23.11.1979	—
111	Mineral Products(Additional Duties of Excise & Customs) Act,1958(27of 1958)	1958	S O. 57(E) dt. 29.1.1983	1.2.1983 vide S.O 57(E) dt. 29.1.1983
112	National Cadet Corps Act, 1948 (31 of 1948)	1948	S.O. 208(E) dt. 16.5.1975	—
113	National Co-operative Development Corporation Act, 1962 (26 of 1962)	1962	S.O. 452(E) dt. 26.8.1975	—

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
114	National Highway Act,1956 (48 of 1956)	1956	S O 208(E) dt. 16.5.1975	28.6.1975 vide S.O. 276(E) dt. 26.6.1975
115	Negotiable Instrument Act,1881 (26 of 1881)	1881	S.O.42(E) dt. 15.1.1976	1.8.1989 vide S.O. 525(E) dt. 5.7.1989
116	Notaries Act, 1952 (53 of 1952)	1952	S.O. 208(E) dt. 16.5.1975	16.5.1975 vide S.O. 210(E) dt. 16.5.1975
117	Oaths act, 1969 (44 of 1969)	1969	S.O. 529(E) dt. 22.7.1983	1.9.1984 vide S.O. 649(E)dt. 24.8.1984
118	Official Languages Act, 1963 (19 of 1963)	1963	S.O. 208(E) dt. 16.5.75	2.10.1975 vide S.O. 557(E) dt. 30.9.1975
119	Official Secrets Act, 1923 (19 of 1923)	1923	S.O. 208(E) dt. 16.5.1975	1.3.1989 vide S.O. 150(E) dt. 14.2.1989
120	Parliamentary Proceedings (Protection of Publication) Act,1956 (24 of 1956)	1956	S.O. 208(E) dt. 16.5.1975	—
121	Partition Act,1893 (4 of 1893)	1893	S.O. 529(E) dt. 22.7.1983	1.9.1984 vide S.O. 651(E) dt. 24.8.1984
122	Partnership Act, 1932 (9 of 1932)	1932	S.O. 529(E) dt. 22.7.1983	1.4.1984 vide S.O. 215(E) dt. 27.3.1984
123	Passports (Entry into India) Act, 1920 (34 of 1920)	1920	S.O. 208(E) dt. 16.5.1975	20.9.1976 vide S.O. 3392 dt. 3.9.1976
124	Passports Act, 1967 (15 of 1967)	1967	S.O. 208(E) dt. 16.5.1975	—
125	Payment of Gratuity Act, 1972 (39 of 1972)	1972	S.O. 60(E) dt. 23.1.1995	1.11.1995 vide S.O. 837(E) dt. 12.10.1995
126	Payment of Wages Act, 1936 (4 of 1936)	1936	S.O. 896(E) dt. 23.9.1987	30.11.1995 vide S.O. 944(E) dt. 30.11.1995
127	Pharmacy Act, 1948 (8 of 1948)	1948	S.O. 343(E) dt. 13.4.1998	1.4.1999 vide S.O. 766 (E) dt. 10.8.1999
128	Poisons Act,1919 (12 of 1919)	1919	S.O. 989(E) dt. 11.11.1998	—
129	Police Act,1888 (3 of 1888)	1888	S.O. 208(E) dt. 16.5.1975	—
130	Police Act, 1861 (5 of 1861)	1861	S.O. 479(E) dt. 29.7.1978	—

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
131	Police Forces (Restriction of Rights) Act,1966 (33 of 1966)	1966	S.O. 208(E) dt. 16.5.1975	—
132	Police (Incitement of Disaffection) Act,1922 (22 of 1922)	1922	S.O. 529(E) dt. 22.7.1983	—
133	Post Office Cash Certificates Act, 1917 (18 of 1917)	1917	S.O. 529(E) dt. 22.7 1983	—
134	Powers of Attorney Act,1882 (7 of 1882)	1882	S.O. 529(E) dt. 22.7 1983	1.9 1984 vide S.O 650(E) dt. 24.8.1984
135	Presidential & Vice Presidential Election Act, 1952	1952	F.11013/9/77- SKM dt. 16.7 1977 of Home Ministry.	—
136	Press and Registration Books Act, 1867 (25 of 1867)	1867	S.O.529 (E) dt. 22.7.1983	22.8.1984 vide S.O. 612(E) dt. 22.8.1984
137	Prevention of Corruption Act, 1947 (2 of 1947)	1947	S.O. 208(E) dt. 16.5.1975	1.9.1976 vide S.O. 3254 dt. 30.8.1976
138	Prevention of Cruelty to Animals Act, 1960 (39 of 1960)	1960	S.O. 529(E) dt. 22.7.1983	—
139	Prevention of Food Adulteration Act, 1954 (37 of 1954)	1954	S.O. 738(E) dt. 27.12.1978	1.4.1979 vide S.O. 154(E) dt. 26.3.1979
140	Prevention of Insult to National Honour Act, 1971 (70 of 1971)	1971	S.O. 208(E) dt. 16.5.1975	16.7.1975 vide Notification No. 1-11012/2/75/ S&P (DI) dt. 16.7.1975
141	Prisoners' (Attendance in Courts) Act 1955 (32 of 1955)	1955	S.O. 529(E) dt. 22.7.1983	—
142	Probation of Offenders Act, 1958 (20 of 1958)	1958	S.O. 529(E) dt. 22.7.1983	2.10.1985 vide S.O. 720(E) dt. 2.10.1985
143	Protection of Civil Rights Act, 1955 (22 of 1955)	1955	S.O. 529(E) dt. 22.7.1983	—
144	Provisional Collection of Taxes Act,1931 (16 of 1931)	1931	S.O. 57(E) dt. 29.1.1983	1.2.1983 vide S.O. 57(E) dt. 29.1.1983
145	Public Debt Act, 1944 (18 of 1944)	1944	S.O. 987(E) dt. 22.10.1988	1.12.1988 vide S.O. 1110(E) dt. 28.11.1988
146	Public Premises (Eviction of Unauthorised Occupants Act, 1971 (40 of 1971)	1971	S.O. 749(E) dt. 16.10.1982	—

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
147	Provident Funds Act, 1925 (19 of 1925)	1925	S.O. 529(E) dt. 22.7.1983	—
148	Public Servants' (Inquiries) Act, 1850 (37 of 1850)	1850	S.O. 529(E) dt 22.7.1983	—
149	Registration of Foreigners Act, 1939 (16 of 1939)	1939	S O 208(E) dt. 16 5.1975	1.2.1976 vide G.S.R. 41(E) dt. 27 1.1976
150	Registration of Births & Deaths Act, 1969 (18 of 1969)	1969	S.O 208(E) dt. 16.5.1975	30.9.1976 vide S.O. 3465 dt. 21.9.1976
151	Representation of the People Act, 1950 (43 of 1950)	1950	The Election Laws (Extension to Sikkim) Act, 1976 (10 of 1976)	9 9.1975 vide Election Laws (Extension to Sikkim) Act, 1976 (10 of 1976)
152	Representation of the People Act, 1951 (43 of 1951)	1951	-do-	-do-
153	Reserve and Auxiliary Air Forces Act, 1952 (62 of 1952)	1952	S O 208(E) dt. 16.5.1975	—
154	Reserve Bank of India Act, 1934 (2 of 1934)	1934	S.O 208(E) dt. 16.5.1975	14 8.1976 vide S.O 547(E) dt. 13 8.1976
155	Requisitioning & Acquisition of Immovable Property Act, 1952 (30 of 1952)	1952	S.O 208(E) dt. 16.5.1975	1.12.1976 vide S.O 4514 dt. 27.11.1976
156	Revenue Recovery Act, 1890 (1 of 1890)	1890	S.O. 529(E) dt. 22.7.1983	—
157	River Boards Act, 1956 (49 of 1956)	1956	S.O. 529(E) dt. 22.7.1983	—
158	Sale of Goods Act, 1930 (3 of 1930)	1930	S.O. 529(E) dt. 22 7.1983	1.9.1984 vide S.O. 645(E) dt. 24.8.1984
159	Salt Cess Act, 1953 (49 of 1953)	1953	S.O 6(E) dt. 29.12.1986	—
160	Seeds Act, 1966 (54 of 1966)	1966	S.O. 6(E) dt. 29.12.1986	8.5.1987 vide S.O. 161(E) dt. 8.5 1987
161	Small Coins (Offences) Act, 1971 (52 of 1971)	1971	S.O. 208(E) dt. 16.5.1975	—
162	Soldiers (Litigation) Act, 1925 (4 of 1925)	1925	S.O 529(E) dt. 22.7.1983	—

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
163	Specific Relief Act, 1963 (47 of 1963)	1963	S.O. 529(E) dt. 22.7.1983	1.9.1984 vide S.O. 648(E) dt.24.8.1984
164	State Bank of India Act, 1955 (23 of 1955)	1955	S.O. 42(E) dt. 15.1.1976	14.8.1976 vide Notification No. 7(63)-B.D. III/75 dt. 13.8.1976
165	State Financial Corporations Act, 1951 (63 of 1951)	1951	S.O. 452(E) dt. 26.8.1975	24.10.1995 vide S.O. 615(E) dt. 23.10.1995
166	State Reorganisation Act, 1956 (37 of 1956)	1956	S.O. 778(E) dt. 8.12.1976	—
167	Suppression of Immoral Traffic in Women & Girls Act, 1956 (104 of 1956)	1956	S.O. 529(E) dt. 22.7.1983	15.9.1984 vide S.O. 713(E) dt. 15.9.1984
168	Tea Act, 1953 (29 of 1953)	1953	S.O. 57(E) dt. 29.1.1983	1.2.1983 vide S.O. 57(E) dt. 29.1.1983
*169	Telegraph Wires (Unlawful Possession) Act, 1950 (74 of 1950)	1950	S.O. 208(E) dt. 16.5.1975	2.6.1975 vide S.O. 241(E) dt. 31.5.1975
170	Telegraphs Act, 1885 (13 of 1885)	1885	S.O. 208(E) dt. 16.5.1975	2.6.1975 vide S.O. 241(E) dt. 31.5.1975
171	Territorial Army Act, 1948 (56 of 1948)	1948	S.O. 208(E) dt. 16.5.1975	—
172	Transfer of Property Act, 1882 (4 of 1882)	1882	S.O. 529(E) dt. 22.7.1983	1.9.1984 vide S.O. 643(E) dt. 24.8.1984
173	Transfer of Prisoners Act, 1950 (29 of 1950)	1950	S.O. 208(E) dt. 16.5.1975	—
174	Trusts Act, 1882 (4 of 1882)	1882	S.O. 529(E) dt. 22.7.1983	1.9.1984 vide S.O. 642(E) dt. 24.8.1984
175	United Nations (Privileges & Immunities) Act, 1947 (46 of 1947)	1947	S.O. 208 (E) dt. 16.5.1975	12.1.1976 vide G.S.R. 19(E) dt. 12.1.1976
176	Unlawful Activities (Prevention) Act, 1967 (37 of 1967)	1967	S.O. 208(E) dt. 16.5.1975	—
177	Warehousing Corporations Act, 1962 (58 of 1962)	1962	S.O. 529(E) dt. 22.7.1983	1.1.1984 vide G.S.R. 936(E) dt. 29.12.1983
178	Wealth Tax Act, 1957 (27 of 1957)	1957	S.O. 1028(E) dt. 7.11.1988	1.4.1990 vide S.O. 148(E) dt. 23.2.1988

Sl No.	Name of Acts	Year	Date of Extension	Date of Enforcement
179	Wild Life (Protection) Act, 1972 (53 of 1972)	1972	The Act has been enforced in exercise of powers under Section 1 (3) of the Act without formal extension).	1.5.1976 vide G.S.R. 311 dt. 1.5.1976
180	Wireless Telegraphy Act, 1933 (17 of 1933)	1933	S.O. 208(E) dt. 16.5.1975	2.6.1975 vide S.O. 241(E) dt. 31.5.1975
181	Workmen's Compensation Act, 1923 (8 of 1923)	1923	S.O. 529(E) dt. 22.7.1983	1.11.1986 vide S.O. 803(E) dt. 30.10.1986
182	Works of Defence Act, 1903 (7 of 1903)	1903	S.O. 208(E) dt. 16.5.1975	—
183	Young Persons (Harmful Publications) Act, 1956 (93 of 1956)	1956	S.O. 529(E) dt. 22.7.1983	1.3.1984 vide 136(E) dt. 28.2.1984

* Renamed as Immoral Traffic (Prevention) Act, 1956 by Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1986