

OLD LAWS OF SIKKIM

SIKKIM CODE

Volume IV

PUBLISHED BY:

LAW DEPARTMENT,  
GOVERNMENT OF SIKKIM,  
GANGTOK.

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The Sikkim Darbar, having reason to believe that it is advisable to lay down a definite ruling on the question of restricting, to a reasonable limit, the area of the home farms of landlords and the area of the fields of mandals and bustiwallas, have decided, after very careful consideration, to issue the following orders, namely,

- (i) that no limit shall be imposed on the minimum area of a landlord's home farm;
- (ii) that as regards the maximum area, a landlord may be allowed, for his home farm, 10% of the total area actually under cultivation in his elakha, up to a limit of 100 acres, on the distinct understanding that the 100 shall be taken only as a guide, and that, having regard to the merits of each case, the Darbar may allow something between 100 and 200 or not allow even as much as 100;
- (iii) that when the Darbar do allow anything more than 100 and less than 200, the landlords concerned shall pay compensatory tax to the Darbar for the excessive amount he is thus allowed to retain, the compensation being levied by the Darbar in the form of house tax at the rate of Rs. 5/- a year for every 20 acres, or fraction thereof, of land in excess of the prescribed area of 100 acres; and
- (iv) that a mandals shall not, as a rule, be allowed to cultivate more than 30 acres and a bustiwalla not more than 20 acres.

Landlords are now required to give these orders their earnest and very early attention, and to report, before the 1 st January 1925, what really is the exact acreage of their present private holdings, whether within or outside their own elakha including orange and other gardens, fields of all descriptions, compounds etc., and they should at the same time state where each of the various portions of such holdings is situated and what is the exact area of each. Further, they are hereby warned that their report must not be delayed a day later than the date mentioned above, and they must clearly understand that, if any landlord attempts to violate these orders by delaying his reports or suppressing information, or submitting an incorrect statement, or doing something just as dishonest, the Darbar will take very serious notice of his action and will punish very severely.

**BY ORDER HIS HIGHNESS THE MAHARAJA of SIKKIM.**

**Gangtok**  
**The 16th October, 1924**

**Sd/- Pestonji Jamasji**  
**General Secretary to**  
**His Highness the Maharaja of Sikkim.**

**SIKKIM STATE**  
**General Department**  
**Circular No. 3075/G.,**

To,

**All Landlords and Managers of Estates in Sikkim.**

All Landlords and Managers of Estates in Sikkim are hereby directed that, when they are dealing with the question of allotting sites for the settlement of bustiwallas, they should make it perfectly clear to all concerned, e.g., mandals, karbaries, bustiwallas etc.,

- (i) that settlers should be permanent and not temporary;
- (ii) that a bustiwallas should not be allowed more land than he can conveniently manage to cultivate during the year, and that "shifting" cultivation should on no account be permitted;
- (iii) that fields on steep hill sides should be properly terraced;
- (iv) that timber and fuel trees should not be ruthlessly felled or wantonly destroyed;
- (v) that sufficient area should always be reserved for gorucharans and, where necessary, for slip reserves; and
- (vi) that streams should not be denuded of trees. Trees should be allowed to grow freely on both sides of a stream.

**Gangtok**  
**The 21 st March,1925**

**Sd/- Pestonji Jamasji**  
**General Secretary to His Highness the**  
**Maharaja of Sikkim.**

**SIKKIM STATE**  
**Judicial Department,**

**Notification No. 1455-16/J.,**

In amendment of Notification No. 1933/J, dated the 31 st March 1921, on the subject of stamps on documents etc., it is hereby notified for general information and guidance of the public, that His Highness the Maharaja of Sikkim is pleased to order the enforcement of the new Rules regarding Court Fees and stamps on documents with effect from the 1 st August 1928.

The above rules can be had from the Office of the Judicial Secretary to His Highness the Maharaja of Sikkim at Rs. 4/- per copy.

**Gangtok**  
**The 15th August,1928**

**Gyaltzen Kazi**  
**Offg. Judicial Secretary to His**  
**Highness the Maharaja of Sikkim.**

**GENERAL DEPARTMENT**

**Notification No. 6803/G.,**

It is hereby notified for general information that the provisions of the Indian Christian Marriage Act of 1872 of British India shall be deemed to apply to Marriages celebrated amongst the Christian subjects of His Highness the Maharaja of Sikkim in the Sikkim territory. This notification shall be deemed to have a retrospective effect and validate all such marriages performed before its promulgation.

**By Order of His Highness the Maharaja of**  
**Sikkim.**

**Dated Gangtok,**  
**The 28th January,**  
**1931**

**Rup Narayan**  
**. General Secretary to His**  
**Highness the Maharaja of Sikkim.**

**Order No. 11**  
**Subject: Collection of Khazana from lessees**

Lessees have not collected the khazana demand for the past two years and tehsils have now been set up to receive direct payments from bustiwallas. In order to prevent double payment, lessees are hereby prohibited from making collections of either house tax or khazana from bustiwallas. Violations of this order will be severely dealt with.

Since direct collections are being made, it is now necessary to assess the amount of khazana due from lessees separately. On reporting at tehsils with accounts of the khazana of their bustiwallas, lessees will give details of crop areas in their home farms so that assessment of khazana may be made on the same principles in the case of bustiwallas. The total areas of home farms are already known in this office and will be communicated to tehsildars, so that the figures supplied by lessees may be checked. The assessment of khazana due from lessees should be worked out separately for each elakha and then total reported along with the total for each tehsil as a whole. These results should be reported to me promptly, and in any case before September the 20th lessees will pay the whole amount of their current khazana and Compensatory tax (as ordered separately) by December the 31st 1949, failing which compulsive process will be taken against them.

Tehsildars will see to it that these orders are communicated to lessees themselves when they report at tehsils with the khazana - account of bustiwallas or to their agents, as the case may be. Signatures will be taken in token of acknowledgement.

**August 30th 1940**

**Sd/- J.S. Lall, I.C.S.**  
**Dewan Sikkim State**

Copy to Tahsildars

**SIKKIM STATE**  
**General Department**

**Notification No.1 O6O/G.,**

In modification of Notification No. 4287/J, dated the 12th July, 1927, His Highness the Maharaja of Sikkim has been pleased to order that "Jharlangi" labour shall be availed of only for Government Officials on duty, and State officials for transport purposes and for no other. Also on emergent *occasions* it *may be utilized* for *Public Works* Department or *for any other administrative purpose.*

**RATES:**

1. Each Jharlangi coolies shall be paid at the rate of not less than fourteen annas per stage when employed below an elevation of 9,000 feet.
2. When employed at an elevation of 9,000 feet or above, coolies shall be paid at the rate of . Rupee one and annas four per coolie per stage.
3. When coolies are taken beyond Singhik for journey to Lachen or Lachung or beyond, an extra coolie to every six coolies shall be employed for the carriage of coolies ration.
4. Coolies engaged for journey between Gangtok and Yatung shall be paid at a lump sum rate of rupees six and annas eight per coolies, from 1 st May to 30th November and rupees eight per coolie during the winter (1 st December to 30th April).
5. Coolies engaged for carrying dandies shall be paid at not less than rupee one and annas four per coolie per stage when employed below an elevation of 9,000 feet, and at rupee one and annas eight per coolie at or above that height. One coolie is admissible for 6 dandiwallas to carry their baggage.
6. When Jharlangi coolies are supplied by the Durbar to the Public Works Department on emergent occasions, that Department shall pay to each coolie at the rates mentioned in (1) and (2) above.
7. Riding pony or mule with a good European saddle and equipment, rupees four and annas eight per stage.
8. Pack mule or pony with country riding saddle and equipment, rupees two and annas eight per stage.
9. Pack mule or pony, for carrying loads, rupee one and annas eight per stage when employed below an elevation of 9,000 feet, and rupees two per stage when employed above that height.



10. Pack ponies or mules engaged, for journey between Gangtok and Yatung shall be paid for at a lump sum rate of rupees ten per animal from 1 st May to 30th November and rupees twelve during winter (1 st December to 30th April).
11. When coolies or riding or pack ponies or mules are taken to a place which is two or more stages (except from Gangtok to Yatung direct) from the place of engagement and discharged there, an extra payment at half the rates prescribed for the onward journey shall be made.
12. Due to the abnormal rise in the price of grains, fodder, etc. most of the mule owners have sold their mules; as a consequence very few pack mules are available now in the station. Pack mules will therefore be supplied only when available in the station. In the event of pack mules being not available, coolies will be supplied in the place.
13. There being no Sardari System in Sikkim, no professional coolies and transport animals are available, as a result of which much difficulty is felt by the Durbar in the supply of transport requisitions in time for the tourists thus causing them inconvenience as well. Tourists are, therefore, requested to make in future their own transport arrangements for their convenience. The Durbar shall, however, arrange to supply coolies and transport animals if in the course of their tour; they are stranded on the way, due to sickness or any other unforeseen events.
14. Coolies, riding ponies and pack mules whenever engaged by tourist be paid at an enhanced rate of one-third more on and above the -----the State officials and Government officials on duty.

## **DIRECTIONS**

1. Any distance upto six miles may be counted as a "half stage" Distances upto 13 miles may be considered, a full stage. Transport detained at a stage for a whole day shall be paid at half the rates fixed for actual journeys provided that no detention of transport exceeds two days. Should a detention exceed two days, full rates must be paid. This will apply to detention caused in cases when transport has been requisitioned but, no actually utilized at the start.
2. A previous notice of 24 hours must be given to the undersigned when coolies or animals up to six in number are required at Gangtok. If transport is required elsewhere than at Gangtok a notice of at least 5 days must be given. Should more than 6 coolies or animals be required at Gangtok, the undersigned must be informed three days ahead. **If** elsewhere than at Gangtok, seven days previous notice will be necessary. Emergent request for transport may be made directly to the local landlord if need arises.
3. Generally one muleteer is in charge of six mules or more and if less than six animals is

requisitioned the wages of a muleteer will have to be paid by the engager, at the rate of Re.1/- per day.

These rates will remain in force until conditions return to normal. The order is to be given effect to from the 1 st August, 1943.

**Gangtok**  
**The 16th July, 1943**

**D. Dahdul**  
**General Secretary to**  
**His Highness the Maharaja of Sikkim (Offg)**

**SIKKIM STATE**  
**General Department**

**Notification**  
**No. 932-1011/G**

**New Delhi, the 9th January, 1943**  
**ORDINANCE NO.1 OF 1943**

**AN**  
**ORDINANCE**

*To provide for the trial and punishment of enemy agents and persons committing certain offences with intent to aid the enemy.*

WHEREAS an emergency has arisen this makes it necessary to provide for the trial and punishment of enemy agents and persons committing certain offences with intent to aid the enemy;

26, Geo, 5, c. 2 Now, THEREFORE; in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:

- I. (1) This Ordinance may be called the Enemy Agents Ordinance, 1943.
- (2) It extends to the whole of British India and applies also
  - (a) to British subjects and servants of the Crown in any part of India.
  - (b) To British subjects who are domiciled in any part of India wherever they may be, and
  - (c) To person on board any ship or aircraft registered in British India.
- (3) It shall come into force at once.
2. In this Ordinance, unless there is anything repugnant in the subject or Context,
  - (a) "Enemy" means any State at war with His Majesty;
  - (b) "enemy agent" means a person not operating as a member of an enemy armed force, who is employed by, or works for, or acts on instructions received from, the enemy.

Short  
title,  
extent  
and  
Commencement.

Penalty for Aiding the enemy.

3. Whoever is an enemy agent, or, with intent to aid the enemy, does, or attempts or conspires with any other person to do, any act which is designed or likely to give assistance to the naval, military or air operations of the enemy or to impede the naval, military or air operations of His Majesty's Forces or to endanger life, shall be punishable with death.

Offences triable under this ordinance.

4. (1) Any offence punishable under section 3 committed at any time after the 2nd day of September, 1939, whether committed before or after the commencement of this Ordinance, shall be triable under the provisions of this Ordinance.

(2) Where a person is charged before a Special Judge with an offence punishable under section 3, he may be charged with and tried at the same trial for any other offence with which he might, under the Code of Criminal Procedure, 1898, be charged at one trial, and the procedure of this Ordinance shall apply to the trial of any such other offence.

Appointment and jurisdiction of Special Judges.

5. (1) For the trial of offences punishable under section 3, the Central Government may appoint as Special Judges, having jurisdiction throughout British India, any persons who have acted for a period of not less than two years in the exercise of the power of a Sessions Judge or an Assistant Sessions Judge under the Code of Criminal Procedure, 1898.

(2) A Special Judge shall try any offence punishable under section 3 which the Central Government by general or special order in writing directs to be tried by him, and may hold his sittings for the trial of any case in any place fixed by the Central Government.

Transfer of cases from one Special Judge to another.

6. (1) The Central Government may, at any stage of the proceedings before a Special Judge, transfer the case to another Special Judge.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, when a case is transferred under sub-section (1), the Special Judge to whom the case is transferred shall not be bound to re-summon or re-hear, the witnesses or any of them unless he is satisfied that such a course is necessary in the interests of justice.

Procedure of Special Judges.

7. (1) A Special Judge may take cognizance of an offence without the accused being committed to his Court for trial, and, in trying accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates:

Provided that a Special Judge shall ordinarily record a memorandum only of the substance of the evidence of each witness examined, may refuse to summon any witness if satisfied after examination of the accused that the evidence of such witness will not be material, and shall not be bound to adjourn any trial for any purpose unless such adjournment is in his opinion necessary in the interests of justice.

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- (2) In matters not coming within the scope of sub-section (1) the provisions of the Code of Criminal Procedure, 1898, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of a Special Judge; and for the purposes of the said provisions the Court of the Special Judge shall be deemed to be a Court of Session.
8. A Special Judge may pass any sentence authorised by law. Sentences by Special Judges.
9. If any proceedings before a Special Judge Review of Conviction
- (a) a person convicted is sentenced to death, or to transportation for life, or S.
- (b) though no person is so sentenced, the Special Judge certifies that in his opinion the case has involved questions of special difficulty, whether of law or fact, or is one which for any other reason ought properly to be reviewed,
- the proceedings shall be submitted for review by a person appointed in this behalf by the Central Government, which person shall be chosen from the Judges of a High Court in British India, and the decision of that person shall be final.
10. If, as respects any proceedings before a Special Judge or before a Judge reviewing under section 9 the proceedings of a Special Judge, the Special Judge or reviewing Judge, as the case may be, is satisfied that it is expedient in the interests of the public safety on the defense of British India so to do, such Judge may give directions that throughout or during any part of the proceedings such persons or classes of persons as the Judge may determine shall be excluded. Hearing of proceedings in camera.
11. (1) In any proceedings before a Special Judge, and in proceedings before a Judge reviewing under section 9 the proceedings of a Special Judge when the reviewing Judge grants permission in this behalf, a person accused of an offence triable under this Limitation on appearance of pleaders.

Ordinance may of right be defended by a pleader, but such pleader shall be a person whose name is entered in a list prepared in this behalf by the Central Government or who is otherwise approved by the Central Government.

(2) A Special Judge, or a Judge reviewing under section 9 the proceedings of a Special Judge, may appoint a pleader whose name is entered in the list referred to in sub-section (1) or who is otherwise approved by the Central Government to defend at any stage of the proceedings a person accused of an offence triable under this Ordinance who has not himself engaged a pleader.

(3) A Special Judge shall not be required to grant an adjournment for the purpose of securing the attendance of a pleader, if in the opinion; of the Special Judge such adjournment would cause unreasonable delay in the disposal of the case.

Special rule  
of evidence. 12.

Notwithstanding anything contained in the Indian Evidence Act, 1872, 1 of 1872 when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before a Special Judge, if such person is dead or cannot be found or is incapable of giving evidence.

Special rule  
of procedure

13(1). . . When any accused in a trial before a Special Judge has by his voluntary act rendered himself incapable of appearing before the Court, or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing, made after such inquiry as it may think fit, dispense with the attendance of such accused for such period as it may think fit and proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or being present in person if he has become capable of appearing, or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no finding, sentence or order passed in a trial v of 1898 before a Special Judge shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any of or all of the accused whose attendance has been dispensed with under sub-section (1).

Exclusion

of interference of other Courts.

14. Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence made or passed by a Special Judge or a reviewing Judge under this Ordinance and, save as provided in this Ordinance, no Court shall have authority to revise such order or sentence or to transfer any case from the Court of a Special Judge, or to make any order under section 491 of the Code of Criminal Procedure, 1898, or have any jurisdiction of any kind in respect of any proceedings under this Ordinance.

v of 1898

v of 1898

15. The provisions of the Code of Criminal Procedure, 1898, and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Ordinance, shall apply to all matters connected with, arising from, or consequent upon, a trial under this Ordinance.

Application of ordinary law

16. Any person who, without the previous authorization of the Central Government, discloses or publishes any information with respect to any proceedings or with respect to any person proceeded against under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Disclosure of information relating to proceedings under this Ordinance.

17. The Central Government may make rules providing" for any matter necessary to carry into effect the purposes of this Ordinance.

Power to make rules

**. Linlithgow,  
Viceroy and Governor-  
General.**

**SIKKIM STATE  
General Department**

**Notification No. 842/G**

"Notice is hereby given for the information and guidance of all concerned, that with a view to protect the interests of the bustiwallas, Marwaris and Plainman are hereby prohibited from entering into villages for the realization of debts. They should confine their business to the Bazaars only. Disobedience of the above orders will be severely dealt with.

The General Department Notification No. 786/G.,' dated 29th May 1934 is hereby cancelled.

**By Order of His Highness the Maharaja Sahib of Sikkim'**

**Gangtok  
The 20th May,  
1944**

**Sd/- B. Karthak  
General Secretary to His Highness  
the Maharaja of Sikkim.**

**OFFICE OF THE TEXTILE COMMISSIONER, SIKKIM STATE  
GANGTOK**

**Notice No. 13-133/R.O., Tex/Com.**

With effect from the date of this order all cloth merchants of Sikkim are hereby required to sell cloth at retail price stamped of each piece. Merchants should keep intact stamped end of a piece and sell from the other end. They should issue cash memo for goods sold. With regard to unstamped cloth they should stop selling until further orders. Anyone found contravening this order will be dealt with severely.

**Gangtok  
The 3rd April,  
1945**

**Sd/- T. D. Densapa  
Textile Commissioner,  
Sikkim State**



**SIKKIM STATE**  
**FOREST DEPARTMENT**

**Notification No. 841-890/F.,**

In modification of this Office Notification No. 331-432/F, dated the 1 st May, 1945 regarding prohibited areas for grazing cattle in the Gangtok Station.

Delete second-sentence "This order ..... to RS. Rhenock Kazi" in the first Para of the above mentioned Notification and insert the following.

This fine shall not however be imposed for mules passing through Gangtok to Tibet and vice versa for grazing in prohibited areas at Gangtok Station in accordance with H.H's orders dated the 5th August 1933, but the muleteers will be required to pay the pound fees and the reward payable to those persons detecting and impounding the animals as mentioned in the last para of this notification

**Issued by Order of His Highness the Maharaja of Sikkim.**

Gangtok  
The 20th June, 1945

**SD/- B. B. Pradhan**  
**Forest Manager,**  
**Sikkim State.**

**SIKKIM STATE**  
**General Department**

**Notification No. 2685-2784/G**

. -The Sikkim Durbar considers it, desirable to exempt those persons with their dependents .who are engaged in the rough Survey work in Sikkim from supplying Jharlangi labour Landlords, and Managers of Estates are therefore directed to give' them exemption so long they are actually engaged in the rough survey work in Sikkim.

**By Order of High Highness the Maharaja of Sikkim**

Gangtok The .....1945

**B. Karthak**  
**General Secretary to**  
**His Highness the Maharaja of Sikkim.**

**SIKKIM STATE**  
**Forest Department**  
**(Bazar Branch)**

**Notice No. 9-200/8**

It is hereby notified that under the States' counterpart of Sub-rule (2) of Rule 81 of the Defense of India Rules and in furtherance of State's Notification No. 5244-343/G. of 18th February, 1944 applying to the State all the general orders made by the Central Government under the Defense of India Law, His Highness the Maharaja of Sikkim has been pleased to sanction the adoption of the House Rent Control Orders of Calcutta and Bengal as a guide for the courts in Sikkim, The House property owners and their tenants will in future be governed by the substance of the above emergency laws as long as the war conditions last.

**Issued by Order of His Highness the Maharaja of Sikkim.**

Gangtok  
The 9th April, 1945

**B.B: Pradhan,**  
**Forest Manager**  
**Sikkim State**

**SIKKIM STATE**  
**General Department**

**Notification No. 3789/G**

It is hereby notified that no application for review of the order of His Highness the Maharaja Sahib of Sikkim on the executive side will be entertained in future after the lapse of two months of the date of His Highness's order.

Review on cases prior to the 1 st February 1946 must be made before the 1 st March, 1946

**By Order of His Highness the Maharaja Sahib of Sikkim.**

Gangtok  
The 1 st February, 1946

**B. Karthak**  
**General Secretary to H.H.**  
**the Maharaja of Sikkim.**

SIKKIM STATE  
Forest Department  
(Bazar Branch)

Notice No. 1339-100/B

To

**All whom it may concern**

It is hereby notified for the information of the public in general that the washing of clothes, cleaning of utensils and other things in the water taps fixed in the Bazar and tying of horses, mules and other animals everywhere within the Bazar Compound are strictly prohibited. Anyone violating the above orders will be severely dealt with.

**Issued by Order of H. H. the Maharaja of Sikkim.**

**GANGTOK**  
**The 7th August, 1946**

**B.B. Pradhan,**  
**Forest Manager,**  
**Sikkim State.**

**SIKKIM STATE**  
**General Department**  
**NotificationNo.3590- 4089/G**

It has come to the notice of the Sikkim Durbar that there is some confusion regarding requisition of Jharlangi labour resulting in public agitation. It is therefore notified for the information of the public that "whosoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both (Sec. 374 IPC.)

In terms of Circular No. 5814 G., dated the 15th July 1924, read with Notification No. 2756-2955/G. dated the 9th October, 1937, it is hereby again notified that no Landlord, Manager or their Kamdaries shall employ labour otherwise than by his consent, but for any administrative purpose and ceremonial occasions Jharlangi labour which also includes transport may be requisitioned on payment of wages at standardized rates fixed by the Durbar from time to time. Fuel and fodder shall also be supplied to persons travelling on State duty on payment at rates fixed by the Durbar .Any person travelling on duty is entitled to those privileges.

**By Order of His Highness the Maharaja of Sikkim**

**Gangtok**  
**The 31 st Dec. 1946**

**T. Tshering**  
**General Secretary to**  
**His Highness the Maharaja of Sikkim**  
**(offg.)**

**SIKKIM STATE**  
**General Department**  
**Notification No. 750-949/G**

In pursuance of this Department Notification No. 5244/343/G, dated the 18th February 1944, His Highness the Maharaja Sahib of Sikkim has been pleased to sanction the application of the

Government of India Notification No. F/22(10)-A. P/44 of 10th June 1944 by which photographic dealers in the hill stations are permitted to charge prices which are 5 percent higher than the maximum prices prescribed under Notification No. F-22 (24) CS(C)/43 dated the 22nd December, 1943, to the Sikkim State with effect from the 1st June 1946.

**By Order of His Highness the Maharaja Sahib of Sikkim**

**Gangtok**  
**The 5th June, 1946**

**B. Karthak,**  
**General Secretary to**  
**H.H. the Maharaja of Sikkim.**

**SIKKIM STATE Forest**  
**Department (*Bazar***  
**Branch)**  
**Notification No. 2139-250/B**

To

**All Landlords & Managers of Estates, Police Out**

**Posts and Petrol Posts in Sikkim.**

It is hereby notified for the information of the public in general and the dealers in Sikkim that the Director of Public Health, C.P. & Berar, in his letter No. N/6187 dated the 19th June, 1947, states that Cooking pots made from pure aluminum bear a stamp mark of control and is lighter and more polished than cheaper pots made from acro-scrap metal. The Council of Scientific and Industrial Research has, therefore, warned against the use of acro-scrap utensils in as much as food cooked in such utensils has been found injurious to health.

The Public are, therefore, warned that the sale of such pots bearing no control stamp mark is prohibited in Sikkim under pain of drastic action.

**Issued by Order of H.H. the Maharaja of Sikkim**

**Gangtok**  
**The 9th July, 1947**

**B.B. Pradhan**  
**Forest Manager,**  
**Sikkim State.**

**SIKKIM STATE General**  
**Department Notification No.**  
**6235-6535/G. (M)**

To

**All Landlords and Managers of Estates in  
Sikkim.**

It has come to the notice of the Sikkim Durbar that consequent upon the abolition of the "Kuruwa" system in Sikkim there has been some misapprehension as to the actual significance of this measure resulting in refusal to supply; transport to persons travelling on duty. The Notification No. 4816/G(M), Dt. 31.1.1947, abolishing the Kuruwa system clearly states that the Notification No. 3590-4089/G(M), Dated 31.12.46, is in no way affected or altered by which supply of transport is bound to be made for persons travelling on duty.

The Landlords and Managers concerned must supply transport on demand according to their turn at the particular places as hitherto, but with the abolition of the "Kuruwa" system coolies will not be required to wait at the specified places whether there be a demand or not as in the past.

Infringement of this order will be severely dealt with

**By Order of His Highness the Maharaja of Sikkim.**

**Gangtok  
The 23rd April, 1947**

**B. Karthak,  
General Secretary to  
His Highness the Maharaja of Sikkim.**

**SIKKIM STATE**  
**General Department (Misc.**  
**Branch)**  
**Notification No. 4816G (M)**

It is hereby notified for the information of the public that His Highness the Maharaja has been pleased to order the system of "Kuruwas" in the whole of Sikkim to be abolished with effect from the date of this Notification.

This will in no way affect or alter the Notification No. 359D-4089/G., dated the 31st December, 1946.

Gangtok  
The 31 st January, 1947

T. Tshering,  
(Offg.) General Secretary to  
His Highness the Maharaja of Sikkim.



**SIKKIM STATE**  
**Forest Department**

**Notification No: 2659-858/F**

It is hereby notified for the information of the public in general that for constructing houses near the road side the rule regarding Road Reserve in paddy fields will be the same as in dry fields. No houses should therefore be constructed within 50 ft. of the Road Reserve along Card Road and 20 ft. along bridle paths even in paddy fields, without the permission of the Darbar.

**Gangtok:**  
**The 5th Jan, 1948**

**B.B. Pradhan,**  
**Forest**  
**Manager,**  
**Sikkim State.**

**SIKKIM STATE**  
**Forest Department**

**Notification No. 5093/F**

To,

**All Landlords, Managers of Elakha & Panchayat Secretaries in Sikkim.**

In continuation of para VI of this Office Notification No. 1324-124/F dated the 22nd June, 1946, it is hereby notified for the information of the public in general that no new land will be opened for cultivation purpose in future. By new land is meant all land is Khasmahal which is not covered by Khatian of the tenants.

The purport of the above should be communicated to all the Bustiwallas in your Estate without fail

**Gangtok**  
**The 13th September, 1948**

**B.B. Pradhan**  
**Forest Manager,**  
**Sikkim State.**

### **The terracing ordinance 1949**

Whereas unterraced cultivation results in deterioration of the soil ,and whereas terraces increase the area under cultivation, and whereas it is necessary to make provision for the due, proper and profitable cultivation of the soil in the interests of the production of food, 1, J.S. Lall, Dewan, Sikkim State, do hereby direct as follows:

1. Transferees within the first year of possession must terrace the soil they cultivate in a manner conducive to maximum productivity. The decision of any competent authority will be final in deciding whether the terracing is satisfactory.
2. The competent authorities for the purposes of rule (1) will be as follows:
3. Any person cultivating or holding any cultivation in contravention of this ordinance may be punished with simple imprisonment up to a period of six months or with a fine upto RS.1 000/- or both. Any person so convicted will terrace the holding in question in compliance with Rule (1) within a period specified by the court and the sentence for a continuing offence may be doubled.
4. Provided that instead of prosecution the Tehsildars may direct that the khazana of the holding in question be increased upto a limit of 5 times, and if the khazana is so increased prosecution will be barred. The Tehsildars will simultaneously lay down a period within which the holdings will be terraced and failure to comply will constitute a continuing offence under Rule (3).

**SD/- J.S. Lall,**  
**23.11.49**  
**Dewan, Sikkim State.**

## **ORDER**

In order to provide for the more effective administration of the State, it is desirable to establish a Northern Sub-Tahsil with head quarter at Mangan. The boundaries of the Sub-Tahsil will be the area in Sikkim North of the line along the Ratechu, Dikchu, down the Tista as far as Rangnetchu, up that stream to the Watershed above its source and then North-wards along the Watershed through Karsang and beyond as shown in the map issued under signature today. The headquarters of this Northern Sub-Tahsil will be at Mangan where there is a branch of State Bank. The Sub-Tahsil will be administered by Mr. Norgay Tsering, Sub- Tehsildars under the general direction of the Tehsildars of East Sikkim.

2. Mr. Norgay Tsering's pay is fixed in the first instance at Rs. 85/- per mensem. He will have the following staff:
  - (1) Clerk - Babu Daw Tsering.
  - (2) An orderly (to be provided by the Office Superintendent).

**SD/- J.S. Lall 22.10.49**  
**Dewan, Sikkim State.**

## **ORDER NO: 10**

### **Supplementary instructions to Tahsildars**

1. As the harvest is not ready, people will find it difficult to pay their khazana until after the Dashara festival. Tahsildars should therefore not press for payment until early in October and thereafter. In the meantime they should get their tehsils going and see that their registers etc. are in order.
2. Payments of khazana will be made into the Banks at Namchi and Gangtok. The bankers will keep their own accounts, but the tehsil accountant will sit alongside the treasurer's accountant, Verify collections, issue receipts and maintain counterfoils. The Tehsildars will post up his Demand. and Collection Register on the basis of the tehsil accountant's receipts and he will also strike daily totals. These daily totals will be checked against the daily totals reported in writing by the Treasurers accountant.
3. During the first month, tehsildars and Inspectors should tour as much as possible, making themselves familiar with their areas and explaining their functions to the public. The instruction regarding realization of khazana should be specially explained. As Tahsildars will be the main officials between the people and the Darbar, they should be accessible as possible and should make their presence felt effectively. They may not leave their tehsil areas without my permission.

**(J. S. Lall)**  
**I.C.S.**  
**Dewan**

**30th August. 1949**

## **ORDER NO: 11**

### **Subject: Collection of khazana from lessees.**

Lessees have not collected the khazana demand for the past two years and tehsils have now been set up to receive direct payments from bustiwallas. In order to prevent double payment, lessees are hereby prohibited from making collections of either house tax of khazana from bustiwallas. Violations of this order will be severely dealt with.

Since direct collections are being made, it is not necessary to assess the amount of khazana due from lessees separately. On reporting at tehsils with accounts of the khazana of their bustiwallas, lessees will give details of crop areas in their home farms so that assessment of khazana may be made on the same principles as in the case of bustiwallas. The total areas of home farms are already known in this office and will be communicated to tehsildars, so that the figures supplied by lessees may be checked. The assessment of khazana due from lessees should be worked out separately for each elakha and the total reported along with the total for each tehsil as a whole. These results should be reported to me promptly, and in any case before September the 20th Lessees will pay the whole amount of their current khazana and compensatory tax (as ordered separately) by December the 31 st 1949, failing which compulsive process will be taken against them.

Tahsildars will see to it that these orders are communicated to lessees themselves when they report at tehsils with the khazana account of bustiwallas, or to their agents, as the case may be. Signatures will be taken in token of acknowledgement.

**August 30th 1949**

**SD/- J. S. Lall**  
**I.C.S.**  
**Dewan, Sikkim State.**

## **ORDER NO: 4 OF 19/8/49**

### **Subject: Revenue Administration**

#### **I. Tehsils**

##### **1. Establishment**

With effect from September 1, 1949, Tehsils will be established for east and west Sikkim at Gangtok and Namchi respectively, with the following staff;

- (a) Sikkim, at Gangtok
  - Tehsildars: Mr. D. Dahdul
  - Revenue Inspector: Pahalman Gurung
  - Accounts Clerk: Manbir Singh of Rationing Office.

(b) West Sikkim at Namchi

Tehsildars: Mr. A. S. Dewan,

Revenue Inspector: Kazi Yeshey Wangchuck.

Accounts Clerk: K.B. Bandhari.

## **2. Tahsil Offices**

Until suitable offices are either build or otherwise obtained, following' the usual practice, the Kazis concerned will be asked ,to provide premises for which rent will be assessed and paid Tahsildars designate will make these arrangements forthwith so that the Tehsils can start functioning by September 1 st. The Offices should be absolutely secure, and the staff appointed should arrange to live in adjoining quarters in the same building. It would be desirable to locate thanas and tehsils in the same building and Tahsildars should try to arrange this with the Supdt. of Police. There will be a strong room in each Tahsil which, with the help bar doors and windows. Tahsildars will be personally responsible for the suitability and security of their offices, particularly strong rooms.

## **3. Functions**

To carryon the revenue administration of the state within each Tahsil; namely to maintain the records and accounts of the khazana or land tax, to receive and collect it and credit it to the State Account.

## **4. Method of discharging functions: Executive instruction**

- (a) **Dues.** The first thing to be done is to ascertain the amount of khazana formerly paid by each bustiwallas to the landlords. For this purpose, a notice (Appendix I) will be published immediately in the most effective manner possible, calling land-lords to their respective tehsil headquarters with their accounts. The necessary figures will be obtained and recorded in a specified register of demand and collection (Appendix II). Landlords will either come in person or sent their agents. The figures so collected will be accepted for the current year, and pending further reform of the revenue administration will constitute the khazana demand.
- (b) **Collection.** The notice (Appendix III) will be given the fullest possible publicity simultaneously with the notice in appendix I, in all the languages of the State. It required bustiwalas to deposit their khazana dues at their respective tehsils the extent of the amount hitherto paid by them to landlords. A bustiwalla may deposit his dues through or by other person. A receipt (Appendix IV) will be issued in the name of each bustiwalla making payment, whether he does so personally or through another person. Collections will also be recorded in the receipt counterfoils and in the column for this purpose in the register of demand and collection. (Appendix IV). For, the present, for purposes of .identification, these accounts will be maintained separately for each estate to which bustiwalas formerly made their payments. Those who have paid past year's dues to landlords in full will be given a rebate of 25% and will thus' pay only 75% of the demand. The current demand fell due on and should be paid by.

- (c) **Arrears.** Arrears pertaining to past years if paid by may be acquitted in full on payment of 75% of the demand; otherwise the whole demand will be required to be paid.
- (d) **Touring.** Tahsildars will remain at their headquarters for the present to supervise arrangements. Revenue Inspectors will start touring immediately, on horses to be provided for this purpose if necessary, to give publicity to the new system of land revenue collection and assessment. They will also make receipted collection wherever possible, making interim deposit, in thanas and police outposts if their headquarters are not easily accessible, obtaining receipts from officers in charge. Amounts so deposited by Revenue Inspectors or any other official on tour will be brought to tehsil headquarters by the Police concerned within a fortnight of deposit. .
- (e) **Accounts.** Daily totals will be entered in the records for each unit of payment (Estate) and for the whole tehsil. Weekly collections for each tehsil in one 'lump figure will be reported to the Secretariat Finance Department. Tehsildars will check the demand and collection register against counterfoils of receipts, initialing 10% of the entries, and will cross check receipts given to bustiwalas against the register of demand and collection whenever possible while on tour.
- (f) **Responsibility.** Every official who has some part in these arrangements will be responsible for the prompt wholehearted performance of his duties. So far as collection is concerned it is the prime responsibility of Tehsildars and their staff to see that it is done promptly, efficiently and sympathetically. "

SD/- J. S Lall  
I.C.S. Dewan

ORDER NO: 12

Land Revenue and Forest Department

Since the requirements of timber for domestic purposes are generally of an urgent nature, and usually involve only small quantities, it is desirable that arrangements should be made providing for speedy attention to application for timber for such purposes. Lessees will, therefore, dispatch a forest chaprasi to mark the necessary trees along with the applicant immediately the application is presented. In cases in which this is not possible for example, due to absence of forest chaprasis from lessees' adda- the marking should be done within a week of receipt of the application.

This important public duty must be performed promptly in all cases. It may be necessary to consider taking action in cases in which losses have unduly delayed. In disposing of applications they should be guided by notification No. 2022/G dated June 11 th 1928.

If a bustiwalla is dissatisfied with the decision of the lessee, he may approach the Range Officer concerned who will dispose of the matter promptly.

SD/J.S.LALL  
ICS  
DEWAN

31 st August, 1949

**Government of Sikkim**  
**DEPARTMENT OF WORKS &**  
**TRANSPORT (Bazar Branch)**

**Notification No. 831-600/ (B) - W& T**

It is notified that many non-resident traders viz traders who has obtained permission for opening a shop in a bazaar in Sikkim are carrying on business in Sikkim without paying any tax to the Sikkim Durbar.

In this category are classed such traders as

- (a) Those that, come from across the Indian border bazaars and do brisk business in cloth, grocery, luxury goods, betel, gold, silver smithy ware hard ware etc. in Bazaars in Sikkim on bazaar days or other days.
- (b) Those that have a shop in one Bazar but go from bazaar to bazaar on different Bazar days exposing their goods for sale.
- (c) Those that expose goods for sale nearly every day in a bazaar but pay no Income-tax nor do they hold permission to open a shop in a bazaar.

These traders or hawkers some of whom do brisk trade have been regularly complained of by regular licensed shop-keepers as doing them down in business and yet they neither hold a license nor pay Income tax. In order therefore to regulate the traders of these categories it is proposed to issue licenses at the following rates of license fees with immediate effect

Cloth	...	...	Rs.	15/-;	
Grocery	...	...	Rs.	19/-;	
Luxury goods (Manihari)	...	...	Rs.	7/-;	Per annum
Betel or Pan	...	...	Rs.	5/;	
Gold Silver or hardware			Rs.	10/	

The license should be obtained immediately for the current year from the Office of the Officer in-Charge, Works and Transport Department, Sikkim State, Gangtok or the Tehsildars of the area after crediting the license fees in the State Bank on production of the Bank Receipt No. and should be renewed on the 1 st April, each year in future.

The offenders will be liable to punishment with a fine.

**Gangtok**  
**The 28th June, 1950**

**Sd/Faqir Chand Jali**  
**Officer-Incharge**  
**Works & Transport Department**  
**Government of Sikkim.**

**Subject: Re-Organization of the Secretariat Office**

1. A considerable amount of confusion exists in several departments with regards to consignment of records. A registration file was required yesterday morning, but it has yet been produced. Recently the Chief Judge reported that the storage of his records needed attention. Further although some departments have understood the recent orders regarding references to papers in a file, others have not. In short there is much scope for improvement not only in storage of records and the like.
2. I would like the Settlement Officer to give attention to this matter and inspect the Office department by department with a view to suggesting simple, easily, understandable and effective methods of work. Some of the points that occurred to me are the following:
  - (1) Orders were recently passed instructing Courts to maintain case files in two sections, One consisting of evidence and other consisting of documents and final orders. This idea could be improved upon by splitting a case file into three sections:
    - (a) the order sheet; (b) evidence; (c) final orders. Miscellaneous applications could be stitched with (a) and documents or affecting rights and liabilities with (c) They could be destroyed in the following order:
      - (a) after one year; (b) after three years and (c) after 12 years. An abstract of the orders would remain in the permanent Court register.
  - (2) Important registers such as the office copy of the registration register should be kept with due regard for security. At present it seems to be accessible to anyone and indeed it is thought that a document examined yesterday was tampered with by the interested party.
  - (3) The system of filing needs to be better understood and followed.
  - (4) I have not seen any statement or register allotting definite duties to each Clerk. This should be done.

The Settlement Officer will find plenty of matters to examine.

**Sd/J.S.Lall**  
**12.5.50**  
**Dewan Sikkim State**



**SIKKIM STATE**  
**Land Revenue Department No.**  
**3574/LR.**

The Sub-Tehsildars, North Sikkim, Mangan is hereby appointed Magistrate of 3rd Class in terms of S.32 of the Criminal Procedure Code of India. He is empowered to pass sentence of imprisonment for a term not exceeding one month and fine not exceeding fifty rupees. The provisions of S.33 regarding sentences in default of payment of fine should be studied. Solitary confinement may not be passed by the Sub- Tahsildars.

2. Complaints and Police charge sheets may be filed direct in the court of the Sub- Tehsildars, in respect of the following sections under the substantive provisions of the Indian Penal Code. Some of them are definitions without which the substantive sections. would not be understood. The sentence imposed should not only be deterrent but reasonable in the circumstances of the case. For instance, for causing pre-determined serious hurt, the sentence of imprisonment should be more than for hurt caused on immediate provocation. Similarly, the fine imposed on a. poor man should be proportionately less than for rich man for the same offence:

Sections of the I.P.C. '	159	160	172	174	322,	323,	350,
	352,	374,	378,	379,	403,	425,	426.

3. The Police may put up their charge sheets in persons but the Sub- Tehsildars will see that the accused understand charges and have a fair trial. No Counselor Lawyers of any kind will be allowed, for either prosecution or defense.
4. The accused will be summoned on the presentation of a complaint charge sheet. On appearance, parties will be asked to name two assessors each, acceptable to both parties, and they will undertake to bring them on the next date fixed. If the assessors do not come, or only some of them come, the case will proceed and not be delayed. Both parties should also bring their own witnesses. The witnesses of the complainant will be heard first, and then those of the accused. Short memoranda of their depositions will be recorded and signed or marked by deponents. Evidence must be taken in the presence of parties, there will be no cross examination. The Magistrate may put such question to elicit the truth as may seem necessary. Statements will be on oath or solemn affirmation Magistrate will have the right to curtail evidence when he considers that sufficient has been led to provide for the attainment of justice the case. The whole case will be considered on the merits of the evidence, a judgment recorded and orders passed the same day in the presence, of the parties. When considering the evidence the Magistrate will generally take into account the opinion of the assessors on the question of fact, i.e. whether the offence has been committed or not, but may discard it if it is considered perverse. It is expected that truth will come out more readily in the presence of the assessors, who should be chosen for their general repute and standing in the village. If accused is convicted he may be given a copy of the judgment as far as possible on the same day, or the earliest thereafter appeals will apply to the Judge of the Chief Court.

**J.S. Lall,**  
**I.C.S Dewan,**  
**Sikkim State.**

## Supplementary instructions to Tahsildars

### **ORDER NO: 9**

#### **Introductory**

1. Tahsildars will exercise revenue, magisterial and executive functions. It is these functions with which the public are mostly concerned and the object in establishing Tehsils is that they should obtain quick redress and settlement by the nearest available-responsible authority.
2. Tahsildars will exercise these functions in accordance with instructions. They will be responsible to me for the manner in which these functions are exercised. I want Tahsildars to approach their duties bearing the following in mind:
  - (a) As they will be charged with the administration of their areas, under my control, a high sense of responsibility will be expected of them.
  - (b) The spirit or responsibility will be qualified by sense of loyalty to legally established authority and of service to the people. In practice, this attitude will be demonstrated, on the one side, by loyalty, obedience and discipline, and, on the other by sympathy, impartiality and devotion to duty.

#### **II. REVENUE FUNCTIONS**

1. Tahsildars will be collectors of revenue. Instructions regarding the realization of the khazana demand have already been issued. Tahsildars should remember that the demand is two years in arrears, and the stability of the administration will depend in large measure upon the success with which this duty is performed. All system of revenue collection provide for action against defaulter. The last date for payment is December 31. Instructions will be issued later in connection with the processes to be taken in regard to defaulters. An important feature of the instructions already issued is the arrangement for counting. Clerks have been provided for this purpose, but the accuracy or the accounts will be the Tehsildars responsibility.
2. Under previous rules lessees were entitled to move the Darbar for the ejection of bustiwalas for default of khazana. As the demand is being collected by the State, the question of ejection at the request of the lessee does not arise. But Bustiwalas have a public obligation to pay this due to the State, and, as already observed means to enforce this obligation against defaulters will be considered. The result is that for the present until the processes thus visualized are actually framed, there will be no ejection of bustiwalas on application made by lessees.

#### **III. MAGISTERIAL FUNCTIONS**

1. Tahsildars are hereby appointed Magistrates of the IInd Class in terms of 32 of the Criminal Procedure Code of India. They are empowered to pass sentences of imprisonment for a term not exceeding six months and fine not exceeding two hundred rupees. The provisions of 33 regarding sentences in default of payment of fine should be studied of solitary confinement may not be passed by Tahsildars.

2. Complaints and Police charge sheets may be filed direct in the Courts of Tahsildars, in respect of the following sections under the substantive provisions of the Indian Penal Code. Some of them are definitions without which the substantive sections would not be understood. The sentences imposed should not only be deterrent but reasonable in the circumstances of the case, For instance, for causing pre-determined serious hurt, the sentence of imprisonment should be much more than for hurt caused on immediate provocation. Similarly, the fine imposed on a poor man should be proportionately less than a rich man for the same offence.

Sections of the I.P.C.	159,	160,	172,	174,	176,	177,	183,	188
	268,	269,	272,	289,	291,	319,	320,	321
	322,	323,	324,	325,	349,	350,	352,	374
	378,	279,	383,	390,	03,	405,	406,	415
	417,	42'5,	426,	431,	445,	453.		

3. Two more policemen will be posted at Police Station Namchi to take charge of convicted accused. The Police may put up their charge sheets in person but Tahsildars will see that the accused understand charges and have a fair trial. No counselor lawyers of any kind will be allowed, for either prosecution or defense.
4. The accused will be summoned on the presentation of a complaint or charge sheet. On appearance, parties will be asked to name two assessors each, acceptable to both parties, and they will undertake to bring them on the next date fixed. If the assessors do not come, or only some of them come, the case will proceed and not be delayed. Both parties should also bring their own witnesses. The witnesses of. the complainant will be heard first, and then those of the accused. Short memorandum of their depositions will be recorded and signed or made by deponents. Evidence must be taken in the presence of both parties, there will be no cross examination. Magistrate may put such question to elicit the truth as may seem necessary. Statements will be on oath or solemn affirmation. Magistrates will have the right to curtail evidence when they consider that sufficient has been led to provide for the attainment of justice in the case. The whole case will be considered on the merits of the evidence, a judgment recorded and orders passed the same day in the presence of the parties. When considering the evidence, Magistrates will generally taken into account the opinion of the assessors on the question of fact i.e. whether the offence has been committed or not, but may discard if it is a considered perverse. It is expected that the truth will come out more readily in the presence of the assessors, who should be chosen for their general repute and standing in the village. If accused is convicted, he may be given a copy of the judgment as far as possible on the same day, or the earliest thereafter. Appeals will lie to a Court to be constituted in Gangtok.

## V. EXECUTIVE FUNCTIONS

### 1. Sub-Registrars

Tahsildars will be Sub-Registrars within their jurisdiction. The rules regarding this branch are available and will be given to them. Changes, if any, will be communicated. The registrar at the

Secretariat will continue to function in respect of cases brought to him. No one should be turned back. People will gradually get to know that registration is being done by Tahsildars and the headquarters authority will then lapse. At the same time it is necessary to impose a time limit. December 31, 1949, is fixed for the purpose. Thereafter registration will be done exclusively by Tahsildars. Appeal will lie to the Court referred to Para III 4.

## **2. Forests**

- a) Applications for royalty free use of timber in the forests will be filed before Tahsildars. The usual procedure for verifying these applications will be retained for the present and there is no other agency. The greatest possible dispatch will be observed in dealing with applications. They are usually for trifling quantities of timber, and it should not be necessary for applicants to appear in Tehsils more than once.

## **V. General**

1. The following cases may not be heard by Tahsildars;
- (a) Criminal cases in which they are related to one or other, or both of the parties.
- (b) Registration cases pertaining to their own land or in which their relatives may be parties on either side.

Such cases will be transferred to other Tehsildars for disposal.

**Sd/J.S. Lall, ICS  
Dewan,  
Sikkim State.**

**ORDER NO: 343/50**

**Subject: Abstention from political activities by Public servants.**

1. It has been found that Messrs. Keyzang Tenzing and R. P. Alley have lately been interesting themselves in the affairs of one of the political parties. They were summoned yesterday and given a final warning. The departmental superiors of these officials will please keep the closest possible watch on them and if their activities betray the least sign of participation in political activity they should be reported forthwith. These officials and all others will please remember that severe action will be taken in the event of any infringement of the fundamental rule of abstention of public servants from political activities.

It is perhaps desirable to analysis the possible motives which may impel public servants to show interest in political affairs. It is possible they feel they stand to gain, either now or in the future, by allying themselves with political parties. This may be due to the expectation that the

Political party in whom they show interest is likely to occupy a position of importance in the future. Whatever may be the position occupied by political parties now or in the future, the Darbar will see that no public servant either gains or loses. Some State servants were appointed as Ministers in the past and it is not unlikely that some are still inspired by the hope of attaining office. This miss-apprehension may be removed from their minds. In view of the rule requiring abstention from political activities, no State servant will at any time hold political office.

2. It is also desirable to impress again on public servants, the importance of watching for and immediately dealing with any subversive activities. Any attempt to embarrass or dislocate the administration by unlawful means is an offence and will be given no quarter. All Officials, particularly the police and the tehsildars, will please keep a close watch for any such tendency. I shall except to deal with subversive activity to the best of their ability and to immediately report any such matter to me.

**Sd/(J. S. Lall) ICS**

**7. 11 .50**

**Dewan, Sikkim State.**

**Subject: Official Conduct**

The importance of remaining aloof from politics has been impressed on Darbar officials from time to time. For the most part Darbar officials are becoming progressively detached from politics and final warning has been given in a couple of glaring cases.

2. Darbar officials should however also bear in mind the importance of maintaining conduct in keeping with their public position. There have been instances of drunkenness and high-handedness amongst subordinate officials which have unfortunately stained the good name of the administration. While the Darbar has no desire to impose a strict code of conduct on officials outside working house they would do well to remember that they remain officials at all times and their conduct should be guided accordingly. High handedness on the part of public servants is to be particularly depreciated and the police should bear in mind that third degree methods will not be tolerated. Police officials who are responsible for cruelty to helpless persons will have to be dealt with in a summary manner. I should like these orders to be impressed on subordinates by Officer In charge.
3. Copies should be sent to Tahsildars and all Police Stations.

**Sd/J.S. Lall, ICS 24.11.50**

**Dewan, Sikkim State.**

**REVENUE ORDER NO: 29/L&F**

**Tahsil Register of agricultural occurrences.**

A Tahsil register of agricultural occurrences would serve seven useful purposes. If, for instances, there is a failure of crops in any particular area on account of a calamity appropriate action to meet the situation would be facilitated if a record is made at the time of its extent severity and effect. Such a record would also serve both as a history of agricultural conditions and as the basis planning for the future. Tahsildars will therefore personally maintain a register in which they will record with dates;

1. any specific occurrence affecting agricultural conditions, the crops and the soil.
2. All general conditions, such as abundance or scarcity of rain having a wide spread effect either in area or in time.
3. any market tendency in the matter of agriculture, crops or the soil, for instance, the general replacement of one crop by another, diversion of produce from one market to another, and so on.
  - (a) All entries will be made in the hand of the Tehsildars and submit to the Dewan immediately for perusal and orders. If any occurrence takes place while the register is in transit, a loose sheet entry be made which will be copied to the register on receipt.
  - (b) All entries should be accompanied by a reasoned appreciation the causes and effects and such matters. For instance, it should be possible to indicate why one crop is being preferred to another normally sown and so on. Suggestions regarding official acting should also be made.
  - (c) Reports should be submitted by forest guards and Tahsil staff of any occurrence covered by these instructions which may come to the notice. One receipt of such reports the Tahsildars will consider another an entry should be made. If he is doubt he should take the approval of the Dewan. In general however, the Tehsildars will be personal responsibility for the maintenance of this register.
  - (d) A start should be made with the recent hailstorm which may be affected the orange blossoms in various parts. This is a good case in point. On the correct appraisal of the effect of this hailstorm and others that may be expected in this season will depend the question of remissions of khazana and the like

Sever action will be taken against members of the Tahsil and Forest staff who fail to submit reports to Tahsildars with regard to matters covered by these instructions. A sufficient number of copies should be printed in Sikkimese, Nepali and English for distribution to all concerned.

**Sd/J.S. Lall (I.C.S)**

**24.3.50**

**Dewan, Sikkim State.**

## **REVENUE ORDER NO. 55**

### **Subject: Procedure in division of holdings.**

1. The courts are frequently called upon to make divisions of property. In whatever kinds of cases division occurs, the courts will, in effecting division, see that compact blocks are given to each party. In other words, while there may be division, there should not in any circumstances be fragmentation. If one compact block is less valuable than another, a proportionately larger area may be given. In working out these arrangements the courts should see that the parties themselves actively participate. In most cases the actual division had best be left to the parties, but the courts should in no circumstances part with a case without giving final and definite decisions.
2. The whole object of these orders is to preserve compactness of holdings so as to ensure:
  - (a) Convenience of cultivation;
  - (b) Maximum production;
  - (c) Less trouble in subsequent land disputes.

**Sd/J.S. Lall, I.C.S.**  
**20.4.50**  
**Dewan, Sikkim State.**

## **ORDER**

This proposal to sell a holding for arrear khazana is probably the first of its kind and it is therefore necessary to device detailed rules. Provided adequate arrangements are made to prevent abuse, there is no objection to auctions being conducted by mandals. The following instructions should therefore be followed in this and other cases:

- (1) The mandals will serve a notice on the bustiwalla that his holding will be sold to realize arrears of khazana on a definite date at least 30 days after the notice can be served. This notice will be given publicity in the basti and the copy sent to the Tehsildar to be pasted on the notice board.
- (2) If the arrears paid before the date of sale, along with a fine of 25 per cent of one year's dues to departmental costs, the notice will be cancelled and the holding restored.
- (3) If payment is not made under para 2, the holding will be put to auction on the date fixed. The mandal will call for bids. This will be noted in his report to the Tehsildar, pointing out which bustiwallas holdings are contiguous to the holdings to be sold. This report will then be submitted to the Tehsildar.
- (4) The Tehsildar will examine the mandals report and normally accept the highest offer. He may however give preference to the bid of a neighboring bustiwalla, provided that this bid is not

very much less than the highest bid, in order to maintain compactness of holdings. In practice a bid of a contiguous holder should not be accepted if it is more than 10 per cent less than that of the highest bid. The Tehsildar will also see that adequate publicity was given and that there was no question of collusion or other irregularity by the mandal. He may hear the bidders and also the bustiwallas against whom these proceedings are taken. In no case however will holding be restored to the defaulting bustiwalla if payment of the khazana is offered after the sale. If, however, it is proved the bustiwalla was not informed or did not know about the sale, the Tehsildar may in that case decide to hold it again. In the latter event, it will be open to the bustiwalla to deposit his dues, along with the fine of 25% refer to under para (2).

- (5) The Tehsildar will then make appropriate entries in the dahda
- (6) This order will be called Revenue Order No: 31. Copies should be sent to the tehsildars and all courts for guidelines.

**Sd/(J. S. Lall) ICS 10.6.50**  
**Dewan, Sikkim State.**



## **REVENUE ORDER NO: 32**

1. For various reasons it was not possible last year to pay mandals their commission for the collection of khazana direct from the Tahsil out of revenue receipts. Subsequent bills were accordingly submitted and realization and disbursement both took a considerable time. This procedure is not only lengthy and complicated but unnecessarily delays payment to the mandals.
2. The following procedure for the payment of mandals' commission of a 4 per cent will be followed henceforth:
  - (i) When a Mandal appears with the last installment of khazana to be deposited by him, the accounts clerk will check the register in order to satisfy himself that full payment has been made.
  - (ii) The commission payable to the Mandal will then be deducted from the last installment brought by him and paid to him forthwith.
  - (iii) The Mandals receipt will be taken in the khazana register.
  - (iv) Before payment is made under para (ii) above the accounts clerk will satisfy the Tahsildar who will sanction the payment
  - (v) If the commission due to a Mandal exceeds the last installment brought by him, the Tahsildar should submit a bill showing the amounts realized by the Mandal supported by relevant bank receipts showing actual deposit. The financial Secretary will then take action to authorize payment through the Tahsildar. Mandals should however be instructed to see that the last installment exceeds their commission so that payment to them is not delayed.
3. It should be possible to maintain a running account for each block showing:
  - (a) a progressive total of realizations and (b) the amounts progressively due. This will obviate the need of detailed accounting at each stage. and render both collection and payment of commission easier. I would like the Tahsildars to suggest how necessary provision may be made in the dahda forms for this purpose.

**Sd/J.S. Lall (ICS)**  
**11.7.50**  
**Dewan, Sikkim State**

### **NOTIFICATION NO: 318**

The Darbar has given consideration to the question of financing the reforms that are shortly to be introduced in the State. Funds will be required for the new organisations that are contemplated, for instance the panchayat. One way in which these funds can be made available would be to impose further taxation. Alternatively, the Darbar might divert some of its revenues from other heads of expenditure for this purpose. After full consideration the Darbar has come to the conclusion that it should forego some part of the public revenue in order to make the working of these reforms possible.

I am therefore glad to declare the house tax abolished in total. A charge of Rs. 1/- per house will be levied instead as a local rate from persons hitherto liable to the house tax. The money so realized will be utilized for the working of the popular institutions that are shortly to be set up. What is not required for this purpose will be spent on works of public benefit, such as the construction of 'c' class roads and minor bridges. The result is that in place of a house tax of Rs.2/-, House holders will now pay a local rate of only one rupee per house.

**Gangtok, the 17th October,  
1950.**

**Sd/  
Tashi Namgyal  
Maharaja of  
Sikkim.**

### **NOTIFICATION NO. 237**

Any person who needs a permit for entry into Tibet and makes an unauthorised entry through Sikkim is liable to simple imprisonment which may extend up to one month and a fine of Rs. 500/or both. Any person assisting such a person to make an unauthorised entry whether personally permitted to do so with or without a permit is liable to similar punishment.

**Sd/J.S. Lall (ICS) 7.8.50  
Dewan, Sikkim State**

## **Subject: Adoption of land record forms**

1. Preparatory discussion was held by the Settlement Officer along with the Tahsildars with R.B.T., D. Densapa, Mr. Rup Narayan and Babu Lachhmi Prasad. It had already been felt that maintenance of a khasra, or year to year record of cultivation, was both unnecessary and impossible to maintain for the administration in its present stage of development. No one questioned the importance of the Khatian, or record of rights and dues. Nor did anyone question the necessity of the tirja, or demand list of dues. This record has already been utilized, copy being issued to mandals to enable them to make collections. The discussion therefore narrowed down to:

- (a) The forms to be adopted for both Khatian and tirja and,
- (b) Whether a third record, the dahda, should be maintained.

### **2. FORMS**

- (a) Consideration was given to the question of recording names of actual cultivators from year to year, with the nature of relations with the primary holder. It was felt firstly, that although it may be possible to record these details during the settlement, details of this nature could not be collected thereafter by the administration in its present stage of development; secondly, that reports by the mandals would open the door to abuse and contention; thirdly that agrarian customs had not sufficiently stabilized to justify the collection of these details from year to year. It was therefore decided not to provide for a record of actual cultivators with the nature of their relationship with the primary holder. This decision does not however prevent the administration from considering the desirability of and actually deciding to incorporate these details if found practicable at a subsequent time.

- (b) The Khatian will therefore be a record of rights and dues and will be prepared block wise, with the following details:

Serial number; name, parentage and caste of the bustiwallas; details of holding as decided during discussion; five years khazana; five years dhuri and a column for remarks.

- (c) It was decided that changes reported from year to year by mandals or ascertained by the administration of its own motion should be incorporated in a running schedule within the Khatian itself, reference of each change being given in the record at the original holding. It is expected that annual changes in the records will affect about 10 per cent of the holding. It will therefore be desirable to re-write the Khatian after five years, incorporating all the changes in the schedule. This period for maintenance for one Khatian namely five years, is not an inflexible decision. It may be extended, or shortened as the case may be, as the circumstances indicate hereafter; but the Land & Revenue Department may take it that they should work on the assumption that the record will be maintained for five years.

- (d) The form of tirja already in use will be maintained.

3. During the settlement a khasra will of course be prepared because the work of settlement will be impossible without preparation of a record indicating the facts as found. I doubt whether it will be possible to do anything to maintain the khasra in normal times once it has been prepared. It may however be kept in record until the next settlement.
4. It was decided also that other cadastral details, such as herds and flocks possessed by bustiwallas, should be collected during the time of settlement and not by the Tahsil administration at present.
5. It was also decided that accounts starting from the current year should be kept entirely separate from previous account. This is necessary because the system of collection has advanced considerably and has been stabilized since collections were made last year. Therefore, when arrears are realized, mandals will deposit them in tehsils and obtain receipts from tehsildars in the forms current in 1949. The new receipt forms will be issued to mandals for use in connection with the demand of 1950 and hereafter.

सा/  
**J. S. Lall (ICS)**  
**31.8.50**  
**Dewan,**  
**SikkimState**

### Honorary Court's Rules

1. **Constitution**

- |            |  |
|------------|--|
| 1. Gangtok | Kazi Norbhu Dahdul<br>Shri A. S. Dewan (He is retiring)<br>Rev. Pazo.          |
| 2. Rhenock | Mr. D. S. Pradhan<br>Mr. Passang Tsering<br>Mondal Harka Bahadur Gurung        |
| 3. Rongpo  | Mr. Gyatso Kazi.<br>Mr. Gangaram Khatiwada<br>Mr. Jas Bahadur Pradhan.         |
| 4. Namchi  | Shri Bhuwan Prasad Pradhan<br>Shri Sanman Tamang<br>Shri Gorok Lama            |
| 5. Soreng  | Kazi Lhendup Dorji<br>Sri Sher Bahadur Gurung<br>Subedar Major Rainasingh Lama |
| 6. Gayzing | Kazi Sonam Wangchuk<br>Sri Dhan Bahadur Chettri.<br>Lobzang Chhoden Lama.      |

## **2. POWERS**

### **(a) Magisterial**

The benches will have powers of courts of Magistrates of the third class, that is to say they may inflict imprisonment of either description for a term not exceeding one month but they may impose fines not exceeding Rs 100/ and may pass sentence in default so that the total substantive and sentence in default does not exceed two months

### **(b) Civil**

Honorary courts may take cognizance of money suits to the value of Rs 300/. They will not be empowered to take cognizance of revenue cases

(c) These powers include the power to execute orders by issue of summons, writs of attachment and sale of attached properties. One Magistrate may sign on behalf of the bench. Warrants may not be issued. If it is desired to issue a warrant the Tahsildar will be approached for this purpose

### **(d) Institution**

While civil suits may be instituted direct in honorary courts ,criminal cases will be instituted in the court of Tehsildars as they consider fit .No state prosecution will be transferred to honorary courts

## **(3) APPEALS**

Appeals from the decisions of honorary courts will apply to Tahsildars in the first instance and secondly to the Chief Court. There may be one review in the Court of the Dewan and no further judicial processes will be permissible.

## **4.**

### **PROCEDURE**

#### **(a) Sittings**

To start with these courts will sit once a week or two days running once a fortnight as that may arrange with the approval of the Tahsildar. If they are unable to finish their work on one day they will adjourn for the day immediately following that the litigant public is not inconvenienced.

#### **(b) Quorum-**

At least two members will form a quorum for the hearing of evidence. Evidence may be recorded by the Magistrate signed by the other present. If all three members are present ,all three will sign the memorandum. Judgements must be signed by all members. A member wishing to differ may record a dissenting judgment ,but the majority opinion will prevail

#### **(c) Procedure-**

Honorary courts will be governed by paragraph 4 of order 9 of dated August 26,1949 for the guidance of Tehsildars .Although there will be no cross examination , in order to elicit the truth , parties may suggest questions to the court which may then be put to the court if necessary

(d) The courts will be held in the police station and the police writer will act as writer for the court. He will be responsible for the safe custody of records and issue of possessions.

(e) **Jurisdiction**

The jurisdiction of each bench court will coincide with the jurisdiction of the police station at which honorary courts have been constituted

(f) No Magistrate will sit to hear any case in which he or any of the relatives is interested in any way.

5. **SUPERVISION**

Tahsildars will inspect the records and working of honorary courts at least once a quarter and will submit their reports to the Dewan. On application by any party, and courts of the Chief Judge and the Dewan, may call for the records of Honorary courts with a view to satisfying themselves that justice is being done.

6. It is hoped to be able to increase the powers of Honorary courts after they have gained sufficient experience.

**Sd/J.S. Lall, ICS 5/8/50  
Dewan, Sikkim State.**

**SIKKIM STATE**  
**ORDER NO:405/50**

In super session of all previous orders on the subjects the following rules shall govern the realization of all public dues:

1. Whenever any moneys due to the Government become payable the Officer In charge concerned shall issue a preliminary writ of demand notifying the amount and the date by which the defaulter should pay the sum due into the Bank (Treasury).
2. Any objections preferred will be disposed of by the Officer In-charge. A final writ of demand will then be served on the defaulter in the prescribed form. If the objector is present during objection proceedings, the notice may be served to him during these proceedings.
3. (a) If the legality of the demand is challenged (wholly or in part) the party demurring to pay, may within a period of three months move the Court for adjudication.  
(b) If the Court finds the objection frivolous or without proper cause, special costs may be awarded to the Department.
4. If no case is filed in Court within the limitation period' prescribed under clause (3), it shall be presumed that the demand's legality is accepted by the defaulter; and the Officer In charge

shall proceed to realize the amount as laid down in these rules.

5. Any suit filed after the expiry of the limitation period of 3 months calculated from the date of final writ of demand, shall be summarily dismissed.
6. If there is no response to the Final Writ of Demand issue under clause (2), the Officer In charge is hereby invested with Civil Courts' power to realize the amount due, by distress of moveable and landed property of the defaulter, in that order, up to the extent of the demand.

Gangtok  
The 21 st. November, 1950

**J. S. Lall,**  
**I.C.S.**  
**Dewan, Sikkim State.**

## **RULES RELATING TO TRANSFER OF IMMOVEABLE PROPERTY**

**(Based on the Law of Contract and Transfer of Property Act of India)**

1. All contracts for sale of immoveable property must be in writing signed by the parties and attested by not less than two witnesses. If an earnest money has been paid it should be mentioned clearly in the document. Clear description of the property with boundaries must be given. The contracts will be binding on the properties and will be enforced in court.
2. A sale or mortgage of immoveable property must be in writing signed by the Vendor or by the parties in case of mortgage, and attested by not less than two witnesses. If one of the parties or both are illiterate their thumb impression must be attested by the scribe. It must also contain the following matters.
  - (a) consideration in cash or kind, and when paid or delivered
  - (b) encumbrances, if any
  - (c) assessment of the land (rent)
  - (d) full description of the property with boundaries
  - (e) full name of the parties with their father's name and residence
  - (f) any other matter, which is necessary to incorporate in the document. Once the document is executed and consideration passes the contract is complete and is enforceable. It must be in the model prescribed form attached to these rules so far as prescribed form attached to these Rules as practicable, and be drawn in duplicate each party keeping a copy.

**NOTES:** "Biyaj" "Masikata" and "Siraney Thalio" are mortgages

3. A lease of immoveable property for everyone year must be in writing signed by both the parties and attested by not less than two witnesses. In lieu of witnesses, it may be certified by

the Tahsildar or Revenue Inspector. If the executants are illiterate their thumb impression must be attested by the scribe.

It must mention the following matters:

- a) Duration of the lease.
  - b) Rent in cash (incase of house).
  - c) Kut in case of land (quality must be mentioned).
  - d) Full description of the property with boundaries.
  - e) Any other matter which is necessary to incorporate in the lease.
4. These rules will have no retrospective effect. All sale and mortgage must be registered as provided under the Registration Rules.
5. 6. The maximum rate of interest chargeable will be 12% per annum.

Sec- 54 Transfer of Property Act.

Sale of Immoveable property

"Sale" is a transfer of ownership in exchange for a price paid or promised or part paid and part-promised such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upward in the case of reversion or other intangible thing can be made only by a registered instrument.

**Sd/(J. S. Lall, ICS) 18.1.50**  
**Dewan of Sikkim State.**

**SIKKIM STATE LAND REVENUE DEPARTMENT**  
**SUBJECT: Notification No. 1209/L&F of 1950**

I have already discussed this notification with Tahsildars. The object is to establish of substantive law relating to land which will cover most of the ordinary cases that may arise before the authorities. Amendment of the law may be expected after the coming revenue settlement. The present instructions are intended as comment and executive orders.

**2. COMMENT**

- a) The term bustiwalla has not so far connoted a definite tenure. The tenure, along with its various attributes, has been defined in Section 1 (a). The details attached to this tenure are defined in Section.2. In brief, the Bustiwallas has a duty to pay khazana and report



changes, and compulsion has been provided for obvious reasons. Unless, for instance, changes in holdings are reported, Khatiyans will be incomplete and difficulties will arise in the collection of khazana. Complete khatiyans will also be of assessments to the authorities in deciding land cases.

- b) Sub-para (b) and (c) of Section 1 introduce a distinction between primary and secondary holders. The distinction is an actual one.
- c) In general, the definition should be closely studied. Section 1 (b) relating to good title will repay close study as all possible ways of acquiring rights in land are defined therein. When any person claims to be holding land in any manner, his title will have to be examined before declaration is given.
- d) The term continuous adverse possession needs some explanation. The right of a person who has remained in continuous possession for over 12 years cannot be questioned by the person against whom such possession may be constituted. The former will be deemed to have acquired good title by the lapse of time. For instance, if a lessee applies after 14 years for the eviction of a person who has been in continuous of a holding not in the approved home farm area, the person so holding will be deemed to have acquired rights as a Bustiwalla. Similarly, if a person originally came into possession as a secondary holder and the primary holder need no attempt to enforce the contract between them; and if, after this failure to enforce, the secondary holder remains in possession for over 12 years, he will be deemed to have superseded the rights of the bustiwalla. It may be that for some years the secondary holder holds a secondary holder, and thereafter the primary holder fails to enforce the contract. If he challenges the possession of the secondary holder at any time within 12 years after his failure to enforce the contract, the secondary holder will not have gained good title to the operation of adverse possession. I shall explain these principles to the tehsildars if there is any doubt.
- e) Chardam; literally means four paise. It is paid as a kind of salami, but will of course not be taken in future either by the lessee or the Tahsildar.
- f) Sections 3 and 4 should be quite clear.
- g) Section 6. In the absence of accurate survey maps, Tahsildars will have to rely on rough survey maps where available, description of boundaries in transfer deeds and the fact of possession. In most cases field boundaries are well known and accepted. When there is a dispute over boundaries it will generally be found that one of the portions has

become the aggressor or the dispute may be due to personal rivalry. Evidence of possession of the parties themselves is unlikely to be reliable on such cases, and even the evidence of neighbors may be conflicting because of their being involved on one side in one way or the other. In such cases Tahsildars should follow the description of boundaries in transfer deeds etc. and evidence of even this sort is lacking, they will have make a decision guided by their sense of equity taking all factors into consideration.

- h) Tahsildars have been given certain rights and section 6 sub-section (iii) and (iv) The object is to on full productive capacity of the land is achieved.

3. **EXECUTIVE ORDER**

a) **Section 2**

- (i) The rates of khazana are those that are in force at present.
- (ii) Previously the khazana fall due on September the 1<sup>st</sup>, but this date anticipates the harvest by more than a month. The period October 15 to January 31 covers the harvest period and gives the bustiwalla sufficient time to sell sufficient grain to pay his khazana. The period for payment has been extended upto March 15 this year owing to the fact that three years dues had to paid. During the period of payment, khazana will be regarded as a due. After the period is over, unpaid khazana will be regarded as an arrear and may be realized as provided in Section 2 sub-section (iii). It will be the duty of Tahsildars to report any exceptional circumstances necessitating extension of the date for payment.
- (iii) All charges reported under Section 2 sub-section (iii) or ascertained by the Tahsil staff, will be incorporated in the Khatiyans and Dadhas concerned. The Tahsildar will be responsible for seeing that these records are accurate and upto date. A clerk has already been assigned for these duties.
- (b) (i) Tahsildars should see that a person who acquires rights in land under Section 1 (d) is not disturbed without due process of law. Any person who has not acquired rights in this manner is a trespasser and should be removed. In removing a trespasser, tehsildars should reimburse the rightful holder the net receipt from the land during the period of dispossession.

Example: A trespasser has been in possession of pathis of panikhet for two years. The gross yield of this land is 10 maund of grain. The trespasser has spent:

Seed ..... one maund and labour ... Rs. 10/- He may also have incurred other charges, such as transport to the market etc. Compensation should be worked out for each agricultural year after taking the cost of these agricultural and allied operations into account.

In addition to the net receipts, Tahsildars will realize a fine from the trespasser amounting to half the net receipts for each year which will be credited to the public revenues. Taking possession by a trespasser is not only a violation of the rights of others but a violation of public law, hence the need for a fine.

- (ii) The term "due process of law" used in the foregoing sub-paragraph refers to the rightful acquisition of an interest in the land. So far lessees are concerned, they enjoy rights to the possession of home farm areas, and details which are given in order no. 28 dated 19.2.50. Copies of this order are being sent to Tahsildars. Bustiwalas may acquire rights under Section 1. In addition to the two classes of primary holders name above, there may be acquisition of rights as secondary holders, namely Kutiadar and adhiadar. Such secondary holders may be entitled to possession on the basis of oral or written agreement. It is a question of fact whether such agreement exist but it is a question of judicial

interpretation as to whether the agreements confer secondary rights.

- (c) Secondary holders are generally removed at the end of the agricultural year. If a secondary holder does not remove, himself at the wish of the primary holder, the latter may move the tehsildars but if he does not do so within a month of the end of the agricultural year, it may be assumed that the primary holder has permitted the secondary holder to continue in possession for one more agricultural year on the same terms as before.
- (d) Suitable time will have to be given for the limiting period adopted in the notification and these orders to become known. A notice is being prepared in the Land Revenue Department. After it has been duly notified, both the notification and these orders should be strictly enforced.
- (e) In settling partik, Tahsildars should consider whether the land in question should not more appropriately form part of khass or reserved forests. In deciding this question, Tahsildars should see whether the area is already wooded or whether it can be conveniently afforested. Unless either of these conditions are satisfied there would be no practical advantage in including such partik in khass or reserve forests. Tahsildars should consult their forest officials in deciding such cases.
- (f) Mandals will report abandonment each year, and when the land is abandoned for three complete agricultural years, the Tahsildar will settle it with another bustiwalla. Preference will be given in the following order:
  - (i) A holder of continuous land so that the compact holding is formed.
  - (ii) A Bustiwalla already holding land, firstly, in that locality and secondly in that basti.
- (g) In reporting abandonment under sub-clause. (f) Mandals will suggest persons to-whom the land may be let in the light of that sub-clause.

**Gangtok**  
**20th May, 1950**

**Sd/J.S. Lall, ICS**  
**Dewan, Sikkim State.**

**No. 219/51 OS**  
**Subject: Judicial procedure - list of exhibits.**

Despite the instructions issued last year that all documents on which a party relies should be produced along with the plaint or in the case of the defendant, with his written statement, courts apparently still continue to accept documents at a late stage. This order should be strictly complied with. It is only when documents cannot be produced at the earliest stage for some unavoidable or unforeseen reason that they may be admitted later.

2. Even when documents are admitted it is some time not possible to say at what stage they were produced. Each court should therefore maintain a list of exhibits in the following form:

### List of exhibits

(1) S.No.	(2) Nature of document	(3) Date of document	(4) Presented by... (e.g. Gyatso defendant)	(5) Presented on (date)
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These particulars should be filled in immediately a document is admitted by the Court. This list will enable the courts to enforce the rules regarding admission of documents and also to refuse any incorrect assertion with regard to the stage at which the documents were admitted. In future if a file comes up in review or appeal without a list of exhibits, I shall return it unheard to the court concerned with the direction that the list should be prepared.

**Sd/- (J. S. Lall) ICS  
30.8.51 Dewan,  
Sikkim State**

### REVENUE ORDER NO: 2168-72/LR of 1951

1. In order to provide for a simple and effective method of paying mandals commission, revenue order No. 32 of 11.7.1950 is hereby withdrawn and substituted by the rules contained herein.
2. The following details will be entered as the head of the dahda of each block:
  - (i) Name of Block.
  - (ii) Name mandal.
  - (iii) Total khazana demand.
  - (iv) Mandals commission at 4%.
  - (v) Net khazana demand.

The amount to be actually realized from the mandals will be the net khazana demand indicated against item 5. The procedure may be illustrated by simple example. If the total khazana demand is Rs. 100/-, Mandal's commission will be Rs. 4/- and the net khazana demand will be Rs. 96/- Only Rs. 96/- will be collected from the mandal. Since receipts have however to be issued in respect of the total khazana demand, the portion of the demand representing Mandal's commission should be assigned, in the first instance, to the khazana due from the mandals and thereafter to the khazana due from other bustiwallas.

3. This procedure will eliminate the complicated system of accounting that is required. at present and do away with the need for granting the Tahsildar an imprest grant.

**Sd/- (J. S. Lall) ICS  
10/9/51  
Dewan, Sikkim  
State.**

### **ORDER NO.161/51 0.5.**

Some clarification of order No: 405/50 dated the 21 st November, 1950 regarding realization of Public dues appears to be necessary. It was not the intention of this order that departments concerned with realizations should divert themselves of responsibility for collection and straightway issue writs of demand, and later distress warrants through the police. This action should only be taken when all measures of the department have failed. It must be remembered that each department remains directly and primarily responsible for collection of its dues and that writs and warrants should only be issued as a last resort when other means have failed.

**Sd J. S: Lall (ICS)**  
**Dewan, Sikkim State**

### **ORDER NO. 48/51 - 0.S**

**Dated the 5th May, 1951**

1. Some departments have authority to impose fines for breach of department's rules. Such authority is a recognised feature of the administration and there is no need to withdraw it. Most departmental breaches are either technical or simple matters of fact which can be easily decided in departmental proceedings. Such proceedings are conducted quickly and are convenient both for the authorities and the culprits concerned. On the other hand conflicting policies of enforcement are liable to prove inconvenient and it is therefore desirable to lay down uniform principles for observance for all departments.
2. Where there is a technical breach a simple fine will be sufficient; but in cases involving articles, such as, liquor timber and the like, an additional punishment related to the value of the article may also be imposed to compensate the Government for the public loss resulting from the breach. A scale of punishment based on these principles will prove adequate in most cases. Sometimes however when the breach is serious or repeated a severe punishment may be necessary, and in extreme cases even prosecution. For instance, in a recent case, a man set fire to a part of the forest for cultivation purposes after he had been warned by the ranger; (a) that the forest was gorucharan, and (b) that he was prohibited from doing so. As such willful damage to public property was caused and the man was offered to be prosecuted under Section 436 IPC. Similarly when the scale of fine is judged to be insufficient punishment considering the profit, the culprit must have realized, the case may be reported for enhanced fine of prosecution. It is for the Officer In charge to suggest an appropriate line of action.
3. Keeping these principles in view Officer In charge of the departments of Forests, Excise and Bazaars should impose fines according to the following scales:

- (a) Fine, as punishment, upto Rs. 100/
- (b) Fine, as compensation, upto four times the value of the article in respect of which the breach is committed.
- (c) In the case of second offences committed within three years the fine may be doubled.
- (d) Cases of a more serious nature should be suggested for enhanced fines or prosecution as the case may be.

No sentence of imprisonment in default of fines may be imposed in departmental proceedings. Fines will be recovered, if necessary by processes taken against moveable and immovable property in that order. If these processes fail, Officers In charge may refer cases to court for sentences in default of fines. For this purpose Officer In charge may take bonds and sureties of reasonable amounts to compel appearance before the courts.

- 4. It does not seem necessary to extend the scope of these orders to other departments. In the department of Rationing, for instance breaches are the most criminal offences. The department may however suggest cancellation of licenses during departmental proceedings apart from or in addition to prosecution. The department should not hesitate to suggest cancellation as breaches or rationing orders are extremely anti-social, particularly during the prevailing scarcity of essential commodities.

**Sd/- (J. S. Lall) ICS**  
**Dewan, Sikkim State**  
5/5/51

## **SIKKIM STATE**

### **Notification No. 495**

Although in the last two seasons the bustiwallas have paid the khazana directly to the Darbar, there still seems to be impressions in some quarters that the leases formerly held in respect of the Ilaqas continue to exist. This impression is mistaken. The leases lapsed some years ago and since there is now no interposing agency between the Darbar and the bustiwalas, formal notice of the fact that the lease have ceased to exist is hereby given.

**Gangtok  
The 11th,  
January,1951**

**Tashi Namgyal  
Maharaja of Sikkim**

### **ORDER No. 165/51-05**

Under order No. 61/51/0S of the 14th of May, mukhtars are not permitted to practice in any court but that of the Dewan. It appears that some of them have continued appearing in other courts in cases in which they had been engaged prior to that order. While this may be permitted until the cases are decided, courts should be careful to see that they do not appear in fresh cases, or Mukhtars. Pleader's fees should however not be allowed in any case whether instituted before the 14th of May or not.

**Sd/- (J. S. Lall) ICS  
Dewan, Sikkim State  
25.7.51**

## **COURT OF SUB-JUDGE**

### **Notification No. 3575-3601/5.J**

It is notified for general information that in a suit, Appeal or Review filed by the State through any Department against any person no Court-fees are payable but full Court fees according to the prescribed Schedule are payable by any person filing a suit, Appeal or Review against the State.

**Gangtok  
The 7th Oct., 51**

**Sd/- J. S. Lall (ICS)  
Dewan, Sikkim State.**

**NO. 530/50**

**Subject:**  
**Touting**

In the simplest matters no one is required to explain cases which people may have before the authorities. In higher level courts matters are necessarily more specialized and the assistance of intermediaries, particularly if there is any difficulty, may even be helpful. For this reason a certain number of mukhtars have been appointed for the court of the Dewan and! the Chief Judge. I shall be prepared to consider appointing mukhtars for Tehsildars courts if Tehsildars so- desire, but they must make out a strong case and also suggest competent persons of known integrity.

2. Apart from mukhtars there is a class of unauthorised intermediaries who are known by the name of touts. Since these persons are not approved by the authorities they move about in an obscure manner and it is notorious that they generally succeed in misleading innocent people. The practice is universally condemned and it is certainly not allowed in civilized countries. Unfortunately there are signs that some touts have spring up in offices in Sikkim. One tout has succeeded in acquiring such notoriety that he was even mentioned by name by a visiting counsel from outside the State. This practice of touting must cease forthwith and presiding Officers and other authorities must not allow touts on the premises. Two touts in Gangtok are well known, Brahaspati Parsain Bahun and Khung Dorji Lama. These persons, and other; like them should not be permitted in the Secretariat compound unless they have business of their own to press before the authorities.

**Sd/- J. S. LALL (ICS)**  
**13.2.51**  
**Dewan, Sikkim State.**

**SIKKIM STATE**  
**Land Revenue Department**

**Notification                      No.**  
**3097/L.R**

The issuing of certificates by the Durbar Agent of Damthey Khazana as required by Notification No. 2143/L.R dated the 8th October 1953 is no longer necessary. The revised procedure now should be that the Damthey Agent Messrs. Jetmull and Bhojraj will get fortnightly a list of export permits issued by the Khazana contractors. The State Damthey agent will be realizing Damthey from the different merchants and check the realizations with the export permits issued by the Khazana contractors. The State Damthey agent will be watching the transactions done by merchants as is done by the Khazana contractors.

**M. C. Pradhan**  
**Chief Executive Officer**  
**Land Revenue Depts.**  
**Sikkim State.**



# **SIKKIM DARBAR GAZETTE, SEPTEMBER 1954**

## **PART V**

### **Land Revenue Department**

#### **Notification No. 131 O/LR**

In partial modification of Notification No. 3097/LR., dated 27th March, 1954. It is laid down that the cardamom merchants will pay the Damthey due to the State for the cardamom purchased at Dikchu and Mangan side to the State Agents Messrs. Jetmull & Bhojraj at Dikchu and Mangan within fifteen days of their purchasing the cardamom. At Gangtok and other places in Sikkim, however, the cardamom merchants will pay Damthey to the State Agent for cardamom not relating to the purchases made at Dikchu and Mangan, within fifteen days of their taking export permit for the cardamom from the Khazana Contractor Messrs. Indo Sikkim Company. Further, within fifteen days of their taking export permit from Messrs Indo Sikkim Company for the cardamom purchased at Dikchu or Mangan the cardamom merchants will furnish to Messrs. Jetmull & Bhojraj an account of Damthey paid by them at Dikchu or Mangan with particulars of the receipts granted to them at those places.

Cardamom merchants who fail to comply with the above conditions will be liable a penalty of Rs. 1/- per maund of cardamom concerned.

**Gangtok : 20th September,  
1954**

**M. C. Pradhan Chief  
Executive Officer, Land  
Revenue Department,  
Sikkim State.**

**SIKKIM STATE**  
**Forest Department**

**Notification No. 2375/F**

It is hereby notified for the information of the public that no construction of buildings whether temporary or permanent is permitted along either side of the road without obtaining the prior sanction of the Darbar in writing. Person acting in contravention of this order will be punishable with fine which may extend to Rs. 100/- and the structure will be liable to be removed without any claim for compensation.

**Gangtok.**  
**The 21<sup>st</sup> September 1954**

**D. Lama,**  
**Forest**  
**Manager,**  
**Sikkim State.**

**GOVERNMENT OF SIKKIM**  
**Department of Bazaars**

**Notification No. 1660-499/8**

It is hereby notified for the information of the general public and merchants that it is strictly prohibited to Bath or Wash any Cloth, Wool, Leather, Skin, Cooking utensils or other dirty and offensive things, Motor cars, Jeeps, Trucks, Carts, Dogs, Horses, or any other animals at or near any stand pipe or any other work erected for the supply of drinking water within the premises of the Bazaars in Sikkim.

Anyone found acting in contravention of this order will be liable to a fine of Rs. 100

This notification comes into force with immediate effect and supersedes this Police Notification No. 5723-199/B, of February, the 18th 1949.

Gangtok  
The 6th July,  
1954

**A. S. Dewan**  
**Executive Officer**  
**Bazar Department**

**Notification No. 299/P of 5-6-54**

Amendment to the Notification No. 5917/P dated 28.3.1952 for the Registration of Foreigners.

- (a) In para 4 of B Rules for Registration of foreigners substitute "one year" for "three months".
- (b) The present rule 4 (as amended per last sub-para) should be denoted as rule 4 (i) and the following (ii) added;
- (ii) Foreigners present in Sikkim, to whom these rules apply shall within seven days of arrival for being required to do so, report their particulars at the Registration Office in Gangtok in a register in form A. They shall thereupon be issued with a temporary residence permit in form C."
- (c) In rule 8, after sub-clauses (i) and (ii) add; (iii) Tibetans related to the Sikkim Royal Family."

*SD/- Tashi Namgyal*

**5.6.1954**

**- His Highness the Maharaja of Sikkim.**

**GOVERNMENT OF SIKKIM**

**Bazar Department**

**Notification No. 3508-699/B**

It is hereby notified for the information of the general public and merchants that opening of shops either in the Bazaars or at places other than the Bazar in Sikkim without obtaining Trade License from the Bazar Department is strictly prohibited. Any person contravening this Notification is liable to a fine upto Rs. 500 in default simple imprisonment upto one month.

**By Order of His Highness the Maharaja of Sikkim.**

**Gangtok,  
The 4th August,  
1956**

**A.S. Dewan,  
Executive Officer,  
Bazar Department.**

**GOVERNMENT OF SIKKIM**  
**Land Revenue Department**

**Notification No. 1496/LR.,**

The attention of the public is hereby drawn to Notification No. 433-633/L&F., (Land Revenue and Forest Department) dated 8th April, 1948 wherein it is laid down that agitation calculated to stop payment of khazana by bustiwalla as amounts to creating disorder and administrative difficulties and that anybody indulging in such agitation is liable to prosecution and on conviction is liable to imprisonment up to two years or expulsion from the state or both, such an offence being also deemed cognizable by the Police.

**Gangtok**  
**The 17th October,**  
**1958**

**M. C. Pradhan Chief**  
**Executive Officer,**  
**Government of Sikkim.**

**GOVERNMENT OF SIKKIM**

**Home Department**

**Notification No. 84/CP**

Whereas it is expedient and necessary to make rules regarding the movement of Foreigners in Sikkim, it is hereby ordered that:

1. No foreigners shall enter into or remain in Sikkim except under and in accordance with a permit issued by competent authority.
2. All foreigners entering Sikkim shall report their arrival either at the Registration Office, Gangtok or Police Station of their destination or at the point of Entry and departure.
3. A breach of these orders shall be deemed a cognizable offence and shall be punishable under Section 4 of Notification No. 5617/P, dated 8th November, 1952.

The above rules shall not apply to Indian Nationals.

**By Order of His Highness.**

**D. Dahdul  
Chief Secretary,  
Government of Sikkim.**

**GOVERNMENT OF SIKKIM**

**Works & Transport Department**

**Notification No. 3491W& T**

Under the authority laid down in the Government of India Foreign and Political Department Resolution No. F 178-R/30 dated the 22nd February, 1932, the Sikkim Darbar have decided to grant licenses to the owners of radio Receiver sets with immediate effect. The license fee will be Rs. 10/- per annum. All owners of radio Receiver sets should apply for the grant of license to the Officer-in-Charge, Works and Transport, Gangtok. The application should state the make of the radio set, the number of valves, and, whether AC. or D.C or a Battery set and should be accompanied by Bank Receipt of Rs. 10/- only on account of License fee.

Any radio set found without a license after the 30th April, 1950, will be liable to confiscation by the Sikkim Darbar.

By order

**Gangtok  
The 18th April, 1950**

**EC. Jali  
Officer -in-Charge  
Bazar Department.**

**(EXTRAORDINARY)**  
**PUBLISHED BY AUTHORITY**

**Ex. Gaz.**

**Gangtok, April 18, 1960**

**No.11**

**HOME & POLICE DEPARTMENT**

**Notification No.1/H.P**

**Dated Gangtok, the 16th April,  
1960**

Whereas it is expedient and necessary to modify the orders in respect of the export from Sikkim, of different articles across the border into Tibet, it is therefore, hereby notified, in supersession of all previous orders on the subject that the export of all articles from and the transit through Sikkim, shall only be made under a permit from the competent Authority.

1. Any export or attempted export, in contravention of this order shall be punishable with imprisonment of either description which may extend upto three years, or with fine or both. All the articles in respect of which the offence is committed or the ones used for camouflaging such article or used for transport thereof shall be forfeited to the Government.

**Explanatory Notes**

The moving of aforesaid banned goods and articles beyond Pandramile on the Nathula Road .....on the Jelepla road and Chungthang in Northern Sikkim shall be deemed to be an attempt to export the same. This, however, would not apply to transport of such goods or articles for bonafide personal use by the Lachenpas and Lachungpas.

2. Nothing in this notification shall apply to the export of food grains for the consumption of muleteers and rules for their journey on Tibetan routes on rate prescribed by the Rationing department from time to time.

**B. Prasad**  
**Dewan of Sikkim**

**GOVERNMENT OF SIKKIM**  
**Finance Department Sales**  
**Tax Branch**

**Notification No. 37(37) 61-62/150-99/ST**

Notice is hereby given to the public in general and the shop keepers throughout Sikkim who deal in retail sale of Cigarettes and Biris and Cut Tobacco, that contract of the above excisable goods has been transferred from *M/S Indo Sikkim Coy* to *M/S Agrawalla Trading Coy*, Gangtok, Sikkim, for exclusive sale of any such goods except by the said above firm or their authorised agents or of any such goods without their seal is strictly prohibited with effect from 17th February 1962. No other persons or firms can import the above goods with effect from the date mentioned above. Infringement of the above order will be liable to prosecution under existing Excise Rules in Sikkim.

**By Order**

**Gangtok**  
**Dated. 17th Feb.,**  
**1962**

**D. Dahdul,**  
**Secretary,**  
**Finance Sales Tax Branch,**  
**Government of Sikkim.**



**GOVERNMENT OF SIKKIM**  
**Bazar Department**

**Notification No. 4879-999/8**

In continuation of the Bazar Department Notification No. 3508-699/B., dated the 4th August, 1956 it is hereby ordered that any person or persons contravening the orders contained in the said Notification shall not only be liable to a fine upto Rs. 500/- or in default, simple imprisonment upto one month as already notified but shall also be debarred from having any further license to establish shops in Sikkim and in addition all the articles that are found in such unauthorised shops are liable to be confiscated.

**By order**

**Gangtok**  
**The 17th August,**  
**1965**

**D. Dahdul,**  
**Chief Secretary,**  
**Government of Sikkim.**

**GOVERNMENT OF SIKKIM**  
**Land Revenue Department**

**No. 125/LR**

**Dated Gangtok, the 26th May,  
1966**

To

The District Officer,  
East, North, South and West.

It is to inform you that there are many Tibetans who have been registered as Sikkim Subjects who have declared themselves as Bhutia. The Sikkim Subjects Certificate also shows them as Bhutia. Cases have come to our notice that these Tibetan Sikkim Subjects are trying to purchase land from the Bhutia and Lepcha.

According to Revenue Order NO.1 of 1917 Bhutia and Lepcha are not allowed to sell, mortgage or sublet their lands to persons other than Bhutia and Lepcha. These Tibetan Sikkim Subjects being neither Bhutia nor Lepcha cannot purchase land from these communities.

The District Officers are, therefore, requested to enquire in detail before a deed is registered and if the purchaser is a Tibetan and the seller Bhutia or Lepcha, the Registration should not be allowed. They are not, however, precluded from purchasing land from the Nepalese Sikkim Subjects.

**SD/- M. P. Pradhan**  
**26/5/66**  
**Secretary**  
**, Land Revenue Department.**

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No. 2053-200 IT & ST**

It is hereby notified for the information of all concerned that any person or firm, intending to transfer out of Sikkim, profits capital gains and other such allied gains or income, accrued within the territories of Sikkim and arising from trade, business, contract or other transactions carried therein, will be required to obtain a Transfer Certificate from the office of Income & Sales Tax Department.

2. The Income & Sales Tax Department will issue the necessary certificate after making full verification from the relevant account books on document that the amount sought to be transferred has been lawfully earned and is otherwise unencumbered.
3. The applicant will have to deposit as fee one percent of the amount to be transferred.

Application for such transfer will be made on a Darbar paper to the value of RS.1/

4. All Police Check Posts shall have the power to search and seize, on reasonable suspicion, any money, bullion, bundles or other valuable accurities, intended to be taken out of Sikkim without valid Transfer Certificate.
5. Transfer or an attempt to transfer without a valid Transfer Certificate as required under clause (1) above, shall be cognizable offence. Any Police Officer not below the rank of sub-inspector will be competent to grant bail to a person attested for violation of this order upon his furnishing a satisfactory security.
6. Any person found guilty of violation this order, upon trial by a Magistrate of the first class, shall be liable to a fine to the extent of the amount seized, besides confiscation thereof.

**By Order of  
Chogyal.**

**Gangtok,  
The 26th August,  
1966**

**SD/- D. Dahdul  
Chief Secretary,  
Govt. of Sikkim.**

**SIKKIM**  
**DARBAR GAZETTE**  
**(EXTRAORDINARY)**  
**PUBLISHED BY AUTHORITY**

Gangtok, December 21, 1966

Ex. Gaz.

No. 9

**Proclamation of The Chogyal Palden Thondup Namgyal**

Dated Gangtok, the 21st December 1966

WHEREAS it is considered necessary to republish, after suitable adaptations and modifications, the laws relating to the election to and composition of the Sikkim Council.

NOW THEREFORE, by virtue of powers vested in Us under the laws and usages of Sikkim and in exercise thereof and in modification and adaptation of the Proclamations dated the 1 st December 1957 and dated the 16th March 1958 of the late Chogyal Tashi Namgyal and other previous orders issued thereunder, we are pleased to proclaim and ordain, and it is hereby proclaimed and ordained as follows:

- |   |  |
|---|--|
| Title and<br>commencement.              | 1. This Proclamation may be cited as the Representation of Sikkim Subjects Regulation, 1966 and shall come into force immediately on its publication in the Sikkim Government Gazette.   |
| Constituents.                           | (1) Sikkim shall be divided, for purpose of election to the Sikkim Council into five territorial Constituencies, one General Constituency and one Sangha Constituency.<br><br>(2) The five Territorial Constituencies shall be formed and delimited as in the First Schedule annexed hereto.<br><br>(3) The General Constituency shall comprise the whole of Sikkim.<br><br>(4) The Sangha Constituency shall comprise all the Sanghas belonging to the Monasteries recognised by the Sikkim Darbar. |
| Distribution of seats in Sikkim Council | 3. The Sikkim Council, besides the President thereof who shall be appointed by the Chogyal, shall consist of twenty four members as specified hereunder:<br><br>(i) Gangtok Town Constituency 1. Bhutia Lepcha, 1 Sikkimese-Nepali   |

- (ii) East Constituency: 2 Bhutia-Lepcha, 1 Sikkimese Nepali
- (iii) South Constituency: 1 Bhutia-Lepcha, 2 Sikkimese Nepali
- (iv) West Constituency: 1 Bhutia-Lepcha, 2 Sikkimese Nepali
- (v) North Constituency: 2 Bhutia-Lepcha, 1 Sikkimese Nepali
- (vi) The General Constituency shall elect 3 members of which one shall be a General seat, one from the Scheduled caste, as enumerated in the Second Schedule annexed hereto, and the third from the Tsongs.
- (vii) The Sangha Constituency shall elect one member through an electoral College of the Sanghas.
- (viii) Six seats shall be filled in by nomination made by the Chogyal in his discretion.
- Manner of Election. 4. (1) Voting in respect of the Territorial Constituencies shall be in the manner specified below:
- (a) All voters of a particular Constituency will cast their votes together in a single election.
- (b) The candidate securing the highest number of votes of the community which he represents will ordinarily be required to have secured also at least 15% of the total votes of the rest of the electors to entitle him to be returned. If however, he fails to secure 15% of the votes of the rest of the electors the candidate securing the next highest votes of his own community and who has also succeeded in securing 15% of the votes of the aforesaid rest will be eligible to be returned, provided the difference between the number of the votes of his own community secured by him and the highest candidate does not exceed 15% of the total votes secured by the latter. If the difference is in excess of 15%, the latter will be regarded as returned notwithstanding that he shall not have secured 15% of the votes of the aforesaid rest.
- (2) Voting in respect of the General Constituency: The electoral roll for the General Constituency shall consist of all Sikkim Subjects qualified under Section 7. All voters will cast their votes together in a single election. Out of the seats for this constituency, one seat shall be filled in by the candidate securing the highest number of votes cast by the electors to this constituency. The other two seats shall be filled in by a Tsong and a Scheduled caste member respectively provided that they have fulfilled the conditions specified in clause (b) above.
- Qualification for membership of Sikkim Council. 5 (3) Voting for the seat reserved for the Sangha will be through an Electoral College of the Sang has belonging to Monasteries recognised by the Chogyal of Sikkim.
- A person shall not be qualified to be chosen to fill a seat in the Sikkim Council unless he:

- (a) is a subject of Sikkim
- (b) is not less than 30 years of age on the date fixed as the last date for filing nomination for the seat for which he is a candidate.
- (c) is ordinarily a resident in the area from which he is a candidature paid land revenue or local tax to the Government for the landed property or house owned in his name for the preceding financial year, in the area from which he is a candidate.
- (d) possesses such other qualification as may be prescribed by the Chogyal in this behalf.

Eligibility for membership by election to the Sikkim Council.

6. A person shall not be eligible for being chosen as, or for being, a member of the Sikkim Council if he:

- (a) suffers from any disqualification prescribed for voters in clause 2 of the Franchise Proclamation dated 29th October '57;
- (b) holds any office of profit under the Government of Sikkim other than an office declared not to disqualify its holder;
- (c) has voluntarily acquired the citizenship of a foreign state, or is under any acknowledgement of allegiance or adherence to a foreign state:
- (d) suffers from such other disqualifications as may be prescribed by the Chogyal.

Electoral Roll.

- (1) Every person being a subject of Sikkim shall be eligible to be a voter, provided he has attained the age of 21 years on the first day of March of the year in which election from the Constituency in which he is entitled to vote is to take place and does not suffer from any disqualification prescribed in clause 2 of the Franchise Proclamation dated 29th October 1957.
- (2) A voter will be enrolled in the electoral roll of the area where he ordinarily resides. The electoral rolls shall be prepared and published by the Election Committee, to be constituted by the Chogyal.

**Palden Thondup Namgyal,  
Chogyal of Sikkim.**

**Dated Gangtok the 21 st Dec., 1966.**

**FIRST SCHEDULE (See Sec. 2(2))**  
**Delimitation of Constituencies**

**1. BLOCKS UNDER GANGTOK TOWN CONSTITUENCY**

Serial No.	Blocks
1.	Rongnek
2.	Chandmari
3.	Tathangchen
4.	Deorali
5.	Syari
6.	Samdur
7.	Tadong
8.	Tadong Bazar
9.	Suchakgang
10	Burtok
11	Development Area
12	Gangtok Town
13	Gangtok Bazar
14	Darbar Employees

**2. BLOCKS UNDER EAST CONSTITUENCY**

Sl No.	Elakha	Blocks
1.	Mailing	Toong, Naga-Namgor, Singhik, Sentam, Pakshep, Singchit, Kajor, Mangan, Jimchung, Nampatam, Ringim, Miyong.
2	Phodong	Tingchim, Upper and Lower Mangsila, Namok-Seyam- Tengyek, Ramthang, Rongong, Phodong, Tumlong.
3	Phensang Kabi-Tingda	Chawang, Phentem, Labi, Pensang, Men-Rongong, Phaney Kabi. Tingda
4.	Penlong	Shotak, Penlong, Navey
5.	Aho-Lingzey Paham-Singtam	Busuk, Paham, Namok, Nazitam, Nandok, Assam, Lingjey, Singtam, Aho-Yantam, Change-Senti, Pache Samsing.
6.	Pakyong	Namchebung, Kartok, Pakyong-Bazar, Chalumthang, Dikling, Pachekhiani, Lossing, Bengthang, Pacheykhani-Dikling.
7.	Amba- Taretjamg	Taja, Amba, Tareythang, Biring, Thekabung.
8.	Rhenock	Dalapchand, Aritar, Khamdong, Rhenock, Rhenock-bazaar, Tarpin, Mulukey, Sudunglakha, Kyongsa.
9.	Chota and Bara Pathing	Parakha, Riba, Machong, Linkey, Latuk, Chuchenpheri.

10. Pendam Kamerey, Bhasmey, East Pandam, Pachak, Central Pendam, West Pendam, Rangpo-Bazar, Sajong.
11. Sumin Lingjey, Sumin, Mangthang, Singtam-bazaar.

### **3. BLOCKS UNDER SOUTH CONSTITUENCY**

1. Temi Tarku Ifaltar, Deo, Temo, Tarku, Tanak
2. Barmiok Namphing, Chalumthang, Tokal, Todey, Daring, Pabong, Rameng, Nijarmeng, Thangsing Rasep, Burul, Barmiok.
3. Namchi Damthang, Chemche, Jaubari, Tingrithang, Pajer, Pabong, Mamley, Pahlidara, Kopche, Singhithang, Saleybung, Bomtar, Maniram, Gumpa, Gurpisey, Tingjer, Kamrang, Mik-khola, Salghanri, Chisopani, Dorap, Tinek, Daragaon, Denchung, Poklok, Asangthang, Sangbung.
4. Kitam Manpur, Sampani, Gom, Kitam, Sorok.
5. Turuk-Sumbuk Rabitar, Sadam, Suntaley, (Turuk) Sukhabarey, Pachgharey, Ramabong, Kerabari, Payong, Turuk, Mellidhara, Melli-Bazar. Bul, Singtam, Lungchok, Kamerey, Sumbuk, Rong, Palum, Kartikey, Suntaley (Sumbuk).
6. Wak-Sosing Dalep, Bakhim, Lingjo, Kewzing, Lekship, Hingdam, Lamaten, Tingmoo, Rayong, Tinkitam, Sangnath, Omchu, Vok, Chumlok, Mangbru.
7. Namthang Kabre, Mamring, Donok, Manedara, Pomphok, Kateng-Bokrong, Palitam, Nalam-Kolbong, Kanam-Tek, Turung, Karek, Nagi, Chuba, Phong, Parbing.
8. Rateypani Rabikhola, Passi, Bigmet, Tangji, Rateypani
9. Brang Brang, Sada, Famtam, Polot.
10. Ralang Lingding, Deythang, Barphung, Jarong-Biring, Ralang, Namlung
11. Ben-Mamphok Sangmo, Ben, Rabhang, Namphrik.

### **4. BLOCKS UNDER WEST CONSTITUENCY**

1. Daramdin Upper & Lower Thambong, Buriakhop, Rumbuk, Slyangtang, Lungchok, Lower Daramdin, Ribdi, Bhareng, Okhrey, Tikpur, Siktam,
2. Chakung Mabong, Suntaley, Suldung, Tijerbung, Kamling, Sigeng, Oeythang, Pareng-Gaon, Chuchen Takuthang, Malbasey, Samdong, Soreng,



- Singling Soreng-bazar, Chumbung, Zoom, Mendogaon, Gayling, Samsing, Chakung, Khani-Sirbung, Arubotey, Tarpu, Karthok, Timberbong, Burikhop.
3. Rinchenpong Jeel, Meyong, Hatidunga, Sanga-Dorji, Rinchenpong, Megyong, Chingthang, Bartok, Tadong, Rishi A & B, Sribadam, A&B, Samdong, Boom.
  4. Yantghang Sankhu, Radukhandu, Hee-Patal, Pachrek, Hee-Martam, Yangthang Sapung, Liching Begha, Maneybung, Srinagi, Dentam, Karmatar, Sopakha, Mangmoo, Gyaten, Bongten, Barmiok, Barthang.
  5. Sangacholing Tikjek, Sardong, Linchom
  6. Pemyongtse Geyzing, Omchu, Kyongsa, Pemyongtse, & Monastery, Topung, Singrangpong, Mamboo, Darap, Singyang, Singdrang, Naku, Chumbong, Lungjik.
  7. Melli Melli, Melli Aching, Singlitam, Tingbrom.
  8. Tashiding Bhaluthang, Yangten, Onglop, Labdang, Kongri, Gangyap, Chongrang, Laso, Arithang, Dupidara, Narkhola, Mangnam, Tashiding.  
Thingling I & II, Ketchopheri, Chojo, Garethang, Laving, Yoksom, Dubdi.
  9. Ketchopherei

#### **5. BLOCKS UNDER NORTH CONSTITUENCY**

1. Jongu Upper & Lower Jongu.
2. Lachen Lachen
3. Lachung Lachung
4. Chungthang Chungthang
5. Rakdong- Tintek Tintek-Rakdong, Nampung, Lingdok.
6. Samdong Raley-Khase, Samdong, Kambal.
7. Khamdong Simik, Lingzey, Patuk, Beng, Khamdong, Dung-Dung, Aretar, Singbel, Thangsing-Bodong, Thasa.
8. Song-Martam Sakyong, Chisopani, Sirwani, Rabdang, Nageythang, Chalumthang, Pegyong, Martam, Nazitam, Trikutam, Byang.
9. Tumin-Chandey Tumin, Simik, Chandey
10. Rumtek-Marchak Marchak, Namin, Namli, Chuba, Tumlabung, Samlik,

- |                    |  |
|--------------------|--|
| 11. Ranka-Lingdum  | Luing, Parbing, Sangtong, Barbing, Ranka, Lingdum Rebrok, Tempyek Mendu-Sajong, Chenjey, Rawte-Rumtek. |
| 12. Lingi-Payong   | Lower & Upper Payong, Kaw, Sokpey, Lingi.  |
| 13. Lingmo-Nehbrom | Lingmo, Pepthang, Kolthang, Tokdey, Mangzing, Nehbrom.   |
| 14. Yangang        | Sripatam, Rangang, Gagyong Yangang, Satam, Namphok.  |

**SECOND SCHEDULE**  
**(See Sec. 3(VI))**

The following classes of subjects will be known and treated as Scheduled Castes:

1. Kami
2. Damai  
Sarki
- 3.
4. Any other class that may, from time to time, be included in this Schedule.

**TRUE COPY**  
**PART III**

**RULES, ORDER, PRESS NOTES, ETC.**  
**Income and Sales Tax Department**

**Notification No. 53(53)67 -68/3721-8920IIT&ST**  
**Dated Gangtok, the 19th August, 1967**

It is hereby notified for the information of the public in general of Sikkim that the rate of Sales Tax on automobile has been fixed as under with effect from 17th, August, 1967.

New vehicle of all types and description @ 5% ad valorem.

**By Order**

**Sd/- K. Sherab**  
**Secretary Finance, Income &**  
**Sales Tax Department,**  
**Government of Sikkim.**

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No. 9652-1 000/IT & ST**

It is hereby notified to the dealers of cardamom in Sikkim that all subsequent transactions of cardamom should be covered by a Cash Memo. This Cash Memo should be prepared in triplicate and the duplicate of all such Cash Memo should be presented to the Income and Sales Tax Department.

**By  
Order.**

**K. Sherab,  
Secretary  
, Finance, Income & Sales Tax  
Department, Government of Sikkim.**

**Gangtok  
The 22nd Jan., 1968.**

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No: 2899-200/ST**

In modification of this Office Notification No: 55-100/ST dated the 11th April, 1969, the rates of the Sales Tax on Petrol and Diesel Oil has been revised as under with effect from the 19th November, 1969, as under:

1. Petrol ..... 15 paisa per litre
2. Diesel oil ..... 10 paisa per litre

**By Order**

**Sd/- D. Dahdul,  
Secretary Finance,  
Income & Sales Tax Department,  
Government of Sikkim.**

28.11.69

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No. 263-200/IT & ST**

It is hereby notified for the information of all Traders located within the Private Estate Area, that Sales-Tax hitherto being paid by them under a temporary account shall be deposited directly with the State Bank of Sikkim under the head "VI-Assessed Taxes".

This Order shall be applicable with immediate effect.

Gangtok  
The 22nd April,  
1970

**Sd/- M.P. Pradhan**  
**Secretary Finance,**  
**Income and Sales Tax Department,**  
**Government of Sikkim.**

Gangtok,  
The 21 st April, 1970

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No. 54-500/IT & ST**

In continuation to this office Notification No: 713-500/ST dated the 28th March, 1952; it is hereby notified for the information of the public in general that Sales Tax on the following goods will be charged at the rate of 5% with effect from the 1 st April, 1970.

1. All the materials supplied by the S.P.W.D. to the contractors
2. . All finished products of the Sikkim Distilleries.

The S.P.W.D. Sikkim Distilleries and the Vendors shall be required to declare their stock in hand by the 15th of May, 1970.

**By order**

**Sd/- K. Sherab,**  
**Secretary Finance, Income &**  
**Sales Tax Department,**  
**Government of Sikkim.**

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No.1 054-500/1T & ST**

In modification of this Department Notification NO.1 009-600/IT dated the 10th January, 1963, it is hereby notified for information of the public in general that the rates of Income Tax on Contractors in Sikkim are fixed as under:

**Rates of Income Tax on the contractors in Sikkim**

Slab in thousand in gross Cheques amount of the bill Less the cost of materials issued.			Rates per thousand	
On the first Rs.	5,000/-	Nil	Income Tax	
Next Rs.	5,000/-	10/-2%	10,000	10/-
Next Rs.	40,000/-	200/-5%	50,000/-	210/-
Next Rs.	30,000/-	210/-7%	80,000/-	420/-
Next Rs.	30,000/-	300/-10%	1, 10,000/-	720/-
Next Rs.	30,000/-	360/-12%	1, 40,000/-	1,080/-
Next Rs.	30,000/-	450/-15%	1, 70,000/-	1,530/-
Next Rs.	30,000/-	540/-18%	2, 00,000/-	2,070/-
Next Rs.	60,000/-	1,320/-22%	2, 60,000/-	3,390/-
Next Rs.	1, 20,000/-	3,000/-25%	3, 80,000/-	6,390/-
Next Rs.	2, 20,000/-	6,160/-28%	6, 00,000/-	12,550/-
Next Rs.	4, 00,000/-	12,000/-30%	10, 00,000/-	24,550/-

Materials mean cement, iron rods, G.C.I. sheets and coal tar only.

**By order**

**Sd/- K. Sherab,**  
**Secretary Finance,**  
**Income & Sales Tax Department,**  
**Government of Sikkim.**

Gangtok the 21 st April,  
1970.

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No. 554-500/IT & ST**

In modification of this Department Notification No: 1609-600/IT dated the 10th January 1963, it is hereby notified for information of the public in general that the rates of Income Tax on business in Sikkim are fixed as under:

Slab in thousand of Gross turnover.	Rate per thousand	
On the first Rs.	10,000/-	Nil
Next Rs.	40,000/-	3%
Next Rs.	30,000/-	6%
Next Rs.	60,000/-	10%
Next Rs.	30,000/-	15%
Next Rs.	30,000/-	18%
Next Rs.	60,000/-	20%
Next Rs.	1,20,000/-	22%
Next Rs.	2,20,000/-	25%
Next Rs.	4, 00,000/- and above	30%

These Orders shall be deemed to take effect from the 1 st April, 1970.

**By Order**

**Sd/- K. Sherab,  
Secretary Finance,  
Income & Sales Tax Department,  
Government of Sikkim.**

**Dated, Gangtok, the 21st April,  
1970**

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No. 155-500/IT & ST**

It is hereby notified to the public in general that income accruing or arising directly or indirectly from the properties situated in the Bazar areas or from the Salaries received either from the services rendered to the Sikkim Government or to any private individuals, firm or companies will be assessed to Income Tax at the following rates:

On the first Rs.	2,400/-	...	Nil
Next Rs.	2,400/-	...	2%
Next Rs.	3,600/-	...	4%
Next Rs.	3,600/-	...	6%
Next Rs.	6,000/-	...	8%
Next Rs.	6,000/-	...	10%

While computing Income Tax a reduction of 20 percent in the case of income arising out of House properties will be given on account of House maintenance etc.

**NOTE:** (Salary includes pay, Special Pay, Personal Pay, Acting Allowances, Charge Allowances and all other allowances excluding House Rent, Rise Concession, Travelling Allowance and Laundry Allowance).

These orders shall take effect from the 1 st of April 1970

Gangtok  
The 21st April,  
1970'

**Sd/- K. Sherab,**  
**Secretary Finance,**  
**Income & Sales Tax Department,**  
**Government of Sikkim.**

**GOVERNMENT OF SIKKIM**  
**Income & Sales Tax Department**

**Notification No: 2816.200/ST**

In modification of Finance Department Notification No. 39/ST of 28.4.1955, it is hereby notified for the information of all merchants and the public in general in Sikkim that Sales Tax on Kerosene Oil will be levied at Rs., 0,05 paisa per rupee with effect from 4th October, 1971.

Gangtok  
The 4th Oct.,  
1971

**K. Sherab,  
Secretary Finance,  
Income and Sales Tax Department,  
Gangtok, Sikkim,**



**GOVERNMENT OF SIKKIM**  
**Notification No. 323/EA**

The Chogyal of Sikkim has been pleased to order, for the information and guidance of all concerned, that prohibition against taking of life of animals shall henceforth be strictly enforced and observed throughout Sikkim during the Buddhist Holy Days indicated below:

- (a) Dawa Dhangpo, the First month of the Tibetan Calendar: For the First 15 days i.e., From the First to the Fifteenth day of the month and inclusive of a double day, if any.
  - (b) Saga Dawa, the Fourth month: From the 8th to the 15th day, both days inclusive.
  - (c) All Buddhist Holy Days gazetted in Sikkim,
  - (d) The 8th, 15th and New Moon day of every month of the Tibetan Calendar.
1. During the above mentioned period, declared as Holy Days, meat may be allowed to be imported from outside Sikkim. The Departments concerned shall, however, ensure that the people are not exploited.
  2. The Department of Agriculture and Animal Husbandry and the Department of Bazar shall issue Notifications from time to time specifying the exact dates both according to the English and the Tibetan Calendars.
  3. Any person acting in contravention of this order shall be liable to a penalty upto a maximum of Rs. 1,000
  4. This Notification will come into immediate effect in super session of all previous Notifications on the subject.

The Notification, it is hoped, will fulfill a long felt need and all concerned will be guided by its provisions and respect the State Religion of Sikkim as well as the sentiments of the local people.

**Sd/T. S. Gyaltshen,**  
**Secretary,**  
**Ecclesiastical Affairs**  
**Government of Sikkim**

**Gangtok**  
**The 14th August,**  
**1971**

**GOVERNMENT OF SIKKIM**  
**BAZAR DEPARTMENT**

**NOTIFICATION NO. 812-299/B**

It has come to the notice of Sikkim Durbar that Chattiwallas i.e. (Whole-sale purchasers of vegetables, etc.) are still in the habit of purchasing different articles on Hat Days before 12 noon, in contravention of Notification No. 1781-599/B, dated the 16th July, 1951 and even go beyond the bazar area to purchase articles whole-sale before they even reach the Bazar.

It is hereby ordered that no Chattiwallas or Bazar Shop-Keeper is allowed to make purchases till 12 noon in any Bazar in Sikkim or outside the Bazar area on Hat Days. This Rule is, however, not applicable in the case of Melli and Naya-Bazar Jorethang Bazaars.

Persons violating this Order or instigating or abetting such violation will be punishable with simple imprisonment upto six months or a fine upto Rs. 300/-, or with both.

Notifications No. 1781-599/B., dated 16.7.51 and No. 910-399/B, dated 22.5.54 are, hereby , cancelled.

**By Order**

**Gangtok**  
**The 31 st July,**  
**1972**

**Executive Officer,**  
**Bazar Department,**  
**Gangtok.**

**OFFICE OF THE SECRETARY FINANCE**  
**GOVERNMENT OF SIKKIM**

**Notification  
446/Fin.**

**No.**

**Dated Gangtok the 31 st July,  
1972.**

The public are hereby informed that a deduction of 12 1/2% on the first Rs. 500/- 7 1/2% on Rs. 501/- to Rs. 2,000/- and 3% above Rs. 2,000/- will be charged as establishment charges on all kinds of refunds on account of office works done and other expenditure.

**BY ORDER.**

**Sd/- K. Sherab,  
Secretary Finance Department,  
Govt. of Sikkim.**

**OFFICE OF THE SECRETARY FINANCE**  
**GOVERNMENT OF SIKKIM**

**Clarification to Notification No.  
446/Fin.**

**Dated 31.7.72**

1. The word 'refund' appearing in the 5th line of the above Notification will not include the cases where refund is made for excess deduction of loans from the individual's pay, refund of deposit made by individuals by way of Security Deposit, Earnest Money, Bail money or refund of money which are deposited on Government orders.
2. The establishment charges which will be deducted- according to the Notification will apply only in respect of refunds of wrong and Irregular Credits.

**Sd/Secretary Finance,  
Government of Sikkim,  
Gangtok.**

**GOVERNMENT OF SIKKIM**  
**INCOME AND SALES TAX**  
**DEPARTMENT**  
**Notification No. 27-300 IT & ST**

In continuation of Notification No. 1554-500/IT&ST dated the 21 st April 1970, it is hereby notified to the public in general that Income Tax is made liable on the pay and after deducting or giving exemption to the extent of the amount deducted towards the premium of Salary Saving Scheme and Government Provident Fund.

This would be applicable from the pay of March, 1973.

Gangtok,  
The 26th April,  
1973

**Sd/- K. Sherab,**  
**Secretary Finance, Income &**  
**Sales Tax Department,**  
**Government of Sikkim.**

**GOVERNMENT OF SIKKIM**  
**INCOME AND SALES TAX DEPARTMENT**

**Notification No. 1424-  
300/IT&ST**

1. If is hereby notified that any authority responsible for paying any sum to any contractor for any work done within Sikkim in pursuance of a contract between a contractor and
  - (i) the Sikkim Government
  - (ii) the India Government including Defence, C.P.W.D., C.W. & PC. & Border Roads.Shall at the time of payment thereof, either in part or in full, in cash or by issue of cheque or draft or by any other means, deduct an amount equal to 2% of such sum as income-tax.
2. Any authority deducting any sum in accordance with the above provision shall pay within thirty days from the day of such deduction, the sum so deducted to the credit of Sikkim Government and furnish a certificate to the effect that tax has been deducted, specifying the amount so deducted, the rate at which the tax has been deducted and such other particulars as may be required.
3. The authority authorised as above failing to deduct 2% advance income tax shall be liable for realization of further amount on account of penal interest that may be imposed upon a contractor for either non-deduction of the tax at source or non-payment by the contractor of any other dues.

This order shall be applicable with immediate effect.

BY ORDER

Gangtok  
The 21st December,  
1973

**Sd/- (M. P. PRADHAN),**  
**Secretary Finance, Income &**  
**Sales Tax Department,**  
**Govt. of Sikkim.**

**GOVERNMENT OF SIKKIM**  
**INCOME AND SALES TAX DEPARTMENT**

**Notification No. 1220-200/IT &  
ST**

1. Notice is hereby given to all assesseees of Income Tax that any amount specified as payable in the notice of demand shall be paid within Forty Five days from the date of the issue of the notice. If the said amount specified in the notice of demand is not paid within the aforesaid period simple interest at 12% per annum shall be. charged from the date of the notice of demand.
2. If the payment is not made even after three months from the date of notice of demand the assessee shall, in addition to the amount of interest payable as indicated para (1) be liable to a penal interest at 20% on the defaulted amount.
3. An assessee may present an appeal for the revision of assessment made against him after payment of 50% of the amount assessed in which case he shall not be treated as in default in respect of the amount in dispute. He will not be however, treated as such if the appeal, on determination, has been found to be frivolous and preferred only to gain time or payment.

This order shall be applicable with immediate effect.

**BY ORDER**

**Gangtok**  
**The 20th December, 1973**

**Sd/- (M.P. PRADHAN),**  
**Secretary Finance, Income &**  
**Sales Tax Department,**  
**Govt. of Sikkim.**

**GOVERNMENT OF SIKKIM**  
**INCOME AND. SALES TAX DEPARTMENT**

**Notification No. 4091-100 IT & ST**

It is hereby notified that winnings from Lottery and Commissions from the sale of such lottery on account of Rs. 10,000/- and above will be assessed to Income Tax as per rate notified under Notification No. 155-500/IT & ST dated the 21 st April, 1970.

This order shall be applicable with immediate effect.

**BY ORDER**

*Sd/*  
**(M.P. PRADHAN),**  
**Secretary Finance,**  
**Income & Sales Tax Department,**  
**Government of Sikkim.**

**Gangtok**  
**The 5th February, 1974**

**OFFICE OF THE SECRETARY**  
**TRADE, INDUSTRIES & COMMERCE**  
**GOVERNMENT OF SIKKIM,**  
**GANGTOK**  
**Notification No. 2/TIC**  
**Dated the 16th February,**  
**1974**

**INCENTIVES FOR GROWING INDUSTRIES IN SIKKIM**

For quite sometime Government of Sikkim have been considering offering suitable incentives for the new industries in Sikkim with a view to promote orderly and speedy industrial development of the country. The Government of Sikkim after careful consideration of the matter, have now decided to make available the following concessions to new industrial establishments in Sikkim with immediate effect.

(i) **ELECTRICITY:**

The existing concessional rate of 25 N.P. per unit upto a monthly consumption of 15'00 units and 18 N. P. per unit above 1500 units plus the usual rebate of 10%' for payment within the due date will be continued till the Lower Lagyap Project is completed. The existing rate will be reviewed after the Lagyap Project is completed.

(ii) **H.T. LINES:**

There will be no charge for expansion of power lines except for the length and cost of equipment which are within the premises of the consumers, provided the return on capital invested on the power line beyond a highway or a public road is found to be adequate.

(i ii) **WATER TAX:**

Wherever the industries make their own arrangement for the supply of water, no royalty on water will be charged. If the Government are to make arrangements for supply of water for industrial use, it will be arranged on no profit no loss basis.

(iv) **PIPE LINES:**

Government may provide such pipe line upto the premises of the industries from the existing supply lines, at Government cost subject to adequate returns on the investment within the prescribed period.

(v) **TAXES:**

(a) Such mining rights as may be given to any firm, factory, industry etc. shall be negotiable separately.

(b) Income Tax: The Industries shall be exempt from paying income tax for five years from the date the Industry goes into production.

(vi) **TRANSPORTATION OF FINISHED GOODS BY S.N.T.**

The existing concessional rates for carriage of down load available to Fruit Preservation Factory and Sikkim Mining Corporation will be made available to new industries.

(vii) **PARTICIPATION:**

(a) The guiding principle would be that the majority share in any new enterprise should be that of Government of Sikkim but this shall be open for negotiation depending on the merits of each case.

(b) Small Industries: The majority share should be that of Sikkimese people if it is undertaken with the collaboration of outside entrepreneurs.

(viii) **LOAN FROM THE BANK:**

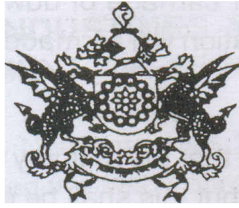
Bank of Sikkim will be requested to allow loans to new industries at the rate of 6 to 8% per annum and Government may consider grant of subsidy to the Bank for the difference between their concessional lending rates and the actual cost of their borrowing. In the case of public sector industry, affording Government guarantee for loans will not arise. For joint sector enterprises, Government may examine each case and on merits underwrite the loans.

**BY ORDER**



**SIKKIM**

**DARBAR**



**GAZETTEE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**Ex. Gaz.**

**Gangtok, July 6, 1974**

**NO.1**

**THE GOVERNMENT OF SIKKIM ACT**  
**1974**

## **NOTIFICATION NO. 35/S.C.**

**Dated Gangtok, the 6th July, 1974**

Having received the assent of the Chogyal of Sikkim on 4th July, 1974, the Government of Sikkim Bill, 1974 which was passed by the Sikkim Assembly on 3rd July, 1974, has now become the Government of Sikkim Act, 1974 and it is hereby notified for general information as follows:

### **THE GOVERNMENT OF SIKKIM ACT, 1974**

#### **An Act**

to provide, in pursuance of the historic agreement of the 8th of May, 1973 between The Chogyal, the leaders of the political parties representing the people of Sikkim and the Government of India and of the unanimous desire of the members of the Sikkim Assembly expressed in the meeting of the Assembly held on the 11th May, 1974, for the progressive realization of a fully responsible Government in Sikkim and for further strengthening its close relationship with India.

#### **CHAPTER I** **Preliminary**

Short Title and  
Commencement

- I. This Act may be called the Government of Sikkim Act, 1974.
- (2) It shall come into force on the 4th day of July, 1974.

Definitions

2. In this Act, unless the context otherwise requires;
  - (a) "Assembly" means the Sikkim Assembly;
  - (b) "Chief Executive" means the Chief Executive referred to in section 28;
  - (c) "Chogyal" means The Chogyal of Sikkim;
  - (d) "Member" means a member of the Assembly;

#### **CHAPTER II** **The Chogyal of Sikkim**

The Chogyal and his  
Privileges

3. The Chogyal shall take precedence over all other persons in Sikkim and he shall continue to enjoy the honour, position and other personal privileges hitherto enjoyed by him.

Chogyal to Exercise Powers and perform functions in accordance with this Act.

4. The Chogyal shall exercise his powers and perform his functions in accordance with the provisions of this Act and nothing contained in section 3 shall affect the provisions of this section.

Executive action in Sikkim how to be expressed

5. All executive action of the Government of Sikkim taken in accordance with the provisions of this Act shall be expressed to be taken in the name of The Chogyal.

## CHAPTER II Sikkim Assembly

Assembly for Sikkim

6. (1) there shall be an Assembly for Sikkim.

(2) The total number of seats in the Assembly to be filled by persons chosen by direct election shall be such as may be determined by law.

Elections to the Sikkim Assembly

7. (1), For the purpose of elections to the Sikkim Assembly, Sikkim shall be divided into constituencies in such manner as may be determined by law.

(2) The Government of Sikkim may make rules for the purpose of providing that the Assembly adequately represents the various sections of the population, that is to say, while fully protecting the legitimate rights and interests of Sikkimese of Lepcha or Bhutia origin and of Sikkimese of Nepali origin and other Sikkimese, including Tsongs and Scheduled Castes no single section of the population is allowed to acquire a dominating position in the affairs of Sikkim mainly by reason of its ethnic origin.

Election Commission of India may conduct Elections

8. For ensuring free and fair elections in Sikkim, The Chogyal shall appoint a representative of the Election Commission of India nominated by the Government of India in this behalf and the elections shall be conducted under the supervision of such representative, and for this purpose the representative shall have all the powers necessary for the effective discharge of his functions.

Qualifications for Membership of Assembly

9. A person shall not be qualified to be chosen to fill a seat in the Assembly

unless he

(a) is an elector for any constituency and makes and subscribes before some person authorised by the authority conducting the election an oath or affirmation according to the form, set out in the Scheduled;

(b) is not less than 25 years of age on .

(c) possesses such other qualifications as it may be specified in any law for the time being in force.

Elections on the Basis of Adult suffrage

- 10 (1) The elections of the Sikkim Assembly shall be on the basis of one man one vote, that is to say, every person who on the prescribed date is a subject of Sikkim, is not less than twenty one years of age and is to otherwise disqualified under this Act or under any other law on the ground of residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at any such election.
- (2) Every person whose name is for the time being entered in the electoral roll of any constituency shall be entitled to vote at the election of a member from that constituency.

Duration of Assembly

11. The Assembly shall, unless sooner, dissolved continue for four years from the date appointed for its first meeting and no longer, and the longer, and the expiration of the said period of four years shall operate as a dissolution of the Assembly.

Summoning of Assembly

12. The Chogyal shall, on the advice of the President of the Assembly, summon the Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Speaker and Deputy Speaker of Assembly

13. (1) The Chief Executive shall be ex-officio President of the Assembly and as such shall perform the functions of the Speaker thereof.
- (2) The Assembly shall, as soon as may be, choose a member to be Deputy Speaker, thereof who shall act as Speaker during the absence of the President of the Assembly from any sitting of the Assembly.

Right of Chogyal to attend and address meetings of Assembly

14. The Chogyal may address the Assembly after intimating to the President of the Assembly his intention to do so.

Oath or Affirmation by Members

15. Every member of the Assembly shall, before taking his seat, make and subscribe before The Chogyal or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Schedule.

Vacation of seats

16. If a member of the Assembly
- (a) becomes subject to any disqualification mentioned in section 17 for membership of the Assembly. or
- (b) resigns his seat by writing under his hand addressed to the President of the Assembly.
- his seat shall thereupon become vacant.

Disqualification  
for Membership

17. (1) A person shall be disqualified for being chosen as and for being a member of the Assembly
- (a) if he holds any office of profit under the Government of Sikkim other than an office declared by law not to disqualify its holder.
  - (b) if he is of unsound mind and stands so declared by a competent court;
  - (c) if he is so disqualified by or under any law.
- (2) For the purpose of this section, a person shall not be deemed to hold an office of profit under the Government of Sikkim by reason only that he is a Minister.
- (3) If any question arises as to whether a member of the Assembly has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the Chogyal and his decision shall be final.
- (4) Before giving any decision on any such question, The Chogyal shall obtain the opinion of the Election Commission of India or such other election authority as may be specified by the Government of India for the purpose, and shall act according to such opinion.

Penalty for sitting and  
voting before taking  
oath etc., or when  
disqualified etc.

18. If a person sits or votes as a member of the assembly before he has complied with the requirements of section 15 or when he knows that he is not qualified or that he is disqualified for membership thereof; he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the Government of Sikkim.

Powers and Privileges  
of Members

19. (1) Subject to the provisions of this Act, and to the rules and standing orders regulating the procedure of the Assembly, there shall be freedom of speech in the Assembly.
- (2) No member shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Assembly or in any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or other proceedings.

Power and Functions  
of the Assembly

20. (1) subject to the provisions of this Act, the Assembly may discuss, make recommendations or make laws for the whole or any part of Sikkim with respect to any of the following matters, namely
- (a) Education;

- (b) Public Health;
- (c) Excise;
- (d) Press and Publicity;
- (e) Transport;
- (f) Bazaars;
- (g) Forests;
- (h) Public Works;
- (i) Agriculture;
- j) Food Supplies;
- (k) Economic and Social Planning including State enterprises;
- (l) Land Revenue

(2) Subject to the provisions of this Act, the Assembly shall also have the right to discuss and make recommendations with respect to any matter not enumerated in sub-section (1) which may from time to time be referred to it by the Chief Executive.

(3) The Chogyal shall, on the recommendation of the Government of India, by notification in the Sikkim Durbar Gazette and any other matter to the matters enumerated in sub-section (1), and thereupon the matter so added shall be deemed to have been included in that sub-section for the purposes of this Act.

Assent  
Bills to

21. When a Bill has been passed by the Assembly, it shall be presented to the Chogyal and the Chogyal shall declare either that he assents to the Bill or that withholds assent there form

Provided that The Chogyal may, as soon as possible after the presentation to him of a Bill for assent, return the Bill to the Assembly with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of three months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment and presented to The Chogyal for assent, The Chogyal shall not withhold assent there form :

Provided further that The Chogyal shall reserve for the consideration of the Government of India any Bill which would, if it become law, affect any of the responsibilities of the Government of India or any of the special

responsibilities of the Chief Executive referred to in section 28 and shall act according to the decision of the Government of India.

Courts not to inquire into proceedings of Assembly 22. (1) The validity of any proceedings in the Assembly shall not be called in question on the ground that they violate any provision of this Act or any rule made under this Act.  
(2) No officer or member of the Assembly in whom powers are vested by or under this Act for regulating the procedure or the conduct of business or for maintaining order in the Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of these powers.

Rules of Procedure 23. (1) The Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business.  
(2) Notwithstanding anything contained in sub-section (1) or in any other provision of this Act, the Assembly shall not discuss or ask questions on any of the following namely  
(a) The Chogyal and members of the ruling family;  
(b) any matter pending before a court of law;  
(c) the appointment of the Chief Executive or members of the judiciary  
(d) any matter which is exclusively the responsibility of the Government of India, whether under this Act or under any agreement or otherwise

#### **CHAPTER IV** **Council of Ministers**

Council of Ministers to aid and Advise the Chogyal who 24. There shall be an Executive Council (in this Act referred to as the Council of Ministers) with one of the members thereof at the head

shall be designated as the Chief Minister and the others as Minister  
(2) The Council of Ministers shall be in charge of the administrative departments allotted to them and shall advise The Chogyal in respect of all matters within their jurisdiction

(3) Every advice tendered by the Council of Ministers shall be communicated to the Chogyal through the Chief Executive who may if he is of opinion that the advice affects or is likely to affect any of any special responsibilities or the responsibilities of the Government of India referred to in section.28. require the Council of Ministers to modify the advice accordingly.

(4) The question whether any, and if so, what, advice was tendered by Ministers to The Chogyal shall not be inquired into by any court

Appointment and removal of Ministers 25. (1) The Chief Minister and the other Ministers shall be appointed by The Chogyal on the advice of the Chief Executive.

(2) The Council of Ministers shall be responsible to the Assembly.

(3) Before a Minister enters upon his office, The Chogyal or such other person as may be authorised in this behalf, shall administer to him the oaths of office and of secrecy according to the form set out for the purpose in the Schedule,

Extent of Executive Power 26. The Executive power of the Council of Ministers shall extend to the matters referred to in section 20

Conduct Business

of

27. The Chogyal shall, on the recommendation of the Chief Executive taken in consultation with the Chief Minister, make rules for the allocation of business to the Ministers and for the more convenient transaction of business.

#### **CHAPTER V** **The Chief Executive**

Chief Executive and his functions

28. (1) At the head of the Administration in Sikkim, there shall be a Chief Executive, who shall be a person nominated by the Government of India and appointed to that post by The Chogyal.

(2) The functions of the Chief Executive shall be to ensure that

(a) the responsibilities of the Government of India in or in relation to Sikkim as respects all or any of the matters referred to in the Agreement of the 8th of May, 1973, between The Chogyal, the Government of India and the leaders of the political parties representing the people of Sikkim, or in any other agreement entered into between The Chogyal and the Government of India, whether before or after the commencement of this Act.

(b) the special responsibilities of the Chief Executive referred to in the agreements of the 8th of May, 1973 aforesaid are duly discharged.

(:3) The Chief Executive shall have all the powers necessary for the discharge of his function and responsibilities, and the executive power in Sikkim shall be so exercised as to ensure compliance with any decisions taken or orders or directions issued by the Government of India in the due discharge of its responsibilities.



Performance of functions by the Chief Executive 29. (1) The Chief Executive shall

(a) where any action taken in the performance of his functions concerns a matter the administrative functions relating to which have been allocated to a Minister, act in consultation with the Minister in respect thereof,

(b) submit all important matters to The Chogyal for his information and for his approval of the action proposed to be taken:

Provided that where immediate action is required the Chief Executive may take such action as he thinks fit and shall obtain The Chogyal's approval as soon as after the action has been taken as possible

(c) advise the Chogyal in respect of all other matter.

(2) Where a difference of opinion arises between the Chief Executive and The Chogyal in respect of any matter, it shall be referred to the Government of India for decision and the decision of the Government of India shall be final.

## **CHAPTER VI** **General**

Association with Government of India

30. For the speedy development of Sikkim in the social, economic and political fields, the Government of Sikkim may

(a) request the Government of India to include the planned development of Sikkim within the ambit of the Planning Commission of India while that Commission is preparing plans for the economic and social development of India and to appropriately associate officials from Sikkim in such work.

(b) request the Government of India to provide facilities for students from Sikkim in institutions for higher learning and for the employment of people from Sikkim in the public services of India (including All-India Services), at par with those available to citizens of India,

(c) seek participation and representation for the people of Sikkim in the political institutions of India.

Independence of Judiciary 31. All judges shall be independent in the exercise of their judicial function and subject only to this Act and the laws.

Basic Human rights and fundamental of freedom

32. (1) All sections of the people in Sikkim shall enjoy basic human rights

and fundamental freedoms without discrimination.

(2) The Government of Sikkim shall make every endeavor to secure for the people of Sikkim the enjoyment of the aforesaid rights and to maintain and promote communal harmony.

(3) Notwithstanding anything contained in the aforesaid provisions, special provisions shall be made for the advancement or the protection of aboriginal inhabitants of Sikkim and other minorities.

Existing Assembly to be the first Sikkim Assembly under this Act

33 The assembly which has been formed as a result of the elections held in Sikkim in April 1974 shall be deemed to be the first assembly duly constituted under this Act and shall be entitled to exercise the powers and perform the functions conferred on the Assembly by this Act

Power to remove difficulties

34 If any difficulty arises in giving effect to the provision of this Act The Chogyal may in consultation with the Chief Executive by order, do anything not inconsistent with the provisions of this Act which appear to be expedient or necessary for the purpose of removing the difficulty..

**By Order**

**J.T. Densapa,  
Secretary to The  
Chogyal.**

## THE SCHEDULE

### Form of oaths or affirmations

(See Section 9-a)

(1) Form of oath or affirmation to be made by candidate for election to the Assembly  
"I A.B. having been nominated as a candidate to fill a seat in the Assembly do swear  
in the name of God solemnly affirm---

that I will bear true faith and allegiance to the Constitution of Sikkim as by law  
established.

II

(2) Form of oath or affirmation to be made by a Member of the Assembly (see section  
15)

"I.A.B. having been elected as a member of the Assembly do swear in the name of God  
solemnly affirm---

that I will bear true faith and allegiance to the Constitution of Sikkim as by Law established and  
that I will faithfully discharge the duty on which I am about to enter

III

"I. A.B. do swear in the name of God.  
solemnly affirm

that I will bear true faith and allegiance to the Constitution of Sikkim as by law established  
and that I will faithfully and conscientiously discharge my duties as a Minister and that I will  
do right to all manner of people in accordance with the Constitution and the law without  
fear or favour, affection or ill-will.

IV

(4) Form of oath of secrecy for a member of the Council of Ministers (see section  
25)

"I. A.B. do swear in the name of God

solemnly affirm

that I will not directly or indirectly communicate or reveal any persons any matter which  
shall be brought under consideration or shall become known to me as a Minister except  
may be required for the due discharge of my duties as such a Minister".

