

# SIKKIM

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## GOVERNMENT



## GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 39

Gangtok, Monday, April 3, 1978

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 5/LL/78

Dated Gangtok, the 3rd April, 1978.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 31st day of March, 1978 is hereby published for general information.

SIKKIM ACT NO. 5 OF 1978

### THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS REMOVAL OF DISQUALIFICATIONS ACT, 1978

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ACT

to declare that certain offices are not to disqualify the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Sikkim.

WHEREAS it is expedient to declare that certain officers are not to disqualify the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Sikkim.

It is hereby enacted in the Twenty-ninth Year of the Republic of India by the Legislature of Sikkim, as follows:—

*Short title.*

1. (1) This Act may be called the Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1978.
- (2) It shall be deemed to have come into force on the 3rd day of November, 1977.

*Definitions.*

2. In this Act, unless the context otherwise requires,—
  - (a) “Compensatory allowance” means any sum of money payable to the holder of an office by way of daily allowance, conveyance allowance, house rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.
  - (b) “Legislative Assembly” means the Legislative Assembly of the State of Sikkim.
  - (c) “non-statutory body” means any body of persons other than a statutory body.
  - (d) “State Government” means the Government of the State of Sikkim.
  - (e) “Statutory body” means any Corporation, Committee, Commission, Council, Board or other body of persons whether incorporated

*Certain Offices not to disqualify*

3. It is declared that none of the following offices under the Government of India or the State Government, shall disqualify or be deemed ever to have disqualified the holder thereof for being chosen as or for being, a member of the Legislative Assembly namely:—
- (a) the office of the Minister of the State or the Deputy Minister, either for the union or for the State of Sikkim;
  - (b) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air Forces Act, 1952;
  - (c) any office in the Home Guard constituted by or under any law for the time being in force under the authority of the State Government;
  - (d) the office of the Chairman or a member of the syndicate, Senate, Executive Council or Court of a University or any Committee, by whatever name called, of any educational institution receiving aid out of the State funds;
  - (e) the office of the Chairman or a member of the Committee of management of a Co-operative Society nominated or appointed by the State Government under any law relating to co-operative societies for the time being in force in the State of Sikkim;
  - (f) the office of the Chairman or a member of the planing Commission or Committee or Board or similar other authorities appointed by the State Government;
  - (g) the office of the Chairman or a member of the Labour Commission appointed by the State Government;
  - (h) the office of the Chairman or a member of the pay Commission appointed by the State Government;
  - (i) the office of the Chairman or a member of Board of Directors of the State Trading Corporation;
  - (j) the office of the Chairman or a members of the Board of Directors of the State Bank of Sikkim;
  - (k) the office of the Chairman or a member of the State Electricity Advisory Board or the State Electricity Board appointed by the State Government;
  - (l) the office of the Chairman or a member of the Sikkim Khadi and Village Industries Board appointed by the State Government;
  - (m) the office of the Chairman or a member of the Board of the Sikkim Nationalised Transport appointed by the State Government;
  - (n) the office of the Chairman or a member of the Board of Directors of the Sikkim Mining Corporation appointed by the State Government;
  - (o) the office of the Chairman or a member of the Schedule Caste Welfare Board appointed by the State Government;
  - (p) the office of the Block Mandal appointed by the State Government;
  - (q) the office of the Chairman, Deputy Chairman or a member or Secretary of any Committee, Commission, Corporation or similar other authorities constituted by the Government of India or the State Government or any other authority in respect of any public matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance or any residential accommodation or any arrangement for conveyance to facilitate the performance of the function of such office.
- Explanation:— For the purpose of this Act, the office of Chairman, Deputy Chairman or Secretary shall include every office of that description, by whatever name called.

*Repeal.*

4. The Sikkim Legislative Assembly Members Removal of Disqualifications Ordinance, 1977, is hereby repealed.

By Order of the Governor.

B. R. PRADHAN,

Secretary to the Government of Sikkim  
Law and Legislative Department.