I SIKKIM MINISTERS, SPEAKER, DEPUTY SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES) ACT, 1977]

ACT NO. 4 of 1977

AN

to provide for the salaries and allowances of the Ministers, the Speaker, the Deputy Speaker and Members of the Legislative Assembly of the State of Sikkim.

[28th March, 1977]

Be it enacted by the Legislature of Sikkim in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the [Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act,] 1977.

Short title and Commencement.

- (2) The provisions of this Act shall come into force at once except the provisions of section 3 which shall come and shall always be deemed to have come into force with effect from the 1st day of April, 1976.
- 2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

- (a) 'Assembly' means the Legislative Assembly of the State of Sikkim.
- (b) 'Chief Minister', 'Minister', 'Minister of State' and 'Deputy Minister' shall mean respectively the Chief Minister, a Minister, a Minister of State or a Deputy Minister of the State of Sikkim.
- (c) 'Committee' means a Committee of the Assembly and includes a Committee appointed by the State Government.
 - (d) 'Deputy Speaker' means Deputy Speaker of the Assembly.
- (e) 'family' in relation to person means the wife or the husband, as the case may be, and minor children of such person and also the parents and adult children of such person and adult children who are wholly dependent on such person.
 - (f) 'furnished' means provided with furniture and fittings on such scale and within such limits as may be prescribed.

^{1.} Subs. by sec 2 (a) of the S. S. & A. (Amd.) Act, No. 6 of 1980 (w. e. f. 25, 10, 1979).

- (g) 'maintenance' in relation to a residence shall include repairs, structural addition and alternations and provision of connections for water and electricity and payment of municipal rates and taxes and other charges in respect of the residence.
- (h) 'member' means a member of the Assembly other than the Chief Minister, a Minister of State, a Deputy Minister, the Speaker and the Deputy Speaker and shall include a member acting as Speaker in the absence of the Speaker and the Deputy Speaker.
- (i) 'month' shall mean a month reckoned according to the English Calender.
- (j) 'prescribed' mean prescribed by rules made under this Act.
- (k) 'rent' includes charges for electricity and water.
- (1) 'residence' includes the garage, garden, lawn, quarters for the staff, servants, security personnel or guards and guest house within the compound of the residence.
- (m) 'session' means the whole period from the time when the Assembly meets to the time when it is prorogued.
- (n) 'Speaker' means the Speaker of the Assembly and shall include a member of the Assembly appointed by the Governor to perform the duties of the Speaker when the posts of the Speaker and the Deputy Speaker are vacant.

Salaries and allowances.

- 3. (1) There shall be paid to the Chief Minister, the Minister the Minister of State, the Deputy Minister, the Speaker and the Deputy Speaker such monthy salaries as specified in the Schedule.
 - (2) There shall be paid to the Chief Minister, the Minister ²[the Speaker and the Deputy Speaker] such monthly sumptuary allowances as specified in the Schedule.
 - (3) There shall be paid to every member of the Assembly a salary at the rate of eight hundred rupees per month and also a consolidated allowance at the rate of ³[three] hundred rupees per month for his travelling and other expenses including the expenses necessary for attending the meetings of Assembly ⁴[* * *].

^{2.} Subs. by sec. 2 (b) of the S.S. & A. (Amd.) Act, No. 6 of 1980 (w. e. f. 25, 10.1979).

^{3.} Subs. by sec. 2 (a) of the S. M. S. D. S. & M of L. A. (S. & A.) (Amd.) Act, No. 10 of 1980 (w. e. f. 1, 8, 1980).

Deleted by sec. 2 (I) of the Sikkim Salaries and Allowances (Amd.) Act, No. 10 of 1978 (w. c. f. 1. 4. 1976).

4. (1) The Chief Minister, the Minister, the Minister of State, the Deputy Minister, the Speaker and the Deputy Speaker shall be entitled without payment of rent to use of a furnished residence in Gangtok throughout the term of his office and for a month after he ceases to hold

such office.

6.

Residence

- (2) Where any of the persons mentioned in sub-section (1), is not provided with any residence under sub-section (1), he shall be paid an allowance at the rate of four hundred rupees per month so long as he is not provided with such residence.
- (3) All expenditure for maintenance and furnishing any residence provided under sub-section (1) shall be borne by the Government.
 - (4) Every member shall be entitled to such residential accommodation as may be prescribed at the place of the sitting of the Assembly during the session or a meeting of a Committee.

the Deputy Speaker shall be provided with free Vehicle and driver and all expenses for the salaries and allowances of the driver, of fuel, upto such limit as may be prescribed, expenditure of maintenance and repairs of the vehicles shall be borne by the Government.

- (2) Where any of the persons mentioned in sub-section (1) is not provided with the facilities of conveyance as specified therein, he shall be paid a conveyance allowance at the rate of four hundred rupees per month and shall in addition be provided with a driver under the employment of the Government.
- (3) Every member shall be provided with a free non-transferable first class pass for travelling by railway from and to any place in India for a distance of not exceeing ⁵[eight] thousand kilometers in the aggregate in any financial year and also a free non-transferable pass for travelling within the State of Sikkim by any transport service vehicle owned, controlled or managed by the Government.

The Chief Minister, the Minister, the Minister of State, the Deputy Minister, the Speaker, the Deputy Speaker Medical facilities.

Conveyance.

^{5.} Subs. by sec. 2 (a) of the S. M. S. D. S. & M. of L. A. (S. & A.) (Amd.) Act, No. 10 of 1980 (w. e. f. 1. 8. 1980).

and the members along with their family shall be entitled to free medical attendance and treatment in any of the Government hospitals of the State and also such other medical facilities as may be prescribed.

Travelling Allowance.

- 7. (1) The Chief Minister, the Minister, the Minister of State, the Deputy Minister, the Speaker, the Deputy Speaker and the members shall be entitled to travelling allowance while on tour on public business at such rates and subject to such conditions as may be prescribed.
 - ⁶[(2) The members shall be entitled to such travelling allowances and facilities at such rates and subject to such conditions as may be prescribed, for attending the meeting of a Committee.]

Power to make rules.

8. The State Government may make rules for carrying out the purposes of this Act and, in particular for any of the matters required to be prescribed under any of the foregoing provisions of this Act.

Repeal and savings.

- 9. (1) All laws including rules, regulations, orders, notifications, circulars or other provisions in respect of any matter governed by this Act, made or issued prior to the commencement of this Act, shall cease and shall always be deemed to have ceased to have any force or effect on and from such commencement.
 - (2) Notwithstanding anything contained in sub-section (1), all claims under any of the provisions mentioned in sub-section (1) relating to the period prior to the commencement of this Act, and remaining unpaid or unadjusted on the date of the commencement of this Act shall be paid or adjusted, as the case may be under the said provisions as if this Act had not come into force.
 - (3) Any order issued, claims paid, payments made or any other action taken before the commencement of this Act in respect of salaries and allowances including advance payment thereof and all other matters governed by this Act shall be deemed to have been validly issued, paid, made or taken duly and properly and under proper legal authority.

Ins. by sec. 2 (2) of the S. M. S, D. S. & M. of L. A. (S. & A.) (Amd.) Act, No. 10 of 1978 (w. e. f. 28,3,1977).

SCHEDULE (section 3(1) and section 3(21)

Allowance
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^{7.} Subs. by sec. 2 (c) of the S. S. & A. (Amd.) Act, No. 6 of 1980 (w. e. f. 25.10.1979).

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 77

Gangtok, Friday, September 19, 1980

LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 9/LL/80.

Dated Gangtok, the 18th September, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 16th day of September, 1980, is hereby published for general information.

SIKKIM ACT NO. 10 OF 1980.

THE SIKKIM MINISTERS, SPEAKER, DEPUTY SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES) AMENDMENT ACT, 1980.

AN

ACT

further to amend the Sikkim Ministers, Speaker, Deputy-Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977 (4 of 1977).

Be it enacted by the Legislature of Sikkim in the Thirty-first year of the Republic of India as follows:—

- 1. (1) This Act may be called the Sikkim Ministers, Speaker, Deputy-Short title and Speaker and Members of the Legislative Assembly (Salaries and commencement, Allowances) Amendment Act, 1980.
 - (2) It shall be deemed to have come into force on the 1st day of August, 1980.
- 2. In the Sikkim Ministers, Speaker, Deputy-Speaker and Members of Amendment of the Legislative Assembly (Salaries and Aliowances) Act, 1977—

 section 3 and 5.
 - (a) in sub-section (3) of section 3 for the words "two hundred rupees" the words "three hundred rupees" shall be substituted.
 - (b) in sub-section (3) of section 5 for the words "five thousand kilometres" the words "eight thousand kilometres" shall be substituted.

By Order of the Governor,

B. R. PRADHAN,

Secretary to the Government of Sikkim, Law and Legislative Department, F. No. 16 (11)LL/77.



EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 106

Gangtok Monday, September 15, 1986.

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

NOTIFICATION

No. 10/LD/86

Dated the 8th September, 1986.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 6th day of September, 1986 is hereby published for general information:—

THE SIKKIM MINISTERS, SPEAKER, DEPUTY SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES) AMENDMENT ACT, 1986.

(ACT NO. 10 OF 1986)

AN

ACT

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

Be it enacted by the Legislative Assembly of Sikkim in the Thirtyseventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Amendment Act, 1986.

Short title and commencement?

- It shall come into force on the 1st day of September, 1986.
- In the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Amendment of Legislative Assembly (Salaries and Allowances) Act, 1977 (hereinafter referred to as the 'said Act'), in section 3, in sub-section (3),-

section 3.

- (a) For the words "eight hundred rupees per month" the words "one thousand rupees per month', and
- (b) For the words "three hundred rupees per month" the words "five hundred rupees per month",

shall be substituted.

3. In the said Act, for the existing Schedule, the following Schedule shall be substituted, namely:—

"SCHEDULE sub-sections (1) and (2) of section 3

Sl. No.	2	Designation	Salary	Sumptuary Allowance
1.		Chief Minister	Rs. 3,800/-	Rs. 700/-
2.		Speaker	Rs, 3,500/-	Rs. 500/-
3.		Minister	Rs. 3,000/-	Rs. 500/-
4.	٠.	Deputy Speaker	Rs. 3,000/-	Rs. 500/-
5.		Minister of State:	Rs. 2,500/-	Rs. 300/-
6.		Deputy Minister	Rs. 2,200/-	Rs. 250/-''

B. R. PRADHAN,

Secretary to the Govt. of Sikkim, Law Department.

(F. No. 16 (11)/LD/1977/86.)

SIKKIM



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok Thursday, March 15, 1990

No: 33

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT GANGTOK

NOTIFICATION

No. SLAS/89-90/204/6023

GOVERNMENT

Dated Gangtok, the 15th March, 1990.

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

THE SIKKIM MINISTERS, SPEAKER, DEPUTY SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES) AMENDMENT BILL, 1990

(BILL NO. 1 OF 1990)

A

BILL

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

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

Short title and commencement

- (1) This Act may be called the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Amendment Bill, 1990.
- (2) It shall be deemed to have come into force with effect from the 1st day of December, 1989.

Amendment of section 4.

2. In the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977, in subsection (2) of section 4, for the words "four hundred rupees" the words "three thousand rupees" shall be substituted.

4 of

1977

STATEMENT OF OBJECTS AND REASONS

The existing salaries and allowances of the Council of Ministers, Speaker and Deputy Speaker were fixed as far back as in 1977. The Ministers who were not provided with official residences were provided with an allowance of Rs.400/- per month only under the Act. This amount was meagre even by the then standards and especially so since it also included charges for electricity and water. Furthermore, over the last thirteen years no initiative has been taken to consider refixation of the said allowance. The rise in inflation, unprecedented upsurge in prices all around makes it absolutely necessary for the allowance to be refixed at a fair and reasonable amount.

In the past, due to the small size of the Ministry official residences have been provided to all Ministers. Now, however, the increased size of the Ministry coupled with the already existing acute shortage in accommodation in the Capital, Gangtok, a situation has arisen where many of the Ministers have not been provided with residential accommodation by the Government and are staying in privately owned quarters.

Under these circumstances, it has now been found necessary to give a fair and just compensation to those Ministers not provided with official residence by refixing the allowance at Rs.3,000/- per month. With this object in view, the Bill has been framed.

N.B. BHANDARI CHIEF MINISTER

RECOMMENDATION OF THE GOVERNOR UNDER ARTICLE 207 (1) OF THE CONSTITUTION OF INDIA.

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

FINANCIAL MEMORANDUM

The proposal will involve additional expenditure to the extent of Rs.62,400/- for the period from December 1989 to March 1990 and from the financial year 1990-91 onwards the anticipated recurring expenditure will be to the tune of Rs.1,08,000/- per mensum from the Consolidated Fund of Sikkim.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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PUBLISHED BY AUTHORITY BY Order of the concerned.

Gangtok, Tuesday, September 17, 1991

No. 144

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

No. 8/LD/1991

Dated Gangtok, the 17th September, 1991.

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 17th day of September, 1991, is hereby published for general information:-

THE SIKKIM MINISTERS, SPEAKER, DEPUTY SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY (SALARIES AND ALLOWANCES) AMENDMENT, ACT, 1991.

(ACT NO. 5 OF 1991)

AN

ACT

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

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

Short title 1. and commence-ment.

- (1) This Act may be called the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Amendment Act, 1991.
- (2) It shall be deemed to have come into force with effect from the 1st day of July, 1991.
- Amendment of 2. section 3.
- In the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977 (hereinafter referred to as the principal Act), in section 3, for sub-section (3), the following sub-section shall be substituted, namely:
- "(3) There shall be paid to every member of the Assembly-
 - (a) a salary at the rate of one thousand rupees per month;
 - (b) a consolidated allowance at the rate of five hundred rupees per month for his travelling and other expenses necessary for attending the meetings of the Assembly; and
 - (c) a constituency allowance of one thousand rupees per month."

Insertion of new section 7 A. "Telephone facilities.

3. 7A.

- In the principal Act, after section 7, the following new section shall be inserted, namely:-
- (1) Every Member shall be provided with a telephone at his residence if located within and around Gangtok for the term of his office and all expenses for initial deposit, installation, rental and official trunk call charges and local charges upto such limit as may be specified from time to time by the Government shall be borne by the Government.

(2) In the case of a Member already having a telephone at his residence, if located within and around Gangtok the rental and official trunk call charges and local charges upto such limit as may be specified from time to time by the Government shall be borne by the Government for the term of his office".

By Order of the Governor,

B.R. Pradhan,
Secretary to the Government of Sikkim,
Law Department.
(F.No. 16(11)/LD/1977/91)

PRINTED AT THE SIKKIM GOVT. PRESS, GANGTOK

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