GOVERNMENT



GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 26

Gangtok, Thursday, March 29, 1984.

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

NOTIFICATION

No. 4/LD/1984.

Dated the 23rd March, 1984,

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 22nd day of March, 1984, is hereby published for general information:—

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) ACT, 1984

(ACT NO. 4 OF 1984)

AN

ACT

to provide for the payment of pension to persons who have been Members of the Sikkim Legislative Assembly.

[22.3.1984]

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

- 1. (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.
- Short title and commencement,
- (2) It shall come into force on such date as the State |Government may, by notification in the Official Gazette, appoint.
- 2. In this Act, unless the context otherwise requires,-

- Definitions.
- (a) "Assembly" means the Sikkim Legislative Assembly constituted in 1979 and thereafter;
- (b) "term of office" in relation to a Member of the Assembly, means the period beginning with the date of publication of the notification of his election as a Member and ending with the date on which his seat becomes vacant.

Explanation I. —Where a general election to the Assembly is held and election does not take place in any constituency for any reason and a Member is elected in that constituency at the election held subsequently, in his case the term of office shall be deemed to have begun on the date on which the results of the general election in other constituencies were published in the Official Gazette:

Provided that where a person having been elected in a general election from more than one constituency resigns from a constituency, then the person who is 'ected subsequently from that constituency shall be deemed to have been elected on the date on which the results of the general election in other constituencies were published in the Official Gazcete.

Explanation II.— Where any Member of the Assembly resigns his seat for any cause, then, for the purpose of calculating his term of office, the period during which he would have continued to be a Member but for his resignation shall be taken into consideration and he shall be deemed to have served as a Member for that period also:

Provided that the maximum period which may be taken into consideration shall not exceed three months in the case of any Member.

Explanation III.— Where any Assembly is dissolved earlier, but not earlier than six months prior to the date on which its duration would have expired under the provisions of clause (1) of article 172 of the Constitution of India, then, for the purpose of calculating the term of office of any Member thereof, the period during which he would have continued to be a Member of the Assembly if it had not been dissolved earlier, shall be taken into consideration and he shall be deemed to have served as a Member for that period also.

Pension payable to Members. (1) On and from the commencement of this Act, there shall be paid a life long pension of three hundred rupees per month to every person who have served as a Member of the Assembly for a period of five years whether before or after the commencement of this Act and whether continuous or not:

Provided that, where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupers per month for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed five hundred rupees per month:

Provided further that, any person who has served as aforesaid for a period which falls short of five years by not more than sixty days, shall also be paid a pension of three hundred rupees per month.

(2) In computing the number of years for the purposes of sub-section (1), the period during which a person has served as a Speaker or Deputy Speaker of the Assembly or as Chief Minister, Minister, Minister of State or Deputy Minister or in more than one of those capacities by virtue of his membership of the Assembly, shall also be taken into account.

Pension to be held in obeyance or to be reduced in certain circumstances.

- (1) Where any person entitled to pension under section 3,-
 - (a) is elected to the office of the President or Vice-President of India or is appointed to the office of the Governor of any State or the Administrator of any Union Territory; or
 - (b) becomes a Member of the Council of States or the House of the people or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or
 - (c) is employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government, or any local authority or otherwise receives any remuneration from such Government, Corporation or local authority,

such person shall not be entitled to any pension under section 3 for the period during which he continues to held such effice or continues as such Member or is so employed or continues to receive such remaneration:

Provided that, where the salary payable to such person for holding such office or being such Member or so employed, or where the remuneration referred to in clause (c) paid to such person, is, in either case, less than the pension payable to him under section 3, such person shall be entitled only to receive the balance as pension under that section.

- Where any person entitled to pension under section 3 also receives any (2) pension from the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or the State Government, or any local authority, under any law or otherwise, then,-
- where the amount of pension which he receives under such law or otherwise (a) is more than five bundred rupees per month, such person shall not be entitled to any pension under section 3;
- where the amount of pension which he receives under such law or otherwise (b) is less than five hundred rupees per month, such person shall be entitled to full or portion of the pension under section 3, so that the total amount of the pensions does not exceed five hundred rupees per month.
- Notwithstanding anything contained in sub-section (2), where any person (3) entitled to pension under section 3 also receives any pension from the Central Government or any State Government as a freedom-fighter, then such pension shall not be taken into consideration in deciding the amount of pension to which he is entitled under that section.

5. If any person to whom pension is payable under this Act has not paid any amount payable by him to the State Government or the Assembly, the amount so payable may be recovered from the amount payable as pension.

Realisation of certain dues from pension.

- The State Government may, by notification in the Official Gazcette, make Power to make rules. rules for the purpose of carrying into effect the provisions of this Act.
 - In particular, and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely:-
 - the form in which and the authority to which an application for pension (i) shall be made;
 - the certificates to be furnished along with an application for pension; (ii)
 - the declarations to be made at the time of drawing pension; (iii)
 - any other matters necessary for proper implementation and enforcement of this Act.
 - Any rules under this section may be made so as to be retrospective from any (3) date not earlier than the date of commencement of this Act.

7. If there is any doubt or dispute as to whether a person is entitled to pension or as Decision on questions to the amount of pension or as to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the Speaker of the Assembly, who shall in consultation with the State Government, decide the question and such decision of the Speaker shall be final.

relating to pensions.

B. R. PRADHAN,

Secretary to the Government of Sikkim, Law Department.

F. No. 16 (192)/LD/84.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.





GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Gangtok Tuesday, March 14, 1989.

No. 39

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK.

NOTIFICATION

No. 4/LD/1989

Dated the 9th March, 1989.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 6th day of March, 1989, is hereby published for general information:—

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS' (PAYMENT OF PENSION) AMENDMENT ACT, 1989

(ACT NO. 4 OF 1989)

AN

ACT

to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

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

- Short title and Commencement
- (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 1989.
 - (2) It shall come into force on and from the 1st day of April, 1989.
- Amendment of 2. Section 2.
- In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (Act 4 of 1984), in Section 2, for clause (a), following clause shall be substituted, namely:—
- (a) "Assembly" means the Sikkim Legislative Assembly duly constituted under the Constitution (Thirty-sixth Amendment) Act, 1975 and thereafter".

B.R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department.
(F. No. 16 (192)/LD/1984)

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HIDRAL TO (I) BOTAL TO EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok Saturday, 16th September, 1995

No. 163

THORIST WINDSTREET LEGISLATIVE ASSEMBLY SECRETARIAT GANGTOK

NO. SLAS/95-96/15/40

Dated 16 September 1995.

NOTIFICATION

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

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT BILL, 1995

(BILL NO. 7 OF 1995)

A

BILL

To amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (No. 4 of 1984).

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

short title and commencement

1. (1)-The Act may be called the Sikkim Legislative Members (Payment of Pension) Amendment Act, 1995. (2)-It shall be deemed to have come into force on the 1st day of April, 1995.

Amendment of section 3

- 2. In section 3 of the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in sub-section (1),-
- (a) for the words "three hundred rupees" wherever they occur, the words "one thousand rupees" shall be substituted;
- (b) for the words "fifty rupees" the words "one hundred rupees" shall be substituted;

(c) for the words "five hundred rupees" the words "two thousand GANGERSS. ... rupees" shall be substituted.

STATEMENT OF OBJECT AND REASON

Ever since the enactment of the Sikkim Legislative Assembly Members (Payment of Pension), Act, 1984 the rates of pension for the ex-legislators have not been revised. In case of State Government employees the rates of pension had been increased twice with effect from April, 1985 and January, 1987 respectively. In addition to increased pension Dearness Relief is also granted to such employees. Thus, the existing rates of pension for the Ex-legislators have been found to be inadequate. As such, the Government has felt it essential to revise the same.

The Bill has been framed with the above object in view.

PAWAN KUMAR CHAMLING CHIEF MINISTER

MEMORANDUM REGARDING DELEGATED LEGISLATION NIL

FINANCIAL MEMORANDUM

Revision as per the rate indicated in the IBI will involve extra expenditure of Re-5.88 Lakhs per annum.

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

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

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Secretary

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GOVERNMENT



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EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Friday,

30th March, 2001

No. 71

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

No. 6/LD/2001

Dated: 30. 03. 2001.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 23rd day of March, 2001 is, hereby published for general information:-

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 2001 (ACT NO. 6 OF 2001)

AN

further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

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

Short title and commencement.

- (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 2001.
 - (2) It shall be deemed to have come into force on the 1st day of April, 1994.

Amendment of Section 3. 2. In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in the second proviso of Section 3 of sub-section (1), for the word "Sixty" the words "Seventy five" shall be substituted.

By Order of the Governor.

T. D. Rinzing,
Secertary to the Government of Sikkim,
Law Department.

(F. No. 16(82) LD/2001)

Printed at Sikkim Government Press, Gangtok.



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

COVERNMENT

Wednesday,

11th April, 2001

No. 93

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK.

No.1/LD/ 2001

Dated the 11th April, 2001

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 6th day of April, 2001 is hereby published for general information:-

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 2001

(ACT NO. 1 OF 2001)

AN

ACT

Further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984. Be it enacted by the Legislature of Sikkim in the Fifty-second Year of the Republic of India as follows:-

Short title and commencement.

- (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 2001.
 - (2) It shall come into force on the 1st day of April, 2001.

Amendment of Section 3.

- 2. In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in Section 3, sub-section (1),
 - for the words "one thousand rupees" wherever they occur, the words "two thousand rupees" shall be substituted;
 - (b) for the words "two thousand rupees" the words "three thousand rupees" shall be substituted.

By Order.

T.D. Rinzing, Secretary to the Governemnt of Sikkim Law Department.

[File No. 2(3) PA/98]

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok,

Tuesday,

23rd April,

2002

No. 118

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

No. 8/LD/2002.

Dated the 10th April, 2002.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 30th day of March, 2002 is hereby published for general information:

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION)

AMENDMENT ACT, 2002.

(ACT NO. 8 OF 2002)

AN

ACT

further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

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

Short title and commencement.

- (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 2002.
 - (2) It shall come into force on the date of its publication in the Official Gazette.

Amendment of section 3.

- 2. In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, (hereinafter referred to as the said Act), in section 3, after sub-section (2) the following sub-section shall be inserted namely;
 - "(3) In the event of death of Ex-Legislator, his/her spouse shall be entitled to draw family pension at the rate of 75% of the pension amount to which the deceased would have been entitled had he been alive".

Amendment of section 4.

3. In the said Act, in section 4, in clauses (a) and (b) of sub-section (2), for the words "five hundred", wherever they occur, the words "three thousand" shall be substituted.

By Order of the Governor.

T. D. Rinzing, Secretary to the Govt. of Sikkim, Law Department. F. No. 16 (82) LD/97-2002

Printed at Sikkim Government Press, Gangtok.

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

26th February, 2004 Thursday

No. 69

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

No. 4/LD/P/2004

Dated: 25.2.2004.

NOTIFICATION The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 18th day of February is hereby published for general information:-

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 2004

ACT NO. 4 OF 2004

AN ACT

Further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

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

Short title and Commencement

- 1. (1) This Act may be called the Sikkim Legislative Members (Payment of Pension) Amendment Act, 2004.
 - (2) It shall come into force on the 1st day of March, 2004.

Amendment of Section 3

- 2. In section 3 of the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in sub-section (1);
 - (a) for the words "two thousand rupees" wherever they occur, the words "four thousand rupees" shall be substituted;
 - (b) for the words "one hundred rupees' the words "two hundred rupees" shall be substituted;
 - (c) for the words "three thousand rupees" the words "six thousand rupees" shall be substituted.

By Order.

T.D. RINZING, Secretary to the Govt. of Sikkim, Law Department.

À

F. No. 16 (82)LD/2003.

Printed at Sikkim Government Press, Gangtok.

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Monday 21st March, 2005

No. 119

GOVERNMENT OF SIKKIM LAW DEPARTMENT

No. 2/LD/P/2005

Dated: 19.3.2005.

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 9th day of March, 2005 is hereby published for general information:-

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 2005

(ACT NO. 2 OF 2005)

AN

further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

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

Short title and Commencement This Act may be called the Sikkim Legislative Members (Payment of Pension) Amendment Act, 2005.

Amendment of Section 2

- (ii) It shall be deemed to have come into force from the1st March, 2004.
- In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in Explanation - III of sub-section (b) of Section 2, for the word "six", the word "twelve" shall be substituted.

By Order.

Tashi Wangdi, SSJS Legal Rememberancer-cum-Secretary Law F.No. 16(82)2005

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Friday 26th March, 201

No. 99

LAW DEPARTMENT GOVERNMNET OF SIKKIM GANGTOK

No 4/LD/P/2010

NOTIFICATION

Dated: 25/03/2010.

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 4th day of March, 2010 is hereby published for general information:-

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 2010

(ACT NO. 4 OF 2010)

AN

ACT

further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

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

Short title and commencement

1.

- (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 2010.
 - (2) It shall come into force on the date of its publication in the Official Gazette.

Amendment of section 3

- 2. In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in sub-section (1) of section 3,-
 - (a) for the words "four thousand rupees", the words "six thousand rupees" shall be substituted;
 - (b) after the words "five years" and before the word "whether", the following words shall be inserted, namely:-

"and a life long pension of eight thousand rupees per month to every person who have served as a Member of the Assembly for any period exceeding five years";

(c) for the existing first proviso, the following shall be substituted, namely:"Provided that a Member shall be eligible to receive the minimum quantum of pension on completion of the stipulated period to

quantum of pension on completion of the stipulated period to receive the same. However, any Member who has served or has completed the minimum stipulated period to be eligible for receiving the minimum pension shall be eligible to receive the maximum amount of pension";

(d) in the second proviso, for the words "three thousand rupees", the words "six thousand rupees" shall be substituted.

R.K. Purkayastha, SSJS L.R.-cum-Secretary, Law. Publication File No. 16(82)/LD/2010

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Thursday 11th

1th October.

2012

No.514

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

No.10/LD/P/12

Date: 08.10.2012

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 25th day of September, 2012 is hereby published for general information:-

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION)
AMENDMENT ACT, 2012 (ACT NO. 10 OF 2012)

AN ACT

further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

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

Short title and commencement

- (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 2012.
 - (2) It shall come into force on the date of its publication in the Official Gazette.

Amendment of section 3

- In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in sub-section (1) of section 3,-
 - (a) for the words "six thousand rupees", the words "ten thousand rupees" and for the words "eight thousand rupees", the words "fifteen thousand rupees", shall respectively be substituted;
 - (b) in the second proviso, for the words "six thousand rupees", the words "ten thousand rupees", shall be substituted."

R.K. Purkayastha (SSJS) L.R-cum-Secretary, Law Department.



GAZETTE

GOVERNMENT

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Thursday

14th June,

2018

No. 319

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

No. 08/LD/18

Date: 13.06.2018

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 11th day of June, 2018 is hereby published for general information:-

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION AND MEDICAL ALLOWANCES) AMENDMENT ACT, 2018

(ACT NO. 08 OF 2018)

AN

ACT

further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984.

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

Short title, extent and commencement

- This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension), (Amendment) Act, 2018.
 - (2) It shall come into force at once.

Substitution of reference to certain expression by certain other expression

2. In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (hereinafter referred to as "the Principal Act"), throughout the Principal Act, unless otherwise expressly provided for the words "The Sikkim Legislative Assembly Members (Payment of Pension) Act" wherever they occur, the words "The Sikkim Legislative Members (Payment of Pension and Medical Allowances) Act" shall be substituted.



Amendment of section 3

- 3. In the Principal Act, in section 3, in sub-section (1);-
 - (i) for the words "ten thousand", the words "fifteen thousand" shall be substituted;
 - (ii) for the words "fifteen thousand", the words "twenty two thousand five hundred" shall be substituted.

3A

Insertion of section 4. In the Principal Act, after sub-section (3) of section 3, the following new section shall be inserted, namely:-"3A Medical Allowances payable to Members: -

The Medical Allowances at the rate of Rs. 2000/- (Rupees two thousand) only, per month shall be paid to the Members".

> Jagat B. Rai (SSJS) L.R-cum-Secretary Law Department