

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok, Saturday, March 28, 1987.

No. 27

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

NOTIFICATION

No. 2/LD/1987.

Dated the 18th March, 1987.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 13th day of March, 1987, is hereby published for general information:—

THE SIKKIM RELIEF UNDERTAKING ACT, 1987.

(ACT NO. 1 OF 1987)

AN ACT

To make temporary provisions for empowering the Government to take over the management and administration of certain undertakings for better management and improvement in the public interest;

WHEREAS it is expedient to empower the Government to take over the management and administration of certain undertakings for better management and improvement;

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

*Short title and
Commence-
ment.*

1. (1) This Act may be called the Sikkim Relief Undertaking Act, 1987.
- (2) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires.—
 - (a) "Committee" means a Committee appointed by the State Government consisting of one or more persons not exceeding five in number;
 - (b) "Government" means the State Government of Sikkim;
 - (c) "Notification" means notification published in the Official Gazette;
 - (d) "Undertaking" includes any establishment carrying on social, religious or charitable activities.

- Taking over management and administration of any undertaking by the Government.* 3. Where the Government is of the opinion that an undertaking is not properly functioning or the functioning of an undertaking is to be improved for the benefit of the undertaking and all persons connected with the undertaking and if it is so necessary in the public interest, the Government may, by notification, take over management and administration of such undertaking.
- Appointment of Committee.* 4. On and from the issue of the notification under Section 3, the Government shall appoint a Committee for the management and administration of such an undertaking.
- Vesting of management of undertaking.* 5. On and from the date of issue of the notification under Section 3, the management of such an undertaking shall vest in the Committee so appointed under Section 4.
- Period for which the management and administration of an undertaking can be taken over.* 6. The management and administration of an undertaking under this Act shall be taken over initially for a period of five years and may be extended for a period of another five years not exceeding one year at a time, by notification.
- Tenure of Committee.* 7. (1) The tenure of the Committee so appointed under Section 4 shall be for a period of three years which may be extended by the Government if it deems fit.
(2) If the Government is of the opinion that the Committee so appointed is not functioning properly, the Government shall remove the same and appoint a fresh Committee.
(3) The terms and conditions of the members of the Committee and the conduct of the business by the Committee shall be as may be prescribed.
- Liabilities incurred by past management.* 8. During the period of management and administration of an undertaking under this Act, all liabilities incurred by the past management shall stand suspended as against the management under this Act.
- Power to make rules.* 9. The State Government may, by notification, make rules for carrying out the purposes of this Act.
- Repeal and saving.* 10. (1) The Sikkim Relief Undertaking Ordinance, 1986 is hereby repealed. *Ordinance No. 1 of 1987.*
(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Govt. of Sikkim,
Law Department.
(F. No. 16 (222)/LD/1986.)