

SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) RULE 1984

SIKKIM GOVERNMENT EXTRAORDINARY GAZETTE No. 124B No. Short title and Commencement. Definitions. Application for pension. Particulars in application form for verifying pension to be held in abeyance or reduced. PUBLISHED BY AUTHORITY Gangtok, Saturday September, 29, 1984. GOVERNMENT OF SIKKIM HOME DEPARTMENT NOTIFICATION 1984. Dated Gangtok, the 26th September, THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) RULES, 1984. exercise of the powers conferred by sub-sections (1) and (2) of section 6 of the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (4 of 1984), the State Government hereby makes the following rules, namely 1. 2 (1) (2) (b) These rules may be called the Sikkim Legislative Assembly Members (Payment of Pension) Rules

1984. They shall come into force with effect from 1st October, 1984. In these rules, unless the context otherwise requires: "Act" means the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 ; "Annexure" means an Annexure appended to these rules ; "Assembly" means the Sikkim Legislative Assembly as defined in clause (a) of section 2 of the Act; (d) "Member" means a member of the Sikkim Legislative Assembly elected in the year 1979 and thereafter (2) Words and expressions used in the Act and not defined in these rules shall have the meanings respectively assigned to them in the Act. Any person who is entitled to pension under section 3 of the Act and who desires to draw pension, shall apply to the Secretary, Sikkim Legislative Assembly, in "Pension Application Form" prescribed in Annexure I. The pension payable to any person under the Act shall be held in abeyance or reduced in the circumstances stated in section 4 of the Act, e.g. when the person is elected to certain offices or becomes member of certain legislatures or receive remuneration from Government or local authority or certain Corporations. Every applicant for pension shall give true and correct information and declare specifically whether he is holding or is not holding such office. These declarations are provided in paragraph 5 of the Pension Application Form and shall be filled in by every applicant after clearly understanding their implications Periodical declarations to be furnished by every person drawing pension, Periodical declarations to be furnished in regard to holding an office referred to in section 4 (1) (a) or being a member of a Legislature as provided for in section 4 (1) (b) or being employed made. on salary or receiving remuneration as provided for in section 4 (1) (c) of the Act are prescribed in Annexure II. The position shall be certified from time to time at the time of drawal of pension by making these declarations. 7. 8. (1) (2) (1) (2) A pensioner shall draw his pension from the Sikkim Legislative Assembly Drawals Of pension. Secretariat. Pension may be drawn for the day of pensioner's death, the hour at which death takes place has no effect on the claim, Records for Ordinarily, subject to certain exceptions given in the Act, for the purposes of the Act, the term of office of a member begins on the date of verification. publication of the notification of his election as a member and ends on the date on which his seat becomes vacant, due to resignation, expiry of the term, dissolution of the Assembly etc. The basic record of each member shall be collected from the beginning and arranged by the Assembly Secretariat in accordance with the directions given in Annexure III. When all the information is compiled, a suitable note with the details of the full name, address, service rendered from time to time as a member by any person, shall be recorded in proper registers maintained for the purpose and attested by an officer of the Assembly Secretariat not below the rank of Under Secretary. This shall then be treated as the basic record from which the total service qualifying for pension shall be verified and the amount of pension admissible and due to any person shall be worked out. The service rendered by any person as a member shall be verified by the Legislative Assembly Secretariat and certified by an officer not below the rank of Under Secretary. Thereafter the service qualifying for pension and the amount of pension to be paid shall be worked out. The pension so worked out shall be approved and sanctioned by the Secretary, Sikkim Legislative Assembly. If the pension remains undrawn by any pensioner for more than six months, the Secretary, Sikkim Legislative Assembly shall ascertain the reasons for such nondrawal, by proper verification. After such verification and on the request of pensioner payment of the pension may be resumed. 11. (ii) (iii) (t) (2) Every pensioner shall file a nomination in the form prescribed in Annexure IV, conferring on one or more persons the right to receive payment of any arrears of the pension actually due to the pensioner in the event of the pensioner's death. The pensioner shall also specify the share payable to each of the nominees

in cases where more than one person are nominated. A nomination may be cancelled by a pensioner at any time by a notice in writing to the Secretary, Sikkim Legislative Assembly. A fresh nomination shall accompany such notice. If the pensioner dies before filing the nomination under this rule or otherwise fails to file such nomination the arrears of pension due to him shall be paid to such person who produces probate or letters of administration evidencing the grant to him of the probate or letters of administration to the estate of the deceased pensioner or a certificate, granted by the competent authority, entitling the holder thereof to receive payment of arrears due to the deceased pensioner. Verification of service for pension of the first lot shall be made after arrangement of records as indicated in rule 7. Thereafter for each member, as soon as he is elected or nominated, History Sheets will be opened and maintained by the Assembly Secretariat duly attested by the Under Secretary. These sheets shall be renewed and attested every year between 1st and 15th May. The Pension Application Forms shall be sent by the Assembly Secretariat to each Ex. M.L.A. as soon as the lists are compiled. In future, the despatch of the application forms may be made within two weeks of the dissolution of the Assembly. Verification of service and sanction of pension. Non drawal of pension. Death of pensioner and payment of arrears. General. (3) (4) 3 On receipt of the Pension Application Forms, duly filled in, by the Assembly Secretariat an acknowledgement shall be sent to the applicant. The general scrutiny of the application shall be completed within ten days of its receipt and omissions, if any, shall be communicated to the applicant for compliance. J.T. Densapa Home Secretary, Government of Sikkim, From To Sub: Sir. 4 ANNEXURE 1 (See rule 3) PENSION APPLICATION FORM (To be submitted in duplicate by Ex. M.L.A.) Shri/Smt/Kumari.. Ex. M.L.A. The Secretary, Sikkim Legislative Assembly, Gangtok. Sanction of Pension under the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, In terms of section 3 of the above mentioned Act, I am entitled to Pension in respect of the following period served by me as a member of Legislative Assembly :- Serial No. Name of Constituency I resigned as member of the Legislative Assembly Period From To It is requested that steps may kindly be taken to sanction pension to me. I desire to draw my 2. pension from the Sikkim Legislative Assembly Secretariat. I enclose herewith the following documents duly attested by First Class Magistrate/Class I Officer belonging to Central State Government/ A sitting member of the Sikkim Legislative Assembly (ii) Three specimen signatures. Three copies of the latest photograph of passport-size. 4

6. My present address is. My permanent address is... I hereby declare that (i) (ii) (iii) I am not holding the elected office of the President of the Vice-President or the office of the Governor of any State or the Administrator of any Union Territory ; I am not a member of the Council of States, or the House of People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State ; I am not 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 I am not otherwise in receipt of remuneration from such Government or Corporation or Local Authority; I am not in receipt of any pension from the Central Government/State Government/ any Local Authority/Corporation owned or controlled by the Central or any Government. I am holding the office of. or Member of . or employed as or In. the total remuneration received by me is Rs.. .. (A Certificate from the competent authority to be attached). I am in receipt of Rs. as pension from Central . P.M. (A Certificate from the Government/ a Local Authority/ Corporation owned or controlled by the Central Government: or any State Government; being drawn from mentioned the treasury or the disbursing authority. A Certificate from the disbursing officer may be attached). I undertake to refund Pension paid to me in excess, when noticed by Audit or by Sikkim Legislative Assembly Secretariat. Yours faithfully, 6 SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT . / Pen GANGTOK Dated . PENSION VERIFICATION REPORT CERTIFIED that Shri / Shrinati / 1-æ' _Df eci as (*t) From (7) From (3) and a pension (per is nf t ve Assembl', . (Rupees or line periods given Du-)iovv to . to . to her. Under Secretary (Accounts) only per niensem is sanctioned to Shri Shrimati/Kumari . w] th effect Rupee.;,..... Secretary Sikkim Legislative Assembly Secretariat. ANNEXURE 11 (Sec rule S) (To be furnished by the ex-member of Sikkim Legislative Assembly with his first pension bill and thereafter twice a year i.e. in the month of May and November. I declare that - I am not elected to the office of the President/ Vice-President or appointed to the office of the (i) Governor of any State or Administrator of any Union Territory; or I am not a member of the Council of States (Rajya Sabha) or the House of the people (Lok Sabha), (ii) or any Legislative Assembly of a State or Union Territory or Legislative Council of a State ; or

I am not employed on salary under the Central Government or any State Government or any (iii) Corporation owned or controlled by the Central Government or any State Government or any Local Authority or I am not otherwise in receipt of any remuneration from such Government or Corporation or Local Authority; or I am not in receipt of any Pension from the Central Government / State Government/any Local Authority [Corporation owned or controlled by the Central Government or any State Government in... (ii) OR I am holding the office of . . . or employed as I am in receipt of Rs. . . . as pension drawing from + Full name in Block letters . Place Date. . . or member of a and the total remuneration received by me Signature of the Pensioner Address + Here mention the name of the office of the Central Government/State Government/ Local Authority/Corporation owned or controlled by the Central or State Government. (1) (2) (3) (4) (6) 8 ANNEXURE 111 (See rule 7) ARRANGEMENT OF BASIC RECORDS. Collection of all Gazette notifications since 1979 notifying the election of Members and filing them chronologically. (They may be in general files of Gazette and may be copied from the Gazette to be traced from Government Record office) All the printed lists of members prepared from time to time, may be brought together and filed chronologically, inserting the address of each member against his name. A list of members for whom obituary references were made in the House may be compiled and noted. A list of who have resigned together with the date from which their resignation was effective, may be compiled and noted in the master list. Reasons for the resignation, if any may be ascertained. A list of members whose election was declared void may be made and noted in the master list. (a) A statement showing the exact period of the Assembly (i.e. date of formation and date of dissolution after each election since 1979 when the constituencies were first time called upon to elect members) be prepared and attested by the Under Secretary Deputy Secretary. 9 ANNEXURE IV Nomination form (See rule 10) 1. 2. 3

4. Name of Pensioner.... Add Pension Sanction Order No... Year of drawing the pension with amount. . Constituency from which and the year in which contested the Assembly election .. the a named pensioner, hereby nominate the following person/persons as per rule 10 of the Sikkim Legislative Assembly Members (Payment of Pension) Rules, 1984 Sl. No. Name (2) (3) Address (4) Relationship with the pensioner, if any (5) Share of pension due (6) Witnesses with addresses 1

2. SIGNATURE OF PENSIONER DATED GOVERNMENT SIKKIM 2 EXTRAORDINARY GAZETTE BY AUTHORITY Gangtok Wednesday, June 7, 1989, GOVERNMENT OF SIKKIM HOME DEPARTMENT GANGTOK No. 63 No. 3 (2) Home/84 610 Dated Gangtok, the 29th May, 1989. NOTIFICATION THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT RULES, 1989. In exercise of the powers conferred by Section 6 of the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (4 of 1984), the State Government hereby makes the following rules to amend the Sikkim Legislative Assembly members (Payment of Pension) Rules, 1984, namely: 1 2 These rules may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Rules, 1989. In rule 2 of the Sikkim Legislative Assembly Members (Payment of Pension) Rules, 1984, in clause (d), the words and figures "Constituted in the year 1979 and thereafter" shall be omitted. K. C. PRADHAN, Home Secretary, Government of Sikkim. PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK. SIKKIM GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY Gangtok, No.1 / PAD/2002. Monday 9th September 2002 GOVERNMENT OF SIKKIM PARLIAMENTARY AFFAIRS DEPARTMENT GANGTOK NOTIFICATION No. 296 Dated 4. 9. 2002. exercise of the powers conferred by sub-section (1) and (2) of section 6 of the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (4 of 1984) the State Government hereby makes the following rules further to amend the Sikkim Legislative Assembly Members (Payment of Pension) Rules, 1984 Short title and commencement Amendment of rule 2 Amendment rule 3, Amendment rule 4, Amendment rule 9. 1 of 2 2 3 (i) 4 5 These rules may be called the Sikkim Legislative Assembly Members (Payments of Pension) Amendment Rules, 2002 They shall come into force on the date of their publication in the Official Gazette of the Sikkim Legislative Assembly Members (Payment of Pension) Rules 1984 (hereinafter referred as the said rules). after clause of rule 2, the following clauses shall be inserted, namely - (cc) "Family" means the surviving spouse of the deceased ex-legislator of the Sikkim Legislative Assembly. (ccc) Family Pension' means pension payable to the surviving spouse of deceased ex-legislators as provided under sub-section (3) of section 3 of the Act' In the said rules, in rule 3- after the words "entitled to pension". the words "or family pension" shall be inserted'

after the words and figure "in Annexure 1 the words and figure ' or Annexure V as the case may be' shall be Inserted In the said rules, in sub-rule () of rule 6, after the words, "A pensioner", the words "or a person entitled to family pension" shall be inserted. n the said rules, in rue 9, after the word, 'Pensioner" wherever it occurs, the words or person entitled to family pension shall be inserted. T.D. RINZING, Secretary, Parliamentary Affairs Department. File No. 2 (2) PAD/98-99.

