

SIKKIM (REPEAL AND MISCELLANEOUS PROVISION) ACT, 1985

GOVERNMENT SIKKIM GAZETTE No. 116 Notification No. IO/LD/85 EXTRAORDINARY PUBLISHED BY AUTHORITY Gangtok, Wednesday July 3, 1985. GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK. Dated the 29th June, 1985. The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 28th day of June, 1985, is hereby published for general information THE SIKKIM (REPEAL AND MISCELLANEOUS PROVISIONS) ACT, 1985. (ACT NO. 10 OF AN ACT to repeal the Sikkim Bazar Committees Act, 1969 and the Gangtok Municipal Corporation Act, and to provide for transfer of duties, functions and powers, and for certain matters incidental thereto ; Be it enacted by the Legislative Assembly of Sikkim in the Thirty-sixth Year of the Republic of India as follows:- (1) This Act may be called the Sikkim (Repeal and Miscellaneous Provisions) Short title and Act, 0198 s, (2) It shall come into force at once. In this Act, unless the context otherwise requires,— (b) (c) (d) appointed day" means the date on which this Act comes into Force; "Committee" means the Bazar Committee constituted under section 5 Of the Sikkim Bazar Committees Act, 1969 ; Corporation" means the Gangtok Municipal Corporation constituted under Section 3 of the Gangtok Municipal Corporation Act, 1975. "State Government" means the Government of the State of Sikkim or any Department: of the Government of Sikkim or any person or persons authorised in this behalf by a notification by the State Government. "Regular Employee" means an employee whose services have been regularised as per rules in force. 3

4. On the appointed day, the Sikkim Bazar Committees Act, 1969 and the Gangtok Municipal Corporation Act, 1975 shall stand repealed, and the Committee and the Corporation shall stand dissolved, On the dissolution of the Committee and the Corporation - functions, powers and duties of the Committee and the Corporation shall (a) stand transferred to and vest in the State Government in the Local Self—Government and Housing Department ; Commencement. Definitions. Repeal of Act of 1969 and Act W of 1975 and dissolutions of Committee and the Corporation. Consequential Provisions relating to the employees of the Corporation. *reference to Committee or Corporation in other laws. Power to impose taxes. 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become transferred to the State Government by reason Of Ille provisions OT this Act, such person shall be ent•itlecl to any arrear. OF salary or wages or any other paymenr, not being payment by way of gratuity or pension and guch pavment shall bc made from the budget provision Of the concerned Department. Anything Or any acii:ion, which ought to have been done or taken by the Corporation before the appointed day with respect to the termination of service of its employees Oi' with respect to any matter in thereto or thererronn, not SD done or taken by the Corpora: ion, may, on and from the appointed clay, bc done or taken by the State Government. 6

7. On and from the appointed day, any reference to Committee or Corporation in any law (08-her than this Act") or in any contract or other instrument rhall, except as otherwise provided in any gncral or special order made by the State Govern- ment be deemed to be a reference to the Local Self Government and Housing Department.The Government may, impose the Collowing rates, taxes and fees or any Of them (a) (b) (c) a rate on holdings sifuatocl within the limit Of the Gangtok town assessed on the annual value including different rates for different grades of •valua- tion; a conservancy rate on the annual value Of holdings; a water rate as per the consumption; 3 a tax on trade, proression or calling; any other tax, rate or Fee which the Government may deem necessary. - The annual value of holding shan be gross annual rental to which the holding reasonably be expected to let after deducting, the maintenance not exceeding ten cent. 8. (2) (b) (c) (d) (e) (g) (i) (j) (m) (n) (o) (p) (r) (t) The State Government by notification published in the Official Power to make rules. Gazette, make rules. In particular, and without prejudice to the generality of the foregoing power, such rules may- provide for assessment: and recovery Of any tax, rate and fee; prescribe ror qualifications of and the procedure to be followed by an assessor ; prescribe the procedure to be followed by an assesgor ; prescribe the form of notice of demand and For fixing the Foes payable in connection with distress; prescribe for condition ancl limitation under which, the. form in which, a trade licence may be granted, the amount of licence fees, manner of pay- ment hereon and the cancell ation, revocation or suspension OF trade licence; provide for the reinoval sewerage, rubbish and offensive matters from all pob{ic latrines, urinals and drains and making necessary arrangements their proper cleansing and disinfection ; provide [ot- prohibition OF certain offensive ancl dangerous trades without licence and regulating places used for such trade; provide For licensing ror keeping cactle, horses, ponies and birds; provide regulating granting of licences for holding Fairs and melas and fixing the fees in respect thereof; provide for power to open or maintain markets, stockyarcfr such stans, hops, sheds and other bu:ldings or conveniences for the w:e, of per- son.% carrving on trade or business, regulate the use of such piace.;; charge rents, rolls and fees in respect ereof and close such markeq;;, stock- yards, stalls, shops, shed;; and other buildings; provide [or the prevention of the spread OF any dangerous disease by the carrying on of any business, trade, or occupation; provide for Che regulation OF the trade in second hand clothing, beddings or similar article and the requiring of such clothing, bedding and article to be disinfected before its sale or exposure. for sale; provide ror disposal any refuse, waste matter or other matter or thing which has been contaminating with or exposed to inii:ction provide for the prohibition or regulation of advertisement in market, public street or parks; provide the regu;atlion o; burial and burning grounds and other places for the disposal of corpses or carcasses; provide for taking precautionary measures against outbreaks of fire ; provide For consLruct- iorl and maintenance of dharamsalas, sarais or rest houses ; provide for improvement and reclamation of planning, surveying and Con- trol of extension of town or bazar; provide For construction, maentainance, repair, improvement and cleans- ing and watering of roads, drains, gardens, tanks, wells and channels with- in a town OF bazar area; provide for construction and maintenance of public libraries, reading rooms, gymnasia or any other institutions for the diffusion of mental or physical culture or technical instruction; provide for inspection by officer or staff of the Department; provide For manner and the period in which appeal shall be preferred to the appellate authority to bc appointed by the State Government; Cognizance of offences. Magistrates' power to impose enhanced penalties. Finality of order. Continuance of existing rules. 4 (w) provide for in general for securing cleanliness, safety, order and good Government and other works of public utility calculated to promote health, comfort or convenience of the inhabitants. (3) In making any rule under this section the State Government may provide that a breach of any rule, order Or direction issued thereunder shall be punishable with fine which may extend to five thousand rupees. (4) Every rule made by the State Government under this Act shall be laid, as soon as may be, after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which

may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session, the House resolve to make any modification in the rules or resolves that such rules shall not have effect, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 9 . Notwithstanding anything contained in the law relating to Criminal Procedure for the time being in force, all offences against any rule or order or direction issued thereunder shall be cognizable and bailable. 10 . Notwithstanding anything contained in the law relating to the Criminal Procedure for the time being in force, it shall be lawful for a Magistrate of the First Class to pass any sentence authorised by this Act in excess of his power. Every order passed or direction issued by the State Government or order passed or notice issued by any officer authorised under this Act shall be final and shall not be questioned in any suit or other legal proceeding, 2 . The existing rules governing the subjects enumerated in section 8 and other rules dealing with bazars shall continue till they are varied, altered or amended under section 8 of the Act. B. R. PRADHAN, Secretary to the Govt. of Sikkim, Law Department. F. No. 16 (152) LD/82. PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK. GOVERNMENT SIKKIM* EXTRAORDINARY GAZETTE No. 97 PUBLISHED BY AUTHORITY GRTig10k, Friday At:gnst 3987. GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK NOTIFICATION No. 8/1-1)/1987. Dated the 13th August, 1987. The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 13th day of August, 1987, is hereby published for general information:— Short title and commencement. Insertion Of new Sections. "Power to seize. THE SIKKIM (REPEAL AND MISCELLANEOUS PROVISIONS) AMENDMENT ACT, 1987. (ACT NO 6 OF 1987) ACT to amend the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985. Whereas it is necessary in the interest of the State to amend the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985; Be it enacted by the Legislative Assembly of Sikkim in the Thirty-eighth Year of the Republic of India as follows:— (1) This Act may be called the Sikkim (Repeal and Miscellaneous 1. Provisions) Amendment Act, 1987. (2) It shall be deemed to have come into force on and from the 4th day of July, 1987

2. After section 7 of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985, the following sections shall be inserted, namely 7A. If any person contravenes— (a) any of the provisions and conditions of licence issued under the rules; or (b) any order or direction or notification issued under the Act or rules made thereunder, the officers of the Local Self Government and Housing Department specially authorised in this behalf by the Secretary of the said Department, without prejudice to any other action that may be taken against him under the Act or rules made thereunder, may— (i) seize the goods involved and (ii) by written order restrain or prohibit the said person from carrying on his activity in contravention of the licence issued under the rules or order or direction or notification issued under the Act Of rules made thereunder. The goods mentioned in section 7A shall be liable in public auction and the proceeds thereof shall (n (2) s Public auction in Euclid House Site and provisions) 1987) is led. 51!Ch repeal, mylling clone or any fitting in of the powers conferred by what: Ordinance. shall be to have effect of repeal by (his) war. ill the day on which such thing was done or action taken. By Order of the Governor, B. PRADHAN Secretary [here of Sikkim] Law Department. F. No. 16 (152)/LD/1985,] AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.