

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

SIKKIM GOVERNMENT GAZETTE No. 26 No. 4/LD/1984. EXTRAORDINARY PUBLISHED BY AUTHORITY Gangtok, Thursday, March 29, 1984. GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK NOTIFICATION 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, (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 Re- public Of India as follows (1) This Act may be called the Sikkim Legislative Assembly Members (Payment Short title and comm- of Pension) Ace, '1984. encement. It shall come into force on Such date as the State IGovernment may, by notification in the OÆcial Gazette, appoint. In this Act, unless the context otherwise requires,- ' 'Assembly" means the Sikkim Legislative ASsembly constituted in 1979 and thereafter ; ' 'term of oÆce" in relation to a Member of the Assembly, means the period beginning with the, date of publication the notification of his election as a Member and ending with the date On Which his seat becomes Explanation I. —Where a general election to the Assembly is held and election does not take place in any constituency for any reaspn and a Member is elected in that constituency at Che election held subsequently, in his Case the term of oñice shall be dcemed to have begun on the date on which the results of the general election in other constituencies were published in the Official Gazette : Definitions, 2 Provided that where a person been elected. in move vecoigns a constituency, the person who is •C- cred subsequently from that constituency shall l-c to have been elected on the date which the. results of the r,cral election in other constituencies were published in the Official (Gazeetc. ExplanatiG1i il.— Where Member the Ifesig]is his seat for any cause, then, for the purpose of calculatircp his term office, the period during which he would have conti:ued to be va Men-iber butlfi•r his Shall bc taken into consideration he shall be duxned have served a IViLmber for thatperiod also: Provided that the maximum period IN hich taken into consideration shall not exceed three in "the ot" ion Ill.— I-e mbly ig disnciv(Q but not earlier than six pric,v to the on which its have expired under the provisions clause (1) of article 72 of the Consi.ivutlioT1 Gf küc}iay then. , for the purpose or calculating 1 he of Glficc of any Member thereof, the period during which he would have continued (o be Membcc the Assembly if Lad not been dissolved ear- lier, shall be taken into consiclcrationand he shall be dcemcd have Servaas a &lember for that period also. Pension payable to Members. Pension to be held in obéyance Or to be reduced in cert- ain circutnstances. (2) On and from the comrnCncrment of this Act, there shall be paid a life long pension of three rupees per month to every person who have ser- Ved as a Member of the Assembly for a period Of five years whether before or after the contracucment or this Act and continuous or not: Provided that, any person has served as aforesaid for a period exceedi five years, there shall be paid him addiitiional pension of ffty rupcc s 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 Pl ovided further that, any person who has served as aforesaid for a period which uf3]ls of five years by v,ot more than sixty days, shall also be paid a pension of three hundred rupees per month. IT' 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 it-I 'nore than orte of these capacities by virtue of his membership of the Ascmblly, shall also be taken into account.) Where any person entitled to prnsic;n under seccion 3,- (a) is elcc,'tcel 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 Adminis- trator 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 Legisla- tive Council of a Statc; or (c) is employed on a salary under the Central or any State Government, or any Corporation owned or controlled by the Central Government or any Stace Government, or any local authority or other- wise receives any remuneration from such Governments Corporation or local authority, such person shall not be entitled to any pnsion tijaer section 3 for the period during which he continues to hold such or contimtes as such Melüber Or is So employed or continues to rcceive such Provided that, where the salary paysble to such for such office or -being such Melnber or so ernployerl, or Where the remuneration referred to in

Clause (c) • paid to such person, is, in case, less than the payable to him under section 3, such person shall be only to receive the balance as pension under that section. (2) (3) 3 Where any person entitled to under 3 also receives any pension from the State or any Government, or any Corporation owned or controlled by the Central Government or the State Government, or any local authority, under any law, the amount of pension which he receives under such law or otherwise is less than five rupees per month, such person shall not be entitled to any pension under section 3; the amount of pension which he receives under such law or otherwise 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 to pension under 3 also receives any 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 due in respect of certain pension payable by him to the State Government or the Assembly, the amount so payable may be deducted from pension recovered from the amount payable as pension. (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act (7) (ii) (iii) (3) In particular, Without prejudice to the generality of foregoing power, rules may provide for all or any of the following matters, namely:— an application for pension, the form in which and the authority to which shall be made; the certificates to be furnished along with an application for pension; the declarations to be made at the time of drawing pension; any other matters necessary for proper implementation and enforcement of this Act, Any rules under this section shall be retrospective from any date not earlier than the date of commencement of this Act. If there is any doubt or dispute as to whether a person is entitled to pension or as to the amount of or as to the period for which he shall be entitled to pension relating to pensions 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. B. R. PRADHAN, Secretary to the Government of Sikkim, Law Department. F. No. 16 (192)/LD/84. PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK. SIKKIM GOVERNMENT EXTRAORDINARY PUBLISHED BY AUTHORITY Gangtok Tuesday, March 14, 1989. GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK. NOTIFICATION No. 4/LD/1989 No. 39 Dated the 9th March, 1989. The, of the Sikkim Legislative Assembly having received the assent of the Governor the day of March, 1989, is hereby published for general information:— 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 (Act No. 4 of 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 Amendment of Section 2. 1. 2. (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. In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (Act No. 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 B.R. PRADHAN, Secretary to the Government of Sikkim, Law Department. (F. No. 16 (192)/LD/1984) AT THE SIKKIM GOVERNMENT PRESS, GANGTOK. SIKKIM EXTRAORDINARY PUBLISHED BY AUTHORITY Gangtok Saturday, 16th September, 1995 GAZETTE No. 163 NO. SLAS/95-96/15/40 LEGISLATIVE ASSEMBLY SECRETARIAT GANGTOK Dated 16 September 1995. NOTIFICATION, 3 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 publication of the following Bill THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT BILL, 1995 (BILL NO. 7 OF 1995) 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:- (1)-The Act may be called the Sikkim Legislative Members short title and commencement Amendment Of section 3 (Payment of Pension) Amendment Act, 1995. (2)-It shall be deemed to have come into force on the 1st day of April, 1995

2. In section 3 of the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in sub-section (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; „4cy.for.the words "five hundred rupees" the words 'two thousand trupees'? shell 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-legis- lators 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 FINANCLkÉ eVIS10n as per the rate in'-t«æ will'inVoãVeextrA' dÉ 5.gg Lakhs per annum. RECOMMENDATION OF THE GOVERNOR UNDER CLAUSE (1) OF ARTICLE THE CONSTIÆUTIONT The Governor •having-beery informed of the to recommend tfrLegqative Assembly. Seretary PRINTED AT SIKKIM G@VT. PRESS, GANGTOK. SIKKIM GOVERNMENT Gangtok No. 6/LD/2001 EXTRAORDINARY PUBLISHED BY AUTHORITY Friday, 30th March, 2001 GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK GAZETTE No. 71 Dated: 30. 03.2001. The following Act of the Sikkim Legislative Assembly having received the assent ofthe Governor on 23rd day of March, 2001 is, hereby published for general information THE SIKKIM LEGISLAT,VE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 2001 (ACT NO.6 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. Amendment of Section 3. (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

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, •r.D. Rinzing, Secetary to the Government of Si kkim, Law Department. (F. No. 16(82) LD12001) Printed at Sikkim Government Press, Gangtok. SIKKIM GAZETTE Gangtok Nc-I/LD/ 2001 EXTRAORDINARY PUBLISHED BY AUTHORITY 11th April, 2001 Wednesday, GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK. NOTIFICATION No. 93 Dated the 11th April. 2001 The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 6th day of April, 2001 is hereby published tor genera! 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, | 984. Be It enacted by the Legislature of Sikkim in the Fifty-second Year of the Republic of India as follows:- Short title and commencement. Amendment of Section 3, (2) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act

2001. It shall come into force on the 1st day of April, 2001.2, in the Sikkim Legislative AssemoiY Memoers (Payment of Pension) Act, 1984, In Section 3. sub-section for the words "one thousand rupees" wherever they occur, the words "two thousand rupees" shall be substituted: for the words "two thousand rupees" the words "three thousand rupees' (b) shall be substituted. BY order. T.D. Rinzing, Secretary to the Governemnt of Sikkim Law Department. [File No. 2(3) PA/981 GOVERNMENT SIKKIM EXTRAORDINARY PUBLISHED BY AUTHORITY GAZETTE No. Gangtok, No. 8/LD/2002. Tuesday, 23rd April, 2002 GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK 118 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. Amendment of section 3. Amendment of section 4. (I) 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

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 01 75% of the pension amount to which the deceased would have been entitled had he been alive".

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, SIKKIM GOVERNMENT EXTRAORDINARY GAZETTE Gangtok No. 4/LD/P/2004 PUBLISHED BY AUTHORITY Thursday 26th February, 2004 GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK NOTIFICATION No. 69 Dated: 25.2.2004. 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 Amendment Of Section 3 2. (I) 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. 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. F. No. 16 (82)LD/2003. Printed at Sikkim Government Press, Gangtok. SIKKIM GOVERNMENT GAZETTE No. Gangtok No. 2/LD/P/2005 EXTRAORDINARY PUBLISHED BY AUTHORITY Monday 21st March, 2005 GOVERNMENT OF SIKKIM LAW DEPARTMENT NOTIFICATION 119 Dated : 19.3.2005. 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 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-sixth Year of the Republic of India as follows:- Short title and Commencement Amendment of Section 2 2. I. (i) This Act may be called the Sikkim Legislative Members (Payment of Pension) Amendment Act, 2005. It shall be deemed to have come into force from the 1st 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 Remembrancer-cum-Secretary Law F.No. Printed at Sikkim Government Press, Gangtok. SIKKIM GOVERNMENT Gangtok No 4/LD/P/2010 EXTRAORDINARY PUBLISHED BY AUTHORITY Friday 26th March, 2010 LAW DEPARTMENT GOVERNMENT OF SIKKIM GANGTOK NOTIFICATION GAZETTE No. 99 Dated: 25/03/2010. 1 The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 41st 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) 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 Amendment of section 3 2. (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. In the Sikkim Legislative Assembly Members (Payment of pension) Act, 1984, in sub-section (I) of section 3,- 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:- (c) (d) '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' 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 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"; 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. S.G.P.G. 99/ Gazette/ 100 cps./ 26.03.2010 SIKKIM GAZETTE GOVERNMENT Gangtok No.10/LD/P/12 EXTRAORDINARY PUBLISHED BY AUTHORITY Thursday 1 Ith October, 2012 GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK NOTIFICATION No.514 Date: 08.10.2012 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) 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 Amendment of section 3 2. (1) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension) Amendment Act, 2012. it shall come into force on the date of its publication in the Official Gazette. (2) In the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984, in sub-section (I) 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. S.G.P.G. - 514/ Gazette /30Nos./Dt.- 11.10.2012 SIKKIM GOVERNMENT Gangtok No. 08/LD/18 EXTRAORDINARY PUBLISHED BY AUTHORITY 14th June, 2018 Thursday GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK NOTIFICATION GAZETTE No. 319 Date: 13.06.2018 The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 1 Ith 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 2. Substitution of reference to certain expression by certain other expression (I) This Act may be called the Sikkim Legislative Assembly Members (Payment of Pension), (Amendment) Act, 2018, (2) It shall come into force at once. 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 Insertion of section 3, 4. In the Principal Act, in section 3, in sub-section 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. 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 S.G.P.G. - 319/ Com. 2/Gazette /100 Nos./ Dt:- 14.06.2018. 4