

ANNEXURE - I

The Agreement of May 8, 1973:

On 8 May, 1973, an agreement was signed at Gangtok between the Chogyal, the leaders of the political parties representing the people of Sikkim and the Government of India.

The Agreement, among other things, provided for a Legislative Assembly for Sikkim elected on the basis of adult franchise, an Executive Council responsible to the Assembly and safeguards for minorities.

Under the Agreement, India was to provide the head of administrator (Chief Executive) to ensure democratization, good administration, communal harmony and social development. The elections for the new Assembly were to be held within a few months. The Assembly was to be elected every four years on the basis of adult franchise under the supervision of the Election Commission of India.

The new Assembly was to be set up on a "one man one vote" franchise, but with a provision that no single group from the Bhutia, the Lepchas or the Nepalese will hold a dominant position. The Assembly was given powers to propose laws and adopt resolutions on fourteen subjects including finance, economic and social planning, education and agriculture. But it has no power on her topics, namely, the Chogyal and the members of the ruling family, matters before the courts, the appointment of the Chief Executive and members of the judiciary, and issues which are the responsibility of the government of India. Only the Palace establishment and the Sikkim guards remained directly under the Chogyal. A significant feature of the agreement

was omission of the police department on either links of subject to be dealt by the Assembly or those outside its purview.

The Agreement is important for many reasons. For first time in Sikkim's history, the people, represented by popular forces, became the acknowledged participants in the political process. Secondly, it has frustrated Chogyal's ambition to make Sikkim a sovereign State. It not only reiterated India's control over the defence and foreign relations of Sikkim, but also made it clear that the Chogyal is subordinate to New Delhi. In any dispute between the Chogyal and the Indian nominated Chief Executive, New Delhi's ruling will be final.

Working of the Agreement:

After signing of the May 8, 1973 Agreement, life in Sikkim once again becomes normal. In August, the two important constitutions of the IAC, the Janata Congress and the National Congress met at Namchi and decided to merge them to form a new party called Sikkim Congress. Kazi Lhendup Dorji was elected President and K.C. Pradhan as Vice President. The new party decided to have a tricolour with blue star in the Centre as its flag and the ladder as its election symbol.

On the basis of the tripartite Agreement of May 8, 1973, elections were held from April 15 to 19, 1974, under the supervision of a Chief Election Commissioner deputed by the Election Commission of India. The 32 seats were divided among Bhutia- Lepcha and Nepalese Communities. The Sikkim Congress contested all the seats. The pro- Chogyal National Party contested only five seats. The real fight was between the Sikkim Congress and the 26 Independent candidates, who came together at the last moment under the name "United Independent Front".

The Sikkim Congress in its election manifesto tried to allay fears of the minority communities of Bhatias and Lepchas by declaring that “The Sikkim Congress shall introduce a special program for the safeguard of the interest of the minority communities and backward classes in Sikkim”.

The manifesto made special reference to land reforms by declaring that Sikkim Congress would ensure “the immediate abolition of private Estate”. Meaning thereby the abolition of the Private Estate of the Chogyal. The manifesto further declared that “No land must be left untilled and no tiller left without land”.

Lastly, the manifesto spelt out the altitude of the Sikkim Congress towards India in these words:

The Sikkim Congress will seek to strengthen the bonds that already exist with the Government and the people of India. The Sikkim Congress is aware that the democratic development of Sikkim has benefited from the interest shown by the government and people of India, Although for historical reasons our progress towards democracy has been slower, we also aspire to achieve the same democratic rights and institutions that the people of India have enjoyed for a quarter of century.

The Sikkim Congress won a land-slide victory by securing 31 of the 32 seats in the New Assembly and polled about 70% of the votes. All the 15 Assembly seats reserved for the minority have also been captured by the Sikkim Congress with its own Lepcha and Bhutia candidates. The party President, Kazi Lhendup Dorji was returned unopposed from the Tashiding Constituency. The Congress won a notable victory when its candidates wrested the Sangha (monasteries) seat. In this functional Constituency, there were about 2000 Buddhist Lama Voters representing 57 recognised monasteries.

This was first time that a candidate other than the one representing Monasteries Association and backed by the National Party had won the Sangha seat.

The National Party and the United Independent Front tried India- baiting by constantly referring to the enlarged "Indian Presence". The National Party which secured 11 out of the 18 elective seats in February, 1953, could none secure only one seat. Along with the United Independent Front, it could secure only 30 percent of the votes polled. The United Independent Front in May, 1974, formed themselves into the Prajatantra Party. The Party adapted anti India stand and began to spread concocted stories about collusion between Sikkim Congress and the Government of India to harm the interests of Sikkim. But its vile propaganda failed to make any impact on the masses of Sikkim.

ANNEXURE - II

NOTIFICATION No. 35/S.C.

Dated Gangtok, July 6, 1974

Having received the assent of the Chogyal of Sikkim on July 4, 1974, the Government of Sikkim Bill 1974 which was passed by the Sikkim Assembly on July 3, 1974, has now become the Government of Sikkim Act 1974 and it is hereby notified for general information as follows:

The Government of Sikkim Act, 1974

An

Act

to provide in pursuance of the historic agreement of the 8 of May 1973, between the Chogyal, the leaders of the political parties representing the people of Sikkim and the Government of India and of the unanimous desire of the members of the Sikkim Assembly expressed in the meeting of the Assembly held on May 11, 1974, for the progressive realisation of a fully responsible government in Sikkim and for further strengthening its close relationship with India.

CHAPTER- I

PRELIMINARY

**Short title and
Commencement**

1. This Act may be called the Government of Sikkim Act, 1974.
(2) It shall come into the force on the fourth day of July 1974.

Definitions

2. In this Act, unless the content otherwise requires.
 - a) "Assembly" means the Sikkim Assembly;
 - b) "Chief Executive" means the Chief Executive referred to in section 28;
 - c) "Chogyal" means the Chogyal of Sikkim;
 - d) "Member" means a member of the Assembly

CHAPTER- II

THE CHOGYAL OF SIKKIM

**The Chogyal and his
privilege**

3. The Chogyal shall take precedence over all other persons in Sikkim and he shall continue to enjoy honour, position and other personal privileges hitherto enjoyed by him.

**The Chogyal to exercise
power and perform
function in accordance
with this Act.**

4. The Chogyal shall exercise his powers and perform his functions in accordance with the provisions of this Act, and nothing contained in section 3 shall affect the provisions of this section

**Executive action in
Sikkim have to be
expressed**

5. All executive action of the Government of Sikkim taken in accordance with the provisions of this Act shall be expressed to be taken in the name of the Chogyal.

CHAPTER- III

SIKKIM ASSEMBLY

Assembly for Sikkim

6. (1) There shall be an Assembly for Sikkim.
- (2) The total number of seats in the Assembly to be filled by persons chosen by direct election shall be such as may be determined by law.

Election to the Sikkim Assembly

7. (1) For the purpose of the elections to the Sikkim Assembly, Sikkim shall be divided into constituencies in such manner as may be determined by the law.
- (2) The Government of Sikkim may make rules for the purpose of providing that the Assembly adequately represents the various sections of the population, that is to say, while fully protecting the legitimate rights and interests of Sikkimese of Lepcha or Bhutia origin and of Sikkimese of Nepali origin and other Sikkimese, including Tsongs and Scheduled Castes no single section of the population is allowed to acquire a dominating position in the affairs of Sikkim mainly by reason of its ethnic origin.

Election Commission of India may conduct Elections

8. For ensuring free and fair elections in Sikkim, the Chogyal appoint a representative of the Election Commission of India nominated by the Government of India in this behalf and the elections shall be conducted under the supervision of such representatives, and for this purpose the representatives shall have all the powers necessary for the effective discharge of his functions.

Qualification for

9. A person shall not be qualified to be chosen to

**Membership of
Assembly**

fill a seat in the Assembly unless he:

- (a) is an elector for many constituency and makes and subscribe before same person authorized by the authority conducting the election an oath or affirmation according to the form set out in the schedule;
- (b) is not less than 25 years of age;
- (c) Possesses such other qualifications as may be specified in any law for the time being in force.

***Election on the basis of
adult suffrage***

- 10. (a) The elections to the Sikkim Assembly shall be on the basis of one man one vote, that is to say, every person who on the prescribed data is a subject of Sikkim, is not less than twenty-one years of age and is not otherwise disqualified under this Act or under any other law on the ground of residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at such election.
- (b) Every person whose name is for the time being listed on the electoral roll of any constituency shall be entitled to vote at the election if a member from that constituency.

Duration of Assembly

- 11. The Assembly shall, unless sooner dissolved, continue for four years from the date appointed for its first meeting and no longer, and the expiration of the said period of four years shall operate as dissolution of the Assembly.

***Summoning of
Assembly***

- 12. The Chogyal shall, on the advice of the president of the assembly, summons the Assembly to meet at such time and place as he thinks fit, but for six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

***Speaker and Deputy
Speaker of the
Assembly***

13. (1) The Chief Executive shall be an ex-officio president of the Assembly and as such shall perform the functions of the Speaker thereof.
- (2) The Assembly shall, as soon as may be, choose a member to be deputy Speaker thereof who shall act as Speaker during absence of the President of the Assembly from any sitting of the Assembly.

***Right of Chogyal to
Attend and address
Meeting of Assembly***

14. The Chogyal may address the Assembly after intimating to the President of the Assembly his intention to do so.

***Oath or affirmation by
Members***

15. Every member of the Assembly shall before taking his seat, make and subscribe before the Chogyal or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the schedule.

Vacation of seats

16. If a member of the Assembly:
 - (a) becomes subject to any disqualification mentioned in section 7 for membership of the Assembly; or
 - (b) resigns his seat by writing under his hand addressed to the president of the Assembly, his seat shall thereupon become vacant.

***Disqualification for
membership***

17. (1) A person shall be disqualified for being chosen as, and being, a member of the Assembly.
 - (a) if he holds any office of profit under the Government of Sikkim other than an office declared by law not to disqualify its holder;
 - (b) if he is of unsound mind and stands so declared by a competent court;

- (c) if he is so disqualified by or under any law.
- (2) For the purpose of this section, a person shall not be deemed to hold any office of profit under the Government of Sikkim by reason only that he is Minister.
- (3) If any question arises as to whether a member of the Assembly has become disqualified for being such a member under the provision of sub-section (i), the question shall be referred for the decision of the Chogyal and his decision shall be final.
- (4) Before giving any decision on any such question, the Chogyal shall obtain the opinion of the Election Commission of India or such other election authority as may be specified by the Government of India for the purpose, and shall act according to such opinion.

Penalty for sitting and voting before taken oath etc. or when disqualified etc.

18. If a person sits or votes as a member of the Assembly before he has complied with the requirements of section 15 or when he knows that he is not qualified or that he is disqualified for membership thereof; he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the Government of Sikkim.

Power, privileges of members

19. (1) Subject to the provisions of this Act, and to the rules and standing orders regulating the procedure of the Assembly, there shall be freedom of speech in the Assembly.
- (2) No member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or in any Committee thereof, and no person shall be so liable in respect of the publication by or under the

authority of the Assembly of any report, paper, votes or other proceedings.

***Powers and function of
the Assembly***

20. (1) Subject to the provisions of this Act, the Assembly may discuss, make recommendations or make laws for the whole or any part of Sikkim with respect to any of the following matters, namely ;
- (a) Education;
 - (b) Public Health;
 - (c) Excise;
 - (d) Press and Publicity;
 - (e) Transport;
 - (f) Bazars;
 - (g) Forests;
 - (h) Public Workers;
 - (i) Agriculture;
 - (j) Food Supplies;
 - (k) Economic and social Planning including State Enterprises; and
 - (l) Land Revenue.
- (2) Subject to the provisions of this Act, the Assembly shall also have the right to discuss and make recommendations with respect to any matter not enumerated in sub-section (1) which may from time to time be referred to it by the Chief Executive.
- (3) The Chogyal shall, on the recommendation of the Government of India, by notification in the Sikkim Durbar Gazette add any other matter to the matters enumerated in sub-section (1), and thereupon the matter so added shall be deemed to have been included in that sub-section for the purposes of this Act.

Assent to Bills

21. When a Bill has been passed by the Assembly, it

shall be presented to the Chogyal and latter shall either given his consent to the Bill withhold his assent there from.

Provided that the Chogyal may, as soon as possible after the presentation to him of a Bill for assent, return the Bill to the Assembly with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of three months from the date of receipt of such message and if it is again passed by the Assembly with or without amendment and presented to the Chogyal for assent, the Chogyal shall not withhold assent therefrom,

Provided further that the Chogyal shall reserve for the consideration of the Government of India any Bill which would, if it became law, affect any of the responsibilities of the Government of India or any of the special responsibilities of the Chief Executive referred to in section 28 and shall act according to the decision of the Government of India.

***Courts not to enquire
into Proceeding of
Assembly***

22. (1) The validity to any proceedings in the Assembly shall not be called in question on the ground of any alleged irregularity in procedure.
- (2) No officer or member of the Assembly in whom powers are vested by or under this Act for regulating the procedure or the conduct of business or for maintaining order in the Assembly shall be

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- (2) No officer or member of the Assembly in whom powers are vested by or under this Act for regulating the procedure or the conduct of business or for maintaining order in the Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of these powers.

Rules of procedure

23. (1) The Assembly may make rules for regulating,

subject to the provisions of this act, its procedure and the conduct of its business.

(2) Notwithstanding anything contained in subsection or any other provisions of this Act, the Assembly shall not discuss or ask question or any of the following, namely:

- (a) The Chogyal and members of the ruling family;
- (b) Any matter pending before the court of law;
- (c) The appointment of the Chief Executive or members of the Judiciary;
- (d) Any matter which is exclusively the responsibility of the government of India whether under this Act or under any agreement or otherwise.

CHAPTER- IV

COUNCIL OF MINISTERS

**Council of Ministers to
aid and advice the
Chogyal**

24. (1) There shall be an executive Council (in this Act referred to as the Council of Ministers) with one of the members thereof at the head who shall be designated as the Chief Minister and the others as Ministers.

(2) The Council of Ministers shall be in charge of the administrative departments allotted to them and advise the Chogyal in respect of all matters within their jurisdiction.

(3) Every advice tendered by the Council of Ministers shall be communicated to the Chogyal through the Chief Executive who may, if he is in the opinion that the advice affects or is likely to affect any of his special responsibilities of the Government of India referred to in section 28, require the Council of Ministers to modify the

advice accordingly.

(4) The question whether any, and if so what, advice was tendered by ministers to the Chogyal shall not be inquired into by any court.

**Appointment and
removal of minister**

25. (1) The Chief Minister and other Ministers shall be appointed by the Chogyal on the advice of the Chief Executive.

(2) The Council of Ministers shall be responsible to the Assembly.

(3) Before a minister enters his office, the Chogyal or such other person as may be authorised in this behalf, shall administer to him the Oaths of the office and secretary according to the form set out for the purpose in the schedule.

**Extent of executive
power of the Council of
Minister**

26. The executive power of the Council of Minister shall extend to the matters referred to in section 20.

Conduct of business

27. The Chogyal shall, on the recommendation of the Chief Executive taken in consultation with the Chief Minister, make rules for the allocation of business to the Ministers and for the more convenient transaction of business.

CHAPTER- V

THE CHIEF EXECUTIVE

**Chief Executive and his
functions**

28. (1) At the head of administration in Sikkim, there shall be a Chief Executive, who shall be a person nominated to that post by the Chogyal.

(2) The function of the Chief Executive shall be to ensure that:

(a) the responsibilities of the Government of India in or in relation to Sikkim as respect all or any of

the matters referred to in the Agreement of the 8 of May, 1973, between the Chogyal, the Government of India and the leaders of the political parties representing the people of Sikkim, or in any other Agreement entered into between the Chogyal and the Government of India, whether before or after the commencement of this Act;

(b) the special responsibilities of the Chief Executive referred to in the agreement of the 8 May, 1973, aforesaid;
are duly discharged.

(3) The Chief Executive shall have all the powers necessary for the discharge of his functions and responsibilities, and the executive power in Sikkim shall be so exercised as to ensure compliance with any decisions take or orders or directions issued by the Government of India in the due discharge of its responsibilities.

**Performance of the
functions by the Chief executive**

29. (1) The Chief Executive shall:

(a) Where any action taken in the performance of his functions concerns a matter of administrative functions relating to which have been allocated to a minister, act in consultation with the Minister in respect thereof:

(b) submit all important matters to the Chogyal for his information and for his approval of the action proposed to be taken;

provided that where immediate action is required the Chief Executive may take such action as he thinks fit and shall obtain the Chogyal's approval as soon as after the action has been taken as possible.

(c) Advise the Chogyal in respect of all other matters.

- (2) Where difference of opinion arises between Chief Executive and the Chogyal in respect of any matter; it shall be referred to the Government of India for decision and the decision of the Government of India shall be final.

CHAPTER- VI

GENERAL

Association with Government of India

30. For the speedy development of Sikkim in social, economic and political fields the Government of Sikkim may:
- (a) request the Government of India to include the planned development of Sikkim within the ambit of the planning Commission of India while that Commission is preparing plans for the economic and social development of India and to appropriately associate officials from Sikkim in such work;
 - (b) request the Government of India to provide facilities for students for Sikkim in institutions for higher learning and for the employment of people from Sikkim in the public service of India (including the all India services), at par with those available to the citizens of India;
 - (c) Seek participation and representation for the people of Sikkim in the political institution of India.

Independence of Judiciary

31. All judges shall be independent in the exercise of their judicial function and subject only to this Act and the Laws.

***Basic human rights and
fundamentals of
freedom***

32. (1) All sections of the people in Sikkim shall enjoy basic human rights and fundamental freedoms without discrimination.

(2) The Government of Sikkim shall make every endeavour to secure for the people of Sikkim the enjoyment of the aforesaid rights and to maintain and promote communal harmony.

(3) Notwithstanding anything contained in the aforesaid provisions, special provision shall be made for the advancement or the protection of the aboriginal inhabitants of Sikkim and other minorities.

***Existing assembly to be
the first Sikkim
Assembly under this
Act***

33. The Assembly which has been formed as a result of the election held in Sikkim in April, 1974, shall be deemed to be the first Assembly duly constituted under this Act, and shall be entitled to exercise the powers and perform the functions conferred on the Assembly by this Act.

***Powers to removed
difficulties***

34. If any difficulty arises in giving effect to the provisions of this Act, the Chogyal may, in consultation with the Chief Executive, by order, do anything not inconsistent with the provisions of this Act, which appear to be expedient or necessary for the purpose of removing the difficulty.

By Order

J.T. Densappa
Secretary of the Chogyal.

ANNEXURE - III

THE SCHEDULE

(Forms of Oaths or Affirmations)

I

(See section 9-a)

- (1) Form of oath or affirmation to be made by a candidate for election to the Assembly.

“I A. B. having been nominated as a candidate to fill a seat in the Assembly
do swear in the name of God that I will bear true faith and allegiance to the
Solemnly affirm
Constitution of Sikkim as by law established.”

II

(See section 15)

- (2) Form of oath or affirmation to be made by a member of the Assembly

“I A.B. having been elected as a member of the Assembly do swear in the name of God
Solemnly affirm
that I will bear true faith and allegiance to the Constitution of Sikkim as by law
established and that I will faithfully discharge the duty on which I am about to enter.”

III

(See section 25)

- (3) Form of oath of office for a member of the Council of Ministers

“I A.B. do swear in the name of God that I will bear true faith and allegiance to
Solemnly affirm
the Constitution of Sikkim as by law established and that I will faithfully and
conscientiously discharge my duties as a Minister and that I will do right to all manner
of people in accordance with the Constitution and the law without fear or favour,
affection or ill-will.

IV

(See section 25)

(3) From of oath of secretary for a member of the Council of Ministers

“ I A.B. do swear in the name of God Solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become know to me as a Minister except as may be required for the due discharge my duties as such a Minister.”

ANNEXURE - IV

THE TEXT OF THE CONSTITUTION (THIRTY – EIGHTH AMENDMENT) BILL, 1975

Be it enacted by parliament in the twenty –sixth year of the Republic of India as follows:

1. (1) This Act may be called the Constitution (Thirty-Eighth Amendment) Act, 1975.

(2) It shall be deemed to have come into force on the date on which the Bill for this Act (Introduced in the House of the people as Constitution [Thirty-eighth Amendment] Bill 1975), as passed by the house of the People, is passed by the Council of States.

1. In the first schedule of the Constitution, under the heading

“1. THE STATES”, after entry 21, the following entry shall be inserted, namely:

“22 SIKKIM *‘The Territories which immediately before the commencement of the Constitution (Thirty-eighth Amendment) Act, 1975, were comprised on Sikkim.’*”

3. After Article 371F of the Constitution, the following article shall be inserted, namely:

“371F, notwithstanding anything in this Constitution,

- (a) The Legislative Assembly of the State of Sikkim shall consist of not less than thirty members;
- (b) as from the date of commencement of the Constitution (Thirty-eighth Amendment) Act, 1975 (hereinafter in this article referred to as the appointed day):
- (i) the Assembly for Sikkim formed as result of the elections held in Sikkim in April, 1974, with thirty-two members elected in the said elections (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this constitution;
 - (ii) the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution ; and
 - (iii) the said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under this constitution;
- (c) Period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of the State of Sikkim referred to in clause (b), be deemed to have commenced on the appointed day;
- (d) Until other provision are made by the Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of the People and the State of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim;

(e) The representative of the State of Sikkim in the House of the People in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim;

(f) Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim, make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim.

(g) The Government of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time deem fit to issue, act in his discretion;

(h) All property and assets (whether within or outside the territories comprised in the State of Sikkim) which immediately before the appointment day were vested in the Government of Sikkim or in any other authority or in any person for this purpose of the Government of Sikkim shall, as from the appointed day, vest in the Government of the State of Sikkim;

(i) The High Court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall, on and from the appointed day, be deemed to be the High Court for the State of Sikkim;

(j) All court of civil, criminal and revenue jurisdiction, all authorities and all officers, judicial, executive and ministerial, throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provisions of this Constitution;

(k) All laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority;

(l) For the purpose of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim and for the purpose of bringing the provisions of any such law into accord with the provisions of this Constitution, the President may, within two years from the appointed day by order make such adoptions and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and there upon, every such law shall have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law;

(m) neither the Supreme Court nor any other court shall have jurisdiction in respect of any dispute or other matter arising out of treaty, agreement, engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any its predecessor Government was a party, but nothing in this clause shall be construed to derogate from the provisions of Article 143;

(n) the president may, by public notification, extend with such restrictions or modifications as he thinks fit to the state of Sikkim any enactment which is in force in a State in India at the date of notification;

(o) if any difficulty arises in giving effect to any of the foregoing provisions of this Article, the President may, by order, do anything (including any adaptation or modification of any other article) which appear to him to be necessary for the purpose of removing that difficulty; Provided that no such order shall be made after the expiry of two years from the appointed day;

(p) all things done and all actions taken in or in relation to the State of Sikkim or the territories comprised therein during the period commencing on the appointed day and ending immediately before the date on which the constitution (38th Amendment) Act, 1975, receives the assent of the President shall, in so far as they are in conformity with the provisions of this constitution as amended by the constitution (38th amendment) Act, 1975, be deemed for all purposes to have been validly done or taken under this constitution as so amended”.

4. In the Fourth Schedule to the Constitution, in the table:

(a) after entry 21, the following entry shall be inserted, namely:

“22. SIKKIM I”

(b) existing entries 22 to 25 shall be renumbered as entries 23 to 26 respectively;

(c) for the figures “231”, the figures “232” shall be substituted.

5. The following consequential amendments shall be made in the constitution, namely:

- (a) Article 2A shall be omitted;
- (b) in Article 80, in clause (1), the words and figure “subject to the provisions of paragraph 4 of the Tenth Schedule”, shall be omitted;
- (c) in Article 81, in clause (1), the words and figure “and paragraph 4 of the Tenth Schedule” shall be omitted;
- (d) the Tenth Schedule shall be omitted.

ANNEXURE - V

Emerging Pattern of District Level Development Administration in

Sikkim: A study since 1975

Questionnaire for Politician

Section -I

1. Name of the Panchayat Members (optional) :

2. Sex: I) Male II)Female

3. Age Group

I) 18-30

II) 31-40

III) 41-50

IV) 51-60

V) 60 and Above

4. Caste :

I) General

II) S.C.

III) S.T.

IV) O.B.C

5. Academic Qualification:

I) Illiterate

II) Literate

III) Primary

IV) Junior High

V) Madhyamik

VI) Higher Secondary

VII) Graduate

VIII) Post graduate

6. Income of the family per annum :

7. Occupation of the member :

I) Service (govt.)

II) service (private)

III) Business

IV) Cultivation

V) Party Whole Timer

VI) Unemployed

VII) Any Other

Section -II

1. Name of the rural Development Programme in your area :

i)

ii)

iii)

iv)

v)

vi)

2. How are the beneficiaries for the RDPs selected?

3. Are you satisfied with the process of selection of beneficiaries?

i) Yes

ii) Undecided

iii) No

4. Reason for your opinion :

5. Are the programme implemented through the proper process?

6. Details of the Rural Development programmes:

A. i) Name of the programme:

ii) Percentage of reservation of the beneficiaries:

a) S.C.

b) S.T.

c) O.B.C.

d) Women

iii) Amount of fund:

11. Do the women panchayat members attend the meetings regularly?

i) Always

ii) Sometimes

iii) Never

12. Do they offer any independent opinion in the meeting?

i) Always

ii) Sometimes

iii) Never

13. Do the opinions of the women members influence the decision of the meeting?

i) fully

ii) Partly

iii) Not at all

14. Do you have autonomy to decide on the local issue?

i) Always

ii) Sometimes

iii) Never

15. Do the leaders at the state level influence you to solve the local problem?

i) Always

ii) Sometimes

iii) Never

16. A. Do the Government officers interfere in your action?

i) Always

ii) Sometimes

iii) Never

B. Are you happy with the working of the government officers?

i) fully

ii) Partly

iii) Not at all

17. Do you think panchayats have been doing very job for the development of rural areas?

i) Agreed

ii) Undecided

iii) disagreed

18. Do you think that rural poverty has decreased through the works of the panchayats?

i) Agreed

ii) Undecided

iii) disagreed

19. Do you think that panchayats formulate policies and adopt programmes for the upliftment of the poor?

- i) Agreed ii) Undecided iii) disagreed

20. Please state few policies or programmes that were taken by your panchayat for the upliftment of the poor:

i)

ii)

iii)

iv)

v)

21. Do you think panchayats are working for influential and party leaders?

- i) Mostly ii) To some extent iii) Not at all

22. How far have the development programmes in your area been successful?

- i) Mostly ii) To some extent iii) Not at all

23. How far the following factors responsible for slowing down the implementation of development programmes?

a) Lack of faith in programmes and policies:

- i) Mostly ii) To some extent iii) Not at all

b) Lack of skilled and dedicated workers:

- i) Mostly ii) To some extent iii) Not at all

c) Lack of resources:

- i) Mostly ii) To some extent iii) Not at all

d) Defective planning of work programme:

- i) Mostly ii) To some extent iii) Not at all

e) Defective interdepartmental coordination:

i) Mostly ii) To some extent iii) Not at all

f) Defective coordination among various levels of the department:

i) Mostly ii) To some extent iii) Not at all

g) Defective supervision:

i) Mostly ii) To some extent iii) Not at all

h) Inter-dependent rivalry:

i) Mostly ii) To some extent iii) Not at all

i) Target changing tendency:

i) Mostly ii) To some extent iii) Not at all

j) Lack of regular machinery to assess achievements and shortfall:

i) Mostly ii) To some extent iii) Not at all

k) Rigidity in administrative procedure:

i) Mostly ii) To some extent iii) Not at all

l) Excessive political pulls and presence:

i) Mostly ii) To some extent iii) Not at all

m) Lack of people's interest and participation:

i) Mostly ii) To some extent iii) Not at all

n) Administration of the supply of full inputs:

i) Mostly ii) To some extent iii) Not at all

24. Do you agree with the view that administrators lack motivation and commitments to implement rural development programmes?

i) Mostly ii) To some extent iii) Not at all

25. Do you agree with the view that administrators are more concerned with the fulfillment of targets and less with the real achievement?

- i) Mostly ii) To some extent iii) Not at all

26. Is there any concept of village level workers? i) Yes ii) No

27. How frequently do the VLWs visit and talk to the common people?

- i) Often ii) Sometimes iii) Never

28. How much do you agree with the following statements?

a) In preparing and executing development programmes administrators should have nothing to do with political leaders:

- i) Mostly ii) To some extent iii) Not at all

b) Administrators should initiate and prepare development programmes and explain them to political leaders:

- i) Mostly ii) To some extent iii) Not at all

c) Administrators should consult political leaders before they initiate and prepare development programmes:

- i) Mostly ii) To some extent iii) Not at all

d) Administrators should act upon development programme which have been initiate and prepared by political leaders:

- i) Mostly ii) To some extent iii) Not at all

e) Do you agree with the view that the involvement of political parties in the local bodies impeded the administration of development programmes?

- i) Not at all ii) Somewhat iii) Very much

f) Do you agree with the view that administration will be more effective if, politicians leave the administrators alone to decide what programme to carry out and how to carry out?

- i) Not at all ii) Somewhat iii) Very much

**Emerging Pattern of District Level Development Administration in
Sikkim: A study since 1975**

Questionnaire for Citizens

Section-I

1. Sex : I) Male II) Female
2. Age Group : I) 18-30 II) 31-40
III) 41-50 IV) 51-60 V) 60 and Above
3. Caste : I) General II) S.C.
III) S.T. IV) O.B.C
4. Academic Qualification: I) Illiterate II) Literate
III) Primary IV) Junior High V) Madhyamik
VI) Higher Secondary VII) Graduate VIII) Post –graduate
5. Income of the family per annum :
6. Occupation of the member: I) Service (govt.) II) service (private)
III) Business IV) Cultivation V) Party Whole Timer
VI) Unemployed VII) Any Other
7. Religion :

Section -II

1. Name of the rural Development Programme in your area :
- i)
 - ii)
 - iii)
 - iv)
 - v)
 - vi)

2. How are the beneficiaries for the RDPs selected?

3. Are you satisfied with the process of selection of beneficiaries?

- i) Yes ii) Undecided iii) No

4. Reason for your opinion :

5. Are the programme implemented through the proper process?

6. How would you evaluate the panchayats?

- i) As a development instrument.
ii) As a step towards decentralized government.
iii) Give no answer

7. Can the people themselves solve their problems through the panchayat bodies?

- i) Mostly ii) To some extent iii) Not at all

8. Are the panchayats effectively working at the grassroots institution of democracy?

- i) Mostly ii) To some extent iii) Not at all

9. Do you think that women in your locality come into politics because

a) They want to join politics:

- i) Mostly ii) To some extent iii) Not at all

b) Their family wants them to join politics:

- i) Mostly ii) To some extent iii) Not at all

c) The political parties want them to join politics:

- i) Mostly ii) To some extent iii) Not at all

10. Do the women panchayat members attend the meetings regularly?

- i) Always ii) Sometimes iii) Never

11. Are you happy with the working of the government officers?

- i) fully ii) Partly iii) Not at all

12. Do you think panchayats have been doing very job for the development of rural areas?

- i) Agreed ii) Undecided iii) disagreed

13. Do the opinions of the women members influence the decision of the meeting?

- i) fully ii) Partly iii) Not at all

14. Do you think that rural poverty has decreased through the works of the panchayats?

- i) Agreed ii) Undecided iii) disagreed

15. Do you think that panchayats formulate policies and adopt programmes for the upliftment of the poor?

- i) Agreed ii) Undecided iii) disagreed

16. Please state few policies or programmes that were taken by your panchayat for the upliftment of the poor:

i)

ii)

iii)

iv)

v)

17. Do you think panchayats are working for influential and party leaders?

- i) Mostly ii) To some extent iii) Not at all

18. How far have the development programmes in your area been successful?

- i) Mostly ii) To some extent iii) Not at all

19. How far the following factors responsible for slowing down the implementation of development programmes?

a) Lack of faith in programmes and policies:

- i) Mostly ii) To some extent iii) Not at all

b) Lack of skilled and dedicated workers:

- i) Mostly ii) To some extent iii) Not at all

c) Lack of resources:

- i) Mostly ii) To some extent iii) Not at all

d) Defective planning of work programme:

- i) Mostly ii) To some extent iii) Not at all

e) Defective interdepartmental coordination:

- i) Mostly ii) To some extent iii) Not at all

f) Defective coordination among various levels of the department:

- i) Mostly ii) To some extent iii) Not at all

g) Defective supervision:

- i) Mostly ii) To some extent iii) Not at all

h) Inter-dependent rivalry:

- i) Mostly ii) To some extent iii) Not at all

i) Target changing tendency:

i) Mostly ii) To some extent iii) Not at all

j) Lack of regular machinery to assess achievements and shortfall:

i) Mostly ii) To some extent iii) Not at all

k) Rigidity in administrative procedure:

i) Mostly ii) To some extent iii) Not at all

l) Excessive political pulls and presence:

i) Mostly ii) To some extent iii) Not at all

m) Lack of people's interest and participation:

i) Mostly ii) To some extent iii) Not at all

n) Administration of the supply of full inputs:

i) Mostly ii) To some extent iii) Not at all

20. Do you agree with the view that administrators lack motivation and commitments to implement rural development programmes?

i) Mostly ii) To some extent iii) Not at all

21. Do you agree with the view that administrators are more concerned with the fulfilment of targets and less with the real achievement?

i) Mostly ii) To some extent iii) Not at all

22. Is there any concept of village level workers? i) Yes ii) No

23. How frequently do the VLWs visit and talk to the common people?

i) Often ii) Sometimes iii) Never

24. How much do you agree with the following statements?

a) In preparing and executing development programmes administrators should have nothing to do with political leaders:

i) Mostly ii) To some extent iii) Not at all

b) Administrators should initiate and prepare development programmes and explain them to political leaders:

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c) Administrators should consult political leaders before they initiate and prepare development programmes:

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d) Administrators should act upon development programme which have been initiated and prepared by political leaders:

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- i) Not at all ii) Somewhat iii) Very much

f) Do you agree with the view that administration will be more effective if, politicians leave the administrators alone to decide what programme to carry out and how to carry out?

- i) Not at all ii) Somewhat iii) Very much

**Emerging Pattern of District Level Development Administration in
Sikkim: A study since 1975**

Questionnaire for Administrator

Section-I

- | | |
|------------------------------------|---------------|
| 1. Name of the Officer (optional) | : |
| 2. Department | : |
| 3. Position held | : |
| 4. Educational Qualification | : |
| 5. Income per annum | : |
| 6. Profession | : |
| i) Technical | ii) General |
| 7. Property of the family | : |
| 8. Marital Status | : |
| i) Married | ii) Unmarried |
| 9. If married, spouse's name | : |
| 10. No. of dependent in the family | : |

Section -II

1. How many Rural development (RD) Programmes are there in Sikkim?

2. Name of the rural Development Programmes :

Serial No.	Name of the Programme	Centre/ State sponsored
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

3. Are all these programmes working in all four districts in Sikkim?

i) Yes

ii) No

4. If not,

a) Name the RD programmes that are working in East District:

1.

6.

2.

7.

3.

8.

4.

9.

5.

10.

b) Name the RD programmes that are working in West District:

1.

6.

2.

7.

3.

8.

4.

9.

5.

10.

c) Name the RD programmes that are working in North District:

- | | |
|----|-----|
| 1. | 6. |
| 2. | 7. |
| 3. | 8. |
| 4. | 9. |
| 5. | 10. |

d) Name the RD programmes that are working in South District:

- | | |
|----|-----|
| 1. | 6. |
| 2. | 7. |
| 3. | 8. |
| 4. | 9. |
| 5. | 10. |

5. Do you follow the blue-print of the RD programme in to during the process of implementations?

- i) Always ii) Some times iii) Never

6. Do you make any addition, alteration in the blue-print of the RD programmes during the time of implementation?

- i) Always ii) Some times iii) Never

7. Do you think that there is scope for change in the blue-print of RD programmes?

- i) Always ii) Some times iii) Never

8. What recommendations would you like to suggest in the blue-print of Rd programmes?

9. Do you think that you have enough authority to decide things that you should decide?

- i) Enough authority ii) some authority iii) No authority

10. Is there any scope of initiative in your day-to-day work?

- i) Enough scope ii) some scope iii) No scope

11. What are the major items of your job?

- i) Correspondence ii) Supervision iii) Coordination

12. What are your feelings about your job?

- i) Very interesting ii) Somewhat interesting iii) Not interesting

13. Do you think that your jobs have become completed for the interference of the political leaders?

- i) Always ii) Some times iii) Not at all

14. How far have the development programmes in your area been successful?

- i) Not much ii) Somewhat iii) Much

15. How far the following factors responsible for slowing down the implementation of development programmes?

a) Lack of faith in programmes and policies:

- i) Mostly ii) To some extent iii) Not at all

b) Lack of skilled and dedicated workers:

- i) Mostly ii) To some extent iii) Not at all

c) Lack of resources:

- i) Mostly ii) To some extent iii) Not at all

d) Defective planning of work programme:

- i) Mostly ii) To some extent iii) Not at all

e) Defective interdepartmental coordination:

- i) Mostly ii) To some extent iii) Not at all

f) Defective coordination among various levels within a single department:

- i) Mostly ii) To some extent iii) Not at all

g) Defective supervision:

- i) Mostly ii) To some extent iii) Not at all

h) Inter-dependent rivalry:

- i) Mostly ii) To some extent iii) Not at all

i) Target changing tendency:

- i) Mostly ii) To some extent iii) Not at all

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- i) Mostly ii) To some extent iii) Not at all

18. Is there any concept of village level workers? i) Yes ii) No

19. If yes, how frequently do they visit and talk to the common people?

i) Very often ii) Sometimes iii) Never

20. Do you agree with the view that village level workers care only for the influential leaders and not the common people?

i) Agreed ii) Undecided iii) Disagreed