

## APPENDIX - I

### Indo-Sikkim Treaty

05.12. 1950

The President of India and His Highness the Maharaja of Sikkim being desirous of further strengthening the good relations already existing between India and Sikkim have resolved to enter into a new Treaty with each other and the President of India has for the purpose appointed as his Plenipotentiary SHRI HARISWAR DAYAL, Political Officer in Sikkim and HIS HIGHNESS THE MAHARAJA having examined Shri Hariswar Dayal's credentials and found them good and in due form the two have agreed as follows :

#### ARTICLE I

All previous treaties between the British Government and Sikkim which are at present in force as between India and Sikkim are hereby formally cancelled.

#### ARTICLE II

Sikkim shall continue to be a Protectorate of India and subject to the provisions of this Treaty shall enjoy autonomy in regard to its internal affairs.

#### ARTICLE III

- (1) The Government of India will be responsible for the defence and territorial integrity of Sikkim. It shall have the right to take such measures as it considers necessary for the defence of Sikkim or the security of India, whether preparatory or otherwise, and whether within or outside Sikkim. In particular, the Government of India shall have the right to station troops anywhere within Sikkim.
- (2) The measures referred to in para (1) will as far as possible be taken by the Government of India in consultation with the Government of Sikkim.
- (3) The Government of Sikkim shall not import any arms ammunitions, military stores or other warlike materials of any description for any purpose whatsoever without the previous consent of the Government of India.

#### ARTICLE IV

- (1) The external relations of Sikkim whether political, economic and financial shall be conducted and regulated solely by the Government of India and the Government of Sikkim shall have to dealings with any foreign power.
- (2) Subjects of Sikkim travelling to foreign countries shall be treated as Indian protected persons for the purpose of passports, and shall receive from Indian representatives abroad the same protection and facilities as Indian nationals.

## ARTICLE V

The Government of Sikkim agrees not to levy and import duty, transport duty or other imports on the goods brought into or in transit through Sikkim and the Government of India agrees not to levy any import or other duty on goods of Sikkimese origin brought into India from Sikkim.

## ARTICLE VI

- (1) The Government of India shall have the exclusive right of constructing, maintaining and regulating the use of railways, aerodromes and landing grounds and air-navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim and the Government of Sikkim shall render the Government of India even assistance in their construction, maintenance and protection.
- (2) The Government of Sikkim may, however, construct, maintain and regulate the use of railways and aerodromes and landing grounds and air-navigation facilities to such extent as may be agreed to by the Government of India.
- (3) The Government of India shall have the right to construct and maintain in Sikkim roads for strategic purposes and for the purpose of improving communications with India and other adjoining countries; and the Government of Sikkim shall render the Government of India every assistance in the construction, maintenance and protection of such roads.

## ARTICLE VII

- (1) Subjects of Sikkim shall have the right of entry into, and free movement within India and Indian nationals and have the right to entry into, free movement within Sikkim.
- (2) Subject to such regulations as the Government of Sikkim may prescribe in consultation with the Government of India, Indian nationals shall have :
  - (a) the right to carry on trade and commerce in Sikkim; and
  - (b) when established in any trade in Sikkim, the right to acquire, hold and dispose of any property, movable or immovable, for the purposes of their trade or residence in Sikkim.
- (3) Subjects of Sikkim shall have the same rights;
  - (a) to carry on trade and commerce in India, and to employment therein, and
  - (b) of acquiring, holding and disposing of property movable and immovable, as Indian nationals.

## ARTICLE VIII

- (1) Indian nationals within Sikkim shall be subject to the laws of Sikkim and subjects of Sikkim within India shall be subject to the laws of India.
- (2) Whenever any criminal proceedings are initiated in Sikkim against any Indian national or any person in the service of the Government of India or any foreigner, the Government of Sikkim shall furnish the Representative of the Government of India in Sikkim (hereinafter referred to as the India Representative) with particulars of the charge against such persons.

If in the case of any person in the service of the Government of India or any foreigner if is so demanded by the Indian Representative, such person shall be handed over to him trial before such court as may be established for the purpose of the Government of India either in Sikkim or outside.

## ARTICLE IX

- (1) The Government of Sikkim agrees to seize and deliver up any fugitive offender from outside Sikkim who has taken refuge therein on demand being made by the Indian Representative. Should any delay occur in complying with such demand, the Indian police may follow the person whose surrender has been demanded into any part of Sikkim, and shall, on showing a warrant signed by the Indian Representative, receive every assistance and protection in the prosecution of their object from the Sikkim officers.
- (2) The Government of India similarly agrees, on demand being made by the Government of Sikkim, to take extradition proceedings against, and surrender, any fugitive offender from Sikkim who has taken refuge in the territory of India.
- (3) In this article, "fugitive offender" means a person who is accused of having committed an extradition offence as defined in the First Schedule of the Indian Extradition Act, 1903 any other offence which may hereafter be agreed upon between the Government of India and the Government of Sikkim as being an extradition offence.

## ARTICLE X

The Government of India, having in mind the friendly relations already existing between India and Sikkim and now further strengthened by this treaty and being desirous of assisting in the development and good administration of Sikkim, agrees to pay the Government of Sikkim a sum of rupees three lakhs every year so long as the terms of this Treaty are duly observed by the Government of Sikkim.

The first payment under this Article will be made before the end of the year 1950, and subsequent payments will be made in the month of August every year.

#### ARTICLE XI

The Government of India shall have the right to appoint a Representative to reside in Sikkim and the Government of Sikkim shall provide him and his staff with all reasonable facilities in regard to their residential and office accommodation and generally in regard to carrying out their duties in Sikkim.

#### ARTICLE XII

If any dispute arises in the interpretation of the provisions of this Treaty which cannot be resolved by mutual consultation, the dispute shall be referred to the Chief Justice of India whose decision thereon shall be final.

#### ARTICLE XIII

This Treaty shall come into force without ratification from the date of signature by both the parties.

Done in duplicate at Gangtok on this 5<sup>th</sup> day of December, 1950.

Sd/- HARISWAR DAYAL,  
Political Officer in Sikkim

Sd/- TASHI NAMGYAL  
His Highness the Maharaja of Sikkim

## APPENDIX - II

8<sup>th</sup> May Agreement

08.05. 1973

WHEREAS the Chogyal and the people Sikkim are convinced that their interest and the long-term interest of Sikkim as a whole call for :

- (i) the establishment of a fully responsible Government in Sikkim with a more democratic Constitution, the guarantee of fundamental rights, the rule of law, an independent judiciary and greater legislative and executive powers for the elected representatives of the people;
- (ii) a system of elections based on adult suffrage which will give equitable representation to all sections of the people on the basis of the principle of one man one vote;
- (iii) the strengthening of Indo-Sikkim cooperation and inter-relationship; and

WHEREAS the Chogyal as well as the representatives of the people had requested the Government of India.

- (i) To take responsibility for the establishment of law and order and good administration in Sikkim following the breakdown of all three.
- (ii) To ensure the further development of Constitutional Government communal harmony, good administration and rapid economic and social development in Sikkim.
- (iii) To provide the Head of Administration (Chief Executive) in Sikkim's help achieve and to safeguard all the above needs and objectives;

AND WHEREAS the Government of India have agreed to discharge the responsibilities hereby renewed to them;

NOW, THEREFORE, the Government of India, the Chogyal of Sikkim and the Leaders of the Political Parties of Sikkim, have agreed as follows :

1. The three parties hereby recognise and undertake to ensure the basic human rights and fundamental freedoms of the people of Sikkim. The people of Sikkim will enjoy the right of election on the basis of adult suffrage to give effect to the principle of one man one vote.
2. There shall be an Assembly in Sikkim. The Assembly shall be elected every four years. Elections shall be fair and free, and shall be conducted under the supervision of a representative of the Election

Commission of India, who shall be appointed for the purpose by the Government of Sikkim.

3. (1) In accordance with this agreement, the Assembly shall have power to propose laws and adopt resolutions for the welfare of the people of Sikkim on any of the matters enumerated herein below, namely :

- |   |                             |
|---|-----------------------------|
| i) Education  | ii) Public Health           |
| iii) Excise   | iv) Press and publicity     |
| v) Transport  | vi) Bazars                  |
| vii) Forests  | viii) Public Works          |
| ix) Agriculture<br>and  | x) Food supplies            |
| xi) Economic and social<br>planning, including<br>state enterprises | xii) Home and Establishment |
|   | xiii) Finance               |
|   | ivx) Land Revenue.          |

(2) The Assembly shall not discuss or ask questions on the following :

- (a) The Chogyal and the Members of the Ruling Family;
- (b) Any matter pending before the Court of Law;
- (c) The appointment of the Chief Executive and members of the Judiciary; and
- (d) Any matter which concerns the responsibilities of the Government of India under this Agreement, or under any other Agreement between India and Sikkim.

4. There shall be an Executive Council consisting of elected members of the Assembly who shall be appointed to the Executive Council by the Chogyal on the advice of the Chief Executive. The Chief Executive will preside over the meetings of the Executive Council.
5. The system of elections shall be so organised as to make the Assembly adequately representative of the various sections of the population. The size and composition of the Assembly and of the Executive Council shall be such as may be prescribed from time to time, care being taken to ensure that no single section of the population acquires a dominating position due mainly to its ethnic origin, and that the rights and interests of the Sikkimese of Bhutia, Lepcha origin and of the Sikkimese of Nepali, which includes. Tsong and Scheduled Caste, origin are fully protected.
6. The Chogyal shall perform the functions of his high office in accordance with the Constitution of Sikkim as set out in the Agreement.
7. To head and Administration in Sikkim there shall be a Chief Executive, who shall be appointed by the Chogyal on the nomination of the Government of India.

8. The Executive shall have all the powers necessary for the discharge of his functions and responsibilities; and shall exercise his powers as the following manner :

- (i) With respect to matters, allocated to a Member of the Executive Council, he shall act in consultation with the Member to whom administrative functions in this regard have been allocated.
- (ii) He shall submit all important matters to the Chogyal for his information and for his approval of the action proposed to be taken except where immediate action is required. In the latter case, he shall obtain the Chogyal/s approval as soon after the action has been taken as possible.
- (iii) He shall have a special responsibility to ensure the proper implementation of the Constitutional and administrative changes in Sikkim, the smooth and efficient running of its administration, the continued enjoyment of basic rights and fundamental freedom by all sections of the population of Sikkim and the optimum utilization for the benefit of the people of Sikkim of the funds allocated for the economic and social development of Sikkim.
- (iv) In cases involving amity between the various sections of the population of Sikkim, or the development of Democratic Government and efficient administration in Sikkim, any difference of opinion between him and the Chogyal shall be referred to the Political Officer in Sikkim, who shall obtain the advice of the Government of India, which shall be binding.

9. There shall be equality before the law in Sikkim. The Judiciary shall remain independent.

10. The palace establishment and the Sikkim Guards shall remain directly under the Chogyal.

11. The Government of India, who are solely responsible for the defence and territorial integrity of Sikkim, and who are solely responsible for the conduct and regulation of the external relations of Sikkim, whether political, economic or financial, reaffirm their determination to discharge these and their other responsibilities for the benefit of the people of Sikkim, for their communal harmony, good administration and economic and social development. It is hereby reaffirmed that they shall have the necessary powers for carrying out these responsibilities.

Done in triplicate at Gangtok on this Eighth day of May of the year One Thousand Nine Hundred and Seventy Three, A.D.

Sd/- Kewal Singh  
Foreign Secretary  
Government of India

Sd/- Palden Thondup Namgyal  
The Chogyal of Sikkim

Leaders of the Political Parties representing the people of Sikkim :

*For Sikkim  
Janata Congress*

*Sd/- K.C. Pradhan  
Sd/- B.B. Gurung  
Sd/- S.K. Rai  
Sd/- B.P. Dahal  
Sd/- B. Kharel*

*For Sikkim  
National Congress*

*Sd/- K. Lhendup Dorji  
Sd/- C.S. Rai  
Sd/- C.B. Chettri  
Sd/- N.K. Subedi  
Sd/- D.N. Tiwari*

*For Sikkim  
National Party*

*Sd/- Netuk Tsering  
Sd/-Man Bahadur Basnet  
Sd/- Tasa Thungay  
Sd/- Padam Kharel  
Sd/- K. Wangdi.*

## APPENDIX -III

### The Constitution (Thirty-sixth Amendment) Bill, 1974

#### A

#### Bill

*further to amend the Constitution of India to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter-relationship.*

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows :

1. (1) This Act may be called the Constitution (Thirty-sixth Amendment) Act, 1974.  
(2) It shall come into force on such date as the central Government may, by notification in the Official *gazette*, appoint
2. After article 2 of the Constitution, the following article shall be inserted, namely -  
*“2A Sikkim, which comprises the territories specified in the Tenth Schedule, shall be associated with the Union on the terms and conditions set out in that Schedule.”*
3. In article 80 of the Constitution, in clause (1), for the words “The Council of States”, the words and figure “Subject to the provisions of paragraph 4 of the tenth Schedule, the Council of States” shall be substituted.
4. In article 81 of the Constitution, in clause (1), for the words and figures ‘Subject to the provisions of article 331,’ the words and figures “Subject to the provisions of article 331 and paragraph of 4 of the Tenth Schedule’ shall be substituted.
5. After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely -

**TENTH SCHEDULE**  
[Article 2A, 80(1) and 81(1)]

**PART A**

**Territories of Sikkim**

1. Sikkim : Sikkim comprises the following territories, namely :

The territories which, immediately before the coming into force of the Government of Sikkim Act, 1974, were comprised in Sikkim.

**PART B**

**Terms and Conditions of Association of Sikkim with the Union**

2. Responsibilities of the Government of India – (1) The Government of India -
- (a) shall be solely responsible for the defence and territorial integrity of Sikkim and for conduct and regulation of the external relations of Sikkim, whether political, economic or financial;
  - (b) shall have the exclusive right of constructing, maintaining and regulating the use of railways, aerodromes, landing grounds and air navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim;
  - (c) shall be responsible for securing the economic and social development of Sikkim and for ensuring good administration and for the maintenance of communal harmony therein;
  - (d) shall be responsible for providing facilities for students from Sikkim in institutions of higher learning in India and for the employment of people from Sikkim in the public services of India (including the All India Services), at par with those available to citizens of India;
  - (e) shall be responsible for providing facilities for the participation and representation of the people of Sikkim in the political institutions in India.
- (2) Provisions contained in this paragraph shall not be enforceable by any court..
3. Exercise of certain powers by the President – The President, by general or special order, provide :

- (a) for the inclusion of the planned development of Sikkim within the ambit of the planning authority of India while that authority is preparing plans for the economic and social development of India, and for appropriate associating officials from Sikkim in such work;
  - (b) for the exercise of all or any of the powers vested or sought to be vested in the Government of India in or in relation to Sikkim under the Government of Sikkim Act, 1974.
4. Representation in Parliament – Notwithstanding anything in the Constitution.
- (a) there shall be allotted to Sikkim one seat in the Council of States and one seat in the House of the People;
  - (b) the representatives of Sikkim in the Council of States and the House of the People shall be elected by the members of the Sikkim Assembly;
  - (c) a person shall be qualified to be the representative of Sikkim in the Council of States or the House of the people if he is qualified to be chosen to fill a seat in the Sikkim Assembly;
  - (d) every representative of Sikkim in the Council of States or in the House of the People shall be deemed to be a member of the Council of States or the House of the People, as the case may be, for all the purposes of the Constitution except as respects the election of the President or the Vice-President.

Provided that in the case of any such representative –

- (i) clause (20) of article 101 shall apply subject to the modifications that for the words “a House of the Legislature of a State”, in both the places where they occur, and for the words, “the legislature of the State”, the words “the Sikkim Assembly” shall be substituted;
- (ii) sub-clause (a) of clause (3) of article 101 and article 102 shall not apply.
  - (a) if a representative of Sikkim, being a member of the Council of States or the House of the People, becomes subject to any of the disqualifications for membership of the Sikkim Assembly, his seat as a member of the Council of States or the House of the People, as the case may be, shall thereupon become vacant;
  - (b) if any question arises as to whether a representative of Sikkim, being a member of the Council of States or the House of the People, has become subject to any of the disqualifications mentioned in the clause of this paragraph, the question shall be

referred for the decision of the President and his decision shall be final;

Provided that before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion;

- (c) the superintendence, direction and control of the preparation for and the conduct of elections to Parliament under this paragraph of the representatives of Sikkim shall be vested in the Election Commission and provision of clauses (2), (3), (4) and (6) of article 324 shall so as may be, apply to and in relation to all such elections;
- (d) Parliament may, subject to the provisions of this paragraph, from time to time by law make provision with respect to all matters relating to, or in connection with, such election to either House of Parliament.
- (e) No such election to either House of Parliament shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by Parliament.

Explanation – In this paragraph, the expression “the Sikkim Assembly” shall mean the Assembly for Sikkim constituted under the Government of Sikkim Act 1974.

- 5. Schedule not to derogate for agreements, etc – The provisions of the Schedule shall be in addition to and not in derogation of any other power, jurisdiction, rights and authority which the Government of India has or may have in or in relation to Sikkim under any agreement, grant, usage, sufferance or other lawful arrangement.

#### Statement of Objects and Reasons

- 1. In pursuance of the historic agreement of the 8<sup>th</sup> May, 1973m 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 meetings of the Assembly held on the 11<sup>th</sup> May, 1974 for the progressive realisation of a fully responsible Government of Sikkim and for furthering its close relationship with India, the Sikkim Assembly considered and passed the Government of Sikkim Bill 1974 unanimously. The Chogyal promulgated this Bill on the 4<sup>th</sup> July 1974 as the Government of Sikkim Act, 1974. For the speedy development of Sikkim in the social, economic and political field. Section 30 of the Government of Sikkim Act, 1974 empowers the Government of Sikkim, inter alia, to seek

participation and representation for the people of Sikkim in the political institutions of India. On the 28<sup>th</sup> June 1974, after passing the Government of Sikkim Bill, the Sikkim Assembly resolved unanimously that measures should be taken, amongst other things, for seeking representation for the people of Sikkim in India's Parliamentary system.

2. After the promulgation of the Government of Sikkim Act, the Chief Minister of Sikkim has made formal requests to the Government of India through the Chief Executive requesting the Government of India to take such steps as may be legally or constitutionally, necessary to give effect to the Government of Sikkim Act, 1974 and the resolution passed by the Assembly and particularly for providing fir representation for the people of Sikkim in Parliament.
3. With a view to giving effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim cooperation and inter-relationship, the Bill seeks to amend the Constitution to provide for the terms and conditions of association of Sikkim and the union. The terms and conditions are set out in the Tenth Schedule proposed to be added to the Constitution by clause 5 of the Bill. Apart from referring to the responsibilities of the Government of India and the powers of the president in this regard, the schedule provides for allotment to Sikkim of one seat in the Council of States and one seat in the House of the people and for the election of the representatives of Sikkim in the Council of States and the House of the people by the members of the Sikkim Assembly.

New Delhi  
the 30<sup>th</sup> August, 1974.

Swaran Singh

## Financial Memorandum :

1. The Bill seeks to add a new Schedule, the Tenth Schedule, to the Constitution vide clauses 2 and 5. The new Schedule sets out the terms and conditions of the association with Sikkim Paragraph 2 of the new Schedule enumerates the responsibilities of the Government of India. Clauses (a) and (b) of paragraph 4 of the new Schedule provide respectively for allotment to Sikkim of one seat in the Council of States and one seat in the House of the People and for the election of representatives of Sikkim in the Council of States and the House of the People by the members of the Sikkim Assembly. Clause (f) of the said paragraph 4 provides for reference to the President of any question as to whether a Member of Parliament from Sikkim had incurred any disqualification and for the determination of the same in accordance with the opinion of the Election Commission. Clause (g) of the said paragraph 4 provides for the vesting in the Election Commission of the superintendence, direction and control of the preparation for and the conduct of election to Parliament from Sikkim.
2. Except for the provisions as to representation for Sikkim in Parliament and matters connected therewith, the responsibilities of the Government of India under the proposed Tenth Schedule are declaratory of the existing position. The expenditure for discharging these responsibilities is being met even now from Consolidated Fund of India from the sums sanctioned by Parliament under the appropriation Act passed from time to time. Thus the additional expenditure which will be incurred on account of these provisions of the Tenth Schedule, when enacted, will be that relating to the conduct of elections to parliament from Sikkim, the salaries and petitions relating to elections to parliament from Sikkim and questions as to disqualification of any representative of Sikkim in Parliament. The expenditure on the conduct of elections for filling the two seats allotted to Sikkim in Parliaments is not likely to exceed Rs. 50,000 on each occasion. It is not possible to estimate the expenditure which may be incurred in connection with the determination of election petitions and questions as to disqualification as that will depend upon various contingencies. However, it is estimated that on an average, the expenditure in regard to these matters and the expenditure on the salaries and allowances of the representatives of Sikkim in Parliament is not likely to exceed Rs. 60,000 per annum.
3. The provisions of the Bill do not involve any other expenditure of a recurring or non-recurring nature.

## APPENDIX - IV

### The Constitution (Thirty-eighth Amendment) Bill, 1975

#### A

*Bill further to amend the Constitution of India.* 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 the Constitution (Thirty-eight Amendment) Bill, 1975], as passed by the House of the People, is passed by the Council of States.

2. In the First Schedule to the Constitution, under the heading "I, The States", after 21, the following entry shall be inserted, namely -

"22 Sikkim - The territories which immediately before the commencement of the Constitution Thirty-eight Amendment Act, 1975, were comprised in Sikkim"

3. After article 371E of the Constitution, the following article shall be inserted; namely :

371F. Notwithstanding anything in this Constitution -

- (f) the Legislative assembly of the State of Sikkim shall consist of not less than thirty members,
- (g) as from the date of commencement of the Constitution (Thirty-eight Amendment) Act, 1975 (hereinafter in this Article referred to as the appointed day),
  - (i) the Assembly for Sikkim formed a result of the elections held in Sikkim in April 1974, with thirty-two members elected in the said election (hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under the Constitution;
  - (ii) the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under the 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 the Constitution;
- (h) in the case of the Assembly deemed to be the Legislative Assembly of the State of Sikkim under clause (b), the references

to the period of (five years) in clause (1) of Article 172 shall be construed as references to a period of four years and the said period of four years shall be deemed to commence from the appointment date;

- (i) until other provisions are made by 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.

to be necessary for the purpose of removing the difficulty;

Provided that no such order shall be made after the expiry of two years from the appointed day;

- (e) 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 of which the Constitution (Thirty-eight Amendment) Act, 1975, received the assent of the President shall, in so far as they are in conformity with the provisions of the Constitution as amended by the Constitution (Thirty-eight Amendment) Act, 1975 is deemed for all purposes to have been validly done or taken under this Constitution as amended.
- (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 appointed day were vested in the Government of Sikkim or in any other authority or in any person for the 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 courts 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 this Constitution, the President may, within two years from the appointed day, by order make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon, 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 any 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 of its predecessor Governments 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 the 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 appears 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 (Thirty-Eighth 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 (Thirty-eighth 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
- (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.

## **STATEMENT OF OBJECTS AND REASONS**

The Sikkim Assembly unanimously adopted a resolution on the 10<sup>th</sup> April, 1975 which, inter alia, noted the persistent harmful activities of the Chogyal which were aimed at undermining the responsible democratic government set up under the provisions of the May 8 Agreement of 1973 and the Government of Sikkim Act, 1974. The Resolution declared that the Assembly had satisfied itself that these activities of the Chogyal not only violated the objects of the Agreement of May 8, 1973, but also ran counter to the wishes of the people of Sikkim and impeded their democratic development and participation in the political and economic life of India. Accordingly the Assembly solemnly declared and resolved that “The institution of the Chogyal is hereby abolished and Sikkim shall henceforth be a constituent unit of India, enjoying a democratic and fully responsible Government.”

2. The Assembly also resolved that this Resolution be submitted to the people of Sikkim forthwith for their approval. A special opinion poll conducted by the Government of Sikkim on the 14<sup>th</sup> April, 1975 resulted in a total of 59,637 votes in favour and 1,496 votes against the Resolution out of a total electorate of approximately 97,000.

3. The result of this poll was communicated to the Government of India by the Chief Minister of Sikkim on the 15<sup>th</sup> April, 1975. The Chief Minister on behalf of the Council of Ministers strongly requested the Government of India to make an immediate response and accept the above decision, taking, as has been requested in the Assembly Resolution of the 10<sup>th</sup> April, 1975, such measures as may be necessary and appropriate to implement the decision as early as possible.
4. The Chief Minister and other Ministers of Sikkim also visited New Delhi on the 16<sup>th</sup>-17<sup>th</sup> April, 1975 and urged the Government of India to take immediate action in this behalf.
5. Accordingly, it is proposed to include Sikkim as a full-fledged State in the First Schedule to the Constitution and to allot to Sikkim one seat in the Council of States and one seat in the House of the People. It is also proposed to insert a new article containing the provisions considered necessary to meet the special circumstances and needs of Sikkim.
6. The Bill seeks to achieve the above objects.

Sd/- Y. B. CHAVAN

NEW DELHI : The 19<sup>th</sup> April, 1975.

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill envisages that Sikkim shall be a State of the Union of India. Once this provision comes into operation, various matters relating to the subjects mentioned in List I of the Seventh Schedule to the Constitution will become the direct responsibility of the Central Government. Some of these matters are even now administered by the Government of India in terms of the Constitution (Thirty-fifth Amendment) Act, 1974. But as some more subjects will come within the direct purview of the Government of India, there will be some additional expenditure on this account from the Consolidated Fund of India. It is extremely difficult to assess with any degree of precision the expenditure that is likely to be involved.

2. Under article 275 (2), the President will have the power to determine grants-in-aid to the State of Sikkim until provision in that behalf is made by Parliament. At present, the Government of India have been granting financial assistance to Sikkim. The provision in this behalf in the Budget Estimates for 1975-76 is of the order of Rs. 13 crores. The financial arrangements in relation to the State of Sikkim will be worked out in due course and it may become necessary to sanction grants-in-aid under article 275. It is not possible at this stage, to indicate the magnitude of such grants and also the net additional liability resulting therefrom, taking into account the present assistance a part of which may continue as Plan Grant under article 282.

3. Clause (d) of new article 371F proposed to be inserted by clause 3 of the Bill envisages that the State of Sikkim shall be allotted one seat in the House of the People and the State shall form a single parliamentary constituency. While the Member to represent the State of Sikkim in the existing House of the People will be elected by members of the Legislative Assembly of the State, in future the Member would be directly elected. Clause 4 of the Bill seeks to allot to the State of Sikkim one seat in the Council of States. These provisions would involve expenditure with regard to the conduct of elections of Parliament from Sikkim to fill the aforementioned seats, the salary and allowances payable to Members of Parliament from Sikkim and the determination of election petitions, if any, relating to elections to Parliament from Sikkim and all questions as to disqualification of any member from Sikkim in Parliament. The expenditure on the conduct of elections to Parliament for filling the two seats allotted to Sikkim in Parliament is not likely to exceed Rs. 50,000 on each occasion. It is not possible to estimate the expenditure which may be incurred in connection with the determination of election petitions and questions as to disqualification as that will depend upon various contingencies. It is, however, estimated that on an average the expenditure incurred in regard to these matters and the expenditure on salary and allowances of the Members from Sikkim in Parliament is not likely to exceed Rs. 60,000 per annum.

#### EXTRACTS FROM THE CONSTITUTION OF INDIA

2A. Sikkim which comprises the territories specified in the Tenth Schedule, shall be associated with the Union on the terms and conditions set out in that Schedule.

80.(1) Subject to the provisions of paragraph 4 of the Tenth Schedule, the Council of states shall consist of –

- (a) twelve members to be nominated by the President in accordance with the provisions of clause (3); and
- (b) not more than two hundred and thirty-eight representatives of the State and of the Union territories.

81.(1) Subject to the provisions of article 331 and paragraph 4 of the Tenth Schedule, the House of the People shall consist of

- (a) not more than five hundred and twenty-five members chosen by direct election from territorial constituencies in the States, and
- (b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

TENTH SCHEDULE  
[Article 2A, 80(1) and 81(1)]  
PART A  
TERRITORIES OF SIKKIM

1. Sikkim-Sikkim comprises of following territories, namely,: The territories which immediately before the coming into force of the Government of Sikkim Act, 1974, were comprised in Sikkim.

PART B  
TERMS AND CONDITIONS OF ASSOCIATION OF  
SIKKIM WITH THE UNION

2. Responsibilities of the Government of India – (1) The Government of India.
  - (a) Shall be solely responsible for the defence and territorial integrity of Sikkim and for the conduct and regulation of the external relations of Sikkim, whether political, economic or financial;
  - (b) Shall have the exclusive right of constructing, maintaining and regulating the use of railways, aerodromes, landing grounds and air navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim;
  - (c) Shall be responsible for securing the economic and social development of Sikkim and for ensuring good administration and for the maintenance of communal harmony therein;
  - (d) Shall be responsible for providing facilities for students from Sikkim in institutions for higher learning in India and for the employment of people from Sikkim in the public services of India (including the All India Services), at par with those available to citizens of India;
  - (e) Shall be responsible for providing facilities for the participation and representation of the people of Sikkim in the political institutions of India.
- (2) The provisions contained in this paragraph shall not be enforceable by any court.
3. Exercise of certain powers by the President – The President may, by general or special order, provide –
  - (a) for the inclusion of the planned development of Sikkim within the ambit of the planning authority of India while that authority

is preparing plans for the economic and social development of India, and for appropriately associating officials from Sikkim in such work;

- (b) for the exercise of all or any of the powers vested or sought to be vested in the Government of India in or in relation to Sikkim under Government of Sikkim Act, 1974.

4. Representation in Parliament. – Notwithstanding anything in this Constitution –

- (a) there shall be allotted to Sikkim one seat in the Council of States and one seat in the House of the People.
- (b) the representative of Sikkim in the Council of States shall be elected by the Members of the Sikkim Assembly;
- (c) the representative of Sikkim in the House of the People shall be chosen by direct election, and for this purpose, the whole of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim;

Provided that the representative of Sikkim in the House of the People in existence at the commencement of the Constitution (Thirty-fifth Amendment) Act, 1974, shall be elected by the members of the Sikkim Assembly.

- (d) There shall be one general electoral roll for the parliamentary constituency for Sikkim and every person whose name is for the time being entered in the electoral roll of any constituency under the Government of Sikkim Act, 1974, shall be entitled to be registered in the general electoral roll for the parliamentary constituency for Sikkim;
- (e) A person shall not be qualified to be the representative of Sikkim in the Council of States or the House of the People unless he is also qualified to be chosen to fill a seat in the Sikkim Assembly and in the case of any such representative –
  - (i) Clause (a) of article 84 shall apply as if the words “is a citizen of India, and “ had been omitted therefrom;
  - (ii) Clause (3) of article 101 shall apply as if sub-clause (a) had been omitted therefrom;
  - (iii) Sub-clause (d) of clause (1) of article 102 shall apply as if the words “is not a citizen of India, or” had been omitted therefrom;
  - (iv) Article 103 shall not apply;

- (f) Every representative of Sikkim in the Council of States or in the House of the People shall be deemed to be a member of the Council of States or the House of the people, as the case may be, for all the purposes of this Constitution except as respects the election of the President or the Vice-President;

Provided that in the case of any such representative, clause (2) of article 101 shall apply as if for the words "a House of the Legislature of a State", in both the places where they occur, and for the words "the Legislature of the State:", the words "the Sikkim Assembly" had been substituted;

- (g) If a representative of Sikkim, being a member of the council of States or the House of the People, becomes subject to any of the disqualifications for being a member of the Sikkim Assembly or for being the representative of Sikkim in the Council or the House of the People, his seat as a member of the Council of States or the House of the People, as the case may be, shall thereupon become vacant;
- (h) if any question arises as to whether a representative of Sikkim, being a member of the Council of States or the House of the People, has become subject to any of the disqualifications mentioned in clause (g) of this paragraph, the question shall be referred for the decision of the President and his decision shall be final.

Provided that before giving any decision on any such question the President shall obtain the opinion of the Election Commission and shall act according to such opinion;

- (i) the superintendence, direction and control of the preparation of the electoral rolls for and the conduct of elections to Parliament under this paragraph of the representatives of Sikkim shall be vested in the Election Commission and the provisions of clauses (2), (3), (4) and (6) of article 324 shall, so far as may be, apply to and in relation to all such elections;
- (j) Parliament may, subject to the provisions of this paragraph, from time to time by law make provision with respect to all matters relating to, or in connection with, such elections to either House of Parliament;
- (k) No such election to either House of Parliament shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by Parliament.

Explanation – In this paragraph, the expression “the Sikkim Assembly” shall mean the Assembly for Sikkim constituted under Government of Sikkim ct, 1974.

5. Schedule not to derogate from agreements, etc. – The provisions of this Schedule shall be in addition to, and not in derogation of, any other power, jurisdiction, rights and authority which the Government of India has or may have in or in relation to Sikkim under any agreement, grant, usage, sufferance of other lawful arrangement.

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1. Amendment. This Article was inserted by the Constitution (Thirty-sixth Amendment) Act, 1975 with effect from 26<sup>th</sup> April, 1975.
2. Article 371-F (f) and Article 2. The non-obstinate clause in Article 371-F cannot be construed as taking Clause (f) of Article 371-F and Article 2 have to be construed harmoniously consisted with the foundational principles and base features of the Constitution.\*
3. Laws in force. Expression “laws in force” includes Sikkim Government Establishment Rules ā.

\* R.C. Poudyal v Union of India AIR 1993 SC 1804 (para 70)

ā State of Sikkim v Surendra Prasad Sharma AIR 1994 SC 2342 (paras 13, 14)

Courtesy: H.K. Saharay : The Constitution of India – An Analytical Approach,  
3e 2002, Eastern Law House, pp. 992-996.

**APPENDIX - V**  
**SIKKIM DARBAR GAZETTE**  
**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

Ex.Gaz.

Gangtok, July 6, 1974

No.1

**GOVERNMENT OF SIKKIM ACT**

1974

**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 :

# 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 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<br>2. It shall come into force on the fourth day of July 1974.  |
| Definitions                  | 2. In this Act, unless the context otherwise requires,<br>(a) "Assembly" means the Sikkim Assembly;<br>(b) "Chief Executive" means the Chief Executive<br>Referred to in section 28;<br>(c) "Chogyal" means the Chogyal of Sikkim;<br>(d) "Member" means a member of the Assembly. |

### CHAPTER II THE CHOGYAL OF SIKKIM

- |  |  |
|--|--|
| The Chogyal and his privileges   | 3. The Chogyal shall take precedence over all other persons in Sikkim and he shall continue to enjoy the honour, position and other personal privileges hitherto enjoyed by him. |
| The Chogyal to Exercise powers and the effect the perform contained functions in accordance this section.<br>With this Act | 4. The Chogyal shall exercise his powers and perform his functions in accordance with provisions of this Act, and nothing in section 3 shall provisions of                       |
| Executive action in the  | 5. All executive action of the Government  |

Sikkim how to be expressed

Sikkim taken in accordance with provisions of this Act shall be expressed to be taken in the name of the Chogyal.

### CHAPTER III ASSEMBLY OF SIKKIM

Assembly of 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.

Elections to the Sikkim Assembly

7. (1) For the purpose of elections to the Sikkim Assembly, Sikkim shall be divided into constituencies in such manner as may be determined by 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 of the Election of India

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

Qualification for to Membership of

9. A person shall not be qualified to be chosen to fill a seat in the Assembly unless he :

Assembly makes	<p>(a) is an elector for any Constituency and</p> <p>And subscribes before some person authorised by the authority conducting the election on oath or affirmation according to the form set out in the Schedule;</p> <p>(b) is not less than 25 years of age;</p> <p>(c) possesses such other qualifications as may be specified in any law for the time being in force.</p>
Elections on the basis be of Adult suffrage say,	<p>10.(a) The elections to the Sikkim Assembly shall on the basis of one man one vote, that is to person who on the prescribed date 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 as any such election.</p>
Duration of Assembly date	<p>11. The Assembly shall, unless sooner dissolved, continue for four years from the appointed for its first meeting and no longer, and the longer, and the expiration of the said period of four years shall operate as a dissolution of the Assembly.</p>
Summoning of Assembly	<p>12. The Chogyal shall, on the advice of the President of the Assembly, summon the Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.</p>
Speaker and Deputy Speaker of Assembly	<p>13.(1) The Chief Executive shall be ex officio. President of the Assembly and as such shall Perform the functions of the Speaker thereof</p> <p>(2) The Assembly shall, as soon as may be, choose a member to be Deputy Speaker thereof who shall act as Speaker during the absence of the President of the Assembly from any sitting of the Assembly.</p>

- Right of Chogyal to attend and address Meetings of Assembly oath or Affirmation by Members
14. The Chogyal may address the Assembly after intimating to the President of the Assembly his intention to do so.
15. Every Members 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 17 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 chosen Membership
- 17.(1) A person shall be disqualified for being and for being, a member of the Assembly --
- (a) if he holds any office of profit under Government of Sikkim other than an office declared by law not to disqualify its holders;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is disqualified by or under any law.
- (2) For the purpose of this section, a person shall not be deemed to hold an office of profit under the Government of Sikkim by reason only that he is a Minister.
- (3) If any question arises as to whether a members of the Assembly has become disqualified for being such a member under the provisions of sub-section (1), 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 taking 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 requirement 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 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 Ministers

- 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 members 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 liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or other proceedings.

Powers and Functions 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 Works;
- (i) Agriculture;
- (j) Food Supplies;
- (k) Economic and Social Planning including State Enterprises;
- (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 and to 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 purpose of this Act.

#### Assent to Bills

21. When a Bill has been passed by the Assembly,  
it shall be presented to the Chogyal and The Chogyal shall declare either that he assents to the Bill or that he withholds assent therefrom

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 become law, affect any of the 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 Proceedings of Assembly

- 22.(1) The validity of 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 to 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 shall 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 questions on any of the following, namely :
- (a) the Chogyal and members of the ruling family;
  - (b) any matter pending before a 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 in this to aid and advise the Chogyal

- 24.(1) There shall be an Executive Council ( in 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 shall 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 of opinion that the advice affects or is likely to affect any of his special responsibilities or the 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  
shall  
removal of Ministers

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

- (2) The Council of Ministers shall be responsible to the Assembly.
- (3) Before a Minister enters upon his office, The Chogyal or such other person as may be authorised in this behalf, shall administer to him the oath of office and of secrecy according to the form set out for the purpose in the Schedule.

Extent of Executive  
Power of the Council of  
Ministers

26. The Executive power of the Council of Ministers 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 Ministers, 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 the Administration in Sikkim,  
there shall be a person nominated by the Government of India and appointed to the post by the Chogyal.

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

(a) the responsibilities of the Government of India in or in relation to Sikkim as respects all or any of the matters referred to in the Agreement of the 8<sup>th</sup> 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 the act;

(b) the appeal responsibilities of the Chief Executive referred to in the agreement of the 8<sup>th</sup> of 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 so as to ensure compliance with any decisions taken or orders or directions issued by the Government of India in the discharge of its responsibilities.

Performance of 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 the 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.

- (d) advise the Chogyal in respect of all other matter;

- (2) Where a difference of opinion arises between the 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 V GENERAL

Association with  
Government of India

- 30. For the speedy development of Sikkim in the 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 from Sikkim in institutions for higher learning and for the employment of people from Sikkim in the public services of India (including All India Services), at par with those available to citizens of India;
- (c) seek participation and representation for the people of Sikkim in the political institutions of India.

Independence of  
exercise  
Judiciary

31. All judges shall be independent in the  
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 fundamental freedoms without  
discrimination

(2)The Government of Sikkim shall make very  
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

33. The Assembly which has been formed as a  
result of the elections 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.

Sikkim Assembly  
under this Act  
powers to remove  
difficulties

34. If any difficulty arises in giving effect to  
the  
provisions of this Act, the Chogyal, may in  
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. Densapa*  
Secretary to The Chogyal

THE SCHEDULE  
(Form of oaths or Affirmations)

I

(See Section 9.a)

1. Form of oath or affirmation to 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 solemnly affirm** that I will bear true faith and allegiance to the 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 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 solemnly affirm** that I will bear true faith and allegiance to the Constitution of Sikkim as by the law established and that 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)

4. Form of oath of secrecy 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 any person or persons any matter which shall be brought under consideration or shall become known as a Minister except may be required for the due discharge of my duties as such a Minister”.

**APPENDIX-VI**

**SIKKIM DARBAR GAZETTE**

**EXTRAORDINARY**

**PUBLISHED BY AUTHORITY**

Ex.Gaz.

Gangtok, April 17, 1975

No.27

**OFFICE OF THE ADDITIONAL ELECTION COMMISSIONER OF SIKKIM**

**NOTIFICATION NO : 13 (SP)/75**

**Dated Gangtok, the 17<sup>th</sup> April, 1975**

The Sikkim Assembly having passed the following resolution on 10<sup>th</sup> April, 1975:

**Part A**

“The Institution of the Chogyal is hereby abolished and Sikkim shall henceforth be a constituent unit of India, enjoying a democratic and fully responsible Government” and the Sikkim Assembly having also passed another resolution on the same day as follows :

“The Resolution contained in part ‘A’ shall be submitted to the people forthwith for their approval” and having been so directed by the Government of Sikkim to conduct a Special Poll in pursuance of the above Assembly resolution, I.D.C. Lucksom, Additional Election Commissioner of Sikkim, having conducted a Special Poll on the 14<sup>th</sup> April, 1975 and the counting of votes, having now been completed, I do hereby declare the following results :

Votes in favour of the Assembly Resolution	:	59,637
Votes against the Assembly Resolution	:	1,496
Total Votes Polled	:	61,133

Gangtok  
Dated the 15<sup>th</sup> April, 1975

**D.C. LUCKSOM**  
Addl. Election Commissioner

## APPENDIX - VII

The Constitution (Thirty-Fifth Amendment) Act, 1974

THE CONSTITUTION (THIRTY-FIFTH AMENDMENT) ACT, 1974 Part II  
Sec I & Part II-Sec 3

Sub-Section (i) published in the extraordinary Gazette of India is reproduced below for the general information.

“MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS”  
(Legislative Department)  
New Delhi, the 22<sup>nd</sup> February, 1975/Phalgun 3, 1896 (*Saka*)

The following Act of Parliament received the assent of the President on the 22<sup>nd</sup> February, 1975 and is hereby published for the general information :

THE CONSTITUTION (THIRTY-FIFTH AMENDMENT) ACT, 1974  
(22<sup>nd</sup> February, 1975)

An Act further to amend the Constitution of India to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter-relationship.

Be it enacted by Parliament the Twenty-fifth Year of the Republic of India as follows :

- |   |  |
|---|--|
| Short title and (Thirty-fifth Amendment) commencement | 1.(1) This Act may be called the Constitution Act, 1974.<br>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.   |
| Insertion of new article 2A namely :                  | 2. After article 2 of the Constitution, the following article shall be inserted,<br><br>“2A, Sikkim, which comprises the territories   |
| Sikkim to be associated with the Union                | specified in the Tenth Schedule, shall be associated.  |
| Amendment of  | 3. In article 80 of the Constitution, in clause (1), article 80 for the words, “The Council of States”, the words and figure “Subject to the provisions of paragraph 4 of the Tenth Schedule, the Council of States” shall be substituted. |

- Amendment of 4. In article 81 of the Constitution, in clause (I) article 81 for the words and figures "Subject to the provisions of article 331", the words and figures "Subject to the provision of article 331 and paragraph 4 of the Tenth Schedule" shall be substituted.
- Amendment of 5. After the Ninth Schedule to the Constitution, Tenth Schedule the following Schedule shall be added, namely:

**TENTH SCHEDULE**  
[Article 2A, 80(1) and 81(1)]

**PART A**  
**TERRITORIES OF SIKKIM**

1. Sikkim : Sikkim comprises the following territories, namely :

The territories which, immediately before the coming into force of the Government of Sikkim Act, 1974, were comprised in Sikkim.

**PART B**  
**TERMS AND CONDITIONS OF ASSOCIATION OF SIKKIM WITH**  
**THE UNION**

2. Responsibilities of the Government of India – (1) The Government of India -
- (a) shall be solely responsible for the defence and territorial integrity of Sikkim, whether political, economic or financial;
- (b) shall have the exclusive right of constructing, maintaining and regulating the use of railways, aerodromes, landing grounds and air navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim;
- (c) shall be responsible for securing the economic and social development of Sikkim and for ensuring good administration and for the maintenance of communal harmony therein;
- (d) shall be responsible for providing facilities for students from Sikkim in institutions of higher learning in India and for the employment of people from Sikkim in the public services of India (including the All India Services), at par with those available to citizens of India.
- (2) Provisions contained for providing facilities for the participation and representation of the people of Sikkim in the political institutions in India.

3. Exercise of certain powers by the President – The President, by general or special order, provide :
- (a) for the inclusion of the planned development of Sikkim within the ambit of the planning authority of India while that authority is preparing plans for the economic and social development of India, and for appropriate associating officials from Sikkim in such work;
  - (b) for the exercise of all or any of the powers vested or sought to be vested in the Government of India in relation to Sikkim under the Government of Sikkim Act, 1974.
4. Representation in Parliament – Notwithstanding anything in the Constitution.
- (a) there shall be allotted to Sikkim one seat in the Council of States and one seat in the House of the People;
  - (b) the representatives of Sikkim in the Council of States shall be elected by the members of the Sikkim Assembly;
  - (c) the representatives of Sikkim in the House of the People shall be chosen by direct election, and for the purpose, the whole of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency of Sikkim.

Provided that the representatives of Sikkim in the House of the People in existence at the commencement of the Constitution (Thirty-fifth Amendment Act), 1974, shall be elected by the members of the Sikkim Assembly.

- (a) there shall be one general electoral roll for the parliamentary constituency for Sikkim and every person whose name is for the time being entered in the electoral roll of any constituency under the Government of Sikkim Act, 1974, shall be entitled to be registered in the general electoral roll for the parliamentary constituency for Sikkim;
- (b) a person shall not be qualified to be the representative of Sikkim in the Council of States or the House of the People unless he is also qualified to be chosen to fill a seat in the Sikkim Assembly and in the case any such representative –
  - (i) clause (a) of article 84 shall apply as if the words “is a citizen of India or” had been omitted there from;
  - (ii) clause (3) of article 101 shall apply as if sub-clause (a) had been omitted there from;
  - (iii) sub-clause (d) of clause (1) of article 102 shall apply as if the words “is not a citizen of India” or had been omitted there from;
  - (iv) article 103 shall not apply;
- (f) every representative of Sikkim in the Council of States or in the House of the People shall be deemed to be a member of the Council of States or the House of the People, as the case may

be, for all the purposes of this Constitution except as respects the election of the President or the Vice-President.

Provided that in case of any such representative, clause (2) of article 101 shall apply as if for the whole "a House of the Legislature of a State", in both the places where they occur, and for the words "the Legislative of the State", the words "the Sikkim Assembly had been substituted.

- (g) If a representative of Sikkim, being a member of the Council of States or the House of the People, becomes subject to any of the disqualifications for being a member of the Sikkim Assembly, or for being the representative of Sikkim in the Council of States or the House of the People, his seat as a member of the Council of States or the House of the People, as the case may be, shall thereupon become vacant;
- (h) if any question arises as to whether a representative of Sikkim, being a member of the Council of States or the House of the People, has become subject to any of the disqualifications mentioned in the clause (s) of this paragraph, the question shall be referred for the decision of the President and his decision shall final.

Provided that before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion;

- (i) the superintendence, direction and control of the preparation of the electoral rolls for and the conduct of election to Parliament under this paragraph of the representatives of Sikkim shall be vested in the Election Commission and the provision of clauses (2), (3), (4) and (6) of article 324 shall so far as may be, apply to and in relation to all such elections;
- (j) Parliament may, subject to the provisions of this paragraph, from time to time by law make provision with respect to all matters relating to, or in connection with, such election to either House of Parliament;
- (k) no such election to either House of Parliament shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by Parliament.

*Explanation* – In this paragraph, the expression "the Sikkim Assembly" shall mean the Assembly for Sikkim constituted under the Government of India Act, 1974.

5. Schedule not to derogate for agreements, etc. – The provisions of this Schedule shall be in addition to, and not in derogation of, any other

power, jurisdiction, rights and authority which the Government of India has or may have in or in relation to Sikkim under any agreement, grant, usage, sufferance or other lawful arrangement.

K.K. SUNDARAM  
Secy. To the Govt. of India

#### CORRIGENDA

In the Repealing and Amending Act, 1974 (56 of 1974) as published in the Gazette of India, Extraordinary Part II, Section I, dated the 20<sup>th</sup> December, 1974:

At page 814, in column 4, against Act No. 28 of 1989, for "Section 2" to read "Section 2 to 8".

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"MINISTRY OF EXTERNAL AFFAIRS"  
NOTIFICATION

New Delhi, the 28<sup>th</sup> February, 1975

G.S.R. 61 (E) – In exercise of the powers conferred by sub-section (2) of section 1 of the Constitution (Thirty-fifth Amendment) Act, 1974, the Central Government hereby appoints the 1<sup>st</sup> day of March, 1975 as the date on which the said Act shall come into force.

[No. EI/103.10.74]

A.B. GOKHALE, Jt. Secy.

**APPENDIX – VIII**  
**SIKKIM DARBAR GAZETTE**  
**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

Ex.Gaz.

Gangtok, May 16, 1975

No.28

SKM/GOVERNOR (1)75

ORDER

I, Bipen Behari Lal, Governor of Sikkim, hereby appoint Kazi Lhendup Dorji Khangsarpa to be the Chief Minister and on the advice of the Chief Minister the following persons to be members of the Council of Ministers :

Bhawani Prasad Dahal

Bhuwani Prasad Kharel

Dorji Tshering Bhutia

Nayen Tsering Lepcha

Rinzing Tongden Lepcha

**B.B. LAL**  
**GOVERNOR**  
16.5. 1975

**APPENDIX - IX**

**SIKKIM DARBAR GAZETTE**

**EXTRAORDINARY**

**PUBLISHED BY AUTHORITY**

Ex.Gaz.

Gangtok, May 16, 1975

No.29

**HOME DEPARTMENT**

**NOTIFICATION NO. H (GA)1/75/1**

**Dated Gangtok, the 16<sup>th</sup> May, 1975**

In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, the Governor of Sikkim is pleased hereby to make the following rules for the allocation of business of the Government of Sikkim, namely :

1. Short title - These rules may be called the Government of Sikkim (Allocation of Business) Rules, 1975.
2. Allocation of business - The business of the Government of Sikkim shall be transacted in the Departments specified in the First Schedule to these rules.
3. Distribution of subjects - The distribution of subject among the Department shall be a specified in the Second Schedule to these rules.
4. Distribution of Department among Ministers - (1) The Governor may, on the advice of the Chief Minister, allocate the business of the Government of Sikkim among Minister by assigning one or more Department to the charge of a Minister.
- (2) Notwithstanding anything contained in sub-rule (1) the Governor may, on the advice the Chief Minister -
  - (a) associate in relation to the business allotted to a Minister under sub-rule (1), another Minister or Deputy Minister to perform such functions as may be assigned to him; or
  - (b) entrust the responsibility for specified items of business affecting any one or more than one Department to a Minister who is in charge of any other Departments.

**BY ORDER OF THE GOVERNOR**

**T.S. GYALTSHEN**  
Chief Secretary,  
Government of Sikkim

THE FIRST SCHEDULE  
(See Rules 2)

DEPARTMENTS

1. HOME DEPARTMENT
2. ESTABLISHMENT DEPARTMENT
3. AGRICULTURE DEPARTMENT
4. LAND REVENUE DEPARTMENT
5. FINANCE DEPARTMENT
6. FOOD SUPPLIES AND FAIR PRICE SHOPS DEPARTMENT
7. PRESS, PUBLICITY AND CULTURAL AFFAIRS DEPARTMENT
8. ECCLESIASTICAL DEPARTMENT
9. FOREST DEPARTMENT
10. BAZAR DEPARTMENT
11. MEDICAL AND PUBLIC HEALTH DEPARTMENT
12. ANIMAL HUSBANDRY DEPARTMENT
13. EDUCATION DEPARTMENT
14. ELECTRICITY TRANSMISSION AND TRANSFORMATION DEPARTMENT
15. PUBLIC WORKS DEPARTMENT
16. GENERAL EXCISE AND MOTOR VEHICLE DEPARTMENT
17. TRADE, INDUSTRY AND COMMERCE DEPARTMENT
18. ELECTRICITY DEPARTMENT
19. PANCHAYAT AND RURAL WORKS DEPARTMENT
20. EXCISE (ABKARI) DEPARTMENT
21. CO-OPERATION DEPARTMENT
22. PLANNING AND DEVELOPMENT DEPARTMENT
23. TOURISM DEPARTMENT
24. LAW DEPARTMENT
25. LEGISLATIVE DEPARTMENT.

## THE SECOND SCHEDULE

(See Rules 2)

### DISTRIBUTION OF SUBJECT AMONG THE DEPARTMENT IN SIKKIM

#### 1. HOME DEPARTMENT

Assumption of office by Governor.

Business of Government – distribution among departments.

Business rules and Secretariat interactions.

General Administration.

Establishment side by the Council of Minister – arrangements for meetings.

Cipher – Cipher correspondence.

Elections to the State Legislative Assembly.

Government Servant's Conduct Rules.

Internal Security.

Electoral rolls – preparation of office procedure.

Political offences – prosecutions and withdrawal therefore.

Administration of Justice.

Jurisdiction and Powers of courts except High Court.

Public peace – disturbance of Public Order.

Police.

Public Service Commission.

Raj Bhavan

- (a) Establishment;
- (b) grants;
- (c) personal staff to Governor;
- (d) works.

State Administration report

Secretariat

- (a) Establishment.
- (b) Library.

- (c) Manual.
- (d) State Emblem.

Visit of high personage – very important personage.

Flags – flying of – rules etc.

Census.

Ceremonials.

Pool transport.

Public services – statutory rules of the services with which the department is concerned.

## 2. ESTABLISHMENT DEPARTMENT :

Appointments, promotions, leave, increments, transfer etc. in respect of Gazetted Officers.

Civil list preparation of service matters of Class II non-gazetted employees.

Fixation of Pay.

Revision of pay-scales.

Revision of Service rules.

## 3. AGRICULTURE DEPARTMENT :

Agriculture including agricultural education, research and engineering.

Import into, or export out of Sikkim, or agricultural produce.

State works and building under the administrative control of Agriculture department.

Distribution of agricultural inputs.

Public Service – statutory rules of the services with which the Department is concerned.

## 4. LAND REVENUE DEPARTMENT :

Land records.

Land reforms.

Land revenue administration.

Land acquisition for roads, army, border roads – other projects within Sikkim and other compensation cases.

Appointment of Mandal for each Revenue Block.

Jails.

Questions relating to Citizenship.

Cardamom *Khazana*.

Orange *Khazana*.

District Officers and staff.

Public Service – statutory rules of the services with which the Department is concerned.

## 5. FINANCE DEPARTMENT :

Accounts – control of accounts, organisations under heads of Departments in connection with the State Trading Schemes, etc.  
Advance grants – votes of credits and exceptional grants.  
Annual financial statement and Appropriation Bill (Budget) Appropriation account and Auditor-General's report thereof.  
Audit of receipts and accounts of Stores and Stocks.  
Consolidated Fund of the State.  
Contingency fund of the State – sanction of advances.  
Economy in expenditure.  
Famine Relief Fund.  
Financial Rules.  
Treasury and Accounts Service.  
Loans and advances.  
Public debt of the State.  
Public services – statutory rules of the services with which the department is concerned.  
Re-appropriations.  
Secretariat Central Accounts Section.  
State balance.  
Matters relating to banking and stock exchange.  
State Pensions.  
Supplementary additional of excess grants and statements of expenditure.  
Taxation and allied measures.  
Travelling Allowance Rules.  
Treasury rules.  
Ways and means.

## 6. FOOD SUPPLIES AND FAIR PRICE SHOPS DEPARTMENT

Procurement of controlled food commodities.  
Distribution of controlled food commodities in Sikkim  
Transit permits and lists of monthly allotment of food commodities – procurement of civil supplies.  
Control and fixation of prices of food grains and other articles of food.  
Public services – statutory rules of services with which the Department is concerned.  
Rationing.  
Transport of goods to fair price shops.  
Collection and auction of Cardamom.  
Supervision of fair price shops.

## 7. PRESS, PUBLICITY AND CULTURAL AFFAIRS DEPARTMENT :

Newspapers and periodicals.  
Press notes, communiqué release and feature articles.  
Issue of publications – pamphlets – publicity materials and journals.  
Publicity – general publicity and Government activities.

Information Centre.  
Photographic Cell and Projection Unit.  
Preservation and consolidation of ancient art and culture.  
Collection and compilation of folk songs, etc.  
Cultural shows – arrangements of.  
Preservation of ancient monuments.  
Sports and games – organisations – grants-in-aid to.  
Institute of Tibetology.  
Fostering competitive programmes for community development.  
District Library attached to the Community Centre.  
Museums.  
Sikkim Government Press.  
Stationary and Printing.  
Public services – statutory rules of the services with which the department is concerned.

#### 8. ECCLESIASTICAL DEPARTMENT :

Ecclesiastical affairs.  
General control and supervision over the affairs of Monasteries, shrines and temples.  
Payment of subsidies and aids.  
Reconstruction of old Monasteries in Sikkim.  
Sacred hot springs, sacred temples and sacred caves in Sikkim  
Reconstruction of *chorten*.  
Supervision and control of income and expenditure of Monasteries.  
Ensuring observance of Government rules and orders regarding prohibition against taking of lives or killing during auspicious days.  
Dispute of Monasteries.  
Inspection of Monasteries and temples.  
Preservation of sacred places of pilgrimage.  
Organising festivals, etc.

#### 9. FOREST DEPARTMENT :

Management of Government forests.  
Private State forests under Government management.  
Management of gardens and parks in Sikkim.  
Wild life – protection and management.  
Soil conservation – measures and control.  
Control of pasture lands in Alpine region.  
Development of minor forest projects like Cardamom; and medicinal herbs within Government forest lands.  
Plantations.  
Fisheries.  
Public services – statutory rules of the service with which the department is concerned.

#### 10. BAZAR DEPARTMENT :

Grant of different types of licenses.

Collection of fees, tax, etc, from *Bazars*.

Allotment of sites

Improvement of bazaars

Supervision of construction of shops-houses.

Miscellaneous work concerning bazaars.

Public services – statutory rules of the service with which the department is concerned.

#### 11. MEDICAL AND PUBLIC HEALTH DEPARTMENT :

Administration of public health and medical relief in the State.

Medical and health education.

Medical and public health stores.

Preventive health services.

Hospital administration.

Control of communicable disease.

Environmental, sanitation, provision of water conservancy and hygienic disposal of waste.

School health.

Maternity, child health and family planning.

Public Service – statutory rules of the service with which the department is concerned.

#### 12. ANIMAL HUSBANDRY DEPARTMENT :

All work relating to improvement of live-stock and poultry.

Animal health control including vaccination, etc.

Dairy development.

Rabies control.

Development of food and fodder resources.

Inspection, quality control and marketing and regulation of markets for livestock and livestock products.

Bee keeping.

Training programmes relating to Animal Husbandry.

Public services – statutory rules of the services with which the department is concerned.

#### 13. EDUCATION DEPARTMENT :

Education.

Educational institutions.

Examinations.

Adult and social education.

Scholarships.

Laboratories.

Literacy and scientific associations.

Technical Education.

Public services – statutory rules of the services with which the department is concerned.

#### 14. ELECTRICITY TRANSMISSION AND TRANSFORMATION DEPARTMENT :

Construction of transmission and distribution lines.

Construction of sub-stations.

Additions and alterations to the existing systems in Sikkim.

Design specification and preparation of estimate for various schemes.

Public Service – Statutory rules of the service with which the department is concerned.

#### 15. PUBLIC WORKS DEPARTMENT :

Public Works (Bridges and roads, canal bank and tank *bandhs*, ropeway, ferries, etc).

Survey.

Preparation of plans and estimates, execution, completion of projects relating to public works.

Buildings-residential and non-residential.

General planning and up-keep of all bazaars in Sikkim.

Maintenance of store for Government and public supplies.

Controlling rest houses.

Control over sewerage and water supply schemes.

Technical checking and guidance to private buildings.

Assessment of all government and private buildings.

Public service – statutory rules of the service with which the department is concerned.

#### 16. GENERAL EXCISE AND MOTOR VEHICLE DEPARTMENT :

Collection of data of goods imported into Sikkim and maintenance of registers of each item.

Preparation of statement of imported goods.

Refund of excise duty.

Excise check posts – staff thereof.

Endorsement of dutiable imported goods.

Public Service – Statutory rules of the services with which the department is concerned.

Registration of motor vehicles.

Issue of Taxi route permits.

Issue of driving licences.

Endorsement of fitness certificates.

Collection of Motor vehicle road tax.

Meetings of State Transport Authority.

Realisation of Government revenue by way of taxes and fees from vehicle.

Sikkim National Transport.

17. TRADE INDUSTRIES AND COMMERCE DEPARTMENT :

Industries in the State.

Cottage and village industries.

Development of industries other than cottage industries.

Industrial cooperative.

Trade aid to industries.

Trade and Commerce.

State owned industries and industries in the joint sector.

Public service – statutory rules of the services with which the department is concerned.

18. ELECTRICITY DEPARTMENT :

Supply of electric power to consumers in Sikkim.

Generation, transmission, distribution and utilisation of power.

Public services – statutory rules of the service with which the department is concerned.

19. PANCHAYAT AND RURAL WORKS DEPARTMENT :

Minor irrigation programmes.

Construction of foot suspension bridges, long bridges and rural water supply scheme.

Construction works of primary schools.

Maintenance and protection of completed village roads.

Management of village Panchayats – Panchayat Act of 1965 – Elections to Panchayats.

Development of rural areas.

Public services – statutory rules of the services with which the department is concerned.

20. EXCISE (ABKARI) DEPARTMENT :

Settlement of excise shops by auction.

Detection and prevention of illicit and unauthorised distillation and sale.

Detection of adulterations of authorised quality products.

Collection and realisation of revenue.

Prosecuting offenders as well as trying cases departmentally.

Supervision of Sikkim distillery.

Issue of import and export permits.

Public services – statutory rules of the services with which the department is concerned.

## 21. CO-OPERATION DEPARTMENT :

Management of the affairs of the Co-operative Societies.

Advances to Co-operative societies.

Ensuring proper distribution – utilisation and timely repayment of loans to co-operative societies.

Encouraging Co-operative movement in the State.

Realisation of loans.

Public services – statutory rules of the services with which the department is concerned.

## 22. PLANNING AND DEVELOPMENT DEPARTMENT :

Assessment of resources for medium term and annual plans and proposing augmentation of resources.

Formulating medium term and annual plans for most effective and balance utilisation of resources.

Determination of priorities for Five Year and annual plans.

Periodical review of progress.

Co-ordination of solving inter sectoral problems and formulation of policies and programmes in different sectors.

Public services – statutory rules of services with which the department is concerned.

## 23. TOURISM DEPARTMENT :

Tourism

Public services – statutory rules of the services with which the department is concerned.

## 24. LAW DEPARTMENT :

Acts.

Advising Government – In matters of litigations, appeals, etc. and legal questions which are not of sufficient importance to necessitate a reference to the Advocate-General.

Bills, non-official-scrutiny of.

Generally to assist other departments in all matters of a legal nature that may be referred to it.

General questions relating to Legal Assistance.

Government Bills – Drafting and scrutiny.

Law Officers – Reference to matters connected with the fixation fees of Law Officers of this Government.

Legal and Legislative publications such as Codes, Acts, Manuals, other than Departmental Manuals.

Legislations.

Legislature – Rules of procedure and standing orders – Scrutiny of subsidiary legislation.

## 25. LEGISLATIVE DEPARTMENT :

Sikkim Assembly Secretariat Service.

Co-ordination of answers to questions.

Elections to the Rajya Sabha by Members of the Assembly – Conduct of Legislators' Quarters and Hostel – Administration of Legislative Library.

Members of the Assembly.

Presiding Officers – all questions relating to the Speaker, the Deputy Speaker, the Chairman of Committees.

Rules of Procedure and Conduct of Business in the Legislative Assembly.

Business relating to the Legislative Assembly under the Constitution and the role of procedure and Conduct of Business.

Summoning and propagation of the State Legislature.

Watch and Ward of the Legislature Buildings.

APPENDIX NO. X



GOVERNMENT OF SIKKIM  
FINANCE, REVENUE & EXPENDITURE DEPARTMENT  
GANGTOK, SIKKIM

No. 2/Fin/Adm

Dated : 16<sup>th</sup> June 2008

CIRCULAR

Whereas, an amendment has been made in the Income Tax Act, 1961 by the Finance Act, 2008 by incorporating provisions for exempting the "Sikkimese" people from being assessed under the Indian Income Tax Act on any income which accrues or arises to him/her :-

- (a) From any source in the State of Sikkim; or
- (b) By way of dividend or interest on securities.

And therefore, consequently the Sikkim Income Tax Manual of 1948 shall not be acted upon any further in respect of any assessee within the State, with immediate effect.

By order and in the name of the Governor.

Sd/-  
( T. T. Dorji ) IAS  
Addl. Chief Secretary  
Finance, Revenue and Expenditure Department

Copy to :

1. All Heads of Departments
2. The Accountant General, Sikkim
3. The Director, Treasury and Pay & Accounts Office
4. All Managing Directors, PSUs/Banks/Boards
5. All District Collectors
6. The Director, Information and Public Relation Department for publication in the Sikkim Herald and few local papers
7. The Chief Pay and Accounts Officer, East/West/North/South
8. All Drawing and Disbursing Officers

## APPENDIX – XI

### UNSTRUCTURED QUESTIONNAIRE WITH ANSWERS

1. **Would you give a brief account of abolition of monarchy in Sikkim?**

Monarchy in Sikkim came to an end because of autocratic and centralized approach of administration and growing aspiration of people for democracy.

2. **What were the main causes for the Revolution of 1973 in Sikkim ? Would you explain it, please ?**

Discontentment among masses, autocratic and oppressive rule and suppression of popular uprising for democracy were some of the main causes for the Revolution of 1973 in Sikkim.

3. **What is the importance of May 8<sup>th</sup> Agreement, 1973? Why the political leaders raise the issue of 8<sup>th</sup> May Agreement, 1973 very often ? Give your reasons.**

Historic May 8<sup>th</sup> Tripartite Agreement 1973 reduced the position of the Chogyal to a titular Head. This Agreement ultimately provided a new democratic set up on the basis of adult franchise doing away with the communal voting system on the principle of 'one man one vote' that is why political leaders raise the issue of May 8<sup>th</sup> Agreement, 1973 very often.

4. **Would you please give a brief sketch of birth of Political parties in Sikkim ?**

Discontentment among mass and ignoring peoples' aspiration for democratic set up since mid fifty gave birth to various political parties in Sikkim, Some of the notable political parties since mid fifties are SIKKIM PRAJA MANDAL, PRAJA SAMMELAN PARTY, SIKKIM STATE CONGRESS, SIKKIM JANATA CONGRESS, SIKKIM NATIONAL PARTY, & SIKKIM NATIONAL CONGRESS came out with the demand of electoral reforms after mass uprising on March 28<sup>th</sup> 1973 when Gangtok was rocked by anti-Chogyal riots.

5. **Could you name some/ all important Political Parties of Sikkim between 1973 to 1975 ?**

- (a) Sikkim Janata Congress
- (b) Sikkim National Party
- (c) Sikkim State Congress
- (d) Sikkim National Congress, etc.

6. **What were the roles played by the Indian leaders and Sikkimese leaders during the pre-merger period and post-merger period of Sikkim ?**

The Indian leaders and some prominent leaders of Sikkim were pro-people and since pre-merger democratic leaders of India and pro-democratic leaders of Sikkim wanted pro-people rule in the State.

7. **What was socio-economic condition of Sikkim during the period 1970 to 1975 ?**

Socio-economic condition of majority of the people in Sikkim between 1970 and 1975 was pathetic. Since, there was a social divide between a counted few on one hand and the large mass on the other side. Hence, a widening gap between the rich and the poor was projected during 1970 to 1975.

8. **Discuss the role of Lhendup Dorjee Khangsarpa (L.D. Kazi) in the process of integrating Sikkim with the Indian Union.**

Lhendup Dorjee Khangsarpa (L.D. Kazi) played a very significant role in mobilizing public opinion for integrating Sikkim with the Indian Union for the purpose of establishing democracy in Sikkim.

9. **What stand N. B. Bhandari took in the movement ?**

During the initial stage of the movement, N. B. Bhandari was in favour of merger of Sikkim with Indian Union. Later on, he deviated from his initial stand.

10. **Was merger necessary at all ? What was the modus-operandi/referendum ?**

Yes. it was people's aspiration, which was done on the basis of referendum. Further, it was a Constitutional amendment to the Constitution of India in the year 1975.

11. **Would you differentiate between Merger and Annexation/Usurpation of sovereignty? Was Merger of Sikkim an usurpation ?**

- (a) With reference to Sikkim, Merger stood for its joining in the Indian mainstream on the basis of its referendum.
- (b) With reference to Sikkim the question of annexation did not arise as India did not exercise force to take control of Sikkim.
- (c) With reference to Sikkim, joining the mainstream on the basis of referendum, the question of usurpation did not arise as India

being the follower of PANCHASHEEL. As she strongly believes in the sovereignty of all States.

**12. Why the Constitutional Monarchy could not continue in Sikkim ?**

The public annoyance against the ruling dynasty was so much aggravated by the Chogyal's effort to internationalise the Sikkim issue which ran against the wishes of the people. In addition to the misery inflicted on them, that Constitutional Monarchy was not possible to be continued in Sikkim.

**13. What are the significant aspects of Article 371 F with Constitutional Provision to Sikkim ?**

The Governor of Sikkim exercises 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 Government of Sikkim shall subject to such directions as the President may, from time to time, deem fit to issue, act in his direction;

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;

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 there, until amended or repealed by a competent Legislature or competent authority;

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 adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon, every such law shall have effect subject to the adaptations and modification so made, and any such adaptation or modification shall not be questioned in any Court of Law.

**14. What is Sikkim's Constitutional Significance with reference to J & K and other new States ? Is there any difference between 371F and 370 of J & K ?**

Article 370 generates special status to J & K. Some of the provisions of old laws prevailing in J & K cannot be amended by the Indian Parliament which in other words, means Constitution within Constitution, whereas old laws of Sikkim in force, before its merger

though shall continue, but are subject to adaptation and modification by the Parliament.

15. **Would you narrate in short about the emergence of National and Regional Political Parties in the post-merger period of Sikkim ?**

Sikkim after joining the national main stream paved the way for the emergence of National Parties with the purpose of enhancing emotional and political integration and moulding the public opinion towards the policies. Some of the political parties issue-care Indian National Congress, Bharatiya Janata Party and CPM. None of the less these parties could not come up to the expectation of majority of people with regard to local context and issues. As a result, there came to rise of Regional Parties. Important Regional Political parties are Sikkim Democratic Front, Sikkim Sangram Parishad, Sikkim Himali Rajya Parishad and Sikkim Gorkha Democratic Party etc.

16. **Will you please describe in brief about the development of agriculture, horticulture, animal husbandry and industries as socio-economic base in changing the socio-economic status of the Sikkimese ?**

Sikkim being an agrarian society needs face-life of agriculture, horticulture and animal husbandry as primary sectors. These sectors if improved to an appreciable level will certainly improve the socio-economic status of the people. The State Government on its part has been doing a lot by educating farmers on modernization of agriculture and also by providing improved variety of seeds and seedlings, improved variety of milking cows and subsidy for piggery and poultry, etc. Further, the Government, has provided marketing facilities for cash crops, milk and milk products and encouraging people for floriculture.

17. **What is the importance of Revenue Order No. 1 ? Whether it stands valid even today ?**

Revenue Order No. 1 says that lands belonging to the Sikkimese (Bhutia-Lepcha) can not be transferred/sold to other communities. Yes, it is valid even today.

18. **Describe in brief about the balancing of communal harmony and ethnicity in Sikkim. Or how the communal harmony and ethnic problems are balanced and tackled till to date in Sikkim ?**

The State Government has come out with policies and measures which provide opportunities to every community and ethnic group for their development. Their culture, life-style, languages are given due recognition and importance. As such, no group feels deprived. There is perfect communal harmony and job opportunities are provided to the deserving candidates of every community and their political rights are well safeguarded and seats for Government jobs and political

representations are reserved for different communities and ethnic groups.

**19. What were the issues coming to power of Nar Bahadur Bhandari and downfall of L. D. Kazi in 1979 ?**

L. D. Kazi after coming to power failed to satisfy the aspiration of his people. Neither his policies nor the people around him inspired a clean image. Bhandari, on the other hand in 1979 election gave a popular slogan of getting back Sikkim from the Indian Union which caught identity and imagination of the people. These were the reasons which led Bhandari to power and downfall of L. D. Kazi.

**20. What were the causes of downfall of Nar Bahadur Bhandari and B. B. Gooroong coming to power ?**

Autocratic approach with centralizing all powers led him to bad governance and more importantly he was dismissed on the ground of corruption charges and Central Income Tax issue. B. B. Gooroong, a Senior party member was then sworn-in as the 3<sup>rd</sup> Chief Minister of Sikkim on May 11, 1984.

**21. What were the main causes of Political upheaval in May 1994 and the leadership of S. M. Limboo till December 11<sup>th</sup> 1994 ?**

Proposed extension of Central Direct Taxes and increasing public opinions in favour of Mandal Commission were the main causes of political upheaval in May 1994. Soon after taking oath of office and Secretary by, S. M. Limboo, the State accepted the Mandal Commission's report. He set up Grievance Commission to look into the matter of promotions, pay scales, transfers of the Government employees. The Prime Minister's assurance scheme was also implemented during Limboo Government.

**22. What is the role of Governor in context to Constitutional Provisions to Sikkim ?**

The Governor of Sikkim has special role and responsibility for peace and for equitable arrangement for ensuring the social and economic advancement of different sections of population of Sikkim. In the discharge of special responsibility under 38<sup>th</sup> Amendment Act 1975, 3 (g). 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.

**23. What were the main causes of the rise of the SDF and Pawan Chamling coming to power in December, 1994 ?**

Commitment to uphold democracy, justice to all, rule of law, pro-people developmental measures and efforts to fulfil the aspirations of

people belonging to different sections were some of the main causes for the rise of Sikkim Democratic Front and of its popular leader Pawan Kumar Chamling to power.

24. **What is the role of Executive to be played in Sikkim within the Parameters of the Indian Constitution ?**

Role of the Executive is to implement the policies of the Government or legislators within the parameters of the Indian Constitution.

25. **What is the role of Legislature, so far, the overall development of Sikkim is concerned ?**

Framing policies with regard to the people of the State keeping in view the overall development of Sikkim. These policies may have short term as well as long term impact and implication changing the socio-economic and political scenario of the State.

26. **What is the role of Judiciary in context to the Constitutional Provisions of Sikkim ? Is there any difference between the old judicial system and the present judicial system in Sikkim ?**

Judiciary in context to the Constitutional Provision of Sikkim has to play its role for rule of law and distributive justice to all. Article 371 F says that all laws in force immediately before merger shall continue to be in force therein until decided by a competent authority.

27. **How far Sikkim has been successful in maintaining its law and order especially in the post-merger period ?**

Sikkim has been rated as one of the most peaceful States with impressive record of maintaining law and order in the post-merger period.

28. **Are you satisfied with the administrative set up, general establishment, police administration functioning and development through Panchayati Raj Institution in the State of Sikkim ? Please give your comments.**

Yes, there has been an impressive record of functioning of the State Government through establishment, administrative set-up and over all administrative machineries through Panchayati Raj Institution. However, there is a wide scope for further improvement in this regard.

29. **Name the prominent political leaders during the pre-merger period and the post-merger period of Sikkim (List of Political Leaders).**

C. S. Rai, Sonam Tshering, C. D. Rai, L. D. Kazi, Tika Lall Niroula, Rashmi Prashad Alley, Dorjee Dadul, Biraspati Parsai, Chandra Lall Sharma, Krishna Lall Dahal, D. B. Tiwari, Namgyal Tshering, Chuk-

Chuk Sangderpa, Changchup Bhutia, Abichandra Kharel, J. Ratna Bahadur Kati, Buddiman Rai, Katuk Lama, K. C. Pradhan, G. M. Gurung, Karma Peda, Nahkul Pradhan, Ongdi Bhutia, Nanda Lall Sharma were some of the leaders of pre-merger period. N. B. Bhandari, R. C. Poudyal, B. B. Gooroong, S. M. Limboo, Pawan Kumar Chamling, D K. Bhandari, K. N. Upreti, N. B. Khatiwara, are the leaders of post-merger period.

- 30. Describe in brief about the visit of National Political leaders and their roles in strengthening the National Political Parties from time to time in Sikkim.**

Indira Gandhi, V. P. Singh, N. K. P. Salve, P. V. Narasimha Rao, Atal Bihari Vajpayee, V. P. Singh, L. K. Advani, Sonia Gandhi, Shiva Raj Patil, Suresh P. Prabhu, Jairam Ramesh, Mani Shankar Iyer, Gulam Nabi Azad, Montek Singh Ahluwalia and many others were some of the leaders who had paid their visits to Sikkim and they tried to show their leadership of the ruling party of the Centre. Any more visits of this kind would try to bring the Centre and Sikkim together and brings Sikkim to the national main stream.

- 31. How do you visualize promoting tourism industry in Sikkim ? How far it has succeeded in restructuring the economy of the State ?**

Tourism has been proved as one of the promising sectors. If this industry is developed and promoted on modern line, it may emerge as one of the most profiting sectors, besides providing desired extent of job opportunities to the local people. Sikkim may, therefore, encourage for one of the most attractive tourist destinations in the 21<sup>st</sup> century at the global level.

- 32. How far the educational development has taken place in Sikkim ? What are the future plans of the State in achieving cent percent literacy rate in the State ?**

Sikkim has emerged with very impressive record of educational development in the State reflecting the far-sightedness of the present Government, good infrastructure, better Pupil-Teacher ratio, Schools in the State at a walking distance are the input indicators of educational development in the State. The State Government is strongly committed to provide quality education and making the State 100% literate by 2015 A.D. Implementation of SARVA SHIKSHA ABHIYAN is being carried out to achieve the set goal in the State.

- 33. Please make an estimate on the general achievements in the post-merger period of Sikkim.**

The State has made reasonably remarkable progress in all sectors. Consistent economic growth, infrastructure development, impressive rise of literacy rate, improvement in health care, development of

tourism, encouraging games and sports, increase in the yield of cash crops, establishment of general colleges. State's initiative for modern and scientific organic farming and floriculture, Manipal University for Medical Sciences, Engineering college, Polytechnics, Central University, increasing trend of urbanization, attending foreign investment, environmental protection and overall qualitative changes in the lives of poor and downtrodden people are some of the output indicators, attractions for foreign investment for the general achievements and uplifting the economy in the post merger period.

**34. What are the roles and achievements of grass root level Government and District Administration ?**

Panchayat Raj Institution and decentralized administration have been set up at grass root level to pay the role of catalytic plan, project and developmental works at grass root level and to lead the share of development to the mass. District Administration keeps watch on these areas and frequently visits are made to the progress of developmental works.

**35. "Future Prospects of Sikkim relay heavily on hydel power", Please give your comments**

**OR**

**What is the potential for hydel power generation in the State and what is being done to develop this valuable source of energy ?**

Hydel power is emerging as key source to future prospects of Sikkim. "The Teesta is to the Sikkimese as oil is to the Sheiks" has been dreamt by the Chief Minister Pawan Chamling which is finally taking shape. The NHPC after the completion of Teesta Power Project can produce 3635 MW Power. It has been projected earning a revenue of Rs. 2000 crore through supplying power to other States per annum.

**36. What roles do you see for Non-Governmental Organisation (NGOs), the Civil Society and the Government ?**

Concerted efforts made by NGOs, the Civil Society and the Government can play vital role for qualitative change in the lives of the people and transforming Sikkim as model State.

**37. The Government conducted a Socio-economic Survey of the entire State in 2005, projecting the total population of the State falling Below Poverty Line (BPL) and Above Poverty Line (APL). How far this Socio-economic Survey has succeeded in Poverty Alleviation Programme in the State ? And where exactly a common man stands today ? Please justify.**

The Socio-economic Survey conducted in 2005 identified people falling Below Poverty Line. Since then various measures have been initiated for their poverty alleviation. They are provided with 35 kgs, rice @ Rs. 4/- per Kg. People falling under BPL category are ensured 100 days' employment in a year under Pradhan Mantri Gram Rojgar Guarantee Yojna, National Rural Employment Guarantee Act (NREGA). Various other measures including free supply of power upto two points are also being carried out by the State Government to eradicate poverty from among BPL people.

- 38. Is defection seen to be a common phenomenon in Sikkim from 1974 to 1994 ? If so, please comment.**

Yes, during the period from 1974 to 1994, defection was seen, but of late this phenomenal is at the minimal.

- 39. What has been the role of various opposition parties in the post-merger period politics in Sikkim ?**

Various Opposition Parties which number a few in the State do play their role in and outside the State Legislative Assembly. They sometimes criticize the Government on charges of corruption and other issues which do not prove people friendly.

- 40. What has been the role of Fourth Estate. (news papers of Political Influence). Electronic Media and Print Media in activating the State politics of Sikkim ?**

They have been playing a very constructive role in making public aware of various political developments and issues affecting to their future in the State.

- 41. "Pawan Chamling a Charismatic Leader". If you support to this statement, please give your opinion.**

Yes, Pawan Chamling is a Charismatic Leader. The poet politician Pawan Chamling who weaves him poem of idealism and human suffering and resolves to battle all odds to ensure justice to poor and down trodden has emerged as the most popular personality of the State. As head of the Government he has been pioneer of many important measures to fulfil the needs and aspiration of the people. Lauding of Chamling as "the second Ambedkar" by the All India Tamang Buddhist Association is itself an indicator showing his pro people image. Maintenance of peace, Communal harmony and providing equal opportunity for progress of all sections of society, distributive justice are those component that rate the emphasis on environmental protection compounds rating him charismatic leader. Many measures viz., improving the status of women with 40% reservation in Panchayat election and Municipal Corporation, launching of GREEN MISSION

for environmental protection, efforts for reopening of Nathu *la* route go to his credit and thus, he dares to be different and charismatic leader.

42. **What are the roles of the youths in the developmental activities of the State, especially in context to Sikkim.**

Youths, being an asset have begun to play constructive role by associating themselves to various programmes of activities of the State. Soft term loan to the educated unemployed youth has attracted them towards entrepreneurship. They also play a significant role in mobilizing public opinion towards the hazards of AIDs and other diseases. However, they are required to play a proactive role for which they are given training on various aspects of developmental activities.

43. **“Unemployment is a growing problem in the State with very little participation” What are the other avenues and actions that will solve this problem ?**

The State Government is trying its best to provide opportunity to educated youths for self-reliance. They are given loan on soft terms. They are encouraged for gainful employment in tourism, floriculture and horticulture construction, tours and travels, hospitality services etc. There are opportunities given to them for setting up small scale cottage industries, trade, shops and also plying vehicles on different routes, etc. It is crystal clear that the Government can not provide jobs to all educated and technically trained unemployed youths in the State.

44. **What are the reasons that the State cannot stand on its own, even though it has all the resources ? So, how to improve its economy ?**

Though endowed with huge natural resources, the state has not been able to exploit them to the desired extent. Of course, it is heartening to mention that the hydel power resource available in Sikkim a part of river Teesta is being harnessed with the technical support of NHPC. On completion of all the 5 stages of Hydel Power Projects, the State would earn a revenue for about Rs. 2000 crores approximately per annum.

45. **What are the various sources of revenue generation for the State of Sikkim ?**

Tourism, Sale of surplus hydro-electricity with support of National Power Grid, sale of herbal medicines and aromatic plants, tea and other cash crops, fruits and their products. Further, trade through Nathu *la* route is one of the main sources of revenue generation.

46. **How do you compare Sikkim with other Indian States ? Is it true that Sikkim being a small State has shown quick results in various developmental activities ?**

Since, Sikkim has been showing a constantly remarkable progress in all sectors. No doubt, under the able leadership of Pawan Chamling it has shown an impressive achievement in various sectors emerging as a happening State; a State with a mission for progress. The State due to fast pace of progress and development is far ahead of many Indian States.

- 47. Please comment on the steps being taken to speed up administrative reforms and also to step up State's development ?**

The State Government believes in decentralisation of administration to serve the people better. One of the examples is establishment of Block Administrative Centres at every block so that rural populace need not come to Gangtok, District Headquarters and Sub-Divisions for their official works to be done there.

Similarly to initiate the developmental works at grass root level, Panchayats are strengthened and empowered to execute developmental projects with satisfactory fund allocation within the jurisdiction of the Panchayats.

- 48. What are the thrust areas in respect of development ?**

Horticulture, floriculture, tourism, generation of hydel power, providing transport facilities to various parts of the State, improving the lot of poor farmers and others belonging to disadvantaged sections of society, maintenance of communal harmony etc, are the thrust areas in respect of development.

- 49. What are the major economic problems facing the State at present and what are the ways to improve it ?**

Inadequate and poor connectivity between Sikkim and Gangtok, traditional cultivation, non-existent of industries are some of the major economic problems being faced by the State. Transport system particularly from Siliguri to Gangtok needs immediate attention, 4-lane NH 31A road between Siliguri and Gangtok may be given a top priority, in addition to, viable alternative of NH 31A. Modernization of agriculture, establishment of environment friendly industries encouragement for tourism, power generation to optimum level are to be prioritised.

- 50. What are the roles of bureaucrats so as to strengthen administration in Sikkim ?**

Bureaucrats are Key persons to strengthen administration. In the changing circumstances, they are required to change themselves so as to play their proactive roles in implementing the policies and programmes of the Government.

**51. What measures are being taken up to promote tourism industry in the State ?**

Various efforts are being undertaken in promoting tourism industry in the State. The attractive tourist spots are being identified for both the domestic and foreign tourists. In every Panchayat, tourist spots are being identified with the help of educated unemployed youths of the State. Panchayats take care of necessary constructional works. Other necessary amenities including hotels etc., at suitable places are also made available. At tourist sports, adventure and leisure spots including ropeways, catering and food crafts of local cuisine, entrepreneurship development, and transport facilities are extended to almost all the identified tourist spots. Facility for guides, who are local unemployed educated youths to explain the importance of tourist spots and other necessary information have been trained and made available as and when required by the tourism offices in all four districts and sub-divisions.

In urban centres almost all facilities required by tourists are available. The State of Sikkim, therefore, has been a destination for tourists from India and abroad. Care at each tourist spot is undertaken for keeping it neat, clean and green.

**52. What is the most important political demand and that needs to be fulfilled for the people of Sikkim at present ? If you think so, what are the alternatives ?**

- (a) Seat reservation for the Limboo and Tamang communities as tribals in the State Legislative Assembly;
- (b) Seat reservation for the Nepalis community of Sikkimese origin in the State Legislative Assembly.

**53. What are your visions, missions and future of Sikkim ?**

Prosperous and progressive Sikkim :

- (a) Sikkim which becomes model to other States of India;
- (b) Sikkim where every Sikkimese contributes for its prosperity;
- (c) Sikkim with peace and tranquillity.

**54. What is your message for Sikkim and the People of Sikkim ?**

Let every Sikkimese play his or her role and contribute to uphold democracy, equitable justice and development of Sikkim so that every Sikkimese is happy and prosperous. "An Abode of Heaven, blessed in the lap of Mount *Khang-chen-Dzonga*, the guardian deity of Sikkim.

## APPENDIX – XII

### SELECTED LIST OF PERSONALITIES INTERVIEWED : 2007

Sl. No.	Name	Occupation/Designation and Place
1	Shri Achuk Lepcha	Government Contractor, Tamsey, Dikchu, East Sikkim
2	Dr. A. B. Karki, SCS	S.D.M., Office of the District Collectorate, Gangtok
3	Shri B. B. Gooroong	Former CM, Political Advisor to the HCM, Dr. Pawan Chamling, Government of Sikkim
4	Shri Bhim Lall Adhikari	Teacher, National Teachers' Awardee, Government Secondary School, Lower Samdong, East Sikkim.
5	Shri Bhim Thatal, SCS	Deputy Secretary, Cooperation Department, Government of Sikkim.
6	Shri Barfungpa, L.P., SCS	Additional Secretary, Human Resource Development Department, Government of Sikkim.
7	Shri Chandra Das Rai	Ex. Councillor, Retd. Secretary, President, Press Club of Sikkim, Gangtok
8	Shri Chung Chung Tongden	Social Worker, Dikchu, East Sikkim
9	Shri Dharmananda Nepal	Ex-Mandal, Lower Tumin, East Sikkim
10	Shri D. R. Nepal, SCS	Additional Secretary, Home Department, Government of Sikkim
11	Shri Garja Man Gurung	MLA, Temi-Tarku, South Sikkim
12	Dr. Gopal Dahal	Sr. Translator, SLA, Gangtok, Sikkim
13	Dr. Ghana Shyam Nepal	Prof. & Head of Department of Nepali, North Bengal University, Siliguri
14	Shri Gyan Ongdup Lepcha	Social Worker-cum-Farmer, Phidang, 14 <sup>th</sup> Mile, Dzongu, North Sikkim
15	Shri G. R. Sharma	Eminent Writer, Retd. Additional Chief Engineer, Government of Sikkim.
16	Shri Hari Har Poudyal	Zilla Upadhyaksha, East District, Gangtok
17	Shri H. K. Karki, SCS	Secretary, Culture and Heritage Department, Government of Sikkim

18	Shri Hom Nath Khatiwada	Farmer-cum-Contractor, Samdong, Kambal, East Sikkim
19	Dr. K. R. Chakaravarthi	Principal, Government Degree College, Rhenock, East Sikkim
20	Shri K. P. Adhikari, IAS	Commissioner-cum-Secretary, Sports & Youth Affairs Department, Government of Sikkim.
21	Dr. Kumar Pradhan	Retd. Principal, Government College, Kurseong, Darjeeling, West Bengal, Eminent Historian, Statesman, Author, Pradhan Nagar, Siliguri, West Bengal
22	Smt. Lakila Tongden	Social Worker, Gangtok, East Sikkim
23	Shri L. M. Nepal	Headmaster, State Teacher's Awardee, Barang, Lower Tumin Primary School, East Sikkim
24	Shri Lall Bahadur Chhetri	Retd. Secretary, Government of Sikkim, Gangtok, East Sikkim
25	Smt. Laxmi Devi Sharma (Nepal)	Social Worker, Ex-Zilla Panchayat, Tarku, South Sikkim
26	Shri Mingma Tshering Sherpa	Deputy Speaker, Sikkim Legislative Assembly, Gangtok
27	Shri Moti Lall Koirala	Teacher-cum-Social Worker, National Youth Awardee, Government Senior Secondary School, Samdong, East Sikkim
28	Shri M. P. Subba	Joint Director, H.R.D. Department (South)
29	Shri Navin Kumar Chhetri, SCS	Additional District Collector, District Collectorate, East Sikkim, Gangtok
30	Shri O. P. Sapkota	Principal, DIET, Human Resource Development Department, Government of Sikkim, Gangtok
31	Shri P. L. Sharma	Retd. Joint Director, Human Resource Development Department, Government of Sikkim
32	Shri Rudra Poudyal	Director, Human Resource Development Department, Government of Sikkim, Gangtok
33	Shri S. K. Sarda	President, Sikkim Chamber of Commerce, Gangtok
34	Shri Subash Deepak	Editor, Journalist, Statesman, Writer and Translator, Gangtok
35	Shri Suresh Agarwal	General Secretary, Sikkim Chamber of Commerce, Gangtok

36	Shri Sanchaman Limboo	Ex-Chief Minister, Political Advisor to HCM, Dr. Pawan Chamling, Government of Sikkim
37	Shri T. N. Tiwari	Retd. Deputy Director, Human Resource Development Department, Government Sanskrit Mahavidyalaya, Gyalshing, West Sikkim
38	Shri T. N. Dhakal, SCS	Additional Secretary, Law Department, Government of Sikkim
39	Shri Tenzing D. Denzongpa, SCS	Block Development Officer, Tintek, East Sikkim