

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS REMOVAL OF DISQUALIFICATIONS
ACT, 1978
SIKKIM ACT NO. 5 OF 1978

[31st March, 1978.]

An Act to declare that certain offices are not to disqualify the holders thereof for being chosen as, or for being, member of the Legislative Assembly of the State of Sikkim.

WHEREAS it is expedient to declare that certain offices are not to disqualify the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Sikkim;

It is hereby enacted in the Twenty-ninth Year of the Republic of India by the Legislature of Sikkim, as follows:—

1. Short title and commencement.—(1) This Act may be called the Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1978.

(2) It shall be deemed to have come into force on the 3rd day of November, 1977.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance, conveyance allowance, house rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.

(b) "Legislative Assembly" means the Legislative Assembly of the State of Sikkim.

(c) "non-statutory body" means any body of persons other than a statutory body.

(d) "State Government" means the Government of the State of Sikkim.

(e) "Statutory Body" means any Corporation, Committee, Commission, Council, Board or other body of persons whether incorporated or not, established by or under any law for the time being in force.

3. Certain offices not to disqualify.—It is declared that none of the following offices under the Government of India or the State Government, shall disqualify or be deemed ever to have disqualified the holder thereof for being chosen as or for being, a member of the Legislative Assembly, namely:—

(a) the office of the Minister of the State or the Deputy Minister, either for the union or for the State of Sikkim;

(b) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air Force Act, 1952;

(c) any office in the Home Guard constituted by or under any law for the time being in force under the authority of the State Government;

(d) the office of the Chairman or a member of the Syndicate, Senate, Executive Council or Court of a University or any Committee, by whatever name called, of any educational institution receiving aid out of the State funds;

(e) the office of the Chairman or a member of the Committee of management of a Co-operative Society nominated or appointed by the State Government under any law relating to co-operative societies for the time being in force in the State of Sikkim;

(f) The office of the Chairman or a member of the planning commission or Committee or Board or similar other authorities appointed by the State Government;

(g) the office of the Chairman or a member of the Labour Commission appointed by the State Government;

(h) the office of the Chairman or a member of the Pay Commission appointed by the State Government;

Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1978
(PART IV.-Law Relating to Removal of Disqualification)

- (i) the office of the Chairman or a member of the Board of the Directors of the State Trading Corporation;
- (j) the office of the Chairman or a member of the Board of Directors of the State Bank of Sikkim;
- (k) the office of the Chairman or a member of the State Electricity Advisory Board of the State Electricity Board appointed by the State Government;
- (l) the office of the Chairman or a member of the Sikkim Khadi and Village Industries Board appointed by the State Government;
- (m) the office of the Chairman or a member of the Board of the Sikkim Nationalised Transport appointed by the State Government;
- (n) the office of the Chairman or a member of the Board of Directors of the Sikkim Mining Corporation appointed by the State Government;
- (o) the office of the Chairman or a member of the Scheduled Caste Welfare Board appointed by the State Government;
- (p) the office of the Block Mandal appointed by the State Government;
- (q) the office of the Chairman, Deputy Chairman or a member or Secretary of any Committee, Commission, Corporation or similar other authorities constituted by the Government of India or the State Government or any other authority in respect of any public matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance or any residential accommodation or any arrangement for conveyance to facilitate the performance of the function of such office.

Explanation.—For the purpose of this Act, the office of Chairman, Deputy Chairman or Secretary shall include every office of that description, by whatever name called.

4. Repeal.—The Sikkim Legislative Assembly Members Removal of Disqualifications Ordinance, 1977, is hereby repealed.