

Sikkim Bazar Committees Act, 1969

SIKKIM

India

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Rule SIKKIM-BAZAR-COMMITTIEES-ACT-1969 of 1969

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Sikkim Bazar Committees Act, 1969An Act to provide for the establishment and administration of Bazar Committees in Sikkim.

1. Short Title extent and commencement.

- This Act may be called the Sikkim Bazar Committees Act, 1969.(2)It extends to the whole of Sikkim.(3)It shall come into force at once.

2. Constitution of Bazar Area.

- 1. The Government of Sikkim, may by notification, declare any area to be a Bazar Area for the purpose of this Act and, until otherwise directed, the number in the State will remain as specified in the Schedule.

2. The Chogyal of Sikkim may, by notification, suspend the operation of the whole or part of this notification in any area or areas to which it may have been extended and make any alternative arrangement deemed necessary.

3. Membership of Bazar Electorate.

- On the publication of a notification under Section 2 in respect of any Bazar area, all persons whose names are included in the list of voters referred to in Section 4 shall be deemed to constitute a Bazar electorate for the area.

4. List of voters to Bazar Committee.

- Every person not below the age of 21 years, who has been ordinarily resident of any Bazaar area for three years immediately proceeding an election to a Bazar Committee and is the head of a family and pays any of the taxes, namely ground rent, local tax, land rent, frontage tax or trade licence fees, whether in his own name or on behalf of the Firm which he represents as proprietor or manager provided the Firm is in existence for a period of not less than three years, shall be included by officers, empowered by the Government, in the list of voters entitled to vote in the election to the Bazar Committee for that area: Provided that such officers, shall publish draft electoral Rolls at least three weeks in advance of an election, fix at least a period of one week for hearing of objection for correction, inclusion and exclusion and have the power of revision as they deem necessary; and publish the final electoral Rolls at least ten days before the holding of the election: Provided further that any appeal in this connection will be heard by the Chief Secretary

5. Bazar Committee.

(1) The Bazar Committee shall, besides the Chairman, consist of five' members to be chosen as hereinafter provided. (2) The District Officer in his absence the Deputy Development Officer shall be ex-officio Chairman of a Bazaar Committee in his area (3) Sikkim Subjects included as voters in any bazar electorate' shall choose, in the prescribed manner, from that electorate two Sikkim subjects to be members of the Bazaar Committee concerned and persons including in any bazar electorate, not being Sikkim subjects, shall similarly choose two non-Sikkim Subjects to be members thereof. (4) The Chogyal, may nominate one person to be a member who shall exercise the same rights and discharge the same duties as any elected member. (5) The term of office, of a member of a Bazaar Committee shall be three years unless the life of the committee is, extended superseded. or dissolved earlier. (6) A Bazaar committee may appoint its own Secretary from amongst its members

6. Conduct of business of Bazar Committee.

(1) Meetings of the Bazaar Committee shall be called by the Chairman and shall be held in a place in within that bazaar area as he may' notify. (2) An ordinary meeting of the Bazaar Committee shall be held once in every months and its agenda shall be held circulated amongst all the members. (3) The Chairman. may at any time and shall upon a requisition in writing by not less than three members of the of a Bazaar Committee or the Executive Officer, Bazar call a special meeting. (4) Every meeting shall be presided over by the, District Officer and in his absence by the Deputy Development Officer. (5) (i) For any meeting of the Bazaar Committee the Chairman and three members shall form the quorum and decision of the majority shall be binding in all matters, The Chairman, shall not be entitled to vote in the first instance, but when voting is equal he shall have a casting vote (ii) The voting will be by show of hands (6) Notice for bazaar committee meeting shall be sent to every member at least five days before the date fixed for the meeting (7) Minutes of the proceedings of every meeting shall be recorded in English at the time of meeting in a book kept for the purpose and shall be signed by the Chairman of the meeting before the meeting disperses (8) The bazaar committee secretary shall send copies of the proceedings of all meetings to the executive officer and also he will send a quarterly report to the executive officer which will be approved by the bazaar

committee(9)Resolutions of the Bazaar Committee shall be carried out by the Secretary who shall be the Executive Officer of the Committee

7. Filling up Casual Vacancies of Bazar Committee.

- If a member of Bazar Committee dies, resigns in writing, or is removed or other wise a vacancy is created, the Committee shall take steps to fill up such vacancies under direction of the District Officer and in the manner prescribed for such elections.

8. Disqualification of Members of a Bazar Committee.

- A person shall be disqualified for being chosen as, and for being, a member of a Bazar Committee if he ;(a)is not included in the electoral roll for the Bazar Committee concerned(b)is below the age of 30 years on the date of selection; or(c)has been absent from 5 consecutive meetings of the Committee; or(d)has been convicted of an offence involving moral turpitude; or(e)has been dismissed from Government service or is black listed by the Government; or(f)has contested on a party or political platform or upon election associates himself in any manner, in the discharge of his duties as a member, with any political group or party; or(g)applies to be declared as uncertified bankrupt or undischarged insolvent; or(h)holds any office of profit under the Government provided that a nominated member shall be exempted from the operation of this clause; or(i)holds any contract under the Committee of which he is a member.

9. Duties and functions of Bazar Committee.

- A Bazaar Committee may be entrusted with such duties and functions relating to health, welfare and ,amenities of the residents of the Bazar area, as may be prescribed by the Government in that behalf from time to time and in particular with the following :(1)Construction, maintenance, repair, improvement and cleansing of roads, bridges, squares, gardens, tanks, ghats, wells, channels, drains, latrines and urinals within a bazaar area.(2)Planting trees, bamboos and flowers.(3)Maintenance of water supply and the lighting and watering of roads.(4)Erection and maintenance of public halls, offices and other buildings required for the purpose of the Bazar Committee.(5)Maintenance of market.(6)Acquiring and keeping of open spaces for the promotion of physical exercise and recreation.(7)Establishment and maintenance of free public libraries and reading rooms.(8)Taking precautionary measures against incidents of fire.(9)Provision of burial and cremation grounds.(10)Maintenance of Vital Statistics.(11)Holding of fairs.(12)Disposal of noxious diseased or unclaimed animals.(13)Establishment and maintenance of cattle pounds.(14)Taking of such measures as may appear to the Bazar Committee to be necessary during the prevalence of diseases or as ordered by Government.(15)Construction and maintenance of Dharmas-alas.(16)Other works of public utility calculated to promote the health, comfort or convenience of the inhabitants.

10. Bazar Committee Fund.

- There shall be a fund vested in the Bazar Committee and it shall be utilized to meet expenditure in connection with their aforesaid duties. Accounts of such funds, shall be kept in the prescribed manner.

11. Powers of taxation.

- The following taxes may be collected by a Bazar Committee within its area with the approval of the Government. (a) water tax, (b) Conservancy tax, (c) Cattle pound fees: Provided that as long as a Bazar contractor is authorised to collect any of these taxes under his contract, the Bazar Committee shall not levy or collect such tax for that period.

12. Credit to the Bazar Committee Fund.

- Besides the taxes collected by a Bazar committee, the Government may make a grant of any amount to meet the cost (If any specific scheme, which has been approved by the Government for general purpose).

13. Preparation of Budget of Bazar Committee.

- A Bazaar Committee shall annually prepare and submit a budget, showing the probable estimate of receipt, expenditure the purposes to incur expenditure and may, from time to time, furnish a supplementary estimate providing any modification which it may seem advisable to make in the distribution of the amount to be raised and expenditure in each financial year to the executive officer bazaar. All such budgets, including any subsequent re-appropriation, shall require prior approval of the Government.

14. General Power of Inspection, Supervision and Control.

(1) The Panchayat Secretary, the Executive Officer, Bazar, and such other officer as may be empowered by the Government in this behalf shall have general power of inspection, supervision, and control over the performance of the administrative duties of a Bazar Committee. (2) Any person aggrieved by the decision of a Bazar Committee may also appeal against the same to the Panchayat Secretary for redress of his grievances, where upon necessary action may be taken by such officers.

15. Dissolution or Super session of Bazar Committee.

- If the Government are of opinion that a Bazar Committee makes default in the performance of the imposed upon it by or under this Act or any other Regulation or Act or abuses its power, they may, after giving sufficient opportunity to show cause to contrary, by an order in writing, specifying the reason, for so doing, dissolve or supersede, the Committee concerned,

16. Taking of Oath.

- Every person who is elected or nominated to be a Member of a Bazar Committee shall before taking his seat take at a meeting of the bazaar committee an oath to be administered by the Chairman, 'in the following form, namely: "I, A B being a member of the Bazaar Committee do swear in the name of God (or solemnly' ,affirm) that I will faithfully discharge the duty upon which I am about to enter and that I will not participate in or associate myself with any act of disloyalty towards the Chogyals Government.

17.

The Government may make rules for carrying out any of the purposes of this Act,

Schedule

of Bazar Area in accordance with Section 2 (I) of the Sikkim Bazar Committees Act, 1969

SI. No.	District	Bazar Area
1.	East Sikkim.	Gangtok including Deorali.
2.	"	Singtam.
3.	"	Rangpo
4.	North Sikkim	Mangan
5.	West Sikkim'	Geyzing
6.	South Sikkim	Namchi.
7.	"	Jorthang including Nayabazar.