

Sikkim Subject Rules, 1961

SIKKIM

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Rule SIKKIM-SUBJECT-RULES-1961 of 1961

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Sikkim Subject Rules, 1961 Published vide Notification No. S/294/61, Dated 19.02.1962 Last Updated 24th February, 2020 No. S/294/61, Gangtok. - In exercise of the powers conferred by Section 13 of the Sikkim Subjects Regulation, 1961, the Government of His Highness the, Maharaja of Sikkim are pleased to make and promulgate the following rules.

1. Short title and commencement.

(1) These rules may be called Sikkim Subject Rules, 1961. (2) They shall come into force with immediate effect.

2. Definition.

- In these rules unless the context otherwise requires : (a) 'Chief Executive Officer' means the Chief Executive Officer of the Government of Sikkim. (b) 'Form' means a form given in the Schedule. (c) 'Government' means the Government of His Highness the Maharaja of Sikkim. (d) 'Regulation' means the Sikkim Subjects Regulation, 1961. (e) 'Schedule' means the Schedule to these rules.

3. Declarations under Section 3 of the Regulation.

- (i) Every person of full age who, is qualified to be Sikkim Subject by virtue of the provisions of Clauses (a) and (b) of Section 3 (I) of the Regulation shall make the declaration required under the 1st provision to Section 3 (I) of the Regulation in form I. A person of full age who qualifies to be Sikkim Subject only under Clause (c) of Section 3 (I) of the Regulation shall make the declaration in Form II. A declaration on behalf of a minor or a person of unsound mind made by his parents or guardian shall be in form III. (ii) The declaration shall be submitted to the Magistrate in charge of the area here the person making the declaration ordinarily resides. (iii) The Magistrate on receipt of the declaration in the prescribed form shall make such enquiries as he may think it fit to satisfy himself

of correctness of the particulars given and statements made therein and shall thereafter submit his report to the Chief Executive Officer together with his recommendations.(iv)The Chief Executive Officer if he is satisfied that the person concerned qualifies to be a Sikkim Subject under Section 3 (I) of the Regulation shall cause his/her name to be entered in the Register of Sikkim Subjects to be maintained under' Section 12 of the Regulation.(v)The Chief Executive Officer shall in cases of doubt as regards the domicile of a person refer the matter to' the Board constituted under Section 3 (3) of the Regulation and shall act in accordance with the decision of the, Board on the question referred to it.(vi)For the purposes of Section 3 (3) of the Regulation the Government shall constitute a Board consisting of six officials and non-official members.(vii)The Chief Executive Officer or the Board, as the case may be, heard the person concerned if thought fit but if an order to his prejudice is likely to be made he shall be give an opportunity to be heard before the order is pronounced.

4. Registration under Sections 4 and 6 of the Regulation.

- An application for registration under Section 4 shall be in form V and shall be made to the Chief Executive Officer. An application for registration under. Section' 6 shall be made addressed to the Chief Executive Officer and shall be in form V.

5. Naturalization under Section 8 of the Regulation.

- An application for a certificate of naturalization under Section 8 (I) shall be made in form VI and an application under Section 8 (3) shall be in form VII. Such application shall be made to the Chief Executive Officer.

6.

(1)The Chief Executive Officer on receipt of an application for registration under Section 4 or under Section 6 or an application for naturalization made under Section 8 shall make such enquiries, as he thinks fit to satisfy himself of the correctness of the particulars given and statements made in the application.(2)The Chief Executive Officer may on being satisfied that he fulfils the conditions for being registered or naturalized as the case may be, under the Regulation and that the applicant is fit and proper person to be so registered or naturalized, accept his application and issue the necessary certificate for the purpose. The certificate of naturalization shall be in form IX.(3)In cases where the Chief Executive Officer is not so satisfied he shall give an opportunity to the applicant to be heard and thereafter pass such order as he may think fit.

7. Registration of Births after the Commencement of the Regulation.

- (i)The Magistrate in charge of an area of Sikkim on receiving information of birth of any child within his area whose father is a Sikkim Subject and on satisfying himself of the correctness of the information shall send a report to the appropriate officer of the Government for entry of the child's name in the Register of Sikkim Subjects to be maintained under section 12 of the Regulation.(ii)The registration of births of children born in Sikkim Subject outside Sikkim:shall be done only at the

instance of the Chief Executive Officer and report of such births shall be sent to the Chief Executive Officer.

8. Loss of Status of Sikkim Subjects.

- (i) The Chief Executive Officer may upon receipt of report from a Magistrate in charge of an area or on his own motion institute an enquiry as to whether any person has ceased to be Sikkim Subject in the circumstances mentioned in Section 7 of the Regulation or has lost that status under Section 9 of the Regulation. (ii) The Chief Executive Officer shall on being satisfied that the person concerned had ceased to be Sikkim Subject or had lost that status after giving him an opportunity to be heard may cause his name to be removed from the Register of Sikkim Subjects to be maintained under the Regulation.

9. Deprivation of the Status of Sikkim Subjects.

- (i) The Chief Executive may upon receipt of a report from a Magistrate in charge of an area or on his own motion institute an enquiry against any person if he has reason to believe that there is sufficient cause for proceeding against him under section 10 of the Regulation. (ii) The Chief Executive Officer upon holding enquiry and after giving the person concerned an opportunity of being heard may pass an order depriving him of the status of a Sikkim Subject if the Chief Executive Officer is satisfied that the person concerned has committed In of the acts mentioned in Section 10 of the Regulation, and his name shall thereupon stand removed from the Register of Sikkim Subject.

10. Maintenance of Register of Sikkim Subjects.

- (i) The Chief Executive Officer shall cause to be maintained a Register of Sikkim subjects which shall be kept in the custody of such officer of the Government as the Chief Executive Officer may direct. (ii) The Register shall be kept in Form X and shall consist of 6 Parts. Part I, shall contain names of all persons who are Sikkim Subjects under Section 3 of the Regulation. Part II, shall contain ,the names of persons who are Sikkim Subjects under Section 5 of the Regulation Part III shall contain the names of persons registered as Sikkim Subjects under Section 4 of the Regulation; Part IV, shall have the names of Foreign women registered as Sikkim Subjects under Section 6 Part V shall contain the names of the persons naturalized as Sikkim Subjects under Section 8(1) and 8 (2) or the Regulation, and Part VI shall have the names of persons naturalized as Sikkim Subjects under Sections 8(3) and 8(4) of the Regulation. (iii) Entries shall be made in the Register regarding the deaths of the Sikkim Subjects in the Remarks Column. Similar entries relating to joss or deprivation of the Sikkim Nationality shall he made in the Register. (iv) The Register shall be a public record and certified copies or extracts from such record shall be given upon application made for the purpose and on payment of fee of Rs. 5/for each entry.

11. Appeal.

- An appeal shall lie to His Highness the Maharaja against any order passed by the Chief Executive

Officer under these rules. Such appeals shall be disposed of in such manner as his Highness may direct.

12. Finality of orders and decisions.

- The orders passed or decisions made by the Chief Executive Officer under these rules shall be final subject to the provision of an appeal under Rule II Such orders and decisions shall not be called in question in any Court of Law.

13. Miscellaneous.

- Any Magistrate the Chief Executive Officer or an officer of the Government acting on his behalf or the Board constituted under Section 3 (3) of the Regulation whilst holding a enquiry under these rules shall have power to issue summons, to enforce the attendance or witnesses, to administer oaths and record evidence in the same manner as Court of Original Civil Jurisdiction.

14.

An offence under Section 11 of the Regulation shall be triable by a Magistrate in Sikkim as a cognizable case in accordance with the Code of Criminal Procedure.

15.

The Government may from time authorize one more of its officers not below the rank of Gazetted Officer to act on behalf of the Chief Executive Officer in the performance of the duties and functions under these rules and orders made or decisions taken by the Chief Executive Officer for and on behalf of the Government of Sikkim under the Regulation.

16. Fees.

- The fees which may be specified from time to time by the Government shall be levied and collected in respect of matters relating to applications for registration and naturalization, issue of certificates, appeals and other matters connected therewith.