THE CONDUCT OF ASSEMBLY ELECTIONS (SIKKIM) RULES, 1979

¹Notification No. S.O. 519(E), dated the 7th September, 1979.—In exercise of the powers conferred by section 169, read with sub-section (2) of section 5A and sub-section (1) of section 33 of the Representation of the People Act, 1951 (43 of 1951), and in suppression of the Conduct of Assembly Elections (Sikkim) Rules, 1976, the Central Government, after consulting the Election Commission, hereby makes the following Rules, namely:—

- **1. Short title and commencement.**—(1) These Rules may be called the Conduct of Assembly Elections (Sikkim) Rules, 1979.
 - (2) They shall come into force at once.
- 2. Application of the Conduct of Elections Rules, 1961, for elections to the Legislative Assembly of Sikkim.—The Conduct of Elections Rules, 1961, in so far as they relate to an election to the Legislative Assembly of a State, shall apply to any election to the Legislative Assembly of Sikkim, subject to the following modifications, namely:—
 - (i) in rule 4 of the Conduct of Elections Rules, 1961 (hereinafter referred to as the said Rules),—
 - (a) for the words, figures and letters "Forms 2A to 2E", the words, figures and letters "Forms 2F to 2H" shall be substituted:
 - (b) in the proviso, for the words, figures and letters "Form 2A or Form 2B", the words, figures and letters "Form 2F, Form 2G or Form 2H" shall be substituted;
 - (ii) in rule 7 of the said Rules, for the words, figures and letters "in such one of the Forms 3A to 3C", the words, figures and letters "in Form 3D or Form 3E" shall be substituted;
 - (iii) in rule 37 of the said Rules, after sub-rule (2), the following sub-rule shall be inserted, namely:-
 - "(2A) Notwithstanding anything contained in clause (b) of sub-rule (2) and subject to such general or special directions if any, as may be given by the Election Commission in this behalf, the presiding officer may, if an elector is not able to produce his identity card for any valid reason and the presiding officer is otherwise satisfied about the identity of such elector, supply a ballot paper to such elector and allow him to vote.";

2* * * * * *

^{1.} Published in the Gazette of India, Extraordinary, 1979, Part II, Section 3 (ii), pp. 902—906.

^{2.} Cl. (iv) omitted by Notifn. No. S.O. 1192(E), dated the 9th October, 2003.

 1 [(ν) for Forms 2A to 2E appended to the said Rules, the following Forms shall be substituted, namely: —

"FORM 2F (See rule 4) NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from a Constituency reserved for Sikkimese of Bhutia-Lepcha origin

PART I*

(To be used by candidate set up recognised political party)

I nominate as a candidate for Constituency.	or election to the Le	gislative Assembly	of Sikkim from	the	Assembly
Candidate's name					
his postal address			•••••		••••
his name is entered at S. NoAssembly Constituency.		Part number		of the elec	ctoral roll for the
My name is	and it is entered at	S.Noin Pa	art No	of the electoral re	oll for the
Date				Signature of	proposer.
		PART II*			
(T	To be used by candidate		zed political party)	
We hereby nominate as candid Constituency.	late for election to the	e Legislative Assen	nbly of Sikkim fr	om the	Assembly
Candidate's name	Father's/mother's	husband's name			
his postal address					
his name is entered at S. NoAssembly Constituency.		Part number		of the elec	ctoral roll for the
We declare that we are electors of t Constituency as indicated below and	we append our signatu	•	of subscribing to the		•

	Electoral roll	Proposer			
	Number of	•			
Serial number	Part number of electoral roll of the	Serial number in	Full name	Signature	Date
	Constituency	that Part			
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B. There should be ten electors of constituency as proposers as required under the proviso to sub-section (1) of section 33 of the Representation of the People Act, 1951.

^{*}Strike out the part which is not applicable.

^{1.} Subs. by Notifn. No. S.O. 1192 (E), dated the 9th October, 2003.

PART III

I, the candid	date mentioned in Part I*/Part II* assent to this nomination and hereby declare:—
(a) t	that I have completedyears of age;
	(i) *that I am set up at this election by theparty, which is recognised National Party*/State Party* in this at the symbol reserved for the above party be allotted to me.
(ii)* am contestin	that I am set up at this election by theparty, which is a registered/unrecognised political party*/that I ng this election as an independent candidate* and that the symbols that I have chosen, in order of preference, are:—
	(1)(2)(3)
(c) t language).	that my name and my father's/mother's/husband's name have been correctly spelt out above in(name of the
	that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Assembly of this State.
I further dec	clare that I am a Sikkimese of Bhutia/Lepcha origin.
Date	(Signature of Candidate)
*Strike out	which is not applicable.
	ecognised political party' means a political party recognised by the Election Commission under the Election Symbols n and Allotment) Order, 1968 in the State of Sikim.
	PART IV (To be filled by the candidate)
Wheth	er the candidate—
(i	has been convicted—
	(a) of any offence(s) under sub-section (1); or(b) for contravention of any law specified in sub-section (2),
of sect	ion 8 of the Representation of the People Act, 1951 (43 of 1951); or Yes/No.
	ii) has been convicted for any other offence(s) for which he has been
	ced to imprisonment for two years or more.
If the answe	er is "Yes", the candidate shall furnish the following information:
i)	Case/First information report No./Nos.
11) iii)	Police Station(s)
iv)	Date(s) of conviction(s)
v)	Court(s) which convicted the candidate
vi)	Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]
vii)	Date(s) of release from prison
viii)	Was/were any appeal(s)/revision(s) filed against above conviction(s)
ix)	Date and particulars of appeal(s)/application(s) for revision filed.
x)	Name of the court(s) before which the appeal(s)/application(s) for revision filed.
xi) xii)	Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending
	(a) Date(s) of disposal
Place:	(Signature of the Candidate).

PART V To be filled by the Returning Officer

		(To be filled by	the Returning Offi	cer)	
Serial number of nomination	on paper				
This nomination was d *candidate/*proposer			at	(hour) on	(date) by the
Date					Returning Officer.
*Strike out which is not ap	plicable.	P	ART VI		
	Decision of Reti	ırning Officer acc	epting or rejecting	the nomination paper	
I have scrutinised this nor 1951 and decide as follows		accordance with t	he provisions of so	ection 36 of the Representa	ntion of the People Act,
Date					Returning Officer
	Receipt		ART VII Paper and Notic	re of Scrutiny	
	(To be handed	d over to the per	son presenting th	e nomination paper)	
Serial No. of nominatio	n paper				
The nomination papedelivered to me at my				theAssemb ndidate/*proposer.	oly Constituency was
All nomination pagat		ken up for sc	rutiny at	(hour) on	(date)
Date					
					Returning Officer.]

^{*}Strike out which is not applicable].

¹[FORM 2G (See rule 4) NOMINATION PAPER

Election to the Legislative Assembly of Sikkim from a general Constituency or a constituency Reserved for Scheduled Caste

PART I*

(To be used by candidate set up by recognised political party)

(F - 7 8 F	F J /		
I nominate as a candidate for Constituency.	or election to the Legisla	tive Assembly of Si	kkim from the	Assen	ıbly
Candidate's name					
Father's/mother's/husband's his postal address					
his name is entered at S. No Assembly Constituen		mber	of th	e electoral roll for	· the
My name isthe Assembly Constituency		at S.Noin Pa	art Noc	f the electoral roll	l for
Date			Signatur	re of proposer.	
	PAR	 T II*			
(Te	o be used by candidate not se		al party)		
(or of the Second of the second	_F _. , ,		
We hereby nominate as theAssembly C		n to the Legisla	ative Assembly	of Sikkim f	rom
Candidate's name	Father's/mother	's husband's name			
his postal address					•••
his name is entered at S. No Assembly Constituen		mber	of th	e electoral roll for	· the
*Strike out the part which is not a	pplicable.				

^{1.} Subs by Notifn. No. S.O. 726 (E), dated the 6th February, 1999.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination:—

Particulars of the proposers and their signatures

	Electoral roll Number of	Proposer			
Serial number	Part number of electoral roll of the Constituency	Serial number in that part	Full name	Signature	Date
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

N.B. There should be ten electors of Constituency as proposers as required under the proviso to sub-section (*I*) of section 33 of the Representation of the People Act, 1951.

PART III

I, the candidate mentioned in Part I*/Part II*, assent to this nomination and hereby declare—
(a) that I have completedyear of age;
(b) (i) *that I am set up at this election by theparty; which is recognised National Party/*State Party* in this State and that the symbol reserved for the above party be allotted to me.
(ii)* that I am set up at this election by theparty, which is a registered-unrecognised political party*/that I am contesting this election as an independent candidate* and that the symbols I have chosen, in order of preference, are:—
(1)(2)(3)
(c) that my name and my father's/mother's/husband's name have been correctly spelt out above in(name of the language).
(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.
*I further declare that I am a Member of the caste which is a Scheduled Caste of the State of Sikkim
Date (Signature of Candidate).
*Strike out which is not applicable.]

N.B.—A 'recognised political party' means a political party recognised Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in the State of Sikkim.

PART IV (To be filled by the candidate)

All nomination papers will be taken up for scrutiny atat(place).	(hour) on	(date)
Date		
	R	eturning Officer]
*Strike out which is not applicable.]		
¹ [FORM 2H		
(See rule 4)		
NOMINATION PAPER		
Election to the Legislative Assembly of Sikkim from	m Sangha Constituency	
PART I*		
(To be used by candidate set up by recognised	political party)	
I nominate as a candidate for election to the Legislative Assembly of Sikkin Candidate's name.	•	•
Father's/mother's/husband's name		
his postal address		
his name is entered at S. Noin part numberof the electoral	roll for theAssemb	ly Constituency.
My name isand it is entered at S.Noin Part Noof the elec	ctoral roll for theSangl	ha Constituency.
Date	(Signature	of proposer.)

PART II*

(To be used by the candidate not set up by the recognized political party)

We hereby nom	inate as candidate for election to	o the Legislativ	ve Assembly of Sikki	m from theS	Sangha Constituenc	y.
	Father's/n					
	ed at S. Noin part number					
	at we are electors of this Assen licated below and we append or Particul	ur signatures be	-	cribing to this nomi		ssembly
	Electoral roll	Number of	proposer			
Serial number	Part number of electoral 1 Constituency	roll of the	Serial number in that part	Full name	Signature	Date
1	2		3	4	5	6
	uld be ten electors of constitue the People Act, 1951.	ency as propos	ers as required unde	r the proviso to su	b-section (I) of se	ction 33 o
*Strike out the part	which is not applicable.	DΛ	RT III			
I, the candida	e mentioned in Part I*/Part II*	assent to this n	omination and hereby	y declare:—		
(a) that I ha	ve completedyears	of age;				
	nat I am set up at this election and that the symbol reserved for			recognised National	Party/*State Party	* in this
party*	hat I am set up at this electi/that I am contesting this electence, are:—					
	(1)	(2)		(3)	;	
(c) that my language).	name and my father's/mother's	s/husband's na	me have been correct	tly spelt out above i	n(nan	ne of the
(d) that to t Legislative Assemb	he best of my knowledge and boly of this State.	elief, I am qua	lified and not also dis	squalified for being	chosen to fill the se	eat in the
I further declare the	at I am a member of the		caste which is a	Scheduled Caste of	the State of Sikken	1.
Date				(Signa	ature of Candidate)	
	ised political party' means a ation and Allotment) Order,			e Election Comm	ission under the I	Election

PART IV (To be filled by the candidate)

(10 be filled by the candidate)	
Whether the candidate—	
(i) has been convicted—	
(a) of any offence(s) under sub-section (1); or	
(b) for contravention of any law specified in sub-section (2),	
of section 8 of the Representation of the People Act, 1951 (43 of 1951); or Yes/No.	
(ii) has been convicted for any other offence(s) for which he has been	
sentenced to imprisonment for two years or more.	
If the answer is "Vee" the condidate shall furnish the following information:	
If the answer is "Yes", the candidate shall furnish the following information: (i) Case/First information report No./Nos	
(ii) Police Station(s)District(s)State(s)	
(iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted	
(iv) Date(s) of conviction(s)	
(v) Court(s) which convicted the candidate	
(vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]	
(11) I diffishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)]	
(vii) Date(s) of release from prison	
(viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)	
(ix) Date and particulars of appeal(s)/application(s) for revision filed	
(x) Name of the court(s) before which the appeal(s)/application(s) for revision filed	
	• • • • •
(xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending	
(xii) If the said appeal(s)/application(s) for revision has/have been disposed of—	
(a) Date(s) of disposal	
(b) Nature of order(s) passed	
(e)	
Place: (Signature of the Candidate).	
Date:	
PART V	
(To be filled by the Returning Officer)	
Serial number of nomination paper	
This association was delicated to me at most Office at (hear) and (data) has the warding	1-4-1
This nomination was delivered to me at my Office at(hour) on(date) by the *candidate **represer*	date/
*proposer	
Date	
Returning Of	ficer
*Strike out which is not applicable.	
PART VI	
Decision of Returning Officer accepting or rejecting the nomination paper	
Decision of Returning Officer accepting or rejecting the nomination paper	
I have scrutinised this nomination paper in accordance with the provisions of section 36 of the Representa	ation
	шоп
of the People Act, 1951 and decide as follows:—	
Date	
Returning Off	ficer

PART VII

Receipt for Nomination Paper and Notice of Scrutiny (To be handed over to the person presenting the nomination paper)

All nomination	on papers will be(place).	taken up for scruti	ny at	(ho	our) on	(date)
Date					Return	ning Officer.]
*Score out which is n	ot applicable.					
$^{1}[(vi) \text{ for Forms 3A to}]$	3C appended to the	said rules, the follo	owing Forms	shall be substi	ituted, namely:	
		¹ [FORM (See ru NOTICE OF NO	le 7) OMINATION			
(To be used at an elect Election to the Le Notice is hereby is giv 3 p.m. today:—	egislative Assemb	oly of Sikkim fi	om the	Co	nstituency.	•
	ne of Name of the didate mother's/	father/ Age of candid		ldress	Particular of origin	Party affiliation
paper						
paper 1	2 3	4		5	6	7
		4	Ele		o. of proposer	7
1		Serial number of candidate's name in that part.	Names Pa		o. of proposer	of proposers'

^{1.} Subs. by Notifn. No. S.O. 1192 (E), dated the 9th October, 2003.

¹[FORM 3E (See rule 7) NOTICE OF NOMINATION

(T_0)	be used at an election from a	a general constituency o	r a constituency reserved	1 for 9	Scheduled	Castes
(10	be used at all election from	a general constituency o	i a constituency reserved	TIOL	Scheduled	Castes

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 p.m. today:—

S.No. of nomination paper	Name of Candidate	Name of father/ mother's/husband's	Age of candidate	Address	Particular of origin	Party affiliation
1	2	3	4	5	6	7

Electoral roll No. of candidate Electoral roll No. of proposer Name of Assembly Serial number of Part number Part number of Serial number Names Constituency proposers' name in of electoral of candidate's of electoral roll name in that Proposers that part part 9 8 10 11 12 13

Place	
Date	Returning Officer.]

^{1.} Subs. by Notifn. No. S.O. 726(*E*), dated the 6th September, 1999.