

THE CONDUCT OF ASSEMBLY ELECTIONS (SIKKIM) RULES, 1979

¹*Notification 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.";

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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.

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

¹[(v) 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 election to the Legislative Assembly of Sikkim from the Assembly Constituency.

Candidate's name.....
Father's/mother's/husband's Name.....

his postal address.....

his name is entered at S. No.....in Part numberof the electoral roll for theAssembly Constituency.

My name is.....and it is entered at S.No.....in Part No.....of the electoral roll for the..... Assembly Constituency.

Date _____ Signature of proposer.

PART II*
(To be used by candidate not set up recognized political party)

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the _____ Assembly Constituency.

Candidate's name _____ Father's/mother's husband's name _____

his postal address.....

his name is entered at S. No.....in Part numberof the electoral roll for theAssembly Constituency.

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

| Serial number | Electoral roll Proposer | | Full name | Signature | Date |
|---------------|---|----------------------------|-----------|-----------|------|
| | Number of Part number of electoral roll of the Constituency | Serial number in that Part | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | | | | | |
| 2. | | | | | |
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| 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.

PART III

I, the candidate mentioned in Part I*/Part II* assent to this nomination and hereby declare:—

(a) that I have completed.....years 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 the _____party, which is a registered/unrecognised political party*/that I am contesting this election as an independent candidate* and that the symbols that 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 Sikkimese of Bhutia/Lepcha origin.

Date_____

(Signature of Candidate)

*Strike out which is not applicable.

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

PART IV

(To 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

(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

Yes/No.

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)].....
- vii) Date(s) of release from prison.....
- viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)..... Yes/No.
- 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.....

Place:
Date:

(Signature of the Candidate).

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

PART V
(To be filled by the Returning Officer)

Serial number of nomination paper _____

This nomination was delivered to me at my Office at _____(hour) on _____(date) by the
*candidate/*proposer_____.

Date_____

Returning Officer.

*Strike out which is not applicable.

PART VI

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 Representation of the People Act, 1951 and decide as follows:—

Date_____

Returning Officer

PART VII

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the.....Assembly Constituency was delivered to me at my office at.....(hour) on.....(date) by the *candidate/*proposer.

All nomination papers will be taken up for scrutiny at _____(hour) on _____(date) at _____(place).

Date_____

Returning Officer.]

*Strike out which is not applicable].

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

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)

I nominate as a candidate for election to the Legislative Assembly of Sikkim from theAssembly Constituency.

Candidate's name.....

Father's/mother's/husband's name.....
his postal address.....

his name is entered at S. No.....in Part numberof the electoral roll for theAssembly Constituency.

My name is.....and it is entered at S.No.....in Part No.....of the electoral roll for the..... Assembly Constituency.

Date_____

Signature of proposer.

PART II*

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

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the_____Assembly Constituency.

Candidate's name_____Father's/mother's husband's name_____

his postal address.....

his name is entered at S. No.....in Part numberof the electoral roll for theAssembly Constituency.

*Strike out the part which is not applicable.

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

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

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

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

PART III

I, the candidate mentioned in Part I*/Part II*, assent to this nomination and hereby declare—

(a) that I have completed.....year 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 the _____party, 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.

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

PART IV
(To 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
 - (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.
- Yes/No.

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)].....
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)..... Yes/No.
- (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.....

Place: _____ (Signature of the Candidate).
Date: _____

PART V
(To be filled by the Returning Officer)

Serial number of nomination paper _____

This nomination was delivered to me at my Office at _____ (hour) on _____ (date) by the *candidate/*proposer _____.

Date _____

Returning Officer

*Strike out which is not applicable.

PART VI
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 Representation of the People Act, 1951 and decide as follows:—

Date _____

Returning Officer

PART VII
Receipt for nomination paper and notice of scrutiny
(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the.....Assembly Constituency was delivered to me at my Office at.....(hour) on.....(date) by the *candidate/*proposer.

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

All nomination papers will be taken up for scrutiny at _____(hour) on _____(date)
at _____(place).

Date _____

Returning Officer]

*Strike out which is not applicable.]

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

Election to the Legislative Assembly of Sikkim from 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 Sikkim from the Sangha Constituency.

Candidate's name.....

Father's/mother's/husband's name.....

his postal address.....

his name is entered at S. No.....in part number.....of the electoral roll for theAssembly Constituency.

My name is.....and it is entered at S.No.in Part No.of the electoral roll for the.....Sangha Constituency.

Date _____

(Signature of proposer.)

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

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

PART II*

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

We hereby nominate as candidate for election to the Legislative Assembly of Sikkim from the _____ Sangha Constituency.

Candidate's name _____ Father's/mother's/husband's name _____
his postal address.....
his name is entered at S. No.in part number.....of the electoral roll for theSangha Constituency.

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

| Serial number | Electoral roll Number of proposer | | Full name | Signature | Date |
|---------------|---|----------------------------|-----------|-----------|------|
| | Part number of electoral roll of the Constituency | Serial number in that part | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | | | | | |
| 2. | | | | | |
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| 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.

PART III

I, the candidate mentioned in Part I*/Part II* assent to this nomination and hereby declare:—

(a) that I have completed.....years 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 the _____party, 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)

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

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

PART IV
(To 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
 - (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.
- Yes/No.

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)]... ..
-
- (vii) Date(s) of release from prison.....
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s)..... Yes/No.
- (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.....

Place: _____ (Signature of the Candidate).
Date: _____

PART V
(To be filled by the Returning Officer)

Serial number of nomination paper _____

This nomination was delivered to me at my Office at _____(hour) on _____(date) by the *candidate/
*proposer _____

Date _____

Returning Officer

*Strike out which is not applicable.

PART VI

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 Representation of the People Act, 1951 and decide as follows:—

Date _____

Returning Officer

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

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

Serial No. of nomination paper.....

The nomination paper of.....a candidate for election from the Sangha Constituency was delivered to me at my office at.....(hour) on.....(date) by the *candidate/*proposer.

All nomination papers will be taken up for scrutiny at.....(hour) on.....(date) at.....(place).

Date.....

Returning Officer.]

*Score out which is not applicable.

¹[(vi) for Forms 3A to 3C appended to the said rules, the following Forms shall be substituted, namely:--

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

(To be used at an election from a constituency reserved for Sikkimese of Bhutia-Lepcha origin or from the Sangha Constituency)

Election to the Legislative Assembly of Sikkim from the.....Constituency.

Notice is hereby is 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 Constituency | Part number of electoral roll | Serial number of candidate's name in that part. | Names of Proposers | Part number of electoral roll | Serial number of proposers' name in that part |
|-------------------------------|-------------------------------|---|--------------------|-------------------------------|---|
| 8 | 9 | 10 | 11 | 12 | 13 |
| | | | | | |

Place.....

Date.....

Returning Officer.

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

Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

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

(To be used at an election from a general constituency or a constituency reserved for Scheduled Castes)

Election to the Legislative Assembly of Sikkim from the.....Constituency.

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 Constituency | Part number of electoral roll | Serial number of candidate's name in that part | Names of Proposers | Part number of electoral roll | Serial number of proposers' name in that part |
| 8 | 9 | 10 | 11 | 12 | 13 |
| | | | | | |

Place.....
Date.....

Returning Officer.]