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.";
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 number .......................of the electoral roll for the .................Assembly 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 number .......................of the electoral roll for the .................Assembly 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

<table>
<thead>
<tr>
<th>Serial number</th>
<th>Number of</th>
<th>Electoral roll of the Constituency</th>
<th>Proposer</th>
<th>Full name</th>
<th>Signature</th>
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<td>Part number of electoral roll of the Constituency</td>
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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.

*Strike out the part which is not applicable.

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

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 the ..................party, 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.

1[―I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-election being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.”];

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)

2[1]Whether the candidate—

(a) has been convicted—

(i) of any offence(s) under sub-section (1); or

(ii) 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

(b) 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 “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……………………………

1[―2. Whether the candidate is holding any office of profit under the Government of India or the State Government? ……….(Yes/No)

-If Yes, details of the office held ……….]

1. Ins. by Notifn N.O. S.O. 1022(E), dated 26th February, 2019.
2. Renumbered by N.O. S.O. 1022(E), dated 26th February, 2019
3. Whether the candidate has been declared as an insolvent by any court?............(Yes/No).
   - If Yes, has he been discharged from the insolveney.............

4. Whether the candidate is under allegiance or adherence to any foreign country?...........(Yes/No).
   - If Yes, give details .............

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?............(Yes/No).
   - If Yes, the period for which the candidate has been disqualified .............

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?............(Yes/No).
   - If Yes, the date of such dismissal .............

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has share for supply of any goods to that Government or for execution of works undertaken by that Government?.........(Yes/No).
   - If Yes, with which Government and the details of subsisting contract(s) .............

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. Share? ..........(Yes/No).
   - If Yes, with which Government and the details thereof .............

9. Whether the candidate has been disqualified by the Election Commission under section 10A of the Representation of the People Act, 1951 ..........(Yes/No).
   - If Yes, the date of disqualification ..........

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.

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 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 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 number ……………………..of the electoral roll for the .................Assembly Constituency.

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

Date______________

Signature of proposer.

________________________________________________________________________________________________

* Strike out which is not applicable.]

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_______________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 the .................Sangha 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

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<thead>
<tr>
<th>Serial number</th>
<th>Electoral roll Number of</th>
<th>Proposer</th>
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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.

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

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 the ...............party; 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.

1["I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-election being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies."]

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)

2[1]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.

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.............................................

1[“2. Whether the candidate is holding any office of profit under the Government of India or the State Government?.........(Yes/No)

-If Yes, details of the office held .......... .

1. Ins by Notifn N.O. S.O. 1022(E), dated 26th February, 2019.

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

3. Whether the candidate has been declared as an insolvent by any court?...........(Yes/No).
   - If Yes, has he been discharged from the insolveney.............

4. Whether the candidate is under allegiance or adherence to any foreign country?...........(Yes/No).
   - If Yes, give details.............

5. Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the
   President?...........(Yes/No).
   - If Yes, the period for which the candidate has been disqualified.............

6. Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the
   Government of any State?...........(Yes/No).
   - If Yes, the date of such dismissal.............

7. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in
   which the candidate has share for supply of any goods to that Government or for execution of works undertaken by that
   Government?...........(Yes/No).
   - If Yes, with which Government and the details of subsisting contracts(s).............

8. Whether the candidate is a managing agent, or manager or secretary of any company or Corporation (other than a co-operative
   society) in the capital of which the Central Government or the State Government has not less than twenty-five per cent. Share?
   ...........(Yes/No).

9. Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in
   which the candidate has share for supply of any goods to that Government or for execution of works undertaken by that
   Government?...........(Yes/No).
   - If Yes, with which Government and the details thereof.............

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________________________

*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________________________

*Strike out which is not applicable.

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________________________

*Strike out which is not applicable.]
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 the ………….Assembly 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.)

*Strike out which is not applicable.]

PART II*
(To be used by the candidate not set up by the recognised 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 the ………….Sangha 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

<table>
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<th>Serial number</th>
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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.

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

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 the ..................party, 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.

[1][I also declare that I have not been, and shall not be nominated as a candidate at the present general election or the bye-election being held simultaneously, to the Legislative Assembly of Sikkim from more than two Assembly constituencies.]
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.

PART IV

(To be filled by the candidate)

1[(1)]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.

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………………

(a) Date(s) of disposal………………………………………..

(b) Nature of order(s) passed………………………….

(2) Whether the candidate is holding any office of profit under the Government of India or State Government?………..(Yes/No)

–If Yes, details of the office held……………………………..

1. Ins. by Notifn N.O. S.O. 1022(E), dated 26th February, 2019.
2. Renumbered byN.O. S.O. 1022(E), dated 26th February, 2019
Conduct of Assembly Elections (Sikkim) Rules, 1979
(Statutory Rules and Order)

(3) Whether the candidate has been declared insolvent by any Court?…….(Yes/No) –If Yes, has he been discharged from insolvency…………………………

(4) Whether the candidate is under allegiance or adherence to any foreign country?…….(Yes/No) –If Yes, give details…………………………

(5) Whether the candidate has been disqualified under section 8A of the Representation of the People Act, 1951, by an order of the President?………………(Yes/No)
–If Yes, the period for which disqualified……………………………

(6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State?………………(Yes/No)
–If Yes, the date of such dismissal……………………………

(7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply of any goods to that Government or for execution of works undertaken by that Government?………………(Yes/No)
–If Yes, with which Government and details of subsisting contract(s)…………

(8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central/ Government or State Government has not less than twenty-five percent share?………………(Yes/No)
–If Yes, with which Government and the details thereof………………

(9) Whether the candidate has been disqualified by the Commission under section 10A of the said Act …………………(Yes/No)
–If Yes, the date of disqualification…………………………

Place: ______________________
Date: ______________________
(Signature of the candidate)]

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

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

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

<table>
<thead>
<tr>
<th>S.No. of nomination paper</th>
<th>Name of Candidate</th>
<th>Name of father/ mother’s/husband’s</th>
<th>Age of candidate</th>
<th>Address</th>
<th>Particular of origin</th>
<th>Party affiliation</th>
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Electoral roll No. of candidate

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<tr>
<th>Name of assembly Constituency</th>
<th>Part number of electoral roll</th>
<th>Serial number of candidate’s name in that part</th>
<th>Names of Proposers</th>
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Place.........................
Date.........................
Returning Officer

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:—

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Place.........................
Date.........................
Returning Officer.]