

# **THE ANNUAL SURVEY OF STATE LAWS IN INDIA**

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# SIKKIM

DEBARATI PAL<sup>\*</sup>

## Introduction

Sikkim became the 22nd State of India with the passage of the 36th Amendment Act in 1975. The current legislative Assembly, now in its 10th iteration, was constituted following the 2019 elections, in which the Sikkim Krantikari Morcha secured 17 seats, defeating the Sikkim Democratic Front by a margin of 6%.<sup>1</sup> The State is divided into six districts, two of which were created under the Sikkim Reorganisation of the Districts Act, 2021.

The unicameral Legislative Assembly of Sikkim, has 32 members. Among these seats, 12 are reserved for the Scheduled Tribes, specifically the Bhutia and Lepcha communities.<sup>2</sup> Two constituencies, West Pendam and Salghari-Zoom, are reserved for the Scheduled Castes, and one seat, known as the Sangha, is reserved for the Buddhist monastic community of Sikkim, reflecting the diverse composition of the State.<sup>3</sup>

Sikkim has a geographical area of 7,096 km<sup>2</sup> and a population of 610,577, as per the 2011 census, with a male-to-female ratio of 53:47.<sup>4</sup> The literacy rate is 82.20%, which is higher than the national average of 73.0%. From 2021-22, Sikkim at ₹4,72,543 has the highest per capita income in India.

## Methodology

The survey was conducted, using a comprehensive examination of publicly available government databases. Access to bills, questions, and resolutions passed in the Assembly

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<sup>\*</sup> Independent researcher based in Kolkata.

<sup>1</sup> *Sikkim Assembly Elections*, Times of India, available at <https://timesofindia.indiatimes.com/elections/assembly-elections/sikkim/results> accessed on 21 January 2024

<sup>2</sup> See Chief Election Commissioner, Sikkim, available at <https://ceosikkim.nic.in/Home/ElectionLinkDesc?EID=10041> accessed on 21 January 2024

<sup>3</sup> Ibid

<sup>4</sup> See Sikkim Health and Family Welfare Department, available at <https://www.sikkim.gov.in/departments/health-family-welfare-department> accessed on 22 January 2024

was obtained through gazette publications on the Official Website. To ensure a holistic view, various news websites were consulted to gather information about the Yojanas, to supplement the data from the official site. All session-related information was sourced from the Sikkim Legislative Assembly website. The judicial interpretation of the definition of 'Sikkimese' and the subsequent amendments was retrieved from the Supreme Court case database.

## Quantitative and Qualitative Review

During the seventh session of the 10th Assembly, the Legislative Assembly convened for three consecutive days, followed by a Winter Assembly session lasting for two consecutive days.<sup>5</sup>

### Bills

On the inaugural day of the Budget session, the Assembly introduced three significant Bills<sup>6</sup>: the Sikkim National Law University (Amendment) Bill, 2023; the Sikkim Global Technical University Bill, 2023; and the Sikkim Organic Agriculture University Bill, 2023. These Bills were considered and subsequently passed by the assembly but assented to by the Governor on different dates<sup>7</sup>. The Assembly also considered and passed the Sikkim Lokayukta (Amendment) Bill, 2023;<sup>8</sup> the Sikkim Fire and Emergency Services Bill, 2023;<sup>9</sup> and the Sikkim Non-Biodegradable Garbage (Control) (Repealing) Bill, 2023.<sup>10</sup> Additionally, the Sikkim Appropriation Bill, 2023, was introduced, considered, and passed in relation to the Annual General Budget for the fiscal year 2023-24.<sup>11</sup>

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<sup>5</sup> The dates for the Summer Session were 17<sup>th</sup> May 2023 – 20<sup>th</sup> May 2023 and the Winter Session were 2<sup>nd</sup> November 2023 – 3<sup>rd</sup> November 2023

<sup>6</sup> See Sikkim Legislative Assembly, *List of Business*, available at <https://sikkim.neva.gov.in/Business> (Last visited on January 21, 2024); *List of Business*, May 20, 2023, available at [https://cms.neva.gov.in/FileStructure\\_SK/AssemblyFiles/10/7/20230520/3.pdf](https://cms.neva.gov.in/FileStructure_SK/AssemblyFiles/10/7/20230520/3.pdf) (Last visited on January 21, 2024).

<sup>7</sup> The Sikkim National Law University (Amendment) Act 2023 was assented to by the Governor on June 20 2025 and published as Act No 7 of 2023 on June 22 2025. The Sikkim Global Technical University Bill as assented to by the Governor on June 30 2025 and published as Act No 9 of 2025 and the Sikkim Organic Agriculture University Act (Act No 10 of 2023) was also assented to by the Governor on June 30 2025 and came into force from July 12, 2023.

<sup>8</sup> It received the assent of the Governor in June 2023 and became the Sikkim Lokayukta (Amendment) Act 2023 Act No 3 of 2023

<sup>9</sup> Bill 04 of 2023 introduced in the House on 13 March 2023, was passed in May 2023 and received the assent of the Governor and became the Fire and Emergency Services Act of 2023 Act No 4 of 2023.

<sup>10</sup> The Bill received the assent of the Governor on June 8, 2023 and came into force on June 22, 2023 as the Sikkim Non Bio-Degradable Garbage Control (Repealing) Act 2023 Act No 6 of 2023

<sup>11</sup> Sikkim Appropriation Bill, 2023, Bill 08 of 2023.

In the winter session the Goods and Services Tax (Amendment) Bill, 2023, was introduced, alongside several other legislative measures, including the Sikkim Guru Padmasambhava University Bill, 2023; the Sikkim Sardar Patel University Bill, 2023; the Aerial Ropeways Bill, 2023; the National Council for Skill Education, Sikkim Bill, 2023; and the EDTech Skills University, Sikkim Bill, 2023.<sup>12</sup>

The Sikkim National Law University (Amendment) Bill, 2023 amends the principal Act to provide that the Chancellor - the Chief Justice of the Sikkim High Court - shall “be the final authority to decide in case of any ambiguity or doubt in the interpretation and applicability” of the Act. The clause further states that the Chancellor shall have the power to “pass necessary orders” for any matters for which “no express or sufficient provision” has been made in the principal statute. With the Chancellor assuming the role of the final authority on interpreting the law, there is concern about the concentration of power in a single position. This centralisation could potentially lead to inconsistencies in decision-making and a lack of checks and balances, which are typically provided in a more democratic governance model. Furthermore, the provision allowing the Chancellor to issue orders on certain matters, provides no explicit guidelines on the manner in which the power is to be exercised, which could lead to arbitrary decision-making, thereby undermining the rule of law. Without clear criteria or accountability, these actions might result in unpredictability for students and faculty alike. It is essential to critically examine whether these changes truly enhance clarity and guidance, or do they instead create an environment where decisions are left to the unguided discretion of one individual. There was a need to consider whether a broader discussion between various stakeholders would have made for fair and transparent governance and promoted academic freedom.

The introduction of the Sikkim Lokayukta (Amendment) Bill, 2023 amends Section 5 of the Sikkim Lokayukta Act, 2014. The bill aims to extend the tenure of the chairperson and members of the Lokayukta. The Law Minister stated that an amendment was made in 2018 to the Sikkim Lokayukta Act, 2014, incorporating Section 5, which extends the tenure of the chairperson and members of the Lokayukta. However, the provision for extension was omitted by the Sikkim Lokayukta Act, 2019.<sup>13</sup> This move could be interpreted in several ways. On the one hand, extending the tenure might ensure stability and continuity within the Lokayukta, allowing experienced individuals to further their initiatives against corruption and improve governance. It may also provide the Lokayukta with the necessary time to

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<sup>12</sup> *Supra* note 6.

<sup>13</sup> PTI, *Sikkim Assembly Passes Lokayukta (Amendment) Bill*, June 30, 2025, available at <https://www.deccanchronicle.com/nation/sikkim-assembly-passes-lokayukta-amendment-bill-1888399> (Last visited on December 25, 2025).

implement long-term strategies effectively. However, it also raises questions on accountability and the danger of undermining the Lokayukta's independence. Longer tenures could lead to the entrenchment of one individual, diminish the opportunities for new perspectives and reduce the diversity of thought within the institution.

The Sikkim Non-Biodegradable Garbage (Control) Act, 1997, enacted on April 30, 1997, aimed to prevent the disposal of non-biodegradable waste in public areas. In 2016, the Union Ministry of Environment, Forest and Climate Change introduced the Solid Waste Management Rules and Plastic Waste Management Rules to establish a regulatory framework for solid and plastic waste management. These new regulations effectively encompass the objectives of the 1997 Act, leading to the decision to repeal the Sikkim Non-Biodegradable Garbage (Control) Act, 1997, through the Sikkim Non-Biodegradable Garbage (Control) (Repealing) Act, 2023.<sup>14</sup> However, one critical aspect to consider is whether the new regulations adequately address the specific needs and unique challenges faced by Sikkim in managing waste. Sikkim, with its fragile ecosystem and emphasis on environmental conservation, may require tailored policies that go beyond general guidelines. The potential lack of localised focus in broader regulations could lead to gaps in enforcement or adaptability that need to be carefully monitored. Furthermore, the repeal of the 1997 Act raises questions about public awareness and participation in waste management practices. It is essential to ensure that the transition to new regulations includes robust public education and engagement strategies to encourage responsible waste disposal and recycling behaviours among citizens. Without this, regulatory changes may not yield meaningful improvements in waste management outcomes.

The Sikkim Goods and Services Tax (Amendment) Bill, 2023, reflects a proactive approach to enhancing tax administration in the state. Key elements of the amendment include the establishment of the GST Appellate Tribunal. Another set of amendments deal with the classification of lottery, betting, gambling, online money gaming, casinos, and horse racing as actionable claims for tax purposes.

## Resolutions

On February 9th 2023, and April 10th 2023, two significant resolutions were formally adopted.<sup>15</sup> These resolutions urge the Government of India to provide all necessary assistance to safeguard the distinct identity of the Sikkimese people, in accordance with the

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<sup>14</sup> Introduced in the House on 29 March 2023. See The Sikkim Non-Biodegradable Garbage (Control) (Repealing) Bill, 2023, Bill 06 of 2023.

<sup>15</sup> Sikkim Legislative Assembly, NATIONAL E-VIDHAN APPLICATION, *Business*, available at <https://sikkim.neva.gov.in/Business>.

Agreement dated May 8, 1973, and Article 371F of the Constitution of India. The resolutions emphasise the importance of preserving the distinct identity and protections afforded to the Sikkimese population, ensuring that their sentiments are respected and not undermined. The emphasis on safeguarding the identity of the Sikkimese people can also be viewed through the lens of demographic changes and the socio-economic pressures that often accompany modernisation and integration efforts.

Furthermore, it was resolved that the Government of Sikkim would petition the Government of India to amend the Income Tax Act. Specifically, these amendments would classify the individuals or entities referred to in clauses (iv) and (v) of subsection 26AAA of Section 10 of the Income Tax Act, 1961, as belonging to the “Others” category solely for income tax exemption. This modification aims to distinctly segregate the individuals, as mentioned earlier, from the three ethnic communities of Sikkim and to issue the necessary clarification in the form of a notification to maintain the exclusivity of the term 'Sikkimese.' This resolution has been formally submitted to the Ministry of Finance for appropriate action by the Government of India. From a legal standpoint, this amendment may create a precedent that complicates the already intricate landscape of identity politics in Sikkim. By distinguishing between different groups for tax benefits, the government could inadvertently foster division or resentment among communities, as some may feel unjustly excluded from financial advantages enjoyed by others. This risk of exacerbating ethnic tensions cannot be overlooked, especially in a region known for its delicate demographic balance.

### **Non-Legislative Policy Initiatives**

The absence of delegated legislation in areas such as land, agriculture and farming, accessibility, environment and climate change, and micro and small-scale industries further complicates the governance landscape. Delegated legislation typically allows for the creation of detailed regulations that operationalise broader statutory mandates. Without such frameworks, there exists a risk of ambiguity and inconsistency in policy application, which may impede the effectiveness of interventions across critical sectors such as land management, agriculture, environmental protection, and social welfare.

To demonstrate the contention, the pending liabilities of the previous government, like: expenditure for fair-weather roads, land compensation for the airport, among others, rural

foot bridges, and water supply, were cancelled in the current year's budget. Instead, funds were allocated for the resettlement of pathing landslide victims.<sup>16</sup>

In the domain of climate change, measures like the appointment of a high-level Climate Change Impact and Mitigation Commission were discussed, along with a novel green initiative, namely *Mero Rukh Mero Santati*.<sup>17</sup> In addition, a host of schemes, such as the Old Pension Scheme and the allocation of LPG cylinders to female resident householders<sup>18</sup> were reintroduced. Sikkim is often regarded as marginalised and remote due to its locational disadvantage; therefore, as a measure to enhance investment visibility, the Government has up-scaled its investment plans by prioritising the establishment of Green industries under the existing Mukhya Mantri Krishi Aatmanirbhar Yojana and Pasudhan Samriddhi Yojana.<sup>19</sup> Additionally, the Multimodal Economic Corridor, linking West Sikkim to the districts of eastern Nepal through Chewabhanjyang, was introduced in the budget deliberations under the Saansad Adarsh Gram Yojana and the Shyama Prasad Mukherjee Rurban Mission.<sup>20</sup>

Policies such as the AAMA Yojana, Bahini Scheme, Sikkim Unmarried Women Pension Scheme, the Indira Gandhi National Old Age Pension Scheme, and the Indira Gandhi National Widow Pension Scheme, implemented by the current Sikkim Government, aim to improve the economic conditions of women.<sup>21</sup> Moreover, the Sikkim Urban Garib Awas Yojana 2023, launched in the housing sector, and the increase in the amount of pension

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<sup>16</sup> Bijoy Gurung, *State Budget 2023–24 Tabled in Assembly*, SIKKIM EXPRESS, 18 May 2023, available at <https://www.sikkimexpress.com/news-details/state-budget-2023-24-tabled-in-assembly> (Last visited on April 27, 2024).

<sup>17</sup> Forests and Environment Department, GOVERNMENT OF SIKKIM, *Mero Rukh Mero Santati (MRMS) - Planting 108 trees for every newborn in Sikkim*, available at <http://sikkimforest.gov.in/mrms/> (Last visited on 21 January 2024).

<sup>18</sup> PTI, *Sikkim CM's pre-poll sops: Job to one in each household, free LPG, and more*, THE FEDERAL, 21 December 2023, available at: <https://thefederal.com/category/states/north-east/sikkim-cms-pre-poll-sops-job-to-one-in-each-household-free-lpg-and-more-104106>.

<sup>19</sup> *Awareness-cum-Incentive Distribution Programme under the Theme Mukhya Mantri Krishi Atma Nirbhar and Pasudhan Samriddhi Yojana Organised at Yangang Government Senior Secondary School*, NAMCHI DISTRICT-SIKKIM, available at <https://namchi.nic.in/awareness-cum-incentive-distribution-programme-under-the-theme-mukhya-mantri-krishi-atma-nirbhar-and-pasudhan-samriddhi-yojana-organised-at-yangang-government-senior-secondary-school/> (Last visited on January 21, 2024).

<sup>20</sup> Bikash Singh, *Sikkim CM States Government Plans to Open a Multimodal Corridor through Chewabhanjyang*, The Economic Times (8 June 2023), available at <https://economictimes.indiatimes.com/news/india/sikkim-cm-states-government-plans-to-open-a-multimodal-corridor-through-chewabhanjyang/articleshow/100839592.cms?from=mdr> (Last visited on July 31, 2024).

<sup>21</sup> See Directorate of Panchayati Raj – Rural Management & Development Department, Government of Sikkim, available at <https://sikkim.gov.in/departments/rural-management-development-department/directorate-of-panchayati-raj> (Last visited on January 21, 2024). *Sikkim Aama Yojana*, available at <https://pmmodyojana.in/sikkim-aama-yojana/> (Last visited on January 21, 2024).

under the Chief Minister's State Disability Pension require more stability of legislative support. In the domain of small-scale industries, the MSME Policy 2021 and the Skilled Youth Start-up scheme facilitated loans with back-end subsidy assistance from the government.<sup>22</sup> Additionally, the Multi Village Water Supply Scheme is being implemented in the water-stressed districts of Poklok, Denchung, Tinik-Chisopani & Salghari GPU in Namchi. This scheme, costing over ₹ 47 crores, will draw water from the Rangit River. This project comprises 4 km of gravity main, 94.27 km of distribution network, 17 reservoirs/storage tanks, and 2,597 house service connections.<sup>23</sup>

However, the lack of specific legislative backing raises questions about the sustainability and enforceability of the policies in place. This is particularly pertinent in areas like climate change and accessibility, where long-term strategies require robust legal mechanisms to facilitate compliance and drive accountability.

## Conclusion

The review of the functioning of the Legislative Assembly revealed that the Government has relied more heavily on policy-making initiatives from the central government than on legislative measures. The time-consuming nature of the legislative process is an essential factor to consider. The discretion involved in executive action emerged as a crucial element, evident in both the Governor's inaugural address to the Assembly and the Chief Minister's budget speech. Due to the gender ratio imbalance, a wave of reforms has focused on women's welfare. Additionally, the cloudburst at South Lhonak Lake prompted a series of measures in the Climate Change and Energy Sector. Previously, there was a conflict between the Centre and the State regarding the definition of 'Sikkimese' as stated in the Income Tax Act of 1961. However, the Supreme Court has resolved this issue by harmoniously construing the definition of Sikkimese in the Income Tax Act. The government's approach may benefit from a recalibration to establish statutory frameworks that clearly articulate mandates, responsibilities, and mechanisms for monitoring and enforcement. Such an evolution in policy-making could enhance not only the legal underpinnings of these initiatives but also their overall impact and effectiveness in addressing the complex challenges faced in these diverse domains.

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<sup>22</sup> Department of Commerce & Industries, *Skilled Youth Startup Scheme (SYSS)*, available at <https://industries.sikkim.gov.in/schemedoc/x8GZ59EsovlnDTjB26mmBP5u1a5wQnU9YcVGLnsl.pdf> (Last visited on January 21, 2024).

<sup>23</sup> Finance Department, GOVT OF SIKKIM, *Budget Speech by Chief Minister and the Minister-in-Charge, Finance Department (17 May 2023)*, available at [http://www.sikkimfred.gov.in/user/Budget\\_Main\\_Page.aspx](http://www.sikkimfred.gov.in/user/Budget_Main_Page.aspx) (Last visited on 21 January 2024).