

THE SIKKIM CIVIL COURTS (AMENDMENT) BILL, 2024

(BILL NO. 09 OF 2024)

A

BILL

further to amend the Sikkim Civil Courts Act, 1978.

Be it enacted by the Legislature of Sikkim in the Seventy-fifth Year of the Republic of India as follows:-


Short title and commencement	1.	(1)	This Act may be called the Sikkim Civil Courts (Amendment) Act, 2024.
		(2)	It shall come into force on the date of its publication in the Official Gazette.
Amendment of section 17	2.		In the Sikkim Civil Courts Act, 1978, (hereinafter referred to as the "Principal Act"), in section 17,-
			(a) for existing marginal heading, the following shall be substituted, namely:- "Appeal from Principal District Judge or District Judge"; (b) in sub-section(1), for the words starting with "the District Judge" and ending with "the Civil Judge (Senior Division)", the words " the District Judge or the Principal District Judge, as the case may be" shall be substituted.
Amendment of section 18	3.		In the Principal Act, in section 18, in sub-section (1),- (a) after the words "Civil Judge(Junior Division)", the words " or Civil Judge(Senior Division)" shall be inserted; (b) for existing clause (a), the following shall be substituted, namely:- "(a) to the District Judge or the Principal District Judge, as the case may be." (c) clause (b) shall be omitted.
Substitution of section 19A	4.		In the Principal Act, for the existing section 19A, the following shall be substituted, namely:- "19A. Validation.- No decree, judgment, order, interim-order or any other directions, instructions of any kind passed by any Courts specified under this Act before the commencement of this Act shall be regarded as invalid and any such decree, judgment, order, interim-order or any other directions, instructions shall be deemed always to have been valid as if this amending Act had been in force at all material times."

STATEMENT OF OBJECTS AND REASONS

Whereas, it was felt necessary and expedient to amend the Sikkim Civil Courts Act, 1978 (9 of 1978);

And whereas, the Bill seeks to amend sections 17, 18 and 19 A of the Sikkim Civil Courts Act, 1978 to provide a valuable forum to the litigants to appeal before the District Judge.

With the above objectives in view, the Bill has been framed.


(K.N. LEPCHA)
MINISTER-IN-CHARGE,
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT,
GOVERNMENT OF SIKKIM.

Kunga Nima Lepcha
Minister
Education Deptt., Health & FW Deptt.,
Land Rev & DM Deptt and Law, L & PA Deptt.
Government of Sikkim, Gangtok

FINANCIAL MEMORANDUM

The proposed Bill, if enacted, would not involve any expenditure from the consolidated fund of the state exchequer.

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL