

APPENDICES

APPENDIX - I

THE TREATY OF SGAULI

2 DECEMBER 1815

Treaty of Peace between the Honourable East India Company and the maharajah Bikram Sah, Rajah of Nipal, settled between Lieutenant Colonel Bradshaw on the part of the Honourable Company, in virtue of the full powers vested in him by His Excellency the Right Honourable Francis, earl of Moira, Knight of the Most Noble Order of the Garter, one of His Majesty's Most Honourable Privy council, appointed by the Court of Directors of the said Honourable Company to direct and control all the affairs of in the East Indies, and by Sree Goorpp Gujraj Misser and Chunder Seekur Opedeea on the part of Maharajah Girmaun Jode Bikram Sah Bahauder Shumsheer Jung, in virtue of the powers to that effect vested in them by the said Rajah of Nipal, - 2nd December 1815.

Whereas war has arisen between the Honourable East India Company and the Rajah of Nipal, and whereas the parties are mutually disposed to restore the relations of peace and amity, which previously to the occurrence of the late difference, had long subsisted between the two states, the following terms of peace have been agreed upon.

Article 1

There shall be perpetual peace and friendship between the Honourable East India Company and the Rajah of Nipal.

Article 2

The Rajah of Nipal renounces all claim to the land which were subject of discussion between the two States before the war; and acknowledge the right of the Honourable Company to the sovereignty of those lands.

Article 3

The Rajah of Nipal hereby cedes to the Honourable east India Company in perpetuity all the undermentioned territories, viz-

First – The whole of the low lands between the Rivers Kali and Rapti.

Secondly – The whole of the low lands (with the exception of Bootwul Khass) lying between the Rapti and the Ganduck.

Thirdly – The whole of the low lands between the Gunduck and Coosah, in which the authority of the British Government has been introduced or is in actual course of introduction.

Fourthly – All the low lands between the Rivers Mitchee and the Teestah.

Fifthly – All the territories within the hills eastward of the River Mitchee, including the fort and lands of Nagree and the Pass of Nagarcote, leading from Morung into the hills, together with the territory lying between the Pass and Nagree. The aforesaid territory shall be evacuated by the Goorkha troops within forty days from this date.

Article 4

With a view to indemnify the Chiefs and Barahdars of the State of Nipal, whose interests will suffer by the alienation of the lands ceded by the foregoing Article, the British Government agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such chiefs as may be selected by the Rajah of Nipal, and in the proportions which the Rajah may fix. As soon as the selection is made, Sunnuds shall be granted under the Seal and signature of the Governor-General for the persons respectively.

Article – 5

The Rajah of Nipal renounces for himself, his heirs, and successors, all claims to or in connection with the countries lying to the west of the River Kali, and engages never to have any concern with those countries or the inhabitants thereof.

Article – 6

The Rajah of Nipal engages never to molest or disturb the rajah of Sikkim in the possession of his territories; but agrees, if any differences arise between the States of Nipal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government, by whose award the Rajah of Nipal agrees to abide.

Article – 7

The Rajah of Nipal hereby engages never to take or retain in his service any British subject, or the subject of any European or American State without the consent of the British Government.

Article – 8

In order to secure and improve relations of amity and peace hereby established between the two States, it is agreed that accredited Ministers from each shall reside at the Court of the other.

Article – 9

This Treaty consisting of nine Articles, shall be ratified by the Rajah of Nipal within fifteen days from this date, and the ratification shall be delivered to Lieut-Colonel Bradshw, who engages to obtain and deliver to the Rajah the ratification of the Governor-General within twenty days, or sooner, if practicable.

Done at Segowlee, on the 2nd day of December 1815.

PARIS BRADSHAW, Lt.-Col., P.A.

Received this Treaty from Chunder Seekur Opedea, Agent on the part of the Rajah of Nipal, in the valley of Muckwaunpoor, at half-past two o'clock p.m. on the 4th of March 1816, and delivered to him the Counterpart Treaty on behalf of the British Government.

D.D.OCHTERLONY
Agent, Governor-General.

APPENDIX - II

THE TREATY OF TITALYA

10 FEBRUARY 1817

TREATY, COVENANT, or AGREEMENT entered into by CAPTAIN BARRE LATTER, AGENT on the part of HIS EXCELLENCY the RIGHT HONOURABLE the EARL of MOIRA, K.G., GOVERNOR-GENERAL, &c., &c., &c., &c., and by NAZIR CHAINA TENJIN and MACHA TEINBAH and LAMA DUCHIM LONGDOO, Deputies on the part of the RAJAH OF SIKKIMPUTTEE, being severally authorized and duly appointed for the above purposes, - 1817.

Article 1

The Honourable East India Company cedes, transfers and makes over in full sovereignty to the Sikkimputtee Rajah, his heirs or successors, all the hilly or mountainous country situated to the east ward of the Mechi River and to the westward of the Teesta River, formally possessed and occupied by the Rajah of Nepaul, but ceded to the Honourable East India Company by the Treaty of peace signed at Segoulee.

Article 2

The Sikkimputtee Rajah engages for himself and successors to abstain from any acts of aggression or hostility against the Goorkhas or any other State.

Article 3

That he will refer to the arbitration of the British Government any disputes or questions that may arise between his subjects and those of Nepaul, or nay other neighbouring State, and to abide by the decision of the British Government.

Article 4

He engages for himself and successors to join the British Troops with the whole of his Military Force when employed within the Hills, and in general to afford the British Troops every aid and facility in his power.

Article 5

That he will not permit any British subject, nor the subject of any European and American State, to reside within his dominions, without the permission of the English Government.

Article 6

That he will immediately seize and deliver up any dacoits or notorious offenders that may take refuge within his territories.

Article 7

That he will not afford protection to any defaulters of revenue or other delinquents when demanded by the British Government through their accredited Agents.

Article 8

That he will afford protection to merchants and traders from the Company's Provinces, and he engages that no duties shall be levied on the transit of merchandize beyond the established custom at the several golahs or marts.

Article 9

The Honourable East India Company guarantees the Sikkimputtee Rajah and his successors the full and peaceable possession of the tract of hilly country specified in the first Article of the present Agreement.

Article 10

This Treaty shall be ratified and exchanged by the Sikkimputtee Rajah within one month from the present date, and the counterpart, when confirmed by His Excellency the Right Honourable the Governor-General, shall be transmitted to the Rajah.

Done at Titalya, this 10th day of February 1817, answering to the 9th of Phagoon 1873 Sumbut, and to the 30th of Maugh 1223 Bengalie.

BARRE LATTER
NAZIR CHAINA TINJIN
LAMA DUCHIM LONGADOO.

MOIRA.
N. B. EDMONSTONE
ARCHD. SETON.
GEO. DOWDESWELL.

Ratified by the Governor-General in Council, at Fort William, this fifteenth day of March, one thousand eight hundred and seventeen.

J. ADAM
Acting Chief Secy. to Govt.

APPENDIX - III

THE SUNNUD GRANTED TO THE CHOGYAL OF SIKKIM

DATED 7 APRIL 1817

The Hounourable East India Company, in consideration of the services performed by the Hill tribes under the control of the Rajah of Sikkim, and of the attachment shown by him to the interest of the British Government grants to the Sikkimputtee Rajah, his heirs and successors, all that portion of low land situated eastward of the Meitchie River, and westward of Maha Nuddee, formally possessed by the Rajah of Napaul, but ceded to the Honourable East India Company by the Treaty of Segoulee, to be held by the Sikkimputtee Rajah as a feudatory, or as acknowledging the supremacy of the British Government over the said lands, subject to the following dominions :

The British Laws and Regulations will not be introduced into the territories in question, but the Sikkimputtee Rajah is authorized to make such laws and regulations for their internal government, as are suited to the habits and customs of the inhabitants, or that may be in force in his other dominions.

The Articles or provisions of the Treaty signed at Titalya on the 10th February 1817, and ratified by his Excellency the Right Honourable the Governor-General in Council on the 15th March following, are to be in force with regard to the lands hereby assigned to the Sikkimputtee Rajah, as far as they are applicable to the circumstances of those lands.

It will be specially incumbent on the Sikkimputtee Rajah and his officers to surrender, on application from the officers of the Honourable Company, all persons charged with criminal offences, and all public defaulters who may take refuge in the lands now assigned to him, and to allow the police officers of the British

Government to pursue into those lands and apprehend all such persons.

In consideration of the distance of the Sikkimputtee Rajah's residence from the Company's Provinces, such orders as the Governor-General in Council may, upon any sudden emergency, find it necessary to transmit to the local authorities in the lands now assigned, for the security or protection of those lands, are to be immediately obeyed and carried into execution in the same manner as coming from the Sikkimputtee Rajah.

In order to prevent all disputes with regard to the boundaries of the low lands granted to the Sikkimputtee Rajah, they will be surveyed by a British Officer, and their boundaries accurately laid down and defined.

APPENDIX - IV

**THE DEED OF GRANT making over DARJEELING to the EAST
INDIA COMPANY**

DATED 29th Maugh, Sambat 1891

1st February 1835

English Translation

The Governor-General having expressed his desire for the possession of the Hill of Darjeeling, on account of its cool climate, for the purpose of enabling the servants of his Government, suffering from sickness, to avail themselves of its advantages, I, Sikkimputtee Rajah, out of friendship to the said Governor-Genral, hereby present Darjeeling to the East India Company, that is, all the land south of the Great Runjeet River, east of the Balasur, Kahail, and Little Runjeet Rivers, and west of the Rungno and Mahanuddi Rivers.

A. CAMPBELL,
*Superintendent of Darjeeling,
and in charge of Political relations with Sikkim.*

Seal of the Rajah
Prefixed to the document.

APPENDIX - V

INSPECTION REPORT ON THE DARJEELING MUNICIPALITY BY THE SANITARY COMMISSIONER FOR BENGAL

DURING my stay in Darjeeling I spent a good deal of time in carefully inspecting the sanitation of the place.

I may say at the outset that the Municipal Commissioners are fully alive to the importance of the sanitary well-being of the town, and on the whole are to be congratulated on the condition of the Municipality. Hill stations are always more difficult to keep clean than plain stations, and, speaking broadly, Darjeeling is a clean and well looked after township.

I do not propose to give a description of the very satisfactory features in the town, but rather to indicate briefly the lines on which improvement should be made in the future.

(1) The subject of the serious overcrowding of many of the buildings or busties in the bazaar has claimed the attention of several members of the Municipality. There can be no doubt as to the existence of the evil. Whilst out with the Chairman, we visited three or four tenement houses which were extremely overcrowded and which were a distinct danger to the health of the community.

I would recommend the vigorous use of paragraph 245 of the Municipal Act. on the recommendation of two medical officers any house that is a danger to the health of the community can be ordered to be demolished. The most convenient method of procedure is to cause a rough plan of the bustie to be made, marking all the houses that it is necessary to demolish, and showing the roads or passages that it is desired to open up. The houses to be demolished should be numbered the same as those on the map.

The map need not be an expensive plan or made to scale.

This matter is urgent, because if ever Plague made its appearance in these very overcrowded places, the disease would soon become quite unmanageable, and probably no amount of measures would prevent the disease from establishing itself.

(2) Conservancy matter, - Darjeeling is another town where imperfections and the incompleteness of the hand removal system of disposing of nightsoil are very apparent. I consider from a very careful examination of the town that practically no improvement in the conservancy arrangements beyond a very few details can possibly be expected without a change of method. It must not be imagined that I am finding fault. In the face of many difficulties, the conservancy staff do very fairly well, but as is always the case in this system, the weak link in the chain is the sweeper. The amount of labour that is required of these men is very great, they have to carry buckets of nightsoil down steep hill side at are a great expense to the commissioners, they get sick and occasionally go out on strike; any system which is based entirely on such a foundation is bad.

In order to lighten the work of the sweepers, there is a system of what is known as urine pipes to remove fluid from latrines and houses. This is a system of small iron pipes. It possesses all the disadvantages and dangers of a badly-laid sewage system without any of its advantages. The pipes block up (usually it is too true by the sweeper endeavouring to pour solid matter down them) they are neither trapped, ventilated or flushed. Even in the United Service Club urinal all the branch pipes lead straight into the main without a single trap. I believe the same applies to the men's urinal in the Amusement Club. Pipes laid in this way without a single precautionary measure, cannot fail to give rise to nuisance, if not to actual danger. I consider that these pipes should never have been laid at all, they are entirely wrong in principle and practice. They were, I understand, put down some time ago, so the Commissioners will not be losers when they are replaced by a more up-to-date

device. At any rate, I most strongly urge the Commissioners not to spend any more money on them.

To third and last serious objection to the existing arrangement is the ultimate disposal of the nightsoil at Bhatasia. Trenching in the proper and scientific way is out of the question on the hillsides. Pits are dug at great labour and the night-soil is placed therein and covered up, but the first heavy shower of rain washes the contents of the pit down the hill side.

Some 250 buckets of nightsoil arrive daily by train : these have to be carried sometimes hundreds of feet down the khud to the trenches, the buckets have to be washed in the jhora and then returned up to the siding. With all this labour (which must go on in all weathers), the ultimate disposal of the nightsoil is only one stage more efficient than if it was thrown on to the hill side.

The system that is mentioned above is a very expensive one. Something like Rs. 40,000 are spent in sweepers' wages, mules' food, etc., and the haulage charged by the Railway Company for the removal of rubbish and nightsoil is Rs. 900 per month. This is a very large proportion of the Municipal income to go in wages and up-keep of the conservancy staff.

What is the remedy for this ? I consider that a very great improvement in method and saving of money could be effected by laying down a very simple system of sewers in the most crowded parts of Darjeeling. By this I do not mean that a complicated system with a house connection to all houses in the station is either desirable or possible. But two branch sewers traversing through the main part of the town and joining together somewhere below the bazaar, and running on as one down the jhora, would tap a very large proportion of Darjeeling. On this system could be situated the large public latrines, and pail depots for depositing of nightsoil could be constructed at convenient places. The sewage should be

conducted down the khud and rendered fit to pass into the river by an installation of septic tank and a set of heap filers.

THE ADVANTAGES OF THIS SYSTEM COULD BE MANY :

(I) The public latrines, which if they are used by a large number of people must remain in a very unsatisfactory condition for many hours of the day, could all be connected up direct to the sewer, flushed and kept clean. In other words, we could convert the abominable latrine of the present day into a decent sort of water closet latrine. At each of these latrines a pail depot, or dumping chamber, could be provided for the nightsoil of the houses in the neighbourhood.

Thus such latrines as the one under Rockville Hotel and the one used by the United Service Club servants could be made really satisfactory in every way.

(II) The whole of the very objectionable system of urine pipes could be done away with.

(III) Large houses, such as Hotels and United Service Club, could have a private pail depot, or could have water closets if they cared to go to the expense.

(IV) There would be an enormous saving of manual labour. It would not be possible to do away with the sweeper altogether, a certain amount of removal from the housed to the depot would have to be done, but the total number of methers could be much reduced and the work would be done better.

(V) The system would be cheap in the end. I consider that with some such system about one-third to half of the expenses in wages and haulage to Batasia would be saved.

(VI) The sweepers themselves would appreciate the change and would be more contented.

(VII) The whole of the labour, expense and trouble of the trenching at Batasia could be done away with.

(VIII) It would be possible to have buckets and receptacles properly washed and cleaned before return.

Now I sincerely hope the commissioners will not look upon this proposal as counsel of perfection and altogether beyond their means. The initial cost of laying the pipes would of course be great, but I fell convinced that in, say, 7-10 years' time the saving effected would repay this amount. There can be no doubt that the present system is extremely imperfect and dangerous. Whilst I admit that everything is done to work the hand removal system as well as possible, it always is objectionable and is doubly difficult to make a success in a place like Darjeeling. The system has broken down in nearly every place in India over 20,000 population. Further I hope the Commissioners will not be frightened by the proposal to purify the sewage by the septic tank method. With the fall that is available this will be a simple and cheap method. It is only in places where the fall is limited, that a large amount of expensive masonry is necessary. A system such as the one suggested above is working very well in Simla now. Darjeeling possesses very many natural advantages, the chief of which is that it is not a very scattered place, a very fair proportion of the houses could be reached with comparatively short pipe line. Again I would ask the Commissioners not to pass over this proposal to amend the conservancy working as one that is quite beyond their means, but to request that their Engineer, Mr. Robertson, may be asked to go into the matter carefully and prepare an outline scheme of what is required, with a rough idea of cost. I shall always be most happy to give him any assistance possible in this matter.

CALCUTTA, W.W. CLEMESHA, M.D., D.P.H.,
The 20th October, 1905 Captain, I.M.S.,
Ofg. Sanitary Commissioner Bengal.

APPENDIX - VI

THE TREATY OF TUMLOONG

28 MARCH 1861

TREATY, COVENANT, or AGREEMENT entered into by the HONOURABLE ASHLEY EDEN, ENVOY and SPECIAL COMMISSIONER on the part of the BRITISH GOVERNMENT, in the virtue of full powers vested in him by the RIGHT HONOURABLE CHARLES, EARL CANNING, GOVERNOR-GENERAL in COUNCIL, and by HIS HIGHNESS SEKEONG KUZOO, MAHARAJAH or SIKKIM on his own part, - 1861.

Whereas the continued depredations and misconduct of the officers and subjects of the Maharajah or Sikkim, and the neglect of the Maharajah to afford satisfaction for the misdeeds of his people have resulted in an interruption, for many years past, of the harmony which previously existed between the British Government and the Government of Sikkim, and have led ultimately to the invasion and conquest of Sikkim by a British force; and whereas the Maharajah of Sikkim has now expressed his sincere regret for the misconduct of his servants and subjects, his determination to do all in his power to obviate future misunderstanding, and his desire to be again be admitted into friendship and alliance with the British Government, it is hereby agreed as follows : -

1

All previous Treaties made between the British Government and the Sikkim Government are hereby formally cancelled.

2

The whole of Sikkim Territory now in possession of British forces is restored to the Maharajah of Sikkim, and there shall be henceforth peace and amity between the two States.

The maharajah of Sikkim undertakes, as is within his power, to restore within one month from the date of signing this Treaty, all public property which was abandoned by the detachment of the British Troops at Rinchinpoong.

The indemnification of the expenses incurred in 1860 by the British Government in occupying a portion of the territory of Sikkim as a means of enforcing just claims which had been evaded by the Government of Sikkim, and as compensation to the British subjects who were pillaged and kidnapped by subjects of Sikkim, the sikkim Government agrees to pay the British authorities at Darjeeling the sum of 7,000 (seven thousand) Rupees in the following installments, that is to say : -

May 1 st 1861	1,000
Nov. 1 st 1861	3,000
May 1 st 1862	3,000

As security for the due payment of this amount, it is further agreed that, in the event of any of these installments not being paid on the date duly appointed, the Government of Sikkim shall make over to the British Government that portion of its territory bounded on the south by th River Rummam, on the east by the Great Runjeet River, on the north by a line from the Great Runjeet to the Singaleelah Range, including the monasteries of Tassiding, Pemonchi, and Changacheling, and on the west by the Singaleelah Mountain Range, and the British Government shall retain possession of this territory and collect the revenue thereof, until the full amount, with all expenses of occupation and collection, and interest at 6 per cent per annum, are realized.

The Government of Sikkim engages that its subjects shall never again commit depredations on British territory, or kidnap or

otherwise molest British subjects. In the event of any such depredation or kidnapping taking place, the Government of Sikkim undertakes to deliver up all persons engaged in such malpractice, as well as the Sirdars or other Chiefs conniving at or benefiting thereby.

6

The Government of Sikkim will at all times seize and deliver up any criminals, defaulters, or other delinquents who may have taken refuge within its territory, on demand being duly made in writing by the British Government through their accredited agents. Should any delay occur in complying with such demand, the Police of the British Government may follow the person whose surrender has been demanded into any part of the Sikkim territory, and shall, on showing a warrant, duly signed by the British Agent, receive every assistance and protection in the prosecution of their object from the Sikkim officers.

7

In as much as the late misunderstandings between the Governments have have been mainly fomented by the acts of the ex-Dewan Namguay, the Government of Sikkim engages that neither the said Namguay, nor any of his blood relations, shall ever again be allowed to set foot on Sikkim or to take part in the councils of, or hold office under, the Maharajah or any of the Maharajah's family at Choombi.

8

The Government of Sikkim from this day abolishes all restrictions on travelers and monopolies in trade between the British territories and Sikkim. There shall henceforth be free reciprocal intercourse, and full liberty of commerce between the subjects of both the countries; it shall be lawful for British subjects to go into any part of Sikkim for the purpose of travel or trade, and the subjects of all countries shall be permitted to reside in and pass through Sikkim, and to expose their goods for sale at any place and

in any manner that may best suit their purpose, without any interference whatever, except as in hereafter provided.

9

The Government of Sikkim engages to provide protection to all travelers, merchants, or traders of all countries, whether residing in, trading in or passing through Sikkim. If any merchant, traveler, or trader, being a European British subject, shall commit any offence country to the laws of Sikkim, such person shall be punished by the representative of the British Government resident at Darjeeling, and the Sikkim Government will at once deliver such offender over to the British authorities for this purpose, and will, on no account, detain such offender in Sikkim on any pretext or pretence whatever. All other British subjects residing in the country to be liable to the laws of Sikkim; but such persons shall, on no account, be punished with the loss of limb, or maiming, or torture, and every case or punishment of a British subject shall be at once reported to Darjeeling.

10

No duties or fees of any sort shall be demanded by the Sikkim Government of any persons on account of goods exported into the British territories from Sikkim, or imported into Sikkim from the British territories.

11

On all goods passing into or out of Thibet, Bhootan, or Nepaul, the Government of Sikkim may levy a duty of customs according to such a scale as may, from time to time, be determined and published, without reference to the destination of the goods, provided, however, that such duty shall, on no account, exceed 5 per cent on the value of goods at the time and place of levy of duty. On the payment of the duty aforesaid a pass shall be given exempting such goods from liability to further on any account whatever.

With the view to protect the Government of Sikkim from fraud on account of under valuation for assessment of duty, it is agreed that the custom officers shall have the option of taking over for the Government any goods at the value affixed on them by the owner.

In the event the British Government desiring to open out a road through Sikkim, with the view of encouraging trade, the Sikkim Government will raise no objection thereto, and will afford every protection and aid to the party engaged in the work. If the road is constructed, the Government of Sikkim undertakes to keep it in repair, and to erect and maintain suitable travellers' rest houses throughout its route.

If the British Government desires to make either a topographical or geological survey of Sikkim, the Sikkim Government will raise no objection to this being done, and will afford protection and assistance to the officers employed in this duty.

Inasmuch as many of the late misunderstandings have had their foundation in the custom which exists in Sikkim of dealing in slaves, the Government of Sikkim binds itself, from this date, to punish severely any person trafficking in human beings, or seizing person for the purpose of using them as slaves.

Henceforth the subjects of Sikkim may transport themselves without let or hindrance to any country to which they may wish to remove. In the same way the Government of Sikkim has authority to permit the subjects of other countries, not being criminals or defaulters, to take refuge in Sikkim.

The Government of Sikkim engages to abstain from any acts of aggression or hostility against any of the neighbouring States which are allies of the British Government. If any disputes or questions arise between the people of Sikkim and those of neighbouring States, such disputes or questions shall be referred to the arbitration of the British Government, and the Sikkim Government agrees to abide by the decision of the British Government.

The whole military force of Sikkim shall join and afford every kind of facility to British Troops when employed in the hills.

The Government of Sikkim will not cede or lease any portion of its territory to any other State without the permission of the British Government.

The Government of Sikkim engages that no armed force belonging to any other country shall pass through Sikkim without the sanction of the British Government.

Seven of the criminals, whose surrender was demanded by the British Government, having fled from Sikkim and taken refuge in Bhootan, the Government of Sikkim engages to do all in its power to obtain the delivery of those persons from the Bhootan Government, and in the event of any of these men returning to Sikkim, the Sikkim Government binds to seize them, and to make them over to the British Authorities at Darjeeling without delay.

With a view to establishment of an efficient Government in Sikkim, and to the better maintenance of friendly relations with the British Government, the Maharajah of Sikkim agrees to remove the seat of his Government from Tibet to Sikkim, and reside there for

nine months in a year. It is further agreed that a Vakeel shall be accredited by the Sikkim Government, who shall reside permanently at Darjeeling.

23

This Treaty, consisting of twenty-three Articles, being settled and concluded by the Honourable Ashley Eden, British Envoy, and His Highness Sekeong Kuzoo Sikkimputtee, Maharajah, at Tumloong, this 28th day of March 1861, corresponding with 17th Dao Neepoo 61, Mr. Eden has delivered to the Maharajah a copy of the same in English, with translation in Nagri and Bhootiah, under the seal and signature of the said Honourable Ashley Eden another copy also in English, with translation in Nagri and Bhootiah, bearing the seal of His Highness and the said Hon'ble Ashley Eden. The Envoy engages to procure the delivery to His Highness, within six weeks from this date, a copy of this Treaty duly ratified by His Treaty shall in the meantime be in full force.

SEKEONG KUZOO SIKKIMPUTTEE

ASHLEY EDEN,
Envoy.

CANNING.

Ratified by His Excellency the Viceroy and Governor-General of India in Council at Calcutta on the sixteenth day of April 1861.

C. U. AITCHISON,

Under-Secy. To the Govt. of India

APPENDIX - VII

INDO-NEPAL

TREATY OF PEACE AND FRIENDSHIP

31 July 1950

The government of India and the Government of Nepal recognizing the ancient ties which have happily existed between the two countries for centuries :

Desiring still further to strengthen and develop these ties and to perpetuate peace between the two countries :

Have resolved therefore to enter into a treaty of Peace and Friendship with each other, and have, for this purpose, appointed as their plenipotentiaries the following persons, namely the Government of India, his Excellency Shri Chandreshwar Prasad Narain Singh, Ambassador of India in Nepal; The Government of Nepal, Mohan Sumshere Jung Bahadur Rana, Maharaja, Prime Minister and supreme Commander-in-Chief of Nepal, who having examined each other's credentials and found them good and in due form have agreed to as follows:

Article I

There shall be everlasting peace and friendship between the Government of India and the Government of Nepal. The two Governments agree mutually to acknowledge and respect the complete sovereignty, territorial integrity and independence of each other.

Article II

The two Governments hereby undertake to inform each other of any serious friction or misunderstanding with any neighbouring State likely to cause any breach in the friendly relations subsisting between the two Governments.

Article III

In order to establish and maintain the relations referred to in Article I the two Governments agree to continue diplomatic relations with each other by means of representatives with such staff as is necessary for the due performance of their functions.

The representatives and such of these staff as may be agreed upon shall enjoy such diplomatic privileges and immunities as are customarily granted by international law of a reciprocal basis: provided that in no case shall these be less than those granted to persons of a similar status of any other State having diplomatic relations with either Government.

Article IV

The two Governments agree to appoint Consuls-General, Consuls, Vice-Consuls and other consular agents, who shall reside in towns, ports and other places in each other's territory as may be agreed to.

Consuls-General, Consuls, Vice-Consuls and consular agents shall be provided with exequaturs or authorization of their appointment. Such exequatur or authorization is liable to be withdrawn which issued to, if considered necessary. The reasons for the withdrawal shall be indicated wherever possible.

The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are accorded to persons of corresponding status of any other state.

Article V

The Government shall be free to import, from or through the territory of India, arms, ammunitions or warlike material and equipment necessary for the security of Nepal. The procedure for giving effect to this arrangement shall be worked out by the two Governments acting in consultation.

Article VI

Each Government undertakes, in token of the neighbourly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.

Article VII

The Governments of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in matter of residence, ownership of property, participation in trade and commerce, movement and privileges of similar nature.

Article VIII

So far as matters dealt with herein are concerned, the treaty cancels all previous treaties, agreements, and engagements entered into on behalf of India between the British Government of Nepal.

Article IX

This Treaty shall come to force from the date of signature by both Governments.

Article X

The Treaty shall remain in force until it is terminated by either party by giving one year's notice.

Done in duplicate at Kathmandu this 31st day of July, 1950.

(Sd.)

CHANDRESHWAR
MOHUN SAMESHERE JANG
NARAIN BAHADUR RANA

(Sd.)

PRASAD SINGH

For the Government of India for the Government of Nepal.

APPENDIX - VIII

REPRESENTATIVES OF DARJEELING'S MEMORANDUM

The Chief Secretary to the Government of Bengal.

The humble memorial of the representatives
of the Darjeeling District.

Dated 8th November, 1917

Respectfully Sheweth,

That the undersigned Lepchas, Bhutias and Nepalese representing the opinion of the people of the Darjeeling District gratefully respond to the invitation issued by the Government to the people of India to make representations to be laid before the Secretary of State for India during his coming visit.

What prompts us to approach the Government is not any feeling of discontent or dissatisfaction with the present system of Government. On the contrary we are perfectly contented. We have hitherto abstained from all political agitation and we have treated the movement for Home Rule with neglect and even disfavour. But now that the British Government has definitely stated that Home Rule is the ultimate goal towards which it is desired that India should gradually proceed, we feel it our duty to safeguard the future position by presenting the Government with a statement of our views on one point which seems to us of vital importance.

At present the Darjeeling District is one of the many districts of the Bengal presidency with the center of Government in Calcutta. This intimate connection with the plains of Bengal, however, is but of comparatively recent origin and it only exists because of the common relationship of the lands under the same British rule. There is moreover no real affinity between the people of this Himalayan and Sub-Himalayan region and those of the plains of Bengal, and our plea is that it may now be established as a settled principle in any

arrangement for the realization of the Home Rule for the people of Bengal that this district should be excluded from them and that the evolution of our political life should be towards a district local government of our own on such lines as may be approved by the British Government.

We live in an absolutely different world from the rest of the people of Bengal. Geographically no greater contrast is possible than that between the mountainous Darjeeling District and the plains of Bengal. Racially there is an equal dissimilarity for the great mass of the population is Mongolian and akin to the peoples beyond the Himalayas rather than to those of India. Historically we have until recent years lived a life entirely apart. The Darjeeling district except the Kalimpong Sub-division and the Dooars were Bhutanese till about fifty year ago and the Nepalese have immigrated from Nepal in recent years. Religiously we are, as regards the Lepchas and the races of Tibetan origin as well as a number of Nepalese castes, quite distinct from the people of the plains and even the religious customs of the Nepalese who are classed as Hindus vary largely from those of the Hindus of Bengal. Linguistically we have no alliance with the rest of Bengal. Even the lingua franca of our courts and school is Hindi and not Bengali, while the great mass of the workers on the tea gardens of the Dooars and the Terai are immigrants from Bihar and Orissa and Nepal which fact in addition to the geographical and historical arguments makes in natural and fitting that the Tea District of the Dooars should be linked up with the Darjeeling District rather than with Bengal.

A further argument in favour of a separate Eastern Himalayan unit of Government is based on health considerations. The plans are entirely unsuited to hill people who are unwilling to go to the plains to live. This makes it essential for the future welfare of the district that it should be as far as possible self-contained. In the matter of Education, to give one important illustration, we look forward to

having our own colleges and other institutions for professional training. At present those are in the plains and this has acted as a great barrier to the higher education of our peoples. But although higher education is backward, primary education is more general than in any other district of Bengal and we have therefore to had the true basis for a natural and satisfactory educational advance.

Our humble petition there fore, is that in laying down plans for the future, the Government should aim at the creation of a separate unit comprising the present Darjeeling District with the portion of Jalpaiguri District which was annexed from Bhutan in 1865.

The creation of this separate unit may be objected to on the ground that it would be very small as compared with other probable unit of the Government of India. The population of Darjeeling District is now only 300,000 while that of Jalpaiguri is larger. But fifty years ago the population was not a fifth of what it is now and the phenomenal increase is likely to be maintained as the district is capable of large development. The possibilities through the use of hydro-electric power alone are immense. Moreover the District has an importance disproportionate to its area in that it is a vital frontier district. Our people are the natural guardians of the frontier and we would welcome the privilege of keeping ourselves ever ready to fulfill this function. A small but a significant incident, illustrative (in this connection) of the drawback from our relations with the organizations situated to the plains, is found in the recent call for recruits for Indian Defence. Very few felt able to respond because large period of training were to be undertaken in the plains. Had it been possible to arrange for training at centers in the Hills, we are convinced that volunteers in large numbers would have been forthcoming and we are confident that, if the Government wished it, practically all the able bodied men of our hill communities could be enlisted in a Force to defend the Frontier.

It is possible, indeed, that the Government consider it wise to still create a North Eastern Frontier Province to include in addition to this District the Assam Dooars and the hill territories which lie to the east of Bhutan and whose peoples have affinities with our people.

We shall be grateful if the Government of Bengal will give us the privilege of sending a deputation of our members to present these views personally to the Right Hon'ble the Secretary of State for India during his coming visit.

1. Sd. S. W. Ladenla
2. Sd. Khadga Bahadur Chhetri
3. Sd. Dr. Yensing Sitling
4. Sd. Prem Singh Kumai
5. Sd. Meghbir singh
6. Sd. Lachman Singh
7. Sd. Nar Prasad Kumai
8. Sd. Deonidhi Upadhaya & Others

APPENDIX - IX
MEMORIAL OF THE GURKHAS
SETTLED AND DOMICILED IN INDIA

The Right Honourable Sir Samuel Hoare, P.C., G. B. E., C. M. G.
Secretary of State for India, London

The humble Memorial of Gurkhas the settled and domiciled in British India.

Most Respectfully Sheweth :-

1. That the Gurkhas domiciled in British India consisting of Military pensioners, Government Servants, Traders, Farmers, and plantation labourers are about 3 million, most of whom are settled at Darjeeling (in Bengal), Shillong (in Assam), Dehra Dun (in United Provinces) and in Burma and the rest are scattered all over British India.
2. That the Gurkhas although in the minority in the Provinces of British India are not a negligible element and in view of their services to the Government in Military, Civil and other departments of the Government they (Gurkhas) have played no mean part in the preservation of the solidarity of the British Empire.
3. That the Gurkhas although domiciled in British India still cherish the customs and traditions of their ancestors and are quite a distinctive social unit and are jealously preserving up till now their own social solidarity in spite of the fact that they are in such a minority in British India.
4. That with the advent of the new constitution, which is being framed, the Gurkhas are apprehensive that their claims may be ignored and that eventually they may have to be merged with the rest of India, for causes beyond their control.
5. That so far the Gurkhas have been able to evolve on their own lines of civilization under protection of the British Government, but unless some special reservations are made for the Gurkhas

in the new constitution it would be extremely difficult for them to preserve their social solidarity with the consequent loss to the British Government for once the Gurkhas are forced by circumstances beyond their control to make a common cause with the Indian the British will undoubtedly lose one of their best supporters and comrades in arms.

6. That it is with a view to avoid this contingency something must be done for the preservation of the social solidarity of the Gurkhas under the new constitution and an attempt was made in 1917 by the Hillmen's Association of Darjeeling to do this. They suggested to Mr. Montagu, the then Secretary of State for India, that a North-Eastern Frontier Province should be created consisting of the district of Darjeeling, the Duars and some parts of Assam, where the Gurkhas predominate, and it was then strongly urged that this would be an additional protection to British India from the military point of view as they commanded all the passes in the Himalayas from the eastern border of Nepal to Burma. But somehow the proposal did not materialize and the district of Darjeeling only was excluded from the operation of the Reforms.
7. That another proposal was then subsequently submitted by the Gurkhas League at Dehra-Dun suggesting various matters of importance for the Gurkhas, but so far nothing has been done.
8. That as the new constitution for India is under consideration of the Parliament of Gurkhas think it opportune to place again their views and to start with, they suggest that the district of Darjeeling, where the Gurkha population predominates, should be excluded from Bengal and be treated as an independent administrative unit with the Deputy Commissioner as the Administrator vested with much more

powers than that of a District Magistrate, assisted by a small Executive Council (like the Provincial Governor's Executive Council), representative of all interests, in the administration of the Area. The judiciary, the Police and all other departments of the Government should also be under him so that they (departments of Government) may be independent of the control of the Provincial Government, but should be directly under the Imperial Government. In the Judiciary the Deputy Commissioner as administrator of the Area should be vested with the powers of a District and Sessions Judge. The sub - Divisional Officers should combine the functions of a District Magistrate and that of a Sub-Divisional Magistrate as far as practicable. All appeals from the decision of the Deputy Commissioner should be to the Hon'ble High Court at Fort William in Calcutta. The Services too for this Area should be independent of the Province of Bengal and separate from it and should be recruited from the local people. Of course, there may be occasions when the services from the Bengal Provincial Services may have to be borrowed but this should be under special circumstances and for a short period.

The financial aspect of this scheme presents some difficulties and on careful analysis it will be found that the expenditure under P. W. D. especially under roads and bridges will present some difficulties as the revenue from the Area may not be adequate to meet it. In this connection it may be respectfully suggested that the Imperial Government is maintaining the frontier roads and bridges in Sikkim, which is outside British India, for Military purposes, and the roads at Darjeeling are in continuation of these roads in Sikkim and for the same consideration (from Military point) they should be a charge on the Imperial budget.

This administrative unit of Darjeeling should be placed directly under the Government of India, the Governor of Bengal acting as the Agent for the Governor-General as in the case of Excluded Areas recommended by the Simon Commission. Darjeeling should continue to be the Summer Seat of the Governor of Bengal as in the case of Simla for the Governor of Punjab and the United Provinces. This is a rough outline only and details can be easily worked out. Darjeeling should also get a seat in the Imperial Legislatures whether Federal or otherwise – as recommended for Excluded Areas by the Simon Commission.

9. All Legislation passed by the Central Legislation should not be applicable to the Area without the same being certificate by the Administrator and the Council that it should be extended to Darjeeling.
10. That for the rest of British India where there are appreciable number of Gurkha population they should have special representation (as provided for minority communities) in the respective Provinces where they are. These are the minimum requirements for the preservation of the Gurkha as a nation within British India and the Gurkhas most emphatically urge that in view of their past services and sacrifice for the Empire this request should be granted by Parliament and thus earn the eternal gratitude of the Comrade in Arm.

25th October 1930

H. P. PRADHAN (RAI SAHIB)
President
Hillmen's Association, Kalimpong.
LT. GOBARDHAN GURUNG,
President
Gurkha Officers', Kalimpong.
P. M. SUNDAR,
Secretary,
Kurseong Gurkha Library
N. B. GURUNG
Secretary,
Hillmen's Association, Kalimpong
P. P. PRADHAN,
Secretary,
Hillmen's Association, Darjeeling

APPENDIX - X

THE MEMORIAL OF THE HILLMEN'S ASSOCIATION OF THE DISTRICT OF DARJEELING IN THE PROVINCE OF BENGAL

The Right Honourable Sir Samuel Hoare, P.C., G. B. E., C.M.G.
Secretary of State for India, London.

The Right Honourable Sir John Anaderson P.C., G.B.E., G.C.I.E.
Governor of Bengal.

The Humble Memorial of the Hillmen's Association of the District of
Darjeeling in the Province of Bengal.

Most Respectfully Sheweth,

1. That your memorialists represent the hill people of the district of Darjeeling in the Province of Bengal consisting of the Gurkhas, Bhutias and the Lepchas, who form the majority of the population of the District and are its original inhabitants.
2. That during the latter part of the nineteenth century this district was carved out by annexations from the neighbouring States of Sikkim and Bhutan and since the advent of British rule in the district the hill people have enjoyed the sweet harvest of peace and prosperity.
3. That owing to the close affinity of the people of this district to the neighbouring independent States of Nepal, Bhutan and Sikkim the hill people of this district still cherish the same traditions and are guided by the same social and religious practices as they prevail in the home of their origin.
4. That it was for this reason and being a frontier district it has hitherto remained as an Excluded Area directly under the Governor of Bengal and no legislation passed by the Indian Legislatures - Central or Provincial - is applicable to this district unless certified by the Governor of Bengal. That this district has always enjoyed the privilege of a fostering care of

the British Crown whose representative in the Province is its Governor. As a result so far all the culturable land, excepting the tea garden areas, has remained an exclusive reserve for the hill people, who have also enjoyed preferential treatment in the Government services as well in the district to a great extent and the hill people by their unquestionable loyalty and devotion to the British Crown have amply justified that trust reposed on them.

5. That your memorialists beg to draw your attention to the memorial dated the 25th October 1930 in which your memorialists urged that in the Reform Scheme it should be with proper safeguards for the protection of the interests of the hill people, and in submitting this memorial again your memorialists beg to emphasize the same and respectfully urge that the matter may not be overlooked especially when there was no one at the Round Table Conference and the subsequent Select Committees in London to voice the cause of this little band of loyal and devoted people living in the mountain fastness on the spurs of the Himalayas.
6. That all minority communities have received due consideration of their respective claims and they are perhaps finding their due place in the Statue Book but your memorialists are not aware if the same consideration has also been extended to the hill people who, although in the majority in the district, are a small minority in the Province and your memorialists pray that the privileges and reservations made for the minority communities in the constitution should also be extended to the hill people in the Province of Bengal.
7. That with a view to safeguard the interest of the hill people of the district and mainly for the purpose of maintaining status quo in the Revenue administration (Land Revenue) of the

district and specially in view of the fact that a representative from the hill people at the Provincial and Central Legislatures will be in a hopeless minority it is very essential that no legislative enactments passed by any of such Legislatures be applicable to this district without being certified by the Governor of the Province and this wholesome provision in the Statute Book should not be disturbed.

8. That your memorialists have reasons to fear that adequate funds for carrying out the administration in the district may not be voted by the new Legislatures and the local services in the hills may also be swamped by the people from the plains for want of adequate representation of the hill people in Legislatures and administration in the district may therefore suffer. Being a frontier district it requires special treatment and for political reasons your memorialists urge that the Governor of the Province should have adequate educational facilities, for reserving Government contract and Excise settlement for hill people and in the appointments in the hills. Adequate provision may therefore be kindly made in the Statute Book regarding this matter also. These are in brief the minimum safeguards your memorialists think absolutely necessary for the protection of the interests of the hill people.
9. in the event of the permanent Safeguards not being granted, your memorialists emphatically urge that the District of Darjeeling should be totally excluded from Bengal by creation of an independent Administrative Unit with an Administrator at the head of the Area assisted by an Executive Council, representative of all interests in the Area and the Area should be placed directly under the Central Government, the Governor of Bengal acting as Agent to the Governor -General. No legislation passed by the Central Government should apply to the Area unless certified by the Administrator in consultation

with his Executive Council. As the financial aspect of the proposal, the Area not being self-supporting, your memorialists submit that in view of the Military importance of the area the communications in the area should be an imperial charge for the same reason as the Central Government is maintaining the Highway Road to Tibet in Sikkim, which is outside India. The Communications in this area are actually an integral part of the Highway to Sikkim and Tibet and as such should be an Imperial Charge. The services of the Area in all its Administrative Departments such as Executive, Judiciary, Police, Forests, Education etc., should also be locally recruited and should be independent of the Bengal Provincial Service. This is however an outline : the details will be worked out when required. The town of Darjeeling may still continue as the Summer Capital of Bengal as in the case of the Punjab Government who have their Summer Capital at Simla. Delhi is another instance of a small Administrative unit in British India.

10. Your memorialists therefore humbly and respectfully pray that adequate provisions be made in the Statue Book for the protection of the interests of the hill people by way of safeguards suggested in this memorial or in the alternative the prayer in para 9 above. And for which act of kindness your memorialists ever pray.

SONAM WHNGEL LADENLA
President,
Hillmen's Association, Darjeeling

GOBARDAN GURUNG
Vice-President
Hillmen's Association, Darjeeling.

MADAN THAPA
Hillmen's Association, Darjeeling.

Darjeeling
The 6th August, 1934.

APPENDIX - XI

MEMORIAL OF THE DARJEELING DISTRICT COMMITTEE OF THE COMMUNIST PARTY OF INDIA FOR A FREE GORKHASTAN SUBMITTED TO THE CONSTITUENT ASSEMBLY ON 6TH APRIL 1947

In the opinion of the Communist Party of India, the District of Darjeeling belongs to the Gorkhas and it is their homeland. Further it is the considered opinion of the communist Party of India that the Gorkhas living in Darjeeling District, the adjoining state of Sikkim and the so-called independent state of Nepali where their number is 3 lakhs, 1 lakh and 60 lakhs respectively, constitute a distinct nationality having a common language, a common culture and common historical tradition that date back to the days of Buddha and Ashoka. These three areas are contiguous to each other and here the Gorkhas on the whole, constitute the overwhelming majority nearly 85% of the total. It is the British who have, since the conquest of India as a whole forcibly divided the Gorkhas, disrupting their growth and checked their national development in their own imperialist interests. Besides their homeland as enumerated herein the Gorkhas live as an interspersed minority all over India, in Assam Punjab, the United Provinces etc. thus they are important minority whose legitimate interests must be safeguarded in the new constitution of India. So, any decision that is taken in regard to the future of the district of Darjeeling must be done in consultation with the trusted representatives of the Gorkha people to whom the district legitimately belongs.

It is the opinion of the Communist Part of India that the only way to further the national development of the Gorkha people is by granting them the right of self determination on the basis of complete democracy which means that British imperialism and all its

satellites, the medieval feudal regimes of the native states of Sikkim and the so called independent state of Nepal, must be ended.

The Communist Party of India, therefore, demands that after making necessary revisions of the existing boundaries, the three contiguous areas of Darjeeling district, Southern Sikkim and Nepal be formed into one single zone called "GORKHASTAN". On the basis of Adult Suffrage a Plebiscite may be held in all these areas on this issue and if the overwhelming majority of the Gorkha population living in these areas decide to reunite with each other in single unit, it must be accepted. The other hill tribes and minorities belonging to other nationalities permanently residing in this zone shall have their rights and all legitimate interests. Safeguarded by the constitution of the newly formed union. But this plan of the reunion of the Gorkhas living in Darjeeling district, Sikkim and Nepal can materialize only in the really free India when she has done away with the last vestiges of the British imperialism and its satellites. The medieval feudal regimes of Nepal and Sikkim. Thus it depends in the politico-national development of the Gorkha people as a whole so in the interim period i.e. until "GORKAHSTAN" is formed adequate safeguards must be provided for the Gorkhas living in British India. The Communist Party of India recognizes the limitations of the present Constituent Assembly and the British imperialist maneuvers to sabotage the emergence of an agreed constitution. However,

The Communist Party of India vehemently opposes the sinister British imperialist plan of excluding the district of Darjeeling from the rest of India and its constitution into a separate Chief Commissioner's Province as has been put forward by the Hillmen's Association in its memorial to Lord Pethick Lawrence, Secretary of State for India, in December 1941. This association represents none but the local agents of the British imperialism. The Communist Party of India is also opposed to any such plan that might be put forward by the local agents of British imperialism in a modified form. It has

reasons to apprehend that the British imperialists are hatching a plot to place the district of Darjeeling with other tribal peoples of Assam and Dooars in an altogether new Province to be called the North-Eastern Himalayan Hill Province.

The Communist Party of India demands that an immediate end must be made of the present status of the district of Darjeeling described in the Government of India Act 1935, as a "partially excluded area" and with it all the special powers of the bureaucracy as a preliminary step to further the political, economic and cultural conditions of the Gorkhas and other hill tribes living in this district.

1. Principle of Franchise :

The principle of ADULT SUFFRAGE must be introduced so that all persons who have been deprived of their right of franchise, but who are eligible for the same, might be enfranchised. In the last General Elections only about 27 thousand had the right to vote i.e. little over 7% of the population. Of these, 25 thousand were in Darjeeling Rural Constituency and 2100 in the Darjeeling Sadar Tea Garden (Labour) Constituency. There are 105 Tea Gardens with a total population of over 21 lakhs and out of these 89 gardens are with complete Gorkha population and in the rest 16 also they live and work although they are in minority there. In the last election only 12 of these gardens inside the Darjeeling Sadar Sub-Division were grouped together to form the Tea Garden Labour Constituency.

If the principle of ADULT SUFFRAGE is introduced at least 60 thousands in the rural area and one lakh in the tea gardens will have the right of vote.

2. Proportional Representation :

Under the present constitution there is no provision for the representation of the three lakhs Gorkhas of Darjeeling District in the Provincial Legislature although on the basis of proportion and

even under the present constitution, they claim two seats in a house of 250 members. In a vast country like, India where the problem of minorities has become the problem of problems, the most democratic form of representation is undoubtedly Proportional Representation. The Communist Party of India demands that the principle of Proportional representation must be introduced so that the smallest minorities like the Gorkhas does not go unrepresented.

3. Special Representation & grouping of constituencies :

In view of the extreme backwardness of the Gorkhas and other Hill Tribes living in the District of Darjeeling and with a view to speedily bring them in line with other advanced peoples of India, they must get special representation and the constituencies formed in the following manner:

- (a) Tea Garden Labour : We have seen above that there are 50 tea gardens in the district with a population of over two lakhs of which one lakh are eligible for vote if ADULT SUFFRAGE is introduced. There are 105 Tea Gardens should be grouped in six constituencies of 16 - 17 gardens with 6,250 votes in each so that we get six tea garden labour constituencies and accordingly 6 seats must be reserved for them in the Provincial Legislature.
- (b) Rural Area : Under the present system the whole of the district of Darjeeling is grouped into one single constituency from the Bhutan border in the east to the Nepal border in the west. On the basis of Adult Suffrage there will be over 60,000 voters and they can easily be grouped into two constituencies, Darjeeling and Kurseong sub-Division into one and Kalimpong sub-Division into another. Accordingly in the Provincial Legislature two seats must be reserved for the representation of the rural areas of the district of Darjeeling.

(c) Railway Labour : The number of workers in the Darjeeling Himalayan Railway is 7 thousands and majority of them are Gorkhas who have no right to vote at the present. They cannot be unrepresented in the coming elections in the future. They can easily be grouped into one constituency to be called the Himalayan Railway Labour Constituency and one seat must be reserved for them in the Provincial Legislature.

The rights of the Gorkhas and persons belonging to the resident hill tribes alone to stand as candidates to stand as candidates for elections must be recognized and none but the Gorkhas and resident hillmen shall have the right to stand as candidates for elections. The reasons for this are obvious.

4. Committee of Representatives :

A committee with above nine representatives, to be called the Committee of Representatives, shall be formed to render advice to the Legislature on no Bill in regard to the following subjects shall be passed into Law :

(a) Agriculture (with naturally include agricultural lands), (b) Industries, (c) Tea Industry (which must be completely nationalized), (d) Education and (e) Public Health and Local Self Government. The Committee shall have the right to initiate Bills on the subjects enumerated herein provide the majority of the members of the Committee agree to the same.

The Committee shall elect a Chairman who shall co-ordinate the administration of the district with that of the Province as a whole and shall also be responsible to the people as well as the Provincial Legislature for the administration of the district.

(a) Schools and Colleges : With the view to ameliorating the backward cultural conditions of the Gorkhas and other hill tribes the Communist Party of India demands that more

schools, colleges and one technical institution must be at once opened in the district of Darjeeling.

(b) Grant of Scholarships : The backward hill students do not get any opportunity to develop their intellectual faculties for reasons of their extreme poverty and no provisions have been made so far for their education outside this district and abroad nor any special grant has been made in the Provincial Budget in this respect. The Communist Party of India demands that special scholarships must be granted to deserving students for their education outside the district and abroad and the same shall be arranged through the Committee of Representatives.

(c) Use of Nepali Language and other local Vernacular as medium of instruction in Schools, Colleges and other Public Institutions : Nepali Language must replace English and other languages as medium of instruction in schools and colleges as Nepali, the language of the Gorkhas, is the common language in this district. Local vernaculars such as Tibetan should also be used as medium of instruction in the case of Tibetan students.

NEPALI must also replace English and other languages in the Court, Government Officers and other Public Institutions.

(d) Right to start Newspapers, Periodicals Magazines etc : There cannot be any cultural development of the Gorkhas and other hill tribes if there are no newspapers in the Nepali language to mould public opinion. At present there is only one fortnightly journal called the "Gorkha", the organ of the All-India Gorkha League, coming out of this district. Full facilities must be granted to the Gorkhas and other hill tribes to start daily, weekly and other newspapers in Nepali

and other local Vernaculars and Government must give encouragement in this respect. Existing Press Laws must be rescinded or amended to facilitate the development of newspapers in this district.

PROBLEMS OF THE GORKHAS LIVING IN THE OTHER PARTS OF INDIA

It has already been pointed out that the problem of the Gorkhas is not confined to the district of Darjeeling alone. They live in other parts of India as well, such as Assam, United Province and Punjab in substantial numbers. The Communist Party of India reminds the honourable members of the constituent Assembly that their question cannot be shelved and it must be solved in order to effectively solve the general problem of minorities in India. If the principles of ADULT SUFFRAGE and PROPORTIONAL REPRESENTATION is introduced in the country as a whole, the Gorkhas living in Assam, U.P. Punjab etc., can get representation in the Legislature of the province concerned. The Communist Party of India thinks that the Constituent Assembly can make provisions for their representation so said herein.

If the Gorkhas of Darjeeling district are backward no less but more backward are their brothers, living in other parts of India. The Communist Party of India demands that the Constituent Assembly provisions in the constitution to include all the cultural safeguards in Para (ii) herein above with necessary modifications to suit the conditions of the localities concerned.

The Communist Party of India demands the above safeguards not in a separatist spirit or to encourage separatist tendencies but with a view to rapidly bring the Gorkhas and other backward hill people in line with the advanced people of India so that the dreams of a free and happy India where the general prosperity of all is ensured might be realized in practice. It will be not only surprising but a

supreme tragedy if the main political organization of the country continue the British Imperialist legacy of keeping the Gorkhas and other hill peoples in backwardness and ignorance in a new India of their vision. If they give the Gorkhas encouragement and support in their fight for democracy, self determination and a creation of a single union out of the feudal states of Nepal and Sikkim and the British administered district of Darjeeling as laid down herein above, the Communist Party of India feels sure that the Gorkhas will not only join the All-India Union but will become the best defenders of the common freedom of the peoples of India as a whole. Their superb fighting quality is universally known and if given proper facilities and opportunities for development they will become a cause for India and fear for the enemies of India's freedom. To minimize their importance, to ignore their problems and to spurn their legitimate demand is to play into the hands of India's enemies and their age-long game of Divide and Rule.

The Communist Party of India, therefore, places this memorandum before the Constituent Assembly and the country's main political organization through the Sub-Committee of the Advisory Committee on minorities that has been sent here for gathering reports on the excluded and partially excluded areas. And it hopes that it will receive their due attention and serious consideration.

Sd/- Ratanlal Brahmin M.L.A.
Sd/- G.L. Subba
For DARJEELING DISTRICT COMMITTEE
COMMUNIST PARTY OF INDIA

Submitted on the 6th April, 1947

Copy to : (1) Pandit Jawaharlall Nehru,
Vice-President of Interim Government.
(2) Mr. Liaquat Ali Khan,
Finance Member, Interim Government
Leader of the Muslim League Assembly Party.

Memorandum on the PROBLEMS OF DARJEELING DISTRICT and Neighbouring Areas and Suggestions for their Solution submitted by the ALL INDIA GORKHA LEAGUE.

To,
The Hon'ble Sree Jawaharlal Nehru
Prime Minister of India

Camp : Kalimpong

1. This memorandum summarises the demands made at different times during the last 45 years, firstly by the local organization of the Hill people including Hillmen's Association of which the Lepchas and the Bhutias were enthusiastic supporters, and, in the recent years, by the All India Gorkha League.

HISTORY OF THE DEMANDS

2. (a) As long ago as 1907 before the Morely-Minto Reforms, the leaders of the Hill people of Darjeeling submitted a memorial to the British Government demanding a separate administrative set-up for the District of Darjeeling.

(b) In 1917, a deputation of Hillmen of the district waited on Mr. Montagu, the then Secretary of State for India, and Lord Chelmsford, the then Viceroy, and pressed the demand that in laying down plans for the future, the Government should aim at the creation of a separate unit comprising the present Darjeeling district with the portion of Jalpaiguri district which was annexed from Bhutan in 1865. The possibility of the creation of a still wider North Eastern Frontier Province to include, in addition to this, the Assam Dooars and the Hill territories which lie to the east of Bhutan, whose people have affinity with the Hill people of Darjeeling, was strongly emphasized by the deputation as not

being beyond the scope of practical politics and urged for its explorations.

(c) This demand was reiterated when Simon Commission visited India in 1929.

(d) Before the Govt. of India Act of 1935 was passed on 6th August, 1934, the Hillmen's Association of Darjeeling submitted under the signature of Late Sardar Bahadur S.W. Ladenla, its President, a Memorial to Sir Samuel Hoare, the then Secretary of State for India, demanding ... "that the District of Darjeeling should be totally excluded from Bengal and an independent administrative unit created with an administrator at the head of the area, assisted by the Executive in Council." Memorials making a demand for the same nature were submitted at that time and later on too by Rai Saheb Hari Prasad Pradhan on behalf of the people of the District of Darjeeling.

(e) During the years of the Second Great war when Mr. G.R. Casey was the Governor of Bengal, a Memorial was submitted through the Governor of Bengal and the Viceroy of India, Lord Pethick Lawrence, the then Secretary of State for India, by Sri R. N. Sinha, the then President of the Hillmen's Association, and other prominent members of different communities in which they urged the Government to exclude Darjeeling from the province of Bengal and to create it a separate administrative unit under a Chief Commissioner.

(f) The All India Gorkha League which was organized in 1943 took what it considered to be a more statesman-like view and demanded the district of Darjeeling together with the Dooars section of Jalpaiguri be included in the Province of Assam. This demand was made through Memorials submitted to Pandit Jawaharlal Nehru, Sardar B. Patel, the Congress High Command,

the Cabinet Mission and the Constituent Assembly through the Sub-Committee, Excluded and Partially Excluded Areas.

(g) In a Memorandum submitted at Gangtok to the Hon'ble Dr.B.V. Keskar, Deputy Foreign Minister, the All India Gorkhas League suggested, as an Alternative to their demand for the exclusion of Darjeeling and Dooars in Assam, the creation of a separate province comprising of Darjeeling and Jalpaiguri and the States of Sikkim and Cooch Behar, which would form a viable unit within the Indian Union.

(h) On the 30th October 1949, leaders of different parties from Cooch Behar, Jalpaiguri, Sikkim and Darjeeling met in a Conference at Darjeeling and resolved to demand the creation of a Separate Province comprising of the above areas, and a Committee called Uttara Khand Pradesh Sangh was formed to place the demand before proper authorities. A Memorandum to that effect was submitted to the late Sardar B. Patel, the then Deputy Prime Minister for Home, Information, Broadcasting & States.

It may be made clear here, once again, that the demand for the creation of a New Province has not been motivated by any desire of separatism, nor by the idea of dominance by the Hill people in the Province: for I the proposed Province, out of the total of twenty lakhs of population, the Hill people would number only about five lakhs. All that the Hill people wants is fair voice and share in the administration of the state proposed by them. The Hill people have always been loyal to India and have served her faithfully. They are prepared to lay down their lives as they have done in past for the defence of India. They feel that, with the demands satisfied, they can contribute more fully to the better governance of this region and maintenance of peace in the border area.

THE DEMAND

3. In the demand made by the different bodies of Darjeeling at different times during the last 45 years, one fact stands out clearly, that the Hill people of the district of Darjeeling have never been willing to remain in Bengal. Two generations of the Hill people have in clear terms expressed their will to breakaway from Bengal. Various solutions have been suggested, namely –

- (i) That the district be a Separate Administrative Unit directly administrated by the Centre.
- (ii) That a Separate Province be set up comprising the district of Darjeeling and the neighbouring areas.
- (iii) That the district of Darjeeling with a section of Jalpaiguri viz., the Dooars be included in Assam.

Incidentally some other All India Political Parties have directed their attention to this demand of separation of the district of Darjeeling from Bengal and have advanced proposals of similar nature.

REASONS IN BRIEF

4. The reasons which impelled the people of this district to demand a break-away from West Bengal have been set forth in all the Memorandums above referred to submitted by them from time to time, especially in the last memorandum submitted to the Hon'ble Prime Minister of India and to the Late Sardar B. Patel by and on behalf of the Uttara Khand Sangh, the reason being recapitulated herein below were also submitted to which we respectfully draw Your Excellency's judicious attention.

- (i) Historically speaking, the district never formed a part of Bengal and no king who ruled the plains of Bengal ever had any suzerainty over these areas. It was the fiat of the British Imperialism, which embodied it in Bengal,

the large administrative unit comprising of the whole of Bengal, Bihar, Orissa and part of U.P.

- (ii) Ethnologically speaking, the Mongoloid and semi-Mongoloid races inhabiting the district of Darjeeling and greater part of Jalpaiguri have more affinity with the Hill tribes of Assam than with the people in the plains of Bengal.
- (iii) Geographically the district of Darjeeling, Jalpaiguri and Cooch Behar are completely cutoff from the main body of West Bengal creating inconvenience in matters of large transport and other overland communications which in times of crisis may create serious delays and difficulties.
- (iv) Linguistically, the people residing in the areas in question have greater affinity with Hindi, the Lingua Franca of India, than with the state language and the average student find themselves burdened with too many languages in the curriculum of study.
- (v) As regards matters concerning the administrative inconvenience in the region in question, so long as it forms the part of West Bengal, the strategic importance, the potential wealth and viability of the new Province if created, they are lucidly summarized in the memorandum submitted to Your Excellency by the Uttara Khand Prades Sangh.

5. The demand for separation of Darjeeling District from the Province of Bengal (now the state of West Bengal) has been the main memorialists have suggested three different solutions (above referred) but the authorities that be have not suggested any alternative solutions to meet the demand. Time and again the demand was shelved in the office files but the demand has persisted all along with added sense of injury and neglect. Even

after the attainment of Independence there has been no gesture just and generous and a few instances would substantiate our statement.

- (i) Within a few weeks of the attainment of Independence in September 1947 the Ministry of Dr. P.C. Ghosh abolished the system of nomination of members of District Board and Municipalities throughout West Bengal save and except in the district of Darjeeling. Various representations were made and in a conference with Dr. B.C. Roy, Chief Minister of West Bengal, on 20th Nov. 1948 this question was again raised and in spite of the assurance for the abolition no action has been taken and the system of nomination persists ensuring return of members of certain community to local bodies by way of anti-democratic system of nomination.
- (ii) Time and again for the last thirteen years representations were made demanding the recognition for Nepali as a major language but the demand has not been conceded by the University of Calcutta though the University of Patna has accorded such recognition.
- (iii) The Gorkhas who form the bulk of the population in the North Eastern border of India and who contribute personnel in the Indian Army in a substantial number have been unfairly treated in as much as the original plan for delimitation of North Bengal Parliamentary Constituency which afforded a fair chance for returning a Gorkha member was scrapped and three membered constituency, the only one of its kind in the whole of India, was created out of North Bengal and as a result the Gorkhas who number more than three millions in



India could not have any say in such important matters as the defence of the country and federal legislation.

Recapitulation of such instances of injustice only helps to aggravate the feeling of injury. But escapism is not a permanent solution and philosophical unconcern can not long be pursued by all.

6. It is said that hope triumphs over experience and we have done our best to put our grievance before the proper authorities in approved and constitutional manner. The demand did not originate with the establishment of the All India Gorkha League nor is it made to create confusion in the administration nor with a view to spite other communities. We sincerely believe that in view of events across the northern border, time is now overdue to consider our demand seriously and to adopt one of the three solutions, if other alternatives are not in view, which can lend complete satisfaction.

KALIMPONG
The 29th of April 1952

Sd/-
N.B. Gurung
President
All India Gorkha League