

## CHAPTER III

### Democratic Decentralisation in Sikkim: The Historical Setting

Decentralisation has emerged as a dominant trend in world politics. Looking at the various advantages of decentralisation and to get rid out from the ills of centralised government, many countries around the globe adopted the policy of decentralisation of power from the central to state and to sub-national levels by creating institutional arrangement within the governmental system. Many scholars hold the view that large and centrally administered bureaucracies represent an inefficient and potentially destructive means of allocating resources within society. Two assertions are generally used to substantiate this claim. One argue that central state agencies lack the 'time and place knowledge' to implement policies and programme the reflect people's 'real' needs and preferences. A second and related assertion is that time and place gaps give local officials unlimited ability to distribute resources and extract 'rent' as they see fit (Johnson (2003). Decentralisation of power from the nation's capital to state, district and villages of the state is one of the best arts of good governance that empowers people by enlisting their participation in the development process. The overarching goal of decentralised governance is to promote good governance, strengthen pluralistic democracy and reduce poverty. The decentralisation in Sikkim is thus based on the country's (presently state of India) governance system, administrative structure, social factors and past experiences.

The process of decentralisation and development has a long history in Sikkim and this chapter provides the account of the origin and growth of decentralisation in Sikkim. The chapter is organised into three sections. In section I, we present a brief profile of Sikkim. Section II deals with the Decentralisation efforts undertaken by different Chogyal (Dharmaraja) of Sikkim. Section III provides the post-merger Decentralisation reforms in Sikkim.

#### Section I

##### **Sikkim: A Profile**

Sikkim, an erstwhile Himalayan kingdom became a twenty-second state of Indian Republic in 1975. It is situated in the western part of the Eastern Himalayas and because of its location, the state has a political and strategic importance out of proportion to its size. The state has been hemmed by three international boundaries and a state of West Bengal. In the north and northeast it is bounded by vast stretches of Tibetan plateau, on the east by the Chumbi Valley of Tibet and Bhutan, Nepal on the west and on the south by the Darjeeling district of West Bengal, India. The hill state of Sikkim is located between 27° 00' 46" to 28° 07' 48" north latitude and 88° 00' 58" to 88° 55' 25" east longitudes. It has a total area of 7096 sq. km., measuring approximately 102 kms from north to south and 64 kms from east to west.

##### **Demographic Characteristics**

Sikkim is the least populated state of India. Population wise, Sikkim is the smallest state of India and area wise it is a second smallest state of India. The state has at present a population of 540,493 person with a density of 76 person per sq. km. Of the total

population, the male and female constituted 2.88 lakh and 2.52 lakh respectively. The Scheduled Caste and Scheduled Tribes population accounted for 5.93 per cent and 22.36 per cent respectively. There is 32.98 per cent growth of population compared to the Census of 1991. The percentage of state's urban population in 2001 was 11.06. The sex ratio in Sikkim is 875. The literacy rate of state according to census 2001 is 69.68 per cent (Male 76.73% and Female 61.46 %).

### Climate and Rainfall

The state of Sikkim possesses all kind of climate right from the tropical to the tundras and arctic with considerable variation. M. Choudhury (1998) has classified the climate of Sikkim into six broad types. They are as follows:

1. Sub-Tropical Humid (1500m above mean sea level)
2. Semi-Temperate (1500 to 2000m amsl)
3. Temperate (2000to 3000m amsl)
4. Alpine Snow-Forest (3000 to 4000m amsl)
5. Alpine Meadow or Tundra (above 4000m amsl)
6. Arctic (above 6000m amsl).

Sikkim as a whole enjoys more than average rainfall due to its proximity to Bay of Bengal. The monsoon starts usually in the month of June and continue upto the month of September. The rainfall varies from place to place due to variation in the altitudes. The district wise annual average rainfall is presented in Table 3.1.

Table 3.1: Average Annual Rainfall

District	Average Annual Rainfall
South	220 cms
West	250 cms
East	357 cms
North	330 cms

### Land and Rivers

The state of Sikkim is essentially a mountainous state without a flat piece of land. The whole of sikkimese landscape provides a sweeping panorama of mountains and sky and emerald lakes cupped in the towering folds of rock walls (Grover 1983). The state is covered by various small peaks and ranges which mark the boundary between Sikkim and other country. These ranges contain certain important and strategic passes. The Chola range, which forms the boundary between Sikkim and Tibet has several passes, the most important being the Nathu la (15,000feet) and Jelep la (13,254 feet). Kanchenjunga situated on Sikkim's western border with Nepal dominate the land with its awe-inspiring beauty and majesty and its splendid height of 28,208 feet makes it the third highest mountain in the world. The state, thus, has a varied topography ranging from 800 feet above the sea level at the southern foothills to over 28,208 feet along its northern and north-western boundaries.

The two major rivers of the state are Teesta and Rangeet. The river Teesta about 100 kms long is the longest and broadest river of the state. It is originated from the Cholamu lake situated at the height of 18,000 feet where it is hardly a stream. The river flows in the north-south direction. The valley of the river towards the north of Sikkim are wide and concave shaped, perhaps because of the presence of glaciers millions of years ago, but on moving southwards these valley transform into deep V-shaped gorges (Verma 1999). The main tributaries of river Teesta are Rangeet, Zemu chu, Lonark chu, Lachung chu, Talung chu, Rongi chu, Rangpo chu and Bakeku chu. River Rangeet

originated from Rathong glaciers is the second biggest river in Sikkim. The Rammam, Reshi, Rothak, Kalej are the main tributaries of Rangeet river. The rivers of Sikkim are perennial and are fed by the monsoon rains as well as by the melting of glaciers. These rivers form the main channel of drainage and are the important sources for generation of hydro electric power in the state. The electricity generating potential of the available resource in the state is estimated to be 8,000 MW. A negligible 0.4 per cent of the available current is being utilized as against the 99.6 per cent which is being wasted. The 60 MW Rangeet Hydel Project has been commissioned recently and work has been begun for the Vth Phase of 510 MW Teesta Hydel Project. The power revenue, which was mere Rs. 342.15 lakhs during the year 1993-94, has shot up to 1357 lakhs during the financial year of 2003-04. This being one of the few areas where the state can earn substantial revenue, it is thus imperative that well-planned measures are taken to harness this resources endowment in the most optimum manner.

### Vegetation

Sikkim is well known for its variety of altitudinal and climatic conditions which have created different forest types and corresponding natural shelter and food for varieties of wildlife. S. Sudhakar et al (1998) has classified five broad vegetation types in the state of Sikkim based on climatic and altitude factors. The Table 3.2 indicates the different types of vegetation in Sikkim.

Table 3.2: Classification of Vegetation

Sl	Vegetation	Altitude (in Meter)	Species
1	Tropical Moist Deciduous to Semi-Evergreen Forest	300-900	Sal
2	Sub-Tropical Broad Leave Hill Forest	900-1800	Macaranga, Schima, Eugenia, Sapium, Castanopsis
3	Temperate Forest	1800-2400	Suaga (Hemlock), Acer, Michelia, Juglans, Rhododendron, Ilex, Quercus (oak), Populus Larix
4	Sub-Alpine Forest	2700-3700	Rhododendron, Gaultheria, Ecconymus, Vibrumum, Juniperous, Robus
5	Alpine Forest	3700-4500	Typical meadows/moorlands

### Flora and Fauna

Sikkim, 'the land of leeches', is noted for its gorgeous flora, its picturesque fauna and its gloriously glittering insect world. An outstanding feature of the physical landscape in Sikkim Himalayas is the immense luxuriance and variety of vegetation (Grover1983). The flora in this state lies in three belts, the tropical, temperate and the Alpine. The several varieties of bamboo, ferns, pandanus, orchid, sal etc. are found in the tropical zone. In the temperate zone, the forests of cherry, laurel, oak, Chestnut, maple, firs, pine and magnolia cover the land. The Rhododendron, the glory of Sikkim, is found in an altitude of 8000 feet and above. There are over thirty varieties of rhododendron, which varies in size from mere dwarf some two feet in height to massive tress over 40 feet long. Orchids which are the special features of Sikkim covers more than 320 varieties and more than 20 species of bamboo are found in the state. Primulas found at high altitude add a touch of glorious colour to the sombre grandeur of the lonely mountain sides. Sir J.D. Hooker collected no less than 2,920 out of the 4,000 species of plants enumerated by botanist subsequently (Dozey 1916).

Sikkim is also equally famous for variety of wild animals, bird, butterflies and moths. The Himalayan black bear, the panther, brown bear, barking deer, musk deer, sambar, leopard, goral, tiger, wild boar, Red panda, squirrels are found at different altitudes. There are between 5 to 6 hundred species of birds including the giant eagle with its span of 10 feet from tip to tip of wing are found in Sikkim. The Pheasants, partridges, ducks and the lammergeyer are some of the important varieties of birds.

There are about five hundred varieties of butterflies found in Sikkim. In the catalogue of the Butterflies of Sikkim, published in 1888 by Elwes and Möller, 536 species are enumerated, besides 8 more they were doubtful about (Risley 1894). The moths number fully 2,000 varieties of which the *Attacus atlas* that spans 10 inches across its wings, with its veining of black and pale pink and the Death's-Head are the chief and prettiest. Spiders again, and scorpions add to the wonders of nature. The former is seen almost in every yard casting its net for the unsuspecting fly. Of the scorpions, the whiptail variety and square-headed are fairly common (Dozey 1916).

### **Administration**

The whole state of Sikkim has been divided into four administrative zone and nine sub-divisions. Mangan is the headquarter of north district which is largest in size but sparsely populated as compare to other three districts. The Gangtok situated at an altitude of about 6,000 ft. is the headquarter of East district, the most populous among all the districts. The South and West district has there headquarter at Namchi and Gyalshing respectively. Each administrative zones and sub-divisions is under the supervision of District Collector and Sub-Divisional Magistrate. There are now 24 Block Administrative Centre headed by Block Development Officer in Sikkim. At the village level there are 166 Gram Panchayat Unit with total of 905 wards in whole state.

### **North East Council**

The north eastern region comprises of eight states (including Sikkim) covers an area of around 2,62,500 sq. kms, representing approximately 8 per cent of the total area of the country and has a population of 39.04 million that is around 3.80 per cent of the country's population (Census 2001). The region has a unique geographical configuration as the most of its borders shared with neighbouring countries like China (Tibet), Bhutan, Nepal, Myanmar and Bangladesh. In 8<sup>th</sup> May 1998, Sikkim was made a full-fledged member of the North-Eastern Council- a "Mini Planning Commission" for the region during the meeting of the Chief Ministers of north-eastern states held under the chairmanship of the then Prime Minister, A.B. Vajpayee. Later on it was included on North East states and today the state is availing all the facilities of being a eighth member of north-eastern states. Though the physiography, topography, socio-economic and cultural profiles of Sikkim abundantly bear the stamp of the north-east region but the Government of India took some more times to include it in the family of north-eastern states. The over all features of the north east also characterizing this state would be as relevant as appropriate to view Sikkim in this spectrum. Like other states of north east, Sikkim also shares the constraints and deficits of the North eastern region. It has a very sluggish economic growth, underdevelopment, subdued economic activities, limited tax base, geographical remoteness, inhospitable rugged terrains, poor connectivity with the main land, transportation bottlenecks, low investment and high production costs and human resource and social deficits. It is to mention here that even the capital Gangtok is not connected by rail. The 31-A NH is the one and sole lifeline of the state and it is not even double laned. In order to remove all these constraints and other problems and also to support the infrastructure development projects in the north

east, the Government of India created a Non-lapsable Central Pool of Resources (NLCPR) in 1998. The broad objective of the NLCPR scheme is to ensure speedy development of infrastructure in the north eastern region by increasing the flow of budgetary financing for new infrastructure projects/schemes in the region. Being under the "Special Category" states, all the states of north east including Sikkim are entitled to 90 per cent grant and 10 per cent loan pattern of central assistance.

## Section II

### **Decentralisation under First Chogyal Phuntsog Namgyal (1641-1670)**

The modern history of Sikkim begins with the consecration of Phuntsog Namgyal in 1642 as a first ruler of the country. He was consecrated to the throne in the place called Yuksom by three lamas, viz., Lhatsun Chhembo, Sempah Chhembo and Rigdzin Chhembo. Phuntsog Namgyal, it is said, descended from Raja Indrabodhi, who was at one time ruler of what is today called Himachal Pradesh in northern India (Coelho 1970).

The territories of the Sikkim Raj extended on the north to Tangla (in Tibet); on south as far as Kishenganj in Purnea District (North Bengal); on the west the boundary between Nepal and Sikkim lay in Shingsa, Dagpay, Walung, Yangma, Khangehan, Yurlung, Timar Chotan, Arun and Dud-kosi rivers; on the east, Sikkim held sway up to Tegong-la (Bhutan) (Administrative Report 1932-33 to 1933 34).

Before the consecration of Phuntsog Namgyal as the first Chogyal of Sikkim, there was no organized administration in the country. The country was divided into number of principalities ruled by the chief of different tribes/clan. Each ruler had their own rules based on customs and tradition to regulate the affairs of the village. The Lepchas, for example, had a Chhodu System, Tsong and Mangars had Community Panchayat System. These tribes residing in the country before advent of Chogyal rule have opposed the first Chogyal from capturing and consolidating their principalities. Thus in the initial years of enthronement, it was not all-smooth sailing for Phuntsog. He had to fight intermittently to subdue the tribes that were living in the area. The king therefore had to called a number of meeting especially with the chief of Tsongs and Mangars, for negotiations and in some case had to employed forces to bring these tribes under his fold. Even after capturing their principalities by the Chogyal, the Tsongs and Mangar chief gave a nominal tribute every year and recognised the Chogyal as their king, but otherwise were free to rule as they liked (Kothuran 1983). It was because of this attitudes of kirats chiefs over the king, the first Chogyal was compelled to issue a Royal Proclamation under which chief of Limbuan and other areas were granted the full internal autonomy and allowed them to ruled their district according to their tradition and culture. The first king was engaged under the rubric of legitimating of the system and was actively involved to assert and effective central authority over the areas ruled by tribal chiefs. He was successful in his mission to consolidate the country because of his clever diplomacy coupled with astute political and military manoeuvres. As a result all the people of the country recognized him as a real ruler of the Sikkim. The foreign countries also accorded the recognition to Phuntsog as a real ruler of Sikkim. The Tibetan authorities, Dalai Lama, sent to the "ruler of the sacred land of southern slope" greetings and present consisting of historic sand image of Guru Rimpoche and the mitre of the Guru. This recognition accorded by foreign authorities greatly enhances the prestige of new Chogyal.

The king organised a centralised administrative system in which the royal power came on close to absolutism as is possible in a traditional society with a feudal character. The extent of construction of administrative control was idealized keeping in view the existence or prevalent of centrifugal forces in the country. The central government was strictly supervised and controlled by the king. All powers including the judicial powers are in the hand monarch. As the polity was primitive and single structure performing several functions, there was a very thin boundary between the polity and society, the common features of primitive (and theocratic) society. The main functions of the king therefore confine to the maintenance of law and order, collection of revenue, protection of the country from the enemy, etc. Thus the Chogyal of Sikkim was vested with absolute authority, and the government was operated as if the country were a private estate. All the central level, (the Palace or a Darbar, as it was commonly called) the Chogyal was assisted by one or more officials bearing the designation Chandzoh – the equivalent of a “confidential secretary” in contemporary Sikkimese terminology – and a personal attendant called the Dronyer [literally, “introducer of guest or visitor”] (Rose n.d.).

Considering the vastness of the country, the king constituted one body to assist him in the administration of the country. He therefore constituted a Council of Ministers comprising of 12 members. The council of ministers was act as an advisory body and tendered aid and advice to the king in the day-to-day functioning of the government. They are all responsible directly to the king and functions under the direct supervision of monarch. To run the administration, the king divided the whole of the country into 12 dzongs (districts) and devolves some powers to the officers appointed at the district level. This is the first step to decentralize the power from national to sub-national level. The names of twelve districts are as follows: -

- |                |             |                |
|----------------|-------------|----------------|
| (1) Lassu,     | (2) Dallom, | (3) Yangthang, |
| (4) Gangtok,   | (5) Rhenok, | (6) Barneak,   |
| (7) Tashiding, | (8) Song,   | (9) Libing,    |
| (10) Maling,   | (11) Simik, | (12) Pandom.   |

The Dzong was the unit of district administration during first Chogyal and remained continued for so many years in Sikkim. Each Dzong has one officer called Dzongpon. Hills, forests, ponds, special kind of trees, etc demarcated the boundaries of each Dzongs.

The head of the administration at the Dzong or district level was the Dzongpon. They generally belong to one of the leading families of the country. The chief qualifications demanded of a Dzongpon are adequate wealth, wisdom and popularity. They were appointed directly by the king and held responsible to him. The main functions of Dzongpon are to maintain law and order within Dzong, to collect the rent in kind (or cash) from the cultivators on specified land. They also wield the judicial power to settle the petty cases within their jurisdiction. Thus all the facet of administration in the district is the responsibility of Dzongpon. The Dzongpon, however, exercises their power and functions under the direct supervision of the king or in other word they were subjected to central supervision and control. They cannot work against the wishes of king. Thus, they enjoy little autonomy in decision-making. Moreover, in the course of time, some of the Dzongpons had become so powerful that they do not refer any matter to the king. And in some cases, the authority wielded by the Dzongpons in their respective jurisdictions had become so absolute that even extended to capital

punishment without any reference to the king. These are however the case of exception, otherwise the consent of ruler is necessary before making any final decisions.

The administration of the country was divided into central and regional level. At the central level, Chogyal and his Council of Minister look after the affairs of the government while, the regional or district administration was vested to the Dzongpons. Though, the administration was built on the state centric perspective but (at the same time) the decentralisation formula was devised to delegates some powers to the officers functioning at the regional levels. Further, the king had allowed the functioning of village panchayat system under various names in different parts of the country. Some of this village administrative system, for instance Chhodu system in Dzongu, and community panchayats in Tsongs and Mangar dominated area of the country were older than the Tibetan colonisation of Sikkim. The facts clearly shows that king were equally interested in the decentralisation of power and permitted the functioning of these organisation at the village level.

### **Chhodu System**

The Lepcha of Dzongu has their own system of village administration called as Chhodu- meaning village council. It is consisted of village elders from each household of the locality. Generally, the male members of the family represent the house in the council. The council performs both the administrative and judicial functions. The office bearer of this council was Muktiar, Mandal, Gyapon and Youmi (Chopra 1979). The office of Muktiar was, however, a recent origin. It was established only during the rule of Tenth Chogyal. Before this, there were no Muktiar but only Mandal and Gyapons along with Youmi that constituted the Chhodu. Many changes were introduced in the Dzongu region after the establishment of Chogyal rule in the country. In the process of the consolidation of the country, Dzongu became a part of the Maharaja's private estate and administered by the Kazi, or hereditary ministers appointed by the King, which is unknown figure to the Lepchas. Later on the office of Muktiar was instituted.

Muktiar was the official link between the state and the people and was responsible for the supervision and coordination of the work of all village Mandals. He is superior to the Mandals; he can deal with misdemeanours carrying a fine of not more than Rs. 60, while the Mandals can only deal with fine of Rs. 30 or less; he has to supervise all tax-accounts, and visits each village twice yearly to inspect the fields and see that grain has not been planted in excess of the amount on which tax has been paid; he has also to make a register of births and deaths (Gorer 1967).

Mandal is another important officer in council and it is oldest of all office in the council. He was held responsible for the revenue collection. As a head of the village, Mandal performed many functions. He is the landlord of the village and all the other householders are his tenants. He holds the land under the Maharaja who is the ultimate owner. Mandal is responsible for the maintenance of good law and order in the villages. Beside these administrative functions, he also performs some social and welfare functions. As the Mandal is considered as the father or uncle or elder brother of all the villagers, he therefore has responsibility to arrange the marriages of most of the people. He also looks after everybody's welfare and happiness, giving advice on personal or agricultural matters where they appear needed and acting as intermediary between villagers and the court (Gorer 1967). Under social functions, he also has to look after the orphaned and homeless living within his area of jurisdiction. He has thus performed numerous functions as a head of village and perhaps of their reasons, the office of

mandal carries a certain privileges which other cannot in the village. Some of such privileges enjoyed by mandal are: remission of house and seed tax, the right to free labour, or beti etc.

Originally, the office of mandal is hereditary and when the holder dies, it is given to the next most suitable male in the family. And in the case of mandal dying without a suitable heir, the youmi will Act as substitute until the householders have chosen one of their member to become mandal. Hence, the election of village head rests in the hands of villagers. When a unanimous choice has been decided upon the name will be submitted before the king for confirmation. The chief qualifications demanded of a mandal are wisdom, character, popularity and adequate wealth (Gorer 1967).

Below the mandal, there were two officers in the council. They were Gyapon and Youmi. Both of them assisted the mandal with their advice and efforts in various works. The office of two in some villages is combined in a single holder, and in some they are kept separately and independently. Between the two offices, the office of Youmi is older than Gyapon; for the term Youmi is of lepcha origin while Gyapon is Tibetan term.

Mandal in consultation with village elders nominate the youmi. To become a Youmi, he must be old and experience person. The young men were generally debarred from holding the office. Secondly, he must be ex-gyapon or in other word he must have serve the village in the capacity of gyapon before his nomination as Youmi. Thirdly, he must be social and engaged in such social activities in the villages and finally he must possess the wealth and land. As regard to the functions, Youmi provide assistance to the mandal in their work. Beside this, the offices have comparatively very little work and therefore enjoy little privileges compared to other office in council.

Gyapon, elected from amongst the villagers hold the office for three years. A sort of rota is established in which each householder has hold the office rotationally at three interval of three years. The main functions of gyapon includes: collection of taxes, summoning of all citizens for ceremonies or when collective work for a village (for example bridge or road repairing, or carrying loads) is required, collection of grain from each house for communal ceremonies and the prevention of crime and quarrelling (Gorer 1967). It become quite apparent from the above-mentioned functions of Gyapon that he exercises multiple of functions and all the administrative work of the villages falls on him. Further, it become clear from the functions of the different officers that Chhodu or Village Council has all the administrative, welfare and judicial functions. Administratively, the Council has a power to regulate intra-village affairs and collect the revenue, it provide help to the poor and needy which comes under welfare functions. And in judicial function, Council has power to punish the convicted person, settle the petty cases and impose fine for defaulters.

### **Dzumsa System**

Lachen and Lachung, the two typical village situated in the present north district of Sikkim have their own system of village administration. The villages have their own assembly called 'Dzumsa'. Dzumsa consist of all the heads of family of the villages. In the beginning only a adult male are qualified for the membership of Dzumsa. Later on this restriction has been removed and at present both men and women can become a member of Dzumsa. The meeting of the Dzumsa is held on public hall called as *Mong-khyim* (Dzumsa Ghar). The important officers in the Assembly are Pipons and gyapon.

The pipons are elected by the people of the village. For this, the assembly meets every year where the members of Dzumsa elect two pipon, one Senior Pipon and other Junior Pipon. Originally, both pipons were engaging in local administration but after the establishment of two tiers Panchayati raj system in the state, the senior pipon of the village has been made the member of Zilla Panchayat. In the village of Lachung, there are two blocks viz., Khedum and Lema. Each block at present is comprises of 215 members. Hence from each block they elect one pipon. To elect the pipon, each group held their meeting where they proposed the name of would-be pipon and recommend the name of person to be elected in the Dzumsa meeting. The person supported by the majority of people in the village got elected as pipon in the meeting. Hence, the pipon in Lachung is elected directly by the people of the village. While in Lachen, the lama-a Buddhist priest, play a vital role in the election of pipon. Though people has given the right to elect pipon directly, but the final decision to elect pipon rest in the hand of lama.

In olden days, the office of pipon was however not elective. It was hereditary at first and then there after the King became the appointing authority. At the beginning of the 19<sup>th</sup> century, the office of the pipon was hereditary for seven generation. Macaulay, during his visit to Lachung writes, "The raja appoints a man every year. The present man was appointed three years ago. The pipon has no allowance but great authority. Normally the pipon were elected for the term of one year, but his term of one year may be cut short by using the devise of direct democracy i.e. recall. This method has been used to remove the inefficient pipon from the office if he fails to perform his duty satisfactorily. He is however eligible for reelection.

The chief qualification demanded of a pipon includes; he must be a member of Dzumsa; he must be land revenue payee and possess wealth; he must be a popular person in the village; must be a male member preferably elder one from the family; and he must be able, intelligent and has a good family background.

Dzumsa normally meets once a year. But the pipon may call the meeting of Dzumsa at any time whenever the need for such meeting is arise, as there was no any rule for the frequency of meeting of Dzumsa. The meetings are generally called to conduct the public business, settle disputes between villagers, and now a day to distribute the governmental schemes to the poor. Most of the major decisions are taken in the Dzumsa meeting. The meting covers the cultivation programmes of sowing, harvesting; cutting of hay from community pastures et al. Grazing and seasonal migration and disbursal of government assistance are also discussed in such meetings.

The meeting of Dzumsa is fixed by pipon in consultation with Gyapon and village e;ders. They have their own peculiar method of informing the members about such meeting. Gyapon, an office-bearer of Dzumsa under the direction of Pipon informs the people about the Dzumsa meeting by shouting at the top of his voice from the top of hillock. Being a cluster settlement in both the villages, people live in close proximity and hence what the Gyapon shout from atop hillock could easily be heard by all the inhabitants. The people therefore attend the meeting accordingly. The attendance in the Dzumsa meeting was compulsory in the beginning and the absentees were fined by the pipon. But in course of time the attendance in the meeting was made voluntary and imposition of fine to the absentee has been removed and hence no absentee at present has been fined or punished.

### **Power and Function of Pipon**

Pipon exercise vast powers and performs numerous functions. All the meeting of Dzumsa is fixed convene and presided over by pipon to conduct public business. He is the most important person to administer the day-to-day affairs of villager. All the major decision like division of cultivable land, grazing facilities, harvesting, cutting of hay from community pastures, problem arising from seasonal migration etc., are taken in the Dzumsa meeting. Pipon, with the help of Gyapon also collect government taxes such as land revenue, forest tax grazing tax etc. In ecclesiastical matter the pipon decides and fixes the amount of donation in cash or in kind, to be given by each household to the monastery. Such public donations are required for the performance of 'poojas' and maintenance of 'Gompas' or monasteries (Rai 1994).

The pipon also exercise judicial power. In order to give justice to the villagers, he spent most of his time in the Dzumsa Ghar, where he listens to news, petitions and different complaints from the peoples. All the disputes within the valley will be settled by the pipon with the assistance of Gyapons and village elders. The disputes arising from theft of crops, animals, and related offences are also settled by the pipon. The pipon at first, also try to settle the cases of murder or a serious offences at this level and the matter will be referred to the higher authorities only when he failed to settle in the Dzumsa meeting. Macaulay has also written "if a murder, or a very serious offences were committed the culprit would be taken to the Maharaja, either at Tumlong or Chumbi. Never knew a murder to be committed. Cases of theft were investigated by the body of elders headed by Pipon. If found guilty the culprit is flogged by the Marpa". Pipon has also the power to punish or fined any person convicted in any offences. The nature of punishment and the fine to the convicted persons are also decided by the pipon in consultation with village elders.

### **Gyapon**

Gyapon is another important officer in Dzumsa. He is appointed by the Pipon in consultation with village elders. There are two Gyapons in each village. The main functions of Gyapon are to assist the Pipon in performing their various duties. They Act as messenger or constable to pipon. Gyapon help the pipon in convening the meeting of Dzumsa, in that case he Act as messenger because it is the duty of Gyapon to go atop a hillock and shout at the top of his voice for informing the villagers regarding the date of Dzumsa meeting. The villagers accordingly go to attend the meeting. Besides, there is another body called as Gembo. It is the assembly of few influential village elders and its member were called as Gyemmi. All the members of Gembo are nominated by the pipon from among the influential and active village elders. The function of this body is also to provide help to the pipon in performing different activities in the village.

### **Gaon/Community Panchayat**

Other than Dzongu and Lachen and Lachung, the country settled by Tsongs, Mangar and Nepali/Gorkhas had their own traditional local government known as Goan or Community Panchayat similar to that of panchayat existed in ancient northern India. These tribes were settled mainly in low land areas of the country. They had their own system of village administration. The size of the village varied from 10 to 100 families. The diverse climatic conditions coupled with rugged topography of the country made the settlement quite scattered and the population very sparse.

The village administration was carried on under the village headman known by various name like Gramani, mukhiya or sarpanch. He used to be the leader of the village. The

Gramani or Mukhiya used to be elected in an open meeting of the village by consensus. The village headman has manifold functions that comprised not only the normal civic duties but embraced all conceivable kinds of public affairs, social and religion, administrative and judicial. The land for cultivation was distributed by Sarpanch, which also collected taxes out of the produce and paid the government's share on behalf of the village. The headman directed the villagers to construct wall around the village as a defensive measure against wild animals and surprise raids from outside. The village organisation thus functioned in pre-chogyal time as a centre of community life and used to discharge even such functions as related to internal defense and security. Hence, most decisions that are of importance to the villagers were made by the village headman, usually in consulting with the elders of household.

As the society in Sikkim was purely feudal in nature, there develop gradually a number of feudal lords who occupied a large tract of agricultural land in different part of the country. This led to the division of country into different private estates or illakas. Each illakas was directly under the control of illakadars who looks after the administration of the village. The emergence of illakadars in the country led to transfer of power from existing traditional panchayat to illakadars who wielded both executive and judicial powers previously exercised by the panchayat within the limit of their estates or illakas. For the regulation of intra-village affairs, the Mandals were appointed by the illakadars. The maintenance of law and order and the collection of revenue were the chief functions of Mandal. This centuries old illakas system was reorganized officially in 1906 under Political Officer's Notification No. 2338. The two main object of this Notification was firstly, to recognized the illakas and secondly to define the powers and functions of illakadars. As a result, the illakadars has been vested with manifold functions of both administrative and judicial nature. The clause 2 of the Notification (1906) enumerated the following administrative powers of illakadars:

1. Link between the state government and ryots;
2. Collection of land revenue and house tax;
3. Registration of birth and death in the illakas; and
4. Agent of government at local level.

Besides, the illakadars has the judicial power to try petty cases of cattle trespass, petty land disputes, and debt cases of value not more than Rs. 10.00 with fine to the extent of Rs. 5.00 (cl.2).

The existence of all these traditional institutions (some are even older than chogyal dynasty) even after the consecration of Phuntsog Namgyal as a first ruler of Sikkim has clearly shows that the King was not so opposed to the idea of decentralisation. He established an administration, which encompasses both the element of centralisation and decentralisation. Decentralisation under first ruler was however of deconcentration rather than decentralisation or devolution. The officers at the field level enjoy little or no autonomy under this system. They all exercises their powers and performs their duties directly under the supervision and control of the King. The administrative system started by the first Chogyal continued for many years with little changes in the number of council and Dzongpon in the subsequent years. For instance, the second Chogyal Tensung Namgyal reduced the size of his council to eight councillors chosen from among the highest Bhutias and Lepchas families. In course of time these councilors developed into the all-powerful Kazi (minister) lords of Sikkim (Rahul 1978, Basnet 1974). Except these minor changes, the administrative system established by the first Chogyal remains unchanged in Sikkim till the intrusion of British. The traditional local

self-government system of Dzongu and other remain unaffected until the enactment of Sikkim Panchayat Act 1965. The Act integrated the Chhodu system with the pattern prevalent in the rest of the country. The local self-government prevalent in Lachen and Lachung was however remain continue at present day also. The British ruler though brought major changes in the administrative system of Sikkim also allowed the functioning of this system in these two villages of north Sikkim. J.C. White, the first Political Officer in his visit to these villages observed: 'the two villages of Lamteng in the Lachen and Lachung in the Lachung valley have an unusual and almost communistic government of their own. On every occasion the whole population meet at a "Panchayat", or council, where they sit in a ring in consultation ..... The consequence is everything is done deliberately and much time is wasted in useless discussion, but the system seems to suit the people and I allowed it to be continued with some modification' (White 1909).

The various Act and notification passed and issued by the Government of Sikkim before and after merger to India in subsequent years does not affect the retention of Dzumsa system. One of recent Act passed in 2001 said "the existing system of the traditional institutions of Dzumsas practiced in the two villages of the Lachen and Lachung in the North District of the state shall continue to exist in accordance with the traditional and customary laws of the Dzumsas. Notwithstanding other provisions of the Sikkim Panchayat Act the traditional institutions of the Dzumsas existing in the villages of Lachen and Lachung shall exercise the power and functions as provided under the Act in addition to the powers and functions exercised by them under the existing traditional and customary law" (GOS 2001).

#### **Decentralisation during British Period**

Prior to the advent of British penetration in this Himalayan kingdom of Sikkim, there prevailed in rural areas indigenous village institutions. These institutions were dominated by wealthy and landowning groups and did not derive their structure, role and functions from any statute or written law. They had rather a strong traditional base and functioned according to the prevalent traditions and culture. These institutions serve as a primary unit of administration and village headman Act as a link between the village and the government. The British people though came into contact with the ruler of Sikkim in the beginning of 19<sup>th</sup> century had never come out with any new policy on decentralisation of power either under East India Company or Government of Britain. The basic feudal fabric remained intact. If any thing, it was strengthened under British protection and systematization of revenue collection (Basnet 1974). In the neighbouring country of India, many resolutions and Acts were passed to introduced the decentralised governance in the country especially after the East India Company rule was taken over by Crown in 1858. The Mayo's Resolution of 1870, Ripon's Resolution of 1882, Royal Commission on Decentralisation of 1907 to name a few were some of the initiatives taken by the British Government to established local government in India.

However, one cannot deny the fact that British period in Sikkim, especially after the appointment of J.C. White as a Political Officer has brought a lot of changes in the administrative system of the country and also in the regional and local administration. Sikkim had had the advantages of being administered by the first British Political Officer who did his best to give some sort of shape to the chaotic conditions that had greeted his arrival.

The attention of the East India Company was attracted towards Sikkim due to its strategic importance in the year 1814 when it was involved in a war with Nepal (Aitchison 1909). The Anglo-Gorkha War of 1814-16 ended with the signing of the Treaty of Sugauli. This treaty imposed the restriction on the Gorkha king from invading Sikkim, which greatly relieved the king of Sikkim. A year later a treaty was signed between the British and Sikkim at Titaliya. This treaty was the first ever treaty signed directly between Sikkim and the British. This treaty granted Sikkim not only a protection against the Gorkha invasion but it marked the beginning of the end of Sikkim's independence and initiated the British penetration (Dhamala 1985). As a result of this treaty, Sikkim has to refer each matter of dispute to the Company for arbitration. This gave an opportunity to the British to influence the course of events in the strategic area of Sikkim (Rahul 1978). It was however the Treaty of Tumlong signed in 1861 which ultimately made Sikkim a protectorate of the British, thereby curtailing greatly the power of the Sikkim king both in the matter of internal and external administration of the country. The treaty has thus brought Sikkim under the direct control of the British. The treaty has however failed to define clearly the *de jure* status of Sikkim. Therefore in 1890 the Anglo-Chinese Convention was signed at Calcutta in which the protectorate status of Sikkim was pronounced. The Article 2 of the Convention ran as follows:

“It is admitted that the British Government, whose protectorate over the Sikkim state is hereby recognised, has direct and exclusive control over the internal administration and foreign relations of that state and except through the permission of the British Government neither the ruler of the state nor any of its officials shall have official relations of any kind formal or informal with any other country” (Roa 1972, Bell 1924).

As a sequel to this treaty the *de jure* status of Sikkim as the protectorate of the Government of India had received international sanction (Grover 1974). The treaty also accorded the British the paramount position with regard to internal and external affairs of Sikkim. So much so that even the succession to the throne was in their hand. In 1874, the claim of Thinley Namgyal for succession was thwarted by the British, as they came heavily in favour of Thotub Namgyal. Their choice ultimately prevailed and Thotub was consecrated in 1874. H.H. Risley, who afterwards became the secretary to the Government of India, commented with satisfaction:

‘Not a whisper was heard on the frontier of the remonstrance against this vigorous piece of king making, and Tibet acquiesced silently in an Act which struck at the roots of any claim on her part to exercise a paramount influence in the affairs of the Sikkim state’.

Interestingly, neither the East India Company nor the British Government has annexed Sikkim despite Campbell's suggestion for the partial and full annexation of the country. Rather they were satisfied by making the country as their protectorate. The reason for this non-annexation policy of the British was many and varied. According to Grover (1974) after the Treaty of 1861, the Government of India was in a position to annex Sikkim, but did not contemplate such a step in view of the British disinclination to involve in any conflict with Tibet, which had vague claims over Sikkim (Grover 1974). Secondly, the annexation of Sikkim would result in a ‘long, tedious and most expensive war’ with the Himalayan states like Bhutan and Nepal, since they were likely to make a common cause with Sikkim due to their dread of the “proverbial acquisitiveness” of the British. In order to keep them aloof from the British quarrel with Sikkim, Ashley Eden had to

assure them that the Government of India had no intention to annex Sikkim. In his letter to the Government of Bengal Eden stated thus:

I attribute it entirely to the confidence which was placed in these assurance (i.e. of non-annexation of Sikkim) that the surrounding states held aloof together from the quarrel ..... Had these states not distinctly understood that we were not advancing with any intention of annexation it is impossible to believe that with such a combination of interests, they would have joined to oppose us, if not avowedly at least secretly (Eden 1861).

Thirdly, the Britishers thought that the gains accruing to them by the exploitation of their hold over Sikkim would, in the long run, outweigh whatever little they would have gained by outright annexation. They were not really interested in Sikkim. Their interest lay in Tibet and the Chinese territory beyond. The annexation of Sikkim would have seriously jeopardized their attempts to enter Tibet (Basnet 1974).

The period of active and effective British influence on Sikkim commenced with the establishment of the British Residency in Gangtok under John Claude White, the Political Officer, in the year 1889 (Coelho 1970). This year was very important for Sikkim as all the administrative power of the king was taken away by the Political Officer. The ruler's powers were curtailed to a minimum, all power being exercised by the Political Officer. At the time of his appointment, the administrative structure of the state was not in good shape, which became apparent from the observation of White. He described this period in the following terms:

“Chaos reigned everywhere, there was no revenue system, the Maharaja taking what he required as he wanted it from the people, those nearest the capital having to contribute the largest share, while those more remote had toll taken from them by the local officials in the name of the Raja, though little found its way to him; no court of justice, no police, no public works, no education for the younger generation. The task before him was a difficult one and everything was in my hands” (White 1909).

Thus the appointment of a Political Officer by the British Government of India resulted in a basic reorganization of the administrative structure in Sikkim. More efforts were made to decentralise the power from monarch to the lower level of the officials. One of such measures was the formation of Sikkim State Council in 1890. The Council, at the time of its inception has consisted of five members – four kazis that were known for pro-British proclivities and the lama of Pemionghi. The four kazis were from the estate of Gangtok, Tashiding, Enchey and Rhenock. The Political Officer Act as the president of the council. The Council Act as an advisory body to the Political Officer. In subsequent years, the memberships of the council have been increased and in 1909-10 there were total of seven members in the Council excluding the Political Officer. The names of the members are as follows:

Barmaik kazi, Jerung Dewan, Lasso Kazi, Yangthang kazi, Tasang kazi, Rinzing kazi, Rai Sahib Haridas Pradhan and C.A. Bell, the then Political Officer (Administrative Report 1909-10). The meeting of the Council is presided over by the Political Officer. The council held its meetings as many times as possible. In 1909-10, there were 12 meetings of the Council (ibid 1909-10). As a result of the formation of State Council, most of the cases were settled in the meeting without referring the matter to the king. For example, in the dispute between the Barmaik kazi and Rai Lambodar Pradhan Sahib

over the Namthang land, it was resolved at a meeting of the Council held on 2<sup>nd</sup> June 1909. Similarly, with regard to the resettlement of time-expired leases it was resolved at a meeting of the Council held on the 16<sup>th</sup> August 1909 that lease to kazis should be for 15 years and to other landlords for 10 years at the enhanced rates proposed by His Highness the Maharaja and that these renewals of leases are to take effect from the 1<sup>st</sup> April 1909.

Beside the formation of State Council, various departments were established to carry out the public work. The creation of new department in the state facilitates the delegation of function from the higher level to the lower level. Officers appointed by Political Officers headed the department. They were directly responsible to Political Officer.

Along with the administrative decentralisation, there took place a transfer of judicial power from king to officer posted at state level. By the Notification of the Government of India in the Foreign Department Nos. 1931 I.B. and 1932 I.B. dated the 30<sup>th</sup> September 1909, the Political Officer in Sikkim has been appointed a Justice of Peace within the territories of His Highness the Maharaja of Sikkim and given the powers of a District Magistrate and a Court of Session as described in the code of Criminal Procedure, 1898 (v of 1898). The provision of delegation of judicial power to the Political Officer is also one of the measures adopted for the decentralisation of powers in the country.

The administrative changes introduced by the British Political Officer after 1890 had seriously disrupted the traditional political system. Eventually, a new pattern of regional and local administration emerged in which the Bhutia/Lepcha Kazis and the Nepali Thikadars played the central role, displacing the Dzongpons (district officers) as the main agent of the Sikkim government at the regional level (Leo n.d.). This changes was basically due to the land settlement programmes introduced by the first political officer which brought a substantial changes in the land ownership pattern. The immediate consequence of these changes was that the several kazis families that had supported the Namgyal dynasty in its dispute with the British lost part of their land holdings in the course of the settlement. And the same land was later on distributed to kazis and thikadars who had close ties to the political officer.

For the administration at the local level, the Political Officer in consultation with State Council issued a Notification in 1906. The Notification No. 2338, 1906 for the first time gave the official recognition to the Ellakas system and define the powers and functions of Ellakadars. There were 104 Elakas in Sikkim, of which 11 were managed by Managers appointed on commission by the state. Generally Managers were selected from any of the neighbouring Elakadars and the system of collection of land revenue adopted by these managers is on the same lines as tat of the lessees.

Fifteen Elakas form the Private Estate of His Highness the Maharaja of Sikkim. Five Elakas' land revenue tax goes to the up-keep of the five big monasteries of Sikkim. Of the Elakadars in the state, 21 are "kazis") a term denoting aristocracy in lineage among the Tibetan magnates of Sikkim), six are "Bhutias" (a term applied to all Tibetans of Sikkim who are not kazis). Eight are Lepchas (a tribe said to be the original inhabitant of Sikkim). Thirteen are Nepalese and one a domiciled Plainsman (Administrative Report 1930-31).

For the administration of intra-village affairs, each Elaka was divided into convenient block, headed by a Mandal. The Mandal was appointed by the Elakadars. The ceiling of land that Mandal and Elakadars can hold has also been fixed by government order. According to this, a Mandal of the various blocks of an Elaka may acquire the land up to 30 acres, whilst, the Elakadars can acquire not more than one hundred acres.

The Elakadars, under Notification no. 2338, 1906 were invested with both the administrative and judicial powers. Under administrative powers, the Elakadars were responsible for the collection of revenue with the help of Mandals, of their Elakas which included a fix sum on account of land rent and household tax. As the state does not collect any of its taxes through its departmental agency, hence Elakadars were invested with the power to collect land revenue tax from rayots. These Elakadars or lessees pay to the Sirkar a fixed sum calculated at a rate per acre, which varies according to the conditions of the Elaka leased. It is to mentioned here that formerly tax used to be collected in kind (a system known as *Bisa Panja*), but since very many years practically from the time the State fell under British superintendence in 1887, all taxes are collected in cash. Thus the credit for the introduction of new method of revenue collection goes to first Political Officer, J.C. White.

Secondly, all the Elakadars has to maintain the register of Birth and Death in their Elakas. The Table 3.3 below shows the birth and death registered by the Elakadars during years 1932-33.

Table 3.3: Birth and Death Registration during 1932-33

Class	Male	Female	Total
Birth	316	401	717
Death	367	205	662

Source: Administrative Report 1932-33

Thirdly, Elakadars Act as a link between the government and the ryots and act also as an agent of government at the local level.

Besides, the Elakadars were given the judicial powers to try petty cases of cattle trespass, petty land disputes and debt case of value not exceeding Rs.10.00 with fine to the extent of Rs.5.00. The Elakadars functioned as a magistrate on both his private estates and leased lands, and was responsible for maintaining the local courts and police. As compensation, he retained any fines levied by the court over which he presided.

The Elakadars were divided into four different categories so far as their judicial powers is concerned.

The first category of Elakadars had judicial powers to try ordinary civil and criminal cases and to fine up to Rs.100 or imprisonment for one month within the limit of their Elakas. The powers were vested to either kazis, or lamas or Elakadars for confinement in imprisonment, in the jail at Gangtok.

The second category of Elakadars was conferred with powers to try ordinary civil and criminal cases and to fine up to Rs.50.

Third and fourth categories of Elakadars were invested with powers to try ordinary cases and fine up to Rs.25 and Rs.15 respectively. This judicial power does not cover the British citizens residing in the country. Therefore, in 1910, a separate council in the name of Indian Panchayat was constituted. This Panchayat consists of four Indians, one Nepali and one Sikkimese members. As the majority of the members in the council were Indian, and hence the name Indian Panchayat was given. The president was nominated from four Indian members. The Indian Panchayat was empowered to try petty civil and criminal cases in which British subjects are the defendants (Administrative Report 1910-11).

Elakadars were also invested with the power to arrest and detain in custody for not more than 24 hours any bastiwallas who they had reason to believe were actually leaving the jurisdiction of their Elaka without paying their rents and taxes. But no bastiwallas, paying land rent of Rs.25 and above could be detained by them. All the Elakadars and Managers of Elakas of Sikkim were permitted to sell or attach movable properties of the defaulting bastiwallas to the extent of khazanas due from them. But they should not sell or attach properties of those bastiwallas whose outstanding khazana was less than Rs.10 after payment of greater position of their khazana (Administrative Report 1932-33).

The Elakadar also served as a "forest officers" in their leased areas, and were responsible for the implementation of forest regulations and all costs involved therein. As compensation, they were allowed to retain a certain proportion of all revenue collected from the forest. All registrations of land transactions were also accomplished through the Elakadars, who was paid a fee for this important service.

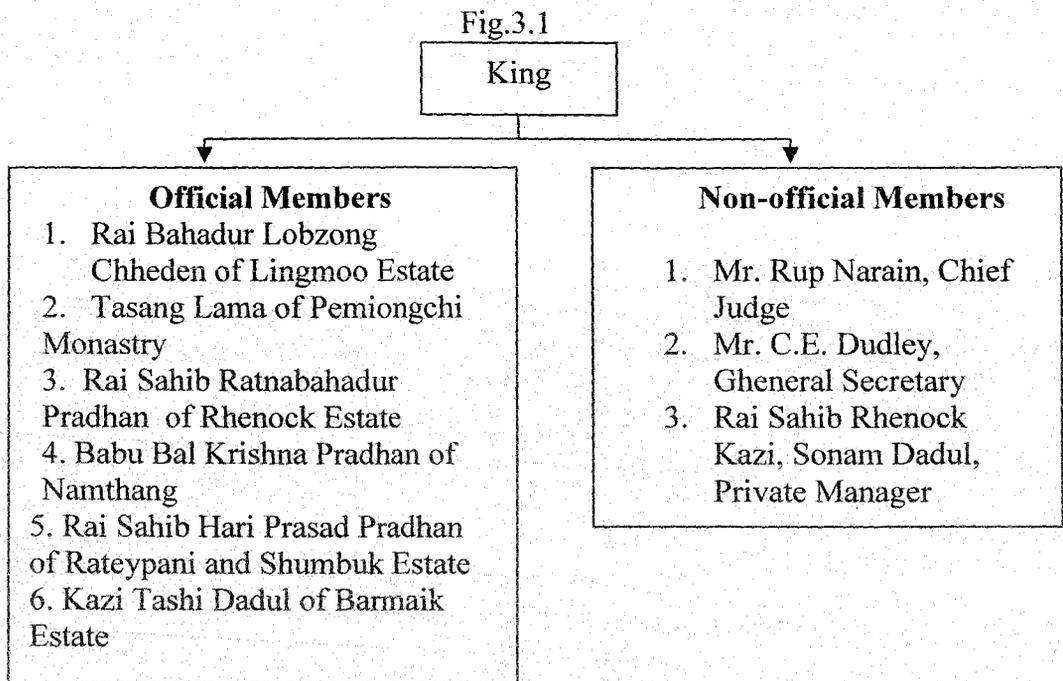
### **Tashi Namgyal, the Eleventh Chogyal and the Decentralisation Efforts**

Tashi Namgyal, Sidkeong's half brother succeeded him in 1914. His succession to the throne "Gaddi" of Sikkim was recognised by the British government on the 19<sup>th</sup> February 1915 (Administrative Report 1931-32). For a time, he was under the tutelage of Sir Charles Bell, who was the then Political Officer in Sikkim. Complete powers were given to the new heir when he became formally the Maharaja in April 1918. Prior to this date the Political Officer was in a large measure responsible for the administration of the state, although in many matters that arose the Maharaja and his Council of kazis were consulted (Coelho 1970). With the accession of Tashi Namgyal to the throne of Sikkim, the British relation with that kingdom entered into a happy period. The Maharaja remained a loyal friend of the British till the end of their rule in India (Roa 1978).

The Chogyal retained the system of administration introduced by the Political Officer in large part after full internal authority had been restored to him in 1918. He however made some reforms both in the structure of administration and the composition of the bureaucracy at the central level. The reforms aimed at restructuring the administrative system of the country also reinvigorate the process of decentralisation.

During his long rule lasting almost 50 years, Tashi Namgyal introduced a number of administrative reforms including the decentralisation move along with the social and economic reforms. As a first measure of reform in the administration, Tashi Namgyal expanded the strength of State Council from 7 to 9 members who were nominated representatives of all interests and of every caste and creed in Sikkim. They are old experienced men drawn from all parts of the country and help the administration with

their sane views and sound advice. The figure 3.1 below shows the personnel of the State Council in 1918.



The Chogyal by including both the officials and non-officials members in the State Council tried to built a link between the ruler and ruled and a sort of coordination was achieved with the secretariat through the appointment of the general secretary and the Chogyal's personal Secretary as Councilors.

Another major initiative in regard to the decentralisation of power was the establishment of Secretariat on the lines of that of Government of India with three Secretaries in 1918.

The Chogyal in order to assist him in the administration of the country appointed at first three secretaries each with jurisdiction over several departments. All the Departments of the administration were worked by three secretaries beside the State Engineer who acts also as a Secretary for the Public Works Department of the state. There is no Chief Secretary. The division of the Departmental work amongst the different secretaries was as under:

General Secretary deals with:

1. Police
2. Arms and Ammunition
3. Land Administration
4. Registration
5. Co-operative Credit Societies (except accounts)
6. Forests
7. Political, i.e. Chamber of Princes etc.
8. Miscellaneous (concerning external dealings such as Posts, telegraph and miscellaneous Government of India Communications etc.)
9. Stationary.

Judicial Secretary deals with:

1. Education
2. Medical including sanitation etc.
3. Ecclesiastical
4. Jails
5. Printing Press
6. Income Tax
7. Excise
8. Bazaars
9. Veterinary
10. Stamps
11. Census
12. Miscellaneous (internal dealings such as Transport etc.

The Financial Secretary deals with:

1. Budget
2. Accounts
3. Audit
4. Leave, salaries, traveling allowance, etc. of all the employees of the state.

Later on, a Home Secretary was added, assuming authority over some of the departments formerly allotted to the general and judicial secretaries.

In addition to the departments headed by the various secretaries, there was a separate forest service and a private secretariat for the Chogyal.

Again in 1949, with the appointment of Dewan, king has delegated some his executive power to Dewan. As a result the Dewan became the sole in charge of administration of the country since 1949.

The formation of Popular Ministry in 1949 was another attempts initiated by the Maharaja to democratize and decentralise government in the country. Before this, King has appointed three Sikkim Congress State leaders as 'Secretaries' in 1948 to associate the newly emerging political forces with the administration. However neither the State Congress nor the Darbar seemed to be prepared to make the kinds of accommodation expected by the other and a major political crisis ensued over the leadership between the party high command and the secretaries. Thus ended the first attempt to 'democratise' the administration in Sikkim (Rose n.d.). A year later, Mahararja in consultation with political officer conceded the popular demand for the formation of an interim government made by the then political parties especially the Sikkim State Congress. The Maharaja invited State Congress president Tashi Tshering to form the ministry. Thus the first popular ministry under the Chief Ministership of Tashi Tshering was formed on 9<sup>th</sup> May 1949. This was the step taken to bring popular elements into the administration. The Ministry was consisted of five Council of Ministers, three were Congress nominee and two Maharaja nominees. This popular government council set up in May 1949 had as its members Tashi Tshering, Reshmi Prasad Alley, Captain Dimik Singh Lepcha, Kazi Dorji Dadul and Chandra Das Rai. The formation of ministry has heralded a new history in the Sikkim's administrative system for this has facilitated the people's representative to participate in the state governmental affairs. The interim government however did not last long due to the difference that cropped up between State Congress and the Maharaja. Later on Maharaja dissolved the interim

government and handed over the administration of the country to Political Officer until the appointment of new Dewan (Prime Minister) J.S. Lall in August 1949.

### **Royal Proclamation 1953 and the State Council**

Tashi Namgyal, in his desire to decentralise power and democratize the various institution has gradually transferred responsibility to the elected representatives of the people. So in 1953 the Maharaja created a Legislative body called the Sikkim State Council under the Royal Proclamation of 23<sup>rd</sup> March 1953. This Proclamation set out the powers of the proposed Sikkim Council as well as the composition and powers of its component, Executive Council. Under this constitution, the executive structures of the state had been built upon the basis of two-fold consideration: partial devolution of authority upon the popular representatives and administrative inexperience of the leaders owing to political backwardness of the people (Bhowmick and Bhattacharya 1974).

The Council that came into being in 1953 consists of a President who is nominated and appointed by His Highness Majaraja and 17 members. Of the 17 members, six Nepalis and six Lepcha-Bhutia were elected members and the Maharaja nominated five members in his own discretion. Proclamation of Maharaja later on increased this number of Council to 20 in 1958. Proclamation of 17<sup>th</sup> March 1958 stated:

“Whereas it is considered desirable in the public interest to modify the arrangements for reservation of seats in the Sikkim Council, it is hereby ordered that the distribution of seats shall hereafter be as follows:

1.	Seats reserved for Bhutias and Lepchas .....	6
2.	Seats reserved for Nepalese .....	6
3.	General Seats .....	1
4.	Seats reserved for the Sangha (Monastery) .....	1
5.	Nomination by His Highness .....	6
6.	Total .....	20

The Council normally met at least twice a year. Section 7 (a) of the State Council and Executive Council Proclamation laid down: “The State Council shall be summoned to meet twice at least in every year, and six months shall not intervene between its last sitting in one session and date appointed for its first sitting in the next session” (Sikkim 1969). The King could however summon the Council at such time and place as he thought fit. He also has a power to prorogue or dissolved the Council. The Council unless dissolved sooner by the king had a term of three years.

The Council under section 13 of the Proclamation was empowered to enact, with the assent of the King, laws for the peace, order and good government of the state. It was also given the power to pass budget in every financial year.

The estimated receipts and expenditure of the state for every financial year were laid before the Council and such estimates were voted upon by the Council. The Council however cannot discuss or deals with matters relating to external relations of the state including relations with India, appointment of the Dewan, matters relating to the Maharaja and the members of the ruling family and the appointment of the members of the judiciary. Further, the State Council has no voting rights on the following expenditures:

1. The civil lists, including expenditure on the household department of the Maharaja;
2. Pay and allowances of the Dewan, the judiciary and officers on deputation from the Government of India; and
3. Secret and discretionary expenditure (sec. 17).

The development budget financed by the Government of India was not placed before the Council.

### **Executive Council**

Executive Council was also constituted along with the State Council. It consists of the Dewan and such numbers of elected members of the State Council as may be appointed by the Maharaja from time to time. All the members were responsible to the Maharaja for the executive and administrative functions and hold office during his pleasure. The Council at the time of its formation has one president and two members. The Dewan was the ex-officio president of Executive Council. The Dewan presided over the meeting of the Executive Council, and in his absence it could be presided by such person as may be appointed in this behalf by the king. In February 1959, membership of Executive Council was increased to five persons. The two councilors were Khasiraj Pradhan and Martam Thopden with former being the senior councilors and Nakul Pradhan, Norbu Wangdi and Chuksam Bhutia were designated deputies. The Senior Executive Councilor having two deputies under him and the later one (Pandit 1967). The object behind the formation of Executive Council by the King was to associate people's representatives in the administration of the country.

According to section 23 of Proclamation, all the members of the Executive Council including the official members shall retire from the office at the commencement of the first session of new State Council but shall be eligible for reappointment.

The Executive Councilors were responsible for the administration of Education, Public Works, Public Health, Excise, Press and Publicity, Transport, Bazaars and Forests. Although, the Executive Council had all the powers over the subjects mentioned above, but in actual practice its powers were greatly limited. The king could veto any decision made by the Executive Council. In fact in most matters the king made the final decision.

The governmental structure during the reign of Tashi Namgyal was presented in Box 3.1.

#### **Box 3.1: Structure of Government**

King: His Highness The Denjong Chogyal Tashi Namgyal  
 President of Council: Mr. Baleshwar Prasad, IAS, Dewan  
 Senior Executive Councilor in charge of Education, Forests, Press, Agriculture and Public Health: Mr. Martam Topden  
 Executive Councilor in charge of Public Works, Bazaar, Excise and Motor Transport: Mr. Nakul Pradhan  
 Deputy Executive Councilors: (1). Mr. Chuksung Bhutia (2) Mr. Bhawajit Mukhia  
 Chief Secretary: Yapa Dorji Dahdul  
 Chief Executive Officer: Mr. P.C. Saxena IAS  
 Ecclesiastical and Establishment Secretary: Yapa Jigdal Densapa  
 Chief Engineer: Rai Bahadur Fakirchand Jali  
 Police Commissioner: Mr. Bajrang Lal, IPS  
 Private Secretary to His Highness: Mr. P.K. Pradhan

*Source: Sikkim: Fact and Figure 1963*

### **Advisory Committee**

The Maharaja issued a Royal Proclamation in February 1959, which while extending wider powers to the Executive Council constituted an Advisory Committee. The Committee comprised of all the five Executive Councilors, three senior Executive Officers of the state and the Dewan as its president. The committee was empowered to discuss all matters of administration, including those subjects held by the Dewan.

### **Dyarchy**

The Royal Proclamation of 1953 has therefore created a diarchical form of government at the central level for the progressive association of the people with the administration of the country. In this arrangement, the functions of government were divided into two groups viz., reserved and transferred subjects. The reserved subjects were administered directly by the secretaries responsible to the Maharaja, while the transferred subjects were placed under the elected members of the Executive Council individually responsible to the State Council. The reserved subject consists of eight items that included;

- (a) Ecclesiastical Affairs
- (b) External Affairs
- (c) State Enterprises
- (d) Home and Police
- (e) Finance
- (f) Land Revenue
- (g) Rationing
- (h) Establishment

The items in the transferred subjects include:

- (a) Education
- (b) Public Health
- (c) Excise
- (d) Press and Publicity
- (e) Transport
- (f) Bazaars
- (g) Forests
- (h) Public Works

The guiding principle of this division was that within the transferred list those departments had been included which required local knowledge and social services, those in which mistakes, if any, would not be beyond the scope of remedy. Departments, which were primarily concerned with law and order, and land revenue, had been kept within the fold of the reserved lists (Bhowmick and Bhattacharya 1974).

### **Reorganisation of Secretariat**

A similar step was taken in the direction of an effective rationalization of the administrative process at the secretariat level. In 1954, post of the Chief Secretary was created to supervise the administration of the reserved departments. Mr. T.D. Densapa was appointed the first Chief Secretary of Sikkim. Similarly, the post of a Development Commissioner was set up and maharaja appointed the Maharaj Kumar Jigdal Tsweang Namgyal to the post. A development secretariat was established to coordinate the development programmes undertaken by the various departments. Other important function of newly established secretariat was to prepare a development plan for the

country. The Development Commissioner and other secretaries functions directly under the supervision of Dewan and Chief Secretary. The Commissioner functions in close collaboration with the heads of the several departments. The reorganization of secretariat greatly contributed the process of decentralisation as this measures led to the transferred of power and functions from the king to the officers working at the secretariat level independently of the ruler.

### **Planning**

The King initiated the formulation of plan for the development of the country in 1954. Planning process has contributed a great deal to the evolution of a broad national consensus on the basic objectives, strategies and design of our development policies and growth. Planning substitutes order for chaos and introduce rationality into decision-making process (Goel and Rajneesh 2003). The idea of planned development to stimulate Sikkim's economy was the outcome of Indian Prime Minister Nehru's first visit to Gangtok in April of 1952 (Coelho 1970). The Maharaja with the help from the expert of Indian Planning Commission drafted a Seven-Year economic development plan for the period 1954-1961. Although the plan was originally timed to take effect from 1954, actual implementation commenced from 1955, as the first year was spent mainly in preparation and recruitment of personnel (Sikkim 1958). In this matter, Sikkim was ahead of Bhutan because in Bhutan the first plan was started only in 1961. The king introduced the Sikkim development Plan on March 15, 1955 with the following words:

“It gives me great pleasure to introduce the Sikkim Development Plan to my people. The Government of India had kindly agreed after the Prime Minister of India's visit to Sikkim in 1952, to assist Sikkim with funds for the implementation of her Development Schemes. My Government had, accordingly, prepared a plan for the development of Sikkim, involving an expenditure of 2<sup>1/4</sup> crores rupees during the seven years period 1954-61 and the Government of India have intimated their agreement to make financial grants to cover its entire expenditure”.

Undertaking a programme on such vast scale naturally presented its own problems – the main being the availability of financial resources and acute shortage of trained manpower (Coelho 1970). The Government of India for the implementation of the first plan provided both financial and technical assistance. A total outlay of Rs.32.369 million was spent on this plan period (Sikkim 1963). This did not include amount spent directly by the Government of India for the extension of the national highway to northern and eastern Sikkim, as these projects were carried out by the Indian Border Roads Organisation and charged to Indian exchequer.

The enthusiasm generated by the successful implementation of the Seven Year Plan encouraged the Maharaja to formulate a bigger and more ambitious second plan. The Second Five Year Plan covering the period 1961-66 was then drafted and approved. A total sum of Rs.82.03 millions was spent during the period 1961-66. The break up of the allocation for the plan (Table 3.4) was as follows:

Table 3.4: Sector wise Allocation of Plan (1961-66)

Sl. No.	Items	Indian Rs.(in millions)
1.	Agriculture	Rs. 04.62
2.	Minor Irrigation	Rs. 00.53
3.	Animal Husbandry	Rs. 02.45
4.	Dairying	Rs. 00.20
5.	Forests	Rs. 07.01
6.	Soil Conservation	Rs. 00.50
7.	Fisheries	Rs. 00.04
8.	Co-operatives	Rs. 00.93
9.	Power Projects	Rs. 05.00
10.	Cottage Industries	Rs. 01.15
11.	Other Industries	Rs. 03.00
12.	Roads (including Bridges)	Rs. 30.00
13.	Road Transport	Rs. 04.75
14.	Tourism	Rs. 00.75
15.	Education	Rs. 09.80
16.	Medical & Public Health	Rs. 07.20
17.	Housing	Rs. 00.70
18.	Publicity	Rs. 00.45
19.	Cultural Activities	Rs. 00.15
20.	Government Press	Rs. 00.60
21.	Marketing Centers	Rs. 00.20
22.	Others	Rs. 02.00
Total		Rs. 82.03

Source: *Sikkim: Fact and Figure, 1963*

The two important plans were introduced for the all round development of the country during the reign of Tashi Namgyal. The plans at the same times facilitate the transferred of powers from higher level to lower as the implementation of the projects were vested to the officers at the field level. The various departments were made the implementing agency and project has been distributed to the department according to the nature of works. Further, the Development Committee has also been constituted to associate the people both in the formulation and the implementation of the various projects. The Committee was constituted in order to bring about greater participation of the people in nation-building activities. The king has repeatedly stressed the fact that the cooperation of people was necessary for effective implementation of programmes. The King while introducing the Development Plan emphasize on the importance of peoples' participation in the following words:

“I would now earnestly call upon my people to set themselves, with purpose and determination, to the fulfillment of this great adventure. I am confident that, with the implementation of the plan, we shall have advanced far towards achieving the welfare and happiness of the people. Its effective implementation will depend, primarily, on the support and cooperation of every single person in Sikkim. This support and cooperation will, I know be forthcoming, unstintingly from all my people”.

Thus by introducing the development plan in the country, the Maharaja Tashi Namgyal made an effort to decentralize powers from the Durbar to the Secretariat and to the local levels. The formation of State Council, reorganization of Secretariat, introduction

of Development Plan at the higher level were the some of the major reforms initiated by the Maharaja to associate people in the administration of the country.

### **District and Local Administration**

The long and enlightened rule of Tashi Namgyal for nearly 50 years witnessed many changes in the local administration of the country. The Sikkim Government has issued a Notification No. 3054-254/PS dated 24<sup>th</sup> January 1948 to constituted a Panchayat Tribunal, with a view to decentralize the power to the local body and to associate the people in the administration. The Panchayat consist of a landlord and four villagers of the estate. The mode of selection of the Panchayat was laid down in clause 5 of the Notification. According to this, (a) the Mandal would ask their block people in a meeting called for the purpose to select four persons to represent the block in final selection;

(b) the four member of the panchayat would be then selected in a meeting of block representatives.

To be eligible for the membership, a person

- (i) must have completed the age of 22 years;
- (ii) must be literate (in some vernacular language);
- (iii) must be a land revenue tax payee which was not less than Rs.15.

The conviction for an offence of moral turpitude would be a disqualification for the membership (Dhamala 1985).

The Panchayat Tribunals was invested with civil powers to hear suits up to a value of Rs.100 only. The criminal jurisdiction were extended to petty offences like affray, spreading disease, fouling water, simple hurt, theft and misappropriation and criminal breach of trust of money amounting to less than Rs.10, mischief to property and person, insult and abuse and misconduct by a drunken person. The Panchayat were also empowered to inflict sentence of fine to the extent of Rs. 25 value.

The powers and the functions of the Panchayat Tribunal were reaffirmed when the Maharaja issued a fresh notification (No. 1669-1769/LF) in May 25<sup>th</sup> 1948. During this period, similar initiative were taken by the native states of British India for the establishment of Village Panchayats. By 1948, twenty-five native states had Village Panchayat Acts, the earliest being the Cochin Panchayat Regulations Act of 1919 and the last one, the Jaipur Village Panchayat Act 1948 (Mathew 1994).

The establishment of decentralised governance gained further momentum when the different political parties especially of Sikkim State Congress made a demand for the 'formation of panchayat and transfer of powers from landlords to village panchayat' (Pradhan 1970). The independence of India from the British rule and the establishment of popular government in some states encouraged this organisation to come together with different demands. At the same time, the Government of India issued a press release in 1950 where Government clearly stated their intension to increase the association of the Sikkimese people with government. It further said that step would be taken immediately to institute a village panchayat system on an elective basis within the state. This is an essential and effective process of education in the art of popular government and it is the intention that these panchayats should in due course, elect a council for the state whose functions and area of responsibility will be progressively enlarged (GoI 1950). On March 1950, the Maharaja of Sikkim signed the Indo-Sikkim Treaty at Gangtok where both the parties agreed on progressive association of the

people with the governance of the state and for that purpose the formation of village panchayats at the local level on elective basis (Bhowmick and Dhamala 1982). A year later, the Maharaja issued a Notification for the establishment of Village Panchayat throughout the state. As a result, the Local Area Panchayat came into existence in 1951 vide Sikkim Darbar Gazette Notification dated 5<sup>th</sup> August 1951, superseding the earlier Notification No. 1669-1769/LF dated 25<sup>th</sup> May 1948 of the Darbar.

As per the Notification, the members of the Local area Panchayat were elected directly by the people of the village, however, the approval of the Darbar was necessary for the confirmation of elected members. Any persons who attained the age of 21 and above can contest the panchayat election. Only the land revenue tax payee, however were eligible for the membership of panchayat. Besides, person interested to contest the election must be a resident of that area for at least 12 month prior to the electoral date. It was also provided that candidates, proposers and seconders must be bonafide voters of the area. All the elected members enjoyed the term of three years.

The Sarpanch of the Panchayat were elected from amongst the members. Thus to elect Sarpanch and Mukhia, the senior most Mandal of village convened the meeting of all the elected members and chose one of the member as the Sarpanch of Panchayat. In the same meeting, the Mukhia was also elected. Sarpanch preside the meeting of panchayat and was responsible for all transaction of the business of the panchayat. To maintain the quorum the presence of four members out of five was mandatory in every meeting. All the major decision and resolutions taken in the meeting was to be submitted to the Tashildars within a week.

The Local Area Panchayat were invested with following functions:

1. Establishment of primary schools in conformity with Government's regulation, set up amenities such as travelers rest house, wayside benches etc;
2. Maintenance and repair of village path with the cooperation and assistance of the villagers;
3. It was also the functions of panchayat to set up cattle pounds at convenient places and assess damage to crops by stray animals;
4. In the judicial matters, the panchayat have jurisdiction in civil cases only (cl.8).

The Notification has no any provision for fiscal decentralisation, as the Local Area Panchayat had no power to levy any taxes. All the panchayats therefore depend on the grant-in-aid sanction by the Darbar to meet their expenses.

It become clear from the above discussion that except financial power, the Local Area Panchayat constituted under Darbar Notification of 1951 has been entrusted with all the development and welfare functions as well as judicial functions. Panchayat exercises all these functions under the supervision of the king and Tashildars. Further under cl.9 (a) of the Notification, the Darbar had the power to disapprove any of the resolution and no action will be taken thereof and cl.9(b) empowered the Darbar to remove any member of the Local Area Panchayat. However before removing, the members was given a chance to be heard. If the Darbar was not satisfied with the explanation given it had powers to remove. Further the power of supersession and dissolution of panchayat was also in the hand of Darbar.

The election to the Local Area Panchayat was held in 1951. Out of total 52 blocks, the election was held in only 44 blocks. Consequently, 44 panchayats were elected; 18

from East Sikkim and 26 from West Sikkim (Wangdi 1970). It is pertinent to mention here that in 1951, there was only two Teshils (districts) in Sikkim viz., Eastern Sikkim with Gangtok as headquarter and Western Sikkim with Namchi as headquarter. The Sikkim National Party boycotted the election that was held in 1951 on the ground that no safeguard was given to the indigenous population. This arose conflicts and open hostility to the design of decentralisation. This tend to support the view taken by Conyers that the introduction of some sort of decentralisation reforms is evitably complex because of the many different factors and interests involved and in particular, because of its highly political nature (Conyers 1985).

### **District Administration**

The Maharaja Tashi Namgyal also reorganized the regional and district administration to make it viable unit to devolve the administrative power to the lower level of the administration. On coming to the throne in 1914 and after complete restoration of administration in 1918 the Maharaja introduces a number of reforms for the modernization of administration both at the national and local level. One such reform was the land reforms and organization of district administration.

The land reforms initiative undertaken by the Government of Sikkim under maharaja Tashi Namgyal led to the division of country in 1949 into two Teshils (district) viz. East Sikkim and West Sikkim with headquarters at Gangtok and Namchi respectively. Subsequently, a sub-teshil was set up for northern Sikkim also. This measure on the other hand created an office located far away from the capital, which created enabling environment for transfer of power from Darbar to district level. The main object in establishing Teshils was that people should obtain quick redress and settlement by the nearest available responsible authority. Further the possible reason for this was the creation of more suitable agencies for decentralisation of power for the implementation of development programmes and the efficient administration of local area. Each district was kept under the supervision of officer called the Teshildar (District Officer). The Tashildar were empowered to conduct most of the functions previously allocated to the lessee landlords, revenue collector, judicial magistrate and registrar of land transactions (Sikkim 1949b).

The Tashildar in the performance of his duty is assisted by a number of officials appointed by the Sikkim Darbar. The officers include a Deputy Development Officer, an Extension Officer, a Revenue Inspector, and officer deputed to the district level by the various departments of the Secretariat.

The teshils which was established on September 1, 1949 was comprises of following members:

- (j) East Sikkim at Gangtok  
Tashildar: Mr. D. Dahdul  
Revenue Inspector: Pahalman Gurung  
Account Clerk: Manbir Singh of Rationing office
- (ii) West Sikkim at Namchi  
Tashildar: Mr. A.S. Dewan  
Revenue Inspector: Kazi Yeshey Wangchuk  
Account Clerk: K.B. Bhandari (Sikkim 1949).

The Tashildars as a head of the Teshil (district) exercises revenue, magisterial and executive functions.

### Revenue Functions

Tashildar was the collectors of revenue. As the head of the revenue administration of the Teshil, Tashildar maintained the records and accounts of the khazana or land tax, received and collected tax and credited it to the State Account. It was also the duty of Tashildars to maintain the account separately for each estate to identify the bustiwallas. He also checked the demand and collection register against counter foils of receipts, initially 10 per cent of the entries and would cross check receipts given to bustiwallas against the register of demand and collection whenever possible while on tour. So far as collection was concerned it was the prime responsibility of Tashildars to see that it was done promptly, efficiently and sympathetically.

### Magisterial Functions

Tashildars act as the Magistrate of the Teshil and also the head of the district police unit. They were appointed as Magistrate of the second class in term of 32 of the Criminal Procedure Code of India. They were empowered to pass sentence of imprisonment for a term not exceeding six months and fine not exceeding two hundred rupees. He also look after the cases of defaulter of payment and impose the fine accordingly. The complaint and police charge sheet was filed directly in the courts of Tashildar. Besides, the Tashildar had the power to inspect the records and working of Honorary Courts at least once a quarter and had to submit their reports to the Dewan.

### Executive Functions

In the executive functions, Tashildar Act as the sub-registrar with their jurisdiction. Thus all the work of registration at the teshil has been done exclusively by Tashildars. Besides, it was the functions of Tashildars to verify and grant the applications for royalty free use of timber in the forests. The Tashildars however has (a) no power to heard the criminal cases in which they are related to one or other or both of the parties; (b) registration case pertaining to their own land or in which their relatives may be parties on either side (Sikkim 1950). Except these limitations, the Tashildars exercises wide variety of functions and powers, encompassing virtually all aspects of administration in his area.

Teshil, for the purpose of land revenue collection, was divided in to number of estates, which in turn were sub-divided into blocks. There were 108 estates in Sikkim, divided into three categories:

(1) Government Estates that include leased land areas as well as the Private estates of the kazi and Thikadar families .....	90
(2) Monastic Estates .....	05
(3) Royal Family Estates .....	13
Total.....	108

Of these, the government estates were divided into blocks, which was consisted of one village or a number of villages according to customary practice. The Mandal was the head of the block and act as the agent of government. His main function was collection of revenue. *Karbari* assisted Mandal in the collection of land revenue in the villages. The Mandal retained seven percent of the revenue collected as his compensation. His subordinate, the *Karbari* was not given official recognition by the government, and his

compensation comes out of the Mandal's share of the revenue. In 1951, there were approximately three hundred Mandals in Sikkim. The introduction of the panchayat system however reduced their position of village headmen and functions as an ex-officio member of the panchayat.

It became clear from the above discussion that the people of the country witnessed a various political and administrative reforms during the long rule of Maharaja Tashi Namgyal. The formation of popular ministry in 1949, creation of post of Chief Secretary, formation of State Council and Executive Council in 1953, introduction of Development Plan in 1955 to name a few were important reforms brought to reorganized the central administration. Similarly at the local level, the reforms includes constitution of Panchayat Tribunal in 1948, division of country into two Teshil in 1949, creation of office of District Officers, establishment of Local Area Panchayats in 1951 and et al. All these efforts initiated by the Maharaja were noteworthy to decentralise the state power and authority to the institution located at sub-national level for the expansion of the base of the society to participate in decision-making processes.

### **Palden Thondup Namgyal and Decentralisation**

The Maharaja Palden Thondup Namgyal, twelfth in Namgyal dynasty succeeded his august father Tashi Namgyal in 1963. However, the actual coronation took place only on the 4<sup>th</sup> April 1965 (Sikkim Coronation n.d.). Born on May 22, 1923, Palden Thondup Namgyal had started taking as active interest in the administration of his country at very early stage and had soon become the principal advisor of the late Maharaja in judicial and executive matters. As a principal advisor of his father he was instrumental in effecting many administrative reforms. Thus he ascended the throne of Sikkim with considerable political and administrative experience (Grover 1974).

Soon after the formal accession to the throne in 1965, the king began a process of both political and administrative decentralisation. The State Council set up by the Royal Proclamation of 1953 has been rechristened as Sikkim Council in 1966. Sikkim Council symbolized the Legislative branch of the Sikkimese administration. In the process, king first enlarged the membership of State Council to twenty-four and the elected seats were raised to eighteen. The number of Lepcha-Bhutia and Nepalese seats was raised to seven each. Three members were to be elected by General Constituency of which one was to be a general seat, one from the scheduled caste and another from the Tsongs. One member was to be elected by the electoral college of the Sangha belonging to the monasteries recognized by the Chogyal (Sikkim 1966).

The election to Sikkim Council was held in March 1967. For the purpose of this election the whole of the country was divided into five territorial constituencies with distribution of seats as follows (Table 3.5):

**Table 3.5: Distribution of Seats in Sikkim Council (1967)**

Constituency	Lepcha-Bhutia seats	Nepalese Seats	Total
Gangtok Town	1	1	2
East	2	1	3
South	1	2	3
West	1	2	3
North	2	1	3
Total	7	7	14

Source: Basnet(1974)

The Executive Council a component of Sikkim Council was also enlarged to six members with no deputies in 1970. The powers and functions of the council however remain unchanged. The object of raising the number of members both in the Sikkim Council and its component was to provide adequate representation of people in the decision-making process. In fact, the Executive Council symbolized the policy of associating people's representatives in the administration of the country. The party position in the Executive Council in 1970 was as follows (Table 3.6):

Table 3.6: Party Position in Executive Council (1970)

Name of Political Party	No. of Representatives
National Party	3
State Congress	2
National Congress	1
Total	6

Martam Topden was designated as senior Executive Councilor. The other Councilors were Ashok Tshering Bhutia and Harka Bahadur Basnet of National Party, Nakul Pradhan and Kalu Rai of State Congress and Kazi Lhendup Dorji of the National Congress (Basnet 1974).

The Sikkim Council and the Executive Council exercises almost all the powers given to them by the Royal Proclamation of 1953. The Executive Councilors were held individually responsible for their respective departments to the Council. So far as legislative power is concerned, the Executive Councilors were authorized to legislate on transferred subjects. Any such proposal should unanimously be passed in the Executive council as far as possible and in case of difference of opinion the matter should be referred to the king for final order. In case of difference of opinion between the President and the Executive Councilors, the President would refer the matter to the king for final decision.

In regards to financial power, the Maharaja fixed the power of the Executive and Deputy Executive Councilors to grant expenditure. According to this the Executive Councilors could spend Rs.500 and the Deputy Executive Councilors could spend Rs.100. But this power was to be exercised in respect of duly authorized item of expenditure for which there was budget provision. In June 1967, the King approved certain Rules of Business for the Executive Council and powers for the Executive Councilors. The Rules enhanced the financial power of Executive Councilor under which they are authorized to sanction expenditure not exceeding Rs. 5000 and the Deputy Councilor were authorized to sanction expenditure not exceeding Rs.2500 in each individual case as grants other than contingent grant and maintenance of vehicles grant.

### **Legislative Assembly**

This Council continued to work as an advisory body to the Maharaja till the formation of Legislative Assembly in 1973. The Tripartite Agreement signed in Gangtok on May 8, 1973 by the Government of India, the Chogyal and the leaders of three political parties heralded a new beginning in the administrative history of Sikkim. The powers of the Maharaja have been transferred to the popularly elected Assembly and the king was made a constitutional head of the state. It has been laid down in the agreement that there shall be an assembly in Sikkim and the Assembly shall be elected for four years directly by the people. The effective power within the state has therefore been vested

with the people. The agreement sets out the broad principles on which the future constitution of the state will be based. The rule of law and the fundamental rights are assured to the people.

The Assembly under May 1973 agreement has the power to propose laws and adopt resolutions for the matters enumerated below:

1. Education
2. Public Health
3. Excise
4. Bazaars
5. Press and Publicity
6. Transport
7. Forests
8. Public Works
9. Agriculture
10. Food Supplies
11. Economic and Social Planning including State Enterprises
12. Home and Establishment
13. Finance and
14. Land Revenue.

The Assembly has however no power to discuss on the following;

- (a) The chogyal and the members of the ruling party;
- (b) Any matter pending before the court of law
- (c) The appointment of the Chief Executive and members of the judiciary; and
- (d) Any matter which concerns for responsibilities of the Government of India under this agreement or under any other agreement between India and Sikkim.

The establishment of popular Assembly in the country led to the delegation of executive and legislative powers to the elected representatives of the people.

### **Advisory Council**

The Maharaja P.T. Namgyal constituted the 15 members Advisory Council with five representatives each from the three political parties. Of these the king nominated five members. The Council was formed to assist the Chief Executive in running the day-to-day administration of the country. Three important political parties that constituted the Council were Sikkim National Congress, Sikkim National Party and Sikkim Janta Congress.

The Sikkim National Congress was represented by Kazi Lhendup Dorji, C.S. Roy, D.P. Rajalim, Rinzing Lepcha and K.B. Khatiwada.

The members from Sikkim National Party were Kunzang Dorji, Niba Tezing, Bahadur Lepcha, Harka Bahaur Basnet and Thendup Tshering.

K.C. Pradhan, B.B. Gurung, B.P. Dahal, R.C. Poudyal and Dugo Bhutia were the representatives of Sikkim Janta Congress.

### **Chief Executive**

The Chief Executive was the main person who assists the king in performing the administrative works. Earlier the post was designated as Principal Administrative Officer and prior to it as Dewan (1949-63). This designation was changed to Chief Executive during the reign of P.T. Namgyal. Till 1972, the incumbent was designated as Sidlon. Article 7 of the Agreement (1973) stipulated "to head the administration in Sikkim there shall be a Chief Executive who shall be appointed by Chogyal on the nomination of the Government of India. The Chief Executive discharges all the function of king in his absence. The Chief Executive also acted as ex-officio president of both the Assembly and the Executive Council. The Chief Executive appointed to head the administration of the country has all the powers necessary for the discharge of his functions and responsibilities and exercise his powers as per the provision of 1973 Agreement in the following manner;

1. With respect to matters allocated to a member of the Executive Council, he shall Act in consultation with the member to whom administrative functions in this regard have been allocated.
2. He has to submit all important matters to the Chogyal for his information and his approval of the action proposed to be taken except where immediate action is required. In the latter case, he has to obtain the Chogyal's approval as soon after the action has been taken as possible.
3. He has a special responsibility to ensure the proper implementation of the constitutional and administrative changes in Sikkim, the smooth and efficient running of its administration, the continued enjoyment of basic rights and fundamental freedoms by all sections of the population of Sikkim, and the optimum utilisation for the benefit of the people of Sikkim of the funds allocated for the economic and social development of Sikkim.
4. In cases involving amity between the various sections of the population of Sikkim, or the development of democratic government and efficient administration in Sikkim, any difference of opinion between him and the chogyal has to refer to the political officer in Sikkim, who in turn obtained the advice of Government of India. The advice given by the Government is binding.

The major changes were effected at the secretariat level during the Palden Thondup Namgyal period. All the administrative powers enjoyed by the king have been transferred to the secretariat headed by a Chief Secretary. In 1973, Mr. T.S. Gyaltsen was the Chief Secretary of Sikkim. Several departments have been created to carry out the developmental functions in the country. The departments like Finance, Panchayats, Land revenue, Education, Public Works, Law and Order was established with Secretary as it in charge. Some of the departments were kept in charge of Directors instead of Secretary. For example, there was a Director of Education, Director of Health Service to name a few. They all work under the direction and supervision of the Chief Secretary. The Chief Secretary was also the head of the District Administrative system functioning through District Officers.

The power and functions of the Development Commissioner has been enhanced. His main function was to prepare development plan and assess progress in relation to planning. He functions in close collaboration with the heads of the several departments. In another measures for reorganization of secretariat, the office of Superintendent of Police was redesignated as Police Commissioner. There were Conservator of Forests, Financial Advisor and Chief Accounts Officer. A new Department of Audit and Accounts was established in 1971, with the post of an Auditor General in the rank of Secretary to the Government (Bereh 2001).

### **District Administration**

The country was divided into four districts to facilitate the decentralisation of powers. They were northern, eastern, southern and western with their headquarters at Mangan, Gangtok, Namchi and Gyalshing respectively (Table 3.7).

Table 3.7: Division of Country: Districtwise

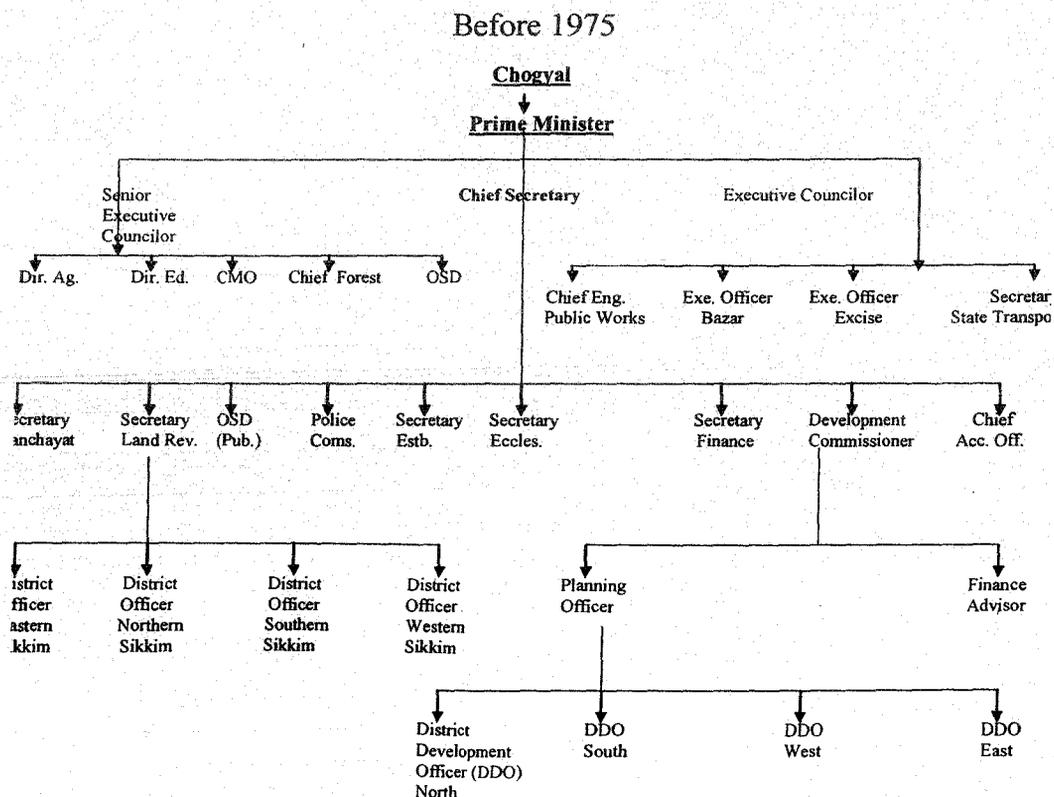
Sl. No.	District	Headquarter
1.	North	Mangan
2.	East	Gangtok
3.	South	Namchi
4.	West	Gyalshing

District Officer appointed by the king served each district. He was responsible for the district administration. The District Officer was also act as a Magistrate, Deputy Development Officer and Inspector of Land Revenue. The main responsibilities of the District Officer were:

1. to act as link between king and the district administration;
2. to ensure law and order in the district;
3. to draw a plan for integrated socio-economic development of the region;
4. provide good and efficient administration;
5. to coordinate and implement the economic development programmes.

In the performance of these responsibilities, the District Officer was assisted by number of officers appointed at the district office. All other officers work directly under the supervision and control of the District Officer. Due to the reorganization of the central administration in 1960s and early 1970, such as establishment of secretariat with Chief Secretary at the top and other secretaries, the formation of council and later on Assembly with broad legislative and executive powers in 1973 etc. generated basic changes in the district administration. Previously, the district officers had reported directly to the Darbar but after this reorganization, they come under the jurisdiction of the Secretary, Land Revenue (Fig. 3.2)

Fig. 3.2: Organizational Structure of Administration in Sikkim



Source: Rose. (n.d.)

## **Village Administration**

For the promotion of decentralisation in the country, the Maharaja P.T. Namgyal in 1965 constituted the village panchayat in the entire blocks. The establishment of panchayats was initiated by the king to provide additional institutional bodies at the local level to make the people at the grassroot more politically conscious and to associate them in the decision making with the government in the development and in nation building.

As the period from the mid 1950s to the early 1960s was period which was characterized by the establishment of local government in a number of countries. Many leading ideas on local governments emerged during this period (Lalitha 2004). The writings of Hicks (1961) and Maddick (1963)) exemplify this trend. They dwell at length on the advantages and disadvantages of decentralised system of governments, the various forms, which they may take, and their organisation and management (Sundaram 1997). With these developments around the world, the king of Sikkim has also started the measures of decentralisation in the country. The king envisions that the previous ascriptive system without decentralizing power might endanger the Sikkim as an independent state. The king therefore enacted Panchayat legislation in 1965 to consolidate and amend the laws relating to panchayats in the state with the objective of good village administration and implementation of development programmes ensuring participation of all communities at the village level (Sikkim 1965). This measure heralded the beginning of new chapter in the history of decentralised governance in Sikkim. The comprehensive panchayat Act was enacted with two main objectives; democratic decentralisation and rural development. The panchayats constituted under this Act continued till the enactment of new Panchayat Raj Act in 1982.

The Sikkim Panchayat Act that came into force in December 1965 stipulated a single tier panchayat system with Block Panchayat at the village level. The Block Sabha for an area consist of adult, being Sikkim Subjects who was 21 years of age and who pay land revenue or local tax to the Government for the landed property or house owned in their names (cl.5).

The Block Sabha elected from among its members Executive Committee called the Block Panchayat. The election was not contested on a party or political platform. (Cl.6 (1)). The Block Panchayat consists of five members besides the Mandals of the Block Sabha area who was the ex-officio members having the same rights and duties as any elected members. The president, vice-president and the secretary of the block panchayat were elected from among its own members for three years. The Panchayat meeting, which had to be held at least once a month, was presided by the president and in his absence by the vice-president.

The provision had been made under clause 6 (2) of the Act to ensure proper representation of the minority community in the block panchayat, According to this, "wherever 10 per cent or more of the members of any Block Sabha belong to the minority community and no member belonging to that community or less than one for every 10 per cent thereof has been elected to the Block Panchayat, one additional member for every 10 per cent or part thereof of the total population of that community has been nominated by the Sikkim Government". This was, however, not apply in cases the minority is more than 40 per cent of the total population and the numbers of members from such minority, both elected and nominated members exercise same rights and performs same functions as the elected members.

The Block Panchayat constituted under this Act enjoyed a wide range of functions that covers both development and welfare functions. The clause 11 (1) of the Act enumerates sixteen different functions of Block Panchayat. They were as follows:

- (a) Planned improvement of agriculture, establishment and management of model agricultural farms, crop experiments to secure minimum standard of cultivation and construction of compost pits;
- (b) Promotion of dairy farming, poultry, piggery, improvement of cattle and cattle breeding;
- (c) Organisation of community programme for soil conservation and tree planting, embankment against floods, petty irrigation works etc.;
- (d) Construction of public latrine, sanitation, health hygiene and conservancy;
- (e) Maternity and child welfare;
- (f) Promotion of cottage industries and cooperatives;
- (g) Construction and maintenance of roads, bridge and drains;
- (h) Construction, repair and maintenance of school buildings;
- (i) Taking preventive and remedial measures connected with epidemics;
- (j) Cultural and social development activities;
- (k) Maintenance of burning and burial grounds;
- (l) Recording of birth, death and marriages;
- (m) Recommendations for improvement of Gorucharan, khasmal and primary schools
- (n) Rural water supply and programme of minimum rural amenities including construction of approach roads linking each village to the nearest road;
- (o) Management of primary schools;
- (p) Woks programme for the full utilisation of manpower resources for rural areas and other such matters as may from time to time be referred to it by the District Officer.

It was clear from the long list of functions that the Act of 1965 not only extended the panchayats role in development activities, but also provided it with certain executives functions which previously had been the responsibility of the Mandal or some district officers. Further, the clause 12 of the Act empowered the Block Panchayat to settle all the disputes other than criminal offences in their meetings through mutual agreement.

In the matter of finance, the Act provided a list of sources of revenue to Block Panchayat. The sources of revenue permitted to the Block Panchayat were:

1. The entire local rate (house tax) from respective blocks;
2. A share determined by the Government out of a sum representing 10 per cent of the land revenue collected by the government;
3. A matching grant by the Darbar for an original scheme for which public contribution had been collected by the block; and
4. Sanitation and water cess when such services were provided by the Block Panchayat to the public from its resources. The panchayat were also given the power to prepare the budget and supplementary estimate, if any. However, the budget prepared by the panchayats had to be submitted to the District Panchayat officer for his/her scrutiny.

This shows clearly that the Block Panchayats had been assigned with numerous duties and functions to be performed at grass root level. The Act devolves both the functions and finance to the panchayat. Despite these devolution, the Act at the same time, empowered the state Government to control and supervise the activities of Block Panchayat, This was accomplished through a number of procedures. The Act gave the

chief Secretary, the Panchayat Secretary and any other officer the 'general power of inspection, supervision and control over the performance of the administrative duties of a Block Panchayat (cl.17). The District Officer was also granted wide powers over Block Panchayat and could suspend or cancel any order, notice or resolution issued by the panchayats. Further, the government had the power to dissolve or supersede for a one-year period any block panchayat that in its opinion had defaulted in its duties or abuses its power.

Notwithstanding of these limitations, the establishment of Block Panchayat was an important step taken by the king in the direction of the creation of a viable local administrative system at the rural areas. This had expedited the process of decentralisation in the country and more and more functions had been transferred to the panchayats. All the village administration was carried out through the panchayats established since 1965. Earlier, the Mandals of the villages were given certain powers so that they could be the custodians of law and order. Besides their legitimate duties connected with land revenue, the Mandals were to help the Government in all matters pertaining to development and welfare schemes in their blocks (Bareh 2001).

The first panchayat election under the Act of 1965 was held in 1966. There were 213 panchayat units in Sikkim. The Table 3.8 below shows the district wise break up of panchayat in the country in 1965.

Table 3.8: District wise break up of Panchayats in 1965

Sl. No.	District	No. of Panchayats
1.	South	66
2.	West	60
3.	East	68
4.	North	19
Total		213

Source: Sikkim Darbar Gazette Dec. 24, 1965

The election was held only in 142 block panchayats out of 213. Of these, the members of 71 units were elected unopposed. For the first time, two ladies contested the election and were elected as members of the panchayat (Wangdi 1970). This was the first instance in the history of political participation of women in the decision-making processes.

The Block Panchayat constituted by the Act of 1965 was continued till the enactment of new Panchayati Raj Act in 1982. During this period four elections were held in 1966, 1969, 1972 and 1976. The election was conducted regularly at the interval of three years as the Act of 1965 fixed the term of panchayat for three years. However, the major defect of the election systems was the absence of the principle of universal adult franchise. Only the land revenue payee could be the electorate or candidates. This has restricted the popular participation in the political system.

### Department of Panchayat

Another initiative on the decentralisation of power during the period of Maharaja P.T. Namgyal was the creation of Panchayat Department in 1966. The Department was organised especially to promote the grass roots institution at the local level and to make them viable unit of democratic decentralisation in the state. Thus the full-fledged department was set up with Mr. Tashi Chhopel as the first secretary. The Panchayat

Secretary was assisted in his jobs by four Deputy Development Officers who were ex-officio District Panchayat Officers and the District Officers in the four district of Sikkim.

### Bazaar Committee Act 1969

The Government of Sikkim enacted the Bazaar Committee Act in 1969 for the establishment and administration of the Bazaar areas. The main objective behind this Act was the delegation of power to the officers working at the bazaar area. The Government of Sikkim by notification declares any area to be a Bazaar area. Under Section 2(1) of the Act, there were seven such bazaar areas in 1969. The Table 3.9 shows the district wise distribution of Bazaar area in Sikkim in 1969.

Table 3.9: District wise distribution of Bazar Area (1969)

Sl. No.	District	Bazaar Area
1	East Sikkim	Gangtok including Deorali
2.	East Sikkim	Singtam
3.	East Sikkim	Rangpo
4.	West Sikkim	Gyalsing
5.	South Sikkim	Namchi
6.	South Sikkim	Jorethang including Nayabazar
7.	North Sikkim	Mangan

Source: Sikkim (1969)

The Committee comprises of six members i.e., a chairman and five members. Of these five members, two were elected from Sikkim subjects and two from non-Sikkim subjects residing in that area. The king nominated one person as a member who exercises same rights and discharges the same duties as any elected member. The District Officer in his absence the Deputy Development Officer acts as the ex-officio chairman of a Bazaar Committee. The committee appoints its own secretary from amongst its members.

The committee was elected for the term of three years but the term of committee may be extended, superseded or dissolved earlier.

The committee meets once in every month but the chairman may call a special meeting if there was a requisition in writing by not less than three members of the committee, or the Executive Officer. The District Officer and in his absence by the Deputy Development Officer presided the meeting of Bazaar committee. The chairman and three members form the quorum of committee meeting.

The Bazaar Committee under section 9 of the Act entrusted with such duties and functions relating to health, welfare and amenities of the residents of the Bazaar area. Some of important functions are as follows:

1. Construction, maintenance, repair, improvement and cleansing of roads, bridges, squares, gardens, tanks, ghats, wells, channels, drains, latrine and urinals within a bazaar area;
2. Planting trees, bamboos and flowers;
3. Maintenance of water supply and the lighting and watering of roads;
4. Erection and maintenance of public halls, offices and other buildings required for the purpose of the bazaar committee.

5. Maintenance of market;
6. Acquiring and keeping of open spaces for the promotion of physical exercise and recreation;
7. Establishment and maintenance of free public libraries and reading rooms;
8. Taking precautionary measures against incidents of fire;
9. Provision of burial and cremation grounds;
10. Construction and maintenance of Dharmasala; and
11. Other works of public utility calculated to promote the health, comfort or convenience of the inhabitants.

The Bazaar Committee has also been vested with power to levy taxes on water and conservancy and cattle pounds fees within its area.

The Panchayat Secretary, the Executive Officer, Bazaar and such other officers have the general power of inspections, supervision and control over the performance of the administrative duties of a Bazaar Committee.

The Bazaar Committee Act that was enacted in 1969 to associate the people residing in the bazaar area in the management of local affairs has been repealed by the Sikkim (Repeal and Miscellaneous Provisions) Act 1985.

### **Section III**

#### **Decentralisation Reforms in Post-merger Period in Sikkim**

##### **The Government of Sikkim Act 1974**

The king set the tiny but the strategically located Himalayan kingdom into a new era as full-fledged democracy on July 4, 1974, when he signed the Government of Sikkim Bill 1974 which transfers much of his powers to the newly elected representatives of the people. After the promulgation of the Government of Sikkim Act, the first popular ministry was installed when a five member Sikkim Congress Ministry led by Kazi Lhendup Dorji was sworn in at Gangtok on 23<sup>rd</sup> July 1974 (Rao 1978). The other four ministers were Mr. K.C. Pradhan, Mr. Rinzing Lepcha, Mr. B.P. Dahal, and Mr. Dorji Tshering. This has ultimately led to the end of 300 years old feudal rule in Sikkim. The Act provided for a popularly elected Assembly and Council of Minister to run the administration of the state, which had shifted the centre of power from king to the people. Immediately after the installation of popular ministry, the chief minister of Sikkim made two formal request to the Government of India to take such steps as may be legally or constitutionally necessary to give effect to the Government of Sikkim Act 1974 and the resolution passed by the Assembly and particularly for providing for representation for the people of Sikkim in Parliament (Rao 1978). Consequent upon these request, the Government of India passed 35<sup>th</sup> Amendment Act in 1974 which accorded Sikkim the status of 'Associate' State of India. Though Sikkim was a protectorate of India prior to its admission as an Associate State by and under the Constitution (35<sup>th</sup> Amendment) Act, 1974 and later under 36<sup>th</sup> Amendment Act 1975 Sikkim was made a full-fledged state of the Union of India.

Another major development in this period was the abolition of the institution of chogyal. On 10<sup>th</sup> April 1975, the Sikkim Assembly met and unanimously passed a resolution demanding removal of the chogyal and the merger with India. The resolution declared that the Assembly had satisfied itself that the activities of the Chogyal not only

violated the objectives of the Agreement of 8 May 1973, but also ran counter to the wishes of the people of Sikkim and impeded their democratic development and participation in the political and economic life of India. Accordingly the Assembly solemnly declared and resolved that "the institution of the chogyal is hereby abolished and Sikkim shall henceforth be a constituent unit of India, enjoying a democratic and fully responsible government". A referendum was also organised on 14<sup>th</sup> April 1975 to seek the public opinion on the resolution adopted by the Assembly. The result went overwhelmingly in favour of the resolution. The Government of India also accepted the resolution and decided to amend the Constitution to confer on Sikkim the status of a full-fledged state. Accordingly the Amendment Bill was introduced in Parliament and passed by Lok Sabha on 23 April and by Rajya Sabha on 26 April 1975. On 16<sup>th</sup> May 1975 the President assented the 36<sup>th</sup> Constitution Amendment Bill and Sikkim formally become the 22<sup>nd</sup> state of the Indian Union.

The merger inaugurated a new age and new political system in Sikkim. The Sikkim adopted the parliamentary type of government that was prevalent also in other Indian states. The state thus has a Governor as a head of the government and Chief Minister as the head of the Government. The then Chief Executive Mr. B.B. Lall assumed the office of the Governor of Sikkim with effect from the 16<sup>th</sup> May 1975. Kazi Lhendup Dorji was appointed as the Chief Minister of Sikkim. Under new dispensation, the members of the Assembly were elected directly by the people. They all served for a period of five years. The executive authority in theory was vested on a Governor but in practice it was Chief Minister and the council of ministers that exercises the real executive authority.

Sikkim immediately after the merger adopted unicameral legislative system in the name of Sikkim Legislative Assembly. The Assembly has 32 members and was directly elected by the people on the basis of 'one man one vote' and universal adult franchise. Until 1979, the Sikkim Legislative Assembly was based on the mandate of 1974 election and the members were allowed to continue soon after Sikkim's merger with India. All 32 members in the Assembly were from Sikkim Congress.

The newly formed popular government under the chief ministership of Lhendup Dorji has started various reforms in the system of governance. The council of Ministers was constituted and given the independent charge of department. The Council is destined to run the day-to-day affairs of governance. The Chief Minister and his cabinet handled all the executive functions, each minister being in charge of the administration of the department allotted to his care. The Council of Ministers takes all important policy decisions concerning the governance of the state. A cabinet minister heads each secretariat department. Thus the ministers not only are the political heads but by virtue of their being responsible for all actions of the departments assume the overall politico-administrative leadership and role.

The decentralisation of administration was the one of the important election manifesto of Sikkim Congress. Hence after the formation of government, they initiated the change in the governance of the state to devolve the administrative power. The election manifesto of the Sikkim Congress states that: "the decentralisation of the administration is a sine quo non for the achievement of a true and successful democracy without which the aspiration of the Sikkimese people for democracy can never be satisfactory fulfilled. As such, the Sikkim Congress stresses the need for the establishment of the

institution of local self-government in Sikkim. Towards the achievement of this, the Sikkim Congress has the following programmes:

- (a) The establishment of a Municipality in Gangtok;
- (b) Introduction of true and comprehensive panchayats system suitable to the genius of country and people.

### **State Secretariat**

The State secretariat was reorganized in line with the secretariat of other Indian states. The term 'Secretariat' is used to refer to the complex of departments whose heads, administratively are secretaries and politically, Ministers. It is the highest office of the government in the state located in the state's capital.

The secretariat is divided into a number of administrative departments. A department exists as a hierarchy of a small number of officers with the secretary at the top of the pyramid structures. The hierarchy generally consists of the Secretary, Joint Secretary, Deputy Secretary, and Under Secretary. Besides, there are some Special and Additional Secretaries in some departments of the secretariat.

At the head of the secretariat was the chief secretary supported by secretaries in the major departments. The departments were organised and rules framed for the conduct of government business. The responsibilities of different departments were demarcated and functional duties of official streamlined.

The Divisional Commissioner also has his office in the secretariat. There was also a Development Commissioner for the state to draw up development programmes and assess the progress of planning and execution. The secretaries and other officers work directly under the supervision of chief secretary. Some of the important functions of Chief Secretary are as follows:

1. He is the principal advisor to the Chief Minister.
2. He exercises general supervision and control over the entire secretariat.
3. As chief of all the secretaries, he presides over a large number of committees and is a member of several others.
4. He acts as a link between the state government and the central or other state governments.
5. He receives on behalf of state government all important and confidential communications from the Government of India.

### **District Administration**

The district has been the basic unit of administration. The chamber's Dictionary defines a district as a 'Sub-division of a division' while according to the Oxford Dictionary a district is a 'territory marked off for special administrative purpose'. The whole state of Sikkim is divided into four districts both for the sake of administrative convenience and decentralization of authority below the state. The state has therefore four districts viz, South, West, East and North with their head quarters at Namchi, Gyalshing, Gangtok and Mangan respectively. Each district comes under the administrative control of the District collector. He is the representative of the central government who implement faithfully and with full enthusiasm laid down policies of government. He belongs to Indian Administrative Service, but some times state government may appoint senior most officers from the state civil service as District Collector. Being a head of revenue administration in the district, he and his staffs principal duty is to collect land revenue in the district. Besides, the revenue function of the collector includes

- (a) control over land record establishment;
- (b) assessment of losses to crop and recommendation of relief during natural calamities;
- (c) all matter relating to land records;
- (d) land acquisition work;
- (e) collecting and furnishing multifarious agrarian statistics regarding rainfall, crops; etc.;
- (f) supervision of treasury and sub-treasuries (Maheswari 1968).

He is also responsible for proper maintenance of accounts and safe custody of land records. The designation District Magistrate is given to the Collector in view of his responsibilities in maintenance of law and order in the district. The problem of public peace and tranquility is huge and complex basically in a democratic country like ours where people of all sections in the name of rights keep ready themselves for agitational means to force all those authorities responsible to meet their demands (Khan 1997). Therefore the law and order is central for the functioning of district administration. All departments of the district work under his general control and supervision. In order to carry out duties of different nature he is being assisted by other magistrate subordinate to him.

The District Magistrate has been empowered to oversee police investigation. He and his subordinate magistrate are concerned with the "processes involved in these investigations, including particularly the identification of suspected persons, confession and dying statements, identification of property..." The magistrate makes a number of systematic inspections including visit to police stations, examination of police diaries and other records, and inspection of police staff. During the time of their tours in the district they are expected to make local inquiries about the general state of law and order, the incidence of crime, the work of the police and any complaints by the people (Khera 1964).

S.R. Maheshwari has listed in brief the functions of the District Magistrate in the following manner:

1. Control and supervision of the subordinate magistracy, to order magisterial postings during festivals;
2. Promulgation of orders whenever there is any danger of breach of public peace and tranquility;
3. Disposal of all the petitions and miscellaneous general complaints received from the government and others;
4. Making jail inspections and expeditions disposal of cases of under trials prisoners;
5. Submitting an Annual Criminal Report to the Government ;
6. Supervision and control over local bodies and municipal boards
7. Control and supervision of election work in the district (Maheswari 1968).

The District Collector is assisted by sub-ordinate officer in carrying out these important functions, For the sake of administration, entire area of district has been divided into sub-divisions. At present there are nine subdivisions in Sikkim. They are Gangtok, Pakyong and Rongli in East Sikkim, Soreng and Gyalshing in West Sikkim, Namchi and Ravangla in South Sikkim and Mangan and Chungthang in North Sikkim. Each sub division has officer called Sub-Division Magistrate (SDM). All officers of sub divisional office work under the direct supervision of SDM. Being a higher officer a

responsibility falls upon him is to hear appeal against all those revenue cases decided by his sub-ordinate officials. Besides, the SDM exercises all the functions what the collector exercise at the district. Thus, the creation of sub-division in the state facilitates the decentralization of power from district to sub-division. Many functions that were earlier exercise by the collector have been transferred to the SDM.

At the block level, the Block Administrative Centre (BAC) has been created recently to promote further decentralization in the state. The main object for the establishment of BAC was to provide additional institutional bodies to make the people at the grassroots level of decision making with the government in the development process. The main objective of establishing BACs was to promote further decentralization by taking the decision making process to the village level and to develop greater political consciousness among the people. At present there are 24 BAC in Sikkim.

The Block Development Officer (BDO) is the head of the BAC. He was assisted by a team of Extension Officers for different fields of work: agriculture, animal husbandry, irrigation, public works, panchayats, public health, education, industries, and welfare. The idea of a team of extension officers from different departments functioning at the block level under the BDO was considered essential for (i) achieving the basic objectives of the CDP and (ii) to reduce the problems of coordination (Venkatesan 2002). All functionaries transferred to BAC from different line departments have to functions under the administrative control of the BDO. The BDO has been assigned with following duties:

- (1) He has to attend to administrative duties, with a special eye on coordination of the efforts of the Block Staff.
- (2) He is the principal link between the Block agency and the higher levels of administration to presence the unity and team character of the Block organization.
- (3) He assesses the needs and resources of the Block and formulates plans at the family, village and block levels, in consultation with technical experts and popular institutions like panchayats and cooperatives.
- (4) To settle all departmental rivalries and ensure cooperation among them.
- (5) To prepare the Block-Budget and organize supplies and services required by the rural people to put into effect the recommendation of the extension officers (Jayapalan 2001).

### **Village Administration**

At the village level, the Block Panchayats constituted by the Act of 1965 continued to exist even after the merger of Sikkim to India. Despite the election promises of further decentralization of power and revitalization of village panchayats, no any measures were adopted by the Kazi Lendup Dorji's Government in this respect. In 1979, the Assembly election was conducted. And this was the first election in Sikkim which was conducted under the direction of the Election Commission of India and the Constitution of India. Sikkim Janta Parishad founded and led by Shri Nar Bahadur Bhandari won the election with absolute majority. Having committed to provide a better administration, he realized that devolution of power to the people through panchyati raj institutions is a must for the development of rural Sikkim without which nothing could be achieved. Immediately after the assumption of office of chief minister, Janta Parishad Government enacted the panchyati raj legislation to revitalise the existing panchayats system and devolve more authority to local bodies.

The 1970s and early 1980s have been marked by two significant changes in development scenario. Firstly, many nation-states in Asia and Africa attained independence and shifted their priority from centralization to decentralization as means of national development for achieving a variety of development. Secondly, the period marked the third Development Decade of the UN when the ideas of growth with equity merged along with emphasis on rural development, poverty alleviation, basic needs, employment and quality life (Lalitha 2004). These developments around the world necessitated many countries for reorganization of the process of planning and development administration through the transfer of power from higher to lower level.

Thus the imperative for decentralization has emerged from the following conversing forces:

- (a) Disillusionment with the results of control planning and control of development activities.
- (b) The implicit need for participatory management of development programmes to conform to the "growth with equity" strategy of the 1970s and
- (c) The realization that, with expansion of government activities and resulting complexity, it is different to plan and administer all development activities from the centre (Rondinelli & Cheema 1983).

Decentralisation can be justified in many grounds. These include the belief that popular participation is essential if projects are to be realistic and receive local support. There is also the conviction that centralized making of decisions and over-tight controls are inherently inefficient, especially in conditions where communications and transport facilities are poor, the levels of poverty and illiteracy are high and the people sharply divided along linguistic, ethnic and cultural lines (Kasfir 1993). This justification on decentralization is also applicable to some extent in state like Sikkim where the rate of literacy and communications facilities was not satisfactory at that time. Thus, the Government of Sikkim thought that without decentralization, it is not possible for the state to progress in the path of development. This has resulted to the passing on new legislation The Panchayat Raj Act 1982 as a measure for decentralization.

In Sikkim, when the Sikkim Janta Parishad came to power in 1979, there was a revival of interest for strengthening panchayati raj system with genuine transfer of powers and functions. The Ashok Mehta Committee Report came in as handy for government to introduce reform measures. The government was successful in its maiden attempts to decentralise the power to the local bodies. By enacting Sikkim Panchayat Act 1982, a new era of Panchayati Raj began in the history of decentralised governance in the state. The Chief Minister Bhandari has stressed the need for strengthening panchayat raj institution so that the basic structure at grass root level could play a meaningful and powerful role to deal with the day-to-day problems of the rural areas (Bhandari 1989).

The establishment of two-tier Panchayati raj system, direct election, five years term, nomination of SC/ST and women members among other thing are some of the important features of new Act. The 1982 Act provided for a directly elected body corporate both at the Gram Panchayat and the Zilla Panchayat levels. The Gram Panchayat members were directly elected by the people. For the Constitution of Gram Panchayat, a Gram is divided into a number of wards ranging from 5 to 9. The voters of each ward elect from among themselves their ward members. The members along with the Sabhapati and Up-Sabhapati constituted a Gram Panchayat. The Act also provided for the nomination of scheduled caste and tribes and women member if they fail to get elected (cl.108). All members of the Panchayats enjoy the term of five year as against

three under 1965 Act. The Gram Panchayat elects one of its members as a sabhapati and another as up-sabhapati. The sabhapati of Gram Panchayat has been invested with following powers and duties:

1. To preside and regulate the meeting of the Gram Panchayat.
2. To maintain records and registers of the Gram Panchayat.
3. To exercise supervision and control over the acts done and action taken by the members of the Gram Panchayat and such officers and other employees whose services may be placed at the disposal of the Gram Panchayat by the State Government.
4. Operate jointly with the sachiva of the Gram Panchayat the fund of the Gram Panchayat including authorization of payment, issue of cheques and refunds.
5. Issue receipts under his signature for money received by him on behalf of the Gram Panchayat.
6. Cause preparation of all statement and reports required by or under this act;
7. Exercise such other powers, perform such other functions and discharge such other duties delegated by the state government (sec.16).

As regard the functions, the Act of 1982 has provided a long list of functions to be performs by the G.P. These functions of consist of both obligatory and transferred. Under obligatory functions, the Gram Panchayat has been entrusted with 22 functions (sec.27). The obligatory lists included;

- (1) sanitation, conservancy and drainage and the prevention of public nuisance;
- (2) curative and preventive measures in respect of any infections disease;
- (3) supply of drinking water and the cleaning and disinfecting the source of supply and storage of water ;
- (4) maintenance, repair and construction of village roads and protection thereof ;
- (5) the removal of encroachments of village roads or public places ;
- (6) the management of common grazing grounds, burning places and public graveyards;
- (7) the supply of any local information which the District Collector or Deputy Development Officer-cum-Planning Officer or the Zilla Panchayat, within the local limits of whose jurisdiction the Gram Panchayat is situate, may require ;
- (8) organizing voluntary labour for community work and works for the upliftment of its areas ;
- (9) control and administration of the Gram Panchayat Fund established under this Act ;
- (10) the imposition, assessment and collection of taxes, fees or rates leviable under this Act ;
- (11) construction and maintenance of dharmasalas ;
- (12) regulation places for the disposal of dead bodies and carcasses and other offensive matters ;
- (13) assisting the development of agriculture, forestry, animal husbandry, poultry, fisheries, village and cottage industries and co-operative ;
- (14) registering births, deaths and marriages and annually submitting such records to the Zilla Panchayat ;
- (15) maintenance of such records relationg to cattle census, population census, crop census and census of unemployed persons and such other statistics as may be required and annually submitting such records to the Zilla Panchayat ;
- (16) regulation inflow of animals within the area and their transfer ;

- (17) destruction and disposal of ownerless and rabid dogs and disposal of unclaimed animals ;
- (18) maintenance, upkeep and supervision of any building or other property which may be entrusted to it by the State Government for management ;
- (19) assisting the Zilla Panchayat in preparing development plan of its area ;
- (20) rendering assistance in extinguishing fire and protecting life and property when fire occurs ;
- (21) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in the Act ;
- (22) such other duties as may be entrusted to it by the State Government from time to time.

#### Transferred Functions

There were total of 19 such functions assigned to Gram Panchayat under section 28 of Act. They are as follows;

- (1) primary, social, technical or vocational education;
- (2) rural dispensaries, health centers, maternity and child welfare centers;
- (3) minor irrigation;
- (4) grow more food campaign;
- (5) care of the infirm and destitute ;
- (6) rehabilitation o displaced persons ;
- (7) improved breeding of cattle, medical treatment of cattle and prevention of cattle disease ;
- (8) its acting as a channel through which Government assistance should reach the residents of the Gram ;
- (9) bringing private waste land under cultivation ;
- (10) promotion of plantations in the gram ;
- (11) arranging for cultivation of land lying fallow ;
- (12) arranging for co-operative management of resources of the Gram ;
- (13) implementation of such schemes as may be formulated or performance of such acts as may be entrusted to it by the State Government ;
- (14) field publicity of matters connected with development works and other welfare measures undertaken by the State Government ;
- (15) regulation of fairs, hats and exhibition of local produce and products of local handicrafts and home industries ;
- (16) assisting and advising the residents of the Gram in the matter of obtaining state loan and its distribution and repayment ;
- (17) assisting in the implementation of land reform measure in its area ;
- (18) the promotion and encouragement of education including adult education ;
- (19) such other functions which the State Government may, from time to time, by order in writing entrusted to such Gram Panchayat which in its opinion to promote directly or indirectly the welfare of the public.

The Act thus entrusted numerous duties and function to Gram Panchayats. Some of them were development oriented and appear to be beyond their capacity and capability. To enable the PRIs to exercise their powers effectively the Act of 1982 have provided for certain financial power to them, which provide them with necessary funds. The sources of income of PRIs in Sikkim are broadly divided into two groups viz, (i) Taxes, fees and other receipts and (ii) Government Grants.

Sources of Finance: Each Gram Panchayat has a fund called Gram Panchayat Fund. To this were credited:

- (1) Contribution and grants by the central and the state government.
- (2) Contributions by the Zilla Panchayat.
- (3) Loans from central and state government.
- (4) All receipts on accounts of taxes, rates and fees levied by the Gram Panchayat.
- (5) Such percentage of the land revenue collected by it.
- (6) All sums received by way of gifts or contribution.

Section 33 of Panchayat Act 1982 gives powers to Gram Panchayat to levy taxes on number of items. The Gram Panchayat therefore levies the following taxes, rates and fees:

- (1) tax on fairs, melas, hats and other entertainments ;
- (2) general sanitary tax for the construction or maintenance of public latrines and for the removal and disposal of refuse ;
- (3) a water rate where arrangements for the supply of water for drinking, irrigation or any other purpose are made ;
- (4) a fee for temporary erection on, or putting up projections over, or temporary occupation of, any village road or place ;
- (5) a fee on private latrines, premises or compounds cleaned by the Gram Panchayat agency ;
- (6) a fee for grazing cattle on grazing land vesting in a Gram Panchayat ;
- (7) a fee on the registration of animals sold in any market or place belonging to or under the control of the Gram Panchayat ;
- (8) a market fee on persons exposing goods for sale in any market or on any place or any building or structure therein belonging to or under the control of the Gram Panchayat ;
- (9) a fee for the use of dharmasalas and encamping grounds ;
- (10) a fee for drainage where system of drainage has been introduced by the Gram Panchayat ;
- (11) a temporary tax for special works of public utility ;
- (12) a tax on houses.

Elections to Gram Panchayats were held on non-party basis. Section 114 of Act clearly stated that "no person shall contest the election to any panchayat with the support direct or indirect, of and non-party."

The election to this newly constituted panchayat was held on January 1983. As one of the main features of the Act of 1982 was the introduction of adult franchise where the people from every walk of life could participate in the election and choose their representatives of choice. This right was denied to the people of state in the Act of 1965. In this sense, the Act of 1982 heralded the beginning of participatory democracy in Sikkim where people were given the opportunity to participate the decision-making processes. Before this, only the land revenue payee could participate and elect their representative in the election of panchayats.

The State Government, however, conducted the election of only Gram Panchayat in 1983 despite the Act's provision of constitution of Gram and Zilla Panchayats. The task to conduct election has been entrusted to the Election Department of the State. For the purpose of election, the Gram has been divided into different wards. From each ward people could elect 5 to 9 members. Out of 151 Gram Panchayat for which election were

held, 10 had five members, 99 had six members and 42 Gram panchayat had more than six members. Though elections to Gram Panchayats were conducted in 1983 & 1988, the Government of Sikkim could not take much interest in conducting election to the Zilla Panchayat. The election result shows the participation of women in panchayat. There were 151 women members out of 946, one from each Gram Panchayat unit. Of these, only 20 were elected and rest 131 members were nominated by the state government. The participation of women was highest in the East district with 15 elected women members out of 44, and only 2 or 3 were elected from South and West district respectively (Sikkim 1983).

Since its inception in 1982, the state government conducted three election of Gram Panchayat viz., 1983, 1988, and 1993 at an interval of 5 years as stipulated in the Act of 1982. So far as the constitution of Zilla Panchayat is concerned, the state was later starter. It conducted the first election of Zilla Panchayat only in 1990 i.e. almost a decade later i.e. after 8 years of passing of panchayat Act 1982. The Zilla Panchayat members were directly elected by the people. Provisions were made for cooption of members of SC, ST and women if they failed to get elected. There were four Zilla Panchayats corresponding to the four district of Sikkim each at Gangtok, Namchi, Gyashing and Mangan respectively. The Zilla Panchayat consisted of (a) Sabhaptis of the Gram panchayat within the district, (b) Chairman of the Municipal Corporation (if any), (c) Members of the Legislative Assembly of the state elected from a constituency comprising the district and, (d) Member elected by each Bazar Committee (Section, 42(2)).

The Adhakshaya and up-Adhakshaya of Zilla panchayat were elected from amongst the member themselves. The Act of 1982 empowered the Adhakshaya to perform following functions:

- (1) To preside and regulate the meeting of the Zilla Panchayat;
- (2) To maintain the record and registers of the Zilla Panchayat;
- (3) To exercise supervision and control over the act done and action taken by the members of the Zilla Panchayat and such officers and such other employees whose service may be placed at the disposal of the Zilla panchayat by the Government.
- (4) To operate jointly with the sachiva of the Zilla Panchayat the fund of the Zilla Panchayat including authorization of payment, issue of cheque and refunds;
- (5) To exercise such other powers, perform such other functions and discharge such other functions as directed by the state government.

The Up-Adhakshaya, in the absence of the Adhakshaya performs all these function (see 52). The Zilla Panchayat so constituted had wide variety of functions. The Zilla Panchayat has been entrusted with both obligatory and transferred function. Some of the these functions under section 60 and 61 were as follows:

- (a) Obligatory functions.
  1. Regulation of melas or hats within its jurisdiction
  2. Construction and maintenance of Panchayat Ghars, Dharamsalas and rest Houses ;
  3. Construction, repair and maintenance of such small irrigation project ;
  4. regulating supply of water for irrigation or drinking water supply schemes constructed by the Government and entrusted to it for maintenance and repair ;
  5. regulating, maintaining and developing of lands vested in it by the Government;

6. organizing plantation programme in the public land, road sides and such other places as may be specified for promotion of social forestry and environmental conservation and maintaining and regulating o such forests ;
7. establishing and maintaining primary schools and organising adult education centres ;
8. establishing health centres ;and maternity and child welfare centres ;
9. managing or maintaining any works of public utility and adopting measures for the relief of distress ;
10. preparing plans fro all round development of the district after obtaining previous approval of the Government and with such technical assistance as may be made available by the Government ;
11. co-ordinating and integrating the development plans and schemes prepared by Gram Panchyats within its jurisdiction ;
12. fulfilling any other obligation imposed by or under this Act or by any other law for the time being in force or by general or special order of the Government in this behalf.

#### Transferred Functions

The transferred functions of Zilla Panchayat includes:

- (1) The promotion of opportunity of employment through community forming by organizing model agriculture of dairy farms and small scale village industries ;
- (2) the organization and maintenance of clubs and other places for recreation or games ;
- (3) establishment and maintenance of library or reading rooms and public radio listening centres ;
- (4) construction and maintenance of destitute homes, slaughter houses and encamping grounds ;
- (5) rendering assistance in extinguishing fire and protecting life and property when fire occurs ;
- (6) assisting in the prevention of burglary and decoity ;
- (7) the promotion of socio-cultural and communal harmony ;
- (8) the promotion of agriculture and allied activities connected with it ;
- (9) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in this Act.

To discharges above mentioned functions, the Zilla Panchayat have been provided with their own Fund called Zilla Panchayat Fund. The Fund includes:

- (1) Contributions and grants by the control and state government;
- (2) Contributions and grants by any other local authority
- (3) Loans by the central and state government
- (4) Proceeds of collection of revenues in respect of schemes, projects and other properties undertaken or vested in the Zilla Panchayat by the state government
- (5) Such takes, state and fees imposed and realized under the provisions of the Act.

The Zilla Panchayat has been given the power to levy taxes (within its jurisdiction) subject to the maximum rates fixed by state government. It therefore levies the taxes on

- (a) fairs, melas and other entertainment;
- (b) a general sanitary tax for the construction and maintenance of public latrine,
- (c) a water rate where arrangement for the supply of water for drinking, irrigation, or any other purpose made by the Zilla Panchayat

- (d) a fee for temporary erection on, or putting up projections over, or temporary occupation of any village road or place
- (e) a fee on private latrines, premises or compounds cleaned by the Zilla Panchayat agency,
- (f) a fee for grazing cattle on the grazing land
- (g) a fee on registration of animal sold in any market
- (h) a market fee on person exposing goods for sale in any market
- (i) fee for the use of dharmasalas, rest houses, and slaughter houses
- (j) a fee for drainage.

It is quite apparent that the Act had given enough powers and resources to under take development activities. The panchayats were provided with both developmental and welfare functions with matching sources of finances. Compared to the 1985 Act, as far as local governance is concerned, the 1982 Act provided genuine centre of decentralized units. The then government made a revolution in the art of local governance, it was indeed a radical measures taken after the merger of state to India. The merits of decentralization could well be seen in the structure and functioning of Gram Panchayats and Zilla Panchayats. The passing of this Act was a landmark event in the history of panchyati raj in Sikkim. With many radical provisions, the new Act of 1982 ushered in a new era for the panchayati raj institutions and entrusted with overwhelming powers to bring about rural development through people's participation and cooperation. On the functioning of PRI, the then chief minister said that panchayat system in Sikkim has been quite a success as it has received all round cooperation from the village people. This has become possible because we have not allowed politics to enter into this system. Gram Panchayat in Sikkim is a non-political body (Bhandari 1989).

The process of real decentralization that began under 1982 Act got further momentum, when the State Government enacted a new Panchayati raj legislation in 1993. This Act was actually an outcome of 73<sup>rd</sup> Constitution Amendments Act which provided a much awaited statutory status to PRIs making these institutions integral part of our polity. The Act that came into effect from 24<sup>th</sup> April 1993 required the states to amend or repeal existing laws that were inconsistent with its provisions within one year of the commencement of the Act. Accordingly, the Government of Sikkim formulated the Sikkim Panchayat Act 1993 which came into effect from 10<sup>th</sup> Aug 1995.

The new Act provides for a two-tier structure of panchayati raj with Gram Panchayat and Zilla Panchayat at village and district levels respectively with a mandate to implement development programmes and institutionalize popular participation in the development process. At both levels, seats were reserved for scheduled caste and scheduled tribes in proportion to their population, with the one third of all seats to be filled by direct election reserved for women. Similar reservations were in force for the office of sabhapati of the Gram Panchayat and Adhakshaya of Zilla Panchayat. As a result of the reservation of seats for Scheduled Caste, Scheduled Tribes and women, a large number of representatives from these category become members of the Panchayats. The Act thus provided a firm base for the PRIs to grow as centre of local self-government institutions.

The elections to this newly constituted panchayats were held in 6 October 1997. The elections, for the first time, were held on party lines. The credit for this new initiative goes to the new SDF Government formed under the chief ministership of Shri Pawan

Chamling in 1994. After winning the election, the new SDF Government started various reforms to strengthen the local bodies in the state. The enactment of Sikkim Panchayat (Amendment) Act 1997 was one of such efforts. It was this Amendment, which deleted the section 114 of 1982 Act and section 129 of 1993 Act that prohibited any person from contesting panchayat election with the support of political party. Thus, the local election of 6.10.1997 witnessed the official participation of political parties for the first time in the state. In a country as a whole, West Bengal was the first state which conducted a local bodies election on party line in 1978. The CPI(M) believed that the direct involvement of political parties in the working of Panchayati raj institutions would make the panchayat leadership more disciplined and responsible in managing these institutions and would put an end to the age-old tradition of rural coterie reaping the benefits for narrow, sectarian and caste interests (Mathew 1994).

It was, however, the Ashok Mehta Committee appointed in 1978 to study the status of panchayat in India, recommended the participation of political parties in the panchayat elections. It says "Participation of political parties in panchayati raj elections would ensure cleaner orientation towards development programme and facilitate healthier linkage with higher level political process. Direct elections coupled with programme-based contests, would offer great scope to weaker sections for availing of the opportunities offered by the political system (GoI 1978). Mathew (1994) also observed that the organic link from Gram Sabha to Lok Sabha can be achieved effectively only if political parties work with the people. The absence of this link has brought about a pathological decay in our democratic system (Mathew 1994).

The Sikkim Democratic Front Government in Sikkim was the one of the many states that accepts the recommendation of the Ashok Mehta Committee. Besides, Sikkim had derived inspiration from West Bengal and Karnataka experience where the election to local bodies was held on party line. The Government, therefore, (in the election of 1997) allowed all the political parties of the state to take part in the election of panchayats. The party's election manifesto had articulated the importance of decentralization and devolution of powers. The election was held simultaneously in 157 Gram Panchayat units and four Zilla Panchayat. Taken together, there were 925 members: 862 in Gram Panchayat and 63 in Zilla Panchayat. The State Election Commission constituted by the government for this purpose conducted the election to all Panchayat. More the Seventy percent of Panchayat won the election on SDF symbol and rest of them were from other parties.

One of the salient features of 1993 Act, compared to previous Acts, is that it has provided reservation to scheduled caste, tribes and women. The reservation to SCs and STs were based on the proportion of their population. The reservation was provided both in membership and in executive position. In the election of 1997, there were 239 women members, 43 SCs and 290 STs members in Gram Panchayat. In Zilla Panchayat there were, 23, women members, 6 SCs and 25 STs members. The Sikkim Panchayat (Amendment) Act 1995 extended the reservation to other backward classes in Panchayats.

In conformity with the Eleventh Schedule of the Constitution, the 1993 Act has entrusted a wide range of functions with matching finance to Panchayats. To carry out these functions, the Government provided Rs. 10 lakh to each G.P.U. and Rs.50 lakh to Zilla Panchayat in 2003-04. Besides, Panchayat were empowered to levy the taxes on building and lands, water tax, tax on entertainment, vehicles, market fee. Except these,

the Panchayats have to depend solely on the resources transferred from the Government.

In 1998 Government issued a notification thereby devolving some powers to the panchayat. This was another attempt made by the government to transfer the power to the panchayat. Under this notification, various activities of line departments like agriculture, animal husbandry, forest, irrigation etc. were transferred to Zilla Panchayat, Gram Panchayat, Gram Sabha for implementation.

In order to strengthen Panchayats both organizationally and functionally, the Government had appointed a high-powered committee under the chairmanship of the chief Secretary in 1997. The committee had made very useful and meaningful recommendation to make the local bodies more viable both administratively and politically. The recommendation were: (i) notify a separate transferred list of all programmes to be transferred to the Panchayats by each department; (ii) all departments would transfer fund from their Annual Plan outlay with regards to schemes incorporated in the transferred list, to the panchayat in phased manner; and (iii) the existing manpower at the district level could be redeployed to meet the requirement. Again in 2002, the Government appointed a state level committee under the chairmanship of Special Secretary, Planning and Development Department. The Committee recommended the transfer of financial powers to the PRIs to make institution more vibrant and self-reliance (Sikkim 2002).

Further, in 2003, Government has amended the Panchayat Act suitably and transferred the schemes of eight development departments to the PRIs, which are significantly of social and obligatory nature. The eight departments from where the schemes has been transferred to PRIs were as follows:

1. Rural Management and Development
2. Agriculture
3. Animal husbandry
4. Health and Family Welfare
5. Education
6. Land revenue
7. Irrigation
8. Forest.

In 2004, the Government constituted a Task Force Committee vide notification No.38/Home/2004 dated 24/05/2004. The chairperson of the committee was Shri K.N.Sharma. The major recommendations of the Committee includes:

1. Preparation of Hand Book for decentralized Plans.
2. Constitution of District Technical Support Committee and Village Planning Forum.
3. Reorganization of District Planning Committee
4. Activity Mapping for GP and ZP
5. Constitution of Gram Sabha
6. Constitution of Sikkim Panchayat Administrative Review Committee (SPARC).
7. Capacity building and strengthening of SIRD.
8. Devolution of funds to GPs and ZPs.

As per the recommendation of the committee, the state government issued detailed directives on Democratic Decentralization and Devolution of Financial Powers to PRIs in 2004.

The Directives of Government were as follows:

1. To set up a Gram Panchayat Administrative centre in every Gram Panchayat unit.
2. Transferred of personnel from line department to office of Zilla Panchayat/Gram Panchayat
3. Line Department were required to draw up a set of rules/procedures and guidelines for
  - (a) smooth transition of functions;
  - (b) effective implementation of schemes
4. Vesting of disciplinary power to Zilla Adhkshaya and Gram Panchayat President.
5. Direction to the line departments to transfer immediately the funds earmarked for Zilla Panchayat/Gram Panchayat unit:
6. Direction to constitute the various Sub-committee at the Zilla Panchayat level,
  - (a) Sub-committee on water supply, sanitation and health
  - (b) Sub-committee on women and child welfare
  - (c) Sub-committee on Economic Affairs (complement generation/Economic activity/village industries).
  - (d) Sub-committee on Social forestry/medicinal herbs.
  - (e) Sub-committee on Planning/monitoring.
  - (6) Direction on constitution Village Planning Forum at the Gram Panchayat level.

Another most important committee constituted very recently by the Government of Sikkim vide notification No.40 RM & DD/P, dated 15.04.2006 was the Task Force Committee for Activity Mapping. The Committee consisted of one chairperson and 19 members. The chairman of the committee was Shri K.N.Sharma with T.N.Khangsarpa as a Member-Secretary. The main objective of the constitution of this committee was to examine and make recommendations on the functions which are to be transferred to the PRIs on the principle of subsidiarity along with finances and functionaries. Following are the main recommendation of the committee:

1. Transfer of functions/activities of line department to PRIs.
2. Delegation of functions to the Zilla and Gram Panchayats on the principle of Subsidiary.
3. Devolution of finances of PRIs
4. To make the line department officials accountable to Adhkshayay of Zilla Panchayat and President of Gram Panchayat on the case may be.
5. Clarification of role of the Panchayat representatives and line department officials in the implementation of the transferred functions.

Taking note of these committee's recommendation, the Government of Sikkim have, so far, passed more than seven Amendment to the State Panchayat Act. The first Amendment in 1995 provided the reservation of seats to Other Backward Classes in PRIs. Secondly, the period of reconstitution of Panchayats after supersession by the Government has been reduced from one year to six months (sec.114(b)). The second Amendment in 1997 recognise the official participation of political parties in the panchayats election.

The third Amendment i.e. Sikkim Panchayat (Amendment) Act 2001, retain the continuation of Dzumsas System of Lachen and Lachung. In 2005, the Sikkim Panchayat (Amendment) Act 2005 was enacted which substitute the word "District Development Officer cum-Panchayat Officer by "District Planning Officer" thereby making the District Planning Officer as the Member-Secretary of District Planning Committee. The Sikkim Panchayat (Amendment) Act 2006 provided the provision for creation of Ward Sabha below the Gram Sabha. Secondly this Amended Act fixed the Quorum of a meeting of Gram Sabha and Ward Sabha as one- fifth and one-fourth respectively of the total members. Thirdly, this Act for the first time provided that one-third of the quorum should comprise of women to ensure their participation in decision-making process. A very recent Amendment was the Sikkim Panchayat (Amendment) Act 2007, which raised the percentage of reservation of seats for women from 33 to 40 percent in both Zilla and Gram Panchayats. The Government has amended the State Act from time to time to make it more effective in establishing the PR system as a genuine structure of grass roots democracy. Through a system of reservation, participation of the weaker sections has also been ensured.

The State Government in order to implements the Constitution (73<sup>rd</sup> Amendment) Act 1992 in letter and spirit has constituted the three important institutions as mandated by the Act. These institutions are respectively State Election Commission, State Finance Commission and District Planning Committee.

**Election Commission:** The Government constituted an independent State Election Commission to conduct panchayats election in the state. A state Election Commissioner who is appointed by the Governor of the state heads this Commission. The Election Commissioner enjoys powers and privileges and status of judge of the High Court.

**Finance Commission:** The State Government are requested to constitute the Finance Commission for every five years to review financial portion of the panchayats and to make recommendations to the governments as to fix the principles to govern the distribution between the state and panchayats of the net proceeds of the taxes, duties, falls and fees leviable by the government. Till date the Government constituted two Finance Commission. In July 1998, the first State Finance Commission was appointed which submitted the reports on 16<sup>th</sup> August 1999. The second State Finance Commission was constituted in 2003 and submitted its report in 2004.

**District Planning Committee:** The Sikkim Government, in exercise of the power conferred by Article 243ZD and section 127 of the Sikkim Panchayat Act 1993 as amended by the Sikkim Panchayat (Amendment) Act 1995, constituted District Planning Committee at all the district. The committee is constituted to consolidate the plans prepared by the Gram Panchayats and Zilla Panchayats and also to prepare a draft development plan for the district as a whole. The committee at present consists of the members of Zilla Panchayat, member of House of People who represents whole or part of the district, member of Legislative Assembly whose constituencies lie within the district and District Development Officer. The Adhakshaya of Zilla Panchayat is the chairman of the committee and District Planning Officer Act as the Member Secretary. The committee allocates funds to various schemes to the panchayats and monitor and examines the implementation of schemes.

All above initiatives and reforms measures adopted by the pre and post merger government of Sikkim shows that government was committed to the cause of power

decentralisation and development of the state. All these efforts reveal the government's intention to achieve the objectives and principles of decentralisation by reviewing and revisiting of the role and functions of different local bodies at the grass root level and the development departments in the state. The political commitment as emphasized by Dennis Rondinelli (1983) was very important because without a 'solid base of political support', decentralisation cannot be successfully implemented. The commitment of government through the formation of different commission and committee, enactment of Acts, directives to line department officials, notification on devolution are some reflections of the government commitment for establishing a decentralised government in the state.

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