

CHAPTER V

PARLIAMENTARY SYSTEM, NEW MODES OF MOBILIZATION AND ETHNIC POLITICS

Political power in Sikkim before its merger with India, as it is evident from the discussion in the preceding chapter, in reality was in the hands of the minority Bhutia elites who attempted to establish their legitimacy by means of the myth of 'blood-brotherhood' with Lepchas who were inhabitants of Sikkim prior to the entry of Bhutias. The Lepchas were accommodated as minor partners in the ruling coalition. The Bhutia ruling group also accommodated some Nepali prominent personalities in the ruling coalition but the latter definitely occupied a subordinate position like the Lepchas. A vast majority of the Nepali population was excluded from the governing process and they were treated as merely producers of revenue without any right. The policies of the Bhutia rulers offered little opportunity to majority Nepali population for participation in the government. The Nepalis often were subjected to discriminatory rules such as the Revenue Order No. 1 (*Chapter IV, P.6*) The educated Nepali elites who were excluded from the centers of power perceived democracy and merger with India as the means for transforming such uneven distribution of power. Being in majority and consolidated due to Durbar's discriminatory policies, they contemplated to establish political domination and initiate reform measures abolishing rules or policies which discriminated them. The Bhutia elites on the other perceived democratic government as a threat to their political identity and to the identity of a Buddhist State, including the fear of abolition of the institution of the 'Chogyal'.

The introduction of parliamentary democracy as a consequence of merger in 1975 generated expectation that ethnic / communal discrimination and ethno-cultural politics revolving around community interest would gradually make way for undifferentiated policies, rule of law and secular political mobilization. The constitution of India envisaged equality and individual rights irrespective of caste, race, religion etc; and it was expected that such a legal-constitutional framework

would gradually minimize the prevailing inter-ethnic mistrust and conflict among Bhutias, Lepchas and Nepalis. But the expectation has not materialized. Rather ethnic cultural politics has become a norm pursued and practiced by almost all political groups and parties to such an extent that even smaller communities and cultural groups which hitherto identified themselves with the larger cultural groups have started to assert their separate political identity with a view to claiming larger share of resources and power. For example, the Lepchas have demanded for protection of their land from the Bhutias and maintenance of parity with the Bhutias in terms of Assembly seats, employment, educational facilities etc. The Bhutias, on the other, have been divided into the 'Real Bhutias' and the 'Other Bhutias' and Nepalis have now been split into the Other Backward Class (OBC) and Non-Backward Class (NBC) on the basis of racial characteristics. Similarly, the Limboos, at least organizationally, assert their separate identity distinct from the general Nepali identity.

Actually, introduction of parliamentary system and majoritarian politics in a traditional society with sharp community divisions and cultural identity automatically may lead to political mobilization on the basis of available traditional community structures and affiliation. A clear demonstration of such a political mobilization in Sikkim was attempted by the Sikkim National Party before the merger and, as a consequence of which, the other political parties too, directly or indirectly, emphasized on traditional bonds, networks and relations in an attempt at strengthening traditional community consciousness for electoral gain. In this situation intervention of political parties and political leadership becomes crucial for the replacement of community-oriented politics by secular democratic values. The new legal constitutional structure based on ideals of equality and freedom is also expected to facilitate this process. However, in Sikkim some of the legal provisions of the monarchical era have been retained even after the merger and have become the source of ethno-cultural alienation and mistrust. The process of political mobilization also has remained, contrary to expectations, ethnicity and culture-centered. As such, this chapter attempts to review political developments during the post-merger period with a view to assessing the role of

legal-constitutional framework and party politics along with their methods of political mobilization in aggravating ethno-cultural tensions in Sikkim.

MERGER WITH INDIA

Certain legal-political ambiguities prevailed in the relationship between Sikkim and India after the departure of the British. Sikkim had been a protectorate state of the British India since 1890.¹ After independence of India, the government of India had no such treaty right of a protectorate over Sikkim. For being included in the list of Princely States of British India in 1921 and allocation of one seat to Sikkim by the Government of India Act, 1935.² Sikkim was bound by the terms of Lord Wavell's declaration which stated "Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the succeeding government or governments in British India or failing this, entering into particular political arrangements with it or them."³ Accordingly, a two member delegation led by Palden Thondup Namgyal, the crowned prince, and Rai Bahadur T.D.Densapa, discussed the matter with the Chamber of Princes and the new government of India at New Delhi. The general impression of both the government of India and the Constituent Assembly about Sikkim, as resolved on 21 December, 1946, was in favour of according a special status to the latter. The Sikkimese delegation continued its discussion with the Indian counterpart leading to signing of Standstill Agreement on 27 February, 1948 to continue all agreements between Sikkim and India.⁴ Later, a friendship treaty was signed on 5 December, 1950 between the Maharaja Tashi Namgyal and Harishwar Dayal, the then Political Officer of government of India in Sikkim, declaring Sikkim as a protectorate state of India.⁵

Subject to the conditions of the Treaty of 1950, the Chogyal and the Sikkim National Party, always stood for the monarchy and relationship on the basis of equality with India while the Sikkim State Congress, demanded for a popular government, merger with India and socio-economic reforms.⁶ Though

reform measures were initiated the contradiction pertaining to ethnic issues/questions persisted despite efforts to accommodate grievances of the rival political parties. Political events which followed as a consequence of escalation of political strife between pro-democracy Nepalis and Bhutia rulers ultimately convinced the government of India to take steps for merger. The 36th Amendment Bill proposed in the Indian Parliament, seeking to accord Sikkim a status of the 22nd State of India, was passed in the Lok Sabha on 23 April, 1975. The Rajya Sabha also passed the Bill on 26 April, 1975 with a majority of 157 votes. On 16 May, 1975 the President of India, Fakhruddin Ali Ahmed, gave his assent to the 36th Constitutional Amendment Bill with effect from 26 April, 1975. The Amendment Act also repealed 2A and Scheduled X of the constitution inserted by the 35th Amendment Act 1974 when Sikkim was accorded the status of an Associated State of India. The President appointed B.B.Lal, formerly the Chief Executive Officer of India in Sikkim, as the first Governor of Sikkim who then administered the oath of secrecy to the first Chief Minister, Kazi Lhendup Dorji Khangsarpa and five other cabinet ministers.

The 36th Constitutional (Amendment) Act, 1975 also inserted article 371F in part xxi of the Indian constitution in order to protect and preserve the political, and socio-cultural distinctiveness of Sikkim. The noteworthy features of article 371F may be summarized as: (a) the Legislative Assembly is to be composed of not less than 30 members; (b) continuation of the unicameral Legislative Assembly formed in April 1974 with 32 members elected through direct election; (c) provision for reservation of seats in the Legislative Assembly for different sections (ethnic) of the population and delimitation of constituencies from which candidates belonging to such sections alone may stand for elections; (d) allocation of one seat in the House of the People and election of the candidate by the sitting members of the State Assembly; (e) power of special responsibility vested in the Governor for the maintenance of peace and for ensuring equitable social and economic advancement of different sections of the population; (f) continuation of the High Court as the High Court of the State of Sikkim; (g) continuation of all old laws in force immediately before the appointed day subject to amendment or

repeal by the Legislative Assembly or by the President of India within two years from the appointed date; and (h) extension of any law presently in force in State of India by the President of India by public notification.

Government after the merger:

The Kazi government started functioning from 16 May, 1975. As required by articles 371F(k) and (l), the government soon got into action to fulfill constitutional obligation for adapting and modifying laws of governance including rules of procedure and conduct of business in the Assembly in tune with the rules of the Lok Sabha. The rules delineating functions of the legislature and executive were formulated and training and orientation camps were held to make the functionaries fully conversant with the nature of responsibility they were supposed to carry out henceforth.

As stated earlier, the Governor under the new arrangement was vested with the power of special responsibility to act in his discretion for the maintenance of peace and for ensuring equitable social and economic advancement. This special power of the Governor was perhaps given in view of the volatile condition prevailing in Sikkim. According to constitutional norms of Union of India, the Governor during the normal time was to act on the advice of the Council of Ministers headed by the Chief Minister. But during the formative stage of democracy in Sikkim, B.B.Lal, the first Governor, always acted as the real executive head of the State. The Ministers, being novice, had limited know-how of the complex working of the democratic government which made them dependent on the Governor.

It was given an impression that the Governor also enjoyed overwhelming influence in the legislative business as well. As early as 1976, Mr. N.B.Khatiwada raised the issue of involving the Governor in each and every issue discussed by the Assembly.⁷ The Governor was also alleged by the leaders of various political parties viz. Sikkim Janata Parishad, Sikkim Congress (R), Sikkim Prajatantra Congress etc. for being proactive in Legislative business as well as party politics during the October 1979 Assembly election.⁸

After the merger, the circumstances prevailing in Sikkim was in favour of a visionary leadership and professional bureaucracy who could formulate policies and design plans and strategies for taking Sikkim into a new era of political stability and economic development. But obviously the new breed of political leadership had inadequate administrative experience and the local bureaucracy, which evolved through strict Darbari etiquette and parochial outlook, too was in need of structural overhauling and change in their attitude. Thus, the Chief Minister Kazi was compelled to rely the Governor, and other bureaucrats posted in Sikkim on deputation. As a result the local senior officers were offended and often avoided the Chief Minister while the influence of the Governor and other bureaucrats upon the Chief Minister increased making him 'prisoner of indecision'. B. S. Das too acknowledged that Kazi's weakness lied in his lack of decisiveness and administrative acumen.⁹

Though it was too early to expect drastic changes coming to their way, the people of Sikkim were, by and large, unhappy with the Kazi government. The rise in prices of essential commodities put tremendous pressure on the day to day life of the poor people. The priority laid on the industrial sector left the primary sector, where about 95 percent of the Sikkimese depended for livelihood, neglected. The fruits of economic policy failed to trickle down to the needy for whom economic development often meant fulfillment of their immediate basic requirements. The land reform could not be implemented allegedly under the influence of big landlords and no effective measures were adopted to check corruption.

The political situation too was marred by inter-party and intra-party contradictions. In order to silence the dissenting voices within the ruling Sikkim Congress, Kazi effected merger with the Indian National Congress (I) in 1975. But, when the Janata party came to power in the centre in 1977, Kazi once again switched allegiance to the Janata Party. All these incited split within the ruling party. Mr. N.B. Khatiwada left the ruling Janata Party in 1977 and formed Sikkim Prajatantra Congress (1977) owing to differences with the Chief Minister Kazi on the issue of non-implementation of the Land Reform recommendations, also called Khatiwada Committee Report.¹⁰ In other words, community consideration,

which had been the permanent feature of the pre-merger era, continued to get favour at the political policy-making level. Apart from this, the sense of insecurity of becoming alienated in the land of their own and feeling of uneasiness in view of the influx of outsiders further arouse respective community resentments against the State. Kazi government was also criticized for doing nothing in order to protect the Nepali seats in 1979. The apprehension of the Nepalis was so strong that R.C. Poudyal and some other MLAs left the ruling Janata Party and formed a new political party called Sikkim Congress (Revolutionary) in 1979. The two new regional parties namely Sikkim Prajatantra Congress (earlier Congress for Democracy) of Khatiwada and Sikkim Congress (Revolutionary) by R.C.Poudyal were formed more or less on the issues of deprivation of Nepalis were credited for continuing with ethnicity-oriented politics in the post-merger era.

Rise of anti-merger sentiments:

Palden Thendup Namgyal, the last Chogyal of Sikkim, always advocated for maintaining a distinct Sikkimese identity of Sikkim which became dormant during the massive pro-democracy movement leading to merger with India. But the failure of the Kazi government and ever-imposing attitude of the Governor and other officers paved the way for resurgence of Sikkimese identity within four years after the merger.

The Bhutia elite, who always stood by the view of the Chogyal for a separate identity of Sikkim, had constraint admitting merger as a fate accompli, while the Nepalis were largely disillusioned at the outcome of the merger when they found themselves alienated from the actual helm of the administrative affair which was controlled by officers coming on deputation from different parts of India. Hence, democracy was interpreted as the rule by plainsmen or simply as the 'Indian' rule. The anti-merger feeling gradually began to take root among the people. Political parties formed during this period namely Sikkim Prajatantra Congress (1977) of N.B.Khatiwada and Sikkim Janata Parishad (1977) of N.B.Bhandari, also contributed immensely towards escalation of anti-merger sentiment by raising it as the major issue of their political campaigns. Mr.

Khatiwada, one of the signatories of the merger, questioned the way the 'Special Poll' was held and the result of the poll announced even of those areas where ballot boxes did not reach at all.¹¹ He also condemned the 'Special Poll' as unconstitutional and illegal.¹²

In a letter to Morarji Desai, Khatiwada regretted that the method used by the government of India was 'the age-old methods of the imperialistic and expansionist nations of divide and rule, propagating false propaganda, creating an illusion that democracy was being introducedwhereas, in reality, the trust of the simple and innocent people was being deceived, exploited and betrayed.'¹³ The four signatories of the memorandum, including Khatiwada, requested the government of India to 'review' the status of Sikkim and restore rights to the Sikkimese to manage their own affairs. Mr. N.B.Bhandari, the then leader of the Sikkim Janata Party (later Sikkim Janata Parishad) also criticized the signatories of the merger as 'Battishay Chor' (Thirty-two thieves) or 'Desh Bechuwas' (persons who sold their country) and appealed to the people to 'not to be fooled again'. He stressed on the need for 'safeguarding the lost rights of the people of Sikkim'.¹⁴ The slogans like 'Sikkim for the Sikkimese' and 'Sikkim Farkaunchoun' (shall bring back Sikkim) helped him and his party to gain quick popularity. Moreover, his anti-Kazi image had placed him in an extremely convenient position among the old guards of the Sikkim National Party, also called Chogyal's party.

The merger issue further gathered considerable attention with the publication of the statement of the Prime Minister Desai criticizing the manner in which the merger was effected.¹⁵ Desai's observation was an extension of what the lawyer President of India, Mohammed Hidayatullah, wrote that "in any event the Indian constitution cannot be relied upon to alter Sikkim's status.... The constitution binds India and not Sikkim."¹⁶ Such an authoritative statement exposing legal implications of the Indian amendment validating merger was definitely stimulating for the anti-merger group. K.C.Pradhan, another architect of the merger, also stated that the resolution adopted by the Assembly in favour of merger had no mandate of the people.¹⁷ The other signatories like N.B.Khatiwada,

B.B.Gurung and R.T.Lepcha also regretted for being the victim of circumstances and believed that 'history would never pardon them'.¹⁸

It was in this background that the first election after the merger was held in April 1979. The political parties like Sikkim Prajatantra Party and Sikkim Janata Parishad used merger issue as a major political campaign to expose the failure of the Kazi government. Though the leaders of both the parties belonged to the Nepali community, Mr. N.B.Bhandari and his Sikkim Janata Parishad had an edge over Mr. Khatiwada and his Sikkim Prajatantra Party by virtue of not being a party to the merger. This image of him went well with the forces of anti-merger aspirants, particularly the pro-Chogyal Bhutia community; while a significant section of the Bhutia-Lepcha people were apprehensive of Mr. Khatiwada for his anti-Bhutia-Lepcha image. His land reform recommendation of 1977, demand for abolition of the private estate and abolition of Revenue Order No. 1 of 1917 were viewed as against the interests of the landed Bhutia-Lepcha people.

Amendments to Representation of the People Act, 1950 and 1951 of India:

The election rules by which Kazi government was formed in May 1974 were based on the Proclamation of Representation of Sikkim Subject Act, 1974. After the merger the election rules prevailing in Sikkim needed adaptation or modification in accordance with the election rules prevailing in India. Accordingly, the Representation of the People Act, 1950 (43 of 1950) was amended in 1976 (Act 10 of 1976) and Section 7A in the said Act was included with retrospective effect from 9.9.1975. Section 7A, clause (1) & (3) provided for a 32 member Legislative Assembly chosen by direct election and continuation of reservation of seats as provided immediately before the commencement of the Constitution (Thirty-Sixth Amendment) Act, 1975. Similarly, Section 25A was inserted validating Sangha constituency, including the election held in Sikkim in April, 1974 for the purpose. It also provided for preparation or revision of the electoral rolls for the Sangha constituency.¹⁹ In other words, the amendment to the Representation of the People Act, 1950 legitimized the Assembly elections held in April, 1974 in Sikkim.

As all Assembly seats in Sikkim were reserved for one or other community / caste under the 1974 Act and as the system was allowed to continue even after the merger, the Representation of the People Act, 1950, as amended in 1976, found to be inadequate to determine eligibility of candidates from such reserved seats. As such the Representation of the People Act, 1951 which provides rules for actual conduct of elections to Parliament and State Legislatures, was amended and Section 5A was inserted in 1976 with retrospective effect from 9.9.1975. The section inserted, i.e. 5A of the Act of 1951, stated, “Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim unless –

- a) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas;
- b) in the case of a seat reserved for Sikkimese of Nepali origin, he is a person of Nepali origin and is an elector for any Assembly constituency in the State;
- c) in the case of a seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim Subjects Act, 1974 and is an elector for any Assembly constituency in the State; and
- d) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency.²⁰

The amendment to the Representation of the People Act, 1951 (as amended in 1976) was simply a legal-political formality legitimizing the election held in 1974 and, therefore, was against the true spirit and tradition of the parliamentary democratic constitution of India. By upholding and supporting Chogyal’s method of delimitation based on ethno-cultural and religious elements, the government of India not only indirectly supported communal and ethnic politics in Sikkim but under parliamentary democracy such elements found a new scope for growth and deepening of their roots further.

In the eve of the first Assembly election after the merger, the electoral rolls became a major bone of contention between the political parties and the government owing to non-enumeration of names of about fifty thousand persons in the electoral rolls.²¹ Political parties like Sikkim Janata Congress and Sikkim Prajatantra Party demanded for inclusion of all Nepalis living in Sikkim since 1970 in the electoral rolls.²² Apart from this, the political parties also expressed resentment over the proposal of the Election Commission of India and the Union government to extend voting right to the plains people living in Sikkim²³ and the proposal to amend the Representation of the People Act, 1951 in order to abolish 15 seats reserved hitherto for the Nepalis and subsequent reduction of seats reserved for Bhutia-Lepcha communities to 12 from 15 seats.

The Representation of the People (Amendment) Bill, 1979 (Bill No. 79) as proposed by the Janata Government in May 1979 could not be passed due to dissolution of Parliament. In the meanwhile, the President issued an Ordinance, called the Representation of the People (Amendment) Ordinance, 1979, seeking to amend Section 5A of the Representation of the People Act, 1951. The basic features of the Ordinance were: (a) the Assembly was a 32 member legislative house out of which 12 seats were reserved for the Bhutia-Lepcha, 2 for the Scheduled Castes, 1 for the Sangha (monastery) and 17 seats were declared as General seats. The provision of seats reserved for Nepalis was abolished and the plains people were given the right to franchise and contest election for the first time. Apart from the 12 reserved seats, the Bhutia-Lepcha people could contest election from the General seats as well. Similarly, article 332 (1) (3) of the constitution of India was extended to reserve 2 seats for the Scheduled Castes of Sikkim. After the Lok Sabha election of 1980, the Union Parliament passed the Representation of the People (Amendment) Bill, 1980 and subsequently section 7(1A) in the Representation of the People Act, 1950 and sub-section 2 in section 5A of the Representation of the People Act, 1951 were inserted as rules governing Assembly elections in Sikkim.

The apprehension shown against the Act by the Nepalis and the Bhutia-Lepcha people alike, therefore, was not without substance. Since the 17 seats had

been declared an open seat, anybody who was an Indian citizen and having names in the electoral rolls of any constituency in Sikkim could contest election. Nepalis feared that “the people from the plains would gradually oust them from all position of importance.”²⁴ Similarly, the Bhutia-Lepcha people resented reduction of B-L seats from 15 to 12. They contended that since eight other sub-groups like Chumbipa, Tromopa, Dophthapa, Yolmo, Kagate, Sherpa, Drukpa and Tibetan, had been included within the definition of ‘Bhutias’, the seats actually should have been increased. They feared dilution of their original Sikkimese identity and further reduction of seats in case these sub-groups of Bhutias become politically proactive and more demanding. The political decision, which was supposed to promote democratic ethos/distribution of power, actually maintained social division on community basis.

The Amendment (1979/80) therefore set the issue of identity in motion in two ways: It generated the perception of ‘Sikkimese’ identity and protection of Sikkimese culture vis-à-vis plainsmen migrated to Sikkim from various parts of India. Further, it increased the gulf between Nepalis on the one hand and Bhutia-Lepcha on the other. Nepalis became discontented because of abolition of reserved seats for Nepalis while reservation for Bhutia-Lepchas was retained. The Bhutia-Lepcha on their turn lamented the end of “Parity” guaranteed in 1953 and subsequently in 1974.

Election and Ethnicization:

The first election after the merger was rescheduled to be held on the 12th October 1979.²⁵ About 247 candidates contested the election out of which 131 belonged to various regional and national political parties and 116 were independent candidates. There were nine women candidates of which four were party candidates. Ruth Karthak Lepchani, who was removed from Sikkim in 1969, also contested the election from three constituencies.²⁶

The crisis within the ruling Janata Party led by Kazi Lhendup Dorji was deepening over the reduction of Bhutia-Lepcha seats and abolition of reserved seats for Nepalis, and also over the issue of granting political rights to plainsmen.

The dissidents under R.C.Poudyal blamed the Chief Minister for the present political development in Sikkim. Through a signature campaign Poudyal mobilized a significant number of legislators in his support. A memorandum signed by at least 14 ruling party leaders and legislators (6 of them had withdrawn support later) was submitted to the Union Minister, Mr. P. Shiv Shankar, requesting him to reconsider the Bill No. 79.²⁷ The growing indiscipline within the ruling party necessitated Chief Minister Kazi to remove R.C.Poudyal from the Ministry in the middle of June 1979. The Chief Minister's offer to reserve 15 seats out of 17 general seats for the Nepalis could not satisfy the dissidents.

In a public meeting held at Gangtok on the 8th July 1979 Poudyal said, "It was necessary to have reservation of seats for the Nepalis as they were likely to be reduced to minority in near future, unless some safeguards were immediately provided."²⁸ He further clarified that "in 1975, people of Sikkim had accepted Sikkim's merger with India subject to certain conditions. Out of these conditions one was that only the people of Nepali, Lepcha and Bhutia origin of Sikkim would be able to contest elections to the State Assembly. This condition was also made a part of the Representation of the People Act by inserting a new provision in it in September 1975."²⁹ He questioned as to why this provision was now being changed by conferring electoral rights on the plainsmen.³⁰ On 31 July 1979, he circulated copies of a petition among the members of Parliament attempting to draw their attention towards the resentment of the Sikkimese people against the Bill No. 79 which, according to him, was brought to the Parliament without the knowledge of the Sikkim Assembly or that of the State cabinet.³¹ He maintained that the Bill was an attempt to invalidate and nullify the sacred commitments given to the Sikkimese people prior to the merger.³²

In September 1979, he formed a new regional party, called the Sikkim Congress (Revolutionary). He condemned the Bill No. 79 as 'Black Bill' and personally did not contest the election, but he was the chief campaigner of his party. He also filed a writ petition in the Delhi High Court in September 18, 1979 questioning the constitutional validity of the seats reserved for the Bhutia-Lepchas on the basis of race or religion. The Bhutia-Lepchas considered his action as an

attempt to completely annihilate their identity in Sikkim. The election manifesto of the Sikkim Congress (Revolutionary) stated, "We are opposed to the Black Bill No. 79. We are contesting this election under protest and have filed a writ petition before the Hon'ble High Court in Delhi against the undemocratic and non-secular features of the Bill."³³ Moreover, his party's demand for recognition of the Nepali language in the 8th Schedule of the constitution and grant of citizenship to all those living in Sikkim till 1970 made him biased towards his own ethnic community, i.e. Nepalis.

Mr. N. B. Khatiwada and his Sikkim Prajatantra Congress (SPC) also raised the issue of Bill No. 79 and relative deprivation of seats for the Nepalis. He also condemned grant of political rights to the plainsmen.³⁴

Mr. N.B.Bhandari and his Sikkim Janata Parishad party also expressed resentment over the extension of political rights to the plainsmen and did not give party ticket to them. He mobilized the supporters of the Chogyal and Limboo voters by raising the issues of merger, restoration of Limboo seats and tribal status respectively considering the importance of the Bhutia-Lepcha and Limboo factors in determining political outcome. By raising issues like 'Sikkim for the Sikkimese' and 'Sikkim Farkaunchoun' (bring back Sikkim) Mr. Bhandari tried to contain ethnic differences with issues of common concern.

The Sikkim Janata Parishad of N. B. Bhandari won election with 16 seats of which 8 seats belonged to the reserved B-L seats. The total seat was raised to 17 when the Sangha candidate, an independent, joined Sikkim Janata Parishad. The Sikkim Congress (Revolutionary) won 11 seats including 3 B-L seats and the Sikkim Prajatantra Congress secured 2 seats. However, Kazi's Janata Party was completely routed in the election. Later, Chamla Tshering Bhutia, elected from the Sikkim Congress (Revolutionary) ticket, defected to Sikkim Janata Parishad. It was said that its soft stand against the Bill No. 79, and virulent attack on the Kazi government on merger issue actually helped Sikkim Janata Parishad to win majority of the Bhutia-Lepcha seats and an equal number of General seats with that of the Sikkim Congress (Revolutionary) which was solely banking on ethnic

Nepali voters. Hence, it was the Bhutia-Lepcha and Limboo voters which actually helped Bhandari to triumph election in 1979.

The Presidential Ordinance of 1979 has been the central issue around which the 1979 Assembly election was contested. The loss of seats and inclusion of eight other smaller communities in the Bhutia fold made the Bhutia-Lepcha apprehensive and rallied behind Sikkim Janata Parishad. The anti-merger sentiments, therefore, found resonance. On the other hand, the Sikkim Congress (R) propagated communalism in the name of protecting the interests of the Nepalis and played upon their emotions. Party's attempt to seek legal remedy on abolition of Nepali seats vis-à-vis its opposition to continuation of 12 Bhutia-Lepcha and 1 Sangha (Monastery) seats aggravated social tension. Thus, during the monarchy ethnicity seemed to be the primary factor behind social division, in the parliamentary democratic system the mobilization of ethnic communities by various political parties for electoral gain became the cause of social tension.

Bhandari Regime: 1979-89.

By defection, the majority of the Sikkim Janata Parishad rose to 18 and the Governor, J. S. Lal, called upon Mr. Bhandari to form the government. An eight member Council of Ministers was formed on 18 October, 1979 with Mr. N.B.Bhandari as the Chief Minister. The party also won the lone Lok Sabha seat in January 1980 but lost bi-election of Khamdong and Chakhung Assembly constituencies.³⁵ No major departure in terms of issues was seen in this election too. The issues like Bill No. 79, issue of merger, rights of the Sikkimese vis-à-vis non-Sikkimese continued to dominate election propaganda and political campaigns.

After assuming power the Chief Minister Bhandari reorganized the administration as far as practicable to provide 'Sikkimese look' to its structure and functioning. The Central Reserve Police Force (CRPF), which was present in Sikkim since 1973, was replaced with the Sikkim Armed Police. The number of central government officials on deputation to Sikkim was also considerably reduced. He even changed the name of his political party from Sikkim Janata

Parishad to Sikkim Parishad in an attempt to keep distinct Sikkimese identity to the party and his leadership. The party was extremely critical of the Governor, Shri B.B.Lal, during the October 1979 election. The resentment continued even after the formation of the government and eventually succeeded in replacing him in 1981.³⁶ Homi J.H.Taleyarkhan, a veteran politician, succeeded Mr. Lal as the Governor of Sikkim in January 1981. Being a Congressman, the Governor engineered a regional adaptation of a national party. Bhandari and his colleagues enbloc joined the Congress (I) party. In fact, since the return of the Congress (I) party at the centre after 1980 Lok Sabha election, the politics in Sikkim assumed an interesting shape over the issue of getting recognition of the Congress (I) party. The choice of the Governor in Mr. Taleyarkhan, however, was a political blunder for Mr. Bhandari. The honeymoon between the two ended abruptly with the unconstitutional dismissal of the Parishad government in May 1984. It was believed that the Governor was not supportive of Bhandari's anti-plainmen attitude while the Chief Minister disliked the politician governor allegedly for involving and inciting split within the Council of Minister often on ethnic grounds.³⁷ In fact, neither the governor could live up to the constitutional obligation³⁸ nor the Chief Minister Bhandari could restraint himself from punishing dissident voices within the Council of Minister. Besides political differences, the duo had stiff ideological differences too. Unlike Bhandari's call for 'Sikkim for the Sikkimese' and 'Son of the Soil' policy based on the Sikkim Subject Certificate, the Governor always maintained the view that "Sikkim Subject has no validity and all Indians should get permanent jobs in Sikkim".³⁹ One of the Ministers, Chamla Tshering Bhutia, also alleged the Governor for conspiring against rights of the Sikkimese by abolishing the Sikkim Subject Certificate.⁴⁰ The tribal (Bhutia-Lepcha) leaders who were instrumental behind Bhandari's political success, was also the factor in political alignment in Sikkim which the Governor seemed to have used effectively against Mr. Bhandari. Considering the inclination of the Bhutia-Lepcha legislators towards the Governor and also as being the representative of the Limboo dominated Soreng Assembly constituency, Bhandari wrote to the Prime Minister of India, Mrs. Indira Gandhi,

for the inclusion of Limboos in the Scheduled Tribes list of Sikkim in 1981.⁴¹ It must be noted that the Bhutias had always cherished a secret desire to have their own Chief Minister which, however, could not be possible without the blessing of the Governor or through some political alignment at the top. Against the design of Mr. Bhandari to use anti-merger and Sikkimese identity for political bargaining, the Governor was on the lookout for a Chief Minister who was acceptable to the Sikkimese but would be able to contain the issue of Sikkimese identity to go beyond a point of no return. Mr. B.B.Gurung was appointed as the third Chief Minister of Sikkim in place of Bhandari on 11 May 1984 with this intention. However, his pro-Indian speech given on the State Day, dated 16 May 1984, created unhappiness among his supporters. The Assembly was suspended on 24 May 1984 and Sikkim was brought under the purview of article 356 of the constitution of India.

Soon after the dismissal, Mr. Bhandari resigned from the Indian National Congress (I) along with his colleagues. He founded a new regional party, called Sikkim Sangram Parishad (SSP), in 1984 in New Delhi. In December 1984 Lok Sabha election, he made a heroic comeback by winning the lone Lok Sabha seat with thumping majority. His electoral victory was indicative of the fact that politics in Sikkim essentially revolves around either ethnic or regional issues.

The domination of the party continued in the Assembly election held in March 1985. The Sangram Parishad won 30 out of 32 Assembly seats. Apart from Bhandari's personal charisma, he skillfully exploited ethnic issues like restoration of parity formula and reservation of seats for Sikkimese Nepalis, citizenship for the people rendered stateless in Sikkim, fixation of 1970 as the cut off year for granting of citizenship, preservation of local identity and implementation of the 'Son of the Soil' policy, constitutional recognition of the Nepali language in the Eighth Schedule of the Indian constitution and amendment of the provision of the constitution which justifies dismissal of the state government by the Governor on his pleasure.⁴² As far as election manifesto was concerned, his idea of 'Sikkim for the Sikkimese' was heavily tilted in favour of the Sikkimese Nepalis to which he

himself belonged. This departure may be due to the 1984 political development in which almost all the tribal leaders were involved in 'remove Bhandari' campaign. The disagreement between Mr. N.B. Bhandari and State's Governor, Homi J.H. Taleyarkhan, basically appeared to be a clash between the two identities – Sikkimese identity vs. Indian identity. But when the protagonists of Sikkimese identity suffered from political setback, they resorted to mobilization of communities on ethno-cultural elements as a means for political resurgence. This added a new dimension in Sikkim's politics of identity, i.e. identity was defined on the basis of both region and ethnic affiliation.

Division within the Nepali community - Growth of New Identities:

The earlier two Chief Ministers compared the rule of Mr. N.B. Bhandari as the dictatorship of the worst type. The continual loss of democratic values both within the cabinet and in party functioning, rampant corruption and spoils system, victimization of the opposition and above all politics of divide and rule characterized Bhandari's government in the post-1985 era. Unlike his 1981 stand,⁴³ He later opposed inclusion of Limboos and Tamangs in the Scheduled Tribes list in 1987 even though the central government wanted the two communities to be recognized as Scheduled Tribes.⁴⁴ He perhaps was of the impression that the inclusion of Limboo and Tamang in the Scheduled Tribes list would lead to division within the Nepali community. However, his decision alienated the Limboo and Tamang communities. The Limboos, in disgust, reactivated their organizational activities and submitted a memorandum to the President of India requesting him to include Limboo community in the Scheduled Tribes list of Sikkim and restoration of the Limboo seat in the Assembly.⁴⁵ The Limboo Organization, called Akhil Kirat Limboo Chumlung (Estd. 1973), also demanded resignation of the Chief Minister, Mr. N.B. Bhandari.⁴⁶

The major rift within the Nepali community, however, began with the passing of the legislation by the central government seeking to implement Mandal Commission Recommendation. In Sikkim, the communities like Rai, Limboo, Mangar, Tamang, Gurung and Bhujel were included in the Other Backward

Classes (OBC) list which, taken together, formed the majority of the State's population, and excluded other groups of Nepalis like the Bahuns (Brahmins), Chhetris (Kshatriyas) and the Newars. This obviously led to division within the larger Nepali community in terms of the 'backward' classes, also called Matwalis (one who uses liquor as part of traditional religio-cultural belief) and the 'forward' classes who belonged to higher castes and economically affluent.

Apart from the division in terms of classes, there had been attempts to highlight racial differences between the two sections of the Nepalis, i.e. Mongoloid (mostly animist and Buddhist) and Aryan (Hindus). Racially, the Other Backward Classes belonged to the 'Mongoloid' stock while the Forward section of the Nepalis were 'Aryan', with an exception of the Newars who dominated the State administration. These divisions within the Nepali fold also had larger political ramifications. Considering the fact that the Mongoloid population formed about 50 per cent of the State's population, it posed a serious threat to Bhandari's domination in the politics of Sikkim. Bhandari, an upper caste Nepali by birth and belonging to the Aryan fold, was quick enough to understand the outcome of polarization on racial or religious grounds and rejected the proposal of the Mandal Commission Recommendation. On 7 September 1990, the Assembly passed a resolution rejecting the central directives for implementation of the Mandal Commission recommendation in Sikkim.⁴⁷ It must be mentioned here that the list of Other Backward Classes in Sikkim was first prepared by Mr. Bhandari himself in 1980.

Apart from rejecting the Mandal recommendation, his selective use of derogatory or inauspicious remarks against the Other Backward Classes in public meetings such as "when people become mad, they become OBC" etc. further drifted the OBC sections away from the mainstream Nepali community. Once a single community, Nepali began to be referred to as NBC⁴⁸ and OBC. Invariably, the shape of the nose 'Thepche' (flat nose) and 'Chuchey' (pointed nose) were used for identifying the Mongoloid fold from that of the Aryan Nepali. In this context J.N.Kazi writes, "Elsewhere in the world politics may be decided by the colour of one's skin, or by the faith that one profess, but in this part of the region,

the shape of things to come may ultimately be determined by the shape of one's nose."⁴⁹ The OBC people with their inkling for benefit in terms of 27 per cent reservation in employment and other economic benefits were infuriated at the rejection of the implementation of the Mandal Commission's recommendation and articulated their resentment besides engineering electoral mobilization and formation of ethnic organizations. These ethnic organizations, including the Akhil Sikkim Kirati Limboo Chumlung, representing the Limboos of Sikkim, accused Bhandari of highhandedness and demanded for a 'review' of the State government's decision on the Mandal Commission issue. The Akhil Sikkim Kirat Limboo Chumlung also stated that the government's decision deprived the 'majority' Sikkimese Nepalis of their share in 'social and economic benefits'.⁵⁰ The Rais, by virtue of being the largest section among the Nepali population in the State of Sikkim and perhaps economically the most deprived too, conducted indoor meetings and formed association (e.g. Akhil Kirat Rai Sangh of Sikkim in June 1990) which led to the formation of the Mandal Coordination Committee headed by the veteran political personality, a retired civil servant and a journalist, Shri C. D. Rai.

With the mongoloid consciousness gaining significance, the Nepali language, which had been the symbol of unity and strength during the pre-merger era, became another contentious issue between the two groups leading to a new interpretation of identity. Mr. Bhandari who used the term 'Arya Bhasa' (Arya language) as a synonym to 'Nepali Bhasa' (Nepali language) in the memorandum submitted to the visiting President of India, Shri P. Venkataraman, dated 21 October 1991, regarding constitutional recognition of the Nepali language⁵¹ became the source of contradiction. Truly speaking, the source of the Nepali language, like many other Indian languages, was/is the Sanskrit language. But the use of the term 'Arya Bhasa' as a synonym for the 'Nepali Bhasa' was not acceptable to the mongoloid section of the Nepalis. According to them the Nepali language had never been the language of a single racial community but a conglomeration of several dialects/languages spoken by different sub-tribes of the larger Nepali community. Nepali as a language had passed through several

evolutionary phases and called variously such as Parbatey Bhasa, Pahari Bhasa, Khash Kura etc. before coming to the present form. A renowned Nepali litterateur and a linguist, Surya Vikram Gnewali, too subscribed to this view saying, "Every Nepali dialect or even language had contributed towards the development of the Nepali language".⁵² In fact, the essence of the mongoloid resentment towards the Nepali language was/is that they considered it as a symbol of linguistic domination imposed by the ruling Aryan race, at the cost of their own dialects or languages, during the 18th century. They also held Nepali language chiefly responsible for disappearance or moribund condition of other languages/ dialects spoken by various other sub-groups of the mongoloid section of the Nepali community. This emphasis on the Aryan language alienated a substantial section of the Nepali community in Sikkim, particularly the Limboos, Tamangs, Rais, Gurungs, etc. who belonged to various hill tribes but gradually assimilated themselves within the Nepali-fold and identified as Nepalis. These tribes often are bi-lingual using Nepali in the public sphere while resorting to their tribal language in their homes and within community level. As the emphasis on Aryanism grew, the demand for recognition of languages/dialects spoken by these communities, including the demand for recognition of them in the Scheduled Tribes list also grew in magnitude. The contemporary event like publication of a book entitled 'The Hidden Facts in Nepali Politics' by Shri Gopal Gurung seemed to have contributed immensely in the development of the mongoloid consciousness in Sikkim. The book, which was banned both in Sikkim and Nepal, was an attempt to expose the hollowness of Nepali politics which, it contended, was based on the exploitation of the majority mongoloid Nepalis by the minority Aryans/Hindu Nepalis. Apart from this, a certain section of the Limboo elites in Sikkim were also influenced by the activities of the Limbuwana Mukti Morcha (Limbuwana Liberation Front), a Limboo dominated political organization of the Eastern Nepal, led by Bir Nembang.

The division in the Nepali community occurred in two ways: firstly, the State Government decided not to recommend for inclusion of the Limboos and Tamangs in the Scheduled Tribes list. The community felt alienated by the

policies of the government which was taken in favour of the Bhutia-Lepcha community. This generated a sense of community resentment and consciousness as against the notion of belonging to Nepalis. Secondly, the communities belonging to Other Backward Classes too resented the policy of the government which denied them the status of OBC in 1990. The feeling of deprivation and differential treatment among the OBC communities, including the Limboos and Tamangs, gradually resulted in consolidation of consciousness for separate identity other than the larger Nepali identity. Thus, it appears very strongly that electoral politics and government policies tended to proliferate social divisions and create community consciousness in favour of smaller identities which hitherto were regarded as Nepali community.

Chamling and the rise of the OBC:

The Mandal Coordination Committee, under the leadership of Mr. C.D.Rai, had become a common forum of the OBC and gained enough strength to withstand any reprisal action from the government. But the significant section of the OBC leaders, including party leaders, were perceiving Mr. P.K.Chamling, who was not only politically popular within the ruling SSP party but also belonged to the majority Rai community of Sikkim, as the person to lead the OBC community. It was during 1990-91 that Mr. Chamling, then a cabinet minister, was also beginning to have ideological differences with his political boss, Mr. Bhandari. His defiance was as much to do with his reelection with a record 97 per cent votes in 1989 Assembly election as with the emergence of the Backward Class politics in Sikkim. He was also the choice of the Congress (I) which was then engaged in 'remove Bhandari' campaign. As rumours had it, Mr. Chamling then was having the support of 12 M.L.As, including some Ministers, Mr. Chamla Tshering, another powerful Bhutia leader, had the support of 8 Bhutia-Lepcha M.L.As and the rest were with Mr. N.B.Bhandari. Considering the gravity of the situation, Mr. Bhandari removed Mr. P.K.Chamling first from the Ministry on 16 July 1992 and later from the primary membership of the Sikkim Sangram Parishad party. Mr. Bhim Raj Rai, M.L.A from Jorthang-Nayabazar constituency

and belonging to Chamling's own Rai community, was appointed in Chamling's post in a bid to pacify his growing anti-OBC image. The government suffered no untoward damage due to the fact that Mr. Chamling declined to be in power through some unconstitutional and unscrupulous means. The passage of the Language Bill in both the Houses of Parliament seeking to accord constitutional recognition to the Nepali language in August 1992 normalized the condition.⁵³ However, Denzong Tribal Yargay Chogpa, an organization of Bhutias, expressed resentment over the outcome and alleged that the Chief Minister Bhandari was working in favour of his own community.

After his removal from the Ministry and the SSP, P. K. Chamling formed a new regional party called Sikkim Democratic Front (SDF) in March, 1993. The SDF was considered as the party of Mongoloid Nepalis or the OBC group, and the clash between SDF and SSP at Namchi (18 June, 1993) was described then as a conflict between Mongoloid and Aryan Nepalis. The SDF was declared a terrorist organization and its supporters were arrested, including issuance of arrest warrant against Mr. P.K.Chamling. This further antagonized the OBC segment of population and created a sense of unity among the mongoloid Nepalis. The emergence of SDF, therefore, marks a new dimension in Sikkim's ethnic politics – a search for identity of mongoloid Nepalis.

About the same period (1993-1994) the Central government proposed to extend Central Income Tax Act, 1961 to Sikkim with effect from April 1995. It must be noted that Sikkim has its own income tax laws which have been continuing since Chogyal's day. The Chief Minister Bhandari, in a letter dated July 24, 1993, requested for tax exemption for the Scheduled Tribes of Sikkim in a manner that tribes of North-East India were exempted from income tax. The Sikkim People's Forum formed on March 18, 1994, also demanded tax exemption for the Nepalis along with the tribals as they perceived discrimination. The Rajya Sabha member, Shri Karma Topden reportedly told the members of the Forum to wait till "we get what is being granted to us then only we will do for you".⁵⁴ Topden's statement antagonized the members of the People's Forum and communal tension flared up like a wild fire. The SDF party supported the

People's Forum by calling a three-day strike from March 22, 1994. The strike was a complete success which also evoked a strong reaction from the State Government. The government issued a press release in which the participating government employees were warned, the proposal for exemption to the tribals from the central tax was welcomed and stressed need for passing the Finance Bill (No. 15) without any delay.⁵⁵ The government press release also emphasized "let the tribals of Sikkim avail themselves of the tax exemption in the first instance, thereafter steps for obtaining tax concessions for the other ethnic communities of Sikkim can also be taken up by all, with even greater zeal."⁵⁶ The press release created a division between the tribals (Bhutia-Lepcha) and non-tribal (Nepalis). The People's Forum, however, continued its movement and met Dr. Manmohan Singh, the then Finance Minister, in April 1994. Under the circumstances Mr. N.B.Bhandari, the then Chief Minister of Sikkim, also met the President of India, S.D.Sharma, and the Prime Minister along with his party legislators and submitted a memorandum to the President requesting that the Finance Bill No. 15 of 1994 which proposed to extend the exemption from payment of income tax and other direct taxes, and exemption given to the tribals of Sikkim was a considerate proposal and the passing of the Finance Bill should not be deferred in any manner. As a compromise, the memorandum also requested the President "to advice the government of India to take immediate steps to incorporate a provision in the present Finance Bill which will facilitate the grant of exemption from payment of Income and other Direct Taxes to the Nepalis of Sikkimese origin also."⁵⁷ The Finance Minister, however, withdrew the Bill after submission of Bhandari's memorandum. The Finance Minister stated that, "The Finance Bill seeks to exempt from the income of the members of the scheduled tribes residing in the state of Sikkim. However, the concession to the Schedule Tribe of Sikkim was introduced in the Finance Bill in accordance with the wishes of Chief Minister of Sikkim. The letter has now come with the fresh request that not only Schedule Tribes but all the people residing in Sikkim should be exempted from the taxation..... This has raised examinations de novo, means a fresh examination.

Therefore I propose to withdraw for the time being the proposal in the Finance Bill”⁵⁸

Bhandari, who already lost sympathy of the Nepalis, was accused of deceiving the Bhutia-Lepcha tribals also. In fact, the statement of the Finance Minister did not anywhere mention about imposition of the Income Tax on either community but the feeling that Bhutia-Lepcha alone should enjoy the tax benefit generated apprehension among the Nepalis. Ethnic tension, which was brewing gradually since the People’s Forum was formed, further intensified after the withdrawal of the Finance Bill No. 15. Anti-Nepali or anti-Bhutia-Lepcha slogans (Nepali thieves, leave Sikkim / Bleed Bhutia-Lepchas etc.) echoed valleys and villages of Sikkim. Dressed in traditional attire as a symbol of solidarity, a certain section of the Bhutia-Lepcha community organized a protest rally on May 7, 1994, at Gangtok.

Under the circumstances, on May 5, 1994, about 18 M.L.As deserted Mr. Bhandari in favour of a new leader Mr. Sanchaman Limboo. Ethnic tension went on unabated and it became difficult to contain the situation. Democracy as an ideology and a force to restore peace and communal harmony was put to test. On May 15, 1994, Mr. P.K.Chamling called a public meeting at Singtam which in itself was a record in terms of public gathering. It was in this public meeting he declared, “If somebody wants to bleed any Bhutia or Lepcha to death, he should first chop off my head.”⁵⁹ Chamling’s extraordinary effort was able to bring back normalcy in Sikkim, and contributed to the diffusion of potentially explosive ethnic tension between Nepalis and Bhutia-Lepchas. Chamling later recollected that, “the extraordinary rally called by the SDF party at Singtam was finally able to replenish the lifeblood of communal harmony and unity in Sikkim.”⁶⁰ This incident is an example how State policies and organizations play an important role in aggravating and containing ethnic tension in a plural society.

Bhandari lost the no-confidence motion held on June 6, 1994. Mr. P.K.Chamling though participated in the hour-long Assembly discussion, abstained from voting.⁶¹ Mr. Chamling criticized the outgoing Chief Minister Bhandari for harbouring a false notion of communal harmony and for sowing the

seeds of division within the Nepali community by making controversial statements in the White Hall like 'I was out of Sikkim for few days and the Nepalis in Sikkim had been split into OBC and NBC.'⁶² Chamling believed that communal harmony could prevail only if the three ethnic communities were given liberty for self-growth.⁶³

Sanchaman Limboo, the leader of the dissident group, was sworn in as the fourth Chief Minister of Sikkim on May 18, 1994, but soon lost majority following the resignation of the two tribal ministers. Both Mr. Bhandari and Chamling, including some members of the Legislative Assembly, also resigned from the Assembly. The Limboo faction merged with the Congress Party (I), which was in power at the centre, and continued in office till the formation of the new government.

The fall of the Bhandari government ushered in a new phase in Sikkimese politics with community or cognate identity becoming a center of political alignment and mobilization. The rise of the Other Backward Classes (OBC) as a formidable political force in Sikkim not only changed the nature of politics but it also gave a nativist identity to the Nepalis who were often referred to in ignominious terms as migrants, foreigners, influx, coolies etc. in Sikkim. It is mention-worthy that communities falling within the Other Backward communities like Limboos, Mangars etc. belonged to the early inhabitants of Sikkim but their identity remained mostly unreported and marginalized due to the then prevailing political necessity, dominance of sanskritized upper castes in Nepalis society, and lack of consciousness among the members of backward communities.

The rise in OBC consciousness led to formation of various socio-cultural organizations bearing traditional community names like Gurung Samaj, Tamang Samaj, Rai Samaj, Chhetri-Bahun Samaj, Limboo Samaj, Mangar Samaj, Damai/Kami Samaj, Sikkim Newar Guthi etc. These organizations functioned both as agencies of unification and social control over its members. After 1990 not only the number of such socio-cultural organizations increased but they also became articulate and assertive politically.

Assembly Election – 1994:

The 1994 Assembly Elections provide ample examples about alignments and symbiotic alliances occurring between the political parties and socio-cultural organizations with respect to the choice of the candidate and voters' strength belonging to candidate's own cognate group in a particular constituency. Apart from this, the 1994 Assembly election was also significant from the view point of initiatives taken at the family, social, peer group, media levels to influence the voters to cast vote either in favour or against a particular party or cognate group or individual candidate(s). For instance, a Nepali Weekly "Prajatantra", published from Gangtok, urged for unity between the mongoloid Nepalis and the Bhutia-Lepcha voters to bring to an end to the rule of N.B.Bhandari in Sikkim to whom the Weekly alleged for favouring only the high caste Nepalis.⁶⁴ Similarly, one Gram Panchayat member, Mr. M.Chettri, a higher caste Nepali and a supporter of Sikkim Democratic Front, was reportedly approached by his relatives and told him to support the Sikkim Sangram Parishad led by Mr. N. B.Bhandari, a higher caste Nepali, by saying, "time has come to see not the 'Party' but 'Jati'.⁶⁵ Apparently political parties too were very often identified and referred to by the identity of the leadership. For example, the Sikkim Democratic Front was called an OBC (Mongoloid) party, the Congress (I) party as a tribals' party, i.e. Bhutia-Lepcha party, and the Sikkim Sangram Parishad party was associated with the upper castes Nepalis.

In 1994, many important office bearers of the Sikkim Democratic Front Party, mostly belonging to Aryan Nepalis and tribals, left the party. On 21 October 1994, month before the Assembly Election, the higher caste Nepalis and tribal leaders resigned en-masse. Notable among them were the publicity Chief Nandu Thapa (Chhetri), Jagat Bandhu Pradhan, Madan Chhetri. The Vice-President of the SDF party, M.M.Rasaily, and four other tribal leaders also deserted the party. In a joint statement, the leaders alleged Mr. P.K.Chamling of favouring the Nepalis of Mongoloid stock and of failing to give proper representation to Nepali Bahun (Brahmin), Chhetri, Bhutia, Lepchas etc.⁶⁶

The following table 3.4 shows a major changes in the voting pattern and selection of candidates before and after 1994 Assembly elections. It further explains that during the Bhandari regime the ratio of the Bhutia representatives in the State Assembly has been much higher as compared to the Lepchas. During his fourteen years of rule only 20 per cent Lepchas have been represented to the Assembly as compared to 80 per cent of the Bhutias. However, the gulf between the Bhutia and Lepcha representatives in the Assembly has been reduced significantly in 1994 and in 2004 Assembly elections parity between the two communities has been restored. Since 1996 various Lepcha organizations had been demanding for fifty per cent seat reservation for the community out of the 12 seats reserved for the Bhutia-Lepcha (B-L) community in the Assembly.

Table No. 3.4: Community-wise Representation in Sikkim Legislative Assembly: 1974-2004

Communities Tribals	1974/79	1979/84	1985/89	1989/94	1994/99	1999/04	2004/09
Bhutias	8	11	10	10	7	8	6
Lepchas	8	2	3	3	5	4	6
Sherpas	X	X	X	X	1	1	1
Other Tribals Limboos	1	3	2	2	3	4	4
Tamangs	X	1	X	X	1	2	1
Other Backward Classes Tamangs	X	1	X	X	1	2	1
Rais	3	1	4	5	5	5	4
Mangars	X	X	X	X	1	X	1
Upper Castes Chettri-Bahun	7	7	7	6	3	3	4
Newars	2	1	1	2	2	2	1
Scheduled Castes	1	2	2	2	2	2	2
Plainsman	X	X	1	X	X	X	X

Sources: Compiled from Election reports, various documents and newspapers.

Another significant feature of the 1994 Assembly election was that the Sherpa tribal community was provided a separate representation. By fielding Mingma Tshering Sherpa from Rakdong-Tintek reserved B-L constituency, Bhandari seemed to have punished the tribal legislators for their betrayal in 1994 which caused his fall from power. This situation led to formation of a communal organization like 'Survival Sikkimese' in 1995 by a section of the Bhutias. The organization claimed that Sikkim Sikkimese' in 1995 by a section of the Bhutias. The organization claimed that Sikkim belongs to only the Bhutia and Lepcha communities and the Nepalis, including others, were neo-colonialist. Besides, the above table also shows the increasing number of the OBC candidates in the Assembly after Mr. P.K.Chamling assumed power in Sikkim.

As a firm believer in democratic values, Chamling after coming to power in 1994 charted out three pronged priorities of his government viz. to provide safeguards of all kinds to various ethnic communities, to undertake capacity building measures and to explore possibilities for ensuring better centre-state relation without compromising the basics of Sikkimese identity, both in thought and actions. Safeguards to ethnic communities, according to Chamling, were inevitable to infuse confidence and vigour, to provide dignified living and to inculcate spirit of responsibility in every Sikkimese.⁶⁷

Chamling implemented Mandal Commission recommendation and groups like Bhujel, Gurung, Limboo, Rai, Tamang, Mangar and Sunuwar were declared as the Other Backward Classes (OBC) in the state.⁶⁸ Apart from this, a list containing names of the above communities was also forwarded to the central government for the grant of scheduled tribe status.⁶⁹ Similarly, the Sikkim Official Language (Amendment) Act, 1995 (6 of 1995) was passed in the Assembly to include Newari, Rai, Gurung, Mangar, Tamang, Sunuwar and Sherpa languages in the list of official languages of Sikkim.

However, Chamling's pro-OBC policies alienated upper caste Nepalis on the one hand and his initiatives favouring certain OBC communities for the status of Schedule Tribes created apprehension among Bhutia-Lepchas on the other. There were attempts to topple the government headed by Mr. Chamling but were

never materialized. Thus, in an attempt to accommodate grievances of the upper caste Nepalis, the OBC list was enlarged in 2003 to include Bahun (Brahmin), Chettri, Newar and Sanyasi in the list.⁷⁰ The communities who were declared OBC earlier were now classified as the Most Backward Classes (MBC). He played an important role in the appointment of N.B.Khatriwada, an upper caste Nepali, as the Additional Advocate General of Sikkim High Court. Similarly, in 1995 'Dzumsa', a traditional Bhutia institution of village administration, was institutionalized as the lowest unit of the Panchayati Raj Institution in Bhutia dominated Lachung and Lachen villages (North Sikkim), recommendations were made to the central government for the inclusion of the Bhutia and Lepcha languages in the Eighth Schedule of the constitution, initiatives were taken to protect the socio-cultural, economic and political interests of the Bhutias and Lepchas, played an instrumental role in achieving the 'most primitive community' status for the Lepchas and provided adequate representation for the community in the legislative Assembly of Sikkim. He once again played a decisive role in the appointment of Karma Topden Bhutia as the ambassador of India to Mongolia. Considering the socio-cultural and religious significance of the Bhutias, the construction of the controversial Rathang Chu Hydel Project was abandoned in 1997.

In Chamling's economic policies, villages, which formed about 89 per cent of State's population, had a special place. Being a villager himself, he realized that conditions in the rural areas needed land reforms and alternative means of livelihood. He started Land Bank Schemes in 1995 whereby (a) surplus land owned by private parties were purchased by the government for distribution to the needy and poor landless Sikkimese; (b) Land under Khasmal, Jhora, Lease and Waste land under the forest department and land used for cattle grazing were acquired by the government and distributed freely to the needy homeless and landless Sikkimese. He allocated 70 per cent of the total budget of the government for the development of the rural areas with an objective to improve economic condition of the villagers. Along with it the process of decentralization and organizational cohesiveness were also initiated at war footing to yield effective

and efficient implementation of the welfare programmes. As required by the 73rd Constitutional (Amendment) Act, 1992, the State government enacted Sikkim Panchayat (Amendment) Act, 1997 with party-based election system. 33 per cent seats (now 40 percent) were reserved for women in the Panchayat institutions and 30 per cent in government jobs. Similarly, seats were reserved for different sections of populations in government employment and educational institution of professional courses outside Sikkim, viz. 33 per cent for scheduled Tribes, 6 per cent for Scheduled castes, 21 per cent for Most Backward Classes (Gurung, Dewan, Bhujel, Rai, Mangar, Sunuwar, Thami and Jogi) and 14 per cent for Other Backward Classes (Bahun, Chhetri, Newar and Sanyasi).⁷¹ On September 16, 2003, the State Cabinet took decision to reserve 2 per cent seat from the quota reserved for the Scheduled Tribes for sports persons of the concerned tribe and 5 per cent for the children of other business community and government employees.⁷² In June, 2003 Limboo and Tamang communities were included in the Scheduled Tribes list of Sikkim. Though the Opposition condemned Mr. Chamling for being castiest and communal, his endeavour for making Sikkim economically self-reliant and providing the most representative face of the Assembly deserve wholehearted appreciation.

In fact, a society whose history was shaped by sharp ethnic divisions and differential treatment, any long-term policy seeking to eschew ethnic differences would be counterproductive. For instance, when a Sherpa candidate was given ticket to contest from Rakdong-Tintek (BL) constituency in 1994, the Bhutias accused Bhandari for subverting ethnic harmony. Similarly, Chamling's effort for maintaining parity between the Bhutias and Lepchas has been alleged for disturbing the cordial relationship existing between the Bhutias and Lepchas. The relationship between the Bhutias and Nepalis had been shaped by their long historical interactions characterized by occasional wars and occupation of territories. To the Bhutias, the Nepalis had been basically 'migrants' from Nepal, Hindus by religion and 'troublesome as neighbours'. As a Nepali Chief Minister, Bhandari's policies, therefore, had been reflective of the need to malign such perceptions but in doing so he became unnecessarily pro-Tribal. In order to

appease the Bhutias, he refused to recommend for inclusion of Limboos and Tamangs in the Schedule Tribes list of Sikkim in 1987⁷³ and, his anti-OBC stand in 1990 in favour of the upper caste Nepalis alienated the OBC communities. But ethnic preferences and priorities change, so are the alignments based on these elements. In fact, Bhandari's desire for remaining in power often by raising and manipulating community oriented issues actually accentuated the process of ethnic division into smaller parochial groups. Political mobilizations based on ethno-cultural elements or articulation of community oriented demands through political organization generally create an atmosphere of suspicion. This happens because ethnic politics, by nature, is partial in intention and the state which is both a source and distributor of resources, by and large, is viewed not as an agency pursuing equality or distributive justice.⁷⁴

Modern states are welfare states and pursue affirmative actions. Such affirmative actions in a socio-culturally divided society create euphoria for some and strengthening of community or group consciousness for some because of the fact that one who is not benefited by the state policies may develop a sense of being discriminated against the one who is benefited. This feeling of deprivation, on the one hand, bring unity and solidarity within the members of a social group and, on the other, expresses community's resentment, firstly, against the government and, secondly, towards the community or communities which has/have been benefited or likely to be benefited by the political decisions.

The legal-political framework prevailing in Sikkim recognizes social differences or divisions in terms of ethnic or religious communities. In such circumstances political parties or organizations operating in Sikkim automatically depend upon issues either concerning ethnic group or groups (e.g. issues concerning Nepali, Bhutia, Lepcha or plainsmen) or a broader issue concerning Sikkim as a whole (e.g. protection of the rights of the Sikkimese, protection of Article 371F etc.) for widening their support base and electoral gain. The political parties irrespective of their size and ideology formulate strategies and policies provoking ethnic or regional sentiments. Mr. Chamling perhaps realizes this fact and urges people, "instead of staying divided on grounds of caste, religion, sex

and class, today's age calls for mutual coexistence based on humanity, unity and brotherhood...It is imperative for every body to take responsibility to modernize Sikkim....The improvement and development of our place and our lives lie in our collective efforts".⁷⁵

CITIZENSHIP AND THE QUESTION OF LEFTOUT PERSONS:

The citizenship issue was yet another example how policies and decisions of the government creates ethnic division and tension in a multi-cultural society. The tension brewed with the decision of the Government of India to grant citizenship to the erstwhile subjects of the Chogyal on a basis of the Sikkim Subject Regulation of 1961. The grant of citizenship became imperative because the Indian Citizenship Act, 1955 under section 7 states, "If any territory becomes a part of India, the Central government may, by order notified in the official gazette, specify the persons who shall be citizens of India by reason of their connection with the territory; and those persons shall be citizens of India as from the date to be specified in the Order." Accordingly, Government of India promulgated Sikkim Citizenship Order, 1975 stating "every person who immediately before the 26th day of April, 1975 was a Sikkim Subject under the Sikkim Subject Regulation of 1961 shall be deemed to have become a citizen of India on that day."⁷⁶ Thus, persons whose names were registered in Sikkim Subject Regulation of 1961 became citizens of India automatically from the 26th April 1975. However, a section of people who could not register their names in the Sikkim Subject register on account of ignorance, indifference, administrative lapses, political considerations etc., became stateless persons overnight following the merger. It must be noted here that the Sikkim Subject Regulation of 1961 itself had been the subject of controversy earlier owing to its provision regarding ethnic communities wherein any reference to the Nepalis was avoided though the Lepchas, Bhutias and Tsongs (Limboos) were mentioned in clear terms. (For further reading see Ch. IV).

A certain section of the Sikkimese were unhappy with the way the Sikkim Subject Regulation of 1961 (now repealed) was adopted by the government of

India as a basis for the grant of Indian Citizenship to the subjects of the Chogyal. Theoretically, as per article 3 (b) of the Sikkim Subject Regulation of 1961 (as amended in 1962) the cut-off year for the qualification of Sikkim Subject Certificate was fixed at 1946, i.e., fifteen years immediately preceding the commencement of the Sikkim Subject Regulation 1961, but effectively the cut-off year was pushed further back to 1936. The land Survey Report of 1950-58 was the basis for registration of names in the Sikkim Subject Register and the names of only those Bustiwallas (Secondary land holders) were enumerated in the survey report who had been continuously possessing land for a period of not less than 14 years.⁷⁷ Thus, persons who failed to qualify the condition of 14 years as Bustiwallas were not registered in the Land Revenue Survey Report and subsequently in the Sikkim Subject Regulation of 1961.

Moreover, the registration of names in the Sikkim Subject register too was not mandatory. A government publication admitted that those who desired for government services or wanted government scholarships or acquired immovable properties for which submission of Sikkim Subject certificate was necessary alone applied for the Certificate.⁷⁸ The document further writes, "There were many who had applied for registration but were not considered for immediate registration for want of verification of their antecedents due to lack of proper administrative machinery prevalent at that time. Besides, there were political considerations which guided the Chogyal administration in the grant of Sikkim Subject Certificates. This was evident from the manner a Committee formed for granting certificates performed its task. There are documentary proofs to show utter indifference of the Committee towards applicants. Thus thousands were left out and this resulted in wide-spread discontent."⁷⁹ Hence, determination of Indian citizenship on the basis of Sikkim Subject Relation, 1961, generated discontent among a section of population, particularly Nepalis who were often not enumerated as Sikkim subjects by an indifferent Royal government. The issue of citizenship became a source of tension between Nepali and Bhutia-Lepcha population.

Although the Union Parliament enjoys an exclusive authority in all matters relating to citizenship, including acquisition and termination of citizenship, the decision of the Union Parliament regarding the grant of citizenship to the Sikkimese was contradictory to the decision taken earlier in case of Goa-Daman-Diu Citizenship Order, 1962 which stated that every person who or either whose parents or any of those grandparent was born before the 20th December, 1961 in the territories now comprising the Union Territory of Goa-Daman-Diu shall be deemed to have become a citizen of India on that day. Similar stands were taken by the Union parliament regarding grant of citizenship to the people of Dadra-Nagar Haveli (Dadra Nagar Haveli Citizenship Order, 1962) and Pondichery (Pondichery Citizenship Order, 1962). Perhaps by adopting the Sikkim Subject Regulation of 1961 as the basis for grant of citizenship, the government of the day did not like to offend the pro-Chogyal elements of Sikkim.

The first Assembly election after the merger, as mentioned in Chapter IV, was due in October 1979 to be completed latest by the 16th of October, 1979.⁸⁰ With the prospect of election underway and electoral rolls being prepared, the issue of citizenship received unprecedented attention of almost all the political parties. A section of the ruling Janata Party demanded grant of citizenship to all the Nepalis living in Sikkim. The citizenship issue was also one of the major issues of the Sikkim Prajatantra Congress of N.B.Khatiwada and Janata Parishad led by N.B.Bhandari. They demanded citizenships for all those people who were living in Sikkim for some years. It was claimed that those people were living in Sikkim for a long time and possessed required qualifications for inclusion as voters. Earlier, the Assembly adopted a resolution demanding Indian citizenship for all those who were in Sikkim till 1970. A delegation consisting of members of the State Legislative Assembly also visited Delhi in September, 1978 and informed the central leadership regarding the Assembly decision on the question of citizenship.⁸¹ The Janata Party in its Rangpo Convention in January 1979 adopted resolutions demanding 1974 electoral rolls as the basis for 1979 elections and citizenship for all those living in Sikkim till 1971.⁸² The Sikkim Prajatantra Congress also criticized Chogyal's administration for intentionally dropping out

names of the genuine Sikkimese from the voters list and for indiscriminate inclusion of names of plains people in the voters list.⁸³ The President of the Sikkim Janata Parishad, N.B.Bhandari, alleged that a considerable number of genuinely Sikkimese Subjects had been left out of the electoral rolls.⁸⁴ In April 1979 the leaders of all political parties and the State Cabinet held separate discussions with the visiting Prime Minister of India, Morarji Desai, on citizenship issue. It was reported that N.B. Khatiwada asked the Prime Minister for setting up a Commission to ascertain the identities of the left out persons if the Prime Minister had any doubts about their claims.⁸⁵ He alleged that the people coming from other states like Haryana, Punjab, Bihar, Rajasthan etc. were easily finding their names registered in the voter's list without furnishing any document, while the Nepalis were asked to produce domicile certificates.⁸⁶

In 1979, the Janata Parishad government under Mr. N.B.Bhandari set up an All Party Citizenship Committee under the chairmanship of the Deputy Speaker of the State Assembly, L.B.Basnet. The Committee had a tough time due to lack of cooperation from the members of the government. The Chairman was also reported to have threatened to quit the Committee owing to sharp differences prevailing among the members regarding community considerations.⁸⁷ Despite difficulties, the Committee submitted its report recommending grant of citizenship to "every person who had been ordinarily resident in the territory of Sikkim for not less than five years immediately preceding the commencement of the Constitution (Thirty Sixth Amendment) Act, 1975 and every minor child of such a person born before such commencement shall be deemed to have become citizen of India on that day."⁸⁸ As such, the Committee maintained 1970 as the cut off year for the grant of citizenship. The recommendation of the All Party Citizenship Committee was, however, not implemented.

The citizenship issue once again became a major political issue during the March 1985 Assembly elections. The Sikkim Sangram Parishad (SSP), formed in 1984 by Mr. N.B.Bhandari, won 30 out of 32 Assembly seats by carefully manipulating citizenship issue among others like reservation of seats for the Sikkimese Nepalis in the State Assembly and inclusion of Nepali language in the

Eighth Scheduled of the Indian constitution. Bhandari maneuvered series of political dialogues with the central counterpart, including the Prime Minister, Rajiv Gandhi, and demanded grant of citizenship to all those left out Sikkimese who had voted at the time of merger of Sikkim with India. Bhandari, who first came to power in 1979 on the merger issue, had a distinction of conveniently viewing everything from the merger point of view. He clarified that it was neither the question of stateless persons nor an attempt to provide citizenship to the stateless, but it was about those genuine Sikkimese subjects were “left out” from the Sikkim Subject Regulation of 1961.⁸⁹ The legislators belonging to SSP warned that if the central government delayed the process further, the number of left out persons may increase to one lakh.⁹⁰

On the other hand the Congress (I) Party and Denzong Tribal Yargay Chogpa (DTYC), a tribal organization dominated by Bhutias, alleged that the Sikkim Sangram Parishad government was indulging in anti-Sikkimese activities by allowing thousands of non-Sikkimese to fill up the forms. Both Congress (I) and DTYC demanded grant of citizenship only for those genuine Sikkimese who possessed Sikkim Subjects Certificates and participated in the voting for the merger in 1975.⁹¹ In other words, the Congress (I) party and other tribal organizations were advocating for Sikkim Subject Regulation of 1961 as the basis for grant of citizenships and covertly denying that there were any left out persons among the genuine Sikkimese. However, in response to Mrs. D.K. Bhandari’s (Member of Parliament) question on the citizenship issue in the Lok Sabha on July 25, 1985, the Union Minister, Mrs. Ramdulari Sinha, acknowledged positively in favour of the left out persons.⁹² The Minister further clarified that “the Chief Minister of Sikkim (N.B.Bhandari) had recently made a proposal that a High Power Committee be appointed to go into the problem... The claims of stateless persons for citizenship are to be considered with due caution keeping in view the provision of the Citizenship Act, 1956”⁹³

In mid-1986, the Prime Minister of India, Mr. Rajiv Gandhi, assured the Chief Minister, Mr. N.B.Bhandari, that the centre would examine and settle the citizenship issue. It was in this context a high level central team led by the

Additional Secretary to the Union Home Ministry, I.P Gupta, visited the State in January, 1987. But the matter remained unresolved. As no decision regarding the issue could be reached, the ruling SSP in its resolution of May 24, 1988 rejected the decision of the central government to adopt Sikkim Subjects Regulation of 1961 as the basis for grant of citizenship to the Sikkimese.⁹⁴ The party pointed out that the Sikkim Subjects Regulation of 1961 (now repealed) was “anti-people and people of Sikkim had revolted against it. It ultimately led to the over-throw of the Chogyal”.⁹⁵ The Chief Minister Bhandari further declared, “All the people of Sikkim be deemed to have become Indians from the day Sikkim merged with India or 1970 be taken as the cut off year for granting citizenship as passed by the Sikkim Legislative Assembly.”⁹⁶

Though it was difficult to substantiate Bhandari’s claim that those who had been “left out” had also participated in the “Special Poll”, but he was able to ‘confuse or mislead’, as alleged by the Congress (I) leaders, both the people and the central government. He even went to the extent of considering merger as ‘illegal or unconstitutional’ if the citizenship was not granted to the ‘left out’ persons. Such public utterances put the central government in a very awkward situation. If the central government had failed to grant Indian citizenship to the ‘left out’ persons, who reportedly voted for the 1975 referendum, Bhandari could have termed the merger illegal and unconstitutional. On the other hand, if the centre officially recognizes that a section of the Sikkimese population were ‘left out’ from the Sikkim Subjects Register and grants them Indian citizenship, the merger once again would have meant illegal as a fairly large number of persons had participated in the ‘referendum’ who were not actually entitled to vote.⁹⁷

The Sikkim Tribal Welfare Association (STWA) demanded the Regulation of 1961 as the basis for the grant of citizenship. In its six-point memorandum submitted to the Governor, Shri Bhishma Narayan Singh, in October 1985, the STWA clarified “Ethnic representation and reservation of seats in the State Assembly envisages that this right will only be in respect of the ethnic communities of Sikkim. We now feel that all attempts are being made by interested groups and persons, much to the misfortune of the people of Sikkim as

a whole, and particularly of the Bhutias-Lepchas, to induct and give citizenship status to a huge number of outsiders for inclusion of their names in the electoral roles, irrespective of the qualifying years of residence in Sikkim. This will undoubtedly create serious logistical problems and thus the very fabric of Sikkim's economic, social and political structures will be completely disarrayed and endanger the very existence of the genuine Sikkimese Indian citizens."⁹⁸ The memorandum went on stating that the names of foreign nationals, which had been included in the electoral roles, must be deleted. The identities of those with doubtful citizenship and those who were said to be stateless persons must be finalized before granting them rights of citizenship. The Association also proposed that Sikkim Subject Regulation of 1961 be used as a base for the purpose of determining grant of citizenship in Sikkim and emphasized that there should be no representation for such persons in the Assembly before finalizing their identity."⁹⁹

In September, 1988 a 14 member central team consisting of members of the Union Parliament and central government officials, headed by the then Maharashtra Congress (I) M.P, Balasaheb Vikhe Patil, visited Sikkim to investigate into the issue and receive representations from the public. However, the time was too short for the central team to hear grievances from the entire cross sections of the people. Speaking on the occasion Mr. Patil, however, highlighted that "there have been a fifty per cent increase in the State's population during 1971 to 1981 (i.e. 2, 09,843 to 3, 16,385 persons) and hence the claim of citizenship must be substantiated by authentic documents and evidences."¹⁰⁰

The Denzong Tribal Yargay Chogpa (DTYC), in its first ever State level Convention held in Gangtok in November 1988, adopted an eight-fold resolution basically aiming at safeguarding the interest of the tribals and spreading consciousness about their rights in Sikkim. On the issue of citizenship the resolution stated, "We cannot deny that names of a few genuine Sikkimese have been left out while granting citizenship. But unusual increase in population by one lakh within a short period of 10 years (1971-81) lends every reason to the

Sikkimese people to become apprehensive. The Sikkim Subject Regulation 1961 should, therefore, be the basis for granting citizenship.”¹⁰¹

Notwithstanding the stand taken by the Parliamentary team led by Mr. Patil, the Government of India finally decided to grant citizenship to the left out subjects of Sikkim. The Statutory Order No. 214 (E) was issued by the Home Ministry, dated 20 March, 1989, seeking to introduce amendment to the Sikkim Citizenship Order of 1975. It stated, “in exercise of the power conferred by section 7 of the Citizenship Act, 1955 (57 of 1955), the Central Government hereby makes the following order to amend the Sikkim (Citizenship) Order, 1975 namely;

- a) This Order may be called the Sikkim (Citizenship) Amendment Order, 1989;
- b) In the Sikkim (Citizenship) Order, 1975, to paragraph 2, the following proviso shall be inserted namely;

“Provided that any person whose names was eligible to be entered in the register maintained under the said regulation but was not so entered because of any genuine omission shall also be deemed to have become citizen of India on that day if so determined by the central government.”¹⁰²

Mr. Bhandari informed the Assembly that “the Government of India has already issued order granting citizenship to 40,083 persons out of 74,966 persons in the first lot vide MHA Order No. 26030/36/90-ICIo of 7th August, 1990. Similar action for the balance persons is also expected to be finalized within the current month.”¹⁰³ His statement was also corroborated by the Union Home Minister for State, Subodh Kant Sahay, in the Lok Sabha in August 1990 stating that orders for declaring 40,083 ‘left out’ persons in the State as Indian citizens had been given on August 7, 1990 and the centre was expected to issue another order in September 1990 for granting citizenship to another 35,000 persons in the State.¹⁰⁴ According to another report, a total of 94,000 persons applied for citizenship of which 75,000 persons were adjudged qualified for citizenship, 5,000 were under consideration and applications of 14,000 were rejected.¹⁰⁵

There were mixed reactions among the people regarding the grant of citizenship. The opposition political parties and certain other social organizations were very much critical of the central and the state governments over the grant of citizenship to 80,000 left out persons. The Congress (I) party was suspicious of the process followed by the State government regarding the issue. Earlier, the party had urged the natural descendants of the subject holders not to fill up the citizenship forms and get themselves “cheated and exploited” by the ruling Sikkim Sangram Parishad Party. “The Sikkim Sangram Parishad government has successfully compelled a sizeable number of the genuine Indian citizens of the Sikkimese origin to declare themselves as stateless persons or no-citizens.”¹⁰⁶ Mr. Bharat Basnet, President of the All Sikkim Youth and Contractors Association and the Sikkim People’s Party, demanded withdrawal of the Center’s decision regarding the grant of citizenship to some 80,000 persons.¹⁰⁷ The Rising Sun Party of R.C.Poudyal, though favoured the grant of citizenship to the left out persons, he was critical of manipulation and indulgence in corrupt practices on the citizenship issue. A press statement issued by the General Secretary of the Party, Sonam Tshering, stated that the Party “strongly condemns the corruption indulged in by the Sikkim Sangram Parishad government on distributing more than four lakhs of so called citizenship forms completely misleading the public.”¹⁰⁸ The Party also alleged that the ruling party even asked the Sikkim Subject Certificate holders to buy and fill up forms in respect of their children born after 1975. Later these people were asked not to fill up forms.¹⁰⁹

Y.N.Bhandari, the President of the Jana Mukti Morcha (JMM) party, also questioned the role of the Centre and State governments over the grant of citizenship. The party alleged both the governments for conspiring against the interest of the Sikkimese people and emphasized that citizenship should be given only to the genuine Sikkimese who were denied Subject hood during the Chogyal’s rule.¹¹⁰

The Denzong People’s Chogpa (DPC), a political organization of chiefly the Bhutias, in letter to the State’s Chief Secretary, dated 8 September 1990, demanded publication of lists of applicants for citizenship in connection with

Party's apprehension regarding inclusion of their names in the voters list without being declared as citizens of India. The letter stated, "we have come to learn that at least 90 per cent of applicants, who have filled up the (citizenship) forms, do not qualify to become Sikkim Subjects and thus the claim of their names being left out from the Sikkim Subjects Register cannot be justified on any ground. As Sikkim Subjects Certificate holders, we have every right to raise objections against those applicants. Unless these applicants can prove that they have basic qualifications to be Sikkim Subjects and they have been wrongly left out, they cannot get Indian citizenship."¹¹¹

Apart from political parties, the social organizations, especially Tribal organizations representing the interests of Bhutias and Lepchas, were also vehemently critical of the decision of the government for refusing to recognize the importance of Subject Regulation of 1961. The Mayel Lyang Tribal Organization adopted a resolution demanding the Regulation of 1961 as the basis for the grant of citizenship to the left out persons.¹¹²

The Bhandari government never came out with clear idea and statistics as to who should be granted Indian citizenship and to how many. The uncertainty prevailing over the fixation of cut-off year perhaps was the major contributing factor regarding gradual increase in the demand for citizenship firstly for 30,000 persons, then 54,000 in 1987-88, and 80,000 in 1989 and the cause of growing apprehension among the people. There was fear among the Sikkimese that a large number of people who were settled in Sikkim during 1970-80 would claim for being 'left out' persons and try to infringe upon the rights and interests of the Sikkimese besides diluting their distinct identity. In this connection J.N.Kazi writes, "It is an open secret, for instance, that from 1972-73, in fact prior to the merger, Kazi Lhendup Dorje's government encouraged the influx of outsiders, including people from Kalimpong, Darjeeling, West Bengal and Bihar, as well as rich businessmen and traders originally from Rajasthan."¹¹³ He further added, "These people were either absorbed in the State administration or given economic assistance to settle in the State. The resultant phenomenal rise in Sikkim's population approximately from 2.10 lakhs in 1971 to 3.16 lakhs in 1981 accounts

for the widespread fear and insecurity among the local people, including the Sikkimese Nepalis, who feel that the majority of those who entered Sikkim during the seventies will somehow manage to prove that they have been residents since 1975 or even before then and thus obtain the necessary legal status.”¹¹⁴

The inclusion of eight other Bhutias namely the Tibetans, Tromopas, Dophthapas, Drukpas, Chumbipas, Sherpas, Yolmos and Kagateys, within the definition of the Sikkimese Bhutias by the Scheduled Tribes (Sikkim) order 1978 had been perceived as the greatest threat to the ethnic identity and political-economic security of the Bhutias whom the later considered not meriting inclusion. The grant of citizenship to some 80,000 left out persons, among which members of the above groups were also present in significant numbers, further created sense of insecurity among the Bhutias in particular and Lepcha tribes in general. It must be mentioned that under the same impression the Bhutias and Lepchas showed resentment at the decision of the Chogyal P.T. Namgyal to rehabilitate Tibetan refugees in Sikkim in the 1960s. Thus, by demanding the Subjects Regulation of 1961 as the basis for the grant of citizenship, the Mayel Lyang Tribal Organization was actually expressing desire for protection of their political-economic interest from further dilution and alienation of resources to others.

Besides the Bhutias and Lepchas, the Sikkimese Nepalis too were apprehensive about their future economic wellbeing mainly due to the fact that people from Darjeeling and plains were far more educated with fairly good knowledge of entrepreneurship. The Nepalis, whose reserved seats were converted into an open general seat in 1979 in which anybody who was a citizen as per the Sikkim Citizenship (Amendment) Order 1989 could contest election, were the major victim of this political-administrative arrangement. The unprecedented growth of population through large scale influx of outsiders was contemplated as endangering the distinct identity and economic security of the Sikkimese Nepalis.¹¹⁵ At present, the Bhutias and Lepchas, for being minority and Scheduled Tribes, enjoy constitutional protection but whatever legal-political protections that Nepalis enjoyed during the Chogyal's regime, were abolished

making them completely vulnerable and rootless in their own homeland. However, the impact of the Citizenship Order was overwhelmingly reflected in the 1989 Assembly and Lok Sabha elections. The Sangram Parishad party led by Mr. Bhandari won all the 32 Assembly and the lone Lok Sabha seats.

After merger, there have been large scale development activities in Sikkim. The growth of economy, modernization, expansion of administrative structures and service sector opened up new frontiers of employment opportunities vis-à-vis influx of population from other parts of India. Since the Bhandari government was opposed to the Sikkim Subject Regulation of 1961 as the basis for grant of citizenship, there was apprehension among the people that the Regulation of 1961 would be obliterated and the emerging economic opportunities meant for them would be exploited by the outsiders. Thus, the primary reason behind the controversy over the citizenship issue was influx and apprehension over denial of opportunities to the Sikkimese. By introducing amendment to the Sikkim (Citizenship) Order, 1975, the government of India successfully managed to contain the anti-merger or anti-India elements in Sikkim and, at the same time, protected the political and economic interests of the Sikkimese by making the Sikkim Subject Regulation as the basis for citizenship and for public employment, including for pursuing certain other economic activities.¹¹⁶

The normal practice in India for fixing the cut off year regarding grant of citizenship has been either from the date of issuing the Order or five years preceding the date of issuance of the Citizenship Order. In case of Sikkim the Sikkim Subject Regulation of 1961, which had been the subject of controversy and ethnic tension earlier, was adopted as the basis for grant of citizenship and became the source of contradiction. The social tension accentuated with the way the political parties used the issue for mobilizing voters for electoral gains and with the way socio-cultural organizations used it as a means for ventilating community's grievances and apprehensions.

ISSUE OF SEAT RESERVATION

The system of reservation of seats in Sikkim was based on the pre-merger scheme provided under the Representation of Sikkim Subject Act, 1974 which created for an Assembly of 32 members of which 15 seats were reserved for Nepalis, 15 seats for the Bhutia-Lepcha communities, 1 for the Scheduled Castes and 1 for the Sangha (Monasteries). The basis of such reservation was the so-called "Parity Formula" of 1951 and its purpose was maintenance of power-equilibrium between Nepalis and Bhutia-Lepchas. As mentioned earlier (Ch.-IV), seat-reservation and parity formula constituted a major source of discontent among Nepalis of Sikkim who perceived the system as a means by which the majority Nepali were compelled to accept "parity" with minority Bhutia-Lepchas. The Nepali viewed the system as an instrument of Bhutia domination. After merger, the Representation of the People Act 1950 and 1951 of India were amended in 1976 in order to validate the Assembly elections held in 1974 on the basis of seat arrangement provided by the Representation of Sikkim Subject Act of 1974. The Representation of the People Act, India did not contain any provision for reservation of seats on the basis of racial-linguistic and religious considerations. The Act provided reservation only for Scheduled Castes and Scheduled Tribes. Hence, the amendment to the said Act was necessary.

In view of the first Assembly election after merger, the Janata government proposed for an amendment to the Representation of the People (Amendment) Act, 1950 and 1951 (Bill No. 79 of 1979). The Bill proposed to reserve 12 seats for the Bhutia-Lepchas, 2 for the Scheduled Castes, 1 for the Sangha and the remaining 17 as General/open seats. Besides, it proposed to extend political rights to the plainsmen who were till date denied right to vote in Sikkim. This obviously created resentment among the three communities, i.e. Bhutia-Lepcha and Nepalis, for the proposal had clear intention to do away with the Nepali seats on the one hand and reduction of the Bhutia-Lepcha seats to 12 from 15 seats reserved earlier on the other. The Bill was introduced in Parliament in May 1979.¹¹⁷

The Janata Party government in the State led by L.D.Kazi was criticized both within and outside the government for failing to take up the issue effectively with its central counterpart. Nanda Kumar Subede, MLA from the Bormoik Assembly constituency, even initiated a 'Call Attention motion' to bring the issue for discussion in the Assembly. N. B.Khatiwada criticized State government and its two representatives to the Union Parliament, S.K.Rai (Lok Sabha) and Pahalman Subba (Rajya Sabha), for not informing the Assembly about the details of the proposed amendment to the Representation of People Act of 1951 and demanded that a high power delegation be sent to Delhi immediately to apprise the Parliament on the actual state of the affairs.¹¹⁸

The abolition of the Nepali seats and grant of political rights to the plainsmen had been the two major political issues in 1979 Assembly election. Irrespective of party affiliation, the majority of the Nepali leaders were apprehensive about their political future in Sikkim. A section of ruling Janata party led by R. C. Poudyal called the proposal a 'Black Bill', which sought to abolish seats reserved erstwhile for the Sikkimese Nepalis. Through a signature campaign Poudyal mobilized a substantial number of M.L.As in his camp. A memorandum signed by 14 M.L.As and ruling party leaders was submitted to the Union Law Minister with a plea to reconsider the Bill.¹¹⁹ Poudyal was removed from the Janata party for his anti-party activities during the middle of June 1979 but he along with B.B.Gurung, N.K.Subedi, Adhiklall Pradhan, continued to campaign against the 'injustice' inflicted upon the Nepalis. Poudyal said, "It was necessary to have reservation of seats for the Nepalis as they were likely to be reduced to minority in near future, unless some safeguards were immediately provided."¹²⁰ He continued, "In 1975, people of Sikkim had accepted Sikkim's merger with India subject to certain conditions. Out of these conditions, one was that only the people of Nepali, Lepcha and Bhutia origin of Sikkim would be able to contest elections to the State Assembly. This condition was also made a part of the Representation of the People Act by inserting a new provision in it in September, 1975."¹²¹ Poudyal also refused the proposal of the Prime Minister Desai to have 60:40 ratio as formula for seat sharing between others (Nepali) and

Scheduled Tribes (Bhutia-Lepcha) as unfair. He suggested that 40 per cent seats for the Scheduled Tribes should also include Scheduled Castes seats.¹²² The main contention of most of the Nepali leaders was that the Bhutias and Lepchas did not constitute 40 per cent of the total population and, therefore, it was unconstitutional to allow 40 per cent representation to them.¹²³

Poudyal circulated petitions among the members of the Union Parliament intending to draw their attention to the grievances of the Sikkimese people against the Bill No. 79, which according to him, was proposed in Parliament without the prior knowledge of the Sikkim Assembly and the State Cabinet.¹²⁴ He further stated that the Bill was in violation of the sacred commitments given to the people of Sikkim prior to the merger.¹²⁵

Meanwhile, Morarji Desai resigned as a result of sudden political development at the center. It was said that Chaudhury Charan Singh, who succeeded Mr. Desai, was sympathetic towards the demands of the dissidents in Sikkim led by Mr. Poudyal. The Poudyal camp sent a telegram to the Prime Minister, Chaudhury Charan Singh, requesting him to correct "the constitutional distortions committed by the Kazi government in Sikkim."¹²⁶ The Prime Minister was also urged upon to undo the injustice committed on the Sikkimese through the Bill No. 79 introduced by the Morarji Desai government.¹²⁷

The controversy pertaining seat reservation issue led to split in the ruling Janata Party in Sikkim and the Assembly was dissolved on August 13, 1979 by the Governor.¹²⁸ Though Kazi maintained that dissolution was necessary, as the term of Assembly had expired, he, including the Governor, had no other option than what they did in view of the plan of the dissident to pass a proposal countermanding the merger of Sikkim with India in the forthcoming Assembly session.¹²⁹ The Chief Minister, L.D.Kazi, and his colleagues resigned on August 17¹³⁰ and on August 18 the President rule was imposed.¹³¹ However, the proclamation of the President rule in Sikkim could not be endorsed by the Lok Sabha for it too was dissolved following the resignation of the Charan Singh government.

The Election Commission postponed the date of Assembly election to October 12, 1979,¹³² so that the new government in the state could be formed before the expiry of the term of President's Rule. In the meanwhile, the President of India, Neelam Sanjiva Reddy, promulgated an Ordinance called the Representation of the People (Amendment) Ordinance, 1979¹³³ seeking to amend rules governing elections and schemes of reservation of seats in the State Assembly. The Presidential Ordinance also provided for a 32 member Legislative Assembly to be filled by persons chosen by direct election as per the following norms:

- a) Twelve seats should be reserved for Sikkimese of Bhutia-Lepcha origin;
- b) Two seats should be reserved for the Scheduled Castes of the State; and
- c) One seat should be reserved for the Sangha.¹³⁴

Further, regarding qualifications of the members of the Assembly, the Ordinance clarified that "notwithstanding anything in section 5, a person should not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim unless:

- a) In the case of seats reserved for Sikkimese of Bhutia-Lepcha origin, he should be a person either of Bhutia or Lepcha origin and should be an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas;
- b) In the case of seats reserved for Scheduled Castes, he should be a member of any of those castes in Sikkim and should be an elector for any assembly constituency in the State;
- c) In the case of a seat reserved for the Sangha, he should be an elector for the Sangha constituency;
- d) In the case of any other seats, he should be an elector for any Assembly constituency in the State".¹³⁵

It must be noted here that the term 'Bhutia' was redefined in 1978 to include other sub-groups of the Bhutias viz. Chumbipa, Dophapa, Kagatey, Sherpa, Tibetan, Tromopa, Yolmo and Drukpa and, therefore, these groups also became eligible to contest from the 12 seats reserved for the Bhutia-Lepcha community. A Bhutia dominated organization namely Sikkim Tribal Welfare

Association expressed unhappiness over the reduction of seats from 15 to 12 and demanded increase in the number of reserved seats in view of expansion of the Bhutias. Thus, like the Nepalis who were denied reservation, the Bhutias and Lepchas too resented changes in the seat allotment and felt betrayed by New Delhi. It is said that a majority of Bhutias and Lepchas “saw in this changes a subtle and systematic move by New Delhi to erase the distinct identity of the Sikkimese.”¹³⁶

Historically, the Sikkimese Nepali had been representing the State Council since the days of the Chogyal Tashi Namgyal. In 1925, the Chogyal inducted three Nepali Councilors namely Ratna Bahadur Pradhan, Bal Krishna Pradhan and Hari Prasad Pradhan in the State Council. There were two Nepali representatives in the popular ministry formed in May 1949 - Reshmi Prasad Alley and Chandra Das Rai.

In 1951 a formula, called Parity formula, was evolved as a norm for sharing seats equally between Bhutia-Lepcha and Nepalis. Thus, in a 17 member State Council 6 seats were reserved for Nepalis and 6 for Bhutia-Lepcha community while the remaining 5 seats were nominated by the Chogyal. The breakup of seats was as follows:

Table No. 3.5: Community-wise Distribution of Seats, 1953.

Bhutia-Lepcha	6 seats
Nepali	6 seats
Nominated by the Chogyal	5 seats

Source: Sikkim Darbar Gazettee, Ex. Gazttee, dated 23.03.1953.

Apart from this, Mr. Kashi Raj Pradhan, a Nepali, was appointed as the member of a three-member Executive Council. Parity was maintained in the Executive Council irrespective of the number of the elective seats won by a party. Loyalty towards the Chogyal was, therefore, the norm of appointment.

In 1958 the composition of the State Council was once again reformulated vide the Royal Proclamation of March 1958. The new proclamation enhanced the council seats to 20 with 5 executive members as per Table no. 3.6 given below.

The demand of the Scheduled Caste League for a separate representation in the State Council was rejected.

This Royal Proclamation also laid down a complicated mode of election in which the winning candidate of one community was required to obtain a minimum of 15 per cent of the votes of other community.¹³⁷ The Government of India maintained that the new system of election was meant to facilitate the political integration of the Nepalis and the Bhutia-Lepcha communities¹³⁸ but, in reality, it created social division and strengthened ethnic consciousness between the two communities.

Table No. 3.6: Community-wise Distribution of Seats, 1958.

Bhutia-Lepcha	6 seats
Nepali	6 seats
Sangha	1 seat
General	1 seat
Nominated by the Chogyal	6 seats

Source: Sikkim Darbar Gazette, vol. VII, No. 5, dated 17.03.1958

The Proclamation of 1958 was further altered in 1967 when the Sikkim Subjects Certificate was made a mandatory qualification both for candidates seeking election and the voters. The total strength of the members of the State Council was also increased to 24 with Tsongs having a separate reservation for the first time in the State Council. The rules pertaining voting and counting and qualifications for membership were retained as in 1958.

Table No. 3.7: Community-wise Distribution of Seats, 1967.

Bhutia-Lepcha	7 seats
Nepali	7 seats
Sikkim Scheduled Castes	1 seat
Tsongs (Limboos)	1 seat
General	1 seat
Sangha	1 seat
Nominated by the Chogyal	6 seats

Source: Sikkim Darbar Gazette, Ex. Gazette, dated 21.12.1966.

The Fourth Council election was held in April 1970 in two different dates.¹³⁹ The rules pertaining delimitation of constituencies, system of elections, qualifications for membership and voting system remained as in 1967.¹⁴⁰ The distribution of seats and method of election also remained unchanged in the Fifth State Council election held in the month of January, 1973. By winning 9 seats (7 B-L, 2 Nepali) the Sikkim National Party made inroads among the Nepali voters.

The next major development in the history of seat reservation was the signing of the Agreement of the 8th May 1973 between the government of India, the Chogyal and the political parties of Sikkim. The Legislative Assembly was set up in place of the State Council with a total of 32 members. The parity formula was retained as the norm for seat sharing between Bhutia-Lepcha and Nepali in the Assembly but the Tsong seat and provision of nominated members by the Chogyal were abolished. The election was conducted by the Election Commission of India for the first time.

Table No. 3.8: Community-wise Distribution of Seats, 1974.

Bhutia-Lepcha	15 seats
Nepali	15 seats
Sangha	1 seat
Scheduled Caste	1 seat

Source: Representative of Sikkim Subjects Act, February 1974.

After merger in 1975, the spirit of the historic 8th May Agreement of 1973 was retained as a part and parcel of Indian constitution. The Assembly which was constituted according to the provision of the Representation of Sikkim Subject Act, 1974 was continued as per the provision of article 371F (k) unless amended or repealed by a competent authority within two years of the accomplishment of the merger. Article 371F (f) exclusively authorized the Union Parliament of India to enact laws for ensuring proper representation of different sections of population in Sikkim for whom such rights had been existing historically. The ethnic Nepali community of Sikkim was one of three ethnic communities of Sikkim defined as “different sections” by article 371F (f), just as the Agreement of 1973 and

Government of Sikkim Act, 1974 defined them as “various sections of the population.” The Representation of the people Act, 1950 and 1951 were amended in 1976 to provide legal-constitutional backing to the 1974 elections and the nature of seat arrangements in the State Assembly.

In 1979 the Presidential Ordinance sought to readjust distribution of seats in the Assembly. The Ordinance abolished Nepali seats, reduced Bhutia-Lepcha seats to 12 from 15 seats and the plainsmen were given political rights for the first time. Both Nepalis and Bhutia-Lepcha communities criticized the Ordinance vehemently.

Table No. 3.9: Distribution of Seats in 1979/80

Bhutia – Lepcha	12
Scheduled Castes	2
Sangha	1
General	17
Total	32

Source: Representative of the People (Amendment) Act, 1980.

The Congress (I) party led by Mrs. Indira Gandhi formed the government at the center in January 1980. On 2nd February 1980, Mr. P. Shiv Shankar, Union Minister for Law, Justice and Company Affairs, introduced the Representation of the People (Amendment) Bill, 1980 in the Lok Sabha seeking to replace the Representation of the People (Amendment) Ordinance, 1979. Participating in the discussion over the Bill, Mr. Ananda Pathak, M.P. from Darjeeling, opposed the Bill on the ground that the contents of the present Amendment Bill, 1980 and the Bill proposed earlier by the Janata Party Government on 18th May 1979 were same and identical.¹⁴¹ He further said, “Immediately after the introduction of the Bill of 1979, there were widespread resentment, discontent, dissension and disharmony among the people. Even the Sikkim Legislative Assembly was not consulted, nor were the people taken into confidence... It was against the democratic tenets of the constitution, against the national urge and aspirations of the overwhelming majority of the people, against the provisions of the Representations of the People Act in as much as it took away the safeguard

provided to the people of different ethnic groups in section 5 (a) and it was against the secular character of the Indian constitution.¹⁴² Talking about the seat arrangement he said, "I am not against the reservation seats for the Scheduled Castes and Tribes but outright reservation of 12 seats for the Bhutias and Lepchas has created serious doubts and misgivings in the minds of the other section... (The) Kazis, landlords and other vested interests call themselves Tribal or Janajati whom the Bill has given an open cheque to perpetuate the minority rule of well-to-do people... Arithmetically also 12 seats represent 37 per cent of the population."¹⁴³ Considering the Sangha seat as against the secular character of the Indian constitution, he expressed concern that it might set up a dangerous precedent in the country. He emphasized that the Bill in the present form was full of faults and should be reintroduced only after consulting all concerned including the Sikkim Legislative Assembly and parties in Parliament.¹⁴⁴ Pahalman Subba, the lone Lok Sabha member from Sikkim, told the House that the government in the State was in favour of reservation of seats for the Nepalis.¹⁴⁵

Table No. 4.0: Distribution of Seats proposed by Pahalman Subba

Bhutia-Lepcha	12 seats
Nepali	15 seats
Sangha	1 seat
Scheduled Caste	2 seats
General	2 seats

Source: Prajashakti, dated 23-29 August, 2000, p. 3.

The formula on distribution of seats proposed by the SSP candidate for Lok Sabha, Mr. Pahalman Subba was given in table No. 3.9. The notable feature of the formula suggested by Mr. Subba was a deviation of the proposals submitted earlier by the party. In this regard the 'Parity' was not the governing principle for seat sharing between the two ethnic groups (Bhutia-Lepcha and Nepali) of Sikkim. The Representation of the People (Amendment) Bill, 1980 was passed without reserving seats for the Sikkimese Nepalis. Replying to a question in the parliament, P. Shiv Shankar told the House that the said Bill had a very limited purpose, i.e., to preserve the validity of the elections that had taken place when the

Ordinance was in force.¹⁴⁶ Regarding Sangha seat, minister said that though the provision was offensive under article 15 (2) of the constitution but, since article 371F was an overriding provision; the reservation of Sangha seat was constitutional and valid.¹⁴⁷ The minister added that the issue of reservation of seats for Nepalis might be taken up at a later stage.¹⁴⁸ The Minister also informed the Rajya Sabha on 5th February 1980 that “there is something perhaps that will have to be considered in a wider perspective and it does not call for any consideration at this state. As I said, primarily we are intending to revalidate the elections that have taken place under the Ordinance.”¹⁴⁹ The Governor of Sikkim, B.B.Lal, while addressing the Legislative Assembly on 10th March 1980 also emphasized on the consideration of the genuine aspirations of the people at a later date.¹⁵⁰ The above statements were indicative of the fact that though the Representation of the People (Amendment) Act, 1980 had a very limited purpose, i.e. to revalidate the election concluded according to the norms of the Presidential Ordinance of 1979, it had no immediate desire to restore seats for the Nepalis.

The 45th Amendment Bill, 1980 seeking to validate the Presidential Ordinance of 1979 was discussed in the Legislative Assembly of Sikkim on the 11th March 1980. It must be mentioned here that the Amendment Bill also sought to extend protection provided to the Scheduled Castes, Scheduled Tribes and Anglo-Indian Communities by another 10 years. Participating in the discussion B.B.Gurung emphasized on the need to implement uniform policy regarding the Scheduled Castes (SC) and Scheduled Tribes (ST) in all the 22 States of India and alleged that the distribution of seats for Scheduled Castes and Scheduled Tribes in the Assembly was not done in an adequate manner. Mr. Dorji Tshering Bhutia of Ranka (BL) Constituency demanded inclusion of Tsong (Limboo) community in the Scheduled Tribes list of Sikkim whereas Mr. P.L.Gurung stressed on the need to include only the genuine Sikkimese in the SC/ST list of Sikkim. He also demanded Sikkim to be declared as a Tribal State. N.B.Khatiwada of Sikkim Prajatantra Congress pointed out that the reservation of seats for the Scheduled Tribes of Sikkim was not done according to article 332 (3) of the Indian constitution. He further added that in Sikkim those who were forward in social,

economic and educational fields had been included in the Scheduled Tribes list and demanded a status of Tribal State for Sikkim.¹⁵¹ The Amendment, abolishing seat reservation for Nepalis, however, passed in the Sikkim Assembly by those who themselves were advocating for reservation of seats for Nepalis.

The Chief Minister Bhandari was confident over the leadership of Mrs. Indira Gandhi for it was she who was instrumental behind the continuation of the provision of reserved Nepali seats even after the merger. He was elated at her assurances that the matter of seat reservation was receiving her attention.¹⁵² In July 1983, when Mrs. Gandhi visited Sikkim, Chief Minister Bhandari submitted a memorandum demanding restoration of seats for the Nepalis. A proposal to restore seats for the Nepalis, including the Tsong (Limboo) seat, was also unanimously approved in the Assembly in September 1983.¹⁵³ The copy of the proposal was sent to the then Minister of State for Home Affairs, Shri Nihar Ranjan Laskar also. On 14th December 1983 the Minister concerned informed the Lok Sabha “there have been proposals for reservation of seats in the Sikkim Legislative Assembly for Nepalis and Tsong communities of Sikkimese origin. A resolution for reservation of seats for different communities of Sikkimese origin including Tsong community in the State’s Legislature has also been received in this regard.”¹⁵⁴ It was stated that abolition of Nepali seats in the Assembly would dilute their political identity and would be detrimental to the interest of the Nepalis in view of the influx of people from other parts of the country. They believed that by all accounts the Nepalis of Sikkimese origin continued to be educationally, politically and economically backward. The distribution of seats in the Legislative Assembly of Sikkim, as suggested earlier and later to the Prime Minister, Rajiv Gandhi, by the Chief Minister Bhandari, was as follows:

Table No. 4.1: Distribution of Seats as suggested by N.B.Bhandari in 1987.

(1) Bhutia, Lepcha and Sherpa of Sikkimese origin including monasteries.	13 seats
(2) Nepalis of Sikkimese origin.	13 seats
(3) Scheduled Castes of Sikkim	2 seats
(4) Tsongs (Limboos) of Sikkim.	2 seats
(5) General	4 seats
Total number of seats.	34 seats.

Source: Three Basic Issues, Govt. of Sikkim Publications, 1987.

Another important landmark in connection with seat reservation is worth-mentioning. R.C.Poudyal, the President of Sikkim Congress (R), filed a writ petition in the High Court of Delhi on the 18th September 1979. On June 6, 1980 the said petition was withdrawn from Delhi High Court and was again filed before the Sikkim High Court and on July 30, 1982 the case was once again transferred to the Supreme Court of India. The Supreme Court fixed the hearing on February 2, 1984. It must be noted that the Supreme Court made all the 32 members of the Sikkim Legislative Assembly as respondents in the case and, thus, on behalf of the Sikkim government, Mr. Ranjit Singh Basnet, the Chief Liaison Officer of the Government of Sikkim at New Delhi, was nominated for attending the court and answering the queries. The nature of correspondences which took place between the Chief Minister Bhandari and Mr. Basnet were neither discussed in the Cabinet nor in the meetings of the M.L.As. The Union Government and Sikkim Tribal Welfare Association (STWA) were other two respondents in the case.

Poudyal's (including his brother Somnath Poudyal) main allegation was that the reservation of seats in the Assembly for the Bhutia-Lepchas community and the Sangha were based on 'race' and 'religion' and were, therefore, illegal and unconstitutional. Subsequently, the petitioners demanded abolition of the lone Sangha seat and reduction of seats reserved for the Bhutia-Lepcha from 12 to around 6-7 seats in proportion to their population.¹⁵⁵ Besides, the petition also maintained that article 371F of the constitution was destructive of the basic structure of the constitution.¹⁵⁶

The case was taken up by a five-member constitutional bench consisting of the Chief Justice, Y. B. Chandrachud, Justice P.N.Bhagwati, Justice M.P.Takar, Justice A.N.Sen and Justice D.P.Mandon. Advocate Siddarth Shankar Ray, the former Chief Minister of West Bengal and senior advocate of the Supreme Court, and advocate K.K. Venugopal represented the case on behalf of the petitioners. After hearing the points highlighted by the defense counsels, the constitutional bench was quite convinced that the matter was one of political than legal. Justice Bhagwati stated, "Article 371F(f) gives the Parliament the right to reserve seats

for various sections of the people. Court cannot examine how many seats should be reserved for various communities. Only when it is totally unreliable can the court intervene, for example, if only one seat is kept for the Nepalis. Bhutias are a section, Lepchas are a section. We cannot go beyond legislative facts. We do not know the reason why Parliament reserved for them. We cannot examine whether they need reservation of seats or not.”¹⁵⁷ Regarding Sangha seat, he remarked “it is a section of the people”¹⁵⁸ hinting that seats could be reserved for them as per provision laid down in article 371F(f) of the constitution. Eventually the constitutional bench told the petitioners to withdraw the case to which the latter pleaded for keeping the case pending.¹⁵⁹ After keeping the judgement pending for 14 years, the five-member constitutional bench of the Supreme Court by a majority of 3:2 announced its final verdict on February 10, 1993 upholding reservation of 12 B-L and one Sangha seat in the State Legislative Assembly.¹⁶⁰ The judgment also upheld the validity of the 36th Constitutional (Amendment) Act, 1975, which inserted article 371F in the constitution of India to provide special status to Sikkim. Though representing minority view, the observation by the then Chief Justice of India, Justice L.M.Sharma, regarding seat reservation issue was worth mentioning. He observed that reservation of 12 seats for the Bhutia-Lepchas was disproportionate to the ratio of population of the Bhutia-Lepchas in the State. He further added, “The choice of the candidate and the right to stand as a candidate at the election are inherent in the principle of adult suffrage, i.e. one-man-one-vote. By telling the people that they have a choice to elect any of a selected group cannot be treated as a free choice of the candidate. This will only amount to services, too thinly veiled to conceal the reality of an oligarchy underneath.....So far the Sangha seat is concerned even this transparent cloak has been shed off. It has to be appreciated that the very purpose of providing reservation in favour of a weaker class is to aid the elemental principle of democracy based on one-man-one-vote to succeed. The disproportionately excessive reservation creates a privileged class, not brought to the same plane with others but put on a high pedestal, causing unhealthy competition, creating hatred and distrust between classes and fostering divisive forces.”¹⁶¹

As it stands today, the 19 seats (17 General and 2 Scheduled Caste seats), for all practical purposes, are Nepali seats. A certain section of the Nepalis belonging to Tamangs and Gurungs are Buddhists by religion and, therefore, the Sangha seat does not represent Bhutia-Lepchas alone though the election scenario till 2004 Assembly Election indicates domination of Bhutias in the seat. Moreover, excluding the three Bhutia-Lepcha constituencies namely Lachen-Mangshila, Dzongu and Kabi-Tingda in North Sikkim, the rest of the reserved Bhutia-Lepcha constituencies are having Nepali voters evenly distributed. These Nepali voters play a crucial role in determining the victory of Bhutia-Lepcha candidates from these reserved constituencies. Thus, even though seats are not reserved for the ethnic Nepalis in the Legislative Assembly of the State, the community is in fairly good position in the affair of the State.

Ever since the abolition of Nepali seats, the government of Sikkim had been, from time to time, making representations to the government of India seeking restoration of the same. The State Government was of the opinion that under article 371F (f) of the constitution Indian Parliament is competent to enact laws seeking to ensure proper representation in the Legislative Assembly of the State for different sections of the population, including Nepalis, for whom seats were reserved historically.

Sometime in 1995, the Government of Sikkim constituted a six-member Committee under the Chairmanship of the former Chief Secretary of Sikkim, K. A. Varadan, to consider the demands for (a) restoration of seats for Sikkimese of Nepali origin; (b) delimitation of constituencies; and (c) inclusion of Limboos and Tamangs in the list of Scheduled Tribes of the State. The other members of the Committee were B.R. Pradhan, Secretary, Department of Law, N.D.Chingapa, Chief Electoral Officer, G.K.Subba, Special Secretary for Home, G.S.Lama, Chief Engineer, Department of Rural Development, and Chandrakala Cintury, Secretary, Welfare Department.

The Committee observed that the rights of 'certain section' should be specially recognized, as done in the case of Bhutia-Lepcha, rather than clubbing a number of sections under the head 'Scheduled Tribes' or any other category. The

Committee, in other words, wanted to reserve seats separately for the Lepchas and Sherpas who were generally clubbed and shared seats with the Bhutias. As such the Committee suggested reservation of seats for the following categories of people of Sikkimese origin;

- 1.Lepchas
- 2.Bhutias
- 3.Sherpas
- 4.Limboos
- 5.Tamangs
- 6.Sangha
- 7.Nepalis
- 8.General
- 9.Scheduled Castes.¹⁶²

The Committee after ensuring no dominant position to any community, recommended for an increase of Assembly seats to 40 with the following distribution;

**Table No. 4.2: Seat distribution proposed by the
Varadhan Committee Report.**

Caste/Communities	Seats
Lepcha	6
Bhutia	6
Sherpa	1
Limboo (Tsong)	3
Tamang	2
Sangha	1
Nepalis	17
Scheduled Castes	2

Source: Varadhan Committee Report, Govt. of Sikkim, undated, P.8.

The recommendation of the Varadhan Committee Report was not implemented. The Bhutia organization, called Survival Sikkimese, criticized the report as an 'act purporting to exterminate the Sikkimese community by division'.¹⁶³ The organization also resented the idea of reserving seats for the Sherpas.¹⁶⁴

The Organization of Sikkimese Unity, formed for the protection of rights and interests of the three ethnic communities of Sikkim¹⁶⁵ boycotted the Assembly and Parliamentary elections in October 1999 in support of restoration of the Bhutia-Lepcha and Nepali seats.¹⁶⁶ The organization also requested the

political parties to introduce the seat reservation Bill in the Assembly and to pass it.¹⁶⁷ In August 2000, J.K. Bhandari, the Sikkim Sangram Parishad M.L.A. from Loosing Pacheykhani constituency, proposed a Bill in the Assembly (monsoon session) seeking to restore seats to its pre-merger position.¹⁶⁸ The Bill was, however, withdrawn in view of stiff opposition from the ruling Sikkim Democratic Front (SDF) party.¹⁶⁹ The Sikkimese Nepali Unity (SNU), an organization of the Sikkimese Nepalis, also condemned the issue of seat reservation as being totally 'irrelevant' and a 'non-issue'. According to the President of the organization, Pradeep Yonzon, the issue was "a psychological problem of the Sikkimese Nepalis. Technically, seat reservation of Nepalis means restoration to pre-merger position on Parity basis which is not only objectionable but also detrimental for the interest of the Nepalis."¹⁷⁰ The majority of the Sikkimese Nepalis believed that population should be the criteria for seat reservation and not the 'Parity' formula which the Organization of Sikkimese Unity led by J.N.Kazi had been insisting.

Far from resolution, the issue of seat reservation embroiled into yet another controversy with the inclusion of the Limboos and the Tamangs in the Scheduled Tribes list in the year 2003. They were declared scheduled tribes without delimiting number of seats to be reserved for them in the State Assembly nor they were allowed to contest election from the 12 Bhutia-Lepcha seats. The Union Minister for Law, Arun Jaitley, had categorically denied reservation of seats for them before 2004 Assembly and Lok Sabha elections.¹⁷¹ The decision of the Union Cabinet to postpone delimitation process of Parliamentary and Assembly constituencies to till 2026 further added anxiety over the question of seat reservation for the Limboos and Tamangs. The Sikkim Limboo and Tamang Joint Action Committee (SLTJAC), a Congress (I) sympathizer led by P.R.Subba, demanded reservation of seats in the Assembly without restructuring the existing Assembly constituencies.¹⁷² The Gorkha Apex Committee (GAC), the Sikkim Sherpa Association (SSA) and the Communist Party of India (Marxist) also subscribed to this demand.¹⁷³ On the other hand, the Bhutia-Lepcha Apex Committee (SIBLAC) maintained that according to the Representation of the

People (Amendment) Act, 1951 (as amended in 1980), the 12 seats reserved in the Assembly were Bhutia-Lepcha seats and they alone could contest election from those seats. The organization maintained that seats for the Limboo and Tamang tribal communities must be allocated from the 17 general seats. The SIBLAC was apprehensive at the statement of the Union Minister for Tribal Affairs, Joel Oram, in which he anticipated possible reduction of the Bhutia-Lepcha seats in the Assembly¹⁷⁴ if Limboo and Tamang are included in the Scheduled Tribe list of Sikkim.

The State Government, sensibly enough, sought legal advice from the country's renowned constitutional experts namely Soli Sorabji, the then Solicitor General, Government of India, K.K.Venugopal and F.S. Narimann. They maintained that Limboo and Tamang communities could not have seats reserved in the State Assembly automatically by virtue of their being recognized as Scheduled Tribes of Sikkim. According to them the reservation of the Bhutia-Lepcha seats in the Legislative Assembly was due to the section 7 (1) of the Representation of the People Act, 1950 and so long as the section did not get amended, the inclusion of the newly notified Scheduled Tribes could have no impact on the B-L seats.¹⁷⁵

Article 371F (f) explicitly authorizes the Union Parliament, for the purpose of protecting the rights and interest of the different sections of the population of Sikkim, to make provisions for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the Assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim. It is on the basis of this special provision that the Chief Minister, P.K.Chamling, demanded for increasing the total number of seats of the State Assembly to 40.¹⁷⁶ Mr. Birbal Subba, the President of the Sikkim Limboo-Tamang Tribal Forum (formerly Sikkim Limboo Tamang Apex Committee for Tribal Status), once stated that the size of the population was the major discouraging factor behind Assembly seat enhancement initiative. The present delimitation itself was far short of the criteria laid down for the purpose.

¹⁷⁷ Therefore, if seats for the Limboos and Tamangs were at all to be reserved in the Assembly, he reasoned, 'it must be reserved from within the existing 12 reserved seats'.¹⁷⁸ It is to be noted here that in the *R.C.Poudyal vs. Sikkim Government*, Justice Y.B. Chandrachud of the Supreme Court of India, had observed that "if Bhutia-Lepchas were Scheduled Tribes, then reservation for them was on a Scheduled Tribe basis and not on race as alleged by the petitioners."¹⁷⁹

The central government is constitutionally obliged to reserve seats for the newly recognized tribes of Sikkim but since the legal-constitutional provisions concerning seat allotment for various sections of people in Sikkim Assembly are ambiguous and involve the interest of the Bhutia-Lepcha community, the issue of seat reservation for the Limboo and Tamang tribal communities is not likely to be resolved very soon. In the meanwhile, the exchange of claims and counter claims between the two groups has affected ethnic harmony to a large extent.

STATE POLICIES AND TRIBAL COMMUNITIES OF SIKKIM:

The constitution of India, being consecrated by the ideals of equality and justice, seeks to abolish all forms of discriminations either against or in favour of an individual or group on grounds of religion, race, religion and place of birth. But considering the nature of the Indian society beset with diverse nature and forms of social discriminations and educational and economic backwardness of the people, the logical application of ideals of justice and equality could not be possible. Hence, the framers of the constitution designed certain temporary affirmative measures for the advancement of those historically and traditionally relegated backward sections of the community. Indeed, the principle of democratic equality can work only if the nation as a whole is brought on the same footing as far as it is practicable. In India the majority of these culturally distinct and, socio- economically and educationally backward sections of population is identified as the Scheduled Castes and Scheduled Tribes and is provided with certain special concessions in political, educational and economic fields, including public appointments.

A significant development which came along the merger of Sikkim with India in 1975 was that the erstwhile ruling community of Sikkim, i.e., the Bhutias, became ordinary citizens of a larger Indian nation. This they had been contemplating ever since the political process for establishing democratic government began in 1949. By the time the merger took place, the Chogyal had accomplished whatever was possible in his capacity as a ruler to safeguard the political and economic interests of the ruling community. The 36th Constitutional Amendment Act, 1975 made these measures a part and parcel of the Indian constitution.

However, in pursuance of the spirit of the Constitution of India, certain modifications in the existing rules governing the affairs of the minority community of Sikkim were felt necessary. Accordingly, the Chief Secretary of Sikkim, T.S.Gyaltshen,¹⁸⁰ requested the central counterpart to furnish details for the specification of the Scheduled Castes and Scheduled Tribes communities in Sikkim. The norms approved by the Government of India for specification of Scheduled Castes and Scheduled Tribes and communicated to the Chief Secretary, Government of Sikkim, were as follows;

- A. Scheduled Castes: Extreme social, educational and economic backwardness arising out of the traditional practice of untouchability;
- B. Scheduled Tribes: Indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness.¹⁸¹

The letter further revealed that the Lhendup Kazi government had earlier proposed for Scheduled Tribe status for the Lepchas, and Bhutias; among them the Bhutias were classified into three sub-groups: (i) Sikkimese Bhutia, (ii) Bhutias including Dophthapa, Tromopa, Chumbipa and Drukpa, and (iii) the Tibetans. The proposal of the State government seeking to recognize the three sections of the Bhutias as Scheduled Tribe, however, seemed to have created lot of confusion in Shastri Bhawan. Hence, a clarification was sought from the State

government by the Ministry of the Home Affairs stating "it appears that there are no great cultural differences between the Sikkimese Bhutia and other sub-groups of Bhutia. It is also not clear whether inclusion of only these terms would cover all the sections of the Bhutias or some sections would be left out. Information available here also seems to show that the term "Tibetan" is used to denote those Bhutias who have been preserving their tradition of having migrated from Tibet. Altogether it might be best not to include the term "Tibetan". The Sikkim Government may consider whether it could be sufficient to mention only the generic term Bhutia in the Schedule to cover all the sub-groups including Tibetan."¹⁸²

The central government also categorically wanted to know from the State government as to why Limboos (also called Tsongs) could not be included in the Scheduled Tribes list. Under para no. 5 the letter stated that "it would also appear that there is another primitive tribe namely the Limboos who have social affinity with the Lepchas and some of them are animists. The Limboos have been mentioned as autochthonous inhabitants of Sikkim and are sometimes considered as Limbuan (Limbuwan) Lepchas The status of the Limboos will have to be spelt out clearly and if necessary they may be grouped with Lepcha, and the entry could be "Lepcha Limboo".¹⁸³ The letter also highlighted the inability of the State government to include other tribal communities i.e., Gurung, Mangar, Tamang and Rai, and instructed the state government "to review the case of these communities and also other communities which may have been left out."¹⁸⁴

The then Sikkim government, however, did not pursue the matter. However, when the Constitution (Sikkim) Scheduled Tribes Order, 1978 was promulgated, only the Lepchas and Bhutias, including Chumbipa, Dophthapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa and Yolmo, were declared scheduled tribes of Sikkim.¹⁸⁵ The Order substantiated the fact that the government of the day agreed to include all Bhutia sub-groups into a single generic term 'Bhutia'.¹⁸⁶ While other groups like Limboos, Tamangs, Gurungs, Rais, Mangars etc. were denied scheduled tribe status.

Logically, from ethnic-cultural point of view, the Sherpas, Kagatey and Yolmos should not have been included in the category of Bhutias though by tradition and religion they are mostly Buddhists. Bhutias in Sikkim refers to people who immigrated to Sikkim from Tibet and Bhutan; and Bhutias include certain sub-groups like Chumbipas, Dophthapas, Tromopas from Tibet, Drukpas from Bhutan and also Tibetans who came later. But Sherpas and Yolmos are believed to be migrated from Nepal, while Kagatey stands for the occupational name of Yolmos. Besides, Sherpas and Yolmos are not recognized as Bhutia-Lepchas in the Revenue Order No. 1 of 1917.

Socially, various socio-cultural groups of the Nepalis community like the Rai, Limboo, Gurung, Tamang, Mangar and others (Bhujel, Sunuwar, Thami) should have been included in the Scheduled Tribes list of Sikkim for in view of their distinct culture, language, religion and overall backwardness. Besides, the Ministry of Home Affairs, Government of India, had also expressed desire for their inclusion in the Scheduled Tribes list of Sikkim, and accordingly had instructed the state government to review the case of these 'Left out' communities.¹⁸⁷

The policy of the Sikkim government in tribal affairs was not only ambiguous but also discriminatory. If the period of settlement had been the criteria for being included in the Scheduled Tribes, then the Limboos, Mangars, Gurungs, Rais and Tamangs should have been included. On the other hand, the Drukpas and Tibetans do not merit inclusion on this ground. On socio-economic grounds these communities were far more backward, downtrodden and alienated than the ruling Bhutias. And if religion was the criteria (for the Nepalis are basically Hindu and Scheduled Tribes are, at least officially, Buddhist), then at least Tamang community who are basically Buddhist should have been recognized as a scheduled tribe.

Mr. N.B.Bhandari, after coming to power in 1979 Assembly election took up the issue with the central government. In 1981, he wrote to the then Prime Minister of India recommending inclusion of the Limboo community in the list of Scheduled Tribes of Sikkim.¹⁸⁸ In June 1987, he further wrote to the Central

Government recommending inclusion of Limboos and Tamangs of Sikkim in the list of Scheduled Tribes.¹⁸⁹ The response of the central government, as always had been, was positive and expressed desire to conduct a meeting for comprehensive revision of the list of Scheduled Castes and Scheduled Tribes.¹⁹⁰ Accordingly, on 31 July 1987 the Secretary, Ministry of Welfare, Government of India, sent a telegram to the Secretary, SC/ST Welfare Department, Government of Sikkim, requesting him to present positively in the meeting of the Ministers organized on 13 August 1987 at Parliament House, New Delhi, to discuss on the issue of comprehensive revision of the lists of Scheduled Castes and Scheduled Tribes.¹⁹¹

As scheduled, the meeting was held under the chairmanship of the Union Minister, Shri Buta Singh. One of the agenda of the meeting was inclusion of Limboos and Tamangs in the list of Scheduled Tribes of Sikkim. Mr. Pasang Namgyal, Secretary, SC/ST & Welfare Deptt., Government of Sikkim, submitted a favourable report to the Committee of Ministers for SC/ST regarding inclusion of Limboo and Tamang in the Scheduled Tribes list. Later in his report, dated 19 August 1987, to Shri Sanchamana Limboo, Minister SC/ST & Welfare Deptt., Govt. of Sikkim, Mr. P. Namgyal noted that the "deliberation indicated sufficient recommendation in favour of the above two communities. It is further learnt that sitting of the group of Ministers was final scrutiny in the process of the comprehensive revision of the lists of Scheduled Castes and Scheduled Tribes".¹⁹² At this point Mr. Bhandari and his SSP Government altered their earlier stand and refrained from recommending inclusion of Limboos and Tamangs in the Scheduled Tribes list. Bhandari's view was that the issue of Tribal status of Limboo and Tamang communities could not be isolated from the issues of citizenship, seat reservation and recognition of Nepali language. His official note dated August 22, 1987 on the report presented by the Secretary, SC/ST and Welfare Department, stated 'we cannot separate the demands. We do not want divide and rule policy. All Sikkimese are one'.¹⁹³

It seems that there had been a major shift in the priorities of the State government after June 1987. Mr. N. B. Bhandari who supported recognition of Limboos and Tamangs as Scheduled Tribes, now was opposed to it. Bhandari

Government was apprehensive that recognition of the Limboos and Tamangs as Scheduled Tribes might split the Nepali community¹⁹⁴ and weaken the demands for the grant of constitutional recognition to Nepali language, citizenship to 'left-out' Sikkimese and reservation of seats etc. which the State Government was pursuing vigorously. Considering the then political development, it can be said that the pressure from the existing tribal community (Bhutia and Lepcha) and perhaps the publication of a book entitled "The Hidden Facts in Nepali Politics" by Gopal Gurung, might have compelled Mr. Bhandari to take decision opposing inclusion of Limboo and Tamang communities in the Scheduled Tribes list.¹⁹⁵ The decision of the State Government was not only contradictory to the stand taken earlier but it also put the Central government in a dilemma. The Bhandari government's opposition to granting of Tribal status to Limboos and Tamangs became more evident when Mr. Bhandari sought explanations from two of his legislators (Mr. Sanchaman Limboo and Mr. Birbal Limboo) for participating in the delegation of Akhil Sikkim Kirat Limbu Chumlung which met the Prime Minister of India, P.V.Narashimha Rao, on 14 June 1990.¹⁹⁶ There was no doubt that Mr. Bhandari had reservation regarding inclusion of the Limboo and Tamang communities in the list of Scheduled Tribes of Sikkim.

The Sikkim Democratic Front (SDF) led by Mr. P.K.Chamling assumed power in 1994 and with it the tribal issue attained a new height and dimension. On the eve of Assembly elections the party promised to work for the protection of the rights and privileges of the Bhutia-Lepcha tribals together with recognition of five different socio-cultural groups – Limboos, Tamangs, Gurungs, Mangars and Rais – in the list of Scheduled Tribes of Sikkim. Interestingly, had there been a consensus between the Central and State governments, these communities could have been declared Scheduled Tribes much earlier.¹⁹⁷

In June 1995 the Chief Minister, Shri P.K.Chamling, wrote to the Union Home Minister, Shri S.B.Chavan, to include the Limboo, Tamangs and Gurungs communities in the Scheduled Tribe list of Sikkim.¹⁹⁸ Later, some other communities namely Mangar, Rai, Sunuwar, Bhujel and Thami were also included in the proposed list of communities for the status of Scheduled Tribes

and under his dynamic leadership relentless efforts were made at all levels to have these communities recognized.¹⁹⁹ In December 2002, the Bill seeking to amend the Constitution (Sikkim) Scheduled Tribes Order, 1978 (Bill No. 62) was placed in the Union Parliament and the discussion on the Bill was scheduled on 19.12.2002 in the Lok Sabha (18.12.2002 in the Rajya Sabha). Mr. Chamling's presence in New Delhi since 02.12.2002 was immensely helpful in the smooth passage of the Bill (No. 62) on the scheduled dates. The Bill received Presidential assent on the 7th January 2003.²⁰⁰

The Sikkim Bhutia Lepcha Apex Committee (SIBLAC) in its first ever convention held on 23 September, 2001 adopted a resolution demanding not to grant Scheduled Tribe status to the Limboos and Tamangs in the interest of the Bhutias and Lepchas.²⁰¹ The Committee believed that government's proposal to grant Scheduled Tribes status to them would have detrimental effect on the rights and privileges as well as identity of the Lepchas and Bhutias.²⁰² There were rumours about the fall of the Chamling Government. Even Mr. Chamling contemplated worst for his government, "My government will go on 19 December 2002. Let it go if it has to but I'm not afraid. I will work for the Limboos and Tamangs".²⁰³ But nothing unprecedented happened. In 2004 Assembly election Chamling returned to power with 31 seats though, according to a reliable source, majority of the Bhutia-Lepcha did not cast vote in favour of the Sikkim Democratic Front party led by Mr. Chamling.

A new dimension was added to the tribal issue when Limboos and Tamangs were included in the list of Scheduled Tribes of Sikkim. By virtue of being the Scheduled Tribes, they deserve reservation of seats in the State Assembly under article 332 (1) of the Indian constitution. It must be noted that as of now the State Assembly does not have a provision of a reserved seat for the tribals. Though the Bhutias and Lepchas were converted to Scheduled Tribes in 1978, the 12 seats reserved in the State Assembly continued to be ethnic seats meant exclusively for the Bhutias and Lepchas. No change or amendment was thought necessary in the Representation of the People Act, 1950/51 (as amended in 1980), basically on the impression that the groups for whom seats were

reserved on ethnic ground earlier were alone scheduled tribes too requiring no separate reservation. Moreover, the resistance by the Lepchas earlier was easily subdued and was ineffective regarding the nature of seats, though, of late, the Lepchas as well as the Sherpas are expressing their resentment loudly and strongly over the manner of seat sharing.

The Sikkim Limboo Tamang Joint Action Committee, P.R.Subba group and supported by the state unit of the Indian National Congress (I), submitted a proposal to the central government and the State Delimitation Commissions demanding to carry out special census of the two communities immediately to provide seat reservation or to reserve seats in the same way or method as was followed to reserve seats for the Scheduled Tribes earlier.²⁰⁴ The Committee also demanded amendment to the Representation of the People Act, 1980 and expedite the process for seat reservation for the two communities before the commencement of the Assembly election scheduled in 2004.²⁰⁵ The Sikkim Limboo Tamang Joint Action Committee for Tribal Status (Birbal Subba group) also demanded for reservation of seats before the completion of the work by the Delimitation Commission 2002. Both the organizations also urged the visiting President of India, A.P.J. Abdul Kalam, to grant the political rights to the Limboo and Tamang tribal communities before the implementation of the Delimitation Commission proposal. The memorandum submitted by the Sikkim Limboo Tamang Joint Action Committee (SLTJAC) to the President Kalam read ““if the delimitation proposal in the present form is allowed to see passage, the Limboo and Tamang communities will be deprived of their political rights for another 25 years as the next delimitation exercise will be taken only after 25 years.”²⁰⁶ They expressed resentment over the discriminatory treatment meted out to the communities by the state government earlier and now by the central government.

The Sikkim Bhutia Lepcha Apex Committee, on the other hand, made it clear that the 12 seats reserved in the Assembly were exclusively meant for the Bhutia-Lepcha community and any attempt to dilute the existing provision would be viewed as a threat to the rights of the minority Lepcha-Bhutia by the majority. Similar view was also expressed by Ven. Lama Chosphe Zotpa, Vice-Chairman

of the National Commission for Scheduled Castes and Tribes, Government of India, in a letter entitled “Threat faced by Bhutia and Lepcha Tribes in Sikkim from Nepalis”, addressed to the Chief Secretary, Government of Sikkim.²⁰⁷ The inclusion of the Limboo and Tamang communities in the Scheduled Tribes list have also affected the reservation policies of the state government in employment and higher professional educational institutions. Earlier, the Scheduled Tribes (Bhutia and Lepcha) enjoyed 23 per cent reservation.²⁰⁸ In September 2003 the percentage of reservation for the Scheduled Tribes has been increased to 33 per cent²⁰⁹ which included the share of the Limboo and Tamang also. Since then, the Bhutias have been expressing resentment over the possible domination of the Nepalis in the area monopolized exclusively by them earlier. Thus apart from the seat issue, there is an apprehension among the Bhutias and Lepchas of possible marginalization and deprivation in terms of employment and resource distribution which now have to be shared with the Limboo and Tamang tribal communities.

In fact, as early as September 2001, the state government clarified that the seats reserved for the Bhutias and Lepchas would not be disturbed.²¹⁰ While alleging the Opposition parties and organizations for fomenting communalism on the issue, Mr. Chamling assured that “My job as the Chief Minister is to protect the people of Sikkim and the day I am not able to do so I will not only retire from politics but will excommunicate myself from Sikkim”.²¹¹ The issue being ethnically contentious, the government sought legal advice from the constitutional experts. The major points expressed by them (Shri K.K.Venugopal, Shri Soli Sorabji and Shri S.S. Nariman) were as follows;

- a) Limboos and Tamangs could not claim any of the 12 seats reserved for the Bhutia-Lepcha in the State Assembly;
- b) The total percentage of reservation to the Legislative Assembly could exceed 50 per cent without affecting the provision of article 14 of the constitution;
- c) Article 332 would proprio vigore operate on the reservation of seats for the Limboos and Tamangs;

- d) On the basis of available population data about 16 per cent of the 32 seats, i.e. at least 5 seats, could be reserved for the Limboos and Tamangs;
- e) The State government would retain the right to make a demand for readjustment of seats before 2006 provided that the Union Parliament deems it necessary to take decision in the matter.²¹²

As a solution to the problem, in July 2003 the Chief Minister wrote to the Prime Minister, Mr. A.B. Bajpai, requesting him to increase the number of Assembly seats from existing 32 to 40 seats to enable a provision of reservation of seats for the two newly included tribal communities.²¹³ The discussion in the Rajya Sabha over the issue reaffirmed that the Chief Minister, P.K. Chamling proposed for reservation of seats for Limboo and Tamang tribal communities without affecting the reservation provided to the Bhutia-Lepcha community.²¹⁴ The State government also requested for conducting a special census of the Limboo and Tamang tribal communities in order to fulfill the constitutional obligation mentioned under article 332 (1) and (3) of the constitution.²¹⁵ In response to the Chief Minister's letter to the Prime Minister written in December 2004²¹⁶ the Joint Secretary, Ministry of Home Affairs, informed about the examination of the matter by the Ministry in consultation with the Union Law Ministry and requested the State government to choose one of the three options short listed by the Ministry and communicate to it immediately.²¹⁷ The options were:

- a) A Reservations to be carved out of the 17 unreserved Assembly seats arrangements in Sikkim on the basis of proportion of their population...without increasing the size of the State Legislature;
- b) Strength of the State Legislature be increased to 40 and reservations be considered out of 25 seats (i.e. present 17 plus 8 additional seats) subject to the condition that in the event of any more communities being declared as Schedule Tribes in future they may also be

accommodated within the overall size of 40 without having to request further increase in number of seats;

- c) The size of the Legislative Assembly be increased to 60 to bring at par with other States and in conformity with article 171 (1) and reservation from Limboos and Tamangs be considered in proportion to their population out of the 45 seats (17 + 28) subject to the condition that in the event of any new communities being declared as Scheduled Tribes in future they will also be accommodated within the overall strength of 60 without having to ask for any further increase in the strength of the Assembly.²¹⁸

A high level delegation of the State government, including some senior bureaucrats and citizens, called upon the Prime Minister and the Home Minister among others in November 2005. It was learnt that, besides talks on Limboo and Tamang seats, discussion on other communities like Gurung, Rai, Mangar, Thami and Bhujel for tribal status was also figured prominently in the meeting. But nothing substantive happened. The issue also did not come in the Budget Session of the Lok Sabha in 2006. In the meanwhile, Shri H.R. Pradhan, President of the State Unit of the Bharatiya Janata Party (BJP), lodged a writ petition in the Supreme Court seeking clarification as to why the seats for the Limboos and Tamangs could not be reserved in the State Assembly. In its preliminary hearing, dated 20.03.2006, the Supreme Court issued a show cause notices to both the Central and State Governments asking as to why the prayer of the President of the Sikkim Unit of the BJP, Shri H.R. Pradhan, should not be granted.²¹⁹ On behalf of Shri Pradhan, the former Union Minister, Shri Arun Jaitley, who was assisted by Advocate Ranjit Kumar, represented the case.

In view of the State government's recommendation for enhancement of Assembly seats to 40, the Ministry of Home Affairs, Government of India, asked the State Government for further clarification on two fronts – a) convincing justification as to why Assembly seats be enhanced to 40, and (b) whether the seats reserved for B-L should be correspondingly enhanced if the Assembly seats were raised to

40.²²⁰ The second explanation has been sought in view of the memorandum submitted to the Welfare Ministry by the Sikkim Bhutia Lepcha Apex Committee (SIBLAC) demanding corresponding enhancement of B-L seats if the Assembly seats were raised to 40.²²¹ This demand for corresponding enhancement of B-L seat has further complicated the issue. It seems that there has been a general apprehension among the members of the Sikkim Bhutia Lepcha Apex Committee that if seats for the Limboo and Tamang are reserved outside the 17 open seats, the domination of the Nepalis over the affairs of the state will increase. In other words, the 12 Bhutia-Lepcha seats will no longer remain as decisive as it is at present in the making and unmaking of the government.

The problem with the tribal issue is that the Government (after 1975) has failed to introduce any reliable criterion or measure for determining 'tribe-ness' of a group. The question which among various communities living in Sikkim legitimately belongs to scheduled tribe category has been addressed arbitrarily since the merger.

Considering the socio-cultural and political peculiarities of the state of Sikkim, the government of India was rather lenient and accommodative in its dealing with Sikkim. After the merger article 371F, as a special provision, was incorporated in the constitution of India extending legal-constitutional sanctions to the laws and institutions prevailing just before the merger. These old laws were designed to maintain politico-cultural hegemony of the ruling community and, therefore, were communally oriented and discriminatory in intention. Briefly speaking, most of these laws are incompatible to the spirit of democratic and secular constitution of India. The continuation of these laws, particularly the Revenue Order No. 1 which prohibits alienation of Bhutia-Lepcha land to the Nepalis or other communities, Parity Formula as a governing norm for political representation and public appointment, rules denying voting right to the plainmen etc. continue to maintain social division at the community level and very often the source of ethnic tension. For example, there was ethnic tension in 1989 when the Sikkim High Court judgement allowed L.D.Kazi, a Lepcha, to gift a piece of land located in the prime urban area to his foster son N.B.Khatiwada, a

Nepali. The Bhutias feared that it will facilitate further alienation of Bhutia-Lepcha land and an appeal was lodged in the Supreme Court of India. Nepalis, on the other, believed that the plot being in the urban area the jurisdiction of Revenue Order No. 1 does not apply. It was the opinion of the Sikkim High Court also. Though the Supreme Court too upheld the judgement of the Sikkim High Court in 2006, the affidavits submitted by both the parties in defense of the case became the source of ethnic tension between the two. The Revenue Order No. 1 is also the source of discontent between the Bhutia and Lepcha on the one hand and between the Bhutia and Other Bhutias on the other. Both the Lepchas and other Bhutias, particularly the Sherpas, have demanded modification in the said Order so that the Lepcha land could not be purchased by the Bhutias and other Bhutias should be made eligible to buy traditional Bhutia-Lepcha land respectively. The Revenue Order No. 1 in its present form is considered bias towards the affluent Bhutia community.

Apart from this, the new legal-political framework introduced after the merger of Sikkim with India in 1975 also has been the source of ethnic tension. The promulgation of various laws like Sikkim Citizenship Order, 1975 which legitimized the controversial Sikkim Subject Regulation, 1961 as the cut off year; the Constitution (Sikkim) Scheduled Tribes Order, 1978 denying scheduled tribes status to many deserving cultural communities like Limboo, Tamang, Gurung, Rai, Mangar etc. and displeasing the 'real Bhutias' by including other Bhutias within the definition of the Bhutia, Representation of the People (Amendment) Act, 1979-80 abolishing seats reserved for the Nepalis while maintaining reservation of Bhutia-Lepcha seats, have actually acted as sources of ethnic mobilization. All these legislative actions are understood to be mostly against the interest of the Nepalis and whenever the protagonists of it tried to address the issue, in one way or the other, the ethno-cultural differences have become sharpened. Such policies have also strengthened community oriented consciousness. For instance, when R.C.Poudyal, the then President of Sikkim Congress (Revolutionary), sought legal remedy on the issue of abolition of seats reserved for Nepalis, he was condemned for instigating or perpetuating

communalism. Moreover when Nepalis rallied for equal treatment or demanded for exemption from the Central Income Tax Act, 1961 (Bill No. 15 of 1994) for all the three communities, viz., Nepalis, Bhutias and Lepchas, it too resulted in ethnic tension.

Sikkim is basically a traditional society. Political parties and other political organizations, like many other parts of India, therefore do not always represent ideological and policy divisions. Political parties, in such circumstances, are often organized on the basis of traditional bonds, networks and relations. The Sikkim National Party during the pre-merger period clearly demonstrated the creation of a modern political organization on the basis of traditional ethnic-cultural identities. This trend has been continuing even after the merger primarily due to the prevalence of symbols of ethnic differences in legal and structural forms. The seats in the State Assembly is so precariously designed that traditional bonds and networks play pivotal role both in terms of electoral success and continuation in power. The political parties, while attempting to widen their support base, enter into some forms of alignment with various socio-cultural organizations and formulate policies favouring or denying a particular social group. Thus, Bhandari's pro-Bhutia-Lepcha and pro-upper caste politics alienated Other Backward Classes (OBC) while Chamling's pro-OBC attitude and formulation of policies favouring inclusion of certain communities into the Scheduled Tribes status have created apprehension and alienation among the communities who were affected or felt affected by it. The development in Sikkim during the post-merger days, it is evident, further substantiate the hypothesis that state policies and activities of political organizations play a determinate role in containing or aggravating ethnic division and ethnic conflict in a democratic polity.

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 26. Sikkim Express, Vol. III, No. 105, dated 27.09.1979.

27. Interview with Shri R.C.Poudyal at his Ranipool house, 2001 and 2005.
28. The Nation, dated 9.7.1979.
29. Ibid.
30. Ibid.
31. Petition circulated by Shri R.C.Poudyal to the Members of Parliament, dated 31.07.1979.
32. Ibid.
33. Election Manifesto of Sikkim Congress (Revolutionary), dated 22.09.1979.
34. Election Manifesto of Sikkim Prajatantra Congress, 1979.
35. Sikkim Herald, Vol. 20, No. 89, dated 19.10.1979.
36. 'Wanted Politician Governor?', Sikkim Express, Vol. IV, No. 66, July 18, 1980.
37. Statesman, dated 31.08.1983.
38. Ibid. The Opposition leaders in Rajya Sabha urged the President to admonish the Governor for having attended a meeting of the Congress (I) addressed by its President, Mrs. Indira Gandhi, in Sikkim.
39. T.R. Sharma: Sikkim Hinja Dekhi Aaja Samma, Ankur Prakashan, Gangtok, 1996. Pp. 277-78.
40. Late Chamla Tshering Bhutia in 'SMARIKA' published by Sikkim Sangram Parishad, 1992, P. 40.
41. Letter of the Chief Minister Shri N.B.Bhandari to the Prime Minister of India, Mrs. Indira Gandhi, dated November 14, 1981.
42. Election Manifesto of the Sikkim Sangram Parishad, Inkprint, Siliguri, 1984,-85.
43. Op. cit. No. 41.
44. Bhandari's noting on the Report of the Secretary, SC/ST Welfare Department, Government of Sikkim, dated 22.08.1987; Also refer letter of Shri Mata Prasad, Additional Secretary, Ministry of Welfare, Government of India, to Shri P.K.Pradhan, Chief Secretary, Government of Sikkim, D.O.No. 12016/17/810 SCD (R- CELL), dated 18.12.1991.
45. Interview with Shri Birbal Subba (Tamling), Ex. MLA and the signatory in the memorandum submitted to the President of India, dated 14.06.1990.
46. 'Limboo and Tamangs to be made Scheduled Tribes', Sikkim Observer, dated 08.10.1991.
47. *Sikkim Perspectives and Vision*, Government of Sikkim Publication in association with Indus Publishing Co., New Delhi, 2003, P 5.

48. Note: NBC actually stands for the Non-Backward Class communities but in the context of Sikkim the term NBC refers to three castes/communities of Nepalis such as Newar, Bahun (Brahmin) and Chhetri.
49. J.N.Kazi: *Inside Sikkim-Against the Tide*, Hill Media Publication, Gangtok, Sikkim, 1993, P. 321.
50. Ibid, P. 30.
51. Memorandum submitted to the President of India, R. Venkataraman, by the Chief Minister of Sikkim, Shri N.B.Bhandari, dated 21.10.1991.
52. Cited in B.B.Basnet's '*Comment on Gopal Gurung's book "Hidden Facts in Nepalese Politics"*', Baba Offset Press, Tadong, Sikkim, 2004, P. 128.
53. Footnote: The President of India assented to the Bill on 31st August, 1992 and was published in the Government Gazette on 1st September, 1992.
54. Op cit. No. 39, P. 288.
55. Press release by Shri P. Thondup, Joint Secretary, Deptt. of Information and Public Relations, Government of Sikkim, dated the 29th March, 1994.
56. Ibid.
57. Abstract from the memorandum submitted by N.B.Bhandari, Chief Minister of Sikkim, signed by all the 31 member of the SSP to the President of India, Shri S.D.Sharma, on 19.04.1994.
58. Legislative proceedings, Special Session, 17th March 1994, Sikkim Legislative Assembly Secretariat, Gangtok, Sikkim; Also read T.R.Sharm's '*Sikkim – Hinja Dekhi Aaja Samma*', Ankur Prakashan, Gangtok, 1996, Pp. 311-382.
59. Ibid.
60. Op. cit. No. 47, P.11.
61. Op. cit. No. 59.
62. Ibid.
63. Ibid.
64. Prajatantra, dated 25.05.1994.
65. Times of India, dated 16.11.1994.
66. The Telegraph, dated 22.10.1994.
67. Op. cit. No. 60.
68. Footnote: The expression 'Limboo' includes 'Tsong, Subba, Yakthumba' and the expression 'Sunuwar' includes 'Koincha and Mukhia'. Sikkim Government Gazette, No. 60, dated 02.06, 1994.

69. Memorandum of the State Government, dated 25.08.1995.
70. Sikkim Government Gazette, Ex. No. 308, dated 17.09.2003.
71. Sikkim Government Gazette, Extraordinary No. 307, dated 17.09.2003.
72. Reference No. CON/CAB/55/2003, dated 16.09.2003.
73. Noting of the Chief Minister N.B.Bhandari on the Report submitted by the then Secretary, SC/ST & Welfare Deptt., Government of Sikkim, dated 19.08.1987.
74. Brass: Ethnicity and Nationalism, Sage Publication, New Delhi, 1991, Pp. 272-77.
75. Speech Delivered on 1st January 2000, Gangtok.
76. Sikkim Government Gazette, Extraordinary No. 11, dated 21. 06. 1975.
77. Notification LR. No. 12089/L & F 91950.
78. Three Basic Issues, Government of Sikkim Publication (undated).
79. Ibid.
80. Op. cit. No. 25.
81. Amrita Bazar Patrika, dated 25.11.1978.
82. Op. cit. No. 14, P. 171.
83. Ibid, P. 172.
84. The Nation, Gangtok, dated 27.01.1979.
85. 'Election Scene in Sikkim' by Santosh Nirash, Broader News and Views, Vol. II, NO. 6-7, April-May, 1979, P. 5.
86. Amrita Bazar Patrika, dated 05.09.1979.
87. Sikkim Express, Vol. VI, No. 21, July 9-15, 1981.
88. Op. cit. No. 78, P. 263.
89. Legislative Proceedings, Fourth Assembly, 17-18 January, 1990, SLAS, Gangtok, Pp. 90-91.
90. Legislative Proceedings, Third Assembly, Seventh & Eighth Session, 1987-88, SLAS, Gangtok, Pp 155-56.
91. Op. cit. No. 49, P. 264.
92. Legislative Proceedings, Third Assembly, Fourth Session, 17-21 March, 1986, SLAS, P. 254.
93. Ibid. P. 254.
94. Resolution taken on the Fourth Annual Anniversary of Foundation of Sikkim Sangram Parishad, Gangtok, dated 24.05.1988.
95. Ibid.
96. Op. cit. No. 91, Pp. 269-70.

97. Ibid, P. 266.
98. Memorandum of the STWA to the Governor of Sikkim, Bhishma Narayan Singh, Oct. 1985.
99. Ibid.
100. The Statesman, dated 02.10.1988.
101. Resolution of the Denzong Tribal Yargay Chogpa, dated Nov. 1988.
102. Sikkim Code, Vol. II, Part I, Deptt. of Law, Government of Sikkim Publication, Gangtok, P. 288.
103. Legislative Proceedings, Fourth Assembly , Monsoon Session, August 1990, SLAS, Gangtok.
104. Shillong Times, dated 26.08.1988; Times of India, dated 07.08.1990.
105. Op. cit No. 97, P. 277.
106. Press Statement issued by the State Pradesh Congress Committee (I), dated October 1989.
107. Election Manifesto of Sikkim People's Party, Lok Sabha Election, dated 20th May, 1991, pp. 7-8.
108. Op. cit. No. 105, P. 278.
109. Ibid, Pp. 278-79.
110. Memorandum submitted by Jana Mukti Morcha to the Governor of Sikkim, R.J.Tahliani in August 1990.
111. Letter of L.G.Rimpoche, President, Denzong People's Chogpa, to the Chief Secretary, K.C.Pradhan, Government of Sikkim, dated 08.09.1990.
112. Resolution of the Meeting of the Mayel Lyang Tribal Organization, dated 08.10.1989.
113. Op. cit. No. 109, P. 284.
114. Ibid, P. 284.
115. Excerpt from the interview with Bharat Basnet, President of the All Sikkim Youth Contractors Association, dated 22.06.1998.
116. Footnote: The Sikkim (Citizenship) Amendment Order, 1989 did not obliterate the Sikkim Subject Regulation of 1961 as the basis for grant of Citizenship to the left-out persons. The amendment simply allowed entry of few more names in the Subject Regulation omitted genuinely earlier.
117. Amrita Bazar Patrika, dated 25.08.1979.
118. Ibid, dated 24.02.1979.

119. Broader New And Views, Vol. II, No. 8 & 9, June-July 1979, Pp. 14-15.
120. The Nation, dated 09.07.1979.
121. Ibid.
122. Broader New and Views, Vol. II, No. 6 & 7, April-May, 1979, P. 5.
123. The Nation, dated 06.01.1979.
124. Copy of the petition circulated by R.C.Poudyal to the members of the Parliament, dated 31.07.1979.
125. Ibid.
126. The Nation, dated 06.08.1979.
127. Ibid.
128. Amrita Bazar Patrika, dated 14.08.1979.
129. The Statesman, dated 19.08.1979.
130. The Statesman, dated 18.08.1979.
131. The Statesman, dated 19.08.1979.
132. Amrita Bazar Patrika, dated 02.09.1979.
133. Sikkim Government Gazette, No. 75, dated 07.09.1979.
134. Ibid.
135. Ibid.
136. Op. cit. No. 114, P. 229.
137. Sikkim Darbar Gazette, Ex. Gazette, No. 2, dated 07.08.1956.
138. Op. cit. No. 3, P. 31.
139. Sikkim Darbar Gazette, Ex. Gazette, No. 15, dated 06.12.1969.
140. Sikkim Darbar Gazette, Ex. Gazette, No. 19, dated 31.12.1969.
141. Legislative Proceedings, Seventh Lok Sabha, Budget Session, February-March, 1980, P. 141.
142. Ibid, Pp. 139-40.
143. Ibid, Pp. 141-43.
144. Ibid, Pp. 145-46.
145. Ibid, Pp. 150-52.
146. Ibid, Pp. 147-48.
147. Ibid. Pp. 148.
148. Ibid, P. 148.
149. B.B.Gurung, "Seat Reservation in Sikkim Assembly" in Sikkim Express, Vol. XXVII, No. 23, Dated 23.05.2003 and No. 25, dated 26.05.2003.

150. Legislative Proceedings, Second Assembly, Second Budget Session, 10-11 March, 1980, SLAS, Gangtok.
151. Legislative Proceedings, Second Assembly, Ninth Session, September 1983, Pp. 86-120.
152. Op. cit. No. 88. (undated)
153. Legislative Proceedings, 2nd Assembly, 9th Session, September, 1983, Pp. 86-120.
154. Op. cit. No. 152.
155. Op. cit. No. 136, P. 112.
156. Ibid, P.133.
157. Ibid, P.129.
158. Ibid, P.131.
159. Ibid, P. 132.
160. Ibid, P. 336.
161. AIR, September 1993, Pp. 1832-1836.
162. Varadhan Committee Report, Government of Sikkim, p. 7.
163. Survival Sikkimese: The Final Conclusion, Gangtok, December 1995, P. 7.
164. Ibid, P. 2.
165. 'Document' published in Sikkim Observer, Vol. XV, No.33, dated 21-27 October, 2000.
166. Weekend Review, Vol. 2, No. 10, dated September 3-9, 1999.
167. Sikkim Observer, Vol. XV, No. 33, dated 21-27 Oct., 2001.
178. Copy of the proposal published in Hamro Parajashakti, dated 2-8 August, 2000.
169. Op. cit. No. 165.
170. Weekend Review, Vol. 2, No. 16, dated 3-9 November, 2000.
171. Copy of Arun Jaitley's, Union Minister for Law, Government of India, letter to Anjan Upadhyay, Prsident of the CPI(M) State Unit, Sikkim, dated 23.12.2003.
172. NOW, Vol. 1, No. 2, dated 16-22 April, 2003.
173. Kranti, No. 1, published by Gorkha Apex Committee, 2003; NOW, vol. 1, No. 31, dated January 29-4 February, 2003.
174. NOW, Vol. 1, No. 34, dated 19-25 February, 2003.
175. Weekend Review, dated 21-27 February, 2003.
176. NOW, Vol. 2, No. 3, dated 9-15 July, 2003.
177. Op. cit. No. 45.
178. Ibid.

179. Op. cit. No. 160, P. 126.
180. D.O. No. 18 (3)/Home/75, dated 19th April, 1976.
181. D.O.No. BC-12016/24/75-SCTV, dated 21.07.1976, Ministry of Home Affairs, Government of India, Shastri Bhawan, Room No. 604, A-Wing, New Delhi.
182. Ibid.
183. Ibid.
184. Ibid.
185. Sikkim Government Gazette, Ex. Gazette No. 93, dated 12.07.1978.
186. Footnote: B.B.Gurung, who was part of the L.D.Kazi government, once stated that "Kazi Saab told me that if the Sherpas had not been included in the list, then the B-Ls (Bhutia-Lepcha) would never have got the 12 seats they enjoy today". NOW, Vol. 1, No. 34, dated 19-25 February, 2003.
187. D.O. No. BC 12016/24/75-SCST, dated 21.07.1976, Ministry of Home Affairs, Government of India, Shastri Bhawan, New Delhi.
188. Copy of the letter of the Chief Minister, N.B.Bhandari, to the Prime Minister of India, Mrs. Indira Gandhi, dated 14th November, 1981.
189. D.O.No. 155/SC/ST WD, dated 02.06.1987.
190. D.O.No. 12016/28/87 – SCD (R. Cell), dated 22.07.1987.
191. Copy of the telegram sent to Shri Pasang Namgyal, Secretary, SC/ST Welfare Department, Government of Sikkim, by Shri S.S.Verma, Secretary, Ministry of Welfare, Government of India, D.O.No. 12016/28/87 – SCD (R. Cell), dated 31.07.1987.
192. Copy of the Report submitted by Passang Namgyal, Secretary, SC/ST Welfare Department , government of Sikkim, to Shri Sanchaman Limboo, Minister, SC/ST Welfare Department, Government of Sikkim, dated 19.08.1987.
193. Official noting of State's Chief Minister, N.B.Bhandari, on the Report submitted by Passang Namgyal, Secretary, SC/ST Welfare Department, Government of Sikkim, dated 20.08.1987.
194. Copy of the letter of Shri Mata Prasad, Additional Secretary, Ministry of Welfare, Government of India, to Shri P.K.Pradhan, Chief Secretary, Governmtn of Sikkim, D.O.No. 120616/17/810 SCD (R. Cell), dated 18.12.1991.
195. Footnote: The book "Hidden Facts in Nepali Politics" by Gopal Gurung talks about racial division and discrimination against the Mongoloid by the Aryan

- within the Nepali community in Nepal. The time of publication of the book (first printed in 1986 and second in 1988) and imposition of ban on its circulation in Sikkim further stimulated the trend to flare up in this direction.)
196. Copy of the explanation letter of N.B.Bhandari, President, SSP, to B.B.Subba, Minister of Power, Government of Sikkim, Ref. No. 291/SSP/90-91, dated 30.06.1990.
 197. Copy of the letter of Ministry of Home Affairs, Government of India, D.O. No. 11012/1/87 – NE-111, dated 20.09.1994; Draft copy of the Scheduled Tribes Order (Amendment) Ordinance, 1994.
 198. D.O.No. 26/CMS/95, dated 17.06.1995.
 199. Memoranda of the Chief Minister Chamling to the concerned Ministry, Government of India dated 25th August, 1995; 19th December, 1995; 18th July, 1997; 30th March, 1998; 10th November, 1999; 22nd April, 2000.
 200. The Gazette of India, Ex. Gazette Part II, Section I, No. 10, New Delhi, dated 08.01.2003. Published for information by Home Department, Government of Sikkim vide Ref. No. 17/Home/2003, dated 05.04.2003.
 201. Hamro Prajashakti, dated September 26 – 02 October, 2001.
 202. Ibid.
 203. Birbal Subba (Tamling), 'Sikkimay Limboo and Tamang Birodhi Narbahadur Bhandari ko Kalo Kartutharo, Tamling Family, He Gaon, West Sikkim, 2004, P. 33.
 204. Memorandum of the Sikkim Limboo Tamang Joint Action Committee, dated 30.04.2003.
 205. Ibid.
 206. Sikkim Express, dated 27.09.2005.
 207. Copy of the letter of L.B.Senate, Jt. Secretary, National Commission for SC/ST, Government of India, to the Chief Secretary, Government of Sikkim, No. 17/11/2003 (C-CELL), dated 15th October, 2003.
 208. Sikkim Government Gazette, No. 130, dated 6th July, 1995.
 209. Sikkim Government Gazette, No. 307, dated 17th September, 2003.
 210. Hamro Prajashakti, dated 19-25 September, 2001.
 211. NOW, dated 18-24 December, 2002.
 212. Weekend Review, dated 25-27 February, 2004.

213. Weekend Review, dated 18-24 April, 2003; Also read memorandum submitted by Shri P.K.Chamling, Chief Minister of Sikkim, to Shri A.B.Bajpai, Prime Minister of India, dated 23rd July, 2003.
214. Answer given in the Rajya Sabha by the Minister for State for Law and Justice, Shri K. Venkatapathy, dated 14th March, 2005 while answering the unstarred question no. 1325 asked by Shri Pyarelal Khandelwal, Member of Rajya Sabha.
215. D.O.No. 405/CMS-2003, dated 05.05.2003.
216. D.O.No. 1021/CMO/SKM, dated 27.12.2004.
217. D.O.No. IV/11015/1/2005-CSR-11, dated 30.05.2005.
218. Ibid. Also read NOW, dated 22.10.2005.
219. NOW, Vol. 5, No. 7, dated 22.03.2006.
220. Letter of Shri A.K.Srivastava, the Joint Secretary, Ministry of Home Affairs, to Shri N.D.Chingapa, the Chief Secretary of Sikkim, dated 01.05.2006.
221. NOW, dated 09.05.2006; Hamro Prajashakti, dated 15.05.2006; Sikkim Express, dated 18.05.2006.