Annexure-I

Deed of Darjeeling Grant – 1835[92]

Translation of the Deed of Grant making over Darjeeling to the East India Company dated 29th Maugh, Sabat 1891, A.D., 1st February 1835.

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

Sd/- A. CAMPBELL, Seal of the Rajah prefixed to the document.
Superintendent of Darjeeling and In charge of political relations with Sikkim.

Annexure-II

Gazette Notification on the Issue of Citizenship of Gorkhas[93]

(Published in the Gazette of India Extraordinary Part – I Section 1 dated the 23rd August 1988)
No. 26011/6/88-ICI
Government of India Ministry of Home Affairs
New Delhi the 23rd August, 1988

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[92] https://bangaloregorkha.wordpress.com/documents/deed-of-darjeeling/ accessed on 14/03/2013.

[93] https://bangaloregorkha.wordpress.com/documents/gazette-notification/ accessed on 14/03/2013.

NOTIFICATION

Whereas it has come to the notice of the Central Government that there have been some misconception about the citizenship at the commencement of the Constitution of India of certain classes of person commonly known as Gorkhas, who had settled in India at such commencement.

And whereas it is considered necessary to clear such misconception it is hereby clarified as follows:

(1) As from the commencement of the Constitution, that is as from 26-1-1950, every Gorkha who had his domicile in the territory of India, that is, in the territories which on 26-1-1950 became part of or constituted the territory of india as defined in Article-1 (2) of the Constitution of India and-

(a) Who was born in the territory of India or
(b) Either of whose parents was born in the territory of India.
(c) Who had been ordinarily resident in the territory of India for not less than five years before such commencement shall be a citizen of India as provided in Article 5 of the Constitution of India
(2) No such person as is referred to in paragraph (1) above shall be a citizen of India or be deemed to be a citizen of India if he has voluntarily acquired the citizenship of any foreign State, as provided in Article 9 of the Constitution of India.

(3) Every person who is citizen of India at the commencement of the Constitution as aforesaid shall continue to be such a citizen subject to the provision of any law that may be made Parliament as provided in Article 10 of the Constitution of India.

(4) The provisions of the Citizenship Act 1965 and the Rules and orders made there-under shall apply to the persons referred to in paragraph (1) after the commencement of Constitution.

Sd/-
(INDRA MISRA)
Joint Secretary to the Government of India

Annexure III

Indo-Nepal Friendship Treaty – 1950[94]

THE Government of India and the Government of Nepal, recognising the ancient ties which have happily existed between the two countries for centuries;

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

Have resolved therefore to enter into a Treaty of Peace and Friendship with each other and have, for this purpose, appointed as their plenipotentiaries the following persons, namely,

The Government of India:

His Excellency Shri Chandreshwar Prasad Narain Singh, Ambassador of India in Nepal.

The Government of Nepal:

Maharaja Mohun Shamsher Jang Bahadur Rana, Prime Minister and Supreme Commander-in-Chief of Nepal,who, having examined each other's credentials and found them good and in due form have agreed as follows:

Article I

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

Article II

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

[94] https://bangaloregorkha.wordpress.com/documents/indo-nepal/ accessed on 14/03/2013.

Article III

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

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

Article IV

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

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

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

Article V

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

Article VI

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

Article VII

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

Article VIII

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

Article IX

This treaty shall come into force from the date of signature by both Governments.

Article X

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

Annexure IV

Segowlee Treaty – 1815[95]

TREATY of PEACE between the HONOURABLE EAST INDIA COMPANY AND MAHARAJAH BIRKRAM SAH, Rajah of Nipal, settled between LIEUTENANT – COLONEL BRADSHAW on the part of the HONOURABLE COMPANY, in virtue of the full powers vested in him by HIS EXCELLENCY the RIGHT HONOURABLE FRANCIS, EARL of MOIRA, KNIGHT of the MOST NOBLE ORDER of the GARTER, on of HIS MAJESTY's MOST HONOURABLE PRIVY COUNCIL, appointed by the Court of Directors of the said Honourable Company to direct and control all the affairs in the East Indies, and by SHREE

[95] https://bangaloregorkha.wordpress.com/documents/segowlee-treaty/ accessed on 14/03/2013.

GOOROO GUJRAJ MISSER and CHUNDER SEEKUR OPEDEEA on the party of MAHA RAJAH GIRMAUN JODE BIKRAM SAH BHAAUDER, SHUMESHEER JUNG, in virtue of the powers to that effect vested in them by the said Rajah of Nipal, – 2nd December 1815.

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

ARTICLE 1ST

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

ARTICLE 2ND

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

ARTICLE 3RD

The Rajah of Nipal hereby cedes to the Honourable the East India Company in perpetuity all the under mentioned territories, viz, –

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

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

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

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

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

ARTICLE 4TH

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

ARTICLE 5TH

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

ARTICLE 6th

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

ARTICLE 7TH

The Rajah of Nipal hereby engages never to take to retain in his service any British subject, nor the subject of any European or American State, without the consent of the British Government.

ARTICLE 8TH

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

ARTICLE 9TH

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

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

PARIS BRADSHAW, Lt. Col. P.A.

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

DD. OCHTERLONY
Agent, Governor General

Annexure V

Treaty of Sinchula – 1865[96]

On the 11th day of November, 1865

Treaty between His Excellency the Right Honourable Sir John Lawrence, G.C.B., K.S.I., Viceroy and Governor-General of Her Britannic Majesty's possessions in the East Indies, and the one part by Lieutenant Colonel Herbart Bruce, CB, by virtue of full powers to that effect vested in him by the Viceroy and Governor – General, and on the other part by Samdojey Deb Jimpey and Themseyrensey Donai according to full powers conferred on them by the Dhum and Deb Rajahs, 1865.

ARTICLE I

There shall henceforth be perpetual peace and friendship between the British Government and the Government of Bhootan.

ARTICLE II

Whereas in consequence of repeated aggressions of the Bhootan Government and of the refusal of that Government to afford satisfaction for those aggressions, and for their insulting treatment of the officers sent by His Excellency the Governor-General in Council for the purpose of procuring an amicable adjustment of differences existing between the two states, the British Government has been compelled to seize by an armed force the whole of the Doars and certain

[96] https://bangaloregorkha.wordpress.com/documents/treaty-sinchula/ accessed on 14/03/2013.

Hill Posts protecting the passes into Bhootan, and whereas the Bhootan Government has now expressed its regret for past misconduct and a desire for the establishment of friendly relations with the British Government, it is hereby agreed that the whole of the tract known as the Eighteen Doars, bordering on the districts of Rungpoor, Cooch Behar, and Assam, together with the Taloo of Ambaree Fallcottah and the Hill territory on the left bank of the Teesta up to such points as may be laid down by the British Commissioner appointed for the purpose is ceded by the Bhootan Government to the British Government forever.

ARTICLE III

The Bhootan Government hereby agree to surrender all British subjects, as well as subjects of the Chief of Sikkim and Cooch Behar who are now detained in Bhootan against their will, and to place no impediment in the way of the return of all or any of such persons into British territory.

ARTICLE IV

In consideration of the cession by the Bhootan Government of the territories specified in Article II of this Treaty, and of the said Government having expressed its regret for past misconduct, and having hereby engaged for the future to restrain all evil disposed persons from committing crimes with in British territory or the territories of the Rajahs of Sikkim and Cooch Behar and to give prompt and full redress for all such crimes which may be committed in defiance of their commands, the British Government agree to make an annual allowance to the Government of Bhootan of a sum not exceeding fifty thousand rupees (Rupees 50,000) to be paid to officers not below the rank of Jungpen, who shall be deputed by the Government of Bhootan to receive the same. And it is further hereby agreed that the payments shall be made as specified below:

On the fulfillment by the Bhootan Government of the conditions of this Treaty Twenty Five Thousand Rupees (Rupees 25,000).

On the 10th January following the 1st payment, thirty five thousand rupees (Rupees 35,000)

On the 10th January following, forty-five thousand rupees (Rupees 45,000)

On every succeeding 10th January, fifty thousand rupees (Rupees 50,000)

Annexure VII

Treaty of Titalia – 1817[97]

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

ARTICLE I

The Honourable East India Company cedes, transfers and makes over in full sovereignty to the Sikkimputtee Rajah, his heirs or successors, all the hilly or mountainous country situated to the eastward of the Mechi river and to the westward of the Teesta river,formerly possessed by the Rajah of Nepaul but ceded to the Honourable East India company by the treaty of peace signed at Segoulee.

ARTICLE II

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

ARTICLE lll

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

ARTICLE IV

He engages for himself and sucessors to join the British troops with the whole of his military force when employed in the Hills and in general to afford the British troops every aid and facility in his power.

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[97] https://bangaloregorkha.wordpress.com/documents/treaty-of-titalia/ accessed on 14/03/2013.

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

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

ARTICLE VIII

That he will afford protection to merchants and traders from the Company's province and he engages that no duty shall be levied on the transit of merchandise beyond the established custom at the several golah or marts.

ARTICLE IX

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

ARTICLE X

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

Done at Titalia, this tenth day of February 1817 answering the 9th of Phagoon 1873 Sumbut and to the thirteenth of Maugh 1223 Bengallie.

Sd/- Barre Latter
Sd/- Moira
Sd/- Nazir Chaina Tenjin
Sd/- N.B.Edmonstone

Sd/- Macha Teinbah
Sd/- Archd.Seton
Sd/- Lama Duchim Longadoo
Sd/- Geo.Dowedswell

Ratified by the Governor-General in Council at Fort William, this Fifteenth day of March, One Thousand Eight Hundred and Seventeen.

Sd/- J. Adam, Acting Chief Secretary to Government.