

## **Appendix – I**

### **Text of the Treaty of Sugaulee, 2<sup>nd</sup> December 1815 between East India Company and the Country of Nepal**

TREATY of PEACE between the HONOURABLE EAST INDIA COMPANY AND MAHA RAJAH BIRKRAM SAH, Rajah of Nipal, settled between LIEU1ENANT-COLONEL BRADSHAW on the part of the HONOURABLE COMPANY, in virtue of the full powers vested in him by HIS EXCELLENCY the RIGHT HONOURABLE FRANCIS, EARL of MOIRA, KNIGHT of the MOST NOBLE ORDER of the GARTER, one of HIS MAJESTY's MOST HONOURABLE PRIVY COUNCIL, appointed by the Court of Directors of the said Honourable Company to direct and control all the affairs in the East Indies, and by SREE GOOROO GUJRAJ MISSER and CHUNDER SEEKUR OPEDEEA on the part of MAHA RAJAH GIRMAUN JODEBIKRAM SAH BAHAUDER, SHUMSHEER JUNG, in virtue of the powers to that effect vested in them by the said Rajah of Nipal, 2<sup>nd</sup> 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 claims 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 the exception of Bootwul Khass) lying 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 Rivers Mitchee and the Teestah.

Fifthly - All the territories within the hills eastward of the River Mitchee including the fort and lands of Nagree and the Pass of Nagarcote leading from Morung into the hills, together with the territory lying between 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 election 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 or 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 hereby 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 of the Governor-General within twenty days, or sooner, if practicable.

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

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

Received this treaty from Chunder Seekur 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 Counterpart Treaty on behalf of the British Government.

**D. D. OCHTERLONY,**  
Agent, Governor-General

## **Appendix – 2**

### **TREATY OF TITALYA BETWEEN EAST INDIA COMPANY AND THE COUNTRY OF SIKKIM, 10<sup>TH</sup> FEBRUARY 1817**

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

#### **Article 1.**

The Honorable 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 and occupied by the Rajah of Nepaul, but ceded to the Honourable East India Company by the Treaty of peace signed at Segoulee.

#### **Article 2.**

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

#### **Article 3.**

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

**Article 4.**

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

**Article 5.**

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

**Article 6.**

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

**Article 7.**

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

**Article 8.**

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

**Article 9.**

The Honorable 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 10.**

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

*Done at Titalya, this 10<sup>th</sup> day of February 1817, answering to the 9th of Phagoon 1873 Sumbut, and to the 30th of Maugh 1223 Bengallie.*

Barre Latter  
Nazir Chaina Tinjin Macha Timbah  
Lama Duchim Longadoo

(Sd) MOIRA  
" N . B. EDMONSTONE  
" ARCHD. SETON  
" GEO. DOWDESWELL.

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

*Acting Chief Secy. to Govt.*

### **Appendix – 3**

#### **SUNNUD GRANTED TO THE RAJAH OF SIKKIM DATED 7<sup>TH</sup> APRIL 1817**

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

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

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

It will be especially incumbent on the Sikkimputtee Rajah and his officers to surrender, on application from the officers of the Honorable Company, all persons charged with criminal offences, and all public defaulters who may take refuge in the lands now assigned to him, and to allow the police officers of the British Government to pursue into those lands and apprehend all such persons.

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

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



#### Appendix – 4

**Translated Deed of Grant making over Darjeeling to the East India Company, dated 29th Maugh, Sumbut 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 Balasun, Kahail, and Little Runjeet Rivers, and west of the Rungno and Mahanuddi Rivers.

(Translated.)  
(Sd.) A. CAMPBELL,  
*Superintendent of Darjeeling,  
and in charge of Political relations with Sikkim.*

Seal of the Rajah prefixed to  
the document.

## **Appendix – 5**

### **TREATY WITH NIPAL REGARDING THE RESTORATION OF THE WESTERN TERAI, 1<sup>st</sup> NOVEMBER 1860**

"During the disturbances which followed the mutiny of the Native army of Bengal in 1857, the Maharajah of Nipal not only faithfully maintained the relations of peace and friendship established between the British Government and the State of Nipal by the Treaty of Segowlee but freely placed troops at the disposal of the British authorities for the preservation of order in the Frontier Districts, and subsequently sent a force to cooperate with the British Army in the re-capture of Lucknow and the final defeat of the rebels. On the conclusion of these operations, the Viceroy and Governor-General in recognition of the eminent services rendered to the British Government by the State of Nipal, declared his intention to restore to the Maharajah the whole of the lowlands lying between the River Kali and the District of Goruckpore, which belonged to the State of Nipal in 1815, and were ceded to the British Government in that year by the aforesaid Treaty. These lands have now been identified by Commissioners appointed for the purpose by the British Government, in the presence of Commissioners deputed by the Nipal Darbar; masonry pillars have been erected to mark the future boundary of the two States, and the territory has been formally delivered over to the Niparese Authorities. In order the more firmly to secure the State of Nipal in the perpetual possession of this territory, and to mark in a solemn way the occasion of its restoration, the following Treaty has been concluded between the two States :-

#### **ARTICLE 1**

All Treaties and Engagements now in force between the British Government and the Maharajah of Nipal, except in so far as they may be altered by the Treaty, are hereby confirmed.

#### **ARTICLE 2**

The British Government hereby bestows on the Maharajah of Nipal

in full sovereignty, the whole of the lowlands between the Rivers Kali and Raptée, and the lowlands lying between the River Raptée and the District of Goruckpore, which were in the possession of the Nipal State in the year 1815, and were ceded to the British Government by Article III of the Treaty concluded at Segowlee on the 2nd December in the year.

### **ARTICLE 3**

The boundary line surveyed by the British Commissioners appointed for the purpose extending eastward from the River Kali or Sardah to the foot of the hills north of Bagowra Tal, and marked by pillars, shall henceforth be the boundary between the British Province of Oudh and the Territories of the Maharajah Dheraj Soorinder Yikram Sah Bahadoor Shumsbere Jung, shall be ratified and the ratifications shall be exchanged at Khatmandoo within thirty days of the date of signature."

## **Appendix – 6**

### **Treaty between the British Government and The Maharajah Of Sikkim, 28<sup>th</sup> March 1861**

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

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

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

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

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

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

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

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

5. The Government of Sikkim engages that its subjects shall never again commit depredations on British territory, or kidnap or otherwise molest British subjects. In the event of any such depredation or kidnapping taking place, the Government of Sikkim undertakes to deliver up all persons engaged in such malpractice, as well as the Sirdars or other Chiefs conniving at or benefiting thereby.

6. The Government of Sikkim will at all times seize and deliver up any criminals, defaulters, or other delinquents who may have taken refuge within its territory, on demand being duly made in writing by the British Government through their accredited agents. Should any delay

occur in complying with such demand, the Police of the British Government may follow the person whose surrender has been demanded into any part of the Sikkim territory, and shall, on showing a warrant, duly signed by the British Agent, receive every assistance and protection in the prosecution of their object from the Sikkim officers.

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

8. The Government of Sikkim from this date abolishes all restrictions on travellers and monopolies in trade between the British territories and Sikkim. There shall henceforth be a free reciprocal intercourse, and full liberty of commerce between the subjects of both countries; it shall be lawful for British subjects to go into any part of Sikkim for the purpose of travel or trade, and the subjects of all countries shall be permitted to reside in and pass through Sikkim, and to expose their goods for sale at any place and in any manner that may best suit their purpose, without any interference whatever, except as is; hereinafter provided.

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

maiming, or torture, and every case of punishment of a British subject shall be at once reported to Darjeeling.

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

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

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

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

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

15. Inasmuch as many of the late misunderstandings have had their foundation in the custom which exists in Sikkim of dealing in slaves, the Government of Sikkim binds itself, from this date, to punish

severely any person trafficking in human beings, or seizing persons for the purpose of using them as slaves.

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

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

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

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

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

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

22. With a view to the establishment of an efficient Government in Sikkim, and to the better maintenance of friendly relations with the



British Government, the Maharajah of Sikkim agrees to remove the seal of his Government from Tibet to Sikkim, and reside there for nine months in the year. It is further agreed that a Vakeel shall be accredited by the Sikkim Government, who shall reside permanently at Darjeeling.

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

Seal.

(Sd.) SEKEONG KUZOO SIKKIMPUTTEE.

(Sd.) ASHLEY EDEN,

*Envoy.*

(Sd.) CANNING.

Seal.

Seal.

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

(Sd.) C. U. AITCHISON,

*Under-Secy. to the Govt. of India.*

## **Appendix – 7**

### **The Treaty of Sinchula – 1865**

After preliminary negotiations, a treaty was signed at Sinchula on 11 November 1865. The treaty is also known as the Ten-Article Treaty of Rawa Rani. By it, the Bhutanese Government ceded to the British Government both the Assam and Bengal Duars. It also agreed to surrender all British subjects, as well as those of Sikkim and Cooch Behar detained in Bhutan. Mutual extradition of criminals was agreed upon, as also the maintenance of free trade between the two countries. The British Government on its part agreed to pay to the-Bhutan Government an annual sum of 25,000 rupees on the fulfilment of the terms of the treaty, 35,000 rupees on 10 January following the first payment, 45,000 rupees on 15 January following, and 50,000 rupees on every 10 January following. By this treaty, Bhutan lost considerable territory approximating 2,750 sq. miles comprising of the whole of the tract known as the Assam and Bengal Duars. It also lost Ambari Falakata and the hill territory on the left bank of the Teesta to such point as may be laid down by the British Commissioner appointed for the purpose. It secured exemption of levy of duty on goods imported into British territories on a: reciprocal basis. It also subjected to British arbitration all its disputes with Sikkim and Cooch Behar.

## **Appendix – 8**

### **Rules for the Sale of Waste Lands in Darjeeling**

#### **I. Lands Available for Sale under These Rules**

1. By "waste land" is meant land covered with jungle, or uncultivated, and of such character, or in such a position, that it is not likely to be taken up for the cultivation of the ordinary native staples of the country within a reasonable time.
2. All sales shall be subject to the General conditions of sale appended here to as annexure A.
3. Waste land the property of Government which does not fall within any of the exceptions specified below may be sold by the District Officer as herein provided.
4. The Exceptions are the following:- land bearing valuable Timber, land which is especially valuable for grazing, for the supply of fuel or for any other reason, and land known or supposed to contain valuable mineral, will be reserved from sale. The collector will be careful not to sell without special report and orders any land which may be claimed by wild tribe on the borders of the district, or over which either the inhabitant of neighboring villages, or such wild tribes, may claim any privilege and it shall be within his discretion to reserve any land which in his opinion, for any other special reason, should not be sold, and to reject any application for such land, provided that such reserve refused shall be reported for the orders of the commissioner of the Division.
5. A strip of land, sixty feet wide, is to be reserved on each side of every considerable public road.
6. When the Government shall, on political or other grounds, except any district or part of a district from the operation of these Rules, or of any part thereof, the waste land of such excepted tract shall not be sold under these rules, or shall be sold subject to such special reservation as may be laid down.

7. In any district to which the Bengal Eastern Frontier Regulation (approved by the Governor general in council in 1873, under Act XXXIII Vic; cap.3) shall be extended, no application for the sale of land lying beyond the boundary line defined under section 2 of the said Regulation shall be entertained without the special sanction of Government; any proceedings taken without such sanction will be null and void, and may be immediately, and at any time, set aside by the Commissioner, with or without appeal.

## **II. Application and procedure before Advertisement.**

8. The Collector shall require intending purchasers to submit to him an application containing the following particulars:-1<sup>st</sup>. The estimated area in acres of the land applied for, with its character and description; and 2<sup>nd</sup>. The situation of the land and its boundaries accurately ascertained, and described as full as possible.

9. All application will be entered at once in a register, of which the form will be prescribed by the Board of Revenue.

10. Every lot applied for must be compact; including no more than one tract of land such as might be enclosed in a ring fence. If the land touches a public road or a navigable river, the length of the road or river frontage must not exceed one-half the depth of the lot; but if, any special reasons, the Board of Revenue see fit to relax this restriction, it may do so.

11. No greater area of land than fifteen hundred acres will be sold in one lot without the express sanction of the Government. If in particular localities a lower maximum area than fifteen hundred acres should be determined upon, further instruction against the same person applying for two or more lots of land, provided that each application comprises no more than the prescribed maximum. But the Collector may refuse to comply with an application made by the same parties for a second lot, unless it is satisfactorily shown that the applicants really have immediately available the means of cultivating

the lot applied for, and that they intend to cultivate both the lots applied for.

12. On receipt of an application, the collector shall take measures to satisfy himself by local inquiry that it complies with all requirements of these rules, and that the land is such as can properly be sold. Should he find any persons settled on the land, or otherwise using it with any semblance of right, he will refuse to sell, and will report the matter for the orders of the Commissioner. In no case shall any cultivated or inhabited land be sold as waste nor shall any land may appear to have been cultivated within twenty years be so sold without special report to the Commissioner. In all doubtful cases the Commissioner will report for the orders of the Board of revenue.

13. If the land has not been previously surveyed and demarcated, the foregoing inquiry may be made either before, or simultaneously with, the survey required by the next rule. If, on completion of the survey, it appears that the land applied for exceeds the maximum area prescribed for the district, or if at any time before the sale the inquiries of the Collector so that the lot as applied for does not fulfill the requirements of these rules, the Collector may call for an amendment application; and in the event of a revised application not being given in within fifteen days the application may be cancelled, and the deposit returned to the applicant Jess the amount of expense actually incurred for survey, demarcation and advertisement: provided that in any such case it shall be in the discretion of the Collector to extend the period within which a revised application will be received.

14. No lot will be sold until it has been surveyed and demarcated. When the application is for land which has not been already surveyed, the applicant will be required to deposit the estimated cost of survey.

15. The cost of survey payable by the applicant will be at the rate of eight *annas* for each acre, unless for special reasons a higher rate is required. The sum to be deposited before survey will be calculated at the required rate on the area which the lot is estimated to contain, the

payment being subsequently adjusted by a refund or a further payment, according to the area which is actually ascertained by survey.

16. When a survey is required, it shall be made by such agency as the government may from time to time direct, and shall, before it is finally accepted, be tested on the spot by an officer appointed for such purpose.

17. Where the lot has not already been demarcated, the applicant may be allowed to demarcate its boundaries himself in the manner required by the collector, or the collector may undertake to demarcate for him. In the latter case the applicant shall deposit the cost of clearing and demarcating the boundaries as estimated by the Collector. This deposit will be in addition to the amount deposited as cost of survey, where a survey is necessary, and will also be subject to adjustment, when the actual cost of the clearance and demarcation shall have been ascertained.

18. When the land has not been previously defined by permanent marks, the demarcation to be required under Rule 17 need only be of such a description as clearly to identify the boundaries of the land on the spot, and such as will suffice as a sure guide for the erection after the sale of the permanent marks required by clause 17 of the general condition of sale.

19. If the area of the lot applied for exceeds one hundred acres, the applicant shall further be required to deposit Rs 16 for expenses of the advertisement, prescribed in Rule 23 below.

20. In the event of the land being purchased by any person other than the applicant, the amount paid by the applicant for survey, demarcation, and advertisement, when recovered from the purchaser under Clause 9 of the general conditions, will be repaid to the applicant.

21. In the event of the land for any reason not being sold, applicant will have no right to a refund; but it may, as a matter of consideration, be allowed him by the Commissioner in special cases, and in any case the Collector may refund any money not expended.

### **III - Issue of Notice of Sale**

22. When the land has been surveyed and demarcated, and the Collector is satisfied, from the inquiry made in the matter above prescribed, that it may properly be sold, he shall issue a Notice of sale in the form given in ANNEXURE B.

23. The notice of sale will be published at the Collector's Office, at the Court of the principal Judicial Officer or the District, at the Sub-Divisional Office, at the Munsif's Court (if there be one), and at the Police station within the limits of which the lands are situated. A copy will be sent to the Commissioner. Where the area of the lot to be sold exceeds one hundred acres, an advertisement of the proposed sale in the form set forth in Annexure C will also be published in the Calcutta Gazette.

24. In framing the notice, the Collector must be careful to state precisely a possible all rights which will be reserved, such as the roads and waterways which will be held available for the use of Government and the public use (Vide Clause 2 of the General conditions), the strips of land on each side of public roads required by Rule 5, Section I, above, and all other particulars which are peculiar to the lot in question, and are not covered by the permanent boundary marks which the purchaser will be required to erect should also be specified either by referring to Clause 18 of the Conditions of sale, or by special description if necessary.

25. The upset price to be entered in Clause 3 of the notice should be calculated on the whole area of the lot without any deduction whatsoever. Ordinarily, it will be calculated at the rate laid down for each district in the Schedule appended to this Rule; but if any portion, not exceeding two-thirds of a lot, be uncultivable, the upset price of such portion shall be fixed at one-half the rate contained in the schedule. In special cases the Collector may, with the sanction of the Commissioner, put a higher upset price to be fixed, Collectors will not overlook the value of the trees on the land applied for. When any portion of the land is

described as uncultivable, the Collector must satisfy himself as well as he can by due inquiry that it is unfit for cultivation.

Schedule of Rates of Upset Prices

District of the Assam Division	Rs. 8
District of Cachar and Sylhet	Rs. 8
District of Chittagong Division	Rs. 6
District of Chotanagpore Division	Rs. 5
The Soonderbuns	Rs. 5
All other District	Rs. 10

26. Under Section 1, Act XXIII of 1863, the day fixed for the sale must be not less than three months after the publication of the Notice, and it is desirable that three clear months shall intervene between the publication of the advertisement in the Gazette (when such an advertisement is required) and the day of sale. Subject to these conditions, the day should be fixed as early as is practicable. When there are several applications for waste land, sale days should be fixed at intervals of not more than two months.

27. When for any reason a sale is deferred from the date originally fixed in the advertisement and notices, intimation of the date to which it is deferred must be given by a public notice affixed at the Collectors Office.

28. If the day to which the sale is postponed be more than fifteen days after the date originally fixed, the date to which it is differed must be published for the space of one month at least in the manner prescribed by Rule 23 for the original notification of the day of sale. In this case the expenses of the publication of the advertisement (if any) will be born by the Government.

29. If after the issue of the notice, and before the day of sale, any claim be preferred or objection taken, the Collector must proceed as directed in Act XXIII of 1863.

30. If the Collector shall consider that any claim or objection is



established, he will stop the sale as directed by Section 4, Act XXIV of 1863, and will make a special report to the Commissioner; if the objection be such as can properly be got over by an arrangement, without proceeding to formal trial under Section 6 of the Act, the Commissioner may, with the approval of the Board, order the arrangement to be made and the sale to be held.

31. Should the sale have been stopped or postponed in consequence of any claim or objection having been made, and should such claim or objection be eventually disposed of and it be determined to proceed with the sale, the Collector must issue a second notification of sale. This notification is to be issued, in the manner prescribed for the first Notice by Rule 23, at least one month before the day fixed for the sale. The cost of advertisement will be borne by the Government.

#### **IV. Sale**

32. If no claim to proprietary or other right in the land be preferred or discovered before the day of sale, and if the sale be not stayed for any other reason, the lot will be sold in accordance with, and subject to, the conditions of sale of waste lands set forth in Annexure A, and in the Notice of sale of which the form is given in Annexure B.

#### **V. Procedure After Sale**

33. On being in possession of a lot which has not been previously defined by permanent marks, the purchaser will be bound, under clause 4 of the Notice of sale, to demarcate such lot by such durable marks to the satisfaction of the Collector as may be specified in that Clause; but the Collector need not require stone marks or mounds to be erected between platform when the boundary runs along a river, well-defined nullah, or made road: and it will be within the discretion of the collector to dispense with stone boundary marks and to cause demarcation to be made in such other manner as he may see fit.

34. When a lot is resold on default of the first purchaser, the Notice of such re-sale shall be published locally, and, if the District Officer

considers it necessary, an advertisement shall be inserted in the Calcutta Gazette, sufficient notice being given to ensure publicity.

35. Lands bought in for Government at re-sales, if they still are entirely waste, may be considered available for resale under these rules. If any portion has been cleared, the case is to be submitted for the orders of government through the Commissioner and the Board, with a recommendation as to how the land should be disposed of.

## **VI. Miscellaneous**

36. All sales of waste lands, and all payments and other processes until the full amount of purchase-money is paid up, shall be recorded in registers to be kept in such forms as the Board of Revenue may prescribe with the approval of Government.

37. The Board of revenue will issue any subsidiary instruction and forms which may be required to give effect to these rules.

38. Forms of the deeds of conveyance and of hypothecation, as required by Clause II of the general Conditions of sale, will be supplied to Officers who are authorized to sell.

## **Appendix - 9**

### **Draft of the Rules for the Administration of the Government Forests in British Sikkim and Bhootan.**

#### **Section 1**

1. These Rules, drawn up under Act. VII of 1865, are published for the Administration of the Government Forests in British Sikkim and Bhootan.

2. The Government forests in the Darjeeling District shall comprise all lands covered with forests brushwood and jungle, which are the property of Government, and within the tracts bounded and limited as follows:

- All Forests situated at and above an elevation of 6000 feet above the sea.
- The Forests in the Great Rungeet and Teesta valley to an elevation of 3000 feet above the sea.
- The Forests on the outer hills up to an elevation of 3000 feet, and bounded by a line drawn along the base of the hills.
- The forest of the terai as defined on the map of the district, and demarcated by boundary pillars of the Forest department.

3. No lands covered with Forest within the meaning of Act VII of 1865 shall be sold, nor shall Grants or Leases in such lands be given within these limits, except under the orders of the commission, who should, before passing final orders, communicate with the forest Department, and in case of difference of opinion between him and that department, with the Government.

4. All lands within these limits, not being reserved tracts as per Section 3, and not covered with Forest are under the exclusive jurisdiction of the District Officers, and are not under the Forest department.

5. The Officers appointed for the Administration of the Forests are:-

1<sup>st</sup> - The Conservator of Forests

2<sup>nd</sup> <sup>γ<sup>1</sup></sup> - The Deputy and Assistant Conservator

3<sup>rd</sup> - Subordinate employees

6. The Administration of the Government Forests throughout the whole of these provinces shall be vested in the Conservator of Forests. Divisions and Sections will be placed under the management of Deputy and Assistant conservators, at the recommendations of the Conservator on the approval of the Government of Bengal.

### **Section 2: Protection of Forests.**

7. Within the above limits no person is permitted without the permission of the Conservator of Forests, to mark, cut, girdle or fell, or in any way injure, any of the trees named below, large or small:-

- Names of trees to be reserved or protected.
- White magnolia, Champ, (*Michelia Exccla*)
- Red Magnolia, Champ, (*Magnolia, Canphellii*)
- Chesnut, Kattoos (*Castaneea sp*)
- Oak, Borke (*Querens Camekasa*)
- Walnut, Acrote (*Juglans regia*)
- Sal, (*Shoera robusta*)
- Urjun, (*Dalbergia latifolia*)
- Sissoo, (*Dalbergia Sissoo*)
- Chalaunee, (*tropical godonia Wallichii*)
- Oak, Badjirat (*Quereus sp*)
- Chalaunee, (*Gordonia sp*)
- Cherry Puddum (*Cerasus Puddum*)
- Lali (*Phoebe sp*)
- Acacia Elata, Sect
- Acacia Catechu, Khair,
- Acacia stipulate, Amluki
- Acacia Farnesiana guyahabula
- Bombax malbaricum

- Semul bamboos
- Gmclina arborea Gumbir

8. The timber or trees, not herein specified, is unreserved; but the Government may from time to time add to this list or reserved trees, and may authorize the levying of duty on the felling and cutting, or otherwise using of trees of other kind, as also of any forest produce from the Government forests. It shall also be lawful for the Conservator of Forests and his Assistants to prohibit the felling, cutting, or otherwise using trees which they may have marked or girdled.

9. The Commissioner of the Division shall, however, have authority, with reference to the timber, brushwood, or forest produce of any forest not reserved, situated within the boundaries specified in Rule 2, to order that any rights or privilege, hitherto enjoyed by the inhabitants of any village, of cutting for their own use, or appropriating to their use, any timber, or forest produce within such forests, shall be continued to and be enjoyed by them. The Commissioners order shall be precise as to localities where these privileges may be enjoyed and as to the nature of such privileges; and a copy of the order shall be sent to the District Forest Officer, who, if dissatisfied with it, may appeal through the Conservator of Forests to the Government, refraining meanwhile from any opposition to the order. It is to be understood that the privileges here referred to, do not include the right to cut timber for sale.

10. Whosoever shall set fire to any Government forest, by which injury to the forest will be liable to punishment for breach of forest rules.

### **Section 3 : Of reserved forests.**

11. Certain tracts of Forests or waste lands within the limits above described will be reserved as the exclusive property of the state. Such lands will be termed, "Government Reserved Forests". Within the boundaries of these reserve no tree of any kind is to be felled, nor is forest produce of any kind, such as fire wood, leaves, oils, gums, resins to be collected or removed without the authority of the conservator of Forests or his assistant. Application for permission to graze cattle and

for collection of Forest produce must be made to the Forest Officer in charge.

12. Cultivation of all kinds within these reserves is also prohibited, except with the permission of the Forest Officer in charge, to whom application must be made for permission to enter the reserved forest.

13. The right of the public to the use of existing roads through these reserves will be maintained where proved, but the Conservator of Forest, with the sanction of the government of Bengal, shall be at liberty in reserved forests to close existing roads to which the public have no rights.

14. The boundaries of every Government Reserved Forests must be clearly marked off by substantial marks when no decided natural boundaries exist. Should any villages be included within the tract, they will, if allowed to remain, be subject to such conditions as may be determined, and the boundaries around their lands must be demarcated in the same manner as the Government Reserved forests, and by the same agency at government expense.

15. Whenever a tract of land been finally reserved and demarcated as a government reserved Forests, a proclamation will be published and issued to the villages around mentioning the boundaries of the tract and warning the villagers against trespass or mischief. This proclamation will be issued by district Officer on information obtained from the District forest Officer, and a copy will be forwarded to the District forest Officer.

16. The conservator of Forests may, with the consent of the commissioner of the Division, reserve any tract of land within the forest limits not exceeding 100 acres, provided that all existing rights be maintained or compensation be accepted for them. Larger tracts can only be reserved under the sanction of government.

17. When the conservator or Forests wishes to reserve a tract exceeding 100 acres, he shall have a sketch map made of the tract or shall define it by an unmistakable description. He shall also prepare

a report, specifying the villages, rivers, or hills, within the tract. This report and map shall be sent through the district Officer to the Commissioner, and be returned by him with his remarks. The Conservator will forward his report and map or description of boundaries, and the commissioner's remarks, to the Bengal government for final orders.

**Section - 4: Use of streams and Marking hammers.**

18. The right of floating timber by natural streams and artificial canals is reserved in all cases, subject to the control of the District officer. A list of streams in each District, which must neither be blocked up nor closed for fisheries, irrigation or other purposes, will be forwarded to that officer by the district Forest officer, and it will be his duty to see that passages, through fisheries for the floating of timber are left open in these streams. These lists may be added to from time to time, as occasion may require.

19. No timber of the reserved kinds which are subject to the control of the Forest Department, whether in the Forests or found adrift or stranded in the rivers and creeks of the country, shall be marked until disposed of by the Forest Department; neither shall it be removed or disposed of in any way without the orders of the Forest Department, or an order or decree by a competent court; such order or decree being, in every instance, forwarded to the Forest department officer for execution.

20. The disposal of timber from the Government forests will be in accordance with regulation exhibited in schedule 1.

21. All timber disposed by the Forest Department must be stamped with such marks as the conservator may from time to time direct. All brands or marking hammers used in the marking of timber must be registered in the forest office of the division in which they are to be used. A fee of Rupees 10 must be paid for every mark registered, and a certificate will be granted on payment of fee. The use by private persons of any Government timber mark, or any other timber brand, or mark already registered, or other than his own, is strictly prohibited.

22. All foreign timber brought into British territory must be reported at such stations as the government of Bengal may from time to time direct. Such timber will, after examination, receive a pass in the form exhibited in schedule 3, and will be liable to detention and fine, if found without pass.

23. All drift timber of the reserved kinds mentioned in these Rules within these provinces will be considered the property of Government, unless proof of ownership be given.

24. Parties who have saved such drift timber are bound to deliver the same to such persons as are authorized by the conservator of forests to receive it. On receipt of the salvage rates exhibited in schedule 4.

25. From time to time, as the collection of drift timber may render it advisable, public notices, inviting claimants to come forward, will be issued at the chief stations of the District, and in the nearest towns where the timber is lying, stating the number of logs collected.

26. Six months notice will be given for reception, by the Forest department, or by the local courts, of claims to drift timber, after which the timber will be sold on behalf of Government. Claims to drift timber must first be sent in to District Forest officer, with particulars of marks by which it may be recognized. The District Forest officer will enquire into the claim if the claim to be a single one, he may, on being satisfied of its validity, release the timber after expiration of the term mentioned in the Notice. If the claim be a disputed one, he may arbitrate on it, provided all the parties signing in writing their assent to his arbitrating.

27. Timber awarded to claimants must be redeemed by payment of the salvage rates exhibited in schedule 4, and other expenses which may have been incurred on account of such timber.

**Section - 5: Procedure and Penalties in cases of breach of these Rules**

28. It is the duty of all the forest officers and subordinates, and of all police officers, to see that these rules are not violated; and should they,



in any case, be infringed, to report the same without delay to the nearest Forest Officer in the Division or subdivision in which the offence took place; and it shall be lawful for any forest or police officer to take into custody, without warrant, any person who commits a breach of these rules, or hinders or obstruct him in the discharge of his duties under these Rules, provided that the person thus apprehended be brought before a magistrate within three days from the date of his apprehension.

29. Any person who infringes any provisions of the Forest Rules will be liable to a fine not exceeding five hundred rupees, and in default of payment, may be imprisoned, without labor for a term not exceeding six months. In cases where the infringement involves fraud or theft, or any other offence provided in the penal code, the offender will be liable to be proceeded against in a criminal court under the provisions of the penal code.

30. Any marking hammers, or other tools or implements used in an act which constitutes an offence against these Rules, and all timber that has been marked or obtained in a manner contrary to these Rules, or that has not been reported and passed in accordance with these Rules, whether entire or cut up, or sown up, may be seized by any officer of the Forest department or police officer, and such tools or implements and timber be confiscated by the orders of the magistrate of the District or any forest officer exercising the powers of a magistrate, or of a subordinate magistrate.

31. The Conservator of forest shall have the powers of a subordinate Magistrate of the First class, but shall exercise those powers, subject to such limitations, as may from time to time be imposed by the government of Bengal.

32. The government of Bengal may invest any deputy or assistant Conservator of forests with the powers of a subordinate magistrate of First or second class, subject to such limitations as may be deemed proper.

33. Officers of the Forest department shall be liable to suspension or dismissal for willful neglect of their duties, and of the Rules laid down for their guidance.

34. All cases of violation of these rules may be tried and determined by the magistrate of the District, by the conservator of Forests, or any deputy or assistant conservator, who may have been with the powers of a magistrate, or a subordinate magistrate. The mode of procedure in the trial of Forest cases will be that provided in Act XXV of 1861, and appeals in cases decided by officers having Magisterial powers must follow the procedure of that act, subject to the procedure of that act, subject to the extension of time allowed for appeals by section 16 of Act VII of 1865.

35. A monthly register of all cases tried and determined by each forest officer in any division or district is to be submitted to the Appellate Court. The register is to be kept in the form given in schedule VI.

*Source:* Draft of Rules for the Administration of the Government Forests in British Sikkim and Bhootan Proceeding volume 118 August 1868 No. 23-24.

## **Appendix : 10**

### **Rules Regarding Establishment of Permanent Forest Villages**

1. (a) there should be a forest village for each Felling Series or cutting Section in those working Circles in which the regeneration is (a) by planting after clear felling, or (b) natural means aided by intensive weeding, etc. (b) In such a village there should be one house for each acre of annual plantation or for an average of one acre per annum of natural regeneration completed in a period of 10 years, c.g.; (i) for planting up 10 acres annually there should be 10 houses and (ii) if a block of 50 acres of forest is taken in hand at a time for regeneration naturally in 5 years, 10 houses will also required.
2. Forest village may also be established for protection and other works.
3. Forest villagers are to be considered as tenant at will to be allowed to stay so long as required for forest works.
4. Permanent forest Village settlement shall be subject to the following conditions. Those villages which have been settled previous to the issue of this order shall be brought under its conditions.

#### **Conditions**

A. In areas where wet cultivations is allowed (plain Forests).

1. The area of homestead land allotted to each household shall not exceed half an acre.
2. The area of wet cultivation allotted to each household shall not exceed 3.5 acres, or as the total area of land allotted for homestead and cultivation may not exceed 4 acres.
3. Each household will be allowed to keep not more than 2 plough cattle or draught animals, 2 milch cows or buffalos and 4 calves; 2 goats or sheep may also be allowed provided that they are stall-fed always.

In certain cases a villager may keep a greater number of cattle than he is allowed above, provided that the average for the whole village

does not exceed the maximum given above.

Grazing for the cattle allowed in these rules is permitted free in such parts of the Reserved forests as may be specially prescribed by the Divisional Forest Officer, or the cattle should be stall-fed if the Divisional Forest Officer so prescribes.

**B. In areas where no wet cultivation is possible (Hill Forests)**

1. The area of Homestead land allotted to each household shall not exceed half an acre.
2. The area of dry cultivation allotted to each household shall not exceed 3.3 acres, or the total area of land allotted for homestead and cultivation may not exceed 4 acres. The land must be terraced for cultivation.

Where the working plan permit cultivation in the plantation area each household may be required to grow field crops in one acre of new plantation area and in another acre of one year old plantation.

3. Each household will be allowed to keep not more than 2 plough cattle or draught animal, 2 milch cows or buffaloes and 4 calves; 2 goats or sheep may also be allowed provided that they are stall-fed always.

In certain cases a villager may keep a greater number of cattle than he is allowed above, provided that the average for the whole village does not exceed the maximum given above.

Grazing for the cattle allowed in these rules is permitted free in such parts of the Reserved forests as may be specially prescribed by the Divisional Forest Officer, or the cattle should be stall-fed if the Divisional Forest Officer so prescribes.

C. In areas where villagers are allowed grazing and no permanent cultivation.

1. The area or homestead land allotted to each household shall not exceed half an acre.
2. Where the working plan permits cultivation in the plantation area,

each household may be required to grow a field crop in one acre of new plantation area and in another acre of 1 year old plantation.

3. Each household shall be allowed to keep not more than 8 head cattle with 4 calves; 2 goats or sheep may also be allowed provided that they are stall-fed always.

In certain cases a villager may keep a greater number of cattle than he is allowed above, provided that the average of the whole village does not exceed the maximum given below.

Grazing for the cattle allowed in these rules is permitted free in such parts of the Reserved forests as may be specially prescribed by the Divisional forest Officer, or the cattle should be stall-fed if the Divisional Forest Officer so prescribes.

D. Mandals or headman of the village will be allowed not more than 1.5 times the area of land for cultivation and 1.5 times the number of cattle allowed to a villager in each case.

E. No person shall be considered for the privilege of a Mandal unless he has settled and has control over at least 10 houses of approved villagers.

(Source: Government of Bengal Rules Regarding Establishment of Permanent Forest Villages, dated 21<sup>st</sup> January, 1944. No.10. Paragraph 59, P.19 (Manuscript material))

## Appendix – 11

### Statement of the Land held by Tea Companies during Different Tenure in Darjeeling District

No.	Name of Proprietors	Held in the grant under old rule	Held in fee-simple under new rules	Under cultivation leases or rent-paying pottahs	Total extant of land	Cultivated	Uncultivated land under the possession of the proprietors
1	Darjeeling Company Ltd.	7901		646	8547		
2	Lebong Company Ltd.	3350	120	2280	5750	1109	4641
3	Tukvar Company Ltd.	574			574	574	
4	Soom Tea Company Ltd		1252		1252	403	849
5	Dr. Brougham (Dooteria)	3027			3027	700	2327
6	Land Mortgage Bank Ltd.		1750		1750	500	1250
7	Ditto		1150		1150	250	900
8	Ditto		1200		1200	250	950
9	Ditto		258		258	250	8
10	Ditto	1585		1760	3345		
11	Ditto						
12	David Wilson, Esq.			210	210		
13	Estate C.H. Barnes		1816		1816		
14	Moonshee Torikoollah	278			278		
15	C.R. O'donoghue, Esq			300	300		
16	W. Lloyd, Esq			520	520		
17	S. Mackintosh, Esq		80		80		80
18	J. Stoelke, Esq.	19		26	45	25	20
19	Estate A. King	50			50		
20	W.C. Taylor, Esq		318		318		
21	John Taylor, Esq		1526	100	1626	274	1352
22	B. Dickenson, Dsq.		700		700		
23	John Stalkartt, Esq		920	1058	1978		
24	J. Tweedie, Esq	180			180	40	140
25	Messrs, kennady and Fleming	156			156	52	104
26	A.C. Ward, esq	50			50	5	45
27	F.J. Muller, Esq.		1284	138	1422		
28	Estate C.H. Barnes			429	429		
29	Kurseong and Darjeeling Com		680	2050	2730		
30	Estate T. Stenhouse	228			228		
31	Sengell Tea Company Limited	1300			1300		
32	Messrs. Partridge and Daniel			1007	1007		
33	Indian Tea Company Limited	600		258	858		
34	Punchanoi Tea Association			130	130		
35	Punkakabaree Tea Company	534			534		

36	Kalabarri Garden			244	244		
37	W.S. Patreson, esq.	2188			2188		
38	H.M. Hancock, Esq			60	60		
39	R.S. Wight, Esq			138	138	70	68
40	Tollodhi Tea Association		4452	1171	5623		
41	Adulpore Tea Company Ltd			303	303		
42	Central Terai Tea Company Ltd			2684	2684	300	2384
43	Messrs. Martin and Mandelli			644	644	185	468
44	Selim Tea Association Ltd		2039		2039	600	1439
45	Darjeeling Terai Tea Comp			550	550	200	350
46	Darjeeling Terai Tea Association			413	413	250	163
47	Captain James Garden			281	281	80	201
48	R. Southby and Estate C.H. Barnes			234	234	100	134
49	Champta Tea Company Ltd			701	701	60	641
50	Balapun Tea Estate			200	200		
51	Holloway Esq.			950	950		
52	Messrs. Wernicke			740	740	60	680
53	Messrs. Stocke and Sinclair			500	500	50	450
54	Indian Terai Tea Company Ltd			837	837		
55	A. Mackenzie, Esq			1119	1119	110	1009
56	Colonel Briggs, Garrett & Jeare			177	177	68	109
57	Colonel W. Briggs		334		334		
58	G. Kennady & Company		804		804		
59	New Terai Tea Association			3250	3250	400	2850
60	Rupun Tea Association			83	83		
61	Chougtong Tea Association			500	500		
62	J. Holt, Esq			326	326		
63	G. Archer, Esq			70	70		
64	Dajea Garden			605	605	50	555
	Total :	22020	20683	27692	70395	7015	24167

## Appendix – 12

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

To,

The Hon'ble Sree Jawaharlal Nehru Prime Minister of India.

Camp: Kalimpong.

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

#### **HISTORY OF THE DEMANDS**

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

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

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



(d) Before the Govt. of India Act of 1935 was passed on 6<sup>th</sup> August, 1934, the Hillmen's Association of Darjeeling submitted under the signature of Late Sardar Bahadur S.W. Ladenla, its President, a Memorial to Sir Samuel Hoare, the then Secretary of State for India, demanding ... "that the District of Darjeeling should be totally excluded from Bengal and an independent administrative unit created with an administrator at the head of the area, assisted by the Executive in Council." Memorials making a demand for the same nature were submitted at that time and later on too recognized and none but the Gorkhas and resident hillmen shall have the right to stand as candidates for elections. The reasons for this are obvious.

#### **4. Committee of Representatives:**

A Committee with above nine representatives, to be called the Committee of Representatives, shall be formed to render advice to the Legislature on the following subjects without whose advice and consent to the Legislature no Bill in regard to the following subjects shall be passed into Law: (a) Agriculture (which naturally include agricultural lands), (b) Industries, (c) Tea Industry (which must be completely nationalized), (d) Education and (e) Public Health and Local Self Government. The Committee shall have the right to initiate Bills on the subjects enumerated herein provided the majority of the members of the Committee agree to the same.

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

(a) **Schools and Colleges:** With the view to ameliorating the backward cultural conditions of the Gorkhas and other hill tribes the Communist Party of India demands that more schools, colleges and one technical institution must be at once opened in the district of Darjeeling.

(b) **Grant of Scholarships:** The backward hill students do not get any

opportunity to develop their intellectual faculties for reasons of their extreme poverty and no provisions have been made so far for their education outside this district and abroad not any special grant has been made in the Provincial Budget in this respect. The Communist Party of India demands that special scholarships must be granted to deserving students for their education outside the district and abroad and the same shall be arranged through the Committee of Representatives.

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

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

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

### **Problems of the Gorkhas living in the other parts of India**

It has already been pointed out that the problem of the Gorkhas is not confined to the district of Darjeeling alone. They live in other parts of India as well, such as Assam, United Province and Punjab in substantial

numbers. The Communist Party of India reminds the honourable members of the constituent Assembly that their question cannot be shelved and it must be solved in order to effectively solve the general problem of minorities in India. If the principles of ADULT SUFFRAGE and PROPORTIONAL REPRESENTATION is introduced in the country as a whole, the Gorkhas living in Assam, U. P. Punjab etc., can get representation in the Legislature of the province concerned. The Communist Party of India thinks that the Constituent Assembly can make provisions for their representation so said herein.

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

The Communist Party of India demands the above safeguards not in a separatist spirit or to encourage separatist tendencies but with a view to rapidly bring the Gorkhas and other backward hill people in line with the advanced peoples of India so that the dreams of a free and happy India - where the general prosperity of all is ensured might be realized in practice. It will be not only surprising but a supreme tragedy if the main political organization of the country continue the British Imperialist legacy of keeping the Gorkhas and other hill peoples in backwardness and ignorance in a new India of their vision. If they give the Gorkhas encouragement and support in their fight for democracy, self determination and a creation of a single union out of the feudal states of Nepal and Sikkim and the British administered district of Darjeeling as laid down herein above, the Communist Party of India feels sure that the Gorkhas will not only join the All-India Union but will become the best defenders of the common freedom of the peoples of India as a whole. Their superb fighting quality is universally known and if given proper facilities and opportunities for safeguarded by the

constitution of the newly formed union. But this plan of the reunion of the Gorkhas living in Darjeeling district, Sikkim and Nepal can materialize only in the really free India when she has done away with the last vestiges of the British imperialism and its satellites, the medieval feudal regimes of Nepal and Sikkim. Thus it depends in the politico-national development of the Gorkha people as a whole so in the interim period i.e., until "GORKHASTAN" is formed adequate safeguards must be provided for the Gorkhas living in British India. The Communist Party of India recognizes the limitations of the present Constituent Assembly and the British imperialist maneuvers to sabotage the emergence of an agreed constitution. However, ...

The Communist Party of India vehemently opposes the sinister British imperialist plan of excluding the district of Darjeeling from the rest of India and its constitution into a separate Chief Commissioner's Province as has been put forward by the Hillmen's Association in its memorial to Lord Pethick Lawrence, Secretary of State for India, in December 1941. This association represents none but the local agents of the British imperialism. The Communist Party of India is also opposed to any such plan that might be put forward by the local agents of British imperialism in a modified form. It has reasons to apprehend that the British imperialists are hatching a plot to place the district of Darjeeling with other tribal peoples of Assam and Dooars in an altogether new Province to be called the North-Eastern Himalayan Hill Province.

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

1. **Principle of Franchise:** The principle of ADULT SUFFRAGE must be introduced so that all persons who have been deprived of their right of franchise, but who are eligible for the same, might be

enfranchised. In the last General Elections only about 27 thousand had the right to vote i.e., little over 7% of the population. Of these, 25 thousand were in Darjeeling Rural Constituency and 2100 in the Darjeeling Sadar Tea Garden (Labour) Constituency. There are 105 Tea Gardens with a total population of over 21 lakhs and out of these 89 gardens are with complete Gorkha population and in the rest 16 also they live and work although they are in minority there. In the last election only 12 of these gardens inside the Darjeeling Sadar Sub-Division were grouped together to form the Tea Garden Labour Constituency.

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

2. **Proportional Representation:**

Under the present constitution there is no provision for the representation of the three lakhs Gorkhas of Darjeeling District in the Provincial Legislature although on the basis of proportion and even under the present constitution, they claim two seats in a house of 250 members. In a vast country like India where the problem of minorities has become the problem of problems, the most democratic form of representation is undoubtedly Proportional Representation. The Communist Party of India demands that the principle of Proportional representation must be introduced so that the smallest minorities like the Gorkhas does not go unrepresented.

3. **Special Representation & grouping of constituencies:**

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

(a) **Tea Garden Labour:** We have seen above that there are 50 tea gardens in the district with a population of over two lakhs of which one lakh are eligible for vote if ADULT SUFFRAGE is introduced. THERE 105 Tea Gardens should be grouped in six constituencies of 16 -17 gardens with 6,250 votes in each so that we get six tea garden about constituencies and accordingly 6 seats must be reserved for them in the Province Legislature.

(b) **Rural Area:** Under the present system the whole of the district of Darjeeling is grouped into one single constituency from the Bhutan border in the east to the Nepal border in the west. On the basis of Adult Suffrage there will be over 60,000 voters and they can easily be grouped into two constituencies, Darjeeling and Kurseoug sub-Divisions into one and Kalimpong sub-Division into another. Accordingly in the Provincial Legislature two seats must be reserved for the representation of the rural areas of the district of Darjeeling.

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

The rights of the Gorkhas and persons belonging to the resident hill tribes alone to stand as candidates to stand as candidates for elections must be should be placed directly under the Central Government, the Governor of Bengal acting as Agent to the Governor-General. No legislation passed by the Central Government should apply to the Area unless certified by the Administrator in consultation with his Executive Council. As the financial aspect of the proposal, the Area not being self-supporting, your memorialists submit that in view of the Military importance of the area the communications in the area should be an imperial charge for the same reason as the Central Government is maintaining the Highway Road to Tibet in Sikkim, which is outside

India. The Communications in this area are actually an integral part of the Highway to Sikkim and Tibet and as such should be an Imperial Charge. The services of the Area in all its Administrative Departments such as Executive, Judiciary, Police, Forests, Education etc., should also be locally recruited and should be independent of the Bengal Provincial Service. This is however an outline: the details will be worked out when required. The town of Darjeeling may still continue as the Summer Capital of Bengal as is the case of the Punjab Government who have their Summer Capital at Simla. Delhi is another instance of a small Administrative unit in British India.

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

SONAM WANGEL LADENLA  
President,  
Hillmen's Association, Darjeeling.

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

MADANTHAPA  
Hillmen's Association, Darjeeling.

Darjeeling  
The 6<sup>th</sup> August, 1934

## **Appendix – 13**

### **Memorial of the Darjeeling District Committee of the Communist Party of India for a Free Gorkhastan submitted to the Constituent Assembly on 6 April 1947**

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

It is the opinion of the Communist Party of India that the only way to further the national development of the Gorkha people is by granting them the right of self determination on the basis of complete democracy which rilesans that British imperialism and all its satellites, the medieval feudal regimes of the native states of Sikkim and the so called independent state of Nepal, must be ended.

The Communist Party of India, therefore, demands that after making necessary revisions of the existing boundaries, the three contiguous areas of Darjeeling district, Southern Sikkim and Nepal be



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

The Communist Party of India vehemently opposes the sinister British imperialist plan of excluding the district of Darjeeling from the rest of India and its constitution into a separate Chief Commissioner's Province as has been put forward by the Hillmen's Association in its memorial to Lord Pethick Lawrence, Secretary of State for India, in December 1941. This association represents none but the local agents of the British imperialism. The Communist Party of India is also opposed to any such plan that might be put forward by the local agents of British imperialism in a modified form. It has reasons to apprehend that the British imperialists are hatching a plot to place the district of Darjeeling with other tribal peoples of Assam and Dooars in an altogether new Province to be called the North-Eastern Himalayan Hill Province.

The Communist Party of India demands that an immediate end must be made of the present status of the district of Darjeeling described

in the Government of India Act 1935, as a "partially excluded area" and with it all the special powers of the bureaucracy as a preliminary step to further the political, economic and cultural conditions of the Gorkhas and other hill tribes living in this district.

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

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

## **2. Proportional Representation:**

Under the present constitution there is no provision for the representation of the three lakhs Gorkhas of Darjeeling District in the Provincial Legislature although on the basis of proportion and even under the present constitution, they claim two seats in a house of 250 members. In a vast country like, India where the problem of minorities has become the problem of problems, the most democratic form of representation is undoubtedly Proportional Representation. The Communist Party of India demands that the principle of Proportional representation must be introduced so that the smallest minorities like the Gorkhas does not go unrepresented.

### **3. Special Representation & grouping of constituencies:**

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

(a) Tea Garden Labour: We have seen above that there are 50 tea gardens in the district with a population of over two lakhs or which one lakh are eligible for vote if ADULT SUFFRAGE is introduced. THERE 105 Tea Gardens should be grouped in six constituencies of 16-17 gardens with 6,250 votes in each so that we get six tea garden about constituencies and accordingly 6 seats must be reserved for them in the Province Legislature.

(b) Rural Area: Under the present system the whole of the district of Darjeeling is grouped into one single constituency from the Bhutan border in the east to the Nepal border in the west. On the basis of Adult Suffrage there will be over 60,000 voters and they can easily be grouped into two constituencies, Darjeeling and Kurseong sub-Divisions into one and Kalimpong sub-Division into another. Accordingly in the Provincial Legislature two seats must be reserved for the representation of the rural areas of the district of Darjeeling.

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

The rights of the Gorkhas and persons belonging to the resident hill tribes alone to stand as candidates to stand as candidates for elections must be recognized and none but the Gorkhas and resident

hillmen shall have the right to stand as candidates for elections. The reasons for this are obvious.

#### **4. Committee of Representatives:**

A Committee with above nine representatives, to be called the Committee of Representatives, shall be formed to render advice to the Legislature on the following subjects without whose advice and consent to the Legislature no Bill in regard to the following subjects shall be passed into Law: (a) Agriculture (which naturally include agricultural lands), (b) Industries, (c) Tea Industry (which must be completely nationalized), (d) Education and (e) Public Health and Local Self Government. The Committee shall have the right to initiate Bills on the subjects enumerated herein provided the majority of the members of the Committee agree to the same.

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

(a) Schools and Colleges: With the view to ameliorating the backward cultural conditions of the Gorkhas and other hill tribes the Communist Party of India demands that more schools, colleges and one technical institution must be at once opened in the district of Darjeeling.

(b) Grant of Scholarships: The backward hill students do not get any opportunity to develop their intellectual faculties for reasons of their extreme poverty and no provisions have been made so far for their education outside this district and abroad not any special grant has been made in the Provincial Budget in this respect. The Communist Party of India demands that special scholarships must be granted to deserving students for their education outside the district and abroad and the same shall be arranged through the Committee of Representatives.

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

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

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

### **Problems of the Gorkhas living in the other parts of India**

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

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

The Communist Party of India demands the above safeguards not in a separatist spirit or to encourage separatist tendencies but with a view to rapidly bring the Gorkhas and other backward hill people in line with the advanced peoples of India so that the dreams of a free and happy India where the general prosperity of all is ensured might be realized in practice. It will be not only surprising but a supreme tragedy if the main political organization of the country continue the British Imperialist legacy of keeping the Gorkhas and other hill peoples in backwardness and ignorance in a new India of their vision. If they give the Gorkhas encouragement and support in their fight for democracy, self determination and a creation of a single union out of the feudal states of Nepal and Sikkim and the British administered district of Darjeeling as laid down herein above, the Communist Party of India feels sure that the Gorkhas will not only join the All-India Union but will become the best defenders of the common freedom of the peoples of India as a whole. Their superb fighting quality is universally known and if given proper facilities and opportunities for development they will become a cause for India and fear for the enemies of India's freedom. To minimize their importance, to ignore their problems and to spurn their legitimate demand is to play into the hands of India's enemies and their age-long game of Divide and Rule.

The Communist Party of India, therefore, places this memorandum before the Constituent Assembly and the country's main political organization through the Sub-Committee of the Advisory Committee on minorities that has been sent here for gathering reports

on the excluded and partially excluded areas. And it hopes that it will receive their due attention and serious consideration.

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

Submitted on the 6<sup>th</sup> April, 1947

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

## Appendix – 14

### Chief Conservators of Bengal Forest (1864-1948)

Years	Name of the Chief Conservator
1864-1870	T. ANDERSON
1870-1872	H. LEEDS
1872-1879	W.SCHLICH
1879-1882	J.S. GAMBLE
1882-1890	A.L. HOME
1890-1894	E.P. DANSEY
1894-1894	H.H. DAVIS
1894-1902	A.E. WILDE
1902-1903	J.H. LACE
1903-1908	A.L. MCINTIRE
1908-1910	G.S. HART
1910-1913	C.E. MURIEL
1913-1914	H.A. FARRINGTON
1914-1916	C.E. MURIEL
1916-1921	H.A. FARRINGTON
1921-1924	R.C. MILWARD
1924-1935	E.O. SHEBBEARE
1935-1941	W.MEIKLEJOHN
1941-1945	T.M. COFFEY
1945-1946	T.M. COFFEY
1946-1948	S.J. CURTIS

SOURCE: APRFAB of Respective year.



## Appendix – 15

### Range-wise Area in Three Forest Divisions of Darjeeling

Divisions	Range	Area in Acres
DARJEELING	Senchal (6 blocks)	3334
	Mahalderam (4 blocks)	4136
	Takdah (9 blocks)	7509
	Ghoompahar (11 blocks)	9309
	Singalila (13 blocks)	41254
	Total	65542
TISTA	West Tista (17 blocks)	21822
	East Teesta (26 blocks)	40738
	Pankasari (19 blocks)	65452
	Chel (7 blocks)	32175
	Total	160187
KURSEONG	Kurseong (4 blocks)	2747
	Balasan (10 blocks)	22341
	Manunppokri (2 blocks)	2055
	Sukna (6 blocks)	30224
	Total	57367

Source: Home, AL. APRFAB. 1884-85, pp.53-55.