

CHAPTER – II

PANCHAYATI RAJ INSTITUTION IN SIKKIM

Modern Statutory Panchayati Raj Institution and its establishment in the small Himalayan Kingdom of Sikkim is of recent origin dating back to the demand of Sikkim State Congress, during late forties for formation of Panchayati Raj in the State for the political and social reform in the feudalistic society prevailing as in any other traditionalist society. On those days the intra-administration was feudal in character. However, prior to State Congress's demand there were Panchayat like local self-government prevailing in the kingdom by the name *Dzumsa*, *Chhodu*, *illaka*, or *mondal* system. Unless we discuss the evolution right from different forms of local self-government prior to establishment of formal Panchayati Raj Institution, the evolution studies remain incomplete.

Sikkim's history is still a mystery as whatever information are available it is through the interpretation of various legends, folklores and anecdotes yet there is no dispute that *Manger* and *Tsong* entered the country from the trans-Himalayan in the pre-historic period. The Manger were renowned warriors who formally were a part of Sikkim guards and one of the groups celebrated the coronation of the first Chogyal Phuntso (Penchoo) Namgyal in 1642. *Lepchas* are considered to be aboriginal and *Bhutia* migrated from Tibet. Thus *Nepali*, *Lepcha* and *Bhutia* constituted the inhabitants of Sikkim.

As far as the agricultural habits of earliest inhabitants are concerned, they were, as per Campbel, nomadic in nature. They did not stay in one place for more than three years at the end of which they used to move to a new place of the forest and prepare a ground for stay and

cultivation. Later Gorkha's (*Nepali's*) entry into Sikkim the formal cultivation practice was introduced (Campbel: 1840). After settlement of the inhabitants with cultivation in one place the requirement of self management of day-to-day affairs were felt and hence the birth of local self-government. The Gorkhas (*Nepalis*) settled on the warmer place towards lower elevation and the *Bhutias* from Tibet on the higher elevations towards Tibetan borders.

The local self-government in the form of non-statutory panchayat was practiced in the Kingdom of Sikkim since the time immemorial. It is important to note that the system that was prevalent in the 19th and the early 20th centuries upon which the present system of self-government is formed.

While discussing the historical evolution of Panchayati Raj Institutions in Sikkim, it is important to note the very important role played by non-statutory panchayats in the form of traditional Tribal Councils and various Caste Panchayats. Village-based local self-government bodies have existed in the state since time immemorial. The units of society were the village communities, not the individuals. The communitarian village society kept alive its age-old customs and traditions.

It is interesting to note the unique system of self-rule among the *Bhutias* and *Lepchas* of North Sikkim in the form of Tribal Councils known as *Dzumsa* and *Chhodu* respectively. The *Bhutias* of *Lachen* and *Lachung* villages of northern Sikkim had their own traditional tribal council known as *Dzumsa* or assembly of people formed several centuries back. This traditional institution of local self-government has *Pipon* or the village headman who was elected by adult members drawn from each of the family for a term of one year. There would be two

Pipons one senior and the other junior. The junior *Pipon* had to occupy the seat on the right hand side of the senior in any formal meeting of the tribal council in order to distinguish their hierarchy in the public. The *Pipons* on consultation would nominate two *Gyapens* or assistants to assist them in performance of their duties. The *Mapo* was the general public body consisting of representative from each family of the village. Besides, there was another assembly of few influential village elders called *Gembo* and its members as *Gyemmi* for aiding and advising the *Pipons* in various functions involving the community interest. All the members of *Gembo* were nominated by the *Pipons* from among the influential and active village elders. J.C. White, the first British political officer, also noted this unique system of traditional village council in the following words, "People of *Lachen* and *Lachung* villages of North Sikkim had very unusual and almost communistic government of their own, even in those days when the rest of the people of Sikkim were groaning under the yoke of feudalism". On every occasions the whole population used to meet in a panchayat or council were they would sit in a circle for consultation (White: 1971).

This unique system of self rule which was formed centuries back managed to survive or kept intact even in modern period. The 1982 Panchayat Act protected these traditional tribal cultures of both *Lachen* and *Lachung*. It recognized their *Dzumsa* and the election of *Pipons* annually. The Sikkim Panchayat Act, 1993 has also kept the traditional *Dzumsa* intact. The Sikkim Panchayat (Amendment) Act, 1995 stated that "in the case of the two villages of *Lachen* and *Lachung* in the North District of the State, the areas comprised in the two villages shall be deemed to be the *Grams* for the purpose of section 3 of the Act and the traditional institutions of *Dzumsa* existing in these two villages for many centuries shall be deemed to be Gram Panchayats constituted under this section". So the *Dzumsa* is still in operation as an institution of local

self-government in two villages of *Lachen* and *Lachung* with recognition as Gram Panchayats as regards rural development activities. There are nearly 50 to 60 households under one *Dzumsa*. The post of *Pipon* (village headman) and *Gyapen* (assistant) are similar to the *Sabhapati* and *Up-sabhapati* of *Gram Panchayat*. But unlike other *Gram Panchayat* the term of each *Dzumsa* is only for one year. The method of selection is through popular voting in favour or against the candidature. However, the women cannot contest the elections for the post of *Pipon* and *Gyapen* though they have better say in the decision-making process. It is very interesting to note that these tribals (*Lachenpa* and *Lachungpa*) had the system of fraternal or adelphic polyandry which allowed the women to become the common wife of several brothers and enjoyed better position or status in the family and in the society as well by virtue of being a common wife. The common wife's duty was to identify the child as to which husband the child belonged. This was required for partition of family property. It had been noted that women had little or no role in *Dzumsa* deliberations despite their key position in the family. The constitutional provision of reservation of one-third seats for women representatives was made to ensure the active role of women in local governance but the women of *Lachen* and *Lachung* have not been able to represent themselves in the participatory democracy. Under the new Act, 1993, *Dzumsa Pipons* represent their villages in Zilla Panchayats. All the developmental activities were carried by *Dzumsa Pipons* with the help of *Gyapens* and *Gyemmi*. For all practical purposes, *Dzumsa* was Gram Panchayats. It was a powerful body and was trying to adopt and adjust the dynamic changes that were taking place at the National and State level.

Another type of traditional tribal council known as *Chhodu* was prevalent among the *Lepchas* of *Dzongu* areas of North Sikkim. The *Chhodu* consisted of village elders and the *mondals*. The important

office-bearer of this council were *Mukhtiyar*, *Mondal*, *Gyapen* and *Youmi*. The *Mukhtiyar* was the official link between the State and the people and responsible for supervision and co-ordination. The *Mondal* was held responsible for revenue collection. The *Youmi* was nominated by the *Mondal* from the *ex-Gyapens*. The *Gyapen* was mainly responsible for the administrative functions of the village. The main functions of the *Chhodu* were the regulation of intra-village affairs and the collection of taxes for the State. After the enactment of Sikkim Panchayat Act, 1965, this system was integrated with the pattern prevalent in rest of the State.

In rest of the areas of Sikkim, society was purely feudalistic in nature like in any other traditional society. The internal administration of Sikkim was feudal in character. This feudal class wielded both judicial and administrative powers within the limit of their estates or *illakas*. For the regulation of the intra-village affairs, the *Mondals* were appointed by *Illakadars*. These feudal lords or *illakadars* (*Kazis*, *Lamas* and *Thikadars*) used to hold large tract of land as grants from the Maharajah, as services or special inducement. Writing in 1873, J.W. Edgar made a reference of twelve *Kazis* and several other officers of various names who exercised jurisdiction over specific tracts of land (hereafter referred to as *illakas*). Each of those officers assessed the revenue payable by all the people settled on the lands within his jurisdiction and paid to the *Rajah* a certain fixed amount. The *kazis* and other officers exercised limited civil and criminal jurisdiction with the lands the revenue of which they collected (Kuloy: 1967). Prior to the intrusion of Britishers in the internal administration of Sikkim, the total administration was in the State of confusion, J.C. white, the first political officer in Sikkim made a reference on the condition of Sikkim in the following words – “Chaos reigned everywhere as there was no revenue system and the *Raja* was taking what he required from the

people. The *rayots* those who were nearer to the capital had to pay lion's share to the *Raja* and those who were away from the capital had to pay toll to the local officials in the name of *Raja*. There was no court of justice, no police, no public works and no educational institutions for the younger generation" (White: 1871).

The Panchayats in those days were the products of disputative exigencies only. Whenever any quarrel occurred the panchayats were formed to decide the case (Dhamala: 1983). In the absence of codified laws and regulation, these feudal-lords were in the habit of levying excess fines and illegal cesses besides using various ways of oppressing their *rayots*.

Panchayati Raj Institution can well be explained mainly under two different heads viz. Gram Panchayats in Sikkim pre-merger stage and Panchayats in Sikkim post merger stage.

Panchayats During Pre-Merger Period.

The village panchayats as a statutory institution emerged for the first time in Sikkim when it was under British protectorate. The appointment of J.C. White, the first British Political Officer in Sikkim resulted in the issuance of Political Officer's Notification (No. 2338) in 1906 which gave official recognition to centuries old *illaka* system by defining and limiting the powers of the *Kazis*, *Lamas* and *Thikadars* (feudal lords or *illakadars*).

The popular notification not only gave recognition to *illakadars* but also gave judicial powers to try petty cases of cattle trespass, petty land disputes and debt cases of value not exceeding Rs. 10/- with fine to the extent of Rs. 5/-. According to the judicial power invested, *illakadars* were divided to four classes.

The first class *illakadars* had judicial powers to try ordinary civil and criminal cases and to fine upto Rs. 100/- or imprisonment for one month within the limit of their *illakas*. The powers were vested to either *kazis*, or *lamas* or *thikadars* for confinement in imprisonment, in the jail at Gangtok. The second class *thikadars* were conferred with powers to try ordinary civil and criminal cases and to fine upto Rs. 50/- and the third and fourth classes were empower to try ordinary cases and fine Rs. 25/- and Rs. 15/- respectively. In the absence of any provision for people's participation in the court, land lord's right of over assessment of their *rayot* remain unsolved and lot of resentment used to be received by Raja from the public. However all the serious criminal cases were tried in the court of political agent as everyone had the right to appeal to the Maharaja and the political agent (Notification: 1906).

The cases used to be passed on, for enquiry and redressal, if any, to a panchayat consisting of three *kazis*, a *lama* and a *thikadar*. Later the panchayat used to be consisted of two landlords and an intelligent *rayot*. The findings of the panchayat were favourable in some cases (Annual Administrative Report: 1909-1910).

Notification of 1906 no doubt paved the way for decentralization in true spirit but democratic decentralization was yet to be achieved in this Himalayan Kingdom. The notification in fact, had an effort to give legal status to the already existing *illaka* rather than to introduce a system of local self-government. The *illakadars* were given judicial powers besides a number of administrative powers. Firstly, they were the middleman between the government and the *rayots* especially in regard to collection of revenue of their estates, which included a fixed amount of land rents and household taxes. Secondly, in addition to maintenance of death and birth register of their estates or *illakas*; they were supposed to maintain a record of progress of cultivation. The information of death

and birth and agricultural return thus collected were to be submitted to the *Darbar* on a fixed date of the year. If any work was to be undertaken by the *Darbar* the landlord used to be notified about the work and later undertaken by the *illakadars*.

The entire kingdom were divided into various estates either small or big which were leased out to the landlords for specified period of time and terms and condition mentioned in the Lease Deed. The landlord or the lessee had to pay a fixed sum declared in the Lease Deed within the time stipulated therein. By virtue of the terms and condition of the lease the landlords were authorized to realize land revenue from the *rayots* of the estates at a fixed rate allowing commission and collection expenses. (Report of the Committee on Land Reforms: 1975).

There were 104 *illakas* (estates) in the Kingdom which were divided into three classes as under:

- (i) Lease out *illakas*: There were 91 *illakas* under this class wherein the lease holders would pay to *Darbar* annually fixed amount towards the land rent and household taxes by 15th January and 28th February respectively every year. The *illakas* were divided into convenient blocks which was looked after by the *mondals* appointed by *illakadars*.
- (ii) *Illakas* under direct management: There were eight *illakas* under this category categorized as class-II type *illakas* which was managed by manager appointed specifically for this purpose drawing from nearby areas generally from neighboring land lords. The land revenue adopted by the managers were in the same line as that in the Lease Deed. The revenue thus collected from different heads were credited into the state treasury from time to time.

(iii) *Illakas* under monasteries: There were five *illakas* under the monasteries. *Illakas* under this category was required to pay household tax only that is also a fixed amount payable on 28th February every year. The *illakadars* were not required to pay the land rent recovered from the *rayots* as the same was allowed to be utilized for the upkeep of monasteries. Out of the 49 landlords in the *illakas* (estates) twenty one were *Kazis*, six were *Bhutias*, eight were *Lepchas*, thirteen were *Nepalese* and one a domiciled Indian (Annual Administrative Report: 1930-31).

The *illakadars* were the custodian of law and order in their areas and the *illakas* (estates) were the centre of internal administration in the first half of the present century. "From the available land records and land revenue in Sikkim, it is obvious that majority of land were being held by a few land owners and were lease out to tenants and sub-tenants" (Report of the Committee on Land Reforms: 1975). Wishes of the people were hardly welcomed and entertained as the prevailing system, at that time, was feudalistic in character wherein the panchayats were the product of the disputative exigencies. The popular participation in the local self-government was considered to be absurd. However in the subsequent stages of local self-government, the *illakas*, while serving as revenue administrative units, did not fail to make the base of the future Panchayat Raj Institutions.

Though in the small Himalayan Kingdom feudalistic system of administration prevailed wherein the voice of the people were not honoured yet at the same time, it is interesting to note, in the year 1910 a council developed in the State of Sikkim particularly at Gangtok in the name of Indian Panchayat exclusively to British Indian subjects comprising of a council of four Indians, one Nepali and one Sikkimese. The President was elected from among the four Indians and the

Panchayat was empowered to try petty civil and criminal cases wherein the defendants were the Indian subjects (Government of India: 1910-1911).

In this tiny Himalayan Kingdom a turn of events was marked during post war era. There were existence of political fronts and organizations even during early thirties, to fight for the people. The political parties were encouraged in reviewing for redressal the drudgery of common people after the second world war when Britisher started withdrawing from India. Under the stress and strain in the feudalistic system of administration the political vision vis-à-vis the goal became more clear as a result three political parties viz. *Praja Sudharak Samaj*, *Praja Sammelan* and *Praja Mandal* emerged in the Kingdom just before the independence of India. Following India's independence the above three political parties merged together in a single party giving birth to Sikkim State Congress on December 27, 1947 (Basnet: 1974). The united single party's main objective was the abolition of landlordism in the State vis-à-vis withdrawal of civil and criminal power vested to them as this power became one of the most potent weapons in their hands to make people (*rayots*) subservient to their will. If we examine critically whether or not the political interference attempting to withdraw the powers from the landlords was beneficial to the *rayots* we find that the landlord's court served the *rayots* very well as it was easily approachable and less expensive as compared to the Government Court. In landlord's court the petty cases could easily and promptly be tried without much efforts and expenditure. But the political thought for the long-term gain had long hand to play important roles.

In order to counter the Sikkim State Congress, a new party by the name Sikkim National Party was constituted. The party had the backing of *Darbar* and on April 30, 1948 as regards withdrawing powers from

the hands of landlords, it unanimously decided that "a time honoured institution like the one in question could not be suddenly wiped out of existence, root and branch, without giving rise to grave consequences" (Basnet: 1974).

On the pressure of the political parties two local government bodies were constituted viz.:

- (i) Panchayat Tribunal and
- (ii) Local Area Panchayat

(i) Panchayat Tribunal :

In the process of British power becoming weak in the Indian sub-continent and democratic movement started to take place in the State, the internal administration of the feudalistic system underwent a significant change. The emergence of political parties brought about winds of change in the state since its inception in the late forties. The political party took up itself the task of ventilating the grievances of the people by way of demanding urgent political and social reformation. The Sikkim State Congress was the first political party to demand the formation of Panchayati Raj in the State. With the winds of change blowing over the Himalayan Kingdom the feudal class which was bestowed on them the judicial duties by 1906 notification also wanted to get rid of the responsibility and supported the demand of the Congress. The attempt to transfer the power from the landlords to the village panchayats in the village level was in conformity of the desire of the villagers and accordingly in accordance to the notification of January 12, 1948 a Panchayat Tribunal was to be constituted in every *illakas* (estates) comprising of one landlord and four villagers of that estates who were to be elected by block people. In the

absence of landlord not ordinarily be stationed in his estate his nominee would act for him (Notification: 1948).

In conformity with the clause 5 of the notification, the selection method of these four villagers were as under:

Four villagers were selected by the block people at the instance of the *mondal* in a meeting of the block called for this specific purpose to represent the block in the final selection. These four members of the panchayat would then be selected in a meeting of the block representatives.

Besides selection procedure, qualification of the candidates were also prescribed as following: (i) The candidate or the member of panchayat should have attained the age of 22 years; (ii) As regards qualification, the candidate should have been able to write and read in some vernacular language; (iii) The person should be a payee of land tax not less than Rs. 15/-. The disqualification of a candidate was confirmed if the person would have convicted in an offence of moral turpitude.

The Panchayat Tribunal thus formed were empowered to hear or trial suits upto the limit of Rs. 100/- in value. The criminal jurisdictions were extended to petty offences like affray, hurt, spreading disease, wrongful restraints, fouling water, assault, theft, insult, abuse, mischief to property, misconduct by a drunken person etc. with powers to inflict sentence of fine to the extent of Rs. 25/-. The power given to the Panchayat Tribunal was almost sufficient to deal with petty cases both civil and criminal in nature likely to take place in day-to-day life of the villagers.

The members of Panchayat Tribunals were paid remuneration for their performance whereas in the previous *Adda* Courts the *illakadars* were allowed to share the receipt of fines with the government. The formation of Panchayat Tribunal also helped concentration of judicial power as potent weapon in the hands of feudal class. The provision of Panchayat Tribunal could not protect the interest of toiling and ignorant masses from the harassment of the wielders of power. With provision of incorporating a landlord or his nominee the Panchayat Tribunal, the landlords continued to be in the helm of affairs which further worsen the functioning of the Tribunal and could never succeed to work in favour of the public. The provision that laid down for the betterment of the public could remained on papers only.

The traditional *illaka*-system served a good purpose inasmuch as those *illakas* constituted a convenient functional units of the Panchayat Tribunal and the functions that were performed by the *illakas* in the past were transferred to this body. However, the government had reserve the powers to approve the candidates selected to be the members of Panchayat Tribunals. Here the high handedness of the government is seen contrary to the principle of democracy.

The popular 1906 Notification heralded the beginning of popular participation in the affairs of the State and hence can be regarded as stepping stone in the development of decentralization. The objective of the notification was to diffuse the power concentrated so long in the feudal class.

The tribunal, had it been carried to its theoretical perfection, would certainly have encouraged the people's participation in the

affairs of the community but unfortunately the provision of the notification remained on paper only and not a single tribunal was formed in 104 estates of Sikkim.

In between 1947 and 1949 there was a great strife and turmoil in the state. During this period, on the demand of the Sikkim State congress the tenants stopped payment of land revenue and other taxes in order to force the Sikkim *Darbar* to yield to popular demand. Accordingly, in this confrontation of public and the political party with *Darbar*, the proper formation and functioning of Panchayat Tribunal was overlooked and could not be succeeded. Thus the first attempt of establishing of participatory democracy received a serious set back.

As a result of consistent pressure of the Sikkim State Congress to curtail powers of landlords and enforcement of reforms in the prevailing system and also as a result of prolonged negotiation with *Darbar*, the *Maharaja* agreed to install a five member interim government including two nominees of his own. In this way, a first popular government was installed on May 9, 1949 but its span was very short as it was dismissed all of a sudden on June 6, 1949 and the executive powers of the erstwhile ministry was transferred to a Dewan, J.S. Lal, a civil servant who tookover the charge of the administration on August 11, 1949. "The Dewan undertook to apply remedial measures to alleviate the hardship of the agrarian system. The lessee system along with the privileges were abolished, the peasants were protected against frequent eviction from their patrimonial holdings. Effective steps were taken to recast the judicial, legal and revenue administration" (Sinha: 1975).

(ii) Local Area Panchayat:

The Ministry of External Affairs, Government of India on March 20, 1950 released a press note on the basis of which the Indo-Sikkim Treaty 1950 was signed. Therefore, in conformity with the treaty the Government of India and the Sikkim Government jointly agreed upon for the progressive association of the state with its government by way of forming a Village Panchayat System on an elective basis within the State. Therefore, with the earnest desire to associate people more closely with the government of the State, village panchayats were established throughout the State. In order to accommodate the local people in formation and functioning of panchayat, a Local Area Panchayat was constituted vide Sikkim *Darbar* Gazette Notification dated 5th August 1951 superseding Notification No. 1669-1769/LF, dated the 25th May 1948 of the *Darbar* for the convenient of the people residing in the local area. This Local Area Panchayat was constituted of five elected members with age not less than 21 years at the time of election and should have resided in the local area for at least twelve months prior to the electoral date. It was essential for the proposer and seconder to be bonafide voters. The announcement of date and place of holding the election were vested to the *Darbar* and those ranking upto five in order of merit of highest votes scored without committing any malpractices or irregularity in the election were considered to be elected.

The members thus elected were to be approved by the *Darbar*. After such approval in order to elect *Sarpanch* and *Mukhia*, the Senior most *mondal* of that local area used to convene a meeting of the elected members to elect *Sarpanch* and *Mukhia*. *Sarpanch* was responsible for all transaction of the business of the Panchayat. All

decisions of the meeting was to be submitted to the *Tahsildar* within a week of the meeting. Presence of four members out of five was mandatory to complete the quorum in every meeting. However, *Tahsildar* was responsible for giving necessary supervision to the Panchayat.

Under clause 8 of the notification, the Local Area Panchayats were empowered to undertake the following functions:

- (a) Establishment of primary schools in conformity with *Darbar's* regulation, set up amenities such as travelers rest house (Dharmasala), wayside benches etc.
- (b) Repair and maintenance of village path with the co-operation and assistance of the local area people i.e. villagers
- (c) In order to control stray cattles, the Panchayats were empowered to build cattle ponds in convenient places and assess the damage to crops caused by the such cattles and
- (d) The Panchayat will have jurisdiction in civil cases upto the value of Rs. 100/-.

Beside the functions mentioned hereabove there was also a proposal for constituting a village *adalat* by grouping together five village panchayat however could not be materialised as there was no provision for the constitution of *adalat* in the Local Area Panchayat. There was no attempt to amend the constitution for the benefit of the people of the local area as because the Panchayats were indirectly under the control of the *Darbar* which has no such desires to benefit the *rayots*. On a brief review of the provision of the notification it reveals the facts that despite the 'earnest desire to associate the people with the affairs of the government' the *Darbar* had maintained the reign of

Panchayats in its own hands through various devices of institutional and administrative control.

Under clause 9(a) of the notification the *Darbar* had the power to disapprove any of the resolution and no action will be taken thereof and clause 9(b) empowered the *Darbar* to remove any member of the Local Area Panchayat. However, before removing, the member was given a chance to be heard. If the *Darbar* was not satisfied with the explanation given it had powers to remove. It shows the high handedness of the *Darbar* in the functioning of the Panchayat. The main reason shown by the *Darbar* for such removal of the members or the office bearers from the Panchayat Raj Institution was to control those who refuse to abide by the rules and regulation governing the Panchayati Raj Institution and to maintain adequate discipline in the functioning. The power of removal of an individual and the power of dissolution of the Panchayati Raj Institution was different as the earlier was dealing with an individual and the later with the institution (Narain and Mathm: 1970).

Clause 9(c) empowers the *Darbar* to dissolve the Panchayat or supersede the local authority for reasons considered sufficient for the *Darbar*. However, a chance of hearing was given.

The Panchayats had no taxation power besides in accordance to clause 7 the Panchayats expenses were reimbursed and controlled by the *Darbar*. In such circumstances the Panchayats are subject to depend on the seniors and such dependability would result in the lack of initiative and more depending on *Darbar* for finance is to tighten the grip of State's control over the local bodies.

A local body when it becomes dependant to other higher authorities for its finance it loses its integrity and merely becomes the

agent of the financing authority thereby loosing the main theme of establishing a Panchayati Raj Institution for its self dependence.

Sikkim, for the purpose of election was divided into two tehsils i.e. East and West and the election was held in February 1951 in accordance to Panchayat Notification 1951.

The provision provided in the notification could not fulfill the aspiration of the members of the National Party constituted by the indigenous people as the criteria of 12 months resident to be an eligible voter was considered to be very short period besides it failed to provide safeguard to the indigenous population. As such the National Party boycotted the election as a result Local Self-Government could not be established in the North district. The Local Area Panchayat continued three terms of three years each but no election took place after the first election as a result the constitution of Local Area Panchayat can be considered to be a complete failure.

Sikkim Panchayat Act, 1965:

With the objective of good village administration, implementation of developmental programmes, ensuring participation of all communities of the village level, Sikkim Panchayat Act, 1965 came into existence by notification in Sikkim *Darbar* Gazette (extra ordinary) vide dated December 24, 1965. Sikkim Panchayat Act, 1965 is a non-hierarchical single tier panchayat with block panchayat at the village level. In fact, it was the first attempt to establish Panchayati Raj Institution in Sikkim. A total of 215 Gram Panchayat units comprise of the then existing revenue blocks were constituted under this Act with three years term. Only persons paying the tax viz. land revenue or local taxes to the Government or for the landed property or house owned in his name and

attaining an age of 21 years were eligible to be the voters vis-à-vis an eligible contestant in the panchayat election.

The Block Panchayat constituted under Sikkim Panchayat Act, 1965 continued till 1981 i.e. till Sikkim Panchayat Act, 1982 was enforced. During the period from the enactment of Sikkim Act, 1965 till 1981 forty-one panchayat sammelans were organized in order to improve the functioning of the panchayats.

A lot of anomalies were observed in the Act particularly when Sikkim became one of the States of Indian Union. As per Asoka Mehta committee report in 1978, the Panchayati Raj system was modified and streamlined in the state with the enactment of Sikkim Panchayat Act, 1982 which remain effective till 1993 except for a few amendments.

The Sikkim Panchayat Act, 1965 had a wide range of functions numbering sixteen which can be grouped in three categories viz. (i) development (ii) welfare and (iii) agency. Under the developmental category the functions included were- (a) planned improvement of agriculture, establishment and management of model agricultural farms, crop experiments to secure minimum standard of cultivation, construction of compost pits (b) promotion of dairy farming, poultry, piggery, improvement of cattle and cattle breeding (c) soil conservation, tree plantation, embankment against floods, petty irrigation works (d) co-operative development, promotion of cottage industries etc. Under the welfare the functions were- (a) construction of public latrine, health, hygiene and conservancy (b) maternity and child welfare (c) construction maintenance and repair of school buildings (d) taking preventive measure against epidemic (e) maintenance of burial ground and burning ghats (f) maintenance of civil amenities like water supply, construction of approach road etc.

Under the agency the function includes (a) organization of community programme for soil conservation, planting etc. (b) any other matter referred by the District Officer.

As far as Block Panchayat fund and the sources of revenue are concerned, the panchayats were entitled to collect house tax, 10% of the revenue collected, matching grant from the *Darbar* on the public contribution for new construction and collection of water and sanitation cess etc. but in practice instead of collection of fund the panchayats were mainly adjudicants in case of dispute and quarrel. As regards their role in developmental activities, the panchayats were required to nominate a contractor to carry on the developmental works for which they have placed the demand for implementation of minor schemes. Mobilisation of resources was almost nil as the 10% share out of the collection of revenue given to them was spent mainly in buying stationary and providing refreshments in the meetings.

There was absence of adult franchise which has cut the democracy at the grass-root level as the only land revenue payee could be included in the list of electoral and contestant. The institution could not serve as a popular participants of developmental activities as the developmental role of the panchayats were only on papers.

Meeting of Block Panchayat:

The meeting of Block Panchayat will called by the president and will be held once every month in the Panchayat Ghar or in any convenient place. The President can call a special meeting requisitioned by more than one third of the members of the Block Panchayat in writing or by District office or by District Panchayat offices. Every meeting will be presided by the President and by the Vice-president in the absence of the President or in the absence of both by a member chosen for the

purpose. Half of the total number of members shall form the quorum of the meeting and decision taken by the majority of members present in the meeting shall be binding to all members. In case of tie the President will cast the vote otherwise not. The voting shall be by showing of hands. In case the meeting is cancelled due to want of quorum the next meeting will be held within 48 hrs. The minutes are to be recorded and the President has to sign the minutes before the dispersal of the meeting, Block Panchayat Secretary is required to send the copies of the minutes to all the member, District office and District Panchayat officer.

Meetings of Block Sabha:

The Block Sabha meeting shall be called by the President atleast 7(seven) days in advance by word of mouth or drawing attention by beat of drum or meghaphones or loud speakers or by distributing written notices and also hanging up written notice in the offices of the Block Panchayat and other public places. One fifth of the total number of members shall form the quorum. The minutes were signed by the President before dispersal of the meeting.

If one fifth or more members requisitioned in writing or District Officer directs, a meeting will be called by the President at any time. Any member of a Block Panchayat after giving three days's notice in writing to the President may, in any meeting, move any resolution or put any question on matters connected with the administration of the Block Sabha.

Panchayats During Post-Merger Period.

Sikkim became one of the constituent state of the Union of India in 1975 and it thought necessity of streamlining its Panchayati Raj Institution with the rest of India.

After the release of the report of the Ashoka Mehta Committee in 1978 streamlining of Panchayati Raj System in the State was envisaged resulting enactment of Sikkim Panchayat Act, 1982. This Act was described as a radical step as it aimed at promoting and developing the Panchayati Raj Institution in the State as an instrument of local self-government. The full involvement of the people was proposed to be secured through the introduction of two-tier panchayat system, with Gram Panchayat at the block level and Zilla Panchayat at the district level. One of the most important features of this Act was the introduction of universal adult franchise as the basis of direct election to Gram Panchayats. The Act also provided for the nomination of Scheduled Castes/Scheduled Tribes and women to the Gram Panchayat, provided they fail to get elected in the normal process. The 1982 Act reduced the number of existing Gram Panchayat from 215 to 153 and further to 138 to make them administratively more effective and extended the term from three years to five years. This Gram Panchayats were spread over 440 villages with an average of 3.18 villages per gram and average population covered stands at 1920 as per the 1981 census. Under this Act, the first election to the Gram Panchayat was held in January, 1983. After that two more elections were held in 1988 and 1993 for the constitution of Gram Panchayat. Under this Act until 1991 there was only a single tier system though there was a provision in the Act for two tiers yet the election to Zilla Panchayats was held for the first time in 1990 followed by another election in 1993. The newly constituted Zilla Panchayat were situated at Gangtok (East district Zilla panchayat), Gyalsing (West district Zilla panchayat), Mangan (North district Zilla panchayat), and Namchi (South district Zill panchayat). The body of Zilla Panchayat consisted of (a) all Presidents of Gram Panchayats of the district as members with voting rights (b) all MLAs of the district as non-voting members for the purpose of election of *Adhyaksha* and *Up-*

adhyaksha. The District Collector, by virtue of the post was taken as *Sachiva* of the Zilla Panchayat. Each Gram Panchayat consisted of 5 to 12 hamlets depending on the population representing 500 to 12,000 people. The wide variation in the population is due to scattered inhabitants across the hilly terrain unlike clusters of houses in the plain land. The average five to nine members based on the number of wards of a Gram Panchayat was elected through secret ballots. The election was conducted by the Election department of the state the members in turn elected *Sabhapati*, *Up-sabhapati* and *Sachiva* (Secretary). The *Sachiva* was comparatively educated to assist the panchayat in administrative and financial matters and invariably the District Collector. No one was nominated from the Government though there was a provision whereby the Government could nominate one or more members of Schedule Caste/Schedule Tribe depending on the percentage of the population in the area as well as one women candidate to the Gram Panchayat.

The Gram Panchayats were expected to meet once in every month to carry out its business, discuss the issues in its jurisdiction and make a review of the ongoing developmental schemes. Almost all rural developmental schemes were executed through the panchayats. In order to meet the expenditure on stationary, minor repair and maintenance of water supply schemes and to meet up minor expenditure for natural calamities a grant of Rs. 10,000/- per month was given by the State Government along with 10% of the land revenue and household taxes collected through respective administrative departments.

The fund available to the panchayat was meagre and there was always demand for more funds from the Government. Even though the panchayats were empowered to collect taxes on certain activities within their jurisdiction, these could not be fulfilled effectively due to small population and low level of commercial activities. Thus the Gram

Panchayats were entirely dependent on State-Government for grants. Despite the constraints the panchayats were functioning effectively due to strong political support though the election was held on non-political basis without party affiliation.

The Act has the speciality to recognize the traditional panchayats of two villages of North Sikkim viz. *Lachen* and *Lachung* by the name *Dzumsa*. The public representatives i.e. *Pipon* and Junior *Pipon* were elected from among the villagers supported by the representative of *Lamas* called *Chutimpa*.

Panchayat Under the Present Study.

In conformity with the requirement of the Constitution (73rd Amendment) Act, 1992 the Sikkim Government passed the Sikkim Panchayat Act, 1993 (Act No. 6 of 1993) which received the assent of the Governor on 11.10.1993. The Act of 1993 repealing the earlier Sikkim Panchayat Act, 1982 became effective in 1995 by notification dated August 10, 1995.

Organisational Framework of Panchayati Raj Institution in Sikkim.

The Sikkim Panchayat Act, 1993 provided for two-tier structure of Panchayati Raj, namely, the Gram Panchayat at the village level and Zilla Panchayat at the district level. Since the population of the state is less than 20.00 lakhs, the Constitution (73rd Amendment) Act, 1992 does not make it compulsory to provide for intermediate level of tier. The elections are held directly to these panchayat bodies at both the levels and their elected heads are called *Sabhapati* and *Adhyaksha* respectively and *Up-sabhapati* and *Up-adhyaksha* to their deputies.

Under the new Sikkim Panchayat Act, 1993, two election for both Gram Panchayats and Zilla Panchayats were held in 1997 and in 2002. The provisions for direct elections both at Gram and Zilla levels have significantly changed the structure and composition of Panchayati Raj in Sikkim. The following table-1 shows the total number of Gram and Zilla Panchayats and their elected representatives in the State.

Table - 1

Districtwise Number of Zilla Panchayats, Gram Panchayats, Elected Representatives of Gram and Zilla Panchayats (2002).

District/Zilla Panchayat	No. of Zilla Panchayat Members	No. of Gram Panchayats	No. of Gram Panchayat Members	No. of Panchayat Wards	No. of Panchayat Ghars
North	20	20	* 98	98	14
East	27	48	269	269	24
West	22	49	263	263	20
South	23	42	243	243	30
Total	92	159	873	873	88

Source: *Rural Management and Development Department, Govt. of Sikkim, 2002.*

* Excluding two *Dzumsa Pipons*.

The above table-1 indicates that the total number of Zilla Panchayats are only four viz. North, East, West and South with their Zilla Panchayat Offices in their respective district headquarters at Mangan, Gangtok, Gyezing and Namchi. The total number of directly elected Zilla Panchayat members are 92, out of which the North district has 20, the lowest number of Zilla Panchayat members with sparse population of tribals. The East Zilla Panchayat has 27 members, the hight number in the districts. The district is densely populated with state capital in the same district. The number of Zilla Panchayats members in West and South districts are 22 and 23 respectively. The total number of Gram Panchayats in the state are 159 with 873 directly elected Gram

Panchayat members and two *Dzumsha Pipons* representing Lachen and Lachung villages of North Sikkim.

The Sikkim Panchayat Act, 1993 repealing the earlier Sikkim Panchayat Act, 1982 which became effective from August, 1995 has provided *Gram Sabha* and Gram Panchayat at village levels and Zilla Panchayats at district levels.

Gram Sabha: As per Article 243 A of the Constitution states are to constitute a *Gram Sabha* at village level. This body is supposed to achieve people's participation in planning and implementation. Accordingly Sikkim Panchayat Act, 1993 provides for the constitution of *Gram Sabha* at the village level with persons registered as voters in the electoral rolls of the Gram Panchayats as members. The area comprised within the jurisdiction of a Gram Panchayat constituted under Section 12 of the Act shall be the jurisdiction of *Gram Sabha*. The *Gram Sabha* shall meet at least twice in a year. In case the Gram Panchayat fails to convene the *Gram Sabha*, the prescribed authority or the person authorized shall convene the same with the approval of the State Government. The quorum for the meeting of the *Gram Sabha* is one-tenth of the total members of the *Gram Sabha*. Every meeting of the *Gram Sabha* shall be presided over by the *Sabhapati* of the concerned Gram Panchayat and in his absence by the *Up-sabhapati* of the Gram Panchayat. The *Gram Sabha* shall made recommendations and suggestions to the Gram Panchayat on the following matters, namely:

- (a) the annual statement of accounts of the Gram Panchayat and the report of administration of the preceding financial years;
- (b) the report in respect of development programmes proposed to be undertaken during the current year;

- (c) the promotion of unity and harmony among all sections of society in the village;
- (d) programme of adult education within the village;
- (e) such other matters as the State Government may specify

Among the functions entrusted to the *Gram Sabha* are:

- (a) mobilizing voluntary labour and contribution in kind and cash for the community welfare programme;
- (b) identification of beneficiaries for implementation of developmental schemes pertaining to the village;
- (c) rendering assistance in the implementation of developmental schemes pertaining to the village.

Gram Panchayat: Every *Gram Sabha* shall elect from among its members a Gram Panchayat member. The Act stipulates that the Gram Panchayat will have not less than five and not more than nine directly elected members. The term of office is of five years. Every Gram Panchayat shall hold a meeting at least fortnightly. Two-third members shall form the quorum and resolution will be passed by a majority vote. The Act provides for indirect election of the *Sabhapati* and *Up-sabhapati* by directly elected members of Gram Panchayat. A *Sabhapati* or *Up-sabhapati* can be removed from his office if a resolution expressing lack of confidence in him is passed by the majority of the members of the Gram Panchayat. Every Gram Panchayat shall elect one of its elected members to be *Sachiva* of the Gram Panchayat. He or she will assist the *Sabhapti* and maintain the panchayat office. He/she can be removed by a resolution passed by a majority vote of members of the Gram Panchayat. In order to strengthen the Gram Panchayats, Panchayat Assistants of the rank of LDC have been appointed in all Gram

Panchayats who provide secretarial support to the concerned Gram Panchayat.

Reservation of seats for Scheduled Castes (SC), Scheduled Tribes (ST) and Women which is obligatory as per the constitutional amendment has been provided under the new Act, 1993. Provisions of one-third reservation of seats has been provided for women in all categories. There is reservation of seats of Chairpersons for all the three categories viz. Scheduled Castes, Scheduled Tribes and Women in the prescribed ratio. There was no provision of reservation of seats for Other Backward Classes under the Act, 1993. Later, the Sikkim Panchayat (Amendment) Act, 1995 made a provision of reservation of one-third of the total member of seats of Gram Panchayat for the persons belonging to the Other Backward Classes.

Zilla Panchayat: For every district the State Government shall constitute a Zilla Panchayat bearing the name of the district. The district will be divided into territorial constituencies and the State Government will determine the number of members to be elected in each constituency. So, each constituency may elect one or more members through direct elections. Two-third of the total members shall form a quorum.

Zilla panchayat consists of the following members, namely –

- (a) directly elected members from the territorial constituencies in the district;
- (b) twenty per cent of the *Sabhapatis* of the Gram Panchayats within the district by rotation annually;
- (c) member of both the houses of the Parliament and twenty per cent of the members of the Legislative Assembly of the Sate elected

from a constituency comprising the district. The District Development Officer-cum-Panchayat Officer is also an ex-officio member. The District Collector will be the ex-officio secretary. The term of the office of the members of Zilla Panchayat shall (subject to the provisions of the section 64) be co-terminus with the term of the Zilla Panchayat. The Act, stipulates not less than one-third of the total number of seats reserved under sub-section (4) shall be reserved for women belonging to the Scheduled Castes (SC) and Scheduled Tribes (ST). One-third of the total number of seats in a Zilla Panchayat shall be reserved for the persons belonging to the Backward classes. Not less than one-third of the total numbers of seats to be filled up by direct elections in every Zilla Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Zilla Panchayat. The directly elected members of every Zilla Panchayat shall elect from among themselves one of the directly elected members to be the *Adhyaksha* and the another to be *Up-Adhyaksha* of the Zilla Panchayat. In the case of election of *Adhyaksha* and *Up-Adhyaksha* of Zilla Panchayat, *Sabhapati* of Gram Panchayat in his capacity as ex-officio member will also have the voting right. He can also contest for the post of *Adhyaksha* and *Up-Adhyaksha*. The MLAs and MPs as ex-officio members of Zilla Panchayat are not eligible for such elections nor do they have a voting right in the election of *Adhyaksha* or *Up-Adhyaksha*. The *Adhyaksha* or the *Up-Adhyaksha* can be removed from the office if a resolution expressing want of confidence in him is passed by the two-third majority of the directly elected members of the Zilla Panchayat present and voting at a meeting specially convened for the purpose. Unlike the Gram Panchayat, the *Sachiva* of the Zilla Panchayat will be appointed by the State Government on such

terms and conditions as may be prescribed. The *Sachiva* shall have authority to supervise all records of every gram falling under the jurisdiction of a Zilla Panchayat of a concerned district. The *Sachiva* shall be in-charge of the office of the Zilla Panchayat and shall discharge such duties and perform such functions as may be prescribed.

The Zilla Panchayats have been given an important role in revenue administration of the district. There is no separate department at the State level for Panchayati Raj. The Rural Development Department also looks after the administration of Panchayats through Director, Panchayat of the rank of Joint-Secretary who reports the Secretary, Rural Development Department. At the district level, the District Development Officer who is also an ex-officio District Panchayat Officer looks after the affairs of the panchayats.

Powers and Functions:

The powers and functions of the Gram Panchayat and Zilla Panchayat have been enumerated in the Act, 1993. Under obligatory duties and other duties. Under the new Act the Panchayati Raj Institutions are expected to perform all developmental functions as suggested in the XI schedule of the Constitution. These include a wide range of maintenance, regulatory and development functions.

Obligatory functions (duties) of the Gram Panchayat include the following items or subjects namely:

- (a) sanitation, conservancy and drainage and the prevention of public nuisance;
- (b) curative and preventive measures in respect of any infectious disease;

- (c) supply of drinking water and the cleaning and disinfecting the sources of supply and storage of water;
- (d) maintenance, repair and construction of village roads and protection thereof;
- (e) the removal of encroachment of village roads and public places;
- (f) the management of common grazing grounds, burning ghats and public graveyards;
- (g) the supply of any local information which the District Collector or District Development Officer-cum-Panchayat Officer of the Zilla Panchayat may require;
- (h) organizing voluntary labour for community works for the upliftment of its areas;
- (i) control and administration of Gram Panchayat fund established under the Act;
- (j) the imposition, assessment and collection of taxes, fees or fares leviable under this Act;
- (k) construction and maintenance of a dharamsalas;
- (l) regulating places for the disposal of dead bodies, carcasses and other offensive matters;
- (m) assisting the development of agriculture, forestry, animal husbandry, poultry, fisheries, village and cottage industries and co-operative;
- (n) registering births, deaths and marriages and annually submitting such records to the Zilla Panchayat;
- (o) maintenance of such records relating to cattle census, population census, crop census and census of unemployed persons and such other statistics as may be required and annually submitting such records to the Zilla Panchayats;

- (p) regulating inflow of animals within the area and their transfer;
- (q) destruction and disposal of ownerless and rabies dogs and disposal of unclaimed animals;
- (r) maintenance, upkeep and supervision of any building or other property which may be entrusted to it by the State Government for management;
- (s) assisting the Zilla Panchayat in preparing development plan of its area;
- (t) rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- (u) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in this Act;
- (v) such other duties not enumerated specifically in the above clauses but enumerated in the Eleventh Schedule to the Constitution.

The other functions or duties of Gram Panchayat include:

- (a) primary, social, technical or vocational education;
- (b) rural dispensaries, health centres, maternity and child welfare centres;
- (c) minor irrigation;
- (d) grow more food campaign;
- (e) care of the infirm and destitute;
- (f) rehabilitation of displaced persons;
- (g) improved breeding of cattle, medical treatment of cattle and prevention of cattle diseases;
- (h) its acting as a channel through which Government assistance should reach the residents of the gram;

- (i) promotion of plantation in the gram;
- (j) bringing private waste land under cultivation;
- (k) arranging for cultivation of land lying fallow;
- (l) arranging for co-operative management of resources of the gram;
- (m) implementation of such schemes as may be formulated or performances of such act as may be entrusted to it by the State Government.
- (n) field publicity of matters connected with development works and other welfare measures undertaken by the State Government;
- (o) regulation on fairs, melas, hats and exhibition of local produce and products of local handicrafts and home industries;
- (p) assisting and advising the resident of the gram in the matter of obtaining state loan and its distribution and repayment;
- (q) assisting in the implementation of land reform measures in its area;
- (r) the promotion and encouragement of education including adult education;
- (s) such other functions which the State Government may, from time to time, by order in writing, entrust to such Gram Panchayat which is its opinion to promote directly or indirectly the welfare of the public.

The obligatory duties of the Zilla Panchayat are:

- (a) regulating melas or hats within its local limits;
- (b) construction and maintenance of Panchayat Ghars, Dharamshalas and rest houses;
- (c) construction, repair and maintenance of such small irrigation project of such class or type thereof, as may be specified by the

State Government by general or special order in this behalf and regulating of supply of water for irrigation purposes;

- (d) regulating supply of water for irrigation or drinking water supply schemes constructed by the Government and entrusted to it for maintenance and repair;
- (e) regulating, maintaining and development of lands vested in it by the State Government;
- (f) organising plantation programme in the public land, roadsides and such other places or may be specified for promotion of social forestry, environmental conservation, maintaining and regulating of such forest;
- (g) establishing and maintaining primary schools and organising adult education centres;
- (h) establishing health centres and maternity and child welfare centres;
- (i) managing or maintaining any works of public utility and adopting measures for the relief of distress;
- (j) preparing plans for all round development of the district after obtaining prior approval of the State Government and with such technical assistance as may be made available by the State Government;
- (k) coordinating and integrating the development plans and schemes prepared by Gram Panchayat within its jurisdiction;
- (l) fulfilling any other obligation imposed by or under this Act or by any other law for the time being in force or by general or special order of the State Government in this behalf;
- (m) such other duties not enumerated specifically in the above clauses but enumerated in the Eleventh Schedule to the Constitution.

The other duties of the Zilla Panchayat include the following;

- a) The promotion of opportunity of employment through community farming by organizing model agriculture or dairy farms and small-scale village industries
- b) The organization and maintenance of clubs and other places for recreation or games;
- c) Establishment and maintenance of library or reading rooms and public radio listening centres;
- d) Construction and maintenance of destitute home, slaughter houses and encamping grounds;
- e) Rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- f) Assisting in the prevention of burglary and dacoity;
- g) The promotion of socio-cultural and communal harmony.
- h) The promotion of agriculture and allied activities connected with it;
- i) Any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public.

Resources of Gram Panchayats and Zilla Panchayats:

The Sikkim Panchayat Act, 1993 provides power to levy taxes to the both Gram and Zilla Panchayats. Accordingly, a Gram Panchayat has the powers to levy taxes, fares and fees on the following items/subjects;

- a) A tax on fairs, melas, hats and other entertainments;
- b) a general sanitation tax for the construction and maintenance of public latrines and for the removal and disposal of refuse;

- c) a water rate where arrangement for the supply of water for drinking, irrigation or any other purpose are made;
- d) a fee for temporary erection of, or putting up projections over, or temporary occupation of any village road or place;
- e) a fee on private latrines, premises or compound cleaned by the Gram panchayat agency;
- f) a fee for grazing cattle on grazing lands vested in a Gram Panchayat;
- g) a fee on the registration of animal sold in any market or place under the control of the Gram Panchayat;
- h) a market fee on persons exposing goods for sale in any market or on any place or any building or structure therein belonging to or under the control of the Gram Panchayat;
- i) a fee for the use of Dharamsala and Camping ground;
- j) a fee for drainage where system of drainage has been introduced by the Gram Panchayat;
- k) a temporary tax for special works of public utility;
- l) a tax on houses.

Subject to the maximum rates which may be fixed by the State Government, a Zilla Panchayat may levy following taxes, fares and fees. However, the State Government's directions for collection are yet to be issued-

- a) a tax on fairs, melas and other entertainments;
- b) a general sanitation tax for the construction and maintenance of public latrines and for the removal and disposal of refuse;

- c) a water rate where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Panchayat within its jurisdiction;
- d) a fee for temporary erection on, or putting up projections over, or temporary occupation of any village road or place;
- e) a fee on private latrines, premises or compounds cleaned by the Zilla panchayat agency;
- f) a fee for grazing cattle on the grazing lands vested in a Zilla Panchayat;
- g) a fee on the registration of animals sold in any market or place under the control of the Zilla Panchayat;
- h) a market fee on persons exposing goods for sale in any market or at any place or in any building or structure therein belonging to or under the control of the Zilla Panchayat;
- i) a fee for the use of dharamsalas, rest houses, slaughter houses and camping ground;
- j) a fee for drainage where system of drainage has been introduced by the Zilla Panchayat;
- k) a temporary tax for special works of public utility.

Every Gram Panchayat has a Gram Panchayat fund. The following are the main sources of Gram Panchayat fund, namely:-

- a) Contributions and grants made by the Central or the State Government;
- b) Contributions and grant made by a Zilla Panchayat or any other local authority;
- c) Loans granted by the Central government or the State Government;

- d) All receipt on accounts of taxes, rates and fees levied by the Gram Panchayat;
- e) All sums received by way of gift or contribution;
- f) All other sums received by or on behalf of the Gram Panchayat;
- g) Such percentage of the land revenue collected by it as may be determined by the State Government.

At present the main sources of funds available to the Gram Panchayats are from plan fund of the Government. Each Gram Panchayat receives a grant of Rs. 1.00 lakh annually for running the office, purchase of stationary, expenditure towards conducting meeting etc. It was learnt through interaction with the elected representatives of the four Gram Panchayats under study that a certain percentage of this amount is used for repair of water resources, minor repairs of public latrines, sanitation and for providing immediate assistance to the victims of landslides.

The following are the main sources of Zilla Panchayat fund:

- a) contribution and grants made by the Central or the State Government including such portion of land revenue collected within its jurisdiction as may be determined by the State Government;
- b) loans granted by the Central or State Government;
- c) contribution and grants made by any other local authority;
- d) proceeds of collection of revenues in respect of schemes, projects and other properties undertaken or vested in the Zilla Panchayat by the government at such rates as may be determined by the State Government;

- e) such fares, fees, taxes as may be imposed and realized under the provisions of this Act;
- f) such sums received from the Government for fulfilling duties and obligations entrusted to the Zilla Panchayat by the State Government;
- g) all other sums received by or on behalf of the Zilla Panchayat.

The present Panchayati Raj Institutions have generated enough enthusiasm among the rural people though there has been no substantial change in their pattern of functioning. As mentioned earlier, the Act, 1993 provided for a long list of functions to Gram and Zilla Panchayats which is equally matched by a long list of sources of finance. But in practice, the main functions of Gram Panchayats, at present, confined to the following:

- (a) identification of beneficiaries for assistance under poverty alleviation programme like Jawahar Rojgar Yojana, Integrated Rural Development Programme, Indira Awaas Yojana, etc;
- (b) maintenance of water resources, sanitation etc;
- (c) repair and maintenance of village roads and small bridges;
- (d) maintenance of muster roll of beneficiaries under Jawahar Rojgar Yojana;
- (e) preparation of estimates in respect of schemes to be undertaken during the subsequent financial year.

The Gram Panchayats have not been able to exercise huge powers of taxation given under the Act. A few Gram Panchayats have been able to tap the revenue from local resources. Neither the State Government nor the elected representative have seriously taken the issues of raising of resources or power of taxation because of some practical reasons

which would be discussed in the subsequent chapters. As far as revenue are concerned, the panchayats are fully dependent on the Government grant because of sparse population and limited local resources.

As stated earlier, the Zilla Panchayats were empowered with huge powers and functions under the new Act, 1993. It has to perform a wide range of both developmental and welfare functions. It is also responsible for the formulation, co-ordination of development plans and schemes prepared by Gram Panchayats within its jurisdiction. Various plans and projects pertaining to the district are decided at the meeting of the Zilla Panchayat which is normally attended by the elected representative, MLAs of the area and district head of departments under the chairmanship of the *Adhyaksha*. In order to strengthen the Zilla Panchayat, the State Government is taking positive steps by strengthening the administrative machineries to function as focal point of development. The administrative machineries in the district level arrange demonstration of new varieties of crop cultivation method for better yield, improved cultural practices in horticulture for enhancement of income through more production of fruit crops. Welfare departments make arrangements of distribution of old-age pension at a central point for the convenient of the beneficiaries. Precautions on diseases which are likely to take place and control of diseases, which has affected the people in general like tuberculosis etc.

As mentioned earlier the Zilla Panchayats were constituted only during April, 1993 by enlisting the *Sabhapatis* of Gram Panchayats as ex-officio members. The MLAs MPs and DDO cum P.O. are also ex-officio members. Contrary to the provision, the direct election to the Zilla Panchayat was held for the first time during 1998 where 80 percent seats were filled up direct elections and the remaining 20% by reservation to the *Sabhapatis* on rotation annually.

Socio-Economic Background of *Gram Sabha* Members.

A brief discussion on the Socio-economic background of the *Gram Sabha* members is thought essential as the constitution or formation of *Gram Sabha* at the village level is mandatory for all the states as per section 243 A of the 73rd Constitution Amendment Act, 1992. Under the new Sikkim Panchayat 1993, *Gram Sabha* as a form of village assembly has to act a sort of direct democracy where all the eligible voters can directly participate in the decision making process pertaining to the development of village. For the first time in the history of Panchayati Raj Institution, wider or greater participation of rural people have been ensured through participatory democracy or democratic decentralization. The 73rd Constitution Amendment has clearly defined panchayats as institutions of self-government constituted for rural areas and not as an agency of government or agent of rural development which was thought previously. The policy framers have realized that an all round development of villages is possible only with the active participation and greater involvement of rural people through *Gram Sabha*.

In order to analyse the socio-economic background of the *Gram Sabha* members, researcher has used the primary data collected during the intensive fieldwork in four Gram Panchayats under the study. The variable used in this section are sex, caste, education, occupation, income, religion, marital status and family.

As stated earlier, the *Nepalis*, *Bhutias* and *Lepchas* are the three major ethnic groups inhabiting in the state of Sikkim. The table-2 shows the caste or ethnic background of the *Gram Sabha* members or electorates of four Gram Panchayats representing four districts under the study.

Table – 2Caste/Ethnic Background of the *Gram Sabha* Members Under Study.

Sl. No.	Caste/Ethnic groups	No. of Respondents (%)
General Caste		
1.	Bahun (Brahmin)	019 (008.26)
2.	Chettri (Kshatriya)	045 (019.56)
3.	Newar	009 (003.91)
4.	Plainsmen	003 (001.03)
Schedule Caste		
5.	Kami (Biswakarma)	010 (004.34)
6.	Damai (Darjee)	007 (003.04)
7.	Sunar	002 (000.86)
8.	Sarki	002 (000.86)
Schedule Tribe		
9.	Bhutia	020 (008.69)
10.	Lepcha	013 (005.65)
11.	Sherpa	011 (004.78)
Other Backward Classes		
12.	Manger	005 (002.17)
13.	Gurung	011 (004.78)
14.	Rai (Khamboos)	030 (013.04)
15.	Yakha (Dewan)	= (000.00)
16.	Sunwar	003 (001.03)
17.	Thami	- (000.00)
18.	Bhujel	005 (002.17)
19.	Jogi	- (000.00)
20.	Majhi	007 (003.04)
21.	Limbu (Subba)	012 (005.21)
22.	Tamang (Murmi)	016 (006.95)
Total		230 (100.00)

Source: *Field Work*

From the perusal of the above table-2, it is revealed that out of 230 *Gram Sabha* Members who are respondents the number of *Bhutia*, *Lepchas* and *Sherpa* tribes are 20 (8.69 per cent), 13 (5.65 per cent) and 11 (4.78 per cent) respectively. The majority of these tribal people are from Kabi-Tingda Gram Panchayat of North District. The number of *Limboo* (*Subba*) and *Tamangs* (*Murmi*), the newly enlisted Nepali tribes as per the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002, are 12 (5.21 per cent) and 16 (6.95 per cent) respectively.

About 28 (12.14 per cent) respondents are belong to the Scheduled Castes *Nepalis* like *Kami (Biswakarma)*, *Damai* or *Darjee*, *Sunar*, *Sarki* and *Majhi*. They are mainly from *Longchok-Salyangdang* and *Salghari* Gram Panchayats. There are number of respondents from higher Castes *Nepalis* like *Bahun (Brahmin)* and *Chhetri (Kshatriya)*. Their number are 19 (8.26 per cent) and 45 (19.56 per cent) respectively. Together with *Newars* (3.91 per cent) they represent the General Castes category under our study. There were good number of middle caste *Nepalis* like *Rai (Khamboos)*, *Manger*, *Gurung*, *Sunuwar*, *Bhujel* and their total number are 30(13.04 per cent), 5(2.17 per cent), 11(4.78 per cent), 3(.30 per cent) and 5(2.17 per cent) respectively. These group represent the Other Background Classes category under the present study. There are 3(1.30 per cent) *Gram Sabha* members belonging to *Bihari* and *Bengali* communities. Out of 230 *Gram Sabha* members interviewed, the number of General Castes, Scheduled Castes, Scheduled Tribes and Other Backward Classes are 76 (33.04 percent), 28(12.17 per cent), 72(31.30 per cent) and 54(23.47 per cent) respectively (see table-2).

Table – 3

Caste Background of the *Gram Sabha* Members.

Caste Category	Gram Sabha Members
	No. (%)
General Castes	076 (033.04)
Scheduled Castes	028 (012.17)
Scheduled Tribes	072 (031.30)
Other Backward Classes	054 (023.47)
Total	230 (100.00)

Source: *Field Work*

As regards the religious background of the *Gram Sabha* members, Hinduism, Buddhism and Christianity are the three main religious groups professed by the *Nepalis, Bhutias, Lepchas* and *Sherpas*. Out of total number of 230 respondents the Hindus are numerically dominant followed by Buddhists and Christians. Their number are 136 (59.13 per cent), 58(25.21 per cent) and 36(15.65 per cent) respectively (see table 4) Among the Nepali Castes, except *Tamangs* and a few *Gurungs*, all are Hindus. *Bhutias, Lepchas, Sherpas* including *Tamang (Nepali Tribe)* are the followers of Buddhism. There were number of *Nepali* castes and tribes like *Rai, Limboos, Newar Chhetri Kami, Damai Majhi* and few *Lepchas* who are the followers of Christianity.

Table – 4

Religious Background of the *Gram Sabha* Members.

Religion	Gram Sabha Members
	No. (%)
Hinduism	136 (059.13)
Bhudhism	058 (025.21)
Christianity	036 (015.65)
Total	230 (100.00)

Source: *Field Work*

Table – 5

Sex Background of *Gram Sabha* Members.

Sex	Villagers
	No. (%)
Male	113 (049.13)
Female	117 (050.86)
Total	230 (100.00)

Source: *Field Work*

The table-5 reveals that out of the total number of 230 *Gram Sabha* Members, the number of male and female respondents are 113(49.13 per cent) and 117(50.86 per cent). The table-6 shows the marital status of the *Gram Sabha* Members. Out of 113 male respondents, 92(81.41 per cent) are married and 16(14.15 per cent) are unmarried. The number of divorcees and widower are 2(1.76 percent) and 3(2.65 per cent) respectively. Out of 117 female respondents, the number of married, unmarried, divorcee and widow are 95(81.19 percent), 16(1.67 per cent), 2(1.70 per cent) and 4(3.41 per cent) respectively.

Table – 6

Marital Status of the *Gram Sabha* Members

Marital Status	No. of G.S. Members	
	Male (%)	Female (%)
Married	092 (081.41)	095 (081.19)
Unmarried	016 (014.15)	016 (001.67)
Divorcee	002 (001.76)	002 (001.07)
Widow	- (000.00)	004 (003.41)
Widower	003 (002.65)	- (000.00)
Total	113 (100.00)	117 (100.00)

Source: Field Work

The table-7 below indicates the educational status of the *Gram Sabha* members. Education is one of the most important indicator of the quality of leadership. Although knowledge is not always dependent on educational qualification, yet it is a significant carrier of knowledge. It is equally true that higher education does not always lead to greater participation or active involvement. Educational qualification not only bring knowledge, it also grants respect and a degree of self confidence. In this sense, education proves to be an important factor in developing

leadership quality and bringing awareness among the people. After the enactment of Constitutional (73rd Amendment) Act, 1992 and the mandatory provision for the reservation for Scheduled Tribes, Scheduled Castes, Other Backward Classes and women, a huge number of these categories, hitherto un represented lot are entering into grass root politics with greater enthusiasm.

Today not only the educated rural elite but even the illiterate villagers are getting opportunities to participate in the local self-governance. Hence the discussion of educational status of the *Gram Sabha* members is very vital in this context.

Table – 7

Educational Status of the *Gram Sabha* Members

Education Level	No. of G.S. Members	
	Male (%)	Female (%)
Illiterate	16 (14.15)	30 (25.64)
I-V	41 (36.28)	35 (29.91)
VI-X	38 (33.62)	36 (30.76)
Senior Secondary	12 (10.61)	10 (08.54)
Graduate	03 (02.65)	06 (05.12)
Post Graduate	03 (02.65)	
Total	113(100.00)	117(100.00)

Source: Field Work

The above table-7 reveals that out of 113 male respondents, the number of illiterate are 16(14.15 per cent). In case of female respondents, out of 117, 30(25.64 per cent) are illiterates. The number of male and female *Gram Sabha* members educated upto primary level are 41(36.28 per cent) and 35(29.91 per cent) respectively. A good number of male and female respondents are educated upto secondary level. Their number are 38(33.62 per cent) and 36(30.76 per cent) respectively. The

total number of 12(10.61 per cent) male and 10(8.54 per cent) female respondent have passed upto senior secondary level. It is very interesting to notice that the number of graduates are more among the female i.e. 6(5.12 per cent) than their male counter part, is 3(2.65 per cent). There are three post-graduates among the male *Gram Sabha* members whereas the number of post-graduate female is nil. On the whole, the majority of the *Gram Sabha* members are educated upto secondary level.

Table – 8

Occupational Distribution of *Gram Sabha* Members

Occupational Category	No. of G.S. Members	
	Male (%)	Female (%)
Agriculture	40 (35.39)	24 (20.51)
Govt. Service	37 (32.74)	18 (15.38)
Non-Governmental Service (Private Organization)	13 (11.5)	5 (4.27)
Business/Trading	14 (12.38)	6 (5.12)
Student	9 (7.96)	8 (6.83)
Housewives	- (0.00)	56 (47.86)
Total	113 (100.00)	117 (100.00)

Source: *Field Work*

The above table-8 gives the occupational distribution of the *Gram Sabha* Members under the present study. It is clear from the above table that Sikkim being an agrarian State agriculture is the predominant occupation. Traditionally the panchayats were dominated by feudal lords or *Illakadars* (*Kazis, Lamas, Thikadars*) and their intermediates (*Mondals*). These rural elite comprising both absentee and resident landlords as well as rich peasants dominated the panchayats at the beginning. The small and marginal farmers including tenants and agricultural labourers form the exploited rural mass under the present

study. Along with the changing occupational diversification *Gram Sabha* Members also hail from different occupational background like services, non-governmental service or jobs under private organization, business or trading etc. Out of 113 male respondents, the majority of them 35.39 per cent are in agriculture followed by government service 32.74 per cent. The number of males engaged in non-governmental services and business or trade are 14(12.38 per cent) and 9(7.96 per cent) respectively. And a few are students with no occupation. On the other hand, out of 117 female *Gram Sabha* Members, 56(47.86 per cent) are housewives with no occupation. The number of female engaged in agriculture and government services are 24(20.51 per cent) and 18(15.38 per cent) respectively. A few women are also found to be engaged in non-governmental services and business or trades. Their percentage are 4.27 per cent and 5.12 per cent respectively.

Table – 9

Monthly Income of the *Gram Sabha* Members

Monthly Income	No. of G.S. Members	
	Male (%)	Female (%)
Upto 1000	76 (67.25)	83 (70.94)
1001-2000	07 (06.19)	08 (06.83)
2001-3000	11 (09.73)	11 (09.40)
3001-4000	05 (04.42)	05 (04.27)
4001-5000	06 (05.30)	07 (05.98)
5001-6000	02 (01.76)	03 (02.56)
6001-7000	01 (00.88)	- (00.00)
7001-8000	02 (01.76)	- (00.00)
8001-9000	- (00.00)	- (00.00)
9001-10000	02 (01.76)	- (00.00)
10000 & Above	01 (00.88)	- (00.00)
Total	113 (100.00)	117 (100.00)

Source: *Field Work*

The above table-9 shows the monthly income of the *Gram Sabha* members. Out of 113 male respondents the majority 67.25 per cent of them have monthly income upto Rs. 1,000/- on the other hand, about 70.94 per cent female respondents have shown their monthly income upto Rs. 1,000/-. The total number of male respondents earning between Rs. 1,001/- to Rs. 3,000/- are 18 i.e. 16 per cent. About 16 (14.12 per cent) respondents whose monthly income ranges between Rs. 300/- to Rs. 8000/- 3(2.64 per cent) male respondents have shown their monthly income level above Rs. 9,000/-. As regards the monthly income shown by female *Gram Sabha* members, about 83 (70.94 per cent) female are earning monthly income upto Rs. 1,000/-. About 34(29.05 per cent) are earning monthly income between Rs. 1001/- to Rs. 6,000/-. There is not a single female *Gram Sabha* member earning monthly income above Rs. 6,000/-.

Table – 10

Sexwise Composition of Family Members by Caste Category

Caste Category	No. of Family (%)	Family Members	
		Male (%)	Female (%)
General Castes	76 (33.04)	215 (31.38)	198 (32.40)
Scheduled Castes	28 (12.17)	120 (17.51)	103 (16.85)
Scheduled Tribes	72 (31.3)	199 (29.05)	180 (29.45)
Other Backward Classes	54 (23.47)	151 (22.04)	130 (21.27)
Total	230 (100.00)	685 (100.00)	611 (100.00)

Source: *Field Work*

The above table-10 shows the total number of male and female members of the family among the various caste and tribal groups of the study areas. Out of 687 male members from 230 families under the study, the percentage of General Castes, Scheduled Castes, Scheduled

Tribes and Other Backward Classes are 31.38 per cent, 17.51 per cent, 29.05 per cent and 22.04 per cent respectively. As regards to the female members of the respondent families, out of 611 female members 32.40 percent belong to the General Castes groups and 16.85 percent to the Scheduled Castes groups. The percentage of female belonging to the Scheduled Tribe and Other Backward Classes are 29.45 percent and 21.27 percent respectively. The percentage of male members are more than the female members in all the Caste groups.

Table – 11

Classification of Occupational Background of Family by Caste Category

Caste Category		Agriculture	Govt. Service	Non-Govt Service	Business/ Trading	Others	Total
		No. of family (%)					
General Castes	N=76	22 (28.94)	37 (48.68)	05 (06.57)	10 (13.15)	02 (02.63)	076
Scheduled Castes	N=28	07 (25.00)	09 (38.14)	06 (21.42)	01 (03.57)	05 (17.85)	028
Scheduled Tribes	N=72	31 (43.05)	25 (34.72)	08 (11.11)	06 (08.33)	02 (02.77)	072
Other Backward Classes	N=54	19 (35.18)	19 (35.18)	05 (09.25)	08 (14.81)	03 (05.55)	054
Total No. = 230		79 (34.34)	90 (39.13)	24 (10.43)	25 (10.86)	12 (05.21)	230

Source: *field work*

The above table-11 reveals that out of 230 families of the *Gram Sabha* members, the majority of the families have government services and agriculture as their main occupation. The number of families with government services and agriculture as their primary or main occupation are 90(39.13 per cent) and 79(34.34 per cent) respectively whereas the number of families primarily dependent on non-governmental services or jobs in private organization, business or trading and others are 24(10.43 per cent), 25(10.86 per cent) and 12(5.21 per cent) respectively. Among the General Castes majority of the families are dependent on government

services and agriculture. Their percentage are 48.68 per cent and 28.94 per cent respectively. The percentage of families engaged in non-governmental jobs, business and other are 6.57 per cent, 13.15 per cent and 2.63 per cent respectively. Among the Scheduled Castes, the percentage of families engaged in agriculture, government services, non-governmental jobs, business and other are 25 per cent, 32.14 per cent 21.42 per cent, 3.57 per cent and 17.85 percent respectively. Among the Scheduled Tribes families the majority depend on agriculture 43.05 per cent, followed by government services 34.72 per cent, non-governmental services 11.11 per cent, business 8.33 per cent and 2.77 per cent. Among the Other Backward Classes families, an equal percentage i.e. 35.18 per cent each are engaged in agriculture and government services, whereas the percentage of Other Backward Classes families engaged in non-governmental services, business and others are 9.25 per cent, 14.81 per cent and 5.55 per cent respectively.

Table – 12

Educational Status of the Family Members.

Caste Category	No. of Family	No. of Illiterate	No. of Literates				
			I-V	VI-X	Sr. Sec	Graduate	Post Graduate
General Castes	76	48	129	147	49	39	7
Scheduled Castes	28	30	70	40	6	5	-
Scheduled Tribes	72	64	143	125	32	16	-
Other Backward Classes	54	35	112	102	20	9	2
Total	230	177	454	141	107	69	9

Source: Field Work

The above table-12 shows that out of 177 illiterate family members, the majority are from the Scheduled Tribes, 64 i.e. 36.15 per cent. The percentage of illiterate among the General Castes, Scheduled

Caste and Other Backward Classes are 48 (27.11 per cent), 30 (16.94 per cent) and 35 (19.77 per cent) respectively. The majority of the family members of all castes are educated upto primary level. Among the General Castes number of members read upto secondary education level are 147. The number of family members from the General Castes with senior secondary, graduate and post-graduate qualifications are 49, 39 and 7 respectively. Among the Scheduled Castes families, number of members with secondary, senior secondary and graduate qualification are 40, 6 and 5 respectively. There is not a single family member with post-graduate qualification from the Scheduled Caste families. Among the Scheduled Tribes families, the number of members upto Secondary are 125 and 32 respectively. The number of graduate are 16 but there is not a single post-graduate passed member. Among the Other Backward Classes families the number of family members with secondary, Senior Secondary, Graduate and post-graduate qualification are 102, 20, 9 and 2 respectively