

## Chapter 7

# IMPLEMENTATION BY THE SIKKIM POLLUTION CONTROL BOARD

### Introduction

Sikkim a landlocked Himalayan kingdom nestled between India, China (Tibet), and the kingdoms of Nepal and Bhutan, became the twenty second state of the Indian union in 1975. The merger of the erstwhile Buddhist kingdom, in the 1970s (26<sup>th</sup> April 1975 to be exact), is the most controversial addition to the Indian union after the State of Jammu and Kashmir. It was even termed as an 'annexation' by some of the anti colonists and anti imperialists. The 'country' became one of the States of India after a series of Agreements<sup>1</sup> and Statutes of which the 8th May Agreement in 1973 and the Government of Sikkim Act, 1974 stand distinct. And finally Article 371-F<sup>2</sup> of the Constitution of India marked and guaranteed the complete conversion of the erstwhile Government of India protectorate,<sup>3</sup> to an 'Associate State'<sup>4</sup> for a short period and finally as one of the full fledged states of Secular India.

The State of Sikkim, after its merger with the Indian Union, benefitted in a large way with the flow of developmental funds from India. Earlier the tiny kingdom's economy almost depended solely on agriculture, whereas acting as a bridge for trade between India and Tibet also complemented the state's coffer to a large extent. One of the most important factors that made Sikkim, a country having agriculture driven economy, (though its topography and suitable only for small scale terrace farming), was its small population.

After the merger, Sikkim received a lot of funds to boost the local economy. The beneficiaries were the traditional

---

<sup>1</sup> The genesis of the various treaties, relevant to the merger of Sikkim, to India can be traced to the *Treaty of Titalia, 1814* (British India), *Treaty of Tumlong of 1861* (British India) and *The India-Sikkim Treaty of 1950* after independence

<sup>2</sup> *The Constitution (thirty-eighth Amendment) Act, 1975*

<sup>3</sup> *The Treaty of Titalia, 1817* and later *The India-Sikkim Treaty, 1950*

<sup>4</sup> *The Constitution (thirty-fifth Amendment) Act, 1974*

agricultural sector, which were infused with the new accessible technology as provided by the Central government, but establishment of some industries small and medium industries also took place. It was an honest policy implementation of the centre for boosting the economy of the fledgling state but such efforts could neither germinate nor take proper root. Despite such sincere efforts the agriculture sector in Sikkim failed to get a boost because of the hilly topography of the state and the industrial; sector could not take off because the industries that initially came to Sikkim were not suitable for the state.

In the meanwhile however, almost silently another industry was taking shape in Sikkim due to its environmental; serenity – the tourism industry. Various tourism related infrastructures such as hotels, proper roads, beautification of tourist spots started taking shape and more importantly a profession took shape. Tourism in the state benefitted the residents of the neighbouring areas of Sikkim, especially Darjeeling – a popular hill station and the most favoured holiday destination of both domestic and foreign travellers. The period between the early eighties and the late nineties ( except 1986-90), the [period covering turbulent Gorkhaland agitation) was a golden period in the state of Sikkim – a lot of tour operators were operating from Gangtok in alliance with some locals entrepreneurs – but most people of Sikkim were nowhere in the p[icture as stakeholders.

The emergence of the twenty first century saw a lot of changes in the Sikkimese society. Almost after more than thirty-five (1975 -2010) years of being part of the Indian Union:

1. People are more educated than the earlier generation.
2. Employment, which was the only objective of the educated generation, has started to trickle – the government has been publically admitting that government service has reached saturation point.
3. Agriculture, earlier an important economic factor took the garb of subsistence farming. The exodus of the rural population into urban areas for a better materialistic life also left the fields being unattended

and uncared for further led to the dismal position of agriculture in contributing to the state's economy. Sikkim natively called 'Denzong' – a valley of rice, had to import rice from outside the State. The introduction of the practice of organic farming was too little too late. Here, it can safely be opined that agriculture could not make a positive dent in the state's economy.

4. The government in the field of industrialisation is making a vigorous effort in the past five years by framing a series of industrial policies every year or two. The main thrust of such policies was to attract investors to Sikkim with an eye to curb the unemployment in the State. The state has even gone to the extent of training and equipping its young educated populace through its capacity building programmes so that when the opportunity of employment erupts, the investors will not have to look outside the state.

All these efforts of the government are at an initial stage and the results have not yet emerged. Due to the location of the state, the disadvantage of roads and communications; marketing obstacles, etc, in industrialisation of the state cannot or atleast may not be able to achieve the objectives set up by the government, especially of providing employment to its citizens, a large section of which consists of educated and skilled youth.

Under the circumstances, the only viable option left for the generation of employment is the tourism industry. This industry has been identified even by the Central government. As the largest employment generator in the country with its diverse areas of activity. The more the tourism flourishes the more will be the growth in economy of the state.

### **SIKKIM – General**

Sikkim is a small mountainous State in the Eastern Himalayan region in India. It is one of the smallest and the least populous states in India and covers an area of 7,096 sq.

km, extending approximately 114 km from North to South and 64 km from East to West. The State is situated between  $88^{\circ} 00' 58''$  and  $88^{\circ} 55' 25''$  East longitudes and  $27^{\circ} 04'$  and  $28^{\circ} 07' 48''$  North latitudes. It is surrounded by vast stretches of Tibetan plateau in North; Chumbi Valley & Kingdom of Bhutan in the East; Darjeeling district of West Bengal in South and Kingdom of Nepal in West. With nine sub-divisions & eight towns the State has four districts namely East, West, North and South.

The State being a part of inner ranges of mountains of Himalayas has no open valley and no plains but varied elevations ranging from 300 to 8583m above mean sea level consisting of lower hills, middle and higher hills, alpine zones and snow bound land. The highest elevation of 8583 meters being the top of the mountain Khangchendzonga itself.

The Himalayas is our country's pride and is a symbol of value systems. They are in almost every way superlative. They are the highest mountain range on Earth with just about all of the highest mountains in them. They form one of the greatest physical and cultural barriers and they are stupendously beautiful, still relatively unspoilt and full of fascinating human and natural life. In many cases, the way of life has remained almost totally unchanged by the modern inventions and it is like going back hundreds or even thousands of years. They are today exposed to accelerating environmental and social changes; although change is inevitable and desirable when it improves the living conditions. A comprehensive study on the environmental and social changes in the entire Himalayas may be the need of time to identify and justify the methodology of change, which is consistent with preservation of Himalayan Values, Heritage, Natural resources, Spectacular natural beauty and distinctive culture/ tradition of the area

Sikkim has always been in the forefront of environmental movement, whether it is placing a ban on the use of plastic or banning commercial felling or launching people specific pro-environment programmes such as the State Green Mission. Policy and planning conceived at the right level and propagated

vigorously through the active participation of the people have resulted in providing for an enabling ambience for long term developmental investments in the state on a firm and strong footing. Smriti vans, herbal gardens, urban beautifications, avenue plantations etc. that the state has undertaken on a large scale are all means and measures to enrich further and enhance the natural beauty of Sikkim. We have a vibrant forest cover both in the valleys and in the hills to steadfastly anchor our environment, hold the mountain soil in place. Forest is major land use making as much as 46% of the land area. The last decade and half has seen a significant increase in green initiatives towards achieving the national goal of 66% coverage. In terms of area-wise coverage, we have a record forest land of over 83% including highland pastures and the peaks

Some of the other highlights of the State's environment thrust areas aimed at resurrecting the fragile eco-systems include constitution of Environment Commission 2005, inclusion of wetland in National Wetland Conservation Programme, transformation of Sikkim into a Total Organic State by 2015, adoption of low carbon economy, ban on grazing in the forest floor, ban on green felling, ban on the use of non-biodegradable materials like plastics, polybags, bio-medical and chemical waste. Other steps that deserve mention are the constitution of a high-level team for the study of the status of high altitude glaciers in the light of the prevailing global warming scenario.

The story of environmental movement in Sikkim is a decade and a half long. During these eventful years, the government has pioneered a host of policy interventions, administrative and legal initiatives that have enabled fostering a sustainable environment and which supports all kinds of developmental investments.

**CLIMATE AND TEMPERATURE:**<sup>5</sup> Climatically, Sikkim experiences variable temperature with summer in the foothills and freezing winter on the high mountains. The climate of the state has been

---

<sup>5</sup> Source: *The State of the Environment Report of Sikkim (2007)*, Department of Forests, Environment and Wildlife Management, Government of Sikkim.

divided roughly into the tropical, temperate and alpine zones. The general trend of decrease in temperature with increase in altitudes holds good everywhere. For most of the period in a year, the climate is cold and humid as rainfall occurs in each month. The area experiences a heavy rainfall due to its proximity to the Bay of Bengal. The state receives an average annual rainfall of 500 cm. which is the highest in the Eastern Himalayas. The high density of rainfall causes extensive soil erosion and frequent landslides. The pre-monsoon rain occurs in April-May and the monsoon occurs normally from the month of May and continues up to early October. The temperature varies with altitudes and slope. The maximum temperature is recorded usually during the month of July & August and minimum during December & January. During the period from May to September, fog becomes a common feature in this area. Also during winter, snowfall is common in high altitude places. The mean temperature in the lower altitudinal zones varies between 4.5 °C to 18.5 °C, whereas at higher altitudinal zones, it varies from 1.5 °C to 9.5 °C with biting cold experience at high altitude places in the winter months. The climate of the state has been roughly divided into the Tropical, Temperate and alpine zones. For most of the periods in a year, the climate is cold and humid as rainfall occurs in each month. The area experiences a heavy rainfall due to its proximity with the Bay of Bengal. The rainfall in North District is comparatively less than of the other districts.

RAINFALL:<sup>6</sup> An examination of available rainfall data shows that the mean annual rainfall is minimum at Thangu (82 mm.) and maximum at Gangtok (3494 mm.). An isohyetal analysis of these data reveals that there are two maximum rainfall areas (i) South-East quadrant, including Mangan, Singhik, Dikchu, Gangtok, Rongli etc. (ii) South - West corner including Hilley. In between these two regions, there is a low rainfall region e.g. Namchi. Rainfall in this area is about half of that in the former areas. There is an area in the North- West Sikkim which gets very little rainfall (even less than 4.9 mm.) This area is having

---

<sup>6</sup> *Ibid*

mainly snow-covered mountains. Rainfall is heavy and well distributed during the months from May to early October. July is the wettest month in most of the places. The intensity of rainfall during South -West monsoon season decreases from South to North, while the distribution of winter rainfall is in the opposite order. The highest annual rainfall for the individual station may exceed 5000 mm. and average number of rainy days (days with rain of 2.5 mm. or more) ranges from 100 at Thangu to 184 at Gangtok.

**DEMOGRAPHY:**<sup>7</sup> Sikkim is a multi-ethnic state and broadly the population can be divided into Tribal and Non-Tribal groups. The population of the State according to the State Socio-Economic Census (SSEC) 2006 is 5, 81,546 with 3, 02,852 males and 2, 78,694 females. As per the 2001 census of India, the total population of the state is 5, 40,851, net accretion of 40,695 in five years, whereas in 1991 it was 4, 06,457 only. The overall density of population in the state is 82 persons/ sq. km. East district is the most populated (population density 281 persons/ sq. km) and North district is least populated (population density only 9 persons/ sq.km). Sex ratio (Females per thousand Male) in 2001 was 875, whereas in 2006 is 920 There are only eight urban towns and urban population is 11.10 % of total population. Schedule caste and schedule Tribe population is 5.93% and 22.36% respectively. North district is a tribal district as it has about 55.38% tribal population. Literacy rate is 82 percent higher than the all India average literacy rate of 64.8 percent<sup>8</sup>

Per capita GSDP is Rs 23,786=00, Natural Growth rate is 16.90 per thousands, Per capita outlay on education is Rs.1288=00, Per capita forest cover is 0.61 ha and the Green Protection Index is .0903, highest in the country. In the year 2005-06, the per capita income is Rs. 26,851=00, literacy rate is 82 %, Number of colleges are 11, Number of Government schools are 782, number of religious organizations are 732,

---

<sup>7</sup> Source: *State Socio Economic Census 2006*, Department of Economics, Statistics, Monitoring and Evaluation (DESME), Government of Sikkim, p. 35.

<sup>8</sup> According to 2001 census, accessed and viewed at <http://www.sikkim.govt.in/> on Aug 3, 2010.

Forests cover 45.97%, Number of domestic tourists are 2, 51,744, number of foreign tourist are 16,523, Power production is 165 MU, People below poverty line are 19.20 % and the Annual State revenue is Rs. 228.31 Crores.<sup>9</sup>

**ECONOMIC PROFILE:**<sup>10</sup> The economy of Sikkim is mainly based on Agricultural and Animal Husbandry. Approx. 11percent of the total geographical Area is under Agriculture. Agriculture is of the mixed type and still at the subsistence level rather than commercial level. The work force participation rate as per 2006 census is 36.32 percent. The female participation rate in Sikkim is also much higher than the national average. Cultivators account for the greater majority of the people in the state. Their percentage is 32.60 percent of the total working population and the corresponding to 11.84 percent of the total population of the State. Agricultural labourers as a whole constitute only 18.24 percent of the total workers in the state. Non-agriculture sector comprise of 18.08 percent of the total workforce. Households and other industries are negligible, but other workers (Tertiary Sector) at the State level represent a good percentage of population. The decreasing ratio of other worker at the state level indicates the low level of economic diversification. The importance of Agriculture can be judged by the high percentage of population 65 percent (approx.) engaged in it. Animal husbandry is an integral part of the house hold economy of the region. There are certain house hold industries also which substantially adds to house hold incomes. The past one and half decade has witnessed a tremendous upward swing in various developmental programmes giving a new thrust to Sikkim's economy. This process has increased wage employment opportunities. Though most of the inhabitants are basically agricultural, they have diversified into tertiary jobs such as government services. Tourism is one of the important service sector business activities in the state. About 2 lakh tourists visit this tiny Himalayan state. Harnessing the hydro electric power is yet another important industrial activity undergoing in the state.

---

<sup>9</sup> *Supra* note 7 at p.40 (SSEC 2006).

<sup>10</sup> *Ibid* at p.180

## Historical Background of the Kingdom of Sikkim

The legendary account of the founding of the Sikkim<sup>11</sup> Raj connects the establishment of settled government in that country with the great ritualistic schism in the Tibetan Church. Traditions tells how three monks of the Dukpa or the red-hat sect, flying from the persecution by the reforming party in Tibet, set on foot, met after many wanderings in the village of Rajas of Sikkim. Pencho Namgay<sup>12</sup> (Phuntsog Namgyal), an influential Tibetan then residing at Guntuk, and an alliance was formed, having for its object the conversion of the Lepcha to Buddhism, and the installation of Pencho Namgay as the Raja of the whole country

The civilisation of Sikkim, it is said, began from a village called Yuk-sam,<sup>13</sup> situated at its extreme north-western part. It is the last inhabited place towards Kanchenjunga, which lies to the north of this picturesque level tract of land. Beyond Yuk-sam is a dense forest choked with scrubs and heavy under growths where sunshine cannot penetrate.<sup>14</sup>

Probably, towards the end of the seventeenth century, a Buddhist monk named Lhasen Chembo travelled from Tibet to Yuk-sam where he was met by other two lamas who hailed from the south and the west. At that time the country was in the wilderness of dense forest and peopled by the primitive Lepcha folks. These lamas introduced for the first time Buddhism into Sikkim.

The name of the first would-be king of Sikkim was predicted to be 'Pun-tsok'. So messengers were deputed to all parts of the surrounding country in order to search out a man of that blessed name. Pun-tsok was at last found and after being

---

<sup>11</sup> Sikkim is quoted as 'Sikhim' or new house by H.H. Risley in his introduction in *The Gazetteer of Sikkim (Reprint)*, Low Priced Publication (2001), p. ii.

<sup>12</sup> The Later writers of the history of Sikkim have used the name, Phuntsog Namgyal, the first Bhutia ruler of Sikkim.

<sup>13</sup> *Yuk-sam* is a Lepcha word meaning 'three monks' or explicitly 'the meeting place of three lamas (monks).

<sup>14</sup> K.C.Bhanja, *History of Darjeeling and the Sikkim Himalaya*, Gyan Publishing House, 1993, p. 117.

anointed with holy water was crowned the king of Sikkim. Being seated on a rough huge stone his coronation took place amid the Lepcha folk of Dubdi and the Pamionchi<sup>15</sup> region. According to Hooker<sup>16</sup> the entrance of the three lamas into Sikkim was 'the means of introducing the first Tibetan sovereign into the country'.

The temple of Yuk-sam is situated in a lofty hill at an elevation of nearly 1000 feet above the village of Yuk-sam and is called the Dubdi Monastery. It was built in 1701 A.D. and has the reputation of being the oldest monastery of Sikkim which has been discounted by the existence of Sangachelling monastery in 1697 A.D., three days march from Yuk-sam in those days. Another view which rejects the establishment of the Dubdi monastery in 1701 A.D. is of some authorities who were in direct touch with the literatures of Sikkim and Tibet. They hold that view since the famous Pamionchi monastery of Sikkim was built in 1450 Dubdi monastery must have been built before that since the King who first held the sceptre of Sikkim was enthroned a little earlier than the establishment of this oldest sanctuary. The latter view seems to be more authentic as would be evident from the following early developments.

The red-mitred lamas of Tibet suffered persecution on the hands of the dissenters, the yellow-capped monks, who were the followers of the great saint, Tsong-kha-pa. The persecution was evidently set on foot soon after, if not earlier, the Galden monastery hidden in a circle of mountains twenty miles away from Lhasa had been founded by him in 1409 A.D. Undoubtedly the three lamas in question hailed from Tibet being persecuted by the reforming party. This must be taking place in around the beginning of fifteenth century the era of Tsong-kha-pa.

The lamas of Pamionchi monastery once compiled the history of Sikkim and preserved the same in the temple. In 1787

---

<sup>15</sup> Present day 'Pemayangtse' and the famous Pemayangtse monastery.

<sup>16</sup> *Joseph Dalton Hooker*, a British botanist who travelled to Sikkim Himalaya on a government sponsored mission. He published his valued work, *The Himalayan Journals*, in 1854 which included an account of his expeditions to Bengal, the Sikkim and the Nepal Himalayas among other regions of the Himalayas. The publication is a storehouse of information and classical work on the subject.

when Pamionchi was the capital of the kingdom of Sikkim, the Nepalese waged war against the Sikkimese and plundered all the monasteries to the west of the River Teesta. It was at this time that the valuable history was destroyed by the Gorkhas with the exception of a few sheets with one of which Dr. Hooker and Dr. Campbell were presented, when they visited the Pamionchi monastery in 1448. Here Dr. Hooker writes:

"This remarkable and beautiful manuscript was written on thick oblong sheets of Tibetan paper, painted black to resist decay, and the letters were yellow and gold. The Nepalese soldiers wantonly employed the sheets to roof the sheds as a protection from the weather."<sup>17</sup>

#### THE NAMGYAL DYNASTY

The Tibetans knew Sikkim as *Denzong*, the 'valley of rice' and India, as the 'dark green bamboo country'. Due to the availability of flat land, Chumbi valley, east of Sikkim in Tibet, was the obvious of the natural choice of the pastoral and marginal tribes of Tibet since the fourteenth century.<sup>18</sup>

In around 1425, Khye Bhumsa, a wandering Bhutia patriarch of Tibet came to settle down in the Chumbi Valley, Kham (Tibet). He was childless and on being advised to seek the blessings of Tho-kong Tek, a Rong (Lepcha) elder. In pursuance to the advice, Khye Bhumsa crossed to the Rong territory (the present State of Sikkim), where he not only secured the latter's blessing for three sons but also the prophecy that his descendants would become the rulers of Sikkim while the Rongs, Tho-kong Tek's community, would become their subjects and servitors.<sup>19</sup> It is also claimed that an animistic blood swearing ceremony was conducted in which both the Bhutia patriarch and the Rong Chief sat together on raw hides of slain animals and put their feet in a vessel filled with blood as a mark of their abiding friendship.<sup>20</sup>

---

<sup>17</sup> *Ibid*

<sup>18</sup> A.C.Sinha, *Sikkim: Feudal and Democratic*, Indus Publishing Company (2008), p. 46.

<sup>19</sup> L.B.Basnet, *Sikkim: A Short Political History*, S.Chand and Company (1974), p. 13

<sup>20</sup> T. Namgyal and Y. Dolma, *History of Sikkim*, Manuscript (1908).

The three lamas who had earlier come to Sikkim persuaded Phuntsog Namgyal, a descendant of Khye Bhumsa, to rule the country religiously in 1642. The recognition from the Dalai Lama was also sought for the same. The recognition was granted ceremoniously<sup>21</sup> to Phuntsog Namgyal by the Dalai Lama there upon Phuntsog Namgyal was accepted as the ruler of the southern slopes of the Himalayas (Sikkim) by Tibet. Thus, Phuntsog Namgyal, a descendant of Khye Bhumsa (a Bhutia Patriarch of Tibet and residing on the flatlands of Chumbi Valley) and born in 1604 was consecrated to the throne of Sikkim with the title of the Chogyal (the Sanskrit equivalent to Dharmaraja) bestowed upon him in the year 1642.<sup>22</sup> The newly established Bhutia Principality of the Namgyal Dynasty was tied to the Tibetan Theocracy. Since that period and upto the nineteenth century, the Bhutia rulers of Sikkim looked up to Tibet for protection against political foes.<sup>23</sup>

Phuntsog Namgyal's greatest problem, after being enthroned, was to establish a viable administrative structure. He was clever enough to realise that the entire land was in the possession of the Lepchas. Thus, to win their hearts and with an aim to be accepted by them, he refrained from causing any conflict in their existing social order or disturbing the prevalent system of land relations. In addition to that, he divided the country into twelve Dzongs (Districts or administrative blocks) keeping in mind the twelve important Lepcha Chiefs and appointed them as the Dzongpens (Governors or Administrators).

There were tribes other than the Lepchas and one of them, the Kirats were a formidable force. Phuntsog Namgyal, with a view to win over them, invited all the Tribal Chieftains to a meeting. In the meeting, Phuntsog Namgyal proclaimed that the Bhutias, the Lepchas and the Limboos (one of the sub-tribes of

---

<sup>21</sup> The *Dalai Lama* was the then king and spiritual leader of the Kingdom of Tibet. He is credited to have sent ceremonial presents such as the Silken Scarf bearing the Dalai lama's seal, the Mitre (religious hat) of *Guru Rimpoche* (the patron Saint and the Guardian deity of Sikkim), the devil's dagger (*Phurpu*) and the most precious sand image of the Guru.

<sup>22</sup> H.G.Joshi, *Sikkim Past and Present* (1<sup>st</sup> edn.), Mittal Publications (New Delhi), 2004, p. 79.

<sup>23</sup> *Supra* Note 18 (A.C.Sinha, *Sikkim: Feudal and Democratic*), at p.47.

the Kirats) as members of the same family. To further strengthen that relation, he formed a council and named it, *Lhomentsongsum*.<sup>24</sup>

The Buddhist Lamas helped Phuntsog Namgyal in founding a new dynasty of rulers, namely, the Namgyal dynasty, with a view to establish the 'Rule of law' in the Sikkim. To carry forward that objective, the Lamas also helped the King to establish a centralised authority. Later, the King appointed twelve Bhutia warriors as his Kalong (councillors) and this was done with an aim to counteract the possible intrigues and dominance of the Lepcha Dzongpens. These councillors were actually his companions and confidants and it was upon them he would confide and seek advice at the hour of crises.<sup>25</sup>

The following is the names of the rulers of the Namgyal dynasty in a chronological order since the establishment of the dynastic rule in 1642:<sup>26</sup>

1. 1642 A.D. – Chogyal Phuntsog Namgyal, the first Chogyal of Sikkim. He established his capital in Yuksam in West Sikkim.
2. 1670 A.D. – Tensung Namgyal succeeded Phuntsog Namgyal and he further shifted his capital to Rabdenste from Yuksam, again in West Sikkim.
3. 1700 A.D. - Chakdor Namgyal was the third Chogyal. He had to flee from Sikkim when, Pendi Ongmu, his half-sister dethrone him. He was later reinstated as king with the help of the Tibetans.
4. 1717 A.D. – Gyurmed Namgyal. The first Nepalese attack took place in his reign.

---

<sup>24</sup> I.S.Chenjong, *History and Culture of the Kirat People Part I (2<sup>nd</sup> edn.)*, Pushpa Ratna Sagar (Kathmandu), 1967, pp: 41-42.

<sup>25</sup> A.C. Sinha, *Frontier, Feudalism and State Formation* in Surajit Sinha (ed.) , *Sikkim in Tribal Politics and State Systems in Pre-Colonial eastern and North Eastern India*, K.P.Bagchi and Sons (Calcutta), 1987, p. 357.

<sup>26</sup> N.G.Dorji (ed.), *Sikkim: A to Z, 2009-10*, Gushing Torrent International (P) Ltd.(Gangtok, Sikkim), 2010, pp. 79-80

5. 1733 A.D. – Phuntsok Namgyal. The Nepalese army directed their attack against Rabdenste, his capital then.
6. 1780 A.D. – Tenzing Namgyal fled to Tibet due to some political turmoil and external attacks and died there.
7. 1793 A.D. – Tshugpu Namgyal was the longest ruler of the Namgyal dynasty. He ruled for seventy years. It was during his reign when the capital was again shifted From Rabdenste to Tumlong which is located on the way to North Sikkim. This Chogyal was the signatory to the Treaty of Titalia on behalf of the Sikkim Government in 1817. Darjeeling was gifted to the British in the year 1835 and later annexed to British India.
8. 1863 A.D. – Sidkeong Namgyal was the eighth Chogyal of the Namgyal dynasty.
9. 1874 A.D. – Thutob Namgyal succeeded Sidkeong Namgyal and became the ninth Chogyal. It was during his reign that Claude White was appointed as the first Political officer of Sikkim in 1889. He shifted the capital of the Sikkim kingdom from Tumlong to Gangtok in 1894.
10. 1914 A.D. – Sidkeong Tulku Namgyal ruled for the shortest period of time among the rulers of the Namgyal dynasty. He died unmarried on December 5, 1914. He was succeeded by his younger brother, Tashi Namgyal.
11. 1914 A.D. - Tashi Namgyal ascended the throne on the untimely death of his brother and ruler the kingdom till his death on December 2, 1963. The Indo-Sikkim Treaty 1950 was during his reign. He was succeeded by his second son Palden Thondup Namgyal.
12. 1963 A.D. - Palden Thondup Namgyal ascended the throne due to his elder brother's early death in an air crash while serving the Royal Indian Air Force in the

Second World War. Several political developments took place during his reign and the kingdom of Sikkim which was earlier the protectorate of the Government of India became an 'Associate State' in 1974 and finally the twenty-second State of the Indian Union on May 16, 1975. Thus, ending the institution of the Chogyals came to an end.

In all, twelve Rulers of the Namgyal dynasty governed Sikkim from the year 1642 to 1975, a period of three hundred and thirty three years, with an average of twenty seven years and six months each. The longest reign among the Chogyals was of Tshugpu Namgyal (70 years), the seventh Chogyal and the shortest recorded was of Sidkeong Tulku Namgyal, the tenth ruler who was on the throne for a few months. Four of the rulers – Chakdor, Gyurmed, Sidkeong and Palden Thondup – rules for fifty-five years between them, with an average of fourteen years and three months each. Phuntsok Namgyal (5<sup>th</sup>), Thutob Namgyal (9<sup>th</sup>) and Tashi Namgyal (11<sup>th</sup>) were on the throne for forty years each. Some of them led a tragic exiled life in Tibet or in monasteries while others spent their life in iconography and religious paintings. Their courts were rife with factionalism, conspiracy and instability. There was no permanent capital for some time and the economy was under a barter system, there emerged no proper township till the end of the nineteenth century.<sup>27</sup>

The Bhutia rulers, theoretically, under the tutelage of the Dalai Lamas of Tibet; and politically and socially aligned with the Tibetan aristocracy, occupied a unique position between India and Tibet. And with a view on the political and economical implications, the British who were ruling India at that time, decided to court Sikkim's favour.<sup>28</sup>

**BRITISH INVOLVEMENT IN SIKKIM:** British relations with Sikkim commenced in 1814-1815 when the East India Company, which had brought great parts of India under its control, was involved

---

<sup>27</sup> *Supra* Note 18 (A.C.Sinha, *Sikkim: Feudal and Democratic*), at p. 50.

<sup>28</sup> *Ibid* at p. 52.

in a war with Nepal. The opening of relations with Sikkim became a political and military necessity. The alliance with Sikkim seemed to promise to the Company three advantages, namely:

- (1) To facilitate communications with China via Tibet;
- (2) To prevent Nepalese-Bhutanese intrigues against the Company and
- (3) To level an attack on the Gurkha flanks.

In view of these advantages, the Company induced the Sikkim Raja to bring a large number of troops against Nepal and promised him help to recover his territories lost to Nepal earlier (1780).<sup>29</sup>

The Nepal war came to an end in 1815 when the Company and Nepal signed the treaty of Segauli. Lord Moira, the then Governor general of India agreed to hand over the territory between the Rivers Mechi and Teesta, being part of the territory wrested from Nepal, to Sikkim on certain conditions. This said territories were being restored to Sikkim with a view to establish the Company's relations with Sikkim and also to check the Gurkha expansion towards the east. The Raja of Sikkim agreed to the conditions and signed a treaty with the Company at Titalia, on 10<sup>th</sup> February, 1817, the Treaty of Titalia.

The Treaty of Titalia marked the beginning of the end of Sikkim's independence. Under Article three of the Treaty, Sikkim lost its right of independent action in its disputes with Nepal and the neighbouring States. Further, it began to lose its territory bit by bit. The first was the cession of Darjeeling (In 1835, the Sikkim raja was forced to gift Darjeeling). By this cessation, though the Company gained a bit of territory, it lost the goodwill of Sikkim. Consequently, the relations between the Company and Sikkim worsened. In 1849, the Company, taking advantage of an arrest of a Company servant by the name of Campbell (he was trying to cross over to Tibet), launched a military

---

<sup>29</sup> P.Raghunadha Rao, *Sikkim: The Story of its Integration with India*, Cosmo Publications (1978), p. 4.

expedition. The expedition resulted in a gain of additional territory, 640 miles approximately, but the Company did not annex the whole of Sikkim because of the expediency of maintaining the kingdom as a separate entity. Sikkim's existence as a country was kept because of its strategic location between Nepal, Bhutan, Tibet and British Dominion in India. But, interestingly enough, the non-annexation of whole of Sikkim did not result in increase of British influence there. The increase of the Tibetan influence in Sikkim,<sup>30</sup> a consequence of the acrimonious relations between the British and the Sikkim Raja, British India was forced to take another military expedition into Sikkim to re-establish its position.

Towards the end of 1860 a military expedition was sent by the Government of India to assert its position which was an unqualified success. The expedition completely reduced the power of the Maharaja<sup>31</sup> and as such he submitted to the mercy of the British. Even then the Indian Government under the British did not annex Sikkim due to various considerations, namely, political, economic and military.<sup>32</sup>

The Treaty of 1861, namely, the Treaty of Tumlong, 1961<sup>33</sup> after the second military expedition to Sikkim was very significant. It brought Sikkim under the control of British India; Sikkim lost all its freedom of action and became a *de facto* protectorate of the Government of India and as such the British gained substantial advantages without having the need to annex

---

<sup>30</sup> The Company had granted the Raja of Sikkim a yearly grant of Rs. 6,000 after the cession of Darjeeling. The Tibetan government granted an allowance to the Raja when the Company stopped his Darjeeling grant after the souring of relations between the two. But Tibet did not actually intervene on behalf of Sikkim during the crisis.

<sup>31</sup> In 1861, the British enhanced the status of the Raja of Sikkim to that of a *Maharaja*.

<sup>32</sup> The government of India was aware that the annexation of Sikkim would result in a long, tedious and expensive war with other Himalayan States like Bhutan and Nepal. There was likelihood that they would make common cause with Sikkim due to their dread of the "proverbial acquisitiveness" of the British. Secondly, the Government of India was afraid that by annexing Sikkim outright would make it enemies with Tibet and China because there was a close connection between these States. Thirdly trade considerations weighed heavily on the decision of non-annexation of Sikkim. Sikkim was the passage to Tibet and China and the annexation would not provide for a peaceful situation in the area and thus would not bear well for the economic ambitions of the British and lastly, the revolt of 1857 were still fresh in the mind of the Government of India and as such annexation of Sikkim may have adverse political repercussions elsewhere in India.

<sup>33</sup> The treaty was signed in Tumlong, the third capital of Sikkim and is located on the North Sikkim Highway, approximately 25kms from Gangtok.

Sikkim. But there were some confusion in the treaty in regard to the *de jure* status of Sikkim. This was manifested by the difficulties it brought in ther next few decades.

In 1886, the Tibetans encroached upon a part of the territory of Sikkim under the *de facto* protectorate of Government of India. This misadventure of the Tibetans was supported by the then maharaja of Sikkim, Thutob Namgyal (1874-1914). The British freed the encroached area of Lingtu in 1888 and further put the Maharaja and his family on house arrest after they were brought to Kalimpong from Chumbi.<sup>34</sup> The government of India appointed a Political Officer and entrusted him to the Administration of Sikkim. The defeat of the Tibetans also resulted in another development in the region. The Chinese, alarmed by the Tibetan defeat, were convinced that if they failed to come to terms with the British, they might lose their influence in Tibet.

In 1890, the Anglo-Chinese Convention was signed. Article two of the Convention categorically admitted Sikkim as a protectorate of the Government of India.<sup>35</sup> H.M. Durand, Secretary to the Government of India, emphasised this point in an official note (May 21, 1889):

"Sikkim is part of the Indian Empire..... It can have no dealings with foreign powers to whose eyes India should be all red from Himalayas to Cape Comerin."<sup>36</sup>

The Convention of 1890, by settling, once and for all, the status of Sikkim as the protectorate of the Government of India, had removed the main weakness (the non-definition of *de jure* status of Sikkim) of the Treaty of 1861. With a decade after the signing of the Anglo-Chinese Convention of 1890, the Government of India had consolidated its authority in Sikkim to such an extent that it was able to meddle with impunity in important affairs concerning the royal family. One of the many

---

<sup>34</sup> One of the privileges granted to the Maharaja under the Treaty of 1861 was to stay in Chumbi, an area in North Sikkim presently in Tibet (China), for three months in a year according to Article 22 of the treaty.

<sup>35</sup> *Supra* Note 29, (P.Raghunada Rao, *Sikkim: The Story of its Integration with India*), P. 7.

<sup>36</sup> *Foreign Department Proceedings*, "Secret E Branch", June 1889, pp. 101-111 (K.W.1).

instances, the recognition of the Maharaja's second son, Sidkeong Namgyal, as successor-designate to the Sikkim kingdom, ignoring the claims of the eldest son, Tchoda Namgyal, was intended to demonstrate that no man suspected of anti-British proclivities could rule Sikkim and the succession was in gift of the paramount power. The silent acquiescence of the Royal family and the people in the decisions of the Government of India indicated the nature and extent of British authority in Sikkim.<sup>37</sup>

In 1903, the Government of India exploited the disputes concerning Sikkim-Tibet boundaries to open Tibet the consequence of which was the successful expedition of Colonel Younghusband of the British army. The said expedition forced Tibet to sign the Lhasa Convention on 1904: The signing of the Convention of 1904 solved all difficulties the British had regarding the status of Sikkim and its boundary with Tibet. The Convention not only make Tibet recognise Sikkim as the protectorate of the Government of India but also confirmed the Sikkim-Tibet boundary as laid down in the Anglo-Chinese Convention of 1890. China also confirmed the Lhasa Convention by signing the Peking Convention with Britain in 1906 and the influences of these two conventions were far reaching. In the first place, the de jure status of Sikkim as the protectorate of Government of India had international sanction. It no longer had the troubles with either the maharaja of Sikkim or the outside powers of Tibet and China, for the remaining part of its rule in Sikkim. Its power of influence over Sikkim, slightly mentioned earlier, was reflected in the smooth succession to the throne of The Maharaja of Sikkim, Thutob Namgyal on his demise on February 11, 1914. His son, Sidkeong Namgyal, who was already recognised as the successor by the Government of India, became the maharaja, ignoring the rightful claims of his elder brother, Tchoda Namgyal. He was succeeded by his younger brother, Tashi Namgyal after his early death in December 5, 1914.

---

<sup>37</sup> *Supra* Note 29 (P.Raghunada Rao, *Sikkim: The Story of its Integration with India*), P 8.

Tashi Namgyal ruled Sikkim till his death on December 2, 1963. With his accession to the throne of Sikkim, the British relations with the kingdom of Sikkim entered into a happy period. The maharaja remained a loyal friend of the British till 1947, the end of their rule in India. The government of India was so much pleased and satisfied with his loyalty that it confirmed on him with many honours and distinctions. The kingdom was peaceful till 1946 but after 1947 it was rocked with several political agitations.

**POST-INDIAN INDEPENDENCE (WINDS OF CHANGE):** The end of the British Raj in India brought a number of political upheavals in the kingdom of Sikkim. First and foremost, the Indian independence gave a fillip to the democratic movement in Sikkim. A number of organisations were formed in different parts of the kingdom in the latter half of 1964. These organisations were mostly in the form of welfare associations without any concrete policy, programme of ideology. On December 7, 1947, the representatives of the people and from most of these organisations met for the first time in Gangtok and their united deliberations gave birth to the Sikkim State Congress, incidentally, the first political party of Sikkim. The leaders of the Party led a deputation to Sir Tashi Namgyal, the Maharaja of Sikkim and presented a memorandum demanding:

1. The abolition of Landlordism;
2. The formation of the interim Government as an essential precursor of the responsible government to come;
3. The accession of Sikkim to India.<sup>38</sup>

In the meanwhile, the maharaja, to counteract the growing influence of the state congress, encouraged the formation of the loyalist party, namely, the Sikkim National party which was composed mainly of the minority communities of the Lepchas and Bhutias. The National party opposed the demand of the State Congress for the popular government on the ground that

---

<sup>38</sup> Sikkim State Congress' petition to the Maharaja of Sikkim, Gangtok dated December 1947, published by *Mankind*, (New Delhi), February 1960.

the formation of a democratic government would be a farce. To carry out its agenda the Party started to emphasise the communal and racial differences of the State population. It also opposed the other demand of the State Congress – the kingdom's accession to India. On April 30, 1948, it passed a resolution stating that "Sikkim shall not under any circumstances accede to the dominion of India". Further, it demanded a revision of "Sikkim's political relations with the Indian Union on the basis of equality" and declared Sikkim was closer to Tibet than India in many ways. The grounds to justify the same were as follows:<sup>39</sup>

- (a) Historically, socially, culturally and linguistically, Sikkim has closer affinity with Bhutan and Tibet;
- (b) From the geographical and ethnic point of view Sikkim is not a part of India. She has only political relations with the latter which were imposed upon her and
- (c) From the religious point of view, being a Lamaist, Sikkim is quite distinct from India.

The resolution was clear in declaring that the policy of the national Party was "by all means to maintain intact the indigenous character of Sikkim and to preserve its integrity". It also resolved to make all out effort to achieve the same and finally the resolution was concluded with the following warning to India:

"From India's point of view, a happy Sikkim as a buffer State would be of great advantage than an unhappy Sikkim in India on one of her future international boundaries of great importance, which would be a disadvantage, indeed a danger to India."<sup>40</sup>

In 1948, a delegation led by some of the leaders of the Sikkim State Congress party went to Delhi met the then Prime Minister, Shri Jawaharlal Nehru and the Deputy Foreign Minister, Shri B.V.Keskar apprising of the political situation in Sikkim

---

<sup>39</sup> *Supra* Note 29 (P. Raghunadha Rao, *Sikkim: The Story of its Integration with India*), p. 11.

<sup>40</sup> The Resolution has been published by *Mankind*, New Delhi (1960).

requested representation in the Indian Parliament<sup>41</sup> and for that matter even proposed Sikkim's accession to India. Shri Nehru pointing out some constitutional difficulties in accepting the proposal advised the Sikkim Congress leaders, through the Indian Government, to keep the demand for accession with India in abeyance in 1950.

After coming back from Delhi the leaders of the party organised democratic agitations with an aim to establish responsible government in the State and demanded the formation of the popular ministry. To substantiate and achieve the said demand the Congress party launched a Second Satyagraha on May 1, 1949. The people of the kingdom were very much under the sway of the Party in all this. Two companies of Indian army were sent on the request of the Sikkim Government which had apprehended trouble from the local population.

The Maharaja, after realising the gravity of the situation and on the request of the Political Officer of India, asked Tashi Tsering, the president of the Sikkim State Congress Party to form his own ministry. Thus the first popular Ministry was formed in Sikkim on May 9, 1949 under the Chief Ministership of Shri Tashi Tsering. The said ministry remained in office for less than one month. There was no definite power structure in the administration of the ministry vis-a-vis the maharaja. Each one of them was blaming the other for encroaching their respective jurisdictions. This acrimonious situation was further compounded by the dilemma of the Indian government's reservations in acceding Sikkim in the Indian Union. The Maharaja exploiting the current situation dismissed the popular ministry. Thus the end of the popular ministry came on June 7, 1949.

The end of British rule in India automatically marked the end of the era of British paramountcy. After the lapse of the British paramountcy, a standstill agreement was signed between the Governments of India and Sikkim on February 27, 1948,

---

<sup>41</sup> The delegation stated: "It would be undemocratic not to send the Sikkim people's representative in Indian Parliament which controlled and guided the external affairs of the kingdom".

whereby "all agreements, relations and administrative arrangements as to the matter of common concern existing between the crown and the Sikkim State on August 14, 1947 were deemed to continue between the dominion of India and the Sikkim Darbar pending the conclusion of a new agreement or treaty". Subsequently, the two governments resolved, in order to strengthen the good relations already existing between them, to enter into a new treaty with each other. Thus, the India-Sikkim peace Treaty of 1950 was born out of such development and it was signed on December 5, 1950.<sup>42</sup>

The Treaty consisted of thirteen Articles. The treaty repealed all previous treaties between the British Government and Sikkim which were in force in respect of relations between The Indian and Sikkimese governments.<sup>43</sup> Some of the provisions of the Treaty which are notable in strengthening the position of the Indian government on Sikkim as a protectorate were Articles two, three, four, ten, eleven and twelve.

Article two of the said treaty stated that Sikkim continued to be the protectorate of India and, subject to the provisions of the treaty, shall enjoy autonomy in regard to its internal affairs.

Article three was divided into three paragraphs:

- (1) The Government of India will be responsible for the defence and territorial integrity of Sikkim. It shall have the right to take such measures as it considers necessary for the defence of Sikkim or security of India, whether preparatory or otherwise, and within or outside Sikkim. In particular, the government of India shall have to station troops wherever within Sikkim.
- (2) The measures referred to in paragraph (1) will as far as possible be taken by the Government in consultation with the Government of Sikkim.
- (3) the Government of Sikkim shall not import any arms, ammunition, military stores or other warlike materials

---

<sup>42</sup> *Supra* Note 29, p. 14.

<sup>43</sup> *Article 1* of the India-Sikkim Peace Treaty of 1950.

of any description for any purpose whatsoever without the previous consent of the Government of India.

Article four dealt with the arrangement of foreign affair matters and was separated into two paragraphs:

- (1) The external relations of Sikkim, whether political, economic or financial shall be conducted and regulated solely by the Government of India; and the Government of Sikkim shall have no dealings with any foreign power.
- (2) Subjects of Sikkim travelling to foreign countries shall be treated as Indian protected persons for the purpose of passports, and shall receive from Indian representatives abroad the same protection and facilities as Indian nationals.

Article ten of the Treaty was devoted to the financial aid for developments and other needs. According to the said Article:

“The Government of India, having in mind the friendly an already existing between India and Sikkim and now further strengthened by this treaty, and being desirous of assisting in development and good administration of Sikkim, agrees to pay the Government of Sikkim a sum of Rs. 3, 00,000 (Three lakhs only) every year so long as the terms of this treaty are duly observed by the Government of Sikkim.”

The first payment under this Article was made before the end of the year 1950 and subsequent payments were to be made in the month of August every year.

Under Article eleven of the 1950 Treaty the Government of India was to have the right to appoint a representative to reside in Sikkim; and the Government of Sikkim shall provide him and his staff with all reasonable facilities in regard to their official and residential accommodation and generally in regard to their carrying out their duties in Sikkim.

And by Article twelve of the aforementioned Peace Treaty, any dispute arising in the interpretation of the provisions of the

said Treaty which could not be resolved by mutual consultation was to be referred to the Chief Justice of India whose decision there would be final.

The Treaty came into force as soon as it was signed without any process of ratification.<sup>44</sup>

After the dismissal of the popular Ministry, the Sikkim State Congress intensified its agitation for popular reforms. In 1953, the Maharaja created a legislative body called the Sikkim State Council. It was given the power to enact, with the assent of the ruler, laws for peace, order and good governance of the State. But the power to appoint the principal Administrative Officer, who was also the ex officio president of the State Council, was reserved by the maharaja. The said Legislative Council consisted of twenty members fourteen elected and six nominated. Out of the fourteen elected seats, six were reserved for the Nepalis; six for the Bhutias and Lepchas, one for the Sangha (Monks) and one was a general seat. Later the number was increased to twenty four with eighteen elected members and six nominated by the ruler. Out of the eighteen elected members seven were reserved for the Nepalis, seven for the Bhutias and Lepchas and one seat each for the Sangha, Chong (Subba/Limboo), Scheduled castes and one was general.

The first Election to the Sikkim State Council was held in 1953 without the framework of proper election laws. The elections appeared to be held on the basis parity but there was a feeling of injustice among the majority Nepali population. The distribution of seats were not fair and equitable and that was evident from the fact that the Nepalis, who constituted about 70 percent of the population were allotted only six seats whereas the Bhutias and Lepchas with a 25 percent population had six seats, too. Again the electoral system was complicated. The six Nepali seats were to be filled on the basis of general election whereas the Bhutia-Lepchas candidates had to face a primary election and after being elected in the primary by the votes of their own community they stood qualified to face the general

---

<sup>44</sup> *Article XIII of the India-Sikkim Peace Treaty, 1950.*

electorate which included the votes of the Nepalis, Bhutias and Lepchas for the confirmation.

The matter was further complicated by the existence of what were known as 'the private estates of the Darbar' and the 'Monastery Estates' which were very much under the influence of the Darbar (the Government).<sup>45</sup>

According to the Maharaja's proclamation, the system of calculating the votes was as follows:<sup>46</sup>

"The Candidate securing the highest number of votes of community which he represents will ordinarily be required to have secured atleast 15 percent of the total votes of the other community for which seats have been reserved to entitle him to be returned. If, however, he fails to secure 15 percent of the votes of the other community, the candidate securing the second highest votes from his community together with 15 percent of the votes of other community will be eligible to returned, provided the difference between the number of votes of his community secured by him and the candidates with the highest votes does not exceed 15 percent of the votes secured by the latter. If the difference was in excess of 15 percent then the latter would be regarded as returned, notwithstanding that he shall not have secured 15 percent of the votes of the other community".

The obvious reaction of the Parties, with the exception of the National party, was condemnation of the said electoral system and as such demanded a "one man one vote" system which was prevalent in India. The Second general Election was held in a similar manner and the confusion in the election system led to turmoil and disqualification of some leaders cum elected representatives. The disqualifications were termed by the Parties as unjustified and this discrimination against the Parties, especially the State Congress Part, prompted the political parties to stand united against the Maharaja, the ruler. This gave birth to the Joint Convention of the Sikkim State

---

<sup>45</sup> Narendra Goyal, *Prelude to India*, New Delhi (1962), p. 144.

<sup>46</sup> *Asian Recorder*, New Delhi (1961), p. 4033.

Congress, Sikkim national Party, the Swatantra Dal and the Scheduled Castes League on September 23, 1959. After two Joint Conventions<sup>47</sup> and their candidates were victorious in the bye-elections which was the result of the earlier disqualifications of some elected representatives.

An important development in the political history of Sikkim after the First General Election was a serious split that took place in the ranks of both the Sikkim State Congress and the National Party. The dissidents of these two Parties joined hands with two other parties, the Praja Sammelan and the Swatantra Dal. The leaders of these four parties, namely, Shri C.D.Rai (People's Group, a dissident of the State Congress Party), Sonam Tsering (dissident of the national Party), D.P.Tiwari (Praja Sammelan) and Kazi Lendup Dorji (Swatantra party) called another Joint Convention on May 19, 1960 at Singtam to take stock of the political situation that was unfolding in Sikkim. After two days of deliberations they decided to merge the four parties with the nomenclature of Sikkim National Congress under the Presidentship of Kazi Lendup Dorji (L.D.Kazi), who was elected unanimously.

On December 2, 1963 Maharaja Tashi Namgyal, who ruled Sikkim from December 5, 1914, passed away. He was succeeded by his second son, Gylassary Rimpoche Maharajah Kumar Palden Thondup Namgyal (his elder brother and the Crown prince, Maharajah Kumar Palzor Namgyal had died in an air crash while serving the Royal Air Force during the Second World War). He was born on May 22, 1923 and had proper formal education in addition to spiritual knowledge.<sup>48</sup> He took part in the important affairs of the kingdom. He was connected with various cultural and academic bodies. In August 1950, he had married Sangay Deki, a lady of a Tibetan royalty who died in June 1957. He married again on March 20, 1963 and this time it

---

<sup>47</sup> *Second Joint Convention* was held on October 22, 1959 at Singtam, an East District town.

<sup>48</sup> He was taken under the tutelage of his uncle, Lhatsum Rimpoche, for monkhood and was recognised as spiritual head of Phodong (North Sikkim) and Rumtek monasteries in succession to the late Chogyal Sidkeong, since he was regarded as incarnate of the late Chogyal and re-incarnate of the famous Karmapa Lama of Kham in Eastern Tibet.

was an American lady by the name of Hope Cooke, from New York, United States.

On March 16, 1965, Thondup Namgyal changed his Indian status of Maharaja to that of 'Chogyal', a compound of two Tibetan words 'Chos' denoting religion and 'Gyalpo' as the ruler or king. Thus the word Chogyal may be taken to mean 'righteous ruler' or defender of faith. Further the status of the Maharani, his wife, was changed to that of 'Gyalmo'. Maharajah Kumar Palden Thondup Namgyal was crowned as the ruler of Sikkim in a colourful ceremony of *Ser-Thri-Nga-Sol* on April 4, 1965 at Gangtok palace. The Ceremony was attended by Lakshmi Menon and Shrimati Indira Gandhi as the Ministers of external Affairs and Information and broadcasting, respectively. Speaking immediately after his coronation ceremony, the Chogyal declared:<sup>49</sup>

"It will be our purpose and endeavour to strengthen yet further the eternal bonds of friendship between India and Sikkim in the fullest measure".

The third general Election was held in 1967 in which the National Congress emerged as the strongest political party of Sikkim. It polled about 55 percent of the votes and won eight seats (five Nepali, two Bhutia-Lepcha seats and one General) in the Sikkim State Council. The National Party as mentioned earlier to have been the party of the Chogyal's loyalists won five seats of the Bhutias-Lepchas. They could not secure a single Nepali reserved seat.

Soon after the elections, the Chogyal nominated one of the eight successful candidates of the Sikkim National Congress, Shri B.B.Gurung, to the Executive Council undermining Kazi Lendup Dorji, the Party's President. This resulted in the expulsion of Gurung from the party and further he could not even hold on to his executive councillor's position due to a

---

<sup>49</sup> *Asian Recorder*, New Delhi (1965), p. 6429.

financial scandal. Later there were further factions<sup>50</sup> of the Sikkim National Congress to the Chogyal's satisfaction.

Ever since the Chinese attack on India in 1962, the ruling elite of Sikkim attempted to scuttle the democratisation process by cleverly exploiting what is considered to be India's strategic vulnerability. And ever since from the time of Chogyal's marriage to Hope Cooke in 1963, some American scholars had floated the idea that the three Himalayan kingdoms, Nepal, Bhutan and Sikkim could form a federation.<sup>51</sup> The Gyalmo, Hope Cooke, went even further and subtly advocated Sikkim's independence in various forums and even went to the extent of masking claims regarding the Darjeeling district in West Bengal. All these developments made the Chogyal's ambitions to soar. And taking lead from the Gyalmo, an organisation called the Youth Study Forum which enjoyed the direct patronage of the Chogyal began to openly talk of independence of Sikkim. The forum also demanded the revision of the 1950 Indo-Sikkim Treaty and membership of the Colombo Plan.

The Chogyal himself took up the theme in February, 1966 at Gangtok, when he announced that his government desired the revision of the India-Sikkim Treaty of 1950. He further reiterated his desire for a revision of the said treaty in May 1965, on the ground that Sikkim had progressed much since the Treaty was signed in 1950. He expressed that the defence and other interests could be considered while reviewing the Treaty but he did not clarify on the exact nature of the changes he desired and wanted, apart from saying these "will come out of mutual discussion". Similarly, he declined to commit himself regarding the period during which the Treaty should be reviewed.<sup>52</sup>

On June 15, 1967, three Executive Councillors of Sikkim, namely, Netuk Tsering (National Party), B.B.Gurung (National

---

<sup>50</sup> *B.B.Gurung* was reinstated in his parent party; he later formed his own faction. Another Nepali stalwart, *Lal Bahadur Basnet*, too, broke away from the National Congress and formed a new party called Janata Party

<sup>51</sup> The idea, however, did not have even a slightest chance of gaining ground given Nepal's dominant position vis-à-vis the other two kingdoms.

<sup>52</sup> *The Times of India*, New Delhi, May 20, 1967.

Congress) and Nahakul Pradhan (State Congress) issued a historic joint statement wherein they stated:

"On the cardinal issue of the revision of the India-Sikkim Treaty of 1950, it is painfully surprising to note the irritating distortion of facts leading to fallacious and erroneous conclusions. It needs no emphasis for anyone to feel the absolute need of a through change in the existing provisions of the Treaty which are calculated to bring more heart burning and inequity to us if those concerned procrastinate and make no attempt to revise the treaty on the basis of mutual trust and understanding. Since Sikkim signed the Treaty with India, surely it is within her sovereign right to demand the revision of the Treaty as one of the signatories. In fact, Sikkim gained her independence on August 15, 1947 when India achieved her independence from British Rule. This is evident from the fact that Sikkim does not figure in the list of Indian Union Territories as defined in the Constitution of India. Every country has its inherent right to exist and maintain its separate identity and, therefore, to review and revise its obligations in the wake of the changing circumstances".<sup>53</sup>

They also suggested that a "Round Table Conference between India and Sikkim was the best way in finding out and strengthening the points of affinity between the two countries".<sup>54</sup>

The Joint Statement of the three Executive Councillors was virtually endorsed by the *Sikkim Herald*, the bulletin of the Publicity Department of the Government of Sikkim. The Bulletin expressed the hope that "India would not like to step into the shoes of British Imperialism".

Quoting from the Chogyal's statement to an Indian paper, "We want india to look after our defence and leave the rest to us", *Sikkim Herald* said:

".....the pulse of the Sikkimese feeling could be judged from this single sentence. ....Sikkim has its own geographical dimensions, entity, history and

---

<sup>53</sup> *Sikkim Herald*, Gangtok, June 16, 1967.

<sup>54</sup> *Ibid.*

culture. It has its own existence and expects to survive. *Above all it aspires to breathe independently.*<sup>55</sup>

From 1967 onwards, the Chogyal, egged on by his American wife, made many vain efforts to raise the status of Sikkim to that of an independent monarchy. The local papers referred the Chogyal and the Gyalmo as Their Majesties and the heir apparent as the Crown prince. The address on the palace writing paper was given as Sikkim via India. In 1968, he constituted an 'External Affairs Committee' consisting of Jigdal Densappa, his Secretary, Kunjang Sherap, Finance Secretary and Madan Mohan Rasaily, who were all Indophobes. They maintained that the Treaty of 1950 had outlived its utility and even declared, "We want to associate with small, but developed countries with problems like ours".<sup>56</sup> In 1970, the Chogyal, with an aim to bypass the India establishment, attempted to make his presence felt as an independent monarch at the wedding of the then Nepal's Crown Prince.<sup>57</sup> But the trip was cancelled when he found out that he was only being granted as a head of a Government and not as a Head of State. He sent four of his favourite ministers instead.

When all this was happening the time for the Fourth General Elections had come and as such was held on April 1970. The Chogyal appointed an adhoc election committee in the absence of a permanent Election Commission, consisting of his own men. A lot of discrepancies were reported in the conducting of the elections. The nominations of three National Congress candidates were rejected without assigning any reason. While in the earlier election in 1967, the electoral roll had recorded the names of 87,000 voters, the new rolls had only 50,000 names even though there was a marked increase in the population of Sikkim from 1967 to 1970.

The Fourth General Elections brought into focus the significant fact that the Sikkim electorate was communal-

---

<sup>55</sup> *The Times of India*, New Delhi, June 21, 1967.

<sup>56</sup> Sunanda K. Datta Ray, *Sikkim at the Cross Roads-II*, The Statesman, New Delhi, February 1, 1971.

<sup>57</sup> *Supra* Note 29 (P.Raghunadha Rao, *Sikkim: The Story of its Integration with India*), At p. 35.

conscious. The national Congress was more or less identified as a Nepali Party whereas the National Party was branded as a party of the minorities. The most lamentable feature of Sikkim political parties was that they had no clear cut economic programme and their main interest was only in fighting elections. None of them espoused the cause and grievance of the government employees, students and Tibetan refugees.

After the Fourth elections, the Janata Party merged with the state Congress in August 1972 to form the Janata Congress. Later on two more parties, a faction of the National Congress led by D.P.Tiwari and the K.C.Pradhan led Rajya Praja Sammelan, joined the Janata Congress. L.D.Kazi's National Congress Party was the only party for democracy which was outside the Janata Congress.

The Fifth General Election held in February 1973 resulted in the victory of the National Party. The national Congress alleged that the elections were rigged in favour of the national party which was not totally untrue. To protest against the rigged elections and further against blatant oppression and injustice, the National Congress and the Janata Congress took out a procession on February 4, 1973 at Gangtok. The two main opposition parties, namely, the national Congress and the Janata Congress intensified their agitation for electoral reforms on the plank, 'one man, one vote'. The Chogyal promised electoral reforms provided the two parties supported his demand for the revision of the 1950 Treaty with India. The Chogyal even tried to sell his idea to K.C.Pradhan, a Janata Congress leader through one of his trusted supporters in the 'Sikkim Youth Study Forum'.

The opposition was well aware that the consequence of loosening in the relationship between India and Sikkim was a perpetuated authoritarian rule of the Chogyal. Therefore they rejected the offer made by the Chogyal with deserving contempt. In reaction to that the Chogyal started to adopt strong arm tactics against the opposition party leaders and on March 27, 1973 arrested K.C.Pradhan under the Sikkim Security

Rules on the ground of giving a speech which had the potential to inflame communal tensions.

On March 28, 1973, a massive demonstration took place in Gangtok in protest against the unreasonable and unjustified arrest of K.C.Pradhan under the joint participation of the national Congress and the Janata Congress under the banner of the Joint Action Committee (JAC). The said committee was led by L.D.Kazi who would be the first Chief Minister of democratic Sikkim as one of the states of the Indian Union.

The main purpose of the JAC led protest and demonstration was for the abolition of the communal voting system and the introduction of political reforms. The Committee also demanded for the unconditional and immediate release of K.C.Pradhan. The agitation became very popular and after gaining momentum spread all over the kingdom in a short span of time. The JAC issued an appeal to the people of Sikkim to continue the struggle against oppression and open exploitation and also issued a 16 point charter of demands including the abdication of the Chogyal.<sup>58</sup> The agitation was turning partly violent.<sup>59</sup> Fearing reprisals from Chogyal, the leaders of the JAC took refuge in the office of the Indian Political Officer at Gangtok and further appealed to the then Prime Minister Smt. Indira Gandhi to intervene and "save the innocent people of Sikkim from a ruthless repression unleashed by the durbar to perpetuate the feudal privileges against the demands for democratic rights".<sup>60</sup>

The Chogyal was caught off guard and at first requested the Government of India to send its army to maintain law and order. Later, when it dawned upon him that the administration had totally collapsed, he further requested the Indian government to send one of its senior officers to take over the administration of the kingdom. The JAC meanwhile was more demanding and their leader L.D. Kazi declared that the time for negotiations between the Sikkim Rulers representatives and the Sikkim State Council

---

<sup>58</sup> *The Hindu*, Madras, April 8, 1973.

<sup>59</sup> The anti-government protesters overran eight police posts in the East District. Thousands of volunteers poured in to Gangtok with the declared objective of surrounding the palace.

<sup>60</sup> *Supra* Note 58. (*The Hindu*, Madras, April 8, 1973).

on solution of political problem had passed.<sup>61</sup> He also demanded that the Government of India should take over the entire administration. Acceding to the request made by both the warring parties, the Government of India took over the administration of Sikkim. B.S.Das who was at that time the Commissioner of the Delhi Municipal Corporation was appointed as the Chief Administrator of Sikkim.

After the takeover of the administration of Sikkim by the Indian government, the JAC, on April 9, announced the suspension of the current phase of agitation but it made itself clear that it would not have any useless, infructuous, bipartite parleys with the discredited Durbar.<sup>62</sup> The government of India, by readily taking over the administration of Sikkim wanted to fulfil its dual responsibility of safeguarding the legitimate interests of the Sikkim people and also discharging its Treaty obligation to the Chogyal by maintaining internal and external security of the State.<sup>63</sup> This led to the beginning of the process of Sikkim's integration into the mainstream as the twenty-second State of the Indian Union.

The 16 point Charter of demands of the Joint Action Committee which led to the widespread agitation in Sikkim was formally submitted by its authors to the Indian Prime Minister, Smt. Indira Gandhi after the Indian Government took over Sikkim's administration. The JAC agreed to drop the demand of the Chogyal's abdication after their negotiations with the representatives<sup>64</sup> of the Government of India. But they insisted on the remaining demands, fourteen of them in particular and which included among other things, a democratic form of Government in Sikkim; a written Constitution incorporating fundamental rights; repoll on the basis of one man, one vote system with adequate safeguards for the minorities Bhutias and Lepchas; establishment of an independent judiciary and codification of laws; revision of the indo-Sikkim Treaty in such a

---

<sup>61</sup> *The Hindu*, Madras, April 9, 1973.

<sup>62</sup> *The Hindu*, Madras, April 10, 1973.

<sup>63</sup> *Supra* Note 29 (P. Raghunadha Rao, "*Sikkim: the Story of Integration with India*"), at p. 42.

<sup>64</sup> K.S.Bajpai, the Indian Political Officer and later with Kewal Singh, Secretary, External Affairs Ministry.

manner that a perpetual and steady friendship could be ensured between India and Sikkim.

In pursuant to the above developments, the government of India was able to persuade the Chogyal to take positive steps to come to an amicable understanding with his people. The Chogyal agreed to convene a round table conference of all the political parties in Sikkim to pave the way for constitutional reforms to democratise his administration. The Conference was to be held sometimes in May, 1973. But after a few days, it was clear the Chogyal was just making an attempt to wriggle out of his commitments. The delaying tactics on the part of the Chogyal and advisors forced the members of the Youth Congress, an organisation which was involved in the democratic movement, to take a harder line – the abolition of the monarchy. Meanwhile the Government of India, who was watching the situation closely with an aim to avoid the situation from going out of hand, succeeded in persuading the Chogyal not to delay with his commitments anymore. This brought the 8<sup>th</sup> May Agreement into the annals of the Sikkimese political history. The said Agreement was sign on May 8, 1973 between the Chogyal, the leaders of various political parties representing the people of Sikkim and the Government of India.<sup>65</sup>

### **The 8<sup>th</sup> May 1973 Agreement**

The Agreement, among other things, provided for a legislative assembly for Sikkim to which members were elected on the basis of adult franchise, an Executive Council which would be responsible to the assembly and there were safeguards for the minorities. The Agreement was important for many reasons. For the first time in Sikkim's history, the people, represented by popular forces, became the acknowledged participants in the political process. Secondly, it has frustrated the Chogyal's ambition to make Sikkim a sovereign State. Further, it not only reiterated India's control over the defence and foreign relations

---

<sup>65</sup> *The 8<sup>th</sup> May 1973 Agreement* was signed by Kewal Singh, Foreign Secretary, Government of India; Palden Thondup Namgyal, the Chogyal of Sikkim; K.C.Pradhan, B.B.Gurung, S.K.Rai, B.P.Dahal and B.Kharel for the Sikkim Janata Congress and Kazi Lendup Dorji for the Sikkim National Congress.

of Sikkim, but also made it clear that the Chogyal was subordinate to New Delhi. In the event of any dispute between the Chogyal and the Indian government nominated Chief Executive, New Delhi's ruling would be final.<sup>66</sup>

Meanwhile, On August, 1973, the two important constituents of the Joint Action Committee, the Janata Congress and the national Congress decided to merge and form a new party the Sikkim Congress. Kazi Lendup Dorji was elected president of the new party and K.C.Pradhan was its Vice-President.

The elections under the new agreement, namely the 8<sup>th</sup> may Agreement, for thirty-two assembly seats was held from April 15 to 19, 1974 under the supervision of a Chief Election Commissioner deputed by the Election Commission of India. The Sikkim congress the newly formed party after the merger of the Janata Congress and the national Congress won a landslide victory when it secured thirty-one of the thirty-two seats and polled around 70 percent of the total votes cast.

The new Sikkim Assembly met for the first time on May 10, 1974, and it was addressed by the Chogyal himself. The very next day, that is on May 11, 1974, the Assembly, unanimously adopted a resolution reiterating the determination (earlier embodied in the Agreement of 8<sup>th</sup> may, 1973) to further strengthen the relations between India and Sikkim. In the matter of the Chogyal's role and functions, it was decided that he would be merely the constitutional head of the Government of Sikkim. In addition to this, the resolution also requested the Indian Government to depute a constitutional expert to give legal and constitutional framework to the objectives of the resolution.<sup>67</sup>

#### **Govt of Sikkim Act, 1974**

The Government of India, at the instance of the Chogyal, deputed Rajagopal, a constitutional adviser to draft the constitution providing for a democratic set up for Sikkim. A Bill,

---

<sup>66</sup>Supra Note 29, (P. Raghunadha Rao, "*Sikkim: the Story of Integration with India*"), at p. 46.

<sup>67</sup> *Ibid* at p. 50.

namely, the Government of Sikkim Bill, 1974, for the same was drafted by June 20, 1974 and it was this Bill which was later to become the Government of Sikkim Act, 1974.

An Assembly session to discuss the Government of Sikkim Bill, 1974 which would provide a constitutional framework for Sikkim was fixed for June 20, 1974. On the D-day, the Chogyal, who had earlier addressed the House, declined to deliver his customary address to the Sikkim Assembly at the last moment. After lots of persuasion and last moment negotiations, the House unanimously adopted the resolution endorsing the said Bill at 10'o clock in the night.

The Bill in the first instance provided for a popularly elected Assembly which would adequately represent the various sections of the population. The Bill had clearly demarcated the subjects upon which the Assembly could make laws. These subjects included education, public health, excise transport, forests bazaars, public works, agriculture, food supplies, Land revenue, economic and social planning, etc. The Chief Executive, a nominee of the Indian Government, was to be the president of the assembly and functioned as the speaker of the House. His main task was to see that the responsibilities of the Government of India in relation to Sikkim was duly discharged. There was to be a Cabinet in the form of an Executive Council with one of the members designated as the Chief Minister and the rest of the Council members were ministers. They were appointed by the Chogyal on the advice of the Chief Executive and were responsible to the assembly. Another important feature of the Bill was the independence of the judiciary.

On June 20, 1974, the Assembly adopted another resolution, in addition to the 1974 Bill, calling for closer links with India. The Resolution requested fuller participation of Sikkim in the economic and social institutions of India, such as the Planning Commission, and also asked for the facilities provided by financial institutions in India, in the form of banks, insurance companies, to do the same in Sikkim. The other important aspects of the resolution were for providing special

facilities for students from Sikkim in the institutions of higher learning in India, provision for employing duly qualified Sikkimese candidates in the Public Services of India at par with Indian citizens. Further, they also demanded that sikkimese people should have the right to enjoy fundamental rights similar to that of India.

The supplementary resolution adopted by the assembly on June 20 showed the sikkimese people's wish to end feudalism in Sikkim and also favoured greater integration with India.

The Bill was passed after a lot of drama. At first, the Chogyal boycotted the Assembly to block the reforms which were introduced only after prolonged consultations with him and his advisers. He also made a hasty visit to New Delhi. In Delhi, Prime Minister Indira Gandhi advised the Chogyal to return to Gangtok and give his assent to the Bill of 1974. She further advised him to reconcile with his people and respect their wishes and aspirations.

While all this was happening, Kazi Lendup Dorji, the Chief Minister designate, sent a telegram to New Delhi to make provisions of enacting the Government of Sikkim Bill, 1974 in the event of the Chogyal refusing to give his assent. New Delhi was fully aware that the people's support were with his party, the Sikkim Congress Party. L.D. Kazi also sent a letter to the Chogyal giving him an ultimatum to give his assent within forty-eight hours failing which the Indian government would enact the Bill. The Chogyal with an attempt to maintain his position tried to convince the Indian Government about his reservations of the Constitutional Bill (1974). He even tried to internationalise the issue through his external support. All these efforts was in vain thus, he returned to Gangtok. After his return to Sikkim, an emergency session was convened but the Sikkim Congress party, with an almost absolute majority in the house, boycotted the Assembly. Their condition to attend the House was that the Chogyal should first gave his assent to the Constitutional Bill, namely, The Government of Sikkim Bill, 1974.

Finally, on July 3, 1974, the Sikkim Congress agreed to the reconvening of the Assembly after the Chogyal, reconciling himself to the new situation, agreed to give his assent to the Constitutional Bill.

The Sikkim Assembly, after hearing the Chogyal's view, unanimously adopted the Bill for the last time and on July 4, 1974 the Bill was assented by the Chogyal. The passing of the Government of Sikkim Act, 1974, marked the end of the three hundred year-old feudal rule in Sikkim. Further, a popular Ministry was installed after a five member Sikkim congress Ministry led by L.D.Kazi was sworn in on 23<sup>rd</sup> July 1974.

CONSTITUTION (THIRTY-FIFTH AMENDMENT) ACT, 1974: Earlier on June 28, 1974, when a lot of hankering was going on with the refusal of the Chogyal assent to the Constitutional Bill, 1974, the Sikkim Assembly had adopted a resolution seeking, among other things, representation for the people of Sikkim in the Indian Parliament. After the promulgation of the Government of Sikkim Act, 1974 and the installation of the popular Ministry, the Chief Minister of Sikkim made two formal requests, one of which was the reiteration of the earlier request of providing for representation for the people of Sikkim in Parliament.

The government of India after making a careful and detailed study of the Sikkim Government's request of far reaching importance in consultation with the law ministry and Attorney general of India. The Union Cabinet took the crucial decision to accord Sikkim the status of an 'Associate State' on August 29, 1974. Thus, on September 3, 1974, the Constitution (thirty-fifth Amendment) Bill, 1974 was introduced in the parliament of India to upgrade the status of Sikkim from a protectorate to an 'Associate State' of the Indian Union.<sup>68</sup>

### **Constitutional (Thirty-Sixth Amendment) Act, 1975**

After Sikkim became a 'Associate State' of India in 1974, the members of the Sikkim Assembly hoped that the Chogyal would reconcile himself to the new situation and accept his

---

<sup>68</sup> *Supra* Note 29, (P.Raghnadha Rao *Sikkim: The Story of its Integration with India*), at p. 61.

position as the "Constitutional head of the State" in letter and in spirit. Unfortunately the Chogyal refused to keep space with the rising tide of democracy and tried to reverse the tides of history.<sup>69</sup> He tried to scuttle the efforts of the Sikkim Assembly, with the then stalwarts of democracy in the forefront, to usher a new mode of administration with the substantive cooperation of the Government of India.

The Chogyal sent his brother abroad to contact certain foreign powers opposed to India to 'internationalise' the issue. He even went to the extent of mobilising his supporters outside India to appeal to the U.N. Secretary General for investigating India's alleged aggression against Sikkim, at once. All This was being done by him when the Constitutional (Thirty-fifth Amendment) Bill, 1974 was in the Indian Parliament under discussion. One of his close confidants, Madan Mohan Rasaily, even filed a petition for granting an injunction in the Central Court at Gangtok to restrain the Sikkim Assembly from electing a member each to the two houses of Parliament of India. An injunction for the same was even granted by the Tarachand Hariomal, the then Judge of the Central Court in Gangtok on March 29, 1975.<sup>70</sup>

On April 10, 1975, the Sikkim Assembly unanimously adopted a resolution<sup>71</sup> abolishing the monarchy and the institution of the Chogyal, and declaring Sikkim as a constituent unit of India. The resolution was justified as to be in pursuance of the activities of the Chogyal to which the Assembly was satisfied that it was against the spirit of the May 8, 1973 Agreement and the general wishes of the people of Sikkim.

The Assembly also resolved to submit its resolution to the people of Sikkim for their approval and a referendum in the form of a special opinion poll was conducted by the Government of

---

<sup>69</sup>*Ibid* at p. 68.

<sup>70</sup> In response to the Court order, a press note issued by the Sikkim Cabinet said, "the provisions of the tripartite Agreement of May 8, 1973, and the Government of India Act, 1974, are the paramount law, of the land to which all authorities in Sikkim – the Legislative, the Executive and the Judiciary – are subordinate and its validity cannot be challenged in any court of law in Sikkim".

<sup>71</sup> "The institution of the Chogyal is hereby abolished and Sikkim shall henceforth be a constituent unit of India, enjoying a democratic and fully responsible Government."

Sikkim on April 14, 1975. The casting of the votes showed unanimity in the wishes of the people to merge in the Indian Union. The Chief Minister, L.D.Kazi, left for Delhi within minutes of the declaration of the referendum results and urged the Government of India to accept the decision of the people of Sikkim. In pursuant to the request of the Sikkim Government, the Indian government decided to amend the Constitution of India to confer on Sikkim the status of a full fledged State in the Indian Union.

On April 23, 1975, the Lok Sabha passed the Constitution (thirty-sixth Amendment) Bill, 1975 to pave way for Sikkim to become the twenty-second State of India.<sup>72</sup> The Rajya Sabha passed the said Bill on April 26, 1975.<sup>73</sup>

And finally, on May 16, 1975, President Fakhruddin Ali Ahmed gave his assent on the 38<sup>th</sup> Constitutional Bill 1975 already passed by both the Houses of parliament, on April 23, 1975 and April 26, 1975 respectively.

The 36<sup>th</sup> Constitutional Amendment Act, 1975 amended the Constitution of India by inserting Article 371F, and in addition to including Sikkim as the 22<sup>nd</sup> State of India it also framed a special provision for administering the new State of India. Article 371F of the Indian Constitution thus grants a special Status to the Stat of Sikkim and one of the special feature of ther provision is to allow the applications of the old laws in Sikkim.<sup>74</sup>

The State of Sikkim was constituted as the 22<sup>nd</sup> Sate of the Union of India on the 16<sup>th</sup> day of May 1975 with Shri B.B.Lal, who was administered the oath of office by the then Chief Justice Rajendra Sachar of the Sikkim High Court, as the first Chief Executive.

### **SIKKIM – The Twenty-Second State of India**

The political history of Sikkim clearly mirrors the developments that took place, politically and socially, in the

---

<sup>72</sup> The final voting on the matter resulted in 229 votes for and 11 against.

<sup>73</sup> 157 members voted in favour and 3 against.

<sup>74</sup> Article 371-F (k) of the *Constitution of India*.

State. From being a protectorate of British Dominion in India to an associate of the Indian Union (for a short period) and to becoming a full fledged Indian State, twenty-second, in particular.

The chronological metamorphosis of the kingdom of Sikkim to become the twenty-second state of India reflects the final legislative link – the Constitution (Thirty-sixth Amendment) Act, 1975 - which among other things, provided for the merger of Sikkim into the Indian Union and the proverbial last nail in the institution of the Chogyal or the Sikkim monarchy. The result of the thirty-sixth Constitutional Amendment Act, 1975 was Article 371-F.

Article 371-F, by virtue of which Sikkim was part and parcel of Sikkim, granted a special provision to the State of Sikkim under the Indian Government. The body of the said Article consisted of sixteen clauses, namely, clause (a) to Clause (p). The provisions relevant for this study are clauses (k),<sup>75</sup>(l),<sup>76</sup>(n)<sup>77</sup> and clause (o).<sup>78</sup>

These provisions (clause (k) and (n) of Article 371-F), mentioned above, in particular, have played a very determining role in the legislation of laws and their respective enforcement. Article 371-F (k) states that all laws which were already in force in the State of Sikkim, or any parts of it thereof, immediately before the date of merger, that is, probably 16<sup>th</sup> May 1975, shall continue to be in force until they are amended or repealed by a

---

<sup>75</sup> (k) all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent legislature of competent authority;

<sup>76</sup> (l) for the purposes of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim and for the purpose of bringing the provisions of any such law into accord with the provisions of this constitution, the president may within two years from the appointed day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon, every such law shall have effect subject to the adaptations and modifications so made, and any such adaptations or modification shall not be questioned in any court of law;

<sup>77</sup> The President may, by public notification, extend with such restrictions and modifications as he thinks fit to the State of Sikkim any enactment which is in force in any State of India at the date of the notification;

<sup>78</sup> If any difficulty arises in giving effect to any of the foregoing provisions of this article, the president may, by order, do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty: Provided that no such order shall be made after the expiry of two years from the appointed day.

competent legislature or other competent authority, obviously, the Parliament or the State Assembly through the Governor. The following clause, that is, clause (l) is the facilitator to provision in clause (k). The President is burdened with the responsibility of modifying and adapting the Old Laws of Sikkim to be made applicable after merger and make sure that it does not lie in conflict with the provisions of the Constitution. Other laws effected by such measures can also be modified for Sikkim to make them consistent with the said Old Laws.

Article 371(n), simply, paves the way for availing complementary and sometimes a supplementary legislation for the already existing Old Laws of Sikkim. This means that when a legal situation is created in the State of Sikkim and there are no legislation to regulate the new situation found in the Old Laws and further, laws (Central) which are already in force in other States of India can amply provide for the existing position, then such laws which are required for application in the new situation for Sikkim can be made applicable by the process of extension. The laws which are already in force in the territory of India and is extended to Sikkim in a given situation will be enforceable thereafter but with certain restrictions or modifications. The next provision, Article 371-F (o) provides for the removal of any difficulties arising out of the above exercise.

Therefore, it is very clear that Old laws prevalent in Sikkim before it became the twenty second State of India will continue to be applicable. Any legislation whose requirement is necessitated by a given situation can be extended from the Centre (already in force in any State of india) with a condition that it not available in the Old Laws of Sikkim and further such extended law is applicable restrictively or in a modified form, fit to be applied in Sikkim.

The exercising of repealing or amending the Old Laws for their application after merger and further extending Central laws to the State of Sikkim had to be done within a period of two years from the appointed day, 16<sup>th</sup> May 1975.

## Courts and Procedure in Pre-merger of Sikkim

Before Sikkim joined the mainstream of the Indian Union on 26<sup>th</sup> April, 1975, the laws of the erstwhile State of Sikkim were contained in different forms like proclamations, regulations, rules, notifications, orders, bye-laws and Acts.<sup>79</sup>

All these old laws although very few in number were not to be found in any codified form at one place.

After Sikkim became the 22nd State of the Indian Union, all laws began to take the form of legislative enactments. Since the year 1977 the Law Department started the Sikkim Law Journal in which we have been publishing the Acts, Ordinances and other subordinate legislations.

On April 17<sup>th</sup> 1955, the High Court of Sikkim was established by virtue of a proclamation<sup>80</sup> namely, the High Court Judicature (Jurisdictions and powers) proclamation 1955 proclaimed by the then Maharaja of Sikkim, popularly known as the Chogyal.

From the records available, it can be gathered that the administration of justice in Sikkim in the last century was carried out by the feudal landlords (Adda Courts), Jongpons (District officers), Pignons and mandals with the Chogyal at the top. In 1909, Kazis, Thikadars and lamas were invested with judicial power by a State Council resolution. They could try civil suits of Rs.500 value.<sup>81</sup>

In the year 1916, the appellate court by designation of Chief court was created with jurisdiction to try important original suits. This court was exercising appellate jurisdiction over the Adda courts

Appeals from the Chief court would lie in the Supreme Court of his highness the Maharaja. The court of the Maharaja without having original jurisdiction was the final court of appeal

---

<sup>79</sup> *Sikkim Code Vol. I (Preface)*, Sikkim Law Department (1984).

<sup>80</sup> *Sikkim Darbar Gazette Extraordinary* dated 17<sup>th</sup> April 1955.

<sup>81</sup> See the 'message' of his Lordship, Dr. Aftab Hussain Saikia, the Chief Justice of Sikkim (2009) in the Souvenir Magazine released on the occasion of the Sikkim High Court's Golden Jubilee Celebrations.

in the State. A Board on the lines of the Judicial Committee of the Privy Council in England would hear the parties and scrutinise the evidence regarding the merit of the case and then tender its opinion to the maharaja.

Adda courts were subsequently abolished in 1949 on the recommendation of the judicial Proposal Committee.

The State was divided into four (four) revenue Districts and accordingly four Magistrates were appointed in each District with original appellate jurisdiction under the criminal and civil sides. The Court of the Assistant Magistrates and the courts of the teshildars were also created. Records speak about the appointment of Judge of the High Court in the year as far back as 1953 much before the establishment of the High Court itself in 1955.

After the establishment of the High Court of Sikkim in 1955, the post of the Munsif magistrate was created in 1963 and the Chief Justice was vested with the powers to hear appeals from all magisterial courts. Appeals from the High Courts were heard by his holiness the maharaja of Sikkim who exercised the prerogative to grant mercy, pardon, remission, commutation and reduction of sentences in case of conviction. The maharaja had also retained his prerogative to set up a special; tribunal the review of any case, civil or criminal.<sup>82</sup>

Initially the idea of the independent judiciary did not exist in Sikkim. Judicial procedures were free from technicalities and were basically based on natural justice.

In 1970, a separate Munsif magistrate was appointed for hearing Civil suits.

Consequent upon the then kingdom of Sikkim signing the tripartite agreement with the Government of India and the three political parties of that time on May 6, 1973, the lowest subordinate courts became the District Courts presided over by a judge. The Chief Magistrate was designated as a judge of the

---

<sup>82</sup> *Ibid.*

Central court and the High Court of Judicature remained the Apex court.

On the merger of Sikkim with the Union of India by the 35<sup>th</sup> Constitutional Amendment Act as the 22<sup>nd</sup> State and under Article 371 (F), in 1975, the High Court of Judicature became the High Court of Sikkim with effect from 26<sup>th</sup> April 1975.

Presently, there are four revenue Districts. Civil Judge-cum-Judicial magistrates are posted in the four Districts, two Chief Judicial Magistrates-cum-Civil Judge look after two districts each that is East and North and South and West whereas two District judges also look after two districts each as above.

In 1978, the Sikkim Civil Courts Act was passed to merge the laws relating to the constitution of the Civil courts Subordinate to the High Court and other connected matters.

Further the Sikkim Judicial Service Rules, 1975 and the Sikkim Superior Judicial Service Rules, 1980 were framed laying down procedures of Recruitment, conditions of service of judicial Officers, thus creating a separate cadre of judicial officers in the State paving the way to have the separation of the judiciary. The Sikkim Judiciary hence started functioning as an independent judiciary.

There has been an increasing recognition to maintain speedy disposal of cases in the state and it is essential to adopt the Alternative Disputes Resolution parallel to traditional methods of judicial dispensation. Towards this end, there have already been opened two mediation centres in Gangtok and in Namchi in may 2009. Shortly two more will be opened in Gyalshing and Mangan.

### **Environment and the Old laws of Sikkim**

It is common knowledge that Sikkim was a Buddhist kingdom, non-violence being one of the religion's basic tenets, and thus it substantially indicates that it was an environment friendly country. Further animist practices bear proof of its worshipping nature, in general.

In the modern era of administration where justice and laws have been heavily invested, we find some specks of environmental protection regulation in the early formal laws of Sikkim which used to be notified through the Darbar Gazette Notifications. A number of legislation relevant to environment protection was related to forests and waterways. Forests were as in India the source of revenue generation and water was the basic essential of life. There were no such concrete laws specially designated to the protection and improvement of the environment and its basic constituents, air, water and land. Among these regulations, Maintenance of road reserve on either side of all the estate bridle paths in Sikkim 1926;<sup>83</sup> Prohibition for grazing of animals within the prohibited areas in 'Gangtok, 1934;<sup>84</sup> Prohibition of the construction of pig sties within 15 yards on either side of the public road, 1952;<sup>85</sup> Penalty for grazing, straying or camping of animals within the area as specified, 1955;<sup>86</sup> the Sikkim Panchayats Act, 1965.<sup>87</sup>

**MAINTENANCE OF ROAD RESERVE ON THE EITHER SIDE OF ALL ESTATE BRIDLE PATHS IN SIKKIM (1926):** In suppression of Forest Department Notification No.615 dated the 7th December, 1909, reserve, it is hereby notified for the information of landlords, Managers of Estates and the Public in general, that 20' feet in case of dry fields, and 10 feet in case of paddy fields shall in future be kept as road reserve on either side of all the estate bridle paths in Sikkim, except on steep hill sides and place liable to landslips, where 50 feet reserve shall be kept on either side of the road.

In the case of cart roads the existing practice of retaining 50 feet of either side shall be continued where the road bordering on dry fields, and 10 feet on either side of the road bordering on paddy fields.

---

<sup>83</sup> *Sikkim State General Department Notification No.6072/0*, dated 10.5.1926

<sup>84</sup> *Sikkim State Judicial Department Notice No.943/J*, dated 13.6.1934

<sup>85</sup> *Sikkim Darbar Gazette, Notification No.829-30/F.*, dated 19<sup>th</sup> June 1952.

<sup>86</sup> *Sikkim Darbar Gazette.Vol.V No.1, Notification no. 1675/F* dated 27<sup>th</sup> June 1955.

<sup>87</sup> *The Sikkim Panchayats Act, 1965, Sikkim Darbar Gazette Extraordinary, Ex. Gaz. No.3* dated December 24, 1965.

Nothing in this notification affects Lachung, Lachen and Chungthang (hamlets in the North District of Sikkim), where conditions are exceptional and where the old practice of keeping only 8 feet reserve shall be maintained.

**PROHIBITION OF GRAZING ANIMALS WITHIN THE PROHIBITED AREAS IN GANGTOK (1934):** It has been brought to the notice of the Darbar that the public do not strictly observe the contents of the Notice No. 5653/ G., dated the 20th. June 1923, regarding grazing of the animals within the prohibited areas in Gangtok station but act in contravention of it.

The public are again hereby informed that any animals found grazing within the said areas, the owner or owners shall be dealt with accordingly.

**PROHIBITION OF CONSTRUCTION OF PIG STIES WITHIN 15 YARDS ON EITHER SIDE OF PUBLIC ROADS (1952):** It is noticed that the pig farmers keep their pigs just near the public road. As rearing of pigs near the public road is very much injurious to public health and also the locality becomes extremely unsanitary, it is hereby notified that the construction of pig sties within 15 yards on either side of the public road is strictly prohibited. The above order will take effect from the date of this notification.

## **THE SIKKIM PANCHAYATS ACT, 1965**

### *Section 2. (Definitions)*

(1) Block Panchayat means a Panchayat established under section 6 of the Act.

(2) Block Sabha- the Sikkim government may, by notification declare an area to be a Block Sabha Area for the purposes of this Act and until otherwise notified, the number in the whole State will remain as specified in Schedule 'A'

(3) District officer means the officer so designated by Sikkim government posted in different parts of the state.

*Section 4.* On the publication of notification under section 3 of the Act, All persons, in respect of any Block Areas, whose names are included in the list of voters referred to in section 5 shall be deemed to constitute a Block Sabha.

*Section 6.* Block Panchayat is the Executive Committee elected by the Block Sabha election should not be constituted on a party or political forum 6 (1)]. It shall normally have five members besides ther Mondals of the Block Sabha area concerned who shall be an Ex-Officio member therefore having the same rights and duties of an elected member.

**Sec.11. Duties and Functions of Block Panchayats:**

- (1) (c) Organisation of community programme for soil conservation and tree planting, embankment against flood, petty irrigation works, etc.
  - (d) .....
  - (e) Construction of community latrines, sanitation health, hygiene and conservancy.
  - (f) .....
  - (g) Construction of roads, bridges and drains
  - (h), (i), (k) & (m) .....
  - (m) Recommendations for improvement of gorucharan, Khas-Mahal and reserve forests.
  - (n) .....
  - (o) Rural water supply and programme of minimum rural amenities including construction of approach roads linking each village to the nearest road.
- (2) On receiving the approval of the Competent Authority, the Block Panchayat will be responsible by providing any unskilled labour and locally available materials as may be required by the authorities in consultation with the block Panchayat for the implementation of such schemes.

(3) A Block Panchayat shall be responsible for maintaining in proper state of repair and use any works done in pursuance of nay scheme under subsection (1) and also.....

The Sikkim Panchayat Act, 1965 was an attempt to develop the State with the participation of the public, especially in the rural areas. These two features, namely, development and public participation, enshrined in the said Panchayat Act bears the character of 'Sustainable development' on the basis of which the late twentieth century law and policy of protecting and improving environment has been based. It can be said that development policy of the erstwhile kingdom of Sikkim was based on the concept of 'Sustainable development'.

#### **Old Sikkim Laws relevant to Sustainable Automobiles Use**

The available records of the early entry of vehicles inform that the automobile made its substantial entry into Sikkim in the mid-1940s. Before this, a few cars were found in the town of Gangtok, the capital of Sikkim, owned by a privileged few, for example the royal family and some noblemen.<sup>88</sup> There was nothing to bring home in respect to the growth of the vehicles and the problems it's created in Sikkim until the late eighties. Earlier laws were made to regularise the running of vehicles with the main aim to earn revenue. The implementation of both the Sikkim Motor Vehicles Act, 1959 and the Regulations regarding plying of Carts in Sikkim Rules, 1959 marks a contrast in the vehicular scenario in Sikkim or for that matter, in any other rural economy dominated State of India. Thus, it is very clear that even after the incursion of the automobile in the social and economic scene of Sikkim, the Carts were very much in dominance in the freight carrying area. The only environmental trouble created by the plying of these carts was the filth generated by the dung from the bullocks pulling this carts. The emissions from the motor vehicles in the early days would be of minimum concerns to the administration, given the lack of awareness and the limited scientific knowledge.

---

<sup>88</sup> Information gathered from elderly citizens of Sikkim.

RULES AND REGULATIONS FOR THE CAMPING OF MULES MOVING IN THE TIBET TRADE ROUTES, 1955:<sup>89</sup> Whereas it has been found expedient and necessary to modify the rules and regulations for the camping of mules moving in the Tibet trade routes via Jelep La and Nathu La, it is hereby notified for the information of all concerned that:

1. Camping places have been specified on all the above mentioned routes as also at Pakyong Bazar; Vide annexure I, for the camping of the mules moving along these routes.
2. Contractors are appointed from time to time for the supply of grass at the camping places and no grass may be brought into the camping places except by the contractors.
3. No persons other than the contractors appointed by the Darbar shall sell fodder to the muleteers or other persons moving on these routes with any animals at the authorised camping places.
4. Muleteers shall not graze their mules in the fields of the bustiwallas (rural cultivator) except with the consent of the owners. All grass required for the animals in the camping ground shall be purchased only from the contractors appointed by the Darbar.
5. Animals moving on these routes shall not be halted at any other place under normal conditions than the above prescribed camping grounds. Nor shall they be let loose or allowed to stray into cultivated fields.
6. No persons shall give shelter to the animals or permit or offer them to be camped under normal conditions in any place or field other than the prescribed camping places. Provided that any person who is accommodating relations or friends genuinely as guests may permit the transport animals accompanying them

---

<sup>89</sup> Sikkim Darbar Gazette. Vol V No.1, Notification No, 1326/F dated June 1955

to rest in his premises so long as it is not done for profit.

7. Any person contravening the above rules shall be liable to a penalty of Rs. 3/- (Rupees three) per head of animal per night. In the event of his refusing to pay the penalty he will be liable to prosecution and punishable, on conviction with imprisonment which may extend to one month or with fine which may extend to Rupees five hundred or both in addition to the foregoing penalty.
8. These rules will come into force with effect from the 1<sup>st</sup> day of July 1955.

PROHIBITION ON TAKING OF VEHICLES, MULES AND HORSES IN THE LALL MARKET, 1956:<sup>90</sup>It is hereby notified for the information of the general public that taking of motor-cars, trucks, jeeps, mules and horses in the Lall Market is strictly prohibited.

Any-one found contravening this order shall be liable to pay a fine of RS.200 in default to undergo upto three months simple imprisonment.

REGULATIONS REGARDING PLYING OF CARTS IN SIKKIM RULES, 1959<sup>91</sup>

1. Persons intending to ply bullock carts in Sikkim shall have to take out a licence permitting them' to do so. from the office of the Sikkim Transport Authority or from the places fixed by him, after paying a fee (prescribed in paragraph 3 below) with the Sikkim Government Bankers.
2. A licence for plying carts must be renewed in the month of March of each year after paying renewal fee of Rs. 8.00 per annum.
3. A fee of Rs. 8. per cart per annum shall be charged before a licence is issued.

<sup>90</sup> Sikkim Darbar Gazette Vol.VI No.1, Notification No. 2788-299/ B, dated 27<sup>th</sup> June 1956

<sup>91</sup> Sikkim Code Vol. II Part I Chaps. I-II, p. 206 (25-26).

4. The animals intended for the plying *of* a licensed cart shall be produced before' the Veterinary Doctor, Gangtok, Sikkim. Only the animals passed and approved by him shall he allowed to ply in Sikkim Territory. Animals replaced on account of death or sale shall also he produced and certificate taken.
5. The description of animals shall be given in the licence issued for the carts and the animals marked (5) as being declared fit for cart driving.
6. At the time of renewal, the fitness certificate of the animals duly obtained from the officers mentioned in rule 4-' should be' produced before the Licensing Officer.
7. If, at any time, it is found that unapproved or unfit animals are being worked *by* the cart pliers, the licence shall be liable to be cancelled. 'Animals having wounds shall be deemed 'to be unfit.
8. No persons below 18 years shall be allowed to drive a cart.
9. The name of the driver shall be .mentioned in the licence and he shall satisfy the officer issuing the licenses that he is acquainted with the '*rules of* the road and other principles of cart driving.
10. No cart driver shall allow his cart *to* move on while he is 'asleep in the cart.
11. Whenever an owner *of* a licensed cart changes the driver, he shall have the name of his new employee inserted in the licence.
12. A charge *of* one rupee shall be made for the supply *of* licence booklets and, tinplates bearing the cart number.
13. The drivers *of* carts shall observe the "following precautions:

- (a) Proper strings are tied to the head of animal or animals or nose, strings are used if the animals are frisky
  - (b) They should never let the cart go on without themselves being on or near it and, They should provide themselves with hanging lights if carts are being plied after sunset.
14. If at the commencement of the Financial Year (April) a cart licence found unrenewed, the cart shall be treated as being plied without licence.
  15. No cart shall be allowed to load more than the capacity mentioned in the licence, which shall be fixed according to the type of carts and the carrying strength of the bulls.
  16. Any cart that is not intended for traffic and for whom: no licence is intended to be taken out, shall be kept with their wheels off (not in working order).
  17. Carts discovered without licenses in Sikkim shall be stopped from traffic and their owners prosecuted for breach of rules.
  18. No cart drivers shall want only or cruelly beat or abuse or torture and animal.
  19. Every driver of a cart shall produce the cart licence at the spot when required to do so by any Police Officer.
  20. Not more than three bullock carts shall move together (following each other) unless there is a distance of 50 yards between the two trains, Cartmen of carts behind the first three found' in one train shall be liable to be prosecuted.
  21. All bullock carts shall have pneumatic tyres fitted to the wheels by 1st October, 1959. No bullock cart shall be allowed to ply after that date unless fitted with pneumatic tyres.

22. The bullock carts shall only be parked at the road at the following places, namely, Songkhola, Middle Camp, Ranipool, 5th mile (from Gangtok), Tadong. These places are equivalent to modern day designated parking areas

A breach of any of above rules shall be liable to a penalty not exceeding Rs. 300 and the cancellation of the permit to ply bullock carts in Sikkim Territory.

The Government may appoint special officers to try cases relating to the breach of the above rules, and such officers may be empowered. to inflict fines to the limit provided for in the rules. But if any party pleads on guilty and is not prepared to pay the fine, the case shall be sent to the regular Court.

**MOVEMENT OF MOTOR VEHICLES, PACK-MULES OR PONY TRAFFICS ON SUNDAY ON LALL MARKET ROAD, 1959:**<sup>92</sup> It is hereby notified that the movement of pack-mules or pony traffic and also of Motor vehicles on Sundays between 8 a.m. and 4 p.m. on Lall Market road below the junctions of Gangtok Old-New Extension Bazaars and above the junction of roads Pakyong & National Highway (below old sweepers' quarters) is strictly prohibited. Any person acting against this order shall be liable to a fine, not exceeding Rs. 50 for each offence in default three months simple imprisonment.

Mules shall be taken through New Market-Nam Nam road. This order will remain in force until further orders.

**INCREASE OF NUMBER OF STAGE CARRIAGES ON CERTAIN ROUTES IN SIKKIM, 1959:**<sup>93</sup> (I) Notice is hereby given to all concerned that it has been decided to increase the number of vehicles or initiate new services, stage and contract carriages, on the following routes:

1. Gangtok - Rhenock
2. Gangtok - Rongli
3. Rangpo - Rongli

<sup>92</sup> *Sikkim Darbar Gazette, Vol. VIII, No. 11, Notification No. 9015-1991/B dated 31<sup>st</sup> March 1959.*

<sup>93</sup> *Sikkim Darbar Gazette Ex. Part V, Notification No. 5/STA Dated 1<sup>st</sup> December 1959*

4. Rangpo - Rhenock
5. Damthang - Sosing
6. Damthang - Ravangla
7. Namchi - Manpur
8. Nayabazar - Reshi
9. General Taxies - 2 light Cars

(II) All those interested should submit their applications with the earnest money of Rs. 100 for Light Cars and Rs. 300 for other vehicles. The applications should reach the undersigned by 31st December, 1959.

(III) It must be clearly understood that these permits may be cancelled if and when S.N.T. takes up any route; without payment of any compensation etc.

THE SIKKIM MOTOR VEHICLES ACT, 1957:<sup>94</sup> The Sikkim Motor Vehicles Act, 1957 came into force on 1<sup>st</sup> of April 1959 to the whole of Sikkim replacing the existing Act, the Sikkim Motor Vehicles Act I of 1937. The Act was made up of one hundred and twenty sections compiled within ten chapters and eleven schedule.

All the provisions of the Sikkim Motor Vehicles Act, 1957 were mirrored from the Central Motor Vehicles Act, 1939 of the Indian Union.

It is also pertinent here to mention that all provisions of the then Motor Vehicles act, 1939 relating to sustainable automobile use, namely, General provisions regarding construction, equipment and maintenance;<sup>95</sup> Limits of speed;<sup>96</sup> Limits of weight and limitations on use;<sup>97</sup> Power to have vehicle

---

<sup>94</sup> *Sikkim Code Vol. II Part I Chaps. I-II*, p. 93.

<sup>95</sup> Section 61, *Sikkim Motor Vehicles Act, 1957*

<sup>96</sup> Section 62, *Sikkim Motor Vehicles Act, 1957*

<sup>97</sup> Section 63, *Sikkim Motor Vehicles Act, 1957*

weighed;<sup>98</sup> Power to restrict the use of vehicle;<sup>99</sup> Power to erect traffic signs;<sup>100</sup> Parking places and halting station.<sup>101</sup>

The Act also had provisions for compulsory Third Party Insurance a remarkable feature of the then Indian Motor Vehicles Act, 1939.

Chapter nine dealt with Offences, Penalties and Procedure similar to that of the Motor Vehicles Act, 1939 prevalent in India in those days. The other area of similarity between the Motor Vehicles Act of Sikkim and India in those days was that both the enactments did not feature provisions relating to control of pollution from automobiles and the relating penalties. Maintaining of Pollution under control certificate was non-existent in both the legislations.

After the merger of Sikkim to the Indian Union, status quo was maintained but ultimately the overhauled Motor Vehicles Act, 1988 together with the relevant Rules made thereunder became applicable to the State of Sikkim in totality.

MOTOR VEHICLE RULES, 1961:<sup>102</sup>The following Sikkim Motor Vehicles Rules are issued with the approval of His Highness the Maharaja of Sikkim.

- (1) A jeep taxi can henceforth carry six passengers excluding the driver (in Sikkim).
- (2) Any private vehicle which is used to carry goods or passengers on hire or which is run as taxi would be liable to the cancellation of its registration if the fact is proved.
- (3) Any driver who is convicted 5 times or more for offences enumerated in the Motor Vehicles Act will be liable to the cancellation of his licence certificate for a minimum period of one year.

<sup>98</sup> Section 64, *Sikkim Motor Vehicles Act, 1957*

<sup>99</sup> Section 65, *Sikkim Motor Vehicles Act, 1957*

<sup>100</sup> Section 66, *Sikkim Motor Vehicles Act, 1957*

<sup>101</sup> Section 67, *Sikkim Motor Vehicles Act, 1957*

<sup>102</sup> *Sikkim Darbar Gazette Vol. XI. No.3, Notification no.1/ STA, dated 14<sup>th</sup> August 1961*

- (4) The Registration Certificate of a taxi vehicle will be cancelled if it has got spring leaves in excess of the originally fitted by the manufacturers. Two extra spring leaves, however, would be allowed to be fitted with the approval of the Secretary, Sikkim Transport Authority. Changing of springs or axle to any other make will also result in the cancellation of Registration Certificate.

The Sikkim motor Vehicles Rules were not substantive but given the small population of automobiles the need for a substantive law wasn't felt unless the application of the Motor vehicles Act, 1988 and the Central Motor Vehicle Rules 1989 and the Sikkim Motor Vehicle Rules, 1991. Presently, these enactments supplemented by the Sikkim Motor Vehicles Taxation Act, 1982 make the body of Motor Vehicle Laws in Sikkim and the Motor Vehicle Division of the Transport Department is the prime enforcement agency.

### **Road, Transport and Tourism**

These are the three branches of the administration which is involved in maintaining the economy and the protection of the environment of the State, together with the regular environment department which incidentally comes under the Forests, Environment and Wildlife management Department, Government of Sikkim.

Tourism generates the main part of the economy in Sikkim. The Roads plays an important part in developing and complementing tourism growth and finally transport plays the link between the two main factors of buttressing the mainstay economy of the State.

In today's world, global environmental concerns and management has become an important and inseparable component of corporate governance. An economic growth of a state cannot be kept away and deprived from this mode of administration in the times of Globalisation.

Further, it is now general information that Sikkim has the potential to become the most favoured tourist destination of the

21<sup>st</sup> Century. A lot of ingredients are available in the State to make it such a place. First and foremost, the place is blessed with a pristine environment with a Chief Minister, who has already been declared and felicitated as a Green Administrator, at the helm of affairs. The State has been getting fully co-operation from the Union Government in the context of funds and such Central funds have been utilised diligently in establishing the required infrastructure for the growth of tourism. These efforts are complemented by other related policies of transforming the State into an organic farming State, the Green Mission, a pet project of Chief Minister (Dr.) Pawan Chamling, which aims to plant as much trees and plants as possible involving citizens from all works of life. All these environmental friendly and sustainable development inspired features, both natural and policy oriented, of the State of Sikkim has further concretised the 'Tourism Economy' by the prevailing peace in the State, its unique selling proposition (USP). A large number of projects are already complete (the statue of Guru Padmasambava in Samdruptse in Namchi District), some are underway (the Char Dham Shiva Mandir in Solophok in south Sikkim) and some ambitious projects are on the pipeline (A grand Sky walk at Bhaleydhunga in Yangang, South Sikkim).

In order to streamline the eco-friendly tourism policies and projects, the respective regulations have been put in place by the State Government. One example of an eco-friendly regulation is the enactment of the Sikkim Ecology Fund and Environment Cess Act, 2005 with the relevant Rules. This rule elucidated later has been a progressive law in the area of environment legislation. There is also the Transport Infrastructure Development Fund Act, 2005 with Rules. These are some of the laws with relevant Rules, which, in addition to revenue generation, have also given a shot in the arm to the government agencies, who have made environment protection and improvement, their everlasting objective.

**ROADS AND COMMUNICATIONS:** In the early period, Roads and bridges in Sikkim were in the rudimentary forms. Road was understood to facilitate the movement of people and their

draught animals, mules, donkeys, horses, etc. They were actually dirt tracks of minimum width carved on the hillsides to facilitate the movement of people for trade, visits (both private and official) and sometimes in search of better prospects and settlement. Bridges made commonly made up of bamboos were only built across rivers only in times of necessities, that is, if circumventing the rivers by constructing roads was impossible.

The condition of the roads and bridges has been described vividly and recorded in detail by Joseph Dalton Hooker in the *Himalayan Journal*,<sup>103</sup> an account of his travels to Tibet through the kingdom of Sikkim.

Great emphasis of Sikkim's seven-year developmental plan was upon road communications and transport development. Nearly half of the plan's outlay between 1954 and 1961 was devoted on road transport development in Sikkim. It was understandable that without improvements in the circulatory system, the inaccessibility of various areas hinders the building of a sound and effective political organisation in the mountain kingdom. Besides without proper roads and bridges none of the development schemes could be executed efficiently. Medical aid and disease control would remain static; the farmer's market for his produce would be limited (ever since the sikkimese cultivator can remember, he has lost greater part of his profits to transportation costs in the form of mules and human portage); and education, if it could blossom at all, would remain compartmented.<sup>104</sup> Though mechanised transport was in existence road communications in the far flung areas of Sikkim were in a dismal state. Thus, considerable stress was put on the development of transport in Sikkim.

The implementation of Indo-Sikkim Treaty of 1950, among other things, marked a huge development in the context of road construction. The Indian Government built new bridges above gorges full of the thunder of rushing water replacing the swaying

---

<sup>103</sup> J.D.Hooker, *Himalayan Journal: Notes of a naturalist Vol-II (Chapter XVIII)*, Natraj Publishers (Dehradun), 1999

<sup>104</sup> H.G.Joshi, *History of Sikkim: A Himalayan kingdom in Sikkim: Past and Present (1<sup>st</sup> edn.)*, Mittal Publications (New Delhi), 2004, p.73.

cradles of bamboo and cane that had served as bridges in Sikkim since man can remember. Cars and trucks ousted pack animals and carts on the new roads, and aerial cable ways competed with the colourful processions of mule caravans that descended on the bazaar of Gangtok to pile its stalls high with wool and exotic merchandise. These new roads supplemented the strategic border highways, such as Nathu La-Gangtok Highway, also built by India under the India-Sikkim Treaty of 1950.<sup>105</sup>

The major highway connecting Sikkim, especially Gangtok, the capital, with the rest of country is, namely, National Highway 31A. This twisting mountain highway that runs from Siliguri<sup>106</sup>, one of the nearest and major towns of west Bengal, upto Gangtok, pushes a hundred and five kilometres (approximately) into the inner Himalayas. Nowadays, there are several heliports spread over the State. There is a Greenfield airport coming up at Pakyong, an eastern sub-Divisional town of Sikkim and at present, the preliminary works to extend the railway line from New Jalpaiguri station in Siliguri has started. Even under the above circumstances, this highway is the lifeline of Sikkim a state which neither has railroads nor airstrips at present<sup>107</sup> This road, in addition to the general importance of carrying food and supplies, caters to various sectors, for example, the industries for carrying in their raw materials and taking out the finished products; Tourism, which has proved in these current times to be the main economic activity of the State; and the Indian military, which has been stationed substantively in Nathu La (it is part of India's northern border with China but is situated in eastern Sikkim ).

---

<sup>105</sup> *Ibid*

<sup>106</sup> *Siliguri* is a strategically located economic hub situated in the North Bengal and known as the gateway to the Northeast India, Bhutan and Nepal.

<sup>107</sup> Earlier, a Railroad came upto Geille, a small hamlet on the banks of the River Teesta in West Bengal side and around thirty kilometers from Rangpo, a border town of Sikkim. It was destroyed in the late sixties due to flood in the River Teesta. There are several heliports spread over the State. There is a Greenfield airport coming up at Pakyong, an eastern sub-Divisional town of Sikkim and at present, the preliminary works to extend the railway line from New Jalpaiguri station in Siliguri has started.

In 1958, a major strategic road constructed jointly by the Indian army engineers and the India's Border Roads Organisation, is around two hundred kilometres and popularly known as the North Sikkim Highway. This motorable highway, which was completed in the year 1962, links Gangtok with the inaccessible northern border areas.

The earlier phase of road building saw the minimum use of machinery, thus human labour force was one of the main ingredients of road construction. This aspect compounded the already faced engineering problems leading to the difficulty in completing the projects on time due to the dearth of labour in the border areas. Apart from these problems, supply of food to the large labour force was one of the principal difficulties, particularly during the monsoons. The Road not only strengthened the defence of the country (after the betrayal attack by China in 1962) but also opened up the backward and inaccessible northern border areas to trade and commerce. The North Sikkim Highway also created avenues of businesses related to Tourism when the pristine and undiscovered places, namely, Yumthang, Lake Guru Dongmar, etc, were brought to the focus of both the domestic and international tourists who were already fed up with the stereotyped tourism practices of the most urban areas of Sikkim.

In December, 1961, construction started on an alternate highway from Rangpo, border town of Sikkim, to Gangtok through Pakyong, a sub-divisional town in East District. This highway (State) was constructed as an alternative to the National Highway 31A, which happens to be blocked mostly during monsoon season and to ensure uninterrupted heavy vehicular traffic between Gangtok and other parts of the country, especially, Siliguri, in West Bengal. But in present times, the state (alternative) highway is in similar conditions, that is closed, during monsoons but not regularly, similar to the case of the national Highway (NH 31A).

## **Roads and Bridges Department**

The Public Works Roads and Bridges Department<sup>108</sup> is the pioneer department engaged in development and creation of infrastructure of roads & bridges in Sikkim. With an increased workload the department has been divided and new departments have been created like Buildings & Housing, Water Security and PHED, Irrigation and Flood Control etc. The allocations of business to each department have been defined in the Rules of Business by the state government.

The main function of the Roads and Bridges department is to plan and develop road network throughout the state. It also maintains the road network that has been created in the past years for the smooth flow of both passengers and goods.

During the monsoons the heavy rains cause widespread damages along the road network and keeping the road network open 24 hours during such period poses a tremendous challenge for the officers and staff of both the Civil as well as well as Mechanical arms of the Roads and Bridges department. The deployment of a large number of machineries is also necessary for keeping the road open during such calamities.

Apart from constructing new roads and maintaining the existing road network the department is also engaged in up-gradation of the existing road network and bridges. These involve modification of vital parts of the bridges, replacement of old and weak bridges, widening / improving the grade as well as strengthening the surface of different roads that require such up-gradation works.

---

<sup>108</sup> <http://sikkim-roadsandbridges.gov.in/> accessed and viewed on August 2, 2010.

(Table 7.1)

**ROADS UNDER THE ROADS AND BRIDGES DEPARTMENT**  
(in Kilometres)

DISTRICTS	EAST	WEST	NORTH	SOUTH
ROAD CATEGORY				
S. H. <sup>109</sup>	0.06	28.79	0.00	139.86
M. D. R. <sup>110</sup>	243.17	246.28	35.96	161.76
O. D. R. <sup>111</sup>	208.97	273.68	66.88	296.51
<b>TOTAL</b>	<b>452.14</b>	<b>554.10</b>	<b>102.84</b>	<b>598.13</b>

(Table 7.2)

**ROAD NETWORK UNDER THE ROADS AND BRIDGES DEPARTMENT (in Kms.)**

S. No	SUB-DIVISION	CATEGORY OF ROADS			TOTAL
		S.H.	M.D.R.	O.D.R.	
1	Station	0.00	22.42	0.00	22.42
2	Singtam	0.06	74.50	59.72	134.28
3	Pakyong	0.00	63.78	65.90	129.68
4	Sub-Division IV	0.00	82.47	83.35	165.82
5	Mangan	0.00	35.96	68.08	104.04
6	Namchi	12.75	80.65	63.19	156.59
7	Jorethang	46.23	22.75	100.69	169.67
8	Yangang	16.00	80.00	40.00	136.00
9	Ravang	64.09	12.36	93.92	170.37

<sup>109</sup> State Highways.<sup>110</sup> Main District Roads.<sup>111</sup> Other District Roads.

10	<b>Geyzing</b>	24.49	88.32	92.03	204.84
11	<b>Kaluk</b>	0.00	36.39	92.47	128.86
12	<b>Soreng</b>	14.30	50.11	56.46	120.87
13	<b>Daramdin</b>	0.00	71.46	32.72	104.18
	<b>TOTAL</b>	<b>177.92</b>	<b>721.17</b>	<b>848.53</b>	<b>1747.62</b>

To put things in perspective, it is pertinent to mention here that the Government of Sikkim through its Roads and bridges Department is responsible to construct, administer and maintain the roads in the State. The main categories of roads found in the State are

- (1) *National Highway (N.H.)* – There is only one National Highway in the State, NH 31A. This road is maintained by the Border Roads organisation as already mentioned earlier and it is also the only link to the other parts of the country. The NH 31 A is the main lifeline of the State and through it passes all essentials required by the State and its population. It also caters to the Defence establishments and tourists in equal measure. Incidentally almost four and a half to five thousand vehicles( of all kinds) enter and leave Sikkim through this road, during the peak tourist seasons, namely, April to June and September to December.
- (2) *State Highways (S.H.)* – There a few State highways and their maintenance is the prerogative of the State Roads and Bridges Department, except in cases, when they are located in strategic areas. In such cases the B.R.O. has been given the authority to maintain them.
- (3) *The Main District Roads (MDR)* – There are a large number of main district Roads, 103 kms to be near exact figure. These roads connect the main towns of the districts, both inter and intra districts. Their maintenance and repairs is the sole responsibility of the said department, except in cases of emergencies.

(4) *The Other District Roads (ODR)* – The other district roads are motorable roads less wide than the S.H.s and the MDRs. They cater to the very local needs of the villagers and perform the task of the feeder roads.

### **Transport Department**

The Transport Department, Government of Sikkim has been bifurcated into two divisions, namely, the Sikkim Nationalised Transport division and the Motor Vehicles division. The head of the department, that is, the Secretary, Transport Department, heads both the divisions. The difference lies in the organisation structure, which is different for both the divisions. They prepare their own Annual Reports and have separate budgets. This existing situation signifies the dominance of the State both in the public transport and freight carriage scenario. It further indicates the number of private operators in the commercial transport arena were negligible. This scenario started to change after the late eighties when the Sikkim government made serious effort to explore the tourism potential of the State. A number of Tours and Travel agencies, Hotels and Restaurants and other tourism related infrastructure started to crop up. This was further enhanced by the government's publicities promoting Sikkim as a land of peace and tranquillity.

### **Sikkim Nationalised Transport (S.N.T.)**

The Sikkim Nationalised transport is popularly known as SNT has been the backbone of a rich heritage of Sikkim transportation history. It was set up in the year 1944, when the rest of the world was caught up in the Second World War, in the form of a department called the Truck Department and it was in the forefront of transportation of goods and ferrying of passengers in Sikkim.

Sikkim used to experience heavy snowfall in the northern regions during the long winter months and rainfall was recorded in excess of 100 inches annually during the monsoon. This was the main cause of frequent landslides and further lack of proper roads and bridges led to shortage of essential supplies in most

parts of rural Sikkim for long periods of time. For a region with hilly topography, where major development in the field of transportation was a distant dream, the newly constituted Truck Department was a boon to the people living in rural Sikkim, especially, North Sikkim.

The first year of the setting up of the Truck Department saw ten 15- cwt. Chevrolet Trucks bought in with an investment of Rs. 1,40,000 (Rupees one hundred and forty thousand only) that was loan, ed by the Rationing Department of the Sikkim Government. With limited routes, trucking operations was restricted to Gangtok-Teesta-Kalimpong and Gangtok-Teesta-Geilkhola (where the rail road coming from Siliguri terminated). The latter route was suspended in the 1960s when the floods then destroyed the railway lines never to be restored again.

In the next decade, namely in the fifties, Sikkim opened up ties with India after it gained independence from the British. In 1951, arrangements were made with the North East Frontier Railways (NFR) and the Indian Posts and Telegraph Department to open Railway Out Agencies along with the starting of the carriage of mail between Gangtok and Kalimpong. During the same year, freight services were extended to Siliguri and the present day SNT Depot in Pradhannagar was opened. The Truck Department was then renamed as 'Sikkim State Transport Service'.

In 1954, the first Tata Mercedes Benz Truck bearing model L 312/36 was commissioned for use on from Gangtok to Rangpo. The Gangtok-Darjeeling daily passenger service in Land Rovers was also introduced.<sup>112</sup> A mutual agreement was negotiated and entered into between the West Bengal Transport authorities and the Sikkim to allow their transport vehicles to enter one another's jurisdiction through a process of counter signature Permits. These permits allowed the vehicles from Sikkim, especially, commercial ones to ply on the routes of North Bengal

---

<sup>112</sup> The use of Land Rovers, British made four wheel drive vehicle fit to be driven in the hilly terrain, in the Gangtok-Darjeeling route was due to the Steep climb from Teesta to Darjeeling. The altitude of Teesta is around 800-1000 feet A.M.S.L. and that of Darjeeling is approximately 7000 feet A.M.S.L.

giving a boost to the economic development of the State. The Sikkim State Transport Service was rechristened as 'Sikkim Nationalised Transport' in 1955.

The SNT is a major transport operator today and it is one of the major commercial operations of the Government of Sikkim. Presently, it covers the every nook and corner of Sikkim, in addition to running services to the neighbouring State of West Bengal, namely, Darjeeling, Kalimpong and Siliguri.<sup>113</sup> Together with its fleet of freight carriers and petrol tankers (moving petroleum products into the State), apart from its regular passenger services, SNT remains one of the more glorious and profitable enterprise of the Government of Sikkim. The operation of bus services to Siliguri has been the most lucrative and further extension has been made on that route. Such extension of Bus operation has been carried out by providing services to the Airport in Bagdogra (near Siliguri) and New Jalpaiguri (NJP) train station.

Recently, On February 22, 2010, Dr. Pawan Kumar Chamling, the Chief Minister, attended the flagging off ceremony of city runners at Sikkim Nationalised Transport bus Terminus. The 25 buses with 32 seats capacity will be plying in six different routes in the outskirts of the capital. He also consented to the proposals of buying 25 more buses and forty trucks for the Transport Department. The Chief Minister further hoped that the new buses under the Jawaharlal Lal Nehru Urban Renewal Mission (JNNURM) will be of great use to the working class people.<sup>114</sup>

The present fleet count of the Sikkim Nationalised Transport comes eighty-seven trucks and ninety-two buses excluding the vehicles assigned for official use and still counting.

### **Motor Vehicles Division**

Sikkim is a landlocked state surrounded on the three sides by precipitous mountain valleys. The State has not yet been

---

<sup>113</sup> The Bus services to Kalimpong and Darjeeling has been suspended indefinitely due to the current political situation there.

<sup>114</sup> *The Sikkim Express (Gangtok)*, Vol. XXXIV No. 53, February 23, 2010, p. 1

connected by airways or railway. The only means of communication and socio economic development has therefore been made to depend entirely in the road transport network. With many developmental activities taking place in the State, of late there has been a boom in the vehicular traffic. The Motor vehicles Division has, therefore, a pivotal role to play in every facet of life for the sustenance and growth.

The Motor vehicles Division is a constituent part of the transport department, Government of Sikkim whose main function is to implement the laws relating to motor vehicles, namely, The Motor Vehicles Act, 1988, the Central Motor Vehicle Rules (CMVR), 1989, Sikkim Motor Vehicle Rules, 1991 and the Sikkim Motor Vehicle (Taxation) Act, 1982. Specifically, the Motor Vehicle Division of the transport Department has been entrusted with the following functions:<sup>115</sup>

- Registration of motor vehicles.
- Issue of route permits to transport vehicles.
- Issuance of driving licence.
- Issuance of fitness certificate.
- Collection of motor vehicle road tax.
- Recommendation of countersignature of permit to Sikkim based vehicles for plying in West Bengal.
- Countersignature of permit to West Bengal carriers and stage carriages/contract carriages under a reciprocal agreement.
- All matters relating to Inter-State Transport Arrangement.
- Enforcement of Motor Vehicles Act, 1988; Rules, both State and Central and the State Taxation Act, 1982.
- Control of all State Transport Undertakings.

---

<sup>115</sup> Source: *Annual Report 2008-2009*, Motor Vehicles Division, Transport Department, Government of Sikkim, p.2.

- Public service-statutory rules of services with which the department is concerned.
- Transport policy

Total Revenue collected by the Motor Vehicles Division of the Transport Department during the period 2008-2009 comes to Rs. 8,06,19,422 against the set target of Rs 8,00,00,000.<sup>116</sup> The registration of vehicles, replacement fees, ownership transfers, annual token tax, grant and renewal of driving licences, fitness checking of vehicles, countersignature recommendation fees, grant of countersignature fees, issue of 'No Objection' certificate fees, sale of forms, etc., are the various sources of such revenue.

Sikkim is one of the foremost States to adopt the Smart Card Operating System in Transport Applications (SCOSTA). Since year 2002-03, Driving licences and Registration Certificates are being issued in the form of a 'Smart Card', which consists of a microchip containing the details of the vehicle and as such it offers a fool proof system. These Smart Cards are issued from the Regional centre in Gangtok and Jorethang.<sup>117</sup>

In order to ease traffic congestion, especially in Gangtok, the motor Vehicles Division has stopped issuing local taxi permits in congested areas like Gangtok proper and Singtam. While issuing permits, preference is given to 'Self driven' vehicles with an aim to curb unemployment problems. Preference is also given to ex-servicemen and unemployed youth for different lucrative routes.

There are two smoke testing centres, one in Gangtok and the other at Jorethang. They were set up and were functional during 1995-96. The computerisation of Regional Transport Offices by the National Informatics Centre (NIC) under the Regional Transport Office Computerisation Project was initiated in 2004.<sup>118</sup>

---

<sup>116</sup> *Ibid* at p.8.

<sup>117</sup> *Thirty Years of Statehood*, Information and Public Relations Department (2005), Government of Sikkim.

<sup>118</sup> *Supra* note 115 (*Annual Report 2008-2009*) at p.12.

The types of classification of registered motor vehicles in the State of Sikkim are as follows:<sup>119</sup>

- SK01** (Black numbers on white background plate) – Registration numbers for two wheelers, that is scooters and motor cycles.
- SK02** (Black numbers on white background plate) – Registration numbers for private owned vehicles purchased for personal use.
- SK02A** (Black numbers on white background plate) – The extended series of registration numbers for private vehicles.
- SK03** (Black numbers on yellow background plates) – Registration numbers for goods carriers, both big trucks and Lorries, and smaller pickup trucks.
- SK04** (Black numbers on yellow background plates) – Registration numbers for taxis, both local and long distance, and other commercial vehicles.
- SK05** Registration number for unconventional vehicles, for example, tractors, trailers and other heavy vehicles.
- SK06** Newly introduced numbers specifically meant for tourism purposes. The idea behind the issue of this series of registration numbers is to introduce luxury type Sports Utility Vehicles (SUVs) for hire targeted to cater to the high end tourists. These vehicles are mandated to be white and should bear a logo 'Tourist vehicle' on the front door on the driver's side.

A Standing Order No. S.O. 444 (E) dated 12<sup>th</sup> June 2007 was issued by the Ministry of Surface Transport, Government of India in respect to vehicles registration codes. In pursuant to the said Standing Order of the Government of India, a notification<sup>120</sup> of the Transport Department, Government of Sikkim, was issued allotting (I) District wise code number of the

<sup>119</sup> N.G.Dorji (ed.), *Sikkim: A to Z, 2009-10*, Gushing Torrent International (P) Ltd.(2010), p.153.

<sup>120</sup> *Sikkim Government Gazette Notification No. 98 MV/T* dated 11<sup>th</sup> December 2008.

Registering Authorities and (II) Vehicle identification code in alphabets for the different type of vehicles in Sikkim. Henceforth, vehicles have been classified into four section district wise:

- (I) (a) **SK 01** for vehicles registered in East District;
- (b) **SK 02** for vehicles registered in West District;
- (c) **SK 03** for vehicles registered in North District and
- (d) **SK 04** for vehicles registered in South District.

(II) Further sub-classification for all four districts will be broken down as follows:

(Table 7.3)

**CLASSIFICATION OF VEHICLE REGISTRATION IN SIKKIM**

Sl. No.	Category of Vehicle	Code alphabet
1.	State Government Vehicles	G
2.	V.V.I.P. Number Plates (per 100)	GA/GB/GC etc.
3.	Private vehicles (non Commercial)	P
4.	Taxis (Cars, Vans carrying maximum four passengers)	T
5.	Maxi Cabs (Jeeps, SUVs, etc. carrying maximum of ten passengers)	J
6.	Luxury Tourist Taxis	Z
7.	Passenger Vehicles (Buses, etc.)	B
8.	Goods Carrying Vehicles	D
9.	Ambulance	A
10.	Other Vehicles, not specified above (tractors, earth moving, equipment, etc.)	E

The new classification of registration of vehicles is already under implementation. The transformation from the earlier registration code and numbers are being carried out in a phased

manner. Together with the transformation of the registration numbers from old series to new, High Security Registration Plates are being issued simultaneously. Therefore a local taxi in the form of a Maruti van in Gangtok (East) would be allotted registration SK01 T XXXX, similarly a bus belonging to Namchi (South) would bear the registration number SK04 B XXXX, SK02 P XXXX would be the registration number of a privately owned car (strictly for personal use) of a resident of Geyzing (West) and the official car of a government officer of Mangan (North) would bear the registration number, SK03 G XXXX.

(Table 7.4)

**TRANSPORT DEPARTMENT<sup>121</sup>**  
**Number of vehicle registered by type**

TYPE	REGISTERED	
	1994-95	2008-09
SK – 01	2477	158
SK – 02	4075	763
SK – 03	1047	330
SK – 04	2247	326
SK – 05	14	25
SK – 06	NA	11
<b>TOTAL</b>	<b>9860</b>	<b>1613</b>

**PRIVATELY OWNED TAXI VEHICLES:** The Taxi services in Sikkim, especially, Gangtok, are broadly divided into three categories, namely, Local, Mainline and Rural Areas.

The Local taxis are available in most of the smaller towns of Sikkim apart from Gangtok. They are made up of Maruti vans,

<sup>121</sup> Source: *State Socio Economic Census 2009-10*, Department of Economics, Statistics, Monitoring and Evaluation (DESME), Government of Sikkim.

Maruti cars and other small cars of various auto companies. They have been allotted the SK 04 series in their registration numbers and easily recognisable from its yellow top (yellow bonnet if it is not a Maruti van).

Mainline taxis are constituted of mostly Commander Jeeps, Maxx Jeeps from the Mahindra & Mahindra Company, and Tata Sumos. Recently, entries have been made by some luxurious vehicles commonly in the form of Chevrolet Travera, Mahindra Scorpio and Toyota Innova. They, too, bear the SK 04 series of the registration numbers and the customary yellow on their bonnets. They carry passengers on share basis (per seat) to points within and outside Sikkim. The usual places that these vehicles carry passengers are Darjeeling, Kalimpong, Kurseong, Siliguri, Bagdogra, and New Jalpaiguri. They also ferry passengers to Jaigaon, the Indian side of Bhutan border and Kakribhitta, the Nepal border.

The other forms of taxis are those which ply to the small towns and villages of Sikkim. This is done again by the Tata Sumos, Commander Jeeps, and Maxx Jeeps from the Mahindra & Mahindra Company, etc.

**PRIVATE BUS SERVICE:** There are few bus services provided by private owners and these services mostly ply between Gangtok and Siliguri. The operation of the Bus services on other routes like Gangtok-Darjeeling, Gangtok-Kalimpong and Gangtok-Kurseong is both, not feasible and economically viable. The main reason for the said scenario is that the routes to these hill towns in the Neighbouring State are steep and further, there are shorter routes available to the smaller vehicles to reach these towns in less time. Thus, transport operation in these routes is dominated by cars and sports utility vehicles (SUVs) which is usually involved in ferrying passengers to these town both local and tourists.

**SOME OF THE ACTIVITIES OF THE MOTORS VEHICLE DIVISION:**<sup>122</sup> The motor Vehicles division of the Transport

---

<sup>122</sup> Source: *Annual Report 2008-2009*, Motor Vehicles Division, Transport Department, Government of Sikkim.

Department carries out fitness inspection of vehicles from time to time depending on the age of the vehicles. During the period of 2008-2009, the Office of Regional Transport Officer (R.T.O.), North and East, conducted fitness checking of 2,199 vehicles and R.T.O. (South and West) Office checked 839 vehicles in the respective jurisdictions.<sup>123</sup>

The Office of the senior R.T.O., Gangtok carried out surprise road checking of vehicles in 2008-2009 and found 565 of those vehicles out of the 2,500 checked to be booked in one case or the other under the Motor vehicles Act, 1988 and the relevant Rules, namely, the Central Motor Vehicles Rules, 1989 and the Sikkim Motor Vehicles Rules, 1991. During the same period, the Office of the Senior R.T.O., Jorethang checked a total of 5,650 vehicles out of which 375 were compounded.<sup>124</sup>

There is a reciprocal Agreement entered into between the government of Sikkim and West Bengal which governs the movement of vehicles in the inter-state routes. According to the said agreement, 300 trucks based in West Bengal and 600 trucks based in Sikkim are to be given countersignature for entry into one another's State by the appropriate authorities. In regard to the issue of countersignature of permit of contract carriages there has been no limit and as such the respective authorities have agreed to issue countersignatures of permit to any number of such vehicles recommended by the respective authorities. In 2008-2009, the number of Sikkim vehicles recommended for countersignature were 120 for Contract carriage and 197 for Goods Carriage whereas the number of recommendations received for West Bengal Vehicles were 47 and 283 respectively.<sup>125</sup>

The Motor Vehicles Division of the Transport Department organises a Road Safety Week with the prime objective of improving road safety by imparting traffic regulations for the benefit of all pedestrians, students, drivers and the members of the general public. They are all encouraged to participate in this

---

<sup>123</sup> *Ibid* at p.4.

<sup>124</sup> *Ibid* at p.4

<sup>125</sup> *Ibid* at p.5

annual feature. During the said event, a rally is organised, pamphlets are distributed, knowledge on first aid is imparted and vehicular checks in the form of fitness checking and emissions testing are carried out. All this is done to create and spread awareness at all levels in the State regarding the sustainable use of automobile and its benefits.

Every year the road Safety Week is held between the first and the third Week of the month of March. In 2008-2009, the Road Safety Week was celebrated from 24<sup>th</sup> to 30<sup>th</sup> March 2008. The event was marked by various programmes and participated by NGOs, Students, drivers, Taxi Owners' association, Traffic police, health Authorities and a substantial number of local public. However, in 2009-2010, the event could not be organised due to the Lok Sabha and Assembly elections, 2009.<sup>126</sup>

Another feature that is the consequence of unsustainable use of automobile are motor accidents. The motor Vehicles Division records the number of accident occurred annually. The total number of accident cases reported during the year 2008-2009 were 198 and the number of males and females killed due to such accidents were 57 and 10 respectively. The number of wounded male and female persons stood at 330 and 46 respectively.<sup>127</sup>

#### OTHER MISCELLANEOUS ACTIVITIES OF THE MOTOR VEHICLES DIVISION DURING 2008-2009.

- (a) A total of 470 vehicles were challaned while conducting periodical checking for overloading and other similar offences under the Motor vehicles Act, 1988 and the Rules made thereunder. The total amount of fines collected for the same amounted to Rs. 2,75,750/- only.
- (b) 3,8435 vehicles were inspected for road worthiness and fitness certificate issued to them

---

<sup>126</sup> *Ibid* at p. 9.

<sup>127</sup> *Ibid* at p. 6.

- (c) 2,111 applications for new driving licences were processed and driving test conducted on all of them. 1,815(non-transport<sup>128</sup>) and 288 (transport<sup>129</sup>) new driving licences were issued. 3,112 driving licence were renewed and 414 duplicate licences were issued during the abovementioned period. A total of 272 (transport and 1211 (non-transport) driving licences were issued by senior R.T.O (South West) Office.
- (d) A total of 3,150 of learners licence were also issued.
- (e) 13,660 temporary permits for plying to Siliguri were issued during the same period.
- (f) 2,354 special permits for Changu/Nathula route were issued

In addition to these measures of sustainable automobile use, the Office of the regional Transport Authority of both the North & East and South & West jurisdictions conduct periodical checks and inspection in regard to a driver's conduct towards his clients, especially tourists. The authorities also make it a point to see that the person driving a motor vehicle is not speeding or under the influence of alcohol or drugs. The driver's are also cautioned on the use of mobile phones while driving and the offences, if minor, are compounded on payment of a fine imposed which seems to be harsh. Such deterrent fines are imposed with the aim of discouraging the offender from committing a similar offence in the future.

The schedule regarding offences and penalties, Schedule II has been overhauled by the Transport Department (Motor Vehicle Division) in the exercise of the powers conferred by subsection (1) of section 200 of the Motor Vehicles Act, 1988 (Act 59 Of 1988).

---

<sup>128</sup> Non-transport driving licence holders are not permitted to drive taxis or other 300 commercial vehicles.

<sup>129</sup> Holders of Transport driving licences are professional drivers and as such are permitted to drive commercial vehicles.

(Table 7.5)

**SCHEDULE II – Offences and Penalties**<sup>130</sup>

No.	Sections (Offences)	Amount of fine (Rs.)		
		1 <sup>st</sup>	2 <sup>nd</sup>	N <sup>th</sup>
1.	177. General provisions for punishment of offences	100	250	300
2.	179. Disobedience of orders, obstruction and refusal of information	450	500	500
3.	180. Allowing unauthorised persons to drive vehicles	900	1,000	1,000
4.	181. Driving vehicles without valid licence	450	500	500
5.	183(1). Driving at excessive speed	700	800	900
6.	183(2). Person abetting to drive at excessive speed	400	500	500
7.	184. Driving in as manner dangerous to public.	1,000	1,500	2,000
8.	186. Driving when mentally and physically unfit to drive.	200	300	500
9.	189. Racing or trial of speed between motor vehicles without government permission.	450	500	500
10.	190(2). Driving vehicle without complying with the standards prescribed relating to road safety, control of noise and air pollution.	1,000	1,500	2,000
11.	191. Sale of vehicle in or alteration of vehicle in condition contravening the M.V.Act, 1988.	450	500	500
12.	192. Using vehicle without registration.	3,000	4,000	5,000
13.	192-A. Using vehicle without permit.	2,000	3,000	4,000

<sup>130</sup> Government of Sikkim Gazette Notification no. 121/MV/T dated 29<sup>th</sup> July 2010.

14.	194. Vehicle exceeding permissible weight:			
	Upto 500 kgs.	2,000	3,000	4,000
	501 to 1,500 kgs.	3,000	4,000	5,000
	1,501 to 2,500 kgs.	4,000	5,000	6,000
	2,501 to 3,500 kgs.	5,000	6,000	7,000
	3,501 to 4,500 kgs.	6,000	7,000	8,000
	4,501 to 5,500 kgs.	7,000	8,000	9,000
	5,501 kgs. and above	10,000	10,000	10,000
15.	194(2). Refusing to submit the vehicle to weighing or removing excess weight before weighing.	2,500	3,000	3,000
16.	196. Driving uninsured vehicle.	900	1,000	1,000
17.	198. Unauthorised interference with vehicle.	100	100	100

### Tourism<sup>131</sup>

There are two major registered tour operators in the state of Sikkim who act as umbrella organization of the Tourism Department, namely, Travel Agent Association of Sikkim having more than 175 Tour Operators affiliated to this body and another Sikkim Association of Adventure and Tour Operators with more than 20 Tour Operators affiliated with it. Besides this there are more than six Tourism Development Societies, namely, South Sikkim Tourism Society, Aritar Lamphokari Development Cooperative Society, East Sikkim, Hee-Berموik Tourism Development & Heritage Conservation Society, West Sikkim, Rabongla Tourism Development Corporation Society, South, Pelling Tourism Development Corporation, West Sikkim, Mangan Tourism Development Society, North Sikkim.

The Department of Tourism on its part has been regularly organizing awareness camps to the tour operators/taxi drivers and regular checking are being made in those areas for which the permit is being issued by Tourism Department. One of the

<sup>131</sup>Source: *Annual Report 2007-2008*, Tourism Department, government of Sikkim.

major areas for concern is Tsomgo Lake. In order to de-pollute and de-congest the lake area, Tourism Department under the Centrally Sponsored Scheme has constructed shopping complex with parking facilities. Further, we have been regularly requesting the UD&HD not to issue any hawker's license in and around the tourist destinations, as stated above, as the implementation of registration of Tourism Trade Rules is taking sometime, permit to the tourist taxies plying upto Tsomgo and Baba Mandir which are being issued by Check-post (Police), will also be brought under the jurisdiction of Tourism Department. Thereafter only, the quality of service/standard of vehicles etc. can be checked and action taken. Under the provisions of this Rules, Tourism Department will also notify in official Gazette, all the tourist destinations including trekking routes etc." and the entry of tourists into these notified areas will be regularized and channelized, and, strict measures resulting cancellation of registration of license would be taken if any of the registered travel agents/tour operators/service providers/hotel/restaurant/bar owners violate the laws in force. As far as the assets like cafeterias/bungalows are concerned, these have been leased out to the educated unemployed youths on minimum rental charges.<sup>132</sup>

Salient points in Tourism master plan in the state related to protection of environment.<sup>133</sup>

- i) Maintenance of tourism trade and environment.
- ii) Emphasis on sustainable development approach to plan in tourism. Environmental and socio-economic impacts to be considered so that negative impacts are prevented.
- iii) Basic principle in environmental management is maintaining the carrying capacity of the tourism area.
- iv) Provision of adequate infrastructure to serve tourism.

---

<sup>132</sup> *Ibid* at p.11.

<sup>133</sup> *Ibid* at p.18.

- v) Maximizing local inputs of the goods and services that are used tourism so that this sector is well integrated into the local economy.
- vi) Expansion of local shopping opportunities and increasing local tourist attractions are ways of increasing tourist expenditure.

Future strategies and interim proposed to protect environment in the tourism related activities.<sup>134</sup>

- The Department of Tourism, as submitted above, proposes to bring all the agencies involved in tourism trade including tour operators, travel agents, hotels, restaurant owners, tourist taxi, all registered tourism development cooperative societies under the jurisdiction of Sikkim Registration of Tourism Trade Rules, 2006, once implemented. Thereafter, we will form strategies and measures would be taken up for regulation of the activities including protection of environment.
- Except for Tsomgo Lake for which efforts have already been made to protect the lake, permits in the high altitudes like Nathula are being issued only to the registered travel agents conducting packaged tour, who are very experienced and maintain their own code of conduct for protection of environment. As regards Alpine tours, this will be opened only after the Rule, in question is implemented.

High Altitude Solid Waste Management: The tourism amenities constructed at high altitude especially, the toilet facilities has its own septic tanks for digestion of such wastes. Solid wastes generated at the tourist spots are proposed to be managed by the UD&HD. The source level segregation of bio and non-bio degradable waste has also been proposed.

---

<sup>134</sup> *Ibid* at p.21

Tourism contribution to the State's economy was a pittance in the late 1980s. Around thirty to forty thousand tourists visited the State annually. The majority of the tourist inflows were made up of domestic visitors and foreign travellers were a mere six percent of the total inflow. The Chart herein below would portray the rough figures of Tourist Arrival in the Sikkim:

(Table 7.6)

**TOURIST ARRIVALS IN SIKKIM (ANNUALLY)<sup>135</sup>**

YEAR	DOMESTIC		INTERNATIONAL		TOTAL	
	FIGURES	(%)@	FIGURES	(%)@	FIGURES	(%)#
2000	1,80,256	95.3	8,794	4.7	1,89,050	-
2001	1,92,354	96.1	7,757	3.9	2,00,111	5.9
2002	2,03,835	96	8,433	4	2,12,268	6.1
2003	2,20,824	95.3	10,954	4.7	2,31,778	9.2
2004	2,86,687	95.5	13,528	4.5	3,00,215	29.5
2005	3,47,650	95.5	16,518	4.5	3,64,168	21.3
2006	4,21,943	95.9	18,049	4.1	4,39,992	20.8
2007	4,65,204	96.3	17,837	3.7	4,83,041	9.8
2008	5,12,373	96	21,162	4	5,33,535	10.5
2009	6,15,628	97.2	17,730	2.8	6,33,358	18.7
TOTAL	34,46,754	96.1	1,40,762	3.9	35,87,516	-

@ Percent of total

# Annual increase or decrease (in percent)

From the chart above, it is clear that there has been steady rise in the number of tourists coming to Sikkim, however, more than 95 percent are domestic visitors. The total figures entering Sikkim has crossed 6 lakhs in 2009 compared to 1, 89,050 in 2000. The annual increase of tourists visiting Sikkim has been hovering around has been 5 to 29 percent. The highest annual increase of tourists visiting Sikkim was 29.5 percent in 2004 and the lowest was 5.9 percent in 2001. The table above also

<sup>135</sup> Source: *Annual Report 2008 -2009*, "Sikkim Tourism Department", Government of Sikkim.

manifests that since 2000, a total of 35,87, 516 tourists came to Sikkim out of which 34,46,754 were domestic travellers and 1,40, 762 were foreigners. This gives the clear picture of the potential and prospects of the Tourism industry in Sikkim.

### **The Sikkim Pollution Control Board (SPCB)**

The Sikkim Pollution Control Board functioned earlier as the Land Use and Environment Board. The Land Use and Environment Board was constituted vide a Notification<sup>136</sup> under the Chairmanship of the Chief Secretary, Government of Sikkim and the rules for the purpose of effective functioning of the said Board was framed vide another Notification.<sup>137</sup> Thus, the SPCB functioned under the aegis of the Sikkim Land Use and Environment Board since 1983 and initially consisted of the following members, together with the Chairman, namely:

1. Development Commissioner;
2. Secretary, Land Revenue Department;
3. Secretary, Forest Department;
4. Secretary, Rural Development Department;
5. Director, Animal Husbandry Department;
6. Director, Agriculture Department;
7. Chief Engineer, P.W.D. (Roads and Bridges) and
8. Joint director/Director, Land Use and Environment Department as Member Secretary.

The Sikkim State Legislative Assembly passed a resolution adopting the Water (Prevention and Control of Pollution) Act, 1974, a Central Act, together with its latest amendments on that date vide Notification No. 51(7) Home/88/868 dated 21<sup>st</sup> July 1988. In pursuant to the said notification the Land Use and Environment Board was entrusted with the implementation of the Water (Prevention and Control of Pollution) Act, 1974 also

---

<sup>136</sup> Sikkim Gazette Notification no. 51(7) Home/ 81 dated March 1983.

<sup>137</sup> Sikkim Gazette Notification no. 51(7) Home/ 81 dated 11<sup>th</sup> October 1984.

known as the Water Act with all relevant amendments till date in the State of Sikkim with effect from 25<sup>th</sup> February 1989.<sup>138</sup>

Further, in exercise of the power conferred by section 64<sup>139</sup> of the said Water Act, the Government of Sikkim enacted the Sikkim Water (Prevention and Control of Pollution) Act, 1991 which came into force on 21<sup>st</sup> September 1992.<sup>140</sup>

In order to carry out the functions of the State Board entrusted to it under the Water (Prevention and Control of Pollution) Act, 1974 and the Air prevention and Control of Pollution) Act, 1981 efficiently, the Pollution Control Laboratory situated in the Forest Secretariat Annex, Forest Department was declared as the State Air and Water Laboratories.

After the initial constitution of the State Board under the provisions of the Act,<sup>141</sup> the board is functioning smoothly aided by its sincere and hardworking technical and support staff. The Sikkim Pollution Control Board is reconstituted every three years as per the mandate of the said Act and has its office in the Forest Secretariat. It is presently administered as an autonomous body as per the objectives of the Act and are carrying out measures as per the provisions of the Act, for example, Creating awareness in respect Air and Water pollution, spreading the message of protecting and improving the Environment through lectures, street plays, seminars, etc. in various schools, colleges, social gathering both in the urban and rural centres, disseminating information through numerous posters, banners, pamphlets, arranging film and documentary viewing in several educational institutions and social organisations, etc.

In addition to the general functions of a State Board, the Sikkim State Pollution Control Board (SPCB) has a regular Ambient Air and Water Quality Monitoring Programme to assess

---

<sup>138</sup> *Sikkim: State of the Environmental Pollution Report (2004)*, Sikkim Pollution Control Board, department of Forests, Environment and Wildlife Management, Government of Sikkim.

<sup>139</sup> Power of the State Government to make rules under the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974).

<sup>140</sup> *Sikkim Government Gazette Notification no. 1/LU & E/ F* dated 21<sup>st</sup> September 1992.

<sup>141</sup> Section 4 of the *Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974)*.

the status of pollution in the natural environment. These monitoring programmes are funded by the Central Pollution Control Board, Ministry of Environment & Forests, Government of India.

To prevent, control and abate air pollution in the country, the Government of India enacted Central legislation called the Air (Prevention & Control of Pollution) Act, 1981 (referred to as the Air Act, 1981). Every polluting industry must obtain a consent from the State Pollution Control Board for the discharge of air pollutants in any form through chimney or otherwise. The State Board may lay down suitable conditions while giving consent to discharge air pollutants in the light of emission standards developed by the Central Board, subsequently notified through the rules framed under the Environment (protection) Act, 1986 Rules.

*Ambient Air Quality Monitoring:* The air quality surveillance and monitoring is under taken to detect any deterioration in air quality arising from industrial, vehicular, residential and natural sources of pollution, as there are large seasonal variation in the concentration of various air pollutants. Air quality monitoring is the measurement of various pollutants to study the pattern and movement of air masses and deterioration of air quality. Monitoring programme helps in estimating the dynamic concentration levels of various pollutants from time to time, based on dispersal mode of original concentration at sources and at receptor end.

Air Quality Monitoring of Gangtok town was initiated out under the project "Assessment of Pollution & Formulation of Action Plan" during the year 2000-2001 and as per the report the air quality of Gangtok town is represented in the table.

(Table 7.7)

**Ambient Air Quality in and around Gangtok in Yearly Average  
( $\mu\text{g}/\text{m}^3$ )<sup>142</sup>**

S.No.	Name of Sites	Category	SPM	SO <sub>2</sub>	NO <sub>x</sub>
1.	Tadong	Residential	108	16.2	15.7
2.	Indira bye –pass	Commercial	137	17.4	22.6
3.	Deorali	Residential	118	18.6	16.1
4.	Bazar area (near Metro Point)	Commercial	145	22.3	20.4
5.	Hospital point	Sensitive	122	19.6	18.6
6.	Zero point	Sensitive	98	10.2	12.3

*Oxides of Sulphur:* Eight hourly Sulphur dioxide concentration of the sample shows that Bazar area with  $22.3 \mu\text{g}/\text{m}^3$  has highest concentration on yearly average while the zero point shows minimum concentration with  $10.2 \mu\text{g}/\text{m}^3$ . The other stations viz: Tadong ( $16.2 \mu\text{g}/\text{m}^3$ ), Indira bye-pass ( $7.4 \mu\text{g}/\text{m}^3$ ) Deorali ( $16.1 \mu\text{g}/\text{m}^3$ ), and Hospital Point ( $18.6 \mu\text{g}/\text{m}^3$ ). All the values are, however, within the prescribed limit.<sup>143</sup>

*Oxides of Nitrogen:* The Eight hourly averages of Nitrogen oxides samples were collected and further analyzed in the lab. The result is presented in the table above. The highest concentration of oxides of Nitrogen as NO<sub>2</sub> was recorded from Indira Bye-pass with  $22.6$ <sup>144</sup>

*Suspended Particular Matter (SPM):* The yearly average of suspended particulate matter is presented in table above. It can be inferred that Bazar area (near metro point) with  $145 \mu\text{g}/\text{m}^3$  of SPM has highest concentration while zero point with  $98 \mu\text{g}/\text{m}^3$  shows minimum concentration of SPM. The highest value in

<sup>142</sup> Source: (Sikkim: State of the Environmental Pollution Report (2004), at p.11.

<sup>143</sup> Ibid at p.16

<sup>144</sup> Ibid

Bazar area is mainly due to heavy vehicular movement in this area. Tadong monitoring site recorded  $108\mu\text{g}/\text{m}^3$  of SPM and like-wise Indira bye-pass ( $137\mu\text{g}/\text{m}^3$ ), Deorali ( $118\mu\text{g}/\text{m}^3$ ) and Hospital point ( $122\mu\text{g}/\text{m}^3$ ).  $\mu\text{g}/\text{m}^3$  followed by Bazar area ( $20.4\mu\text{g}/\text{m}^3$ ), Hospital Point ( $18.6\mu\text{g}/\text{m}^3$ ), Deorali ( $16.1\mu\text{g}/\text{m}^3$ ), Tadong ( $15.7\mu\text{g}/\text{m}^3$ ) and lowest was recorded from zero point with  $12.3\mu\text{g}/\text{m}^3$ . All the values are however, within Indian standard.<sup>145</sup>

### **Vehicular Pollution in Gangtok**

**PETROL DRIVEN VEHICLES:** Altogether 83.72% of the petrol driven vehicles were meeting the specified standards whereas 16.27% of vehicles were not meeting the stipulated standards.<sup>146</sup>

(Table 7.8)

**Petrol Driven Vehicles Monitored for Carbon Monoxide (CO %)<sup>147</sup>**

Sl. No.	Type of Vehicle	Total Vehicle monitored	Total vehicle complying with the standards	Total vehicles not complying the standards
1	Four wheelers	54	48	06
2	Two wheelers	161	132	29
	Total	215	180	35

**DIESEL DRIVEN VEHICLES:** A total number of 90 diesel driven vehicles were monitored which included Buses, Lorries, Mini Lorries, Commander jeeps etc., of different makes at peak hour in commercial and traffic area. It was observed that 78 vehicles (86.66%) were meeting the standards. However, 12 vehicles

<sup>145</sup> *Ibid*

<sup>146</sup> *Ibid* at p.45

<sup>147</sup> *Ibid*

(13.33%) failed to meet the standards.<sup>148</sup> Details of the above data are shown in the table below:

(Table 7.9)

**Diesel Driven vehicles monitored for Smoke Density (HSU)<sup>149</sup>**

Type of vehicle	Total vehicles monitored	Total vehicles complying with the standards	Total vehicles not complying with the standards
Four wheelers	90	78 (86.66%)	12(13.33%)

The Government of Sikkim has been aggressively marketing its tourism potential through its Tourism Department and the Sikkim Tourism Development Corporation (STDC). Year 2010 has been declared the year of tourism by the State Tourism Department.<sup>150</sup>

The approach of the State Government in respect to growth of tourism has been holistic. On the one hand they are focussing on the infrastructural development, for example construction of roads, tourists spots, giving incentives to hoteliers, lodge, resort and rest house owners, promoting home-stays in the rural areas, etc, on the other hand they are preparing the local populace to take advantage of the benefit arising out of the prospective growth in the tourism industry by training them. Training has been provided by the government to the local population, especially youth – educated, literate or semi-literate – in the field of tourism related activities, for example, travel and trekking guides; adventure tourism; hotel management related activities such as managers, housekeeping, cooks, waiters, etc; spas and massage therapies, etc.<sup>151</sup>

The locals are also provided the opportunity of self employment by issuing permits for running taxi services, both common and luxury categories on the payment of reasonable

<sup>148</sup> *Ibid* at 46.

<sup>149</sup> *Ibid*.

<sup>150</sup> *Sikkim Express*, 21<sup>st</sup> March 2010.

<sup>151</sup> Source: *Annual Reports of the Tourism Department, Government of Sikkim*.

fee. These persons are also given the facility of availing vehicle loans under the Chief Minister's Self-Employment Scheme together with a subsidy on the payment of interest and part of the loan.

All these measures taken by the State Government to promote tourism in the State and further ease the burden of growing unemployment surely would have a fall out. Such fall out would be in the form of pressure on the existing infrastructures due to the growth in the number of people visiting the State primarily as tourists. Thus, in connection with this present study, the obvious result will be the growth in the number of vehicular population. And the corresponding issues pertaining to vehicular pollution and other unsustainable automobile use matters.

There are altogether three border check points, namely, Rangpo, Melli and Singla-Jorethang checkpoints, connecting Sikkim to the neighbouring State of West Bengal. Out of these three, substantive number of vehicles enter Sikkim, especially Gangtok (East)<sup>152</sup> through the Rangpo Border, next vehicles travelling to South and West Sikkim enter Sikkim from the Melli and Jorethang borders. The entry of vehicles from the Jorethang border is negligible in terms of tourists.

(Table 7.10)

**VEHICLES ENTERING SIKKIM (via RANGPO CHECKPOINT)<sup>153</sup>**

	May-June (Peak Season)		July-August (Lean Season)	
	Passenger <sup>154</sup>	Goods <sup>155</sup>	Passenger	Goods
<b>Day1</b>	1539	224	1068	171
<b>Day2</b>	1597	213	1144	140
<b>Day3</b>	1610	196	1098	153

<sup>152</sup> The Capital city of Sikkim.

<sup>153</sup> This Researcher, with the permission of the D.I.G. (Range), Sikkim Police, visited the border Checkpoint of Rangpo to collect the data information of the vehicles entering Sikkim from the log registers maintained by the Sikkim Police at the border.

<sup>154</sup> Passenger includes both Petrol and Diesel driven vehicles. Petrol driven Vehicles further includes cars and taxis in the form of Maruti vans, cars, Altos, Wagon-R, Indicas, Santros, etc.

<sup>155</sup> Goods vehicles include Lorries, Trucks and pickup vans.

<b>TOTAL</b>	<b>4746</b>	<b>633</b>	<b>3310</b>	<b>464</b>
--------------	-------------	------------	-------------	------------

The average number of vehicles entering through the Rangpo border checkpoint on a given day is 1,582 during peak season, April-May, out of which majority of the vehicles are entering from outside the State, especially from Bagdogra,<sup>156</sup> New Jalpaiguri,<sup>157</sup> Kalimpong, etc. A negligible number of vehicles are travelling intra-state, that is coming from some south district towns, namely, Jorethang and Melli. In the same period, around 211 goods vehicles enter Sikkim from outside carrying mostly consumption and construction materials.

During the lean season, that is, July-August, an average of 1,104 passenger vehicles and 155 Goods vehicles enter Sikkim everyday through Rangpo. Most passenger vehicles out of the total are entering Sikkim come from outside the State, especially from places mentioned above and negligible numbers of those vehicles are intra-state vehicles.

(Table 7.11)

**VEHICLES ENTERING SIKKIM (via MELLI CHECKPOINT)<sup>158</sup>**

<b>May-June (Peak Season)</b>			<b>July-August (Lean Season)</b>			
<b>Passenger<sup>159</sup></b>		<b>Goods<sup>160</sup></b>	<b>Passenger</b>		<b>Goods</b>	
<b>Siliguri</b>	<b>Total</b>		<b>Siliguri</b>	<b>Total</b>		
<b>Day1</b>	290	1155	95	197	1097	71
<b>Day2</b>	272	1305	91	201	1085	81
<b>Day3</b>	264	1181	92	196	1201	76
<b>TOTAL</b>	<b>826</b>	<b>3641</b>	<b>278</b>	<b>594</b>	<b>3383</b>	<b>228</b>

<sup>156</sup> Where the Airport is located (it is the nearest Air Transit point)

<sup>157</sup> The nearest railhead catering to both the tourists and the people of Sikkim and situated in West Bengal.

<sup>158</sup> This Researcher, with the permission of the D.I.G. (Range), Sikkim Police, visited the border Checkpoint of Melli to collect the data information of the vehicles entering Sikkim from the log registers maintained by the Sikkim Police at the border.

<sup>159</sup> Passenger includes both Petrol and Diesel driven vehicles. Petrol driven Vehicles further includes cars and taxis in the form of Maruti vans, cars, Altos, Wagon-R, Indicas, Santros, etc.

<sup>160</sup> Goods vehicles include Lorries, Trucks and pickup vans.

The average number of vehicles entering through the Melli checkpoint on a given day during peak season, which is April-May, is 1214 (approx.) out of which approximately 276 vehicles are entering from outside the State, especially from Bagdogra,<sup>161</sup> New Jalpaiguri, Kalimpong, etc. The remaining vehicles are travelling intra-state, that is coming from Gangtok and other east district towns, namely, Singtam and Rangpo. In the same period, around 93 Goods vehicles enter from outside the Sikkim carrying mostly consumption and construction materials.

During the lean season, that is, July-August, an average of 1128 passenger vehicles and 76 Goods vehicles enter Sikkim everyday from Melli. 198 passenger vehicles out of the 1128 passenger vehicles entering from Sikkim come from outside the State, especially from places mentioned above, the rest are intra-state vehicles.

Petroleum products are brought into the State of Sikkim in fuel tankers. Their entry into the State, their type and quantity of fuel are all recorded in the border checkpoints in registers separately from the register maintained to record the entry of other vehicles (passenger and goods).

Almost 27 to 30 petrol tankers with an average capacity of 9 kilolitres<sup>162</sup> enter Sikkim carrying petroleum. These tankers are mostly supplied by the Sikkim Nationalised Transport (SNT) and rest are operated by private parties.

(Table 7.12)

**QUANTITY OF PETROLEUM CARRIED INTO SIKKIM (in kilolitres)<sup>163</sup>**

OIL(Type)	Day1	Day2	Day3	Day4	Day5	Day6	TOTAL
H.S.D. <sup>164</sup>	73	162	172	152	102	158	819
M.S. <sup>165</sup>	84	69	75	24	45	27	324

<sup>161</sup> Where the Airport is located (it is the nearest Air Transit point)

<sup>162</sup> The Petroleum Tankers are of various capacities ranging from 6 Kilolitres To 12 Kilolitres

<sup>163</sup> Information collected from the Rangpo Depot of the Sikkim Nationalised Transport

<sup>164</sup> High Speed Diesel.

<sup>165</sup> Motor Spirit more commonly known as Petrol.

S.K.O. <sup>166</sup>	33	36	57	81	27	42	276
<b>TOTAL</b>	<b>190</b>	<b>267</b>	<b>304</b>	<b>257</b>	<b>174</b>	<b>227</b>	<b>1419</b>

An average of 237 kilolitres (approximately) of petroleum products are brought into Sikkim daily and out of this, 136.5 Kilolitres is High Speed Diesel; 54 kilolitres is Motor Spirit also known as petrol and 46 Kilolitres is made up of Kerosene oil.

From the above information it can be roughly assessed that more than 1, 00,000 litres of diesel and 50,000 litres of petrol is consumed per day in the whole State of Sikkim.

#### SOME STATE LEGISLATIONS AIMED AT ACHIEVING SUSTAINABLE USE OF VEHICLES (DIRECTLY OR INCIDENTALLY).

The Government of Sikkim is known for its path breaking legislations and policies in the field of environment improvement and protection. Further, the stringent implementation of laws by the administration complements the objective of maintaining a clean and healthy environment in the State. The general laws of the country relating to the protection and improvement of the environment together with the Air and Water pollution control are already in place and are religiously applied. In addition to these laws the State Assembly has been enacting legislation, every now and then, with the same objective, which is to protect, improve and maintain a pure and healthy environment.

Sikkim being one of the States located in the foothills of the Himalayas has been declared as a Biodiversity hot spot and as such various biodiversity protection laws are in place. Some of the Himalayan glaciers are also found here and with the present talk of the glacier melting doing the rounds it has also constituted a Glacier Conservation Committee which includes a body of eminent scientists and administrators in the field of environment.

The following are some of the State Acts which has the potential to achieve the objective of making Sikkim a sustainable

---

<sup>166</sup> Kerosene Oil.

user of automobiles and help the State administration in carrying out the said objectives.

### **The Sikkim Transport Infrastructure Development Fund Act, 2004**

A State Act (Act No.2 of 2004) which received the Assent of the governor on October 4, 2004, was legislated to establish a fund and to develop, maintain or improve transport infrastructure in Sikkim and for such purpose to levy and collect cess on sale of motor spirit commonly known as petrol and high speed diesel oil and to provide matters connected therewith or incidental thereto. Expressly, the fund, namely, The Sikkim Transport Infrastructure Development Fund, created from the collection of cess abovementioned shall be utilised for:

- (a) the creation, development maintenance and improvement of transport infrastructure, including roads, bridges and flyovers;
- (b) the improvement of traffic operations and road safety and
- (c) the purposes of such other projects as may be prescribed.<sup>167</sup>

The Act consists of twelve sections constructed within six chapters, and two schedules and is to have a retrospective application, which is from August 1, 2004, in the whole of State of Sikkim. Sections 1 and 2 as usual are concerned with the Short title and Commencement and the Definition Chapters of the Act. Chapter II of the said Act is made up of Section 3 which deals with the authorities enforcing the Act. There is to be a prescribed authority appointed by the State government vide a notification and such authority shall be assisted by persons, being officers of the State government.<sup>168</sup> Such officers are to exercise such powers of the Prescribed Authority as may be delegated to them by the said prescribed authority.<sup>169</sup> These State government officers are to be Public servant as defined

---

<sup>167</sup> Section 8 of the Act 2 of 2004.

<sup>168</sup> Section 3 (1) of Act 2 of 2004.

<sup>169</sup> Section 3 (3) of Act 2 of 2004.

under section 21 of the Indian Penal Code, 1850<sup>170</sup> and they are to be immune from any legal prosecution or proceedings as far as they carry out their functions in good faith.<sup>171</sup>

Chapter III includes section 4, and is related to Incidence and Levy of Cess, Rate of Cess and Payment of Cess. The Cess is levied on the sale of Motor Spirit (M.S.) commonly known as petrol and High Speed Diesel (HSD) Oil<sup>172</sup> which has been purchased outside Sikkim for Sale at the rate of rupee one per litre<sup>173</sup> of such sale.

The payment of such cess is to be made by the persons selling such goods as laid down in column 2 of Schedule 1, namely, petrol and diesel, to the prescribed authority before furnishing of returns of such sale. Such returns are to be furnished at the end of every quarter in form 1 and accompanied by the receipted challan showing payment of cess in respect of such return.<sup>174</sup> There is an option for paying the Cess on a monthly basis within the month next to the one for which it is proposed to be paid.<sup>175</sup> Such payment shall be made to the appropriate Government Treasury vide a Challan which is to be filled by the person making the payment in quadruplicate<sup>176</sup> and such challan shall bear his name, designation and address of the person and the mention the person on whose behalf such payment is being made.<sup>177</sup>

Two out of the quadruplicate challan is to be retained by the appropriate government Treasury, one for its record and other to be sent to the Prescribed Authority. Out of the two copies received by the depositor of cess, one is to be attached with the furnished return and the other to be kept for his own record.<sup>178</sup>

---

<sup>170</sup> Section 3 (4) of Act 2 of 2004.

<sup>171</sup> Section 3 (5) of Act 2 of 2004.

<sup>172</sup> Column 2 of schedule 1 of Act 2 of 2004.

<sup>173</sup> Column 3 of Schedule 1 of Act 2 of 2004.

<sup>174</sup> Section 3(3) of Act 2 of 2004 read with Rule 3(1) & (2) of Sikkim Transport Infrastructure Development Rules, 2004 (also Called Rules 2004).

<sup>175</sup> Rule 4(1) of the Rules 2004.

<sup>176</sup> Rule 4(3) of the Rules 2004

<sup>177</sup> Rule 4(4) of the Rules 2004.

<sup>178</sup> Rule 4(5) of the Rules 2004.

## **The Sikkim Ecology Fund and Environment Cess Act, 2005<sup>179</sup>**

The Sikkim Ecology Fund and Environment Cess Act, 2005, which is hereinafter referred to as the 'Environment Cess Act, 2005', received the assent of the Governor on 9<sup>th</sup> March 2005 and is applicable to the whole of the State of Sikkim with effect from 25<sup>th</sup> April 2005. It is bounded within Nine chapters, which includes twenty three sections and two Schedules.

The main objective of the Act is clearly stated by section 3 (2) of the said which empowers the State Government to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment, controlling and abating environmental pollution and take measures for restoration of the ecological balance.

In particular without prejudice to the above power, the environment cess act, 2005 allows taking of such measures which may include measures with respect to all or nay of the following matters, namely:<sup>180</sup>

- (a) Coordination of actions of different Departments of the State Government officers and other authorities under this Act or Rules made thereunder or any law for the time being in force for the purpose of achieving objectives of environmental conservation and improvement;
- (b) Laying down procedures for the implementation of this Act;
- (c) Impose levy of environment cess or fee wherever the abuse of environment cannot be prevented;
- (d) Create a separate non lapsable 'Sikkim Ecological Fund' for depositing such fee or cess as imposed by clause (c) and ensuring utilisation of such fee or cess for environmental amelioration measures;
- (e) Impose restriction of areas in which any industry, operation or process or class of industries or operations

---

<sup>179</sup> *Sikkim Government Gazette* Notification no. 1/LO/P/2005 dated 25<sup>th</sup> April 2005.

<sup>180</sup> Section 3(2) of the *Environment Cess Act, 2005 (Act 1 of 2005)*

shall not be carried out or shall be carried out with certain safeguards on payment of cess as may be prescribed by the State Government by notification;

- (f) Impose restrictions on entry of vehicles of any kind or by persons in any area as specified and regulate the entry on payment on payment of environmental fee as may be prescribed by the State Government by notification and
- (g) Such matters as the State Government considers necessary or expedient for the purpose of protecting and improving the quality of the environment and for that purpose of securing effective implementation of this Act.

A Prescribed authority has been appointed under the Act vide a notification as the Cess Collecting Authority<sup>181</sup> and such authority is empowered to exercise such powers and perform such functions under the Act and Rules made thereunder, and execute specific orders made by the State Government vide a notification.<sup>182</sup> All persons empowered under the Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.<sup>183</sup>

Chapter Four of the Environment Cess Act, 2005 covers matters dealing with the Incidence of Cess, Rate and other incidental matters.

The Environmental Cess shall be paid by every dealer, manufacturer, State and Central Government Departments, Public Sector Undertakings, autonomous bodies or organisations or any individual<sup>184</sup> whoever brings non-biodegradable materials as specified in Schedule II in the State of Sikkim from outside the State for the purpose of sale, business, manufacture, production or for the use of whatsoever purpose in the State on

---

<sup>181</sup> Section 4 (1) of the *Environment Cess Act, 2005*

<sup>182</sup> Section 4 (2) of the *Environment Cess Act, 2005*

<sup>183</sup> Section 4 (3) of the *Environment Cess Act, 2005*

<sup>184</sup> Section 5 (b) of the *Environment Cess Act, 2005*

the sale price.<sup>185</sup> The Cess is also payable by every hotel, resort, lodge or motel operating in the State on its annual turnover, provided they are exempted from such payment vide a notification of the State Government.<sup>186</sup> Further such cess is also payable by vehicles entering the State. The vehicles eligible to pay the said cess are categorised and at such rate as may be prescribed by the State Government vide a notification.<sup>187</sup> And finally on any such item having, direct or indirect, impact on the State's environment at such rate as may be prescribed vide a notification.<sup>188</sup>

The rate of cess in respect of bio non-degradable items enumerated in Schedule II is one percent of the total turnover on the sale price of such bio-degradable materials.<sup>189</sup> Hotels, resorts, lodges or motels are to pay a cess of five percent on the total annual turnover of such hotels, resorts, lodges or motels. The State Government may change the rate of cess leviable and may even amend Schedule II from time to time by adding or removing materials/items from the list.<sup>190</sup>

There shall not be any payment of cess on the sale of goods and services specified in Schedule I subject to the conditions and exceptions, if any, set out in the said Schedule.<sup>191</sup> The list in Schedule I may be amended by way of addition or removal of items from the said list.<sup>192</sup>

### **Gangtok: Sustainable Automobiles Use and Matters Incidental**

Of all the places, towns, hamlets, villages and any human habitation of Sikkim where there is scope of automobiles making an adverse impact, Gangtok city would be an ideal area to find and analyse the problems of unsustainable automobile use especially traffic jams and the resultant pollution. Other areas of the State are not populated so densely as Gangtok.

---

<sup>185</sup> Section 5 (a) of the *Environment Cess Act, 2005*

<sup>186</sup> Section 5 (c) of the *Environment Cess Act, 2005*

<sup>187</sup> Section 5 (d) of the *Environment Cess Act, 2005*

<sup>188</sup> Section 5 (e) of the *Environment Cess Act, 2005*

<sup>189</sup> Section 6 (1) (a) of the *Environment Cess Act, 2005*

<sup>190</sup> Section 6 (1) (b) of the *Environment Cess Act, 2005*

<sup>191</sup> Section 7(1) of the *Environment Cess Act, 2005*

<sup>192</sup> Section 7(2) of the *Environment Cess Act, 2005*

Even district towns like Namchi (South district headquarters), Geyzing (West district headquarters) and Mangan (North district headquarters) have a negligible vehicles presence compared to Gangtok, the capital and East district headquarter of Sikkim. Another scope presented by Gangtok to focus the ongoing study is that most of the offices of the State administration are located here and the policy decentralisation of administration of the State government has not achieved the desired results therefore a lot of vehicles belonging to the district headquarters find place in Gangtok at most times.

Gangtok is the Capital of Sikkim and also the East District headquarters. It is located in the south-eastern part of the State and lies between latitudes 27° 21' N to 27° 16' N and longitude 88° 37' E. The Altitude of Gangtok is 5,800 above mean sea level. Topographically is situated in the lesser Himalayas and situated between the elevations of 1300 metres to 1600 metres. It is located on either side of the ridge which has an elevation of 1600 metres and runs from South-West to North-East. The weather of Gangtok is alpine and thus it is moderate both in summer and in winter. The maximum average temperature of Gangtok is 25°C (77°F) and minimum average of 3°C (37°F). There is an occasional winter snowfall in and around the surrounding areas of Gangtok. The average annual rainfall recorded is 3494 over a period of 1264 rainy days and its connecting roads are landslide prone mainly during the monsoons.<sup>193</sup>

Gangtok is connected only by road with the rest of the regions of the State. National Highway NH-31A is the lifeline of Sikkim and it connects the capital city with Siliguri, Darjeeling and Kalimpong. Nearest railway Station to Gangtok is New Jalpaiguri station in Siliguri at a distance of 120 kilometres and Bagdogra, again near Siliguri, is the nearest airport.<sup>194</sup>

Gangtok is also establishing its identity as a major tourist hub and as such can help the city to develop economically and

---

<sup>193</sup> Source: *Gangtok: Comprehensive Mobility Plan (CMP)*, Inception Report, DDF Consultants Pvt. Ltd. Delhi, p. 9

<sup>194</sup> *Ibid* at p. 21.

connectivity wise also. At major traffic generating nodes are the work centres, commercial centres, recreational centres and transportation terminals. Inter-state and intra-state buses are available on the same terminuses which are located at Palzor Stadium Road and at the private taxi stand near the Police Headquarters. As both these terminuses are located very much in the core area of the city, that is one of the main causes of traffic congestion in Gangtok.<sup>195</sup>

Gangtok is a linear city and topographically it also has great difference in the highest and lowest attitude. The topography acts as a barrier to road alignment. Maximum roads in Gangtok are parallel to the contour line so as the city geometry.<sup>196</sup>

The major roads of the city are:

- National Highway 31A (Gangtok-Siliguri)
- North Sikkim Highway, which connects Gangtok with the North District.
- Jawaharlal Nehru Road; (the erstwhile silk route to Tibet and presently the trade route link between China and India)

Other major roads within the city are Tibet Road, M.G.Road, Kazi road, Palzor Stadium Road, Indira By-Pass and Namnang Road. Further, there are some other roads which provide tertiary network to the city. Most of these roads are two-lane, undivided with footpath on one side and drain on the other. Roads in Gangtok are narrow in width. The gradients of roads are also slightly high. Some of the roads of Gangtok having higher slope are Kazi, road, Tibet Road, Namnang Road, Sichey Road and Palzor stadium Road and some areas of the town are not accessible by vehicles.

98 percent of the traffic is intra-city and only 10 percent of traffic is inter-state. Average trip length is 8 to 10 kms. Speed profiles on the primary road network in Gangtok reveal that journey speeds vary from 11 km/hr to 27 km/hr. The traffic

---

<sup>195</sup> *Ibid.*

<sup>196</sup> *Ibid* at p.21.

volume data recorded at various locations bring to light that out of ten locations, six locations experience a gush of more than 10, 000 PCUs during the day. The analysis of volume/ capacity ratios (VCR) reveal that the maximum VCR is along the primary spine of the city as well as the roads near the core commercial area of the city. On an average day a peak volume varies from 350 to 590 PCUs.<sup>197</sup>

The pedestrian traffic volume survey at four locations show high pedestrian volumes mainly on M.G.Marg, Indira By-Pass and Deorali Bazar Road due to their commercial activities. Footpaths on all major roads are present but that makes only 12 percent of the road network and that, too, their width is not adequate to carry the present pedestrian load.

Thus congestion on the roads are a obvious occurrence mainly during office hours, that is, in the morning from 9.30 a.m. to 11 a.m. and in the evening from 3.30 p.m. to 5.p.m. Congestion occurs mostly in the following junctions of Gangtok town during these periods:<sup>198</sup>

- Zero Point junction
- Metro-M.G.Marg Junction
- Hospital Junction
- Community Hall Junction
- Lall Bazar Junction
- Deorali Junction
- Tadong (Daragaon) Bazar
- Sikkim Government College entry-exit point and
- M.P.Golai

The following roads are one way traffic:

- Sadar Thana (Police Station) Road
- Diesel Power House (DPH) Road

---

<sup>197</sup> *Ibid* at p.23

<sup>198</sup> *Ibid* at p. 22

- Portion of Tibet Road
- Kazi Road (feeder)

M.G. road is the only road in Gangtok which has a divided carriage way but at present it has been declared vehicle free zone. The National Highway 31A has a footpath running along its entire length with a width of 1.2 metres including the railing.

A survey for on-street and off-street parking manifested that 80 percent of the parking is of short-term duration, with a high turnover. The maximum accumulation of parking is on the Children Park parking beside the Sadar Police Station and next is at Lall Bazar area. There is a high demand for taxi parking and recent spurt of private vehicles on the roads after the payment of arrears of the Fourth Pay Commission has upset the calculations of town planners in the field of car parkings.

Gangtok is also the main urban centre of the State and therefore the growth of population in this particular town is significant than any other hill town of Sikkim. Presently, Gangtok bears the burden of around 50, 000 people per day at an average which includes the local visiting from nearby areas. This figure does not account the visiting tourists. One of the reasons of rural migration to Gangtok is the various economic activities taking place in the town of Gangtok.

The transportation network in the city area is dominated by NH-31A where only 20 percent of public transport comprises of buses whereas 60 percent of the commuters use local taxis.

A study of on the traffic situation of Gangtok was carried out by the Central Institute of Road Transport, Pune in 2005 found that the highest daily traffic in Gangtok was observed at Deorali (35,758 cars) followed by hospital junction (32,296 cars) and then the Denzong Junction (30,484 cars).

(Table 7.13)

**TRAFFIC AT INTERSECTIONS/MIDBLOCKS<sup>199</sup>**

Sl. No.	Intersection/Midblock	Total volume of vehicles
1	GICI (Zero Point)	12,809
2	Hospital Dara Junction	32,296
3	Metro	22,792
4	Denzong	30,484
5	Deorali	35,758
6	Indira By-Pass	36,224

The maximum hourly traffic volume was observed at Hospital Dara Junction of 4,277 vehicles per hour. The Denzong and Deorali intersections recorded a volume of more than 3,000 vehicles per hour.

The consequence of all these activities has given rise to the number of automobiles in Gangtok in particular and the State, in general. All the vehicles belonging to Sikkim is centrally registered at the Office of the Motor Vehicle Division, Transport Department at Gangtok and as such it has been convenient to keep track of the category of vehicles registered in the State and its growing numbers.

Therefore, Automobiles have been identified and declared as the biggest source of air pollution in Gangtok, the State capital. They produce nearly three-fourths of the pollutant, carbon monoxide (CO) and two-thirds of the hydrocarbons (HCs) and nitrous oxide (NO<sub>x</sub>).

<sup>199</sup>Source: *Traffic and Transportation Study for Gangtok*, CIRT, Pune (2005).

(Table 7.14)

**NUMBER OF AUTOMOBILES REGISTERED IN SIKKIM<sup>200</sup>**

CATEGORY OF VEHICLES	2008-09 <sup>201</sup>	2009-10
SK 01(Two Wheelers)	6,171	6,171
SK 02 (Non-Commercial)	18,306	22,816
SK 03 (goods Carrier)	4,084	4,717
SK 04 (Contract and Stage Carriage)	8,899	10,074
SK 05 (Tractors and Trailers)	109	144
SK 06 (Luxury Tourist Vehicle)	15	61
<b>TOTAL</b>	<b>37,584</b>	<b>43,983</b>

The number of registered vehicles in Gangtok has been increasing indiscriminately. There were a total of 42,748 vehicles registered in Sikkim within 31<sup>st</sup> March 2010 and the number rose to 43,983 by 31<sup>st</sup> July, 2010. These vehicles include private cars, taxis, government vehicles, two wheelers, buses, goods vehicles, Contract and Stage carriages, etc. A regulation which required a person purchasing a new motor vehicle to have a designated parking place as a condition for registration of the same. Earlier it was followed loosely, by this, it means that the automobile purchaser had to give an undertaking in writing that there is an existence of a designated parking place for the proposed new automobile but physical verification was not carried out by the authorities. Recently a notification<sup>202</sup> on that count was issued. The notification states that the person purchasing a new automobile has to obtain a no objection certificate from the Office of the Police Superintendent. Such no objection is given by the said office after they physically verify the parking place for the proposed new motor vehicle and a roughly drawn site map of the said parking place is attested by

<sup>200</sup> Information and Data collected from the Office of the State Transport Authority, Motor Vehicles Division, Transport Department, Government of Sikkim.

<sup>201</sup> Source: *Annual Report 2008-2009*, Motor Vehicles Division, Transport Department, Government of Sikkim.

<sup>202</sup> *Sikkim Government Gazette Notification No.120/MV/T* dated 17<sup>th</sup> July 2010.

the Police authorities. This no objection certificate together with the attested site map is attached to the registration application form for the newly purchased automobile for further processing.

A study in the air quality of Gangtok reveals that automobiles are the primary sources of air pollution here. However air quality is also determined by the intensity of traffic congestion, driving mode, style, maintenance and age of the vehicles. Domestic emission is caused by garbage burning, petrol generator emissions and partially by smoking cigarettes.<sup>203</sup>

In addition to the rise in the vehicular population and its impact on atmosphere and environment, a very determining factor is the amount of fuel consumed by these vehicles daily in Sikkim. In Gangtok an average of 30, 000 litres of petrol and 15, 000 litres of diesel is consumed daily and this figure has been increasing steadily. This is compounded by the steep gradient and the narrowness of the streets of Gangtok as well as the generally low temperatures prevalent in the hilly region which allows the poisonous emissions to remain locked up in the ambient atmosphere further causing serious health hazards to a large number of urban population of Gangtok, especially the street pedestrians and roadside inhabitants.

The Sikkim Pollution Control Board has the mandate of the (Air Prevention and Control of Pollution) Act, 1981, or simply the Air Act, to take measures relevant in curbing air pollution, especially vehicular pollution in this case. The provision laid down in section 20 of the Air Act has further mandated the State Government is empowered to give instructions as may be deemed to be necessary to the authority in charge of motor vehicles under the Motor Vehicles Act, 1988 and as such authority shall be bound to comply with the said instructions. Such instructions are usually in the form of complying with the emission standards laid down by the State board under section 17 (1) (g) of the said Act or under Rules of the Environment

---

<sup>203</sup> K.C.Pradhan, E.Sharma, G.Pradhan & A.B.Chettri, *Geography and Environment* in Prof. (Dr.) Mahendra .P. Lama (ed.), "Sikkim Studies Series, Vol. I" (2005), Information and Public Relations Department, Government of Sikkim, Gangtok, p.282.

(Protection) Act, 1986. Here it is pertinent to mention that the emission standards laid down by these legislations are similar and if there is any variation on the same, the rule laid down by the Environment (Protection) Rules, 1986 will prevail. But this problem seldom occurs since the amended rules stating the emissions standards for vehicles find place in the Central<sup>204</sup> and State Motor Vehicle Rules.

The present picture of Gangtok gives a dark picture in the context of sustainable automobile use. There is a growing number of both inter-state and intra-state migration due to the opportunities arising out of various economic developmental activities. The main activity among them being the tourism industry and the consequential rise in tourist traffic in the State.<sup>205</sup> Other economic developments in the form of industries and hydroelectric power productions have brought a substantial number of people from outside the state and these people will be part of the State's population for atleast a decade. This developments obviously give rise to the infrastructural demand due to rise in the need of basic amenities, like water, housing, sanitation, etc. One of the most important feature for the flourishing of the economy is roads and communications. Roads in Sikkim have its own importance especially NH-31A connecting Sikkim with the rest of India, if not rest of the world, since other modes of transportation such as railways and airlines are non-existence (a rudimentary helicopter service is run by the Sikkim Tourist Development Corporation).

Roads are for movement and that, too, of people and goods and motor vehicles are the modes of transporting such goods and people. But the this point has been totally missed in the frenzy of purchasing new models given rise to by the increasing in the purchasing power of the people of Sikkim, in particular and India, in general. This has been boosted by aggressive campaigning carried out by the automobile manufacturers with lucrative incentives. The aims and objectives of the present day

---

<sup>204</sup> Rules, 115, 115 A, 115 B of the Central Motor vehicle Rules, 1989.

<sup>205</sup> According to the projections of the tourists department, the number of tourists, domestic and international visiting Sikkim this year may be touch the magical figure of 7,00,000.

development policymakers have been to move vehicles and not the goods and people.

The Sikkim Government has got the message loud and clear that the movement of commuters should be the main agenda of town planning and traffic management authorities. In pursuant to this a mobility plan has been drawn up for Gangtok Municipal Corporation Area as a pilot project and is in the event of being implemented. This effort has received a shot in the arm when Gangtok City and its suburbs have been and comprised into the Gangtok Municipal Corporation which has started functioning in full force after the elections held in 28<sup>th</sup> April 2010.