

CHAPTER - 6

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THE GOVERNING PROCESS IN SIKKIM AND THE CONTINUING ROLE
OF BUDDHISM IN POLITICAL INSTITUTIONS AND PROCESSES

6.1. Traditional Pattern of Administration :

Being a theocratic feudal state, with Buddhism as the State religion, the administrative pattern of Sikkim was, no doubt, religion-oriented as that of Tibet. In fact, the religion and the State were inseparable in Sikkim too. The Buddhist Ruler was the source of all authority, executive, legislative and judicial. He used to be consecrated on the throne by the high Lama having authority over both spiritual and temporal affairs. Tibet was the guide and guardian of this tiny Kingdom. "In religion, in politics and in social matters, the people of Sikkim have been guided by the authorities of Lhasa and all the institutions of the State were based largely on those of Tibet. The Sikkim Buddhists refer to the Dalai Lama on all important secular matters".¹ Tibetan language was the official language of Sikkim till the other day and is continuing to be one of the official languages even today. The Highest Lama had always been deputed by Tibet to uplift the spiritualism as well as to guide the administration of the State. The ascendancy of the high Lamas to intervene in the secular affairs was established from the birth of the Kingdom.

During the British Protectorateship, the first Political Officer, John Claud White, attempted to set up an administration in Sikkim on

the modern lines by rooting out its primitive structure. Though he was able to introduce a new taxation system, land revenues and some other administrative measures, the basic structure of the administration did not change much till the fifties of the present century. The government of the country was conducted under the direct control of the Maharaja of Sikkim. To assist him in the administration, there was an organized Secretariat appointed by the Ruler himself from among the elites of the State. The Ruler in that Secretariat was regarded as the 'Durbar'. All the decisions of the Durbar were issued in the form of "Orders, Proceedings or Letters", signed by the Maharaja.² The entire administration of the State was carried on through some departments, by the appointed officers or secretaries. There were mainly four Departmental Secretaries, namely, the General Secretary, Financial Secretary, Judicial Secretary, who used to look after Education and Ecclesiastical affairs, and the State Engineer who used to act as the Secretary for the Public Works Departments. But the recommendations of the Departmental Officers were to be "carefully considered in the Secretariat".³ The number of the Secretaries went up to five in the 1940s.⁴ The higher officers or Secretaries were recruited mainly from the Buddhist aristocracy, - "those who had a background of religious and liberal education".⁵ Sometimes the Buddhist Lamas with modern education were assigned to look after the administrative duties. There was no system of competitive test for the recruitment of the Government Officers. The recruitments were made only on personal considerations through certain networks of influence at the highest level. The most effective network comprised of the Buddhist patricians and the political entrepreneurs.⁶

6.2. Revenue Settlement Pattern : The Landlords as the Socio-Political Forces:

The whole territory of the Kingdom was divided into certain 'Dzongs' or Elakhas and were leased out to certain 'Dzong-pons' or the Governors who came to be known as 'Kazi' after the Nepalese immigration. Under one Dzong-pon, there had to be other smaller land-owners, known as 'Mag-pon', 'Khyo-nee', 'Pee-pons' etc.⁷ The divisions of lands were of three types :

- (a) Under Class I were those Elakhas which were leased out to the big Landlords or the Kazis on fixed annual revenues at different rates in accordance to acreage. There were 91 such Elakhas belonging to Kazis, a term denoting aristocracy in lineage amongst the Tibetan magnates of Sikkim.
- (b) 11 Elakhas were under Class II, which were under direct management of the State. Certain Managers were appointed incharge of these lands. The revenues collected from these lands were kept in the State Bank of Sikkim as suspense deposits and subsequently were classified under proper heads of accounts.
- (c) Under Class III were the lands of the big monasteries. There were 7 Elakhas in that class. The revenues collected from these lands were utilized by the monasteries for the religious purposes and the maintenance of the institutions.⁸

Besides these, the Ruling family had 15 private estates. These estates were maintained by the private retainers, known as 'Nang-zans'. They were directly appointed by the Ruling family to render private services to them.⁹

Land revenues, house tax and income tax were the only sources of direct revenues of the State. But the Government did not collect its

revenues through any departmental agency. The entire collection of State revenues was realised on 'contract' or 'farming' for a term varying from one to fifteen years. The Elakhadars or the lessees had to pay to the Government a fixed sum calculated at a rate per acre. The leases were not transferable without the previous consent of the State in writing and were terminable at any time during the term period.¹⁰

In matters relating to allotment of lands also, discriminations were being made on the basis of religion and race. As a result, non-Buddhist Nepali inhabitants were treated as non-hereditary subjects, while the Bhutia-Lepchas were put in the category of hereditary subjects. For example, it is mentioned in the Administration Report that a portion of the country lying in the Tista Valley of Dikchu had not been thrown open to Nepali settlers and was specially reserved for the hereditary inhabitants such as Bhutias and Lepchas. But Tamangs and Sherpas, who were Nepalese Buddhists, were allowed to settle there and own the land.¹¹ Secondly, the Nepali settlers, Hindu by religion, were required to pay a higher rate of rent than that paid by the Lamaist cultivators for the same size of land.¹² Thirdly, no Nepalese settler was permitted to settle in the private estates of the Ruler. Those estates were reserved areas for the Lepcha-Bhutias. "For the Lamaist settlers of such estates, the Ruler is not only the feudal Lord, but also an incarnate Lama. So religion also became instrumental in perpetuating the family rule on the private estate."¹³

These big landlords or the Kazis constituted the elite class in Sikkim. The status of the elite class was based on their landed

privileges and on their close proximity to and association with the Ruling House. Besides landlordism, they used to conduct and control the trade between Tibet, Nepal and India. Hence, these Lamaist elite were all along active at the highest level in the economic and political life in Sikkim. "The Kazi aristocracy, fashioned on the pattern of their Tibetan counterpart, had their old tradition of literati around the monasteries and the Lamas. They were, apart from being the regional rulers, dispensers of law and order and the agents of the Bhotia Ruler in all state affairs in their localities."¹⁴

6.3. The State Advisory Council : Dominance of the Buddhist Class :

There was a State Advisory Council consisting of 9 members.¹⁵ The members were nominated by the ruler. It is mentioned in the Administration Report that the representatives of all interests and of every caste and creed were nominated in the Council. But the dominance of the Buddhist Community in that Council was unquestionable, because the Council consisted of the Chief Dewans, Lamas and Kazis. The head Lama of the Pema-Yangshi Monastery had all along been the member of that Advisory Council. "The high Lamas of Sikkim have frequently been members of the Royal Family and lay upper class. The Lama members of the King's Council have always been closely related to the ruling class. Reincarnates and leading Lamas have always been personages of influence in the country."¹⁶

The Council generally used to meet thrice in a year and were allowed to offer opinions or even criticise the budget. But the budget invariably had to go through the Council for final sanction of the

Ruler. "The prerogative of the Ruler to pass any order independently of the Council is well understood and expressly recognized."¹⁷ The role of the Advisory Council was, thus, just as a loyal body to support or uphold the function of the Ruler, rather to provide guidance to him.

It is claimed in the Administrative Report that - "the system is based on the good patriarchal monarchy of ancient days of oriental civilization where subjects stood as children of the Ruler; and with the simple hill people unaffected by the virus of democracy and elections, the system works excellently. Personal touch and wise and beneficent rule by His Highness produce far more contentment and happiness amongst the people (the ultimate object of all good administration) than any 'ballot box' government could possibly do in a people who look upon their Chief as only next to their God."¹⁸

6.4. The Laws of Sikkim :

There was no so-called legislature or any written code in Sikkim till the recent years. The Ruler was the source of all legislative authority. The old laws of Sikkim were collected from the 16 pure basic human laws of Tibet.¹⁹ The main object of these basic laws was to make the people disciplined in the Buddhist way of life. These laws were also the embodiment of moral precepts not only to seek discipline of physical conduct but also the mental attitudes of the people. Like the Hindu Smritis and Sanghitas, these basic laws had been laid down in the 'Ka-gyur', and 'Tan-gyur', the Tibetan scriptures, as one of the attributes of religion.

These 16 laws are, (1) General rules to be followed in times of war; (2) Rules for those who are being defeated and cannot fight; (3) Rules for the officers and government servants; (4) Law of Evidence; (5) Law for Grave Offences; (6) Fines inflicted for offences; (7) Law of imprisonment; (8) Law for the offenders and defaulters who refuse to come to the Court; (9) Law for murder; (10) Law for Bloodshed; (11) Law for those who are false and avaricious; (12) Law for theft case; (13) Law for disputes between near relatives, between man and wife, between neighbours who have things in common; (14) Law for adultery or taking other's wife; (15) Law of contract; (16) Law for the uncivilized people.²⁰

In these laws, certain special considerations were granted for the monks and the Lamas. For example, Lamas and monks should not be sworn in before the Court. In a theft case, for taking a Lama's things, a man had to pay a fine valued at 80 times more than an ordinary theft case. Similarly, in the case of rape or adultery on a Lama's wife, a criminal had to suffer much more severe punishment than in an ordinary case. The position and prestige of the Lamas had always been considered very high by the Laws. Before the trial of the cases, an oath should have been administered by a high Lama in the name of 'Tri-Ratna' and the powerful God should be invoked by him at the time of oath.²¹

It may be questioned whether these Laws, as in the shape of moral precepts, should be recognized as Laws at all in the modern concept of law. But these laws on principles had great importance in the administration of the Sikkim Kingdom and were recognized as the basic laws of

Sikkim till her accession to India in 1975. As it has been observed, "Law does not and need not always flow from the sovereign, directly or indirectly, but may be a set of principles accepted and applied by the sovereign and his State in the administration of justice or otherwise in the governance of the country."²² The Rulers of Sikkim were devout Buddhists and were influenced and guided by the high Lamas in the governance of the State. Most of them were believed to be the incarnates of some high priests. So those Buddhist tenets or principles, accepted by the Ruler, were implemented as laws in the governance of the State. "As regards its internal governance and administration, the Ruler was the Supreme Legislature, Supreme Executive and the Supreme Judiciary and as such, all its Orders, however, issued, were equally effective and were to govern and regulate the affairs of the State and its citizen."²³ Written laws were almost absent.

6.5. The State Council : The Limited Legislature :

After the Standstill Agreement signed between India and Sikkim, J.S.Lal, an Indian I.C.S., was appointed as Dewan in Sikkim for developing the system of government in the modern way.²⁴ The major problem of administration of Sikkim during that period was to remove or alleviate the tension between the traditional establishment and the new democratic forces demanding popular representation in the Government. The Maharaja issued a Proclamation in 1953 about the formation of the State Council and the Executive Council with a view "to associate people more and more closely with the governance of the State". After the first election in 1953, elected representative bodies, namely, the State Council and the

Executive Council, were duly formed. "This marked the beginning of an institution with a limited, complex and purposive political participation."²⁵ These Councils had hardly any legislative or executive powers to be exercised independently. Because the said Proclamation introduced a system of Diarchy and distributed the subjects of administration into two heads as Reserved subjects and Transferred subjects. The Reserved subjects were to be the private preserve of the Maharaja, whereas the Transferred subjects were delegated to the representative bodies. Under the Reserved head the following subjects were included : (1) Ecclesiastical Affairs, (2) External Affairs, (3) State Enterprises, (4) Home and Police, (5) Finance, (6) Land Revenue, (7) Rationing and (8) Establishment.²⁶

The following departments were placed under the Transferred head : (1) Education, (2) Public Health, (3) Excise, (4) Press and Publicity, (5) Transport, (6) Bazars, (7) Forests and (8) Public Works.²⁷ But the Proclamation provided that "subject to the assent of the Maharaja, the State Council shall have power to enact laws for peace, good order and good government of Sikkim, provided that the State Council shall not, without the previous sanction of the Maharaja, make or take into consideration any law affecting any matter hereinafter defined as Reserved subjects".²⁸ Secondly, the State Council was debarred from discussing or asking any questions regarding the following affairs : (1) the Maharaja and the members of the ruling family; (2) the external relations of the State including relations with the Government of India; (3) the appointment of the Dewan and the members of the Judiciary; (4) any matter pending before a Court of Law.²⁹ Thirdly, "in the event

of any demands in the budget being rejected by the State Council, the Maharaja shall have the power to certify it and thereupon such demand shall become part of the sanctioned estimate."³⁰ Fourthly, the State Council had no voting right in the following expenditures, namely, (a) Civil list including the household expenditure of the ruling family, (b) Pay and allowances of the Dewan, members of the Judiciary and officers on deputation from the Government of India, (c) Secret and discretionary expenditure.³¹

Not only was the State Council conferred very limited powers, it was constituted by giving a parity of representation to the minority Buddhist community and by providing for nomination by the Ruler almost half of the members to ensure that such limited power could also be exercised to the advantage of that community. The formula was as follows : (a) A president who would be nominated and appointed by the Maharaja; (b) 12 elected members of whom 6 should be either from the Bhutia and Lepcha communities and the remaining 6 should be Sikkim Nepalese; (c) 5 members nominated by the Maharaja in his discretion.³² The main purpose behind the distribution of seats was to maintain, checks and pulls on the elected members of the Council and to consolidate powers in the hands of the traditional establishment. "The State Council was, right from its inception, reduced to a question - asking body with no legislative power whatsoever."³³

6.6. The Executive Council :

The members of the Executive Council were regarded as the peoples' representatives on the democratic model. The Executive Council consisted

of : (a) the Dewan by virtue of the office which he held during the pleasure of the Maharaja and (b) such number of elected members of the State Council as were appointed by the Maharaja from time to time.³⁴

The members of the Executive Council had to hold office during the pleasure of the Maharaja and were responsible to him for executive and administrative functions of the Government.³⁵ The tenure of the Executive Council ended before the commencement of each new State Council though the members were eligible for re-appointment.³⁶

Regarding the powers and position, the Proclamation declared that the Dewan and other members of the Executive Council would exercise such powers as may be delegated to them from time to time. Secondly, the Maharaja had the right to veto any decision made by the Executive Council and to substitute his own decision therefor.³⁷ "These Executive Councillors did not enjoy any powers of consequence. Moreover, they were carefully selected and nominated by the Palace on the understanding that they would not take the liberty of doing anything which the Palace might not approve."³⁸ The Proclamation of 1953, thus, gave just a legal shape to the discretionary powers and authority of the Buddhist Ruler which were conferred by the Buddhist Lamas during the birth of the Kingdom. The only difference was that in early days the submission of the people belonging to the mono-religious group was spontaneous, whereas in the new order the Ruler had to command the submission of the inter-religious and inter-ethnic community by law. This system of administration continued almost unchanged, except increasing the seat numbers in the State Council, till the enforcement of the Government of Sikkim Act, 1974.

6.7. Judicial System in Sikkim :

As has been already mentioned, the Kazis or the Landlords were the ipso facto administrators as well as dispensers of Law and Justice. The Judicial system was very simple in nature. The Court used to follow the British Law of India and common sense was the procedure code. The system was free from technicalities of procedure. And in a religion-oriented society of Sikkim inhabited by God-fearing simple hill people, the number of litigation was also very few. Most of the civil suits were of the nature of small causes and outstanding criminal case was almost nil. The worst crime was of theft of a few ornaments or eatables.³⁹

There were 57 Adda Courts in Sikkim. As mentioned before, the country was divided into various Elakhas, which were either leased out to various lessees or placed under Managers known as "Kazi" holding an Elakha. They were ipso facto the courts vested with some class of judicial powers both on the Civil and Criminal side. They were neither honorary nor stipendiary courts, as they would keep to themselves the half of the fine imposed by them. Almost all the Kazis belonged to the Buddhist Bhutia-Lepcha community. There were four grades of such courts. First class Adda Courts could exercise Criminal powers to the limit of being competent to punish with upto one month's imprisonment and with fines upto Rs.100/-. On the Civil side they could hear suits upto the value of Rs.500/-. In that way, the 2nd Class Addas, 3rd Class Addas and 4th Class Addas had the limitations of jurisdictions on both Civil and Criminal sides.⁴⁰

All the expenses incurred in the discharge of their duties by these Courts were borne by the Elakhadars themselves and records and statistics were also maintained by them in the Court's registers. The Revenue Inspector of the State had been inspecting those registers in every quarter during the year. There were 22 first class, 8 second class, 10 third class and 17 fourth class Addas.⁴¹

Above the Adda Courts, there was a Chief Court with a presiding officer, styled as the Chief Judge. Both original and appellate jurisdictions were exercised by him. The power exercised by the Chief Judge both on original and appellate sides was not limited. Revenue suits which were formerly dealt with on the executive side by the Land Administration Department were taken cognizance of by the Chief Court during the year 1933-34.⁴²

The Chief Court was not the final court of justice in Sikkim. Its decisions were appealable against in the Supreme Court of His Highness the Maharaja. The Court of His Highness the Maharaja was the last Court of Appeal in the State and had no original jurisdiction. A board on the lines of the Judicial Committee of the Privy Council in England heard the parties to the appeals and scrutinised the merits of the case and tendered its opinion to the Maharaja. The final awards were made completely in the discretion of the Maharaja.⁴³

To keep pace with the modernity, a High Court was established in the year 1955 under a Special Charter and a Chief Judge was appointed from amongst the Indian Judges. Besides the Judge of the High Court, there were other Judicial Officers like four Magistrates at the four

District Headquarters including Chief Magistrate of Gangtok. Yet, in many cases, particularly where heavy sentences for criminal offences were concerned, the final appellate authority was the Maharaja himself, who, if he thought necessary, might have appointed a Tribunal for further examination of the case.⁴⁴ It should not be forgotten that in Sikkim, the Rulers and most of the executive and judicial personnel were devout Buddhists. Impact of Buddhism on the legal process in Sikkim was, therefore, as impressive as it was in respect of the administrative and the political processes. One important aspect that should be noted here is that even during the British Protectorateship, no British Law or Regulation was extended in Sikkim. The East India Company granted a "Sunnud to the Rajah of Sikkim, dated 7th April, 1817", declaring the supremacy of the British over the said lands, subject to the following conditions :-

" The British Laws and Regulations will not be introduced into the territories in question, but the Sikkimputtee Rajah is authorised to make such laws and regulations for their internal government, as are suited to the habits and customs of the inhabitants or that may be in force in his other dominions."⁴⁵

In the Treaty of 1861 also, it was guaranteed in Article 9 that, "All other British subjects residing in the country would be liable to the laws of Sikkim, but such persons shall, on no account, be punished with loss of limb, or maiming, or torture and every case of punishment of a British subject shall be at once reported to Darjeeling".⁴⁶ From these agreements it is proved that the British Government did not prefer to disturb the internal administration of Sikkim by imposing British

laws in a quite different tradition of the country based on Buddhist principles and ethics.

6.8.1. Some Examples of Buddhist Impact on the Legal Process of Sikkim and Legal Protection of the Followers of Buddhism :

Power has always a tendency of self-protection and self-preservation. The laws of Sikkim, accordingly, demonstrated a remarkable tendency to protect the Buddhist identity of the States as well as of its followers. This protection was felt urgent when the influx of Nepalese immigration, Hindus by religion, endangered the Buddhist society of Sikkim. A Statutory Order, dated 2nd January, 1897, was issued, which ran thus : "Notice is hereby given to all Kazis and Mondals of Sikkim that no Bhutias and Lepchas are to be allowed to sell or sublet any of their land without the sanction of the Council."⁴⁷

The provisions of this Order were later re-enacted into the Revenue Order No.1, 1917, dated 2nd May, 1917, which is still in force and which provides that, "no Bhutias and Lepchas are allowed to sell, mortgage, or sub-let their lands to any person other than a Bhutia or Lepcha, without the express sanction of the Durbar."⁴⁸ Both these orders are to be considered as the legal measures to preserve Buddhist interest and to protect the Buddhist Bhutias and Lepchas of Sikkim. These laws are protecting the Buddhist Bhutia and Lepcha inhabitants from being deprived of their properties on any ground whatsoever at the hands of the non-Bhutia-Lepchas.

In 1956, a Proclamation was issued by the then Maharaja of Sikkim providing that all "unauthorised transfer of land by Bhutias and Lepchas

to Nepalis (i.e. transfer without the written permission of the Sikkim Durbar)" "as may have taken place within the last 25 years from the date of issue of this Proclamation, shall be deemed as invalid by the Courts and such land shall revert, on application by the party concerned, to the original holder on payment of such compensation for improvement as may be decided by the Court." And it was further mentioned in that Proclamation that "no unauthorised transfer of land (transfer without the written permission of the Sikkim Durbar) by Bhutia and Lepcha Sikkimese to Nepali Sikkimese subsequent to the issue of this Proclamation shall henceforward be held valid by the Courts."⁴⁹

6.8.2. Deletion of Section 303 of the I.P.C. :

By Notification No.160/OS dated 10th July,1953, as amended by the Notification No.1396/OS dated the 1st October, 1954, the Indian Penal Code, 1860, was adopted and promulgated as the substantive Criminal Law of Sikkim with deletion of Section 303 of that Code.⁵⁰ It may be noted that Section 303 of the Indian Penal Code is the only Section whereunder a sentence of death is compulsory. The Section provides that "whoever, being under sentence of imprisonment for life, commits murder, shall be punished with death".⁵¹ The deliberate deletion of this Section providing for compulsory death sentence is unmistakable proof of the influence of Buddhist ethics of non-violence. As mentioned before, Buddhism was the State Religion of Sikkim. The Buddhist Ruling authority did not want to have a law under which the Court would have no option but to award death sentence.

6.8.3. Election Law and the Protection of the Buddhist Community :

The influence of the Buddhist community on the legal process in Sikkim was most pronounced in the Election Laws passed as Proclamation of the Maharaja of Sikkim from time to time with expressed effort to safeguard the interest of the Buddhist Lepcha-Bhutia sections of the population by reserving seats. Details about these Election Laws have been discussed in the next chapter. The Proclamation of 1966 needs a special mention, which, for the first time, created a special constituency known as "Sangha Constituency", which was to elect one Lama member to the State Council through an Electoral College of the Buddhist monasteries.⁵² Thus the Buddhist Monks of Sikkim were directly involved in the political affairs of the State, securing a special constituency for them and a seat reserved for their religious leader, the Lama representative. The "Sangha Seat" was specifically retained till the merger of Sikkim.

Above all, when Sikkim was incorporated in the Union of India as a component State by and under the provision of the Constitution (Thirty-sixth Amendment) Act, 1975, the Sikkim Assembly, elected in April, 1974, was recognized and ratified as the Legislative Assembly of the State of Sikkim under the Indian Constitution. The Election Laws of India including the two Representation of Peoples Acts of 1950 and 1951, were extended to Sikkim, with modifications by a Parliamentary Act, being the Election Laws (Extension to Sikkim) Act, 1976. And what is most significant is that the Buddhist influence on the legal process had to be accepted even thereafter and the "Sangha Seat" was specifically

retained and the relevant provisions of the Representation of the Peoples Acts were suitably amended for that purpose. Even the Representation of the People (Amendment) Ordinance of 1979, which was passed to elect the succeeding Sikkim Legislative Assembly, and the Representation of the People (Amendment) Act of 1980, which has replaced the above-mentioned Ordinance and whereunder the existing Legislative Assembly has been elected, have retained the "Sangha Seat".⁵³

It is true that the Ordinance of the 1979 and the Act of 1980 have reduced the number of seats allotted previously to the Buddhist Bhutia-Lepcha communities and have now retained only 12 seats for the Bhutia-Lepcha and one seat for the "Sangha" out of the 32 seats of the Sikkim Legislative Assembly. It must, however, be noted that the Bhutias and Lepchas have been declared as the Scheduled Tribes under Article 342 of the Constitution.⁵⁴ Article 332(1) of the Constitution provides for reservation of seats for the Scheduled Tribes in the Legislative Assemblies and Article 332(3) lays down that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the proportion of the Scheduled Tribes in the State bears to the total population of the State. In accordance with the provisions of Article 332, the Bhutia Lepcha community of Sikkim should have got about 6 to 7 seats only in the Assembly in view of the proportion they bear to the total population of this State. According to the latest census the Bhutia-Lepcha Scheduled Tribes of Sikkim constitute about 25 per cent of the total population.⁵⁵ In the view of that matter, the allotment of 13 seats to the Bhutia-Lepcha community even under the latest Election Law would clearly go to

signify the protective impact of the Buddhist communities' influence on the legal process in Sikkim.

Another important point that should be noted is that under these Election Laws, the reservation of seats in favour of the non-Buddhist Nepalese has been completely abolished and declared as General Seats. So, while the Buddhists community of Sikkim have been able to retain the seats reserved for them upto now, including the "Sangha" seat, the reservation in favour of the non-Buddhist community except one seat for Scheduled Caste, has had to go. Naturally enough, a Nepali Leader, Mr. R.C. Paudyal, has challenged the vires of these Election Laws in a Writ Petition. The petition has subsequently been withdrawn by the Supreme Court for direct disposal.⁵⁶

6.9. Continuation of Old Laws :

Article 371F of the Constitution of India, dealing the Special Provisions with respect to the State of Sikkim, has provided expressly for the continuation of old laws promulgated by the Buddhist Rulers of the State. Article 371F(k) reads : "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 or other competent authority". Hence, many of the old laws of the then Buddhist State of Sikkim, have not yet been repealed or amended and have been continuing in force till now. Sikkimese Bhutia Buddhists are governed in matters of succession, inheritance and marriages, not by Hindu Law, but by

their own customary laws. As observed by the Sikkim High Court in the case, *Sonam Tshering vs. Kunzang Sherab*; that the Tibetans who started coming to Sikkim in or about the Thirteenth Century and brought Buddhism to Sikkim could not obviously bring Hindu Law with them, as they never accepted nor were governed by Hindu Law at any point of time. "What happened in India in the case of the Indian Buddhists, namely rejection of Hindu religion, but retention of Hindu Law, could and did never happen in the case of the Sikkimese or Tibetan Buddhists in Sikkim, for their having never adopted Hinduism, no question of their rejecting the religious portion of it and retaining the secular or legal portion thereof, like the Indian Buddhists, could or did arise. The Tibetans or the Sikkimese Buddhists, therefore, received the Buddhist religion from India but not the Indian Hindu Laws, and, therefore, the reasons for the Indian Buddhists being governed or continuing to be governed by the Indian Hindu Laws can have no application to the Sikkimese Buddhists. In secular matters, therefore, there is every reason to think that they were and would be governed by their own laws and the evidence on record, as already noted, also makes such indication."⁵⁷ It can be specifically mentioned that the Indian Hindu Laws of Succession, inheritance or marriages, which includes other religions like Shikhs, Jains, Buddhists in India, have not yet been extended in Sikkim even after Sikkim's merger as one of the constituent Indian States.

Here a question may arise as to what are the laws of Sikkim which were in force immediately before the 'appointed day' and have thus been continued under Article 371F(k) ? To answer this question,

Bhattacharjee, J. has observed, "I have been able to trace a sizeable body of earlier laws in Sikkim which can be classed as legislations in every sense, though I am yet to understand or discover any rational basis or justification for naming and labelling them, rather indiscriminately, as Proclamations, Regulations, Orders or Rules. But I have also come across sets of rules, having some legislative trappings but without any legislative elements and also sets of rules having good legislative elements but shaped as executive orders or instructions."⁵⁸ It can not be denied that the sources of these old laws in Sikkim were the Buddhist Rules, customs, usages and unwritten conventions of a pure Buddhist Society. So the next question may arise, whether those customs, usages, etc., should be recognized as laws of Sikkim under the modern concept of Law. "It has been settled by a series of decisions of the Federal Court and the Supreme Court, construing the expression 'all laws in force' used in similar contexts in Section 292 of the Government of India Act, 1935, and in Article 372 of the Constitution of India, that the said expression includes not only Statutory Laws but also non-Statutory Laws like personal laws, customs and usages having the force of law, case laws and the like."⁵⁹ It may evidently be said that in Sikkim not only the Buddhists, but also the Hindus had been governed and are still continuing to be governed by many of the old customary laws, usages, common laws which grew out of a Buddhist Society.

6.10.1. Influence of the Buddhist Pressure Groups on the Functioning of the Government :

Sikkim, the 22nd State of the Indian Union, is now passing through a complex process of Lamaist traditionalism and Democratic liberalism.

Buddhism, which had been consolidated as an established religion and which had continuous influence on the socio-political life through 12 succeeding Chogyals, can not be rooted out so easily from its entrenched position. "Race and religion serve to identify the significant roles a Sikkimese plays. The system of parity between the Nepalese and the Lepcha-Bhutias is based on this identification".⁶⁰ The Lamaist elites project an image of the pressure group in the administration. Their powers and positions are firmly secured by reservation of 13 seats including 1 "Sangha" seat out of 32 total seats in the Legislative Assembly. They are active at the highest level in the economic and political life of the community and play a crucial role as the guardians of the society.

Informal parity system is maintained also in the formation of the Council of Ministers since 1975. Buddhists Bhutia-Lepcha members are given almost equal share in the Councils inspite of their minority in the Assembly. Important portfolios are also distributed according to that informal parity. This parity is almost a compulsion for the ruling party to preserve and to promote ethnical and religious harmony in Sikkim. The following lists of the Council of Ministers will give the clear picture of the parity system :-

(a) The Council of Ministers - 1975 :

	<u>Name of the Minister</u>	<u>Community</u>
1.	Kaji Lhendup Dorjee Khangsarpa	Buddhist Bhutia-Lepcha
2.	Rinzing Togden Lepcha	-Do-
3.	Dorjee Tshering Bhutia	-Do-
4.	Nayan Tshering Lepcha	-Do-

<u>Name of the Minister</u>	<u>Community</u>
5. B.P. Dahal	Hindu Nepali
6. B.P. Kharel	-Do-
7. R.C. Paudyal	-Do-
8. K.B. Limboo	Hindu Limboo

(b) The Council of Ministers - 1979 :

1. Nar Bahadur Bhandari	Hindu Nepali
2. Tulshi Ram Sharma	-Do-
3. Padam Bahadur Gurung	-Do-
4. Sherab Palden	Buddhist Bhutia-Lepcha
5. Lachen Gomchen Rimpochi (Lama)	-Do-
6. Athup Lepcha	-Do-
7. Samten Tshering	-Do-
8. Sanchaman Subba	Hindu Limboo

In 1983, two of the members, Sherab Palden and Sanchaman Limboo, had been dropped from the Council of Ministers and the vacancies were filled up by taking Chamla Tshering from the Bhutia-Lepcha community in place of Sherab Palden and Indra Bahadur Limboo for Sanchaman Limboo. The parity, therefore, could not be broken as well. Lama Lachen Gomchen Rimpochi, elected from the Sangha Constituencies, was taken in the Cabinet with the portfolios of Ecclesiastical, Culture, State Trading Corporation, Scheduled Caste and Scheduled Tribe Welfare etc. It is interesting to note that he was not elected from Sikkim Janata Parishad Party led by the Chief Minister N.B. Bhandari.⁶¹

In the 11 member Council of the present Sikkim Sangram Parishad Government, elected in 1985, 5 Ministers belong to Bhutia-Lepcha community who all are Buddhist by religion. The party leader N.B. Bhandari, a Nepali Hindu, has become the Chief Minister whereas Chamla

Tshering, a Buddhist Bhutia, has been given the next important portfolio of Finance and also the charge of Tourism, State Trading Corporation etc. Other portfolios are distributed accordingly.

The Council of Ministers - 1985 :

<u>Name of the Minister</u>	<u>Community</u>
1. Nar Bahadur Bhandari	Hindu Nepali
2. Padam Bahadur Gurung	-Do-
3. Padam Lall Gurung	-Do-
4. Khara Nanda Upreti	-Do-
5. Taraman Rai	-Do-
6. Chamla Tshering Bhutia	Buddhist Bhutia-Lepcha
7. Dorjee Tshering Bhutia	-Do-
8. Thuk Chuk Lachungpa	-Do-
9. Sonam Choda Lepcha	-Do-
10. Sonam Dupden Lepcha	-Do-
11. Sanchaman Subba	Hindu Limboo ⁶²

The Buddhist Bhutia-Lepcha members or the functionaries of the Government, therefore, can exercise their influence strongly in the decision and policy making. For example, the Scheduled Castes and Scheduled Tribes Welfare Department of the Government of Sikkim has, so far, constructed various schemes for the amelioration of the economic conditions of the said families in the State. A Tribal Welfare Board has also been set up for that purpose. All the developmental schemes of that department have been implemented in a particular region for the benefit of the particular community. It should be noted here that in Sikkim, Bhutias, Lepchas and Sherpas are recognized as Scheduled Tribe barring a few Lepcha Christians, most of whom are Buddhists. In his address in the Assembly, the then Governor

Sri Homi J.H. Taleyarkhan said, "The Tribal Sub-Plan, though concentrated in the North District, will be amplified to include pockets of tribal habitations outside the North District also."⁶³ The North District of Sikkim is the belt of Bhutia-Lepcha inhabitants, who are all Buddhists. It is proved from the above statement that the Tribal Sub-plan was so long implemented only in the North District, inhabited by Buddhist Bhutia-Lepcha only. Shri B.B. Gurung, the then Finance Minister, also supported the above view that till now, under Tribal Sub-Plan, funds were earmarked only for North Sikkim which was declared as Tribal belt. But recently, the Home Ministry has recommended to the Planning Commission that all the Tribal pockets of Sikkim including North Sikkim would come under the Tribal Sub-Plan. According to that Tribal Sub-Plan the Government of Sikkim has undertaken a programme of distribution of foodgrains at the subsidized rates in all Bhutia-Lepcha Constituencies and predominantly Tribal populated areas in general and the whole of North District in particular, for improving the nutritional standard of the said people.⁶⁴

Shri N.B. Khatiwara, M.L.A., of Sikkim Prajatantra Congress, commented in regard to Tribal Sub-Plan that, "there is another aspect in Sikkim, such people as ranging from the Maharaja to 'Yapalas' have been made Tribals and they are also getting benefits as Tribals."⁶⁵ The term "Yapala" denotes honorific address in Tibetan language for the aristocrat Bhutias. The continuation of the Buddhist pressure groups and their influence on the administration may be judged from these statements.

The Sikkim Agricultural Land Ceiling and Reforms Act, 1977, has made various provisions for ceiling of lands to be retained by various

authorities. In Chapter II of the said Act, it is mentioned regarding the ceiling limit of the land for the monasteries that "Notwithstanding anything in the preceding Sub-Sections, a monastery or other religious institution shall be entitled to hold - (a) sixty standard acres, if it is listed in Group A of Schedule I, and (b) twentyfive standard acres, if it is listed in Group B of Schedule I. In Schedule I Group A, there are six big monasteries of Sikkim as (i) Pemayangtse Gompa, (ii) Phodong Gompa, (iii) Phensong Gompa, (iv) Ralong Gompa, (v) Rumtek Gompa and (vi) Tashiding Gompa ('Gompa' is the Tibetan term for Buddhist monasteries). In Schedule I Group B, 52 Gompas and other Buddhist sacred places are included, out of 110 other religious institutions.⁶⁶

Secondly, in Section 3(1) of the said Act, it is mentioned that "The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or any contract or any usage or custom."⁶⁷ Hence, in Chapter VII it is again mentioned that "on and from the commencement of the provisions of this Chapter, the provisions contained in the Revenue Order No.1, dated the 17th May, 1917 and other laws relating to matters governed by this Chapter, shall cease to have any force and effect."⁶⁸

Surprisingly, though the said Act has been passed in 1978, Chapter VII of the Act, dealing with the Scheduled Tribes who are mainly Buddhist Bhutia-Lepchas, has not yet been enforced by the Government by issuing the necessary Notifications as it is mentioned in the Section 27(2) of the Act.⁶⁹

By this Act, the previous landlords, who mostly belong to Bhutia-Lepcha Buddhist community, and the Buddhist monasteries which have vast landed properties, are to be affected most. It will not be a wise and

intelligent action on the part of any ruling party in the State to earn displeasure of the said communities while 13 seats including 1 Sangha seat are still reserved for them. The Bhandari Government coming into power in 1979 had realized the fact, so it did not show any inclination that Chapter VII of to enforce the above Act yet.

6.10.2. Subsidy Granted to Monasteries and Other Religious Places :

Besides landed properties, the monasteries, either big or small, and other religious and historical monuments, were and still are protected and maintained by the Government of Sikkim. Since 1976, the Government of Sikkim has been continuing to sanction subsidy or other grants for maintenance of the monasteries and Buddhist monuments, through the Ecclesiastical Department. The list of monasteries receiving annual subsidy from the Government of Sikkim is given at the end of the Chapter.⁷⁰

The Atish Dipankara Destitute Home at Chakung for 100 children, under Kripasarana Buddhist Mission, is jointly run by the Government of India and the Sikkim Government. Destitute Home, Geyzing run by Denzong Lhadhey Yangkey Tshokchen for 50 children also gets the Government grant on the basis of estimated cost.⁷¹

In the year 1985-86 an outright grant of Rs.50,000/- was sanctioned to Ralong monastery for minor repairs. The Government has also sanctioned Rs.73,767/- for fencing of Khacheopari Lake in West Sikkim.⁷² This Lake is believed to be a very auspicious lake to the Buddhist people.

6.11. Buddhist Sentiment as Reflected on the Floor of Assembly :

"Khang-che-zo-Nga" or the Kanchanjangha peaks are regarded as the 'Guardian Deity' of Sikkim. Every year an unique festival, Pang-Lhabsol, is celebrated to offer thanks to Mountain Kanchanjangha. No expedition, therefore, was allowed by the Sikkim Rulers on that mountain. Even during the British Protectorateship, the British had the courtsey to respect that local sentiment by not allowing any expedition so that human feet may not trample the divine mountain. But in 1954, the Government of Nepal permitted an army expedition team to climb the Mountain Kanchanjangha. Naturally, the incident hurt the sentiment of the local Buddhist community very badly. Shri N.B. Khatiwada, a Hindu Nepali, drew the attention of the Assembly in this regard by saying : "There is a religious sentiment for the Sikkimese people on climbing of the mountains. Sikkim is the land of religion and Buddhism is the binding force for the three communities of the land. So the Government should give a careful and deep thought to this matter raised by the Hon'ble member and take appropriate step in upholding the religious sentiment of the people."⁷³ The said Hon'ble member also raised points on proper maintenance and protection of the holy places such as lakes and monasteries.⁷⁴

Shri Kalzang Gyatso demanded in the Assembly, that "the Phodong Monastery is one of the important monasteries of Sikkim and Phodong commands a good view of both East-West, and North-South Sikkim", and as such a Tourist Lodge be constructed at Phodong.⁷⁵ The need for protection and preservation of old monasteries and traditional art and artistic objects belonging to the monasteries is felt by Nepali members too.

There is an ancient monastery at Machong in the East Sikkim which possesses excellent Buddhist art and antiquities of rare skills, and can not be possibly remade again. The Machong monastery had developed fissures because of earthquake in 1980. The Government of Sikkim sanctioned Rs.1,76,000/- for repair work of the monastery at that time. Shri P.L. Gurung, said in the Assembly, "In this House a lot of discussion has been taking place on the fact that religion should be allowed to flourish. All of us have also been talking about it from the core of our hearts. It has also been pointed out that the Government should properly preserve all the antiquities stored in all ancient monasteries and temples in Sikkim."⁷⁶

Homi J.H. Taleyarkhan, the then Governor of Sikkim, said in his address in the Assembly, "We have been living in perfect peace and communal harmony over the years. It is no exaggeration to state that the principles of national integration are best manifested in our State where people from sister States have been able to carry on their livelihood without any hindrance. They have been able to mingle with other members of the society freely".⁷⁷

Chief Minister, N.B. Bhandari, also commented once in his public address that "where there is religion, there is discipline."⁷⁸ Will it be wrong to conclude that these virtues of Sikkimese people like tolerance, co-operation, fellow-feeling, honesty, etc., have been derived from the long association of the people with the teachings of Lord Buddha e.g. "Khanti paramam tapo titikkha Nibbānam paramam"⁷⁹ - Forbearance is the highest austerity and Nibbāna is the supreme goal ?

APPENDICES TO CHAPTER-6

A. Statement of Annual Grants Given to Religious Institutions in Sikkim (1975 to 1985) :

1975-76

1. Major Works (Re-construction)	Rs. 1,20,076/-
Minor Works -do-	Rs. 31,409/-

1976-77

2. Major Works (Re-construction)	Rs. 3,20,000/-
Minor Works -do-	Rs. 1,52,000/-

1977-78

3. Major Works (Re-construction)	Rs. 5,00,000/-
Minor Works -do-	Rs. 1,28,462/-

1978-79

4. Major Works (Re-construction)	Rs. 5,48,242/-
Minor Works -do-	Rs. 1,71,537/-

1979-80

5. Major Works (Re-construction)	Rs. 5,20,360/-
Minor Works -do-	Rs. 1,19,779/-

1980-81

6. Major Works (Re-construction)	Rs. 4,25,000/-
Minor Works -do-	Rs. 1,05,000/-

1981-82

7. Major Works (Re-construction)	Rs. 4,11,217/-
Minor Works -do-	Rs. 1,50,986/-

1982-83

8. Major Works (Re-construction)	Rs. 3,84,420/-
Minor Works -do-	Rs. 1,38,855/-

1983-84

9. Major Works (Re-construction)	Rs. 4,20,000/-
Minor Works -do-	Rs. 1,20,000/-

1984-85

10. Major Works (Re-construction)	Rs. 4,05,000/-
Minor Works -do-	Rs. 1,92,186/-

B. List of Monasteries in Sikkim Receiving Annual Subsidy from the Government :

1. Pemayangtse Monastery
2. Melli Monastery
3. Sagnakchholing Monastery
4. Khachoedpalri
5. Dupdhi Monastery
6. Solnon Monastery
7. Tashiding Gurulhakhang
8. Dolling Monastery
9. Renchenpong Monastery
10. Lhuntse Monastery
11. Namchi Gnadak Monastery
12. Simik Monastery
13. Yangang Monastery
14. Thumen Monastery
15. Kathok Monastery
16. Linkoe Monastery
17. Pabyouk Monastery
18. Enchey Monastery
19. Labrang Monastery
20. Lingdok Chankar Monastery
21. Ringyoun Monastery
22. Hee Gyathang Monastery
23. Lingthem Monastery
24. Tholung Monastery
25. Sharchock Palkhuk
26. Labrang Wangdhitse
27. Chungthang Monastery
28. Chakung Monastery
29. Chawang Ani Monastery
30. Bakcham Monastery (Lhakang)
31. Hungri Monastery
32. Ship Kunyangcholing

33. Renock Monastery
34. Sontam Monastery
35. Linkney Phagyal Monastery
36. Singchek Monastery
37. Samdong Monastery
38. Barneok Monastery
39. Lachen Monastery
40. Lachung Monastery
41. Lachen Mani-Lhakang
42. Lachung Thangmochi
43. Lachung Mani-Lhakang
44. Lachen Thangu
45. Changney Monastery
46. Tendrang Tsamkhang
47. Tumlong Mani-Lhakang
48. Tingbung Monastery
49. Sumin Monastery
50. Sang Monastery
51. Parbing Serpa Monastery

Sources: Ecclesiastical Department, Government of Sikkim.

C. List of Monuments Protected by the State Government :

1. Famous Four Caves in Sikkim :
 - (a) Pal-phug (dpal-phug) of East
 - (b) Khadol-sang-phug (mkhah-hdro-gsang-phug) of South
 - (c) De-chen-phug (bde-chen-phug) of West
 - (d) Lhari-hying-phug (lhari-sning-phug) of North

2. Famous Chorten or Stupas :
 - (a) Tabak-chorten at Pemayongtse
 - (b) Chod-shal-chorten
 - (c) Jetsun-Migin Palden-chorten
 - (d) Chorten at Gyalzing
 - (e) Sangcho-goan-chorten
 - (f) Thogwa-rangdol and other Stupas at Tashiding
 - (g) Tashi-wobhar chorten
 - (h) Dudhul Chorten at Dotabu
 - (i) Byahgchup Chorten
 - (j) Dolma Chorten
 - (k) Kathang Chorten
 - (l) Khaseg Chorten
 - (m) Mabya (Masha)-zin-chorten in Lun-tse
 - (n) Byeyul Chorten
 - (o) Myangdey Chorten
 - (p) Mabyazin Chorten in Dolung
 - (q) Ralung-Mangdang-la Chorten
 - (r) Lungdar-deshek Chorten at Tashiding

3. Mendang or Inscription on Wall of Religious Significance :
 - (a) Mendang at Gyalzing
 - (b) Mendang Ringpo
 - (c) Namtse-mendang
 - (d) Keqzing Mendang
 - (e) Nangdak Mendang
 - (f) Tashiding Mendang
 - (g) Sil-non-goan Mendang
 - (h) Zindirang Mendang

4. Tsa-cho or Hot Spring :

- (a) Phur-cha-chu
- (b) Tsa-bum-cha-chu
- (c) Tadin-tse chu
- (d) Dorji-phamoi-tse chu
- (e) Shinmo-tse chu in Talung
- (f) Samdong tse chu
- (g) Atgang tsa chu
- (h) Tser-tsa chu
- (i) Polod-tsa chu in Lachen
- (j) Takrum tsa chu
- (k) Kathang chorten
- (l) Three hot springs in Sakyong Penthang

N.B.- Altogether there are 16 (sixteen) hot springs in Sikkim.

5. Other Places of Historical Importance :

- (a) Kabi-Lungshok
- (b) Mahadeo-than
- (c) Thak-tung-rong (Abode of Lepcha Chieftain Tekong Salang)
- (d) Tso-jo-lake
- (e) Throne of Nal-zor-ched-shi (Seat of Namgyal Dynasty)
- (f) Rabden-tse (Ruined old palace of Namgyal Dynasty)
- (g) Tashi Tenka Phodrang (Fort of Namgyal Dynasty at Tashi Tenka)
- (h) Ruined trench and wall in and around Kaluk where war between British and Lepcha soldiers was fought.
- (i) Cemetery Silwa-tsal at Tashiding
- (j) Tse-chu-phug
- (k) Ngensong-Byang-ju-ne
- (l) Throne of Guru-Padma-Sambhava at Tashiding
- (m) Natural formation such as - Stone-shaped wrathful face, Tusk of Elephant, Trisul, saddle at Tashiding.
- (n) Dolung
- (o) Drukphang-phug
- (p) Rigzing-phodrang
- (q) Throne of Guru-Padma-Sambhava at Chinthang

- (r) Dho-dham-choe-pu-ti
- (s) Dorji-phamoi-bagha
- (t) Gnegsang la
- (u) Thorila and other places could be seen in Northern Sikkim.
- (v) Stone-shaped natural formation like Tapu-chhang-ne. Dorji-phamoi-snag-ne, Rubel-ki-ne-Gna-koi-du-phungki-phurpo at Khecho-palri.
- (w) Dung-kar-ne Taku-ne, Foot-print of Guru-Padma-Sambhava foot-print of tiger, womoi-cho at Pathing.
- (x) Old ruined seats of three Lamas at Yuksam.
- (y) In Pathing the foot-print of Khodo-yeshey-Tsogyal could be seen. About seven miles from there exists the Dunkar-ne. In the west of it is Tadi-ne (the place of Hayagriva). In its north exists the lake of Du-truk-womoi-cho, Drank-gyalwa-rigna (the rock of five Jinas) and the cave of Dorji-Phamoine is on the road side from there. About seven miles from there one will see the Tak-phug ne where a print of tiger is to be seen on the rock.
- (z) Ye-kup ne, foot-print of Tawang Rinposhe and animals of the rock, rock cave of Tawang Rinpoche in Khechopalri.

Source : Ecclesiastical Department, Government of Sikkim, Gangtok.

D. Excerpts from

THE SIKKIM AGRICULTURAL LAND CEILING
AND REFORMS ACT, 1977
(ACT NO. 14 OF 1978)

AN

ACT

CHAPTER I

Preliminary

- Short title, extent and commencement
1. (1) This Act may be called the Sikkim Agricultural Land Ceiling and Reforms Act, 1977.
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force on such date as the Government may, by notification, appoint.

CHAPTER II

Ceiling or Agricultural Lands

5. (1) The State Government may, by notification, declare that with effect from the date mentioned in the notification (hereinafter in this Act referred to as the notified date) no person shall be entitled to hold any agricultural land in excess of the ceiling limit in the State of Sikkim and all lands in excess of the ceiling limit shall vest in the State in accordance with and under the provisions of this Act and the rules and notifications made thereunder.
- Persons not entitled to hold agricultural land in excess of ceiling limit.

Explanation I - The State Government may notify different dates for different areas of the State.

Explanation II - The land held by bustiwalla as owner along with land cultivated by him in the capacity of an Adhiadar or a Kutiadar shall, for the purposes of this Act, be deemed to be held by him.

Ceiling limit.

6. (1) The ceiling shall be -

- (a) in the case of person having no family or a family consisting of not more than five members, twelve and a half standard acres, and
- (b) in the case of a person having a family consisting of more than five members, twelve and a half standard acres increased by two standard acres for each member in excess of five, so however, that the ceiling area shall not exceed twenty and a half standard acres.

Explanation -(i) For the purpose of this sub-section, all lands held by a person individually or jointly with other members of his family shall be deemed to be held by him.

(ii) Where any holding is held by him, jointly with any person or persons other than a member of his family, the share of each person in the joint-holding shall be deemed to be held by him.

(2) Every adult of a person shall be treated as a separate unit and his share in his father's holding or in ancestral holding shall be aggregated along with other land, if any, held by him for the purposes of determining his ceiling limit.

Explanation I - No person who has not completed the age of eighteen years on the date of the notification referred to in Sub-Section (i) of Section 5 or on the date of future acquisition of land under Section 16 shall be deemed to be an adult.

Explanation II - The expression "adult son" includes an adult son who is dead and has left surviving behind him his widow, minor sons or daughters (other than married daughters) who either do not own any land or hold land less than twelve and a half standard acres.

(3) Notwithstanding anything in the preceding Sub-Sections, a monastery or other religious institution shall be entitled to hold -

- (a) sixty standard acres, if it is listed in Group A of Schedule I, and
- (b) twentyfive standard acres, if it is listed in Group B of Schedule I.

Schedule I, Group 'A'

1. Pemayangtse Gompa
2. Phodong Gompa
3. Phensang Gompa
4. Ralong Gompa
5. Rumtek Gompa
6. Tashiding Gompa

Schedule I, Group 'B'

There are 52 Gompas out of 110 Religious Institutions of different religions.

Source : Sikkim Code, Volume 1, Law Department, Government of Sikkim.

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79. Brahmachari, Silananda, The Eternal Message of Lord Buddha, (A Study of Dhammapada), Jadab Barna Publications, Calcutta, 1982, p.60.



*Dancing Lama with mask
in Wang. Lhab. Yol Festival.*



*'Tashilling' - The Secretariat Building,
with a Statue of Lord Buddha in the adjacent Garden.*