

Political Developments in Sikkim

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Doctor of Philosophy

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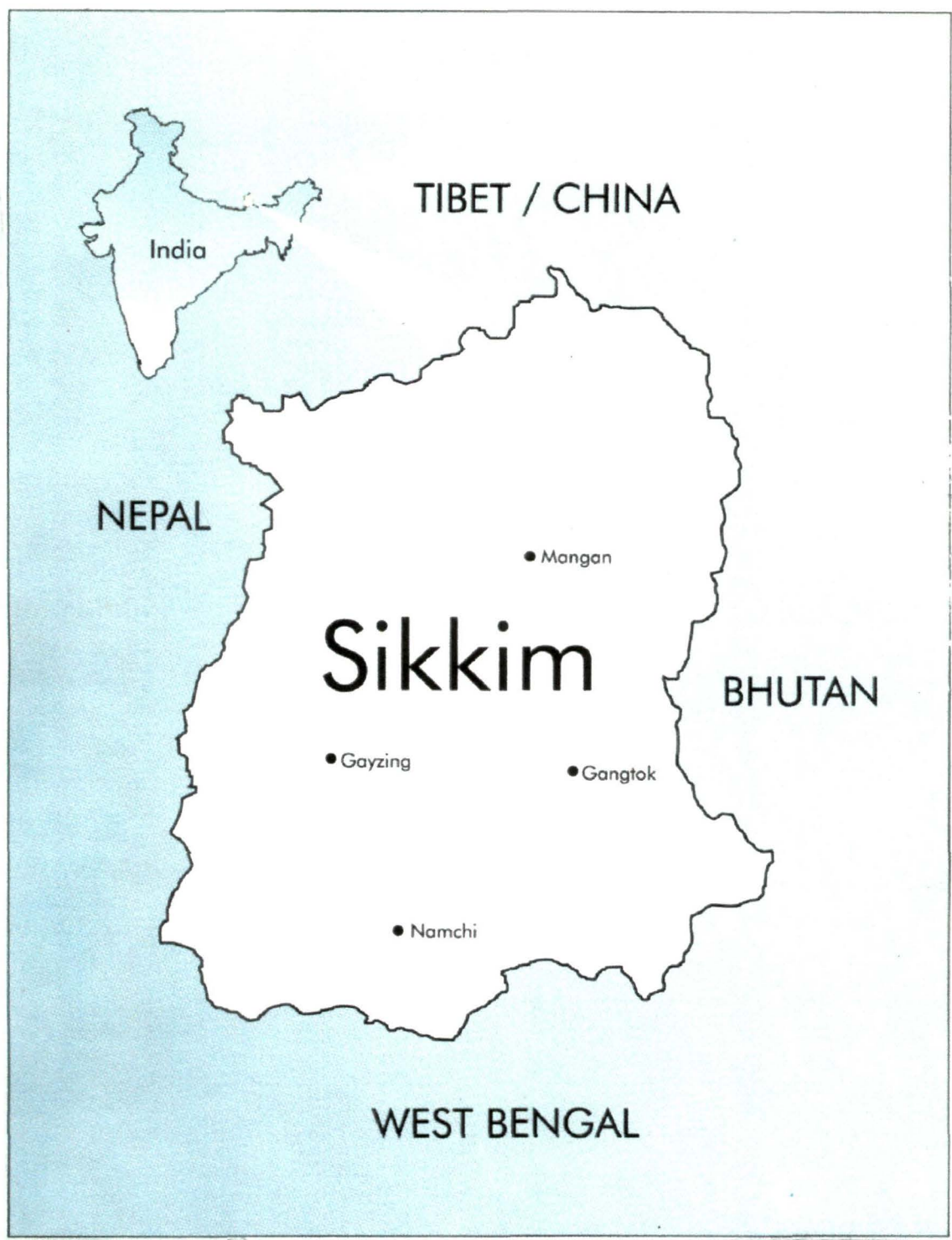
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Dedicated To
The peace loving people of Sikkim, my father
Late K.V. Ramasami and my father-in-law
Late R.L. Narasimhan.



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PREFACE

The land of unspoilt and enchanting natural beauty of exotic flowers with its majestic and gigantic guardian deity Mount Khan-chen-dzo-nga, Sikkim in its developmental process was initially a feudal monarchy, later it was a protectorate of India followed by associate status and finally to become a part of India in the year 1975. This transition, over the years, from one stage to the other exhibits the growth of not only an effective social system but to build a strong democratic political system. This transition has further made the rulers and the people to act effectively in both social and political life to accelerate the process of development. The basic issue in the process of transition is to fuse and integrate components of the indigenous culture with the standards and practices of modern democratic life. If we theorise the political process in Sikkim it focuses on political developments, nation building, popular participation, tradition in modernity, identity, protection and unity of the three ethnic communities. The objective of the present study is not theory building but exploratory in order to understand the socio-political developments of Sikkim. The study and analysis of this work covers the period between the Twelfth ruler-Chogyal Palden Thondup Namgyal (1963) through the politics of integration and restoration of democracy under the leadership of Shri Pawan Chamling's Sikkim Democratic Front which is in power. Traditionalism and constitutional protection of Sikkim are continuing in the political process of Sikkim in the functioning of the Executive, Administration, Panchayatiraj, Legislature, Electoral process and Judiciary since 1975. By and large, this work focuses on developments in Sikkim in the socio-economic fields and political arena which ultimately tries to protect democracy, basic rights and identity of the people of Sikkim.

In fact, I am highly obliged to Dr. Manas Chakraborty, Reader and Head, Department of Political Science, University of North Bengal for his exhaustive and scholarly guidance and supervision on this thesis which helped me to bring to its final shape for submission. His personal attention and care, ably guided me at every step. Also I thank all the members of faculty of Department Political Science, North Bengal University in helping me in the project. Some aspects of the study I have already published in both local newspapers and national magazines and periodicals which have inspired me to complete and present it.

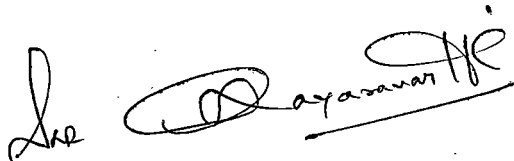
It is my duty to express gratitude to Padma Vibhushan Shri Kazi Lhendup Dorji, first Chief Minister of Sikkim (Post Merger) and Shri B.B. Gooroong, former Chief Minister of Sikkim (and Political Advisor to the Honourable Chief Minister of Sikkim Shri Pawan Chamling), a mobile library and a seasoned statesman of Sikkim for helping me with materials and information to complete this work, in spite of their tremendous pre-occupations. My thanks are due to Chief Justice R. Dayal and the Honourable High Court of Sikkim for having provided me with ample information and necessary materials.

I am grateful to Dr.C.B.Sunwar, former Principal, Sikkim Government College, Tadong for having instigated me to complete this Ph.D work and extended help in many other ways.

I express my gratitude to the present principal Dr. S.K. Pradhan, Shri M.A. Safi, Librarian, Shri Anjan Chakraborty and Shri C.Das Lecturers of Sikkim Government College for all their help. I record my thanks to my mother Smt. K.R Kaamakshi, my elder brother Shri K.R Ramakrishnan, Scientist , CECRI, my wife Smt. L. Padmavathi, Sr. Audit Officer (Admn.), O/o AG (Audit), Sikkim and my daughter Ms. K.C.Archana who have constantly encouraged me to get this work completed which has been kept pending since long.

My special thanks are duly recorded to my son Mr. K.C.L. Narasimham, a student of B.E.(Mechanical), Jabalpur Engineering College in composing the thesis alongwith the help of Shri M.V.S. Manian, The Mountain Institute, Gangtok, Shri N. Radhakrishnan, AAO, O/o the Sr. DAG (A & E), Gangtok, Sikkim, Shri Arjun Sharma and Shri Ganesh Gurung of Sikkim Government College. I would also like to thank Shri S. Murugesan, A.E, (RDD), Government of Sikkim and Shri D. K. Sekhar of Tadong for providing me with moral support in this regard.

Lastly I thank the Almighty of all religious faiths of our sacred Country and the World at large for having blessed me to complete the work and submit the thesis to North Bengal University for the award of Doctor of Philosophy.



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CHAPTER - I

Introduction

Tiny Sikkim, the erstwhile Himalayan kingdom has undergone various stages of political development from the past through the British rule to the present day. Developments with regard to Sikkim has become a major aspect of study in the process of democratization, rapid socio-economic transformation and to bring the newly founded State of Sikkim joining the mainstream of Indian federal polity. The present study will be focusing from the rule of last Chogyal of Sikkim, politics of merger with the Indian Union and political developments in the State of Sikkim. Sikkim thus offers a fertile field for the study of socio-political and politico-economic aspects.

Sikkim started as a Himalayan kingdom, unable to survive as a separate political entity. Therefore, during British period it was a protectorate and since then one could trace the political transformation and changes which ultimately brought about socio-economic and political developments. The reign of the 11th Maharaja of Sikkim, Sir Tashi Namgyal marked such a development in Sikkim establishing a welfare state. Under the rule of last Chogyal namely Palden Thondup Namgyal, the State of Sikkim experienced tremendous crises. The first step at this stage was making Sikkim an associate state of India from protectorate status by the 36th Amendment Bill, 1974. Followed by this, the 38th Constitutional Amendment Bill, 1975 and on the approval of the act by the Union Parliament of India along with a popular referendum of the people of Sikkim, merged the State of Sikkim with the Indian Union doing away with the cherished feudal monarchy existed for more than three centuries. The overthrow of monarchy and establishment of democracy were caused by the revolutions of 1949, 1973 and the movement led by political parties of Sikkim between 1973 and 1975. The process of Sikkim becoming an associate state of India in 1974 and finally the 22nd state of the Indian Union in the year 1975 is a

unique political phenomenon and that was India's successful cross border democratic experience.

Development in Sikkim do not mean only on economic development but also socio-political developments, political awareness, political consciousness and active participation of the people from all the three ethnic communities viz., *Bhutias*, *Lepchas* and *Nepalese*, the other people from the grassroots and to reiterate the role played by political parties and leaders, in particular Kazi Lhendup Dorji Khangsarpa.

Here it is also essential to point out that Sikkim was inspired by India's freedom struggle. The people of Sikkim assembled at Gangtok on the historic day of India's independence and demonstrated against the despotic rule founded on feudal landlordism. It was, therefore, an inherited political consciousness of the Sikkimese as a result of India's freedom in order to join the mainstream of Indian national life. Further, the international forces playing a crucial role over the sandwiched State of Sikkim situated in the midst of Bhutan, Nepal, Tibet and India (West Bengal) forced the people and leaders of Sikkim to join the Indian Union.

In fact, a number of works regarding 'Politics of Integration of Sikkim into Indian Union' are available but are little with regard to an in-depth analysis of socio-economic and political developments of pre-merger and post-merger Sikkim.

Sikkim is, no doubt, a small state but has within itself a cartload of contradictions. As pointed out earlier there are three main ethnic races namely, *Bhutias*, *Lepchas* and *Nepalese*. Besides we find Tibetans, people from other states of India including Marwaris – the business community who are a class by themselves. Therefore, an attempt will be made with regard to origin, cultural patterns, practices, habits of the three ethnic communities with a focus on 'migrants versus the natives' and the peculiarities of the social, economic, political and religious institutions along with strategic importance of Sikkim.

Politics in Sikkim was feudal, monarchical, theological but never democratic. The trend in post-merger Sikkim is different and it needs a careful analysis. Hence, location of power, changes in political institutions, Governmental organizations and administration, growing democratic trends, electoral politics and awareness and political consciousness of the people as a result of interplay of political forces and persons within and outside would become a part of the present study.

The study would also attempt to analyse the constitutional position of Sikkim with reference to Article 371 F of the Constitution of India, role of religion and the Sangha Constituency – first of its kind in secular India – a sole monopoly of Buddhism, gumpas and monasteries of Sikkim.

Finally, political processes, administration, pattern of government and governance, politics of defection, local sentiments, reservations, regionalism etc. will be studied in a systematic style. Further, the role of regional political parties, sons of the soil policy, centre-state relations and the type of federal merger envisaged for a new border State of Sikkim with analogous to federating process in promoting nation-building activity, would be a special focus of the whole study.

CHAPTER - II

1. Theoretical Framework

The theoretical framework for research shall undertake to trace the political and constitutional history in the pre-merger period from the rule of the last Chogyal – Palden Thendup Namgyal and also the circumstances which led to the merger of Sikkim with India in the name of ‘Politics of Integration of Sikkim with the Indian Union’. Secondly, the transition from feudal Monarchy to Democracy in the post-merger period of Sikkim for building up democracy and strengthening the democratic forces and institutions in terms of role played by Government of India, local leaders and political parties of Sikkim. Yet another thrust area of the theoretical framework of the research programme would be to focus on the entire effort to bring Sikkim in the national mainstream of India without disturbing the age old traditions, ethnicity, ethnic complexity, culture, old laws, constitutional safeguards, identity of the people of Sikkim, political structure and the state as a whole in the light of basic issue and problems of the people.

2. Research Questions:

- ❖ To what extent the transformation and changes from feudal monarchy to democracy has contributed to build democratic institutions in terms of various revolutions and movements in Sikkim?
- ❖ How far and to what extent the democratic institutions have started functioning successfully in achieving the aimed goals and objectives of democracy in Sikkim?
- ❖ To what level and extent the people of Sikkim at all level participate in particulars at the grassroots level in building up democracy?

- ❖ To what extent Article 371 F of the Constitution of India is able to protect the rights and safeguards to the people of Sikkim and democracy besides maintaining the identity of the people of Sikkim and their culture, traditions and customary laws in spite of the fact of Sikkim becoming a Member of North East Council?
- ❖ Whether democratic and political developments in Sikkim have contributed to the political modernization alongwith a comparison of developments in the pre-merger and post-merger Sikkim?
- ❖ What is the extent of voting pattern, voting behaviour to indicate the political awareness, consciousness and political process relating to electoral politics in Sikkim, as because voting is the most important process of political participation in democratic societies.
- ❖ To what extent administration in the State of Sikkim has help developed to improve the quality of life through decentralization and democratization processes?

All the above question for investigation may try to reveal that before merger of Sikkim, the rules of various Maharajahs and British rule showed a slow process of development. The real socio-economic developments and political transformation took place in the post merger period. The focus of the popular governments has been to promote the quality of life of the people and to build strong democratic institutions in Sikkim. Though plural in character the society of Sikkim, the efforts are being put to bring them together to lead a peaceful life with the help of democratic institutions and processes. Facilities in various fields like administration, governance, education, agriculture, secular character etc. have started growing. The primary objective of the proposed theoretical aspect of the study is to examine the changing functions of the government and the role played by political leaders, political parties and popular governments in the state of Sikkim to evaluate the effectiveness to promote welfare and developmental activities over the years. By and large, it is

to analyse the overall developments since merger to present day in the young state of the Indian Union, namely, Sikkim. Hypothetically, it is to trace the changes and developments of Sikkim in the post merger period and finally the process of bringing Sikkim into the mainstream of national life of India. Perhaps it has been achieved and today Sikkim stands as the most peaceful state of the Indian Union as compared to other sister states of India.

3. Data Collection

Data for the present study have been collected through both, primary and secondary sources.

The primary sources are: Government records, reports, notifications, official publications, manuals and other unpublished materials.

The secondary sources are: books, news papers, periodicals (local and national) and other articles relating to the study area.

The empirical aspect of the study are based on personal interviews with unstructured informal questionnaire and if needed administering prepared questionnaire and schedules with the local people, officials, political leaders, legislators of the state of Sikkim.

4. Data Analysis

Data for the present study have been analysed manually and with the help of desk calculator.

CHAPTER - III

Sikkim: A Review of Its Literature

A sincere attempt is made over here to review some of the publications available on Sikkim. It may benefit and interest both readers and researchers. It does not present any critical comments on the works of the authors.

The Gazetteer of Sikkim¹ presents the facts on Sikkim in a lucid manner on its geographical position, history laws, marriage customs, agriculture, vegetation, butterflies, reptiles, birds, mammals, Lamaism, monasteries, temples, village priests, rites, Mandala, divination, talismans, amulet charms, prayer flags; demons, exorcism systematically. The study includes an introduction by Risley H.H. on Sikkim.

The Author Claude White, J² penetrates into the very heart of this part of the world namely Sikkim and brings to the light the minutest details. The geographical position and general features of the state, the people, expeditions, art and industries, their laws, marriage customs, fauna and flora and habitat of Sikkim.

Coelho, V.H.³ tries to assemble in his own views the historical and cultural data to reveal a sympathetic description of the lands and their peoples. The work also gives an idea of the present administrative and political structures which would serve to enlighten any reader who wishes to know something and understand more about these unusual Himalayan counties – in particular Sikkim.

Grover, B.S.K's⁴ work is a timely publication covering all happenings in the state. A comprehensive study to portray the history and socio-political development of the people of Sikkim and he has diligently documented the relationship between Sikkim and India from 1947 to 1974. The book provides a wealth of interesting materials and dependable description of the Sikkimese

processes and of Sikkim's transitional and fledging transformation. Indeed it is a work published before the merger of Sikkim into the Indian union.

Basnet, L.B.⁵ summarizes the events in Sikkim following upon independence of India. It is primarily Sikkim's political history that inspired his work and presents the political history of Sikkim from the point of view of the masses. The first part of the book deals with the period antecedent to 15th August 1947 and the second part of the study deals with the interplay of political parties and the Government of India on the political stage in the post 1947 period until the end of May 1973.

Sinha, A.C.⁶ provides the background story, the analysis and evaluation of the actors involved in the political struggle relating to amendment to the constitution of India which merged Sikkim with India and gave it the status of the 22nd state of the Indian union. While the Chogyal and his followers were making efforts to strengthen the bonds of theocratic monarchy, the politically awakened elites were aspiring and struggling to lead Sikkim towards constitutional democracy. It also deals with the social forces and giving a direction to the politics of Sikkim leading to the realization of the Sikkimese people's aspiration of merger with India.

Many questions like, since the time India took measures to integrate Sikkim in April 1975 or even a little earlier, there had persisted a lurking belief in the minds of a section of people, both India and abroad that India was going to annex a small country Sikkim, little realizing that Sikkim has been a Princely state of India since way back in the British days. How was this confusion about Sikkim's independence created? Who fostered this wrong idea and why? Etc., were answered by Shukla S.R.⁷ He also presents the early history of Sikkim, beginning from its hoary past to the last fight of its people against the feudal order and in a vivid, lucid and absorbing style right up to the day it became 22nd state of the Indian federal polity.

Chib, S.S.⁸ describes the physical environment, mineral resources, power, agriculture handicrafts, people, cultural heritage, economy, problems and prospects of the state of Sikkim.

Mishra R.C.⁹ highlights the issues in connection with the Sikkim's political development and the decisive role played by the Government of India on the questions. Could it be anticipated that the 1973 democratic movement would further make the road smooth for the democratic force?

How it became possible, over night, for the leader of Sikkim Congress, Kazi Dorji, in wielding power taking the bridle of the whole administration into his own hands?

What made the Chogyal to rush to New Delhi every now and then despite putting signature on the Sikkim Bill?

What made the Chogyal to resent repeatedly against steps taken by the Government of India?

Why did Chogyal ignore the directives of Kazi Dorji while going to Nepal for attending the Coronation Ceremony?

Finally, India's Himalayan Policy in general and Sikkim in particular.

Rao Raghunadha, P.¹⁰ highlights not only the struggle of the people of Sikkim for democratization of their administration and closer political association with India, but also the international intrigue to embarrass India by siding with feudal regime. This book is full of political and historical facts which are amply supported by a list of appendices containing all the treaties.

Round Kanchenjunga by Douglas. W. Freshfield¹¹ was written at the turn of the present century. It still remains a classic in Himalayan literature. It epitomes an accomplished scholars appreciation of nature, mountain exploration and the event when a distinguished explorer approached a mountain. The author's views on mountain glaciations had aroused much academic discussion and he had contributed greatly to the furtherance of geography as a scientific discipline through this work.

In this narrative, Freshfield reverts frequently, rather too frequently as he himself admits, to Alpine comparisons. To give a few examples: Kanchenjunga massif between the Kosi and the Teesta is compared to the Bernese oberland between Rhone and Reuss, Kangchenjunga summit itself to Monte Rosa (as seen from Italian lakes), Siniolochu as Jungfran, Twins Grande Jorasses, Jubonu as Murren, Kangbachen as Vispthal, Chomolthari as cina Tosa, Chungthang as Stalden, Lhonak as Engadine and so on. Kangchenjunga thus still remains one of the most tempting and challenging of the world's highest peaks. Round Kangchenjunga is not merely a superb travelogue but its details on extent of glaciers could be a basis for scientific study on their process through time. Glaciers have definitely receded, but the political climate on the tri-junction represented by Kangchenjunga has not yet been conducive to systematic exploration and research.

The states of our union: Sikkim by Sunil C. Roy ¹² explains about Sikkim, the youngest state of the Indian union, conjures up the visions of the Sangrila. He describes the merger and beginning of an era of democracy and progress of the state. Besides geographically describing the land and the people of Sikkim the author Roy has brought into focus the progress achieved by the state in various spheres since it became part of India.

Was merger necessary? Was there a popular uprising against the Chogyal in 1973? Could not provisions of the 1950 Treaty have been used to protect India's vital interests? What was Delhi's role in it? Did the May 8, 1973 Agreement not adequately meet the requirements of a democratic set up? Finally what has India gained in the ultimate analysis? Das, B.S¹³'s, work is a first hand report of the period of turmoil in Sikkim from 1973 till Sikkim's merger with India in 1975 answers the above questions. A story of three ladies namely Indira Gandhi, Hope Cook and Elisa Maria and also a faithful portrayal of Chogyal of Sikkim.

Duttu-Ray Sunanda.K.¹⁴ attempts to analyse neither Chogyal's life nor attempts to give a comprehensive account of Sikkim's Buddhist Polity. That is

a history describing what happened, and how, will not change the present or future. Further the work summarises the vision of Chogyal that Sikkim's transformation from a primitive principality into a modern nation.

Both writers Jha and Mishra¹⁵ present the profile of the state of Sikkim, its early history, ethnic complexity, customs, contours of political development, evolution of political parties, status of protectorate, popular movements, Elections in Sikkim Since 1979, State Administration, popular movements and trends with reference to growing sub nationalism, centre-state relations etc.

Sengupta. N.¹⁶ attempts comprehensively the study of politics and government in Sikkim. The study provides an in-depth account of the political process and the working of Government in Sikkim with reference to developments which led to the merger of Sikkim with India based on Sikkim's political history and the cross currents of ethnic, social and religious factors.

Chopra. P.N.¹⁷ presents in his work 'Sikkim' with a limited range and in a reasonable manner, a comprehensive view of Sikkim, its people pertaining to the physical features of the state, history, social, cultural and religious life.

The Eastern Himalayan: Environment and Economy by Sarkar and Lama Mahendra, P¹⁸ emphasizes that, Eastern Himalaya is best known but still remains undiscovered on so many horizons of knowledge. Darjeeling and Sikkim are considered to be the prominent sub Himalayan regions. This volume gives light on almost all issues related to environment and economy of the region. The work is a collection of articles edited by the above authors to contribute a great deal to arouse the interest of the researchers and the concerned governments to streamline a proper strategy in their development. It will be quite useful to the scholars, planners, policy makers, nature lovers and scientists of the day to understand and study the region.

Sikkim: A Himalayan Realm by Tulsiram Sharma Kashyap¹⁹ is a superb poetical presentation and depiction of Sikkim's rich history, culture, varied natural beauty and political development. Through the introduction of two fictitious characters Lakpa and Rajani – both belonging to different ethnic

groups, the poet Tulsiram Sharma, with commendable touch of imagination narrates the creation of Sikkim. The work essentially and effectively emphasizes the vital need for national integration through communal amity. Further, it also picturises and explains a just and meaningful representation of the simple Sikkimese folk and their roles in building up modern Sikkim. The author who was a Kavi, Minister, Speaker of the Sikkim Legislative Assembly and a Sikkimese Nepali provides an intense analysis of the psyche of the birth place. Above all, this volume would help readers in starting the process of knowing this sacred and ancient land Sikkim more intimately and correctly. The book *Himalayan Realm* is the English version of the original work in Nepali *JANMABHUMI* translated by P.B. Chakraborty.

Sikkim: A Himalayan Tragedy by Nari Rustomji²⁰ is not a history of the erstwhile kingdom of Sikkim but a biographical sketch of Palden Thendup Namgyal, the last ruler of Sikkim. The work is an account of the struggle of the last ruler Palden Thondup to preserve his country's identity. It was a human story and a story worth telling. The special interests in this book and account are the ruler's letters to the author from the time they first met as young men at threshold of their careers. The book is thus, in the author's words 'as much the Chogyal's book as mine'.

Lepcha, My Vanishing Tribe by A.R. Fonning²¹ presents an inside view of one of the lesser known Himalayan Tribal Population. He recounts his personal experiences and gives vivid descriptions of events and ceremonies in which he was involved as a participant. His approach is autobiographical in style. He devotes a considerable space to a discussion of the decline of ancient cults resulting from the takeover of the Lepcha's land by foreign settlers. The conversion of Lepchas to Christianity is also treated in detail. Future generations of Lepchas, whether Buddhists, Christians or members of any Hindu sect will be able to learn from this volume, how their ancestors lived, what gods and spirits they worshipped and how it came about that 'Mayel

Lyang', their sacred homeland fell into the hands of aggressive immigrants from other lands.

Verdict in Sikkim 1979-85, (1988 & 89 Editions) by K.R. Chakaravarthi²² reviews general and bye-elections to Sikkim Legislative Assembly and Sikkim Parliamentary Constituency between 1979 and 1985. The author aptly puts on record some of his own observations and some of those episodes in his provoking and factual narrative work.

An extremely valuable work titled, Ecology culture and change: Tribals of Sikkim Himalayas (Tribal studies of India T133) by Dr. Veena Bhasin²³ who carried out a field work during 1981-83 in North Sikkim. The work records the complex pattern of two diverse cultures of the Lepchas and Bhutias of North Sikkim. Firstly, a micro approach has been used to explore indepth, the myriad aspects of life at Dzongu reserve habited by the Lepchas and Lachen, Lachung valleys dominated by the Bhutias. Their social organizations, religious beliefs, economic structure and social control have been well dealt with. Secondly, the book would acquaint the reader of an archaic culture in an intact state that lies wholly outside of Hindu culture and ideology which is in fact, different and distinct in many ways from the peasant economy of India. It also provides insight into how both Bhutias and Lepchas are getting involved in the Government sponsored development programmes and undergone changes.

The study by Bhadra Madhumita²⁴ examines the following questions. What are the factors and forces that have led to the transformation of Sikkim from Monarchy to Democracy while two other Himalayan states are monarchical in nature? Can we possibly theories the political process in Sikkim in terms of nation building, popular participation, modernity, social mobility, identity and integration etc? Is democracy compatible with the Sikkimese tradition?

Who and what are the agents of social change in Sikkim? Is there any special problem of adaptability and stability in Sikkim? What is the role of different social and economic classes in Sikkim's quest for political

development? The main thrust of the work will be exploratory – to explore and gain understanding of the factors of socio-political changes in Sikkim.

The book titled 'Sikkim : Problems and Prospects of Development' by Dr Manas Das Gupta²⁵ emphasizes that due to ecological variations, ethnic diversity and poor infrastructure, Sikkim has faced different set of problems resulting in extremely poor development all along. Sikkim has remained isolated for a long time owing to difficult terrain and topography. Dr Gupta discusses the problems Sikkim is facing and the measures initiated by the State and Central Governments for the proper development of the State of Sikkim especially after its merger with the Indian Union in 1975. It also highlights some of the major issues and their solutions. It is hoped and presented for the use of planners, administrators and researchers to work for the betterment of the state of Sikkim.

A guide the Sikkim – Darjeeling – Kalimpong and Bhutan by Verma & Verma²⁶ provides latest and authentic information on Sikkim – the best available book on Sikkim and other regions to guide the tourists.

People of India Sikkim (Volume XXXIX) edited by K.S. Singh²⁷ is an Anthropological study on Sikkim. This comprehensive work on Sikkim offers a bio-cultural and linguistic profile of all the 25 communities identified in the state. It includes different aspects of Sikkim's life and culture, demography, dress agriculture, food, religion, language, arts, crafts, industry, settlement, house pattern, festivals and fairs, socio-political organizations and institutions, rituals and ceremonies, process of development and change relating to the above 25 communities.

Kazi Jigme N. brings into focus in his popular work Inside Sikkim: Against the Tide²⁸, how the political system in the last one and a half decades before 1993, leaving the people of the strategic border state completely defenseless, insecure and exploited. He articulates well the struggle of the people to live in a free and democratic atmosphere, where the right to live with respect, dignity and to preserve the unique and distinct identity of Sikkim.

M.P. Lama²⁹ studies Sikkim in four broad sections viz., Society, Polity, Economy and Environment. It depicts that Sikkim today stands to be a model state of India in terms of economic development, social harmony and political stability. It is a collection of articles of varied interests on Sikkim by different authors.

The study by Rai, Sundriyal and Sharma³⁰ in about 53 articles analyses the physical background, culture, socio-political, educational, resource status, bio-diversity, agriculture, animal husbandry, horticulture, energy, health, food, economy, ecology, environment, perspective planning and industry of post development Sikkim. A collection of articles on Sikkim's progress presented by different experts.

Bajpai G.S.³¹ analyses and presents a brief history of the situation as it prevailed in Sikkim, Tibet, Bhutan and Nepal in the early eighteenth century and also the efforts made by Hastings to open Tibet for trade. His work further deals with the British inroads into Sikkim, the role played by the East India Company and finally Sikkim becoming a British Protectorate. An examination is also made in the book on the implications of Anglo-Chinese convention of 1840 and the regulations regarding the trade etc. An extensive study is attempted in the work on the forward policy of Lord Curzon and the harmony and conflicts of interests between Sikkim and India. Further an endeavour is made in the study about the pattern of Chinese propaganda and psychological warfare launched on Sikkim. Tibet border alongwith the height of China's arrogance – their unprovoked heavy firing at Nathu-la and Cho-la.

Bhattacharya, Aparna³² studies the impact of Buddhism on the political process in Sikkim and contributes to our understanding of tiny Sikkim and its complex entity alongwith contemporary politics in Sikkim.

The book *Garuda and Winged Horses : A journey through Sikkim* by S. Guha³³ depicts a journey through a land where everything is sacred, where peaks are worshipped, lakes are held in awe, tree cutting is considered a sin, birds carry the wisdom of saints, Hindu, Sikh, Buddhist seers share the same

pantheon, politicians reconcile themselves to dharma, independence of the soul rather than the body is paramount, people belong to antiquity and eternally wait for that ultimate journey that will take them to their promised Land ... Bayul Denzong. The author has presented his experiences of journey through Sikkim in a lucid language which attracts any reader.

Lahiri, Chattopadhyay and Basin's work, *Sikkim – The People's Vision*³⁴ is about the people and for the people of Sikkim. It talks about the substantive example of transparent functioning of the State. The document envisages the state government with the purpose of setting specific goals in the medium term, for the state to achieve in the 21st century. It is the greatest aspect of this book and exercise. The work is not looking at economic development per se but the overall improvement of the quality of life of the people of Sikkim. The work stands primarily for a new paradigm of development. It also covers widely the background and emerging issues and the strategy to fulfill the vision. The document covers and sets the goals in thrust areas of Roads and Bridges, Power, Horticulture, Animal Husbandry, Industries, Education, Health and Fiscal Reforms.

First of its kind for the state of Sikkim the document was released by Prime Minister of India in September 2001. Lama Mahendra, P's *Sikkim: Human Development Report*³⁵ studies population, poverty and planning to build human capabilities in health, education and status of women, land and agriculture, forest and environment, infra-structure development, industry, power and state finance, the road ahead to governance for sustainable human development. The HDR is a useful document that contains district – specific information, which is essentially and critically needed for decentralized planning and implementation. It also highlights the challenges which are ahead in the state of Sikkim. It is also first of its kind in the state of Sikkim on Human Development and it was released by the Prime Minister of India at New Delhi in September, 2001.

In the book Development Banking and Industrialisation the author Purkayastha³⁶ discusses the role of state industrial development corporations in the industrial development of the north eastern states of India.

The object of this study is to examine how far industrialization has been taking place in Sikkim. The study addresses itself in particular to the following questions: What was the general state of economy? What were the sectors developed in consonance with financial credit policies and sustainable ecological balance?

The pioneering research oriented study on industrial development of the state will prove highly useful and informative to academics and Policy Planners alike. The author attempts to study in an exhaustive manner the working of SIDICO in Sikkim.

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CHAPTER – IV

1. SIKKIM: The Land and its People

Sikkim is heaven on the earth. Come and experience the wonder of Sikkim. See Sikkim and live in the kingdom of orchids tell everyone about this paradise. Sikkim is a picture of perfection and pristine purity in nature's spreading scene-scape and beauty. Sikkim has often been described as a dot on the map of India and yet it is a significant state of the Indian Union. Till recently, Sikkim was completely cut off from the rest of the world by its natural barriers and since 1975 it is strategically land-locked and now has become a sensitive border State of India. Perhaps, there is no part of the world, which offers a spectacular scene with every turn of the road to Sikkim. It is the youngest, smallest, most beautiful and a vital border state of the Indian Union. On clear days the Kanchenjunga the third tallest peak of the world is a spectacular sight. Contained within the Tista basin and isolated from rest of India by forest-clad mountains and from Tibet by the Great Himalayan range, Sikkim has retained a distinct identity. It soars from the tropical jungles at the foot of eastern Himalayas to the misty alpine valleys, where prayer flags flutter around and beside monasteries.

It is a land blessed by Lotus-born Guru Padma Sambhava. This bowl-like mountain-girdled state of the eastern Himalayas is bordered on the west by Nepal, on the north by Tibet, on the east by Bhutan and on the south by Darjeeling District of West Bengal, lying between 27° 04'50" and 28° 07'50" north latitudes and 88° 01' and 88°56' east longitudes. North Sikkim particularly beyond Chungthang is the highest region of the State. This area is enclosed on all sides by lofty ranges and spurs of Greater Himalayas with heights varying from 17,000 ft to 28,000 ft. The Darjeeling ridge with its rocks lies in the south. The mighty peak Kanchenjunga measuring 28,168 ft. is the Guardian Deity of Sikkim along with the Nepal Peak, Tent Peak, Pyramid, Jonsang, Lhonak, and Pahunri. Glaciers such as Zemu, Changsang, Tista and

Changme cover a considerable portion of the land and affect the economy of the State of Sikkim. The most important passes are Jelep-la, Nathu-la, Cho-la and Thanka-la in the east; Donkiua, Kongralamu and Naku in the north and Kanglanangma and Chia Bhajan the west. Sikkim is a mountainous terrain with cliffs and valleys and the altitude ranges from 1000 ft. at Singtam to 12,3000 ft. at Gnathang. Gangtok, the capital city, is situated at about 5,500 ft. above the mean sea level. Southern Sikkim is the most widely cultivated, and the northern, eastern and western portions of Sikkim are mostly formed of hard massive gneissic rocks.

The most important rivers of Sikkim are Tista and Rangeet which flow from north to south. Lachung Chhu, Zemu Chhu, Chakung Chhu, Talung Chhu and Tangpo Chhu are the tributaries of Tista. Sikkim is described as the catchment area of the head waters of the Tista river. Besides these rivers there are a number of lakes and hot springs which add to the beauty and splendour of Sikkim.

The word "Kanchenjunga" means "the five treasures" which are represented by the five summits of this gigantic mountain. The five treasures are salt, precious stone, religious scriptures, medicines and grains. The mount is considered to be the invisible armour providing security to the inhabitants. This unvanquished peak and its natural environment is revered and worshipped by the people of Sikkim out of love and fear. Pang Lhabsol is one of the famous festivals of Sikkim and is a thanks-giving celebration in honour of Sikkim's presiding deity, Mount Kanchendzonga. Dancers portray the guardian deity its supreme commander Yabdu and the God Mahakala. It is a warrior dance and the dancers are chosen for their physical strength, quick reflexes and skill in swordsmanship.

The huge Kanchenjunga range, situated some 19 kilometers south of the main chain of the Himalayas, constitutes a distinctive physical feature of Sikkim. It receives heavy discharges of rainfall from the Monsoon and is

covered with snow and ice, often hundreds of feet thick. Pushed by increasing weight of snow and under the incessant pull of gravity, these masses of snow and ice move downwards slowly in the form of glaciers and tumble over in great avalanches. It creates a source of danger to North Sikkim and even in other places of relative security. The Kanchenjunga has been climbed but still it is unconquered. Charles Evans said none have set their foot on the summit in deference to the religious feelings of the Sikkimese who regard Kanchenjunga as sacred (The Times, June 2, 1955).

Nowhere in the world can be found the unique phenomenon of so divergent a range of climate and vegetation telescoped into so circumscribed a place. The temperature is not uniform in the State of Sikkim and it varies from place to place. Sikkim is hot and humid in the valleys almost throughout the year except during winter. Since the region is hilly with deep valleys the climate varies from the tropical heat in the valleys to Alpine cold in the higher altitudes. The elevations up to 5000 ft have tropical climate. The temperate climate covers elevations between 5000 ft. to 13,000 ft. and 13,000 ft are the alpine climate zones up to 16000 ft., which are perpetually snowbound. The winds are not of great intensity except when accompanied by pre-monsoon thunderstorms. The direction is generally southeasterly in the mornings and northwesterly in the evenings.

The winter season from November to March is extremely cold. During March and April the region experiences hailstorms. The summer is mild and lasts from April to May. In deep valleys the heat is quite oppressive particularly on rainy days. From June to October are the monsoon months and it rains heavily. The weather is clear from November to February except during periods when fog obscures the sky. During this period it can be very cold. The humidity is quite high during the mornings and afternoons during the major part of the year, for example, in Gangtok, Lachen and in the valleys. There are heavy clouds during monsoon and in the rest of the period cloud cover is moderate.

The soil is mainly siliceous and aluminous with free quartz as sand and rich in potassium. The soil on Darjeeling genesis is a stiff reddish loam. It also produces pure sand or stiff red clay mainly siliceous and aluminous, with free quartz. More than half of the State is barren and has inhospitable land and this is because the climate is generally harsh and hampers socio-economic development. The physical environment of Sikkim is rather inhospitable though not so harshly as to entirely preclude material advancement. The geography of the State does seriously impede human development, both in the past and in present Sikkim. Cultivable land forms only a small proportion and the climate is generally harsh which hinders the developmental possibilities of the area.

RELIGION

The original inhabitants, the Lepchas, were known as 'Banpo Shamanister'. The first religion in Sikkim was Shamanism. In the 8th century the lotus-born Guru Padma Sambhava taught Buddhism in Sikkim. In the erstwhile kingdom of Sikkim Buddhism was the state religion, yet there existed all religious freedom of worship. The Hindus, the Christians, the Bonpos, the Buddhists and a small community of Muslims and Sikhs practiced their own faiths. Now after merger Sikkim is adhering to secularism.

Buddhism travelled upwards from India to Tibet and was then exported from Tibet to Sikkim and Bhutan. Truly, Sikkim emerged as a Buddhist country, as a prototype of Lamaist Tibet, run by the Tibetan Lamas who established the Namgyal dynasty to expand and also protect the 'Nying-ma-pa' (Red Hat) sect of Tibetan Mahayana Buddhism.

The legendary account of the founding of the Sikkim Raj connects the establishment of settled government with the great realistic schisms prevalent in the Tibetan church. The first ruler Phunt-sog-Namgyal was of Tibetan origin, then residing in Sikkim, whom three monks from the Tibetan Red Hat

consecrated as the ruler - the religious king with spiritual and temporal powers. Thus the Tibetan Lamas extended the Tibetan Buddhism into Sikkim.

In fact, Sikkim was unknown to the Tibetans till 9th Century. By 11th Century Tibetans began to settle in Sikkim and they called this new place 'Bayul Demazon' or Denjong-meaning the hidden land of rice. Along with them they brought Tibetan Mahayana Buddhism and thus Sikkim became a colony of Tibetans to promote trade - is the general belief

It is essential here to point out the impact and influence of Lamaism on Sikkim. Lamaism is a superb mixture of Mahayana Buddhism with local mythology, mysticism and magic. It includes the relics of Pon as well as Tantric practices in regard to pranayama, asans and mantras. Lamaism although it revolves round magic, rituals, prayers and congregational worship, established the path to altruism (the Bhodisattava ideal) and renunciation (the Sunyata objective). During the period of Tibetan Guardianship in the early stages Guru Rimpoche is also believed to have visited Sikkim and Bhutan on his way to Tibet and Western regions. But the establishment and foothold of Lamaism in Sikkim dates from a later period; from the time of the arrival of Lhatsum Chembo in the middle of the 17th Century. Lhatsum Chembo arrived in Sikkim with two other Lamas of the Nyingmapa sect of Buddhism. Another Lama named Sempath Chembo through the Western gate of Singile entered Sikkim. The third lama Rigdzin, who had opened the gate by way of Darjeeling and Namchi. The place where these three lamas met was named, Yoksam by the Lepchas. It means the three superior ones. These three covered north, south and west. For Lhatsum Chembo believed that the four noble brothers shall meet in Sikkim and arrange for its government. Therefore, from east a man named 'Phuntsog' a descendent of the brave ancestors of Kham in eastern Tibet was to be invited. Phuntsog was thus sought and made consecrated ruler by the three lamas as the fourth superior lama from the east. He was conferred Lhatsum's own surname of Namgye (Namgyal).

Guru Padma Sambhava therefore, is accepted as the founder of Lamaism and is worshipped as a second Buddha. The Tibetans call him Guru-Rin-Po-Che. He fought the devils of the land with dorjee (thunderbolt) and made them defenders of Buddhism and he allowed them to be worshipped by admitting them to the pantheon of Buddhism. He is credited with having built the first Tibetan monastery at Sam-yas in 749 A.D.

Lamaism is not merely a monastic brotherhood; it is a truly popular religion, deeply pervading and dominating the life of the people. A lama is like a father as in Roman Catholicism. Every aspect of human life is ascribed to 'Karma' as in the Prarabdha doctrine of Hinduisim. Even the names of Dorjee and Tara for boys and girls are taken from Lamaism. The people of Sikkim like the people of Tibet call the lamas in their demon-worship to propitiate spirits of nature which is found in its harshest manifestation in the mountains. Prayer flags and flaglets are found in every village and above house-tops to ward off the malignant devils. The prayers are ever on the lips of the people humming the mantra Om-ma-ni-pad-me-Hum, which is believed to carry the praying soul of the 'Sikhavati' or happy land, the paradise of Amitabha Buddha, of boundless light. The Lamas pervade the whole life of the people and the Tibetan Proverb aptly sums it up. 'Without a Lama leading you. God is not approachable'³.

Before the merger of Sikkim with the Indian Union the State religion was Buddhism. Since the ruler's wish was supreme and it was the King's writ that Buddhism alone could be the State religion (which was followed by the Royal house) the State was supposed to take steps to further the interests of that religion. Therefore, for this purpose the Namgyal Institute of Tibetology (later Sikkim Research Institute of Tibetology) was established at Gangtok. In spite of the above there was full freedom of faith. However, Sikkim at that time was not a secular State and it was only after its merger that it has become a secular State. But it is not so when one talks about the Sangha Constituency of the Sikkim Legislative Assembly, which is a reserved seat for the monasteries and

Gumpas of Sikkim. Inclusion of Sangha Constituency in the State of Sikkim in the post-merger period violates the secular character and sanctity of the constitution.

The ancient literature of Sikkim was found in Sanskrit scriptures of Kanjoor and Tanjoor and all of them are preserved in all the monasteries of Sikkim. The Kanjoor comprised of the Tibetan versions of Lord Buddhas discourses originally written in Sanskrit and the Tanjoor besides the explanations of original scriptures contained treaties on painting, science and history. The Namgyal Institute of Tibetology, Gangtok is a center for the study of Mahayan Buddhism with a good collection of Tibetan literature.

The monasteries of Sikkim are places of religious discourses, worship, meditation and are the store-house of many hand written religious books and manuscripts preaching morals that constitute an essential part of Sikkimese cultural heritage. Dubdi is the oldest monastery of Sikkim, where Lhatson Chempo lived and meditated. Sangha Choling Monastery was also built during the same time. Later on came Tashiding and Pemayangtse monastery. The Pemayangtse monastery is the premier one and the foundation of it was associated with the Royal family. The monks were drawn from the elite Bhutias. The Tashiding monastery was built where Guru Padmasambhava shot an arrow and there is hardly any place to match its loveliness in the whole of Sikkim. It was considered to be the pilgrimage place for Tibetans of India, Nepal and Bhutan. Every Sikkimese wishes to die and be cremated at Tashiding. It is a strong belief of the people that Guru Padma Sambhava would one day appear there and bless people.

Rumtek, Chukla Khang, Rinchenpong, Talung Enchey, Lingtam, Gangtok, Namchi and Singtam are other renowned monasteries. The Palace Monastery Tsuklakhang is located in the grounds of the palace of the former rulers consisting of interesting murals and images of Buddhist Pantheon. Most of the monasteries of Sikkim belong to the Ningmapa Seat of Lamaism.

Sikkim has some small and medium scale industries that help to strengthen its economy. There are no large-scale industries. The medium and small-scale levels earn a little revenue. Sikkim is industrially the most underdeveloped State because of its geographical location, topography, climatic conditions, rainfall and lack of adequate transport and communication facilities. All four districts namely, East, South, West, and North are the places of Tourist significance and the Tourism department is earning a good revenue to the Government of Sikkim.

STRATEGIC IMPORTANCE OF SIKKIM

Sandwiched between Nepal in the west Bhutan and Chumby Valley of Tibet in the east, Sikkim is probably the most secluded and isolated political unit in the world map. As an incredibly complex and volatile frontier, Sikkim has long maintained a most strategic importance between Tibet and India. Sikkim has been occupying a unique position in the chain of Himalayan countries and the principal routes from India to Tibet were through Sikkim. Two great events have, however broken the metaphysical era of the Himalayas, which have shaken this invincible Asia's mountain roof in the twentieth century. First was the death of the British Empire in India and the second was the cataclysmic growth of communist power in China. In 1949 China developed a network of roads throughout Tibet and also linked Kathmandu in the Central Himalayas. The Shigatse-Kathmandu road was built in 1958. The Kansu Province of Tibet was connected with Lhasa and Shigatse during 1952-53, Lhasa, the capital of Tibet, was linked with Mindge and Chamdo in 1954-55. After transfer of Power over the Princely States in 1947, some adjustment was needed in the jurisdiction base of the relations of independent India with Sikkim which was then a self governing state. Therefore, Nepal, Sikkim and Bhutan became the belt of buffer states. Sikkim was an independent country until joining took place with the Indian Union after a series of agreements in

1947, 1950, 1973, 1974, and 1975. Sikkim being a unique and vital frontier area of Eastern Himalayas requires to be developed as a frontier complex. The terrain climate, potentialities of resources, military measures, geo-political and strategic aspects of this area should be taken into consideration for defence. The Army, Sikkim Armed Police, Sikkim Police, Sikkim Traffic Police, The Border Road Organization, The Border Security Force etc. guard Sikkim in the post merger period, both within and outside⁴.

The botanical wealth of Sikkim is significant. There are over 4000 species of plants and the luxuriant forests which have fir, oak, chestnut, birch, maple and sal trees along with varieties of bamboos, moss, ferns, rhododendrons and lovely orchids. The alpine zone is abundant with species of rhododendrons and primulas among many other flowers.

Beyond 5000 meter or so vegetation is seldom found as the few that tend to come up are covered by debris and snow.

The fauna of Sikkim can be typified by a few animals inhabiting the tropical, temperate and Alpine regions. Mongoose, squirrels, Barking Deer, House Sparrow, Kites, innumerable species of butterflies, Langur, Leopard Cat, Civets, Himalayan Black Deer, Red Panda, Flying Squirrel, Musk Deer, Black Eagle, Snow Pigeon, Tree Sparrow; Snow Leopard, Wild Ass, Siberian Cranes, Griffon, Vulture, Yaks, Mules etc. are some of the animals and birds of Sikkim.

FOR SIKKIM

The State Animal: Red Panda (*Ailuropus fulgens*)

The State Bird: Blood Pheasant (*Ithaginis cruentus*)

The State Flower: Noble Orchid (*Dendrobium nobile*)

The State Tree :Rhododendron (*Rhododendron nivium*)

The ecological balance is undisturbed and all conceivable attempts are made by the Government to maintain its balance for enhancing beauty and richness of Sikkim at large to attract Tourists from both within and outside India.

Coming to the people and ethnic races of Sikkim, We find the Lepchas, the Bhutias and the Nepalese⁵. Besides the above people we find Tibetans, and people from other parts of India. Hindi, English, Lepcha, Tibetan, Bhutia (Sikkimese), Limboo, Rai, Tamang languages are spoken and practiced. Nepali is the lingua-franca of the State. English is the official language and medium of instructions in the State of Sikkim. People live in Sikkim in perfect peace and harmony. They are so active and brisk therefore, sickness, ageing and early death are unknown to them and they find everything at ease for their sustenance.

Sikkim: It's People

THE LEPCHAS

It is believed that the Lepchas, who call themselves as Rongkup (Children of Rong), are the earlier settlers of Sikkim, the legendary kingdom of Mayel in the vicinity of Mount Kanchendzonga followed Bongthing and worshippers of nature. Believed to have migrated from Burma and Assam they speak Lepcha language - the most ancient language. The Lepchas are mongoloid in appearance with oblique eyes small in stature and fair in complexion who are amiable, cheerful, hospitable, shy, good humoured, sociable indolent, docile and peace loving people who avoid quarrels. Most of them are concentrated in the Dzongu valley of North Sikkim. They used to live on hill tops which could not be scaled easily. They lived in hunting, fishing, trade and later agriculture. They are also good entomologists in identifying the names and behaviour of the wild animals, birds, insects, fishes, frogs, medical herbs and also at ease to distinguish all the edible roots, bulbs, fruits and plants of the jungle from that of the poisonous ones. They are good craftsmen of handiworks and to weave coarse cloth from the fibers of the plants. These days some follow Buddhism and some have converted to Christianity.

The Lepcha tribe is now spread in all parts of Sikkim after the state opened up to itself through roads and communication media. They are marching forward with the rest of the fellow citizens of the State. They are docile by nature and have rendered their services to various rulers. Many of them became land lords. They promote intra tribe and inter communal marriages.

The language of Lepcha is recognized by the Government of Sikkim and is taught up to Graduate level. They have held many important posts during the rules of various Maharajas of Sikkim and now they have come to the level of bureaucrats, ministers and hold other covetable posts under Government of

Sikkim. In the Sikkim Legislative assembly, 12 seats are reserved for Lepchas and Bhutias.

THE BHUTIAS

The Bhutias belong to another Tribe of Sikkim and are mainly descendants of the early settlers from Tibet and Bhutan. They accompanied ancestors of the first Chogyal Phuntsog Namgyal. They settled in higher altitude, driving the Lepchas into the forests and lower valleys. The Bhutias are sturdy well built with a good physique and Mongolian features. Their main centres are Lachen and Lachung. The Bhutia villages are big and are arranged systematically. They are followers of Buddhism and the monasteries occupy a predominant place and play an important role in the socio-cultural life of this tribe. They prefer to live in patriarchal joint family. According to one school of thought the Bhutias belong to GYE-BUM-SA of the Kham Province and they are known as Sang-darpa, Tse-Chu-dar, Nima-Gyapo and Guru Tashi. Another school of thought maintains that the Bhutias are descendants of LingZer-Pa and are categorized as Bompos, Gansapas, Ganta-putsos, Namsangkors, Tachungdars, Kartso-pas, Gyonto-pas, Chmgalpas, Topas and Dokhan-pas. Invariably the Bhutia families are known as the category of village headmen and Landlords or Kazis.

The Bhutias promoted Jhooming (shifting) cultivation as they possess plenty of cultivable lands and sowed paddy, kodo (millet), maize and other cereals. The Bhutias have imbibed the Tibetan Civilization in regard to their dresses, ornaments, religion and scripts. Their language is the Sikkimese language (Bhutia language) and they follow Buddhism. The Bhutia language is also taught upto degree level. University of North Bengal has included Bhutia, Lepcha and Limboo languages since 2000 as Modern Indian languages. Sikkimese Bhutia language is a State recognized language.

The first ruler Phuntsog Namgyal selected twelve Kazi's from among twelve chief Bhutia clans as Ministers and twelve Lepchas as Governors for

Governance of the Country. Sometimes they have held the posts of Prime Ministership during successive rulers of Sikkim. Both Lepchas and Bhutias promoted communal harmony, mutual understanding good-will and coexistence since long, each imbibing practices of the other in rites and traditions.

Monasteries, prayer flags, prayer wheels and chortens are much a part of the lives of the Bhutias as faith in reincarnation. Nearly every Bhutia family has one male member who enters the monastery and leads life of a monk because the monks are considered the intellectual elite of the Bhutia Society and education was, till date, the sole preserve of monasteries.

The Bhutias are fond of their CHAANG - an indigenous drink which is a preparation from fermented millet served in bamboo containers called TONGBA with hollow bamboo-pipes. It is the State drink of Sikkim and is an indispensable part of every Sikkimese ceremony of religion and the State.

The Bhutia community is famous for weaving and the hand-woven rugs, carpets and blankets. All Bhutia art and paintings are derived from Buddhist spirituality and the THANGKAS are famous. The Bhutia craftsmen are known for the intricately carved statues, objects of worship and Choktses-carved tables.

The Bhutia Calendar follows the Tibetan Buddhist calendar, which has 12 years and 60-year cycles. The 12 years are named after 12 animals and the combination with 5 elements (namely wood, water, iron, fire and earth) is used for the 60-year cycles.

Today the Bhutia society is undergoing subtle changes owing to education, culture, social events, government jobs, political and constitutional safeguards and government employment. Many of them are serving in very high administrative posts and Ministership. The Bhutias along with Lepchas

are given 12 reserved seats in the State Legislative Assembly and the reserved seats kept for Nepalese has been made General Seats since 1979.

THE NEPALESE

The Paharias namely the Nepalese began to settle down in Sikkim from their densely populated country Nepal since the last two decades of 19th century. Their settlement in Sikkim was encouraged by the British. The Nepali community of Sikkim is a mélange of various castes and is a highly stratified society, speaking their own vernacular and having a culture of their own. They are divided into the Bahuns, Chettris, Newars, Mangars, Murmis, Rais, Limbus, Tamangs, Gurungs and scheduled caste namely Kamis, Damais and Sarkis. The New Nepali settlers were invited and brought as an agrarian force and promoters of sharecrops. They introduced the terrace farming to give the landscape an unimpeachable beauty and a sensible agricultural system which suits very much the terrain of Sikkim. The Sikkim Gazetteer emphasizes that "this influx of these hereditary enemies of Tibet is our surest guarantee against a revival of Tibetan influence. In Sikkim, as in India, Hinduism will assuredly cast out Buddhism, and the praying wheel of Lama will give place to the sacrificial implements of the Brahman." But today Buddhism and Hinduism along with other religions go hand in hand in Sikkim to promote Secularism.

The Nepali community as pointed out earlier is a highly stratified society with its caste hierarchy. Within itself a number of castes are accommodated. They are Brahmin (Bahun) Bhujel, Chettri, Newar (Pradhan), Rai, Gurung, Limboo, Mangar, Mukhia, Tamang, Jogi and Scheduled Castes such as Sarki, Kami, Damai, Darjee, Majis, Gazmere etc. They promote marriages within and outside their castes. The State Government of Sikkim is putting efforts to classify besides Newars, Brahmans and Chettris the other castes of Nepali Community as Backward Castes/Classes. The scheduled caste of the Nepalese enjoy all constitutional protections.

The Nepalese community in Sikkim, now constitutes the major population of Sikkim. Within an incredibly short span of less than 100 years, the population has grown by leaps and bounds and the number of Nepalese put together have now resulted in two-thirds of the total population of Sikkim. Before the birth of the British influence in the internal affairs of Sikkim, sporadic attempts to settle a number of Nepalese in the vacant terrain region of the country were surreptitiously made by some Bhutia-Lepcha chiefs and landlords purely for monetary gains. Such unauthorized settlement, however, was vehemently objected to and opposed by a large section of influential Lamas of the Pemionchi Monastery of Sikkim. With the due concurrence of the Ruler, occasional vacation was affected and a restriction for settlement of Nepalese was rigidly enforced on payment of a heavy penalty.

By a twist of fate, the appointment of Mr. J. C. White as the first Political Officer of Sikkim in 1888, was instrumental in the subsequent settlement of the people from Nepal, confining only at the initial stage to the hot, humid and lower regions of the estates belonging to the Lease-Holders of Sikkim, which were filled up with heavy dense forests. Mr. White was in fact, carried away more with the intention to augment the revenue of the State.

Since, the vast tracts of Jungle land were abundantly available in the lower regions of the country, the Bhutias and Lepchas having preferred to settle in the cooler regions, there was sufficient justification to undertake the settlement of the Nepalese who were admittedly found to be more industrious, and were not afraid of the hot climate of the lower regions. Despite stiff opposition, Mr. White was closely associated with a coterie of local influential officers, who ingeniously connived for personal gains defying the intervention of the Ruler. In his exploratory drive, Mr. White was convinced of the usefulness of the Nepalese settlers, who proved to be excellent farmers in breaking and clearing the dense jungles and in their introduction of a new type of terraced paddy cultivation, which was then a new innovation in Sikkim.

Besides, being hardy, industrious and extremely thrifty, the Nepalese gradually made intensive inroads in the middle and upper regions of the country in their quest for more lands. Since some of them were in an affluent position and could use the magic word of money, they could easily procure lands from the Bhutia and Lepcha inhabitants of such areas. The influx, in the course of time, was found to be so much on the increase, as new people from Nepal came in waves, with sufficient money, to purchase lands directly from the Bhutia-Lepcha farmers, that the then Superintendent of Sikkim, Sir Charles Bell found it extremely desirable to put a complete "BAN" (Revenue Order No. 1 of 17th May 1917*) on the purchase of lands belonging to Bhutia-Lepcha inhabitants by non-Bhutia-Lepchas, mainly to protect and safeguard the survival of the ethnic tribals of Sikkim.

The Nepalese who have settled in the lower regions also suffered casualties from the ravages of Kala-Azar and Malaria, but they were undaunted and doggedly stayed on. With the subsequent wiping out of the diseases, by the Government of Sikkim, they became the rightful owners of the rich low lands of the country. The Nepalese are polygamous people like the Bhutias and Lepchas. It is a most normal affair for a Nepali to have more than one wife at a time, which in a way, admirably contributes to ease the labour problems of the house for their combined sustenance. Added to this, and possessing; a high degree of fertility, the increase in their population was phenomenal and within an incredible short span of time, the indigenous people became a minority.

The Nepalese are admittedly found to be very enterprising and economically aware and made themselves good settlers. They are found to be very docile and amenable, there are those who are placed in the higher stratum and those who are a class by themselves, and they have occupied a comfortable position. By virtue of their being very hard workers and persevering in nature, they are in marked contrast to the more supine and affluent Bhutias and Lepchas, who are dependant on them for the cultivation of their fields. But since 1979 the Chief Minister of Sikkim is chosen from the Nepali Community.

There is, in addition a small group of people known as 'TSONGS', (Limbus) settled in Sikkim, of which, three different categories are in existence. The one known as the "Lhasa Gotra" or "UI-Tsong" (country Tsongs), are said to have originally migrated from the Tibetan province of Tsang-po valley almost about the same time as the Bhutias. It is claimed that when one of the three pioneer Lama saints Kartok Kunta Zangpo first came to Sikkim to propagate the Dharma, a section of a tribe who revered and followed him all the way from Tsang, had settled in Sikkim. The derivation of the word "TSONG" as indicative of their caste or tribe thus came to be known by the name of the place they migrated from. The Gurkhas, however, called them Limbus. They gradually settled on the banks of the Arun River. The other two categories are "Nepal Gotra" and the "Kashi Gotra", who later came from Nepal and India respectively. The Tsongs of Lhasa Gotra are very much akin to the Bhutias, and because of their close affinity to the Bhutias, they are bracketed along with the Bhutias and Lepchas and the combination of the three, are known from time immemorial as the "LHO-MUN-TSONG-SUM", meaning the three principal tribes of Bhutia, Lepchas and Tsongs of Sikkim.

Considering the special status in dominance over the other two categories, the Lhasa Gotra Tsongs were given a reserved seat for the Tsong, which was abolished in the General Election held during 1974.

Some of the families of these Tsongs are still in possession of old documents commending their loyal and faithful services and grant of freehold lands given under the red seal of the successive Rulers of Sikkim. By and large, Sikkim contains a reasonable number of these settlers consisting of all the three categories. With the exception of the Sherpas, who invariably settled in the upper regions of the country, the Tamangs, and a section of Newars who professed Buddhism, the rest of the Nepalese follow Hinduism. Some of them are getting converted to Christianity too. A few of these people are great followers of Satya Sai Baba. The Sherpas are now considered to be tribals of Sikkim. Even the Limbus and Tamangs are following the line of becoming

Tribals of Sikkim. Even the Limbus and Tamangs are declared as the tribals of Sikkim. Gurungs, Manglers and Rais are yet to get tribal recognition from the Government of India.

Nepali language-the lingua-franca of the State is spoken by all communities in Sikkim. This language is widely taught in schools and colleges in the state. It has received Constitutional recognition in the year 1992 and is included in the VIIIth Schedule of the Constitution of India. Nepali language and literature are taught up to Ph.D level in Calcutta University, University of North Bengal, Allahabad and Banaras Hindu University. Shri Pawan Chamling, the present Chief Minister of Sikkim is one of the great scholars in Nepali, a Nepali poet and an excellent orator too. The major issue in the State is the move to restore the seat reservation for Nepalese in the Sikkim Legislative Assembly as existed before 1979, doing away with the 17 General Seats.

It is essential here to point out that there are many people from other states of India settled in Sikkim. Firstly, the Marwaris who belong to business community, came to promote trade via Sikkim to Tibet and later also in Sikkim. They have settled in Sikkim since long. Many of them possess not only trade license but also landed property and are benefited in several ways, they have local benefits. The trade licence of these people are continued to their own families generations after generation. But in no case fresh licences (trade) are issued to new settlers. Since 1979 trade licence is being given to local ethnic communities under the son of the soil policy. The Marwaris command a good number in the population of Sikkim and is considered to be "mercantile vote Bank" of Sikkim elections. In 1985, Balchand Sarda won the most prestigious Gangtok Constituency of Sikkim Legislative Assembly defeating his nearest rival Smt. Dil Kumari Bhandari. Now, the trend is to elect a person belonging to one of the local ethnic communities from this constituency.

Besides Marwaris there are people from Bihar and Haryana. The Biharis, especially the muslims and other communities promote business. The

barbers, Dhobies (washermen) tailors, quilt makers, umbrella repairers hail from Bihar. The Haryana scheduled castes are employed as sweepers (safai Karmacharis) under the Government of Sikkim. Rest of the people from other States are employed in central and State Government jobs and in other professional areas like teaching and other technical areas. Many of the Bengalis are employed as teachers and Central Government officials.

At present, especially in the post-merger scenario of Sikkim the trend is different as because the local talents have reached saturation point with good academic qualifications. The successive popular Governments believe not only in the policy of son of the soil but try to accommodate the local people and protect their socio-economic and political rights.

It is also interesting to note that there are many Tibetans settled in Sikkim and their status is the same as in other parts of the Country. The Tibetans feel comfortable and are very much at home because of the culture, language, traditions, religion followed in Sikkim by the ethnic Sikkimese, Bhutias and Lepchas.

Inspite of the fact that Sikkim comprises of different people and multi ethnic polyglot society, it is perhaps the most peaceful State of the Indian Union, promotes communal harmony and human relations, a feat which is much expected in a plural society like India. It is believed that there is some post merger blues some ethnic quarters, but as in general mergers strikes, terrorism, violence, lock-outs, unrest and anti-social activities are unheard of in Sikkim. Unity of the people, good governance, excellent committed administration and proper thought control of the masses by seasoned politicians make the beautiful State of Sikkim a paradise on the face of the earth - 'a jewel in the crown of India'

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REVENUE ORDER NO. 1

With reference to the order dated the 2nd January, 1897 it is hereby again notified to all Kazis, Thikadars and Mandals in Sikkim, that no Bhutias and Lepchas are to be allowed to sell, mortgage or sublet any of their lands to any person other than a Bhutia or Lepcha without the express sanction of the Durbar, or Officer empowered by the Durbar in this behalf, whose orders will be obtained by the landlord concerned. If any one disobeys this order he will be severely punished.

In this order the term "mortgage" means the mortgaging the whole or part of a holding on the biyaz or masakata system and the term "sublet" means the sub-letting the whole or part of a holding on the pakhuria system.

DEFINITION

1. 'Biyaz' means mortgaging land to another person who enjoys the produce of the field as interest, so long as the principle loan remains unpaid.
2. 'Masikata' means, mortgaging of fields to a creditor who enjoys the produce of the field as annual installment towards the loan.
3. 'Pakhuria' means, sub letting, where a rayot allows another new rayot to settle upon a portion of his own holding generally receiving from him some rent in cash and some assistance in cultivating his own fields.

Dated Gangtok

Sd/- C. A. Bell,

The 17th May 1917

Superintending, Sikkim Estate

SOURCE: SIKKIM, *The Sikkim Code Vol. 11*, Gangtok, Law Department, Gangtok, Sikkim Govt. Press, not dated, p. 4

SIKKIM AT A GLANCE

Area : 7096 Sq km

Population	Total	Male	Female
2001	540493	288217	252276

Decadal growth rate of population	1911	1921	1931	1941	1951	1961	1971	1981	1991	2001
	49.98	-7.05	34.37	10.67	13.34	17.76	29.38	50.77	28.47	32.98

Literacy rate 2001 census	Persons	Males	Females
	69.68	76.73	61.46

Sex ratio 2001 census : 875

Population density per sq. km : 76

Districts	4 (NEWS)	Panchayats	Elected Reps.	Revenue Blocks	Towns
1997		159	873	453	8
		Zilla Parishad	Elected Reps.		
		4	92		

Number of Electors 1998 : 236321

Education Institutions :

University : 1; Colleges : 3; Law College : 1; B. Ed. College : 1; Schools : 1486; TTI : 1; SIE : 1; Madrasa : 1; SHEDA : 1; Tibetology : 1.

Family Welfare Programme 1995-96:

Sterilization for 14194 persons since inception.

Per capita expenditure on Medical Public Health & Family Welfare 1998-99 :
513.9

Birth Rate, 1997 : Urban – 20.0; Rural – 12.8; Total – 19.8

Death Rate, 1997 : Urban – 6.6; Rural – 3.5; Total – 6.5

Land Utilisation (Area in hec.), 1995-96:

Land Utilization : 710; Forest : 257; Land not available for cultivation : 270;
Other uncultivated land : 75; Fallow land : 13; Net sown area : 95; Gross
cropped area : 142.

Crops : Rice, Wheat, Maze, Potatoes.

Cash crops : Orange, Cardamom and Ginger.

Milk Production, 1997-98 : 35.0 (000 tons)

Egg Production in million nos. 1997-98 : 16.00

Livestock and Poultry (000 number), 1992 :

Sikkim number & percentage of population below poverty line & Rank

193	1977-78	1983	1987-88	1993-94	1999-2000
16	9	15	13	15	4

1993-94			1999-2000									
% of people below poverty line			% of people below poverty line			Rural		Urban		Combined		
Rural	Urban	Combined	Rural	Urban	Combined	No. of persons in lakhs	% of persons	No. of persons in lakhs	% of persons	No. of persons in lakhs	% of persons	
45.01	7.73	41.43	45.01	7.73	41.43	2.00	40.04	0.04	7.4	2.04	36.55	

Usual status of unemployment rates for Sikkim

Employment Rate						Unemployment Rate					
Rural						Urban					
U.S			U.S adjusted			U.S			U.S adjusted		
Male	Female	Persons	Male	Female	Persons	Male	Female	Persons	Male	Female	Persons
35	20	31	32	19	28	67	10	76	6	100	75

Usual Principal Status Unemployment Rate

Among the youth 15-29 (Rural)

Male				Female				Persons			
15-19	20-24	25-29	15-29	15-19	20-24	25-29	15-29	15-19	20-24	25-29	15-29
74	84	131	102	0	103	25	50	49	89	95	84
(Urban)											
221	132	154	156	0	495	167	299	167	234	156	190

Per 1000 Distribution of Households by number usually Employed (Principal Status) persons of age 15 yrs and above as member of the Households for Sikkim

No of usually Employed Persons of age 15 yrs and above (Rural)

None		Only Male		Only Female		Only Male & Female		Others	
ALL	FH	ALL	FH	ALL	FH	ALL	FH	ALL	FH
81	106	338	187	38	378	250	140	294	190
(Urban)									
70	560	557	0	37	233	162	35	174	172

Ednl Institutions/Enrolment

1486 Pre Primary to Senior Secondary: 1486 – 1,40,749 students

Degree level (As on 31/3/2000) 1908

Hospital -6; Staff Nurses-121; Private Clinics-17; PHC-24; Patients Treated indoor-20384; Diagnostic Centres-08;

Doctors-196; Outdoor-374646; Midwives-380; Referred outside -838

Police Stations: 28

Religious Institutions:

Monasteries - 88

Temples -178

Mosques -06

Churches-30

Mani Lakchangs-159

Tsamkhangs-32

Gurudwaras-2

Sai Baba Mandir-1

No. of Minor Irrigation 65 (1997-98)

Tourism: Domestic Tourists 1,40,151 – 2000

Foreign 11,320 – 2000

Revenue Generated 40.39 lakhs.

Transportation

Fleet Strength of SNT Buses 138 (1999-2000)

Taxis –

Jeeps – 2001

Govt. Vehicles: 2001

PVT Vehicles 6462 1999-2000

Two Wheelers: 4047

Telephone Exchanges: 36 with an 0/0 the GM BSNL

Banking: Public Sector - 35

Rural - 10

State Bank of Sikkim - 22

NABARD - 1

Industries: 386 (Provisionally Registered) Small Scale Units.

Actually 367 PSUS: 3 sick: 87.

Foreign Liquor Shops: 382

Country “ “ 46

Bar Shop ‘ 292 Total Revenue: Rs 13.19 Crores.

MPCS/CCS – Co-operation $73+118 = 191$.

Co-Operative Societies: 35156

Sikkim Government: No. of Departments: 38

Sikkim Legislative Assembly 32 seats

Lok Sabha 1 seat

Rajya Sabha 1 seat

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2. The Twelfth Maharaja Chogyal of Sikkim : Palden

Thondup Namgyal and the Politics of Merger of Sikkim

The Denjong Chogyal namely Maharaja Palden Thondup Namgyal succeeded his late father Sir Tashi Namgyal on 6th December 1963. He was the twelfth Ruler of Sikkim and was consecrated in a simple and informal religious function held at the Royal Tsuklag-Khang (Chapel). He officially ascended the throne, on the 4th April 1965, coinciding with his 42nd birthday. The coronation ceremony, synonymous to Ser-Thi-NGasol in Tibetan, was performed amidst great pomp and pageantry accompanied by religious rituals, by the Head Lama of Pemionchi Monastery, and by all known standards, was widely attended by foreign dignitaries and diplomats, besides people from all-walks of life in Sikkim and the neighbouring places of Kalimpong and Darjeeling. Most significant on the special occasion was the friendly gesture of the Government of India being represented by Shrimati Laksmi Menon, Minister of State for External Affairs in the Ministry of Lal Bahadur Shastri. Mrs Indira Gandhi, the then Minister of Information and Broadcasting, also came to Sikkim and witnessed the ceremony as a personal guest of the Maharaja, on a special invitation extended to her, because of the Namgyal family having a close association for long, with the Nehru family.

Maharaja Palden Thondup Namgyal had his first elementary education from the Saint Joseph's Convent, Kalimpong, when he was a mere child, but had to interrupt his studies for some time to train himself in the initiation of monkhood from 1931 to 1935, under the able guidance of his uncle Lhat sum Rimpoche, and thus spent a few years of his early life in the Mindol-Rabling Monastery in Gyantse (Tibet), and other monasteries in Sikkim. This abrupt change of his studies in monkhood was undertaken to fulfill the qualifications of his being the incarnation of the late Maharaja Tulku Sidkyong Namgyal. Back once again in 1935, he picked up the loose ends of the thread of his studies at the Saint Joseph's College, Darjeeling, and finally ended his school

education from the Bishop Cotton School, Simla. Fate, however, intervened once again to transform his career. His elder brother, the Heir Apparent Maharaj Kumar Kunzang Paljor Namgyal, opted his service in the Royal Indian Air Force, in deference to his father's wishes Sir Tashi Namgyal placed all the resources and man-power of Sikkim, at the disposal of the Government of India during the II World War. Maharaj Kumar became a fighter Pilot but soon thereafter he died when he crash-landed in his fighter plane after a reconnaissance flight at Ambala in December 1941. Forced to leave the monastic life and on his assuming the status as the Heir Apparent to the throne of Sikkim, he had to be further brushed-up to undergo the training of the Indian Civil Service at Dehra Dun in 1942, to fully equip himself for the eventual responsibility as the Head of the State. After completion of the training, he came back to settle in life with the intention to help his aged father in the day to day governance of the country. To this end, he ably assisted his father in steering the ship of the State through stormy political embroil and threat and was credited in no small measure for the fruition of many social, economic and political reforms. These implementations were in keeping with the change of time and also despite heavy impediments put on his way by the opposing political leaders Maharaj Kumar Palden Thondup Namgyal married Sangey Deki, the daughter of Yapshi Sampdrup Phodrang of Lhasa in August 1950, the family from which the seventh Dalai Lama had been born. From through combined publicity, sky-rocketed Sikkim overnight to the lime-light of the world. In due course, a son and a daughter were born out of this wedlock.

Maharaja Thondup Namgyal had the credit of having travelled widely abroad and while on such tours, he made all possible attempts to promote the understanding of his country in Europe, America, Japan and the neighbouring Buddhist countries. He was the recipient of the Padma Vibhushan in 1954, and was made an honorary Major General of the Indian Army in 1963. He was earlier decorated with the O.B.E., in 1947 by the British and was also made a Commander De L'ordre De Le Toille Noire of France in 1956. He was the

President of the Namgyal institute of Tibetology in Sikkim. By all known standard Chogyal Thondup Namgyal is radiated to be very intelligent. He is well versed in international subjects like Science, Arts and Religion, besides other allied subjects on which he can converse with ease and comfort. His depth of knowledge about Sikkim, Tibet and Bhutan was superb. He has a good command over "Lho-Kiyet" Sikkimese Bhutia and English language and his public speeches were often delivered impromptu.

On the occasion of his coronation day, keeping in view the earlier desire of the Maharaja agreed to officially recognize the nomenclature of "CHOGYAL" and "GYALMO" in place of Maharaja and Maharani. Some of the officers alleged that it was difficult to hazard any guess about the Chogyal's incomprehensible move to request the Government of India for the title of Chogyal and Gyalmo² in place of Maharaja and Maharani. Rightly or wrongly they observed the delegation of the title "Mewang" from Chogyal. It may be recalled that the senior Saint Lhatsun Namkha Jigme offered the title of "Mewang Chogyal" to Phuntsog Namgyal, when he was installed on the throne of Sikkim as the first king on the Chuta years corresponding to the year 1642 A.D.

Mewang Chogyal means the king of righteousness of having the two fold powers of both spiritual and temporal head. To bluntly put the fact in its true perspective, the title of "Maharaja" or whatever term it may be called was coined and foisted by the British Raj as their legacy to be also used in Sikkim as in India.

The Principal Administration Officer, R.H. Haldipur with all his administrative experience at his disposal, continued to help and assist the running of the administration of the Chogyal, despite the limited executive and financial powers delegated to him. It is not to be wondered that the ways of God are often inscrutable of such a scrutiny.

During his brief span of his tempestuous reign, he was faced with a series of far reaching political development, surcharged with the uprising of the people of Sikkim clamouring for more democratic reforms, which was destined to play a disastrous role affecting the very existence of the Namgyal Dynasty in the history of Sikkim, as the subsequent events would go to show.

Besides these inevitable developments, there were a number of other significant happenings that erupted during the same period, which substantially created unnecessary suspicion and distrust in the minds of the Indian leaders causing noticeable erosion in the existing friendly relation of the two countries. If, therefore, one has to evaluate a balanced look and to judge such petty incidents in their true perspective, it was equally claimed by the ruling elite and the leaders of the National Party and the Sikkim State Congress, that New Delhi too did not lag behind on its part to commit similar gaffe, which caused sufficient irritation and disappointments to the Sikkim Durbar in no small measure. Unfortunately, the Political Officer did not make any genuine attempts to resolve these pin-prick problems to their mutual benefit, but significantly left them as of no consequence to the great advantage of the so-called disgruntled political leaders, who exploited the situation to cause further rupture in the existing relations of the two countries. Sikkim by all counts was a protectorate State of India, and its relation with India was governed by the Indo-Sikkim Treaty of 1950.³ The Political leaders of Sikkim alleged that there was nothing clandestine about it and Sikkim's search for a better deal with India after two decades of the signing of the Treaty should stand to reason. But to the great misfortune of Sikkim, this move had been construed as inimical to the interest of the Government of India by unscrupulous persons.

Like other small under-developed countries towards transformation and fulfillment of the political emancipation, Sikkim too was swept away by its wave and thus became aware of its political aspirations vis-a-vis with India. The need to review and revise its Treaty obligation with India, thus became the cry of the day among the educated mass and elites and to that extent the

Chogyal also took up the cause and indicated his desire to some visiting correspondents. He, however, did not specifically spell out the details but contended that in the context of the changed situation since the signing of the Treaty, the necessity for a revision was desired and Sikkim would await the convenience of the Government of India. Coincidentally, the combination of a few sporadic incidents, which were then considered to be undesirable against the overall interest of India, further aggravated the misgivings of India and inter-alia, the following developments deserve special mention.

First the Sikkim Youth Study Forum came into existence during this time consisting mainly of the young educated officers of the Durbar, picked up from the three main communities. Their avowed objects, for all intents and purposes, was mainly to serve the need of a watch-dog of the various departments of the Government against any malfunctioning, calculated to affect the efficiency of the Government as a whole. They were also, to observe and watch the movements of all the Government servants whether they indulge in such anti-national activities periodical to the greater interest of the country. Since the Forum as a matter of convenience, was a Palace protégé and bore the blessing of the Chogyal, it went a step further to enlarge its activities to cover-up subjects of external affairs, as well as political issues of internal matters. This indulgence allowed them to freely articulate their views for the review and revision of the Indo-Sikkim Treaty of 1950, and also in the matter of major political ties of mutual interest with India. Significantly, their overbearing attitude, coupled with their callous behaviour towards the senior officers deprived them of their sympathy and support. The Government of India also viewed their manifold activities with increasing distraction, as they apprehended that such indulgence would in the distant future go to cause irreparable harm to the existing relation of the two countries.

Secondly the cardinal issue for the revision of the Treaty was further taken up in a historic joint statement issued by the three Executive Councillors on 15th of June 1967, which stated that "on the cardinal issue of the revision of

the Indo-Sikkim Treaty of 1950. It is painfully surprising to note the distortion of facts leading to fallacious and erroneous conclusions. It needs no emphasis for any one to feel the absolute necessity of a thorough change in the existing provision of the Treaty. To review and revise its Treaty obligations in the wake of changing would go against the interest of the Government of India".

Thirdly, the Indian Independence Day which usually falls on the 15th of August was celebrated by the public of Sikkim and on that day the Chogyal and the officials of the Sikkim Durbar usually attended the great function at the Residency, when the Indian National Flag was unfurled and the Guard of Honour jointly inspected by the Chogyal and the Political Officer. The Political Officer, thereafter, and in his short speech, gave a brief resume of the past year's achievements of the Government of India and her economic and other aids made available to Sikkim. To the great consternation of the Political Officer, the celebration of the 15th of August 1968 was marred by a handful of misguided school students who staged a protest march below the road leading to the Residency shouting anti-Indian slogans and carrying placards depicting Sikkim's independence. The demonstration caused sufficient annoyance to New Delhi, who lodged a strong protest with the Government of Sikkim. The matter, however, was amicably settled to the satisfaction of then Government of India.

Fourthly, the Gyalmo of Sikkim took up the question of Darjeeling through an article published in the Institute of Tibetology bulletin. It may be recalled that Darjeeling was needed to the British during then reign of Chogyal Tsugphud Namgyal, the seventh Ruler of Sikkim. Despite remonstrances and protests by the then Chogyal insisting for the replacement of an equal area of land, the British however, accommodated the demand of the Chogyal basically on monetary consideration and finally completed the deal with a subsidy grant of Rs. 3,000/- (Rupees three thousand) only per annum to begin with. In the said article the Gyalmo made a claim that Sikkim still held her right over Darjeeling. She has further supplemented her statement with the fact that according to the Sikkimese law, an occupant of any land in Sikkim, merely

enjoys unsuspected right. The ownership of such a land is invariably vested with the Ruler, who holds the authority and the right to resume the land as and when necessary. As a result three of, the Article attracted considerable amount of animosity of India, which they alleged was a baseless and unfounded claim and was to be condemned as it deserved.

Fifthly the playing of the National Anthem of Sikkim, an old Sikkimese song was also alleged to have contributed in no less amount of resentment openly surfaced, and despite invitation by the Chogyal, the Political Officer refrained from attending the annual presentation of colours to the Sikkim Guards by the Chogyal during 1965. No wonder, the Political Officer came to know in advance that the national Anthem of Sikkim would be played during the said function.

Lastly the constitution of a special External Affairs Committee comprised of three senior officers of the Government of Sikkim, to guide and advice the Chogyal and simultaneously to discuss resolve matters of mutual interests with New Delhi, had also inadvertently caused sufficient irritation to the Government of India. The only allegation, which had been put forward against the formation and function of the External Affairs Committee, was supposedly the rude uncompromising and undiplomatic trend of behaviour exhibited by the members while discussing and exploring long outstanding problems of mutual interest with their counterpart officers of the Government of India.⁴

It is rather wrong to put unilaterally all the blame on the Sikkim Durbar. New Delhi was also equally alleged to have been responsible for not properly understanding the problems, aspirations, their difficulties and perhaps too, the despair of the Sikkimese people by unnecessarily procrastinating things which otherwise, could have been solved with greater speed to their mutual benefit. It was because of the non-receptive attitude of the Sikkimese problems, which in a way, caused pin-prick irritations and deepening of suspicion and mistrust in

the minds of the Sikkimese who were even driven to the extreme, to look upon India as having sinister designs on Sikkim. These apprehensions were not without foundation and to be on the point, a few specific developments could be conveniently quoted which were, in fact, the main cause of mistrust and disappointment to the Sikkim Durbar and to the people of Sikkim.

It is interesting to note that every year the Government of India provided a reasonable number of scholarships to the Sikkimese students for study in the Indian public schools and Universities, but the procedural way in which the finalization of the seats and grants were done, because so erratic at times, that the selected students had to come back, sometimes without getting admission in the schools and colleges earmarked to them earlier, due to closure of admission in those institutions resulting in harassment and disappointment. Added to this, the request of the Sikkim Durbar for similar grant of a few number of foreign scholarships for advanced technical studies outside India, had not met with any success on the plea of shortage of foreign exchange.

Sikkim, like Darjeeling and Kashmir was keenly interested to keep its door open for tourists to augment the meagre revenue of the State. Since the prerogative to admit such foreign tourists into Sikkim rested with the Government of India. Sikkim felt that there had been unnecessary discrimination in the application of restriction on the inflow of foreigners to Sikkim as compared to Darjeeling and Kashmir-the later being a more strategic and politically sensitive area. The Sikkim Durbar's request for a little relaxation of the inner-line permits issued to foreigners intending to visit Sikkim by New Delhi, did not amount braining fruitful results, which again caused no less amount of disappointment to the Government of Sikkim.

Sikkim desired representation on forums and Conferences abroad, but on this count no appreciable response from the Government of India was forthcoming. A specific case in the person of late Sanu Bai Sakya, an authority on metal carving, who with the greatest of difficulty managed to get the

approval of New Delhi to attend the World Crafts Council at Lima (Peru), could not ultimately make the scheduled trip from Calcutta on the 17th of August 1968, on account of procedural formalities not being completed in time. The failure of the representative, who was an authority on such metal crafts with Sikkimese exhibits to attend the said Council, had also caused deep disappointment and frustration to those clamouring for a change in the relation of the two countries.

Nepal invited the Chogyal on the occasion of then Crown Prince Birendra's wedding during February 1970. The Chogyal accepted the invitation with a happy heart, but subsequently had to stay back, when he was officially informed by Nepal that the Chogyal of Sikkim during the wedding would be accorded the status of the Head of the Government instead of as Head of State. It was understandable, that the Chogyal was visibly hurt by the sudden change of Nepal's attitude, in regard to the last moment decision to accord him the status of a Head of the Government.

It was however, considered by the Chogyal that it is his dignity to personally attend the function for reasons of his own. But in order not to construe his personal absence as an act of discourtesy and to maintain his personal good relation with the Nepal Royalty, he promptly deputed an official delegation consisting of the Executive Councillors and high officials to represent him. New Delhi's alleged involvement to induce the Nepal Government to revise its decision soon came to light thereafter, and the extent of Delhi's commitment had been duly endorsed in a weekly publication in Nepali from Biratnagar, which stated that according to the news received here, it was learnt that the king of Sikkim was obliged to stay back from attending the marriage ceremony of His Royal Highness the Crown Prince of Nepal on account of protocol obstacles put forward by the Government of India. The Chogyal and the politically conscious Sikkimese were greatly upset and hurt over the interference of New Delhi.

Sikkim had always projected her desire to the Government of India to afford necessary facilities for direct export of her handicrafts and other local products through an Indian port by duly observing all the formalities required under the custom laws. In pursuance of her objective on this account, the Sikkim Durbar had also requested for the maintenance of a separate foreign exchange account with the Reserve Bank of India, to facilitate her to use the same occasionally according to the admissible quota, as normally allowed under the Foreign Exchange Rules. The request, however, was not acceptable to the Government of India for reasons not known. Alternatively New Delhi promised to meet reasonable foreign exchange requirements of Sikkim, which were considered to be absolutely unavoidable. In actual operation, the limited foreign exchange requirement for Sikkim, had been minimal to cover only few cases of specific urgent needs, resulting in resentment frustration to the Sikkim Durbar.

Sikkim had several small enclaves in Tibet, which had been the Private Estates of the Royal family of Sikkim. These Estates were given by the Government of Tibet to the Maharaja of Sikkim, in the past as gifts of friendship, co-operation and good relations maintained by the successive rulers of Sikkim with Tibet. They were located at Dopta and Chumbi areas of Tibet. The Chumbi valley belonged to Sikkim at one time. The time of the ninth Maharaja Thutob Namgyal, it was customary for the Sikkim Royal family to reside in the Chumbi Palace during the summer months. This practice, however, came to an end, after the British took over the administration of Sikkim in 1890.

The administrative control over these enclaves was practically the responsibility of the Lhasa Government, but the Royal family of Sikkim enjoyed special concession and rights over these enclaves, in regard to the utilization of the free services of the people of Chumbi and Dopta. In fact, the inhabitants of these places were exempted from the customary Tibetan taxes and forced labour, by the Tibetan Government, but they were subjected to the

supply of free labour, transport, fodder etc., to the Royal family of Sikkim as and when they visited or passed through their areas.

A "KU-CHAP" (representative) of the Sikkim Durbar, usually stationed at Phari, used to look after the interest of the people of Chumbi and Dofa.

The Communist China took over control of these Estates following the occupation of Tibet. Sikkim Durbar, thereafter, made repeated requests to the Government of India, to take up the question of free movement facilities of the people of these areas to Sikkim and vice-versa and for the non-interference in their daily lives. Communist China gave little or no importance, and it was a matter of mere conjecture whether the Government of India had at all, initiated the move to bring the issue to the notice of the communist China.⁵ Since there was no response on the subjects, the Sikkim Durbar felt that as the Government of India was responsible for the defence of Sikkim, they had not taken up the matter in an appropriate way to the satisfaction of the Sikkim Durbar. Sikkim's fate was inextricably interwoven with India, the biggest democratic country of the world. Therefore, it was all the more necessary that such petty incidence of no consequence should have been ignored completely by India or in the alternative viewed with every consideration and sympathy. More appropriately, Sikkim and New Delhi could have made genuine endeavour to resolve such undesirable element on a spirit of mutual accommodation and good-will, without leaving any chance of hatred in its trail and also against any possibility of weakening the relations of the two countries. Nonetheless, no such attempts were ever made by the Political Officer and the Sikkim Durbar, leaving such bitterness and misunderstanding callously made to drift on the surface to be handled and exploited at choice, by selfish opportunities and political leaders, bent upon putting more doses of venom in the minds of the Indian leaders to the great cost of Sikkim as a whole.

Moreover, with the speedy improvement in the network of roads and communications, closely followed by that of the opening of more schools in the

remote areas of the country, the dawn of political consciousness to the people also gave accelerated impetus to clamour more for early election and other speedy political and economic reforms. The Sikkim Durbar too was not wanting on these accounts, and all possible measures were undertaken to cover-up such political and economic reforms, that could be practically implemented. The Panchayats at the village level, which were introduced in 1950, but not functioning properly, were given fresh lease of life and a new formula of their formation and mode of election was evolved in 1966. Under the new revised system, the Panchayats were made responsible for the village administration and co-ordination of the development programmes. In addition, they were entrusted to look after the maintenance of the village roads, water supply and school. Elections to the Panchayats on the basis of one vote for each family and campaigning of party tickets were considered to be disqualification to the intending candidates.

The renewed enthusiasm emanating from the political leaders demanding early elections, the Sikkim Durbar also felt that any dithering on the issue would bring more complications, and might even create chaotic conditions in the country. They, therefore, deemed it not desirable to predestinate the holding of elections any longer and finally gave the green signal for the holding of the third General Election. Third General Election went to the polls in March 1967. In keeping with the declared policy of the Durbar to increasingly associate the people more and more in the governance of the country, there had been a steady rise in the component of the elected seats of the Sikkim Council. In consequence there of, the elected seats of Bhutia-Lepcha and the Nepalese were increased to seven each and two additional seats were accommodated, one for the "TSONGS" and the other for the "SCHEDULE CASTE", besides the one reserved for the Sangha and one General seat with six nominated seats, making all the overall strength of the Council to that of twenty four. As, however, in those elections, none of the political parties having achieved an absolute majority, the formation of the

Executive Councillors was once again conducted on the pattern of a coalition Government, the opposition to take charge of the transferred subjects.

During this period there were some activities of the political leaders, and their clamouring for more democratic reforms was also less intense. The Sikkim National Congress, which could not shape well in the last general elections, had to consolidate its lost grounds, and naturally its main activities were solely confined to the rural areas, for more exploitation of the bustiwallas. On the other hand, the Sikkim Durbar was also exploring ways and means to extend possible coverage and more participation of the people in the shaping of the destiny of the country to achieve their ultimate goal for a popular Government. In search of such a goal, the Sikkim Durbar was genuinely interested to implement a type of Constitution for the country, which would be more or less on the similar pattern of small countries like Norway and Sweden. This dream of a mini constitution, which the Sikkim Durbar had contemplated, and which would be mutually acceptable to the Chogyal and the people, could not materialise due to increasing political deterioration in the country clamouring for immediate implementation of democratic and other economic reforms.

On completion of his assignment as the Principal Administrative Officer, R N. Haldipur relinquished his post in early 1969. For sometime, there was a vacuum created due to considerable delay experienced in the final selection of an able substitute. The Chogyal, preferably wanted a senior retired officer of the Government of India to man the highest post of the State. Eventually, after a great deal of probing, his choice veered round to one Shri I.S.Chopra, a retired Indian diplomat. The Sikkim Durbar in due course, requisitioned his services, and he was duly appointed by the Chogyal with a further change in his designation as the "SIDLON" of Sikkim (Chief Minister) in June 1969. Shri I. S. Chopra was an able officer of the Government of India and a seasoned administrator before his retirement.

In the meantime the Sikkim National Congress, had its own share of disappointment so much so, that it had to face a severe split in the ranks within its organization, resulting in the alienation and formation of a splinter group namely the Sikkim Janata Party, with Shri Lalbahadur Basnet as the President and Shri K.C. Pradhan as its General Secretary during the month of December 1969.

Following the Government of Sikkim issuing a Proclamation the fourth General Election of Sikkim on 9th April 1970, hectic political activities once again rose to a crescendo and after a whirling tour of electioneering campaigns all over Sikkim, the different political leaders were all poised for the battle of ballots. The Sikkim Durbar, in the meantime, withdrew its recognition of the existing Election Committee, that had conducted two successful General Elections in the past and ushered in its place two stalwart young officers of the Study Forum Group, who also incidentally happened to be the members of the External Affairs Committee.

Fourth General Election 1970

In due course, Sikkim went to the polls for the fourth time from 9th April to 14th April 1970. The result, which was announced on 10th of May 1970, showed the emergence of the National Party as the largest single party, while Sikkim Congress and Sikkim State Congress trailed behind securing second and third place respectively. The Janata Party, to their great consternation was completely routed. The aftermath of the Elections, brought as usual brisk stampede for powers among the leaders of the different political groups, who were mainly interested for the loaves and fished for the office. The inner-broil existing among the political leaders aspiring for the Executive Councillorship was indeed a boon in disguise to the Sikkim Durbar. With such deep differences coming up openly to the surface, the appointment and formation of the Executive Councillors was a matter of choice and convenience. The Sikkim Durbar had thus sufficient chance to deploy and manoeuvre its own stake to keep the gap of the existing differences in active

circulation. However, to bring about at the same time, a congenial atmosphere in the working of the administration as a whole, the appointment of the most articulate leaders among the three different parties, was found most convenient to ensure the least possibility of opposition and un-called for criticism against the Government by the respective parties. With a view to create and blend the required atmosphere and to fulfill the declared policy of the Durbar to increasingly allow the participation of the public in the administration of the country, the enlargement of the body of the Executive Councillors to take charge of the Transferred Subjects was found unavoidable to satisfy the aspirations of the leaders and the people of Sikkim.

The number of Executive Councillors thus was enlarged to six with no Deputies, and the overall party-wise position in the composition of the Executive Councillors was arrived to that of three from the National Party, two from the Sikkim State Congress and one from the Sikkim National Congress. Following the composition of the six Executive Councillors from the three major political parties of Sikkim, the Sikkim Janata Party, which was a factional party of the Sikkim National Congress, and which had suffered a debacle in the General Elections, saw further disintegration due to severe dissension among the top echelons of the party. The result was a foregone conclusion, and a new party known as the Sikkim United Front came into existence in September, 1970.

K.C. Pradhan the erstwhile General Secretary of the Janata Party defected and switched his all allegiance to the United Front. To project himself as a messiah of the poor and the suffering mass, he became the most articulate member of the United Front demanding revision of the 1950 'Indo-Sikkim Treaty', Sikkim's separate identity on the equality basis and other anti-Indian propaganda to the great annoyance of the New Delhi.

The anti-Indian activities freely infused and indulged in by the United Front leader, the Sikkim Durbar was put in a quandary. But considering that

such prejudicial activities against the friendly and great country of India, should be promptly nipped in the bud, the Sikkim Durbar had to take appropriate steps and had even conveyed its concern and displeasure against the individual concerned, to stop indulging in such activities which were considered to be against the interest of Sikkim.

The Government of India also on its part, could not afford to remain a silent spectator, and had appropriately reacted sharply and took serious exception to this unfriendly move of the United Front's undesirable anti-Indian propaganda in Sikkim. They found it extremely necessary to convey their serious concern and displeasure to the Chogyal of Sikkim through their Foreign Secretary Shri T.N Kaul, who paid a hurried visit to Gangtok. A sequel to this impromptu visit had necessitated the holding of an emergent in camera meeting at the Palace, where the anti-Indian activities precipitated by the leader of the United Front, had figured prominently in the ensuing talk.

Tactfully handling the situation, the Chogyal managed to diffuse the concern and annoyance of the Government of India, and the meeting was finally wound up to their mutual satisfaction. The Chogyal further assured T.N Kaul of his fullest co-operation in resolving such petty misunderstandings through mutual discussion in future, so that the good relation existing between the two countries should have no set-back by such minor incidents. Another major reform, which the political leaders had been so vociferous about was for the delegation of more executive and financial powers to the Elected Executive Councillors. The leaders of the Sikkim National Party, who were dubbed as pro-Chogyal and who had been all along maintaining a status-quo, came up most amazingly and unexpectedly in the open arena of fight to give their unflinching support to the other leaders in this regard, for more powers and even went a step further to champion the cause of the Departmental Heads for similar delegation of powers. Surprisingly enough, the leaders were unanimous in their claim and further alleged that the Chogyal was responsible for too much concentration of powers. They contended that with the march of time and

for the gradual democratization of the country, it was high time that the Chogyal should take note of the writing on the wall and should seriously consider an early implementation of the demand of the people. They were further of the opinion, that the Chogyal's administration was virtually influenced by the selected "caucus" resulting in the frustration and disappointment to those whose loyalty to the Chogyal was unquestionable and for all purpose, had stood for the good of the country.

At this moment, the atmosphere of Sikkim's internal administration ran into foul weather with the scathing criticism of the Himalayan Observer, an English Weekly paper of Kalimpong and a mouth-piece of the Sikkim National Congress, charging the Government of Sikkim of indulging in corruption, favouritism and nepotism. I. S. Chopra, the Sidlon of Sikkim, was also not spared for taking undue advantage of the Chogyal's generosity, by exploiting the exchequer of the Sikkim Durbar, and misusing the fund for his own benefit. It was considered to be not in tune with the financial proprieties. Unfortunately to coincide with this, the situation further deteriorated by the combined anti-Indian activities of the Study Forum and the United Front, which unnecessarily attracted avoidable hatred and antagonism of the Government of India, thereby causing the already tenuous relation of the two countries to further erosion and distrust.

The Sikkim National Congress issued its famous Bulletin No. 2, in January, 1972, which carried *inter-alia* various bizarre allegations about the maladministration of the Chogyal and misuse of Government money for his frequent foreign tours. The contents of the said bulletin which sparked off charges against the functioning of the Chogyal's administration, caused no less amount of animosity and resentment among the leaders of the Sikkim National Party and the Sikkim Congress, who openly condemned the charges as completely unfounded and untenable. The Executive Councillors of the two opposing groups, jointly and unanimously agreed that Kazi L.D Khangsarpa being one of the Executive Councillors of the Chogyal's Government and

holding important Department of the Government of Sikkim, could not, by any stretch of imagination, accuse or criticize and bring such unfounded allegation against the very Government in which he himself figured as an important component of the administrative machinery.

These leaders were said to have been very much perturbed, and they in a body insisted that the whole issue be taken up in the ensuing Council Session for a thread-bare discussion on the subject. Following their combined and determined move on this issue, the matter was a subject of a thorough probe in the State Council. All the members present in the Assembly House gave dispassionate hearing against the charges contained in the said bulletin. As one could anticipate, the outcome of the heated discussion was a foregone conclusion and all the members were unanimously of the view that the so called allegations were after all frivolous and imaginary in character and had absolutely no basis of truth and, therefore, should be condemned with all the contempt it deserved. The discussion had also dramatized and pin-pointed the guilt on Kazi L.D. Khangsarpa as the main perpetrator and instigator of the said bulletin, as he being the President of the Sikkim National Congress had given his concurrence and approval while forming into shape the various allegations, as contained in the bulletin and later in his authorization of its publication.

Just before concluding the meeting of the day, 'No-Confidence motion' was duly adopted and carried out against Kazi L.D. Khangsarpa by all the members of the Sikkim Council, which ultimately left the Government of Sikkim with no choice but to complete the process of his dismissal from the Executive Councillorship in due course. The Sikkim Durbar filed a complaint against D.B. Gurung as a sequel to the dramatic development, the Publicity Secretary of the Sikkim National Congress, under whose signature the bulletin had been published, charging him of sedition. Kazi L.D. Khangsarpa was also not spared and a complaint was filed against him of a similar offence. Following the complaints of the Sikkim Durbar, non-bailable warrants of arrest were issued against both of them. However, both Kazi L.D. Khangsarpa and

D.B. Gurung, managed to escape the drag-net of the Sikkim Police, by taking political asylum at Kalimpong in the neighbouring State of West Bengal.

While it was so, Kazi and Kazini Khangsarpa both left temporarily for London to attend to some urgent personal affairs of Kazini Khangsarpa, leaving D.B. Gurung in Kalimpong to fend himself till their return from abroad. On the other hand, the Sikkim Police did not remain in comatose or in inactivity for long to rope-in D.B. Gurung at the first opportunity during the absence of Kazi Khangsarpa who was then in London. Their dogged presences paid high dividend, and D.B Gurung who fell an easy prey to the lure of the Sikkim police, came voluntarily to Gangtok from Kalimpong and later surrendered in the Lower Court of Sikkim. It was not to be wondered that D.B. Gurung pleaded his innocence on the ground that the bulletin was, in fact, the product of the combined efforts of the luminary leaders of the Sikkim National Congress including N.B. Khatiwada, and his maximum contribution of commitment to the bulletin was only to the extent of his signature, which also was obtained under sustained pressure and duress.

With the departure of I.S. Chopra, the first and the last Sidlon of Sikkim, left Sikkim on completion of his term of appointment of securing on loan the services of a senior officer of the Government of India to advise and assist the Chogyal in running the administration of Sikkim, also came to a glorious end. Although it was alleged by some interested individuals that this unilateral action of the Chogyal was considered to be a departure of his mutual commitment and understanding with the Government of India, to utilize the services of a senior Indian Officer to help him in administering the country, nonetheless the Chogyal was determined to do away with this arrangement to eventually man the administration by Sikkimese personnel. The Chogyal, thereafter, took upon himself the direct control and supervision of the administration, from June 1972, thus setting aside the intermediary rung between himself and the Chief Secretary. To make himself more approachable

by the officers and the public alike, he duly shifted his office from the palace to the main Secretariat Building for convenience to all concerned.

Fifth General Election : 1973

In September, 1972, the Government of Sikkim issued an Extraordinary Gazette Notification announcing the holding of the 5th General Elections of Sikkim in January 1973. It was closely followed by a press release of the Government, cautioning the people not to fall victim to the tentacles of the disgruntled and short-sighted political leaders, who were trying to sow the dragon's teeth with a sinister purpose of fostering communalism and discord. The Government of Sikkim, further warned the people that the liberal and accommodative policies pursued by the Sikkim Durbar, should not be construed as a weakness, but in all matters affecting peace and tranquility and security of the country as a whole, the Sikkim Durbar would not hesitate in taking strongest measures against such anti-social and anti-national elements, who were found bent upon disturbing the peace and tranquility of the country as a whole.

Owing to inner dissension, prevailing among the leaders of the Sikkim State Congress and the Janata Party, a new organization known as the Sikkim Janata Congress came into being during August 1972, which was again a combination of the break-away group of the two parties, mainly composed of such aspirants and opportunists, who were stampeding for seats in the forthcoming elections. Broadly speaking, the birth of the Sikkim Janata Congress thus acted like a booster to the leaders of the State Congress and the National Party, who felt fully satisfied on account of the dent caused on the overall strength of the Sikkim National Congress, who was their main opponent. It also gave them sufficient momentum to freely surface out their misgivings and apprehensions in regard to the surreptitious and apprehensions in regard to the surreptitious movement of the leader of the Sikkim National Congress and who was they claimed, not only professed to be all out for anti-

social activities, but they were admittedly rank-communal leaders. They further reiterated their stand that these leaders bore sympathy and were in the good book of the Political Officer of Sikkim. Their presumption on this count, as they claimed, was amply justified by the fact that the Political Officer had intervened and brought a compromise between the Chogyal and Kazi L.D. Khangsarpa. As a result thereof, the Chogyal was prevailed upon to withdraw the sedition charge pending against Kazi Khangsarpa and N.B. Khatiwada, and even the date of filing nomination papers was extended just to accommodate the two leaders of the Sikkim National Congress - an unconventional step, which then considered to be unprecedented on the 5th General Election 1973.

With such background of communal hatred hovering in the atmosphere followed by the relation of the two countries being strained, the stage was set and the people of Sikkim went to the polls for the fifth General Elections, according to the schedule in January 1973. The leaders of the three main political parties went all out to induce the people to vote for their respective parties, duly releasing their manifestoes with all bright promises to fulfill the hopes and aspirations of the people and to concentrate their efforts for the rural developments, if any of them were voted to power. With the gradual dawn of political consciousness among the general mass, the turn-over of the people on the polling date was quite heavy, and the percentage of voters was higher than those of the previous ones.

There were no untoward incidents, worth mentioning. Polling in all the polling stations was as satisfactory. A fresh poll was ordered for Bigmet constituency of South Sikkim for some reason.

On 29th of January 1973, the counting of the votes started in the White Memorial Hall at Gangtok. While in the said process of counting a major incident developed involving the ballot boxes of the two Nepalese candidates fielded by the Sikkim National Party, polled at the Rabang Polling Station of South Constituency. Some prominent leaders of the Sikkim National Congress

detected some kind of rigging in the two boxes where ballot papers were found to have been manipulated by the Presiding Officer. Vehement protests and written complaints were lodged on the spot to the Election Committee requesting the investigation of the anomaly in regard to the alleged rigging of the two boxes of the Nepalese candidates of the National Party and to order for a fresh poll. The Election Committee, however, rejected the request of the leaders of the Sikkim National Congress insisting for a re-polling of the Rabang Constituency, as of no consequence which did not call for any genuine considerations. Instead, the Election Committee gave their findings on the spot that there was nothing wrong in the polling of the Rabong constituency as alleged by the leaders of the Sikkim National Congress, and if they were not satisfied in the verdict so given, the way was open from them to approach the Election Tribunal for the redress of their grievances. It was at this point, the Rubicon was crossed, which was to blow off an unprecedented uprising of the Sikkimese people against the feudal regime of the Chogyal, that led Sikkim to ultimately go for a merger with India. In fact, it was the proverbial last straw that drove the two factional political parties namely the Sikkim State Congress and the Sikkim National Congress to throw their basic difference to the wind and to combine their offensive strategy under one common banner to fight against the feudal bureaucratic Government of the Chogyal.

Following the decision of the Election Committee, given on the spur of the moment, pandemonium broke out where it was bedlam let loose, resulting in the tornado of bitter altercations between the members of the Sikkim National Congress and the Sikkim National Party, each of whom in a most towering rage burlled abuses and insulting invectives against the opposing members. As anticipated, the whole situation abruptly took an ugly communal turn and in the ensuing turmoil, a veritable clash of brute strength was providentially avoided by the hair-breadth intervention of the Chief Secretary, Government of Sikkim, who was there on the spot for the overall supervision and for the maintenance of law and order.

In this situation, some die-hard youngsters of the opposition parties and who were considered to be the hard-liners of the movement were clamouring from outside the counting hall to boycott the counting of the votes which was in progress and to come out from the hall. Finding no way for a reasonable settlement of their grievances by the Election Committee, all the leaders of the different political parties except the National Party, left the hall en-masse, only to participate in a protest march surcharged with communal outbursts late in the afternoon in the Gangtok market. The senior leaders of the National Party alleged that following the heated and abusive altercation with the National Party leader, N.B. Khatiwada became over night a communal leader. It was further alleged that he induced the school girls to shun using the Sikkimese Bokhus (traditional dress) and persuaded the school boys to wear Nepali caps supplied abundantly by him. Fortunately, the communal trouble did not flare-up and it just evaporated into the atmosphere as a matter of no consequence

If we recall the dramatic fall of the 29 days Interim Ministry of late Tashi Tshering in May 1949, the main political parties that continued to be in the orbit, were the Sikkim State Congress, the Sikkim National Congress and the Sikkim National Party. But because of their avowed policies being diametrically opposed to each other, they miserably failed to resolve their basic and fundamental differences to create a common platform. Paradoxically, the cancerous disunity and the deep-seated wrangle persistently subsisting between the State Congress and the Sikkim National Congress (both parties predominantly composed of Nepalese members) afforded the required leverage to the Sikkim Durbar to run the affairs of the State, conveniently with the active cooperation of the Sikkim State Congress and the National Party, the latter being considered to be the protégé of the Palace and having certain political alliance with the Sikkim State Congress, leaving the Sikkim National Congress in the lurch. In the context of the prevailing situation, the Sikkim Durbar had successfully maintained the status-quo for about two decades by strictly keeping at bay the least possibility of any rapprochement between the

two major warring groups, namely the Sikkim State Congress and the Sikkim National Congress. But the faux-pas on the part of the Election Committee in refusing the repolling of the Rabong constituency for the alleged tempering of the ballot boxes of the two Nepali candidates of the National Party, triggered off the long awaited unification of the two major parties to fight jointly against the Sikkim Durbar. Quite significantly, had it not been for the continued obstinacy of the Election Committee to ignore the joint request of the opposing political leaders for holding the repolling of the Rabong Constituency, the amalgamation of the two major political parties who were at logger-heads for a fairly long period of years, would not have been possible and the pages in the history of Sikkim would have been differently written by future writers.

Repolling at Rabong: The leaders jointly submitted memorandum to the Chogyal alleging that the polling at the Rabong Constituency had been heavily rigged and demanded immediate action against the officers involved and also for repolling of that constituency. The Chogyal had an emergency meeting with the Election Committee on the same afternoon at the Palace to explore the possibility of resolving the crisis, if the allegation of tampering with the ballot boxes was consistent with facts. During the course of discussions the Election Committee reiterated their earlier decision. They also persisted that they had properly handled the situation in an impartial manner, and as such, there were no sufficient or mitigating circumstances to warrant for or to attract special merit to call for any further consideration to order for a re-polling of the Rabong Constituency. They further contended that the whole charge was based on flimsy grounds and that the allegation was not substantiated by any clinching proof. The question of re-polling of the Rabong Constituency, therefore, was preposterous, and the complainants should be asked to approach the Tribunal for the redress of their grievances, if any. For all practical purpose, the hasty decision of the Election Committee to bluntly reject the joint request of the political leaders was a deplorable error of judgement. Following its announcement, the smothered and bestial ferocity of the mass surcharged with

occasional flashes of venom injected by the leaders of the Sikkim National Congress and then supported by the Sikkim State Congress, exploded like a bomb and events thereafter followed an unexpected sinister turn in the history of Sikkim.

The results of the election were duly announced and the Sikkim National Party emerged with a thumping majority by securing 11 seats, followed by the Sikkim National Congress and the Sikkim Janata Congress with 5 and 2 seats respectively, in a house of 24, including the 6 nominated members. The new Council was, thereafter, inaugurated and sworn-in, but the composition of the body of the Executive Councillors was greatly resented by the Sikkim National Congress and the Janata Congress on grounds of discrimination.

Exasperated by what seemed to be a willful web of injustice done by the Election Committee and finding no immediate redress to their earlier complaints submitted to the Chogyal, the Sikkim National Congress, the Janata Congress and the Sikkim State Congress spurred into action and formed a "JOINT ACTION COMMITTEE" with Kazi L.D. Khangsarpa as the Chairman. They had also fully empowered the Council to take such requisite steps conducive to the immediate implementation of the resolutions adopted by them earlier, demanding among others, and their four main objectives as pre-conditions to any subsequent talks with the Sikkim Durbar. With mounting pressure gaining momentum at every passing minute from the youth activists urging swift action, the Joint Action Committee gave the ultimatum to the Sikkim Durbar, that if their demand namely (i) full fledged democracy, (ii) written constitution, (iii) one man one vote and (iv) abolition of the Parity system, were not considered and met with a reasonable time, they would be forced to take the extreme measure to incite and goad the people to demonstrate and prevent the 50th Birth-Day celebration of the Chogyal, which was scheduled to be held on the 4th April 1973.⁶

In this process, at one stage of the negotiation, it was claimed by those political leaders that when they were in the process of confrontation with the senior officers of the Sikkim Durbar, they had even suggested that they would be prepared to withdraw the agitation for the time, if the Sikkim Durbar conceded to their demand of fresh elections on the basis of "one man one vote" in the immediate near future. However, as ill luck would have it and despite all-out attempts by the Chogyal and his trusted senior officers to bring about a truce, no appreciable ground could be broken, as the rift seemed to be beyond reconciliation. Bluntly speaking, it was besides the point at that crucial moment, whether a common and acceptable ground could be achieved at all, as the Youth Congress - a veritable group of riotous disorderly young crowd, mostly fed with hatred and violence, and nonetheless, with a touch of communalism, were all ready for a showdown of strength. They had, in fact, infiltrated and spread-out in batches to cover all the rural areas earlier, and thorough use of every conceivable coercion, intimidation, persuasion and threat to set fire to their home-steads, they literally forced the adult inmates of every house to march towards Gangtok, on their own steam and with their meagre rations leaving behind only the infirm and the children to guard their homes. Simultaneously, within a matter of days, they had also over powered the police stations of their areas resulting in the complete break-down of law and order throughout the whole of Sikkim.

To be specific, thus the people had little or no choice left but to plod on towards Gangtok. In due course, they gradually began reaching the capital (Gangtok), in groups from different parts of Sikkim, with harrowing tales of acute suffering on the way to participate in the demonstration. 4th of April 1973, at last dawned, with not even a speck of cloud in the sky, for the celebration of the Chogyal's 50th Birth-Day. Fully anticipating that the ever swelling crowd would prove to be a menace to the law and order problem, the Sikkim police took precautionary measures by erecting a barrier on the main road a little below the Gangtok Bazar. Notwithstanding the explosive situation,

which was very much in and around Gangtok, the morning programme of the celebration went off admirably well. However, as the day wore on, the demonstrators in the meanwhile, surged on to break the police barrier, and in the ensuing scuffle the police were compelled to take recourse to tear-gas shells and a couple of shots were even fired when the demonstrators became unruly and resorted to throwing of stones and soda bottles, causing a bullet-wound to one of the demonstrators. With such a tense situation prevailing then, the rest of the celebrations of the day were called off at noon, with the further deterioration of the weather followed by heavy gales and rain in the afternoon. An untoward incident also occurred at about the same time, when the crown Prince Tenzing Namgyal drove down to Sang-Khola with his security officer, but was stoned and gheraoed while on his way back at Ranipul, by a group of young rowdies, who threatened physical force to pull him out of the jeep. The young prince, however, managed to escape through the alertness of the security officer who was compelled to fire two rounds from his revolver, thereby wounding three of the rowdies including two women in the crowd.

Suddenly it became indeed a real purgatory to the residents of Gangtok and its surrounding areas. There was no law and order. The demonstrators were running amock, with murderous intention of arson and loot against the elite caucus group of the Chogyal including those, who were supporting him, thus creating complete chaos in the capital.⁷ The shameless act of vendetta was symptomatic of what was going to happen and future events were casting their sinister shadows. In fact, they were constantly on the prowl to satiate their treacherous urge of vandalism. It was openly claimed by the influential leaders of the National Party, who were then facing complete annihilation, that the Joint Party's (National Congress, Sikkim State Congress and Janata Congress) phenomenal success to create such an abnormal condition in the whole of Sikkim, was the sum and the indirect result of the sympathy given by the Political Officer. The police personnel of Gangtok fought losing battles against the overwhelmingly large number of demonstrators and had to

ultimately give way in the long run. Similarly, the members of the newly formed "Sikkim Prajantra Party" mainly composed of the youth volunteers of the pro-Chogyal shared the same fate against the frenzied crowd who became blind with abnormal success. The resulting encounters brought a number of casualties on both sides.

The Central Reserve Police (CRPF) who were intended to be the custodians of law and order, were not able to successfully intervene in the drama of atrocity freely indulged in by the young Janta activists. Three of the high ranking leaders of the National Party were unfortunately subjected to the worst ignominy. They were rounded up from their houses. After partially disrobing them and smearing their faces with soot and filth picked up from the street gutters, they were securely bound with ropes and paraded before the public in the main market led by Namleys (bazar porters) who held the end of the ropes of the victims both from the front and also from behind. The unprecedented scene further lent glamour by the amusing feat of the porters, who simultaneously controlled the pace of the victims through the manipulation of the ropes according to the movement, speed and whims of the young rowdies and the crowd. The small urchins of the street in tattered garments jeered and made fun of the victims. To them, the three leaders represented like pet-monkeys being led for exhibition. It was also most unfortunate that there were sporadic cases of arson and looting done by the young activists. Reports reaching Gangtok gave a very grim picture to what extent the ire of the young miscreants could reach to its consumption in the pursuance of their personal vengeance under the garb of "Janta Raj". A few houses were burnt down to ashes in some villages but no casualties of death of the inmates of such houses was reported.

A daring murder was even perpetrated openly by the young ruffians of the Joint Party. The victim Phurba Maila of Song, who happened to be Acting President of the National Party, was ruthlessly gunned down in his own house at Song Bazar by some young ruffians. The murder was hurriedly planned and

hatched by those miscreants and the hoodlum at Singtam Bazar on the main instigation of a few extremists posing as leaders, and claiming to have sufficient pull with the Joint Party. It was also alleged by some who were in the inner confidence of the youth group, that those who ingeniously planned the murder, timed the right atmosphere of lawlessness to vindicate their personal grudges against the deceased, who used to be an influential orange business man, bearing ample weightage around the neighbouring areas. The perpetrators of the crime were not traced and no arrest was made.

At one stage, three of the prominent leaders of the opposing National and Sikkim Prajatantra Parties, were also kidnapped at broad day-light from the S.T.N.M. Hospital, when they went there to see a co-leader who was a victim of an earlier assault. They were forcibly and unceremoniously hustled into a jeep and were surreptitiously taken to an unknown destination with murderous intention. Fortunately, it was through the frantic and timely intervention of one of the senior most leaders of the Joint Party that the lives of the victims could be saved in the nick of time. The leaders of the National and the Sikkim Prajatantra parties openly claimed that the C.R.P.F. (Central Reserve Police Force) had also freely indulged in the commission of the few excesses calculated to wipe out the activities and the remnants of the opposition group together with those who had been pro-Chogyal. In the said process, a few prominent members were severely assaulted necessitating hospitalization. All these heinous commission of acts, as claimed by the leaders of the opposing group, were committed by the young miscreants of the Joint Party under the patronage of their senior leaders who gave them immunity and coverage against any legal action by the arresting authority.

Thus, with the situation going from bad to worse, the Chogyal requested the Political Officer to secure the services of a senior Officer of the Government of India to assist him in restoring normalcy. Following the request, Avatar Singh, Secretary in the External Affairs Ministry, flew to Gangtok and on arrival, he immediately went into conference with the leaders

of the Sikkim National Congress and the Sikkim Janata Congress including the Political Officer, in search of a mutually workable solution acceptable to both the Chogyal and the political leaders. However, in the ensuing joint conference, Avatar Singh made all-round attempts to narrow down the wide gap of difference, but the talk ultimately fizzled out as to immediate formula to a peaceful settlement of the impasse could be found.

Over and above these, the Indian Army took over charge of all the police stations of Geyzing, Namchi, Singtam, Rongpo, Melli etc., which were earlier under the direct control of the demonstrators. The Sikkim police of Gangtok were also rounded up, disarmed and confined to their barracks and their functions were temporarily taken over by the Indian Army, until such time as they were relieved by the C.R.P.F.

When matters having reached the climax, bordering upon chaos, with the complete breakdown of law and order, the Chogyal had little or no choice left, but to fall back once again to seek the good mediation of New Delhi, to extricate himself from the prevailing political embroilment, and to evolve a mutually workable constitutional reform acceptable to him, vis-a-vis, the leaders of the political parties. Banking on earlier gains, when the country had undergone a similar phase of situation demanding democratic reforms by the then leaders of the Sikkim State Congress during 1949, when the swinging weight of his relation with the Government of India was in his favour, the Chogyal once again wrote to the Government of India, on the 8th of April 1973, requesting the take over of the administration of the whole of Sikkim. He also made a further request for the appointment of a senior officer of the Government of India to run the administration on his behalf. But this time, Sikkim went ahead to a point from where there was no return.

It was, therefore, a sad irony of fate that the congenial atmosphere hovering in the horizon of Sikkim in 1949, was not the same as in 1973. The Namgyal family was maintaining the best of relations with the Nehru family

prior to 1949, but the relation deteriorated in the succeeding years due to heaps of misunderstanding between the two countries until they became poles apart and Sikkim collapsed like a house of cards of 1973, followed soon by its merger with India.

At this moment, there was a simultaneous spate of requests made to the Prime Minister of India by the political leaders of Sikkim, who posed themselves as the electors of democracy, interceding immediate intervention of New Delhi before they were "massacred". In deference to the Chogyal's wishes, the Political Officer took over the entire administration of Sikkim,⁹ pending arrival of B.S. Das, a senior officer of the Government of India on deputation to take charge as the Chief Administrator of the State synchronizing the move of the Chogyal, the leaders of the political parties also called off the agitation on the cataractal assurance given by the Government of India, that their legitimate political demands would be fully explored and honoured. On 13th of April 1973, the Chogyal told a Press Conference that this talks in detail with Shri Kewal Singh the Foreign Secretary of India, and K.S. Bajpai, the Political Officer, had immensely helped him to establish a "close and confident relation between him and India."

When normalcy gradually began limping back to the riot-torn capital, negotiations were earnestly taken up among the different political leaders, the Chogyal and the Indian Foreign Secretary, Kewal Singh, in their final bid to search for a common constitutional compromise agreeable to all the parties involved. After a series of moves and counter-moves running for days, an agreement, envisaging a democratic reform with closer, ties with India and Sikkim, was reached heralding the fulfillment of the democratic hopes and aspirations of the people of Sikkim. An awakened political consciousness roused tiny Sikkim from slumber. But its pragmatic and statesman like ruler Paiden Thondup Namgyal, Chogyal of Sikkim, was equal to the challenge and met his people's demands with a rare realism, paving the way for fuller participation of his subjects in the governance of the kingdom in a democratic

way. In the affairs of his state he got able assistance from his wife, the Gyalmo and of course the Chief Administrator B. S. Das.¹⁰

The Agreement, which fully mirrored the complete approval and sanction of the different political parties, was signed on the 8th of May 1973,¹¹ at a brief ceremony held at the Palace by the Chogyal, the Indian Foreign Secretary Kewal Singh, the main leaders of the Sikkim National Party, the Sikkim National Congress and the Sikkim Janata Congress. The Agreement inter-alia envisaged the establishment of a democratic Government guaranteeing the fundamental rights, rule of law, and independent judiciary and greater legislative as well as executive powers to the elected representatives of the people. It also reflected the elections to be based on adult suffrage with voting principle of "ONE MAN ONE VOTE" and further ensured that "no single section of the population acquires a dominating position due mainly to its ethnic origin, and that the rights and interests of the Sikkimese of Bhutia-Lepcha origin and of the Sikkimese Nepali, which includes Tsong of Schedule Caste origin are fully protected." The Chogyal was to function as the Head of the State with only specified powers - the main burden of the day-to-day administration being entrusted to the Chief Administrator. The Agreement, further imposed that the Assembly would not discuss or ask questions, in regard to the Chogyal and the members of his family, as also in the matters which concerned the responsibilities of the Government of India under the Agreement or under any other Agreement between India and Sikkim, including the appointment of the Chief Executive and members of Judiciary. By and large, New Delhi would be solely responsible, for insuring the implementation of the new democratic changes and in addition would be closely associated with the main administration of the State. Pending the next elections, B.S. Das was to carry on the work of the administration with the help of the Advisory Council composed of the nominees of the three main political parties.

Once again, Sikkim agog with the furtive is planning by the different political parties deploying their own strategy to fight the coming General

Elections on the principle of "one man one vote". To consolidate their positions, the leader of the Sikkim National Congress and the Sikkim Janata Congress (the remnant of the Sikkim State Congress, being in the meantime disintegrated and merged with the Janata Congress) decided to forge their identity into one common banner, resulting in the unification of a new party known as "SIKKIM CONGRESS". The Sikkim Congress also at the same time spelt out its election manifesto embodying drastic political and socio-economic changes and reforms to usher in a true representative Government of the people.

Meanwhile, the Sikkim National party and the Sikkim Prajatantra Party, also made hectic consultations and arrangements of alliance among themselves to fight the ensuing elections against the Sikkim Congress, who then assumed the form of their common adversary. To all intents and purpose, it was claimed that the coming elections would have the greatest significance, so much so, that it would cast the destiny of the Sikkimese peoples' hopes and aspirations of a democratic Government as against the alleged autocratic Government of the Chogyal. Taking the gravity of the situation, the different political leaders also knew for certain that they had an uphill task while locked-up in a combat for the supremacy of their parties in the battle of ballots which would ultimately lead them to select the type of government they wanted. Thus, by trading on the ignorance of the bustiwallas and after an intensive and elaborate campaign covering the whole of Sikkim, the different parties finally entered the arena of fight.

Sixth General Election : For the sixth time, the people of Sikkim went to the polls for the verdict of the people, and this time to elect the 32 members Assembly on the principle of one man one vote. It should be clearly understood, that the General Elections were conducted and contested on the basis of the 1953, Proclamation of the Chogyal, with the only difference that this time the Election Commission of India was to supervise and conduct the elections in place of the Election Committee of the Sikkim Durbar.. The

opposition parties, however, projected their apprehension that there would be major interferences by the officers conducting the elections, as also the application of the sheer brute force of the Central Reserve Police Force to intimate the voters against free use of their votes/franchise.

Exasperated, they had no choice left but to go on into the fray against heavy odds, hoping against hope, that the Sikkim Government would do everything possible to conduct the election in a fair and impartial manner to the satisfaction of all concerned.

Simultaneously, the election results were announced, and as the anticipated there was a landslide victory of the Sikkim Congress who swept the polls, bagging 30 seats in the Assembly of 32 members. The Sikkim National Party barely managed to scrape through with only one seat, while the Sikkim Prajantra party failed to put even one seat within the orbit of the Sikkim Assembly. The remaining one seat went to an Independent candidate sponsored by the Sikkim Congress, who after the announcement of the election results joined the Sikkim Congress.¹²

The lone candidate who was elected from the Sikkim National Party was like a square peg in a round hole. In due course he was pressurized from all sides to join the Sikkim Congress under intimidation. In fact it was next to impossible to conduct himself with any weight in the Sikkim Assembly as a lone member of an alien party, with all round hatred and shunned by the rest of the members. His position as such was indeed intolerable, and there being no alternative, he also had to fall-in line with the other members, and ultimately joined the Sikkim Congress. With his alignment to the Sikkim Congress, the party had literally the whole of the 32 members at its command, with not even one member on the opposition side.

The result was that, Kazi Lhendup Dorji became the undisputed leader of the Sikkim Congress. While as usual, the Sikkim Congress felt jubilant in the wake of their phenomenal success with absolute majority in the Sikkim

Assembly, the National and the Sikkim Prajantra parties jointly came out in the open with the allegation, that as rightly anticipated by them, their hopes on which they were banking to get a fair and impartial election were miserably belied, with the manipulation of the present elections, which were blatantly rigged by the Government in power and with the polling-booths having purposely made to hold no semblance of secrecy. They further went to claim, that the Central Reserve Police Force had also played an obnoxious part in intimidating the voters, by the use of open threats and inducing them to tender their votes in favour of the Sikkim Congress candidate. They had also gone to the extent of asserting their claim, that Kazi L.D. Khangsarpa and the other candidate of the Sikkim Congress B.B. Gurung who were elected un-opposed used the same modus-operandi to force the opposing candidates to withdraw their nomination papers, which they did under duress to save their lives and properties from the claws of the young rowdies.

With the abnormal success of the Sikkim Congress, the leaders of the Sikkim National Party and the Sikkim Prajantra Party virtually disintegrated into the thin atmosphere, as they found it impossible to consolidate their lost ground or to consider even taking up congenial steps as to revivify the parties' image for their future operation, in view of the determined attitude of the ruling powers to nullify and crush the very existence of any such opposing grounds. Thus, with the complete evaporation of these two political parties from the combat scene, the Sikkim Congress reigned supreme as the "Lord of all I survey". It is understandable, that Sikkim at this stage underwent a brief phase of unprecedented crisis, with the flagrant violation of all known norms of law by the young hooligans of the Sikkim Congress, who freely went into a spree of atrocities and vengeance against those individuals or groups who had earlier attracted their animosity and hatred, about which, a mention had been made before.

In all these escapades, it was openly alleged by many that N.B. Khatiwada's participation came into prominence, as he was responsible for the

commission of many excesses, ably assisted by his unruly militant youths.

Khatiwada was adopted by Kazi L.D. Khangsarpa and extensively groomed by no less a caliber of the standing of Kazini Khangsarpa. He had been reported to be an exasperatedly confirmed extremist, but a good organizer and an able orator. He had also in addition, the aptitude to attract a crowd within the shortest possible time. It was also alleged that although Kazi L.D. Khangsarpa was the undisputed leader of the party, Khatiwada was the real king-pin at his back for all the numerous acts, which in fact, had stood in good stead at their hour of need in wiping out the least vestige or resistance emanating from the leaders of the National Party, the Sikkim Prajantra Party and such other pockets of pro-Chogyal resistance groups and cohorts.

Of the galaxy of leaders who could be capable to steer the ship of the State in the near future, are N.B. Khatiwada, B.B. Gurung, N.B. Bhandari, and R.C. Poudyal. Allegation are at large against R.C. Powrel about his communal move to pilot the Land Ceiling Act, meant to deprive the excess lands of the Tribals and against N.B. Khatiwada his communal move during the counting of votes at the White Hall, against whom a mentioned has been made earlier. Four of these stalwarts are thus left in the political arena to rub shoulder against each other. The public of Sikkim will be keenly watching the future performance of these leaders to lead the people of Sikkim to prosperity. At the juncture, Bhutia-Lepcha leaders are no where to be seen, not even at the horizon. Potentialities are there with the budding leaders, and in course of time they will equally rise as a political leader to guide the destiny of the people of Sikkim. Meanwhile, they are satisfied to play the role of feeders.

Hence a little mention of interest could also be injected at this stage, about the alleged shady activities of some of the prominent political leaders of Singtam Bazar during the zenith of the 1973 upheaval. In fact, by sheer coincidence, one of the member among them who happened to be the sycophant of Kazi L.D. Khangsarpa, fully made use of his position to become the real undisputed leader of Singtam Bazar, along with a handful of local

young miscreants. These people had literally converted the Singtam Police Station into a "Janata Jail". People found resisting their cause were indiscriminately arrested by the young volunteers and brought under escort even from Gangtok, and after stripping off their main dress, they were dumped in the said jail with only their underwear to avoid the escape. They also took upon themselves the charge of feeding the people on transit, who were heading for Gangtok to participate in the mass demonstration and also for arranging their transport. On grounds of meeting such legitimate expenses, they practically gnawed the merchants of Singtam Bazar to the bone, almost to the verge of bankruptcy, by forcing them under duress to contribute rice and cash beyond their capacity. It was also claimed with imputation, that even after the installation of L.D. Kazi's Ministry in power, they were found running a "Parallel Law Court" at Singtam in the premises of the Police Station by issuing regular summons to the people on threat of physical enforcement to attend the court for disposal of imaginary charges put by their stooges and more interestingly for the recovery of old debts outstanding against the people of the surrounding areas. The matter, it appeared, came to the notice of L. D Kazi's Government, but they just ignored the complaint as of no consequence.

It was also alleged by some noted residents of Singtam Bazar that they had misappropriated the bulk amount, on the plea of their having spent all the money in meeting the transportation charges of the stranded people from Singtam to Gangtok, despite the irrefutable fact that they had completely emptied both the petrol pumps at Singtam and Rangpo. All these commissions of excesses, as alleged by the opposition groups, were perpetrated under the very nose of the C.R.P.F who were then policing the country in place of the Sikkim regular police force that was temporarily disarmed and made ineffective earlier.

Formation of Popular Government :1974

To give way to the unanimous feelings of the elected members, Kazi L.D. Khangsarpa was duly elected as the leader of the Sikkim Congress Legislative Party in the newly constituted Assembly. The first hydra-headed discord sprung up between the Chogyal and the elected members of the Sikkim Assembly, in the form of their refusal to take the traditional oath of true faith and allegiance to the Chogyal of Sikkim. They were eventually prevailed upon by B.S. Das, the Chief Executive to comply with the formality, which they reluctantly did under heavy protest. The new Sikkim Legislative Assembly was thus inaugurated by the Chogyal on the 10th of May 1974, in the Council House at Gangtok. While inaugurating the Assembly the Chogyal, *inter-alia* said, "the country was passing through a very critical period, and expressed the hope that the Assembly members would live up to the high expectations and contribute their utmost endeavour for the welfare and prosperity of the Sikkimese people through selfless devotion and service" The Chogyal further acknowledged the help and expressed his appreciation and gratitude to the people and Government of India. The hurricane, that ravaged the tiny country had now simmered down and Sikkim augured not only a happy future, but was also on the threshold of a new democratic Government, which was alleged to have achieved through the toil and sweat of the people to replace the present monarchical Government of the Chogyal. It was therefore, more logical to assume that the fruition of their long awaited dream of a welfare State, had thus become more realistic depending on the ability of the political leaders of the day, who should adroitly steer the ship of the State to greater prosperity and economic development for the people of Sikkim in the coming future.

In fact, Sikkim for good or bad, had already thrown her destiny with the Southern neighbour India, the largest democratic country in the world, which was also the custodian of Sikkim to safeguard her integrity as a separate entity with defence, communication and foreign affairs as their responsibilities.

The Sikkim Congress leaders openly claimed that the hard earned freedom from the bondage of the Chogyal's feudatory Government, for which they had persistently fought for the last two decades, was doubly safe in the hands of the Government of India. They were fully conscious of the responsibility of the Government of India to do everything possible to fulfill the hopes and aspiration of the Sikkimese people for ushering in a truly democratic Government of the people and for the people.

The speedy development of political reforms which weighted deeply in favour of the political leaders, Sikkim continued to drift further, for a greater search to achieve its ultimate goal of a truly representative democratic form of Government, where the will of the people should finally prevail. Thus, the urgency of a clearly defined power of the Assembly and the executive Council was the cry of the day as the 8th of May 1973, Agreement did not wholly envisage the dream of the peoples' Government. As however, they apprehended that in such an evolutionary process, time factor could verily play a mirage against their march of progress, the Sikkim Assembly, in a resolution, urgently requested the Government of India for the early deputation of a constitutional expert to draft a legal Constitution in terms of the peoples' demand for a democratic set-up in Sikkim, which should besides others, specifically elucidate the powers of the Chogyal, the Chief Executive, the Council of Ministers and the Assembly.

A similar request by the Chogyal was also made at the same time, and in response to the joint request, the Government of India deputed C.R. Rajgopalan, a former Law Secretary for the purpose. A delegation of the Sikkim Assembly members, led by Kazi Lhendup Dorji met Rajgopalan on his arrival at Gangtok and discussed at length the details of the type of Constitution of their choice, laying special stress to the fact that affective powers should rest with the people and the Chogyal's status to be relegated to that of a Constitutional Head. In brief, the introduction of such a well defined Constitution should be fundamentally aimed at the purpose of putting a stop

once for good of any foreseeable complications in the process of its reconciliation of a truly representative democracy with a monarchical system. Rajgopalan, during his brief stay in Gangtok, had similar discussions with the Chogyal, about the proposed draft Constitution and had also taken note of Chogyal's suggestions

The most expected, one of the foreseen and inevitable result of the talks was the fast action of the Government of India to bring out a Constitution in the form of "Government of Sikkim Act, 1974", which not only raked the hornet's nest, but also proved to be the proverbial last straw to drain out the dormant patience of some of the intellectuals of Gangtok and its surrounding areas, to protest with all their vigour against the passage of the Bill by the Sikkim Assembly, since the uprising of April 1973. Barring the 32 legislators headed by Kazi Lhendup Dorji and the supporters of the Sikkim Congress; there was a spontaneous call of protest by the members of the National Party and other pro-Chogyal groups particularly in Gangtok proper, and its surroundings areas. Notwithstanding all this and having no choice, they were even perforced to go for an appeal requesting Kazi Lhendup Dorji and the elected members of the Sikkim Assembly to fully weigh the pros and cons of the provisions of the Bill vis-à-vis the peoples' aspiration for a full fledged democratic rule and not a merger, before the Bill was voted in a frenzied haste by the elected members. The fundamental point of disagreement veered round to Clause 30 (c) of the said Bill, which sought participation and representation of the people of Sikkim in the political institution of India, and which was as they alleged, a clear pointer to Sikkim's ultimate merger to India.

Meanwhile, another drama of far reaching consequence was in the offing, and precisely on the early morning of 20th of June 1974, the day the Bill was to be passed by the Assembly, events took an unexpected turn, when a crowd of demonstrators mostly composed of the resisting group of the National and the Sikkim Prajatantra parties with many officials of the Government of Sikkim, including school children began squatting on the roads leading to the

Assembly House from all the four corners, until they successfully plugged all the possible sources of entry. It was an awe-inspiring spectacle to see a veritable sea of human heads and the ever-increasing crowds as the day wore on. The demonstrators not only took the challenge to brave the lathi charge of the Central Reserve Police Force but most of them had their packed lunch with them, which definitely was a pointer to their grim determination to squat all along the road till late afternoon. Meanwhile, the C.R.P.F. were not wanting in their drive to disperse the demonstrators, and to achieve this end they let loose a series of lathi charges supported by occasional burst of tear-gas, the brunt of which was ostensibly borne by the students who were in the forefront.

As anticipated under such a tense atmosphere, bedlam broke loose with the mounting of casualties among the demonstrators and the overall onslaught of the C.R.P.F. throughout the day was too harrowing a detail to mention. With the approach of twilight, the demonstrators who had the worst ordeal of the day broke-up, but with the solemn determination to stage the show early next morning. Summing up the loss and gain of the day, the demonstrators were fairly on the credit side, as they could stall atleast a day against the passage of the Bill, while at the same time, their projection of protest had contributed the required quantum of impact on the minds of the legislators. Coinciding with the unexpected events of the day, another eventful scenario was being enacted at the "Petrol Pump House", Gangtok the headquarter of the Sikkim Congress, where the leader of the Legislative Assembly Kazi L.D. Khangsarpa was having a tough time in keeping the elected members in a group. He was alleged to have used all his powers of persuasion of induce the members not to waver in their determination to sanction the passage of he Bill in the Assembly, which was to be in session at any odd hour of the day. Such a step was found absolutely necessary as some of the elected members were showing impatient signs of going back home, to their home villages at the first opportunity because of their indefinite confinement.

At the same time, another spectacular development gave prominence to the cause of the demonstrators, by the abrupt appearance of R.C. Poudyal, an elected member of the Sikkim Assembly, who promptly went on an indefinite hunger strike in front of the Assembly House, demanding the said Constitution (Bill) to be drafted by an elected representative group of Sikkimese intellectuals with the help of a constitutional adviser from the Government of India. He also insisted that the portfolios of Finance, Home and Establishment Departments, which were placed under the direct prerogative of the Chogyal, should be transferred to the elected representatives of the people. He even made an issue to project that since Sikkim had a separate identity, it should have a Prime Minister or a Chairman of Council of Ministers and not a Chief Minister. His cause was taken up by N K. Subedi, another elected member of the Sikkim Assembly followed by Karma Peda and K.N. Upreti, who joined in the protest fast. Later, they were persuaded to abandon the fast, which they reluctantly did in order to save the face and also the prestige of their senior leaders.

Later some of the Government officers also considered it incumbent to support the demand openly registering their dissatisfaction and concern against the passage of the Bill seeking participation and representation of Sikkim in the political institution of India. With this object in view, a delegation of the officials, led by a senior officer met Kazi Lhendup Dorji, the leader of the Congress Assembly party and the other elected members, and vehemently urged them not to cause or harm the status of the small country at all costs, as enshrined in the Indo Sikkim Treaty of 1950.

In spite of their genuine attempts to particularize the grave outcome of the Bill, which would in the passage of time, cause irreparable harm to the greater cause of Sikkim as a whole, the delegation could hardly make little or no impact to move the Chief Minister and others for a reconsideration of their decision. On the other hand, Kazi L.D. Khangsarpa and his Cabinet Ministers were very eager to finalize the passage of the Bill, and no earthly persuasion

and other valid reasons put together, could alter their determination. The result was, that the delegation got a surprise rebuff for their attempts, and their mission as such proved a complete failure.

Undaunted and fresh from the ordeal of the previous day, the demonstrators once again surged forward from early morning and again started squatting on all the roads leading to the Assembly House. With the advance of the day followed by the ever swelling crowd with more numbers of participators arriving every minute, the Central Reserve Police Force were also equally prepared to take up the challenge of the crowd, and once again they resorted to the use of lathi-charge against the crowd. At one stage, it was found that instructions were issued to the C.R.P.F to blaze a path for the legislators to enable them to attend the Assembly House for the passage of the Bill. But because of the huge crowd squatting on the main road leading to the Assembly House, the C.R.P.F. had to again take recourse to lathi-charge, but they could make little headway, as the demonstrators began retrieving and re-occupying their lost ground simultaneously close at the heels of the C.R.P.F. as they went ahead clearing their way.

Some of the demonstrators including Government employees and the students were again the victims of the day requiring medical attention for major and minor injuries. The local hospital was a scene of the confusion and the doctors had a busy day. Thus the second day of the protest passed off with again a credit card in their favour as the demonstrators were able to delay the passage of the Bill by another day.

However, as the day wore off and after the demonstrators had left the place with the fall of the night, all the members of the Sikkim Legislative Assembly who in the meantime, perforced to stay in a group at the Petrol Pump Party Office were taken to the Assembly House. After some discussion on the said Bill, it was unanimously passed by all the members of the Assembly.

Sikkim's fate was thus permanently and irrevocably sealed with the passing of the Bill.¹³

Next day, the demonstrators to their great consternation, came to know the grim reality of their defeat. Since it was beyond their capacity to put the clock back in regard to the retrocession of the said Bill, they held as a last contribution from their side, a protest march in the Gangtok town against the passing of the Bill. They had also sent frantic telegraphic messages to the Prime Minister, the Union Cabinet Minister and other Indian leaders apprising them about the unconstitutional manner, in which the said Bill was passed by the members of the Sikkim Assembly without observing any democratic norms. The Sikkim Congress duly retaliated with a counter demonstration expressing their resentment against those forces resisting the adoption of the Constitutional Bill.

Meanwhile, the Chogyal got very much perturbed and he rushed post-haste to New Delhi to meet the Prime Minister Indira Gandhi and other Indian leaders for discussion and clarification. To be quite at ease in regard to the legal complication of the said Bill, the Chogyal had thoroughly mastered the draft Constitutional with his legal advisors, and brought home those lacuna and anomalies to the notice of the Government of India, in the form of written comments prepared by some eminent legal practitioners from India. New Delhi, however, gave no indication to his reaction, but on the contrary strongly advised him to give his assent to the constitutional Bill, which the Sikkim Assembly had approved, and to settle his differences, if any, with the people of Sikkim. With the failure of his mission, he returned to the capital as a completely frustrated man. Thereafter, a regular ding-dong battle of wits and controversies between the Chogyal and Kazi L.D. Khangsarpa, the leader of the Sikkim Legislative Assembly, took place. The Chogyal had all through persistently maintained, that before he gave his assent to the draft Constitutional Bill, his detail comments, which he intended to place before the Hon'ble members of the House, should be given a patient hearing in regard to

the three main points for the larger interest of Sikkim and her people namely (i) the maximum participation by the people of Sikkim in the governance of country, which means the establishment of a fully responsible and democratic Government of Sikkim, (ii) respecting the legitimate rights and responsibilities of the Government of India and Sikkim and (iii) ensuring the separate identity and internal autonomy of Sikkim as guaranteed under the 1950 Indo-Sikkim Treaty. The Sikkim Congress however, showed a defiant attitude and refused point-blank to countenance the move of the Chogyal, for convening a special session of the Assembly, to enable him to address the House on the "Sikkim Government Bill 1974."

There was a complete blockage on the Chogyal's desire, as the Chief Minister and his cabinet colleagues, were bent upon not giving the least opportunity to him to address the House. Presumably, the Chogyal's desire was to impress upon the other members of the House the desirability of examining the anomalies of the Bill and its direct implication affecting the future status of Sikkim vis-a-vis, the Indo-Sikkim Treaty of 1950. After a prolonged discussion, the Chogyal managed to convince the Political Officer K. S. Bajpai, of the fundamental need on the part of the elected members other than the Chief Minister and his Cabinet colleagues, to know the full implication of the Bill so that sober and saner elements could prevail upon the members to give a realistic and unbiased approach to the most crucial issue of the day even at that late stage. The impasse was ingeniously cleared at last, and K. S. Bajpai came to the rescue of the Chogyal and induced the members of the Sikkim Assembly to hear the Chogyal's view on the Constitutional Bill without his presence. Thus eventually, the Chogyal's address was read by B.S. Das, the Assembly President in a special session of the House, but the Bill shared the same facts and it was again adopted in its original form by the entire House for the third time, without assigning any reason to consider the Chogyal's comments.

In the midst of such a political tangle, the Government in power used two-pronged strategy to bring the Chogyal to the tune of their desire. While

Kazi L.D. Khangsarpa used all his trump-cards to press the Chogyal by show of every conceivable threat, the Government of India on the other hand, used the persuasive tactics to induce the Chogyal for his assent to the Constitutional Bill, which was earlier passed by the Sikkim Assembly. Being thus pressurized from all corners, the Chogyal ultimately gave way and signed the Proclamation in a brief ceremony at the Palace. The small function was attended by Kewal Singh, India's Foreign Secretary, Mr. K. S. Bajpai, the Political Officer, B. S. Das, Chief Executive Officer, all the newly elected members of the Sikkim Legislative Assembly and the senior officers of the Government of Sikkim. Briefly speaking on the occasion, the Chogyal said "This is our country. These are our own people and we have to work together for the betterment of the country. Whatever misunderstanding was there has been removed." Reciprocating, Kazi L.D. Khangsarpa said that "we should forget and forgive everything and should not remain with bad blood." Truly speaking the Government of Sikkim Act 1974, besides others, envisaged a three-tier system in which the Ruler was reduced to a figure-head,¹⁴ the Chief Executive would be the head of the administration and the Chief Minister and his Cabinet would be responsible to the Assembly for non-reserved subjects. All executive actions of the Government of Sikkim were to be taken in the name of the Chogyal. It also specified that the Assembly should not ask or discuss questions in regard to the Chogyal and the members of his family, whose privilege and position were also guaranteed.

The elected members of the Sikkim Legislative Assembly made the courtesy call to the Indian leaders, in response to the invitation extended to them by Kewal Singh, the Foreign Secretary on behalf of the Government of India during his last visit to Gangtok. The Chief Minister - designate Kazi Lhendup Dorji Khangsarpa, on his return from Delhi, got himself busy to the important task of forming his Ministry.

Following intensive consultations and discussion with his senior party colleagues, and after obtaining a consensus approval about his leadership, Kazi

L.D. Khangsarpa was sworn-in as the Chief Minister on the morning of the 22nd of July 1974. The Chogyal, then relegated to the position of a titular head of the State under the new constitution, administered the oath of office and secrecy to Kazi L.D. Khangsarpa and other Ministers at the Palace. Apart from Kazi L.D. Khangsarpa, five others, namely Krishna Chandra Pradhan, Rinzing Tongden Lepcha, B.P. Dahal, Nayen Tshering Lepcha and Dorji Tshering were also sworn-in as Ministers. Thus, with the installation of a full fledged peoples' Government in power for the second time in the history of Sikkim - the first being the 29 days Ministry of late Tashi Tshering in 1949, the more than 371 years old Monarchical Government of the Namgyal Dynasty, gave way to that of a popular democratic Government of the people.

After the achievement of the establishment of a successful popular Government, events however, did not remain in a dormant state for long, as the Sikkim Congress wanted to hit the iron while it was still hot and took advantage of the tense atmosphere prevailing then. Kazi L.D. Khangsarpa and his Cabinet members made frantic requests to the Government of India, supported by S.K. Rai, the General Secretary of the Sikkim Congress, insisting to take steps to accelerate Sikkim's closer ties and representation in the Indian Parliament. The Government of India's obvious intention was also to ensure the implementation of the "Associated Status" to Sikkim, which was strictly in keeping with the hopes and aspiration of the people of Sikkim for the implementation of a truly representative Government of the people. Paradoxically, the Chogyal, and those groups of pro-nationalist force and others who had been protesting and resisting the arbitrarily imposed change of Sikkim's status, left no stones unturned to focus the attention of the Indian leaders for the imperative necessity of a change of heart to maintain the *status-quo vis-a-vis* the Indo-Sikkim Treaty of 1950. Because of the extreme urgency of the situation, telegraphic messages were sent to the Prime Minister Indira Gandhi and other top Indian leaders, pin-pointing with logical precision the egregious fact that the proposed steps seeking to give representation to Sikkim

in both Houses of the Indian Parliament, would amount to unilateral abrogation of the Indo-Sikkim Treaty of 1950, which New Delhi had stubbornly stood for its commitment till date. Vehement protest rallies were also held in the capital against the leaders of the Sikkim Congress by the members of the National Party.¹⁵

Agitated and perplexed by the chain of successive events following the change of Sikkim's status, the opposing groups had even contended that no valid request for giving representation to Sikkim in the Indian political Institution had come to the Chogyal from the Council of Ministers for his approval. They further asserted that in the face of such a glaring fact, the Sikkim Government had not followed the procedure laid down in the Government of Sikkim Act 1974, which besides others, had provided the necessity for the Chief Executive to inform the Chogyal and to obtain his prior approval on any major issue falling within the ambit of the Chogyal's prerogative as the Head of the State.

Through telegraphic messages to the President of India the Chogyal made a last minute effort pleading his intervention to withhold assent to the Bill until its full implications had been placed before the Prime Minister. He further made it a point in his appeal, that the Bill would also have serious irreversible effects on the existing Indo-Sikkimese relation and that the Sikkimese opinion should be conclusively ascertained, preferably through a free and fair referendum under the auspices of a neutral authority, in which all the political parties would have full confidence. Brushing aside the inflow of all such frantic messages and also the spontaneous sentiments of the people of Sikkim, the Constitution (36th Amendment) Bill was passed by the Lok Sabha on the 4th of September 1974, and by the Rajya Sabha on the 7th of September 1974.¹⁶

No sooner knowing the news in Gangtok, the Chief Minister, Kazi Lhendup Dorji and his Cabinet members hastily conveyed to the Government

of India, their appreciation and thanks of the Government of Sikkim for having positively responded to the repeated and unanimous request of the Sikkim Assembly for bringing Sikkim to a closer link with India.

In fact, that was of immense interest to know how completely the blackout of the news of actual happenings in Sikkim had been handled and manipulated, since the advent of the upheaval from April 1973. The intellectuals of Sikkim were thus completely buffed and flabbergasted to get a highly coloured and distorted version of the events in Sikkim through the Indian Press. No wonder, such excesses committed by the hooligans of the Sikkim Congress, and the similar numerous indulgences by the Central Reserve Police Force found no accurate appraisal in any corner of the Indian papers. Leakage of Sikkim's actual happenings outside Sikkim, was alleged to have been made possible through Nepal caused by the carrier of smuggled news by individuals, who managed to escape to Kathmandu. Nepal's sympathetic feelings towards Sikkim's cause, gave sufficient impetus by the Nepalese students, who staged a noisy and violent demonstration in front of the Indian Embassy at Kathmandu, causing some damage to the properties. Thereafter, they submitted a memorandum to India's Ambassador Shri N.K. Rasputra, condemning India's imperialism and colonialism.

On the 15th of August 1947, India emerged as a great independent entity in the comity of free nations, having been freed from the tentacles of the 150 years old British yoke through exceptional supreme sacrifice and continued struggle by the Indian leaders and the people. With the declaration of the lapse of paramount over the princely states of India by the British, Sikkim also gained its freedom by about the same time as India did. Sikkim however, survived the process of merger with India and a Standstill Agreement was the result followed soon by the establishment of the Indo-Sikkim Treaty of 1950. The pro-Chogyal National Party and other supporting group claimed, that the very existence of a Treaty arrangement between India and Sikkim was a

sufficient testimony of the fact that Sikkim never at any stage, was a part of India.

In the midst of mounting tension caused by the passage of Sikkim's loss of identity, any forlorn hope of rapprochement between the Chogyal and Kazi Lhendup Dorji, the leader of the Legislative Assembly, could at that crucial stage be safely ruled out because of the cancerous animosity, hatred and vengeance of the long standing feud between the two. Since then, not a single day went off peacefully without having a barrage of legal controversy flung at random by the Chogyal against the Council of Ministers for their blatant and unilateral actions, which were not in accordance to the provisions as laid down in the Government of Sikkim Act 1974. Even the Sikkim students studying at Delhi added fuel to the flame, by openly alleging that the Press and others had all combined to feed the people of Sikkim and India a completely wrong picture of the actual happenings in Sikkim and that many people and political leaders who dared to raise their voice against the Kazi's Government were either manhandled, or put under House arrest. They also claimed that the Assembly members were barred from meeting the people of their constituencies for apparent reasons known only to the Council of Ministers. They also genuinely felt that the people of Sikkim were diametrically opposed to the Kazi's nefarious scheme to mislead them for the ultimate achievement of their own selfish aggrandizement.

The Chogyal further claimed, that no such resolution was ever considered, let alone passed by the Assembly, when the Government of Sikkim Act came into force, neither was it submitted to him for approval, as required under Section 29, of the said Act. In other words the Chogyal pointed out, that the enactment of the Act by the Sikkim Assembly without fulfilling the particular provision of the Act, was entirely unconstitutional and void. Incensed and infuriated, the Chief Minister Kazi Lhendup Dorji reacted sharply and cautioned the Chogyal to stop treating Sikkim as his personal chattel. He also reminded the Chogyal that as a titular Head of the State, he had no authority to

speaking anything on behalf of Sikkim. He reiterated his stand on this cardinal issue by dispatching a separate urgent request to Indira Gandhi, the Prime Minister of India, requesting her to take immediate steps to restrain the obstructive move of the Chogyal and his henchmen, who were bent upon thwarting the sincere efforts of the Government of Sikkim to develop democracy in the State and closer relations with India. Kazi Lhendup Dorji once again congratulated the Government of India on the concrete steps taken so far towards fulfillment of the aspirations of the people of Sikkim.

The Chogyal's earlier request for an interview with Indira Gandhi, the Prime Minister of India was confirmed in the second week of September and he was advised to come and see the Foreign Minister Swaran Singh as Mrs. Gandhi would not be available due to her heavy preoccupations. On receipt of the information, the Chogyal went to Delhi, but he somehow or other managed to see both the Prime Minister and the Foreign Minister, besides other officials of the External Affairs Ministry. The result of his talks as could be anticipated, was not to his liking, and he came back dejected with the new Political Officer designate, Gurbachan Singh, who was to replace K.S. Bajpai on transfer.

Further the activities of the Chogyal gave sufficient cause of resentment to Kazi Khangsarpa's determination to visit New Delhi once again in November, for the purpose of insisting to the Government of India to take a final decision about the future status of the Chogyal. While in Delhi, he gave a statement charging the Chogyal for his unconstitutional, illegal and anti-Indian activities and further said that the people of Sikkim would not tolerate any anti-democratic movement. Kazi Khangsarpa also made it a point to condemn the Chogyal for his unnecessarily "trying to internationalize the Sikkim issue", without realizing the complication of his own position as the constitutional Head of the State of Sikkim.

Soon after his return from New Delhi, Kazi L.D. Khangsarpa, had made up his mind to take the extreme irrevocable step to overthrow the Namgyal

Dynasty, with the active co-operation of his Council of Ministers and the other senior members of the Sikkim Assembly. This step as he conceded, was found imperative to enable the Cabinet to run the administration according to the democratic norms, by effectively barring any further inroads or interference by the Chogyal. Coincidentally, the surcharged atmosphere of personal hatred and vengeance persisted.¹⁷ subsisting between the Chogyal on the one hand and Kazi Khangsarpa and his Cabinet Ministers on the other, and which was on the brink of explosion, triggered off with the Chogyal's trip to Nepal, as the subsequent events would go to show.

Early in March 1975, the Chogyal was invited to the coronation of king Birendra as a personal friend of the Ruling House of Nepal. The Chogyal accepted the invitation with alacrity and he accordingly apprised the Government of Sikkim for his desire to attend the ceremony. The Cabinet considered the proposal and it transpired, that they had conveyed their acquiescence in the first instant, but backed out later at the eleventh hour, when they realized the foreseeable complications, which might erupt consequent to the Chogyal's visit to Nepal, particularly at such a crucial time when the country itself was facing a political instability. The reason advanced for the subsequent reluctance to agree to the visit of the Chogyal, was primarily because of the fact, that although Sikkim had the friendliest of feeling for the people of Nepal, unfortunately of late, a spate of false and malicious propaganda against Sikkim had been trickling out from Nepal, during the last six months.

Therefore, the Government of Sikkim, while conveying the feelings of the Cabinet to the Chogyal strongly advised him to avoid the visit at the time for very weighty reasons. The Chogyal, however, was adamant and he rightly felt that his freedom of movement should not be questioned even by the Cabinet. Thus, in complete disagreement with the Cabinet's decision and the Government's persuasive move, the Chogyal left for Nepal.

Kazi demands abdication of Chogyal

The Chief Minister of Sikkim, Kazi Lendup Dorji, is understood to have requested the Political Officer, Gurbachan Singh, and the Chief Executive B.B. Lal, to place the twin demands of the Government of Sikkim to the Government of India. These were, the immediate abdication of the Chogyal and the disbandment of the Sikkim guard.

There were violent incidents at Rangpo, as the Chogyal was on his way back to Gangtok yesterday from Kathmandu. A member of the Sikkim Assembly, R.C. Poudyal, sustained injuries. By order of the Chief Minister of Sikkim, all shops, offices and other establishments at Gangtok were closed today in protest against yesterday's incidents. The Chief Minister was not available for comment this morning but according to a member of the Sikkim Congress, the pro and anti-Chogyal forces were on "warpath waiting for the movement of final confrontation" meanwhile, Ramchandra Poudyal, who was operated upon last night at the local military hospital, is progressing satisfactorily, adds PTL.

According to the attending surgeon at the hospital, although Poudyal's injuries were quite serious he was improving. There were three deep wounds on his right arm inflicted by kukris.

The Chief Minister accompanied by the Excise Minister, B.B. Kharel, visited Poudyal at the hospital this morning.

Meanwhile, the Sikkim Congress Party is scheduled to meet in an emergency session to consider the latest developments.

The Airport Correspondent added that the Chogyal said on Tuesday that he was in touch with the Government of India about proposed referendum to ascertain the will of the people with regard to the future status of Sikkim.

The Chogyal, who was on his way back to Gangtok after three days stay in the city, told newsmen at Calcutta Airport that he received a letter from the Foreign Secretary. Kewal Singh towards the end of January suggesting a meeting some time in February but as he was busy in Bangladesh, the meeting

could not be held. "I shall go to Delhi as soon as the Government of India informs me when it will suit its convenience", he added. "From the very beginning, I had suggested to the Government of India for a free and fair referendum reflecting the will of Sikkimese before changing the status of Sikkim I have again written to the Government of India about it. Let us see what their response is to my proposal."

To a question if he thought that by suggesting the meeting the Government of India was inclined to talk on the referendum issue the Chogyal said. "I presume so". Asked whether he has any plan if the Government of India does not want to talk on the referendum question, he said, "talks must go on". "I have been committed for a responsible Government and for keeping Sikkim's identity and on these two points there could be no question of any two opinions. It is my duty to leave no stone unturned to preserve Sikkim's identity. It is not my case. It is Sikkim's case", the Chogyal said.

He parried a question when asked if he would take the matter to the United Nations, the Chogyal said, "We are trying everything to preserve the separate identity of Sikkim." It is my duty to make every effort in this direction.

The Chogyal said, "I had the privilege of meeting the Vice-President, Jatti, the Minister for Civil Aviation and Tourism, Raj Bahadur and the Energy Minister, K.C. Pant in Kathmandu and discussed everything possible in between. Both Raj Bahadur and Mr. Pant were very sympathetic."

He said, that during his stay in Kathmandu in connection with the coronation of King Birendra, he met many dignitaries, including the leaders of the Chinese delegation. Everybody was sympathetic, he added.

The Chogyal said he had attended a party in the city. "It was a party and nothing political", the Chogyal said in reply to question whether he had met foreign diplomats on Monday.¹⁸

Earlier the Chogyal had indicated his desire to the Government of Sikkim to have in his entourage senior most Government officers representing the two main communities. His choice, therefore, centered round to his own Secretary, and the other one to a senior Nepalese Officer of the Government of Sikkim. In response to the Chogyal's desire, the Government of Sikkim gave the green signal to his Secretary, but they vehemently objected to the Nepalese Officer who was chosen to accompany the Chogyal. They had, therefore, suggested to the Chogyal to have his second choice of any other senior Nepalese Officer of the Government other than the particular officer chosen by him. Meanwhile, it transpired that the particular Nepalese officer had volunteered to accompany the Chogyal despite the clear refusal order of the Government.

In Kathmandu, the luminous dignitaries of many friendly countries of Nepal were to grace the coronation ceremony of king, Birendra. Kazi L.D. Khangsarpa and his Council of Ministers made it a point of major issue, that the Chogyal had injudiciously taken the opportunity to project Sikkim's take over by the people to usher in the "Associated Status" with the connivance of the Government of India. They also further asserted that the Chogyal had casual talks mostly with the U.S Senator Charles Percy, the Chinese Vice-President Chen-hai Liu, and the Ambassador of Pakistan, who were inimical to India.

They also alleged that the Chogyal had also used the occasion to issue a statement, while he was in Kathmandu, about the abortive and futile attempts made by some hoodlums to assassinate him while on his way to Nepal. The Chogyal also alleged that immediately after crossing the Singtam Bazar bridge, his car was suddenly hit by a flying object, which after exploding made a hole in the windscreen of his car, but unfortunately no one inside the car was injured. He further said that although a jeep-load of armed Sikkim Police was escorting him, no genuine attempts were made by those policemen at the spot to apprehend the miscreants, who were seen running away. The Chogyal's

Kathmandu trip, followed by his informal talks with the foreign dignitaries attending the coronation and finally his statement about the furtive and bold attempts on his life all combined, proved to be also one of the main reasons that goaded Kazi Lhendup and his Cabinet Ministers to infuse a fresh wave of determination, in their concerted drive to do away with the exalted position of the Chogyal, as the constitutional Head of the State accorded to him under the new set-up. S.K. Rai and R. C. Poudyal, General Secretaries of the Sikkim Congress and the Sikkim Youth Congress respectively, had also openly warned the Chogyal, that the peoples' cup of tolerance had overflowed and that they would stage hostile demonstrations throughout Sikkim with more concentration in the capital town of Gangtok, on his return from Nepal to urge him to abdicate the throne of Sikkim.

So in order to give sufficient fillip to their threat and bragging, they made all possible arrangements to mobilize pockets of demonstrations at Rangpo, Singtam, Ranipool and Gangtok on the day of the Chogyal's return to the capital. An unfortunate scuffle on the middle of the Rangpo Bridge highlighted the incident of the day, involving personal injury caused to the fore-finger of the left hand of R. C. Poudyal, a member of the Sikkim Legislative Assembly, who was piloting and leading the handful of demonstrators, to obstruct the passage of the Chogyal. It was alleged by Poudyal that he was hit by a "Khukri" belonging to a Sikkim Guard accompanying the Chogyal, but providentially escaped from getting major injury. The charge however, was vehemently denied as a price of bizarre lie by the party accompanying the Chogyal. They claimed that the Sikkim guards who were escorting the Chogyal met with stiff resistance by the demonstrators and while in the process of clearing a small path for the Chogyal's car to pass, Poudyal's hand accidentally got injured while closing the door of their Jonga Jeep.

In the meanwhile, in view of the fast developing situation in the country, which had been steadily but firmly widening the chasm of disagreement while

disposing off major policy matters between the Chogyal and the Sikkim Cabinet, Kazi Lhendup Dorji and his Council of Ministers took the most irrevocable and momentous step in the history of Sikkim to do away with the Institution of the Chogyal. Following their decision, an emergency session of the Sikkim State Assembly was hurriedly summoned on the 10th of April 1975, in which a resolution was passed stating that "the Institution of the Chogyal is hereby abolished and Sikkim shall henceforth be a constituent unit of India." The Assembly further resolved to call for a "Special Referendum" to be held on the 14th of April 1975, to reaffirm their resolution, through the verdict of the people of Sikkim.

Eulogizing the resolution as a "Historic" one Kazi Lhendup Dorji said that despite the Sikkimese long and heroic struggle to do away with the Chogyal's yoke for the establishment of a peoples' democracy in the country, the Chogyal had all along used his obstructive tactics, to subvert the 8th May Agreement 1973, and later the Government of Sikkim Act 1974. He further said, "we have enough of his intrigues, conspiracies and illegal behaviour." He sent a copy of the said resolution to the Government of India requesting immediate consideration of the said resolution through due parliamentary process of law.¹⁹

Meanwhile, the so-called "Special Referendum" was being arranged by the Government of Sikkim to be held on the 14th of April 1975. In short, the Government of Sikkim went ahead with unconcerned haste and made within the specified time such convenient makeshift arrangements to hold the said "Referendum". All the concerned Government officials were alerted and given intensive instructions to maintain proper law and order within their respective jurisdictions and to supplement their need, the Sikkim Police and the Central Reserve Police Force were posted at all the Polling Stations throughout Sikkim. No untoward incidents of any unlawful activities were reported to have taken place on the day of the polling, because of the formidable presence of the Central Reserve Police Force in all the Polling stations. After the votes were

counted, it was officially announced, that the "Referendum" showed a clear verdict of the people of Sikkim favouring the resolution of the Sikkim Assembly.

The pro-Chogyal group and leaders, the Sikkim National and Sikkim Prajatantra parties had contended, that the Government of Sikkim had purposely misled the people by informing them that a "Special Opinion Poll" was being conducted to elicit the peoples' wishes, whether they still favoured the monarchical Government of the Chogyal or a full democracy under the leadership of Kazi Lhendup Dorji. They also asserted, that the people at large were never told the bare truth at any stage within the incredible short span of time that the said "referendum" was done to settle the issue of the merger of Sikkim. They complained that the same modus-operandi was repeated as was in the case of the last General Election of 1974, and the C.R.P.F's batons against played a prominent part in complete coordination with the hard liners of the movement- the young Congress activists who used their sheer lung power and threat in confusing and misleading the voters to tender their votes in the Ballot Box, which was actually meant for the merger of Sikkim. They further asserted that most of the people of Sikkim were completely in the dark about the holding of the so-called "Opinion Poll",²⁰ which according to them was a brain wave of the Kazi's Government to satisfy the members of the Indian Parliament and to put wool in the eyes of the Indian leaders. They once again made it a point to project the fact that the Sikkim Election Commission was not empowered to conduct the said "Referendum" under the Government of Sikkim Act 1974, and therefore, it was not only unconstitutional but also illegal to the core.

The urgent request of the Chief Minister Kazi Lhendup Dorji, the Constitutional (38th Amendment) Bill was moved in the Lok Sabha on the 23rd of April 1975, proposing to make Sikkim, the 22nd State of the Indian Union. Y.B. Chavan, the External Affairs Minister, while moving for the consideration and acceptance of the Bill, briefly informed the House about Sikkim's past

association in the form of Princely State of India and the recent political development necessitating the visit of the entire Council of Ministers of Sikkim to personally convey to the Government of India, Sikkim's strong desire for immediate action on the resolution of the 10th of April 1975, which was fully endorsed and supported by the results of the "Opinion Poll". Chavan further apprised the House, that the Government of India had explored all possible ways and means to have the Chogyal retained as the Constitutional Head of the State, but because of his ill-conceived activities calculated to harm Sikkim as a whole, the people of Sikkim revolted and had expressed their strong desire to abolish the time-honoured Institution of the Chogyal of Sikkim. He further emphasized, that in the said process, the people wished that Sikkim should immediately become a Constituent Unit of India, to enjoy the rights of a democratic Government. He also said, that once the Bill became a law, the Executive Officer would go and Sikkim would, at the same time become a normal State of India, with a normal legislature, a normal Governor, a normal Council of Ministers and a normal High Court.²¹

In regard to the future status of the Chogyal of Sikkim, Chavan said, that India would look after the welfare of the Chogyal and his family members. After some prolonged discussion, the Bill was put to the votes and excepting the members of the C.P.I. (M), who did oppose the Bill, the rest of the members overwhelmingly voted in favour of it.

The passing of the Bill in the Lok Sabha, brought a mixture of happiness and extreme sorrow to the people of Sikkim, championing for and against the cause of the merger of Sikkim. The Council of Ministers and the other members of the Sikkim Assembly were jubilant and in the wake of such a momentous occasion, the Chief Minister Kazi Lhendup Dorji outpoured his happiness on the prompt measure taken by the Government of India. He contended that the step taken by the Government brought victory to the people of Sikkim in their incessant fight to free themselves once for all from the perpetual feudal bondage and the monarchial rule of the Chogyal. S.K. Rai, the General

Secretary of the Sikkim Congress, also followed suit by expressing his satisfaction in the form of a statement in which he said that "we have been fighting with the Chogyal for a considerable period and the people have also suffered. We have achieved our goal and now we are proud to be a part of the largest democracy in the world and we shall march forward with our brothers and sisters of India to a new height of prosperity and glory."²²

The section of the people of Sikkim opposing merger and the leaders of the Sikkim Prajatantra and Sikkim National parties, including the Chogyal left no stone unturned with a frantic appeal entreating the Government of India not to give sanction to the unjust and unconstitutional unilateral action of the merger of Sikkim, which was being affected through parliamentary process. In reply to the Chogyal's earlier communication to the issue, Indira Gandhi, the Prime Minister of India wrote back to say, that the Government of India had no choice, but to respond to the aspiration of the people of Sikkim as embodied in the Sikkim Assembly resolution of the 10th of April 1975, which was later overwhelmingly endorsed in the "Special Poll" held on the 14th of April 1975.

While the Chogyal and the leaders of the National and Prajantra parties and those who were against the merger issue, were eagerly waiting the reaction of their request to the Government of India, for consideration against the merger of Sikkim, they simultaneously appealed to the Chief Minister Kazi Lhendup Dorji and his Council of Ministers, requesting them to weigh with all seriousness, the greater interest of the country and the ultimate fate of the people of Sikkim as a whole. The Chogyal had also made it quite clear in his request to the Chief Minister, that "if the worse come to the worst, he was even prepared to abdicate the throne of Sikkim to save the country from the complete domination of India."

In complete disregard of such outpouring of request and reactions coming from these people, the Government of India went ahead, to make Sikkim a constitutional unit of the Indian Union, by getting the Constitutional

Amendment Bill passed by the Lok Sabha. While initiating the passage of the Bill, Shri Chavan once again informed the House of the undesirable activities of the Chogyal followed by intimidation, violence and even attempts of assassination of political leaders of Sikkim by planting explosives on the road. Incensed by such abortive moves of the Chogyal, the Chief Minister Kazi Lhendup Dorji and his Council of Ministers, requested the Government of India, that the survival of the democracy of Sikkim was wholly dependant on the removal of the Institution of the Chogyal and therefore, India should without any further delay implement the Sikkim Assembly's resolution of the 10th of April 1975.

Immediately after the adoption of the Bill by the Rajya Sabha on the 26th of April 1975, the Prime Minister Indira Gandhi sent her felicitations to the people and the Government of Sikkim on the "Historical Occasion" of the passing of the Bill, by both the Houses of the Indian Parliament making Sikkim a full-fledged State of the Indian Union. In a separate communication to the Chief Minister Kazi Lhendup Dorji, the Prime Minister further clarified the position, that the amendment, which was passed by the Lok Sabha on the 23rd of April 1975, and by the Rajya Sabha on the 26th of April 1975, "will be deemed to have come into force from today (26th of April 1975), after the prescribed procedure of the ratification of the State Legislatures has been completed and after it has been assented to by the President." ²³ Thus with the full integration of Sikkim into the Indian Union, the 86 year old institution of the Political Officer of Sikkim, would also come to an end. ²⁴

Meanwhile, the Bill as usual, was sent for ratification to the various State Assemblies of the Indian Union, as required under the Constitution of India. A minimum endorsement of atleast half the different State Assemblies was required, before the constitutional amendment was sent to the President of India for his assent. In order, therefore, to secure the required number of the agreement of the different State Assemblies, special sessions of some had to be called, while those in sessions gave their hurried endorsement. Thus with the

completion of all these formalities, the Bill finally got the President Fakhruddin Ali Ahmed's signature on the 6th of May 1975. The President also gave his approval, at the same time, for the appointment of B.B. Lal as the first Governor of Sikkim, who was then functioning as the Chief Executive.

Justice Rajendra Sachar, a senior Judge of the Delhi High Court was appointed as the Chief Justice of the State and administered the oath of office and secrecy to B.B. Lal as the Governor of the State of Sikkim, followed by similar administration of oath of office and secrecy, by the new Governor to the Council of Ministers in a solemn function held on the lawn of the Raj Bhawan on the 16th of May 1975.

Thus 16th of May 1975, to be more specific saw the disintegration of Sikkim as a separate entity in the comity of nations and in its place, it resuscitated a new being in the form of the twenty second State of the Indian Union, bringing in its metamorphosis the dislocation of the continuity of the long chain of the more than 333 years-old Namgyal Dynasty of the small kingdom of Sikkim. The 53-year-old Chogyal Palden Thendup Namgyal is the 12th consecrated Ruler of Sikkim.

In the process of such transformation, it also bade adieu to the office of the Political Officer of Sikkim created by the British during 1888. J.C. White and Gurbachan Singh were the first and the last Political Officers of Sikkim respectively.

Kazi Lhendup Dorji, the Chief Minister and the Council of his Ministers claimed that the small trouble-torn country of Sikkim, had at long last reached its destination through the toil and sweat of the people to transform the time worn feudal order towards the materialization of a truly parliamentary and responsible Government of the people. The political storm, which had been blowing with diverse intensity for more than two decades, had also simmered down with the dawn of July, 1977, climaxing a milestone in the history of Sikkim for the usheration of a popular and responsible Government.

Sikkim as it stands, is on the threshold of a great upheaval, and with its becoming now the newly born twenty second State of the Indian Union, the further shaping of this tiny State lies in the sympathetic understanding of New Delhi. India, on the other hand having now assumed the role of custodian, is nevertheless fully aware of the burden and diverse worries of Sikkim. Quite significantly, many irritants and delicate issues, which are bound to surface in the near future, will go to attract inter-alia, the revocation of the Parity system in the Election Law, the abrogation of the existing Revenue laws, the introduction of Land Reform, the revision of the Subject Regulation and like matters. A judicious blending of these problems is to be found out by New Delhi to provide and retain the necessary economic and political rights of the indigenous Bhutias and Lepchas through a built-in Constitution of India, while at the same time preserving the rights and privileges of the preponderant Nepali community as a whole.

By and large, India has all along been generously financing Sikkim's entire development programme as far back as from 1954, and Sikkim now being the youngest member State of the Indian Union, deserves massive development plan funds than ever before, which are not only earmarked to bring about the stabilization of the hard earned democracy, but also to improve the general economy of the State as a whole. Sikkim's trust and hope is with India and only the future will show whether true democracy with its spirit of dedication to the State has taken firm roots or not and also in regard to the raising standard of the living condition of the people of Sikkim.

Sikkim, a tiny dot in the map of the world, has been made rich by its ancient tradition and a diverse cultural and racial population and a diverse cultural and racial population, and yet the different communities are living together in a congenial atmosphere and in peaceful harmony. It is however, hoped that the traditional rivalry of casteism and communalism will, in the fullness of time, go to generate a bond of friendship based on co-operation and brotherhood among the different sections of the people of Sikkim Broadly

speaking, the future of Sikkim and its prosperity, will surely rest on the level of wisdom, maturity and performance of the political leaders of Sikkim under the able guidance of New Delhi. L. D. Kazi remarked that 'our decision is correct and will be justified by history and posterity.'²⁵ For putting an end to the feudal order.

Looking Back

Events that led to the merger

The swift changes of events beginning with the fifth general elections to the Sikkim Council in January 1973 and culminating in Sikkim's 'merger' with India in April 1975, reflect the manner and haste in which the 'reluctant State' became the youngest state of the world's largest democracy. The following is a chronology of main events that led to the controversial merger.

1972

January 26: Sikkim National Congress led by Kazi Lhendup Dorji Khangsarpa issues bulletin criticizing the Chogyal.

April 7: Kazi Lhendup Dorji quits E.C. (Executive Councillor). A warrant of arrest is issued against him.

August 15: Sikkim State Congress and Janata Party decide to merge.

October 26: Sikkim Janata Congress is formed.

1973

January 10-23: Fifth General elections to the Sikkim Council are held.

January 29: Faulty ballots are detected during counting of votes leading to boycott of results.

February 2: Agitation against rigging of elections starts.

March 27: K.C. Pradhan is arrested. The Palace is surrounded by demonstrators.

March 31: Joint Action Council (JAC) is formed. Memo submitted to the Chogyal.

April 4: The Chogyal's birthday is marred by demonstrations.

April 5: More demonstrations converge on Gangtok. Warrants of arrest issued against Kazi and JAC leaders.

April 6 to 8: Revolt spreads in the rural areas. Govt. buildings are taken possession. Janata Raj declared.

April 9: Indian Army moves in and agitation is suppressed.

May 8: May 8 Agreement of 1973 signed by the Chogyal, the Government of India and leaders of the political parties of Sikkim. The Agreement envisaged greater legislative and executive powers to the elected representatives of the people. SNC and SJC merge to form Sikkim Congress.

1974

March: New elections under adult-suffrage are held.

Sikkim Congress sweeps the polls, capturing 31 out of 32 seats. The Sikkim National Party secured only one seat (Kalzang Gaytso). The United Independent Front with the National Party alleges that the Sikkim Congress, in collusion with the Government of India, was going against the interest of the Sikkimese people.

May 10: The Chogyal opens the new Assembly.

May 11: Assembly passes resolution demanding closer ties with India.

June 20: Sikkim Assembly passes the Government of Sikkim Bill. Chogyal refuses to give assent to Bill.

June 25: The Chogyal rushes to Delhi.

June 28: Emergency session of the Bill again passes the Government of Sikkim Bill.

- July 2:** Sikkim Congress members boycott the Assembly session convened at the request of the Chogyal.
- July 4:** The Chogyal gives assent to the Government of Sikkim Bill making Sikkim an Associate State of India. The historic signing ceremony was attended by Sikkim's Assembly members, India's Foreign Secretary, Kewal Singh, the Political Officer, G.S. Bajpai and the Chief Executive, B.S. Das.
- July 8:** Sikkim Congress leader Kazi arrives in Delhi with 32 legislators.
- July 9:** Delegates meet P.M.
- July 11:** Sikkim delegation leaves for home.
- July 14:** Legislators return to Gangtok.
- July 23:** Kazi ministry is sworn.
- August 13:** Sikkim Congress General Secretary, S.K. Rai, writes to Political Officer for Sikkimese representation in the Parliament This move is strongly opposed by the people.
- August 29:** Legislation for Sikkimese participation is approved by Indian Cabinet.
- August 30:** Prime Minister Mrs. Indira Gandhi announces Associate State status to Sikkim in Congress Parliamentary Party meeting.
- September 3:** The Constitution (36th Amendment) Bill is introduced in the Parliament to give Sikkim the status of Associate State.
- September 4:** Lok Sabha passes the Constitution (36th Amendment) Bill.
- September 6:** Kazi asks Chogyal to quit.
- September 7:** Rajya Sabha passes the Constitution Amendment Bill.

September 9: Chogyal declares Sikkim Assembly resolution seeking close links with India as unconstitutional.

September 10: Chief Minister Kazi refutes the allegation.

September 12: The Chogyal visits Delhi and meets Swaran Singh and other officials.

1975

February 25: The Chogyal goes to Nepal to attend the coronation of King Birendra.

April 10: The Sikkim Assembly passes resolution to abolish the institution of the Chogyal, demanding Sikkim to become a constituent unit of India.

April 14: The controversial 'Special Poll' (referred to as the Referendum) was held which went in favour of Kazi

April 23: Lok Sabha passes the Constitution (38th Amendment) Bill making Sikkim the 22nd State of the Union.

April 26: Rajya Sabha passes the Bill.

May 15: The President signs the Bill.

May 16: Mr B.B. Lal is sworn as the new Governor of the State. The Chogyal loses all official privileges and positions, 333 years of Namgyal dynasty's rule comes to end.

1642 333 years Chogyal Phuntsog Namgyal was put on the throne as the First King of Sikkim at Yoksum Norbu Gang by the three Saints in W. Sikkim.

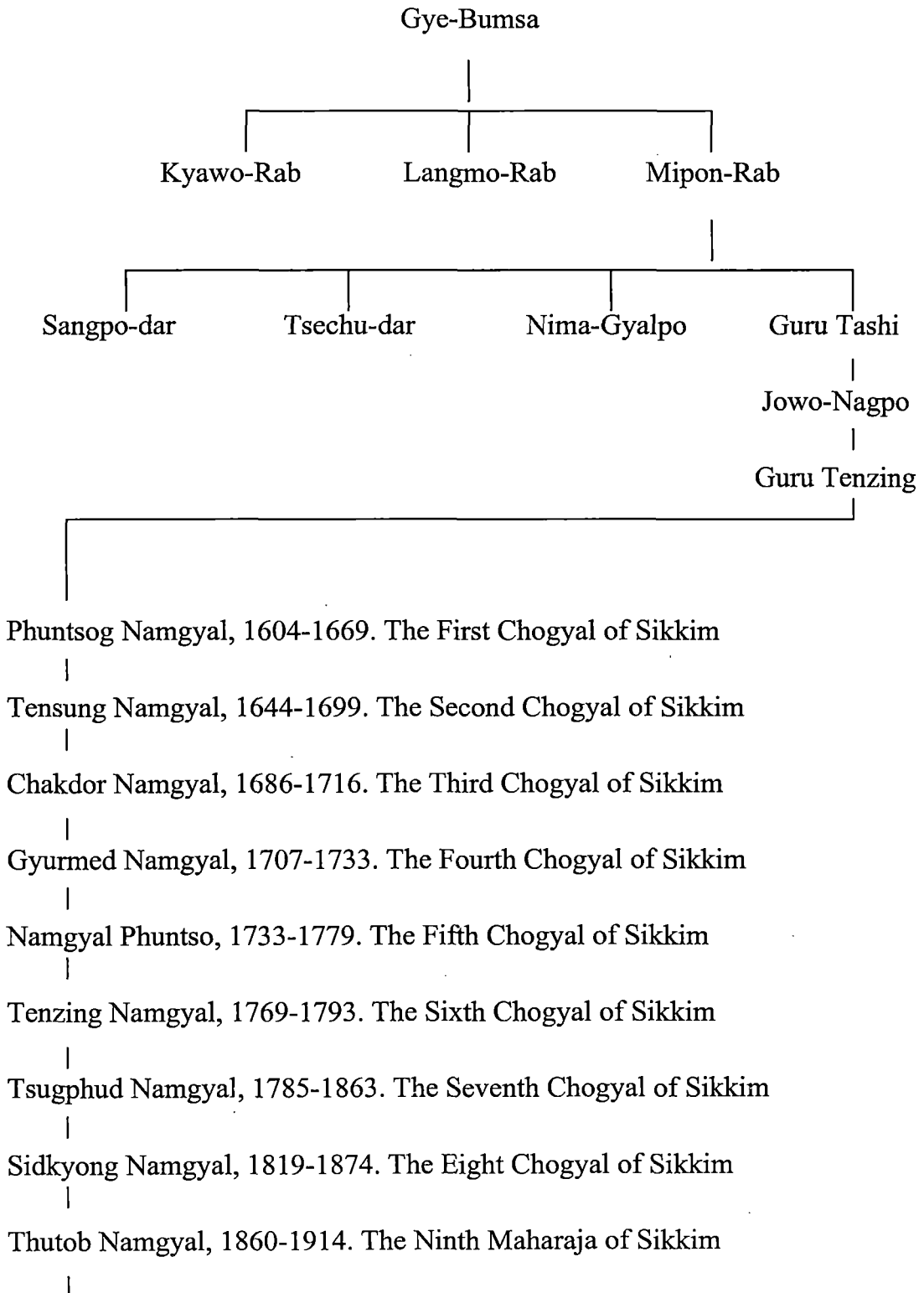
8-4-1975 Kazi L. D. Khangsarpa, the Chief Minister and his Cabinet Ministers, Dorji Tshering of Ben Rinzing Tongden of Jonghu,

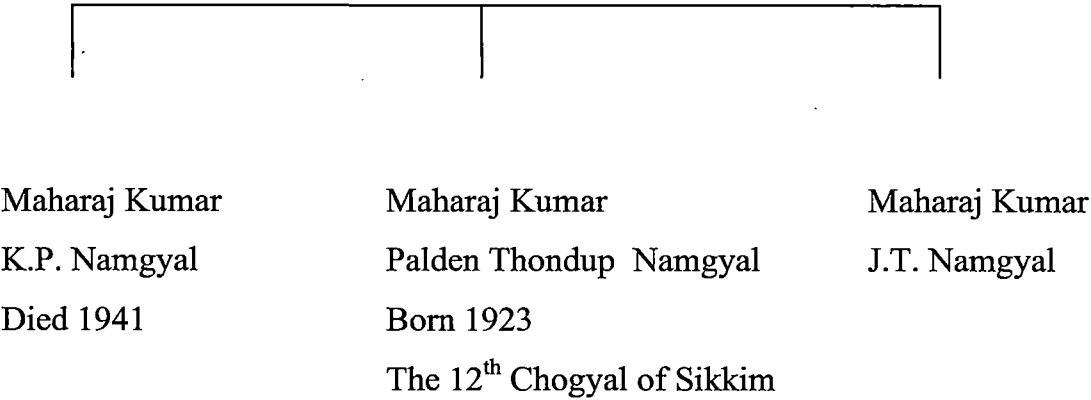
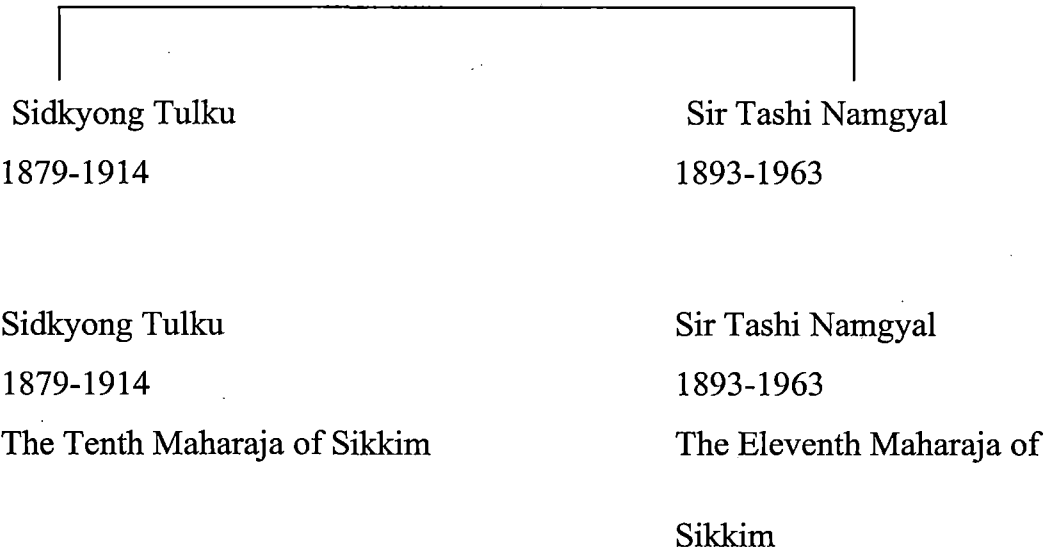
Nain Tshering of Wak, B.P. Dahal and K.C. Pradhan, had in an Emergent Cabinet meeting passed a Resolution abolishing the Institution of Chogyal Namgyal Dynasty (Chogyal).

- 10-4-1975 An emergent Sikkim Assembly was called for and the Resolution of the Cabinet was passed and adopted to do away with the Institution of Chogyals.
- 14-4-1975 An opinion poll was held.
- 26-4-1975 The appointed day: Sikkim became the 22nd State of the Indian Union.
- 6-5-1975 The President of India gave his assent.
- 16-5-1975 Chogyals Institution was abolished and Sikkim merged with India as the 22nd State of India and State Day is observed on this date every year.

The Ruling family of Sikkim

The Namgyal Dynasty





1. Maharaj Kumar Paljor Namgyal born on 20/11/1921
2. Maharaj Kumar Palden Thondup Namgyal born on 22/5/23
3. Maharaj Kumar Pema Tseden born on 5/9/1924
4. Maharaj Kumar Pema Choki born on 25/12/1925
5. Maharaj Kumar Sonam Palden born on 25/5/1927
6. Maharaj Kumar Jigdal Tsewang Namgyal born on 23/8/1928

Chogyal is no more:

Chogyal Palden Thondup Namgyal passed away on January 30, 1982 in London. The greatness of a man is known not by the use of flashy cars or three-piecesuits; nor even by the mighty mansions and highways that he has built. The greatness of a man, in the true sense, is measured by how much he is loved after death, by how much he is missed by his people after he is no more.

“During the hour of his trial, when the very throne was at stake, Chogyal Palden Thondup Namgyal stood like a rock and sacrificed petty considerations for the lofty ideals he had espoused. He lost, but in the very process of loosing his throne and status, he rose to his full stature. For when the ‘little men’ who rule the roost in Sikkim will have been consigned to the dustbin of history, their evil deeds forgotten and, perhaps also forgiven, the people of Sikkim will be able to look back with awe and respect upon the last representative of the House of Namgyal on the throne of Sikkim and say that Palden Thondup Namgyal bowed out of the political stage of Sikkim with the grace of a ruler and with courage of a real man. He lost his kingdom, but gained a martyr’s halo. And his descendants will be able to walk their heads held high whatever their circumstances in life happen to be.”

The above words pronounced in the Sikkim Legislative Assembly by Deputy Speaker of the House Lal Bahadur Basnet as a tribute to the former Chogyal of Sikkim on 17th March, 1982. The above words still ring a great deal of truth for us today and reminds us once more that those men and women, great and small, who have some mission in life and who ceaselessly work towards that end, cannot easily be forgotten but will be remembered for ever by posterity.

His death was our cowardice, our disloyalty, and our jealousy that put an end to his life Let it be known in Sikkim and elsewhere, that he, Denzong Chogyal Palden Thondup Namgyal, did not live for nothing; that he did not die in vain. It was not the end of Sikkim and her people, but the

beginning of bright new day – the dawn of a new era²⁶ January 29 – February 5, Gangtok.

Chogyal, “A sensitive man, concerned for state. He suffered a great deal”. ... Indira Gandhi.

It is unfortunate after loosing his kingdom god was cruel. Chogyal lost Prince Tenzing Kunzang Jigme Namgyal (who died in a motor accident on 11, March, 1978). The real heir apparent.

Tenzing Kunzang Jigme Namgyal

March 11, 1978, will go down as one of the saddest days in the history of Sikkim²⁷

The fateful day opened with smiles of nature. It was the second Saturday of the month. The people were in a holiday mood. Some film stars were in the capital to give performance in aid of Andhra Pradesh Cyclone relief fund. The Gangtok residents clad in their Sunday best displaying the vivid shimmering brocades thronged the bazaar where everyone congregates during leisure hours it was about 10 minutes to 9 in the morning, the handsome and dashing Crown Prince of Sikkim Tenzing Kunzang Jigme Namgyal was out on his usual morning business round. He had just finished his breakfast at the palace, with his father, after an enjoyable game of football with the Enchey School children at the T.N. Academy. At breakfast, perhaps he discussed a few odds and ends of business and about his 26th birthday, which was only two days away.

He stopped his black Mercedes benz which he himself was driving, near the Star Cinema talked to an old man and some others in his usual courteous jovial and affable manner for a few minutes and drove on towards Deorali on the fateful Namnang road. Who knows what he was contemplating but just near the micky garage about 100 yds away he turned his car back around again came up to the Star Cinema. Perhaps a tug of war was going on between gods of death and life. At 9 o'clock he turned back again moving towards Deorali.

The hand of death had proved stronger

Exactly at the same moment an unladen public carrier in the shape of death also started up the same road from Deorali. Moving towards Gangtok.

About 400 yds away from Star Cinema immediately after “taking a sharp turn on the Namnang Road he came face to face with the fatal problem in the shape of a truck on the narrow winding road on which one vehicle at a time can hardly move with no room to spare. It was perhaps 5 past 9 A.M.

Tenzing Namgyal immediately used his automatic brakes and as a last resort pulled at his hand brakes to avoid a head-on collision. But the unforeseen hand that had gripped the black Mercedes brought all his efforts to a naught and turned the day black.

The Mercedes bumped against the right bumper of the truck, bounced off the road and dashed against a rock about 100 feet down on its bonnet, bounced again and collapsed down with a loud thud on its rear, another 200 feet down. Some people saw the accident. Some people heard the loud bang the crash of the car had produced. They all rushed headlong towards the fatal spot, praying for his safety, for they knew it was the Crown Prince. Everyone knew his black Mercedes.

All efforts of the medical staff at STNM could not undo what the cruel fate had done. He was announced dead at 40 minutes past 9.

A wave of shock and anguish swept through the town. All and sundry were dazed at the most unexpected event. The hospital compound was a vast black sea of heads. Everyone rushed to the hospital, from Governor down to penniless people and later to the palace to offer their condolences and khaddas.

(For the first time after the political upheaval in Sikkim in 1973 the Govt. Officials went to the palace, for there is a government order banning officials' visit to palace).

People were sobbing and tears running down their cheeks. People were stunned and dazed. Oh how cruel! How unmerciful of God to cut off such a promising life in its prime. This is what everyone said.

Grief of the stricken father is unfathomable

Born on March 13, 1952, Young Tenzing had made a niche in the hearts of younger generation by easy & affable sociability. Even when he was the Crown Prince he mixed freely with everyone, with his charming and captivating smiles. Listening to them and their woes and problems. His magnetic & dynamic personality had a knack at attracting people towards him and creating a feeling of friendship in those he met and drawing a natural respect from all-young & old.

From his early teens he was keenly interested in students – in improving their lot, their out look and their education. The first Youth Library in Sikkim was opened by him at the Tathangchen School. He also formed a social club for the young boys of the area and took active part along with them in social work and in promotion of cultural activities. He often gave parties for the students at the palace and in turn attended the “social evenings” organized by the schools.

Prince Tenzing, after his early education at St. Paul’s, Darjeeling, did his ‘O’ and ‘A’ levels at Harrow, where he was the head prefect of the Elms field House.

In 1973, in the wake of ‘mini, revolution’ in Sikkim, conscious of his duties as he was, he left his studies in second year at Trinity College Cambridge and rushed back to his father’s side. Since then he was Chogyal’s sole companion and counselor.

He was appointed scout-in-chief of Sikkim in 1970. On the sports front he was the main brain behind the Kumar Sporting Club, Young Tenzing was

not only a very good football player, but a Judo brown belt, as well as gymnast and skilled archer – an art he was keenly interested in reviving.

After Sikkim attained state hood he lost no time in adjusting himself to the changed circumstances and addressed himself to the task of looking after the business interests of the family and was looking forward to going back to Cambridge to continue his studies for Master's degree.

On the day of his cremation, 19 March, 1978 there was a vast ocean of drooping sad humanity from all over Sikkim come to pay their last respects to their beloved prince.

And cremated along with him were all his ambitions, desires and expectations.

Left behind were the poignant memories, and his indelible smiling, charming and handsome image, imprinted in the hearts of the people.

Notes and References

1. Palden Thendup Namgyal was born on 22nd May, 1923, for other details see *Sikkim : A Concise Chronicle* (n.d) published by Denjong Chogyal Op. Cit.,
2. Chogyal is a derivation from two Tibetan words Cho means – Dharma, Gyalpo means King. Gyalmo means Maharani or Queen.
3. The Gangtok Treaty – Indo-Sikkim Treaty, 1950, also see Bhowmick D.J. Bhattacharjee, K.S., ‘Constitutional and Political Development in Sikkim’ *Journal of Constitutional and Parliamentary studies*. Vol. VIII. No.3 July-September, 1974, PP 350 to 366.
4. As narrated by Shri B.B. Gooroong.
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3. Constitutional Position of Sikkim

The previous chapters on political and constitutional history of Sikkim traced the historical developments through Namgyal dynastic rule until the merger of Sikkim. Here some important treaties, accords, bills, acts and amendments relating to Sikkim will be analyzed in the process of formulating a democratic Constitution, political institutions, extension of rights, freedom and identity for the people to promote peace both within and outside the State, friendly relations with India and finally Sikkim to become a Constituent unit of the Indian Federal Polity along with significances of its Constitutional position.

The Treaty of Titulia : 1817

The East India Company considered it important to have an easy passage for its officers and traders through the passes of Sikkim in order to have direct trade links with Tibet and also to have firm foothold for its armies in Sikkim for its combating capacity vis-à-vis Nepal and Bhutan. This endeavour came in the form of friendly gestures towards the Raja of Sikkim in the beginning of 1814. That was the gesture, which produced the Indo-Sikkim Treaty of Titulia in 1817. The Governor General of India on behalf of the East India Company, and the Raja of Sikkim, agreed under this treaty to have some part of Nepalese territory placed under the peaceful possession of the Raja of Sikkim. As a result the gifts of Sikkim were that Sikkim would submit all its queries with other States to the arbitration of the British Government and abide by the decision of the British Government.

That the Raja of Sikkim would afford protection to merchants and traders from the company's provinces and would not levy any duties on transit of merchandise beyond the established custom. This treaty has not taken away the attributes of Sovereignty of Sikkim but the Raja of Sikkim gained a physical extension of his territory.

Treaty of Tumlong :1861

On behalf of the Governor-General in Council of India an envoy and special commissioner made the Treaty of Tumlong with Sekeong Kuzoo, the Maharaja of Sikkim in 1861. During this time the Crown assumed direct power of Governance in India replacing the East India Company. Indo-Sikkimese relations entered a new phase when the British were no longer ready to confine their objectives in Sikkim within the bargains of trade. They displayed both sword and flag as the emblem for Sikkim within the bargains of trade. The Treaty of Tumlong incorporated a few important undertakings on Sikkim's part, stating:

‘That British Government could crack down into Sikkim's territory for any criminals, defaulters, if the Sikkim Government delayed in delivering up such persons on demand; that the ex-Dewan Namguay or his blood relations would not be allowed to set toot in Sikkim to hold office under the Maharaja or his family’.

That British Government would be allowed and assisted by Sikkim Government, if the former decides to construct roads inside Sikkim or to make topographical survey there.

That Sikkim Government would not cede or lease any part of its territory nor allow the armed forces of any other country to pass through Sikkim without the approval of the British Government and that the Maharaja of Sikkim would transfer the seat of his Government from Tibet to Sikkim to stay in Sikkim for nine months in a year and also accredit a wakil of his Government to reside permanently at Darjeeling which becomes observations post of British in the Himalayas.

Protectorate status of Sikkim During British Rule

The relations between the Governments of India and Sikkim continued to be governed by the treaty of 1861. The trend relating to transaction of trade

and other questions increasingly furnished proofs of Sikkim's subordination to the Government of India. The British authorities in India were ultimately led to presume that Sikkim is a part of the Indian Empire. Therefore, there was no necessity to have an agreement with Sikkim on the question of its status and relationship with India. It was described for the first time as that of a protectorate in a convention between Great Britain and China concluded on March 7, 1890-Concerning Tibet and Sikkim.

The convention stated in article 11 that it is admitted that the British Government whose protectorate over the Sikkim State is hereby recognized, has direct and exclusive control over the internal administration and foreign relations of that State and except through the permission of the British Government, neither the ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country.

The convention delineated the boundary of Sikkim and Tibet. Internal administration of Sikkim was interfered by Government of India but to retain Sikkim's distinct identity under the long line of hereditary rule that started in 1641. The Maharaja took quick actions either to make him refrain from showing such tendencies or to replace him with another member of the royal family. Maharaja Tashi Namgyal held the office between 1914 and 1963.

This long rule by him was marked by good relations between Sikkim and the Indian Empire of Great Britain. Sikkim was not treated at par with princely states of India but held an international status. It was tributary to other power which British Power could not reduce to its formal or informal subjection.

However by the Government of India, Act 1935, one seat was allotted to Sikkim in the proposed second chamber of the federal legislature and the major intention was to integrate Sikkim along with the Princely States of India under one federal framework. But the attempt ultimately became an abortive exercise and Sikkim continued to be 'Protectorate State of British India'.

The interests of the Indian Government in Sikkim were looked after through a political office posted at Gangtok to act under the external affair department of Government of India. Sikkim's position as a protectorate in relation to British India was on the being of treaty concluded with India to maintain equality and self-determination. The Protectorate status for Sikkim was by and large a product of imperial practice.

After India's independence, division of Pakistan and to remove confusions, India and Sikkim entered into a standstill agreement in 1947 to retain their respective rights and obligations which the British rulers had evolved earlier through treaties and practice. The Provision under article 1(3) (c) of the Constitution of India provided for acquisition of territories and it was aiming at Princely States of India to join the Indian Union in future. The Sikkim State Congress petitioned to the Maharaja of Sikkim among other demands of democratization for accession of Sikkim to India and pressed him for the acceptance of its demand.

Gangtok Treaty of 1950

On December 5, 1950 came the India-Sikkim Treaty of Friendship signed at Gangtok. It cancelled all previous treaties between British Government and Sikkim that existed before Independence of India.

The treaty of 1950 made a few gestures to place the Governments of Sikkim and India on an equal footing as is common among two Sovereign and equal states agreeing for mutual benefit. It placed Indian nationals within Sikkim and the subjects of Sikkim within India under an equal obligation to be governed by the laws of the country in which they remain. Indian nationals and Sikkimese subjects were equally allowed rights to carry on trade and commerce and to acquire, hold and dispose of movable and immovable property in each other's territories as well to levy import duty on goods brought from each other's territories in order to promote friendly relations and to strengthen the same. In spite, of it India was unable to evolve a new mechanism so that Indo-

Sikkimese relations could grow completely breaking away from the legacy of the past.

Article 11 of Gangtok Treaty, 1950 affirmed the continuance of Sikkim as a protectorate of India. India undertook the responsibility of Sikkim's defence, territorial integrity and external relations whether political, economic or financial along with certain rights for India in the Treaty.

The rights were to initiate measures considered necessary inside or outside Sikkim for its defence stationing of troops in Sikkim, the exclusive rights of constructing, maintaining and regulating the use of railways, aerodromes, navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim, constructing roads of strategic importance for improving communications with other adjoining countries and the right to appoint a representative to reside in Sikkim.

Correspondingly, some restrictions were also imposed by this treaty i.e., Sikkim was prohibited to import arms, ammunitions, military stores etc. without prior consent of Government of India. It was also provided under article XII that in all disputes about the interpretation of this treaty the decisions of the Chief Justice of India is final. Further it mentioned that Sikkim's autonomy in regard to its internal affairs and also India's desire to assist Sikkim in its development and administration. However, the Treaty was silent on Sikkim's prospects of attaining self-government of democracy.

PRESS NOTE OF THE MINISTRY OF EXTERNAL AFFAIRS, 20 MARCH 1950

The Government of India has had consultations with the Maharajkumar of Sikkim and the representatives of the political parties in Sikkim, who were invited to Delhi. The discussion covered the entire field of future relations between Sikkim and India and necessary administrative arrangements within the State, including the association of popular representatives in the

Government of the State. Provisional agreement with India and decisions have also been taken regarding the administration.

As regards the status of Sikkim, it has been agreed that Sikkim will continue to be a protectorate of India. The Government of India will continue to be responsible for its external relations, defence and communications. This is as much in the interests of the security of the State as of India and is dictated by the facts of geography. As regards internal Government, the State will continue to enjoy autonomy subject to the ultimate responsibility of the Government of India for the maintenance of good administration and law and order.

For the present an officer of the Government of India will continue to be the Dewan of the State. But the Government of India's policy is one of progressive association of the people of the State with its government, a policy with which happily, His Highness the Maharaja was in full agreement. It is proposed, as a first step, that Advisory Council representative of all the interests should be associated with the Dewan. Steps will also be taken immediately to institute a village Panchayat system on an elective basis within the State. This is an essential and effective process of education in the art of popular government and it is the intention that these panchayats should, in due course, elect a Council for the State whose functions and area of responsibility will be progressively enlarged.

The Maharajkumar of Sikkim, who was authorized by the Maharaja to participate in the discussions on his behalf, is taking back with him the terms agreed upon. A formal treaty was expected to be signed between the Maharaja of Sikkim and the Government of India at an early date.

The Proclamation of 1953 & The State Council

In due course, it was finalized and after getting the full consent and approval of the Government of India, the Maharaja of Sikkim issued the "CONSTITUTIONAL PROCLAMATION" on 23rd of March 1953, laying

down specific rules in regard to the formation of the Sikkim State Council and the Executive Councilors with their respective powers and functions. In brief it fulfilled to a great extent, the vacuum of the need of a written constitution of the country, for which, the people had been clamouring for long.

In the said Constitution, the State Council was to consist of a President to be nominated by the Maharaja, twelve elected members of whom "six shall be either Sikkim Bhutias or Lepchas and the remaining six shall be Sikkim Nepalese and five members to be nominated by His Highness the Maharaja at his discretion". Further the "State Council shall have powers to enact laws for peace, good order and good governance 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".

Dyarchy:

A Diarchy system of administration was introduced by the "RESERVED SUBJECTS" such as External Affairs, Home, Police, Finance, Land Revenue and Establishment were to be under the direct control of the Maharaja, and the "Transferred Subjects" such as Education, Public Works, Health, Agriculture, Excise and Forest were placed under the Executive Councilors. The Proclamation further envisaged, that the Sikkim Council was not empowered to discuss or ask questions in regard to (i) the Maharaja and the members of the Ruling family (ii) the external relations of the State, including relations with the Government of India, (iii) the appointment of the Dewan and the members of the Judiciary and (v) any matter pending before the court of law.

The establishment of the first democratic form of Government in Sikkim, however, fell miserably short of the peoples' expectation, so much so, that the State Congress raised strong opposition against the complicated and communal system of such a Government. They further claimed that the intention of the Sikkim Durbar as malafide to the extent of self appropriating of all the powers

and prerogatives of the State Council by the Maharaja, which otherwise should have been reasonably delegated to the people to create the basic principle of a popular Government of the people and by the people.

Following the implementation of the constitutional reforms, the instrument of "PARITY" became a controversial issue and also the bone of contention with the passage of time. Precisely speaking, it became the subject of repeated and bitter attacks by the Nepalese community on the ground of discrimination. In all fairness, the principle of "Parity" was judiciously applied only in the case of allocation of reserved seats for representation of Bhutia and Lepcha communities in the State Council, and for the grant of scholarship. So far as the question of employment of personnel in the services of the Government of Sikkim was concerned, it was not fair to assume that the formula of parity was said to ease out jobs of the Nepalese for accommodation of Bhutia and Lepcha candidates.

There is absolutely no logic in the allegation, simply because of the fact that 75% of the population is of Nepalese origin and the vacancies of Job being dependant on the availability from co-operating in the election of the village Panchayats. The result was a forgone conclusion, and the handful of Panchayat units without the active backing of the National Party, could not function properly and in due course the institution went into a comatose if not moribund.

It may be recalled that during the discussion, held in New Delhi, Sikkim's political status vis-à-vis to that of India was also taken up with all its foreseeable complications. After a searching discussion, it was mutually agreed that Sikkim should continue to be a protectorate of India, and to spell out the various provisions of the agreement proposed to be drawn, the Government of India showed all possible accommodation in the final shaping of the Agreement by injecting sufficient understandings, co-existence, goodwill and harmony. Both the Government deeply felt the dire need for such an instrument of mutual Agreement on a long time basis.

Gangtok Treaty of 1950

Accordingly, a Treaty was signed at Gangtok on the 5th December 1950, between the Maharaja Tashi Namgyal and Harishwar Dayal, the then Political Officer in Sikkim. In terms of the said Treaty agreement, it had been agreed that Sikkim would continue to be a protectorate of India, and the Government of India would be responsible for its external relations, defence and communications. In regard to internal administration, the Sikkim Durbar would have complete autonomy, subject to the ultimate irresponsibility of the Government of India for the maintenance of good administration and law and order. The treaty earmarked a big leap in the history of relation between India and Sikkim. In short it was hailed both in India and Sikkim, as the very foundation of mutual co-operation, trust and friendship between the people of India and Sikkim.

A joint meeting held on the 6th of March 1951, in the meeting it was unanimously agreed to by the two main different political leaders of Sikkim, that the representation and allocation of seats in the future set-up of the State Council should be, on the basis of the “PARITY FORMULA”, whereby the elected seats were to be divided equally between the Bhutia-Lepcha and the Nepalese communities. The following true excerpt of the proceedings of the meeting of the Working Committee of the State Congress and the National Party, would go to show, among others, the basis of complete understanding arrived at in regard to the parity Formula :

The Revolutions of 6th March 1951

The members of the Working Committee of the State Congress and the National Party of Sikkim do hereby in a joint meeting passed the following resolutions:

1. That the Council of State be elected not by the members of the Panchayat but by direct election.

2. That there shall be reservation of seats on parity basis for the two communities Nepalese and Bhutia cum Lepcha in the Council election and the election shall be by a joint electorate.
3. That every candidate standing for the Council election shall secure a vote of confidence from a Board of representatives of the communities before the nomination paper is accepted. Such a Board of the two communities representatives to be formed by His Highness in consultation with all the political parties in the State.

It is resolved that a copy of the above be sent to Maharaja Kumar Sahib.

A proposal for the early formation of a democratic Government to sufficiently meet the hopes and aspirations of the people was on the anvil, and despite such a clear understanding given to the political leaders, the Sikkim State Congress kept demanding for the early implementation of the same.

Meanwhile, the Sikkim Durbar did not remain inactive in regard to its frantic search for candidates. Since, therefore, the Nepalese are in majority, the number of candidates are also more from the Nepalese community. The veracity of the statement in fact, can be verified from the number of employees serving in various departments of the Government of Sikkim.

However, in the fullness of time, the Bhutias and Lepchas also now genuinely feel that the "Parity System" is living on borrowed time and its survival, a matter of days. They, therefore, are now banking their hopes of survival and existence on the Government of India to protect their rights and privileges with special reference to their being bracketed as backward ethnic tribes. Ironically, however, it is the educated and the politically conscious Nepalese who now want "Parity" to be retained, as they are afraid, that erosion of the Parity, will be in the long run, effect their own monopoly of majority.

However, it may be said that as the Revenue Order No. 1 of 1917, was instrumental in affording the Bhutia-Lepcha a tinge of reasonable protection for

the retention of their landed properties. Likewise the "Parity System" had accommodated the ethnic community the right to exist, when the presentation of the people through election was first introduced in Sikkim during the year 1953, with the tacit agreement of all the political parties and later approved by the Government of India. This was destined to be followed after a lapse of about two decades, by the "Tripartite Agreement of 8th May 1973" and finally by the Government of Sikkim Act 1974, endorsing the said formula in to do.

The Promulgation of the Sikkim subject Regulation in 1961 clearly defined the status of the Sikkim subject, his rights and privileges. Under this regulation a Sikkim Subject Register was maintained containing records of all the subjects of the Kingdom. Thus it is abundantly clear that the society developed into a multi ethnic community with diverse social, cultural and religious ethos. However, the statutory regulation of 1961 clearly identified who the subjects of Sikkim were as distinguishable from similar ethnic communities living in the surrounding areas of West Bengal as well as Bhutan, Nepal and Tibet.

With the Sikkim Citizenship Order of 1975, enacted after the merger, all Sikkim Subjects were deemed to have become citizens of India on that date. In this context Sikkim Subjects are defined as those persons who were registered as subjects of Sikkim in the erstwhile Kingdom.

At the outset, it must therefore be clearly emphasized that when we talk about the rights and interests of Sikkimese people we are not speaking of any one community of people but the Sikkimese people identified as Subjects of Sikkim belonging to these communities. Unfortunately due to both ignorance as well as political chicanery, it has often been mis-represented that the demands for the people of Sikkim are for persons other than those recorded and identified as subjects of Sikkim. It must be categorically emphasized that all the demands made for the people of Sikkim are only in respect of people who were citizens of the erstwhile Kingdom.

Various political forces were at work by the mid 60s and, in 1972, there was an upsurge in this land following persistent demands for political reforms. The unprecedented violence came to an end with the signing of an agreement on 23.4.1973 between the Chogyal of Sikkim and political leaders and the Government of India. The agreement laid down the following pertinent and important points.

1. Though a minority in its ancestral land, the Bhutia-Lepcha community has established and maintained the identity of Sikkim in the past and has always enjoyed certain legal rights and privileges necessary to develop its distinctive culture. At the same time for the Sikkimese of Nepali origin also Sikkim is their homeland. The interest of both these communities have to be safeguarded.
2. The essential considerations set out in part (A) above require the establishment of a Constitutional and administrative frame work which guarantees:
 - (ii) the unimpaired development of the religion, traditions and culture of the Bhutia-Lepcha community without detriment to the religion, tradition and culture of any other community.
 - (iii) The acquisition by the majority community of political, governmental, legal and economic rights and opportunity equal to those of any Sikkimese subject without detriment to the legitimate interests or legal rights of the Bhutia - Lepcha community as set out in (A) 2 above.

This agreement formed the basis of the accord signed on 8th May, 1973 between the Chogyal of Sikkim, the Government of India and leaders of the political parties representing the people of Sikkim. (source: E.B. Gooroong)

AGREEMENT BETWEEN INDIAN GOVERNMENT, THE CHOGYAL AND THE POLITICAL PARTIES OF SIKKIM 1973

Whereas the Chogyal and the people of Sikkim are convinced that their interest and the long-term interest of Sikkim as a whole call for :

1. the establishment of a fully responsible Government in Sikkim with a more democratic Constitution, the guarantee of fundamental rights, the rule of law, an independent judiciary, and greater legislative and executive powers for the elected representatives of the people:
2. a system of election based on adult suffrage which will give equitable representation to all sections of the people on the basis of the principle of "one man vote";
3. the strengthening of Indo-Sikkim co-operation and interrelationships; and

Whereas the Chogyal as well as the representatives of the people had requested the Government of India;

1. to take responsibility for the establishment of law and order and good administration in Sikkim following the breakdown of all three;
2. to ensure the further development of constitutional Government; communal harmony, good administration and rapid economic and social development in Sikkim;
3. to provide the Head of Administration (Chief Executive) in Sikkim to help achieve and to safeguard all the above needs and objectives;

And whereas the Government of India has agreed to discharge the responsibilities hereby renewed to them;

Now, therefore, the Government of India, the Chogyal of Sikkim and the leaders of the political parties of Sikkim, HAVE AGREED as follows:

1. The three parties hereby recognize and undertake to ensure the basic human rights and financial freedoms of the people of Sikkim. The people of Sikkim will enjoy the right of election on the basis of adult suffrage to give effect to the principle of "one man one vote".
2. There shall be an Assembly in Sikkim. The Assembly shall be elected every four years. Elections shall be fair and free, and shall be conducted under the supervision of a representative of the Election Commission of India who shall be appointed for the purpose by the Government of Sikkim.
3. (i) In accordance with this agreement, the Assembly shall have power to propose laws and adopt resolutions for the welfare of the people of Sikkim on any of the matters enumerated herein below, namely:
 - a. Education
 - b. Public Health
 - c. Excise
 - d. Press and Publicity
 - e. Transport
 - f. Bazars
 - g. Public Works
 - h. Agriculture
 - i. Food supplies
 - j. Economic and social planning, including State Enterprises
 - k. Home and Establishment
 - l. Finance

m. Land Revenue

(ii) The Assembly shall not discuss or ask questions on the following:

1. The Chogyal and the Members of the Ruling Family;
 2. Any matter pending before the Court of Law;
 3. The appointment of the Chief Executive and members of the Judiciary; and
 4. Any matter which concerns the responsibilities of the Government of India under this Agreement or under any other Agreement between India and Sikkim.
5. There shall be an Executive Council consisting of elected members of the Assembly one of whom shall be appointed as the Chief Executive. The Chief Executive will preside over the meetings of the Executive Council.
 6. The system of election shall be so organized as to make the Assembly adequately representative of the various sections of the population. The size and composition of the Assembly and of the Executive Council shall be such as may be prescribed from time to time, care being taken to ensure that no single section of the population acquires a dominating position due mainly to its ethnic origin, and that the rights and interests of the Sikkimese of Bhutia-Lepcha origin and of the Sikkimese of Nepali which includes Tsong and Scheduled Caste, origin, are fully protected.
 7. The Chogyal shall perform the functions of his high office in accordance with the Constitution of Sikkim as set out in this Agreement.
 8. To head the Administration in Sikkim there shall be a Chief Executive, who shall be appointed by the Chogyal on the nomination of the Government of India.

9. The Chief Executive shall have all the powers necessary for the discharge of his functions and responsibilities; and shall exercise his powers in the following manner :
 - a. With respect to matters allocated to a Member of the Executive Council, he shall act in consultation, with the Member to whom administrative functions in this regard have been allocated.
 - b. He shall submit all important matters to the Chogyal for his information and for his approval of the action proposed to be taken, except where immediate action is required. In the latter case, he shall obtain the Chogyal's approval after the action has been taken, as soon as possible.
 - c. He shall have a special responsibility to ensure the proper implementation of the constitutional and administrative changes in Sikkim, the smoother and efficient running of its administration, the continued enjoyment of basic rights and fundamental freedoms by all sections of the population of Sikkim, and the optimum utilization for the benefit of the people Sikkim of the funds allocated for the economic and social development of Sikkim.
 - d. In cases involving amity between the various sections of the population of Sikkim, or the development of democratic government and efficient administration in Sikkim, any difference of opinion between him and the Chogyal shall be referred to the Political Officer in Sikkim, who shall obtain the advice of the Government of India, which shall be binding.
10. There shall be equality before the law in Sikkim. The judiciary shall remain independent.
11. The Palace establishment and the Sikkim Guards shall remain directly under the Chogyal.

12. The Government of India, who are solely responsible for the defence and territorial integrity of Sikkim and who are solely responsible for the conduct and regulations of the external relations of Sikkim, whether political, economic or financial, reaffirm their determination to discharge these and their other responsibilities for the benefit of the people of Sikkim, for their communal harmony, good administration and economic and social development. It is hereby reaffirmed that they shall have the necessary powers for carrying out these responsibilities.

Done in Triplicate at Gangtok on this the eight day of May of the year one thousand nine hundred and seventy three, A.D.

Foreign Secretary
Government of India

The Chogyal of Sikkim
Leaders of the Political Parties representing the
People of Sikkim

For Sikkim
Janata Congress

For Sikkim
National Congress

For Sikkim
National Party

The 1974 Amendment act to the Constitution of India gave Associate status to Sikkim and the 1975 Act made Sikkim the 22nd State of India with a special constitutional provision under 371F. If we analyse the provisions of article 371F (a to p) it deals with the special status with respect to the State of Sikkim. These are a set of provisions to safeguard various political institutions and to safeguard the rights and interests of the people of Sikkim. Further to protect the State of Sikkim and safeguard the identity of the people of Sikkim. The unique characteristics can be summarized as follows:

First that the Sikkim Legislative Assembly shall consist of not less than thirty members. At present Sikkim Legislative Assembly consists of 3 members which should have been not less than 60 members chosen by direct election according to article 170 of the Indian Constitution. There is no need to apply article 333 of the Constitution of India with regard to Sikkim as because there are no Anglo Indians in the State.

Secondly, the 36th Amendment Act, 1975 signifies the date of appointment and commencement of the Constitution in Sikkim i.e. 26th April 1975.

Thirdly the members elected in the year 1974 to the Assembly were allowed to continue as sitting members of the Sikkim Legislative Assembly to perform the legislative functions in the State. The tenure of the Assembly shall be for a period of five years. Also one seat each in both Rajya Sabha and Lok Sabha from the State of Sikkim and the first set of members were elected by the Assembly.

Fourthly under article 371F (f) for protecting the rights and interests of the people and sections of the population to make a provision to reserve seats in the Assembly and to contest elections from among them.

Fifthly under section 371F(g) the Governor of Sikkim shall have special responsibility for promoting peace and for equitable arrangement for ensuring social and economic development of all sections of the people in the State.

Sixthly all property and assets of the State were vested with the Government of Sikkim.

Seventhly the High Court functioning before the appointed day shall be the High Court of Sikkim from the appointed day. Similarly other courts of civil criminal and revenue and all officers of Judicial, executive and Ministerial shall continue to function and exercise their function from the appointed day.

Eighthly subsections k, l, m and n of article 371F deal with old laws to continue, to facilitate any law under (k) in relation to the administration of the State of Sikkim. New laws to be extended within 2 years. Neither Supreme Court nor any other Court shall have jurisdiction in respect of any dispute arising out of treaty, agreement, engagement relating to Sikkim and the President of India by public notification, extend such restrictions or modifications as he thinks fit to the State of Sikkim. Further the President of India may by order do anything, which appears to him to be necessary for the purpose of removing difficulty. No such order can be made after two years from the appointed day. Therefore, article 371F is something unique though not it commands the status of Jammu & Kashmir under Article 370, 371 and 371 A, B, C, D, E, G, H, & I relating to Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Mizoram, Arunachal Pradesh and Goa. As because Sikkim has joined the mainstream of Indian life only in 1975 and is youngest State of the Indian Union. Sub section (k) of 371F emphasizes upon sanctity and maintenance of statutes que of old laws of Sikkim.

At present there is a move by the center to include Sikkim in the North-Eastern Council. Inclusion of Sikkim in the NEC shall not oppose to article 371F of the Constitution of India. Sikkim is a newborn State and the Constitutional safeguards extend protection and promote emotional integration.

This is what prompted Pawan Kumar Chamling, the Chief Minister of Sikkim to emphasize that inclusion of Sikkim into N.E. would rather mean a new beginning for Sikkim and she would no longer remain isolated from the National mainstream, and would lead her to a greater participation in the policy making at the national level. In fact by including Sikkim in the North East Council would help assist the State to foster the infrastructural facility for economic development besides the protection extended article 371F of the Constitution of India. It will be a turning point in the political history of Sikkim and to find a rightful place for Sikkim in the National map of India. Inclusion of Sikkim in the North East Council shall not affect the Constitutional protection under 371F (a to p) and these provisions of 371F shall remain a 'great charter' for the State of Sikkim.

For further see the Appendices and the following notes and references.

1. Chakaravarthi K.R., 'Significance of Article 371(F) of the Constitution of India for Sikkim. *Sikkim Express*, Vol. XXIII No. 39, June 3-5, 1998, p.3 Gangtok, & Himali Bela (Nepali version) June 1998, Gangtok. Himalindia Publications, 1998 p.3.
2. Bhattacharjee K.S., Bhowmick, 'Constitutional and Political Development in Sikkim JCPS Op.Cit., 350-366.
3. Chakaravarthi K. R. Constitutional Position of Sikkim, *Indian Dominion*, (New Delhi) Vol. VIII, No 9-12 Dec, 2000, pp 56-60.
4. Bakshi K.M., *The Constitution of India*, New Delhi, Universal Law Co. Pvt. Ltd., 2002 pp.318-320.

4. The Executive In Sikkim : Functions And Role

Under the Erstwhile Maharajas of Sikkim

The 1890 Convention between Great Britain and China relating to Sikkim and Tibet established the British supremacy on Sikkim. The internal administration and foreign relations of the State came under direct and exclusive control of the British Government. The ruler or any official of the State had no relation, formal or informal, with any other State.¹ John Claude White was appointed the Political Officer, who usurped the authority of the monarch Thutob Namgyal and brought the administration of the State completely under his control and became the virtual ruler and administrator of Sikkim.² For nearly thirty years following the Convention of 1890 the British Resident in Sikkim, called the Political Officer, directly administered even the internal affairs of Sikkim.³ An Advisory Council was also established. It was composed of members nominated from the influential Kazis generally favourable to the British Government. Under White's authority an attempt was made to set up an administration in Sikkim on modern lines as a departure from the traditional feudalism. In 1894, the British Government came to know about the wrong treatment meted out to the Maharaja and about the usurpation of the authority of the Sikkim Raja by the Political Officer. By 1895, after Thutob's return from confinement, he was given back the charge of Judiciary only. In 1905, the Political Officer handed over the Council and a part of the administration to the Maharaja of Sikkim, but retained the power to review any transaction.⁴ Thutob Namgyal's son Sidekong Tulku was trained and educated in Oxford. Soon after his return to Sikkim in 1908, he was appointed the Vice-President of the State Council and advisory body, and was placed in charge of Education and Forest Departments in addition to Ecclesiastical Affairs.⁵ In the reign of Tashi Namgyal, Departments of Excise, Income-Tax, Police and Jail were transferred to the Maharaja by April, 1916, in addition to Education, Forest and monasteries upon which he exercised independent control.⁶ In the year 1917, the authority of the Maharaja was further increased by the grant of

the Departments of Revenue, Stamps, Printing Press, Cooperative Societies, etc. K.P.Dewan was appointed Assistant to His Highness; he was the Chief Executive Officer, who controlled all the departments under the Maharaja.⁷

An investiture Darbar was held on the 5th April, 1918, in the palace in which Charles Bell, the then Political Officer handed over the 'Kharita of investiture' from the Viceroy and Governor-General of India conferring full powers of administration of Sikkim on the Maharaja Tashi Namgyal.⁸ The Sikkimese were jubilant on the occasion owing to the Darbar having received back its former privileges from the British Raj. K.P. Dewan, Assistant to the Maharaja, was reverted to his substantive post under the Government of India on the 3rd March, 1919.⁹

Sikkim Maharaja : the Head of the Executive

Powers and Position

The ruler in Sikkim was the source of all authority within a few years, so far as internal administration of the State was concerned. The Government was directly under the control of the Maharaja, who was assisted by an organized Secretariat. The entire administration was carried on through specific departments. The recommendations of the Departmental Officers were carefully considered in the Secretariat and the decisions of the Darbar were issued by a Secretary to the Government, in the form of Orders, Proceedings or Letters.¹⁰ The administration of Sikkim under the direct rule of the Maharaja had been steadily adapting itself to modern style of government. The system was based on good old patriarchal monarchy of ancient days of oriental civilization where subjects stood as children of the ruler and with simple hill people, unaffected by the evils of democracy and elections and system worked successfully.¹¹ The State Council, constituted of the members nominated by the Maharaja, was there to aid and advise him in the governance of the country.

The annual budget went through this Council for his final sanction. The ruler also enjoyed prerogative power to pass any order independent of the

Council.¹² All the appointments were made by the Maharaja and the incumbents served in their posts till the pleasure of the Maharaja. But these powers were, to certain extent, all apparent. The Maharaja was consulting the Political Officer on all important matters, and no decision could be taken without taking the latter in confidence.¹³ However, a system was developed with regard to the decision making; if the Council members and the Political Officer agreed on any matter, the Maharaja had to accept that and if the Maharaja and the Council members agreed on any matter, the Political Officer used to accept and execute.¹⁴ Even if the power were given to the Maharaja, the ultimate authority was retained by the Political Officer.¹⁵

The Landlords : Powers and Role

At the time of Thutob Namgyal's detention, Claude White liquidated the 'Private Estates' of the Royal House and the lands of loyalist elements and distributed them mainly among the pro-British elements. A number of lessee landlords were created.¹⁶ The country was divided into several 'elakhas' (estates) and they were placed under the Elakhadars. These Elakhadars were invested with certain administrative as well as judicial powers, which they enjoyed till the abolition of the lessee system in 1949. The landlords were to take care of law and order within their own 'elakhas' and as such, they functioned as police officers within their respective jurisdictions.¹⁷ The Elakhadars were authorized by the Darbar to arrest and detain in custody the bastiwallas, who they had reason to believe, were actually leaving the jurisdiction of their Elakhas without paying their rent and taxes. They could detain such Bastiwallas for a maximum period of twenty four hours; but no Bastiwalla, paying land rent of Rs.25 and above, could be detained by them.¹⁸ All the Elakhadars and Managers of Elakhas of Sikkim were permitted to sell or attach movable properties of the defaulting Bastiwallas to the extent of Khazanas due from them. But they should not sell or attach properties of those Bastiwallas whose outstanding khazana was less than Rs.10 after payment of greater portion of their khazana.¹⁹

The Elakhadars were *ipso facto* subordinate Forest Officers of their estate. They maintained menial forest establishment at their own expenses and were paid in the shape of half of the royalty on timbers and other minor forest produce, sold from the reserved forest in their elakhas and a portion of the royalty accruing from the sale of timber etc., in the khasmahal areas.²⁰

The Process of Modernization of Administration

The powers and position of the ruler as it was, continued up to 1950. The demands for democratic government and economic reforms, raised by the political parties, led to an agitation that compelled the Maharaja to introduce a new (cabinet) responsible system of government in 1949. It was simply an experimental measure and also a measure to appease the agitated public. The powers and position of the ministry was not well defined. Soon the Ministry, headed by Tashi Tsering as the Chief Minister, came in conflict with the Darbar. The Maharaja dissolved the interim Ministry appointed under the notification of the 9th May, 1949, and "having in mind the interest of peace and the welfare of His Highness' people, His Highness had agreed that the Government of India should nominate a Dewan to administer the State in His Highness', name and that the Political officer in Sikkim should take charge of the administration in the meanwhile."²¹ J.S. Lall, ICS, was appointed Dewan of Sikkim State with effect from the 11th August, 1949.²² In the press note, issued by the Ministry of External Affairs on the 20th March, 1950, it was stated: "As regards the status of Sikkim it has been agreed that Sikkim will continue to be a Protectorate of India. The Government of India will be responsible for its External relations, defence and communication and as regards internal government, the State will continue to enjoy autonomy subject to the ultimate responsibility of the Government of India for the maintenance of good administration and law and order. Then an officer of the Government of India was assigned to continue to be Dewan of the State. But the Government of India's policy is one of progressive associations of the people of the State with its Government."²³ So the Maharaja agreed to this policy. Immediately after

this a treaty was signed between the Government of India and Sikkim in December 1950, which granted autonomy to Sikkim with regard to its internal affairs of administration.

The Executive Council of Sikkim

A Constitutional Proclamation issued by Maharaja in 1953 postulating the powers and functions of the State Council and the Executive Council. According to it a system of Diarchy was established in Sikkim, by which the Maharaja retained some important spheres of government exclusively with him and transferred some other spheres to the Executive Councillors who were chosen from among the elected members of the State Council. The Proclamation envisaged that "there shall be an Executive Council for the State the members of which shall hold office during the Maharaja's pleasure and shall be responsible to him for the executive and administrative functions of Government."²⁴ The Executive Council was constituted of the Dewan, who was its ex-officio President, and such other elected members of the State Council as the Maharaja might appoint from time to time. The Executive Councillors were entrusted with the administration of the transferred subjects, such as Education, Public Health, Excise, Bazaars, Transport, Forest and Public Works. The Executive Councillors were to retire from office and the commencement of the first session of each new State Council, but they were eligible for reappointment. The Maharaja retained the right to vote any decision made by the Executive Council and to substitute his own decision thereof.²⁵

The reserved subjects who were exclusively under the control of the Maharaja, consisted of Ecclesiastical, External Affairs, State Enterprise, Home and Police, Finance, Land Revenue, Rationing and Establishment Departments.²⁶ The Executive Councillors could not deal with any of these matters. The Dewan was the administrator of the reserved subjects.²⁷

The Executive Councillors : Appointment, Powers and Position

The Executive Councillors were held individually responsible for their respective department to the Council. In the sessions of Council the Chief Secretary submitted the reports of achievements of the Government relating to reserved subjects and the Executive Councillors submitted reports of their respective Departments. P.S. Tsong once raised a question in the Sikkim Council that with regard to transferred subjects, presumably the Executive Councillors concerned would have to resign in the case of failure of his departmental responsibilities but with regard to reserved subjects “who was to resign in such circumstances - the Chief Secretary of the Sidlon”²⁸ (Dewan)

The Chief Secretary mentioned that among responsible, against whom action was usually taken in such cases which might range from simple warning to dismissal and prosecution in court.²⁹ In reality, the Executive Councillors were responsible to the Maharaja as they were appointed by him, and to a great extent it was the discretion of the ruler as to whom he would appoint. The number of the Executive Councillors varied from time to time. In 1953 two Executive Councillors were appointed. In 1959 two Executive Councillors and three Deputy Executive Councillors were appointed; of them Kashiraj Pradhan was made the senior Executive Councillor.³⁰ Pradhan, of course, resigned after the declaration of the judgment of the Election Tribunal. In 1967, three Executive Councillors and two Deputy Executive Councillors were appointed.³¹

In 1970, the Chogyal appointed six Executive Councillors and there was no Deputy Executive Councillors that year.³² In 1973, six Executive Councillors were appointed by the Chogyal³³ though the members representing the Sikkim National Congress and Sikkim Janata Congress did not participate.

The power of the Executive and Deputy Executive Councillors to grant expenditure and contingent grant were fixed by the Maharaja as ‘financial power’ by which the Executive Councillors could spend Rs.500 and the Deputy

Executive Councillors could spend Rs.100. But this power was to be exercised in respect of duly authorized item of expenditure for which there was budget provision.³⁴ The Senior Executive Councillors, the Executive Councillors and the Deputy Executive Councillors were entitled to emoluments of Rs.600+150 spl. Allowance, Rs.600 and Rs.350 p.m. respectively along with a house rent allowance of Rs.75 pm.³⁵

The Chogyal approved in the year 1967 certain Rules of Business for the Executive Council and powers for the Executive Councillors, which included enhancement of financial power, in so far as the Executive Councillors were authorized to sanction expenditure not exceeding rupees five thousand, and the Deputy Councillors were authorized to sanction expenditure not exceeding rupees two thousand and five hundred in each individual case as grants other than contingent grant and maintenance of vehicles grant. Regarding contingent grant was concerned the provision of 1958 was retained.³⁶ These grants could be made provided there was specific provision in the budget and proposals of grants were processed through the Finance Department. The Executive Councillors were also to see that the proposals did not involve the Darbar in any recurring liability. Any proposal for expenditure of an urgent nature, not provided for in the budget, must be processed through the Finance Department for obtaining approval of the Chogyal.³⁷

In so far as legislation was concerned, the Executive Councillors were authorized to legislate on transferred subjects. Any such proposal should unanimously be passed in the Executive Council as far as possible; in case of difference of opinion the matter should be referred to the Chogyal for final order. In the case of decision on any matter, if there be a difference of opinion between the President and the Executive Councillors, the President would refer the matter to the Chogyal for decision. Pending such decision the President was competent to take action in urgent cases, but was to obtain the Chogyal's orders at the earliest. The Executive Councillors were to keep the Chogyal informed of all important matter through the Principal Administrative Officer.³⁸

The Executive Councillors were to submit to the Chogyal for approval their tour programmes a week in advance through the PAO the Executive Councillors were authorized to sanction casual leave, privilege leave and leave without pay to Class II and III officials of their respective Departments. All cases of leave, transfer, increment, promotion, etc., of Gazetted and Class I officers would be referred to the Establishment Department by the Heads of Departments through the Executive Councillors. The Executive Councillors were to forward the tour programmes of the Heads of Departments to the Pay and Accounts Office.³⁹

In spite of the fact the Executive Councillors were placed in charge of transferred subjects, the policy decisions were, in fact, taken by the Dewan (who as later designated as the Principal Administrative Officer and a Sidlon) in consultation with the Chogyal. The Executive Councillors were to execute those decisions through the Departmental Officers under them.⁴⁰ While taking part in the debate in Sikkim Subject Regulation in 1961, one of the members expressed his surprise that the Executive Councillors could do nothing to prevent such regulation. He also implied that the Executive Councillors were nothing but mere clerks.⁴¹

“The Executive Councillors though elected by the people but nominated by the ruler, have no real executive powers, nor have they been vested with the powers to which they are entitled. This, it would appear, has been motivated with the specific idea of bringing disrepute to the people’s representatives in the eyes of the people, and thereby disrupt any progress towards the introduction of democracy in Sikkim.”⁴²

Structure of Administration in Sikkim

John Claude White tried to lay down the basic administrative structure and with the passage of time it adapted itself to modern forms of government. By 1908, the post of the Private Secretary to the Maharaja was created, to help assist the Maharaja to administer the departments under his control.⁴³ As the

power of Maharaja was successively increased by 1916, another post of Assistant to His Highness was created; he was the Chief Executive Officer of the State who was to control all the departments under the Maharaja.⁴⁴ This post was, however, abolished in 1919.⁴⁵

Later, the Maharaja was assisted by an organized Secretariat and the entire administration was carried on through specific Departments. All other departments were controlled by three secretaries, besides the State Engineer who also acted as the Secretary for the Public Works Department of the State.⁴⁶ Of the three Secretaries, the General Secretary dealt with Police, Arms and Ammunition, Land administration, Registration, Cooperatives, Forest, Political i.e. Chamber of Princes, etc. Miscellaneous and Stationery

The Judicial Secretary dealt with Education, Medical, Ecclesiastical, Jails, Printing Press, Income tax, Excise, Bazars, Veterinary, Stamps, Census and Miscellaneous (internal dealings), etc. The Financial Secretary dealt with Budget, Accounts, Audit and Establishment, etc.⁴⁷ State Services and Provident Fund Rules came into force with effect from the 1st April, 1940.

The decision of the Maharaja in the case of doubt in the interpretation of any rule was made final. The State servants were divided into four grades; the first grade included officers of the State service drawing salary exceeding Rs.650; the second grade included officers drawing salary between Rs.150 and Rs.650; the third grade included all other State servants in superior service, and the fourth grade included police constables, wardens, forest guards, excise peons and other State servants was fixed at 55 years optional and 60 years compulsory.⁴⁹ The Sikkim Darbar reserved the right to retire an employee or his attaining the age of fifty five.⁵⁰

In 1949. an officer given on loan by the Government of India, was appointed Dewan and with the appointment of the Dewan and was made in charge of administration of the State, the modernization of the administrative system achieved a steady progress. Landlordism was abolished in 1949 and

gone with it were the magisterial powers of the landlords. Several Tahsils were established, and Revenue Officers were appointed. The rate of taxes was also reduced.⁵¹

Later, for administrative purpose, the State was divided into four districts with their respective Headquarters. The District Officers were appointed who also functioned as Magistrates. Apart from the District Officers, Deputy Development Officer and Inspector of Land Revenue were also placed in the District Service.⁵²

Several Departments from 1953 were created and later since then a full-fledged Secretariat started its function under the Chief Secretary. The post of the Chief Secretary was created in 1954 and T.D. Densapa was appointed the first Chief Secretary of Sikkim.⁵³ After his retirement D. Dadul was appointed the Chief Secretary. Later, T.S. Gyaltsen became the Chief Secretary in 1973.⁵⁴ In 1954, the post of a Development Commissioner was created and His Highness appointed the Maharajkumar Jidgal Tsewang Namgyal to the post.⁵⁵ The Departmental Secretaries were under the Chief Secretary. The Chief Secretary was also the Head of the District Administrative System functioning through four District Officers.⁵⁶ A number of departments were there headed by the Directors. The Education Officer was re-designated as the Directorate of Education.⁵⁷ The office of the Superintendent of Police was designated as Police Commissioner.⁵⁸ There were Director of Health Services, Conservator of Forest as well as a Financial Advisor and a Chief Accounts Officer. A new Department of Audit and Accounts was established in 1971, with the post of an Auditor General in the rank of Secretary to the Government.⁵⁹

The Dewan was however in the over all charge of administration "As President of the two Councils and Administrator of the reserved subjects, the Dewan was placed in a position of commanding power. The reforms he envisaged by J. Lall necessitated the exercise of the Dewan's authority over a

wide field of administration".⁶⁰ This post of Dewan was designated as Principal Administrative Officer and later as Sidlon.⁶¹

The Chief Secretary, the Secretaries and the Directors were subordinate to the Sidlon and they worked under his orders. The village administration was carried out through the Panchayats established since 1966.⁶² Earlier, the Mandals of the villages were given certain powers so that they could be the custodians of law and order. Besides their legitimate duties connected with land revenue, the Mandals were to help the Government in all matters pertaining to development and welfare schemes in their blocks.⁶³

The last Sidlon was I.S. Chopra. When Chopra was relieved of his responsibilities, the Chogyal directly assumed the administration of the State in 1972.⁶⁴

In December 1972, the Chogyal found it expedient to appoint an adhoc council of senior officers to look into the urgent and important matters of policy decisions affecting the country and the administration, including the general election during his absence. As such, he constituted a Special Council with D. Dadul, (in his absence T. Gyaltsen), J.T. Densapa, M.M. Rasaily and M.P. Pradhan. All decisions, taken by the Special Council, would be of interim nature subject to the Chogyal's review and/or ratification.⁶⁵

"Though Sikkim was a Protectorate of India prior to its admission as an Associate State by and under the Constitution (thirty fifth Amendment) Act, 1974 and its subsequent incorporation in the Union of India as a component State by and under the Constitution (Thirty Sixth Amendment) Act, 1975, the Ruler of Sikkim wasn't a limited Ruler in regard to its internal administration - limited neither by any written Constitution nor by any Legislature. As regards its internal governance and administration, the Ruler was the Supreme Legislature, the Supreme Executive and the Supreme Judiciary and as such all his orders, howsoever issued, were equally effective and were to govern and regulate the affairs of the State and its citizens."⁶⁶

Post 1974 Administrative System

The Powers and Position of the Chogyal

The Act specified the powers and position of the Chogyal. It provided that the Chogyal should take precedence over all other persons in Sikkim and he should continue to enjoy the honour, position, and other personal privileges hitherto enjoyed by him. The Chogyal should exercise his powers and perform his functions in accordance with the provisions of the Government of Sikkim Act and nothing contained above would affect this provision.⁶⁷ The Chogyal was functioning more as a nominal executive.

Legislative Powers

The Chogyal exercised legislative powers to summon the Assembly on the advice of the Chief Executive, who was the President of the Assembly. The Chogyal addressed the Assembly after intimating to the President of the Assembly. The Chogyal or any person nominated by him was to administer oath of affirmation to the members of the Assembly.⁶⁸ The powers of the Assembly to discuss, to make recommendation or to make laws had been limited to twelve specific spheres. The Chogyal on the recommendation of the Government of India might add, by notification in the Sikkim Darbar Gazette, any other matter, which would thereafter be deemed to have been included within the jurisdiction of the Assembly.⁶⁹

Like in Indian style, when a bill was passed by the Assembly, that it should be presented to the Chogyal and the Chogyal could either assent to the bill or withhold the assent there from. In the latter case he should return the bill as soon as possible to the assembly for reconsideration. If the Bill was again passed by the Assembly and presented to the Chogyal for assent the Chogyal must give his assent to the bill. The Chogyal had the power to reserve certain bills for the consideration of the Government of India.

Executive Powers

All executive actions of the Government of Sikkim, taken in accordance with the provisions of the Government of Sikkim Act, 1974 should be expressed to have been taken in the name of the Chogyal. The Chogyal was to appoint the Chief Executive nominated by the Government of India. The Chief Minister and other ministers were to be appointed by the Chogyal on the advice of the Chief Executive.

The Chief Executive was to submit all-important matters to the Chogyal for his information and his approval. If there be any difference of opinion between the Chief Executive and the Chogyal in respect of any matter, it should be referred to the Government of India for decision and the decision of the Government of India would be final.

A difference of opinion arose, e.g., when K.C. Pradhan, Minister incharge of Agriculture and Animal Husbandry was dismissed from the Ministry with effect from 18th March, 1975,⁷⁰ the Chogyal wanted that the Chief Minister must assign reasons for dismissing Mr. K.C. Pradhan from the Ministry, but the Chief Executive maintained that it was not necessary to give any specific reason. Again, the Chogyal maintained that the terms 'Darbar' and 'Sikkim Darbar' mentioned in various acts, rules and regulations which were in force in Sikkim, meant the Government of Sikkim and not the Chogyal.

Once again a difference of opinion arose between the Chogyal and the Chief Executive about the authority, as to whom the cases of the Judicial Department requiring higher orders in Government should be submitted. The Chogyal maintained that those should be submitted to him. The matter was referred to the Government of India and the Government of India opined that the Chief Executive as the head of the administration of Sikkim had full control over the Judicial Department. Hence all cases relating to Judicial Department of Sikkim requiring high-level government orders such as those pertaining to

appointments and transfers and others should be submitted to the Chief Executive and not to the Chogyal.⁷¹

In the case of any difficulty in giving effect to the provisions of the Government of Sikkim Act, the Chogyal in consultation with the Chief Executive, by order, could do anything not inconsistent with this Act, which would appear to be expedient or necessary for the purpose of removing the difficulty. The Chogyal was also to make rules for the allocation of business to the Ministers and for the more convenient transaction of business on recommendation of the Chief Executive taken in consultation with the Chief Minister. The Government of Sikkim Act made the Chogyal a Constitutional Head of the State. His supreme authority in the internal governance of the State was gone and he was subjected to the advice of the Chief Executive and the Council of Ministers. He was also bound to the decision of the Government of India, in case there was a difference of opinion between him and the Chief Executive. Thus the office of the Chogyal was transformed into a titular one.

The Council of Ministers and Chief Minister

The Government of Sikkim Act also provided for a Council of Ministers with one of the members thereto at the head who would be designated as the Chief Minister and others as Members of the Council of Ministers.

The Council of Ministers would be in charge of the administrative departments allotted to them and they were to advise the Chogyal with respect to all matters within their jurisdiction. The Council of Ministers were to communicate their advice to the Chogyal through the Chief Executive. The Chief Executive could require the Council of Ministers to modify their advice if he felt that the advice affected or would likely affect any of his special responsibilities or the responsibilities of the Government of India with regard to Sikkim. The advice of the Ministers tendered to the Chogyal would not be questioned in any court of law. The Council of Ministers were responsible to the Assembly. They were to take oath of office and secrecy from the Chogyal

or such other person as might be authorized by him. The Executive Power of the Council of Ministers would extend to Education, Public Health, Excise, Press and Publicity, Transport, Bazars, Forest, Public Works, Agriculture, Food Supplies, Economic and Social Planning including State enterprises and Land Revenue. The Ministry was not given any power with regard to Home and Finance.

The Chief Executive

The Chief Executive was placed at the head of the administration in Sikkim. In fact, he was an officer of the Government of India placed in that high post formally being appointed by the Chogyal. His functions were to ensure that the responsibilities of the Government of India, accrued as a result of the Tripartite Agreement of the 8th May, 1973, or any other agreement entered into between the Chogyal and the Government of India whether before or after the Commencement of this Act or the special responsibilities of the Chief Executive entrusted to him through the Tripartite Agreement, were duly discharged.

The Government of Sikkim Act, 1974 further provided that the Chief Executive should have all the powers necessary for the discharge of his functions and responsibilities and the executive powers in Sikkim would be so exercised as to ensure compliance with any decision taken or orders or directions issued by the Government of India in the due discharge of its responsibilities. The Chief Executive had also been empowered to take action, in the performance of his functions, on matters of administrative functions allocated to a minister, though he was to act in consultation with the minister in respect thereof. He was to take approval of the Chogyal for actions proposed to be taken, though he could take action in emergency without prior approval of the Chogyal. But he should get such action approved as early as possible. Thus the Chief Executive was virtually made all-powerful in Sikkim. Whether in the matter of policy decision or in the matter of execution of policies, the voice of the Chief Executive was all that mattered. He was made the President of the

Assembly and had the power to regulate the jurisdiction of the Assembly also.

Thus the Chief Executive had been vested with real executive and legislative powers. The Council of Ministers was made completely subordinate to and subject to wide control of the Chief Executive. This was why, it was alleged by many people in Gangtok, that the Chogyal was made a constitutional head but the Chief Executive was made a real ruler.

The Government, Administration and Politics of L.D.Kazi

In accordance with the Government of Sikkim Act, a five member Ministry was formed with Kazi Lhendup Dorji as the Chief Minister on the 23rd of July, 1974.⁷² Apart from Kazi, the other four Ministers were Rinzing Lepcha, B.P. Dahal, Dorji Tsering and K.C. Pradhan. As the confrontation of the Ministry with the Chogyal was precipitating, the dissatisfaction with regard to Government of Sikkim Act among the MLAs and some of the Ministers was also increasing. The Sikkimese leaders felt that virtually they had not been given any real power. Before the adoption of the Government of Sikkim Bill by the Assembly, important youth leaders like R.C.Poudyal, N.K. Subedi and others, went on hunger strike, on the ground that the Bill was far from being satisfactory. When this Act was put to actual working, this feeling rose high among the leaders. The contradictions of the Sikkimese leaders were really bewildering. The exciting thought of getting rid of the Chogyal was inciting them to insist on demanding closer ties with the political institutions of India on the other hand, while fomenting displeasure over the Government of Sikkim Act on the other. Ever after the Associate status was granted to Sikkim, this feeling continued. The position and power of the Chief Executive *vis-à-vis* the Council of Ministers was so apparent that by March, 1975, a move was there demanding the transfer of Home, Finance and Establishment portfolios from the Chief Executive to the Chief Minister. It is said that a charter of demand was prepared which solicited the reduction of the power of the Indian Government with regard to Sikkim, reduction of the powers of the Chief Executive and diminution of the latter's role to only an advisory capacity. It

also demanded withdrawal of three IAS Officers on special duty including the 'all important Cabinet Secretary'.⁷³ It hailed the reported statement of the Chogyal to hold dialogue with the Chief Minister. A signature campaign was started and at least 18 legislators including a Minister signed it. It was gathered that, as soon as the authorities got him of it, they promptly acted and insisted on the signatories on withdrawing their signatures. In the emergent meeting of the Legislature Party held on the 16th of March, 1975, the entire move was ultimately repudiated.⁷⁴

The struggle between the Chogyal and the Ministry was mounting. Even though the Chogyal had given an assurance to the Prime Minister to act as a constitutional head and to honour the aspirations of the people, his activities and utterances in Gangtok were alleged to have been contrary to that.⁷⁵ The Sikkim Assembly itself was determined to discuss the future of the Chogyal unless the Chogyal adhered to his constitutional role. According to the Ministry, the Chogyal had so far not seemed capable of discharging his constitutional obligations. He had been firmly opposed to the Sikkim Assembly's request for participation in India's political institutions and had mounted a campaign against the Constitution Amendment Bill intending to give Sikkim an Associate Status.

In his communication to the Government of India, the Chogyal claimed that Sikkim had never been a part of India geographically ethnically or racially. The Chogyal contended that Sikkim was not like the other 500 odd Princely States. The Government of India also did not equate Sikkim with former Indian Princely States and that was why it signed a separate treaty, the treaty of 1950 with it.⁷⁶ The conflict, that was generated over the issue of Government of Sikkim Bill, between the Chogyal and the Sikkim Congress, continually went on deteriorating the political situation in Gangtok.

The role of the Chief Executive B.S. Das was really crucial. Some expected that his role should be one of a link between the Chogyal and his

people until such time as the two had sufficiently overcome past prejudices to work together in harmony.⁷⁷ As the head of the administration Das was expected to reconcile the two principal contenders, the Palace and the Sikkim Congress. Mutual distrust and misunderstanding between the Chogyal and the Council of Ministers were gradually widening with the passage of time. B.S. Das was replaced by B.B.Lall as the Chief Executive in September, 1974; the contradictions between the Chogyal and the Cabinet could be said to have precipitated during his time. It is said that the conflict was not an old fashioned struggle between monarchy and republicanism, since for the time being at least, the throne had little political weightage. Opposition could only be directed against the Chief Executive in whom was vested all real authority.⁷⁸

The Chogyal saw the erosion of his power suffered from humiliation and insult, still he fought, what he said, not for his interest, but for the interest of the Sikkimese and that even by simply demanding to preserve its identity and nothing more. But the leaders of the Sikkim Congress interpreted each of his actions as contrary to the aspiration of the people and smooth development of democratic government in Sikkim. In February, 1975, the Ministry was expanded by including Nayan Tsering Lepcha and B.P. Kharel as Ministers.⁷⁹ In March, 1975, K.C. Pradhan was dismissed from the Ministry.⁸⁰ However, the conflict between the Chogyal and the political leaders came to such a point that the Sikkim Assembly adopted resolutions seeking abolition of the Office of the Chogyal and demanding merger of Sikkim with India.

The Post Merger Government of Sikkim

The merger inaugurated a new age and a new political system for the Sikkimese. The Chief Executive B.B. Lall assumed office of the Governor of Sikkim with effect from the 16th May, 1975. Kazi Lhendup Dorji was appointed the Chief Minister of Sikkim and B.P. Dahal, B.P. Kharel, Dorji Tsering Bhutia, Nayan Tsering Lepcha and Rinzing Tongder Lepcha were appointed Ministers. Thus the governmental machinery being set by the

Constitution of India Sikkim started reversing the path of democracy. For immediate purposes, by the Constitution (Removal of difficulties) Order No. XI of the President, the Governor of Sikkim was empowered to authorise, by one or more orders, such expenditure from the consolidated fund of Sikkim as he deemed necessary, for a period of not more than six months beginning from the appointed day, pending the sanction of such expenditure by the Legislative Assembly of the State.

The Governor and the Constitution of India

Article 371F(g) of the Constitution provides that “the Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause the Governor of Sikkim shall, subject to such directions as the President may, from time to time, deem fit to issue, act in his discretion.” This discretionary power of the Governor undoubtedly had been given considering the special conditions that prevailed in Sikkim. The Chief Executive also, under the agreement of the 8th May, 1973 and the Government of Sikkim Act 1974, was provided with special responsibilities. But keeping his discretionary powers aside, how far the post of the Governor in Sikkim was a decorative one, at least upto October, 1979, was a matter of debate. The executive power of the State is vested in the Governor but according to set pattern he is to act on the advice of the Council of Ministers. But in Sikkim, at least during the Kazi’s Government, may in Gangtok believed that it was not the Governor who acted on the advice of the Cabinet but it was the Cabinet which acted on the advice of the Governor. It was often heard in Gangtok that the Governor was all in all in Sikkim, he was the ‘super legislature and super executive.’ In fact, the Ministers were quite new and they were not conversant with the complex working of the modern government. It was a common belief that the Chief Minister could practically do nothing without consulting the Governor. It is said that the Cabinet Secretary also played a vital role in the

matters of decision-making. It was given to understand that the Cabinet Secretary played the role of liaison between the Governor and the Cabinet. On enquiry as to how often he consulted the Governor on matters of decision, the Chief Minister said that whenever necessity arose he used to consult the Governor. In an enquiry whether they had ever defied the decision of the Governor, most of the Ministers replied that they had a very cordial relation with the Governor and they never had developed any conflict with him. Only R.C. Poudyal told that sometimes it happened that the Governor wanted something to be done but he could not accommodate that. In fact, a good number of elite in Gangtok held it quite natural that the Governor, who had been an expert civilian and who had a definite role in the process of Government earlier in U.P. or in the Centre, would make his post in Sikkim a dynamic one and assert his role in the governmental process of the State. It is understood that the Governor rendered unhesitatingly his advice and guidance whenever sought for. Individually the Cabinet members also approached the Governor for his suggestion and advice. It is also being understood that developmental projects and several other programmes were often suggested by the Governor which the Cabinet used to accept.

The Governor also figured in the Assembly debate as early as 1976, when N.B. Khatiwada observed that the Ministers should not involve the Governor in each and every issue discussed by the august House when the Governor occupies a constitutional position, and this was against the norms of parliamentary practice.⁸¹ The Chief Minister Dorji also mentioned in the Assembly that the Governor had been doing his best for the welfare of the people of Sikkim.⁸²

The Governor of Sikkim was criticized by the Sikkim Janata Parishad leaders during the October election in 1979. They alleged that the Governor was involving himself in party politics by helping the Kazi's Janata Party.⁸³

The leaders of the Sikkim Janata Parishad, Sikkim Congress(R) and the Sikkim Prajatantra Congress, seemed at times to be critical of the role of the Governor. But in a period of transition the role of the Governor could not have been otherwise. Though Sikkim was made a constituent State of India, its problems and conditions were quite different from those of other States of India. To grasp the situation, to channelise its working in the constitutional path, to organize and reorient the system, all required a leadership at the helm of the Government which perhaps B.B. Lal alone could have given. B.B. Lal can well be described as the Chief architect of what Sikkim is today. It was at the most critical juncture in the history of Sikkim that he took over as the Chief Executive of the State.” Turmoil, violence, political intrigues, all made the politics and administration in Sikkim a mess. “Lal soon brought the situation under control, restored the confidence of the people, streamlined the administration and geared up development activities.”⁸⁴ As a Governor, he also played a very important role in the development of the State. He had taken pains to understand the problems of Sikkim and had taken a keen interest in solving them. He had a good team of cooperative members in the Cabinet, and the debate on constitutional power and position had not retarded the functioning of the Government. So far as the process of decision-making and formulation of public policy in the context of the Governor’s special powers were concerned, it was given to understand that the Governor had always consulted the Cabinet before making any policy-decision. It was pointed out that the political leaders were quite capable of understanding the local problems and the Ministers were capable of taking political decisions. So far as the working of the Government was concerned, it was mentioned that Sikkim had already a set pattern before it, and the Ministers and the bureaucrats; though gradually, but steadily followed it. Problems were there, but through cooperation and discussion they were sought to be solved.

The relation between the Governor and the Cabinet during Kazi’s time had been very cordial but the picture had changed after the formation of the

new Ministry under the leadership of N.B. Bhandari. The Parishad leaders before the formation of the Ministry opined that they would request the Government of India to recall the State Governor.⁸⁵ Mr. Bhandari, before he became the Chief Minister, told that if the Governor did not work contrary to the wishes of the Cabinet and if he continued his activities strictly within the constitutional limit, they might not claim for his removal. In April, 1980 Bhandari told that the Ministry had made the Governor to remain as a constitutional Head. "We have our jurisdiction, and the Governor has his own. We will not allow the Governor to interfere with our matters."⁸⁶ In fact, the relation between the two had become cold. From time to time, it had been alleged that the Governor was involving himself in politics in the State. Many people in Gangtok believe that the Cabinet under the Chief Ministership of N.B. Bhandari has tried to precipitate the conflict with the Governor so that they can create pressure upon the Central Government in getting him replaced. In his meeting with the Prime Minister and the Home Minister Bhandari is said to have demanded the removal of B.B. Lal and preferred "a politician Governor - as opposed to bureaucrat."⁸⁷

In January 1981, Homi J.H. Taleyarkhan succeeded B.B. Lal as the Governor of Sikkim. A seasoned politician, Taleyarkhan has a variety of experience as Pradesh Congress leader, as Cabinet Minister of Maharashtra, as an Indian Ambassador to Libya, etc. The new Governor is also said to have taken a keen interest in the development of the State. It is said that the Governor by virtue of his personal influence succeeded in materializing the visit of a number of Union Ministers in Sikkim. But the Cabinet, it is reported, has already come in conflict with the Governor. "The change in the relationship between the Governor and the Chief Minister within a short period of about a year is puzzling to the people here. Taleyarkhan used to be the best political advisor of Bhandari. It is an open secret that Bhandari to wind up his erstwhile regional party, Sikkim Parishad, and merge it in Congress (I)."⁸⁸ The relation between Governor and Chief Minister during the tenures of B.B. Gooroong,

S.M. Limboo and Pawan Chamling seem to be cordial. Since 1994 Pawan Chamling has promoted good relations with about four Governors.

The Council of Minister

Kazi Lhendup Dorji's ministry was not believed to be composed of very gifted political personalities. Except Kazi himself and Nayan Tsering Lepcha none other had experience of running the Government. Only one member was graduate. Most of the others read upto school level.⁸⁹ Some of them were not also veteran forefront leaders like Kazi or Nayan Tsering Lepcha. With this background, in a complex machinery of governmental process, the inexperienced Cabinet members became dependent upon the Governor and the bureaucrats for matters of policy decision and execution. So far as the routine procedures were concerned most of the Ministers opined that they consulted their officers often before taking any decision. Some of them also admitted that they were enormously helped by officers, most of whom were cooperative. The Chief Minister pointed out that there was a Board, consisting of the Chief Secretary, Finance Secretary and the Establishment Secretary. Whenever any difficulty arose regarding administration, policy formulation, or execution of the policies, the matter was referred to the Board and the Chief Secretary was to report to the Cabinet about their findings and Suggestions. Some senior officers denied that there was any such Board; they, of course admitted that on any important matter relating to Establishment Department or general administration, the three Secretaries used to sit together and decide upon the matter. After the discussion, they used to communicate their suggestions to the Cabinet. One of the senior officers pointed out that as a routine procedure he had to project policy matters, relevant rules, procedure, orders, etc., for the consideration of the Cabinet. He used to suggest policy also to the Cabinet, it was for the Cabinet to accept or reject that.

During the first phase of the new Government the role of the officers and the relation between the Cabinet and the bureaucracy had not altered very

much. The inexperienced, young Ministers, it was given to understand, relied much upon the officers as their predecessors. The only difference was the prejudice of the present Ministers towards the officers on deputation. At present administrators and Chief Minister heading council of Ministers function in accordance with the rules and expectations without much of reshuffle and misunderstanding.

The Chief Minister

The first Chief Minister, it is alleged, relied much upon the officers on deputation, which annoyed a considerable number of officers, particularly the senior Sikkimese officers. It was alleged that the officers used to go to the Chief Minister with the files, which he often refused to sign without consulting an officer on deputation. It is said that a few officers became disgusted and to avoid embarrassment they stopped going to the Chief Minister on their own.

Kazi Lhendup Dorji had often been described as a “prisoner of indecision”.⁹⁰ One of the members of the first Assembly said – “people can not take advantage of the simplicity of our Chief Minister and make him sign on papers blindly. The Cabinet Ministers and officers should not be given such free hand but made to realize their responsibilities”.⁹¹ During the emergency, Kazi could maintain the integrity of the Cabinet. But later the heterogeneous interests generated conflict within it. Kazi said that he believed in collective responsibility and used to decide things unitedly in the Cabinet. To an enquiry as to how many decisions he had taken himself which were later ratified by the Cabinet, the Chief Minister answered that no such case arose. Still, the dissenting Cabinet members accused that Kazi Lhendup Dorji had developed the habit of avoiding problems. The former Speaker, late C.S. Roy, once said that Kazi was intolerant of the promising and upcoming party-men.⁹² In any case, it is usual for the opponents to find fault with Kazi but it can not be denied that he fought throughout his life of democracy. His contribution to Sikkimese politics can hardly be exaggerated. He was once the father figure of

Sikkimese politics and after Sikkim's merger he was perhaps the only leader who could have given Sikkim a trustworthy leadership. He is respected by all for his honesty and integrity.

On several occasions Kazi's Cabinet became divided. It was divided on the issue of land reform, on the issue of citizenship and finally on the issue of Bill No.79 which ultimately gave the fatal blow to the Ministry.

The Ministry formed after the election of October, 1979, under the Chief Ministership of Narbahadur Bhandari, showed uneasiness in the perspective of hostile forces inside and outside Sikkim. The extreme attitude of the Janata Parishad later Congress (I), exposed during the election, initially put the Cabinet in a disadvantageous position *vis-à-vis* the Central Government. The leaders had to mend their ways abruptly and to adopt a different attitude particularly with regard to the Central Government, deputatinists in the State Government service, plains people, etc. The Cabinet was composed of quite young, new and inexperienced leaders with at least one positive side, their education, in their credit. The strain within the Cabinet was not also less because of the moves and countermoves of the Bhutia-Lepcha lobby and the Nepali lobby. This is a legacy of the Sikkimese politics which Kazi Lhendup Dorji had also to carry and whose inheritance had come upon the Bhandari Ministry also. Perhaps, Bhandari is feeling the fever more acutely than Kazi. It is an open secret that the Sikkim Congress (I) has developed groups and it has its reflection in the Cabinet also. Bhandari ever admits that there are certain issues which are too delicate for the Cabinet to decide upon. The Chief Minister, in fact, is balancing the demands within and outside the Cabinet.

The ethnic heterogeneity of the structure of the executive - the Cabinet and the bureaucracy, the conflicting demands of the ethnic groups within this structure have been the burning problems of the organization. Inexperienced young leaders are coming up at the helm of the organization. Their dependence upon the experienced senior bureaucrats will be obvious. Ethnologically the

divided bureaucracy causes no less strain on the working of the executive. Kazi Lhendup Dorji was accused of protecting the rights of the Bhutia-Lepchas at the cost of the Nepalese. The Bhandari Government also, in the first phase had been criticized on the same charge. Kazi was accused of pursuing the policy of divide and rule. The Bhandari Cabinet also is being the same charge. The mutual fear and distrust found among the ethnic groups and their attitude towards the Central Government, the two moving forces of politics in Sikkim, have their reflections on the executive also.

The Government of Pawan Chamling with transparency in Administration from 1994, functions on extending adequate democratic freedom from the grass roots, promoting cordial Centre-State relations, Governor-Chief Minister relationship and the Ministers and Bureaucrats.

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Administration In Sikkim

Sikkim has a history of administration and modernization of its administration. The origin and growth of systematic administration in Sikkim can be traced back to the British Indian Administrative Control established in the last part of the Nineteenth century as a consequence of its 'forward policy' in Tibet. But the rate of growth, transformation and modernization of administration in Sikkim between 1947 and 1973 was slow and gradual.

During the reigns of Namgyal dynasty, the traditional political system involved an intricate devolution of administrative powers and functions, which have been characterized as feudal. The Maharaja of Sikkim was vested with absolute authority and the Government was functioning more like a private estate. The King at the Central level was consisted by an official designated as 'CHANDZOH' meaning a Confidential Secretary and a personal attendant called DRONYER (introducer of guests or visitors). In Sikkim initially there was no departmental system of administration but the Chandzoh and Dronyer help assisted the King. The regional and local administration was vested in the District officers known as 'Dzongpons' and for the administration of the Private Estates the Kazies (Kajis).

The appointment of Political officer in the year 1888/90 by the Britishers led to the reorganization of Political power and administrative structure in Sikkim. A number of departments headed by officers were established. The traditional council 'Lhadi Medi' was replaced by a 'State Council', which had in the beginning five members only, i.e., the Kazies and the head lama of Pemayangtse Monastery. Later the Council was expanded by including representatives of Nepali Thikdari families.

The State Council was not exercising administrative powers directly but it was a consultative body and the political officer at his discretion sought its advice on important policy decision. The Kazis and Thikadaris were functioning in the capacity of district officers. The General Secretary and the

personal Secretary of the Maharaja were also appointed as Councillors. Further judicial Secretary administered the Courts, jails, monasteries and educational institutions. The Financial Secretary was responsible for Government revenues. Later on a Home Secretary was added who assumed authority over some of the Departments previously allotted to the General judicial Secretaries. Besides, there was a separate forest service and a private secretariat for the Chogyal. The personal assistant to the Chogyal was one of the officials of the Sikkim Government service since he was a member of the British Indian Foreign Service deputed to Sikkim as an Advisor to the Maharaja and to protect the interests of the Sikkimese. The post of personal assistant was abolished since he had a disagreement with the political officer. As a result the Maharaja had a personal secretary from Sikkimese to head his private Secretariat.

The post Independent India had its impact on Sikkim and there was a turmoil and confusion. However, efforts were put to bring about order and coherence in administration and stop politicization of officials. The new Chief Minister in 1949 prepared Sikkim Government Servants conduct Rules which stopped Government servants to stop taking part, subscribe, and aid or assist any political party in the country and outside. In this direction the first move was the appointment of three Sikkim State Congress leaders as Secretaries to His Highness by Maharaja in 1948 in order to associate the newly emerged political forces in Sikkim with the administration. It did not give fruitful results therefore the first attempt was made to democratize administration on the basis of political reforms by the Durbar between 1947 and 1950. The popular Ministry led by State Congress approved to it. A disagreement between the Durbar and the Ministers arose regarding authority over the Departments of the Secretariat. The Durbar ordered the Ministry to function as an advisory body to the ruler but the Ministers demanded decision making powers along the lines of responsible Cabinet form of Government. In the meanwhile the then Chief Minister issued an order reducing the house tax and that resulted in the dismissal of the Ministry within a month. This incident paved a way to appoint

an Indian official J.S. Lall to head the administration and to solve the crisis.

The prime objective of Lall was to reorganize the administration after taking over administration as Prime Minister (Dewan). The designation or the title of the Indian official who headed administration kept on changing as Prime Minister to Dewan to Principal Administrative Officer to Sidlon without any cause or significance.

When Dewan Lall appointed there was only one Financial Secretary. The other three Secretaries resigned no sooner the State Congress Ministry was appointed. In their place the Dewan designated four officers-in-charge to head various departments along with an Office Superintendent to coordinate various departments and the office of the Dewan.

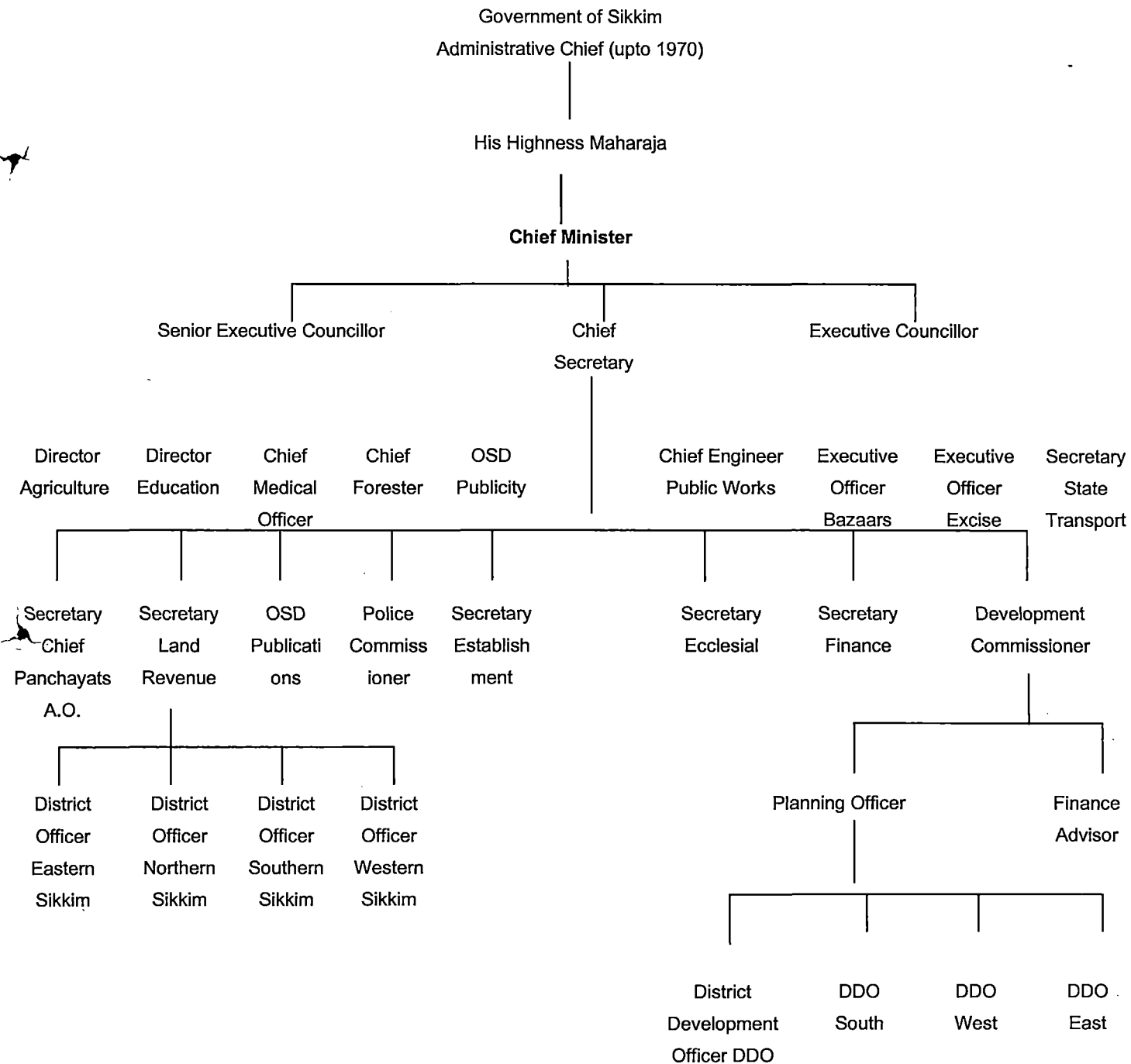
The most effective and substantial step in the direction of reforming and rationalizing administration was the formation of an Executive Council for the first time in 1953. Under this, a dyarchical system was established. Certain departments were to deal with 'transferred subjects' while the remaining Departments were 'reserved' for the Secretarial officials, Education, Press, Publicity, Forest, Agriculture, Public Works, Bazaars, Excise, Licensing of vehicles were transferred subjects and the reserved category included civil service (establishment), ecclesiastical (lands of Buddhist monasteries and shrines), Sikkim Nationalised Transport, Police, Finance, Land Reform and Panchayats.

By the year 1954 N.K. Rustomji was made Prime Minister and for the first time simultaneously the post of Chief Secretary was also established to supervise the administration of reserved departments. To coordinate development programmes and prepare new plans a development. Secretariat along with a Development Commissioner was also created. The development Secretariat consisted of the Chief Minister, Chief Secretary and the Development Commissioner. The above type of administrative set up continued from 1955 to 1973. The only major development in the later period

was the establishment of Panchayat system in Sikkim. The transferred Departments were administered by the directors and the reserved departments were handled by the Secretaries. The two sections were coordinated by both Chief Secretary and the Executive Councillors, linking them to the Maharaja through the Chief Minister. The Chief Minister was the head both branches of transferred and reserved Departments and administration. In spite of the presence of the above administrative machineries there was an alleged lack of coordination between the reserved and transferred departments under diarchy. The Dyarchical system resulted in the duplication of efforts, overlapping of powers and composition between the reserved and transferred departments leading ultimately to a confusion. The dysfunctional aspect of diarchy was mainly because of the concentration of authority with His Highness Maharaja and the Prime Minister counter-acted and the cost of initiative and willingness to assume responsibility for decision-making at the lower levels of administration.

Since 1955 a kind of stability of administration started. The first step in this direction was to check the appointments and powers exercised by the Chief Minister – who happened to be an Indian Official. The Maharaja was given the power to select the official in consultation with the Indian Government and was appointed to the post. But there was no expressive provision that the Chief Minister must be an Indian official but as the member of ICS or IAS or Indian Frontier Administrative Service or External Affairs Ministry. It was mostly a post of deputation from Government of India to Sikkim. Later the post of Dewan or Chief Minister was designated as Principal Administrative Officer (PAO) in the year 1963 with certain changes in the exercise of his powers. The Chief Secretary and the Departmental heads submitted paper directly to the Palace Durbar then through the Chief Minister, inspite of the fact the Maharaja consulted him. The appeals from court decisions were transmitted to the Maharaja and the Principal Administrative Officer did not exercise the powers

of judicial review as the Dewan was enjoying earlier. By 1970 the designation Sildon further reduced the powers and status of the PAO.



Source : Rose. Leo E 'Modernizing a Traditional Administrative System, Sikkim 1390-1973' Fisher J.F. (ed) *Himalayan Anthropology*, The Hague, Paris, Mouton, 1978. p.211 & Sikkim, *Administration Report of the Sikkim State*; For the year 1931-32, Kalimpong, Mani Press, 1935, pp.2-6.

Though not part of Sikkimese administrative service the Political Officer had an important role in the decision-making process along with the Maharaja even on those subjects in which India had no direct responsibilities. The main reason was due to large subsidized Sikkimese budget by India. Further the Indo-Sikkimese treaty placed responsibility for Sikkim's defence, communications and foreign relations with India. Thus the Political Officer was the coordinating agency and contact man with Sikkim on these matters. The external relations were conducted by the offices of the Chief Secretary and Political Officer of Gangtok. The Political Officer was commanding ambassadorial grade and the Chief Minister were confined to administrative service. It is also interesting to note that a large number of higher posts were held by Indians in 1968 viz. The Director of Agriculture, Director of Education, Chief Engineer, Chief Medical Officer, Development Commissioner. These officers were brought from India because very few Sikkimese had required qualifications and experiences. Naturally some resentment was there for having given high posts to Indians and the replacement by Sikkimese officials was not feasible. This process led to the move for Sikkimisation of the administration and the Bhutias, Lepchas and Nepalese had been made part of the Sikkimese Bureaucracy because of the events of 1973 and 1975.

The widespread public disorders broke out supported by political parties in 1973 following the election of State Council. Law and Orders in the country deteriorated to the point where Chogyal finally agreed to request the assistance of Indian Armed Forces to reestablish the authority of the Government.

NUMBER OF DEPARTMENTS IN GOVERNMENT OF SIKKIM IN THE YEAR 1955

1. Agriculture and Rural Development
2. Horticulture
3. Animal Husbandry
4. Forests
5. Cooperation
6. Minor Irrigation Works
7. Power
8. Cottage Industries
9. Development of Mineral Resources
10. Roads and Bridges
11. Road Transport
12. Education
13. Medical Public Health
14. Communications

Source : Sikkim, Sikkim Development Plan, Gangtok, Sikkim Durbar Press, 1955.

Number of Departments in the year 1961 were 17 and they are;

1. Agriculture
2. Irrigation
3. Animal Husbandry/Dairying
4. Forests
5. Fisheries

6. Cooperation
7. Industries/Cottage Industries
8. Roads
9. Road Transport
10. Tourism
11. Education
12. Medical and Public Health
13. Housing
14. Publicity
15. Culture
16. Government Press
17. Planning Department

Source : Sikkim, Sikkim : Facts & Figures, Gangtok, Sikkim Durbar Press, 1963.

The May 8, 1973 Agreement signed among the representatives of the Palace, the Political parties and the Government of India brought certain changes in both electoral and administrative systems. As a result the Prime Minister termed as the Chief Executive was appointed by the Chogyal. The dyarchical administrative system was also abolished. The elected Assembly was granted the authority to propose and pass laws concerning all departments of the Government except the Chogyal and members of the royal family; and matter pending before the Court of law; the appointment of the Chief Executive and members of the Judiciary and any matter relating to the responsibilities of Government of India and Sikkim. The Chief Executive exercised authority over administration with an exception on Palace establishment and the Sikkim Guards. He was the Presiding Officer over both elected assembly and the Cabinet (Executive Council). Rest all unspecified have to be submitted to the

Chogyal for his approval. The Chief Executive had the power to tackle any emergent situation and such an act was to receive the approval of the Chogyal later on who never refused to ratify the same.

The Chief Ministerial status of the Chief Executive was enhanced because he had the power to advise the Chogyal in the appointment of Members of the Council. It was thus the Parliamentary Constitutional Monarchy was introduced in Sikkim. The 1973, May 8, Agreement reduced the powers of Chogyal of Sikkim.

The control and initiative power of the Chogyal were also reduced to a minimum extent. The Chief Executive emerged as a real head of the Government. The differences of opinion between the Chief Executive and the Chogyal were resolved through the Political Officer with Government of India. The 1974, 34th Amendment Act made Sikkim an associate State of India and 36th Amendment Act finally made Sikkim a part of the Indian Union.

The Post Merger Period : The Sikkim Government Rules of Business vide notification no. H(GA) XIV/75/14 dated 16, May 1975 stated that – “The Governor of Sikkim was pleased to make the Sikkim Government Rules of Business conferred vide clause 3 of Article 166 of the Constitution of India. According to which each department of the Secretariat shall consist of the Secretary to the Government of Sikkim who shall be official head of the department and of such other officers and servants subordinate to him as the State Government may determine. The work of the Department may be divided between two or more Secretaries. A Minister in charge of a Department shall be primarily responsible for disposal of the business pertaining to that department. Further no Department shall without previous consultation with the Finance Department authorise any orders. The Finance Department shall after previous consultation with the Home Department, any orders which relate to number of grading or cadre of posts or other emoluments or other conditions of service or posts; involve the addition of posts or abolition of a post from the

public service or the authorised emoluments of any post; involve the sanction of allowances or special or personal pay for any post or class of posts; involve an expenditure for which no provision has been made in the Appropriation Act, etc.

The Chief Secretary shall appoint the Council and shall be presided over by himself. The Secretary to the Council shall prepare a record of the decision. The decision of the Council relating to each case shall separately recorded and after approval of the Chief Minister shall be placed with the record of the case and a copy of the approved draft shall be sent to the Governor.

The Departmental disposal of business comprises of General rules, Finance Department Rules, Rules of Law Department and Special responsibilities of the Governor.

The Special responsibility of the Governor runs thus where the Government has, in the exercise of special responsibility under clause (g) of Article 371 (F), pass any order, or call for any case, paper, report and the person concerned shall comply with such requisition without delay. In the same way with effect from 16th May 1975 the entire provisions of the Constitution of India was applied in the State of Sikkim vide first Schedule of the Gazette Notification No. H(GA) XIV/75/14 dated May 16, 1975¹.

Notes and References

1. The author thanks the Department of Personnel, Administrative Reforms and Training, Government of Sikkim, Gangtok for having provided details with regard to Administration in the state.

Panchayatiraj in Sikkim

The Political and administrative aspects of the concept of democratic decentralization seek to explain and widen the extent of peoples participation, authority and autonomy and distribution of powers. The main objective of democratic decentralization is not only to project dispersal of powers and associate the people with local administration but to recognize the people's right to initiate and execute policy decisions at a given grassroots level. It is a process and is associated with the idea of local government. To substantiate the above view the Panchayatiraj provides democratic decentralization as a political ideal and the system itself as its institutional form. India after independence was inspired by Gandhi's school of thought which believes in traditional and rural basis i.e., from below by establishing self-governing villages and to retain values of rural life. Article 40 under Directive Principles of State Policy of the Constitution of India stipulates that, the State shall take steps to organize village Panchayats and enable them to function as units of self-government.

The traditional democratic local institution of 'DZUMSAS' were existing in Lachen and Lachung areas of North Sikkim for more than 350 years. Prior to 1948 the Zamindari system was prevalent on abolition of the Zamindari system there were village headmen called 'Mandal' employed for collection of land revenue. Along with Mandals as heads, informal bodies of village elders used to look after the affairs of the villages. In the initial period of development local bodies in the structure of Managing Committees were to run schools and also to execute other social activities in the villages of Sikkim.

According to Shri Sonam Wangdi, Advisor to Government of Sikkim, in the past there were no codified rules and regulations to guide the affairs of villages in Sikkim. As pointed out earlier, nevertheless, Sikkim had its own Councils which were called 'GYEME' (village elders) in the Sikkimese language. It was known as 'Panchayat' in Nepali. The head of the GYEME was

called 'KHYOMEE'. The Gyeme was primarily concerned with trying of petty village cases referred by judicial authorities but not with Welfare activities. (Wangdi Sonam, "The Panchayat System in Sikkim, Sikkim Herald Vol. 11 No. 129 & 130 July 25327, 1970, Gangtok, Sikkim Government Press, 1970).

In order to recognize the Panchayats in 1948, the Sikkim Government constituted Elakha Panchayat Tribunal in every estate consisting of a landlord and Government recognized Panchayat of four villagers of the estate. They were elected by the people. The Panchayat Tribunal was empowered with Civil powers to hear suits upto a value of Rupees one hundred only. The criminal jurisdiction was confined to affray, spreading diseases, fouling water, simple injuries, assault, theft, wrongful restraint, criminal force, misappropriation, criminal breach of trust money amounting to less than Rs. 10/- only, mischief to property and person, insult and abuse and misconduct by a drunken person. For these the criminals have to inflict sentence of fine to extent of Rs. 25/- only⁽¹⁾. This notification was subsequently reaffirmed by another notification⁽²⁾. Here it should also be recollected that in order to try civil and criminal cases in which British subjects were defendants a Council known as Indian Panchayat was established.

Between 1940 and 1950 the Sikkim State Congress demanded the village Panchayats transfer of powers from landlords to them. By 1948 a Panchayat Tribunal consisting of a landlord and four villagers of that estate was formed. A provision was made for election of 4 members in a meeting of the block people. This move did not sustain because of confrontation between Darbar and Sikkim State Congress.

After independence of India the Status quo in India – Sikkim relationship was maintained by Indo-Sikkim Treaty 1947 and 1950 which reiterated India's willingness to assist Sikkim in its development and good administration. But there was no mention about Self-government for Sikkim in the treaty (see Appendix-X).

In order to build up democracy from the grassroots it was considered necessary to establish Panchayati System especially for land management. The Illakha system was prevalent in Sikkim since long and was managed by Illakadhars who possessed both administrative and judicial powers. It was similar to that of Zamindari system.

Under the Indo-Sikkim Treaty 1950 both Sikkim and India agreed for positive association of the people in the governance of the State. Accordingly the village Panchayats were established all over Sikkim and local area Panchayats came into existence by 1951. It elected 5 members subject to approval by the Darbar in order to perform certain Social functions. The Panchayats gained more momentum by 1950 March. The Political conference held at New Delhi which was attended by the Crown Prince Palden Thendup and also by State Congress, National party and Praja Sammelan Party.

The presence of Panchayati Raj system can be traced from Praja Sudharak Samaj led by Tashi Tshering, the first Chief Minister of Sikkim (1949), Praja Sammelan led by Goverdhan Pradhan and Dhan Bahadur Tewari and Praja Mandal led by Kazi Lhendup Dorji which pointed out the improvement of the status of peasants in Sikkim. These three organizations ultimately merged into Sikkim State Congress which stood for the principle of abolishing landlordism in Sikkim.

In order to consolidate the working and objectives of village administration to increase participation of the people and to promote developmental programme the Sikkim Panchayat, 1965 was enacted.

The Dzumsa, the assembly of the people prevalent in Lachen & Lachung of North Sikkim was headman namely PEPON elected by adult members drawn from each family. The Pepon was elected for a period of 2 years. In this context it is essential to point out that Sikkim is still retaining its indigenous age old institutions and old laws in the transformation of Sikkim

from tradition to modernity and still cherishes over to safeguard the heritage of glorious past.

The conference held in 1950 emphasised that village Panchayats to be instituted on the basis of election and also to elect a council for the State which shall progressively perform enlarged function. In February, 1951 election to the 52 village Panchayats were held and consequently forty four Panchayats were elected. (Notification no. 1669).

East Sikkim : 18

West Sikkim : 26

There were two Tashils at this time namely, Gangtok and Namchi. Gangtok included the North District and Namchi administered upto Gayzing. Superseding the Notification 1669-1769/LF the Sikkim Darbar Gazettee 1951 laid down for the first time that the Panchayats should be elected for three years/three year term to render welfare services (to their respective areas) like establishment of Primary Schools, travelers' rest houses, wayside benches, cattle pounds, to assess damages of crops by stray animals and also jurisdiction in civil cases upto a value of Rs. 100/- (one hundred only).

Later on Sikkim adopted the single tier and Block Panchayat System under the influence of Indo-Sikkim-Treaty in particular to Sarpanch. The entire effort here was to increase the political participation and to associate people in the governance of the villages in the State.

In 1954 the Panchayat election could not be held owing to strong political opposition as because no safeguards were extended to the indigenous population. The end of the year 1955 heralded the beginning of a new chapter in the history of Panchayati Raj in Sikkim in particular to the formation of Panchayats. It witnessed the enactment of a comprehensive Panchayat Act, 1965⁽³⁾ for Sikkim and from 1966, 213 elected Panchayats started functioning.

Under the Sikkim Panchayat Act, 1965 a single tier system covering 215 Panchayats including Lachen and Lachung was established. The Sikkim Panchayat system is different from other States. The New Panchayat Act listed the following functions of the Block Panchayat such as improvement of agriculture, establishment and management of agricultural farms, crop experiments to secure minimum standard of cultivation and construction of compost pits, promotion of dairy farming, poultry and piggery, improvement of cattle, organization of community programme, soil conservation, tree planting and embankments, construction of public latrines, sanitation, health hygiene and conservancy, maternity and child welfare, promotion of cottage industries and cooperatives, construction and maintenance of rural roads, bridges and repair of school buildings, prevention and remedial measures of epidemics, cultural activities, maintenance of burial and burning grounds, record of births, marriages and deaths, improvement of Gorucharan, Khasmahal and reserve forests, management of primary schools, rural water supply, work programme for fullest utilization of man power, resources and such other matters.

In 1966 a Panchayat Department was created to perform and supervise the above functions. It was headed by a Secretary and assisted by four Deputy Development Officers and District Officers from four Districts. In this year the first Panchayat election was conducted under the Supervision of the Chief Secretary who was the ex-officio Chief Election Officer assisted by Land Revenue Secretary. In this election members of 71 units were elected unopposed and in the rest of the Panchayat units (142) a keen interest was evinced by the villagers. Two lady members were also declared elected the traditional assembly of the people of self rule known Dzumsa in Lachen Lachung continued. The village headman namely the Pepon was elected by adult members drawn from each family for a term of 2 years.

The Block Panchayat exercised besides other functions mainly judicial powers to amicably settle a dispute by mutual agreement when a dispute was referred to it by both parties concerned or District Officers. The Block

Panchayat was granted annual funds to carry out its normal functions. Between 1966 and 1970 the Durbar Government disbursed Rs. 1,93,004 among 213 Block Panchayats besides the expenditure on schemes in the villages allocated under the five year plan. The Panchayats have rendered remarkable services directly to their respective areas and to the Sikkimese nation as a whole. The most notable such service was rendered in the natural disasters fund by Sikkim in 1968. Therefore, the Panchayat Act, 1965 help fulfilled the noble Denjong Chogyal Chempo's vision to make Sikkim a paradise on earth. It was further hoped that the Panchayats will continue to serve the people and succeed creating better villages for themselves and still better villages for generations yet to be born.

The functions of the Panchayats are made responsible to Block Panchayats with a views to obtain assistance from fellow villages, in case refused, without sufficient cause, to comply with any demand for service made on him or by her, the Panchayat in pursuance of its obligation, the Block Panchayat may require that person to pay penalty not exceeding double the commuted value in money of his or her services that he or she may fail to have rendered.

The Panchayats were launched in accordance with the noble desire of Chogyal. It was to see the people of Sikkim to be associated with the shaping of their common destiny, i.e. the rural people should be associated intimately with the implementation of Sikkim's rural development programmes with a view of fulfill the aspirations of the people. It was also to enable the people to participate in the common endeavour with willing and cheerful heart.

The second Panchayat election was held in April 1969. From the Block Panchayats the Block Sabha was constituted and was consisting of adults along with an Executive Committee. The Block Sabha besides other members reserved 10 percent to the minority. These were approximately 13,000 voters who elected 525 members. However, it consisted of 4 members including both

elected and nominated. The Block Panchayat was to elect a President, Vice-President and a Secretary for a term of 3 years. The meeting was held once a month. The minutes and the proceedings of the meetings were recorded in Sikkimese (Bhutia) Nepali and English languages. These minutes were sent to the District Panchayat Officers. The Block Sabha met once a year and was attended by District Panchayat Officers.

Later on attempt was also made for involving the Panchayats in the framing of district planning and the process of district planning was made through District Planning Committee headed by the District Officer⁽⁴⁾.

After merger of Sikkim with the Indian Union, the Panchayat Act, 1982 was enacted in April 1982 to govern the rural areas except the areas under the jurisdiction of Gangtok Municipal Corporation, 1975 or the areas under the Sikkim Bazaar Committees Act, 1969. The Sikkim Panchayat Act, 1982 provided for the constitution of a Gram Panchayat bearing names of Gram (a village or a group of villages) and Zilla Panchayat bearing the name of district. These were elected for a period of five years. It was also incorporated that the State Government was to nominate one member each from Scheduled Caste, Scheduled Tribe and Women (if they are not elected) to such Gram Panchayats⁽⁵⁾. That is to say the new Act provided for a two-tier Panchayat System namely Gram Panchayat at the village level and Zilla Panchayat at the district level.

Each Zilla Panchayat will elect its own adhyaksha and Upadhyaksha (President and Vice-President) from among the Sabhapatis of the Gram Panchayat and elected members of the Bazar Committee. The Sachiva (Secretary) was appointed by the State Government.

Unlike the old Panchayats the New Panchayats exercised powers like levying of taxes, rates and fees with local bodies and to mobilize resources to shoulder their responsibilities efficiently. They are to prepare their own budget to be approved by the State Government. The Zilla Panchayat under the new Act is empowered to impose taxes, rates and fees of its own in addition to the

contribution and grants received from the State Government. It is to prepare its own budget to be approved by the State Government.

According to new Act, 1982 there were 152 Gram Panchayats against the 215 Panchayats existed before. The total number of Revenue Blocks have been taken as separate Panchayat wards to elect their representatives as the member of the Gram Panchayat. These 154 Panchayats elected 815 members through the State.

The District wise break up of Gram Panchayats wards and the numbers of Members to be elected are shown below:

Table 1.			
District	Gram Panchayats	Wards	Members to be elected
East	44	119	229
West	48	111	262
South	44	135	232
North	18	41	92
Total	154	406	815
Source : Sikkim Herald, Vol. 26, No. 14, February 4, 1983.			

The total members of each Gram Panchayat will not be less than 5 and not more than 9 ⁽⁶⁾.

In pursuance to the 73rd Amendment Act, 1992, the State Government enacted the Sikkim Panchayat Act, 1993 (The Sikkim Panchayat Act, 1993 [Act No. 6 of 1993]). This act extends to the whole of Sikkim except the areas

which may hereafter be declared as or included in the Nagar Panchayat. This act came into force in Sikkim with effect from 10th August 1995 along with payment of honorarium to the members and Sabhapaties ⁽⁷⁾. Subsequently the above act was awarded by the Sikkim Panchayat (Amendment) Act, 1995, (act no. 10 of 1995) and The Sikkim Panchayat (Amendment) Act, 1997 (Act no. 5 of 1997). Similarly the Sikkim Panchayat (Conduct Election) Rules 1997 was also introduced ⁽⁸⁾.

A Finance Commission was ordered to be Constituted Vide Notification No. 35(1) 93-94/20/RDD/P dt. Nov. 3, 1995 by Rural Development Department, Government of Sikkim to review the financial position of the Zilla Panchayats, Gram Panchayats etc. along with resources available to them ⁽⁹⁾. In pursuance of the above notification the Department of Personnel, Training and Administrative Reforms Constituted vide Notification No. 170(G)/DOP dated 23.4.1997 with Additional Chief Secretary Sonam Wangdi as the Chairman of the Commission. Later it was reconstituted vide Notification No.35(1) 93-94/42/RDD/P dated 22.7.1998 with Shri S. Lama as Chairman and two other members along with a deputationist from Central Government to Government of Sikkim. The Commission submitted its report in the year 1999⁽¹⁰⁾.

The Government of Sikkim decided to hold elections in the State of Sikkim for the purpose of Constituting new Gram Panchayats in the State in accordance with the provisions of Sikkim Panchayat Act, 1993 (based on 73rd Amendment Act of The Constitution of India), Sikkim Panchayat Amendment Acts, 1995 and 1997 vide Notification No. 43/Home/97 dated 4.9.1997.

There are at present altogether 159 Panchayat Units, 873 Gram Panchayat members (including Women members) and 92 Zilla Panchayats in the State of Sikkim.

The Elakhas and Panchayat Units are as under : 1997 Election⁽¹¹⁾

Table 2.				
Particulars	East	West	South	North
Elakhas	23	10	16	7
Block under Panchayat units	68	60	66	19
No. of Gram Panchayats	48	49	42	20
Wards/Seats	269	263	242	100
Zilla Parishad, Territorial Constituencies	27	22	23	20

As compared to other elections of Panchayatiraj in Sikkim the election held in 1997 is unique as because it was held as per the suggestions of 73rd amendment act to the Constitution of India. Sikkim was the first State to extend 33 per cent reservation for women in this election besides usual reservations to Scheduled Castes, Scheduled Tribes and other Backward Communities similarly such reservations were made in the Zilla Panchayats too. The election was contested by candidates on the basis of Party affiliation. The Ruling Sikkim Democratic Front swept the polls and rest of them belong to independents. In many Gram Panchayat wards candidates belonging to SDF declared elected uncontested. Another interesting aspect of 1997 Gram Panchayat was the reservation of posts for Sabhapati and Up-Sabhapatis belonging to SC, ST, OBC and unreserved.

The newly constituted Gram Panchayats and Zilla Panchayats are to perform various activities relating to agriculture animal husbandry, medical and public health, non formal, adult education, supervision of primary schools, VLO Centres of Land Revenue Department, Minor irrigation works, Social forestry. In order to ensure effective devolution of powers and functions to the Panchayati Raj Institutions administrative cell headed by District Collector, Finance and Accounts Cell, Technical Cell, Planning Cell, District Planning, Committee and Budget etc. are introduced in the State of Sikkim.

Therefore, we may say that Sikkim before and after merger strengthened local self government in the name of Panchayatiraj at the grassroots to build strong village administration. In todays Panchayat system in Sikkim for the development of villages the Ministers and MLAs of the region submit the development programmes of the rural areas and thus play a vital role in the District Planning Committee and decision making. Thus, the Panchayat has been intended as an inter-alia to out a new form of co-operation and mutual understanding between Sikkim administration, and the rural leaders on one hand and the politics of Sikkim on the other.

Schedule "A"		
List of Panchayat Units in East District, Gangtok		
Sl.No.	Elakha	Block under Panchayat Unit
1.	Pendam	West Pendam
2.	Pendam	Central Pendam (Sajong)
3.	Pendam	East Pendam Kamere Bhasme Panchak
4.	Sumin	Lingje
5.	Sumin	Sumin, Mangthang

6.	Pakyong	Namcheybong
7.	Pakyong	Kartok, Dikling
8.	Pakyong	Chalamthang, Dikling, (Panchekhani)
9.	Pakyong	Lossing, Pancheykhani
10.	Changey, Senty	Changey
11.	Changey, Senty	Pachey
12.	Aho	Aho, Yangtam
13.	Amba, Tarethang	Taza
14.	Amba, Tarethang	Amba
15.	Amba, Tarethang	Tarethang
16.	Pathing	Thekabong, Parakha
17.	Pathing	Biring, Linkey
18.	Pathing	Machong, Riwa
19.	Bara Pathing	Lhatuk, Chuchenpheri
20.	Chujachen	Rolep, Lamaten
21.	Chujachen	Chujachen
22.	Chujachen	Lingtam
23.	Chujachen	Phadamchen

24.	Rigu	Prem Lakha, Singanebas, Subaneydara
25.	Rigu	North Rigu
26.	Rigu	South Rigu
27.	Rhenock	Dalpchen
28.	Rhenock	Dalpchen
29.	Rhenock	Aritar
30.	Rhenock	Rhenock
31.	Rhenock	Tarpin
32.	Rhenock	Mulukey Sudunglakha
33.	Paham Singtam	Lingzey Chota Singtam
34.	Paham Singtam	Assam
35.	Paham Singtam	Naitam Nandok
36.	Paham Singtam	Namok Paham Bhusuk
37.	Thathangchen	Rongneck Tathangchen
38.	Thathangchen	Syari
39.	Tadong	Samdur Tadong
40.	Tadong	Sechagang
41.	Tadong	Burtuk Penlong

42.	Ranka	Ranka Parbing
43.	Ranka	Luing
44.	Ranka	Sangtong Barbing Lingdum
45.	Ranka	Rhebrok Tempyek-Mendu
46.	Ranka	Sha-gyong Rumtek
47.	Ranka	Rawtey-Rumtek Chingzey
48.	Rumtek Marchak	Marchak
49.	Rumtek Marchak	Namin Timlabung Namli Chuba
50.	Sang	Martam
51.	Sang	Nazitam Tinkutam
52.	Sang	Challumthang Rabdang
53.	Sang	Chisopani Sakyong
54.	Sang	Sirwani Negethang
55.	Sang	Beng Pegyong
56.	Khamdong	Khamdong Budungthangsing Byang
57.	Khamdong	Dung Dung Aritar
58.	Khamdong	Simick Lingzey
59.	Khamdong	Patuk Singbel

60.	Samdong	Chandey
61.	Samdong	Chandey
62.	Samdong	Raley Khese
63.	Samdong	Samdong Kambel
64.	Rakdong	Tintek
65.	Rakdong	Rakdong
66.	Rakdong	Nampong Lindok
67.	Nabey Sotak	Nabey Sotak
68.	Gnathang	Gnathang

List of Panchayat Units in North District, Sikkim		
Sl.No.	Elakha	Block under Panchayat Unit
1.	Malling	Tung Naga Meyong Singchit
2.	Malling	Sentam Kazer Pakdep
3.	Malling	Singhik Ringhim
4.	Malling	Nampatam Zimchung
5.	Upper Zongu	Barfok Lingdom
6.	Upper Zongu	Lingthem Lingdom

7.	Upper Zongu	Tingbong Tolung Sakyong Penthong
8.	Upper Zongu	Ship
9.	Lower Zongu	Lum Gor Sangtok
10.	Lower Zongu	Hee Sangdong
11.	Chungthang	Chungthang
12.	Phodong	Namok Tingchim
13.	Phodong	Sheyam Tengyek
14.	Phodong	Rongong Ramthang
15.	Phodong	Upper Mangshila Lower Mangshila
16.	Phodong	Phodong Tumlong
17.	Phensang	Labi Men Rangang Phamtam
18.	Phensang	Phaney Chawang
19.	Kabi	Kabi Tingda

List of Panchayat Units Namchi District, South Sikkim		
Sl.No.	Elakha	Bock Under Panchayat Unit
1.	Lingi	Lingi Sokpay
2.	Lingi	Upper Paiyong Lower Paiyong Kaw

3.	Lingmoo	Lingmoo
4.	Lingmoo	Pepthang Kolthang
5.	Lingmoo	Mangjing Tokday
6.	Niya Broom	Niya Broom
7.	Yangang	Rangrang Yangang
8.	Yangang	Gagyong Satam
9.	Ben Namphok	Namphok Satam
10.	Ben Namphok	Sripatam
11.	Ben Namphok	Rabhang Sangmo
12.	Ben Namphok	Ben Namphik
13.	Temi Tarku	Tarku Tanak
14.	Temi Tarku	Diu
15.	Temi Tarku	Temi Aifaltar
16.	Barmiok	Pabong Daring Reshep
17.	Bermoik	Tokal Namphing
18.	Bermoik	Tokday Bermoik Thangsing
19.	Bermoik	Chalumthang Burul
20.	Bermoik	Ramyang Nijrameng

21.	Namthang	Parbing
22.	Namthang	Chuba Phong
23.	Namthang	Karek Kabrey
24.	Namthang	Nagi Palitam
25.	Namthang	Nalam Kolbong Manedara
26.	Namthang	Kanamtek
27.	Namthang	Mamring Donok Turung
28.	Namthang	Pamphok
29.	Namthang	Kateng Bokrong
30.	Rateypani	Tangji Bikmat Rabi-khola
31.	Rateypani	Rateypani Pass
32.	Turuk Sumbuk	Rabitar Sadam
33.	Turuk Sumbuk	Sukrabarey Suntaley
34.	Turuk Sumbuk	Paiyong
35.	Turuk Sumbuk	Malli Dara Melli Kerabari
36.	Turuk Sumbuk	Turuk Ramabung
37.	Turuk Sumbuk	Panchagharey
38.	Turuk Sumbuk	Lungchok Kamerey

39.	Turuk Sumbuk	Sumbuk Kartikey Suntaley
40.	Turuk Sumbuk	Rong Palum Singtam Bull
41.	Namchi	Phalidara Salleybung Maniram
42.	Namchi	Gumpa Gurpisay
43.	Namchi	Bomtar Singithang
44.	Namchi	Kopchey Mikkhola
45.	Namchi	Assangthang Sangbung
46.	Namchi	Dhargaon Salghari Dorop
47.	Namchi	Chisopani Tinik
48.	Namchi	Poklok Denchung
49.	Namchi	Kamrang Pajer Tinzir
50.	Namchi	Pabong Chemchey
51.	Namchi	Damthang Jaubari
52.	Namchi	Tingrithang Mamley
53.	Kitam	Sorok Sempani
54.	Kitam	Kitam Manpur Gom
55.	Wak Kewzir:g	Wak Omchu Chumlok
56.	Wak Kewzing	Tinkitam Senganath

57.	Wak Kewzing	Rayong
58.	Wak Kewzing	Lamaten Tingmoo
59.	Wak Kewzing	Hingdem Legship
60.	Wak Kewzing	Lingjo Dalep
61.	Wak Kewzing	Bakhim Kewzing Mangbru
62.	Ralong	Barfung Jarong Biring Deythang
63.	Ralong	Lingding Ralong
64.	Ralong	Namlung
65.	Borong	Polot
66.	Borong	Sada Phamtam Borong

List of Panchayat Units Geyzing District, West Sikkim

Sl.No.	Elakha	Block Under Panchayat Unit
1.	Tashiding	Dhupidhara Narkhola Mangnam
2.	Tashiding	Labdang Kongri Gangyap
3.	Tashiding	Arithang Lasso Chongrang
4.	Tashiding	Onglap Yangtey Bhaluthang
5.	Tashiding	Tashiding

6.	Khechopheri	Gerethang
7.	Khechopheri	Labing Dubdi
8.	Khechopheri	Yoksum
9.	Khechopheri	Thingling I & II
10.	Khechopheri	Chojo Khechopheri
11.	Melli	Melli Malliching
12.	Melli	Singlitam Tingbrom
13.	Pemiongchi	Topung Singrangpung Nambu
14.	Pemiongchi	Darap Singdrang
15.	Pemiongchi	Singyang Naku Chongbung
16.	Pemiongchi	Geyzing Omchung
17.	Pemiongchi	Kyongsa
18.	Pemiongchi	Lingjik
19.	Sangacholing	Tikjek
20.	Sangacholing	Lingchom Sardong
21.	Yangthang	Yangthang
22.	Yangthang	Sapung Bongten
23.	Yangthang	Srinagi Linching Gyaten Karmatar

24.	Yangthang	Maneybung Sopakha
25.	Yangthang	Begha Mangmu Dentam
26.	Yangthang	Sankhu
27.	Yangthang	Radhukhandu
28.	Yangthang	Hee
29.	Yangthang	Hee-Patal Pechrek
30.	Yangthang	Martam
31.	Yangthang	Barmiok
32.	Yangthang	Barthang
33.	Rinchenpong	Tadong Rinchenpong
34.	Rinchenpong	Barphok Chinthang Megyong
35.	Rinchenpong	Meyong Sangadorji
36.	Rinchenpong	Jeel Hatidhunga
37.	Rinchenpong	Bum Reshi
38.	Rinchenpong	Sribadam Samdong
39.	Chakung	Dethang Pareng Gaon
40.	Chakung	Takuthang Chuchen
41.	Chakung	Tinjerbung Suldung Kamling

42.	Chakung	Mabung Sigeng
43.	Chakung	Suntaley Khaniserbong Arubotey
44.	Chakung	Samdong
45.	Chakung	Samsing Geling
46.	Chakung	Mendo Gaon Chakung
47.	Chakung	Zoom
48.	Chakung	Chumbung
49.	Chakung	Malbasey
50.	Chakung	Soreng
51.	Chakung	Singling
52.	Chakung	Timburbung Tharpu
53.	Chakung	Buriakhop
54.	Chakung	Karthok
55.	Daramdin	Buriakhop Rumbuk
56.	Daramdin	Upper Thambong
57.	Daramdin	Daramdin Lower Thambong
58.	Daramdin	Lungchok Salyangdang
59.	Daramdin	Siktam Tikpur

60.	Daramdin	Okhrey Ribdi Bhareng
Source : Sikkim, Recommendations of State Finance Commission, Gangtok, 1992 unpublished. Sikkim (RDD), Manual of Panchayat Law, Gangtok, Sikkim Government Press (n.d.) pp-237-367.		

Schedule "B"		
A Chronological order of Panchayatiraj Elections held in Sikkim		
Sl.No. of the election		Year
1 st	Old Panchayat Act	1965
2 nd		1968
3 rd		1971
4 th		1974
5 th	It was extended till 1982	1977
6 th		1987
7 th	In 1993 new Act was enacted but the existing Panchayat were allowed to continue till the expiry of their term	1992
8 th	New Panchayats were elected under the Panchayat Act 1993 with reservations	1997

Ministers in Panchayati Raj		
Sl.No.	Name	Year
1.	B.P. Kharel	1974
2.	N.B. Bhandari	1979
3.	Dorjee Tsering	1984
4.	N.B. Bhandari	1984
5.	P.L. Gurung	1989
6.	R.R. Rai	1994
7.	Pawan Chamling	1994
8.	G. Chandra Rai	1999

Secretaries in Panchayati Raj		
Sl.No.	Name	Year
1.	Tashi Chophel	1965
2.	C.D. Rai	1972
3.	P.K. Pradhan	1974
4.	K.C. Pradhan	1983
5.	P.K. Pradhan	1984

6.	L.B. Chettri	1989
7.	R. Ongmu	1993
<i>Source : K.N. Sharma, Additional Secretary to the Government of Sikkim, Land Revenue Department, Gangtok, Sikkim</i>		

Pawan Chamling defends Panchayat Polls on Party basis as a measure of ascertaining accountability.

Sikkim went to polls to elect panchayats on 13th October 2002. The State Level Panchayat Sammelan held on August 12, 2002 at Paljor Stadium Indoor Gymnasium.

The Sammelan was organized by the Rural Development Department and saw a huge gathering of Panchayat members from all over the State, Officials and Party members. Pawan Chamling announced that the polls will be held on party-basis, as supported by ruling SDF Party. As earlier this time Chamling said that the Panchayat Polls would be held according to 'Pool System' for candidates and seats. As also there would be 33% reservation for women.

Chamling had earlier desired that the SDF party should 'win all the seats uncontested' and appealed to the people to 'make sure that the right candidates who would work for the welfare and benefit of the people' get the posts.

Defending his stand on the party system for the Panchayat polls, Chamling said that this would "strengthen the democratic process and popularize it in the grassroots level".

Brushing aside the criticism by the opposition on his Government's decision to hold Panchayat election on Party basis, he said that his decision ensures that the Panchayat leaders are made more accountable and the benefits provided by the government reaches the people.

Panchayats across the State who have performed exceedingly well in the last term were presented "Panchayat Shree" awards by Chamling ⁽¹²⁾.

Panchayat Poll 2002 ⁽¹³⁾

Under Article 243 B of the Constitution of India provision has been made for constitution of Panchayat bodies of Village, intermediate and district levels in every states. However there is an option for states having population not exceeding 20 lakhs to adopt a two tier system i.e. to constitute Panchayat Raj bodies at Gram and District levels only. Our State has two tier Panchayat System.

The Power of delimitation of panchayat areas and organized them is vested in the State Government under Sikkim Panchayat Act, 1993. Accordingly the State Government vide its Notification No. 35(2)2001-02/RDD/P dated the 6th July, 2002 has reorganized the Zilla Panchayats and Gram Panchayats in the State. Before this reorganization the outgoing panchayats had 873 wards with 159 Gram Panchayat Units and 4 Zilla Panchayats with 92 Territorial Constituencies. After the reorganization we have 903 wards with 166 Gram Panchayats Units and 4 Zilla Panchayats with 98 Territorial Constituencies. The 2 villages of Lachen and Lachung in the North District of the State having traditional democratic institution of local governance called Dzumsa existing for many years have been allowed to co-exist at par with the Gram Panchayat unit and their representatives have been adopted as member of Zilla Panchayat of North District. No elections are held for Lachen and Lachung Gram Panchayat Units and Territorial Constituencies. With such inclusion of these two traditional institution to the Zilla Panchayat the total strength of Zilla Panchayat member will be 100.

The Panchayats at District level and Gram Level are separate entities in relation to their constitution, term of office and sphere of activities. However, in consideration of mobilization of manpower and finances and involvement of the masses elections are conducted simultaneously for Gram Panchayats Wards and Territorial constituencies of the Zilla Panchayats.

State Election Commission has released list of candidates who have been declared elected uncontested and list of contesting candidates to the Zilla Panchayat and Gram Panchayat for the entire State. Out of 903 Gram Panchayat wards candidates from 629 wards have been declared elected uncontested. Election will be held for the remaining 271 Gram Panchayat wards. Nomination of 2 Gram Panchayat wards were rejected by the Returning Officer during scrutiny of papers and in one ward no nomination was received and in another ward the candidate elected uncontested expired. Similarly, out of 98 Territorial Constituencies candidates from 56 Constituency have been declared elected uncontested. Election will be held for the remaining 42 Territorial Constituencies. Besides this, elections are required to be held in other 214 Wards where the candidates for Gram Panchayat wards were elected uncontested but 42 Territorial Constituencies falling within these wards are under contest. Therefore voters of 214 wards will vote for Territorial Constituencies only.

The total wards where elections will be held in 485 as per district-wise break-up given below.

Zilla Panchayat										
Name of Zilla Panchayat	Total Territorial Constituencies	Total Territorial Constituency declared uncontested	Total Territorial Constituency contesting	Total Candidates	SDF		INC		IND	
					M	F	M	F	M	F
West	25	22	3	9	3	0	0	0	6	0
South	24	12	12	34	10	2	1	0	16	5
East	31	11	20	65	15	4	3	0	36	7
North	18+2*	11+2*	7	15	4	2	0	0	5	4
Total	98+2*	56+2*	2	123	32	8	4	0	63	16
T.C. Territorial Constituencies										
*Lachen & Lachung										

Gram Panchayat Uncontested							
Name of the District & No. of Gram Panchayat	No. of Gram Panchayat Unit	Total Wards	Total Wards declared uncontested	Vacancies	%	Party Affiliation	
West	51	274	241	-	87.96	241	-
South	45	255	177	-	69.41	177	-
East	50	273	132	3	48.35	132	-
North	20*	101*	79	-	78.21	78	1
Total	166	903	629	3	69.66	628	1

Gram Panchayat Contested													
Name of District	Total Contesting Wards	Candidates			Party Affiliation								
		Male	Female	Total	SDF			INC			IND		
					M	F	T	M	F	T	M	F	T
West	33	58	16	74	25	8	33	3	-	3	30	8	38
South	78	132	52	184	53	17	70	1	-	1	78	35	113
East	138	212	105	317	87	49	136	1	-	1	124	56	180
North	22	37	9	46	18	4	22	-	-	-	19	5	24
Total	271	439	182	621	183	78	261	5	-	5	251	104	355
Secretary State Election Commission, Sikkim													
Source : SIKKIM, Sikkim Herald, Vol. XL, No.45, October 4, 2002, Gangtok, Sikkim Govt. Press, p.5.													

Consolidated statement showing partywise position of General Panchayat Election, Sikkim, 2002												
Gram Panchayat												
Name of District	Total Seat	Uncontested			Contested			Total			Grant Total	Remarks
		SDF	INC	IND	SDF	INC	IND	SDF	INC	IND		
West	274	241	-	-	28	-	5	269 (98.17%)	-	5 (1.83%)	274	
South	255*	177	-	-	48	-	29	225 (88.58%)	-	29 (11.41%)	254	Repoll in 12/1 Bemayak GPW
East	273	135	-	-	109	-	29	244	-	29	273	

								(89.38%)		(10.62%)		
North	101	78	-	1	16	-	6	94 (93%)	-	7(7%)	101	
Total	903	631	-	1	201	-	69	832 (92.24%)	-	70 (7.76%)	902	Repoll on 12/10/02

Zilla Panchayat												
Name of District	Total Seat	Uncontested			Contested			Total			Grant Total	Remarks
		SDF	INC	IND	SDF	INC	IND	SDF	INC	IND		
West	25	22	-	-	2	-	1	24 (96%)	-	1(4%)	25	
South	24	12	-	-	12	-	-	24 (100%)	-	-	24	
East	31	11	-	-	19	-	1	30 (96.77%)	-	1 (3.23)	31	
North	18+2*	10	-	1	3	-	4	13 (72.22%)	-	5 (27.78%)	18	*2 Dzumsa
Total	98	55	-	1	36	-	6	91 (93%)	-	7 (7%)	98	

Due to the error in the procedure of polls, 12/1 Bernayak Ward under Bernayak Gram Panchayat Unit in the South District was held on the 12/10/02 after the commission ordered for a fresh poll. The poll, which was held at Tokal Senior Secondary School, saw Mr Lal Das Tamang, a SDF candidate

victorious by a margin of one vote. This polling was an end to the peaceful and maximum voter turn out in all the 903 wards and 98 territorial constituencies.

The elections for Sabapathi and Upasabapathi Adhyaksha/Upaadhyaksha for all four districts were held in November, 2002 in all gram and zilla panchayats.

Thus Sikkim before and after merger strengthened the local self-Governmmnet in the name of Panchayatiraj at the grassroots to build strong village administration. The traditional Dzumsa is still continued in North Sikkim. The SDF Givernment headed by Pawan Chamling belives in the philosophy that Panchayat is the Governemt at village level and has allocated 70%of the budget for village development in Sikkim.

Notes & References

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4. For details before merger See Wangdi Sonam, 'The Panchayat System in Sikkim', *Sikkim Herald*, Vol. 11, No. 129 July 25, 1970, pp. 1 & 2, Gangtok, Sikkim Govt. Press, 1970.
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5. Sikkim, *Sikkim Government Gazette* (Extraordinary) No. 24, The Sikkim Panchayat Act, 1982, Act No. 3 of 1982, Gangtok, Govt. of India Press pp. 41. Also see *Sikkim Herald*, Vol. 26, No. 14, Feb. 4, 1983, Gangtok, Sikkim Govt. Press, pp. 1 & 4.
6. Ibid.,

7. Sikkim, *Manual of Panchayat Law* (RDD), Gangtok, Sikkim Govt. Press (not dated), pp. 1-14 & p. 50.
8. *Ibid.* pp 56-58, pp. 69-74 & pp. 144-147.
9. *Ibid.*, pp. 51-53.
10. Sikkim *Recommendations of State Finance Commission*, 1999, pp. 92 (unpublished).
11. See Sikkim Recommendations of the State Finance Commission *Op. cit.* Manual of Panchayat Law, *Op. cit.*, pp: 237 to 367.
12. Now, Vol. No 11. Aug., 14-20, 2002 Tadong Baba Offset. P. 4
13. Sikkim, *Sikkim Herald*, Vol. XL No. 45, Oct., 4, 2002, Gangtok, Sikkim Govt. Press, p.5.
14. *The Resolution*, Vol. 2, No. 42, Oct. 21-25, 2002, Ba ba Offset, p.6.

5. The Legislature: Sikkim Legislative Assembly

The Maharaja of Sikkim was both temporal and spiritual head. The nature and form of Government in the erstwhile feudal monarchy in Sikkim was entirely different from what is existing today. The King was assisted by a National Assembly called the "LHADE-MEDE". It was an assembly of monks and the lay comprising of different ranks such as Chutimpa, Lama Dorjee, Omze, Lohpon and influential gentry like the village headmen and other dignified people of Sikkim. The Kazis selected its members and later by the Private Secretary to the Maharaja.

The strength of the Lhade-Mede was changing from time to time and had no fixed number. Usually it met in times of necessity and to discuss the issues of national importance such as ill omens affecting the country, marriages of members of the Royal family and death of a Maharaja. Therefore, it was an advisory body and the Maharaja was not bound by its advices but was normally accepted by the King and the meetings were held at palace convened by Maharaja as and when he felt. The last meeting of the Lhade-Mede was held before merger of Sikkim to finalize the marriage of Palden Thondup Namgyal. By and large, the Lhade-Mede continued to function with the changes of time.¹

Truly speaking, an organized governmental system in Sikkim was introduced during the time of the British-India rule under John Claude White - the first Political Officer appointed in the end of 19th Century. It was then known as the Council and the Maharaja was present in its meetings.² The Council was consisting of nominated members and the sessions of the Council were held at irregular intervals. The Kazies and landlords were nominated as members and were belonging to Sikkim Bhutia, Lepcha and Nepali communities. By 1935 the Council was consisting of nine members to represent perhaps all interests and sections. It used to meet at least thrice a year and especially in the first meeting it was to analyse the budget to be sent for the approval of the Maharaja³. The

Emergency Session of the Council was convened at any time of the year at the will of the Maharaja.

Later under popular demand, the Darbar had to include six representatives among the ryots as additional members of the State Council. But unfortunately as they were dissatisfied an agitation was launched in 1949. That movement led to appoint an Indian Officer as a Dewan and a move to allow active participation of the people in the Government. As a result of it, members were nominated from political parties and the Dewan was made the President. It once again led to the formation of Panchayats and to hold elections to constitute the future Assembly or Legislative Council in Sikkim⁴.

In accordance with the provisions of the Proclamation, 1953, the State Council had a strength of twelve elected members. Six of them were belonging to Sikkim Bhutia-Lepcha communities and remaining six of them to the Sikkim Nepali community. The President of the Council was appointed by the Maharaja⁵. The Dewan of Sikkim was officially called as Principal Administrative Officer or SIDLON/SILDON of Sikkim who presided over the meetings of the Council.

The members of the Council were elected on the basis of Universal Adult Franchise. Besides the above 12 elected members Five members were nominated by the Maharaja.

The Council consisted of seats in the year 1958 as follows:

6	-	Sikkim Bhutia – Lepchas
6	-	Sikkim Nepalese
1	-	Sangha Seat
1	-	5 General Seat
6	-	Nominated
20	-	Total

By 1967 the number rose to 24 and the split - up was as follows ⁶:

7	-	Sikkim - Bhutia – Lepchas
7	-	Sikkim – Nepalese
6	-	Nominated
1	-	Sangha Seat
1	-	General Seat
1	-	Tsongs (Limboos)
24	-	Total

The Council was to meet twice a year and the budget session was to be held in Feb-March every year. The autumn Session used to take place in September. The Maharaja of Sikkim exercised powers to summon the Special Session: prorogue and dissolve the Council. Its tenure was fixed at 4 years unless dissolved sooner by the Maharaja.

The second Council which was constituted in 1958 and the third was in 1967. The rest of the elections to the Council was held once in 4 years. The decisions of the Council were based on majority vote and the President exercised a casting - vote. The Council was constituted on Party lines and had treasury and opposition benches. Therefore the decisions were taken on the basis of majority vote of the members present and voting. Normally the Council was addressed by the Maharaja and it was allowed by Maharaja some other person to preside over the meetings.

R. N. Haldipur, T. D. Densapa, M. P. Pradhan, I S. Chopra and D. Dadul presided over the meetings of the Council.

The Nepali language was used in the proceedings. But it was opposed and therefore, it was decided that no particular language was to be adopted as the language of the House. The members were allowed to speak in a language in

which they were free to address the House. The records were kept in English and the work of the House was carried on by order paper. The business of the House was carried on and based on questions, resolutions and legislations ⁷.

In so far as the powers of the State Council were concerned it had the power to enact laws subject to the assent of the Maharaja for all practical purpose and good governance. It had powers to enact laws on the matter enumerated as under reserved subjects viz., Police, Finance, State enterprises, land revenue establishment, food supply and rationing. But it had no powers to discuss on the matter relating to Maharaja, royal family, external relations and relations with Government of India, appointment of the Dewan and the Members of the judiciary ⁸.

In regard to transferred subjects such as health, education, agriculture, PWD etc. a member of the Council had to give a fortnights notice of intention to introduce and move a bill, followed by vote on admission and discussions. Amendments were also to be tabled followed by vote on admission and discussions. The Council by vote used to pass or reject the legislation. Thus the bill became regulation if and when it was assented by the Maharaja. The Council was unable to legislate on any matter relating to reserved subjects. But the budget was placed and voted upon every year. The Maharaja had the power to certify if any budget estimate was rejected, where it would become part of the sanctioned estimate. Another important aspect was that expenditures chargeable on the revenue of the State were not subject to the vote of the Council, in particular on civil list and expenditure on the household department of the Maharaja, pay and allowances of the Dewan, members of the judiciary and officers on deputation from the Government of India.

The swearing in ceremony of the newly constituted Council used to take place at the palace Monastery (Tsuk-la-khang) and was addressed by the Maharaja

at every inaugural session. The head lama of Pemayangtse Monastery used to conduct the administration of oath and secrecy in the midst of chanting of prayers to the newly elected members of the Council.

The members of the Council were made in-charge of various departments and in the inaugural session the Maharaja used to outline the achievements and the members submitted the programmes report of their departments. The then Chief Secretary was made in charge to present reports of progress on reserved subjects before the Council. The then President of the Council, N. K. Rustomji in fact, made it clear in 1956 that the Councilors should be fully committed and associated with the problems of administration and administrative machinery besides achievements and merits. Over and above problems of administration the Councilors were bound to tender advice and make valuable contributions for shaping up policies, which were in the best interest of the Darbar⁹. Further it was stated that the representatives of the Council were to be made aware of the implications of the developmental programmes to carry out in order to evolve new policies, which would be confining to the truest interests and development of Sikkim. Thus in this way the resolutions were moved by the Councilors to attract the attention of the Government to the specific and general problems of the Constituencies in Sikkim. For which the Durbar also used to give assurances to fulfill the promises.

It should also be borne in mind that there were certain limitations e.g., the developmental Plans were not requiring the approval of the Council but it was consulted with the Council prior to the finalization of the schemes. As far as legislations were concerned the bills were introduced by the Members of the Executive Council on the floor of the House. Sometimes select committees were constituted to consider the bills and the committee was constituted from among the Councilors. However, the State Council could not become the main Legislative organ on the matters relating to transferred subjects as nothing much was done in

this regard by it. Still the motor vehicle Bill, Gangtok Rent Control Bill, Excise Bill, Drug Control Bill, Eviction Bill -1 of 1956 etc. were some of the Bills passed by the Council. It is surprising to note that the Excise Bill placed before the Council in 1957 was passed in 1970. It was because of many reasons and one of the main reasons was that the election to the State Council took place in 1967 after a long gap i.e., in the year 1967¹⁰. The Council was the highest body to deal with and to settle any matter related to objectionable publications and any defamatory statement on the Maharaja. In this regard Kazi Lhendup Dorjee was dealt with and was even dismissed from the Councillorship in 1972. The President of the Council who was the Principal Administrative Officer and later Sidlon of Sikkim to administer reserved subjects exercised commanding Power. At the same time it was considered that the Maharaja as the source of all Legislative powers, the Executive Councilors were under the control of the Dewan and the real decision make was the Durbar. The members had powers to ask questions and move resolutions, which are of the general welfare of the people.

Later the Tripartite Agreement of 1973 laid down the basic principles of a new system to establish a responsible Government in Sikkim. It provided for an Assembly with increased legislative powers for the elected representatives. This Assembly was elected every four years on the basis of 'One-man-one-vote'. The election to the Assembly was conducted by the Election Commission of India on request of Government of Sikkim. The Parity which was already in vague was to be strictly adhered to for the Bhutia-Lepcha Communities. In accordance with the principles of tripartite agreement Chogyal issued a Proclamation in December 1973 for the election of New Sikkim Assembly¹¹. By 1974, Chogyal proclaimed the Representation of Sikkim Subjects Act, 1974. This Act provided for the first time a 32 member Assembly for Sikkim. It provided 15 reserved seats to Sikkimese Bhutia-Lepcha, 15 for Sikkim Nepalese, one seat for the Sangha and

one for the Scheduled Caste Nepalese ¹². The election was held in April 1974 and the result was;

The Sikkim Congress : 31

The Nation Party : 01

Total : 32

The newly elected Assembly met in May 1974 and the Chogyal in his inaugural address reminded the responsibilities of the elected members to serve to the Welfare of the people and preserve their interests. The Assembly adopted resolutions reaffirming the principles, purposes and provisions of the May 8, 1973 to provide a responsible Government and closer relation with Government of India. Further the Assembly resolved to make the Chogyal a Constitutional head and requested Government of India to depute a Constitutional Advisor for giving legal and constitutional framework besides defining the powers of the Chogyal, executive Council, Chief Executive and of the Assembly ¹³. Sikkim assembly in the Associate State of India 1974 ¹⁴.

A draft Constitution was adopted by the assembly and was assented by the Chogyal. The result of which came the Government of Sikkim Act, 1974. This act provided for an Assembly constituted of the members elected by the people on the basis of one-man-one-vote and universal Adult Franchise to be elected for every four years unless dissolved earlier. It was summoned by the Chogyal on the advice of the President of the Assembly. The ex-officio President was the Chief Executive who performed the function these of B. S. Das was the first President of the Assembly from May 1974 to October 1974 followed by Shri B. B. Lal and C.S.Roy, October 1974 to September 1977. There was a provision to appoint a Deputy Speaker who would act as the Speaker in the absence of the President. The Chogyal used to address the Assembly. There were qualifications and disqualifications prescribed to the members of the Assembly. The disqualifications

were placed before the Chogyal and his decision was final on the matter subject to opinion sought by him from the Election Commission and election authority specified by the Government of India.

The 1974 Act provided that the Assembly powers to make recommendations or make laws for the whole or any part of Sikkim with respect to any of the following matters: Education, public Health, Excise, Press and publicity, Transport, Bazars, Forests, Public Works, Agriculture, Food Supplies, Economics, and Social Planning including State enterprises and Land Revenue. The Assembly had the right to discuss and make recommendations with respect to matter not enumerated in the Sub Section which may from time to time be referred by the Chief Executive. The Chogyal on the recommendation of the Government of India, may by notification in the Sikkim Durbar Gazette, add any other matter to the above list. A bill duly passed by the Assembly was to be presented to the Chogyal. The Chogyal had the power to assent the bill or to withhold his assent. If the Chogyal withheld his assent, he used to return the Bill to the Assembly to incorporate any suggestion or amendment. In case the Assembly within a period of three months again had passed that Bill with or without amendment presented to the Chogyal for assent, then the Chogyal was forced to give assent to such bills. Again the Chogyal was exercising power to reserve any bill for the consideration of the Government of India or any of the special responsibilities of the Chief Executive and used to Act according to the decision of the Government of India. The Assembly according to the Government of Sikkim Bill 1974 had no power to discuss or ask question on any of the matter relating to:

The Chogyal and members of the ruling fairly, any matter pending before a Court of law; appointment of the Chief Executive or members of the judiciary; any matter which was exclusively the responsibility of the Government of India, whether under this Act or under any agreement or otherwise.

Later a Council of Ministers was formed and it requested the Government of India to do the needful to expedite Sikkim's participation in the political institutions of India. The result was that Sikkim was made an associate State of India vide The Constitution 36th Amendment Bill/34th Amendment Act 1974 ¹⁵. This Act allotted one seat in the House of the People (Lok Sabha) and one seat in the Council of the State (Rajya Sabha).

Sikkim Legislative Assembly

The Constitution 38th Amendment Bill/36th Amendment Act 1975 ultimately led to the merger of Sikkim and made Sikkim the 22nd State of India is this Act provided that 'Notwithstanding anything in this Constitution the Legislative Assembly of the State of Sikkim shall consist of not less than thirty members and the Assembly of Sikkim was formed as a result of the elections held in Sikkim in April 1974 with thirty two members elected in the said elections who were hereinafter referred to as sitting members shall be referred to be the Legislative Assembly of the State of Sikkim duly constituted under this constitution. It was further maintained that the said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under the Constitution of India. Further it provided that the Parliament may for the purpose of protecting the rights and interest of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim (Article 371 F(f)). The whole of Sikkim was also made a single Parliamentary Constituency for electing a representative in the House of the people (Lok Sabha) and one seat in the Council of States (Rajya Sabha).

The Chief Executive, B. B. Lal assumed the office of the first Governor of Sikkim and the then Ministry headed by Kazi Lhendup Dorji took a new oath of office in the newly founded State namely Sikkim of the Indian Union. C.S. Roy was appointed as the Speaker of Sikkim Legislative Assembly. He was succeeded by B.B. Gooroonag between October 1977 and October 1979. The Assembly formulated rules of procedure and conduct of the business of the House consisting of 106 rules along with fixation of salaries and allowances admissible to Speaker, Deputy Speaker and the MLAs.

An independent Secretariat under Article 187 of the Constitution was also constituted. The Home Secretary was made in charge of the affairs of the Assembly. A library was also established. Later a full-fledged Secretary to the Legislative Assembly was appointed. Subsequently various house committees of the Assembly were constituted. The budget for the first time was introduced in March 1976. Initially there was no opposition since N.B. Khatriwara defected from the ruling party, and formed Sikkim Praja Tantra Congress and demanded to be recognized as the Opposition Party.

Since the 1974 elected House continued, resignations of Ministers and intra-party conflict ultimately led to a chaos. Owing to Constitutional Machinery failure for the first time the then Governor of Sikkim recommended for imposition of the President's rule in the State of Sikkim in 1979 since both Houses of the Union Parliament of India were not in session that necessitated Sikkim to go to Polls in October, 1979. The election of October 1979 elected Janta Parishad headed by N.B. Bhandari, the Sikkim Congress (I) and Sikkim Praja Tantra Congress were in opposition. The second election to the Sikkim Legislative Assembly was held on the basis of the ordinance issued by President of India to reconstitute the territorial Constituencies as follows:

Sikkim Bhutia-Lepcha	: 12 seats
General seats	: 17 seats
Sangha	: 01 seat
Scheduled castes	: 02 seats
Total	: 32 seats

Since reservation for Sikkim Nepali community was done away with and declared as General seats R.C. Poudyal, President of Sikkim Congress (Revolutionary) did not contest the election condemning the Bill no. 1979 as a Black Bill. In fact, restoration of Seats in the Sikkim Legislative for the Sikkim Nepalese remains an issue since 1979. However, various elections to the Sikkim Legislative Assembly and the popular governments have been striving their level best to frame and administer a set of laws suitable to guard the interests of common people of Sikkim.

List of Speakers of Sikkim Legislative Assembly Since 1974

Sl.No	Years	Presiding Officers/ Speakers
1.	1974	Shri B.S. Das
2.	1974-75	Shri B.B. Lal
3.	1975-77	Shri C.S. Roy
4.	1977-79	Shri B.B. Gooroong
5.	1979-85	Shri Sonam Tshering Bhutia
6.	1985-89	Shri T.R. Sharma
7.	1989-94	Shri Dorjee Tshering Bhutia
8.	1994-99	Shri Chakra Bahadur Subba
9.	1999	Smt. Kalawati Subba.

Leadership Pattern

Prior to 1975 the State of Sikkim was autocratic and tradition bound. The stage for political development and change was set in the late 1940s when a number of Political parties such as Sikkim Praja Sammelan, Praja Mandal, Praja Sudharak Samity, Sikkim State Congress were formed, with the main objectives of ameliorating the deplorable conditions of the Sikkimese peasants and formation of representative Government.

These parties could organize mass rallies staging 'no rent' and 'no tax' campaigns to press their political demands. It created a political impasse and on the advice of the Indian Government the ruler agreed to abolish landlordism, reduce the rate of house rent and introduced some measures of process in the State.

As pointed out earlier the State Council was established in 1953 which consisted of a President to be nominated and appointed by the Maharaja along with twelve elected members and five nominated members. The village Panchayats at village level were started in 1965 and the Bazar Committees at the urban level were established in 1969. There were two reasons to establish these institutions.

Firstly, to create a democratic facade in the monarchic State and thereby satisfy the aspirations of the leaders espousing democracy in the State;

Secondly, the introduction of communal pattern of voting process i.e. the candidates securing the highest number of votes of the community which he was representing would be required to secure also at least 15% of the total votes of the other community. If he failed to secure 15% of the votes of the other community, the candidate securing the next highest vote of his community and also have secured 15% of the total votes of the other community, would be declared elected,

provided the difference between the number of votes secured by him and the highest candidate did not exceed 15% of the total votes secured by the latter. In that case the highest candidate would be declared elected, notwithstanding that he had failed to secure 15% of the votes of the other community (Sikkim, Proclamation of Maharaja, March, 17, 1958, Gangtok, Sikkim Government Press, 1958). This was later on replaced by one man one vote, the property qualification of the electorate in the election of the local bodies were intended to limit the popular participation and to prevent further erosion of the King's power. The Maharaja remained as the main architect of Policies. The influence of Government of India was also continuing. A system of Diarchy too was introduced by the 1953 Proclamation of Maharaja to deal with Reserved and Transferred subjects. The reserved subjects remained the private preserve of the King and on which the Council could not make laws. The transferred subjects were to be administered by the State Council. Within this framework of such a system the democratic forces operated in Sikkim till the political uprising of 1973.

Late 1940s projected another element of leadership by political parties in Sikkim. Therefore, political growth in Sikkim was characterized by political apostasy. This political mooring influenced political behaviour of the leaders and legislators from various political events until the merger of Sikkim with the Indian Union. It is further exhibited in the politics of defection from regional parties to national political parties - Since 1974 to 1984. Since 1985 the ruling regional political parties of Sikkim have been pro center and supporting the party in power at the center.

It is also interesting to point out over here that in 1974 the Sikkim Congress emerged as a major political party winning 31 seats in the Assembly. The lone member of the National party also joined Sikkim Congress later on. By 1975, the Sikkim Congress made an enbloc merger with the Indian National Congress. In the debacle of Indian National Congress in the year 1978 the Sikkimese leadership

sided with the Janata Party. The 1979 Sikkim Legislative Assembly witnessed individual floor crossing from Sikkim Congress (I) and Sikkim Praja Tantra Congress to Sikkim Janata Parishad to Congress (I). The Sikkim Sangram Parishad founded by N.B. Bhandari could bag 30 seats in 1985 and in 1989 all 32 seats. There was no enbloc defection to national political parties. The Sikkim Democratic front which came to power since 1994 is able to maintain its regional identity but accepts floor crossing from among regional parties.

Different legislations were passed by the Sikkim Legislative Assembly since 1975. The thrust of development shows fluctuations in policy programming between 1975 to 1979 and 1979 to 1993. However, the policy is primarily agrarian and later amendments. The period between 1994 and 2001 i.e., the (Sikkim Democratic Party rule under the leadership of Pawan Chamling shows a marked achievement towards economic development, welfare programmes and upliftment of the poor, weaker sections of the society and woman, industrialization, privatization, human resource development, urbanization and maintenance and protection of local identity. Yet another interesting observation is that national political parties were not able to win the election and capture power in Sikkim. Regional political parties rule the roost in Sikkim since the beginning of the Council.

Initially the legislators of council in the pre-merger period had the experience of Panchayats and local government. Later in the post merger period some council members were elected to the Assembly. Since 1979 mostly young and educated leaders are being elected to the Legislative Assembly. In spite of the fact parity is an abolished ethnocentrism remains a major factor in the leadership formation. The agricultural group does not find a place in the Assembly since post merger period. The caste and religious representation is waning out. Ruralisation and indigenisation of leadership seem to be evident. Most of the present leaders do

not represent local bodies but are new entrants to politics of Sikkim and they have no link with older political order and former socio-political order.

Seat Reservation In Sikkim Legislative Assembly: A Basic Issue ¹⁸

The Promulgation of the Sikkim subject Regulation in 1961 clearly defined the status of the Sikkim subject, his rights and privileges. Under this regulation a Sikkim Subject Register was maintained containing records of all the subjects of the Kingdom. Thus it is abundantly clear that the society developed into a multi ethnic community with diverse social, cultural and religious ethos. However, the statutory regulation of 1961 clearly identified who the subjects of Sikkim were as distinguishable from similar ethnic communities living in the surrounding areas of West Bengal as well as Bhutan, Nepal and Tibet.

With the Sikkim Citizenship Order of 1975, enacted after the merger, all Sikkim Subjects was deemed to have become citizens of India on that date. In this context Sikkim Subjects are defined as those persons who were registered as subjects of Sikkim in the erstwhile Kingdom.

At the outset, it must therefore be clearly emphasized that when we talk about the rights and interests of Sikkimese people we are not speaking of any one community of people but the Sikkimese people identified as Subjects of Sikkim belonging to these communities. Unfortunately due to both ignorance as well as political machinery it has often been misrepresented that the demands for the people of Sikkim are for persons other than those recorded and identified as subjects of Sikkim. It must be categorically emphasized that all the demands made for the people of Sikkim are only in respect of people who were citizens of the erstwhile Kingdom.

Various political forces were at work by the mid 60s and in 1972, there was an upsurge in this land following persistent demands for political reforms. The

unprecedented violence came to an end with the signing of an agreement on 23.4.1973 between the Chogyal of Sikkim and political leaders and the Government of India. The agreement laid down the following pertinent and important points.

1. (a) Though a minority in its ancestral land, the Bhutia-Lepcha community has established and maintained the identity of Sikkim in the past and has always enjoyed certain legal rights and privileges necessary to develop its distinctive culture. At the same time for the Sikkimese of Nepali origin also Sikkim is their home land. The interest of both these communities have to be safeguarded.
 - i. The essential considerations set out in part (a) above require the establishment of a Constitutional and administrative frame work which guarantees:
 1. the unimpaired development of the religion, traditions and culture of the Bhutia-Lepcha community without detriment to the religion, tradition and culture of any other community.
 2. The acquisition by the majority community of political, governmental, legal and economic rights and opportunity equal to those of any Sikkimese subject without detriment to the legitimate interests or legal rights of the Bhutia-Lepcha community as set out in (a) above.

This agreement formed the basis of the accord signed on 8th May, 1973 between the Chogyal of Sikkim, the Government of India and leaders of the political parties representing the people of Sikkim. The agreement also specifically laid down that:

"WHEREAS the Chogyal and the people of Sikkim are convinced that their interest and long - term interest of Sikkim as a whole call for:

1. A system of elections based on adult suffrage which will give equitable representation to all sections of the people on the basis of the principle of one man one vote."
2. The system of election shall be so organized as to make the Assembly adequate representative of the various sections of the population. The size and composition of the Assembly and of the Executive Council shall be such as may be prescribed from time to time, care being taken to ensure that no single section of the population acquires a dominating position due mainly to its ethnic origin, and that the rights and interests of the Sikkimese of Bhutias - Lepchas origin and of Sikkimese Nepali, which includes Tsongs and Scheduled castes by origin, are fully protected.
3. This accord, now known as the "May 8th Agreement" provides for a system of elections giving equitable representation to all sections of the people on the basis of the principle of one man one vote. It also provides for a system of elections of the population with the size and composition of the Assembly and of the Executive Council, as prescribed from time to time, with care being taken that no single section of the population acquires a dominating position due mainly to its ethnic origin and that the rights and interests of Bhutias-Lepchas of Sikkimese origin and of the Sikkimese Nepalese which includes Tsongs and Scheduled castes are fully protected. The Proclamation of 6th February, 1973 was issued wherein representation in the State Assembly was as follows:
 - i. 16 seats were reserved for Sikkimese of Bhutias – Lepchas origin of which one was reserved for the Sangha.
 - ii. 16 seats were reserved for the Sikkimese of Nepali origin including one seat for Tsongs and Scheduled Castes.

The major change was that the Tsongs were included with the Nepalese as a number of political parties felt that providing for a separate seat for the Tsongs was an attempt on the part of the Durbar to further divide the Nepalese people. The Government of Sikkim Act 1974 was issued on 6th April, 1974 and embodied the principles decided upon the historic agreement of 8th May 1973. It is to be pointed out here that the agreement of 8th May 1973 was the last undisputed agreement entered into by the Chogyal of Sikkim, the Government of India and the political parties of Sikkim.

The Constitutional developments then progressed at a rapid pace in the next few years and Sikkim became an associate State and thereafter 22nd State of the Indian Union with the passage of the 36th Constitutional Amendment on 16th May 1975. This Constitutional Amendment inserted a new article 371F in the Constitution wherein a special provision was provided for with respect to the State of Sikkim. The special provision was inserted keeping in mind the historical, social, cultural and political backgrounds of the State and the keen desire of the Government of India to ensure development of the State according to its own natural genius. These intentions found expression in the lengthy debate in both the houses of Parliament when the constitutional amendment bill was moved. The age-old arrangement for equitable distribution of power among the various ethnic communities found expression in Article 371 F(f) of the Constitution whereby it was provided that "PARLIAMENT MAY FOR THE PURPOSE OF PROTECTING THE RIGHTS AND INTEREST OF THE DIFFERENT SECTIONS OF THE POPULATION OF SIKKIM MAKE PROVISIONS IN THE NUMBER OF SEATS IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF SIKKIM WHICH MAY BE FILLED BY CANDIDATES BELONGING TO SUCH SECTIONS ALONE MAY STAND FOR ELECTION TO THE LEGISLATIVE ASSEMBLY OF SIKKIM AND ARTICLE 371F (g) ALSO EMPOWERED THE GOVERNOR OF SIKKIM TO MAKE PROVISIONS FOR

THE EQUITABLE ARRANGEMENTS IN ENSURING THE SOCIAL AND ECONOMIC DEVELOPMENTS OF THE DIFFERENT SECTIONS OF THE POPULATION OF SIKKIM". As a matter of fact Article 371F which contains 13 (Thirteen) sections, all provide for safeguarding the distinct identity and character of Sikkim. In pursuance of this the Representation of People Act of 1950-51 was amended giving full protection to the three ethnic groups of Sikkim. Clause 5 (a) of the Act reads as follows:

"5.A. Qualification for Membership of Legislative Assembly of Sikkim - Notwithstanding anything contained in Section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution) unless:

- a. in the case of seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly Constituency in the State other than the constituency reserved for the Sanghas.
- b. In the case of seat reserved for Sikkimese of Nepali origin, he is a person of Nepali origin and is an elector for any Assembly Constituency in the State.
- c. In the case of a seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim subjects Act 1974 and is an elector for any Assembly Constituency in the State; and
- d. In the case of seat reserved for Sanghas, he is an elector of the Sangha Constituency".

The Constitutional 36th Amendment Act, by which Sikkim became 22nd State of the Union of India, also provided that the Assembly for Sikkim, formed as

a result of the elections held in the 1974 with 32 members elected in the said election, was deemed to be the Legislative Assembly of the State of Sikkim duly constituted under the Constitution and sitting members were deemed to be the members of the Legislative Assembly of Sikkim.

There was some satisfaction in those trouble times as the new Constitutional provisions took into full account the past history of Sikkim and the affairs of the State continued to be administered in the manner it had developed in the past by the insertion of a special provision in the Constitution vide Article 371F. Unfortunately the immaturity of the legislators and the inexperience of the bureaucrats assigned to the helm of affairs in the new scenario saw a gradual dilution of the spirit and content of the special provisions for the State. This was only compounded by the heavy handed and partisan attitude of the then Governor and the few people assigned to the State on deputation to steer the administration through the intricacies of the new system. Various central laws were arbitrarily extended to the State in spite of the case in fact questioned the very insertion of the special provisions for the State and contented that such provisions are violative of the Constitution. He contented that seats could not be reserved for Bhutia-Lepcha as ethnic group but only as Scheduled Tribes thereby restricting reservation to the numerical strength. The reservation of seats for Sangha was also based on religion and thus were violative of Article 14,15,178, 325, 326 and 332 of the Constitution. He also contended that the special provisions violated the basic structure of the Constitution and part III in particular. The petition in fact sought to do away with the special status of Sikkim and prayed for application of the general provisions of the Constitution. The Government of India in its affidavit explained in detail the full legality of the provisions of Article 371F and in denying all allegations of Shri R. C. Poudyal only seemed to stress more and more than absolute and Constitutional validity of the provisions made for Sikkim in the past. The Statement of Objections and Reasons in introducing the Bill more than amplifies

this. Even in the debates in the Lok Sabha and Rajya Sabha the Government of India was forced to concede that the amendments were being made to meet the legal requirements of constituting a fresh Assembly in the State of Sikkim as Article 371F provided for the continuance of the then Sikkim Assembly after the merger as the State Assembly constituted under the Constitution. This limited purpose could well have been achieved without the changes sought to be brought out by the Constitution with the amendment. The State Government, as well as organizations of Bhutia-Lepchas sought to refute the allegations made in the court as they were made parties and consistently prayed that the special provisions for the State of Sikkim were Constitutionally legal and that the reservation for all ethnic communities be restored in keeping with the spirit of the merger and the Constitutional developments in the past. The case as been pending in these courts for the last 21 years but the mood of the people can well be gauged by the fact that not a single political party, inadvertently or otherwise, supporting the changes has been able to make any impact in the elections held since 1979 when the Constitutional amendment was first made. The people have been steadfastly supporting this Government year after year as one of its primary party objectives as enunciated in all its manifestos has been the restoration of seats in the Sikkim Legislative Assembly. It is, therefore, obvious that the hasty action taken in bringing out the amendment only sought to annoy and displease every sections of the people of Sikkim.

The reservation of Bhutia-Lepchas was in fact done away with the fact that the amendment sought to make reservation for Scheduled Tribes which include Bhutia-Lepcha as well as other communities like Sherpas, Tibetan, Kagatey, Yolmo who are all ethnically a different group. In fact not only were the seats reserved for them reduced from 16 to 13 but other ethnic groups were now clubbed with them for the reduced number of seats. The Nepalese were shocked that the reservation of seats for them was completely done away with in spite of

the fact that they were recognized and respected as a separate ethnic group in Sikkim whose rights and interests were given due protection by successive Governments in the State. It was strongly contended that the Article 371F was not intended to deprive the people of their existing rights but to protect them. Instead of negating all that had been developed over the years, for a limited purpose as enunciated in the Statement of Objects and Reasons, the Government of India could have had a more positive approach if the entire issue had been studied with an open mind.

It is therefore seen from the historical perspective that the evolution of the political system in the State had been conditioned by the exigencies of the political, social and economic environments in the State and manner in which it was radically changed, had been done without much thought and foresight. The statistics available in the Census figures has only compounded the apprehension that soon the State would be inundated by way of new immigrants thereby causing severe dislocation in the demographical character of the population. This apprehension found reflections in the statement of the Chief Minister who proclaimed that Sikkim had merged with India but did not want to be submerged. This is the core of the matter.

During the course of the debate on the Constitutional Amendment Bill in the Lok Sabha the then Union Law Minister Shiv Shankar stated in Parliament on 2.2.1980 that;

“The suggestions that have been made can be considered for future elections, but in as much the elections have already been held, I commended to the House the acceptance of this Bill on its stands. Otherwise, the elections themselves will be imperiled. If it is a case of revising the reservations for the future, that is a matter which can be taken cognizance of. The hopes and aspirations of the people can also be considered and a new policy evolved. No doubt, valuable suggestions

with reference to reservations have been made by the other side, but they can be considered at the appropriate stage, and since the purpose of this Bill is very much limited, to validate the elections already held under the Ordinance, I request that the House may kindly accept this Bill.”

Similarly the demands made for the reservation in the Rajya Sabha on 5th February, 1980 elicited the following observations from the Minister.

“There is something perhaps that will have to be considered in a wider perspective and it does not call for any consideration at this stage. As I said, primarily we are intending to revalidate the elections that have taken place under the Ordinance.”

What is clear from these statements, as well as the facts stated above, is that there is no legal or Constitutional hindrance to the demand for the reservation of seats in the Legislative Assembly of Sikkim and that the provisions under Article 371F clearly provides for these demands. The Ordinance and subsequent bill was enacted for a specific purpose as a short term measure and the pronouncement of the Government in Parliament clearly indicate that the genuine aspirations of the people could be considered at a later date. This was reiterated by the Governor of Sikkim in his address to the Sikkim Legislative Assembly on 10.3.1980. The relevant extract of the address is as under:

“A law to replace the aforesaid Ordinance, namely the Representation of Peoples (Amendment) Act, 1980 has since been duly made by Parliament in its Session recently concluded. To give proper legal and Constitutional cover to the continued existence of this House, the enactment of the aforesaid law was an imperative necessity. A proposal for modification of the scheme of representation provided for therein so as to bring it more in conformity with the desire and aspirations of the people of Sikkim had to be advisedly postponed as any deviation just now from the scheme of representation on the basis of which the elections had

been held and conducted, might well have raised legal problems and jeopardized the very continuance of this House as now constituted.”

The demand for the reservation of seats in the Sikkim Legislative Assembly is therefore a demand for the restoration of the reserved seats as provided for in the Constitution.

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15. See the Constitution (Thirty-sixth Amendment) Bill, 1974 Appendix – IV.
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ELECTIONS IN SIKKIM

1953-1999: A STUDY OF ELECTORAL BEHAVIOUR

In the past Sikkim had no system of territory-wise election of representatives except the unique representative self-government of Lachen and Lachung. In fact, the agitation of the people in 1949 and the introduction of a popular government headed by Chief Minister Tashi Tshering necessitated the introduction of associating representatives of the people chosen through election. Negotiations were made with two political parties namely, Sikkim state congress and National party for constituting an elected state council. An all-party agreement evolved a 'parity'¹ to provide a council consisting of 17 seats reserving 6 seats for Bhutia-Lepcha, 6 seats for Nepalese and 5 seats to be dominated by Maharaja at his discretion. Later an all-party agreement agreed upon the scheme of electorate and method of election in the year 1952.² Based on these a Proclamation defining the constitution and function of the state council was issued on 23 March, 1973.³

Council Election: 1953

On Darbar Day, February 14, 1953 the Dewan announced the plans of Maharaja for council elections⁴ to open a new era in the Constitutional history of sikkim.

There were four territorial constituencies for the purpose this election, namely,

1. Gangtok Constituency-covering all areas of Eastern Tashil. i.e Rangpo-Mangan.
2. North-Central constituency-covering all areas of the East other than the areas of Gangtok constituency
3. Namchi-Constituency covering areas of Western Tashil-west of river Tista to river Rangit

4. Pemayangtse Constituency-covering Western Tashil other than the areas included in Namchi Constituency

Table-I : 1953 Elections

Party	No of seats contested	No of seats won	Reserved for community
Sikkim State Congress	6	6	6 Nep
National party	12	6	6 B-L
Rajya Praja Sammelan	5	NIL	NIL
Scheduled Caste League	2	NIL	NIL
Nominated by Maharaja	5	5	3 B-L 2 Nep

B-L means Bhutia – Lepcha

Source, Sikkim, *Sikkim Darbar Gazette*, Vol. III No. 2 1953, Gangtok, Sikkim Govt Press, 1953.

In the above election the voting behaviour reflected the community bias of the three ethnic communities and religion.

State Council Election: 1958

According to the proclamation of 1953 the election for the State Council took place in 1958. The composition and seat allotment of the council was modified in the public interest according to the proclamation of the Maharaj 1958⁵. According to it the arrangement of seats were as follows

Table –II

For Bhutia-Lepchas	6
For Nepalese	6
General	1
Sangha *	1
Nominated by Maharaja	6
Total	20

(* Sangha seat stands for reservation for monasteries to recognize the Buddhist marks in the administration of the seat – a unique feature)

The members were elected from the four territorial constituencies. In this election a condition was imposed that the person contesting the election must be a permanent resident of sikkim.

Table-III : Community wise Distribution of contestants and Elected Representatives

Constituency	No of seats	No of contestants	No. of candidates Elected
Sangha	1 (1)	2	1
North Central	1 Nep + 2 BL (3)	8	2 BL + 1 Nep (3)
Pemayangtse	2 Nep + 1 BL (3)	9	1 BL + 2 Nep (3)

constituency

Gangtok	1 Nep + 2 BL (3)	10	3 BL (3)
Namchi	2 Nep + 1 BL (3)		1 BL + 2 Nep (3)
Total	5	13	13

Source: Sikkim. *Sikkim Darbar Gazette*, Gangtok, Sikkim Govt press., Vol. VIII No 7, October 1958.

BL candidates contested mostly from state congress and Nepali candidates contested from National Party ticket. The voting pattern was communal

Since three members namely Kashi Raj Pradhan (Namchi), Nakul Pradhan (North-Central) and Sonam Tshering (Gangtok) adopted unfair means in the above election their election from these three constituencies was declared void and they were barred from contesting election for six years. Later it was revoked and as a result kashi Raj Pradhan and Nakul Pradhan were ordered to be suspended for six months while Sonam Tshering was disqualified for three years.⁶

By 1960 the party position in the council after the bye election was

Table-IV

Sikkim National Party (Kazi led swatantral Dal and the dissidents of State Congress)	4
National Party	5
State Congress	3

The next election was due in 1961. The proclamation of Sikkim Subject Regulation, 1961⁷ caused resentment among the Nepali people. The Political Parties agitating demanded for its revision, to form a political reforms committee

to hold the elections on the basis of non communalism and equality of rights of the people and introduction of a fully responsible government. After arriving a political agreement on the subject regulation the demand for the council election was pressurized. In spite of the fact the announcement of the election was made the Sino-Indian conflict 1962 forced for the postponement of the election until further notice. The executive council was allowed to continue until further election and order⁸.

Council Election : 1967

In this election Sikkim was divided into 5 territorial constituencies, one general constituency and one Sangha Constituency alongwith increase in the strength of the council from 20 to 24 members.

The split up is as follows⁹:

- 14 Members from the territorial Constituencies (7 BL + 7 Nepalese)
- 1 Member from the General Constituency
- 1 Member from reserved Scheduled Casts Constituency
- 1 Member from the Community Tsongs (Limbus)
- 1 Member from the Sangha Constituency
- 6 Nominated by Chogyal
- 24 Members.

Kazi Lhendup Dorji was elected from the General Constituency.

Besides 1 each for Tsongs, Scheduled castes and General, the five territorial Constituencies were : Comprising of Constituency¹¹

Table-V

1.	Gangtok Town Constituency	3 : 1 BL + 1 Nep
2.	East Constituency	3 : 1 Nep + 2 BL
3.	South Constituency	3 : 1 BL + 2 Nep
4.	West Constituency	3 : 1 BL + 2 Nep
5.	North Constituency	3 : 1 Nep + 1 BL

Altogether 87 candidates filed nominations and after scrutiny 73 contested¹⁰, representing the candidates of Sikkim National Party, National Congress, State Congress and the Sikkim Scheduled Caste League contested the election.¹²

Table-VI : Results

The Sikkim National Congress	8 seats
The National Party	5 seats
Sikkim State Congress	2 seats
National Congress	1 seat
Tsongs (Independent)	1 seat
Scheduled Caste (Independent)	1 seat
Total	18 seats

The voting was based on communal voting.

Council Election: 1970

In this election the Constituencies, arrangements, system of election, qualifications and franchise were retained in accordance with the norms of 1967. The election was conducted by an Election Committee¹³. Altogether 97 candidates were in the fray after scrutiny¹⁴. All political parties contested mostly on a common agenda as the votaries of democracy and to increase the fullest participation of the people in the government¹⁵.

Table-VII : Results, 1970

Party	Number of seats won
National Party	5
Sikkim National Congress	7
Sikkim State Congress	4
Sangha	1
Tsong (Independent)	1
Total	18

Source : Sikkim, *Sikkim Darbar Gazette*, Ext. Gaz. No. 35, May 5, 1970, Gangtok, Sikkim, Govt. Press, 1970.

In this election too the pattern of voting was communal basis and communal party identification. The newly formed Janta Party was routed in this election. The Sikkim National Congress emerged as a strong democratic force.

Council Election : 1973

That was a complex situation during 1973 elections in Sikkim. It was a trend of supporting Darbar especially by National Party while other political parties struggled to strengthened the goals of democratic government. A new party was born by name Sikkim Janta Congress merging both Sikkim State Congress and Sikkim Janta Party. That was three cornered contest of Sikkim National Party, Sikkim Janta Congress and Sikkim National Congress. 92 candidates filed nominations for 18 elective seats¹⁶.

Table-VIII : Results, 1973

Political Parties	No of Candidates declared elected
Sikkim National Party	9
National Congress	5
Janta Congress	2
Schedule Caste Constituency	1
Sangha	1
Total	18

The voting behaviour and pattern of election were purely communal.

May 8, 1973 Agreement

The Sikkim National Congress and Sikkim Janta Congress described the election as the product of rigging. Owing to this the government charged and arrested K.C. Pradhan which roused the anger of the youths in Sikkim. The movement ended with a happy note that both Chogyal and the President of JAC, Kazi Lhendup Dorji coming to a negotiation that an all party meeting would be called to through out the question of future setup in Sikkim and other problems agitating the minds of the people in Sikkim. This political turmoil that rocked the

State ultimately led to the signing of the Tripartite Agreement, on May 8, 1973 popularly known as May 8, 1973 Agreement. This agreement postulated the formation of a 'Responsible Government', to extend wider legislative and executive powers to the elected representatives and a system of election based on adult suffrage which would give equitable representation to all sections of people on the basis of 'one man one vote' doing away with the communal representation. The striking feature of the agreement was that there shall be an assembly (instead of a council) to be elected every four years and the election to be conducted under the supervision of a representative of the Election Commission of India¹⁷.

Assembly Election : 1974

The Election of the New Assembly of Sikkim was based on the proclamation of Sikkim subjects¹⁸, 1974.

The proclamation mainly focused on the rules and methods of election to Assembly, such as:

For the purpose of election to Sikkim Legislative Assembly, the State was divided into 31 territorial Constituencies and one Sangha Constituency.

The Assembly consisted of 32 elected members and the composition was:

- 15 reserved for BL origin
- 15 reserved for Sikkimese Nepali
- 1 reserved for Scheduled Caste Sikkimese Nepali
- 1 reserved for Sangha
- 32 Total

The election was to be conducted on the basis of adult suffrage. The Sangha member to be elected by an electoral college and the electors of Sangha are not eligible to cast vote for any other Constituency. The candidates contesting election must be a citizen of Sikkim, 25 years of age and above.

Election to be conducted under the supervision of the Election Commissioner representing Election Commission of India. Rules for election if any required may be framed by the Govt. of Sikkim in consultation with Government of India¹⁹.

In this election there were 31 territorial constituencies and one Sangha Constituency.

In order to contest the election candidates must be citizens of Sikkim and must have obtained 25 years of age. R.N. Sen Gupta, IAS was the representative of the Election Commission of India was appointed Election Commissioner for Sikkim.

Sikkim Congress (merging Sikkim Janta Congress and Sikkim National Congress) and Sikkim National Party were in the fray. Out of 120 nominations 81 candidates (including independents) contested after the scrutiny of nominations. Common ballot boxes and ballot papers were used instead of the earlier practice of pasting symbols on the ballot boxes. The ballot papers were containing the name of candidates contesting and their respective election symbols – allotted to them. A proclamation was also promulgated viz. the Sikkim Election Offences and Corrupt Practices Act, 1974, containing rules relating to public meetings, disorderly conduct, offences, election meeting etc. similarly another notification was issued relating to counting of votes²⁰. Three members were elected unopposed.

Table – IX : Election, 1974 : Results

Party	No. of Elected Representatives/ Members
Sikkim Congress	31 (including 3 unopposed)
Sikkim National Party	1
Independents	0
Total	32

Source : Sikkim, *Sikkim Darbar Gazette*, No: 55, April 30, 1974, Gangtok, Sikkim Govt. Press, 1974

The Sikkim Congress led by Kazi Lhendup Dorji secured overwhelming majority.

For the first a lady member by name Hemlata Chettri was elected from Geyzing Constituency of West Sikkim. The newly elected Sikkim Assembly met on 11th May 1974 and its first task was to adopt constitution bill and passed the same on June 28, 1974 which became with the assent of the Chogyal 'the Sikkim Constitution Act, 1974' to give associate status to Sikkim. The Sikkim Assembly formed through the elections of 1974 with 32 members became finally Legislative Assembly of Sikkim.

POST MERGER ELECTIONS

SIKKIM : AN ANALYSIS OF ITS ELECTIONS 1979-1999

The erstwhile system of Government in Sikkim was an absolute monarchy assisted by a State Council. Originally members of the Council were nominated and later on they were partly elected. The members of the Council were appointed on the basis of "Parity" giving adequate representation to various ethnic communities/races. The "parity" practice has been a kind of safety valve in the intricate ethnic complexity of Sikkim. It was introduced to safeguard the interests of the three ethnic races viz. Bhutias, Lepchas and Nepalese in Sikkim and to promote communal harmony.

The emergence of the party politics in Sikkim can be traced back to 1940s. The birth of an organized political party in the form of Sikkim State Congress was directly the impact of the Indian National Congress. The then popular leaders in Sikkim such as Tashi Tshering, Kazi Lhendup Dorjee, D.B. Gurung, C.D. Rai, D.S. Lepcha, Sonam Tshering, B.B. Gurung, L.B. Basnett and many others were

inspired by democratic struggle waged by the Indian National Congress for the Independence of India. The Congress programme of broadening of democratic base and liquidation of feudalism deeply impressed these leaders of Sikkim. As a result, the Sikkim Congress started striving for : (i) abolition of landlordism, (ii) formation of a popular interim Government, and (iii) Sikkim's merger with India. Later on a number of political parties emerged to support, interact with and counter these moves in Sikkim.

However, real wave for a democratic movement and merger of Sikkim with India had its roots in 1973 revolution when the popular forces favoured merger with India through a referendum (Sinha, 1975: Chakaravarthi 1988).

Electoral Politics

Immediately after the merger, Sikkim adopted a unicameral legislative system in the name of the Sikkim Legislative Assembly. Further Sikkim is allotted one seat each in Lok Sabha and Rajya Sabha. The Sikkim Legislative Assembly (SLA) comprises of 32 members and they are directly elected by the people on the basis of 'one man one vote' and universal adult suffrage (Sinha, 1975). It was much in contrast with the traditional 'communal voting system'. The fact that Sikkim has a mini legislative provides it with a cartload of distinctive features in its composition. Originally the 'State Council' (later on Sikkim Legislative Assembly) had 17 members.

As mentioned earlier the 32 members of the Assembly before 1979 were based on a parity formula as given in Table X.

Table-X : Composition of the Sikkim Legislative Assembly between 1974

Sl.No.	COMPOSITION	SEATS ALLOCATED
1	Bhutia-Lepchas (BL) – (Scheduled Tribes)	15
2	Nepalese	15

3	Scheduled castes (Nepalese)	1
4	Sangha (Monastic monks/Monasteries)	1
Total		32

Before 1979; the Sikkim Legislative Assembly was based on the mandate of 1974 election and the members were allowed to continue soon after Sikkim's merger with India. These 32 members belonged to Sikkim Congress and immediately joined the Indian National Congress. This is how a national party established a foothold in an exclusive domain of regional political actors.

Then all these 32 seats were reserved for Bhutias, Lepchas, Nepalese, Scheduled Castes (Nepalese) and Sangha. The Sangha constituency is a unique feature of not only Sikkim but also for the whole of India. It is a reserved seat for the representation of the monasteries of Sikkim as a whole and their Lamas. Basically it aims at protection of the interests of the Buddhist minority. This Constituency was always considered to be above petty party politics as always a lama was elected unopposed to represent this constituency. For the first time, a Sangha candidate supported by Janata Parishad won and the candidate was given a Minister's rank in the cabinet in the year 1979. The continuation of Sangha seat may run counter to articles 170, 332 and 335 of the Indian Constitution and the secular values of the country though it cannot be termed as unconstitutional. However, the Sangha constituency keeps alive Buddhist identity in the State of Sikkim.

Sikkim Legislative Assembly Election: 1979

Following the resignation of Kazi Lendup Dorji Khangsarpa's ministry and the subsequent failure of constitutional machinery President's rule was imposed for the first time in Sikkim in 1979. In fact, the assembly during this time was continuing in the extended (sixth year) period because elections to it was held in

the year 1974. Immediately after the imposition of President's rule. Since the Houses of the Parliament were not in session, the President's rule in Sikkim was unable to continue. Hence, the Election Commission of India ordered for a fresh election to the Assembly. At this time the president of India issued the "Representation of the peoples (Amendment) Ordinance, 1979" (Bill No. 79 of 1979)²¹ for amending certain provisions of the Representation of the peoples Act, 1951 and Delimitation of Parliamentary and Assembly Constituency Order, 1976. This redistribution of seats culminated in the declaration of 17 open/general seats (Table 3) doing away with the parity based reservations as maintained between 1974 and 1979 in Sikkim for Nepalese.

Table-XI : Composition of Sikkim Legislative Assembly after 1979

CONSTITUENCIES					
SN	Districts	Scheduled Tribes	Scheduled Castes	General	Horizontal Total
1	North	3	0	0	3
2	South	1	1	5	7
3	East	6	1	5	12
4	West	2	0	7	9
	Total	12	2	17	31
5	Sangha-(Common to all four districts)				1
	Grand Total				32

(Source: Chakaravarthi, *Frontline*. April 1985)

The October 1979 election to Sikkim Legislative Assembly was conducted in accordance with the new parity formula and it was considered to be the first democratic election. It was for the first time 17 seats were declared general (Table-XI) and plainsmen were also given both the rights to exercise franchise and to contest elections in Sikkim. But it was difficult for the plainsmen to win elections because of the very composition and geographical distribution of the electorates.

For the first time elections in Sikkim were conducted under the direction of the Election Commission of India and Indian election laws. The electorates were provided for the first time, in the country Identity Cards affixing their photographs, names, addresses and constituencies. The presiding officers of each polling station were also provided with electoral list and Identity Card albums of the electorates. But production of Identity Cards was not made a pre condition to cast votes.

Separate ballot boxes and ballot papers were provided for casting votes to Sangha constituency and for the first time the Sangha constituency was contested by two candidates supported indirectly by political parties. More than seven political parties and independent candidates were in the fray. Therefore, it was an eight cornered contest. National parties such as Indian National Congress (U), Janta Party, CPI (M), regional parties, viz., Sikkim Janta Parishad (SJP), Sikkim Congress (Revolutionary), Sikkim Prajatantra Congress (SPC), Sikkim Scheduled Caste League and other independents contested the election.

The total registered electors were 1,70,640. Election was conducted for 31 constituencies as the election in Khamdong constituency (SC) was countermanded on account of death of a candidate. Finally 247 candidates contested the election. One candidate Bhim Bahadur Gurung contested from two constituencies viz., Chakhung and Jorethang-Naya Bazaar. There were 12 women in the fray (Election Report, 1980).

L.B. Basnett of SJP won the seat of the most prestigious Gangtok constituency securing the largest number of votes. It is the most prestigious seat because it contains a sizeable percentage of plainsmen. L.D. Kazi the former Chief Minister of Sikkim was defeated by a SJP candidate B.B. Gurung who won from both constituencies and retained Jorethang seat. Bye-elections to Khamdong and Chakung constituencies were conducted alongwith the Parliamentary Election (Lok Sabha) 1980.

Table-XII : Results: Sikkim Assembly Election: 1979

SN	Party	Seats Secured
1	SJP	16
2	SC(R)	11
3	SPC	3
4	INC (U)	Nil
5	Janta	Nil
6	Sikkim SC League	Nil
7	CPM	Nil
8	Independent (Sangha)	1
Total		31

(Source: *Election Report*, 1979-80)

Sikkim Janta Parishad founded and led by Nar Bahadur Bhandari was able to secure absolute majority and formed a new government for the first time based on a regional party taking the support of the independent Sangha candidate. Later

on Bhandari's SJP consolidated its hold as many of the elected members of the SC(R) defected to his party.

Attractive Manifestoes and Government Formation

Sikkim Janta Parishad had fought the election with very impressive slogans such as “ushering democracy, destroy communalism, discontinue divisive policy, and we are ready to lay our lives. We will obtain the rights of the Sikkimese. This party if returned to power is committed to giving the Sikkimese people back their self-respect and sense of dignity.” (Election Manifesto of SJP, 1979)

The Sikkim Congress (Revolutionary) on the other hand, had maintained “democracy” secularism and socialism. “Down with the Bill no. 79. Down with communalism: ‘Fight for your rights’”, as the main electoratorial planks. The president of the Sikkim Congress (R) R.C. Poudyal did not contest 1979 Sikkim Assembly election as a protest against the Bill No. 79. which had done away with the erstwhile reservation for Nepalese in the Assembly which existed till 1979 (Election manifesto SC(R) 1979).

Immediately after the assumption of office Bhandari replaced Central Reserve Police Force (CRPF) with Sikkim Armed Police (SAP) from various State Government offices and Ministers' official residences. Slowly he tried to put an end to the influx of deputationists from Government of India and other States to Sikkim. He overhauled the entire administrative set-up in accordance with the change needed. As the then Governor B.B. Lall was serving in the extended period of sixth year. Bhandari reminded the Centre to appoint a new Governor. As a result a politician cum diplomat Governor H.J.H. Taleyarkhan was appointed. Bhandari rechristened his party Sikkim Janta Parishad as ‘Sikkim Parishad’ in order to give a distinct identity to the State of Sikkim and his leadership.

In the bye-decision to the Sikkim Legislative Assembly for Khamdong and Chakung held alongwith Sikkim Parliamentary Constituency election in 1980.

Sikkim Parishad won all the seats. The honeymoon between Sikkim Parishad and Congress (I) (which came to power in 1980 at the centre) reached its heights when Bhandari enbloc joined Congress (I) with his team in 1981. Therefore it is more of a phenomenon of conversion rather than defection politics – i.e., regional adaptation of a national party. Bhandari thus became the second Congress (I) Chief Minister of the State Sikkim.

Unfortunate Dismissal

In the midst of this growing healthy political signs in Sikkim under the leadership of N.B. Bhandari there occurred the most unfortunate and undemocratic dismissal of Bhandari (a costly blunder of Congress (I) High command) as Chief Minister of Sikkim in May 1984 by the then Governor of Sikkim H.J.H Talayarkhan supposedly under article 164 (1) of the Constitution of India stating that 'Bhandari ceased to command his pleasure'. He appointed under the same provision in his pleasure B.B. Gurung from Congress (I). B.B. Gurung assumed office as the third Chief Minister of Sikkim and the same survived hardly for 13 days. As a result of the failure of constitutional machinery. Sikkim was once again brought under President's rule for the second time in the year 1984.²²

No sooner Bhandari was dismissed; he left Congress (I) in disgust alongwith his majority of legislators. He hoisted his own red and white flag and founded a new regional party namely Sikkim Sangram Parishad (SSP) with the elephant as its election symbol. The newly founded SSP contested December 1984 Lok Sabha elections and March 1985 Sikkim Assembly elections with a new manifesto. The manifesto of SSP Stated that "this party has emerged as a result of the illegal and undemocratic dismissal of his Government due to which the whole fabric of democratic institutions and constitutional norms in Sikkim were put at peril". Moreover, the SSP with a promise to protest and preserve the interests and rights of Sikkemese pledged itself to foster communal harmony, national

integration, secularism and development of Sikkim with a focus on safeguarding the edifice of the hard won freedom and democracy. (SSP, Manifesto, 1984)

The SSP contested both Lok Sabha and Sikkim Assembly elections 1984-85 on the following five main issues.

- I. Restoration of seat reservation to restore parity and maintain reserved seats for Sikkimese Nepalese as originally contained before merger and under article 371 F(1) of the Constitution of India.
- II. Citizenship for people rendered Stateless in Sikkim and to fix the cut off year at 1970.
- III. A son of the soil safeguard to preserve local identity to give all Government jobs and trade licences to the Sikkim people.
- IV. Constitutional recognition: the State's *lingna-franca* viz., Nepali language commonly spoken by majority of the people in Sikkim to get constitutional recognition under VIII Schedule of the Indian constitution.
- V. To alter Centre-State Relations: for demanding more financial and political freedom for the States of the Indian Union and to extend support for constitutional amendment (taking into account the role played by Governors in Sikkim. Andhra Pradesh and J & K in the year 1984) to the concept of State Government continuing in power in the pleasure of the Governor (SSP Election Manifesto 1984, 1985; Chakaravathi, 1987. 1988).²³

Sikkim Legislative Assembly Election: 1985

In the one day poll of March 1985 four national political parties viz., Congress-I, Janta Party, CPI, CPI(M) and two regional parties viz., Sikkim Sangram Parishad and Sikkim Prajatantra Congress, an unregistered political party in poll alliance with Himali Congress and the Gorkha League and a number of independent candidates contested the election. Altogether some 195 candidates

were in the fray. In the most prestigious Gangtok constituency. 12 candidates including Dil Kumari Bhandari-SSP (wife of N.B. Bhandari) were fighting the elections. Besides there were three former Chief Ministers, 14 ex-Secretaries of the Government of Sikkim and 10 women candidates who contested from various constituencies (Chhabra, 1985).

Campaigning Style

As compared in 1979 and other previous elections, the 1985 elections demonstrated sophistication in campaigning and a distinct political maturity of both people and political parties. The Sikkim Sangram Parishad led by the former Chief Minister N.B. Bhandari swept the polls. He was the only former Chief Minister to win this fiercely contested election. All the ten women candidates, an ex-IPS officer, two ex-Secretaries and eight ex-Ministers had to bite the dust.

Table-XIII : Results: Sikkim Legislative Assembly Election 1985

SN	Party	Seats Secured
1	SSP	30
2	Congress	01
3	Independent	01
Total		32

A noteworthy feature of the election of 1985 in Sikkim was the victory of a plainsman Balchan Sarda (ex-Chairman of Gangtok Municipality) from the prestigious Gangtok constituency. "It was the plainsmen 'vote bank' that backed him solidly to defeat the SSP candidate D.K. Bhandari, a gentle first lady of Sikkim and one of the strong architects of Bhandari's Sikkim Sangram Parishad".

In fact, her defeat in this election laid the strong foundation for her to play a crucial role in the future politics of Sikkim.

Yet another remarkable feature of this election was that from Kabi-Tingda (ST) constituency or from leaders of north Sikkim, the Congress (I) won without any strong local political support. The fact that Bhandari's SSP won 30 out of 32 seats largely reflected the blatant and unjustified way his government was dismissed just a couple of months back. R.C. Poudyal who contested in INC ticket was defeated.

The nature of SSP's sweep also manifested its widely based representative character. Bhandari for the second time assumed office as fourth Chief Minister of Sikkim with his 11 members' Cabinet team. This handsome pay off in the election was due to the political shrewdness, resourcefulness and formidable personal charisma of Bhandari. He paid meticulous attention to the grassroots, picked up sensitive issues, put them in an attractive manner with catchy slogans and floated it to the people.

Sikkim Legislative Assembly Elections: 1989²⁴

In the election to the Sikkim Legislative Assembly held in the year 1989 the total registered voters were 1,92,619 (1,00,942 males and 91,677 females). Finally 118 candidates contested the election. Indian National Congress (I), two regional parties namely Sikkim Sangram Parishad and the Rising Sun party of R.C. Poudyal and many independent candidates contested. It was therefore, a four cornered contest. Sikkim Sangram Parishad and the Rising Sun Party were the main rivals. The turnout of electors for polling was recorded at 70 per cent.

Table-14 explains the election results in terms of total electors, votes polled and the performance of SSP.

Table-XIV : Results: Sikkim Assembly Election 1989

SN	Total Electrotes	Votes Poled	Votes Valid	Votes Polled By				
				SSP	RSP	Densong Chogpa	INC	Ind
1	1,92,619	1,39,227	1,33,619	94,078	11,472	298	24,124	3,647

Source: Pradhan. P.K. *Report on General Elections* in Sikkim: House of the people & Sikkim Legislative Assembly, 1989, Gangtok, Sikkim Govt Press, 1990.

In all the constituencies, Bhandari's SSP was declared elected securing all 32 seats in the State Assembly. This was a record in the Government and politics of not only Sikkim but also in the country. This was something unique and unheard of. All political parties in the State of Sikkim contested elections more or less with the same programmes i.e. based on the basic issues of Sikkim such as seat reservation, recognition of Nepali language and to promote cordial Centre-State relations. Bhandari again assumed office for the third time as the fifth Chief Minister of Sikkim with 11 in members Cabinet. Though the Rising Sun Party strived its level best under the leadership of Poudyal but all efforts went in vain. The identity of Congress (I) in this election was completely smashed and once again the people showed their allegiance to Bhandari and his party, SSP.

SSP's soaring victory in the 1989 Assembly election in Sikkim further confirmed the unquestionable leadership and statesmanship of Bhandari. He, in the span of the last 14 years has emerged to be an uncrowned monarch of Sikkim. His coming back to power in a way reflected the people's preference for a regional party. It reposed faith on Bhandari's commitment to the principle of "Son of the Soil".

The Rise of Sikkim Democratic Front (SDF) : Its coming to Power and Performance

The politics of Sikkim took a different shape when Pawan Kumar Chamling a close associate and cabinet minister of Nar Bahadur Bhandari left Sikkim Sangram Parishad and established his new regional party viz., Sikkim Democratic Front in the year 1993. He became the lone opposition member and leader on the floor of 32 member Sikkim Legislative Assembly. Slowly he built his Sikkim Democratic Front from the grassroots and people from all walks of life gave support to him and his newly founded party SDF. While his party was gaining momentum in the State the incident which took place in May 1994 gave further impetus to strengthen the role of his party and establish his leadership. That was the time the then ruling SSP led by N.B. Bhandari was divided into SSP (S) and SSP (N). The SSP (S) led by Sanchaman Limboo with the then 18 sitting MLAs of the Assembly, hoisted his flag and became Chief Minister of Sikkim. The imposition and extension of Indian Income Tax Act, 1961 in Sikkim added fuel to the Political Crisis. N.B. Bhandari was defeated in the vote of confidence and Sanchaman won it. In the trial of strength, the SDF leader Pawan Kumar Chamling played the politics of absention. No sooner winning the confidence Sanchaman Limboo defected to Congress-I and ran the ministry till November/December 1994. Sanchaman Limboo defecting to Congress-I gave further chances for SDF to build itself stronger. Finally the election for constituting 5th Sikkim Legislative Assembly was announced by the Election Commission of India and Sikkim went to polls in November 1994.

Election in Constitute the Fifth Sikkim Legislative Assembly²⁵, November 1994

In this election in the State Legislative Assembly 276 candidates filed nominations, 15 were rejected, 57 candidates withdrew and ultimately 186 candidates including 18 women were in the fray. That was a seven cornered contest of three national political parties, three regional parties and many

independent candidates. The main rivals were Sikkim Sangram Parishad and Sikkim Democratic Front i.e. Bhandari Vs Chamling. Though electoral identity cards were issued to the electors the production of identity cards for casting vote was not made compulsory or a pre-condition.

In this election there were 2,17,446 (1,14,009 Male and 1,03,437 female) electors. The Sangha constituency consisted of 3085 electors. A record of 80 per cent electors cast their votes. The east district as usual consisted of highest number of electors including a sizeable plainsmen while the north district consisted least number of electors.

Manifesto of the SDF

All political parties contesting the election projected their programmes as usual. The newly founded SDF's Manifesto (SDF Patra 1994 & SDF Manifesto 1996; Chakaravarthi, 1996) was presented to restore democratic rights and to stop autocratic regime in the State.

The salient features of SDF manifestoes can be summarized as follows:

By and large, the above programmes of the SDF manifesto of 1994 Assembly election stand for poverty alleviation, upliftment of the downtrodden, decentralized administration, communal harmony and all round development of Sikkim. As pointed out earlier, all other political parties too projected certain common basic issues relating to Sikkim in their election manifestoes.²⁶

Table-XV : Results of 1994 Sikkim Legislative Assembly Election at a glance

Sl.No.	Parties	Seats
1.	Sikkim Democratic Front (SDF)	19
2.	Indian National Congress (INC)	02
3.	Sikkim Sangram Parishad (SSP)	10
4.	Independent (ULF)	01
Total		32

Source : Sikkim, 'Report on General Election to the Sikkim Legislative Assembly, 1994', Gangtok, Govt. Press, pp.25

An analysis of the results of Sikkim Legislative Assembly election 1994 reveals certain interesting facts. The CPI(M) and Rising Sun Party (regional) were completely routed. The then Chief Minister Sanchaman Limboo, the then sitting M.P. Dil Kumari Bhandari (Lok Sabha) several ex-ministers and other veterans faced utter defeat. No plainsmen were declared elected. Several persons' deposits were forfeited. Since 1979 to 1989 Sikkim witnessed a Bhandari wave and in this election it saw and SDF – Chamling wave. It proves that only a regional party with a locally based strong leader can win elections in Sikkim. The performance of Congress-I though improved the lesson that the election 1994 provided was that it must get itself established organizationally with a serious locally based leader and then fight elections in Sikkim. It is true in the case of other national political parties too which contested elections. Still the two seats the Congress-I had won represent a comparative progress made by it over the years. Coming to SDF, it had to still organize itself in the east district of Sikkim. History repeated in the case of independent candidate Ashok Subba (ULF) who emerged like that of Balchand-Sarda (in 1985) the lone candidate elected from the prestigious Gangtok

constituency. Ashok Subba's success from West was remarkable because he defeated the then Chief Minister Sanchaman Limboo. The composition of the assembly constituted in November 1994 election paves way for its democratic functioning both within and outside the legislature. It is also interesting to note that a woman candidate from SSP ticket won and ultimately defected to the ruling SDF.

As per normal procedure a thirteen member cabinet/ministry headed by Pawan Kumar Chamling assumed office in December 1994. Excepting the Chief Minister others were new to their offices. The ministry was well balanced with adequate representation to all three ethnic races scheduled tribes and castes. Chakra Bahadur Subba was unanimously appointed speaker of the Assembly. The most unique feature of the ministry is the introduction of a new office viz., the office of the Deputy Chief Minister. P.T. Luksom from Lepcha community was first to be appointed Deputy Chief Minister of Sikkim. The ministry had also accommodated a minister from Scheduled Caste Community. In the post merger history of Sikkim, Pawan Chamling is the first Chief Minister to expand the Council of Ministers/Cabinet. In May 1997. He included four ministers who defected from Sikkim Sangram Parishad to Sikkim Democratic Front. The strength of the Cabinet consisted of 17 Ministers and it constituted the absolute majority of the total strength of the Assembly. For the first time the cabinet included a woman minister that too from Bhutia tribe and the credit goes to Pawan Chamling to include her. Owing to certain developments in the ruling Sikkim Democratic Front, the Chief Minister Pawan Chamling recommended the Governor of Sikkim to drop a minister from the Cabinet and the Deputy Chief Minister of Sikkim was dropped. As a result the office of the Deputy Chief Minister remained vacant. The main assumption of the party on assuming power was to promote cordial Centre-State relation and call itself a government of the

bare footed people and restore democracy to build a 'New Sikkim and Happy Sikkim'.

The sixth election to Sikkim Legislative Assembly 1999 was one day Poll and was held simultaneously with the Lok Sabha Election 1999. There were 2,55,377 electors (1,32,591 men + 1,22,786 women) There were altogether 336 polling stations. The east district during the election consisted of highest number of electors i.e., 1,13,107 Damthang constituency from which Pawan Kr Chamling contested recorded the highest polling i.e., 72.26 and the lowest record was at Kabi Tingda (B.L) Constituency (North Sikkim): 43.06%. It was a five cornered tight of two regional political parties, two national party and independents. The Sikkim Democratic Front (SDF) and Sikkim Sangram Parishad were the two main rivals. The president of SSP. N.B. Bhandari contested from both Soreng and Rhenock. Results ²⁷

Table-XVI

Sikkim Democratic Front	24
Sikkim Sangram Parishad	7
Independent Sangha	1
	32

The Congress (I) (INC) CPI (M) and independents were rout and in many constituencies their deposits were forfeited. Thus Pawan Chamling and his party made a come back maintaining a record of sweeping the polls from south and west Districts.

Table-XVII : Sikkim: Constituencies Reservations Polling Stations & Electors'99

Name Of Constituency	Main Polling Stations	Aux Polling Stations	Total	Total Electors
Yoksam (UR)	10 W.SIKKIM	1	11	7665
Tashiding (R/BL)	13 “	0	13	6012
Geyzing (UR)	8 “	2	10	7522
Dentam (UR)	9 “	1	10	6934
Barmiok (UR)	7 “	2	9	6422
Rinchenpong (R/BL)	11 “	0	11	7325
Chakung (UR)	9”	0	9	7542
Soreong (UR)	8 “	2	10	8506
Daramdin (UR)	8 “	2	10	8268
Jorethang (Nayabazar) (UR)	12 S. SIKKIM	1	13	10690
Ralong (R/BL)	12 “	1	13	5867
Wak (UR)	8 “	1	9	6143
Damthang (UR)	10 “	1	11	8378
Melli (UR)	12 “	0	12	8355
Rateypani (West Pendarm) (R/SC)	12	1	13	8694
Temi Tarku (UR)	12	0	12	9120
Central Pendarm, East Pendarm (UR)	11 E. SIKKIM	4	15	11195
Rhenock (UR)	10	1	11	7576
Regu (UR)	8	1	9	8286

Pathing (R/BL)	13	1	14	8556
Loosing Pacheykhani (UR)	8	1	9	7056
Khamdong (R/SC)	11	0	11	9177
Djongu (R/BL)	11 N.SIKKIM	0	11	5456
Lachen Mangshila (R/BL)	10	0	10	7296
Kabi Tingda (R/BL)	7	0	7	5332
Rakdong Tintek (R/BL)	8 E.SIKKIM	1	9	7115
Martam (R/BL)	10	0	10	8398
Rumtek (R/BL)	10	2	12	10555
Assam Lingjei (R/BL)	8	1	9	7467
Ranka (R/BL)	10	5	15	9004
Gangtok (UR)	10	5	15	13000
			HIGHEST	
Sangha (R/LAMAS/MONKS)	51 (MONASTERIES)	0	51	3278
			LOWEST	
Total	351	35	386	252190

UR: Unreserved. R. Reserved BL: Bhutia-Lepcha (ST). SC. Sch. Caste: NEPALESE

UR : 17 BL (SCH.TR): 12 SC(NEP): 2 Sangha: 1 TOTAL: 32 seats

Elections to Sikkim Legislative Assembly: OCTOBER 1999

A Manifesto of any political party is a public written declaration normally is issued before a general or bye election in any given parliamentary and presidential form of Government. It is to express the promises of a political party to be placed before the public whether followed or not after winning the election and forming a government. Such promises remain manifestoes of the parties for the reason that all political parties cannot capture power and all their programmes and policies cannot be translated into actions.

In Sikkim, since 1974/1979 a number of general and bye-elections were held to both Sikkim Legislative Assembly and the lone parliamentary constituency. It is for the Sixth time Sikkim went to poll to constitute the sixth Legislative Assembly and eighth time to elect the member of Lok Sabha.

Here a sincere attempt is made to throw some light on the October 1999 elections in the State of Sikkim and the manifestoes of some of the Political Parties.

Altogether 105 candidates were contesting for electing 32 members of the Sixth Legislative Assembly of Sikkim. There were about 2,55,074 electors in the State. The reservations in the Assembly were:

17 – open/General seats

12 – B.L. seats (Schedule Tribes)

2 – Scheduled Castes and

1- Sangha Seat.

The electors of Scheduled Castes, Scheduled Tribes and OBCs outnumbered the NBC and other electors. The split up of parity wise candidates contesting election to the Assembly was as follows:

Table-XVIII

Sikkim Democratic Front (SDF)	Sikkim Sangram Parishad (SSP)	INC Congress (I)	CPI(M)	Independents	Total
31	32	31	2	9	105

Two National Parties, two regional parties and independent candidates were contesting and the main fight was between the ruling Sikkim Democratic Front and Sikkim Sangram Parishad. Sikkim Democratic Front contested in 31 constituency and was not contested from Sangha constituency while the Sikkim Sangram Parishad contested from all 32 constituencies. Similarly the Congress (I) contested in 31 Constituencies and did not fill any nomination to the Lachen-Mangshila constituency of North Sikkim. INC, SSP and an independent candidate contested the unique Sangha constituency. This constituency is a unique one and is not found elsewhere in the country as because this seat is represented by monks/lamas of monasteries and Gumpas spread all over Sikkim. The CPI(M) maintained its tradition of contesting elections in one or two seats with its all India character of manifesto. The SDF extended its indirect support to the independent candidate who contested from the Sangha Constituency.

In the Sikkim Parliamentary Constituency to elect the lone member of Lok Sabha one each from the ruling Sikkim Democratic Front, Sikkim Sangram Parishad, Indian National Congress and an independent candidates contested. The SDF candidate is contested for the third time and was the member of 11th and 12th

Lok Sabha. Once again Bhim Prasad Dahal of SDF maintained a record margin and won against INC and Independent candidates.

Public meetings by various political parties, posters, wall writings, festoons, distribution of pamphlets, hand bills, playing of audio cassettes with specially composed songs, installation of special party offices by SDF and SSP in almost every shopping Centre/Bazars in all towns and villages of Sikkim and compulsory display of party flags in all shops, were the styles of Election Campaign in the state.

No ENM/Election Identity Cards were used for this election. Use of Electoral Identity Card was not made a precondition to cast votes.

Tight security measures and committed personnel and Government servants were employed for the peaceful conduct of elections in the state.

SDF: The ruling Sikkim Democratic Front Party's manifesto 1999 was released in a public meeting. Highlighting the SDF's four and half year's achievements, the manifesto focused on future social economic and political programmes to be launched. The manifesto comprised of 88 pages and 130 points with a supplement for government employees.

The agenda of the party manifesto 1999 revolved round and pledged to undertake several programmes and in a nutshell it runs thus:

- Protection and safeguard of Article 371 F of the Constitution of India and fullest protection to the people of Sikkim.
- To pass Local Laws.
- Inclusion of Chettri, Bahun (Brahmins), and Newar in OBC list.
- Protection of Revenue Order No. 1
- Inclusion of Sikkim in the North-East Council.
- To oppose the imposition and extension of direct laws in Sikkim.

Some striking programmes and policies of the ruling Sikkim Democratic Front are elaborated below.

- Full protection of the Article 371.F. of the Constitution of India. It is with a view to ensure all-round development, peace, progress and Prosperity of Sikkim and the people of Sikkim. This article 371.F was inserted in the Constitution of India to safeguard and preserve the rights of the people of Sikkim in the wake of Sikkim joining the mainstream of the India Union (since 1975) as 22nd state of India. Therefore, the SDF is committed to safeguard article 371.F as it has conferred special rights on the Sikkimese people.
- Local laws will be passed. The SDF holds the view that it has become imperative pass local laws for the protection of the people of Sikkim so that the proper plan programme can be implemented in order to ensure speedy growth of Sikkim in peaceful atmosphere without contradicting postures. The SDF shall strive to bring about a 'consensus' on local laws of Sikkim for the protection of rights of people.
- Reservation of seats for Nepalese and Tsongs in Sikkim Legislative Assembly and the party is committed from the beginning to restore the reserved seats of these communities. Further it is stated that the demand for restoration of seats has been placed before the centre on historical grounds.
- Inclusion of Bahun, Chettri and Newar in the list of OBCs which was before the Government of India
- Protection of Revenue Order No. 1 which was an old law of Sikkim enacted at the time of the British Government in order to safeguard the landed property of the minority Bhutias and Lepchas.
- Inclusion of Sikkim in the North-East council owing to the similarities between the people Sikkim and North-East states and the bill is introduced in the parliament. The idea is to foster the economic benefits and as well as political

status at the decision making level in various matter concerning the problems of North-East States and Sikkim.

- SDF is opposed to the imposition of Direct Tax Laws in Sikkim.
- Establishment of libraries in every Panchayat for the benefit of the people and prepare the youths for various competitive examinations and the people to acquire knowledge.²⁸

The Congress-I Viz., Indian National Congress contesting the elections released its Manifesto 1999 in a Press Conference.

- It assures to overcome the political economic and social demands of the people of Sikkim.
- Its political Programmes confine to Reservation of the original identity of the Bhutias and Lepchas. Reservation of seats for the Sherpas in the Sikkim Legislative Assembly. Realization of the political and other aspirations of the plains people. To impose fresh delimitation to Assembly Constituencies and Panchayat wards. To give an additional seat in Lok Sabha as the present is kept for Sikkimese Nepalese as a tradition.

The Social aspects cover : Inclusion of Limboos (Tsong), Tamangs, Mangers, Rais and others in the list of Scheduled Castes and to include Newars, Bahuns, Chettris, Jogis and Sanyasis in the list of OBCs in the State also to recommend to the President of India under article 342 of the Constitution of India to notify the Sikkimese Nepalese as Scheduled Tribe of the State. The idea here is that if the demand is met that would facilitate to restore automatically the reservation of seats in the Assembly. Further if Nepalese are declared as Scheduled Tribes the next would be to request Centre to declare the State as a whole a Tribal State which in turn would provide all the rights, benefits and privileges granted to all Tribal States of India. The declaration of Sikkim as a Tribal State will be followed by the demand for inclusion of the Tribal dominated north district of Sikkim to

incorporate in the VI schedule of the Constitution of India and to declare the area as an autonomous district there seems to be a contradiction that while there is a demand to declare Nepalese as Scheduled Tribes and another programme to include Newars, Bahuns, Chettris etc. in the list of OBCs.

On the economic front to waive the debt amounting Rs. 1100/- Crores from exemption of paying income tax for the three ethnic communities.

- To develop Tourism and hydroelectric power potential in the state.
- To open border trade routes with neighbouring countries and to create more employment opportunities for the youths.

The Congress thus stands committed to the issue raised in the manifesto and trying to find ways for solving the political economic and social problems of the state.²⁹

The Sikkim Sangram Parishad (SSP), the main rival to the ruling Sikkim Democratic Front issued two different manifestoes for Assembly election and Sikkim Parliamentary Constituency (Lok Sabha) election: its programmes and policies:

- The SSP regards the Tripartite Agreement of 8th May 1973 as an indispensable armour and to protect the agreement
- To keep in fact the special article 371(F) of the Constitution of India which safeguards and protects the rights of the people of Sikkim.
- To correct the observation of the order issued in 1978 and to restore seat reservation that existed before 1978 to Bhutias, Lepchas and Nepalese and to extend political safeguard for the Nepalese and also fight for reservation of seats for the Limboos.
- To streamline administration in the state and to root out corruption and crime from the soil and establish peace and common all harmony.

- To see to that there exists independence in the functioning of the judiciary and functioning of the Lok Adalat for early disposal of the cases of the poor people.
- To extend full facilities for students those who aspire to study outside the state.
- To give full facilities for the development of languages and literature of different sections of Sikkimese Communities. Since Nepali language has received Constitutional recognition and include in the VIII schedule, time has come not only to develop its literature but to use in different Ministers of Government of India.
- To provide adequate facilities and to promote sports career to sports men and women.
- To initiate educational programme in Sanskrit School and monasteries and make it more meaningful.
- To increase and get maximum agricultural production with new technical know how and to provide facilities for activating cash crops along with agricultural insurance policy in the state.
- To establish co-operative Banks in different parts of Sikkim to provide loans for the farmers.
- To equip adequate medicines in all hospitals and primary health centres in the state.
- To improve the source of revenue in power sector, to generate more power/electricity in Hydro Electric Projects of the state to meet the demands of domestic and industries' consumption.
- The SSP's Parliamentary Constituency Election Manifesto calls for the Member of Parliament.

- To promote cordial Centre – State relations.
- To create a separate Ministry for Sikkim to solve the problems to Socio-Economic and political affairs.
- To open up small and medium scale industries to solve the growing unemployment problem in Sikkim.
- To open Tibet-Trade route through Nathula and Zelepla for creating more employment opportunities for the people of Sikkim owing to increased unemployment problem.
- To recognize all Nepalese as backward and other left communities in the list of OBCs.
- To take up the matter with the center for providing all economic facilities to Sikkim as extended to other North-Eastern states.
- To develop Tourism in Sikkim and extending necessary facilities for the tourists.
- To provide facilities and housing for all journalists housed in Sikkim.
- To invest more funds by the Non-Residents of India in the Power Sector, ropeway, alternative high way construction of stadium for games and sports and to give clearance by the centre to these NRIs.
- To resist and fight tooth and nail the imposition of direct taxes on the people of Sikkim.
- To provide citizenship to stateless Sikkimese people and to distribute citizenship certificates to the genuine Sikkimese people.³⁰

Table-XIX : General Elections – 1999, Sikkim Legislative Assembly

Sl.No	Constituency	Votes			Winner	
		SDF	SSP	INC	Party	Candidate
1.	Yoksam	3240	1749	1136	SDF	Kalawati Subba
2.	Tashiding	2740	2148	119	SDF	Thutop Bhutia
3.	Geyzing	3316	2504	257	SDF	Sher Bahadur Subedi
4.	Dentam	3192	2636	190	SDF	Narendra Kumar Subba
5.	Bermoik	2353	2020	770	SDF	Tulsi Pd. Pradhan
6.	Rinchenpong	3640	2001	283	SDF	O.T. Lepcha
7.	Chakung	3572	2420	173	SDF	Prem Singh Tamang
8.	Soreong	3456	3390	93	SDF	Ram Bahadur Subba
9.	Daramdin	4194	2532	51	SDF	Ran Bahadur Subba
10.	Jorethang	4791	3598	72	SDF	Bhoj Raj Rai
11.	Ralang	2671	1291	197	SDF	Dorjee Dazom Bhutia
12.	Wok	3284	1683	25	SDF	Kedar Nath Rai
13.	Damthang	4952	1866	35	SDF	Pawan Kumar Chamling
14.	Melli	4059	2800	43	SDF	Girish Chandra Rai
15.	Rateypani	4073	3115	67	SDF	Chandra Kumar Mohra

16.	Temi Tarku	4396	3071	21	SDF	Garjaman Gurung
17.	Central Pendam	4329	4575	102	SSP	Sang Dorjee Tamang
18.	Rhenock	2576	3364	37	SSP	Nar Bahadur Bhandari
19.	Regu	3413	3253	38	SDF	Karna Bahadur Chamling
20.	Pathing	2903	3755	477	SSP	Sonam Dorjee
21.	Lossing Pacheykhani	2821	2826	246	SSP	Jai Kumar Bhandari
22.	Khamdong	4507	2954	60	SDF	Gopal Lamichaney
23.	Dzongu	2228	2399	17	SSP	Sonam Gyatso Lepcha
24.	Lachen Mangshila	3698	2496	---	SDF	Hissey Lachungpa
25.	Kabi Tingda	2028	1263	1418	SDF	Thinley Tshering Bhutia
26.	Rakdong Tintek	1140	2823	216	SSP	Mingma Tshering Sherpa
27.	Sang Martam	4262	2485	98	SDF	Dorjee Tshering Lepcha
28.	Rumtek	4326	4132	115	SDF	K.T.N. Gyaltsen
29.	Assam Lingzey	2951	2850	87	SDF	Tseten Tashi Bhutia
30.	Ranka	4274	3182	111	SDF	Tseten Dorjee Lepcha
31.	Gangtok	3835	4308	548	SSP	Narendra Kumar

Pradhan

32. Sangha --- 294 370 IND Palden Lama
1309

Source : *Sikkim Herald*, Vol. XLIII, No. 62 October, 99; Gangtok, Sikkim Govt. Press, 1999.

Table-XX : Results of The Sikkim Assembly Elections 1999

Constituency	District	Party won	Candidate	Votes
WEST				
1. Yoksam	West	SDF	Kalawati Subba	3240
2. Tashiding	West	SDF	Thutop Bhutia	2740
3. Gyalshing	West	SDF	Sher Bahadur Subedi	3316
4. Dentam	West	SDF	Narendra Kr. Subba	3112
5. Bermiok	West	SDF	Tulsi Prasad Pradhan	2353
6. Rinchenpong	West	SDF	Ongden Tshering Lepcha	3640
7. Chakung	West	SDF	Prem Singh Tamang	3572
8. Soreng	West	SDF	Ram Bahadur Subba	3456
9. Daramdin	West	SDF	Ram Bahadur Subba	4194
SOUTH				
10. Jorethang	South	SDF	Bhoj Raj Rai	4791
Nayabazaar				
11. Ralong	South	SDF	Dorjee Dazom Bhutia	2671
12. Wak	South	SDF	Kedar Nath Rai	3284
13. Damthang	South	SDF	Pawan Kr. Chamling	4952

14. Melli	South	SDF	Girish Chandra Rai	4059
15. Ratey Pani	South	SDF	Chandra Kr. Mohra	4073
16. Temi Tarku	South	SDF	Garjaman Gurung	4396
EAST				
17. Cendral Pendam	East	SSP	Sang Dorjee Tamang	4575
18. Rhenock	East	SSP	Nar Bdr. Bhandari	3364
19. Regu	East	SDF	Karna Bdr. Chamling	3413
20. Pathing	East	SSP	Sonam Dorjee Bhutia	2903
21. Lossing Pacheykhani	East	SSP	Jai Kr. Bhandari	2826
22. Khamdong	East	SDF	Gopal Lamichaney	4507
NORTH				
23. Dzongu	North	SSP	Sonam Gyatso Lepcha	2399
24. Lachen Mangshila	North	SDF	Hisey Lachungpa	3772
25. Kabi Tingda	North	SDF	Thinlay Tsh. Bhutia	2028
EAST				
26. Rakdong Tintek	East	SSP	Mingma Tsh. Sherpa	2823
27. Martam	East	SDF	Dorjee Tsh. Lepcha	4262
28. Rumtek	East	SDF	K.T. Gyaltsen	4326
29. Assam Lingzey	East	SDF	Tseten Tashi Bhutia	2951
30. Ranka	East	SDF	Tseten Dorjee Lepcha	4274
31. Gangtok	East	SSP	Narendra Kr. Pradhan	4308
32. Sangha		Independent	Palden Lama	1309

In 1994 & 1999 Elections Mingma Tshering Sherpa was the first Sherpa candidate elected from B.L. constituency.

SDF Sweeps the Polls

SDF was voted back to power in the state. It won 24 of the 32 assembly seats, SSP won 7 seats and the Sangha seat went to an independent candidate.

There had been a complete sweep of the West and South districts by the SDF. All 7 and 9 seats, respectively, went to it. Even at Soreong, the traditional SSP bastion fell. In what looked like the biggest disappointment, former CM, N.B. Bhandari lost in his home constituency by 66 votes. Soreong saw a new victor in R.B. Subba (SDF), who wrangled the seat from his rival's fourteen year long streak.

Once again, Chief Minister Pawan Kr. Chamling emerged the 'strongest' in Damthang constituency. His closest opponent was kept at bay, by 3086 votes, also giving him the highest winning margin.

This election witnessed unexpected gains as well as pitfalls. Binod Pradhan, the assembly-seat hopeful in Lossing Pachikhaney constituency, from the SDF berth had to face the disappointment of losing by just 5 'precious votes' to J.K. Bhandari (SSP), won the seat. The narrowest win, this election. SSP candidate S.D. Bhutia upset veteran Ram Lepcha's winning streak in Pathing constituency, by 582 votes. The latter was attempting to retain the seat for the fourth consecutive term.

One of the largest constituencies, SSP stronghold Rumtek, gave in to the 'intellectual leadership' qualities and 'grass-root outreach' of SDF candidate K.T. Gyaltsen. He as well as SSP's O.T. Bhutia had been unsuccessful in the 1994 elections. As the results showed, 4326 votes to SDF, 4312 votes to SSP, it has

been a hard won victory. In the process, the victor also garnered the highest most number of votes.

Another major disappointment for SSP was Mrs. D.K. Bhandari's defeat in Temi-Tarku. Garjaman Gurung (SDF) retained his seat by a comfortable margin of 1325 votes.

Up in Dzongu, Sonam Chyoda Lepcha's bid to taste victory again, under the SDF party's flagship turned the tide against him. Sonam Gyatso Lepcha of the SSP managed to beat his chances by 171 votes.

What has perhaps caught the attention of many is the rout of the Congress party. It failed to repeat its 1994 win in Yoksam. Dzongu and Sangha constituencies nor has it made any new gains. Even the 'high-profile' hopes of Mr.T. Lachungpa came crashing down in Kabi-Tingda where SDF's Tashi Tseten Bhutia upstaged his bid by 610 votes. In the Sangha constituency, Namkha Gyaltsen of the Congress party lost to independent candidate Palden Lama. A dismal 370 votes went to him as against 1309 votes in the latter's favour.

In the parliamentary results, Bhim Prasad Dahal of the SDF has once again won the people's mandate to represent the state in the lone Lok Sabha seat. He secured 1,07,828 votes, ahead of his nearest opponent, Satish Chandra Rai of the SSP by a margin of 21,362 votes.

All said and done, the elections are over. It has not been bereft of surprise disappointments and cheer in which voter participation has definitely had a role to play. This year the voter turnout was 81.57%. Out of a total of 2,55,253 voters 208,213 exercised their franchise. The highest participation (85.79%) was recorded in the North District, while East district saw the lowest turnout of 79.56%. Besides the Sangha constituency, Gangtok saw the lowest turnout, only 69.39%.

Rakdong-Tintek Bye-Elections: (March 1983) to SLA

Infact, on the resignation of an independent member of the Sikkim Legislative Assembly from Rakdong-Tintek constituency's (BL) membership a bye election was held on 27th March 1983 which in turn changed the wrong conception and fate of that "National Party not winning elections in Sikkim"

Table-XXI

Name of the Constituency	Electors	Candidates	Total Polled
Rakdong-Tintek Constituency	3853 Votes Polled	D.D. Lossapa (Ind)	66
		Dugo Bhutia (Ind)	21
E. Sikkim BL(ST)	2557 Rejected 121% of polling 66.36	P.T. Lepcha (SPC)	41
		R. Tangdon	559
		Sonam P. Bhutia	64
		S.T. Bhutia (Cong I)	1685 (Elected)

Source: *The Nation*, Vol. IV, No. 68, 28, March, 1983, Gangtok.

Forfeiting the security deposits of other candidates, Congress (I) candidate Sonam Tshering Bhutia winning the elections in this constituency was first and historic landmark for Congress (I) from the State of Sikkim. It was not a victory of Congress on its own but because of locally based strong leader and Chief Minister Nar Bahadur Bhandari and the developmental activities undertaken by him in the constituency.

Elections to Sikkim Parliamentary Constituency (Lok Sabha)

Because of the continuous success of Bhandari's party in the Sikkim Legislative Assembly election, the party had been able to win simultaneously the lone Lok Sabha seat in the State of Sikkim. In the 7th Lok Sabha election held in 1980, Pahalman subba of Bhandari's SJP won defeating rest of the six candidates

in particular that of SC (R), SPC, INC (U) and independents. He secured 31,750 against the valid votes 51503.

In the 8th Lok Sabha election of 1984 Bhandari himself won the seat defeating his immediate seven rivals of INC(I), CPI(M), Janta and independent candidates. He secured 56,614 out of the total votes polled of 86,024. In this election; he defeated his own one time close associates (of his erstwhile party) L.B. Basnett and Pahalman Subba. He won the seat within 6 months after establishing his newly founded SSP. But he had to relinquish his seat in parliament owing to the fact that he was elected to the state Assembly to become Chief Minister of Sikkim for the third time.

Table-XXII General Elections to Sikkim Parliamentary Constituency (Lok Sabha) 1980-91

Year	Total Electors	Votes		
		Polled	Rejected	Valid
1980	1,18,028	52,895	1,392	51,503
P. Subba, (SJP)			31,750	
R.C. Poudyal, (SC-R)			11,632	
I.B. Rai, (SPC)			5,125	
R.P. Sharma, (Ind)			1,073	
K. Adhikari, INC(U)			943	
A.K. Subba, (Ind)			801	
D.K. Pradhan, (Ind)			179	

Source P.K. Pradhan, Report on the Tenth General Election to the House of the

People: 1991, Gangtok, Govt Press, 1991

Table-XXIII : General Elections to Sikkim Parliamentary Constituency (Lok Sabha) 1980-91

Year	Total Electors	Votes		
		Polled	Rejected	Valid
1984	1,49,271	86,024	3,378	82,646
N.B. Bhandari (SSP)			56,614	
P. Subba (INC-I)			21,327	
B. Rai (IND)			1,717	
L.S. Basnett (IND)			936	
B.B. Mishra (CPI-M)			843	
A.K. Subba, (Janta)			604	
P.T. Lepcha (IND)			495	
B.R. Harijan (IND)			110	

Source : Ibid.,

Table-XXIV : General Elections to Sikkim Parliamentary Constituency (Lok Sabha) 1980-91

Year	Total Electors	Votes		
		Polled	Rejected	Valid
1989	1,92,619	1,38,698	4,999	1,33,699

Nandu Thapa (SSP)	91,608
D.K. Bhandari (INC-I)	28,822
R.C. Poudyal (RSP)	12,858
S.T. Gensapa (IND)	411

Source : Ibid.,

Table-XXV : General Elections to Sikkim Parliamentary Constituency (Lok Sabha) 1980-91

Year	Total Electors	Votes		
		Polled	Rejected	Valid
1991	2,01,704	1,18,502	3,129	1,15,373
D.K. Bhandari (SSP)			1,03,970	
D.N. Nepal (CPI-M)			3,372	
P.T. Lepcha (IND)			3,759	
S. Basnett (IND)			2,688	
K.B. Subba (IND)			867	
M. Sharma (IND)			536	
Y.N. Bhandari (IND)			181	

Source : Ibid.,

To fill up the vacancy caused by Bhandari's resignation, a bye-election to Lok Sabha was ordered in April 1985. Some nine candidates including Dil Kumari Bhandari of SSP, Congress (I) and other independents filed their nominations. But

everything turned out to be a futile exercise because in the eleventh hour all excepting Dil Kumari Bhandari withdrew their nominations. As a result, she was declared elected unopposed. Smt. Bhandari was rightly rewarded for her defeat in Gangtok constituency in the year 1985's Assembly election.

In the 9th Lok Sabha election from Sikkim in the year 1989 Nandu Thapa of SSP was declared elected defeating Smt. D.K. Bhandari INC-I, R.C. Poudyal of RSP and an independent candidate. He secured 91,608 votes from the total valid votes 1,33,699. However in the 10th Lok Sabha election from Sikkim in the year 1991, Smt. Bhandari (who had returned to SSP) once again won the election securing 1,03,970 votes from the total valid votes polled 1,18,502 defeating the lone CPI-M candidate and other independent candidates.

Sikkim parliamentary Election : May 1996 (11th Lok Sabha Poll)

In the Sikkim Parliamentary Election May 1996 the total number of electors were 2,28,950 (1,19,644 Male + 1,09,306 Female). It was a one day poll and a seven cornered contest. Two regional parties and five independents were in the fray. The main fight was between Bhim Prasad Dahal (SDF) and Nar Bahadur Bhandari (SSP) 78% of the total electors polled i.e. 1,78,838 votes.

Table-XXVI : Results : Sikkim Parliamentary Constituency (Lok Sabha) Election, May 1996

Sl.No.	Parties	Seats
1.	Bhagwan Prasad IND)	251
2.	Bhim Prasad Dahal (SDF)	1,24,218
3.	Nar Bahadur Bhandari (SSP)	42,175
4.	Dhan Bahadur Tamang (IND)	436

5.	Krishna Chettri Prasad (IND)	421
6.	Nandalal Gurung (IND)	4,263
7.	Nabin Chd. Subba (IND)	410
8.	Rejected Ballots	3,664

Source : *Gangtok*, Vol. -1 No. 3, May 10, 1996; Gangtok Prakashan, 1996, p.1

Gangtok Times, Vol.3, No. 18, Tadong, SCS Publications, 1996, p.1.

The SDF candidate Bhim Prasad Dahal swept the Poll defeating his immediate rival Nar Bahadur Bhandari with a huge margin of about 82,000 votes. The success of Bhim Prasad Dahal in the Lok Sabha election is a testimony of SDF's strength in the State of Sikkim. It further certifies the proven leadership of Pawan Kumar Chamling (Gangtok, Gangtok Times, 1996)

The Sikkim Parliamentary Constituency Election, 1998

No sooner the Congress withdrew its support to the United Front Government headed by I.K. Gujral election to the 12th Lok Sabha was ordered. Sikkim along with other States of the Indian Union went to the polls in the month of February, 1998. That was a single day poll and a triangular contest among the ruling SDF, United Opposition, (of the Congress-I, Sikkim Sangram Parishad and Sikkim Ekta Manch) and independent candidates Sikkim went to polls on the 16th February, 1998.

Manifestoes to the 12th Lok Sabha Sikkim Parliamentary Constituency Election, 1998: A Review

The ruling Sikkim Democratic Front launched a separate Manifesto of its own The Indian National Congress (Congress-I) issued a joint manifesto of the United Opposition joining hands with the Sikkim Sangram Parishad and Sikkim

Ekta manch (SDF Manifesto: 1998). The Independent candidate had no conspicuous programme in contesting the Lok Sabha elections, 1998.

The manifestoes of the Sikkim Democratic Front and United Opposition led by Congress-I were different but in many respects more or less identical in regard to their issues. The programmes and promises made by both rival groups to win the Elections were similar such as: restoration of seat reservation for the majority people viz., The Nepalese in the Sikkim Legislative Assembly, more representation for the Sikkimese, increase in the number of seats in the Lok Sabha and Rajya Sabha of the Union Parliament of India, to keep direct taxes out of Sikkim, to include left out castes and communities in the OBC list, recognition of local languages spoken by various communities in Sikkim, more quota for students of Sikkim to pursue further studies in the Institutions of national importance, etc.

The ruling SDF had gone a step ahead and promised to restore 50% job reservations for Sikkimese candidates in both Central and State Offices. The opposition was silent on this matter but promised to take political steps to combat it.

The Congress-I led United Opposition promised Government employees in regard to their salaries and allowances at par with their Central Counterparts.

The SDF reiterated its promise to totally stop sending IAS, IPS and IFS officers on deputation to Sikkim with the intention to raise the rank and file to their cadres from the State itself. The ruling SDF party was confident in achieving this goal as it had already managed to reduce the prescribed quota of these cadres in the State.

In the economic front the SDF had promised to revive all sick industries depending upon their feasibility. Whereas the opposition had promised to get the Indo-Tibet road through Nathula via Gangtok.

Finally the Sikkim Democratic Front stood for an inclination towards special category for Sikkim in view of its backwardness. It was more or less same to the demand placed by the united opposition the promise of getting Sikkim declared as a Tribal state.

The election to the 12th Lok Sabha Sikkim Parliamentary election was a triangular contest amongst Congress I led United Opposition, an independent candidate against their rival candidate Bhim Dahal of the Sikkim Democratic Front.

The weather was slightly unfavourable because of the winter season and as a result the turn out of electors to cast their votes was poor. Unlike other states of the Indian Union the polling hours in Sikkim was between 7 am and 4 pm on 16th February 1998. The percentage turn out of voters was recorded at 68. The east district recorded the lowest turnout of voters. But it recorded the highest i.e., 71% in the South District of Sikkim. Polling was absolutely peaceful.

The total of 405 ballot boxes were sealed in a strong room with constant Police vigil and security for more than a fortnight since 16th February 1998 to 2nd March 1998, which was the counting day.

The SDF witnessed resounding victory and Bhim Dahal won the election. Dahal has in his credit defeating consecutively two former Chief Ministers and nullifying the United Opposition. The Congress-I was defeated securing one their of the total votes polled and the independent polling negligible votes. The SDF had won the election scoring 1,02,430 votes. The performance of SDF since 1994 through the Panchayat election till the 12th Lok Sabha polls seems to be consistent and the SDF/Chamling wave continues in Sikkim. The performance of the Congress-I in Dzongu and in Gangtok assembly constituencies repeat the same trends as existed in the previous elections. The performance of the SDF is gradually increasing in the East district when compared to the 1994 Assembly elections of Sikkim. The success of SDF and its candidate in the 12th Lok Sabha

election 1998 proves that the growing communal and caste feelings are being combined in the State.

Table-XXVII

Sl. No	Name Of The Constituency		Assembly	Total No. Of Electors		
01			02	MEN 03	WOMEN 04	TOTAL 05
01	W	Yoksam G		3629	3358	6987
02	W	Tashiding ST BL		2888	2804	5692
03	W	Geyzing G		3562	3390	6952
04	W	Dentam G		3397	3266	6663
05	W	Barmiok G		3191	2882	6073
06	W	Rinchenpong ST BL		3536	3403	6939
07	W	Chakung G		3713	3470	7183
08	W	Soreng G		4064	3893	7957
09	W	Daramdin G		3941	3782	7123
10	S	Jorethang Nayabazar G		5051	4419	9470

11	S	Ralong ST BL	2799	2600	5399
12	S	Wak G	3113	2750	5863
13	S	Damthang G	3860	3662	7522
14	S	Melli G	3998	3815	7813
15	S	Rateypani W.P SC	4161	3890	8051
16	S	Temi Tarku G	4295	4037	8392
17	E	Central Pacheykhani G	5708	5046	10754
18	E	Reenock G	3750	3448	7198
19	E	Regu G	4095	3718	7813
20	E	Pathing ST BL	4198	4072	8270
21	E	Loosing Pacheykhani G	3317	3254	6571
22	E	Khamdong SC	4518	4072	8590
23	N	Dzongu ST BL	2464	2458	4922
24	N	Lachen Mangshila ST BL	3121	3261	6382
25	N	Kabi Tingda ST BL	2496	2510	5006
26	E	Rakdong Tintek ST BL	3618	3430	7048
27	E	Marrtam ST BL	4258	4033	8291
28	E	Rumtek ST BL	5239	5072	10311
29	E	Assam Lingjey ST BL	3742	3568	7310
30	E	Ranka ST BL	4465	4279	8744
31	E	Gangtok (G)	6261	5578	11839
32	E	Sangha (RES)	2575	18	2593

TOTAL ELECTORS

1,23,028 1,13,298 2,36,321

St: Sch. Tribes; Sc: Sch. Castes; G: General Sangha: Only One Of Its Kind To Represent The Monks Cumbas & Monasteries Of All Four Districts Of Sikkim

Source: *Sikkim Herald* (Reg. No WB/SKM/1/76) Vol XIII No 6,7Feb 1998 (IPR) /Govt of Sikkim, Gangtok, Sikkim Govt. Press, P.1.

Table-XXVIII : Sikkim Parliamentary Election 1998

Sl.No.	Constituency	No. of voters	Vote Cast	Invalid votes	SDF	%	INC	%	IND	%
1.	Yoksam	7235	4902	79	3008	61.36	1790	36.52	24	0.49
2.	Tashiding	5842	4165	86	2686	64.49	1351	32.44	31	0.74
3.	Geyzing	7001	5164	129	3967	76.82	1033	20.00	34	0.66
4.	Dentam	3336	4836	69	3404	70.39	1267	26.20	96	1.99
5.	Bermiok	6071	4219	72	2875	68.14	1232	29.20	40	0.9
6.	Rinchenpong	7001	4412	84	3474	78.74	798	18.09	55	1.25
7.	Chakung	7195	4902	117	3899	79.54	823	16.79	63	1.2
8.	Soreng	7941	5385	112	2985	55.43	2235	41.50	54	1.00
9.	Daramden	7736	5401	97	3831	70.93	1432	26.51	42	0.78
10.	Jorethang	9476	7094	134	4137	58.32	2738	38.60	64	0.90
11.	Ralang	5549	4029	75	3014	74.81	902	22.39	37	0.92
12.	Wak	5866	3870	63	2809	72.58	965	24.94	33	0.85
13.	Damthang	7559	5431	97	4328	79.69	977	17.99	29	0.53
14.	Melli	7818	5684	106	3767	66.27	1783	31.37	28	0.49
15.	Rateypani	8059	5672	89	3794	66.89	1721	30.34	68	1.20
16.	Tem Tarku	8429	5363	79	3490	65.08	1730	32.26	62	1.16
17.	Central Pendarn	10778	7344	177	4706	64.08	2334	31.78	120	1.63

18.	Rhenock	7318	4821	127	2926	60.69	1693	35.12	73	1.51
19.	Regu	7840	5122	79	3434	67.04	1577	30.79	32	0.62
20.	Pathing	8301	5223	79	3111	59.56	1987	38.04	46	0.88
21.	Loosing Pacheykhani	6586	4458	70	2672	59.94	1652	37.06	64	1.44
22.	Khamdong	8637	5809	149	3796	65.35	1808	31.12	53	0.91
23.	Dzongu	5066	3334	48	1493	44.78	1745	52.3	48	1.44
24.	Lachen Mangshilla	6620	4957	113	2837	57.23	1965	39.64	40	0.81
25.	Kabi Tingda	5633	3852	43	2413	62.64	1346	34.94	45	1.17
26.	Rakdong Tintek	7152	4419	67	2312	52.32	1965	44.47	74	1.67
27.	Martem	8359	5583	94	4186	74.98	1259	22.55	43	0.77
28.	Rumtek	10440	6229	72	3367	54.05	2660	42.70	125	2.01
29.	Assam Linzey	7397	4993	95	3313	66.35	1518	30.40	66	1.32
30.	Ranka	8738	5518	82	3406	61.73	1917	34.74	109	1.98
31.	Gangtok	11839	6477	104	2976	45.95	3278	50.61	112	1.73
Total		225,083	158,668	2,887	102,416	64,72	51,481	32.30	1,810	1.13

Source : Gangtok Times, Vol. 2, No. 26, March, 7-13, 1998, Gangtok, Prerna Industrial Co. P. Ltd., 1998

Lok Sabha Election : 1999

Sikkim Parliamentary Constituency

In the Lok Sabha Election (from Sikkim Parliamentary Constituency) held in October 1999 these were 2,55,377 electors (1325911 Men + 122786 Women). The total number of votes polled were 3537. The percentage of polling was 81.71. Total no. of polling stations were 336. There were altogether 4 candidates in the tray.

Table-XXIX : Results

Party	Candidate	Votes polled
SDF	Bhim Prasad Dahal	107828
SSP	Satish Chandra Rai	86466
INC	Somnath Poudyal	9762
Independent	Youaraj Rai	1077

Source : Sikkim, Report on general election to Lok Sabha and Assembly, 1999; Gangtok, Sikkim Govt. Press (not dt.) pp. 1-15

The SDF was on lead and secured highest number of votes in many constituencies except in Rumtek, Rhenock, Rakdong, Tintek, Pathing, Central Pandam, and Gangtok constituencies. Therefore, Bhim Prasad Dahal polling more than 50% of the votes was declared elected for the second time. The above victory confirms and certify further the leadership of Pawan Chamling and his party Sikkim Democratic Party in the State of Sikkim.

Sl.No	Constituency	SDF	SSP	INC	IND

1.	Yoksam	3351	1844	1125	15
2.	Tashiding	2866	2142	135	26
3.	Geyzing	3291	2551	290	57
4.	Dentam	3070	2628	201	08
5.	Bermiok	2330	2009	746	17
6.	Rinchenpong	3630	1994	292	15
7.	Chakung	3544	2431	166	33
8.	Soreng	3432	3344	111	13
9.	Daramden	4207	2487	39	13
10.	Jorethang	4801	3724	127	54
11.	Ralang	2865	1498	269	389
12.	Wak	3257	1690	27	25
13.	Damthang	4888	1949	42	15
14.	Melli	4027	2827	48	14
15.	Rateypani	3999	3131	86	11
16.	Tem Tarku	4414	3011	65	09
17.	Central Pendarm	4343	4554	126	24
18.	Rhenock	2580	3314	88	08
19.	Regu	3360	3185	70	13
20.	Pathing	3025	3628	517	15
21.	Loosing Pacheykhani	2684	2621	562	19
22.	Khamdong	4517	2933	84	11

23.	Dzongu	2292	2472	44	08
24.	Lachen	3882	2681	51	08
	Mangshilla				
25.	Kabi Tingda	2231	1440	1454	32
26.	Rakdong	1759	2886	906	55
	Tintek				
27.	Martem	4200	2510	124	26
28.	Rumtek	4074	4174	379	29
29.	Assam Linzey	3309	2895	254	45
30.	Ranka	3957	3200	349	30
31.	Gangtok	3580	4491	972	28
Total		107765	86244	9749	1065
Postal Ballot		63	222	13	12
Grand Total		107828	86466	9762	1077

Source : Sikkim Herald (IPR), Vol. XLIII, Gangtok, Kwaliti,
October 9, 1999, p. 4

Table – XXXI : Lok Sabha Poll Results, Sikkim, 1998

West							
Sl.No.	Assembly Constituencies	February, 1990			May, 1996		
		Bhim P. Dahal	Sanchaman Limboo	Valid Votes	Bhim P. Dahal	N.B. Bhandari	Valid Votes
		SDF	INC		SDF	SSP	
1.	Yuksom	3008	1790	4822	3843	931	4927
2.	Tashiding	2696	1351	4078	2830	1135	4136
3.	Geyzing	3967	1033	5034	4003	1175	5350
4.	Dentam	3404	1267	4767	2625	1002	3752
5.	Bermiok	2875	1232	4147	3444	987	4557
6.	Rinchenpong	3474	798	4327	4259	857	5310
7.	Chakung	3899	823	4785	4509	747	5430
8.	Soreng	2989	2235	5274	4101	1806	6100
9.	Daramdin	3831	1432	5305	4528	1472	5918
	Total (9)	30143	11961	42539	34192	9812	45480
South							
10.	Jorethang	4137	2738	6939	5307	1656	7157
11.	Ralong	3014	902	3953	3152	931	4212
12.	Wak	2809	965	3807	3281	931	4336
13.	Damthang	4328	977	5334	4424	978	5540
14.	Melli	3767	1783	5578	4275	1537	6044
15.	Rateypani W.P.	3794	1721	5583	4752	1291	6236
16.	Temi Tarku	3490	1730	5282	4363	1520	6078
	Total (7)	25339	10816	36476	29554	8744	39603
East							

17.	Central Pendam E.P.	4706	2334	7160	5293	2434	2928
18.	Rhenock	2926	1693	4692	3561	1595	5325
19.	Regu	3434	1577	5043	4283	966	5376
20.	Pathing	3114	1987	5144	4425	1498	6181
21.	Loosing- Pacheykhani	2672	1652	4388	3227	1647	4980
22.	Khamdong	3796	1808	5657	4668	1460	6459
23.	Rakdong – Tintek	2112	1965	4351	3371	1742	5269
24.	Song	4186	1259	5488	4364	1279	5911
25.	Rumtek	3367	2660	6152	4254	2553	7081
26.	Assam Lingzey	3313	1518	4897	3858	1195	5261
27.	Ranka	3406	1917	5432	4286	1756	6238
28.	Gangtok	2976	3278	6366	5006	2438	7601
	Total (12)	40205	23648	64770	50646	20560	73660
North							
29.	Dzongu	1493	1745	3286	2201	1167	3488
30.	Lachen – Mangshila	2837	1965	4842	3739	944	4877
31.	Kabi – Tingda	2433	1346	3804	2710	766	3627
	Total (3)	6743	5056	11932	8650	2877	11992
	Total	102430	51481	155717	124218	42175	172113
	Note		Total Voters		Total Valid Votes		
		1996	229051		172113		
		1998	236145		155717		

1. Since the performance of independent candidates in the above two elections is not worth recording the results of the votes polled by Sikkim democratic Front and Sikkim Sangram Parishad and Congress-I are provided.
2. In the 1996 Lok Sabha Polls, total valid votes for Sangha constituency was 1324 (SDF-1036, SSP-

166 and Ind-71) in 1998 polls, Sangha votes have been merged with territorial constituencies.

3. Total postal ballots in 1996 polls was 405.

Lok Sabha Elections, 1998 : Polling Percentage

Sl.No.	District	No. of vote cast	Total voters	Percentage
1.	West	43389	62685	69%
2.	South	37143	52756	71%
3.	East	65996	103385	64%
4.	North	12144	17319	70%
5.	Entire State	158672	236145	68%

Source : Sikkim Observer, The National Hill Weekly (Regd. 40958/89 RNI No. WB/SKM-69/98) Vol. XIII No.8 March 7-13, 1998, Gangtok, Hill Media Publication, p.1

Rajya Sabha Seat of Sikkim

The lone Rajya Sabha seat from Sikkim is invariably represented by Tribals since its merger with the Indian union. The sitting Rajya Sabha member Karma Topden elected from Sikkim Sangram Parishad defected to SSP(S) and ultimately to Congress-I played an instrumental role to stop imposition of Indian Income Tax Act, 1961 the great upheaval of Sikkim, May 1994 and success of Congress-I's role in the State. He continued to hold the membership of Rajya Sabha in spite of the fact that the ruling SDF had won in Assembly and Lok Sabha polls because of his six years tenure. On completion of his tenure Kalzang Gyatso of SDF was chosen by SDF to represent Sikkim in Rajya Sabha. On the sudden demise of Gyatso, P.T. Gyamso succeeded the Rajya Sabha seat of Sikkim.

To sum up there are some interesting observations one can make if analysed well the above write-up on Sikkim elections.

Sikkim was the first in India to introduce Electoral Identity Card (since 1979) though it was not made compulsory.

In spite of the fact that there exists a considerable increase in the population, political demands, political changes and political awareness the strength of Sikkim Legislative Assembly for scheduled Tribes (Bhutias and Lepchas) scheduled castes (Nepalese) and Sangha (Gumpas and Monasteries) safeguard not only the sanctity of article 371(F) but also the minorities in the state of Sikkim. Most of the regional political parties put forth “restoration of reserved seats for Nepalese which existed before assembly election, 1979”, as their slogan and programs to contest elections in the state. To amend the Representation of People’s Act 1950 and 1951 a bill was also tabled in the Lok Sabha by Union Minister of Law P. Shivshanker for the readjustment of constituencies in the state of Sikkim and to restore reservations for Nepalese who constitute the majority of the total population in the state of Sikkim. The Sikkim Lepcha Youth Association made yet another demand for 50% reservations in the existing 12 seats for scheduled tribes (Bhutia/Lepcha).

Because of the composition of the electors support to local sentiments and local people constitutional safeguard under Article 371(F) of the constitution of India and strong belief in the locally based leaders of the regional political parties to capture power in the state of Sikkim, invariably a regional party was voted to power. The visit of M.S. Gill, Chief Election Commissioner of India to the State of Sikkim indicated that the state may introduce Electronic Voting System in the ensuing election, 1999. But Electronic Voting Machine was not introduced.

Defections within regional political parties and from regional political parties to national political parties seem to be a common phenomenon in Sikkim; there exists cordial centre- state relations. In the October 1999 elections people

gave a verdict and elected SDF to come back to power with three-fourths majority to establish a strong and stable government in Sikkim.

The foregoing study and analysis on legislation and electoral politics in Sikkim confirms the increased participation, growing political consciousness, awareness and belief on local regional political parties' local leaders and rejection of national political parties.

Since son of the soil, protection of local identity, sentiments of the people, article 371(F) and its safeguards say that regional political parties have strong base than national political parties. To strengthen national parties, visits of national leaders and establish locally based strong leaders are inevitable with regard to newly emerged tiny state viz., Sikkim. In particular the landslide victory of the SDF is not only to build Naya (New) Sikkim, Sukhee (Prosperous) Sikkim but Sukhee Sikkim and Swarnim Sikkim.

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On 11 May, 1984 according to the above two notifications under Article 164(1) of the Constitution of India the then Governor of Sikkim Home. J.H. Taleyar Khan dismissed then Cong I, Chief Minister N.B. Bhandari and dissolved his cabinet (due to the fact that he ceased to command the pleasure of the Governor) forthwith On the same day the then Governor of Sikkim under article 164(1) appointed B.B. Gurung from Congress-I Minister. B.B. Gurung's Ministry was consisting 9 cabinet ministers. Owing to instability the then Governor finally recommended under article 356 imposition of President's rule in the State of Sikkim, sec *Sikkim Govt. (Ext) Gazette*, No 70, May 25, 1984 Gangtok, Sikkim Govt Press.

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Members of Sikkim Legislative Assembly (SLA) : MLAs						
Constituencies (Total 32)	1974-79 (32) 15BL + 15 Nep + 1Sc + 1 Sangha	1979-84 (32) 12 BL + 17Gen + 2SC + 1 Sangha	1985-89 (32) 12BL + 17 Gen + 2SC + 1 Sangha	1989-94 (32) 12BL + 17 Gen + 2SC + 1 Sangha	1994-99 (32) 12BL + 17 Gen + 2SC + 1 Sangha	1999-04 (32) 12BL + 17 Gen + 2SC + 1 Sangha
Yoksam	Degay Bhutia	S.M. Limbu	S.M. Limbu	S.M. Limbu Later Chief Minister	A.K. Subba	Kalawati Subba (W) Speaker
Tashiding (BL)	Chief Minister Kazi Lhendup Dorjee Khangsarpa	Dawgyal P. Bhutia	Ugen Pintso	U.P. Bhutia	Thutop Bhutia	Thutop Bhutia
Geyzing	Hemlata Chettri (W)	I.B. Limbu	M.B. Dahal	M.B. Dahal	Dal Bdr. Gurung (Deputy Speaker)	S.B. Subedi
Dentam	Nar Bahadur Khatiwara	P.L. Gurung	P.L. Gurung	P.L. Gurung	C.B. Subba (Speaker)	N.K. Subba
Barmiok	Nanda Kumar Subedi	T.B. Limbu	Birbal Subba	Birbal Subba	T.P. Pradhan	T.P. Pradhan
Rinchenpong (BL)	Nayen Tshering Lepcha	Katuk Bhutia	Ongdi Bhutia	Chewang Lhamu	Phur Tshering Lepcha	O.T. Lepcha
Chakung	B.B. Goroong (Speaker 1977-79)	B.B. Goroong Vacant., C.B. Rai, Bye election	Taraman Rai	Taraman Rai	P.S. Tamang	P.S. Tamang
Soreng	Chatur Singh Rai (Speaker till 1977)	N.B. Bhandari (Chief Minister)	N.B. Bhandari (Chief Minister)	N.B. Bhandari (Chief Minister)	N.B. Bhandari	Ram Bahadur Subba
Daramdin	K.B. Limbu	P.B. Gurung	P.B. Gurung	P.B. Gurung	Ran Bahadur Subba	Ran Bahadur Subba
Jorethang Naya Bazar	Krishna Chandra Pradhan	B.B. Goroong Later Chief Minister	B.R. Rai	B.R. Rai	Bhoj Raj Rai	Bhoj Raj Rai
Ralong (BL)	Passang Tshering	Chamla Tshering	S.G. Kaleon	S.G. Kaleon	Dorjee Dazom	Dorjee Dazom

	Bhutia				Bhutia	Bhutia
Wak	Adarsing Lepcha	Garjaman Gurung	B.S. Chettri	B.S. Pant (Dy. Speaker)	Kedar Nath Rai	Kedar Nath Rai
Damthang	Ratna Bijoy Rai	P. Yonzon	Pawan Kumar Chamling	Pawan Kumar Chamling	Pawan Kumar Chamling (Chief Minister)	Pawan Kumar Chamling (Chief Minister)
Melli	Nanda Kumar Rai	M.P. Sharma	D.R. Basnet	D.R. Basnet	Girish Chandra Rai	Girish Chandra Rai
Rateypani (West Pendam) SC	Bhuwani Prasad Kharel	B.B. Lohar (SC)	C.K. Mohra (SC)	C.K. Mohra (SC)	Aita Singh Baraily (SC) 1 st SC Minister	C.K. Mohra
Temi Tarku	Badrinath Prasad	N.B. Khatiwara	I.B. Rai	I.B. Rai	Garjaman Gurung	Garjaman Gurung
Central Pendam East Pendam	Kehar Singh Karki	B.P. Kharel	S.K. Pradhan	S.K. Pradhan	Dill Prasad Kharel	Sang Dorjee Tamang
Rhenock	Bhuwani Prasad Dahal	K.N. Upreti	K.N. Upreti	K.N. Upreti	K.N. Upreti	N.B. Bhandari
Regu	Mohan Gurung	T.R. Sharma	T.R. Sharma (Speaker)	Rajendra Upreti	K.B. Chamling	K.B. Chamling
Pathing (BL)	Songpon Lepcha	Ram Lepcha	Ram Lepcha (Dy. Speaker)	Ram Lepcha	Ram Lepcha	Sonam Dorjee Bhutia
Loosing Pacheykhani	R.C. Poudyal (Dy. Speaker)	J.B. Pradhan	B.B. Khulal	Rupraj Rai	D.B. Thapa	J.K. Bhandari
Khamdong (SC)	Kusu Das (SC)	Bye election vacant D.B. Damai (SC)	B.K. Ramudhamu (SC)	B.K. Ramudhamu (SC)	Gopal Lamichaney (SC)	Gopal Lamichaney (SC)
Dzongu (BL)	Loden Tshering Lepcha	Athup Lepcha	Sonam Choda Lepcha	Sonam Choda Lepcha	Sonam Choda Lepcha	Sonam Gyatso Lepcha
Lachen Mangshila (BL)	Tasa Tengay Lepcha	T.D. Bhutia	Thukchuk Lachungpa	Tasa Tengay	Hiskey Lachungpa	Hiskey Lachungpa
Kabi Tingda (BL)	Kalzang Gyatso	Sonam Tshering	Kalzang Gyatso	Hangu Tshering	Thinley Tshering	Thinley Tshering

		(Speaker)		Bhutia	Bhutia	Bhutia
Rakdong Tintek (BL)	Rinzing Tongden Lepcha	Dugo Bhutia (bye election) 1983 Sonam Tshering (Cong-I)	Phuchung Bhutia	Phuchung Bhutia	Mingma Tshering Sherpa	Mingma Tshering Sherpa
Martam (BL)	Sepchung Lepcha	Samten Tshering	Chamla Tshering Bhutia	Chamla Tshering Bhutia	Dorjee Tshering Lepcha	Dorjee Tshering Lepcha
Rumtek (BL)	Phigu Tshering	Dadul Bhutia	O.T. Bhutia	O.T. Bhutia	Menlom Lepcha	Karma T. Gyaltsen
Assam Linzey (BL)	Dubo Bhutia	Sherap Palden	Sonam Dupden Lepcha	Sonam Dupden Lepcha	Tseten Tashi Bhutia	Tseten Tashi Bhutia
Ranka (BL)	Nim Tshering Lepcha	D.T. Bhutia	D.T. Bhutia	D.T. Bhutia (Speaker)	Rinzing Ongmu (W)	Tseten Dorjee Lepcha
Gangtok	Dorjee Tshering Bhutia	L.B. Basnett (Dy. Speaker)	Bal Chand Sarda (First Plainsman)	Manita Pradhan (W)	N.K. Pradhan	N.K. Pradhan
Sangha	Karma Gumpu Lama	Lacheng Rinpoche	Namkha Gyaltsen	Namkha Gyaltsen	Namkha Gyaltsen Lama	Palden Lachungpa (Dy. Speaker)

From the above table :

- a. Four women candidates won in the years 1974, 1989, 1994 & 1999 to become MLA
- b. N.B. Bhandari won in all elections since 1979
- c. Pawan Chamling won from the same constituency Damthang since 1985
- d. In 1983 Dugo Bhutia resigned as MLA Bye-election was held, Sonam Tshering Bhutia a Cong – I candidate won the seat
- e. Mingma Tshering Sherpa broke the record of winning elections from Rakdong Tintek (BL) constituency in 1994 & 1999

Source : Sikkim : 25 years of statehood : Commemorative Issue, IPR, GoS, Gangtok, Kwaliti stores (Pr. Div.), N.D.

6. The Judiciary In Sikkim

In the olden days there were no codified laws in Sikkim and it continued till it became protectorate of India. It is mainly because, the Maharaja was fountain of law and all legal and judicial authority upon the subjects were based on his orders. These orders were laws. Further the orders of the Jongpons, Kazis, Thikadars and feudal lords were also considered to be one of the sources of Law in Sikkim besides the Buddhist rules, customs, usages and unwritten conventions of a pure Buddhist society. By and Large, laws in Sikkim were confluence first of Buddhism, Tibetan Mongolian cultures and of the Aryans later on. These laws combined Tibetan – Mongolian and Indo-Aryan civilizations. The customary laws and usages prevalent among various communities of Sikkim over the past several hundred years reflect the unison and interaction of these two great civilizations.

History

The Sikkim laws are founded on those spoken by Raja Me-long-dong, who lived in India before the time of Buddha. This Raja is mentioned in the Ka-gyur in the 31st chapter.

They were again written by Kun-ga-gyal-tsan of Sa-kya-pa, who was born in 1182. He was king of 13 provinces in Tibet and has called the laws Tim-yik-shal-che-chu-sum or Chu-dug, there being two sets, one containing 13 laws and the other 16. These are practically the same. The laws were again written by De-si-sangye Gya-tsho, who was born in 1653 and was a Viceroy of Tibet. They were called by him Tang-shel-me-long-nyer-chik-pa.

The first set of laws deal with offences in general; the second set forth the duties of Kings and Government servants, and are simply an amplification of some of the laws contained in the former.

Summary of the Sixteen Laws

1. General rules to be followed in time of war

- a. It is written in the Ka-gyur that before going to war the strength of the enemy should be carefully ascertained, and whether any profit will be derived from it or not. It should also be seen if the dispute cannot be settled by diplomacy before going to war. Care should also be taken that by going to war no loss be sustained by your Government. Whatever the cause of dispute, letters and messengers between the contending parties should on no account be stopped, and messengers should be properly treated. Any one coming with overtures of peace should be well received.
- b. Should two or more enemies combine against you, no means should be left untried to separate them, and if possible to bring one over to your side, but false oaths should not be resorted to, nor the using of God's name.
- c. The lie of the ground should be well examined to see how the roads run, and whether your position is strong.
- d. If it is necessary, other methods having failed, to go to war, you should all combine, and being of one mind should attack. See that there are no sick, lazy, or timid in the ranks, but only those who fear not death. See that your own soldiers obey the law, and all should obey the orders of the General. Experienced men should only be sent, and not those who look after their own interest only.

The army should be divided into three divisions under the command of different officers. The General and his staff should be trusted men who can guide the Army; they should do their work thoroughly. Your horses, tents, and arms should be kept in good order. A doctor, diviner, astrologer and lama should be appointed.

The tents should be properly arranged the first day, and this arrangement adhered to so as to prevent confusion. On moving, the fires should first be put out, the wounded should be cared for, and in crossing rivers order should be kept, and those behind should not push forward. Things found should be returned without asking a reward, and should not be concealed or kept. Thieves are not to be flogged, but only to have their hands tied behind them, but they may be fined. Should any one kill another by mistake, he must pay the funeral expenses. Should any combine and kill another, they must pay twice the fine laid down by law. Any disputed loot must be drawn for by lots between the contending parties.

The General should appoint sentries, who must look to the water supply and see they become not easily frightened. They should allow no stranger to enter the camp armed, but should be careful not to kill any messenger. If a sentry kills a messenger coming to make peace, he shall be sent to his home in disgrace on some old, useless horse with broken harness.

2. For those who are being defeated and cannot fight

When a fort is surrounded, those in the fort should remain quiet and should show no fear. They should not fire off their arms uselessly and with no hope of hitting the enemy. The well within the fort should be most carefully preserved. Those within the fort should not be allowed to communicate with the enemy for fear of treachery. They should not be lazy. Until peace is declared the messenger should receive no reward.

Should you be defeated, you must give up your arms, and those who give them up must not be killed. Should any one kill one who has given up his arms, he must be derided and scoffed at as a coward.

If during a conflict you capture a General or officer of rank, you should bind his hands in front with a silk scarf; he should be allowed to ride his own

horse or another good horse, and should be treated well, so that in the event of your ever falling into his hands he may treat you well also. Any other prisoners should have their hands tied behind them and they should be made to walk. Officers should be placed on old, worn-out horse with broken harness and rope stirrups. Should an army be defeated and be obliged to fly, nothing should be said to them, but they should not be rewarded or receive any presents, even though the leader be a great man. The prisoners should receive what is necessary for subsistence and also expenses for religious ceremonies, and men of rank should be treated well and with consideration.

A man can only make a treaty for himself and his descendants.

3. For officers and Government Servants

They should leave off their own work and apply themselves entirely to Government work, should obey the orders of the Viceroy and head of the Church, should not change the Shari (hat sects) and Tub-tha (religious sects).

In the fifth month they should kill no animals, and the Raja's store should be well kept, so that there be no deficiency. They should repair the images, temples and books, and all passes and roads. Also on the 10th of this month the 'dadok' ceremony must be performed.

If a man be sent on private business, the name of Government should not be used. Debts may be recovered through officers, who should patiently hear the case and not give arbitrary orders. They should give just judgment and not favour those who can reward them. They should enquire diligently into all cases, and leave no case undecided, so that all men can say your work has been well done.

4. Law of Evidence

You should listen carefully to what is said by both parties. Equals by birth should be heard at the same time and place. Those that are not equals should be heard separately. Should any one not agree to your decision, he can be fined.

If the evidence be false, parties be fined.

If after a decision has been given the parties wish to compound between themselves, one-half of the fine only is imposed.

5. Grave offence

There are five sins:

- a. Murder of mother,
- b. Murder of holy men,
- c. Murder of father,
- d. Making mischief amongst Lamas, and
- e. Causing hurt to good men.

There are also the sins of taking things from Rajas and Lamas for our own use; causing a good man to fall through no fault of his own; administering poison, killing any one for gain; causing strife in a peaceful country; and making mischief.

For the above offences punishments are inflicted, such as putting the eyes out, cutting the throat, having the tongue cut out, having the hands cut off, being thrown from cliffs, and being thrown into deep water.

6. Fines inflicted for offences in order to make people remember

Certain crimes may be punished by money fines, varying in accordance with the gravity of the offence.

When a number of men have committed dacoity, they may be fined from 15 to 80 gold srang. For small offences smaller fines are imposed, and can be paid either in money or in kind; the amount to be settled by the officer trying the case.

7. Law of imprisonment

Any one rioting, using arms, and disputing near the court can be imprisoned. Thieves and those who destroy property, and those who do not obey the village headman, those who give bad advice, those who abuse their betters, can be bound and put in the stocks and fined accordingly to the law, and are only released if petitioned by some one in authority who makes himself responsible for his fine.

8. For offenders who refuse to come in an orderly has to be sent expressly to enquire about the case

A messenger who is sent of at a moment's notice should receive three (3) parties of barley per diem for food and a small sum in money, according to the importance of the case in which he is employed, but the messenger's servants shall not be fed. The messenger is allowed one-fourth of the fine for his expenses.

Should an agent not settle a case properly, he must return to the villagers what he took, otherwise the villagers will have much trouble giving them.

The agent should report having received the fine on penalty of forfeiting one-fourth what he has taken. When a fine is imposed, it should be at once collected, no excuse being taken. If an agent is set to collect rent, he should be fed twice by the headman.

Of stolen properly recovered by an agent, the Government receive one-tenth value.

9. Murder

For killing a man the fine is heavy-even up to many thousands of gold pieces. In the Tsalpa law book it is written that if a child, a madman, or animal kills any one no fine is taken, but that money must be given by the relations of the first two for funeral expenses, and one fourth of that amount must be given by the owner of the animal towards these expenses.

Should one man kill another and plead for mercy, he must, besides the fine, give compensation and food to the relative of the deceased.

Should a man kill his equal and the relatives come to demand compensation, he must give them 18 oz. of gold in order to pacify them. The price of blood should never be reduced too much, or a man may say, "If this is all I have to give, I will kill another".

The arbitrator must take the seal of each party, saying they will abide by his decision, and they must each deposit 3 oz. of gold as security.

Fines can be paid in cash, animals, and articles of different kinds.

The price for killing a gentleman who has 300 servants, or a superintendent of a district, or a Lama professor, is 300 to 400 oz. gold srang. For full Lamas, Government officers, and gentlemen with 100 servants the fine is 200 oz. of gold.

For killing gentlemen who possess a horse and 5 or 6 servants, working Lamas, the fine is 145 to 150 oz of gold.

For killing men with no rank, old lamas, personal servants, the fine is 80 oz of gold.

For killing a man who has done good work for Government the fine is 50 to 70 oz of gold.

For killing common people and for villagers the price is 30 to 40 oz. of gold.

For killing unmarried men, servants, and butchers the price is 30 gold srang.

And for killing blacksmiths and beggars 10 to 20 oz of gold.

These prices can also be paid in grain. The prices for funeral expenses must be paid within 49 days.

On the fines being paid, a letter must be written and a copy given to each party, saying that everything has been settled. If a case is re-opened, a fine must be paid by him who opens the case. The murderer must write to the effect he will not commit such a crime again. Part of the fines can be given towards the funeral expenses of the deceased.

10. Bloodshed

In the old law it is written that for any drop of blood shed the rice varies from one to one-quarter zho. A man may even be beheaded for wounding a superior. For wounding his own servant a man is not fined, but he must tend the wounded man. Should two men fight and one wound the other, he who first drew his knife is fined, and he who is wounded must be tended by the other till his wounds be well. The fines are payable in money or kind. Should one man wound another without any fight, he is fined according to the law of murder.

If in a fight a limb or an eye is injured, the compensation to be given is fixed by Government.

11. For those who are false and avaricious the following oaths are required

If it is thought a man is not telling the truth, an oath should be administered. At the time of taking an oath powerful gods should be invoked, and those who are to administer the oath must be present. It is written in ancient law that the bird of Paradise should not be killed, the poisonous snake should not be thrown down, the raven should not be stoned, and the small turquoise should not be defiled. Thus pure Lamas and monks should not be sworn.

Magicians, shameless persons, women, fools, the dumb and children should not be sworn.

Men should be employed who know both parties and are intelligent and truthful. Those willing to take an oath should be of equal rank. When all are present, the case should first be settled, if possible, by arbitration. If this fails, the ordeal either by hot stones or boiling oil is resorted to. That by oil: The oil must be supplied by Government and must be pure. It is boiled in a pan at least 3 inches deep. In the oil a black stone and a white stone are placed of equal size and weight. He who has to take the oath must first wash his hands in water, in milk, and in widow's urine. His hand is then bound in a cloth and sealed. This is done a day or two before the ordeal in order to give him a chance of confessing. The vessel with the boiling oil is then placed so that the stones cannot be seen, and he has to take one out. If he takes out the white one without any burn, he wins his case. He who gets the black stone is sure to be burnt and loses his case. Should he who gets the white stone be slightly burnt, it means he has partially spoken the truth and wins half his case.

That by hot stone : The stone is made hot by the blacksmith, taken out of the fire with tongs, and placed on a brass dish. The man's hands are washed as before, examined to see what marks there are no it produced by labour, and the hot stone placed in the palm. With the stone he must walk 4 to 7 paces. His hand is then bound up and left for 3 to 7 days. On examination if there are no marks, or if

there is a long mark called rdo-lam, he wins his case. He also wins his case if the stone bursts three times being heated. It depends on the number of marks how much of his case he wins.

A cloth and a rug have to be paid as expenses, and the brass vessels go to the blacksmith. In order to test the oil for boiling, a grain of barley is thrown in : if it flies into the air, the oil is ready.

Whilst placing his hand in the oil or holding the hot stone, a statement in writing of the case is placed on the person's head.

The ordeal by oil may be gone though without using the stone.

Mud and water can be used in place of oil. Hot iron used to be employed in place of the stone, but is now discontinued.

12. Theft

For taking a Jongpen's or other great man's things, 10,000 times their value has to be given in return. For taking a Lama's things 80 times their value has to be given, a neighbours things 9 times, and a villager's 7 times. For taking a stranger's things 4 times.

Beggars who steal from hunger have only to give back what they took.

Should one man accuse another falsely of stealing, he must give him as compensation what he accused him of stealing.

Should a man find anything on the road and without telling take it for himself, he must be fined double its value; but should he tell, he receives one-third the value. Should any one recover stolen property, but not be able to catch the thief, he receives half of the property recovered.

Should any one find a horse, any cattle, yaks or sheep and keep them for a year without finding the owner, he receives one fourth the value, provided he has not in the meantime used the animals for his own benefits.

Should any one wound a thief he is not fined.

If a thief whilst running away be killed by an arrow or stone, a small fine only is taken.

Should any one having caught a thief kill him, he is fined according to the law of murder. The reward for catching a thief is from 1 to 5 oz. of gold, according to the amount of the property stolen.

13. Disputes between near relatives between man and wife and between neighbours who have things in common

If a husband wishes to be separated from his wife, he must pay her from 18 zho, the amount varying in accordance with the length of time they have been married.

If the wife wishes to leave her husband, she must pay him 12 zho and one suit of clothes. The wife on separation also receives the clothes given to her at her marriage, a list of which is always taken, or its equivalent in money.

Should there be children, the father takes the boys and the mother the girls; the father paying from 5 to 15 zho for each son, called the price of milk. If the woman has committed no fault, she receives her ornaments.

Should a family wish to separate, a list of the whole property should be taken and divided according to circumstances. The father and mother are asked with whom they would like to live, and if there is any dispute about it, lots are drawn. The married children's property is first separated from the rest, and if any

children are going to school, their expenses must be taken from the whole before decision.

14. Taking another's wife or adultery

The old laws runs that if any one takes a Raja's or Lama's wife, he may be banished, have his hands cut off, his penis cut off. He may also have to pay a weight in gold equal to his penis and testicles. For violating a woman of different position 3 oz. of gold have to be paid to the woman's relations and 4 gold srang to Government, besides many things in kind.

For violation of a woman of the same position, 2 or 3 gold srang and several kinds of articles have to be paid.

If the women goes of her own accord to the man, he has only to pay 1 gold srang and 3 kinds of articles.

Should one man's wife entice another married man to go with her, she has to pay seven things in kind.

Should a man and woman cohabit on a journey there is no fine.

15. Law of contract

Should any one take a loan of cattle, yaks, sheep etc. and they die in his charge, he must pay for them.

Should they die one night after being returned it is the owner's loss. If they die before midnight of the night they are returned, the borrower has to pay.

Should a horse die whilst on loan from a wound, one fourth to one third its value have to be paid.

Should any one having made an agreement to take anything refuse to take it, the articles being good, he must pay one fourth its value. If there be any mistake in an account, it can be ratified upto one year.

16. For uncivilized people

Such as Bhutias, Lepchas, Mongolians, who know no law, therefore what is written below is not required in Tibet. The Mongolians also have their own law, written by Raja Kesar, of which we know little.

Any Government messenger must be supplied with what he wants (such as horses food, etc.) and if not provided he can take them. Also whilst halting he must be supplied with food and fire. But the messenger must not draw his sword or use his bow, or he will be liable to a fine, and he must only take what is necessary to the performance of the Government work.

Marriage customs of the Sikkimese

(These customs have been gathered from actual observation, and are the customs now observed amongst the Bhutias)

If the eldest brother takes a wife, she is common to all his brothers.

If the second brother takes a wife, she is common to all the brothers younger than himself.

The eldest brother is not allowed to cohabit with the wives of the younger brothers.

Should there be children in the first case, the children are named after the eldest brother, whom they call father.

There brothers can marry three sisters, and all the wives be in common, but this case is not very often seen. In such a case the children of the eldest girl belong to the eldest brother, and so on, if they each bear children. Should one or more not bear children, then the children are apportioned by arrangement. Two men not related can have one wife in common, but this arrangement is unusual.

A man occasionally lends his wife to a friend, but the custom is not general and uncommon.

If a girl becomes pregnant before marriage and afterwards marries the father of the child, the child is considered legitimate, but the man is fined a bull or its equivalent, which go to her relatives. Should the man by whom the girl was made pregnant not marry her, and should she afterwards marry another, the child remains with the woman's brothers or relatives. A woman is not considered dishonoured by having a child before marriage.

The marriage ceremony consists almost entirely in feasting, which takes place after the usual presents have been give to the girl's relations. These presents constitute the woman's price, and vary in accordance with the circumstances of both parties.

The only religious ceremony is performed by the village headman, who offers up a bowl of marwa to the gods, and presenting a cup of the same marwa to the bride and bridegroom, blesses them, and hopes the union may be fruitful one. Lamas take no part in the ceremony.

The marriage tie is very slight, and can be dissolved at any time by either the man or the woman.

A man may marry his mother's brother's daughter, but he can marry none of his other first cousins till the second generation. Their system of relationship is peculiar and interesting, and is given below.

Regarding succession the following order seems to be generally, though not always, used:-

1. Son
2. Grandson, and so on, through the males ...LS1
3. Brother by same mother
Father's brother's son
4. Father's sister's son
Mother's brother's son
Mother's sister's son
5. If only distant relatives, they only receive a portion, a portion going to the Lamas and the remainder to Government.

By choice:

6. If no relatives, funeral expenses, etc., to the Lamas and the remainder to Government.

On 26/4/75 Sikkim became a part of Indian Union. The history of judiciary in Sikkim prior to the establishment of British Suzerainty over Sikkim is associated with the rule of the king, who was the ultimate authority of all legal and judicial issues.

Among the different sources of law in the context of Sikkim the notable contribution were from the customs and usages, proclamation of the king and rules etc. as were formulated by the darbar. For the purpose of administration of law and justice bodies like jongpons, feudal landlords, pipons, Mandals or headman of the village used to be the authorities.

In areas like Lachen and Lachung (North Sikkim) the authorities like Gyen-me or pipons had jurisdiction to decide all matters civil and criminal. Both the judges and the parties used to take oath Dhang-na by Judges and Gnen-na by parties in disputes.

With the coming of British power the entire state was divided into number of estates for the purpose of revenue and judicial administration and each estate was under the control of Lessee landlords who were vested with judicial powers.

In 1909 as per the State Council resolution Kazis, Thikadars and Lamas were vested with power to decide civil suits with limited pecuniary jurisdictions. Accordingly, first class Kazis, Thikadaras and Lamas got jurisdiction for adjudicating money suits upto the value of Rs. 500/-; second class exceeding Rs. 300/-; third class Kazis, Thikadars and Lamas could decide money suits upto Rs. 200/- and fourth class Kazis, Thikadars and Lamas had jurisdiction to decide money suits upto the value of Rs. 100/-.

In 1916 a modern type of court designated as Chief Court was created with jurisdiction to try important original cases and also heard appeals against the decisions of the landlords. The courts of the landlord were called the Adda Court which had jurisdiction to decide civil and criminal cases. First class Adda courts exercised criminal powers to impose punishment upto one month's imprisonment and fine upto Rs. 100/-. On the civil side, they could decide suits upto the value of Rs. 500/-. Second Class Adda Courts were invested with powers to inflict punishment of fine only upto Rs. 50/-. They had jurisdiction to decide suits upto value of Rs. 300/-. Third Class Adda Courts could impose fine upto Rs. 25/- in criminal cases and decide suits upto the value of Rs. 200/-. Fourth Class Add Courts could impose punishment of fine upto Rs. 15/- only on the criminal side and could decide suits upto the value of Rs. 100/-. The Chief Judge exercised supervisory and appellate jurisdiction over the Adda Courts.

The Chief Court had both appellate and original jurisdiction. On the original side, it decided cases which were beyond the jurisdiction of the Adda Courts or litigations between the residents of different estates. On the appellate side, it heard appeals and references from the decisions of the Adda Courts. The Chief Court was also invested with jurisdiction to decide revenue suits.

The Chief Court was not the final court of justice in Sikkim. The appeal against the decisions of the Chief Court would lie to the Supreme Court of His Highness, the Maharaja. The Court of the Maharaja was the Supreme Court the Final court of Appeal in the State it had no original jurisdiction.

It is on the lines of the judicial committee of the Privy Council in England, would hear the parties and scrutinize the evidence regarding merit of the case and then tender its opinion to the Maharaja.

The Political Officer had also exercised Judicial powers side by side with the Darbar Court. The British subjects were not amenable to the jurisdiction of the

Darbar Courts in the trial of criminal cases. They were required to approach the Court of the Political Officer in the first instance. However, the Political Officer could waive his right of trial in favour of the Darbar Court. In civil litigation, the plaintiff, if happened to be a British subject had a choice to select the forum between the Darbar Court and the Court of the Political Officer. The Political Officer exercised the powers of the District Magistrate and District Sessions Judge. No appeal would lie against his orders except in certain classes of crimes.

The Courts in Sikkim followed British Laws in India. Technicalities of procedure, law of evidence and a hard and fast limitation law were not observed.

In 1949, Mr J.S. Lall took over the administration of Sikkim as Dewan. A judicial Proposal Committee was set up under the Chairmanship of H. Pradhan. On the recommendation of the committee, the judicial powers conferred on the landlords were abolished. Sikkim was divided into four revenue districts. Magistrates were appointed in each District with original and appellate jurisdiction on the criminal and civil sides. The Court of the Assistant Magistrate and the Court of the Tahsildars were created. In the lowest rung, a few Honorary Courts of the Magistrates were created to dispose of petty criminal and civil cases. Those Honorary Courts were established at suitable places in the locality for the convenience of the public. About the district level courts, there was a Court of the Chief Magistrate. The Chief Magistrate had both original and appellate jurisdiction on civil and criminal sides. He had unlimited powers.

In 1955, the Maharaja issued High Court of Judicature (Jurisdiction and powers) proclamation for the establishment of a High Court of Sikkim. The judges of the High Court were to hold office for such period as provided in the terms of their appointment by the Maharaja. The High Court was the final court in all judicial matters, civil or criminal subject to the exercise of prerogative by the Maharaja to grant mercy, pardon, remission, commutation and reduction of

sentence in case of conviction. All Courts and Tribunals in Sikkim were subordinate to the High Court. Appeals or Revisions against the decisions of all Courts and Tribunals would lie to the High Court. The High Court dispensed justice according to the Laws and Usages prevalent in Sikkim.

The Maharaja had also retained his prerogative to set up a Special Tribunal for the review of any case, civil or criminal. The proclamation provided that the President of such Tribunal should be from amongst the Judges of the High Court.

Where there were no Bench Court there used to be Adda Court. The Bench Court used to exercise Magisterial Power and also some Civil Powers. The Bench Court consisted of educated local dignitaries and were appointed by king. The Adda Courts were manned by Zamindar. They were also called as Kachari Court. Indian Penal Code was adopted by the State of Sikkim by 1950/51.

The Judges of the High Court and of the Chief Magistrate's Court were appointed from among the retired District & Sessions judges of different States of India.

The Tahsildars and Assistant Magistrates were later designated as District Magistrates and Deputy District Magistrates. They exercised powers both on criminal and civil sides. Since the judiciary was not separated from the executive, the Magistrates exercised both judicial and executive powers.

In 1955, the Council Members felt that the insufficiency of local laws were detrimental to the security of life and property of the Sikkimese people. They also demanded the enactment of Sikkim's own laws and reorientation of judiciary to impart justice in a manner befitting the conditions of the Sikkimese people. A Deputy Magistrate was appointed in the Eastern Circle with powers of the Magistrate of the Second Class. Head jurisdiction to decide Civil Suits upto the value of Rs. 2000/-. He was also conferred with powers to record statements and

confessions made during the investigation of criminal cases by the police. A Deputy Magistrate was appointed in the West Tahsil with the powers of the Magistrate of the First Class. He had jurisdiction to decide Civil Suits upto the value of Rs. 5000/-.

In 1963, an attempt was made to separate the judiciary from the executive by creating the post of Munsiff-Magistrate with purely judicial functions. The Chief Magistrate was invested with powers to dispose of all appeals from the decisions of the Courts of all Magistrates in Sikkim in respect of both Civil and Criminal cases. All the cases triable by a court of session or Magistrate of the First Class were to be filed before the Chief Magistrate's court for trial and disposal. Other cases triable by the Magistrates were to be filed in the respective courts of the Magistrates.

In 1970 one separate Munsiff-Magistrate was appointed for South & West Districts with headquarter at Gyalshing (West Sikkim) and with his appointment District Officers/ District Magistrates were divested of the powers to try Civil Suits. Perhaps this was the first step towards separation of judiciary from the Executive.

After the tripartite agreement, certain changes in the judicial structure were made. The lowest Court of Law at the District Level was designated as District court and the Presiding Officer was designated as Assistant District judge or District Judge according to seniority in status. The post of Munsiff-Magistrate was abolished. The Court of the Chief Magistrate was designated as a Central Court of Sikkim and the Presiding Officer was designated as the Chief Judge of the Central Court. The High Court of Judicature in Sikkim remained as the High Court presided over by the Chief Justice of Sikkim. The Government of Sikkim Act provided that the judges should be independent in the exercise of their judicial functions, subject only to the said Act and the Laws.

Before Sikkim became the 22nd State of India, the courts were dispensing substantive justice according to the Principles of equity and good conscience. Presiding Officers of the Courts used to follow the customs which were difficult to trace or the spirit of laws of India or other countries.

The Constitution (thirty sixth Amendment) Act, 1975 provided for the merger of Sikkim with India. It became the 22nd State of India. Article 371F(i) of the Constitution of India provides that the High Court then functioning as such would be deemed to be the High Court for the State of Sikkim. Article 371F(j) provides that all Courts of Civil, Criminal and Revenue Jurisdiction, all authorities and all Officers, Judicial, Executive and Ministerial, throughout Sikkim would continue to exercise their respective powers subject to the provisions of the Constitution. Article 371F(k) provides that all laws in force immediately before the appointed day in Sikkim shall continue to be in force therein until amended or repealed by a competent legislature or other competent authority. In exercise of the Powers conferred by clause(1) of Article 371F of the Constitution, the President modified suitably the High Court of Judicature (jurisdictions and powers) proclamation of 1955. Accordingly, the Sections in the said proclamation dealing with judges of the Court, tenure of judges, oath, power to punish for contempt, language, Maharaja's prerogative, pay of the judges, disposal of work etc., were omitted. The High Court is the final authority in all judicial matters, Civil or Criminal.

In 1975, the District Officers were designated as District Magistrates with powers and provided in the Criminal Procedure Code of 1898.

In 1978, Sikkim Civil Courts Act was passed with a view to consolidate the laws relating to the Constitution of civil courts subordinate to the High Court and other relevant matters.

Accordingly, there used to be a Court of District & Sessions Judges for the entire State of Sikkim till 1994. Immediately below there used to be a Additional District & Sessions Judges and at the bottom there are Civil Judge-cum-Judicial Magistrate. In 1994 the Court of District & Sessions Judge was established for the District of (East/North) and (South/West) after bifurcation of the then lone Court of District & Sessions Judge which was meant for the entire State of Sikkim and consequently, the post of Additional District & Sessions Judge has ceased to exist. While for the South District and West District Civil Judge-cum-Judicial Magistrate were functioning within their respective jurisdiction the Civil Judge-cum-Judicial Magistrate (East) was also discharging function as Civil Judge-cum-Judicial Magistrate for the North District till 1996, when separate Court of Civil Judge-cum-Judicial Magistrate for the North District started functioning. In the year 1995, two Chief Judicial Magistrates for the Districts of (East/North) and (South/West) take over and started functioning. The District Court complex started functioning from a new building at Sichey Busty, Gangtok from 1st September, 1998.

While the Court of both the District & Sessions Judges are functioning from Gangtok at present, in few months time the Court of District & Sessions Judge (South/West) will start functioning from the district Headquarter of South District at Namchi. However, the Court of Chief Judicial Magistrate (South/West) has already been functioning at Namchi. The Court of Chief Judicial Magistrate (East/North) is located at Gangtok.

The High Court of Sikkim which was earlier located at old Assembly Building was shifted to a new site above STNM Hospital in the year 1975. The first Chief Justice of this High Court was Hon'ble Shri Justice R.N. Sachar with effect from 16/5/75 till 6/5/76. The pecuniary jurisdiction of the Civil Judge is upto Rs. 50,000/- and District Judge is unlimited.

The Jurisdiction of the Civil Judge extends over each of the Districts. The jurisdiction of the District Judge extends over two Districts.

An appeal from a decree or order of the District Judge or shall lie to the High Court.

The District Judges are the members of Sikkim Superior Judicial Service. The Civil Judge-cum-Judicial Magistrates and Chief Judicial Magistrates are the members of Sikkim Judicial Service.

Notes and References

1. Sikkim, The Gazetteer of Sikkim, Gangtok, Kwality Stores (Reprinted), 1989, pp 46-56. And also see Sikkim, Report on Sikkim Customary Laws and usages (pt. I), Gangtok, Law Commission of Sikkim, 1990.
2. As narrated and discussed with
 - (a) Justice Anup Deb, High Court of Sikkim, Gangtok
 - (b) B.B. Goroong
 - (c) Bhattacharjee A.M., 'Laws of Sikkim – Sources' *Broader News & Views*, Vol. 1 No.6, March, 1978.

Until the merger, the Chogyal, the Maharaja of Sikkim, was the fountain-head of justice. The functioning of judicial system and administration of justice were based on:

1. That the administration of justice was carried out by authorities like Jongpons (District Officer), feudal landlords, Pipons (Head man), Mandals etc. In Lachen and Lachung in North Sikkim, the authorities like Gyen-me, the body

of the elders formed by the elected Pipons had jurisdiction to decide all matters civil and criminal except murder cases. Both the judges and the parties used to take oath – Dhang-na (Dhang means honest and na means oath) by Judges and Gen-na (Gnen means to abide and na means oath) by parties in disputes.

2. When Sikkim was brought under the superintendence of the British Political Officer, the entire State was divided into several estates for the purpose of revenue and judicial administration. Each estate was put under the control of a Lessee-landlord who was vested with some judicial powers.
3. In 1909 as per the State Council resolution Kazis, Thikadars and Lamas were vested with power to decide civil suits with limited pecuniary jurisdictions. First class Kazis, Thikadars and Lamas got jurisdiction for adjudicating money suits upto the value of Rs. 500/-; second class upto the value of Rs. 300/-; third class upto the value of Rs. 200/- and fourth class upto the value of Rs. 100/-.
4. The courts of the landlords were called the Adda Courts which had jurisdiction to decide some civil and criminal cases. First Class Adda courts exercised criminal powers to impose punishment upto one month's imprisonment and fine upto Rs. 100/-. On the civil side, they could decide suits upto the value of Rs. 500/-. Second Class Adda Courts were invested with powers to inflict punishment of fine only upto Rs. 50/-. They had jurisdiction to decide suits upto the value of Rs. 300/-. Third Class Adda Courts could impose fine upto Rs. 25/- in criminal cases and decide suits upto the value of Rs. 200/-. Fourth Class Adda Courts could impose punishment of fine upto Rs. 15/- only on the criminal side and could decide suits upto the value of Rs. 100/-.
5. In 1916 a modern type of Court designated as Chief Court was created with jurisdiction to try important original cases and also to hear appeals against the decisions of Landlords Courts. The Chief Court exercised supervisory and appellate jurisdiction over the Adda Courts. On the original side, it decided

cases which were beyond the jurisdiction of the Adda Courts or litigations between the residents of different estates. On the appellate side, it heard appeals and references from the decisions of the Adda Courts. The Chief Court was also invested with jurisdiction to decide revenue suits.

6. The Chief Court was not the final court of justice in Sikkim. The appeal against the decisions of the Chief Court would lie to the Supreme Court of His Highness, the Maharaja. The Court of the Maharaja was the final court of appeal in the State. It had no original jurisdiction. A board, on the lines of the judicial committee of the Privy Council in England, would hear the parties and scrutinize the evidence regarding merit of the case and then tender its opinion to the Maharaja.
7. The Political Officer also exercised Judicial powers side by side with the Durbar Court. The British subjects were not amenable to the jurisdiction of the Durbar Courts in the trial of criminal cases. They were required to approach the Court of the Political Officer in the first instance. However, the Political Officer could waive his right of trial in favour of the Durbar Court. In civil litigation, if the plaintiff happened to be a British subject, he had a choice to select the forum between the Durbar Court and the Court of the Political Officer. The Political Officer exercised the powers of the District Magistrate and District and Sessions Judge. No appeal would lie against his orders except in certain classes of crimes.
8. In 1949, J.S. Lall took over the administration of Sikkim as Dewan. A Judicial Proposal Committee was set up under the Chairmanship of H. Pradhan. On the recommendation of the Committee, the Judicial powers conferred on the landlords were abolished. Sikkim was divided into four revenue districts. Magistrates were appointed in each district with original and appellate jurisdiction on the criminal and civil sides. The Court of the Assistant

Magistrate and the Court of the Tahsildars were created. In the lowest rung, a few Honorary Courts of the Magistrates were created to dispose of petty criminal and civil cases. These Honorary Courts were established at suitable places in the locality for the convenience of the public. Above the district level courts, there was a Court of the Chief Magistrate. The Chief Magistrate had both original and appellate jurisdiction on civil and criminal sides. He had unlimited powers.

9. In 1955, the Maharaja issued High Court of Judicature (Jurisdiction and Powers) Proclamation for the establishment of a High Court of Sikkim and thereby established a High Court in Sikkim. The judges of the High Court were to hold office for such period as provided in the terms of their appointment by the Maharaja. The High Court was the final court in all judicial matters, civil or criminal subject to the exercise of prerogative by the Maharaja to grant mercy, pardon, remission, commutation and reduction of sentence in case of conviction. All Courts and Tribunals in Sikkim were subordinate to the High Court. Appeals or Revisions against the decisions of all Courts and Tribunals would lie to the High Court. The High Court dispensed justice according to the Laws and Usages prevalent in Sikkim.
10. The Maharaja had also retained his prerogative to set up a Special Tribunal for the review of any case, civil or criminal. The proclamation provided that the President of such Tribunal should be from amongst the Judges of the High Court.
11. The Tahsildars and Assistant Magistrates were later designated as District Magistrates and Deputy District Magistrates. They exercised powers both on criminal and civil sides. Since the judiciary was not separated from the executive, the Magistrates exercised both Judicial and Executive Powers.

12. In 1955, the Council Members felt that the insufficiency of local laws were detrimental to the security of life and property of the Sikkimese people. They also demanded the enactment of Sikkim's own laws and reorientation of judiciary to impart justice in a manner befitting the conditions of the Sikkimese people. A Deputy Magistrate was appointed in the eastern Circle with powers of the Magistrate of the Second Class. He had jurisdiction to decide Civil Suits upto the value of Rs. 2,000/-. He was also conferred with powers to record statements and confessions made during the investigation of criminal cases by the police. A Deputy Magistrate was appointed in the West Tahsil with the powers of the Magistrate of the First class. He had jurisdiction to decide Civil Suits upto the value of Rs. 5000/- (see proclamation of 1955).
13. In 1963, an attempt was made to separate the Judiciary from the Executive by creating the post of Munsiff-Magistrate with purely judicial functions. The Chief magistrate was invested with powers to dispose of all appeals from the decisions of the Courts of all Magistrates in Sikkim in respect of both Civil and Criminal cases. All the cases triable by a Court of Session or Magistrate of the First Class were to be filed before the Chief Magistrate's Court for trial and disposal. Other cases triable by the Magistrates were to be filed in the respective Courts of the Magistrates.
14. In 1970, one separate Munsiff-Magistrate was appointed for South & West Districts with headquarter at Gyalshing (West Sikkim) and with his appointment District Officers/District magistrates were divested of the powers to try Civil Suits. This was the first step towards separation of judiciary from the Executive.
15. After the tripartite agreement of 8th May, 1973 between the Chogyal, the Foreign Secretary, Government of India and the representatives of three political parties of Sikkim, was entered into, certain changes in the Judicial

structure were made. The lowest Court of law at the District level was designated as District Court and the Presiding Officer was designated as Assistant District Judge or District Judge according to seniority in status. The post of Munsiff-Magistrate was abolished. The Court of the Chief Magistrate was designated as the Central Court of Sikkim and the Presiding Officer was designated as the judge of the Central Court. The High Court of judicature in Sikkim remained as the High Court presided over by the Chief Justice of Sikkim. The Government of Sikkim Act, 1974 provided that the judges should be independent in the exercise of their judicial functions, subject only to the said Act and the Laws.

16. Before Sikkim became the 22nd State of India, the Courts were dispensing substantive justice based on the principles of equity and good conscience which were largely according to the principles prevailing in India and customs prevalent in Sikkim. The technicalities of procedure and law of evidence were not allowed to defeat. The purpose of justice and law of limitation was not rigid but elastic. Since 16th May 1975 we find the application of the Constitution of India and Indian Penal Codes in the State of Sikkim.
17. The Constitution (thirty-sixth amendment) Act, 1975 made special provisions for Sikkim on its merger with the Indian Union. Upon merger, Sikkim became the 22nd State of India. Article 371F(i) of the Constitution of India provides that the High Court then functioning as such would be deemed to be the High Court for the State of Sikkim. Article 371F(j) provides that all Courts of Civil, Criminal and Revenue Jurisdiction, all authorities and all Officers, Judicial, Executive and Ministerial, throughout Sikkim would continue to exercise their respective powers subject to the provisions of the Constitution. Article 371F(k) provides that all laws in force immediately before the appointed day in Sikkim shall continue to be in force therein until amended or repealed by a competent legislature or other competent authority. In exercise of the power conferred by

Clause (1) of Article 371F of the Constitution, the President, vide Adaptation of Sikkim Laws (No.1), Order, 1975, modified suitably the High Court of Judicature (Jurisdictions and Powers) Proclamation of 1955.

18. Subject to the provisions of the Constitution of India, the High Court is the final authority in all-judicial matters, Civil or Criminal. Under Clause(i) of Article 371F the High Court functioning immediately prior to the date of merger became the High Court for the State of Sikkim under the Constitution like any other High Court in the Country.
19. In 1975, the District Officers were designated as District Magistrates with powers as provided in the Criminal Procedure Code of 1898.
20. In 1978, Sikkim Civil Courts Act was passed with a view to consolidate the laws relating to the Constitution of Civil Courts subordinate to the High Court and other relevant matters.
21. The subordinate judiciary consists of District & Sessions Judges, Chief Judicial Magistrates, Civil Judges and Judicial Magistrates. District Judges are members of the Sikkim Superior Judicial Service and the Chief Judicial Magistrates, Civil Judges and Judicial Magistrates are the members of the Sikkim Judicial Service.
22. The pecuniary jurisdiction of Civil Judges is upto Rs. 50,000/- and that of the District Judge is unlimited.
23. An appeal from a decree or order of the District Judge lies to the High Court.

The present set up of judicial structure in the state of Sikkim:

At present, there are two cadres in the State Judiciary, viz.,

1. Sikkim Superior Judicial Service and

2. Sikkim Judicial Service

Sikkim Superior Judicial service consists of :

1. Secretary, Law-cum-Legal Remembrancer	: 1 (one)
2. District and Sessions Judge (E&N)	: 1 (one)
3. District and Sessions Judge (S&W)	: 1 (one)
4. Registrar General	: 1 (one)
5. Registrar	: 1 (one)
6. Joint Secretary-cum-Joint Legal Remembrancer	: 1 (one)

Sikkim Judicial Service consists of:

1. Chief Judicial Magistrates	: 2 (two)
2. Civil Judges-cum-judicial Magistrates	: 4 (four)

The Sikkim Judicial Service Rules governs the initial recruitment of Civil Judges-cum-Judicial Magistrates, conditions of service and promotion to the cadre of Chief Judicial Magistrates.

The initial recruitment to the cadre of Civil Judges-cum-Judicial Magistrates is done by the selection committee consisting of (i) Chief Justice or Puisne Judge of Sikkim High Court nominated by the Chief Justice; and (ii) Chief Secretary, Government of Sikkim from amongst the candidates who have put in three years of practice at the Bar as advocates on the basis of interview. After appointment, the selected candidates will have to undergo initial training at any place within outside Sikkim. The nature, duration and place of such training shall

be as determined by the High Court. Thereafter, he/she will be on probation for a period of two years.

There are four posts of Civil Judge-cum-Judicial Magistrates in the cadre in the pay scale of Rs. 7000-225-11500. One satisfactory completion of five years of service, the Civil Judge-cum-Judicial Magistrate would be entitled to the senior scale of Rs. 9000-300-13800. After ten years of service, he will be placed in the Selection grade in the scale of Rs. 11000-350-16250.

After completion of three years of service, a Civil Judge-cum-Judicial Magistrate would be eligible for promotion to the higher cadre of Chief Judicial Magistrate in the pay scale of Rs. 11000-350-16250. There are two such promotional posts of Chief Judicial Magistrates.

Sikkim Superior Judicial Service Rules, 1980

The Rules regulate the appointment to the Superior Judicial Service by direct recruitment and also by promotion. Thirty Three (33%) per cent of the posts are filled up by direct recruitment from amongst the members of the bar with seven years practice and the remaining 67% of the posts are filled up by promotion from Sikkim Judicial Service.

At present, there are 6 posts in the cadre carrying the pay scale of Rs. 10650-325-15850. One post of selection grade in the pay scale of Rs. 15100-400-18300 is available for promotion to eligible members of the service on completion of 9 years of service in the cadre. Further, one post is available in the super time scale of Rs. 18400-500-22400 to an eligible member on completion of 6 years of service in the selection grade subject to availability of vacancy.

Direct recruits to the service will be on probation for a period of two years and promoted officers, if appointed against permanent posts, will be on probation for a period of one year.

High Court of Sikkim Hon'ble Chief Justices of Sikkim High Court		
Sl.No.	Name	Tenure of Office
1.	Hon'ble Mr Justice M.M. Singh Gujral	7.5.76 to 14.3.83
2.	Hon'ble Mr Justice M.L. Shrimal	17.12.83 to 3.1.85
3.	Hon'ble Mr Justice J.K. Mohanty	21.1.86 to 14.1.89
4.	Hon'ble Mr Justice B.N. Mishra	20.1.90 to 8.11.92
5.	Hon'ble Mr Justice S.N. Bhargava	20.1.93 to 10.2.96
6.	Hon'ble Mr Justice K.M. Agarwal	15.2.96 to 26.10.96
7.	Hon'ble Mr Justice K.A. Thanikkachallam	27.8.97 to 26.9.97
8.	Hon'ble Mr Justice R. Dayal	3.2.99 to

High Court of Sikkim Hon'ble Judges of Sikkim High Court		
Sl.No.	Name	Tenure of Office
1.	Hon'ble Mr Justice R.N. Sachar	16.5.75 to 6.5.76
2.	Hon'ble Mr Justice A.M. Bhattacharjee	16.6.76 to 20.1.86
3.	Hon'ble Mr Justice R. Dayal	10.5.84 to 17.10.95
4.	Hon'ble Mr Justice A. Deb	16.2.94 to 8.2.95

5.	Hon'ble Mr Justice M. Sengupta	16.10.95 to 9.11.98
6.	Hon'ble Mr Justice A. Deb	27.12.97 to 13.3.02

Pendency of Cases in the High Court						
Civil Cases		Criminal Cases		Writ Petitions		Other cases
RFA	7 Nos.	Crl. Appeal	9 Nos.	Civil	53 Nos.	Nil
FAO	1 No	Contempt	2 Nos.	Criminal	4 Nos.	Nil

Sl.No.	District	Number of vacancies		Pendency of Cases		Other cases	
		Higher Judicial Service	Other Subordinate Judicial	Civil Cases	Criminal Cases		
1.	District & Sessions Judge (East &	*1	**Nil	62	48	Land Acquisition	1
						Arbitration	3
						Succession	37
						MACT cases	15

	North)					MACT (misc. cases)	1
						MACT Exe. Cases	1
						P.C. Act	15
						P.C. Act (Misc.)	1
(a)	CJM (E&N)			1	140	Food Adulteration	2
(b)	CJIM (East)			41	31	Juvenile Food Adulteration	5 2
(c)	CJIM (North)				14		
2.	District & Sessions Judge (South & West)		**Nil	8	11	Succession PC Act MACT cases Consumer	7 1 7 5
(a)	CJIM (South & West)			11	21	Motor Vehicle Act	7
(b)	CJIM					Nil	

	(South)						
(c)	CJJM (West)			7	30	CMV cases	17
	Total		2	130	295		128

Note :

*one post in Superior Judicial Service is lying vacant. Interview for the said post has already been conducted and appointment is going to be made in due course of time.

**Two vacancies of Civil Judge-cum-Judicial Magistrate one each in North District and South District have not been filled up on account of low pendency of cases in these Courts as the Sikkim Civil Courts (Amendment) Act, 2001 provides that no post of Civil Judge-cum-Judicial Magistrate shall be filled up unless at least 50 Civil Suits have been filed within the preceding one year in the said Court located at a place where there is the Court of Chief Judicial Magistrate and unless at least 30 Civil Suits have been filed within the preceding one year at a place where there is no Court of Chief Judicial Magistrate. Only one Civil suit has been filed in the Court of the Civil Judge-cum-Judicial Magistrate, North District in the preceding one year and no Civil Suits have been filed in the Court of the Civil Judge-cum-Judicial Magistrate (South) in the preceding one year. As such these two vacancies have been treated as nil.

Source : Hon'ble High Court of Sikkim, 2002.

The following table is self explanatory to highlight the cases tried by the High Court of Sikkim from 1980 to 2001.

Year	Particulars	Pendency at the beginning of the year	Institution during the year	Disposed during the year	Pending at the end of the year
1980	Writ Petition	5	20	10	15
1981		15	30	24	21
1982		21	53	44	30
1983		30	25	17	38
1984		38	28	48	18
1985		18	46	29	35
1986		35	27	19	43
1987		43	27	31	39
1988		39	28	18	49
1989		49	19	34	34
1990		34	20	15	39
1991		39	19	16	42
1992		42	21	20	43
1993		43	29	24	48
1994		48	30	49	29
1995		29	56	49	36
1996		36	55	46	45
1997		45	69	56	58
1998		58	570	245	383
1999		383	70	373	80
2000		80	74	92	62

2001		62	77	84	55

Year	Particulars	Pendency at the beginning of the year	Institution during the year	Disposed during the year	Pending at the end of the year
1980	Criminal Cases	4	14	12	6
1981		6	13	14	5
1982		5	5	7	3
1983		3	9	9	3
1984		3	9	9	3
1985		3	8	10	1
1986		1	6	7	0
1987		0	5	5	0
1988		0	11	10	1
1989		1	0	1	0
1990		0	3	3	0
1991		0	13	11	2
1992		2	6	6	2
1993		2	26	24	4
1994		4	9	11	2
1995		2	12	7	7
1996		7	16	19	4
1997		4	27	21	10
1998		10	93	75	28
1999		28	71	65	34
2000		34	98	103	29
2001		29	69	82	16

High Court of Judicature (Jurisdiction and Powers) Proclamation of 1955

Whereas it is expedient to define the powers of the High Court of Judicature in Sikkim, the terms of office of the Judge or Judges and matters ancillary to the administration of Justice, I, Sir Tashi Namgyal, Maharaja of Sikkim, am pleased to proclaim and ordain as follows:-

1. Title: This Proclamation may be cited as the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1955.
2. Judges:
 - a. There shall be a High Court of Judicature in Sikkim consisting of one or more judges.
 - b. In case there are more than one judge, one of them shall be designated by the Maharaja as the Chief Justice, with precedence over all the others, who shall be designated as Puisne Judge.
3. Tenure: The Judges of the High Court shall hold office for such period as may be provided in the terms of their appointment by the Maharaja.
4. Law to be applied: The High Court shall apply the laws and usages prevalent in Sikkim.
5. Oath: Before assuming office, every judge shall make and subscribe before His Highness the Maharaja, or some person appointed in that behalf by him, the following oath:-

"I,.....Appointed Chief Justice/Judge of the High Court of Sikkim do swear by God solemnly affirm, that I shall bear true faith and allegiance to His Highness the Maharaja and to the Constitution of Sikkim as by law established and that I will duly and faithfully and to the best of my ability and knowledge perform

the duties of my office without fear or favour, affection or ill will and that I will uphold the laws and usages of Sikkim”.

6. Jurisdiction:

- a. The High Court shall be the final authority in all judicial matters, civil or criminal, subject to the exercise of prerogative of mercy by the Maharaja of Sikkim in case of convictions under the criminal law and the provisions under section II(b) of his proclamation.
- b. All courts and tribunals in Sikkim shall be subordinate to the High Court from whose judgments and decisions in all matters, criminal and civil, an appeal or revision, as the case may be, shall lie to the High Court.

7. Classification, grading and supervision of subordinate Courts: The High Court may, with the approval of the Maharaja, classify and grade for the purpose of jurisdiction, appeals and revisions the existing courts in Sikkim, criminal and civil, and may, further, with similar approval, make rules providing for:-

- a. Supervision of the courts;
- b. Submission of returns;
- c. Regulation of the practice and procedure.

8. Procedure of High Court : The High Court may likewise, with the approval of the Maharaja, make rules for its own procedure.
9. Power to punish or contempt : The High Court shall have the power to punish with simple imprisonment for a period not exceeding six months and a fine not

exceeding rupees five hundred or with both any person found guilty of contempt in relation to itself or to any subordinate court.

10. Language : The records in the High Court shall be in English for the time being.

11. Giving of Maharaja's prerogative:

- a. Nothing contained herein shall affect the Maharaja's prerogative of mercy and pardon and his powers for remission, commutation and reduction of sentence.
- b. Nothing contained herein shall affect the Maharaja's prerogative to set up a special Tribunal for the review of any case, civil or criminal, provided that the President of such Tribunal shall be a judicial officer of the status of a High Court Judge and provided further that such prerogative shall be exercised in only very special cases where, in the opinion of the Maharaja, there may be apprehension of miscarriage of justice.

12. Pay and service conditions: Judges of the High Court shall draw such pay as may be fixed by the Maharaja and in respect of leave, traveling, gratuity and other allowances, shall be subject and to the Sikkim State Rule.

13. Disposal of work: If at any time or for any reason no judge is available for the discharge of the duties of the High Court, the Maharaja may make, by order, such arrangements as he deems fit for the disposal of the work of that court.

Seal

Sd/-

Tashi Namgyal
Maharaja of Sikkim

Dated Gangtok, the 17th April, 1955.

Source : Sikkim, *Sikkim Durbar Gazette* (Ext. Gazette), (Proclamation Regarding High Court), Gangtok Sikkim Govt. press, April, 1955.

N.B. : The Author expresses his gratitude to Hon'ble Mr Justice, R. Dayal, Chief Justice, Sikkim High Court, Gangtok for having provided, the data for the write up on Judiciary in Sikkim with reference to structure etc. of the High Court and to the Hon'ble High Court of Sikkim.

Thus the Judiciary in Sikkim exhibits its unique features which are conspicuously when compared to other princely states of India and in the post merger period the structure and functioning of the judiciary are made at par with the other sister states of India, in accordance with Article 371F of the Constituion and stipulations of the Constitution as a whole at large.

7. Politics of N.B Bhandari : 1979 to 1994

The Man with an umbrella always dressed in three-piece suit with a tie around his neck and well combed, strolling up and down on the M.G. Marg, Gangtok invariably every evening, Nar Bahadur Bhandari was upset in the merger of Sikkim with India and suffered in the torture of CRPF and application of MISA on him. N.B.Bhandari was one of the first graduates of his generation and was basically serving as a Nepali teacher in Sikkim Government School(s). He was dismissed from pedagogy (pedagogue) because of his political involvement. However, he seasoned himself as a demagogue to enter into politics of Sikkim and founded Sikkim Janata Party. He quietly revived it and established a new regional party namely Janata Parishad (later called it Sikkim Janata Parishad) and contested with a team of young politicians who were mostly school teachers in the October 1979 Sikkim Legislative Assembly elections. A good orator in Nepali and opposed to the first Chief Minister of post merger Sikkim Kazi Lhendup Dorjee whom N.B.Bhandari branded as 'Desh Bechuva' (the man who sold the country). The Janata Parishad headed by N.B.Bhandari urged for the immediate election to the Assembly to be held by October 1979 owing to the Constitutional crisis as because the imposition of President's rule for the first time in Sikkim under the Proclamation of President of India was not approved by either House of the Union Parliament of India.

The newly founded Janata Parishad under the leadership of N.B.Bhandari contested the first ever democratic election to Sikkim Legislative Assembly, 1979 which was conducted under the Constitution of India on the basis of Universal Adult Franchise under the supervision of Election Commission of India and by the Presidential Ordinance of Reconstitution of the Territorial Constituencies (Bill No.79 of 1979) of the Assembly in Sikkim. The Territorial Constituencies were reorganized as follows¹:

1974

1979

15	Reserved for Nepalese	General Seat	17
15	B-L.Seats	B-L.Seats	12
1	S.C.(Nepalese)	Scheduled Caste (Nepalese)	2
1	Sangha	Sangha Seat	1
Total-32			32

The tactic and party manifesto of Janata Parishad with its symbol Horse and continuation of bi-coloured Red-white flag of the Palace promised "Ushering in Democracy, destroy communalism, discontinue divisive policy and we are ready to lay down our lives. We will obtain the RIGHTS OF THE SIKKIMESE. This party if returned to power, is committed to giving the SIKKIMESE PEOPLE BACK THEIR SELF-RESPECT AND SENSE OF DIGNITY²". (which remained only a promise and unable to undo merger). That was an eight-cornered contest of Janata Parishad, Indian National Congress (U), Janata Party, Sikkim Scheduled Caste League, CPI(M), Sikkim Congress (Revolutionary) S.C. (R), Sikkim Prajatantra Congress (SPC) and independents in 1979 election. For the first time Plainsman contested in this election, electoral identity cards were provided to the electors that were not made a precondition to cast votes or exercise franchise. Altogether 9 women candidates contested the election. Election was held for 31 Constituencies and in Khamdong it was countermanded owing to the demise of one of the contesting candidates. The main rivals were Janata Prarishad and Sikkim Congress (Revolutionary) (SCR).

The SC(R) maintained in its manifesto that "Democracy, Secularism and Socialism. Down with Bill No.79. Down with Communalism³. Fight for your Rights". R.C. Poudyal the leader of SC(R) did not contest 1979 Assembly Election as a protest against Bill No.79.

The Janata Parishad headed by N.B.Bhandari won 16 seats and took the support of the Sangha independent candidate in the formation of Ministry. The SC(R) won 11 seats and Sikkim Prajatantra Congress (SPC) won 3 seats. B.B.Gooroong of S.C.(R) won from both Chakung (West) and Jorethang (South) Constituencies. The INC (U) team headed by L.D.Kazi was completely routed. Both N.B.Bhandari and L.B.Basnett bagged highest number of votes from Soreng (West) and Gangtok (East) Constituencies.

An eight member Cabinet including the independent Sangha MLA headed by Nar Bahadur Bhandari assumed office⁴ and took oath of their offices. N.B.Bhandari became the second Chief Minister of Sikkim heading a regional political party. Sonam Tshering⁵ assumed the office of the Speaker followed by L.B.Basnett as Deputy Speaker⁶.

The bye-election to Khamdong (SC Constituency) and Chakung Constituency (West) were held along with the election to the lone Sikkim Parliamentary Constituency in January, 1980. Pahalman Subba (once again a School Teacher) won the election defeating his immediate rival R.C.Poudyal of S.C.(R) in the Lok Sabha election from the Sikkim Parliamentary Constituency. In the bye-election to Khamdong and Chakung Constituencies of the Assembly, Dal Bahadur Darnal of SPC and Chandra Bahadur Rai of SC (R) were declared elected.

By 1980 the politics of defection started (a general feature in the politics of Sikkim i.e., Defection from among regional parties to national political party

which is in power at the Centre) and the strength of the ruling Sikkim Janata Parishad in the Assembly was raised to 20, SC (R) to 11 and SPC to one only.

On July, 7 1981 there was an enbloc defection of Sikkim Janata Parishad to Congress(I) and Nar Bahadur Bhandari became Congress(I) Chief Minister of Sikkim, commanding strength of 23 MLAs on the floor of the Sikkim Legislative Assembly. Even the prominent leader of SC(R) B.B.Gooroong had defected to Congress(I) and became the Finance Minister of Bhandari's Cabinet. Once again there was an increase of defection from SC (R) to Congress(I) and as a result Bhandari commanded 26, SC(R)-2 and SPC-1 seats. In the meanwhile since the independent candidate Dugo Bhutia resigned from the Assembly from Rakdong Tintek Constituency, the bye election to Assembly in the year 1983 elected Sonam Tshering of Congress(I) was declared elected defeating SC (R) and SPC candidates and also the independent candidate Dugo Bhutia. The success to Congress(I) in the bye-election was because of Bhandari's leadership⁸.

As a face-saving device, leaders of the political parties who suffered a humiliating defeat in the hustings, once again tried in vain boycotted the swearing-in-ceremony of the new Parishad Ministry by raising a bogey of the so called anti national stance of the Sikkim Janata Parishad.

The then Governor of Sikkim B.B.Lal briefed the other leaders who approached him that the speeches made by Bhandari during election campaign in 1979 could not seriously be taken into consideration as they only reflected the surcharged emotions expressed by public leaders to influence the voters. He however, assured them that he would keep a constant watch on the style of functioning of the new Ministry and not to work against the established conventions of the Indian Constitutions.

The hollowness of those leaders' charge was thoroughly exposed when the President of the Sikkim Janata Parishad, Mr.Bhandari, announced in clear terms

Sikkim's merger with India was *'fait accompli'*, and the facts of history could not be nullified'. He declared that his Ministry would work within the parameters of the Indian Constitution, and attempts by the vested interests to reverse the course of history would be severely dealt with as an anti-national move. It was added further, Sikkim which was integrated into the national mainstream for historical reasons, considered itself fortunate in working together with the fellow countrymen for building up a new prosperous resurgent India".

On assuming power the Sikkim Janata Parishad declared to promote a cordial Centre-State relations and to uplift the chronic socio-economic backwardness of Sikkim, agrarian reforms amending the Sikkim Cultivators' Protection (Temporary Proven) Act to extend security to hundreds of landless cultivators, revitalization of Panchayats to involve the people in the decision-making process at the grass-root level and to assign them rural development programme. Welfare programmes to solve acute housing problem, infrastructure for the marketing of agricultural produce, dairy farming, dairy development, assessment of livestock, to control cattle diseases, multi-pronged development strategy to cover sectors like industry, power, road communication and education, son of the soil policy, to protect the interest of the local people increase of literacy rate, incentives to teachers, setting up of cottage industries, registration of as many as 46 industrial units, self employment ventures and cottage industries etc.

The most important and striking aspect of Sikkim Janata Parishad on assuming power was to replace CRPF by SAP in all State Government offices and other places of Security. Yet another incident was to replace B.B.Lal the then Governor (by reminding the Centre that he had crossed his fixed tenure of five years as Governor of Sikkim) and bringing H.J.H.Taleyarkhan a flamboyant personality as new Governor of Sikkim, who ultimately became an ambitious man to play the ouster game and toppled N.B.Bhandari. Using discretionary power and pleasure of the Governor he dismissed N.B.Bhandari and appointed B.B.Gooroong

as Chief Minister of Sikkim in the year 1984. The move proved to be a damp squib and the Governor had no alternative except to recommend for the imposition of President's rule in the State by 25th May, 1984. (Source : Sikkim : *Sikkim Govt. Gazette* (Ext Gaz), No. 69 (25th May, 1984), Gangtok, Sikkim Govt. Press, pp.2.

The removal of Bhandari from power was a big surprise to the people of Sikkim in spite of the fact he had commanded three-fourths majority on the floor of the Sikkim Legislative Assembly. It is believed that he was removed because of vital security interests and loss of confidence by the party legislators owing to the fact that he was becoming a dictator and disobedience to Congress(I) high command. According to party observe P.Venkatasubbiah the then Union Minister for Home Affairs, Bhandari was asked to give up his demands and when he stuck to his position, the dismissal order without assigning any reason, was reportedly served on him. Further, it was said by AICC Observer P.Venkatasubbiah that Bhandari was removed as a majority of the State Legislators had lost their confidence in him and on whom several corruption charges had been leveled. To Bhandari that was not a surprise as because he was not ready to compromise with regard to his demands on seat reservation, grant of citizenship to the Stateless people and recognition of Nepali language. The action of the then Governor H.J.H.Taleyarkhan was described by Bhandari as unconstitutional and unprecedented in the annals of Constitutional democracy⁹. The immediate reason was that Bhandari was intentionally engaging himself into direct and open confrontation with the Centre and party high command. The Karfektar convention held in Jorethang, South Sikkim, was the culminating factor which made the Centre to ponder seriously over the change of leadership in Sikkim in the year 1984 and that is branded as Bhandari's waterloo. No seat, No vote, empty threats to the Centre, having refused to resign and corruption charges ultimately led to the ouster of N.B.Bhandari and to effect the change in the party leadership.

Restoration of seats for Nepalese in the Sikkim Legislative Assembly remained a forgotten story. However, inclusion of Nepali in the VIII Schedule of the Constitution and opposing to the extension of Central Direct Taxes Act over Sikkim (in spite of the fact it was welcomed by N.B.Bhandari) were gaining momentum and received public support. The increasing influx of people and citizenship for Stateless people in Sikkim remained uncared and unanswered.

On removing N.B.Bhandari the then Congress(I) Chief Minister of Sikkim, B.B.Gooroong was appointed by H.J.H.Taleyarkhan as Chief Minister on 11th May, 1984.

14 Days Ministry of B.B.Gooroong¹⁰:

B.B.Gooroong who defected from Sikkim Congress (Revolutionary) and became Congress(I) Finance Minister of Bhandari's Cabinet was chosen by the then Governor of Sikkim Taleyarkhan as the Chief Minister in the place of N.B.Bhandari on May 11, 1984. Gooroong was appointed as Chief Minister in accordance with article 164(i) of the Constitution of India and in the pleasure of the Governor. Gooroong's Ministry had 9 members Cabinet. In his press conference after becoming Chief Minister of Sikkim, Gooroong reiterated that his Government would continue to fight for the just demands of the people of Sikkim, but stated that his approach with the Centre in dealing with various problems of the State would be of co-operation and consultation and not confrontation. Gooroong's long political career, despite occasional defections, political flings reflect his identification and support for both the majority and minority communities of Sikkim in regard to various issues. His Ministry lasted hardly a fortnight or so. Owing to instability and lack of support the then Governor recommended for the imposition of President's rule in Sikkim.

The President's rule was imposed for the second time in Sikkim on May 25, 1984. Whatever may be the intention of the Centre in imposing President's rule in

Sikkim, the people welcomed the dissolution of the Assembly proves that the representatives of the people no longer cared for the peoples welfare but cared only to their own greed and growing ambition but not to serve the interests of the people. It is high time for the people to reaffirm and to strengthen the ethical, spiritual and political beliefs. Since 1975 the democratic experience under these leaders was a shattering experience to the Himalayan State-Sikkim.

B.B. Gooroong was born on 11th October 1929 at Chakung, West Sikkim. He graduated from Calcutta university in humanities / arts and initially served as a school teacher at Turubull school, Darjeeling and later one year in Rango High School between 1951 and 1955. Leaving teaching profession Gooroong joined journalism and worked as a staff Reporter to the Calcutta based Amrita Bazaar Patrikha. He was also associated with Nepali magazine and edited a Nepali Magazine 'Kanchenjunga'. He also edited a book titled 'Sikkim: Past and Present'. He is married and has three sons and a daughter.

Gooroong took active participation in politics of Sikkim and because of his political inclination he joined in his 20s Sikkim Rajya Congress under the leadership of kashi Raj Pradhan and became General Secretary of the party.

He came under the influence and association of Kazi Lhendup Dorjee led Sikkim Rashtriya (National) party and was elected a councilor for the first time from his native Constituency Chakung. As a result he was appointed Executive Councilor by the then Chogyal to look after Education, Forest and Transport departments – which he carried out to the tallest satisfaction of Chogyal and the people of Sikkim.

The political upheaval that sparkled off after the fifth general election and in 1972 under the leadership of Kazi Lhendup Dorji led Sikkim National Congress caused complete breakdown of law and order in Sikkim. Gooroong joined this pro-democratic movement of Sikkim and was one of the signatories to sign the

historic May, 8, Agreement 1973 – the Tripartite agreement of the Chogyal, by the leaders of political parties and the Government of India to establish a constitutional monarchy Parliamentary Democracy in Sikkim to frame a constitution, to guarantee fundamental rights, rule of law, independence of Judiciary legislature and executive, powers to elected representatives and adult suffrage based ‘on one man one vote’.

As one of the responsible signatories along with L.D. Kazi, K.C. Pradhan and others to the agreement B.B. Gooroong stood for the cause of introducing a clear cut parity in the Sikkim Assembly by which a new parity formula got evolved to reserve 15 seats for Bhutia-Lepcha, 15 for Nepalese (of Sikkim origin), 1 for Sangha and 1 for Scheduled Castes (Nepalese).

Election to the Sikkim Assembly Under the 1973 May Agreement was held in 1974 and Gooroong was elected to it – one among the 31 members of Sikkim National Congress under the leadership of L.D. Kazi. Later from October 1977 to 1979 Gooroong was appointed Speaker on the demise of C.S. Roy the then speaker of the Assembly.

Gooroong was quite active in the politics of Sikkim between 1973 and 1975 and was instrumental in making Sikkim an associate State of India in 1974 and later a part of Indian federal polity i.e. 22nd State of the Indian Union in the year 1975.

In the 1979 October historic Sikkim legislative election B.B. Gooroong was elected from two constituencies viz., Chakung and Jorethang and established for the first time a record and a singular distinction of winning from two constituencies. He retained Jorethang constituency and served as a M.L.A. of Sikkim congress (revolutionary) of R.C. Poudyal. When N.B. Bhandari's Sikkim Janta parishad defected to congress (I) Gooroong also defected to congress (I) and

was offered a cabinet Ministerial berth in the year 1983 to hold the portfolio: Finance.

In a surprise move the then Governor of Sikkim Homi J.H. Taleyarkhan dismissed N.B. Bhandari as Chief Minister Under article 164(1) of the Constitution on the ground that Bhandari ceased to command the pleasure of the Governor and the same Governor under the same provision of the Constitution of India appointed B.B. Gooroong as the Chief Minister of Sikkim on 11th May 1984- the third Chief Minister of Sikkim. Gooroong's 14 days Ministry consisted of 9 cabinet Ministers. Soon after assuming the Office of the Chief Minister, Gooroong reiterated that this Government supports the demands of the people of Sikkim and continue to fight for the 'just demands' of the people. He also stated that his approach with the Centre in dealing with various problems of the state would be of cooperation and consultation but not confrontation.

B.B. Gooroong in his short tenure as Chief Minister of Sikkim accorded to an order to the Central Bureau of Investigation to peruse and investigate the alleged charges of corruption against N.B. Bhandari. Under Delhi Police Establishment Act, 1946, it was directed by Gooroong's cabinet to take up cases by CBI for investigation relating to various offences committed by Bhandari. Further it was pointed out by Gooroong that N.B. Bhandari had acquired amassing wealth / assets disproportionate to his known sources of income in his name and wife. B.B. Gooroong along with L.D. Kazi sought the direct intervention by the then Prime Minister P.V. Narasimha Rao on Bhandari and the then RDD Secretary P.K. Pradhan.

Gooroong's Political career despite occasional defections his political flings reflect his identification for protection of both minority and majority communities of Sikkim in regard to various issues.

Un fortunately owing to lack of support and instability finally the then Governor of Sikkim recommended for imposition of President's rule in the State of Sikkim under article 356 of the Constitution of India on 25/26th May 1984.

As a shrewd man politics B.B. Gooroong exudes an aura of confidence in all situations and always injects courage in those who are dithering.

After a short political break between 1984 and 1993 once again B.B. Gooroong took active part in the politics of Sikkim and joined hands in the Pawan Chamling's move of restoring democracy and establishment of the party namely Sikkim Democratic Front. In SDF Government B.B. Gooroong is appointed as Political Adviser to the Chief Minister of Sikkim, Pawan Chamling.

It is prayed that Shri. B.B. Gooroong will live long to serve the people of Sikkim as a senior citizen and seasoned statesman. He also stands for protection of article 371 F of the Constitution of India that protects and guarantees the rights and sentiments of the people of Sikkim. (As narrated by B.B. Gooroong).

Bhandari was a master tactician that he started move after move to strengthen his party's position in the State Assembly as an effective counter to the opposition's sinister political game. In a clever move, he started persuading the opposition legislators to join his ruling Sikkim Janata Parishad. One by one, they started joining the ruling party from SC (R) and SPC. As the influx continued, the ruling party's strength in the State Assembly went on swelling up. By Autumn session 1980, the opposition party leader B.B. Gooroong tabled a no-confidence motion against the Parishad Government. The attempt proved a damp squid as the House rejected the motion by 19 votes to 10 with one abstention. The ruling party stood united and unassailable without any cross voting. A number of attempts were made to destabilise still the Parishad Government every time remained stronger than before. The opposition was completely crestfallen with a low profile. After having consolidated and to provide a broad national factional base

there came an opportunity for Sikkim Janata Parishad to merge his party with Indian National Congress (I) and convinced his party colleagues for the merger with Congress (I). It was pointed out that the merger into Congress (I) was to help create rapport with the ruling party at the centre and liberal Central assistance for the State's all round development. When Bhandari stole the thunder, a process of disintegration took place in the Sikkim Congress (R) resulting in its erosion.

It is also interesting to note that when a number of Central Acts and the Excise Acts were extended to Sikkim the estrangement of relationship reached a flashpoint. Prior to the extension of these Act, a number of industrial units manufacturing of cigarettes (Wills India) and cosmetics (Ponds India Ltd.,) had come up in the State, taking advantage of the situation in Sikkim - where no excise duty was levied on the production of these items. It created a disastrous effect on the process of industrialization of this backward State Sikkim and workers out of employment. This had culminated in the move of grooming a tribal leader from North Sikkim as the Chief Minister of the State and division of the Bureaucracy into two groups - one nursing loyalty to the then Governor and the other to the Chief Minister.

One important observation was that except inducting B.B.Gooroong as Finance Minister and Ram Lepcha as Minister for Local Self Government, Bhandari did not reshuffle his Cabinet and the bureaucracy. Another interesting feature was to establish Secretariats to various Departments and in particular appointment of Secretary to the Department of Education. The strength of the Cabinet was kept at ten members. The victory of Bhandari in 1979 election symbolized the triumph of anti-merger forces whose main objective can best be expressed in these words 'Sikkim for Sikkimese'. Therefore, Bhandari was not so important in himself but what he represented. Members of his party disintegrated and his personal loss of credibility stem from the fact that he had drifted far beyond the people's widest expectations on the stand that the party had initially

taken. The promise of the party remained a distant dream and it was unable to giving the Sikkimese people back their self-respect and sense of dignity.

The party also assured that if given chance to punish the corrupt regime of the Kazi Government for all its corruption, favoritism and nepotism practiced since 1974. Unfortunately, corruption and nepotism of Bhandari himself led to his downfall. The 'Sons of the Soil' policy formulated and propagated did not make much headway to protect the local interests and sentiments in giving Government jobs. It was his own henchmen who later formed a nucleus, which ultimately influenced the formation of a dissident group to knock him down. People did not anticipate Bhandari's betrayal on the basic issues concerning the people, which ultimately resulted in quoting the oft-repeated phrase 'Kazi sold the body, Bhandari sold the soul'. This brought the gradual erosion in the distinctive character of Sikkimese way of life. All his supporters were paid supporters.

To look back one can see enough evidence to justify the fact that N.B.Bhandari and his team unconsciously became victims of circumstances and political intrigues that finally broke them into pieces and shattered every hope of them coming together on the same plant they once stood unitedly. The anti-merger issue had largely ceased to motivate any major political force that is a significant change and a new phenomenon in Sikkim's contemporary political development. Loosing charismatic leadership and loosing power are best known in various parts of the country. Such happenings for Bhandari in Sikkim must be understood from the Sikkimese context, if one if to have a deeper understanding and inner insight into the situations prevailed in Sikkim. Bhandari's removal and departure from leadership in 1984 symbolize the end of an era in the politics of Sikkim.

No sooner Bhandari was dismissed, he left Congress (I) in disgust along with his majority legislators and once again hoisted his red and white flag to start a

new regional party viz. Sikkim Sangram Parishad (SSP) with elephant as its election symbol on 24th May, 1984. At the outset he welcomed the dismissal of Gooroong's ministry and welcomed President's Rule in the State (for the second time in the State) and further stated that the party has emerged as a result of illegal and undemocratic dismissal of his Government, due to which the whole fabric of democratic institutions and constitutional norms in Sikkim were put at peril. Moreover, the SSP with a promise to protect and preserve the interests and rights of the Sikkimese pledged itself to foster communal harmony, national integration, secularism and development of Sikkim with a focus on safeguarding the edifice of the hard won freedom and democracy. The Sikkim Sangram Parishad included this time the old henchmen of Sikkim Janata Parishad and other new young leaders including Pawan Kumar Chamling. The newly founded SSP contested December 1984 Lok Sabha election and March, 1985 Sikkim Assembly election with a new manifesto consisting of the following five main issues:-

- Restoration of Seat reservation: To restore parity and maintain reserved seats for Sikkimese Nepalese as originally contained before merger and under Article 371 F(f) of the Constitution of India.
- Citizenship: For the people rendered Stateless in Sikkim and to fix the cut off year 1970.
- A son of soil policy: To safeguard, to preserve local identity and to give all Government jobs and trade licenses to the Sikkimese people.
- Constitutional recognition: To the State's *lingua-franca* viz., Nepali Language commonly spoken by all and majority of the people of Sikkim to get constitutional recognition and to get it included in the VIII Schedule of the Constitution of India.

- To alter Centre-State relations: For demanding more financial and political freedom for the States of the Indian Union and to extend support for Constitutional amendment (taking into account the role played by Governors in Sikkim, Andhra Pradesh and J&K in the year 1984) to the concept of State Government continuing in power in the pleasure of the Governor¹¹.

The newly founded Sikkim Sangram Parishad with elephant as its election symbol and red and white flag contested the Lok Sabha election in December, 1984. The President of SSP, N.B.Bhandari himself contested the election and the result is as shown below¹²:-

<u>Name of the candidate(s)</u>	<u>Votes polled</u>
N.B. Bhandari (SS)	56,614
P. Subba (INC (I)	21,234
B. Rai (Ind)	1,717
L.B.Basnett (Ind)	936
B.B.Mishra (CPI (M)	843
P.T.Lepcha	495
B.R.Harijan (Ind)	110

Thus Bhandari himself won the election and became Member of Lok Sabha.

In the March, 1985 Sikkim Legislative Assembly election N.B.Bhandari and his team of SSP contested against Congress(I), Janata Party, CPI, CPI (M), Sikkim Prajatantra Congress, Himali Congress, Gorkha League and a number of independent candidates:

Results

SSP	-	30
Congress (I)	-	01
Independent	-	01
Total	-	<u>32</u>

From the most prestigious Gangtok constituency Smt.D.K.Bhandari (wife of N.B.Bhandari) and 11 other candidates contested. D.K.Bhandari was defeated by a plainsman and ex-Chairman of Gangtok Municipal Corporation namely Balchand Sarda who was solidly backed by mercantile vote bank, Government employees and plainsmen votes.

In Kabi Tingda constituency of North Sikkim the Congress (I) candidate won. The success of Congress (I) here was a progress for it in the stage of Sikkim since the solitary success was a reflection of its own. That one seat for Congress (I) had given a footing for it in Sikkim's politics that was absent earlier¹³. The success to SSP in 1985 was nothing but an expression of Bhandari wave and the quality of his triumph in the election was an expression of public disapproval of the gubernatorial coup of 1984.

Bhandari for the second time assumed office as fourth Chief Minister of Sikkim with his 11 members cabinet team. Including N.B.Bhandari the Council of Ministers comprised of:-

Chamla Tshering

Padam Bahadur Gurung

Dorjee Tshering Bhutia

Sanchaman Limboo

Padam Lall Gurung

Khara Nanda Upreti

Thukchuk Lachungpa

Taramani Rai

Sonam Choyda Lepcha

Sonam Dupden Lepcha¹⁴

T.R.Sharma was appointed as Speaker of Sikkim Legislative Assembly and Ram Lepcha as Deputy Speaker. Further the Sikkim Government Gazette No.40 March, 25, 1985 notified the list of Chairmen of various State organizations. Pawan Chamling MLA was made Chairman, Sikkim Distilleries Ltd., Rangpo.

Smt D.K. Bandari left SSP and joined congress (I) in 1988-89 on the grounds of her husband's reckless infidelity and to inject new blood into the party's prospect for making a President in the SSP's hegemony in the State. In spite of it, the overall congress machinery in Sikkim was unequal to the task of coping with Bhandari's growing arrogance and the militancy of his commando forces. Even the murder and mysterious disappearance of Dharamdatta Sharma, rising Congress leader from Tumburung, West Sikkim, failed to rouse the congress and its followers to make a bold stand against the growing on atrocities of the Sangram

goons. Mrs.D.K.Bhandari remained a congress member of Parliament from Sikkim.

In the meanwhile, election to the Sikkim Legislative Assembly took place. Altogether 118 candidates contested the election. The Sikkim Sangram Parisad, Congress(I), the Rising Sun Party of R.C.Poudyal, and some independent candidates were in the fray. In all 32 Constituencies the Sikkim Sangram Parisad swept the poll.

Results SLA Election: DEC: 1989

SSP	94,078
RSP	11,472
Denzong	298
Chogpa	
Congress(I)	24,124
Independents	3,647

Source: Pradhan P.K.Election Reports; 1989-90 *Op. Cit.*

The success of SSP securing all 32 Seats in the Sikkim Legislative Assembly without any opposition in 1989 was a record in the post merger Government and Politics of Sikkim. All political in the State contested with the same programme such as Seat reservation, recognition of Nepali language to promote Cordial Center-State relations and son of the Soil Policy.

To bring rapid Socio-economic development in various sectors of the newly born State, the Central Government started pumping massive funds in the Annual

Plans of the State Government. There was some visible progress in the State owing to flow of the enormous outlay provided for its planned economic development but not to the extent it should have been. Between 1979 and 94, during the rules of SJP and SSP headed by N.B.Bhandari made achievements in different fields of developmental activities and it was multi dimensional. Universal free education, to make education accessible to the poor and free distribution of books and exercise books up to Class XII, extension of basic health needs to the doorsteps of the rural mass with a rise in Primary Health Centres and Sub-Centers all over the State, progress in the field of power generation, rural electrification, agricultural, industrial, rural and urban and transport developments in the State. To provide network of roads and bridges, protection of Weaker Sections of the Society, equal treatment to all and Sons of the Soil. The most conspicuous achievement of SSP headed by N.B.Bhandari and his wife D.K. Bhandari was to receive constitutional recognition for Nepali language and to include the same in the VIII Schedule of the Constitution of India in August, 1992¹⁵.

On winning the election N.B.Bhandari again assumed the office for the third time as the Chief Minister of Sikkim with 11 members of Cabinet. The efforts of Rising Sun Party went in vain and the identity of the Congress(I) was completely routed because of people's continuous allegiance to the leadership of Bhandari and SSP. Bhandari in a span of 14 years leadership became uncrowned monarch of Sikkim. His coming to power repeatedly reflected people's preference for a regional party.

In the Council of Ministers, Pawan Kumar Chamling for the first time was offered a Cabinet berth to hold Industries, Information and Public Relations and Printing in the State of Sikkim.

THE FALL OF BHANDARI

When things were moving smooth for Bhandari, a former henchmen of him Dharamdatta had defected to Pradesh Congress (I). Dharamdatta began in an earnest manner an elaborate Campaign in which he made no bones about disclosing many of Bhandari's secret property deals and also brought out Vedhmaya Chatterji the legally married first wife of Bhandari, to be paraded before the Sikkimese Janata to expose Bhandari as a bigamist. Since Dharamdatta crossed the 'Laxman Rekha' and as he had become a potentially dangerous adversary for Bhandari, the story goes that he was arrested by the police, whisked away in a police Gypsy SKM 999. Since then Dharamdatta's whereabouts were unknown ¹⁶.

It is believed Dharamdatta allegedly shot inside the gypsy and the dead body was buried across Rangeet in an unnamed grave on the West Bengal side. The West Bengal Police, in the meantime, got wind of sordid incident and believed to have made a big ruckus and learnt reliable about it. At hefty bribing finally Bhandari clinched the matter. The dead body of the deceased had to be exhumed, brought over to the Sikkim side at Jorethang butchered into forty five pieces put into a gunny bag and thrown at the confluence of Teesta-Rangeet to be fed to the marine creatures ¹⁷.

It seems that the SSP bagging 32 out of 32 Seats in the 1989 Assembly election was a result of series of bloody campaigns. This was the most violently fought elections in Sikkim's electoral history and more gruesome than the Statewide agitation of 1973 and the Congress(I) suffered in the torture ¹⁸.

The brute strength of one hundred percent majority in the Assembly became the ultimate weakness because there was conspicuous absence of constructive opposition that is an essential prerequisite of a vibrant democracy. This made Bhandari to grow arrogant and ended up becoming a dictator like

Saddam Hussain. As a matter of fact, the tiny State of the Union Republic is perhaps due difference to the State's past history prior to the merger. The Centre was a passive spectator to the incidents that have taken place during this period in Sikkim unobtrusively under the dictatorial rule of Bhandari ¹⁹.

For 14 long years Bhandari had lived in ninth cloud and was unaware of the plights of the Sikkimese bulk that eke out their miserable existence living for below poverty line. However, by hook or crook he managed to win elections since 1979. But the 1989 election, it is believed, was a farce. Had he not replaced one and all ballot boxes, as it was alleged, it was impossible for SSP to win all 32 Seats and that was a concocted victory ²⁰.

Pawan Chamling who was a close associate of Bhandari trying to search for democracy was removed from Bhandari's Cabinet on flimsy grounds in June 1992. That was an arbitrary action and which marked the descent of Bhandari. Chamling the lone member constituted 3 percent opposition in the 1989-94 Assembly-both within and outside started gaining popularity with innate charisma became the new messiah of the people of Sikkim. Kazi Hindu Dorji pointed out to the Centre in his memorandum to the Prime Minister that the democratic rule, economic development and Rule of Law in Sikkim, during Bhandari's rule have been consigned to flame. His appeal was that Sikkim should taste the fruits of democracy and her people enjoy the fruits of development. B.B.Gooroong in his short tenure accorded to an order to the CBI to peruse investigation of alleged charges of corruption against N.B.Bhandari. Under the Delhi Police Establishment Act, 1946, it was directed by Gooroong's Cabinet to take up cases by CBI for investigation relating to various offences committed by Bhandari. Further, it has been pointed out that Bhandari had acquired wealth disproportionate to his known source of income in his name and his wife. In order to escape from the CBI probe on him, Bhandari approached Rajiv Gandhi for an unconditional merger of SSP with Congress(I) and requested to withdraw the CBI

cases. When things were growing complicated for Bhandari with one side CBI case, the rise of Pawan Chamling and withdrawal of Finance Bill by the Centre in relation to Income tax issue there appeared the Great Political upheaval headed by Sanchaman Limbo, on the other side.

THE GREAT POLITICAL UPHEAVAL IN THE POLITICAL HISTORY OF SIKKIM:1994 ⁽²¹⁾

Though small in stature but great and shrewd in his move, Sanchaman Limbool a close associate of N.B.Bhandari surprised all and removed Bhandari in a political coup in the year 1994.

Sanchaman Limboo a graduate of North Bengal University who started his career as a school teacher later Head Master and an AEO of education department was active in Government Teachers' Employees Association and Government Employees' Association, Sikkim. He was first elected from Yoksom Constituency as a MLA in Bhandari's newly founded Sikkim Janta Parishad and later in 1984 and 1989 as one of the founding Members of Sikkim Sangram Parishad. First he was inducted as a Cabinet Minister of Health, Education and Industry. Left Bhandari in 1983 he formed a new party namely Sikkim United Council headed by L.D.Kazi. Reunited with Bhandari in 1984 he assisted in the formation of Sikkim Sangram Parisad. Once again in the year 1985 he was offered a Cabinet Seat for one full term. From 1989 to 1994 he was not inducted in the Bhandari's Cabinet but was made Chairman of Public Accounts Committee of the Assembly.

In the year 1983 he was dropped along with Sherab Palden in order to induct B.B.Gooroong and Ram Lepcha in the Bhandari's Cabinet. When Bhandari got defected to Congress(I), Sanchaman remained aloof. In the gubernatorial coup Limbu welcomed removal of N.B.Bhandari as Chief Minister of Sikkim, appointment of B.B.Gooroong as Chief Minister and finally imposition of President's rule for the second time in the State in May, 25/26, 1984. His winning election from 1979 to 1989 was based on his local leadership, influence and party work.

As a Cabinet Minister in 1979 and 1985 Sanchaman was instrumental for Sikkim developing in education, health, industry and welfare activities. The

Sikkim Times Corporation Ltd. was expanded. Free education up to collegiate level was launched, increase in quota seats in the institutions of national importance for engineering and medical sciences for the local students to study outside the State, establishment of Primary Health and Sub Centres in the State as a whole and inclusion of Tibetan, Limbu Lepcha languages in the School curriculum are some of his achievements.

In the year 1980 when the Central Team for study of OBCs in the State visited, the recommendations of the team was not acceptable to N.B.Bhandari. In spite of Supreme Court and the then Prime Minister's directions Bhandari was not conceding to uplift the economically and socially downtrodden status of OBC Nepalese - which added to the anger of Sanchaman on Bhandari followed by the Income Tax issue, dictatorial and tyrannical attitude of Bhandari, biased and dual treatment of Bhandari on tribals and Nepalese, anti-national attitude and anti-slogans against Indians by Bhandari finally increased the wrath of Limbu. The immediate cause of the political coup and great upheaval of 1994 was attributed to the withdrawal of Finance Bill in the Union Parliament of India on 4th May, 1994 - which sought tax exemption for the tribals of Sikkim and it was condemned that owing to the poor leadership of Bhandari the bill was withdrawn by the then Finance Minister Dr.Man Mohan Singh.

The revolted Ministers and MLAs of ruling Sikkim Sangram Parishad including Chamla Tshering and Thukchuk Lachungpa elected Sanchaman Limbu to form the new Government in the banner of SSP(S).

The team of SSP(S) included Dorjee Tshering Bhutia, Chamla Tshering, Sonam Choda Lepcha, O.T.Bhutia, Sonam Kaelon, Sonam Dupden Lepcha, M.B.Dahal, Ram Lepcha from Ministers and from the sitting MLAs Ugen Pintso Bhutia, Hangu Tshering, Tasa Tengay, Rup Raj Rai, Chewang Lhamu, Phuntsog Bhutia, B.M.Ramudhamu and Pawan Kumar Chamling.

The 'Political Coup' led to the great upheaval to unseat Bhandari from the 14 years chair of Chief Minister. Seven Ministers, the Assembly Speaker Dorjee Tshering and 10 MLAs withdrew their support to N.B.Bhandari and elected Sanchaman Limbu as the leader of the House. The Sikkim Sangram Parishad was divided into SSP(S) and SSP(N).

Addressing a letter to the then Governor of Sikkim Admiral (Retd.) R.H.Tahiliani who camped at New Delhi, the defected group stated that they had lost faith in Bhandari's leadership.

Accompanied by the Speaker, Sanchaman Limbu and his team in the name of SSP(S) reached New Delhi and met the Governor and the then Union Minister S.B.Chavan. The then Governor replied that the matter to be settled at Gangtok and the show of strength for or against Bhandari should take place on the floor of the Assembly.

The revolt of SSP(S) mostly of Bhutia-Lepcha Legislators led by S.M.Limbu came in the wake, as pointed out earlier, of the Centre's decision to withdraw the Finance Bill seeking income tax exemption for the tribals. The rebels also demanded the resignation of the Members of Parliament D.K.Bhandari (Lok Sabha) and Karma Tobden (Rajya Sabha) for trying to obstruct the Bill. Bhandari was finally left with 13 MLAs and was not available for any comment.

In fact, Bhandari had been under tremendous pressure from both within and outside the party ever since the Bill was introduced in the Union Parliament of India since Feb.28, 1994 following his own recommendations.

In the meanwhile the SDF leader - the man with the candle-who searched for Democracy in Bhandari's Government on the floor of the Assembly - Pawan Kumar Chamling said that Sanchaman Limboo should be given a chance to prove

his majority and form a Government and if this doesn't happen then we might seek President's rule.

B.B.Gooroong who led the 1984 coup and the then Chief Minister of Sikkim demanded Bhandari's resignation.

Since the Bill did not exempt the Nepalese from income tax, K.N.Uprety did not support the Bill²². In the process, as Bhandari antagonized all three communities the members of SSP(S) led Sanchaman Subba (Limbu) turned against him.

In the vote of no confidence N.B.Bhandari who was conspicuously absent lost the vote of confidence by a slim margin on 17th May 1994. Pawan Kumar Chamling who took a chance between the devil and deep sea abstained from voting.²³

Sanchaman Limbu took the oath of office as Chief Minister of Sikkim on 18th May, 1994 and his team of council of Ministers consisted of S.C.Lepcha, M.B.Dahal, S.D.Lepcha, O.T.Bhutia, R.R.Rai, N.Gyaltsen and B.M.Ramudamu. Later Ram Lepcha withdrew his support. Since M.B.Dahal and S.D.Lepcha leaving B.B.Subba and Phuchung Bhutia were inducted in the Cabinet.

As Sanchaman Limbu was directed to seek a vote of confidence by the Governor of Sikkim, Limbu Ministry survived a Trust vote. It was unfortunate to note the opposition led by Bhandari boycotted the one-day session on 6th June, 1994. All 18 members of the SSP(S) voted in favour of the motion by Chamla Tshering reposing faith in the Ministry headed by S.M.Limbu. No sooner winning the confidence Sanchman Limbu defected to Congress (I) for economic reasons.

By June, 19, 1994 the strength of Limbu's Ministry was reduced to a minority Government owing to resignation of Ministers and the strength was 14 out of 32 members. Therefore, there were demands to hold by-poll or to impose

President's rule in the State. Finally fresh election to the Sikkim Legislative Assembly was announced and Limbu's Ministry became a caretaker Government. It is unfortunate S.M.Limbu lost by a narrow margin from Yoksom Constituency (against an independent candidate Ashok Kumar Subba) in spite of the fact he was a sitting Chief Minister of Sikkim.

S.M.Limbu tried to promote a cordial Centre-State relations. Though opposed Congress in the beginning he finally remained a Congress (I) Chief Minister of Sikkim. Even now he is member of AICC of Congress (I). He lost elections because he was unable to justify the reasons and convince the people to win confidence. Sikkim people according to him do not get convinced with Congress (I) or any national party. His relation with the ruling SDF and Pawan Kumar Chamling remains smooth.

As a Chief Minister S.M.Limbu got increased plan outlay from 135 Crores to 200 Crores; Gurung, Rai, Manger, Tamang, Limboo and Sunuwar were declared OBCs of the State of Sikkim; constituted 5th Pay Commission for revision of pay scales for the Government employees and suspension of application of Indian Income Tax.

Answering to authors interview with him Limbu said Bhandari was dethroned because of his denial to declare the OBCs of Nepalese in the State of Sikkim, dual treatment on tribals and Nepalese, became most communal of NBCs, anti-national and finally a dictator ruthlessly muzzling the Press and its freedom. He is hopeful of restoring the most burning issues of the State of Sikkim viz. restoration of seats (17 seats) for the Nepalese by a constitutional amendment and cordial Centre-State relations.

For application of Income Tax Act he maintains that Sikkim and people of Sikkim are yet to understand its intricacies. Believing in Panchayat Raj he supports the ruling SDF Government to strengthen Government at the grass roots,

devolution of power and de-centralization. Article 371 F of the Constitution of India should be followed to protect the rights, demands and interests of the people. Son of the soil and protection of local sentiments are inevitable to improve and uplift the local talents. It does not mean ' we are against people from outside'. Army-civilian, administrative cadre and State Government functioning and harmonious Centre-State relations will help develop Sikkim both within and outside. His message in simple terms to the youths and people of Sikkim is ' to work hard, be disciplined, love peace and be independent. From among the like-minded people, leaders and statesmen, S.M.Limbu considers Kazi Lhendup Dorjee Khangsarpa, the first Chief Minister of post merger Sikkim as God Father of democratic movement to overthrow monarchy and establish democracy by joining hands with India. We also feel L.D.Kazi must be awarded "Bharat Ratna"²⁴".

Bhandari, thus to sum up, still promises the masses a reign of peace, prosperity and harmony comparing it to the Sikkim under monarchy. He did contribute to the development of Sikkim, created landmark poll victory of winning 32 out of 32 seats. Transformation in terms of dictatorial ways made people and legislators to loose confidence on his statesmanship. Income tax issue, support to NBC and concept of dictatorial attitude finally dethroned him from power. Nothing is impossible in politics and if one rectifies him after realization of mistakes may perhaps spring back to join the society and politics if not power.

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2. Janata Parishad: *Election Manifesto: 1979*, Varnasi, Amar Mudralai, 1979, pp.8.
3. *Election Manifesto of Sikkim Congress (R): 1979*, Kalimpong, Himalayan Observer Press, 1979, pp.8
4. Sikkim, *Sikkim Government Gazette*, (Extraordinary Gaz.) No.91, Oct, 18, 1979, Gangtok, Sikkim Government Press.

Under Clause (1) of article 164 of the Constitution of India the then Governor of Sikkim, B.B.Lal appointed Nar Bahadur Bhandari to be the Chief Minister and the following members of the Council of Ministers.

Sherab Palden, Sanchaman Limboo, Lachen Gonchen Rimpuchi, Tulshi Sharma, Athup Lepcha, Padam Bahadur Gurung and Samten Tshering.

Source: Sikkim, *Sikkim Government Gazette*, No.92, Oct, 18, 1979, Gangtok, Sikkim Govt. Press.

The portfolios of the members of the Council of Ministers were announced by the Governor as follows:-

Nar Bahadur Bhandari: Home, Planning and Development, Panchayat and Rural Works, Law and Legislature, State Trading Corporation of Sikkim, and any other department not allotted.

Sherab Palden: Finance, Health & Family Welfare and Industry.

Lachen Gonchen Rimpuchi: Culture, Ecclesiastical, Social Welfare and Scheduled Castes and Scheduled Tribes Welfare.

Tulshi Sharma: Information and Public Relations, Agriculture and Animal Husbandry.

Athup Lepcha: Forests, Tourism, Local self Government and Mines and Geology.

Padam Bahadur Gurung: Food and Civil Supplies, Co-operation, Motor Vehicles and Sikkim Nationalised Transport.

Samten Tshering: Public Works, Power and Labour.

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8. PAWAN CHAMLING – THE MESSIAH OF THE DOWNTRODDEN : 1985 to 2002

A Nepali Poet – turned Politician – turned finally Chief Minister Pawan Kumar Chamling Kiran(Pawan Chamling) joined Sikkim Sangram Parishad, contested election from his native Constituency viz., Damthang situated in South Sikkim and won from SSP's ticket to become MLA of the Sikkim Legislative Assembly in the year 1985 for the first time¹. He was first appointed as Chairman of Sikkim Distilleries Ltd., Rangpo². Again he contested and won from his native Constituency Damthang from same SSP's ticket to become MLA for the second time in year 1989³. For all his untiring party work and belief in the leadership of N .B. Bhandari, Chamling was offered a Ministerial berth in Bhandari's Cabinet in the year 1989 to hold the portfolios of Industries, Information and Public Relations and Printing⁴, which he carried out to the expectations of SSP's High Command and served the people of Sikkim. For Pawan Chamling, N.B.Bhandari was without any shadow of doubt an undisputed leader of the people of Sikkim in the beginning and said I am a humble Sangram Worker⁵. He denied his reported involvement in a conspiracy to dislodge N.B.Bhandari and the report against him was malicious and mischievous by miscreants. There was no move to oust Bhandari. As a man and leader Chamling is simple, humble and with humility respects people in particular the poor masses.

As a Minister of SSP Government, his contributions were remarkable to develop the State. As Minister for Industries he stated and regretted that Sikkim is deprived of the desired benefits of the Centre's new liberal industrial policy and called for greater attention to its much-needed economic resurgence by all concerned. The State, he said suffers from lack of raw materials and has no rail link and airline. It is landlocked with only one corridor towards the rest of the country with a single lane road viz., NH 31A and communication which is also

severely exposed to natural vagaries⁶. As Minister of IPR Department he believed in the freedom of Press and called upon the local Press to live up to the expectations by maintaining professional standards and norms of regularity. He asked the press to play the vital role expected of them by objectively projecting the people's problems and highlighting the Government's programmes and create atmosphere for fair cordial Government Press relationship⁷.

Pawan Chamling, a popular figure and Cabinet Minister for the then ruling SSP belongs to Rai Community – Majority community in the South District of Sikkim was perceived as the next man to occupy Mintokgang (the official residence of the Chief Minister of Sikkim). There were hectic behind-the-scene maneuvers to propose Chamling as an alternative to N.B.Bhandari – a proposition even favoured by the Congress even in nineties – which was then going – all out to oust Bhandari. That was worked out by 12 MLAs who were in support of Chamling and at the same time, for he said if Chamla Tshering can muster six of the 13 Tribal MLAs Bhandari would be ousted to make Chamla Tshering – a Bhutia – Lepcha candidate as Chief Minister of Sikkim with the backing of Congress(I). But it was realized by the people and the politicians that Bhandari would go to any extent to stay in power because of money power. Therefore, Chamling cowed down and kept shut.

The incidents of publication against Bhandari, Rajendra Baid to tender apology, the arrest of Duk Nath Nepal (CPI-M) without any reason etc, during that time were condemned by the national media in no uncertain terms. The crackdown on the opposition in Sikkim had boomeranged on the image of N.B.Bhandari. It was justified that there was no democracy in Sikkim and the State, it was proved ruled by a ruthless dictator who suppressed the media and freedom of the Press. In spite of the fact, there were attacks on Bhandari from the Media, the greatest threat came from within the SSP and the active role of the Congress made Bhandari to enter into troubles. However, Bhandari denied that

there were dissidents in his party and both Chamla Tshering and Chamling pledged their support and loyalty to Bhandari. But Chamling was waiting for the right moment to strike Bhandari out.

Chamling's performance, his activities, links with the poor OBCs and off the cuff remarks on administration and ruling party did not gain much favour with Bhandari-which made Chamling as one of the most controversial men in his Cabinet. The autocratic style of Bhandari's functioning in the democratic framework forced Chamling to call him that 'I am a democrat, not a sycophant'. This statement hit Bhandari below the belt to react strongly. Chamling further stated that he was unable to function in an undemocratic set-up. Thus Chamling became most vocal, arch rival and popular in the Bhandari bandwagon.

It was sure that Chamling was sure to be dropped from Bhandari's Cabinet and finally he was dropped in June 1992 for all his alleged anti-party activities. Under Clause(1) of Article 164 of the Constitution of India the then Governor of Sikkim R. H. Tahiliani vested in him the power, ordered that Pawan Kumar Chamling shall cease to be a member of the Council of Ministers which was done on the advice of N. B. Bhandari, the then Chief Minister of Sikkim w.e.f. 17th June 1992⁸. There was no reshuffle of the Cabinet but in its stead Bhim Raj Rai was inducted in the Cabinet⁹.

Since Jigme N. Kazi, the editor of 'Sikkim Observer' was closely covering the news items in favour of Chamling the freedom of Press was nullified and the news weekly Sikkim Observer was abruptly closed down and banned in the State. Since it was printed with the help of Sikkim Government Press¹⁰. Later Jigme N. Kazi launched The Himalayan Guardian's news weekly of Sikkim.

Bhandari branded Chamling as communal but Chamling emerged as the leader of the backward classes in Sikkim. As Chamling was vocal and had no fear for the action of being dropped from the cabinet, he took the incident quite casual

and he really wanted to play politics in the State. For him chair was not important. It is because even in the 1985 election he was elected owing to his own personal popularity than those of the popularity of Bhandari and his Sangram Parishad. Therefore, from the above events, it is clear that Chamling was proved to be Bhandari's 'No man' while others were 'Yes men'.

Chamling's ouster from Bhandari's Cabinet in June, 1992 took a different turn in the political history of Sikkim – posing the question whether Chamling will emerge as an alternative to N B. Bhandari in Sikkim or shall remain a Nepali poet forever. In his 'Perennial Dreams' a Nepali poem of Pawan Chamling (Kiran), he gave the answer that 'His warm blood' bubbling in him is full of fiery 'Spirit of Revolt'. He was not just one of the bubbles of water – full of life and frolic for a while, but eventually made turbulent the Politics of Sikkim ultimately to come to power. He infused in the minds of the people freedom from fear hunger and oppression through his Nepali poem 'Sparks of Revolution'.

In his political prediction on the issue of Seat Reservation for the Nepalese, Chamling wanted that the Writ Petition of R.C. Poudyal {leader and founder of SC (R)} (later on The Rising Sun Party) to be withdrawn from the Supreme Court of India as because he felt the judgments may go adverse to the majority population Nepalese of Sikkim. His aim was to work out a political solution to Restore Seat reservation for the Nepalese of Sikkim through a Constitutional amendment in the Union Parliament of India. Further, he also pointed out that R. C. Poudyal did not make a plea in his Writ Petition for the restoration of Seat Reservation for the Nepalese of Sikkim. That is, the reservation of 15/17 seats for Nepalese in accordance with the provisions of May 8, 1973 Tripartite Agreement, Government of Sikkim Act, 1974 and upholding the sanctity of the Article 371F of the Constitution of India. In this both Poudyal and Bhandari were together and managed to fool the people by appearing to be fighting against each other. The first Chief Minister of the post merger Sikkim Kazi Lhendup Dorjee khangsarpa

supported Chamling's move and made a call for restoration of democracy in Sikkim - thus boosting the morale of the opposition and anti-Bhandari forces in Sikkim.

All leaders of Sikkim and people of Sikkim welcomed the Constitutional recognition and inclusion of *Lingu-franca viz.*, Nepali in VIIIth Schedule of the Constitution of India in August 1992 by the Parliament.

In the meanwhile unheard in the history of India and State Legislatures, there appeared the Man with the lighted candle Pawan Kumar Chamling, the lone member of the opposition, entered on the floor of the New Sikkim Legislative Assembly building situated at Nam Nam, searching for democracy, moved from one member to the other asking: 'where is democracy'. This incident shook the whole House. The then Speaker of Sikkim Legislative Assembly D. T. Bhutia did not raise any objection to it (though fire or flame is not allowed inside the House of the Legislature) as because, he felt, Chamling had no *malafide* intention but had rationality and logic to question the Members of the ruling party as a matter of basic right. Since then Chamling established a rapport with the members of the Legislative Assembly and common men. Thus he was able to capture the imagination of the people and make the right moves to become a credible leader in his own making.

To quote J.S. Mill, a political philosopher of individualism and utilitarianism 'If all mankind minus one were of one opinion, mankind, would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind'. Based on the above quotation Pawan Chamling as a single man reminded the ruling party and the people of Sikkim that he could oppose dictatorial rule of one man and restore democracy to build Sikkim New and Happy. With this motive along with young leaders like Hishey Lachungpa, Garjaman Gurung, K. N. Rai, K. T. Gyaltsen, Vinod Pradhan along with other

youngsters and seasoned statesmen of Sikkim like B. B. Gooroong and P. T. Lucksom founded a new regional party namely Sikkim Democratic Front (SDF) at Ghurbishey (South Sikkim) on 4th March 1993 and marched into Gangtok. In order to escape from the troubles and insecurity of his life, he had undergone ordeals and had to go underground both at Kalimpong and New Delhi.

In order to function as an opposition MLA he sought special protection from the Centre. It was because Bhandari's 'private Commando Force' terrorised his supporters in his native Constituency Damthang. He further implored the then Home Minister of Centre, S. B. Chavan to make arrangements for his personal security as because he was unfolding the various acts of omissions and commissions of Bhandari's Government'¹¹. However, he played a constructive role of opposition to check Bhandari's dictatorship and became a nightmare. He stood for the cause of restoration of democracy in Sikkim and strengthened his SDF, role and the party leadership from the grassroots level. Thus SDF got spread in all parts of the State and was getting ready to attract the people from all over Sikkim.

During this period there was a development and which was the attempt made by former Chief Ministers L.D. Kazi and B. B. Gooroong regarding corruption charges leveled by the Central Bureau of Investigation against Bhandari and sought the direct intervention by the then Prime Minister P. V. Narasimha Rao on the issue. They alleged that Bhandari had amassed crores of rupees and asked further the C.B.I. to reopen the cases against him in spite of the fact the Centre was favouring Bhandari to save Sikkim and to take bold steps as because the two former Chief Ministers fought for democracy and freedom but in the rule of Bhandari they found dictatorship of the worst type.

In 1993 L.D. Kazi raised the issue in the Supreme Court seeking Court's direction quashing the notification of the Sikkim Government withdrawing the

Sanction granted by the Gurung Ministry in May 1984 allowing the C.B.I. to investigate the cases of corruption in Sikkim – asking both centre and the C.B.I., respondents in the case to produce all records pertaining to cases of corruption against Bhandari and former Chief Secretary of Sikkim P. K. Pradhan – when he was Secretary, Rural Development Department. The petition further sought for Court's direction to the State Governor to accord sanction of Bhandari's prosecution. The move of Kazi was welcomed by the people of Sikkim boosted the morale of opposition and anti Bhandari waves in Sikkim. Kazi's move came just a few weeks after the forcible retirement of P. K. Pradhan and Pradhan's premature retirement in 1993 aimed at ensuring clean and efficient administration in Sikkim. The PCC (I) President of Sikkim A. K. Subba and the SDF President Pawan Chamling welcomed Pradhan's removal and Chamling demanded the then Governor of Sikkim R. H. Tahiliani to dismiss the Bhandari Government too for rampant corruption in the administration. Thus it led to Chamling's dismissal from Cabinet and the primary membership of SSP. It was in favour of strengthening opposition in Sikkim and the issue of corruption in the State off Sikkim became one of the major issues. Chamling played a vital role of support and neutrality in the Gorkha National Liberation Front Movement of Darjeeling and supported the establishment of a separate Gorkha State, too.

The SDF emerged itself as a viable force, pulling along with it many people, supporters from other parties and organisations, minority Bhutia-Lepcha, OBC and Bahun-Chettri communities in the State, which was a blow to the then ruling party SSP. Since SDF's first meeting in Jorethang the popularity of Pawan Chamling caused trouble to Bhandari and the anti Bhandari movement spearheaded and the SDF was gaining ground all over Sikkim.

The Sikkim Democratic Front according to Chamling is the party of the Sikkimese masses had emerged to lay claim to being number one political entity as a result of squabble and subsequent irreparable rift in ruling Sangram Parishad.

In Chakung covering six Panchayat Units was addressed by Chamling, the Vice President P.T. Lucksom, Adviser to SDF B.B. Gooroong and Rastaman Rai, and a party functionary in June, 1994.

Chamling gave a brief account of the political happening in SSP Government 1994 as a 'passing phase' and that would not have any effect to contribute anything substantial to relieve the sufferings of the poor and downtrodden. Sanchaman becoming Chief Minister of Sikkim was due to the fact Bhandari mishandled the situation on the issue of Finance Bill. The new government was fated to have a short life span as the people did not vote it to power and the party had neither ideology nor any compatible political and economic programmes.

Further Chamling strongly appealed and called upon Sikkimese of all ethnicity to come forward and unite in a spirit of brotherhood and deeper understanding of each others need to identify oneself with the traits of that particular ethnic group one should be proud of his origin and ethnicity and should work to protect, preserve and safeguard his culture, religion and all traditional values handed down to him through his forefathers. Likewise a Sikkimese of Lepcha origin should hold his head high and be ready at all times to protect and preserve his religious and cultural heritage. He called upon the majority ethnic group 'the Nepali brethren to follow the footsteps of their counterparts - the Bhutias and Lepchas' so that each ethnic group is tolerant of the other's need to pursue his or her own traditional heritage handed down through generations the only way to preserve and ensure unity in a diverse society that like in Sikkim. He further opined that there has to be radical changes in the system of government to bring about much needed reforms, to cement the gap between the haves and have-nots through proper and intensive planning and implementation of programmes.

B.B. Gooroong said that the political situation in the State was merely a 'storm over a cup of tea' and the turmoil caused by SSP shall not affect the progress made by the SDF and the vertical split of SSP into SSP(S) and SSP(N) shall make the SDF all the more strong.

Source: *Lurnyuk* : The Courier of Sikkim, vol. 3 No. 12. -12, June 1994
Gangtok, Zongden Khangsarpa, pp 1-4.

The headquarters of SDF was based in Chamling's own residence in Namchi and SSP Youth camp to create social awareness left the camp and fled away. Later, on 21st June 1993 the supporters of SDF mobilised courage to invade Gangtok and held an impressive rally who marched along NH 31A from SDF Party headquarters Deorali to Zero Point, shouting anti Bhandari, pro-democracy slogans and resisted Bhandari Government's repressive rule. This made people of Sikkim to speak openly against the Government and Bhandari and to overthrow the oppressive regime. Destructions were caused to Government vehicles and Police Department to put an end to the fear psychosis prevalent in Sikkim during the rule of N. B. Bhandari. Police lathi charge and bursting of tear gas shells against the peaceful demonstrators, a rare and unexpected sight in a peaceful state like Sikkim, to put an end to the rally and arrested more than 250 SDF activists. The result was many leaders including Pawan Chamling were forced to go underground both within and outside the State. However, their mass agitation to ensure Bhandari's speedy downfall continued. In the process of Police harassment one of the young leaders of the SDF Biraj Adhikari sustained wounds because of police beatings and was to be taken for treatment to New Delhi. He demanded protection under Human Rights Commission.

The SDF's successful encounters with the ruling party and authorities expedited the process of unity and solidarity among anti Bhandari forces. That led to the formation of a Joint Action Committee under L.D. Kazi's leadership – a call

for joint action of all opposition against Bhandari's dictatorial rule, and to oust him. The disproportionate assets gained by Bhandari, corruption, conspiracy under 120(b) of IPC because of loss to State exchequer in the RDD deal by the then Secretary, RDD, the Press Battle, the role of JAC, insecurity to the opposition, the destruction of Moti press, Deorali which brought out Swatantra Samachar and Paridharshan, the support by all sections of the people to SDF, harassment by police on opposition, the opposition from Sikkim Press Association etc. were final causes for the total rejection of Bhandari by the SDF, Press and major section of the people of Sikkim and all were waiting for a chance to put an end to the rule of SSP and its leader N. B. Bhandari.

As the situation in the State was gradually worsening the great political upheaval by S.M. Limbu on the question of withdrawal of Finance Bill by the centre on the issue of Income Tax gave a blow to the rule of Bhandari. The SSP(S) led by Sanchaman Limbu becoming Chief Minister winning vote of confidence supported by B.L. MLAs and other like-minded MLAs, Bhandari led SSP (N) boycotting vote of confidence on the floor of the House and the neutral role and politics of abstention stand taken by the lone SDF leader Pawan Chamling in 1994 finally overthrew N. B. Bhandari¹².

The SSP(S) headed by Sanchaman Limbu joined Congress (I) and since election to the Sikkim Legislative Assembly, 1994 was announced on September 27 all political parties in Sikkim were busy preparing themselves to the election, November 1994. The election to the State of Sikkim was held owing to the fact that the five years tenure duration of the Assembly was to expire on 14th December, 1994.

SIKKIM DEMOCRATIC FRONT

Chamling after overthrowing N.B. Bhandari lived in self-exile for months, worked out strategies, formed and entered Sikkim with a new regional political

party viz., Sikkim Democratic Front. (SDF) From the grassroots the SDF consists of since its formation on 4th March 1993, Senior politicians, retired government servants, officials and full of youths who are fresh, energetic, enthusiastic and committed to work for the cause of Sikkimese people with a view to become phenomenal and soon a focal point to first play a constructive role of opposition in Sikkim.

The founding leader and the lone member of the Sikkim Legislative Assembly Pawan Chamling became bitterly critical of the shortcomings of the then Bhandari Government and gained strength in order to provide a sense and a meaningful direction to the youths and people of Sikkim. Not only the party was opposed to the extension of Indian Income Tax but vehemently opposed to the dictatorial role of N.B.Bhandari and played a politics of abstention in the political coup launched by Sanchaman Limbu – in the fall of Bhandari to keep its distinct identity – especially to win eventually the November 1994 election to the Sikkim Legislative Assembly.

The aims and objectives of the Sikkim Democratic Front revolve round on its basic stands:

All round progress of Sikkim;

National integration;

Belief in the Constitution of India; sacrifice, courage, liberty and to ensure safety to all sections of the people of Sikkim. The dream of its founder Pawan Chamling is to build a new Sikkim that is self-sufficient and self-reliant – Vision & dream (Sapna) ‘Naya Sikkim – Sukhi Sikkim’ – New Sikkim. A Happy Sikkim’ with all prosperity to the people of Sikkim as a whole – under the unfolded (tri coloured) Umbrella – the symbol of the party and a tri-colour flag-Blue at the top, Golden yellow in the middle and Blood Red at the bottom to symbolise

determination, progress and national integration; purity, sacrifice and humanity; auspiciousness, courage and liberty¹⁴.

Further to protect the State of Sikkim the socio-economic and political rights of the people, to remove the socio-economic backwardness and political rights of the people, communal harmony, equality of opportunity of the people, emancipation of the poor, women, disabled and physically handicapped people, due recognition to the principle of dignity, to fight against injustice in the form of discrimination on the grounds of caste, religion and above all, gender, to protect and preserve the age old traditions, customs, heritage of all ethnic communities, to adhere to 'Son of Sikkim' policy to safeguard the interest & of the people and to fight against poverty, illiteracy and inherent backwardness¹⁵.

THE FIRST ELECTIO TO SDF: 1994

The general election to the Sikkim Legislative Assembly took place on 16th November 1994 and the counting of votes was carried out on 9th and 10th December, 1994. In all 258 candidates filed nomination papers, 15 rejected, 57 candidates withdrew their nominations and finally 186 candidates including 18 women were in the fray. That was a seven cornered contest of three national political parties, three regional political parties and independent candidates. In spite of the fact that it was the beginning of winter season the weather was conducive and the percentage of voting was more than 70. The total electors were 2,17,446 (M 1,14,009 + F 1,03,437) and votes polled were 1,78,018¹⁶.

The Manifestoes of all political parties contesting the election 94 were focusing certain common issues and other important issues of the State of Sikkim.

The Sikkim Democratic Front projected in its manifesto the following:

The restore democratic rights and to stop the autocratic regime. The party President. Pawan Chamling releasing the manifesto offered with warmest salutations, the hallowed privilege of democracy and freedom. The salient features of the Manifesto can be summarized as follows¹⁷:

Assuring clean Administration, uplift of the poor, development of all and welfare of the people of Sikkim and the manifesto promised:

To enact local protection act for a broad based son of the soil policy;

To delete the derogatory term immigrant for the ethnic Nepalese;

To include Rai, Limboo, Tamang, Gurung, Manger, Sunwar and Bhujel who are already in the OBC in the list of Scheduled Tribes (besides the Bhutias and Lepchas – the Tribals of Sikkim) and the rest in the list of OBCs (Other Backward Classes) ;

To obtain special designated backward hill State status for Sikkim;

To restore seat reservation for Nepalese and the Tsongs in the Legislative Assembly;

To protect the rights and privileges enjoyed by Lepchas and Bhutias;

To make all out effort to secure justice; political, economic for the people of Sikkim in order to ensure their all round progress and prosperity;

To preserve all old laws and change those which are anti people and adopt land reform as would benefit all three communities viz., Bhutia-Lepcha and Nepali;

To decentralize administration by strengthening Panchayatiraj with resource and power;

To protect the rights of the permanent employees who are from outside the State;

To give priority in matters of educational and socio-economic development;

To ensure development of script and literature for Rai, Tamang, Gurung, Manger and Newari languages by declaring them as State languages;

To formulate strong and effective programme for all-round development of Kami, Sarki and Majhi communities and ensure adequate quota in respect of education and employment;

To formulate special programme for all-round development of the Sherpa Community;

To ensure respect to Government employees specially to the teaching community;

Alleviation of poverty and corruption free administration with pro poor stance to be the basic postulate of all government policies.

70% of the total budgetary allocation to be spent for the development of villages;

By and large, the SDF Manifesto, 1994 at crossroads stood for and still stands for poverty alleviation and upliftment of the downtrodden, decentralized administration, communal harmony, socio-economic programmes and all-round development of Sikkim as a whole.

RESULTS AT A GLANCE

SLA 1994 ELECTION¹⁸

Sikkim Democratic Front	: 19 (absolute majority)
Sikkim Sangram Parishad	: 10
INC - Congress (I)	: 02
Independent (ULF)	: 01
Total	: 32

An analysis of the results reveals certain facts and reflect the following pattern of voting behaviour:

In Yoksom the sitting MLA and Chief Minister of Sikkim S. M. Limbu lost against Ashok Kr. Subba (Independent) by a narrow margin say by 145 votes.

In Soreng N. B. Bhandari was elected defeating his SDF rival M. B. Subba.

In Damthang, Pawan Kumar Chamling won securing 70.2% votes defeating his SSP rival and the deposit of Congress I candidate was forfeited.

Many ex-ministers and members of SSP were defeated.

The Sangha candidate Namkha Gyaltsen and Sonam Chyoda Lepcha from Dzongu won from Congress (I).

The SDF won 6 seats in West, 7 seats in South, 2 seats from North and 4 from East. Altogether the Congress (I) won 2 seats. The performance SDF in West, South and North was highly satisfactory because the SDF Swept the Polls but was trailing behind in the East District. However, the performance of SDF in terms of percentage of votes polled against SSP was more impressive and there

existed a raising trend to the newly founded regional political party Sikkim Democratic Front headed by Pawan Kumar Chamling.

Pawan Kumar Chamling sworn in as Seventh Chief Minister of Sikkim on 12th December 1994. Chamling's Council of Ministers including himself consisted of 13 members. The Swearing – in - ceremony of Chamling at last put an end to the dictatorial rule of one man after a long arduous struggle for restoration of democracy in Sikkim. Lama J. B. rightly said "The one blot in the political career of Pawan Chamling was his dismissal as minister in N. B. Bhandari's cabinet in June, 1992 for allegedly dabbling in communal politics. However, that turned to be a blessing in disguise, but for which he would not be occupying 'Mintokgang' today – the official residence of the Chief Minister of Sikkim'¹⁹

For the first time Chamling introduced the office of the Deputy Chief Minister and the luck smiled on P.T. Lucksom. Similarly for the first time he gave ministerial berths to the communities viz., Tamang, Mangar and Scheduled Caste and balanced his Council of ministers.

The Swearing-in-ceremony and oath of office administered to the SDF led Pawan Chamling and his Council of Ministers was attended by the three former Chief Ministers of Sikkim namely L.D.Kazi, B. B. Gooroong and S. M. Limboo as because the victory of SDF in the state of Sikkim put an end to the 14 years dictatorial rule of N.B. Bhandari.

In a hurriedly called Press Conference at his chamber in Tashiling Secretariat the new Chief Minister Pawan Chamling assured²⁰ that the people have voted me for them and I will work for them, particularly for the poor and downtrodden' and further said that 'his party would give top priority to fully restore the democratic process in the State'. We have committed ourselves to the people for restoration of democracy in the State and that his Government will ensure freedom of expression and movement in the State'. The Press will be free

to write anything regarding the act against those who have indulged in corruption in the State, he said we are here to give justice to the people since Bhandari and his gang have finished all the funds in the State, he said we will now have to find out ways and means to solve the financial crisis in the State. Regarding reshuffle in the State Administration he said, 'No', and I am here because the people want change and the people had given him and his party the mandate to remove corruption and give justice, first.

Regarding voting pattern Mr. Chamling acknowledged that in the election, there has been 'communal voting' in some parts of the State particularly in the East District, where the forward classes among the Nepalese dominate most of the 12 Constituencies. Further he added for the more perceptive observers it was not a big surprise that Mr. Bhandari's Sikkim Sangram Parishad, which largely depended on the upper caste Bahun-Chettris, won 8 of 12 seats in the East District. Both SDF and the Congress-(I) may have benefited in the East District if the voters were less communal. There were 4 Tribal Ministers, one NBC, one Scheduled Caste and rest all OBC Ministers.

It is perhaps because of the distinct division among the Nepalese during the polls, the New Chief Minister indicated of a rethinking by the Government on inclusion of all Nepalese in the OBC list. Without indication any reason he said, next time, East will vote for us. On rumours of SDF merging with Congress-(I) Mr. Chamling said his party was not aware of any such development. But pointed out, we must have good relations with the Centre and rest of India. Also he said he has full faith on Governor and enjoys 'Good relationship with him'. Referring to reported feelers from the SSP's camp, Chamling said some of the SSP MLAs are trying to see me. Except for one or two, we will accept them if they join us. It is interesting to note as usual SDF too lost in the most prestigious Gangtok Constituency against SSP candidate N. K. Pradhan.

Belying all expectations on the contrary and all claims by different political parties thus the SDF – the party that claims to stand for the poor and promised to bring about the “Bare footed” (Khali Kutte) romped home in listing with a clear mandate from the people. The Sensational victory of the SDF headed by Pawan Chamling stunned many political Pandits and those masses that were eventually silenced with the performance of the party that humbled a great giant N. B. Bhandari and his SSP was making it possible for ushering in a new era of political regeneration in the State of Sikkim.

The people have waited for 1993 and 94 besides 14 years of one man’s rule of Bhandari for this opportunity and expect that the thrust was reposed on the SDF would be fulfilled in an ample and the poor and downtrodden would really find relief under the benign shelter of a loving and sympathetic unfolded umbrella that symbolized the party’s march towards victory.

That the Sikkim Democratic Front may be called the harbinger of democracy in Sikkim is admitted on all hands. The way the people could exercise their right to franchise during 9th November 1994 bears the proof of it though the record percentage of votes polled were divided and attributed variously by party leaders. To S.M. Limboo, the people have behaved in a mature manner in keeping with their brethren attitude in national mainstream. Bhandari sees it as a sign of more political consciousness among the public and on the other hand Pawan Chamling was more reserved and contemplative²¹.

It should be recalled, Pawam Kumar Chamling unlike other political leads in India and other Chief Ministers did not retaliate to N. B. Bhandari and go for arrests and torture which is the normal trend prevalent in the country except in a significant move to institute a Special High Commission of enquiry to be headed by a retired High Court Judge to go into corruptions at high places those

perpetrated by ex-ministers and bureaucrats during last 15 years. Regarding Centre - State relations he was making all possible efforts to improve it.

Pawan Kumar Chamling thus emerged as the Messiah of the poor people of Sikkim. Since he had his SDF team coming to power in the State of Sikkim was based on the popular mandate, they promised and committed to rule Sikkim in accordance with the verdict and will to the people. An image of the poor man's messiah, Chamling and his SDF stood and stands for ensuring justice and root out corruption and poverty in Sikkim²².

No sooner assuming the office of the Chief Minister of Sikkim, the first step of Pawan Chamling was to unfold his austerity plan on use of Government vehicles and as first person he himself gave up using the most luxurious MERCEDES – the official car of the Chief Minister of Sikkim SK-01/0001, used by various Chief Ministers from 1975 to 1994 and sits comfortably on the front seat of GYPSY – to exhibit his simplicity²³. Also ordered for preventing the use of alcoholic drinks/liquors in official lunches and dinners hosted by the Government. Chamling's humanism resulted in his strong aversion towards authoritarian regime and abiding faith in democracy. By and large, his contempt for authoritarian regime was based on his deep attachment to the poor people, individual freedom, human values and democratic ideals. As a matter of fact, in his efforts and endeavors, democracy in Sikkim can be said to have restored. A Government of the 'poor bare footed people of Sikkim' trying to work for the poor.

When things were moving smooth and Chamling was successful, fortune smiled on him, SIX MLAs of the opposition from SSP deserted Bhandari and defected to the ruling SDF to strengthen further the hands of SDF. They were later on inducted as Ministers in the Cabinet. They were Ram Lepcha, Dorjee Tshering Lepcha, Ms. Rinzing Ongmu, Tseten Lepcha, Thutop Bhutia and Menlom Lepcha.

Out of these Rinzing Ongmu (the first lady Minister of Sikkim), Ram Lepcha, Tseten Lepcha were made Ministers in Chamling's Ministry.

In the 1994 election the SSP took a nose-dive that brought Pawan Chamling and his SDF to power. The lone Member of opposition of the Sikkim Legislative Assembly between 1992 and 1994 finally Pawan Chamling sat comfortably on the chair of the Chief Minister of Sikkim while his rival the SSP Chief N.B. Bhandari continued to dream of making a come back but it was difficult for him. Therefore, the mandate of the people in 1994 is a mandate for change. Smt. D. K. Bhandari, the parliamentarian wife of N. B. Bhandari, faced a humiliating defeat from Jorethang (South Sikkim) against the SDF candidate — Bhoj Raj Rai. Both Sangram and Sangrami turned Kaangressis failed to convince the people in 1994 election as because they had nothing new to offer the people. The people could see through their deceptive façade and rightly rejected the SSP and Congress along with Rising Sun Party in what is widely accepted as perhaps the most free and fairest Assembly polls ever held in the State. But if the political leadership has the will to clean up the mess, things could have been straightened out for a faster peace, enabling Sikkim to become a model state of the country. The newly elected Chief Minister determined in implementing his 'total revolution' concept in all spheres of public life.

The call and appeal of Pawan Chamling was emotional and sentimental for the reason he said 'to uplift ourselves both economically and intellectually, he exhorted everyone to disregard their individual interest and cast aside political differences and instead work together for the interests of Sikkim and its people, which he said at the time he inaugurated the Teesta Hydro Electric Project'. Stage III. But the people and opposition were opposed to Rathangchu Hydel project in Sikkim. Chamling kept up traditions of the people and the State and appealed the people of North Sikkim to safeguard and protect the age old 'Dzumsa' a system of village level Government in the Lachung and Lachen prevalent since time

immemorial. As Governor P. Shiv Shankar was transferred before completion of his full term, Chaudhary Randhir Singh assumed the office of the Governor of Sikkim on 09, March 1996.

The 'Statue of unity' was installed in order to depict the ardent desire for promoting solidarity among the ethnic communities. Besides this the Permanent RCC (concrete) bridge of 55 meters Over River Teesta was also inaugurated and dedicated to the people which solved the problem of linking Sikkim with not only West Bengal but rest of the country. The first Chief Minister of Sikkim Kazi Lhendup Dorji was awarded 'Tamra Patra' for his contributions to democratic movements, secularism, communal harmony, national integration and devoting his life for Sikkimese.

A Central Referral Hospital was inaugurated namely Sikkim – Manipal Hospital in order to establish a Medical College in Sikkim. The centenary celebrations of Sikkim Police was celebrated in 1997. An all-party meeting was held to oppose the extension of Direct Taxes on Sikkim.

In 1997 the Finance Minister and Deputy Chief Minister P. T. Lucksom was dropped from the Cabinet²⁴ and was expelled from the party for having eroded the popularity of the SDF Government and party. Also for having joined hands with the new party namely Sikkim Ekta Manch founded by the then Secretary to the Government of Sikkim, L. P. Tewari, the young leader Biraj Adhikari was removed from SDF. Since then the office of the Deputy Chief Minister was abolished in Sikkim.

ACHIEVEMENTS OF SDF GOVERNMENT

The SDF Government headed by Pawan Chamling when completed one year of the office the achievements of the party in a span of one year were as follows:

- Government gave official recognition as State language to the Rai, Gurung, Mangar, Sherpa, Tamang, Newar languages.
- 70% of the total budget of the Government was earmarked for the development of rural areas to remove poverty.
- Wages of daily labourers have been increased by 100%.
- Due attention was paid to protect and promote the interests of the minorities and SCs/STs.
- All students up to Class V were given free uniform, books and exercise books. Also 5 kgs. Of rice was supplied for each child.
- Toll tax levied on indigenous products was abolished.
- License for business activities in rural areas was relaxed
- A Land Bank scheme was started.
- Government started construction home for those who are below the poverty line.
- Government was distributing 30 nos. G.C.I sheets to each of the poors to live under roof/to give shelter.

Various measures have been taken up to increase green coverage and the current year 1994-95 was declared as the year of Green Revolution. There was massive plantation movement with the participation of voluntary organisations students, Government employees, Panchayats and he General Public. Grazing was completely banned in the South, parts of the East and North Districts as part of Green Revolution.

- Relief grant to the affected families by natural calamities was enhanced from Rs. 1000 to Rs. 2000/-
- Various steps have been taken to render help and assistance in drought affected areas and every affected family was given 40 kgs. of rice to begin with.
- Government granted monthly allowance of Rs. 400/- to Sabhapati and Rs. 300/- to other members of the Panchayats of the State.
- Work was begun on a big way to repair school buildings all over the State.
- A new degree college was started at Namchi, the headquarters of the South District. A Sanskrit Learning Centre was established at Rakdong - Tintek in the East District.
- Forty thousand maunds of ginger seeds were distributed to the poor farmers all over the State.
- Fruit and flower saplings were being distributed to encourage floriculture and horticulture.
- Women were given equal partnership along with male member in every sphere of human activities.
- Library and reading rooms were being opened in every Panchayat unit.
- Pay Commission was set up for Government employees, to revise their pay scales.
- Planned development of towns including the State Capital Gangtok was being taken in hand with the thrust on maintenance of sanitation.

- Steps were taken to set up a Music School and Sports Institute in the State. The Government was granting funds for sports activities from the Sub-Divisional level.
- Scientific agriculture has been started.
- Tourism Development was started as an industry and investment is being sought for.
- Health care facilities were increased and a new referral hospital came up.
- An Apex Cooperative Bank was in the offing to grant low interest loans to the poor farmers.
- Law and order situation in the State was and is continued to be normal and immoral activities have been stopped.
- Reservation in jobs and educational facilities to the members of the Scheduled Tribes, Scheduled Castes and OBCs were being implemented.
- Ban on use of liquors in all Government functions including Press Conferences.
- Additional Police Booths at vantage points in and around Gangtok were set up.
- Monthly ration allowance was launched for all personnel in the lower ranks of Sikkim Police over and above their usual pay and allowances.

SOME MAJOR ACHIEVEMENTS OF THE SDF BETWEEN 1994-1999

To repeat:

- 70% of the plan allocation has been earmarked for the development of the rural areas in Sikkim;
- Upliftment of the poor and downtrodden and wages of daily labourers was raised by cent per cent;
- Free supply of books and exercise books (copies) and text books for students (Local);
- Abolition of toll tax on all indigenous products;
- License for the business activities in rural areas for all Indian people of Sikkimese origin;
- Six thousand families each 30 GCI sheets being distributed yearly;
- Honorarium to Sabhpathi Rs. 400/- and Rs 300/- to other members of the panchayats;
- Library cum Reading rooms were being opened in every Panchayat to encourage mass education;
- Complete ban on serving of liquors in all Government functions including Press Conferences;
- Introduction of additional police booths at various points in and around capital Gangtok;

- Accorded official recognition as State languages to Rai, Gurung, Mangar, Sherpa, Tamang Newari and Sunwar and to include Limboo, Tamang, Gurung, Mangar and Sunwar in the list of Scheduled Tribes;
- Distribution of cows and piglets to poor agriculturalists;
- Increase in ex-gratia grants to police personnel;
- Mid day meal scheme, supply of free raw rice, Text and exercise books and uniforms to school children and steps to set up Music and Sports Institutes in the State;
- Conferring Meritorious awards to the students;
- Starting of scientific agriculture and distribution of improved seeds and seedlings to the farmers;
- To start a Mahatma Gandhi University in the State;
- Grant of old age pension to 100 eligible persons from each of the 32 Constituencies of the State;
- Establishment of Scheduled Castes/Tribes and Other Backward Classes Development Corporation;
- Foundation stone of Sikkim Temple-cum-Guest house at Bodhgaya; to celebrate Kalachakra Pooja;
- Rs. 3 lakhs was distributed for housing plan;
- Improvement of road construction in the State;
- Rs. 25,000/- was extended as financial assistance to 138 artisans of the State;

- Forty per cent each as subsidy grant;
- To construct a Car Park at Gangtok and passengers ropeway between Deorali Tibetology and Tashiling;
- Improvements of facilities at Namchi Government Hospital;
- Introduction of supplementary nutrition programme for mothers, pregnant women and children;
- To establish an Apex Co-Operative Bank in the State;
- Schemes to provide assistance to physically handicapped people, destitutes, children and women;
- Establishment of high, middle, and lower income group shopping units;
- To provide agricultural employment to under employed and employment assurance scheme;
- Improvement of village water supply scheme;
- Generation of employment schemes under Jawahar Yozgar Yojna (JRY) and Indira Awaz Yojna;
- Additional programme in Limboo and Lepcha languages in AIR Gangtok and 1 KW short wave transmitter and 10 MW transmitters at Penangla AIR and play back facilities of High Power Transmitter of Doordarshan at Chandmari were inaugurated;
- Development of Press, freedom of press and watch on yellow journalism;
- Increased Health Care facilities and fast coming up of new Referral Hospital (Manipal Group);

- Equal opportunity of women along with male members in every sphere of human activities;
- Thirty per cent reservation for women in Panchayats;
- Ostentatious display of portrait of the Chief Minister in the offices has been done away with;
- Observation of austerity measures and curtailment on unnecessary expenditure of the Government to raise the internal revenue of the State;
- To figure Sikkim in the Railway and Air maps of the country,
- Price of rice has been subsidized by Rs. 1/- per kg.;
- Tribal land alienation has strictly been disallowed;
- 382 number of Gazetted Officers were promoted to higher posts;
- Fertilizer subsidy to all the farmers;
- The traditional Panchayat namely, DZUMSA system has been preserved in Lachung and Lachen of North Sikkim and the traditional nomenclature "PIPONS" are being retained;
- Revision of 'Pay Scales' of the Government employees;
- Planned development of towns and thrust on sanitation;
- Creation of a satellite town at Reshithang and an airstrip at Pakyong;
- Revival of sick industries;
- Foundation stone for a new High Court Building;

- Peaceful law and Order situation;
- Promotion of Tourism and trade;
- Photo Contest programme;
- Historic Photo Exhibition;
- Step to improve the Government weekly 'Sikkim Herald' and publication of the same in English, Nepali, Tibetan, Limboo, Newari languages etc. are the major achievements of the SDF Government in Sikkim since 1994. (*Compendium of Achievements* of the SDF Government, Gangtok (IPR), Sikkim Govt. Press, 1999).

By and large the SDF Government in its first term is a Government of the poor, bare footed people and it believe in simplicity and austerities.

OCTOBER 1999 ELECTIONS OF SIKKIM LEGISLATIVE ASSEMBLY AND SIKKIM PARLIAMENTARY CONSTITUENCY²⁵.

A manifesto of any political party is a public written declarations normally issued before a general or bye election in any given parliamentary and presidential form of government. It is to express the promises of a political party placed before the public whether followed or not after winning the election and forming a Government. Such promises remain manifestoes of the parties for the reason that all political parties cannot capture power and all programmes cannot be translated into actions.

In Sikkim since 1974/1979 a number of general and bye-elections to both Sikkim Legislative Assembly and the lone Parliamentary Constituency took place. It is for the sixth time, Sikkim went to poll to constitute the Sixth Legislative Assembly and eighth time to elect the Member of Lok Sabha in the year 1999.

Here a sincere attempt is made to throw some light on the October 1999 elections in the State of Sikkim and the manifestoes of some of the Political parties.

Altogether 105 candidates were contesting for electing for electing 32 members of the Sixth Legislative Assembly of Sikkim. There were in about 2,52,074 electors in the State. The reservations of the Assembly are: 17 open/general seats, 12 B.L. seats (Scheduled Tribes), 2 Scheduled Castes and one Sangha Seat. The electors of Scheduled Castes, Scheduled Tribes and OBCs outnumber the NBC and other electors. The split up of party wise candidates who contested in 1999 election to the Assembly is as follows:

Sikkim Democratic Front	: 31

Sikkim Sangram Parishad	: 32

Indian National Congress (I)	: 31
C.P.I. (M)	: 02
Independents	: 09

Two national parties, two regional parties and a number of independent candidates were contesting and the main fight was between the ruling Sikkim Democratic Front and Sikkim Sangram parishad. Sikkim Democratic Front was contesting in 31 constituencies and was not contesting from Sangha Constituency while the Sikkim Sangram Parishad contested from all 32 constituencies. Similarly Congress (I) was contesting in 31 Constituencies and had not filed any nomination to the Lachen Mangshila Constituency of North Sikkim. INC, SSP and an independent candidate contested the unique Sangha Constituency. This Constituency was unique and is not found elsewhere in the country as because this seat is represented by monks/lamas of monasteries and Gumpas spread all over Sikkim. The CPI(M) maintained its tradition of contesting elections in one or two seats with its all India character of Manifesto.

In the Sikkim Parliamentary Constituency to elect the lone member of Lok Sabha the ruling Sikkim Democratic Front, INC and an independent candidate were contesting. The SDF candidate was contesting for the third time and was the member of 11th and 12th Lok Sabha.

Public meetings by various political parties, posters, wall writings, Festoons, distribution of pamphlets, hand bills, playing of audio cassettes with specially composed songs, installation of special pavilions by SDF and SSP in almost every shopping center/Bazaar in all towns and villages of Sikkim, compulsory display of party flags in all shops were the styles of election campaign in the State.

No EVM and Electoral I'card were supposed to be used for this election 1999. Use of Electoral I'card was not made a precondition to cast votes.

Tight security measures and committed personnel were employed for the peaceful conduct of elections in the State.

The ruling Sikkim Democratic Front Party's manifesto 1999 was released in a Public Meeting. Highlighting the SDF's four and a half year's of achievements, the Manifesto focused on future social economic and political programmes to be launched. The manifesto comprised of 130 points with a supplement for government employees. The agenda of the party manifesto 1999 resolved round and pledged to undertake several programme, such as:

- Protection and Safeguard of Article 371F of the Constitution of India and fullest protection to the people of Sikkim.
- To pass and protect the existing Local Laws.
- Inclusion of Chetri, Bahun (Brahmins), and Newar of Nepali Community in OBC list of Sikkim.
- Protection of Revenue Order No.1.
- Inclusion of Sikkim in the North East Council.
- To oppose the imposition and extension of District Laws in / on Sikkim.

Some striking programmes and policies of the ruling Sikkim Democratic Front are elaborated below:-

Full protection of the Article 371 F of the Constitution of India. It is with a view to ensure all-round development, peace, progress and prosperity of Sikkim and the people of Sikkim. This Article 371F was inserted in the Constitution of

India to safeguard and preserve the rights of the people of Sikkim in the wake of Sikkim joining the mainstream of the Indian Union (since 1975) as the 22nd State of India. Therefore, the SDF is committed to safeguard Article 371F as it has conferred special rights on the Sikkimese people.

Local laws will be passed. The SDF holds the view that it has become imperative to pass local laws for the protection of the people of Sikkim so that the proper planned programme can be implemented in order to ensure speedy growth of Sikkim in a peaceful atmosphere without contradicting postures. The SDF shall strike to bring about a 'consensus' on local laws of Sikkim for the protection of rights of the people of Sikkim.

Reservation of seats for Nepalese and Tsongs in the Sikkim Legislative Assembly and the party is committed from the beginning to restore the reserved seats of these communities. Further, it is stated that the demand for restoration of seats for Nepalese of Sikkim has been placed before the Centre on historical grounds.

Inclusion of Bahun, Chettri and Newar in the list of OBCs that was placed before the Government of India.

Protection of Revenue Order No.1 that was an old law of Sikkim enacted at the time of the British Government in order to safeguard the landed property of the minority Bhutias and Lepchas.

Inclusion of Sikkim in the North East Council owing to similarities between the people of Sikkim and North East States and the bill is introduced in the Parliament. The idea is to foster the economic benefits and political stature at the decision making level in various matter concerning the problems of North East States and Sikkim.

SDF is opposed to the imposition of Direct Tax Laws in Sikkim.

Establishment of Libraries in every Panchayat for the benefit of the people to prepare the Youths for various competitive examinations and the people to acquire knowledge.

The Congress (I) viz. Indian National Congress contesting the elections released its Manifesto in a Press Conference.

It assured to overcome the political, economic and social demands of the people of Sikkim.

Its political programmes confine to Reservation of Seats in the Assembly for the Nepalese; Restoration of the original identity of the Bhutias and Lepchas; Reservation of seats for the Sherpas in the Sikkim Legislative Assembly. Realization of the political and other aspirations of the plains people; To impose fresh delimitation to Assembly constituencies and Panchayat wards. To give an additional seat in Lok Sabha as the present is kept for Sikkimese Nepalese as a tradition.

The social aspects cover: inclusion of Limboos (Tsongs), Tamangs, Mangars, Rais and others in the list of Scheduled Castes and to include Newars, Bahuns, Chettries, Jogis and Sanyasis in the List of OBCs in the State. Also to recommend the President of India under Article 342 of the Constitution of India to notify the Sikkimese Nepalese as Scheduled Tribe of the State. The idea here is that if the demand is met that would facilitate to restore automatically the reservation of seats in the Assembly. Further, if Nepalese were declared as Scheduled Tribes the next move would be to request Centre to declare the State as a whole a Tribal State that in turn would provide all the rights, benefits and privileges granted to all Tribal States of India. The declaration of Sikkim as a Tribal State will be followed by the demand for inclusion of the tribal dominated North District of Sikkim to incorporate in the VI Schedule of the Constitution of India to declare the area as an autonomous district. There seems to be a

Contradiction that while there is a demand to declare Nepalese as Scheduled Tribes yet another programme to include Newars, Bahuns, Chettris etc. in the list of OBCs.

On the economic front to waive the debt amounting to Rs.1100/- Crores from exemption of paying income tax for the three ethnic communities.

To development Tourism and hydro electric power potential in the State.

To open border trade routes with neighbouring countries and to create more employment opportunities for the youths.

The Congress thus stands committed to the issues raised in the Manifesto and trying to find ways for solving the political economic and social problems of the State.

The Sikkim Sangram Parishad the main rival to the ruling Sikkim Democratic Front issued two different manifestoes for Assembly election and Sikkim Parliamentary Constituency (Lok Sabha) election. Its programmes and policies were confined to the following:-

The SSP regards the Tripartite Agreement of 8th May, 1973 as an indispensable armour and to protect the agreement.

To keep in tact the special article 371 F of the Constitution of India which safeguards and protects the rights of the people of Sikkim.

To correct the aberration of the order issued in 1978 and to restore seat reservation existed before 1978 to Bhutias and Lepchas. Similarly to restore reservation of seats for the Nepalese and extend political safeguard for the Nepalese and also fight for reservation of seats for the Limboos.

To streamline administration in the State and to root out corruption and crime from the soil and establish peace and communal harmony.

To see to that there exists independence in the functioning of the judiciary and functioning of the Lok Adalat for early disposal of the cases of the poor people.

To extend full facilities for students those who aspire to study outside the State.

To give full facilities for the development of languages and literature of different sections of Sikkimese communities. Since Nepali language has received Constitutional recognition and included in the VIII Schedule, time has come not only to develop its literature but also to use in different Ministries of Government of India.

To provide adequate facilities and so promote sports career to sportsmen and women.

To initiate educational programme in Sanskrit Schools and monasteries to make it more meaningful.

To increase and get maximum agricultural production with new technical know - hows and provide facilities for activating cash crops along with agricultural insurance policy in the State.

To establish co-operative Banks in different parts of Sikkim to provide loans for the farmers.

To equip adequate medicines in all hospitals and primary health centres in the State.

To improve the source of revenue in Power Sector, to generate more power / electricity in Hydro Electric Projects of the State to meet the demands of domestic and industries' consumption.

The SSP's Parliamentary Constituency Election Manifesto called for the Member of Parliament:

To promote cordial Centre – State relations.

To create a separate Ministry for Sikkim to solve the problems of Socio-economic and Political affairs.

To open up small and medium scale industries to solve the growing unemployment problems in Sikkim.

To open Tibet – trade route through Nathula and Jeepla for creating more employment opportunities for the people of Sikkim owing to increased unemployment problem.

To recognise all Nepalese as backward and other left out communities in the list of OBCs.

To take up the matter with the Centre for providing all economic facilities to Sikkim as extended to other North Eastern States.

To develop tourism in Sikkim and extending necessary facilities for the tourists.

To provide all facilities and housing for all journalists housed in Sikkim.

To invest more funds by the Non Residents of India in the Power Sector, ropeway, alternative highway, construction of stadium for games and sports and to give clearance to these NRIs.

To resist and fight tooth and nail the imposition of direct taxes on the people of Sikkim.

To provide citizenship to Stateless Sikkimese people and to distribute citizenship certificates to the genuine Sikkimese people.

To sum up, there are some interesting observations one can make of, if analyzed well the above write up on Sikkim election manifestoes and the nature of election:

Sikkim was the first state in India to introduce Electoral Identity Card (since 1979) though not, it was made compulsory to cast vote.

In spite of the fact that there exists a considerable increase in the population, political demands, political changes and political awareness the strength of Sikkim Legislative Assembly remains unchanged, i.e. not more than 32 members, and in both Lok Sabha and Rajya Sabha of the Union Parliament of India one seat each from the State of Sikkim.

The reservations based on parity since long in the Sikkim Legislative Assembly for Scheduled Tribes (Bhutias and Lepchas), Scheduled Castes (Nepalese) and Sangha (Gumpas and Monasteries) safeguard not only the sanctity of Article 371F but the minorities in the State of Sikkim. Most of the regional political parties put forth "restoration of reserved seats for Nepalese which existed before Assembly election, 1979", as their slogans and programmes to contest elections in the State. To amend the Representation of People Acts 1950 and 1951 Union Minister of Law P. Shivshankar also tabled a bill in the Lok Sabha for the readjustment of Constituencies in the State of Sikkim and to restore reservations for Nepalese who constitute the majority of the total population in the State of Sikkim. The Sikkim Lepcha Youth Association makes yet another demand for 50% reservations in the existing 12 Seats for Scheduled Tribes (Bhutia / Lepcha).

Because of the composition of the electors support to local sentiments and local people, Constitutional safeguard under Article 371F of the Constitution of India and strong belief in the locally based leaders of the regional political parties to capture power in the State of Sikkim, local and regional sentiments seem to be more conspicuous.

Defections within regional political parties and from regional political parties to national political parties seem to be common phenomenon in Sikkim, and there exists a cordial Centre State relation.

The visit of Mr.M.S. Gill, Chief Election Commissioner of India to the State of Sikkim indicated that the State may introduce Electronic Voting Machine in the election, 1999. But it was not introduced.

Since son of the soil, protection of local sentiments, Article 371 F and its experiences say regional political parties have a strong base than National political parties. To strengthen National Political Parties visits of National leaders and establish locally based strong leaders are inevitable in the newly emerged tiny State viz. Sikkim.

It is also interesting to note that Pawn Chamling presenting the memorandum to the Prime Minister, Particularly made a plea for the preservation of *status quo anti* in respect of imposition of Income Tax to Sikkim till such time that the people of Sikkim had got over the rigid regimentation of the past fifteen years rule and were ready to understand the implications of Income Tax in proper perspective. He also highlighted the severe handicaps that the State is experiencing for want of an Airport and an alternative to the existing N.H.31A, which tended to get blocked now and then. He also spoke of necessity of improving the Doordarshan and Air-Set-Ups in the state, in the interest of faster and more effective national integration.

Source: *Sikkim Express* Sept-7, 1995, Gangtok, Himalindia Photo offset.

GORKHA NATIONAL LIBERATION MOVEMENT AND ITS IMPACT ON SIKKIM.

The Demand for a separate Gorkhaland for Darjeeling district can be traced back to the first half of the 20th Century. Darjeeling was given to Bengal when the capital of India was shifted from Calcutta to Delhi in 1912. By this time, Gorkhas from Nepal had settled in Darjeeling and adjoining areas in large numbers. In 1917 a delegation met Lord Montague Chelmsford, Secretary of State and Lord Chelmsford, the then Viceroy, seeking a separate unit comprising present Darjeeling district with the portion of Jalpaiguri district (Dooras) that was annexed from Bhutan in the year 1865. The same demand was made to the Simon Commission in 1929. On the eve of passing the Government of India Act, 1935, the Hill men's Association of Darjeeling, led by Sardar Bahadur S.W.Laden La, Submitted a memorandum to the Secretary of State Sir Samuel Hoare, demanding that the district of Darjeeling should be totally excluded from Bengal and an independent administrative unit be created with an administrator as the head of the area, assisted by an Executive Council.

In 1943 the aforementioned All India Gorkha League (AIGL) was formed and which took up the issue with renewed vigour with the British Indian Government. On May, 9, 1946 G.L Subba of the Darjeeling district unit of the party wrote a letter to the Kalimpong unit Secretary of AIGL lending support to the demand for a 'Gorkhastan' within the Indian Union.

The Gorkhaland agitation, for the demand of a separate State within India has been a point of discussion for over two decades or so. This movement was given an impetus by Subash Ghising and his organization namely (GNLF) Gorkha National Liberation Front, born on June, 2, 1936 in Manju Tea Garden, Darjeeling. In 1954 when Ghishing was in class IX in St.Robert's School, Darjeeling, he joined the 1/8 Gorkha Regiment of the Indian Army as a sepoy at

the age of perhaps 18 years. In 1958 while serving in Punjab, he passed the matriculation examination of Punjab Board of Secondary Education. Two years later, he left the Army and returned to Darjeeling and started working in Tindharia Primary School for a year. His baptism in politics took place in the year 1964 when he joined the Tarun Sangh, the youth organization of the All India Gorkha League; he left the organization in 1968. Then he formed his own organization as 'Nepali'. At the height of Emergency during the year 1975-76, he closed his party office. In the year 1979 he started a new party Pranto Sangh for the Gorkhas. Pranto Sangh was rechristened as Prantiya Morcha in 1980 but within few months it was dissolved. In April, 1980 the Gorkha National Liberation Front which guided a great deal of momentum by its extremely motivating and felling activities.

(The week, June 15-21, 1986 pp 20&25)

The view point of Subash Ghising and his GNLF was to ensure and protect the identity of the 'Indian Nepalese' who have realised over the years the need to distance themselves from the 'Nepalese' the proper citizens of Nepal. The Indian Nepalese (whom Ghising prefers to identify as Gorkhas) live in an area contiguous to Nepal and have close ethnic, linguistic and religious similarities with Nepalese. In fact, but for citizenship they are identical. The agreement is that those similarities often cloud the far more important difference citizenship for the so-called Gorkhas in India. So their identity could be protected only by granting the Indian Nepalese a state. *(Frontline, August 9-22, 1986 pp. 20-22)*

One of the demands of the GNLF was the abrogation of the articles 6 and 7 of the Indo-Nepal Treaty signed in the year 1950 during the Rana Government in Nepal. The Articles 6 and 7 of the Treaty grant reciprocal treatment of Nepalese and Indian Nationals in each other's country. Article 6 provides for such reciprocal advantages as 'participation in industrial and economic development of

such territory' Article 7 strengthens these advantages by providing for reciprocal privileges in matters of residence, ownership of property, participation in trade, commerce and movement.

The exact estimate of Nepalese Nationals in India is not known but most of these people came to India for better economic opportunities and over a period of time and settled down permanently.

It was difficult to distinguish between Indian nationals of Nepali origin and the Nepali nationals who had come to India under the provisions of the Treaty. In fact, the immigration started during the British rule. No mechanism ever existed to find out Nepalese who had come to India before and after 1947. It was one of the factors, which led to the abrogation of the articles 6 & 7 by the GNLF. In 1974-75 same Nepali organizations had openly backed the Sikkimese of Nepali origin that supported the then Chogyal, who was against the democratic Pro-Indian urges in Sikkim. Nepal's interest in the assertion of Sikkim's Nepali leadership against the Indian Government and in favour of GNLF's aspirations was deep and active.

(*Amrita Bazar Patrika*, 22Sept, 1986).

With this at hand the GNLF garnered the support of masses. Subash Ghising's speech was as influential as his motives. He even went to the extent of seeking international support by presenting his paper to the UN and countries like the UK and the USA.

The reaction of the Centre was initially good to the demand but with the passage of time, and no decision-making procedure, the reaction of the GNLF through its virulent activities and the unrest created led to the Centre's decision of not subjugating to the demands. Further the centre has the pressure from the West Bengal Government of CPI(M) as usual led by Jyoti Basu. The people of West

Bengal apart from many other views had in mind that a third partition of Bengal would not be accepted under any circumstance.

The violent methods of the GNLF had an extremely deep impact on the other hill areas especially Sikkim. Due to the more than usual bandhs the supply of essential commodities and the influx of tourists suffered a deep setback in the hill area.

In the meantime allegations were thrown upon the then Chief Minister of Sikkim Nar Bahadur Bhandari being a partisan in providing financial and moral supports but these were refuted by Congress(I) in power, at centre that time. The streams in of financial assistance for the GNLF remained a mystery and they continued their moves.

The disputes and misunderstandings were finally settled by setting up of the Gorkha Hill Council that still exists but the demand for Gorkhaland remains unsolved and lingers around the minds of the people of Darjeeling.

The leaders of Sikkim were in favour of the GNLF movement and welcomed the establishment of the 'Gorkha Hill Council'. Chamling said that he strongly supports the cause of Gorkhaland. The Darjeeling Hill Council, which was, established in Sept 1986 which enjoys all powers except law and order and administration after continuous agitation and several meetings with the then union Home Minister Bhuta Singh and West Bengal Government. Chamling taking the example of Uttarakhand said, in an administrative point of view, the demand for a separate state of Gorkhaland is justified also expressed that Sikkim has good relation with Darjeeling Hill Council and Subash Ghising is a senior and undisputed leader who has stood firmly for racial existence and identity of the Indian Gorkhas. The relation between Darjeeling and Sikkim is cordial and is also essential. In order to safeguard the racial identity and economic development of

the people of Darjeeling Chamling said Gorkhaland is the sole alternative solution and supported Gorkhaland movement.

(*Gangtok* (weekly journal) Vol.1 No.30, 14 Sept 1996)

Though the movement was supported by the leaders of Sikkim the bandhs and strikes called by the GNLF over the years had affected the only road link from Siliguri to Gangtok. Therefore, requests have been made to restore N.H. 31.A for transportation and communication between Bengal and Sikkim, as because there is no alternative road link. However, Sikkim suffered during this movement till the establishment of Darjeeling Hill Council.

The Episode of Extending Employment Exchange Act, 1959.

The extension of employment exchanges (compulsory notification of vacancies) Act, 1959 was to be extended on Sikkim with the hope of extending more protection for 'Locals' as it has been extended in the Northeastern States of India with the provision to protect 'Locals'. Since the extension of the Act had come under criticism from the opposition camp which maintained that it would take away even the little protection that the local people have in Sikkim. The ruling party is of the opinion that with the extension of this act, all central government offices in Sikkim will be forced to fill their vacancies from those registered in the exchange, which of course will have only local Sikkimese listed there. Absence of extension of this act in Banks, and in other Central Government Offices, people from other states and neighboring areas are appointed which should have gone really to the locals. As there persisted confusion over the issue of extending Employment Exchange Act 1959, the state in a Cabinet meeting took a decision in September, 1997 that it would not extend the Employment Exchange Act, 1959 in the State of Sikkim and conveyed the same to the Home Ministry of Government of India. The notification No. 228, dt. 26th Sept, 1997 stipulated that the Council of Ministers of in its meeting unanimously resolved that the

Employment Exchange Act (compulsory notification of vacancies) Act, 1959 shall not be extended to the State of Sikkim, the same was conceded by the centre and the proposal was treated as closed vide letter DO No. 10/58/97-EII dt 30th Sept, 1997 issued from office of the Joint Secretary, Home Ministry, Govt. of India, New Delhi.

Panchayat Elections 1997: A success to SDF

A notification No. 212 dt 15th Sept 1997 was issued by State Election Commission, Sikkim to hold the election on 6th Oct 1997. The election was based on reservations including 33% reservation for women.

The campaign started by both ruling party SDF and independent candidates supported by the opposition. The SDF swept the polls defeating the opposition supported independent candidates in all four districts of the State and in particular in the backward classes dominated south and west districts.

Results At a Glance

Zilla Panchayat

District	Seats	SDF	Independents
West	22	21	1
South	23	18	5
East	27	19	8
North	20	13	7

Gram Panchayat

West	261	193	68
South	240	184	56
East	269	172	97
North	98	55	43

Source. The *Guardian*, vol.6 No. 28, Oct 15-22; Gangtok Hill Media Publication, p.1

Sikkim, *Sikkim Govt. Gazette (Ext Gaz)*, No 255, 12, Nov, 1997, Gangtok, Sikkim Govt. press, pp. 32

Sikkim, *Sikkim Government Gazette (Ext Gaz)* No 256, 12, Nov, 1997, Gangtok Sikkim Govt. Press, pp.4.

Another milestone in the rule of SDF was land marked pay revision to the Government employees w.e.f. 1996. The cabinet approved for the C&D grade employees to be awarded 'Best Seats in the Country' in order to ensure commitment and better output. The lowest scale starts from Rs 2850-4170 and the highest being Rs 17200-21250 per month- i.e., almost 4 times more than what was existing before, as per the Gazette notification No 11, dt 27th January 1998.

1999 Second Election to Sikkim Democratic Front: An Analysis.

The election to both Lok Sabha and the sixth State Legislative Assembly was held on 3rd October 1999 simultaneously. INC, SDF, SSP and independent candidates were in the fray and there were four candidates contesting for the lone Lok Sabha seat from the Sikkim Parliamentary Constituency. The

total number of electors in 1999 election were 2,55,377 (M 1,32,591+F 1,22,786)
and total polled were 2,05,133.

TOTAL ELECTORATE**(ASSEMBLY CONSTITUENCY-WISE)**

NO.&NAME OF ASSEMBLY SEGMENT	ELECTORS		
	MEN	WOMEN	TOTAL
1.Yoksam	3914	3754	7668
2. Tashiding(BL)	3001	3013	6014
3. Geyzing	3834	3737	7571
4. Dentam	3529	3405	6934
5. Barmiok	3253	3190	6443
6. Rinchenpong(BL)	3725	3601	7326
7. Chakung	3861	3682	7543
8. Soreong	4310	4201	8511
9. Daramdin	4185	4083	8268
10.Jorethang Nayabazar	5640	5142	10782
11.Ralong(BL)	3053	2848	5901
12.Wak	3261	2881	8425
13.Damthang	4266	4159	8425
14.Melli	4256	4105	8425
15.Rateyapani West Pandam (SC)	4516	4293	8809

16.Temi Tarku	4666	4502	9168
17.Central Pandam East Pandam 6003		5319	11322
18. Rhenock	3931	3648	7579
19.Regu	4255	3971	8226
20.Pathing(BL)	4397	4227	8624
21.Loosing Pacheykhani	3589	3555	7144
22.Khamdong(SC)	4790	4400	9190
23.Dzongu	2689	2780	5469
24.Lachen Mangshila(BL)	3615	3763	7378
25.Kabi Tingda(BL)	2757	2800	5557
26.Rakdong Tintek(BL)	3674	3483	7157
27.Martam(BL)	4477	4112	8589
28.Rumtek(BL)	5707	5528	11235
29.Assam Lingjey(BL)	4149	3834	7983
30.Ranka(BL)	4864	4601	9465
31.Gangtok	7170	6133	13303
32.Sangha	3254	36	3290
Total	1,32,591	1,22,786	2,55,377

Source: SIKKIM, *Report on General Elections To Lok Sabha & Assembly-1999 SIKKIM: Statiscal Report*, Gangtok Sikkim Govt.

Press. p.21.

The SDF candidates Bhim Pd Dahal secured 1,07,828 votes defeating his nearest rival Satish Chandra Rai of SSP who secured 86,466. Somnath Poudyal of INC and independent candidate were defeated to the extent of getting forfeited their deposits/security.

Sikkim Legislative Assembly Election 1999 two National Political Parties namely Indian National Congress (Cong -I), CPI-M, Two regional parties viz., Sikkim Democratic Front and Sikkim Sangram Parishad and independent candidates contested the election. The total electors were same as that of the Sikkim Parliamentary constituency.

District wise Total Electorate 1999

DISTRICT	MEN	WOMEN	TOTAL
WEST	33612	32666	66278
SOUTH	29658	27930	57588
EAST	60260	52847	113107
NORTH	9061	9343	18404
TOTAL	1,32,591	1,22,786	2,55,377

SIKKIM,

Ibid. p: 22

RESULTS AT A GLANCE

SDF	24
SSP	7
Independent	1
Total	32

In both West and South districts the SDF swept the polls. There was an increase in the number of Seats won by SDF. when compared to 1994 election. The Sangha Seat was won by Palden Lama an independent candidate.

The sweeping victory for SDF and to Pawan Chamling with 25 seats in the Assembly and from the lone Lok Sabha seat in the 1999 Elections gave SDF to rule over the people of Sikkim for next five years, further confirmed the undisputed leadership on Pawan Chamling and reflect the faith of the people of Sikkim on SDF.

Former Chief Minister Sanchaman Limbu was defeated for the second time from Yoksom (West) constituency. Kalawati Subba of SDF won from Yoksom and became the first woman speaker of the Sikkim Legislative Assembly.

Former Lok Sabha Dil Kumari Bhandari of SSP was defeated by Garjaman Gurung of SDF from Temi Tarku (South) Constituency. It is interesting to note that the SSP from Temi Tarku (South) Constituency. It is interesting to note that the SSP candidate Smt. D.K. Bhandari and wife of N.B. Bhandari was never elected from any constituency to the Sikkim Legislative Assembly in spite of the fact she contested elections since 1985. However, she was elected to Lok Sabha twice both in 1985 and 1989 from the Sikkim lone Parliamentary Constituency.

Namkha Gyaltzen of congress (I) and a sitting MLA of Sangha constituency were defeated by Palden Lama an independent candidate in this election.

In order to save himself N.B. Bhandari leaving his native constituency Soreng contested this time from Rhenock constituency (East) and was declared elected defeating his immediate SDF rival B.S. Panth.

Pawan Chamling for the fourth time was declared elected from his native constituency Damthang(South) scoring 72.26 per cent votes.

As usual from Gangtok the ruling party SDF Candidate K.B. Gurung was defeated by N.K. Pradhan of SSP. Invariably no ruling party or a party with majority number of seats on the floor of the Legislative Assembly is able to win the prestigious seat of Gangtok constituency.

The most noteworthy feature of 1994 Sikkim Legislative Assembly election is that, from reserved B.L. seat of Rakdong-Tintek constituency (east) the candidate by name Mingma Tshering Sherpa was declared elected. Once again in 1999 Mingma Tshering Sherpa was elected from the BL Constituency. Perhaps for the first time a Sherpa (Tribal) candidate was declared elected though B.L. seats are reserved for Bhutias and Lepchas of Sikkim. The Sherpa community was declared as a Tribe of Sikkim in the year 1978. The success to Sherpa community/Tribe is accepted as per the verdict off the Supreme Court Judgment delivered in 1993 on seat reservation issue of R.C. Poudyal's Writ petition-which reserves for Sangha and Tribals 13 seats.

The SDF secured minimum 43.06 per cent (but won) in Kabi-Tingda (North) constituency and highest percentage votes from Damthang where Pawan Chamling won the election²⁶.

Pawan Chamling along with his Cabinet colleagues and Minister of state took the oath of office. The Council of Ministers included the following members²⁷.

Pawan Kumar Chamling: **Chief Minister of Sikkim**

Cabinet Ministers:

Dorjee Dezom Bhutia

Garjaman Gurung

Hishey Lachungpa

K.B. Chamling

Thinley Tsh Bhutia

R.B. Subba

P.S. Tamang

Dorjee Tsh Lepcha

K.T.N Gyaltzen

Ram Bahadur Subba

S.B. Subedi

Ministers of State:

Girish Chandra Rai

Tseten Dorjee Lepcha

Chandra Kumar Mohora

Ongden Tshering Lepcha

Thutop Bhutia

Later all the Ministers of State were promoted to the cabinet rank. There are altogether 7 B.L. Ministers and the rest including Chief Minister belong to OBC cadre. At present there are 17 Cabinet Ministers including the Chief Minister. There are 19 Chairmen of various organizations who are chosen from MLAs and other supporters of SDF.

In the sixth State Legislative Assembly 1999 to the defection started Sonam Gyatso Lepcha, Sang Dorjee Tamang and Mingma Tshering Sherpa of Sikkim Sangram Parisad were the first lot to defect to the ruling SDF. Later N.K Pradhan, J.K Bhandari and Sonam Dorjee have decided to defect to the ruling SDF and whose position was not conformed. In case of the defection N.B. Bhandari it was expected, shall remain the lone opposition member representing Sikkim Sangram Parisad. Moves are already being made by Bhandari to defect either to Congress(I) or BJP. One has to wait and watch to which National Party is ready to accept him.

The then Minister for Education and Culture K.N. Rai is made Government Chief Party Whip of the Sikkim Legislative Assembly.

Kalawati Subba assumed the office of the speaker as first women speaker of the Assembly on 15th Oct, 1999.

The most interesting feature of Administration and Government in Sikkim is that seldom reshuffle takes place with regard to Ministry and transfer of Secretaries of various departments. Since the idea of Chief Secretary is being brought from Central Government and other State cadres of Indian Administrative Service. Now the trend is to appoint Local officers as Chief Secretaries in the State. However, the post of DGP is still based on Central posting. On the

retirement of Mr. Hunda. IPS Mr. Tenzing. IPS is appointed as DGP – the first local police officer to become Direct General of Police in Sikkim.

Bharat Shiromani²⁸ Pawan Kumar Chamling (Kiran) won the hearts of the people, trying to serve the people of Sikkim untiringly with his team and party with his fruition of dream of transforming the Himalayan State into a 'New Sikkim – Happy Sikkim'. The people have tasted real democracy in their life and the SDF has made them to realise that in 'Janata Ko Raj Ma Jantai Raja' (In a popular regime people themselves are the rulers). The Sikkim Democratic Front under the leadership of Pawan Chamling in the first and second terms of office spared no effort to bring about an all-round political, social and economic developments of the State of Sikkim laying particular emphasis on improving the lot of underprivileged and vulnerable sections of the Society by a number of poverty alleviation and welfare schemes- especially to fulfill the promises made by the SDF in its election manifestoes. The inspiring leadership of SDF's supremo and the Chief Minister Pawan Chamling who always maintains that his one and only principal objective is to develop Sikkim and uplift the poor, deprived, disadvantaged, marginalized and vulnerable sections of the society.

The first vision of Pawan Chamling is restoration o democracy and in order to achieve it, he not only overthrew the dictatorial undemocratic rule of N.B. Bhandari but also came to power to restore democracy. In this effort at the outset he restored democracy to give complete safeguard to Sikkimese rules and traditions, rule of law, protection under article 371 F of the Constitution of India, to restore freedom of speech, freedom of press to close the black chapter of gagging the fourth estate but with legal action on yellow journalism, to maintain law and order, restoration of peace and tranquility and make Sikkim further one of the most peaceful states of India with the help of law abiding and peace loving people.

The first step in this direction to him is to achieve the goal to provide social justice for all sections of the society of Sikkim-in religion, gender, age, profession, culture and to build the interests of the of the people in their plural diversities. As promised most of the communities of Sikkim Nepalese are included in the list of OBCs and concerted effort is on to include all those left out communities in the list of off OBCs in order to provide admissible facilities. Decision has also been taken to grant quota seats for students belonging to communities other than OBCs for higher education with scholarships in the institutions of national importance situated outside the state. Equally in all Government jobs 23 per cent of seats are reserved for Scheduled Tribes, 6 percent to Scheduled Castes and 21 per cent to OBCs. In vacant position rest are also given preferences on the basis of dereservation policy besides keeping reservations to the NBCs.

Efforts are also being put to recognise local languages to be given constitutional recognition. Bhutia, Lepcha, Limboo, and Tibetan, languages are the state languages and have received recognition in Central Board of Secondary Education up to class XII and in the University of North Bengal to be taught at degree levels. The state Government has accorded official recognition to Gurung, Rai, Sherpa, Mangar, Newar and Sunwar (Mukhia) languages and has taken steps to develop these languages.

Further the State Government has strongly demanded to consider the senior and respected persons and dignitaries of Sikkim for high posts in the centre. The centre had already appointed Sikkim's former Rajya Sabha M.P. Karma Topden as the Indian Ambassador to Mongolia. Some names are in the offing to appoint as Governor of a state and judge of the High Court and Supreme Court. Since SDF is in support of the NDA Government demand is also placed for a berth in the Union Cabinet. Invariably in the Presidential and Vice Presidential elections Sikkim supported the winning candidates.

In the Social Sector Education is number one and top priority and the Chamling government is intending to increase the share of budgetary allocation substantially for education-which alone the SDF Government feels that will make the state less dependent and more motivated to achieve the dream-‘Sikkim Vision 2015-A shared dream’. The literacy rate in the state has risen to 70 per cent. The ruling government has introduced more than half-a-dozen colleges including Advanced Technical Training Centre at Bardang, East Sikkim and Centre of Computers and Communication Technology at Chisopani, south Sikkim. Manipal Institute of Technology and a Medical college under Sikkim Manipal University have started functioning. The MIT has produced two batches of engineering degree holders. The Medical college was commissioned in the year 2001. Literacy level in the state has gone up while dropout rate in various schools have come down. Further a stress is also being made to improve quality education in the state of Sikkim.

The Government’s endeavour in Education has been primarily to enhance quality education and for which developmental activities were undertaken. Schools were upgraded for availability of schools within walking distance of children and to tackle the growing numbers of students in the state.

There are 179 Lower Primary Schools, 322 Primary Schools, 129 Junior High Schools, and 76 Secondary Schools, and 29 Senior Secondary Schools spread allover the state. In achieving national objective of universalisation of Primary Education the SDF Government took the bold and commendable step and issued a notification No 14/LD/200 dt.30.06.2000 for making Primary Education to be made free and compulsory for all children up to the age of 14 years in Sikkim. Free tuition fees up to class XII and college level, Free uniforms to children up to class V and Free Text books up to class V and 50% subsidy on cost of books from class VI to XII from the year 2000. The Managing Committees of the schools with local Panchayats are established. Besides these infrastructural

facilities for educational institutions are increased. The Sikkim Manipal university as mentioned earlier was established for degree courses in Engineering and Medicine. Education Bill 2000 was passed by the Assembly to streamline standard of education, administration and functions of the institutions, to extend grant-in-aid, and for other improvements in the field of education. The Sarva Siksha Abhiyan was introduced with the aim of providing quality elementary education to all children up to the age of 14 years in the state. The computer education is being made compulsory in all the schools and the SDF Government headed by Pawan Chamling envisions a future where every child in the state is well equipped with the knowledge, and skills and confidence, which are ingredients in ensuring a meaningful and purposeful life. The state is marching towards 100 per cent literacy, supply of electricity and water supply. Many high Schools were upgraded to Senior Secondary Schools in the state. The mid day meal system in the form of supplying uncooked rice to each student up to class V is now looked into to the served as cooked food. Education is free up to collegiate level. Scholarships for the students studying outside the state are continued. Within the state the Social Welfare Department awards scholarships for Scheduled Tribe, Scheduled Caste and OBC students of collegiate level.

The SDF Government has promised in its manifesto that it would rebuild and reenergize the State Health Care System so that the more poor will benefit. Hospitals are constructed in all four districts, Primary Health Centres and Sub primary Health Centres in all the major villages in Sikkim are constructed. Multi bedded Community Health Centres are also being constructed in all four districts. Besides these sophisticated equipments are being provided in STNM Gangtok Hospital and Namchi Government Hospital along with availability of specialists from different fields of specialization. However, lack of sufficient beds to the patients seems to be a great problem in STNM Gangtok hospital and Namchi. The state is free from major diseases like leprosy, HIV positive, Aids, cancer etc.

Tuberculosis and Goiter are found to be common/chronic ones owing to altitude, undernutrition among the people and lack of iodine content.

Since Sikkim is a hilly terrain with forest, Pawan Chamling believes that 'we will safeguard our environment as in this lies the very essence of our survival and future'²⁹. In the protection of environment, the SDF Government has taken various measures to increase green coverage by involving in massive plantation movement. The state government has banned grazing by all kinds of domestic and semi domestic animals in reserve forest areas. Sikkim also holds the distinction of becoming the first state in the country to ban on the use of plastic bags to protect the environment. Do Chief Ministers think green? Down to Earth conducted a survey and found that they do, at least in some states. In the environmentalists survey, the Chief Ministers came out with flying colours were Pawan Kumar Chamling of Sikkim along with Dig Vijay Singh of Madhya Pradesh and Chandra Babu Naidu of Andhra Pradesh who occupied the top position. The environmentalists were all praise for the efforts of Chamling to curtail logging and to restrict timber transport. Chamling also won praise for pushing ecotourism that gives employment opportunities to a lot of poor people. It has also improved urban environment to 77 per cent in Sikkim and in sustainable development to 88.89 per cent; along with involvement of the civil society in the environmental management³⁰. Mr. Chamling is called 'Mr. Green' of India for having taken steps to protect environment and ecotourism. As forests are often considered to be the most splendid manifestation of plant life on earth to play an important role in the development of civilized man, Pawan Chamling has detected to create and established Smritivan at various places as a part of Green Sikkim, by involving all the segments of the society. Today, under this scheme social, religious, educational institutions, defence, police, tourism, NGOs and government agencies are voluntarily undertaking massive plantations in different parts of Sikkim in

memory (smriti) of their near and dear ones. Thus Chamling becomes eco-friendly and environment friendly Chief Minister in the country.

Lok Adalats are being established in all the districts for the benefit of common masses and extend legal help to the poor and the weaker sections of the society at their doorsteps. Similarly Consumers' Court, Human Rights Court, Atrocity Court, Family Court have also started functioning. As pointed out earlier in the chapter on judiciary Sikkim holds the record of the least number of pending cases in the entire country.

There are a number of schemes for the welfare and development of girl children, children, women, SC/ST/OBC, handicapped, aged people in the state including Indira Mahila Yojana, Balika Smridhi Yojna, Small Family Scheme, Widow-Remarriage, Pensions to widows of Ex-servicemen, Training etc. 30 per cent reservations being given to women in Government jobs and panchayats. Old age pension of Rs 200/- p.m. is given to more than 10,000 people above the age of 65 years who are living below the poverty line.

The Sikkim state Plan of Action for children cares for the Rights for survival of children with regard to their health, maternity, nutrition, environment, sanitation, hygiene water development, protection and participation.

The striking feature of SDF government headed by Pawan Chamling is to record and recognise the unforgettable contribution made by eminent senior citizens in their chosen fields who have contributed towards the overall development of Sikkim. They are being remembered and honoured by this government. In the 25th year of celebration of the State Day on May, 16,2000, such citizens were honoured in the Roll of Honour with shawls, carpets and cash Award of Rs 15,000/- each including the surviving members of the first Sikkim Legislative Assembly like L.D.Kazi and others. Persons who made outstanding contributions were honoured by naming important roads and schools in the State

after their names. Sikkim State Awards are also instituted for proud sons and daughters of Sikkim in recognition of their excellence in their chosen fields of activity and contributions for Sikkim. Film star Danny Denzongpa, footballer Baichung Bhutia, traditional artist Ganden Lharipa, folk singer Benjamin Rai, star Olympian Jasraj Pradhan, poet-author late T.R. Sharma and others were given awards.

The ruling SDF government headed by Pawan Chamling has identified Tourism, Power, Education, Agriculture, Horticulture and low volume but high value projects and eco-friendly industries as the sectors of priority to be promoted and developed. The stress is also made to repair roads, carpeting of roads, beautification of Sikkim, National Himalayan Study cum Museum, National Medicinal Plants Research and Study Centre, moral education and finally to foster Sikkim's distinct identity and character which are environment friendly, culture friendly, communal harmony and secularism to make the state known to the rest of India.

Land is being provided to landless and home to the homeless. The living standard of the people of rural areas has significantly improved. Sikkim under the rule of SDF umbrella has already occupied a place in the world map of tourism. The daily wage earners of Sikkim are one of the best-paid Government employees in the country. The daily wage of the labourers, which was at only Rs 20/- per day, has been raised to 100 per cent by the SDF government. Another raise was of Rs 10/- was added on May Day in the year 2001, thus making Sikkim one of the highest paid daily wage earners in the country. SDF stands for abolition of child labour, which is rarely found in the state of Sikkim.

In the field of economic development the SDF strives to continue with greater vigour to bring about rapid and sustained growth of economy by laying stress on long-term and time-bound productive schemes and projects having

potential to create more revenue and employment in the state. Development oriented and people-centric schemes are being given priority along with hydropower, floriculture and eco-friendly tourism. Opportunities are being created in as many diverse fields as possible so that the people will become less dependent on the Government and more on themselves. Economic survey is being conducted in the state with state's own budget and manpower. It is a unique programme, first of its kind and on the completion of the survey, economic assistance will be given to persons falling below poverty line (BPL) and tries to bring them above poverty line (APL) ³¹.

In the agricultural sector efforts are being made to design ecologically sustainable, economically profitable and resource efficient cropping system for different agro-climatic conditions. Emerging areas like genetic engineering, bio-insecticides, integrated nutrient management, integrated pest management and agri business management are being incorporated in the fields of research development for aiding growth in agriculture development. Efforts are being put to create mass awareness on the need of achieving higher agricultural productivity. The yields of large Cardamom, Ginger and Tea are contributing to a maximum extent to the resources of the state. Veterinary services, Animal Health Cattle development, poultry development and other livestock developments are taking headway and improved to a maximum extent. Dairy Development in the state has shown a remarkable progress. With regard to irrigation the state is adopting appropriate techniques to suit to the hilly terrain and make them sustainable.

Non-residential buildings, Secretariat annexure buildings, district administrative centres, subdivision administrative centres, P.T. Namgyal Memorial Park, Guest Houses, Banquet-cum-conference Hall, Prison administration, residential buildings and quarters for ministers are getting completed and commissioned.

For the Co-operative department Sahakari Bhawan was constructed and was shifted in 1998. An apex level namely Sikkim State Co-operative Bank Limited commonly known as SISCO has been established. SISCO bank since its inception as distributed short-term agriculture credit to the farmers to a tune of Rs 5.67 Lacs. The Sikkim Consumers' Co-operative Society Ltd. Had achieved in purchase Rs 683.72 Lacs, sale Rs 1021.55 Lacs and in recovery Rs 783.51 lacs.

The Sikkim Milk Union Ltd. and SIMFED have made appreciable performance. The Directorate of Economics, Statistics, Monitoring and Evaluation undertook National sample survey with reference to the state of Sikkim, State income, Economic statistics, Economic survey, Sikkim at a glance 2001, Economic census, Agricultural census, Sikkim Vision Document, Sikkim Human Development Report 1999 (SHDR), estimation of cropping pattern and Statistical service. The Ecclesiastical department is a unique department that caters to the spiritual needs of the people of Sikkim and documented all religious institution and places of worship dating 100 years and more has been actively engaged. The Chinmaya Mission was established to promote discipline, vedic studies and promote human resource development in the state. Shri Kanchi Kamakoti Seva Samiti is registered to construct a meditation centre in the South Indian style of architecture at Nandok, east Sikkim. More than a thousand NGOs, Associations, Social welfare associations are registered under Land Revenue department and district collectorates to promote welfare activities in the state. The Nepali Sahitya Parishad is established to protect and promote Nepali language, culture and traditions. The excise department has increased the state's Excise duty from Rs 6.80 crores in the year 1994-95 to Rs 13.19 crores in 1999-2000. Licenses were issued to establish new liquor industries.

The department of Food and Civil Supplies ensures the adequate supply of essential commodities throughout the state. The department has started the issue of individual ration cards for the people who live Above Poverty Line and the issue

of Below Poverty Line ration cards is on the anvil. The Weights and Measures acts and rules are strictly adhered by the department of FCS. A consumer protection cell is given top priority to promote consumer welfare activities in the state.

The Department of Forests, Environment and Wildlife are the wealth of the state. It controls forests, environment and land use policy. The concept of Smriti Vans, the brainchild of Pawan Chamling is a new frontier and new opportunity for creating new forests without Government patronage and to promote forest crop. Parks and Gardens and landscaping of urban areas including those off tourist importance are being developed. Illegal felling and grazing, forest land encroachment and forest fire are prevented. A number of rules relating to forest control have been enacted to protect forests in the state. The National Park and Sanctuaries are taken care to protect the animals under wildlife Act. To learn about forest, wildlife and to protect them Environmental education is being introduced in schools and colleges. Horticulture and Sericulture are also given adequate importance in the state. The Khangchenzonga conservation committee takes care of Khangchenzonga National Park and the sanctity of the Mount Khangchenzonga.

The effort of Pawan Chamling is to recognize Sikkim as one of the biodiversity 'hot-spot' regions and for which a MoU has been signed with the Ministry of Environment and Forests, Govt. of India, that Forest Environment and Wildlife Department of the State will be the custodian, implementer and also the nodal agency for all biodiversity and related issues. Along with conservation of medicinal plants and rare animals under WWF are taken care. Floriculture offers dignified profession not only to the villages but also to the educated unemployed youths of the state.

The police department is performing its duty to the entire satisfaction. Traffic rules of the Traffic Police, the role played by Sikkim Armed Police and

women police are commendable. Efforts are on to modernise Police administration in terms of mobility and equipments.

One of the major achievements of the SDF government is in the field of Information and Technology. The mission of the department has been the use of information tools, income and employment generation through private sector participation and empowerment of rural communities. Keeping this in view a number of activities have been undertaken in the state such as Community information centers, Computer training for Government officials, development of web-sites, CD ROMs, Software Technology, Telemedicine and encouragement to the private sector.

In the Industrial sector the department of industry has been playing a pivotal role in implementing developmental schemes and to solve unemployment problems extending necessary assistance for self-employment through its various undertakings and agencies. It also stops the migration of the people from rural areas to urban areas and to improve their living conditions.

The Sikkim Jewels Ltd., Sikkim Times Corporation, Sikkim Tea Estate, SIDICO, Directorate of Handicrafts and Handloom are contributing to the income of the state by their excellent performance. The Government Food Preservation Factory - a sick industry has been revived. Still a lot has to be done in the field of industry in Sikkim as because of the weather conditions, topography, lack of resources, geographical position and lack of space.

The land Revenue departmental functioning is strengthened and in January 1999, the Rongli Sub Division was established besides the existing district collectorates and sub divisions. Land records are computerized. Cadastral survey and Land Bank systems are introduced. Natural calamity is taken care. Further protection of old laws under Revenue order No 1 of 1917 is strictly adhered to.

However, under this law the government has the power to relax the prohibition and allow the land to be used in the state.

The Mines and Geology department is to explore the reserves of the minerals of the state. It assesses coal dolomite, quartzite, talc Sillimanite, rock crystals and building stones in the state of Sikkim. The Sikkim Mines Corporation, which is running at a loss, is being revitalized ³²

The Planning and Development department is the nodal department for examining, evaluating and examining the projects and schemes by different sectoral departments. The 10th Five Year Plans is prepared. Various NGOs are being consulted to prioritise the schemes and mobilization of resources. The Department published the Human Development Report and the Sikkim-People's vision documents. The State Government vide notification No. 194/P&D dt 8.5.2001 has constituted for the first time the State Planning Commission in order to bring about the economic growth and social justice in the state.

The State Planning Commission consists of:

Chief Minister Pawan Chamling	Chairman
Muchkund Dubey	Deputy Chairman
S.Sen	Member
A. Lahiri	Member
Mahendra P Lama	Member
K.C. Pradhan	Member
Chief Secretary S.W. Tenzing	Member
Secretary Finance T.T.Dorjee	Member

Development Commissioner G.K. Subba

Member

Later P.D. Rai Chairman SIDICO and SABCO was also made a non-official member. Once again three more were inducted as members of the commission and lastly vide notification No 31 Home / dt.20.08.02. P.K. Pradhan retired Chief Secretary of Sikkim was appointed as non-official member of the commission. At present the State Planning Commission Consists of 12 members.

In the infrastructure development and in the socio-economic arena the power sector is an ingredient. Sikkim is blessed with tremendous hydroelectric potential to a tune of 8000 MW and a firm base of 3000 MW and can bring revenue to the State by proper planning and implementation of power projects. In this sector the State Government has sought the participation of public and private agencies for generation and transmission of power to tap the Teesta-Rangit basin. The small hydropower Houses prevalent in the State are eco-friendly power generation in the State. The State Government has been facilitation and playing a positive role and planned development in the power sector. The Power Department of Government of Sikkim is trying to establish Power Houses namely, Kalez Khola Hydrel Project 2x1 MW and Diesel Power House at Gangtok – 4x1 MW to add 6 MW of installed capacity and renovation of Lower Lagyap, Jali Power House, Rimbi State-1 and Rothak Microhydel to a tune of retrieved capacity 13 MW from 6.15 MW. Rabomchu, Peuay, Lachung State II and Mangley Projects are under construction. The networks of transmission are under progress with improved techniques. The rural electrification programme is also taken as a minimum need programme and trying to achieve 100% electrification of villages in Sikkim at least with two point free connections to poor households known as 'Kutir-Jyoti' programme as against one point free connection programme of 1988-89 as because majority of the population reside in villages. A State Regulatory Committee as an independent quasi-judiciary power for formulation of tariff and other related matters is underway. In the power sector

reformation Sikkim Power Development Corporation has been established to implement major generation schemes with an installed capacity of 61 MW seasonal and 40 MW firm. The Department of Power is taking care of revenue receipt and tariff. Between 1999-2000 the revenue receipt is increased and is Rs.824.84 lakhs against 55,000 consumers. Steps are also being taken for implementation and uninterrupted power supply to Gangtok – the capital city.

As water is life second to air for the survival of human beings and other beings, the Department of Public Health and Engineering is toeing with the policies of the Government, providing potable water and taken care of systematic disposal of sewerage within the framework of pollution act. Because of the difficult and fragile terrain the potable water in capital and other places of Sikkim are being fed from the snow-fed Ratchu Source. The Rangpo water supply scheme of Army at Ravongla is completed. In South and West efforts are made to keep the water supply smooth. Augmentation of Rabdentse, Legship Bazaar, Naya Bazaar, Melli Bazaar, Samdruptse, and Namchi water supply schemes have been successfully executed. Besides treatment facilities are also being undertaken. Similarly the sewerage network is being looked into stop pollution.

Since travel in olden days in Sikkim was done on foot steps and loads by Mules were carried on construction of roads and bridges have started from the British time. The NH 31A is the chart road to connect Sikkim with rest of the country where vehicles with limited loads ply. In the first five-year plan a thrust was given to road network, since 1950. Later low cost roads and bridges were constructed to link all parts of Sikkim. Therefore, the department of roads and bridges of SPWD undertook the activities of widening and improvement of the existing roads, upgrading of lower load carrying bridges into higher-class bridges and construction of new roads in accordance with the specifications prescribed by Indian Roads Congress. Soil cutting, rock cutting, bridges to cross over the streams and rivers and avoid slides, steps are being taken along with back cutting,

providing protection of walls and drains. The Government is taking steps to carpet road surface and up gradation of surface. The Sikkim Democratic Front Government had undertaken the carpeting work in Water bound Macadam area, 16 routes covering a distance of 127 Kms in all four districts. The Government has approved to resurface of the roads in 13 routes to cover a distance of 248 Kms. The laying of new roads and bridges are also receiving attention.

Many of the new roads are under completion and to be completed soon covering a distanced of 200 Kms in all four districts. Simultaneously the repair of roads and bridges and landslides are getting completed. To avoid difficulties due to rains and landslides the helicopter service is restored between Bagdogra and Gangtok. Besides this helipads are being constructed at remote places of Sikkim. Whatever the efforts taken by the Government the natural calamities caused to roads because of rains and landslides cannot be avoided. Only nature can help Sikkim from these evils.

As Sikkim is landlocked Himalayan State with no air, rail and water transport facility depends more upon road transportation. Since 1946 the Sikkim Nationalised Transport Bus services link Sikkim both within and outside. There are at present 123 buses and 123 trucks / tankers ply on 67 passenger routes. The SNT also works as an out agency for Railways and computerised rail reservation counter operates from 1997. Reservation quota for Sikkim is made in long bound trains for the benefit of the people of Sikkim. The SNT Gangtok Bus Terminus is upgraded. The SNT is expected to bring an expected revenue generation to the tune of Rs.250 to 300 lakhs. Besides SNT buses, a number of private buses and taxis ply both within and outside the State.

The majority population of Sikkim belongs to poor and weaker sections, the Social Welfare Department of Sikkim Government works in a three pronged strategy – (a) development measures for education and economic development, (b)

protection measures through Civil Rights Act & Prevention of Atrocities Act, 1989; and (c) intensive and integrated development of areas having Scheduled Castes and Scheduled Tribe population.

The Government vide notification No.4/WD/95 dated 1.7.1995 enforced new reservation policy as follows:-

SC:6%, ST 23%, OBCs 21% and upper age is relaxed in recruitment for various services as SC:5 years; ST:5 years; and OBCs 3 years.

Besides rehabilitation of scavengers in terms of giving them financial assistance and training in other trades have been launched. Many development schemes for the welfare of Scheduled Caste and Scheduled Tribes are launched vide circular No.21/Home/2000 dated 18.1.2000. Welfare Board are constituted for both SCs and STs to implement various schemes for weaker sections at grass root level. Intensive economic development programmes are also undertaken to uplift the weaker sections of the society. Old age pension, welfare of the disabled, stipend, subsistence allowance, equipments, free camps, sheltered workshop etc. for the disabled have been launched. The department runs destitute homes in all four districts and a Juvenile Home at Gangtok. Many NGOs do participate in the venture of Government promoting Welfare Schemes. There are some private orphanages available in the State.

In the arena of Sports and Youth Affairs a newly founded department in the year 1995 promotes physical fitness, stops the menace of drugs and to provide the facilities and exposure for the talented to excel. Sports activities are promoted at School and College levels and promoting excellence a 'Search more Baichung' programme was launched in 1999 – especially among footballers under – 14 year footballers. Under the auspices of sports Authority of India a Sports Training Center at Namchi is in the offing to encourage football, boxing and archery, the State game in Sikkim. There are at present 13 State Associations and 3 District

sports Associations existing. The major competitions and tournaments in the State are-

The Governor's Gold Cup Football Tournament

The Eastern Indian and Mr.Sikkim Body Building Competition

The Open Marathon Competition

The Vijay Merchant Cricket Tournament

The Kanchendzonga Invitational Boxing Tournament.

The State Team and a few players are making their mark at national level in Football, Tae Kwon Do, etc. Baichung Bhutia the Footballer was bestowed for the first-time the Arjun Award. The Paljor Stadium is upgraded into a modern State complex. Similarly NCC is also encouraged. The Government for promoting sports and youth affairs is according more priority.

Yet another important field is Rural Development for alleviating rural poverty for providing productive employment opportunities. The concern of the department implies both economic betterment and greater social transformation of the people of Sikkim. Besides, many centrally sponsored schemes such as IAY, JRY, JGSY, IRDP, TRYSEM, DWCRA, SGSY, etc. The State Government has equally introduced several poverty alleviation programmes. The basic necessities like food, shelter and clothing, home for homeless, etc. are being provided. Under the scheme 30 numbers of CGI sheets are provided to each of the rural poor families and old age Pension. At grass root level Government the State has extended devolution of power and decentralization of Planning and administrative machinery – thus giving independent at the bottom. Elections for Panchayats of both Gram and Zilla were conducted successfully to allow the Village Pramukhs to rule. Religious tolerance is being promoted along with peace in villages of

Sikkim. The SDF Government under the leadership of Pawan Chamling organized training at the Sikkim Institute of Rural Development, State Level Gramin Mela and Panchayat Sammelan in different locations of the State since 1996. Rural Employment, Employment Assurance Scheme, Jawahar Rozgar Yojna, Indira Awaaz Yojna are being launched and conducted successfully to alleviate poverty in the villages of Sikkim. Under IRDP people are able to cross the poverty line. The biogas and improved Chula schemes save the forests of the villages. An emphasis is also made for proper rural water supply in the State, besides rural sanitation and construction as well as repair of rural roads and bridges.

Tourism is an important sector, an industry in Sikkim and has a tremendous potential. Some of the attractions of Sikkim are the high Himalayas, Mount Khangchendzonga – third highest peak of the world, rich flora and fauna, biodiversity, monasteries, lakes, distinct culture of the three ethnic communities, pristine beauty of hills supported by the deep valley and perennial flow of river Teesta. The Government has recognised the importance of tourism in the socio-economic development and gives high priority in the State. One of the best tourism performing States of India Sikkim has bagged national award too thrice. The number of visits of tourists is increasing every year and is expected to go very high in future – especially with the opening of Nathula for Indian tourists to visit, white river water rafting, Yumthang valley etc. The Sikkim Tourism Development Corporation has renovated and reactivated tourism in Sikkim. A number of Travel Agencies have been started to give employment opportunities in the State. In the Himalayan Tourism Advisory Board Meeting held on 20th August, 2002 Pawan Chamling said that Tourism in Himalayan states promotes economic activity and is a potential area. But the Himalayan regions are most undiscovered and unidentified tourist destinations in the country besides the facts like fragile character of the region, infrastructural and institutional bottlenecks and resource

constraints. These should be taken note and bestow on Sikkim Himalayas further responsibilities to be a flag bearer of eco-tourism movement in India. However, he is hopeful that the encouraging attitude and support of Government of India towards Sikkim that tourism sector shall flourish in the near future. Tourism brings to Sikkim one of the main sources of income and the SDF Government gives utmost importance to it.

The urban sector, which was given little priority, is receiving greater attention under the SDF Government. There are no parallel Acts/Regulations of Town and Country Planning in the State. Therefore, there was no proper control over constructions and developments as well as informal bazaars that had developed by themselves/them. There are no Master Plan to develop the capital Gangtok and other towns in the State. There is shortage of urban land and no proper wastage management system. The State as a whole and capital Gangtok are lacking parking space for vehicles.

The present Government undertook various measures to develop the urban areas for the benefit of general public with a policy to treat urban sector as a priority. It is the effort of the Government to acquire land for dumping and conversion of biodegradable garbage into composts, to impose ban on non-biodegradable materials like plastic shopping carry bags. The Sikkim Non-biodegradable Garbage (Control) Act was enacted in 1998 and is enforced strictly. Reshithang and Ranka of East Sikkim are identified as the ideal place for new Satellite townships. The project for Greater Namchi is also being prepared. The drains are taken care to restrict seepage's. Flyovers and length reduction footsteps were constructed to avoid vehicular pedestrian conflict. Also a ropeway is in the offing. Gardens are created and maintained for tourists' attractions, Private taxi stands, marketing areas and parking spaces are being made to avoid difficulties. Regional Planning and Development Act, 1998 is passed for the benefit of having townships and legislators are provided with residential sites. Unused lands are

being converted into marketing areas and the Lall Bazaar founded in 1955 will be renovated. Public toilets are maintained as pay and use toilets. The M.G.Marg of Gangtok city will be converted into a vehicle free zone by introducing multi level car park near Police Headquarters. Work shed for tailoring and cobblers are constructed. Marketing yard for urban poor in Lall Market and Taxi Park at Chandmari are being constructed. Restrictions on throwing of spills and garbage in Jhoras, drains and public places are frame to levy fine or imprisonment.

For the Welfare of women and children a number of schemes have been introduced by the Department of Women and Child Welfare, under Indira Mahila Yojana, Balika Smridhi Yojana, Small Family Scheme, Widow remarriage, crèches for working women's children, working women's hostel, Integrated Child Development Services, Nutrition and State Plan of action for children ³³.

The budgets presented since 1995 till 2002 are based on poverty alleviation programmes though deficit in nature. The tenth five year plan focuses upon all round development of Sikkim and poverty alleviation agenda.

The POTA, 2002 has been extended in the State of Sikkim vide notification No.48 /Home/2002 dated 8th October, 2002. In exercise of the powers conferred by sub-section (1) of section 23 of the Prevention of Terrorism Act, 2002 (15 of 2002), the State Government has constituted the Court of District and Sessions Judge, East at Gangtok as the Special Courts for all types of cases arising under the said Act in the State of Sikkim. The State Government appointed vide notification No.49/Home/2002 dated 8.10.2002 S.W.Tenzing, Chief Secretary / Home Secretary to Government of Sikkim as the Competent Authority for the purposes of Chapter V of the said Act with immediate effect and vide notification No.50/Home/2002 dt. 8.10.2002, K.N.Lepcha, Special Secretary, Home as the Designated Authority for the purpose of the said Act w.e.f. 8.10.2002.

The Chief Minister's self employment schemes recently launched to a tune of Rs. 50,000/- to Rs.1.00 lakh to the educated youths is a turning point to solve unemployment problem. Still unemployment in Sikkim is an acute crisis. A mountain / Sikkim Regiment is also in the offing to solve unemployment problem.

However, Sikkim under the rule of SDF and leadership of Pawan Chamling is the most peaceful State of the Indian Federal Polity promoting communal harmony and with essence of peace.

To remember history the statues of Chogyal Palden Thendup, Guru Rimpoche Padmasambhava, Kazi Lhendup Dorjee are to be installed soon. Already the statues of Mahatma Gandhi, Jawaharlal Nehru, Dr.B.R.Ambedkar and Adhi Kavi Bhanu Bhakta are installed in the State.

Inclusion of Sikkim in the North - Eastern Council

Following the decision of the Central Government to include Sikkim³⁴ as an eighth member of the North Eastern Council, there has been visible sign of doubts and apprehension among some sections of the people in Sikkim. The general apprehension among the people is that with the inclusion in the NEC fold, the Article 371 F of the Constitution of India, which guarantees special status to the State of Sikkim, will be affected.

Keeping in mind the general apprehension of the people, the State Government raised a number of queries with the Solicitor General of India, for his valued opinion. In his reply Mr.Santosh Hegde, Solicitor General of India has given his reply to the State's queries point by point and are incorporated in the white paper³⁵ published by the State Government, which was presented during the first day of the Budget of the Sikkim Legislative Assembly by the Chief Minister , Mr.Pawan Chamling on August 24, 1998.

The clarifications are listed as follows:-

1. Status and Identity of Sikkim:

By including Sikkim in the North-Eastern Council, the status and identity of Sikkim will not be affected in any manner whatsoever since the same is constitutionally protected under the Constitution and the Act which creates the North-Eastern Council does not in any manner, interfere with the status and identity of Sikkim.

2. The Provisions of Article 371 (F) of the Constitution:

Article 371(F) (a-p) of the Constitution of India introduced by virtue of Constitutional 36th Amendment Act, which is now a part of the Constitution itself. The provisions of the Constitution of India cannot be overridden by any other legislative enactment unless constitution itself say so. So far as the State of Sikkim is concerned, as stated above it enjoys a special status in the Constitution of India and the opening words itself state the provisions made therein are being made notwithstanding anything in the Constitution. That being so there can be no apprehension whatsoever that the provisions of North Eastern Council Act, 1970 could even remotely override or affect the provisions of Article 371 F of the Constitution of India.

3. The rights and protections of the Sikkim subjects now citizens of India by virtue of the Sikkim Citizenship Order, 1975

The North Eastern Council Act of 1970 does not control any of the rights and protections of Sikkim subjects who are now citizens of India. Even otherwise their rights are protected under the Special Provisions of Article 371F of the Constitution of India as interpreted by the Supreme Court of India in cases of R.C.Poudyal –vs- Union of India (1994) Sup.1 Sec.324 and State of Sikkim –vs- Surendra Kumar and Ors.(1994) 5 SCC 282. Therefore, there need be no

apprehension in regard to these rights being affected by the North-Eastern Council Act, 1970 / 1971.

Old Laws Protected Under Article 371F(k) of the Constitution whether they will be diluted in any manner:

In the narration of history and background Sikkim becoming a part of Indian Union by inclusion of Article 371F made above. It is notified that a special provision for protecting the existing laws is made in clause (k) of the said article. These laws have been further given the protection for the challenge based on violation of the ordinary constitutional provisions. The provisions of the North Eastern Council Act do not in any manner relate to or override the provisions of any of the Sikkim's existing law. Even the decision of the North Eastern Council cannot in any manner either directly or remotely affect the laws of the State of Sikkim.

In fact, the opinion is that the inclusion of Sikkim in the North Eastern Council would only be for the better development of the State and could never be derogation of its status and identity nor would it in any manner affect the rights and protections of the people of Sikkim much else would it affect the Provisions of Article 371 F including sub article (k) of the said Act. Therefore, there is no intention for Government of India to make any changes in Article 371 F of the Constitution of India, which provides special status for Sikkim, to safeguarding the rights and privileges of the people of Sikkim. Sooner or later with an amendment Act Sikkim will become a part of North Eastern Council. Sikkim becoming a member of North-Eastern Council was past by the union parliament of India. However, article 371 (F) of constitution of India will always remain a Great Charter for the State of Sikkim.

One of the steps in this direction is that under Non Lapsable Central Pool of Resources (NLCPR) to the North Eastern region including Sikkim, the Ministry of

Urban Development and Poverty Alleviation, GOI have made a provision of Rs.90 Crores. For Sikkim 5 projects are sanctioned for the year 2001-02 and subsequently for the years 2002-03 and 2003-04 for water supply scheme to Tourist Centre, Augmentation of Gangtok Water Supply Scheme, to Tourist centre, Augmentation of Gangtok Water Supply System Phase I, Municipal Solid Waste Management Plan for Gangtok City including eco-friendly garbage through projection of compost based organic fertiliser, Design of Storm Water Drainage System along NH 31A in Gangtok and Development of Lall Bazaar Phase-I at Gangtok (Source, *Gangtok Times*), Vol. 6 No.39, Sept 30-Oct.6, 2002, Tadong, baba offset Press p.8.).

Indian Income Tax

Sikkim became the 22nd State of the Indian Union in the year 1975., Among various conditions of the merger, which was solemnly agreed to by Government of India, was the protection of the old laws in force in the State and that it would continue to be in force until the same was repealed by a competent authority of the Legislature. This constitutional safeguard has been engrafted under Article 371 F(k) of the Constitution of India, the provisions run thus-

“all laws in force immediately before the appointed day in the territories comprised in the State or any part thereof shall continue to be in force therein until amended or repealed by a competent legislature or other competent authority”. (The Constitution of India)

The Direct Laws were sought to be enforced in the State, which goes contrary to the safeguards enshrined under Article 371 F of the Constitution relating to Sikkim since Sikkim had its own Income Tax Manual, 1948. The enforcement of Direct Tax Laws has created serious apprehension among the people about erosion of their identity since necessary tax on income is paid under

Sikkim Income Tax Manual, 1948, which is being protected by the Article 371 F(k) of the Constitution of India.

The Hon'ble Acting Chief Justice Mr.R.Dayal in the High Court of Sikkim pronounced this landmark judgement. The Hon'ble Supreme Court of India also delivered in its judgement in April, 1994 and held that-

“Inherent in Article 371F (1) is the assumption that many such existing laws may be inconsistent with the Constitution of India, and therefore, the President came into be conferred with a Special Power to make adaptation and modification with a view to making the said rule consistent with the Constitution of India. Of course, this power had to be exercised within two years from the appointed day”.

Therefore, the Supreme Court thus did not strike down the established rule which was protected under Article 371F(k) of the Constitution .

Further, the Chief Minister, Pawan Chamling emphasized that the Supreme Court of India held that-

‘Effect must be given to the intendment of the said provision specially introduced in the Constitution to comply with the understanding on which Sikkim had agreed to merge with India’.

Taking into account this sensitive and emotive issue, the Members of the Sikkim Legislative Assembly had unanimously adopted a resolution seeking review / withdrawal of the enforcement/implementation of the Direct Tax Laws in Sikkim. The members of all political parties of Sikkim in a signed memorandum submitted to the Prime Minister on November, 16, 2001 and expressed similar views.

Gazette notification for extension of Direct Taxes was issued in the year 1988 (to extend from 1989) and to be implemented w.e.f.1.4.1989. But so far it has not been implemented in the State of Sikkim.

In a historic sweep across the political arena Chief Minister Pawan Chamling played a 'trump card of politics of consensus' taking the entire legislature-opposition and all off to Delhi. The Mission to get the Centre to turn around on one of the most sensitive issues in post-merger Sikkim, the imposition of Central Direct Taxes in the State.

Chamling had pulled off quite a coup when he got archrival Nar Bahadur Bhandari to agree to sign a common Memorandum from the entire legislature saying that the Direct Taxes (Income, Wealth and Gift) ought not be implemented in Sikkim.

On 6th November, 2001 a historic resolution was passed in the State Legislative Assembly in its 2-day session. It is a victory for Sikkim Democratic Front, as much as it is a victory for the people of this State, an expression of their inner desire and Chamling defined it as a new chapter emerging in Sikkim politics. Many people even opposition tells that there is need for more of this kind of consensual decision-making and the main opposition party, Sikkim Sangram Parishad headed by Nar Bahadur Bhandari, made a history in Sikkim Legislature.

The historical event took place on 6th November, 2001 on the concluding day of a 2-day session of the Sikkim Legislative Assembly. The Chief Whip of the Government K.N.Rai of Sikkim Democratic Front Party moved a resolution seeking a unanimous endorsement of a memorandum given by the State to the Centre, which urged the Union Government to withdraw its earlier notification for extension of Central Tax laws in Sikkim. The State Government argued in the memorandum that the move tantamount to watering down the special status and identity of Sikkim, as envisaged in Article 371F of the Indian Constitution. In

particular article 371F(k) guarantees continuity of all pre-merger (old) laws of the State including Sikkim Income Tax Manual, 1948. Further it urged the Centre to retract the enforcement of Income Tax Act, 1961 in Sikkim as a necessity for Sikkim's emotional integration to the mainstream of India. As it was moved on the floor of the House the leader of the Opposition Nar Bahadur Bhandari supported it and called for joint efforts to prevent extending the Central Taxes in the State of Sikkim. Welcoming the constructive opposition's role, on behalf of the people of Sikkim the Chief Minister, Pawan Chamling requested in a letter to Prime Minister of India on November, 24, 2001 with a request for review and withdrawal of Direct Tax Laws in Sikkim with a strong belief that the safeguards given to Sikkim in regard to protection of old laws (prior to 26.4.1975) including the State Income Tax Manual, 1948 to continue.

Yet another feather in the electoral victory for Pawan Chamling and SDF Government was the success in the Panchayat election held on 9th October, 2002³⁶. That was a unique election. Many members of the Panchayats were declared elected uncontested and the fight was between candidates of SDF and independents. Even the independents belonged to SDF as because they were not able to get party tickets. No other regional party and national party contested this election. However, it was 100 per cent success for SDF. Later in November, 2002 the election too the Sabhapati and Upa Sabhapati to both Panchayats and Zilla Panchayats were conducted. The number of wards, gram Panchayats and Zilla Panchayats were territorially reorganised along with 33 per cent reservation for women in this election.

It is also interesting to note that Pawan Chamling has worked as Chief Minister of Sikkim under more than three to four Governors. On 25th October, 2002 V. Rama Rao took over as 12th Governor of Sikkim. Therefore, his relation with the Gubernatorial office and the Centre always seem to be cordial.

On 25th October, 2002 three of the defected MLAs of Sikkim Sangram Parishad were officially allowed to join SDF at Mintokgang - the official residence of the Chief Minister of Sikkim. They were N.K.Pradhan, J.K. Bhandari and Sonam Dorji Bhutia. Now the strength of SDF rose to 31 in the House of 32 members. Nar Bahadur Bhandari of SSP remains the lone opposition leader of the House.

Another achievement of SDF Government is that Rajya Sabha passed the Bill on Sikkim's inclusion in North Eastern Council ³⁷ and to be sent to Lok Sabha for formal assent. Sikkim becoming a member of NEC does not affect the safeguards guaranteed under article 371.F. of the Constitution of India.

Pawan Chamling has been a forerunner in the empowerment of women in the State of Sikkim. To him God resides in women and women are worshipped. He stresses upon giving due respect to women rather than to be considered as an object. ³⁸

The long felt desire of Tamangs and Limboos was fulfilled and the Lok Sabha cleared the deck for tribal status to them. Similarly, the Gurungs, Rais Bhujel, Manger, Sunwar and others will also be given tribal status soon. ³⁹

A major achievement of SDF Government is to kick off Janta Mela. The biggest ever welfare for Sikkimese poor ⁴⁰. Many poor people received all kinds of benefits such as housing schemes, land and landless (Sukhumbasi), Chief Minister's self-Employment Scheme, gas stoves, old age pension etc. as because the year 2002 is the year of implementation – an outreach programme of the party – to assess the ground realities at the grass roots – alleviation poverty and to uplift everyone – a golden opportunity in the golden age of Sikkim to foster good will as well as to move forward. Thus Pawan Chamling's vision is to make Sikkim a model State of India – a dream sure to come true.

To sum up precisely, achievements of splendid Sikkim on a platter under the leadership of Pawan Chamling and SDF are:

- Encashing the potential in Hydel power resources
- 70% of the state budget spent in rural development
- Consolidation of judicial infrastructure through out the State
- Grant issued for 40,000 homeless families
- Employment for the local people
- 50% rebate on electricity charges for rural households
- Crime rate lowest in the country
- Reduction of non-plan and unnecessary expenditure
- Top per capital income in the country
- Preparation of plan of action for children
- Empowerment of women through improved participation
- Strict and sincere concern for environment
- Improved road connectivity to the remote corners
- Planning for satellite town and super markets
- Providing top priority to the education sector
- Compulsory computer education in secondary level
- Much improved health sector with preventive medicine facility

- Decentralisation through active Panchayat Raj
- Establishing consistent work culture
- Multifarious plans of tourism development
- Introduction of IT in governance and other sector
- Up gradation of Paljor Stadium
- Revenue through Sikkim lottery, Lotto, Play Win etc.

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CHAPTER - 5

Findings and Conclusion

The developments in the post merger Sikkim is remarkable in the socio-economic and political fields.

The Governance in the democratic framework has seen the successful functioning of the Governmental organization and administration.

The participation of the people in the democratic process and electoral politics shows an upward trend and people are happy with the democratic system in Sikkim.

Article 371F is strictly observed in order to protect the local interest and sentiments of the people alongwith their identity, in spite of the fact Sikkim becoming a member of North Eastern Council.

The political developments have contributed to political modernization and the developments in post merger period are conspicuous and are to the expectations of the people of Sikkim.

The voting pattern and participation of the people in various assembly and parliamentary elections is showing an upward trend and the people of Sikkim have gained tremendous political consciousness and awareness.

The administration in the state of Sikkim has shown a marked improvement and streamlined the administrative processes in the state.

The inclusion of Tamangs and Limboo in the Scheduled Tribes demands reserved seats in the state legislative assembly. This was not foreseen by both

Government of India and Government of Sikkim. Similarly, if Rais, Gurungs and Mangers are included in the scheduled tribes the problem of reservation will further get complicated because the total number of seats in the Sikkim Legislative Assembly which is fixed at 32 and the reserved Tribal BL seats are fixed at 12 and which cannot be changed under no circumstances while the reserved seats for Nepalese still remaining unsolved.

To sum up, India's endeavour of saving and protecting Sikkim from feudal monarchy to establish democracy and merger of Sikkim with the Indian union is complete. It was India's cross border democratic experience to infuse courage in the minds of the people and create political awareness among them. The method adopted by India in the process is a transition without affecting the sentiments of the people of Sikkim, identity of the Sikkim, traditional customs and socio-economic and political institutions. The people of Sikkim are at home to promote happiness and peace both within and outside. It means one finds changes in the pre merger and post merger Sikkim as because socio-economic and political developments are increasing without affecting the culture and identity of the State.

The democratic movement in Sikkim started with the advent of political parties and in the revolutions of 1949 and 1973. Since the rule of British-India, establishment of protectorate status, associate status and finally Sikkim becoming part of India are the historical events, which remain vivid and conspicuous to protect and save Sikkim. Even during the rules of Namgyal dynasty Sikkim was not a sovereign state, as it had to depend heavily upon India, because of Sikkim's topography, climatic conditions and lack of resources.

Since 1973 the democratic trends and tendency have started growing strongly ultimately resulting in the fact that Sikkim became a part of the Indian federal polity.

The merger with India is conditional and which is being well reflected in article 371 F of the Constitution. In spite of the fact Sikkim became the 22nd state of India still it remains the youngest beautiful border state of India.

The Working of Executive, Legislature, Judiciary and Bureaucracy have imbibed the typical Indian democratic trends keeping up the culture, traditions and identity of the people and their sentiments.

In the process of political dynamics the analyses of Electoral behaviour reveal the increasing political sentiments and participatory tendencies.

In the post merger period the democratic trends of the people rejected dictatorial rule of N.B. Bhandari. Remembering the contributions of L.D. Kazi the basic principles of democracy is being maintained. The overthrow of N.B. Bhandari reflects the establishment of democracy in the true sense of the term.

Since the Democratic System was nullified in the newly founded state of the Indian Union, Pawan Chamling since 1985 stands for the cause of restoring democracy and today democracy in Sikkim is fully restored. Identity of Nepalese Bhutia and Lepcha remains unaffected along with their culture, traditions, religion and sanctity. By and large one finds developments in regard to Sikkim in the rule of Sikkim Democratic Front under the leadership of Pawan Chamling and the progress made by the state of Sikkim is far better than any other sister state of India. Both political and social mobility are showing an upward tendency.

The basic issues and problems are still confined to removal of poverty and illiteracy in Sikkim, guarantee for social justice and removal of economic disparities, protection of sovereignty and integrity of the country, Condemnation and opposition to anti-national and terrorist activities, empowerment of women and 33% of reservation in the Assembly and Parliament, oppose corruption and

casteism, make Sikkim a producing State, save natural resources and make Sikkim self-reliant, tribal status to left out communities, to include Nepali Community in Minority list, to put Sikkim in the world tourist map, environmental conservation, sound economic policy, to ensure materialistic prosperity, decentralization of power, thrust on bio-technology, Human development and restoration of reserved seats for Nepali community in the Sikkim legislative Assembly as it was existing before 1979. No sooner the Limboos and Tamangs are declared as Scheduled Tribes of the State of Sikkim, the proposal of delimitation of Assembly constituencies has become a debatable question and burning issue.

Still some of the areas need more attention to uplift Sikkim and to equate it with other States, in particular in the fields of industry, education, health and employment.

Coming to peace, nature of people and politics of the state of Sikkim, it is, the most peaceful state on the face of earth promoting religious tolerance, secularism, communal harmony. Strikes, bloodshed and terrorism are unheard in the last 28 years projecting itself as a model state of India. The present leadership of Pawan Chamling has planned development programmes to Indianise Sikkim.

Lastly, national political parties have no place in Sikkim in spite of the fact earlier Sikkim Sangram Parishad defected to Congress-I and now Sikkim Democratic Front is a party to the NDA Government. National Political parties are yet to organize themselves with locally based strong leaders to establish and strengthen themselves in the state of Sikkim. It is also essential for national leaders to visit Sikkim often to establish national political parties to motivate and activate in the state.

APPENDIX - I**NOTIFICATION NO.35/SC****Dated Gangtok, the 6th July, 1974**

Having received the assent of The Chogyal of Sikkim on 4th July, 1974 the Government of Sikkim Bill 1974 which was passed by the Sikkim assembly on 3rd July, 1974 has now become the Government of Sikkim Act 1974 and it is hereby notified for general information as follows :

THE GOVERNMENT OF SIKKIM ACT, 1974**AN
ACT**

To provide, in pursuance of the historic agreement of the 8th of May, 1973, between the Chogyal, the leaders of the political parties representing the people of Sikkim and the Government of India and of the unanimous desire of the members of the Sikkim Assembly expressed in the meeting of the Assembly held on the 11th May, 1974, for the progressive realization of a fully responsible Government in Sikkim and for further strengthening its close relationship with India.

CHAPTER - I**PRELIMINARY****Short title and commencement**

1. This Act may be called the Government of Sikkim Act, 1974 (2) It shall come into force on the 4th day of July, 1974.

Definitions

2. In this Act, unless the context otherwise requires;
 - a. "Assembly" means the Sikkim Assembly;
 - b. "Chief Executive" means the Chief Executive referred to in section 28;
 - c. "Chogyal" means The Chogyal of Sikkim;

- d. "Member" means a member of the Assembly;

CHAPTER- II

THE CHOGYAL OF SIKKIM

The Chogyal and his Privileges

3. The Chogyal shall take precedence over all other persons in Sikkim and shall continue to enjoy the honour, position and other personal privileges hitherto enjoyed by him.

Chogyal to Exercise Powers and perform functions in accordance with this Act.

1. The Chogyal shall exercise his powers and perform his functions in accordance with the provisions of this Act, and nothing contained in Section 3 shall affect the provisions of this section.

Executive action in Sikkim how to be expressed

2. All executive action of the Government of Sikkim taken in accordance with the provisions of the Act shall be expressed to be taken in the name of The Chogyal.

CHAPTER - III

SIKKIM ASSEMBLY

Assembly for Sikkim

6. (i) There shall be an Assembly for Sikkim
- (ii) The total number of seats in the Assembly to be filled by persons chosen by direct election shall be such as may be determined by law.

Election to the Sikkim Assembly

7. (i) For the purpose of elections to the Sikkim Assembly, Sikkim shall be divided into constituencies in such manner as may be determined by law.
- (ii) The Government of Sikkim may make rules for the purpose of providing that the Assembly adequately represents the various sections of the

population, that is to say, while fully protecting the legitimate rights and interests of Sikkimese of Lepcha or Bhutia origin and of Sikkimese of Nepali origin and other Sikkimese, including Tsong and Scheduled Castes and no single section of the population is allowed to acquire a dominating position in the affairs of Sikkim mainly by reason of its ethnic origin.

Election Commission of India may conduct Elections

8. For ensuring free and fair elections in Sikkim, the Chogyal shall appoint a representative of the Election Commission of India nominated by the Government of India in this behalf and the elections shall be conducted under the supervision of such representative, and for this purpose the representative shall have all the powers necessary for the effective discharge of his functions.

Qualifications for Membership of Assembly

9. A person shall not be qualified to be chosen to fill a seat in the Assembly unless he:-
 - (i) is an elector for any constituency and makes and subscribes before some person authorized by the authority conducting the election an oath or affirmation according to the form set out in the Schedule;
 - (ii) 'is not' less than 25 years of age;
 - (iii) possesses such other qualifications as may be specified in any law for the time being in force.

Elections on the Basis of Adult suffrage

10.

- (i) The election to the Sikkim Assembly shall be on the basis of one man one vote, that is to say every person who on the prescribed date is a subject of Sikkim is not less than twenty one years of age and is not otherwise disqualified under this Act or under any other law on the ground of residence, unsoundness of mind crime or corrupt or illegal practice shall be entitled to be registered as a voter at any such election.

- (ii) Every person whose name is for the time being entered in the electoral roll of any constituency shall be entitled to vote at the election of a member from that constituency.

Duration of Assembly

11. The Assembly shall, unless sooner dissolved, continue for four years from the date appointed for its first meeting and no longer, and the expiration of the said period of four years shall operate as dissolution of the assembly.

Summoning of Assembly

12. The Chogyal shall, on the advice of the President of the Assembly, summon the Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Speaker and deputy Speaker of Assembly

- 13.
- (i) The Chief Executive shall be ex-officio president of the assembly and as such shall perform the function of the Speaker thereof.
 - (ii) The Assembly shall, as soon as may be, choose a member to be Deputy Speaker thereof who shall act as Speaker during the absence of the President of the Assembly from any sitting of the Assembly.

Right of Chogyal to attend and address meetings of Assembly

14. The Chogyal may address the Assembly after intimating to the President of the Assembly his intention to do so.

Oath or Affirmation by Members

15. Every member of the Assembly shall, before taking his seat, make and subscribe before The Chogyal or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Schedule.

Vacation of seats

16. If a member of the Assembly

- (i) Becomes subject to any disqualification mentioned in section 17 for membership of the Assembly, or
- (ii) Resigns his seat by writing under his hand addressed to the President of the Assembly. His seat shall thereupon become vacant.

Disqualification for Membership

17.

- a. A person shall be disqualified for being chosen as, and for being a member of the Assembly :-
 - (i) if he holds any office of profit under the Government of Sikkim other than an office declared by law not to disqualify its holder;
 - (ii) if he is unsound mind and stand so declared by a competent court;
 - (iii) if he is so disqualified by or under any law
- b. For the purpose of this section, a person shall not be deemed to hold an office of profit under the Government of Sikkim by reason only that he is a Minister.
 - (i) If any question arises as to whether a member of the Assembly has become disqualified for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the Chogyal and his decision shall be final.
 - (ii) Before giving any decision on any such question. The Chogyal shall obtain the opinion of the Election Commission of India or such other election authority as may be specified by the Government of India for the purpose, and shall act according to such opinion.

Penalty for sitting and voting before taking oath etc., or when disqualified etc.

- 18. If a person sits or votes as a member of the Assembly before he has complied with the requirements of section 15 or when he knows that he is not qualified or that he is disqualified for membership thereof; he

shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the Government of Sikkim.

Powers, Privileges of Members

19.

- a. Subject to the provisions of this Act, and to the rules and standing orders regulating the procedure of the Assembly, there shall be freedom of speech in the Assembly.
- b. No member shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the assembly or in any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or other proceedings.

Powers and Functions of the Assembly

20.

- a. Subject to the provisions of this Act, the Assembly may discuss, make recommendations or make laws for the whole or any part of Sikkim with respect to any of the following matters namely :-
 - (i) Education;
 - (ii) Public Health;
 - (iii) Excise;
 - (iv) Press and Publicity;
 - (v) Transport;
 - (vi) Bazars;
 - (vii) Forests;
 - (viii) Public Works;
 - (ix) Agriculture;
 - (x) Food Supplies;
 - (xi) Economic and Social Planning including State enterprises;
 - (xii) Land Revenue

- b. Subject to the provisions of this Act, the Assembly shall also have the right to discuss and make recommendations with respect to any matter not enumerated in sub-section (1) which may from time to time be referred to it by the Chief Executive.
- c. "The Chogyal shall, on the recommendation of the Government of India, by notification in the Sikkim Darbar Gazette and any other matter to the matters enumerated in sub-section (1)", and thereupon the matter so added shall be deemed to have been included in that sub-section for the purposes of this Act.

Assent to Bills

21. When a Bill has been passed by the Assembly, it shall be presented to the Chogyal and The Chogyal shall declare either that he assents to the Bill or that he with holds assent there from.

Provided that the Chogyal may, as soon as possible after the presentation to him of a bill for assent, return the Bill to the Assembly with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when the Assembly shall reconsider it accordingly within a period of three months from the date of receipt of such message and if it is again passed by the Assembly with or without amendment and presented to The Chogyal for assent, the Chogyal shall not withhold assent therefrom.

Provided further that The Chogyal shall reserve for the consideration of the Government of India any Bill which would, if it became law, affect any of the responsibilities of the Government of India or any of the special responsibilities of the Chief Executive referred to in Section 28 and shall act according to the decision of the Government of India.

Courts not to inquire into proceedings of Assembly

22.

- a. The validity of any proceedings in the Assembly shall not be called in question on the ground of any alleged irregularity in procedure.
- b. No officer or member of the Assembly in whom powers are vested by or under this Act for regulating the procedure or the conduct of

business or for maintaining order in the Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of these powers.

Rules of Procedure

23.

- a. The Assembly may make rules for regulating subject to the provisions of this Act, its procedure and the conduct of its business.
- b. Notwithstanding anything contained in sub-section (1) or in any other provision of this act, the Assembly shall not discuss or ask questions on any of the following, namely :
 - The Chogyal and members of the ruling family;
 - Any matter pending before a court of law
 - The appointment of the Chief Executive or members of the judiciary;
 - Any matter which is exclusively the responsibility of the Government of India, whether under this Act or under any agreement or otherwise.

CHAPTER - IV

COUNCIL OF MINISTERS

Council of Ministers to aid and Advice the Chogyal

24.

- a. There shall be an Executive Council (in this Act referred to as the Council of Ministers) with one of the members thereof as the head who shall be designated as the Chief Minister and the others as Ministers.
- b. The Council of Ministers shall be in charge of the administrative departments allotted to them and shall advise The Chogyal in respect of all matters within their jurisdiction.
- c. Every advice tendered by the Council of Ministers shall be communicated to the Chogyal through the Chief Executive who

may, if he is of opinion that the advice affects or its likely to affect any of his special responsibilities or the responsibilities of the Government of India referred to in Section 28, require the Council of Ministers to modify the advice accordingly.

- d. The question whether any, if so what, advice was tendered by Ministers to The Chogyal shall not be inquired into by any Court.

Appointment and removal of Ministers

25.

- a. The Chief Minister and the other Ministers shall be appointed by The Chogyal on the advice of the Chief Executive.
- b. The Council of Ministers shall be responsible to the Assembly.
- c. Before a Minister enters upon his office, The Chogyal or such other person as may be authorized in this behalf, shall administer to him the oaths of office and of secrecy according to the form set out for the purpose in the Schedule.

Extent of Executive Power of the Council of Ministers

26. The Executive power of the Council of Ministers shall extend to the matters referred to in Section 20.

Conduct of Business

27. The Chogyal shall, on the recommendation of the Chief Executive taken in consultation with the Chief Minister, make rules for the allocation of business to the Ministers and for the more convenient transaction of business.

CHAPTER - V

THE CHIEF EXECUTIVE

Chief Executive and his functions

28.

- a. As the head of the Administration in Sikkim, there shall be a Chief Executive, who shall be a person nominated by the Government of India and appointed to that post by The Chogyal.

- b. The functions of the Chief executive shall be to ensure that
 - (i) The responsibilities of the Government of India in or in relation to Sikkim as respects all or any of the matters referred to in the Agreement of the 7th of May, 1973, between The Chogyal, the Government of India and the leaders of the political parties representing the people of Sikkim or in any other agreement entered into between The Chogyal and the Government of India, whether before or after the commencement of this Act;
 - (ii) the special responsibilities of the Chief Executive referred to in the agreement of the 8th May, 1973, aforesaid; are duly discharged.
- c. The Chief Executive shall have all the powers necessary from the discharge of his functions and responsibilities and the executive power in Sikkim shall be so exercised as to ensure compliance with any decisions taken or orders or directions issued by the Government of India in the due discharge of its responsibilities.

Performance of functions by the Chief Executive

29.

- a. The Chief Executive shall
 - (i) where any action taken in the performance of this functions concerns a matter the administrative functions relating to which have been allocated to a minister, act in consultation with the Minister in respect thereof.
- b. Submit all-important matters to The Chogyal for his information and for his approval of the action proposed to be taken;

Provided that where immediate action is required the Chief Executive may take such action as he thinks fit and shall obtain The Chogyal's approval as soon as after the action has been taken as possible.

- (iii) Advice the Chogyal in respect of all other matters

- b. Where a difference of opinion arises between the Chief Executive and The Chogyal in respect of any matter, it shall be referred to the Government of India for decision and the decision of the Government of India shall be final.

CHAPTER-VI

GENERAL

Association with Government of India

- 30. For the speedy development of Sikkim in the social, economic and political fields, the Government of Sikkim may :
 - a. request the Government of India to include the planned development of Sikkim within the ambit of the Planning Commission of India while that Commission is preparing plans for the economic and social development of India and to appropriately associate officials from Sikkim in such work;
 - b. request the Government of India to provide facilities for students from Sikkim in institutions for higher learning and for the employment of people from Sikkim in the public services of India (including All India Services), at par with those available to citizens of India;
 - c. seek participation and representation for the people of Sikkim in the political institutions of India.

Independence of Judiciary

- 31. All judges shall be independent in the exercise of their judicial function and subject only to this Act and the laws.

Basic Human Rights and fundamental of Freedom

32.

- a. All sections of the people in Sikkim shall enjoy basic human rights and fundamental freedoms without discrimination.

- b. The Government of Sikkim shall make every endeavour to secure for the people of Sikkim the enjoyment of the aforesaid rights and to maintain and promote communal harmony.
- c. Notwithstanding anything contained in the aforesaid provisions, special provision shall be made for the advancement or the protection of the aboriginal inhabitants of Sikkim and other minorities.

Existing Assembly to be the first Sikkim Assembly under this Act

33. The Assembly, which has been formed as a result of the elections, held in Sikkim in April 1974, shall be deemed to be the first Assembly duly constituted under this Act, and shall be entitled to exercise the power and perform the functions conferred on the Assembly by this Act.

Power to remove difficulties

34. If any difficulty arises in giving effect to the provisions of this Act, the Chogyal may in consultation with the Chief Executive, by order, do anything not inconsistent with the provisions of this Act, which appear to be expedient or necessary for the purpose of removing the difficulty.

By order,

J.T. Densapa
Secretary to the Chogyal

THE SCHEDULE

Form of oaths or affirmations

I

(See section 9-a)

1. Form of oath or affirmation to be made by a candidate for election to the Assembly.

“I.A.B. having been nominated as a candidate to fill a seat in the assembly do swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of Sikkim as by law establish”.

II

(See section 15)

2. Form of oath or affirmation to be made by a Member of the Assembly.

“I.A.B. having been elected as a member of the Assembly do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of Sikkim as by the law established and that I will faithfully discharge the duty on which I am about to enter.

III

(See section 25)

3. Form of oath of office for a member of the Council of Minister

“I A.B. do swear in the name of God/ solemnly affirm that I will bear true faith and allegiance to the Constitution of Sikkim as by law established and that will faithfully and conscientiously discharge my duties as a Minister and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will.”

IV

(See section 25)

4. Form of oath of secrecy for a member of the Council of Ministers

“I A.B. do swear in the name of God/solemnly affirm that I will not direct or indirectly communicate or reveal to any person or persons any matter

which shall be brought under my consideration or shall become known to me as minister except as may be required for the due discharge of my duties as such a Minister.”

APPENDIX - II**TEXT OF CONSTITUTION (THIRTY-FIFTH AMENDMENT) BILL,
1974****THE CONSTITUTION (THIRTY-FIFTH AMENDMENT) BILL, 1974****A****BILL**

Further to amend the Constitution of India to give effect to the wishes of the people of Sikkim for strengthening Indo-Sikkim co-operation and inter-relationship.

Be it enacted by Parliament in the Twenty-fifth year of the Republic of India as follows:

SHORT TITLE AND COMMENCEMENT

1.

- a. This act may be called the Constitution (Thirty-fifth Amendment) Act, 1974.
- b. It shall come into force on such date as the Central Government may, by notification in the Official Gazettee, appoint.

INSERTION OF NEW ARTICLE 2A

2. After article 2 of the Constitution, the following article shall be inserted, namely:

SIKKIM TO BE ASSOCIATED WITH THE UNION

“2A. Sikkim, which comprises the territories specified in the Tenth Schedule, shall be associated with the Union on the terms and conditions set out in that Schedule.”

AMENDMENT OF ARTICLE 80

3. In article 80 of the Constitution, in clause (1) for the words “The Council of States”, the words and figure “Subject to the provisions of paragraph 4 of the Tenth Schedule, the Council of States” shall be substituted.

AMENDMENT OF ARTICLE 81

4. In article 81 of the Constitution, in clause (1), for the words and figures “Subject to the provisions of article 331”, the words and figures “Subject to the provisions of article 331 and paragraph 4 of the Tenth Schedule” shall be substituted.

ADDITION OF TENTH SCHEDULE

5. After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely :

APPENDIX - III**TENTH SCHEDULE****article 2A, 80(1) and 81(1)****PART-A****TERRITORIES OF SIKKIM**

1. Sikkim - Sikkim comprises the following territories, namely the territories which immediately before the coming into force of the Government of Sikkim Act, 1974, were comprised in Sikkim.

PART-B**TERMS AND CONDITIONS OF ASSOCIATION OF SIKKIM
WITH
THE UNION****2. Responsibilities of the Government of India –****a. The Government of India :**

- (i) shall be solely responsible for the defences and territorial integrity of Sikkim and for the conduct and regulation of the external relations of Sikkim, whether political, economic or financial;
- (ii) shall have the exclusive right of constructing maintaining and regulating the use of railways, aerodromes, landing grounds and air navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim;
- (iii) shall be responsible for securing the economic and social development of Sikkim and for ensuring good administration and for the maintenance of communal harmony therein;
- (iv) shall be responsible for providing facilities for students from Sikkim in institutions for higher learning in India and for the employment of people from Sikkim in the public services of India (including the All-India Services), at par with those available to citizens of India;

- (v) shall be responsible for providing facilities for the participation and representation of the people of Sikkim in the political institutions of India;
 - b. The provisions contained in this paragraph shall not be enforceable by any court.
3. Exercise of certain powers by the President. The President may, by general or special order, provide :
- a. for the inclusion of the planned development of Sikkim within the ambit of the planning authority of India while that authority is preparing plans for the economic and social development of India, and for appropriately associating officials from Sikkim in such work;
 - b. for the exercise of all or any of the powers vested or sought to be vested in the Government of India in or in relation to Sikkim under the Government of Sikkim Act, 1974.
4. Representation in Parliament. Notwithstanding anything in this Constitution :
- a. there shall be allotted to Sikkim one seat in the Council of States and one seat in the House of the people;
 - b. the representative of Sikkim in the Council of States shall be elected by the members of the Sikkim Assembly;
 - c. the representative of Sikkim in the House of the People shall be chosen by direct election, and for this purpose, the whole of Sikkim shall form one Parliamentary constituency to be called the Parliamentary Constituency for Sikkim; Provided that the representative of Sikkim in the House of the people in existence at the commencement of the Constitution (Thirty-fifth Amendment) Act, 1974, shall be elected by the members of the Sikkim Assembly;
 - d. there shall be one general electoral roll for the Parliamentary constituency for Sikkim and every person whose name is for the time being entered in the electoral roll of any constituency under the Government of Sikkim Act, 1974, shall be entitled to be registered in the general electoral roll for the parliamentary constituency for Sikkim;

- e. a person shall not be qualified to be the representative of Sikkim in the Council of States or the House of the People unless he is also qualified to be chosen to fill a seat in the Sikkim Assembly and the case of any such representative:
 - (i) clause (a) of Article 84 shall apply as if the words 'is a citizen of India, and' had been omitted therefrom;
 - (ii) clause (3) of article 101 shall apply as if sub-clause (a) had been omitted therefrom;
 - (iii) sub-clause (d) of clause (1) of article 102 shall apply as if the words 'is not a citizen of India, or' had been omitted therefrom;
 - (iv) article 103 shall not apply;
- f. every representative of Sikkim in the Council of States or in the House of the people shall be deemed to be a member of the Council of States or the House of the People, as the case may be, for all the purposes of this constitution except as respects the election of the President or the Vice-President; Provided that in the case of any such representative, clause (2) of article 101 shall apply as if for the words 'a House of the legislature of a State', in both the places where they occur and for the words 'the Legislature of the State', the words 'the Sikkim Assembly' had been substituted;
- g. if a representative of Sikkim, being a member of the Council of States or the House of the People, becomes subject to any of the disqualifications for being a member of the Sikkim Assembly or for being the representative of Sikkim in the Council of State or the House of people, his seat as a member of the Council of States or the House of the People, as the case may be shall thereupon become vacant.
- h. if any question arises as to whether a representative of Sikkim, being a member of the Council of States or the House of the People, has become subject to any of the disqualifications mentioned in clause (g) of this paragraph, the question shall be referred for the decision of the President and his decision shall be final. Provided that before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion;

- i. The superintendence, direction and control of the preparation of the electoral rolls for and the conduct of elections to Parliament under this paragraph of the representatives of Sikkim shall be vested in the Election Commission and the provisions of clauses (2), (3), (4) and (6) of article 324 shall, so far as may be, apply to and in relation to all such elections;
- j. Parliament may, subject to the provisions of this paragraph, from time to time by law make provision with respect to all matters relating to, or in connection with such elections to either House of Parliament;
- k. No such election to either House of Parliament shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by Parliament.

Explanation - In this paragraph, the expression "the Sikkim Assembly" shall mean the Assembly for Sikkim constituted under the Government of Sikkim Act, 1974.

- 5. Schedule not to derogate from agreements, etc. The provisions of this Schedule shall be in addition to and not in derogation of, any other power, jurisdiction, rights and authority which the Government of India has or may have in relation to Sikkim under any agreement, grant, usage, sufferance or other lawful arrangement.

APPENDIX – IV

SIKKIM'S POLITICAL INTEGRATION WITH INDIA

THE TEXT OF THE CONSTITUTION (THIRTY-EIGHTH AMENDMENT) BILL, 1975

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows :

1.
 - a. This Act may be called the Constitution (Thirty-eighth Amendment) Act, 1975.
 - b. It shall be deemed to have come into force on the date on which the Bill for this Act (Introduced in the House of People as the Constitution (Thirty eighth Amendment Bill, 1975), as passed by the House of the People, is passed by the Council of States.
2. In the first Schedule to the Constitution, under the heading "1. THE States", after entry 21, the following entry shall be inserted, namely:-

"22. SIKKIM: The Territories which immediately before the commencement of the Constitution (Thirty-eight Amendment) Act, 1975, were comprised in Sikkim."
3. After article 371F of the Constitution, the following article shall be inserted, namely:-

"371F, Notwithstanding anything in this Constitution,"

 - a. the Legislative Assembly of the State of Sikkim shall consist of not less than thirty members;
 - b. as from the date of commencement of the Constitution (Thirty eighth Amendment) Act, 1975 (hereafter in this article referred to as the appointed by):
 - (i) the Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 with thirty two members elected in the said elections (hereinafter referred to as the sitting members) shall be

- deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this constitution;
- (ii) the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution; and
 - (iii) the said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under this constitution;
- c. the period of five years referred to in clause (1) of article 172 shall, in the case of the Legislative Assembly of the State of Sikkim referred to in clause (b), be deemed to have commenced on the appointed day;
 - d. until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of the People and the State of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim;
 - e. the representative of the State of Sikkim in the House of the People in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim;
 - f. Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim;
 - g. The Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time deem fit to issue, act in his discretion;
 - h. All property and assets (whether within or outside the territories comprised in the State of Sikkim) which immediately before the

appointed day were vested in the Government of Sikkim or in any other authority or in any person for the purposes of the Government of Sikkim shall, as from the appointed day, vest in the Government of the State of Sikkim;

- i. The High Court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall on and from the appointed day, be deemed to be the High Court for the State of Sikkim;
- j. All courts of civil, criminal and revenue jurisdiction, all authorities and all officers, judicial, executive and ministerial throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provisions of this Constitution;
- 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 or other competent authority;
- l. For the purpose of facilitating the application of any such law as is referred to in clause (xi) in relation to the administration of the State of Sikkim and for the purpose 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 adaptation or modification shall not be questioned in any court of law;
- m. Neither the Supreme Court nor any other court shall have jurisdiction in respect of any dispute or other matter arising out of any treaty, agreement, engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any of its predecessor Governments was a party, but nothing in this clause shall be construed to derogate from the provisions of article 143;

- n. The President may, by public notification, extend with such restrictions or modifications as he thinks fit to the State of Sikkim any enactment which is in force in a State in India at the date of the notification.
 - o. 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;
 - p. All things done and all actions taken in or in relation to the State of Sikkim or the territories comprised therein during the period commencing on the appointed day and ending immediately before the date on which the Constitution (Thirty-eighth Amendment) Act 1975, receives the assent of the President shall, in so far as they are in conformity with the provisions of this Constitution as amended by the Constitution (Thirty eighth Amendment) Act, 1975, be deemed for all purposes to have been validly done or taken under this Constitution as so amended.”
4. In the Fourth Schedule to the Constitution, in the Table:
- a. after entry 21, the following entry shall be inserted, namely: “22. SIKKIM-1”
 - b. existing entries 22 to 25 shall be renumbered as entries 23 to 26 respectively;
 - c. for the figures “231”, the figures “232” shall be substituted.
5. The following consequential amendments shall be made in the Constitution, namely:
- a. article 2A shall be omitted;
 - b. in article 80, in clause (1), the words and figure “Subject to the provisions of paragraph 4 of the Tenth Schedule”, shall be omitted;
 - c. in article 81, in clause (1), the words and figure and paragraph 4 of the Tenth Schedule” shall be omitted;

d. the Tenth Schedule shall be omitted.

No sooner Sikkim became a part of India the entire provisions of the Constitution of India are applicable from date of appointed by. Besides these article 371F of the Constitution of India extends a special constitutional status and secures the identity of the people of Sikkim as a whole. Here an attempt is being made to reproduce Article 371F of the Constitution of India and analyze the significance of the same.

APPENDIX - V

Article 371F of the Constitution of India: It stipulates the nature of constitutional protection extended to Sikkim after merger and it runs thus.

371F Special provisions with respect to the State of Sikkim¹. – Notwithstanding anything in this Constitution,-

- (a) the Legislative Assembly of the State of Sikkim shall consist of not less than thirty members;
- (b) as from the date of commencement of the Constitution (Thirty-sixth Amendment) Act, 1975 (hereafter in this article referred to as the appointed day)-
 - i. the Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 with thirty-two members elected in the said elections) hereinafter referred to as the sitting members) shall be deemed to be the Legislative Assembly of the State of Sikkim duly constituted under this Constitution;
 - ii. the sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution; and
 - iii. the said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a State under this Constitution;
- (c) in the case of the Assembly deemed to be the Legislative Assembly of the State of Sikkim under clause (b), the references to the period of ² (five years) in clause (1) of article 172 shall be construed as references to a period of ²(four years) and the said period of ³ (four years) shall be deemed to commence from the appointed day;
- (d) until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the House of People and the State of Sikkim shall form one Parliamentary constituency to be called the Parliamentary constituency for Sikkim;

- (e) the representative of the State of Sikkim in the House of the people in existence on the appointed day shall be elected by the members of the Legislative Assembly of the State of Sikkim;
- (f) Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the Assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim;
- (g) The Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time, deem fit to issue, act in his direction;
- (h) All property and assets (whether within or outside the territories comprised in the State of Sikkim) which immediately before the appointed day were vested in the Government of Sikkim or in any other authority or in any person for the purposes of the Government of Sikkim shall, as from the appointed day, vest in the Government of the State of Sikkim;
- (i) The High Court functioning as such immediately before the appointed day in the territories comprised in the State of Sikkim shall, on and from the appointed day, be deemed to be the High Court for the State of Sikkim;
- (j) All courts of civil, criminal and revenue jurisdiction, all authorities and all officers, judicial, executive and ministerial, throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provision of this Constitution;

- (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 or other competent authority;
- (l) For the purpose of facilitating the application of any such law as if 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 adaptation or modification so made, and any such adaptation or modification shall not be questioned in any court of law;
- (m) Neither the Supreme Court nor any other court shall have jurisdiction in respect of any dispute or other matter arising out of any treaty, agreement, engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any of its predecessor Governments was a party, but nothing in this clause shall be construed to derogate from the provisions of article 143;
- (n) The president may, by public notification, extend with such restrictions or modifications as he thinks fit to the State of Sikkim any enactment which is in force in a State in India at the date of the notification;
- (o) If any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may, by order⁴ do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing the difficulty;
Provided that no such order shall be made after the expiry of two years from the appointed day;
- (p) All things done and all actions taken in or in relation to the State of Sikkim or the territories comprised therein during the period

commencing on the appointed day and ending immediately before the date on which the Constitution (Thirty-sixth Amendment) Act, 1975, receives the assent of the President shall, in so far as they are in conformity with the provisions of this Constitution as amended by the Constitution (Thirty-sixth Amendment) Act, 1975, be deemed for all purposes to have been validly done or taken under this Constitution as so amended.

1. Ins. By the Constitution (Thirty-sixth Amendment) Act, 1975, sec. 3 (w.e.f. 26-4-1975).
2. Subs. By the Constitution (Forty-fourth Amendment) Act, 1978, sec. 43, for "six years" (w.e.f. 6-9-1979). The words "six years" were substituted for the original words "five years" by the Constitution (Forty-second Amendment) Act, 1976, sec. 56 (w.e.f. 3-1-1977).
3. Subs. By the Constitution (Forty-fourth Amendment) Act, 1978, sec. 43, for "five years" (w.e.f. 6-9-1979). The words "five years" were substituted for the original words "four years" by the Constitution (Forty-second Amendment) Act, 1976, sec. 56 (w.e.f. 3-1-1977).
4. See the Constitution (Removal of difficulties) Order XI (C.O. 99).

Source : Bakshi, P.M. The Constitution of India, Delhi, Universal Pub. Co. Ltd. Pp. 318-320.

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