

Chapter 3

District Administration in Darjeeling and the DGHC – Their Respective Functions. Comparison. Areas of Conflict and Tension.

Departments and Functions of District Administration in Darjeeling

Ever since DGHC came into existence some powers and functions of the District Administration of Darjeeling were transferred to the DGHC. These transferred powers and functions were referred to as Transferred Powers/Departments and were under DGHC. The remaining powers and functions of the District Administration were referred to as Non-Transferred Powers/Departments and were under District Administration.

The following are the departments and functions of district administration in Darjeeling in the post DGHC era.

1) Revenue Administration.

Revenue administration involves the assessment and collection of land revenue, preparation as well as maintenance of land records and their revision from time to time.¹

Revenue Munshikhana - The revenue Munshikhana of Darjeeling mainly deals with the collection of revenues of the State Government in the district. Electricity Duty and Loans Sections are also merged with the Revenue Munshikhana. It also monitors resource mobilization in the district. The Section also deals with the cases relating to the Indian Stamps Manual such as stamp refund cases and deficit value of stamps while registering instruments. Matters regarding probate cases, motor accident claims cases etc, are also looked after by the Section. One of the main functions of this Section is to pursue Civil Rules and Civil Suits through the Legal Remembrancer, and appointment of lawyers for defending Government cases.²

Registration - Registration Department is one of the important revenue earning departments of the Government. The main function under the Darjeeling Collectorate is to augment Government Revenue by means of realization of Stamp Duty and Registration Fees. The Stamp Duty and the Registration Fees are realized on various

documents like Conveyance Deeds, Sale Deeds, Gift Deeds, Partition Deeds, Lease Deeds, and Adoption Deeds etc.³

Certificate – The Certificate Department is concerned with the recovery of government revenue under the Public Demands Recovery Act of 1913. This department receives requisitions for recovery of dues from various quarters. For example, Banks may send in requisitions for recovery of money from loan defaulters, against whom action shall be taken from this end. Sales tax authorities also send their requisitions for recovery of sales tax from defaulting dealers. As such any interested party, even private parties can send requisitions for a certificate case against any special defaulter.⁴

Excise – Excise is mainly a Revenue earning department for State Government from intoxicants, drugs and toilet preparation of duty, fee, levy, fine and settlement through auction. To ensure revenue targets – Excise acts in two ways – preventive drives are taken against illicit manufactures and dealers – and inspection measures onto licensed premises are taken regularly.⁵ The department prevents illegal consumption and manufacture as well as trafficking of intoxicants and drugs from illicit source. It inspects licensed premises of Country Spirit, Foreign Liquor etc to detect irregularities at the licensed premises.⁶

Motor Vehicles Department is one of the most important departments of the district with respect to collection of Government Revenues.⁷

Land Acquisition and District Land and Land Reform – Darjeeling district has a separate Land Reforms set up where the District Magistrate is the Land Acquisition Collector. Two set-ups look after the Land Acquisition matters of the district. The normal and routine requisition and acquisition proceedings under Land Acquisition Acts including Indo-Bangladesh Border Roads are looked after by the Land Acquisition Department of the Collectorate, whereas the work of the acquisition of scheme land (under the Teesta Barrage Project and Teesta Fall Hydel Project) is entrusted to the Special Land Acquisition Officer.⁸

Land Reforms function with the following objectives: (1) Recovering of ceiling surplus land and distribution thereof among landless people as envisaged in the West Bengal Establishment Act 1953 and West Bengal Land Reform Act 1955 and its subsequent amendments (2) Preparation of finally published Records of Rights as per

provisions of West Bengal Land Reforms Act 1955 (3) Recording of Bargadas and Homestead beneficiaries as per provisions of respective acts (4) Rendering revenue services to the people⁹ - Collection of Land Revenue and Exemption of Land Revenue (5) Mutation and Conversation of Land Cases.¹⁰

Compensation - The District Compensation Office of the Collectorate deals with the matters relating to the payment of compensation to the Ex-intermediaries whose lands have been vested to the State under the provisions of the West Bengal Estate Acquisition Act, 1953.¹¹

Touzi - The Touzi Section deals with the control and supervision of all the tea gardens in the district of Darjeeling as per the provisions of West Bengal Estate Acquisition Act 1953. This Section also realizes revenues in the form of land rent, penalty, and fines payable by a tea garden to the Collector. The other miscellaneous functions of the Section are to grant permission for bringing virgin land under tea plantation, uprooting tea bushes, felling of shade trees for fuel, wood, repair and construction of labour quarters and various other uses. Such permissions are based on the field enquiry reports submitted by respective Block Land and Land Reforms Officers.¹²

2) Law and Order and Jail Administration.

District administration headed by the district magistrate is responsible for the maintenance of law and order and for looking after public safety and protection of citizens and all their rights. Terrorism, communalism, smuggling and other economic offences have added to the burden of district administration. Essentially no development can take place unless peace and tranquility are maintained.¹³ The district magistrate as the head of the regulatory administration in the district should exercise general supervisory control over the police organizations in the district.¹⁴ The district magistrate is the head of the criminal administration in the district.¹⁵

The district jail is under the general control of the district magistrate. He can visit the jail from time to time to see that all is well and ensure the expeditious disposal of cases of under trial prisoners, premature release of prisoners, release of prisoners on parole, mercy petitions of prisoners etc. He, or any other magistrate authorized by him, must be present when a condemned prisoner is executed and has to sign the necessary certificate that the execution has been carried out.¹⁶

Judicial Munshikhana - The District Magistrate of Darjeeling exercises his magisterial functions through the Judicial Munshikhana Section of the Collectorate. These include monitoring of prosecution cases through Public Prosecutor/Assistant Public Prosecutor, deployment of Magistrate for Law and Order duties, granting of Arms Licenses and other related matters.¹⁷ This section deals with matters of multifarious nature like: (1) Appointment of panel lawyers in connection with criminal suits involving the Government departments. (2) Sanction for prosecution under Arms Act. (3) Matters related to police, Jail and Judicial Courts. (4) Vesting of powers to Executive Magistrates of the District and appointment of Magistrates for enquiry into Police firing incidents. (5) Maintenance of record of special reports sent by various thanas. (6) Issues of summons/notices to witnesses. (7) Issue of licenses to Cinema Halls, Video Halls, and collection of Amusement Tax from various sources. (8) Recording of Affidavits. (9) Permission for holding Cultural Program, Mela (fate), Magic Show, Charity Show, Lottery, etc. (10) Payment of bills in respect of prisoners' diet/ Unclaimed dead bodies/ Post mortem fee/ Bills of panel pleaders. (11) Miscellaneous matters like West Bengal Human Rights Commission, W.B. Religious Buildings and Places Act, Registration of newspapers.¹⁸

3) Crisis Management.

It is during a crisis that the district magistrate's strength, leadership and performance assume crucial significance. During emergencies such as those caused by natural calamities, floods, famines, cyclones etc. or man-made crisis such as riots, fires or external aggression, it is he who holds an umbrella over the district and undertake relief measures, organize rescue operations and call the army for help.¹⁹

Darjeeling district has a peculiar topographical condition. This district is faced by the problem of soil erosion, waterlogging, landslide etc due to steepness of land and looseness of soil. So it is necessary to take precautionary measures not only in the rescue and relief matters in low lying areas in the plains on account of floods but also take protective measures in vulnerable places where there are possibilities of landslides in hilly regions of the three sub-divisions of the district.²⁰

4) Other Miscellaneous Functions of the District Administration.

The District Magistrate looks after the general interests of the Government and he is the principal agency of the State Government in the District. He acts as a link between the Government and the people and tries to place the Government's view before the people. In this way he harmonizes the relations between the two.²¹

The District Magistrate is the Chairman/ President of Red Cross, Zilla Sainik Board, Himul, District Sports Association, Colleges and is also in the Board of Directors of many organizations.²²

The District Magistrate/Additional District Magistrate holds periodical meetings with the food authorities like District Controller, Sub Divisional Controllers, Food Corporation of India, Sub Divisional Officers, Suppliers of petroleum and kerosene oil. The matters relating to the distribution of various commodities under Public Distribution System, supply of LPG, kerosene oil etc are discussed in detail and efforts are made to sort out the problems, if any, through discussions.²³

The Passport department which deals with the Indo-Bangladesh Passport matters is under the control of the District Magistrate²⁴ and he has delegated this power to the Sub-Divisional Officers of Darjeeling and Siliguri. The department issues Indo-Bangladesh Passport to the permanent residents of this district subject to the receipt of no-objection from the S.P. DIB, Darjeeling. This department engages in issuing Indian Citizenship Certificates to those persons who want to acquire Indian Citizenship.²⁵

Darjeeling being the only hill district of the state many VVIPs (Very Very Important Persons) visit this district during the summer holidays and during the Puja holidays. Request for reservation in the Circuit houses and other Government Guest houses are received throughout the year from all corners of the country. The protocol aspect of the district is looked after by the Nazareth Section.²⁶

Election – the Election Section is responsible for co-coordinating smooth conduct of the elections and is responsible for liaising between the Returning Officers/ Electoral Registering Officers of various constituencies of the district and the Election Commission. The main functions of this section are as follows: (1) Conduct of General Elections to the House of the People and Legislative Assembly of the State. (2) Conduct of General Elections of DGHC. (3) Conduct of Elections to the Municipalities of the district. (4) Preparation and Issue of Voters' Identity Cards. (5) Preparation of Electoral

Rolls. (6) Coordinating the process of Revision of Electoral Rolls. (7) Maintenance of Electronic Voting Machines. (8) Managing the allotments and payment of funds.²⁷

Public Grievance - The District Magistrate has been designated as 'District Grievance and Assistance Officer' at Darjeeling district headquarters. The function of the Public Grievance and Assistance Office is to deal with requests, complaints, petitions and suggestions received from members of the public. It deals with grievances, petitions and suggestions published in local newspapers in grievance column or letters to the editor's section. The District Information and Cultural Officer and the Sub-divisional Information and Cultural Officer scrutinize the newspapers at their respective headquarters. After scrutiny, they send newspaper clippings through the Joint Director, Information and Cultural Affairs Department, Darjeeling to the district Public Grievance and Assistance Office for taking necessary action.²⁸

The General Section makes all arrangements for celebration of national events like Independence Day, Republic Day, Rastriya Ekta Diwas, Birth Days of National Leaders – both past and present and other important functions. The names of persons recommended for national awards like Padmashri, Arjuna Award etc are also forwarded to the Government. The names of Freedom Fighters for awards like Tamra Patra, Pension etc are also forwarded to the Government with recommendations. The General Section deals with matters of providing welfare to the families of army personnel at the time of crisis and receives a number of grievances from the army personnel and action is taken to safeguard their families. This Section acts as a liaison between the Civil and Military departments whenever any dispute arises between them for settlement of the matters in a constructive and justified manner.²⁹

Treasury – Treasury is the pivot of financial administration, all financial transactions of the State Government are made from Treasury. The Collector is in overall charge of the Treasury and the Treasury Officer acts on behalf of the Collector and is directly responsible to him. The volume of work of Darjeeling Treasury has increased as the entire accounts of the DGHC are maintained. The main functions of Darjeeling Treasury are: (1) Receiving, checking and passing Bill/Cheques of different departments. (2) Maintenance of accounts of payments and receipts under different heads. (3) Maintenance of accounts of banking nature like P.L.Accounts, Local Fund Accounts of

DGHC, P.F.Accounts of Government and non-Government Educational Institutions, Local Funds Accounts of Panchayats and Municipality. (4) Payment of Pension – Civil and Military, (5) Drawing and disbursement of Mobile Pension (6) Passing of Treasury Challans (7) Maintenance of Strong Room with double lock (8) Receipt of letters and correspondence with Government and other departments (9) Compilation of monthly accounts and submission of Accounts to Auditor General W.B. ³⁰

5) Developmental Activities.

The district magistrate in general, as the main person of the district administration, is closely connected with the developmental programs and has acquired a key position working as a guide and philosopher. It is expected from the district magistrate that he should supervise and verify at random, whether the tangible benefits are reaching the deserving people.³¹ The development role of the magistrate became a focal point after the initiation of development planning in India. It was felt that the great influence that the magistrate wielded in the district should be harnessed to the task of development. In this task of economic development, the role of the district magistrate is not that of an adviser or observer alone. The emphasis is on his leadership role in the extension and development activity.³² However, the constitutional amendment and the enactment on Panchayat Raj by various States in 1993 and early 1994 have reduced the burden of the district magistrate in regard to developmental activities.³³ Prior to the formation of DGHC in Darjeeling, the district magistrate monitored various development and welfare related activities. With the formation of DGHC the development functions of district magistrate have been considerably reduced though he has coordinating powers over development work. He has the power of supervision over Local Self-Government like Panchayats and Municipalities. The District Magistrate's development role has been reduced vis-à-vis DGHC.

The meeting of the District Panchayat and Rural Development Officers is held periodically with the Director of Panchayat. At the district level monthly meetings with the Extension Officer Panchayat and Panchayat Accounts and Audit Officer is held. Similarly the Block Development Officers hold meetings with the Gram Panchayat Pradhans, Upa Pradhans, Gram Panchayat Secretaries and Job Assistants. In such

meetings performance of the Gram Panchayats in various development works, audit objections, their problems in implementation of schemes are discussed and reviewed.³⁴

To strengthen public participation and with the view to bringing transparency in the functioning of the Gram Panchayat, the Gram Sansad meeting of the voters of Gram Panchayat constituency with the mandatory presence of at least one tenth of the total number of members as quorum are being held twice a year. In these meetings work done in the last six months under different schemes were placed by the Pradhan. Annual Action Plan of the Gram Panchayat is discussed and finalized. Beneficiary Committees of different development schemes were set up for ensuring active participation of the people in implementation, maintenance and equitable distribution of the benefits of the schemes.³⁵

ICDS – The Integrated Child Development Services (ICDS) is a unique early childhood program, run through Anganwadi Centres with the objective to improve the nutritional and health status of children in the age group 0-6 years along with several other benefits.³⁶

Looking at the administrative departments of Darjeeling in the year (May) 2000 we get an idea of some of the services provided by the Administration of Darjeeling. They are as follows:-

- Revenue Munshikhana. Collection of revenues of the State Government.
- Registration. Realization of stamp duty and registration fees.
- Certificate. Recovery of Government dues through Certificate Proceedings.
- Excise. Duty, fine, levy etc. on intoxicants, drugs and toilet preparations.
- Land Related. Land Acquisition and District Land and Land Reform Department.
- Darjeeling Improvement Fund.
- Compensation. Payment of compensation to ex-intermediaries whose land has been vested under WBEA 1953.
- Touzi. Monitoring and controlling the use of the tea garden lands as per the deeds.
- Judicial Munshikhana. Magisterial functions through this section.
- Law and Order. Police. Jail.

- Relief. Relief to affected people during landslides, floods and other natural calamities.
- Food. Licenses for LPG, HSD, Kerosene, MR, etc.
- Passport. Indo-Bangladesh Passport and Sikkim Permit.
- Grievance Assistance. Public Grievance and Assistance Office.
- Motor Vehicles. Effective Regulation and development of the transport sector.
- Development. Development and Planning.
- Panchayat. Panchayat Matters, Audit, Inspection, etc of the Gram Panchayats
- Integrated Child Development Scheme. (ICDS)
- Special Central Assistance and Border Area Development Programs.
- Scheduled Caste / Scheduled Tribe Development. Implementation of Family oriented bankable schemes for SC/ST's under the poverty line.
- Health. Public Health.³⁷

Powers, Functions and Departments of Darjeeling Gorkha Hill Council (DGHC)

Under the provision of Darjeeling Gorkha Hill Council Act 1988, the executive powers of the State Government relating to the management, control and supervision of the important departments mainly covering development functions and activities have been transferred to the Hill Council. The DGHC Act 1988, outlined matters to be under the control and administration of the General Council. Later some more departments were transferred to the Hill Council. All these taken together are as follows:-

- The allotment, occupation or use, or setting apart, of land other than any land which is a reserved forest, for the purpose of agriculture or grazing, or for residential or other non-agricultural purposes, or for any other purpose likely to promote the interest of the inhabitants of any village, locality or town. Such allotment, occupation or use, or setting apart, of land shall be subject to the provisions of the West Bengal Land Reforms Act, 1955.
- The management, control and administration of any forest, not being a reserved forest. Accordingly, such forest area within the Council area consists mostly of Protected and Unclassed State Forest.

- The use of any canal or watercourse for the purpose of agriculture.
- Agriculture.
- Public health and sanitation, family welfare, hospitals and dispensaries.
- Tourism.
- Vocational training.
- Public works.
- Roads except national highway and state highway.
- Transport and development of transport.
- Management of burial and burial grounds, cremations and cremation grounds.
- Preservation, protection and improvement of livestock and prevention of animal diseases, veterinary training and practice. Animal Resources Development.
- Pounds and the prevention of cattle trespass.
- Water that is to say, water supplies, irrigation and canals, drainage and embankment, water-storage. Irrigation and Waterway.
- Fisheries.
- Management of markets and fairs, not being already managed by municipal authorities, Panchayat Samities or Gram Panchayats.
- Education – primary, secondary and higher secondary education including social, adult and mass education and non-formal education.
- Works, lands and buildings vested in or in the possession of the General Council.
- Small scale and cottage industries.
- Sports and youth services.
- Such other matters as the government may, by notification in the Official Gazette, place under the control and administration of the General Council.³⁸

Subject to the general policy and direction of the Government (state government), the General Council shall also have the power to –

- (i) Formulate integrated development plans for the hill areas and
- (ii) Implement schemes and programs for development of the hill areas.³⁹

Notwithstanding the provisions of the West Bengal Panchayat Act, 1973 or the Bengal Municipal Act 1932, the General Council shall exercise general powers of supervision over (Panchayat Samities), Gram Panchayats and Municipalities in the hill

areas, and it shall be the duty of every such (Panchayat Samities), Gram Panchayats or Municipality to give effect to any direction of the General Council on matters of Planning for development.⁴⁰

➤ Execution of work in cases of emergency.

If the Chief Executive Councilor of the General Council is satisfied that an emergency has arisen and is of the opinion that the immediate execution of any work or the doing of any act is necessary for the maintenance of services or safety of the public or the prevention of extensive damage to any property of the General Council, he may direct the execution and he may direct that the expense for such execution or doing shall be paid from the Council fund.⁴¹

Besides the above-mentioned functions, the state government can entrust, either conditionally or unconditionally to the General Council functions in relation to any matter to which the executive power of the state extends.⁴²

Some of the Departments under DGHC

Communication: Since the formation of DGHC, top priority has been given to the Communication Sector for the overall economic development of the hill areas of Darjeeling. Special attention has been given to rural and remote areas which are not yet connected to the main roads. Some of the road networks transferred to DGHC was from PWD Darjeeling Division, from Zilla Parishad, other District Roads and Village Roads. Improvement, widening and the maintenance of the above roads are done.⁴³

Cottage and Small Scale Industries: District Industries Center, DGHC, Darjeeling has been taking steps for promotion and development of Small Scale Industries in DGHC areas primarily in business and service sector. It renders assistance and guidance to the entrepreneurs through institutional financing, provision of margin money and subsidies. It also organizes training in capacity buildings of the intending entrepreneurs to the small-scale businessman, artisan, craftsman and gives cash prize as incentives for further improvement. The Design Centre under its administrative jurisdiction organizes training on design on wood, bamboo and metal works with emphasis on the ethnic handicrafts of hill region.⁴⁴

Fisheries: The department of Fisheries has been created for the development and promotion of fisheries activities. Fishery scheme is known for creating prospects for income generation and revenue.⁴⁵

Forest including Parks and Gardens: Forest area within the Council area consist mostly of Protected and Unclassed State Forest.⁴⁶ The Parks and Gardens Department has been involved towards the maintenance of Garden and beautification of these Parks and Gardens.

Irrigation and Waterways: Irrigation and Waterways Department has one unit office of the Executive Engineer, Darjeeling Irrigation Division with Sub-Divisional offices at Darjeeling, Kurseong, Kalimpong and Gorubathan. Darjeeling Irrigation Division is executing schemes relating to (1) Soil Conservation works including protection of landslides, (2) Irrigation works and channel works; (3) Jhora Training Works and (4) River Training Works.⁴⁷

Labor: the Industrial Training Institute at Tung (ITI), previously under the Labor Department, Government of West Bengal, was transferred to DGHC along with staff and a number of building structures and land.⁴⁸

Sports and Youth Affairs: The department of Sports and Youth Affairs under DGHC was opened with the view to encourage the youth to participate in the promotion of Sports and cultural activities in the hill areas as also to assist them to reach higher level of competition in the State and National meets.⁴⁹

Agriculture: Agriculture and Minor Irrigation Department is one of the Department transferred to DGHC. Crops which are grown in DGHC areas are Aman Paddy, Maize, Millet, Kharif Pulses, Wheat, Barley, Cardamom, Mustard, Potato and Ginger.⁵⁰

Animal Resource Development: Animal Resource Development Department emphasized on improvement and strengthening of the infrastructure facilities in its office.⁵¹

Backward Classes Welfare Department: The offices of Backward Classes Welfare Department have been transferred to DGHC with effect from 01/06/2001.⁵² The main objective of this department is to undertake development work in those areas where the scheduled castes and scheduled tribes people reside.

Education: All executive powers relating to Primary, Secondary and Higher Secondary Education (including Social, Adult and Mass Education) have been transferred to DGHC.⁵³

Energy and Power: Power Department was created in DGHC in 1991. Since its inception this department has been looking after the electrical maintenance of all the departmental buildings within DGHC. This department was also undertaking the survey and investigation of micro hydroelectric schemes. Rural Electrification has been entrusted to DGHC from the financial year 2000-2001.⁵⁴

Establishment: Upon the formation of DGHC a department called General Administration of DGHC was created to look after the establishment matters of its officers and staff. Subsequently the nomenclature of the department was changed into Establishment Department.⁵⁵

General Services: In the General Service Sector, construction of Public Utility service buildings are being given priority. Tourist Transit Facility Complex building is constructed at Darjeeling More, Siliguri. This will serve as rest house for the local people and the tourist alike on their way to Darjeeling and back. Another work is the construction of Gorkha Rangamanch Bhawan at Darjeeling which will be an Auditorium and Stage of standard size, which will also have a Sound Recording Complex. This building will be a tourist attraction center with exhibition rooms, conference hall and museums etc.⁵⁶

Library Services: Library Service Department has been transferred to DGHC with effect from 01/04/2000.⁵⁷

Public Health Engineering: This department is responsible for execution of new schemes including repair and maintenance of the existing schemes to ensure uninterrupted water supply to both rural and urban areas under the jurisdiction of Hill Council.⁵⁸

Pool and Transport: Pool and Transport Department under DGHC is a non-transferred department but with the formation of the DGHC it became necessary to create a department of Pool and Transport to look after the matters relating to the management and maintenance of all kinds of vehicles transferred to/purchased by DGHC from time to time.⁵⁹

Tourism: This department was transferred along with its assets and liabilities in 1998.⁶⁰ Darjeeling is a very popular tourist destination.

It was stated via a circular issued by the Council on May 23, 2007 that the DGHC would support “needy monastries” from July 2007 onwards by “engaging head priests, assistant priests, mali (gardener) and chowkidar (guard)”. This recruitment drive was justified on grounds that monastries were an important cultural component of the hills and funding would be under the promotion of culture head.⁶¹

Land, District Improvement Fund, Panchayat and Rural Development, Health, Information and Cultural Affairs Departments are mentioned in the subsequent pages.

Table I
District Administration and DGHC – a Comparison

District Administration (Non-Transferred Functions)	DGHC (Transferred Functions)
<ul style="list-style-type: none"> • Land Related, Land Administration • District Improvement Fund • Panchayat and Rural Development • Public Health • Information and Culture • Compensation • Touzi • Revenue Munshikhana • Registration • Certificate • Excise • Law and Order, Police • Judicial Munshikhana • Jail • Relief (Crisis Management) • Grievances • Passport • Food • Motor Vehicles • Development & Planning • Supervision and Coordination • Supervision of Local Self-Govt. • Development, Urban development 	<ul style="list-style-type: none"> • Land Related • District Improvement Fund • Panchayat and Rural Development • Public Health • Information and Cultural Affairs • Forest • Tourism • Public Health Engineering (PHE) • Parks and Gardens • Animal Resource Development • Livestock • Agriculture • Agricultural water system • Irrigation • Fisheries • Public Works Department • Roads • Transport & development of Transport • Transport and Pool • Supervision over Panchayats & Municipalities • Rural Electrification

<ul style="list-style-type: none"> • SC/ST Development • MPLADs, ICDS, BAD. 	<ul style="list-style-type: none"> • Backward Classes Welfare • Education - Primary, Secondary, Higher Secondary, Social, Adult & Mass Education. • Water Management • Market Management • Burial and Cremation Grounds • Works, lands, buildings of the General Council • Small Scale/ Cottage Industry • Vocational Training • Sports and Youth Services • Labor • General Services
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District Administration and DGHC – a Comparison. Areas of Conflict and Tension

Looking into the functions of Darjeeling District Administration and DGHC we find that there are departments where we find overlapping of jurisdiction between district administration and DGHC, like the following departments:-

- Land Related
- District Improvement Fund
- Panchayat and Rural Development
- Health
- Information and Cultural Affairs

1. Land and Land Reforms Department

Regarding Land Related matters the viewpoints of DGHC are as follows:

In 1989 the Land and Land Department, Government of West Bengal issued a notification (vide 101-L.Ref: Dated 20th March '89) stating that the Collector would furnish to the Darjeeling Gorkha Hill Council Thana wise lists of all undistributed vested and Khasmahal lands situated within the jurisdiction of the Council, which were not involved in any Court cases. The Council would prepare lists of allottees for settlement of vested and Khasmahal lands with them as early as possible. However, the so-called executive power in this regard has remained merely in name and the Hill Council has been reduced to a mere consulting agency that is often ignored. In order to exercise the executive powers conferred on the Hill Council a proper infrastructure was required in the Hill Council with sufficient number of technical staff, copies of Land Records, Maps etc. Unfortunately no such provisions were made to this effect. Many posts in the department were lying vacant most of the time.⁶²

If the Council was to exercise executive powers conferred on it on all land matters as envisaged in Section 24 of the DGHC Act, 1988 in its true sense, it was essential to have all the offices of Land & Land Reform (L&LR) Department of the Government of West Bengal transferred to it and a post of Collector to be created in the Hill Council. Failing which the Principal Secretary of DGHC or any other Secretary of the Hill Council could be vested with the powers of Collector for the DGHC areas.⁶³

The L&LR Department, Government of West Bengal then issued another order (No. 290-L.Ref.Dated 4.3.1998) a decade after the earlier notification wherein the Governor was pleased to direct as follows:

Distribution of agricultural land in the hill areas of the sub-divisions of Darjeeling, Kalimpong and Kurseong including the agricultural land within the D.I.Fund area should be made under section 49 of the West Bengal Land Reforms Act 1955. For settlement of land for non-agricultural purposes both within the D.I.Fund area and outside, the DLLRO Darjeeling should consult the DGHC before initiating a proposal for long-term settlement of such land. However, the entire notification has been reduced to a mere paper and even its existence has been denied at times.⁶⁴

A High Power Committee which reviewed the provisions contained in the Memorandum of Settlement, and examined the provisions contained in the DGHC Act 1988 to offer steps needed to strengthen the role of the DGHC in coordinating

developmental activities in the hill areas and foster comprehensive development program felt that the DGHC should be involved to the maximum extent in the distribution of both agricultural and non-agricultural lands in the DGHC areas. The Land and Land Reforms Department should issue necessary orders and guidelines to this effect.⁶⁵

The ADM, Land and Land Reforms (2006) pointed out some of the works done by the department: Maintain Land Records; Modification and updation of Land Records and Maps; Collection of Land Revenue, Cesses, Minor Minerals etc. These functions were performed according to West Bengal Land Act and Rules.

Since Land and Land Reforms was transferred to DGHC the District Administration had to obtain No Objection Certificate from the DGHC for Transfer and Settlement of Land.

2. District Improvement Fund (D.I.Fund)

As per Darjeeling Improvement Fund Act the day-to-day affairs of the Darjeeling Improvement Fund is to be managed by the Administrator of the D.I. Fund who is also the District Magistrate. This department started collecting land rent, salami, penalty auction fines on the basis of present marked value of land.⁶⁶ This department dates back to the year 1868. It was created with a view to make the local administration self-sufficient by locally raising revenue which came in the form of tolls from the various haats (local market), land rent, salami, tax etc.⁶⁷

The property, office and authority of the D.I.Fund although transferred were not handed over entirely to DGHC.⁶⁸ Under the ratification (No 560 WDMA Calcutta the 22nd June, 1993 of the Land and Land Reforms Department, Government of West Bengal), some assets and the administrative set up came under the administration and management of DGHC. In the subsequent notification (No. 29-L Ref. Calcutta the 4th March 1998), the management of Haats, Bazaars, Bungalows and income including the revenue from the land of District Improvement Fund were to be transferred to the DGHC along with the staff of the District Improvement Fund. But nowhere in the said notification ownership of the assets of DGHC were spelt out in clear terms. The Council felt that unless the matter was clarified by the (state) government, taking over of the

District Improvement Fund would not serve any purpose. The matter had been referred to the Government and response awaited, as a result, transfer of Darjeeling Improvement Fund to DGHC remained pending. However, the Council has formed D.I.Fund establishment with a view to undertake some development activities in the Council area. For this purpose the department has its own engineering set up with one Assistant Engineer and one Sub-Assistant Engineer. Fund for such development scheme were sanctioned from the fund under Special Central Assistance under the control of Chairman DGHC. But unfortunately the Department has not received any fund so far, from any source. As a result, there is practically no work in this department. The Department is headed by the Executive Councillor-in-charge with a Secretary and a team of Clerical and Engineering Staff.⁶⁹

The Council opined that it was tantamount to giving more liabilities than assets so far as the D.I.Fund was concerned. For example, while the ownership of D.I.Fund properties running in deficit were given to DGHC, the ownership of available D.I.Funds in Kalimpong, running in surplus were not vested with DGHC. D.I.Fund has a unique status and it does not get any fund from the Government either under Plan or Non-Plan head and the shortfall in the revenue is made good by surplus received from Kalimpong or by way of transferring and leasing out lands available with D.I.Fund. To make matters worse, the Government in its order (No. 597-LR dated 18th June '96 the L&LR Department) has transferred an area (measuring 15.49 acre and 1440 Square Feet) of D.I.Fund lands in Kalimpong and Kurseong to the respective municipalities. The transfer of such main sources of revenue would leave the D.I.Fund impoverished and it would be very difficult to run the management of D.I.Fund properties. If only the Salaries of (42) employees of the D.I.Fund were transferred to DGHC the financial burden on it would become unbearable especially as there would be little scope for raising extra funds from lands.⁷⁰

The Annual Administrative Report of D.I.Fund, Darjeeling Collectorate 2002-2003 presented the following facts:-

The department of D.I.Fund had been running under the administration of the District Magistrate, Darjeeling despite notification that transferred its haats, bungalows, public easements and employees to the respective Municipalities in Municipal areas, and

to the DGHC and Siliguri Mahakuma Parishad in rural areas. Whereas the employees and haats of Siliguri proper had already been transferred to the Siliguri Municipal Corporation, the rest of the assets and liabilities could not be handed over mainly due to reluctance on the part of the Transferred bodies (DGHC), which insisted on getting the entire land management (ownership) of the D.I.Fund. The land management still rested with the Collector in terms of the Land Reforms Act 1955. There was need to augment the revenue of D.I.Fund through its various sources like tolls and rent from the haats, salami on the settlement and sale of its land, fee and penalty on mutation and breach of lease conditions.⁷¹

In the year 2002-2003 the major source of income of D.I.Fund through salami, rent and cess on new settlement of land could not be realized because in terms of G.O. No. 290-L Ref dated the 4th March 1998 all settlement cases had to be sent for No-objection to the DGHC. Accordingly this department had forwarded 50 numbers of proposals for settlement of its land to the Land and Land Reforms Department of DGHC out of which only one case (of war widow) was cleared from their end. The impasse resulted in low income of the fund. Another major contributor to the Fund's income was 5% salami on the present value of land and building that were sold by a lessee, the administrator had accorded approval to a number of such sale cases (in Kalimpong, Sukhiapokhari and Siliguri Haats) and due to increase in sale note shown by the Registration Department, quite a lot could be collected under this head during 2002-2003.⁷²

There was growing discontentment amongst the employees of the D.I.Fund as they had not been allowed to draw their salary at par with the other State Government employees (nor enjoy pension benefits). In this regard, a number of correspondences took place but till date the question of granting benefits of ROPA 1998 to the employees of D.I.Fund has not been decided by the Government. To sum up, this department had somehow been able to carry on without any outside assistance or Government grants. Some fixed deposits were slowly getting depleted hence there was immediate need for a long term plan in order to ensure development of the haats on the one hand and timely payment of salaries and other financial benefits to the employees on the other irrespective

of whether this department remained with the District Administration or got transferred to the respective bodies (DGHC).⁷³

3. Panchayat and Rural Development

After formation of the DGHC, the Zilla Parishad has been divided into DGHC in three hill sub-divisions and a Mahakuma Parishad in Siliguri sub-division. Like in other districts of the State three tiers system of Panchayat prevails only in Siliguri. In three-hill sub-division only one tier (Gram Panchayat) is in operation. Out of the total number of 134 Gram Panchayats 112 are in the three hill sub-divisions and 22 are in Siliguri sub-division.⁷⁴ Regarding Panchayats the GNLFF feared that the Panchayati Raj would lead to the formation of an organization parallel to the DGHC⁷⁵, and that the powers of the Panchayat Samities would overlap with powers enjoyed by DGHC councilors.⁷⁶ Therefore, only the Gram Panchayats were functional in the Darjeeling hills.

So after the creation of DGHC in the three-hill sub-division of Darjeeling, the Panchayat Raj was reorganized with only one tier that is the Gram Panchayat level in the District of Darjeeling. The Panchayat Samity at Block level is still under consideration. The Panchayat institutions under DGHC at Gram Panchayat level had been entrusted to formulate and execute the Rural Development Schemes out of the allocation allotted to Gram Panchayats through Hill Council. The Panchayat Department of DGHC has been divided into three sub-division that is Darjeeling, Kalimpong and Kurseong, providing departmental Branch Secretary and Executive Councilor to direct to each sub-division.⁷⁷

Doctor Bhaumick and Dr. Sarkar have observed that the Gram Panchayats in three sub-divisions have been placed under the control and supervision of DGHC and in this respect relationship between DGHC and district administration has not been clearly spelt out (because district administration also has supervisory power over the Panchayats). On number of occasions, skirmishes on the questions of such relationship developed during the decade of DGHC's tenure. DGHC has been vested with the authority of supervision and control over panchayats in the hills, State level departments of panchayat maintain direct relationship with them. In place of single line administration there has been marked presence of multiple line of administration which is expensive,

time consuming and anarchic. Further complications in monitoring and coordinating activities of Panchayats by the DGHC would arise out of the fact that DGHC is not under the control and command of the State Ministry of Panchayat.⁷⁸ Designated Officers like Block Development Officer (BDO) and District Panchayat and Rural Development Officers are under district administration⁷⁹ and the meeting of the District Panchayat and Rural Development Officers is held periodically with the Director of Panchayat (State Government).⁸⁰

Mr. Subash Ghising (Chairman and Chief Executive Officer DGHC) in the 'Forward' to the Review Meeting Calcutta 1999 pointed out that "regarding the development work and the functioning of Panchayat, DGHC has got no control or supervision over the same. It may be pointed out that the Hill Council has got no interaction leave alone supervision or control over the office of BDO. Many extension officers of the departments like Fisheries Extension Officer, Industries Extension Officer, and Agriculture Development Officer Etc. are attached to the office of the BDO (and they report to the BDOs and not to DGHC although their departments have been transferred to DGHC and they are under the administrative control of the Hill Council). This lack of communication and coordination is truly hampering the development in the hill areas. It is, therefore, proposed that rather than giving general powers of supervision, the role of DGHC should be clearly spelt out so far as interaction with the office of BDO and through it the Panchayats are concerned."⁸¹

At one time there was an order made in a meeting that the Block Development Officer (BDO) be converted to Council Development Officer (CDO) but ultimately that was not done.⁸² Mr. D.T. Tamlong ex-Principal Secretary of DGHC writes that with the transfer of almost all the developmental Departments to the DGHC, the BDOs should also have been transferred to the DGHC long ago. In fact in 2001, the State Government had decided to place the services of the BDOs in the hills to work as the CDOs under the DGHC but there developed a hitch regarding the control and command over them and as a result the final decision could not be taken. The delay or the non-placement of BDOs compelled the DGHC to set up its Branch Secretariats at Kalimpong, Kurseong and Mirik to oversee the DGHC work. This issue was also one of the pinpricks between DGHC and the State Government.⁸³

The Panchayat Officer (2006) under District Administration said that the Department did administrative work and not the development work. It would provide Travel Allowances, Dearness Allowances, Matching Grants, Remuneration to Hill Gram Panchayats. The Officer added that funds came to DGHC, but what they did, how they went about working, was not his responsibility. It was however the department's duty to disperse funds and monitor progress through stages to the Gram Panchayats in the plains and also to provide to them Untied Funds and 12th Finance Commission Funds. In quarterly Divisional Meetings of Panchayat and Rural Development Department the officials of District Administration and DGHC would participate along with the State Ministers.

With a view of undertaking Development work in the rural areas, Rural Development Department is functioning under DGHC since inception. The Department is looked after by Chairman and Chief Executive Councilor. The Development works consist of construction of pony roads, small bridges and culverts, primary school buildings where there is no primary school building and community hall in the areas under DGHC. The aforesaid schemes are executed out of the fund allotted under Hill Affairs and Special Central Assistance.⁸⁴

4. Health

Health section has been placed under the charge of an Officer-in-Charge under the control of the District Magistrate. This section is responsible for establishing a contact with the office of the Chief Medical Officer of Health (CMOH) and other concerned Health Officers in regard to health matters of the district and for overseeing the implementation of various Health programs in the district viz.

- (i) Health and Family Welfare.
- (ii) Pulse Polio Immunization.
- (iii) Malaria Eradication Program.
- (iv) District Leprosy Control Board.
- (v) Indian Red Cross Society.
- (vi) State Health System Development Project-II.

The concerned departments execute the schemes and send reports thereof to the District Magistrate for information.⁸⁵

The office of the Chief Medical Officer of Health and his staff, Department of Family Welfare, Nurses' Training Centers, District Reserve Stores have not yet been transferred to the DGHC.

Health and Family Welfare Department has been transferred to the DGHC under Section 24 of the DGHC Act of 1988. Apart from imparting health services to the general public and general administration, this Department also looks after the work of maintenance and repair of hospital buildings, vehicles, equipment and instruments, supply of medicines and equipment, and implementation of numerous Health programs. The Health facilities that have come under the purview of the DGHC are as follows:

- (i) District Hospital, Darjeeling
- (ii) Sub-Divisional Hospital, Kurseong
- (iii) Sub-Divisional Hospital, Kalimpong
- (iv) Rural Hospital, Bijanbari
- (v) Tuberculosis Hospital, Ghoom
- (vi) District T.B. Centre, Darjeeling
- (vii) Deshbandhu Chest Clinic, Kalimpong
- (viii) Leprosy Control Unit, Kalimpong
- (ix) Modified Leprosy Control Unit, Kurseong
- (x) Primary Health Centres
- (xi) Homeopathic dispensaries
- (xii) Ayurvedic dispensaries, 3 – at Sukna, Mirik and Jaldhaka⁸⁶

Kurseong T.V. Sanatorium was not transferred to DGHC although Darjeeling and Kalimpong T.V. Hospitals were transferred. There was a Purchasing Committee under DGHC Health which could prepare indene and requisition commodities but had no purchasing power.⁸⁷

Although Health Department is transferred department, the presence of the District Authorities is very much there. (The Immunization Programs are done by the district administration). Doctors are pressurized to be answerable to the District Magistrate, Additional District Magistrate, Sub-Divisional Officers and so on. In 2003

(Month of September-October) when American doctors had visited some local patients, a meeting was held with them by the district authorities in Kalimpong. The DGHC was kept in the dark about this meeting.⁸⁸

There are three Deputy Chief Medical Officer Health (CMOH) I, II and III. Deputy CMOH I is transferred to DGHC and is in charge of the General Administration and Stores. Deputy CMOH II and III are not transferred. They work under the District Magistrate but twice a week work under DGHC. Deputy CMOH II oversees National Program like Malaria Eradication Program, District Leprosy Control Board (now under General stream), District Blindness Control Program, and Revolutionary National Tuberculosis Control Program (RNTCP). In the District Blindness Control Program the District Magistrate is the Chairman of the Program and the Deputy CMOH II is the Project Officer. In the RNTCP the Chairman of the Program is the Principal Secretary. This Program is spread to the entire district but the Principal Secretary is not in charge of the Program in the entire district. The Principal Secretary is also the Chairman of Darjeeling Aid Control Center (DACC). The Deputy CMOH III oversees the Family Welfare Schemes and Reproductive Child Health (RCH).⁸⁹

5 Information and Culture

The Department of Information and Cultural Affairs was set up in DGHC in 1991 in pursuance of the resolution adopted in General Council. The three units viz (i) Song and Drama Unit (ii) Nepali Printing Press and (iii) Rabindra Sadan/ Gorkha Rangamanch were transferred to DGHC in the year 1989-90 which were previously under the Department of Information and Cultural Affairs, Government of West Bengal. However, the Department of Information and Cultural Affairs, Darjeeling, Kurseong and Kalimpong are yet to be transferred to DGHC. The token transfer of these three units have not really helped the functioning of the Department of Information and Cultural Affairs, DGHC. In the absence of transferring the actual offices and administrative staff the mere handing over of the three units has not really contributed towards the development of the Information and Cultural Affairs related works under the DGHC.

Moreover, the staff of these units is also on deputation, which creates more administrative problem.⁹⁰

There is no provision for allocation of financial assistance and grants from the State Government for these units to undertake any expansion or up gradation and take up developmental programs. Such funds had been regularly granted by the State Government prior to the transfer of these units to DGHC. It is proposed by the Council that all the Information Offices under the Department of I&CA, West Bengal at Darjeeling be transferred to DGHC to facilitate proper infrastructural back up in the establishment of Information Offices under DGHC and thereby creating conditions for proper dissemination of information services and better interaction between the State Government and the DGHC on various national and regional information, media related functions as well as socio-cultural exchange programs and activities.⁹¹

The Officer of Information and Culture (District Administration 2006) said that clear cut orders were given that there was to be no interference with Information and Cultural Affairs DGHC. At times same work was done by the two institutions but in harmony. Example Independence Day was celebrated by both; DGHC did it grand, District Administration did it on a smaller scale. Another example was the Teesta-Ganga Festival of 2005, where both DGHC and District Administration participated.

Other areas (departments) where the DGHC has grievances are as follows:

- **Education**

The process of recognition of Junior High Schools within the jurisdiction of DGHC areas has been very tardy. Even when the schools are recognized, DGHC is not informed either by the School Education Department or the West Bengal Board of Secondary Education. Though the salary of schoolteachers is routed through DGHC, Education Directorate from Calcutta is conducting audit of school accounts of Secondary schools of hill areas of Darjeeling under DGHC instead of internal Audit to be conducted by DGHC. (Academic aspects like Syllabi and Examinations were also not under DGHC's purview). To coordinate between DGHC and Education Directorate mini-

Directorate of Education Department is to be created. Till the formation of School Service Commission in hill areas of Darjeeling, DGHC, Education Department should have been allowed to recruit school teachers in Secondary Schools of Darjeeling as per its own recruitment rule as it enjoys autonomous status but blanket order from Education Directorate Calcutta is imposed banning appointment of school teachers in vacancies of all category (through D.I. of Schools) encroaching the jurisdiction of DGHC. One separate Branch Office may be established in Darjeeling for the benefit of the hill teachers. Unless its power and function is upgraded, DGHC, Education Department shall remain only a recommending agency.⁹²

- **Tourism**

The state Government in the Tourism Department has been requested time and again for the inclusion of DGHC Tourism in policy making and including their representatives in regulatory bodies. There is need to have a Corporation like organization within the DGHC to look after and run these properties professionally. There has been some administrative problem concerning staff that was deputed to DGHC Tourism from the West Bengal Tourism Development Corporation. While their colleagues in WBTDC have been confirmed and promoted over the years the employees who had come on deputation to DGHC are still functioning as temporary hands leave alone any promotion.⁹³

- **Forest**

Tea Garden forestlands have not been transferred to DGHC. It is also proposed to create a Territorial Division of DGHC Forest department for the proper management of the resumed forestlands transferred to DGHC. The flow of State Plan fund has been very erratic and generally the funds are received at the fag end of the financial year. It is, therefore, requested that the funds may be released on quarterly basis to facilitate timely implementation of programs. The Forest Department, DGHC is strongly of the view that for the best management of the forestland, the entire non-reserved forestlands should be

transferred to the DGHC.⁹⁴ DGHC was given Social Forestry but revenue earning Forestry was not given to it.⁹⁵ Social forestry is identified by the forest department as growing of trees on lands not held by the forest department. The department feels that trees grown on these lands would meet the needs of rural population for fuel and fodder.⁹⁶

- **Labor**

The DGHC Labor Department has virtually no control over the activities and the welfare of the laborers of the Tea and Cinchona plantations since the same have not been transferred to the DGHC by the Commerce and Industries Department, Government of West Bengal.⁹⁷

- **Fisheries**

Although the Department of Fisheries has been transferred to DGHC, the department's office building located at Kalimpong has not been transferred so far.⁹⁸

- **Other Departments**

Mr. Subash Ghising further expressed dissatisfaction when he observed, "There are still areas where the spirit of the Accord and the Act has been ignored. In the field of Land & Land Reforms no effective powers have been given to the DGHC in spite of the provisions in the Act. Similarly, in sectors like Health and Forest only partial transfer of authority have been affected. Executive powers in the department of transport and development of transport, which were to be the responsibility of the Hill Council, have been totally ignored. The functioning of the department of education is also fraught with problems. The Tea gardens and the Cinchona plantations are with the State Government. Territorial and Protected Forests are also with the State Government. As such we do not really have any primary and particular jurisdiction where we can function and take up development works without obtaining 'No objection certificates' from the agencies mentioned above.

Problems have cropped up concerning the jurisdiction of the DGHC. To illustrate, the area of municipalities is beyond the jurisdiction of DGHC, as the Urban Development Department has not been transferred to the Hill Council. According to Section 31(1) the General Council can exercise general powers of supervision over Gram Panchayats and Municipalities in the hill areas, and it shall be the duty of every such Gram Panchayat or Municipality to give effect to any direction of the General Council on matters of policy or planning for development. Such powers have never truly been granted or exercised by DGHC. In fact even to repair a portion of road or take up some development works in the municipal areas, DGHC has to obtain a 'No Objection Certificate' from the concerned municipality."⁹⁹

DGHC had to get 'No Objection Certificate' to carry out its work like road construction, rural electrification or laying water pipes in Forest areas or Tea Garden areas. At times duplication of work occurred, example Water Schemes done by DGHC was also done by District Administration under MPLADs fund. At times the same source of water was tapped by both. If DGHC were to develop new Tourist Spots in new areas that came under the jurisdiction of the Forest Department (State Government) or Wild Life, then it had to get permission from the Forest Department, Wild Life or from Non Government Organizations. Rural electrification was transferred to DGHC but the power supply was done by West Bengal Electricity Board.

The powers and functions of the DGHC, being limited, it could not meet the aspirations of the people as every matter like sanction of posts, release of fund, release of the DGHC fund kept in treasury, sanction of major projects etc had to be referred to the State and the latter could interfere in every thing as legislative power and financial power were not with the DGHC. The Accountant General West Bengal treated the DGHC as an agency and not as a Government set up. On top of that many Departments were not fully transferred and many subjects, which could be under the purview of the DGHC were continued to be handled by the State administration.¹⁰⁰

The Development and Welfare of Scheduled Castes/ Scheduled Tribes/ Other Backward Classes

In the development and welfare activities of Scheduled Castes, Scheduled Tribes and Other Backward Classes we find the involvement of both the district administration and the DGHC.

The Office of Backward Classes Welfare Department of the three hill subdivisions of Darjeeling district was transferred to Darjeeling Gorkha Hill Council, Darjeeling with effect from 01/06/2001 (in pursuance of the Notification No. 4422-BCW/5E-46/2000, dated 24/10/2000 of the Principal Secretary, Government of West Bengal Department, Kolkata)

The Major Activities of the Department are:

1. To look after the educational schemes for up-liftment of SC/ST.
2. To supervise issue of Caste Certificates of SCs/STs/OBCs.
3. Enforcement of Reservation rules in Services and Educational Institutions.
4. To grant sales permission of Tribal Lands.
5. Programs for cultural and social development of SCs and STs.
6. To deal with OBC loan Schemes for the economic up-liftment of OBCs.
7. Execution of Community Development Schemes for the benefit of SC/ST people.
8. Miscellaneous works relating to the welfare of SCs/STs/OBCs.¹⁰¹

For the issue of Certificates to SCs/STs/OBCs the signature of the Sub-Divisional Officer (SDO), an officer in District Administration, is required although the enquiry and assessment before issuing such Caste Certificates are done by the Backward Classes Welfare Department DGHC. It is the statutory function of the SDO to sign on the Caste Certificate and act as a signature officer.¹⁰²

Similarly reservation rules in the service and education institutions are also looked after by the SDO (district administration).¹⁰³

The Backward Classes Department under DGHC deal with the OBC (other backward classes) loan schemes for the economic up-liftment of OBCs but it is the Scheduled Castes/ Scheduled Tribes Development and Finance Corporation under district administration that provides loans to SC/ST people for their economic up-liftment.

From DGHC to Sixth Schedule – a journey of facts and events

At times the friction between the district administration and DGHC found its place in the Newspapers too. In *The Telegraph* dated 10 December 2003 an article read as follows: In December 2003 the DGHC accused the district administration of encroaching on its jurisdiction. Mr. I. N. Pradhan, the then DGHC councilor and GNLFF Kurseong branch committee president, objected to the digging of a football ground at Mithaidara in Tindharia (Darjeeling). The football ground happened to be the playground of the local primary school and belonged to the DGHC. The construction of a wall next to the ground, for which the soil was dug from the football field, was being conducted under the Member of Parliament Local Area Development Fund (MPLAD which is under district administration). Incidentally the then Member of Parliament Mr. S.P.Lepcha belonged to CPM (CPM is an opposition party to the ruling GNLFF of DGHC). Mr. Pradhan said that no permission was sought from the DGHC (by district administration) for the work which was reportedly done on the instruction of the block development officer.

Then there was another incident when the teachers were caught in the power trap between the state government and DGHC. *The Telegraph* dated 2 April 2005 went as follows: Caught in the tussle between the government and DGHC on the devolution of powers, teachers are going without salaries and students are being deprived of access to better education. Some 400 empanelled School Service Commission candidates have been waiting for their appointment letters for the past five years due to the fight over the control of School Service Commission. A teacher received the appointment letter from the director of school education but DGHC through notification sent to the school refused to accept the appointment indicating that it was the state government which was posing problem. An official of DGHC said “Since the education department has been transferred to the DGHC, the government should inform it about the new approaches to the school so a matching order can be issued”.

Eventually the School Service Commission that had been a bone of contention between the state government and the DGHC had to be shut down in the hills and the District Magistrate’s Office was to take charge of articles of the School Service Commission’s Office. (*The Telegraph* dated 10 January 2006)

The limitations upon DGHC's power were written about in *The Telegraph* dated 27 March 2005: As of now, what Ghising had got in the words of a bureaucrat, is a glorified Zilla Parishad. Of some 58 departments, only 26 have so far been handed over to the hill council, made up of the hill subdivisions of Darjeeling, Kalimpong and Kurseong. Over certain key departments, the council only has 'half' control. For example the DGHC has primary and secondary education under its fold, but the higher education is still with the state government. This has not surprisingly resulted in an administrative 'hotch potch', leading often to frictions and delays, a district administration official said. The DGHC funds too, have been drying up, with the state government facing a severe cash crunch.

The conflict and tension, the undercurrent of friction in the relation between the district administration and DGHC ultimately led to the demand for the termination of DGHC and an alternative council in its place with more powers and having constitutional status.

The Telegraph dated 6 April 2000 carried this news: On 5th April 2000, the GNLF announced to revive the Gorkhaland agitation, abandoning its year-long talks with the Left Front government on re-strengthening and restructuring the DGHC. The announcement was made at a rally in Darjeeling organized to mark the GNLF's twentieth Foundation Day observed as "Gorkhaland Punarutthan Diwas" (the day of the revival of Gorkhaland). The GNLF leaders maintained that they had accepted the Council on an experimental basis and that they had understood that the Council could not fulfill the aspirations of the people.

A series of Tripartite Meetings took place between January 2005 to December 2005 between the Central government, the State government and the DGHC chief, both at bureaucratic level (where officials from Union Ministry and the State government were present) and at political level (where the Union Home Minister and the State Chief Minister were present).

Mr. Subash Ghising's (DGHC Chairman and Chief Executive Councillor) various demands around this time were:-

- Hills be declared 'tribal land'
- Inclusion of whole of Darjeeling district in Sixth Schedule

- Withdrawal of old cases against GNLF activists
- Demand for more Assembly seats in the hills. Ghising demanded 8 seats for the hills which currently have 5.
- C.B.I. inquiry to the Centre on the attack of three GNLF councilors and an attack on Ghising (on February 10, 2001 there had been an assassination bid on his life at Saath Ghumti near Kurseong).
- Home department be under the Council's control.
- Council to be empowered to recruit policemen and control policing in the hills.
- Greater control over finances.
- Rs. 50 crore for the Council.
- Central funds directly go to the DGHC.
- More Mouzas (lands) to be transferred to DGHC.¹⁰⁴

Although Mr. Ghising raised the bogey of Gorkhaland to ensure that he won the next round in the negotiating table of Tripartite Meetings¹⁰⁵ but many of the demands raised by him were rejected by the state government.

Meanwhile the last election to DGHC was held in 1999 so the next election was scheduled to be held in March 2004¹⁰⁶. State government had twice extended the tenure of the council, for six months at a time, so the council's term was to end on March 25, 2005. Besides there was no legal provision to extend the council's term for a third term.¹⁰⁷ Mr. Ghising and the chief minister of West Bengal Mr. Buddhadev Bhattacharya could not come to an agreement on what should come first poll before March 25, 2005 or a review of the council's power.¹⁰⁸ In case the elections were not held by March 25, 2005, when the present term of the council ended, an administrator was to be appointed for the hills and the DGHC Act amended.¹⁰⁹

The GNLF threatened a string of strikes if the government did not bow to its demands on the hill council, to make the state government concede to its demand for an 'alternative' to the DGHC and the nomination of Ghising as the 'caretaker' of the council once its term expired on March 26, 2005.¹¹⁰ The twenty-five councilors heading different departments 'surrendered' their powers and facilities to Mr. Ghising on March 21, 2005¹¹¹ and after 25 March 2005 the council became defunct.

Mr. Buddhadev Bhattacharjee told the MLAs (Members of the Legislative Assembly) in his Assembly Chamber “keeping in mind the prevailing situation in Nepal, we want to handle the hill issue without hurting anyone. We also don’t want any turmoil in the hills, which may spread to the plains. I seek your cooperation so that the bill is passed unanimously.”¹¹² In this way the Darjeeling Amendment Bill 2005 was passed that made changes for ‘caretaker powers’.¹¹³ In the State Assembly the chief minister announced that until the elections were held Mr. Ghising would be the ‘caretaker administrator’ of DGHC.¹¹⁴

The DGHC Amendment Bill 2005 was passed that included the provision for a caretaker administrator to exercise the powers of the general council after March 26, 2005 when the term of the council expired. Though the GNLF leader was put in control, his power and jurisdiction were not fixed. Though he would continue to get the facilities that he enjoyed as the former DGHC chairman, the GNLF chief would only be able to monitor ongoing development projects, run daily administration and redress people’s problems, send monthly statement on accounts and maintain peace. He would no longer be the deciding authority on any major policy decision, withdraw money from bank without government nod, allot funds for projects, adopt new plan, lay foundation stone and recruit or retrench without state government approval. ‘He was left virtually toothless and his wings were clipped.’¹¹⁵

On the question of finding an alternative to the council, Mr. Buddhadev Bhattacharjee’s government had put forward Art. 371. This was used in different states from setting up development board areas like Vidarbha to forming just a central technical University in Andhra Pradesh.¹¹⁶ The state government had envisaged the creation of a ‘development board’ to accelerate progress in the hill areas under Art. 371, under a new sub-section ‘J’.¹¹⁷ However the draft proposal was rejected by Mr. Ghising who then directed GNLF MLAs, councilors and party leaders to launch a campaign in the hills for inclusion of three sub-divisions in the Sixth Schedule of the Constitution, which he argued would bring greater autonomy to the council.¹¹⁸

Preparing the ground for Sixth Schedule Mr. Ghising sent a letter to (and later also met) Mr. Kunwar Singh, the Chairman of the National Commission for Scheduled Tribes, on April 9, 2005, where the GNLF chief demanded that Scheduled Tribe status be

granted to “other Gorkha Tribes” as selective granting of Scheduled Tribe status had “created confusion, controversy and ill feeling” among the hill communities. The GNLf chief maintained that all Gorkha tribes, followed the same culture and religious beliefs and came under ‘Bonbo’ worshippers (i.e. people who worship stones, rivers, trees, mountains as deities).¹¹⁹ Mr. Ghising also cited a 1931 census carried out by the British, in which all Hill residents were accorded tribal status, to strengthen his argument.¹²⁰ He used every forum to highlight the tribal roots of the hill communities.¹²¹

The center decided to confer Sixth Schedule status on Darjeeling hills allowing more powers to the DGHC than mere autonomy would. The decision was a major victory for GNLf chief Mr. Ghising who said, “With the Sixth Schedule, the powers of the council would be more comprehensive and development would speed up”. The Sixth Schedule would give the hill council the status of an autonomous self-governing body with plenty of executive, legislative, financial and judicial powers.¹²²

So a series of tripartite meetings were held between the Government of India, the Government of West Bengal and the Administrator of DGHC to review the implementation of the Darjeeling Accord and issues arising out of it resulted in the “in Principle Memorandum of Settlement” arrived at on the 6th December 2005. The Memorandum of Settlement envisaged replacement of the existing DGHC by an autonomous self-governing council under the Sixth Schedule to the Constitution of India, following due Legislative and Constitutional processes by making amendment to Art. 244 of the Constitution and the area of the proposed council under the Sixth Schedule to the Constitution to be suitably notified by the state government as also the Legislative and Executive powers of the council defined in the Constitutional amendment.¹²³

The GNLf chief had demanded that the entire Darjeeling district, some parts of the Dooars (in Jalpaiguri district of West Bengal) and areas under Siliguri Municipal Corporation and Siliguri Mahakuma Parishad be brought under the purview of the DGHC.¹²⁴ But the state government said the council would get only 16 Mouzas.¹²⁵

Regarding Panchayat the term of the 112 Gram Panchayats in the three hill subdivisions came to an end on June 18, 2005 but the Panchayat election was postponed until the DGHC poll was over due to the imbroglio over the council.¹²⁶ It was felt that grassroots-governance in the hills would suffer a setback, as the Panchayati Raj would

become redundant once DGHC was accorded the Sixth Schedule status. "The DGHC would be excluded from the Panchayati Raj because the 73rd Constitutional Amendment does not apply to the Sixth Schedule areas" Mr. Mani Shankar Aiyar, the Union Minister for Panchayati Raj told *The Telegraph*, although he recommended a modified version of Panchayat system.¹²⁷ But contrary to this popular belief that panchayats would cease to exist once the hills are included within the Sixth Schedule, the new council would have the same powers of supervision over the lower tiers of Panchayat as the existing DGHC.¹²⁸

The bottlenecks for bringing Sixth Schedule in Darjeeling hills was garnering support of two-thirds majority in Parliament and the fact that only thirty-five per cent of the hill people currently classified as tribals.¹²⁹ The Sixth Schedule could be enforced in areas which had at least sixty percent tribal population. So far the only exemption made had been for Boroland Territorial Council which was accorded the special status despite a thirty-eight per cent tribal presence.¹³⁰

There was mixed reaction from political parties in the Opposition in the hills on Sixth Schedule.

The Communist Party of Revolutionary Marxist (CPRM) demanded an explanation on why the DGHC had backtracked on its demand for inclusion of the DGHC areas in Sixth Schedule of the Constitution when the state government had 'in principle' favored the Sixth Schedule demand in 2000. Mr. D.D.Bomzon party spokesman said that the inclusion of the DGHC areas in the Sixth Schedule would upgrade the council and help it acquire more financial and legislative powers.¹³¹

GNLFC) Chief Convener and ex-MLA of Darjeeling Mr. D.K.Pradhan supported Sixth Schedule as it would provide an opportunity to break away from the dictates of the state government. "As a result, we will be in direct contact with the center and not have to go through the state, wherever we need anything".¹³²

Senior Congress leader and the Member of Parliament (MP) of Darjeeling Mr. Dawa Norbula said that the powers of the DGHC would increase manifold under the Sixth Schedule.¹³³

All Bharatiya Gorkha League (ABGL) however claimed that most of the provisions of the new body were similar to those given to DGHC so it was like old wine in new Hill Council and that the agreement for Darjeeling was a mere eyewash.¹³⁴

But the PDF [an anti-GNLF coalition comprising of ABGL, CPRM and GNLF(C)] maintained that “Gorkhaland was the only way by which the aspirations of the Hill people could be fulfilled”.¹³⁵

The Nagarik Suraksha Samiti (an apolitical forum) of Darjeeling organized a Seminar on 6 January 2007 in Gymkhana Club and invited Mr. Mahendra P. Lama to deliver a talk on the proposed Council under Sixth Schedule. Mr. Lama is the Professor of Economics in Jawaharlal Nehru University and an Economic Advisor of Cabinet Rank to the Government of Sikkim. Mr. Lama pointed out that the 10 District Councils in the Sixth Schedule of North East are all different. The proposed Council in Darjeeling should not be modeled on any one of these District Councils – like Tripura District Council or Boroland Territorial Council – for it may not work in Darjeeling. But by taking in the best qualities of all the District Councils the proposed Council in Darjeeling should itself be the model Council. In connection with the Sixth Schedule Bill, Mr. Lama said that the bureaucrats who do not know about Darjeeling and the aspirations of its people prepare the Bill. He said that the people’s awareness and participation should count in the process of making the Bill that will determine the people’s future. The people of Darjeeling Hills should be in a position to impose its own Bill on the Centre and State. Mr. Lama suggested setting up of an Expert Committee comprising of the best Constitutional lawyers, M.P.s, M.L.A.s, Professionals etc to examine the proposed Bill for Sixth Schedule in Darjeeling.¹³⁶

Mr. Mahendra P. Lama submitted a proposal for amendment to the Tripartite Memorandum of Settlement (6 December 2005) for inclusion in the Sixth Schedule Bill (if accepted) which are as follows:¹³⁷

- Name to be changed from Gorkha Hill Council Darjeeling to Gorkha Hill Autonomous Council Darjeeling.
- All Gorkhas who fulfill the primary conditions for Scheduled Tribe status to be included in the Scheduled Tribe List and the rest in the Other Backward Class category.

- Number of seats in the Council to be increased to 35 (from 33) with 2 seats reserved for Scheduled Castes; 4 seats to be nominated by the Governor and 29 seats reserved for Scheduled Tribes and Other Backward Classes.
- Number of elected Council representatives to be increased to 29 (from 28). Number of Members of Legislative Assembly from the Council area should be 4 while there should be 1 Member of Parliament solely from the new Council area.
- Chairman (Chief Executive Councillor) and Vice Chairman to be given the rank of Cabinet Minister, Executive Councillors to be given the rank of Minister of State and the other Councillors to be given the rank of MLA.
- The new Council to have 40 Departments with full legislative (legal) and financial authority over it. These Departments being Industry; Animal Husbandry; Forest and Environment; Agriculture and Allied Activities; Public Works Department; Silk Industry; Education – Primary to University level as well as Technical Education; Energy and Hydro Power; Finance; Planning; Tea and Cinchona, Administration; Law and Order; Land and Land Reforms; Rural Development; Trade and Commerce; Information and Public Relations; Cultural Affairs, Youth and Sports; Relief; Fisheries; Panchayat; Health and Family Welfare; Public Health Department; Irrigation; Social Welfare; Weight and Measures; Archives; Urban Development; Printing and Newspapers; Tourism; Transport; Municipal Corporation and District Board; Market Management; Lottery, Cinema, Drama and other entertainments; Food and Essential Services; Intoxicants; Labor and Employment; Aid and Resettlement; Birth and Death Registration; Science and Technology.
- Council to prepare annual confidential report on District Magistrate, Superintendent of Police and Sub-Divisional-Officers.
- 2-tiers of Panchayati Raj System – Gram Panchayat and Panchayat Samiti to be under the Council.
- All Union/ National government projects to be directly handed over to the new Council. National Programs to be implemented in the Council areas like National Rural Employment Guarantee Scheme, Backward Region Grant Fund, National Rural Health Mission, Antodaya Anna Yojana, Rural Infrastructure Development Fund, Indira Awas

Yojana, Swarna Jayanti Gram Swarojgar Yojana, Jawaharlal Nehru National Urban Renewal Mission, Balmiki Ambedkar Awas Yojana.

- Council to have the power to create and appoint 8% to 10% of vacancies in the Council. Temporary posts to be made permanent within 5 years of the formation of the Council.
- New Council to get development expense from the State Finance Commission. Plan and non-Plan fund and other economic fund from the State of West Bengal to be given through One/ Single Window.
- Provide Rs.100 Crore per annum for five years for infrastructure development. Provide 60 Crore annually for 10 years as Special Central Assistance for Welfare and Development of Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- New Council to be able to get direct economic aid (direct access to foreign aid without state interference) from the International Development Agencies like World Bank, UNO, etc.
- Audit to be done by Comptroller and Auditor General of India.
- New Council to get the power to invite investment from within and outside the country.
- The Centre should extend all provisions of the North-East Industrial Policy to the new Council area as soon as it comes into existence. The new Council to be included as the Member of the North-East Council.
- To open up the historic trade route of Jelepala.
- Council to be given priority in case of a formation of a new State by the State Reorganization Committee.

The Nagarik Suraksha Samiti Darjeeling then organized the 'People's Court' (Janata's Adalat) on 20 February 2007 where the two Members of Parliament from Darjeeling, Mr. Dawa Narbula (Congress M.P. in Lok Sabha) and Suraj/ Saman Pathak (C.P.M., M.P. in the Rajya Sabha) were invited to speak on the proposed Council under the Sixth Schedule. They tried to present the Centre's and State's reaction respectively on the proposed Bill on Sixth Schedule for Darjeeling.¹³⁸

The people of Darjeeling are very much concerned about the proposed new Council. At the same time they are apprehensive about the new Council being another failed experiment like the DGHC. No one knows for sure how the new Council under Sixth Schedule will work and how people stand to benefit from it. The political leaders,

the bureaucrats as well as the ordinary people are clueless as to what the new Council under Sixth Schedule holds in store for them.

¹ Ramesh K. Arora and Rajni Goyal, *Indian Public Administration, Institutions and Issues*, Vishwa Prakashan, New Delhi, Reprint 2002, p. 247.

² *Annual Administrative Report of Darjeeling Collectorate, Year 1997-1998, September 1998, Office of the District Magistrate, Darjeeling*, p. 114.

³ *Ibid*, p. 119.

⁴ *Annual Administrative Report of the Darjeeling Collectorate, Office of the District Magistrate Darjeeling, 1999-2000*, p. 13.

⁵ *Annual Administrative Report of Darjeeling Collectorate, Year 1997-1998*, p. 37.

⁶ *Annual Administrative Report of Darjeeling Collectorate, 2000-2001, October 2001. Office of the District Magistrate, Darjeeling*, p. 29.

⁷ *Ibid*, p. 118.

⁸ *Annual Administrative Report 1993-1994, Darjeeling Collectorate, February 1995*, p. 48.

⁹ *Ibid*, 53.

¹⁰ *Annual Administrative Report of Darjeeling Collectorate, Year 1997-1998*, p. 62.

¹¹ *Ibid*, p. 10.

¹² *Annual Administrative Report of The Darjeeling Collectorate, 1999-2000*, p. 154.

¹³ Arora and Goyal, *Op cit*, p. 248.

¹⁴ Hoshiar Singh and Mohinder Singh, *Public Administration in India Theory and Practice*, Sterling Publishers Private Limited, New Delhi, 1995, p. 393.

¹⁵ Vishnoo Bhagwan and Bhushan Vidya, *Indian Administration*, S.Chand and Company Ltd. (New Delhi) (Second Edition) 1996, pp. 370-380.

¹⁶ Arora and Goyal, *Op cit*, pp. 249-250.

¹⁷ *Annual Administrative Report of Darjeeling Collectorate, Year 1997-1998*, p. 52.

¹⁸ *Annual Administrative Report of Darjeeling Collectorate. 2000-2001*, p. 45.

¹⁹ Arora and Goyal, *Op cit*, p. 251.

²⁰ *Annual Administrative Report, 1993-1994*, p. 84.

²¹ R.C.Agarwal, *Constitutional Development and National Movement of India*, S.Chand and Company Ltd. New Delhi, 1994, pp. 364-365.

²² D.T. Tamlong, *Darjeeling and North Bengal from an Administrator's Perspective*, Mani Printing House, Darjeeling, 2006, p. 8.

²³ *Annual Administrative Report, 1999-2000*, p. 65.

²⁴ *Ibid*, p. 108.

²⁵ *Annual Administrative Report of Darjeeling Collectorate, 2000-2001*, p. 79.

²⁶ *Ibid*, p. 67.

²⁷ *Ibid*, p. 22.

²⁸ *Annual Administrative Report, 1999-2000*, p. 182.

²⁹ *Annual Administrative Report of Darjeeling Collectorate, Year 1997-1998*, p. 48.

³⁰ *Ibid*, pp. 122-123.

³¹ Singh and Singh, *Op cit*, p. 389.

³² Arora and Goyal, *Op cit*, p. 252.

³³ *Ibid*, p. 255.

³⁴ *Annual Administrative Report of Darjeeling Collectorate, 2000-2001*, p. 70.

³⁵ *Ibid*.

³⁶ *A Report on the Activities of the Department of Women and Child Development and Social Welfare*, April 2002- September 2003, Government of West Bengal, 2003, p. 9.

³⁷ (Internet) <http://www.darjadmin.org/dept/departments.htm> dated 5/19/2001 Page 1 of 1.

³⁸ *The Calcutta Gazette, Extraordinary, Part III – Acts of the West Bengal Legislature, Government of West Bengal, Law Department, Legislative Notification, West Bengal Act XIII of 1988, The Darjeeling Gorkha Hill Council Act 1988 (Section 24)* p. 2351

[Along with *The Calcutta Gazette, Extraordinary, Government of West Bengal, Law Department, Legislative, West Bengal Ordinance No. IV of 1993. The Darjeeling Gorkha Hill Council (Amendment Ordinance) 1993*, p. 4.]

[Also see – *Towards Formation of the Darjeeling Gorkha Hill Council*, Government of West Bengal, Published by Information and Cultural Affairs Department, Sree Saraswati Press 1984 Limited (A Government of West Bengal Undertaking) Calcutta 700 056]

³⁹ *The DGHC Act 1988*, Chapter II (Section 25) p. 2351.

⁴⁰ *The DGHC Act 1988*, Chapter II (Section 31) p. 2353.

⁴¹ *The DGHC Act 1988*, Chapter III (Section 46) pp. 2356-2357.

⁴² *The DGHC Act 1988*, Chapter II (Section 28) p. 2352.

⁴³ *Annual Action Plan for the Year 2000-2001, Planning and Development Department, DGHC Darjeeling*, p. 12.

⁴⁴ *Ibid*, p. 15.

⁴⁵ *Ibid*, p. 29.

⁴⁶ Ibid, p. 32.

⁴⁷ Ibid, p. 49.

⁴⁸ Ibid, p. 51.

⁴⁹ Ibid, p. 64.

⁵⁰ *Annual Action Plan for the Year 2003-2004, Planning and Development Department, DGHC, Darjeeling*, p. 1.

⁵¹ Ibid, p. 4.

⁵² Ibid, p. 7.

⁵³ Ibid, p. 26.

⁵⁴ Ibid, p. 32.

⁵⁵ Ibid, p. 36.

⁵⁶ Ibid, p. 43.

⁵⁷ Ibid, p. 67.

⁵⁸ Ibid, p. 78.

⁵⁹ Ibid, p. 85.

⁶⁰ Ibid, p. 87.

⁶¹ *The Telegraph* 30 May, 2007.

⁶² Review Meeting (Calcutta 15th & 16th July 1999) *Implementation of the Accord & DGHC Act 1988, Functioning of the Transferred Departments*, DGHC, Council House, Lal Kothi, Darjeeling – 734101, p. 8.

⁶³ Ibid.

⁶⁴ Ibid, p. 9.

⁶⁵ Government of West Bengal, Hill Affairs Department, Notification No. 361-HA Dated Calcutta, the 10th August 1999.

⁶⁶ *Annual Administrative Report of The Darjeeling Collectorate 1999-2000*, Office of the District Magistrate Darjeeling, July 2000, p. 35.

⁶⁷ *Annual Administrative Report, Darjeeling Collectorate, 1993-1994*, February 1995, p. 15.

⁶⁸ Interview with the Secretary D.I.Fund, DGHC dated 12th October 2003.

⁶⁹ *Annual Action Plan for the Year 2003-2004, Planning and Development Department, DGHC, Darjeeling*, p. 24.

⁷⁰ Review Meeting, Calcutta 1999, Op cit, p. 10-11.

⁷¹ *Annual Administrative Report 2002-2003*, D.I.Fund Department, Darjeeling Collectorate, p. 1.

⁷² Ibid, p. 2.

⁷³ Ibid.

⁷⁴ *Annual Administrative Report of Darjeeling Collectorate. 2000-2001*, p. 69.

⁷⁵ *The Telegraph* 5 April 2005.

⁷⁶ *The Telegraph* 13 May 2005.

⁷⁷ *Annual Action Plan for the Year 2003-2004 DGHC*, Op cit, p. 76.

⁷⁸ Dr.D.K.Sarkar and Dr. D.J.Bhaumik, *Empowering Darjeeling Hills, An Experience with Darjeeling Gorkha Hill Council*, Indian Publishers Distributors, Delhi, 2000, pp. 79-80, 139.

⁷⁹ Interview with the Secretary to Panchayat, DGHC dated 12th October 2003.

⁸⁰ *Annual Administrative Report of the Darjeeling Collectorate 1999-2000*, Op cit, pp. 96-97.

⁸¹ Signed by Mr. Subash Ghising, Chairman & Chief Executive Councillor, DGHC, in the 'Foreward' to the Review Meeting Calcutta 1999, p. 3.

⁸² Interview with Principal Secretary to the Chairman, DGHC, dated 9th January 2005.

⁸³ D.T. Tamlong, Op cit, p.62.

⁸⁴ *Annual Action Plan for the Year 2000-2001, Planning and Development Department, DGHC*, Darjeeling, p. 62.

⁸⁵ *Annual Administrative Report of The Darjeeling Collectorate 1999-2000*, Op cit, p. 71.

⁸⁶ *Annual Action Plan for the Year 2003-2004, DGHC*, Op cit, pp.45-48.

⁸⁷ Interview with the ex- Councillor Health, DGHC.

⁸⁸ Interview with the Secretary, Health and Family Welfare, DGHC, dated 17th October 2003.

⁸⁹ Ibid.

⁹⁰ *Annual Action Plan for the Year 2000-2001, DGHC*, Op cit, p. 47.

⁹¹ Review Meeting, Calcutta 1999, Op cit, p. 20.

⁹² Ibid, pp. 13-15.

⁹³ Ibid, pp. 16-17.

⁹⁴ Ibid, pp. 18-19.

⁹⁵ Secretary of Health, DGHC, 2003.

⁹⁶ Swapan Kumar Rakshit, 'Social Forestry – A Valuable Asset to the Gram Panchayat. Some evidence from Jalpaiguri district, West Bengal', *National Seminar on Panchayat Experience in West Bengal*, North Bengal University Officers' Association, 2004, p. 47.

⁹⁷ Review Meeting, Calcutta 1999, Op cit. p. 21.

⁹⁸ Ibid, p. 22.

⁹⁹ Ibid.

¹⁰⁰ D.T. Tamlong, Op cit, p. 155.

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- ¹⁰¹ DGHC Brochure 2003-2004. *Backward Classes Welfare Department Darjeeling*, p. 5.
- ¹⁰² Interview with the Backward Classes Welfare, Secretary, DGHC, dated 29/12/2004 and another interview with the Backward Classes Welfare, Inspector, DGHC, dated 19/09/2005.
- ¹⁰³ Ibid.
- ¹⁰⁴ *The Telegraph* dated 4 April 2000, 20 January 2005, 1 February 2005, 9 February 2005, 20 February 2005, 22 February 2005, 10 March 2005, and *The Statesman* dated 9 February 2005.
- ¹⁰⁵ *The Telegraph*, 20 February 2005.
- ¹⁰⁶ *The Telegraph* 4 March 2005.
- ¹⁰⁷ *The Telegraph* 22 February 2005.
- ¹⁰⁸ *The Telegraph* 24 February 2005.
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- ¹¹⁰ *The Telegraph* 9 March 2005.
- ¹¹¹ *The Telegraph* 22 March 2005 and *Sunachari Samachar* 23 March 2005.
- ¹¹² *The Telegraph* 12 March 2005.
- ¹¹³ *The Telegraph* 15 March 2005.
- ¹¹⁴ *Sunachari Samachar* 24 March 2005.
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- ¹¹⁹ *The Telegraph* 19 April 2005.
- ¹²⁰ *The Telegraph* 1 July 2005.
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- ¹²⁶ *The Telegraph* 15 April 2005.
- ¹²⁷ *The Telegraph* 6 April 2005.
- ¹²⁸ *The Telegraph* 17 December 2005.
- ¹²⁹ *The Telegraph* 7 December 2005.
- ¹³⁰ *The Telegraph* 5 July 2005.
- ¹³¹ *The Telegraph* 23 July 2003.

¹³² *The Telegraph* 2 June 2005.

¹³³ *The Telegraph* 7 July 2005.

¹³⁴ *The Telegraph* 8 December 2005.

¹³⁵ *The Telegraph* 5 December 2005.

¹³⁶ The 'Seminar on Sixth Schedule' organized by Nagarik Suraksha Samiti Darjeeling on 6 January 2007 was attended by the Researcher.

¹³⁷ *Sunachari Samachar*, 7 January 2007; 2 March 2007; 6 March 2007; 10 March 2007.

¹³⁸ *Sunachari Samachar*, 21 February 2007 and *The Telegraph*, 21 February 2007.