Chapter V
POLITICAL UNHARNESS (1973) AND ITS IMPACT

Sikkim went to polls for the fifth time on 23rd January, 1973 to elect 16 representatives in the Sikkim State Council. The election was conducted on the basis of the old electoral procedures, and when the results were declared on 16th February in a Government Extraordinary Gazette, it was found that the National Party won seven Bhutia-Lepcha seats and two Nepali seats of the North and Gangtok constituencies. The Gangsa seat (the candidate returned uncontested) and the Scheduled Castes seats also, in fact, went to the National Party, because both the candidates virtually had demonstrated pronounced National Party affiliations. Thus, all these seats together, the National Party mustered eleven seats in an assembly of 16 elected and 6 nominated members. The newly formed Sikkim Janta Congress had won only two Nepali seats (one from South and the other from East constituen-
cies). The five other general seats viz., 3 Nepali seats and 2 Bengali seats were won by the National Congress Party.

The leaders of the opposition parties i.e., National Congress Party and Sikkim Janta Congress, having expressed their dissatisfaction with the election result, brought against the Government a charge of rigging in election. A joint action council, in order to conduct an agitation, was formed, and the council, inter alia, demanded an electoral reform on the basis of 'one man one vote' principle. The agitators demonstrated against the policy of the government and threatened to boycott the inaugural function of the Council. Mr. L.C. Pradhan,
the Vice-President of the Sikkim Janta Congress, was arrested on
the day before the Council was inaugurated and later six Executive
Councillors nominated by the Cheghyal refused to take office as a
protest. The situation took a serious turn when the agitators demana-
trated before the Palace and the Secretariat for the release of Mr.
Pradhan.

Apprehending serious trouble the Cheghyal sent an urgent re-
quest to New Delhi for help, and the Indian Foreign Secretary Mr.
Avtar Singh, who reached Gangtok on 4th April, assured the Cheghyal
that India would help the Cheghyal of Sikkim to restore law and order
within Sikkim. India of her own, did not like to interfere in the
internal affairs of Sikkim. The aggrieved leaders spread the agita-
tion to the country side and succeeded in organising a mass-base for
their movement. Until 3rd April, the agitation was confined to the
town of Gangtok and only the leaders and their near followers orga-
nised the movement, but due to the refusal of the King to release
Mr. K.C. Pradhan it gathered momentum. A large crowd was alleged to
have moved from the countryside towards the capital to strengthen the
agitation. The Sikkim State Police on guard at first burst tear-gas
shells to disperse the demonstrators but, having failed to achieve
their end, they resorted to firing and as a result seven persons were
wounded. In order to contain the agitators and preserve law and
order in Gangtok, the District Magistrate of East Gangtok promulgated
144 Cr. Pe banning the assembly of five or more persons, or carrying
any lethal weapons.
The salient causes of this movement, apart from the old quarrel between the King and the opposition parties, are mainly two, viz. alleged rigging in elections and the Government's partisan attitude towards the Sikkim National Party.

(a) The agitation was sparked off when, at the time of counting votes, the leaders of the National Congress and Janta Congress pointed out certain irregularities in vote casting. A difference of opinion arose over this issue, and it finally gave rise to a serious quarrel between the counting agents of the two parties i.e., National Congress and Janta Congress, and the representatives of the National Party. The National and Janta Congress leaders, therefore, left the hall, and labelled a charge of assault. That their grievances should be redressed was their immediate demand. At the first instance the two parties wanted to have protection in the law court against the National Party workers and to ensure fair counting of votes. They formed a joint council and declared that they would not take part in counting of votes unless a good deal of fairness was assured.

The leaders, later on, changed their strategy, and in a rally organised by them declared, "The present election system has encouraged the spread of communalism. The election procedure based on communalism should be changed." The Joint Front in a second resolution declared that if their legitimate demands were not fulfilled, they would launch a peaceful people's movement. Further, they expressed
their strong determination to secure their legitimate democratic rights in Sikkim and fight all anti-democratic forces. The leaders thus preferred organising a mass movement to going to the law court in order to get redress of their grievances.

(b) The second important grievance was that the King, while appointing the executive councillors, adopted a policy of deliberate exclusion of the non-National Party members from the Executive Council. Four out of the six members of the Executive Council were selected from among the National Party members by the Chogyal on March 26. As a matter of protest the two other members, one from the National Congress and the other selected from the Janta Congress, abstained from the oath taking ceremony. The former Chief Secretary, Mr. Bahadur who retired after putting in 33 years of service, was sworn in as the President of the newly-constituted Executive Council.

The following executive councillors were appointed by the Chogyal from among the elected members of the Council: Tsetuk Lama, Mr. Unsang Dorji, Mr. Bima Tensing and Mr. Marka Bahadur Basnet, all from National Party; Mr. Ghatra Bahadur Chhotri from the National Congress and Mr. G.B. Dahal from Janta Congress.

Having found no other way to seek protection against this reported discriminatory policy of the government the joint front leaders submitted to the Chogyal, on March 31, a memorandum embodying the resolution which the Front adopted towards abolition of the present electoral system and securing of the essential political and administrative reforms. The memorandum, inter alia, contained an emphatic...
asportion that the verbal assurance of the Chegyal did not prove enough satisfying to the people. Without indulging in equivocation, the leaders issued a note of warning straight away that "If the demands are not met within a reasonable time and if in a sudden exacerbation the movement takes in violent turn, the Government will be responsible for it." A copy of this memorandum was given to the Indian Political Officer in Sikkim.

(c) The third cause was that a few months ago, Mr. Kunsang Dorji moved a censure motion against Kazi Lhendup Dorji, the President of Sikkim National Congress for spreading false propaganda against the King and the Royal Family. Though the Kazi wanted to defend him by referring to certain procedural difficulties in the Council's having moved such motions, the censure motion was passed. Later, the Sikkim Government also filed a case against the Kazi in the Court of the Chief Magistrate, Gangtok on June 23, under Section 124A I.P.C. and Rule 18 of the Sikkim Public Security Rules. The Government of Sikkim, however, withdrew the case since the Kazi tendered an unqualified apology to the Chegyal.

In view of the discomfiture suffered by the Kazi, because he was censured in the Council, it was said that the National Congress people might have taken a serious note of it, and their accumulated anger would have been vented thus in staging a demonstration that rocked Sikkim. So, though not directly connected, the above incident with sufficient justification, be considered as a remote cause of this political upheaval.
The law and order situation in Sikkim, without showing any sign of brightening up, deteriorated further. The administration of the Sikkim Government collapsed in all places but in the Gangtok bazaar and around the palace. Police outposts in many places, reports came, were taken over by the volunteers of the Sikkim National Congress and the Janta Congress. It was reported that Mr. Kazi Lhendup Dorji apprised the Indian Political Officer of the explosive situation and expressed desire that Mr. Swaran Singh, the Indian External Affairs Minister, should take up the matter.

Considering the situation in his state, the Chogyal in a letter addressed to the Indian Political Officer on 5th April, made an earnest request for immediate military help. That the Chogyal requested the Indian Government to offer military assistance was because of the fact that some 15,000 men were reported to have marched towards Gangtok to secure their rights. The decision for 'march to Gangtok' was passed to have been taken after the negotiation between the Chogyal and the opposition leaders failed to proceed towards a satisfactory end. The Joint Action Committee leaders also, after a raid of their party office by the police and volunteers drawn from the Tibetan refugees, sought political asylum in the Indian Political Office. In a joint telegram on 6th April, the leaders of the Joint Action Committee viz., Kazi Lhendup Dorji, Sukhul Pradhan, Mr. Dinbahadur Gurung, Mr. C.B. Rai, Mr. C.P. Gurung and Mr. C.B. Chatetri appealed to Mrs. Gandhi for immediate intervention. They wrote 'We appeal again for your help in saving the innocent people of Sikkim...
from ruthless repression unleashed by the Durbar to perpetuate its feudal privileges against the demand for democratic rights. In addition to unprovoked firing and beating up of peaceful demonstrators by the police and Sikhin Guards who roam freely beating up people indiscriminately and creating communal conflicts. Even Indians are not spared.

Yesterday we called at India House to represent our grievances, the Durbar, in flagrant breach of assurance of safe conduct, raided and ransacked our party office at gun point and compelled us to take refuge in your political office. Such dishonourable behaviour is typical of corrupt officials when the Durbar has encouraged in exploiting people for the benefit of some ruling family members and favourites.

Misadministration, nepotism and flagrant misuse of funds India generously provides have driven our people to seek reforms only to suffer a reign of terror. We cannot trust such a dishonest Government and earnestly entreat you to act to save our lives, secure our just rights, inquire into existing state of affairs and take action against corrupt and anti-democratic officials.

Sikhin people rely on you to intervene quickly and fully before we are massacred.

Because of these requests made from both the Chogyal and the leaders of the Joint Action Committee Indian troops took over the charge for maintaining law and order in Sikhim on 6th April. The Sikhin Guard was withdrawn to the palace and the Sikhin Police was placed
under the COE-in-C of the Indian Army. Mr. Avtar Singh who went to Gangtok asked the demonstrators to maintain law and order, and the leaders of the Action Committee also requested the volunteers to behave peacefully. Later, on 6th April, the administration of Sikkim was taken over by the Political Officer Mr. K.S. Bajpai. It was in the interest of law, order and tranquility that the Chogyal’s request was accepted, told Mr. Bajpai. He said, ‘We intend to assist the Durbar also for a long-term solution of other problems, including political ones in consonance with the spirit of the age’.

Immediately after the administration was taken over by the Political Officer, all demonstrations stopped, and the volunteers in co-operation with the Indian army started clearing roads, facilitating communications and restoring normalcy. The leaders of the Joint Action Committee appealed to the people for maintaining law and order. Later, they submitted a petition addressed to the Government of India detailing their grievances against the Chogyal. They entreated the Government of India to guarantee their democratic rights, granting them one-man-one-vote electoral policy and responsible government.

The political upheaval, until India was requested to intervene by both the Chogyal and the opposition leaders, was entirely an internal affair of Sikkim and India, in accordance with the terms of the treaty of 1950, could only but play the role of a silent spectator. But that was not to be, and India, being entreated by both the parties to intervene, had in the long run decided to take over the administration of Sikkim and retain it till the parties would reach an accord.
So, in spite of India's reluctance, the events like the political events in 1949, forced India to decide upon temporary intervention for the sake of law and order in the country. Besides, the close link between India and Sikkim demanded, in a sense, that in Sikkim political stability rather than chaos would have served their national interest best.

Detailing why and how India got involved in Sikkim affairs, the Minister of State in the External Affairs Ministry, in order to apprise the members of the Lok Sabha (Lower House), issued a statement on 5th April, 1973. The Minister said, "After the general elections in Sikkim recently, the tension had aggravated as there were charges of malpractices, corruption and rigging up of elections on the part of the Sikkim Darbar".

"As a result, polarisation developed between the Maharaja of Sikkim on the one side and the popularly elected political leaders and the masses on the other. The Darbar took stern measures and arrested the President of the Sikkim Janta Congress, Mr. L.C. Pradhan on March 27. Then followed the excesses of the police which resulted in a large number of casualties and mass upsurge against the Sikkim Darbar".

After, thus, describing the background of the incident, the Minister told the members how the Sikkim people reacted to this development. He said, "Thereafter, there were large scale demonstrations all over Sikkim. Twenty thousand demonstrators collected in Gangtok..."
demanding against the Chogyal regime. Police stations of several im-
portant towns such as Rampur, Rhoneck, Hollie, Ranchi, Gangtok and
Singtam were also taken over by the popular leaders and the popula-
tion under their guidance”.

Thus, describing the political situation in Sikkim the minis-
ter, to be explicit, went on explaining why did India intervene. He
informed the members that “As the situation in Sikkim went out of the
Chogyal’s control despite strong measures adopted by the Sikkim Bar-
bar, the Chogyal first made a formal request to the Government of
India for its police stations in Rampur, Rhoneck and Hollie to be man-
ed by the Indian Army and then to entrust the responsibility for law
and order in Gangtok itself to the Indian Army. Our acceptance of
these requests was widely acclaimed by the masses of Sikkim. Finally,
with the complete breakdown of law and order all over Sikkim, the
Chogyal wrote to us on April 8 requesting us to take over the adminis-
tration of the whole Sikkim”.

The minister further stated, “We (Chogyal) also asked us for
the services of a senior officer of the Government of India to be
appointed as head of Sikkim’s administration. Simultaneously, there
were repeated demands from the popular leaders and the large masses
of Sikkim for the Government of India to take over the administration
of the State. In response, therefore, to the request of the Chogyal
and the demand of the people of Sikkim, the Government of India has
taken over the administration of the State and has also deputed a
senior officer to function as head of Sikkim’s administration”.
Referring to the demand of the people the minister said, "The popular and elected leaders of all the parties in Sikkim had also asked us to ensure the stability and integrity of Sikkim. They have welcomed our acceptance of the responsibility of maintaining law and order and running the administration of Sikkim".

"We will now make every effort to ensure that the interests of the people of Sikkim are secured and safeguarded and that Sikkim marches on the road to political stability and economic prosperity." 34

India, thus, is entrusted with the maintenance of law and order in Sikkim, and after having done so, it is India's responsibility to see that a long-term settlement of the dispute towards a democratic line is reached. The internal affairs, as it tends to appear from the Treaty of 1959, is something which India cannot much do about; but if any political upheaval threatens to disintegrate the country, or make it militarily in insecure, the Treaty of 1959 can legitimately be invoked and India's intervention, if it is made, would not be against any term of the agreement between India and Sikkim. 35

IV

Latter, after months of negotiation, an accord acceptable to the Chogyal and the three political parties viz., the Sikkim Janta Congress, the National Congress and the National Party, was reached on 6th May, 1973. The following provisions of the agreement, considered as step towards further understanding between the Chogyal and the
The first article of the agreement guaranteed a fully responsible government for Sikkim with the independence of the judiciary and more legislative power in the hand of the elected representatives. A system of election based on adult suffrage (one man one vote), as is entreated in the second article, should replace the Communal voting system and ensure fairness. The third article deals with the strengthening of Indo-Sikkim co-operation and inter-relationship where as the Chogyal requests the Government of India to intervene and restore order in Sikkim and ensure further development of a representative government. It is agreed between the Chogyal, the leaders of the political parties and the Government of India that (a) the parties will accept the principles of human rights for the Sikkimese and maintain the right of adult suffrage for the people of Sikkim, (b) there shall be an Assembly of representatives elected by the people after a fair election held every fourth year under the supervision of a representative from the Indian Election Commission (c) the Assembly, in accordance with this agreement, have powers to propose laws and adopt resolutions for the welfare of Sikkim, and (d) the Assembly is forbidden to discuss the Chogyal or the Royal Family, any matter that is sub judice, question regarding the Chief Executive or members of the judiciary and concerning the responsibility of India towards Sikkim under this or any other agreement.

The fourth article enjoins that an executive council consisting of the elected members of the Assembly and appointed by the Chogyal.
in consultation with the Chief Executive would be formed. According to the fifth article, the election is proposed to be conducted such that all the different communities i.e., Lepcha, Bhutia, Tungpa and the Nepalis enjoy a fair measure of parity. The Chegylai, the sixth article stipulates, should perform his function as per terms of this agreement.

In order to specify the function of the Chief Executive, who in accordance with the terms of the agreement must come from India, the agreement enjoins certain clauses. The seventh article of the agreement stipulates that the Chief Executive shall be appointed by the Chegylai on the nomination of the Government of India. The Chief Executive, the eighth article enjoins, must work with all necessary powers to (a) work in consultation with the members of the executive council, (b) submit all important matters before the Chegylai for his information and approval (c) implement the constitution of Sikkim to ensure the fundamental rights for all Sikkimese and economic and social development, and (d) to submit, in case of disagreement with the Chegylai, before the Political Officer any matter, who shall obtain the advice of the Government of India and his verdict will be binding.

By the ninth article of the agreement equality before and independence of judiciary are confirmed. The last article, while stating that the palace guard should be under the directive of the Chegylai, categorically stated that India will be responsible for Sikkim's defence, external relations, economic development and restoring communal harmony in Sikkim, and India shall have all necessary powers to carry out her responsibilities.
The Gangtok agreement, if it is searchingly analysed, reveals two basic contradictions which may, because of their exclusive nature, render the agreement inapplicable.

The first of these contradictions, as it appears to us, is around the question of communal parity in the Executive Council and 'one man one vote' election. The Lepalouso, the census reports indicate, constitute 75% of the total population, and the Lepchas, Bhutias and the Tsongs, together could hardly come up to one fourth quarter of the population. A fair election on the basis of 'one man one vote' policy, which the article two enjoins, means that the electoral policy is basically attuned to the idea of universal franchise, and no reservation of seats or restriction to voting might be done. This appears, at the first sight, very much a sound policy and so far so good; but the fifth article of the agreement, which treats the question of parity, has again referred to the quarrel over split milk.

(a) What is parity among the different communities in a country which professes 'one man one vote' election policy? The Chogyal, in all his ordinances, was intent upon keeping parity between the majority and the minority groups. But did it bear any fruit? The Chogyal tried to maintain parity in the Council by reserving 6 seats for the Lepalouso and 6 seats for the Lepcha-Bhutias and one for the Tsongs and one for the Sengos. It was his pronounced policy that the majority community should not rule over the minority in any way. This policy of the Chogyal, in a sense, is arbitrary; because, in a party system the majority forms the government and the minority does not slumber
for share in the administration. Since the majority community in Sikkim revolted against this election policy and demanded one-man-one vote, it transpires that the majority is leading towards a parliamentary system through fair election. So, it appears, that any kind of parity policy that might be evolved would prove unacceptable either to the majority Nepalese or to the minority Lepcha-Bhutia.

Besides, 'one man one vote' policy and reservation of seats in the Council tend to appear too complicated and antithetical. If in spirit, the policy of 'one man one vote' is to be implemented the other commitment that parity will be struck between different communities proves to be a wild premise which is likely to be observed in breach only. Universal franchise and reservation of seats to maintain parity may not go together.

(b) Besides, the Land Revenue Regulation promulgated during the first decade of the twentieth century, and followed ever since, forbade the Nepalese first to purchase any land in Sikkim unless they fulfilled a residential qualification and secondly to purchase any land from the members of the Lepcha-Bhutia community. This measure intensively effectuated by the present ruling dynasty led to a concentration of about 80% of land in Sikkim in the hands of the Lepcha-Bhutia community. The measure, though originally intended to discourage migration and settlement in Sikkim of the Nepalese from across the Nepalese border, in actual fact, stifled economically the Nepalese of Sikkim today, whose forefathers had migrated long ago and settled in Sikkim.
(c) The subject Regulation Act also did no less harm to the Majority Community. Proclaimed in July 1961 with the concurrence of India, it made the following provisions.

(1) All persons of Sikkimese domicile, if born in Sikkim and resident there or if ordinary resident in Sikkim for not less than fifteen years prior to the proclamation of the regulation.

(11) Persons not domiciled in Sikkim but of Nepalese, Bhutia or Tsong origin whose father or grand father was born in Sikkim, and

(111) persons not domiciled in Sikkim but whose ancestors have deemed to be Sikkimese subjects before 1960.

The Sikkim Government inserted an amendment in January 16, 1963, by deleting all references to the communities and hoped to inspire confidence among the Nepalese, but the fact remain that Nepalese were neither inspired by this gesture of the ruler, nor did they give up their demand for full citizenship. So, while the fresh migration from Nepal should be discouraged or, if necessary, forcefully controlled those who have settled here for long should be treated as first class citizens.

The second of the contradictions is regarding Indo-Sikkim relation which, though, featured in this agreement but all in a perfunctory manner. A section of the Sikkim people, as we have enumerated in a previous chapter, proved very unhappy with India and kept on expressing their desire to revise the relation towards more freedom. Our study further revealed that the economic integration between India and Sikkim is not likely going to resolve into a political
integration or understanding. So, in view of this circumstance when the crisis between India and Sikkim is more a crisis over identity rather than on economic assistance or military security, the agreement could have been more explicit about it. The ninth clause of the agreement, which contains it, is nothing but a reiteration of India's stand, and the tacit consent of the Sikkim Government accorded to it may prove extremely fluid in a changed condition. A Regional Sub System, such as this, may thrive only if economic and political help and understanding react upon each other and put forth signs of total unity. But political dissimilarity in a sub-system erodes much of its strength to the ultimate weakening and extinction of the system.

The agreement, with reference to the Indo-Sikkim relationship, has probably engendered a thaw. But the agreement, to be more specific about it, contained nothing which can put Indo-Sikkim relation on a better footing. It only professed optimism while containing the seeds of early discontent. Conditions in Sikkim, however, if not to a good measure, has indeed changed. A sense of nationalism, unlike what it was some 25 years ago when the Treaty was signed, dominates the spirit of every Sikkimi to-day. A craze for identity, if it has not crystallised into a visible form, yet is coming up and the youth in Sikkim wanted to keep at it as a treasure. An urge for a seat in the sanctity of Nations is gathering momentum and even a hint of an obstacle makes them indomitable. Now, the success of this sub-system appreciably depends on how India and Sikkim by removing the points of
conflict can go along as partners of an enterprise. The minor disagreements, which threatened to despoil Indi-Sikkim relation, could have been removed and the agreement that was signed in an atmosphere of complete understanding, would have been the right instrument to effect such change.
Notes and References

2. Statesman, April 5, 1973, Asian Recorder, SIK, 11390
4. Asian Recorder, SIK, 11390
5. Ibid.
6. Ibid.
7. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid.
14. Ibid.
16. Ibid.
20. Asian Recorder, SIK, 11390


28. Ibid.


30. Ibid.

31. Ibid.


35. Indo-Sikkim Treaty of 1950, Article XIII(I)