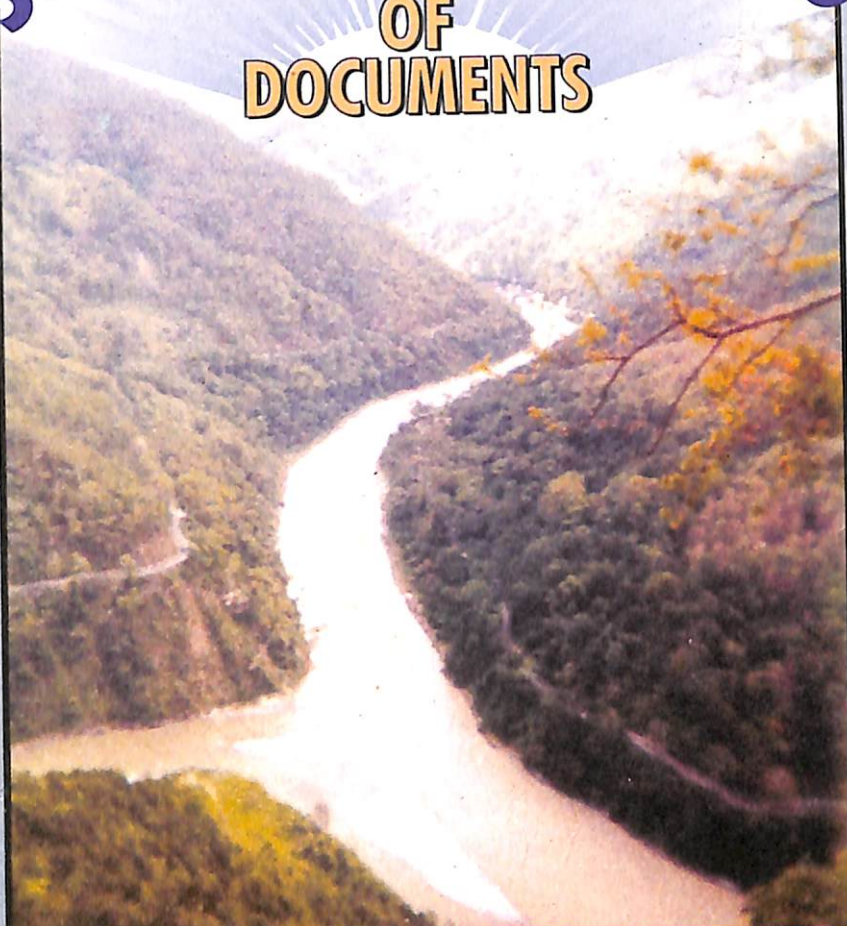


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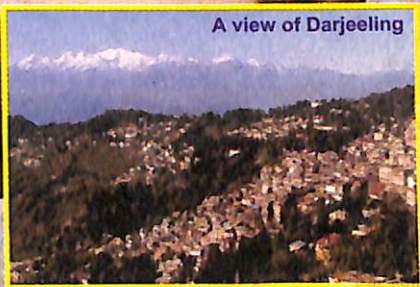
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A view of Gangtok



A view of Darjeeling



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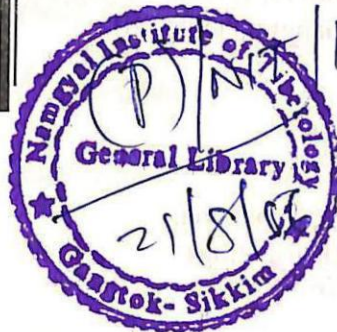
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*Dadicated to my
beloved father
late Jitman Moktan
&
mother
late Pachimaya Yonzone*

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Preface

It is indeed an amazing fact that I have never developed a habit of saying No to any reasonable request made by any friend. I always try to comply with any request, small or big, within my capability.

Bhai R. Moktan has asked me to write a small preface to his book : entitled "Sikkim : Darjeeling Compendium of Documents". On his request I have attempted to write this small piece giving my thoughts on the collection and compilation of various agreements and treaties entered into between India and China with Nepal, Bhutan, Sikkim and Tibet.

Mr. R. Moktan deserves our congratulations for his sincere efforts to collect and compile documents and publish the same in a book form, "Sikkim : Darjeeling Compendium of Documents". In my preface to the book, I have attempted to throw some light on agreements and treaties which have direct bearings on the fortunes of Himalayan State of Sikkim, and Kingdom of Bhutan and Nepal.

After the defeat of Nepal in the Anglo-Nepal war, 1814-16, Nepal Durbar was forced to sign the Treaty of Segowlee in 1815, which was formally ratified by Nepal on March 4, 1816. The terms of the agreement, although considerably more liberal than proposed by the Governor-General at the outset of war, nevertheless constituted a serious loss to Nepal. The most important provisions of the treaty (1) authorised the British to establish a Residency at Kathmandu, (2) surrendered of Nepal's territories west of the Kosi River as well as the disputed Tarai areas below the hills to the Company or its subordinate Indian States, and (3) turned over the territories between the Singalila range and Tista river to the Company, which later restored them to Sikkim. The loss of territory was a serious blow, not only because these districts had provided a

large proportion of the revenue which supported military establishment, but also because Nepal was thus isolated from potential allies among the Indian states. Nepal lost its common frontier with the Sikh kingdom in the Punjab, and its border to the East, South and West now adjoined territories either under the direct rule of the British or firmly under their control.

In order to force open the seize of Lucknow held by the rebel Indian troops, on December 10, 1857, Jang Bahadur led 8,000 Nepali troops into India. The army performed creditably in the fighting which culminated in the capture and looting of Lucknow -- an event in which the Gorkhas participated to their considerable advantage. Jang Bahadur met Canning at Allahabad and requested that "he might be seated on the throne of Nepal." While the British were not prepared to countenance Jang Bahadur's usurpation of the throne, they were under an obligation to reward him for services rendered in their hour of crisis. Canning therefore informed Jang Bahadur that Calcutta would restore the sections of the Tarai taken from Nepal in 1816 and give to Ouch. Accordingly with the signing of India-Nepal Treaty of November 1, 1860, the British Government bestowed on the Maharaja of Nepal in full sovereignty, the whole of lowlands between the rivers Kali and Raptée, and the whole of lowlands lying between the river Raptée and the district of Goruckpore, which were in possession of Nepal in 1815, and were ceded to the British Government by Article 3 of the Treaty concluded at Segowlee on the 2nd of December in that year. Thus with his military campaign and diplomatic efforts, Jang Bahadur was credited to have restored some of the important territories lost to the British in the Anglo-Nepal war, 1814-16.

Since the Sikkim Maharaja was an ally of the British during the Anglo-Nepal war, the British signed Treaty of Titalia in 1817, transferring in full sovereignty to the Sikkimese Rajah, all the hilly or mountainous country situated to eastward of the Mechi river and to the westward of the Teesta river, formerly possessed by the Rajah of Nepal but ceded to the Honourable East India Company by the treaty of peace signed at Segowlee. In 1835 Sikkim lost Darjeeling because the Sikkimputee Rajah could not decline the request of the

Governor-General who wanted Darjeeling to convert it as a health resort for the sick servants of the Company to rest and recuperate in the cool and healthy climate of Darjeeling. Sikkim Rajah thus signed the Deed of Darjeeling Grant on February 1, 1835, and today Darjeeling has become the hill station of West Bengal. The British seemed to be very eager to bring Darjeeling under the full control of the Company. According to fresh studies by the historians, the motive force of the British appeared to be two-fold: (1) the British wanted to penetrate into Tibet and establish trade mart, and (2) the British wanted to use Darjeeling as watch tower from where they could keep vigil on the goings on in Nepal and Bhutan. Regarding the overall control on Sikkim affairs, the British wanted to have safest and shortest route to Tibet to expand trade and thwart the possible penetration of Russia, as the British efforts to open route from Nepal and Bhutan to Tibet proved hazardous. Secondly, controlling Sikkim which acted as wedge between Nepal and Bhutan, the British completed the task of keeping Nepal and Bhutan apart, so that its hegemony could not be challenged.

In 1973 with the mass agitation a democratic government was formed in 1974 under the Chief Ministership of Kazi Lhendup Dorji Khangsarpa. In 1975 Sikkim joined the mainstream of Indian Union and became the 22nd State of India, and in the process the monarchy was abolished. Historians may judge whether the leaders of Sikkim did the right thing. Let us await the verdict of history, as at this critical juncture we are not in a position to pronounce any judgement.

Regarding the controversy of Duars regions including Kalimpong, as leasehold land, we have to go by the recorded history. The 1864 British military expedition into Bhutan was not a glorious affair, but the Government of Bhutan was finally forced to accept a treaty under which the Duars and the Kalimpong area to the East of the Tista river were ceded forever to the British under Sinchula Treaty in 1865.

While the war was still in progress, Bhutan wrote Kathmandu asking the Durbar to mediate the dispute or to "send assistance to us". Jang Bahadur was not inclined to endanger his relations with the British for so futile an undertaking, however, and replied: "You

fought with us in our last war with Tibet. How can we help a former enemy? Pray for mercy to the British Government. You must have committed some egressions, otherwise the British Government would not have molested you..... Expect no help from us."

As promised I have tried to project my views in the light of historical records. Since the book contains agreements and treaties, which might prove, I am sure, to be useful for the scholars and historians and research students.

26th January 2004

C.D. Rai
Tadong, East Sikkim

Acknowledgement

I would like to express my gratitude to the following persons who not only encouraged me but came forward to help me in collecting some valuable documents and old photographs inserted in this book.

1. *Shri L.D. Khangsarpa, Ex. CM, Sikkim*
2. *Shri M.K. Subba, MP, Assam*
3. *Shri Chandra Das Rai, Sikkim*
4. *Smt. D.K. Bhandari, Ex. MP, Sikkim*
5. *Shri J.R. Subba(Pandhok), Sikkim*
6. *Col. A.P. Rai (Retd), Kalimpong*
7. *Maj. L.S. Tamsong (Retd), Kalimpong*
8. *Dr. Harka Bahadur Chhetri, Kalimpong*
9. *Shri G.M. Moktan, Rangli Rongliot, Darjeeling*
10. *Lt. Col. J.S. Thapa (Retd), Siliguri*
11. *Shri N. Lama, Kurseong*
12. *Shri T.S. Moktan, Mirik*

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- 11. Shri N. Lama, Kurseong**
- 12. Shri T.S. Moktan, Mirik**

INTRODUCTION

The frontiers of Sikkim and Darjeeling were changing constantly over the past three hundred years or so as its ownership changed hands owing to various aggression agreements and treaties. The place lost its sovereignty time and again. The event left its inhabitants confused about their history and their origin. No serious attempt was made to systematically organise these events thereby providing a better understanding of the state of affairs to its people. The present book "SIKKIM - DARJEELING: COMPENDIUM OF DOCUMENTS" is an effort to trace a direction and show some kind of order in this anarchy.

History is a kind of rocking chair where one can sit and contemplate. It plays a significant role for its people when written from the consumers point of view. It allows insight into events for such people who are not historians. Because of misrepresentations, history is becoming more and more hazy and problematic in recent times. Peoples and primarily politicians, distort them to serve their own selfish motive and such distortions are often endorsed as genuine history even by the sensible section of the society. The damage inflicted upon the society by such a behaviour is immense. Where fiction is preferred to fact while writing history, the end result is always disastrous. While writing history, fact is secondary to none and those who perpetuate myth and fiction in the name of history actually does a great disservice to the community by retarding its intellectual growth. This has been our first hand experience with politician turned historian and no other person is better aware of this fact than the historian themselves.

A fact taken in isolation and outside its context often makes it redundant. In the true sense it is fact and their interconnectivity that provides insight into history. Isolated fact are often misleading and such examples are endemic. The defeat of Hitler in the second world war could have been because of an upset stomach or the exhausted stock of his imported cigar for an enthusiast Nazi historian. For the rest of the world, however, the reasons are clearly a poor strategy and overconfidence in its military might. The euphoria too has a certain role to play as strong passions are without alternatives for great deeds. But a passion that has its foundation in belief rather than the knowledge of the fact is bound to meet the fate of the tower of Babel. The history of Sikkim and Darjeeling, primarily concerning its ownership, is as hazy as its mountains during rains and no serious attempt has been made by the people with certain amount of

knowledge and training in the field. A culture of clear thinking has to be inspired as a cure to treat this malady and this book provides the necessary material for those who are concerned. Our ancestors understood eclipse from spiritual point of view. It took a few century for curious minds to prove it to be a scientific phenomena. A coincidence of planetary motion rather than the handiwork of some leathersmith punishing the planet for some unpaid debt. Thus we see how the ancestral belief in the process of transformation into fact translated religion into science. This is the reason why we need to study the past to understand our present. The present is not an isolated or independent thing but it is a product of the past and it is the study of history that indicates the connection between them. The various treaties, agreements, notifications, letters and deeds collected in this book too have a similar connectedness about them and as a victim of their(mis) interpretation, we, more than anyone else, need to look for such a connection for removing the colour of doubt that seems to have found a permanent abode in these hills since politics became a consumers goods in these parts.

The distortions of historical facts found its peak during the agitation to carve out a separate state for Indian Gorkhas in Darjeeling hills during 1980s. The various documents collected in this book sheds enough light to the often ignored fact that Darjeeling was actually an integral part of Sikkim and before the latters incorporation in the Indian union it used to receive annual rent in lieu of Darjeeling from the union government. But the propagation of this fact was discouraged and snubbed by authorities on either side of the river rungeet.

Of course they had their reason for absolutely disregarding this portion of history. And by inspiring fear in the mind of their respective people they succeeded in temporarily breaking this link. Who gained from such an exercise is there for everyone to see.

History is our teacher so far we are prepared to learn from it. We can, if we want to, stay away from those mistakes which our ancestors committed. But to condemn them for their 'Mistake' is as meaningless as basking in the glory of their accomplishment where we had no role to play.

It is unfortunate that the historical river, in our case, is showing all signs of losing its path in the mindless political desert of our time. A book such as this was long overdue to trace the course of events and put the record into proper perspective. Mr. Moktan deserves appreciation's for this timely effort of his.

Like a music and novels which are heard and read by people in general more than their authors and composers, these records also should reach common people. It should help lay people to understand their past and no self-seeking politician should be allowed to manipulate the mind of the masses.

We should always bear in mind that History mocks at anything absolute or final or certain. Events are interconnected to form an infinite chain and it is for history to expose such follies of mankind which imagines its brief span as absolute and final. The historical life of a race resembles that of a river in which a generation is nothing more than a drop. Those who lack the knowledge of their past are myopic for they fail to understand that our achievement is small and imperfect in comparison to the future possibilities. The knowledge of the past evokes a calculated respect for the past and unlimited hope for the future. It makes our horizon broader since we come to realise that nothing lasts forever. The victory of the past have proved to be the cause of the present decadence. The wisdom of the ancient wise holds no longer for us. We have a different set of belief and certainties that too, would be cured by future with different beliefs and certainties.

We are not the only voice of protests against various forms of injustice. There were better people before us and in all probability we would be bettered by our descendants. Those who use history in the service of an individual or a community at the expense of mankind, will, one day, be dwarfed by history.

Mr. Moktan, for his part, have done a commendable job. The records are compiled without any visible authorial intention or bias. It is now for the more serious students of history to study, analyse and hammer out essential insight from it. Congratulations.

25th December 2003

Dr. Harka Bahadur Chettri
Kalimpong
Dist. Darjeeling

PROLOGUE

It has been said that when a baby cries, it signifies his birth-right to be fed at his mother's breast. With this cry or the earliest assertion of his birth-right; begins what we used to mean by politics today. Contrary to our wish, we can remain neither detached from this, nor untouched by this. Thus, unknowingly we used to get involved in such politics - either directly or indirectly.

While mentioning the politics concerning Sikkim and Darjeeling; we must concede that we have viewed our vital problems from the emotional point of view rather than the facts on the ground. As much, about hundred years, serious problems of ours remain unsolved till today. As a consequence of this, we have lost more than what we have gained. More or less this mistake lie within ourselves rather than others and we must bear responsibility for this.

History bears testimony to the facts that Darjeeling was once an integral part of Sikkim. Then Nepal annexed it. Again, it was takenover by British India and later on handed it over back to Sikkim. Alongwith Darjeeling and Kurseong which were gifted by the then *Maharaja* of Sikkim. as a token of friendship to British; seized Siliguri also. In this way, Kalimpong was initially a part of Sikkim and after the agression it was annexed to

Bhutan who ultimately handed it over to the British. It is evident that although the present district of Darjeeling once belonged to Sikkim; never the less it is now one of the districts of West Bengal within the Indian Union. However, time is everchanging and powerful and it is the best healer, no matter how deep the mind may be.

The people of Sikkim and Darjeeling; comprising mainly from three ethnic groups, viz. Lepchas, domiciled Bhutias and Nepalese/Gorkhas; should be well acquainted with the history of their land. With this purpose in view, an attempt has been made to prepare this book entitled **Sikkim-Darjeeling : Compendium of Documents** by compiling old documents having relevance to Sikkim and Darjeeling. I am confident that every intellectual of our society will give a serious thought to the importance and necessity of providing guidance to our present and future generations through the documents included in this book.

I am indebted to many a friend of mine and well-wishers who rendered me help and assistance while compiling the documents, write-ups and other materials contained in this book. I wish to express my profound gratitude to my wife Mrs. Subala Rai (Moktan).



(R. Moktan)

Date: 26th January, 2004.

Darjeeling : Early Political History

The District was part of the dominions of the Raja of Sikkim. In 1706 what is now the Kalimpong subdivision of the District was taken from the Raja of Sikkim by the Bhutanese. The Rajas later became engaged in unsuccessful struggles with the Gurkhas who had seized power in Nepal and invaded Sikkim in 1780. During the next 30 years they overran Sikkim as far east as the Tista and conquered and annexed the Tarai. In the meantime war broke out between the East India Company and the Nepalese at the end of which in 1817 by the treaty of Titaliya the tract which the Nepalese had wrested from the Raja of Sikkim was ceded to the Company. The Company restored the whole of the country between the Mechi and the Tista to the Raja and guaranteed his sovereignty. Sikkim was thus maintained as a buffer State between Nepal and Bhutan.

The District was included in the Rajshahi Division until October 1905 when, as a result of the Partition of Bengal, it was transferred to the Bhagalpur Division. With the re-arrangement of the provinces it was retransferred to the Rajshahi Division in March 1912.

The District was formerly a non-regulation District, that is to say, Acts and Regulations did not come into force unless they were specially extended to the District. Darjeeling had no representative in the Legislative Council constituted under the Government of India Act 1919. It was excluded and declared a backward tract. The Administration of the District was not subject to vote of the Legislature. The effect of exclusion was that any Act passed by the Legislature which extended to the whole of Bengal automatically applied to the Darjeeling District, unless the Government in Council directed that the Act in question should not apply or that it should apply subject to such notifications as the Governor thought proper.

As the District is a partially excluded area under section 92 of the Government of India Act 1935, no Act of the Provincial or Central Legislature applies to it unless the Governor by public notification so directs and the Governor in giving such a direction with respect to any Act may direct that the Act shall, in its application to this District, or to any specified part of it, have effect subject to such exceptions or modifications as he thinks fit.

(Bengal District Gazetteers - Darjeeling)

- A. J. Dash, C.I.F.

Tripartite Agreement : "Lo-Men-Tshong Sum"

1641

"Hi! Please observe, please behold, please listen, Name. From the Kumtu Zangpo the foremost Buddha, to the root Guru of our time and their ocean like guardian deities of Dharma may please appear in their wrathful form and behold (at this occasion) without your body, speech and mind distracted elsewhere. All the ocean like guardian deities; the male Dharma Palas, Female protectors of the Chogyal of this country and the Dharma, may also appear in their fiercely wrathful forms and behold at this occasion without distractions of their body, speech and mind. Pal Yeshe-Kyl Gompo Mahakala Manning Nangpo, Gompos of body, speech, mind, quality and action Za-Yi Gehen Ra-hla and light division of gods and Demi-Gods may please listen without being distracted. Chogyal Chempo, his all consorts, Ministers and followers to whom the Guru Rimpoche gave his commands, his followers, Demons, Nagas and Tsen (Dud, Tsen, Lu) Baishramana, Dorjee Shugden, Dorjee Dadul, Pehar Gyalpo and Gualpos of recent and ancient with eight divisions of wrathful spirits may also appear in their wrathful form and behold this occasion not having their body, speech and mind distracted elsewhere. Moreover, Zad-nga Taktse the great treasure holder of this Valley, Thang Lhe, Gabur Gangtsan, Twelve Tonmas, Yadud Cham-dral the guardian deities of the lower valley. Sride Rongtsen Ekazati and all the female guardians, the guardians of middle valley Pawa hunger and hundred thousand of millions of armies of Lha Tsen, Dud and Lu-may also appear in their wrathful form and behold at this occasion not having their body, speech and mind distracted elsewhere. In this hidden valley of Guru Rimpoche, the guardian deities of the retreat centres holding the lineage of Zongpo Chempo; the armies of Dud, Ten, Lu and treasure holders residing in mountains, valleys, trees, rocks and lands and lawns, the guardian deities of Thek-Chek Yangtse, Pema Yangntse, Rabdenatse, Tashiding and other places may appear in their wrathful form and behold at this occasion. All the deities and guardians worshipped by us the people of four parts of Ti-Ting Hkapa Barpung. Linguam, Dangs zongs, Tsong and Mongpos may please behold undistracted.

We the leaders and ministers have met her according to the wishes of the Lord of Men and we hereby pledge and put our seals to the agreement that the people "Lo-Men-Tsong-Sum" will hereafter integrate our wishes

and will not have separate self government of Lo (Bhutia), Men (Lepcha), and Tsong (Limboo) but will abide by one order only. During the last Mongpa war some people's action were noted and let them be beware of now from this year of water hare onwards we will abide by the commands of the King, the Guru and his sons and will never let arise a bad thought against Sikkim.

We the ministers and leaders of Sikkim including those of the eight communities of Lhopas hereby pledge that "Lho-Men-Tsong-Sum" will have one destiny and one government. They will fight together with their foes and they will feast together with their friends. They will bring in the intelligence of others but they will never take out the secret of inside. If there be any not abiding by this pledge and mischief and disturb the peace and harmony of "Lho-Men-Tsong-Sum", whoever he may be, the above mentioned guardian deities will see the truth. In such a case the afore mentioned deities are beseeched to appear in their wrathful forms and with their fierceful sound of Hung! Phat! and they are beseeched to make the criminals go mad and devour their flesh, blood and heart without delaying for years, months, days and even for a moment. Kharam Kha Hi! Those who abide by this pledge, respect the above mentioned deities abide by the agreement signed by us, the ministers and leaders, wish only good for the Chogyal, his Gurus and his sons, and serve the nation both physically and peace (Mak, Lag, Jung, Sum), may they be seen by the afore said guardian deities and may their life, fortune, glory and wealth be made to increase like the waxing moon. If any among "Lho-Men-Tsong-Sum", would not abide by this pledge will be made to pay three ounces of gold as pledge breach fee and there after he will be punished according to the degree of crime he has committed from slight physical punishment to the extent of death penalty. No hesitation will be made in execution of this punishment so that all may keep this in their minds.

The seal of following were put :

1. The minister of Sikkim-Dak Shar,
2. Dechen Namgyal of Tritong Khampa (Tshongkor Lak-Kor),
3. Thar Thim of Barpung,
4. Tamchin Dorleg,
5. Tencho of Lingdam,
6. Choep Drop,
7. Gu-Ju of Drang Tod,
8. Nangpo of Bodrongpa,
9. Tsong Subba, Namphang,
10. Tsong Yug Shug,

11. Mo Zang (or Morang) Mig Tshep,
12. Tsa Tai
13. Poshing
14. Matsi To,
15. Labung Thopa Kui
16. Deshe Hang
17. Mig Yom Ajamta,
18. Modenpa
19. Peghapa,
20. Bolobir
21. Tapa Agod of Rathang Chun Gupa
22. Tapa Shuphang of Ringbi Ching Gupa,
23. Tapa Gea Kyab of Galed Chung Gupa,
24. Pelo.

Thus created on Water Hare Year at Denzong Phuntso Khangsar".

The King Phunchung Namgyal gave full autonomy to the Limboos with the following Royal Proclamation :

The Tsong or Subba or Limboo Chiefs are hereby authorized to rule their districts under the title of "Subbas" with all the facilities of enjoying their tribal rites in social and religious functions by beating the royal band called Negara (Perlge) or cattle-dum.

By order of the King of Sikkim
from Yarsa Palace
dated, : Earth and Sheep years
(Sa Luk Dawa Dun Chhe 27 Yarsa)

Translated from Original Text by Prof. Ringu Tulku
Government Degree College
Gangtok, Sikkim
on 31st August, 1984.

Treaty of Segowlee

02.12.1815

TREATY of PEACE between the HONOURABLE EAST INDIA COMPANY AND MAHA RAJAH BIRKRAM SAH, Rajah of Nipal, settled between LIEUTENANT-COLONEL BRADSHAW on the part of the HONOURABLE COMPANY, in virtue of the full powers vested in him by HIS EXCELLENCY the RIGHT HONOURABLE FRANCIS, EARL of MOIRA, KNIGHT of the MOST NOBLE ORDER of the GARTER, one of HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, appointed by the Court of Directors of the said Honourable Company to direct and control all the affairs in the East Indies, and by SREE GOOROO GUJRAJ MISSER and CHUNDER SEEKUR OPEDEEA on the part of MAHA RAJAH GIRMAUN JODE BIKRAM SAH BAHAUDER, SHUMSHEER JUNG, in virtue of the powers to that effect vested in them by the said Rajah of Nipal, - 2nd December 1815.

Whereas war has arisen between the Honourable East India Company and the Rajah of Nipal, and whereas the parties are mutually disposed to restore the relations of peace and amity which, previously to the occurrence of the late differences, had long subsisted between the two States, the following terms of peace have been agreed upon :-

ARTICLE 1st

There shall be perpetual peace and friendship between the Honourable East India Company and the Rajah of Nipal.

ARTICLE 2nd

The Rajah of Nipal renounces all claim to the lands which were the subject of discussion between the two States before the war; and acknowledges the right of the Honourable Company to the sovereignty of those lands.

ARTICLE 3rd

The Rajah of Nipal hereby cedes to the Honourable the East India Company in perpetuity all the undermentioned territories, viz.-

First - The whole of the low lands between the Rivers Kali and Rapti.

Secondly - The whole of the low lands (with the exception of Bootwul Khass) lying between the Rapti and the Gunduck.

Thirdly - The whole of the low lands between the Gunduck and Coosah, in which the authority of the British Government has been introduced, or is in actual course of introduction.

Fourthly - All the Low lands between the Rivers Mitchee and the Teestah.

Fifthly - All the territories within the hills eastward of the River Mitchee including the fort and lands of Nagree and the Pass of Nagarcote leading from Morung into the hills, together with the territory lying between that Pass and Nagree. The aforesaid territory shall be evacuated by the Gurkha troops within forty days from this date.

ARTICLE 4th

With a view to indemnify the Chiefs and Barahdars of the State of Nipal, whose interests will suffer by the alienation of the lands ceded by the foregoing Article, the British Government agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such Chiefs as may be selected by the Rajah of Nipal, and in the proportions which the Rajah may fix. As soon as the selection is made, Sunnud shall be granted under the seal and signature of the Governor-General for the pensions respectively.

ARTICLE 5th

The Rajah of Nipal renounces for himself, his heirs, and successors, all claim to or connection with the countries lying to the west of the River Kali and engages never to have any concern with those countries or the inhabitants thereof.

ARTICLE 6th

The Rajah of Nipal engages never to molest or disturb the Rajah of Sikkim in the possession of his territories; but agrees, if any difference shall arise between the State of Nipal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government by which award the Rajah of Nipal engages to abide.

ARTICLE 7th

The Rajah of Nipal hereby engages never to take or retain in his service any British subject, nor the subject of any European or American State, without the consent of the British Government.

ARTICLE 8th

In order to secure and improve the relations of amity and peace hereby established between the two States, it is agreed that accredited Ministers from each shall reside at the Court of the order.

ARTICLE 9th

This treaty, consisting of Nine Articles, shall be ratified by the Rajah of Nipal within fifteen days from this date, and the ratification shall be delivered to Lieutenant-Colonel Bradshaw, who engages to obtain and deliver the ratification of the Governor-General within twenty days, or sooner, if practicable.

Done at Segowlee, on the 2nd day of December 1815.

Sd/- PARIS BRADSHAW, Lt. - Col., P.A.

Received this treaty from Chunder Seekur Opedæa, Agent on the part of the Rajah of Nipal, in the valley of Muckwaunpoor, at half-past two o'clock p.m. on the 4th of March 1816, and delivered to him the Counterpart Treaty on behalf of the British Government.

Sd/- D.D. OCHTERLONY,
Agent, Governor-General



Nonanclature of : **SANDAKPHU**

Dr. Waddell translated this name to be "the height of the poision plant" a translation only natural, when aconite and poisonous rhododendron use to be so common that sheep and cattle passing over had to be muzzled. The other classical interpretation "The height where to obtain meditation", seems very far-fetched. The pahariyas (Limboos) called a neighbouring and conspicuous hill "Sindok - kok - ma", literally "the high ridge" so it is much more probable that this name was erroneously trasferred to our "Sandhuk-Phoo" which was formarly known to Lepchas as "Tam" which means a plateau.

Rectification of the Treaty of Segowlee 04.03.1816

"For the unconditional cession by Nipal of the whole of lowlands, upto the first range of the hills extending from the River Kali on the west to the River Teesta on the east with the exception of Butwal Khas, and of such portions of the Terai, lying between the Gandaki and the Kosi, into which the British authority had not been introduced, or was in actual course of introduction. For the like renouncement by Nipal of all claims to the hill countries west of the Kali; for the like renouncement of the hill country east of the River Mitche; for the due observance of the rights of Sikkim Putti Rajah, and for submission to British Government all disputes for arbitration arising between Nipal and Sikkim or the subjects of the States; for the admission of an accredited British Minister at the Court of Nipal; for the paying by the British Government of two lakhs of rupees, annually as pensions to such chiefs of Nipal as the Rajah might point out (the same being an indemnification for the loss sustained by said Chiefs, on the cession of the Terai lands); and finally, the Rajah of Nipal not engaging to serve him, the subjects of any European or American State without the consent of British Government."



Sikkim State

*General Department
Notification No. 5186-085/G*

His Highness the Maharaja Sahib of Sikkim has been pleased to order that with effect from 2nd January 1948 the powers granted to certain landlords for registering documents under the Sikkim Registration Rules will be deemed withdrawn. They will no longer act as Sub-Registrars.

BY ORDER OF H.H. THE MAHARAJA OF SIKKIM

*Sd/- B. Karthak
General Secretary to*

Gangtok

The 3rd January 1948 His Highness the Maharaja of Sikkim

Treaty of Titalia

10.02.1817

TREATY, COVENANT or AGREEMENT entered into by CAPTAIN BARRE LATTER, AGENT on the part of HIS EXCELLENCY, the RIGHT HON'BLE, the EARL OF MOIRA, .K.G., GOVERNOR GENERAL, etc., and by NAZIR CHAINA TENJIN and MACHA TEINBAH and LAMA DUCHIM LONGADOO, Deputies on the part of the RAJAH OF SIKKIMPUTTEE being severally authorized and duly appointed for the above purposes - 1817.

ARTICLE I

The Honourable East India Company cedes, transfers and makes over in full sovereignty to the Sikkimputtee Rajah, his heirs or successors, all the hilly or mountainous country situated to the eastward of the Mechi river and to the westward of the Teesta river, formerly possessed by the Rajah of Nepaul but ceded to the Honourable East Inida Company by the treaty of peace signed at Segoulee.

ARTICLE II

The Sikkimputtee Rajah engages for himself and successors to abstain from any acts of aggression or hostility against the Goorkhas or any other State.

ARTICLE III

That he will refer to the arbitration of the British Government any dispute or question that may arise between his subjects and those of Nepaul or any other neighbouring State and to abide by the decision of the British Government.

ARTICLE IV

He engages for himself and successors to join the British troops with the whole of his military force when employed in the Hills and in general to afford the British troops every aid and facility in his power.

ARTICLE V

That he will not permit any British subject nor the subject of any European and American state to reside within his dominions, without the permission of the English Government.

ARTICLE VI

That he will immediately seize and deliver up any dacoits or notorious offenders that might take refuge within his territories.

ARTICLE VII

That he will not afford protection to any defaulters of revenue or other delinquents when demanded by the British Government through their accredited agents.

ARTICLE VIII

That he will afford protection to merchants and traders from the Company's province and he engages that no duty shall be levied on the transit of merchandise beyond the established custom at the several golah or marts.

ARTICLE IX

The Honourable East India Company guarantees to the Sikkimputtee Rajah and his successors, the full and peaceable possession of the tract of hilly country specified in the First Article of the present Agreement.

ARTICLE X

This treaty shall be ratified and exchanged by the Sikkimputtee Rajah within one month from the present date and the counterpart when confirmed by His Excellency, the Right Honourable the Governor-General, shall be transmitted to the Rajah.

Done at Titalia, this tenth day of February 1817 answering the 9th of Phagoon 1873 Sumbut and to the thirteenth of Maugh 1223 Bengallie.

Sd/- Barre Latter

Sd/- Nazir Chaina Tenjin

Sd/- Macha Teinbah

Sd/- Lama Duchim Longadoo

Sd/- Moira

Sd/- N.B. Edmonstone

Sd/- Archd. Seton

Sd/- Geo. Dowedswell

Ratified by the Governor-General in Council at Fort William, this Fifteenth day of March, One Thousand Eight Hundred and Seventeen.

Sd/- J. Adam,
Acting Chief Secretary to Government.

Sunnud Granted to the Rajah of Sikkim 07.04.1817

The Honourable East India Company, in consideration of the services performed by the Hill tribes under the control of the Rajah of Sikkim, and of the attachment shown by him to the interest of the British Government, grants to the Sikkimputtee Rajah, his heirs and successors, all that portion of low land situated eastward of the Meitche River, and westward of the Maha Nuddee, formerly possessed by the Rajah of Nepaul, but ceded to the Honourable East India Company by the Treaty of Segoulee, to be held by the Sikkimputtee Rajah as a feudatory, or as acknowledging the supremacy of the British Government over the said lands, subject to the following dominions.

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

The articles of Provisions of the Treaty signed at Titalya on the 10th February 1817, and ratified by his Excellency the Right Honourable the Governor-General in Council on the 15th March following, are to be in force with regard to the lands hereby assigned to the Sikkimputtee Rajah, as far as they are applicable to the circumstances of those lands.

It will be especially incumbent on the Sikkimputtee Rajah and his officers to surrender, on application from the officers of the Honourable Company, all persons charged with criminal offences, and all public defaulters who may take refuge in the lands now assigned to him, and to allow the police officers of the British Government to pursue into those lands and apprehend all such persons.

In consideration of the distance of the Sikkimputtee Rajah's residence from the Company's Provinces, such orders as the Governor-General in Council may, upon any sudden emergency, find it necessary to transmit to the local authorities in the lands now assigned, for the security or protection of those lands, are to be immediately obeyed and carried into execution in the same manner as coming from the Sikkimputtee Rajah.

In order to prevent all disputes with regard to the boundaries of the low lands granted to the Sikkimputtee Rajah, they will be surveyed by a British Officer, and their limits accurately laid down and defined.

Deed of Darjeeling Grant

01.02.1835

Translation of the Deed of Grant making over Darjeeling to the East India Company dated 29th Maugh, Sambat 1891, A.D., 1st February 1835

The Governor-General having expressed his desire for the possession of the Hill of Darjeeling, on account of its cool climate, for the purpose of enabling the servants of his Government, suffering from sickness, to avail themselves of its advantages, I, the Sikkimputtee Rajah, out of friendship to the said Governor-General, hereby present Darjeeling to the East India Company, that is, all the land South of the Great Runjeet River, east of the Balasun, Kahail, and Little Runjeet Rivers, and west of the Rungno and Mahanuddi Rivers.

Seal of the Rajah prefixed
to the document.

Sd/- A. CAMPBELL,
Superintendent of Darjeeling and
in charge of political relations
with Sikkim.



Extract from : Sikkim a Himalayan Tragedy

- Nari Rustomji

No less eminent a jurist than M. Hidayatullah, retired Chief Justice and later Vice-President of India, had opined, on his advice being sought by the Prince, on the legality of India's action. He has held that enactments by the Indian Parliament could have no effect in altering Sikkim's status as an international personality.

"In opinion of counsel, the status of Sikkim in International Law before and after the constitutional amendment in India remains exactly the same. Sikkim's international distinct personality is unaffected and it is a protectorate as before". Hidayatullah stresses that the relation between India and Sikkim had vested entirely on the treaty of 1950. A treaty cannot be contemplated unless each contracting party has a distinct sovereign international personality. The Treaty 1950 discloses true indicia of a distinct international personality in so far as Sikkim is concerned". He concluded that "Sikkim enjoyed an international personality and still does so, although sovereignty is shared. This is as a result of historical association with India even prior to the Indo-Sikkim Treaty of 1950. This still continues inspite of the events of 1974 and the amendment of the Indian Constitution".

- M. Hidayatullah

Treaty of Tumloong

28.03.1861

TREATY, COVENANT, or AGREEMENT entered into by the HONOURABLE ASHLEY EDEN, ENVOY and SPECIAL COMMISSIONER on the Part of the BRITISH GOVERNMENT, in virtue of full powers vested in him by the RIGHT HONOURABLE CHARLES, EARL CANNING, GOVERNOR-GENERAL in COUNCIL, and by HIS HIGHNESS SEKEONG KUZOO, MAHARAJAH of SIKKIM on his own Part, - 1861

Whereas the continued depredations and misconduct of the officers and subjects of the Maharajah of Sikkim, and the neglect of the Maharajah to afford satisfaction for the misdeeds of his people have resulted in an interruption for many years past of the harmony which previously existed between the British Government and the Government of Sikkim, and have led ultimately to the invasion and conquest of Sikkim by a British force; and whereas the Maharajah of Sikkim has now expressed his sincere regret for the misconduct of his servants and subjects, his determination to do all in his power to obviate future misunderstanding, and his desire to be again admitted into friendship and alliance with the British Government, it is hereby agreed as follows :-

1. All previous treaties made between the British Government and the Sikkim Government are hereby formally cancelled.
2. The whole of Sikkim territory now in the occupation of the British forces is restored to the Maharajah of Sikkim, and there shall henceforth be peace and amity between the two states.
3. The Maharajah of Sikkim undertakes, so far as is within his power, to restore within one month from the date of signing this Treaty all public property which was abandoned by the detachment of British Troops at Rinchinpoong.
4. In indemnification of the expenses incurred in 1860 by the British Government in occupying a portion of the territory of Sikkim as a means of enforcing just claims which had been evaded by the Government of Sikkim and as a compensation to the British subjects who were pillaged and kidnapped by the Subjects of Sikkim, the Sikkim Government agrees to pay to the British authorities at *Darjeeling* the sum of Rs. 7,000 (Seven thousand) rupees in the following instalments, that is to say :-

May 1st, 1861	1,000
November 1st, 1861	3,000
May 1st, 1862	3,000

As security for the due payment of this amount, it is further agreed that, in the event of any of these instalments not being duly paid on the date appointed, the Government of Sikkim shall make over the British Government that portion of its territory bounded on the South by the River Rummam, on the east by the Great Runjeet River, to the Singaleelah Range, including the monasteries of Tassiding, Pemonchi, and Changacheling and on the west by the Singaleelah Mountain Range, and the British Government shall retain possession of this territory and collect the revenue thereof, until the full amount, with all expenses of occupation and collection and interest at 6 per cent per annum, are realized.

5. The Government of Sikkim engages that its subjects shall never again commit depredations on British territory, or kidnap or otherwise molest British subjects. In the event of any such depredation or kidnapping taking place, the Government of Sikkim undertakes to deliver up all the persons engaged in such malpractice, as well as the Sirdars or other Chiefs conniving at or benefitting thereby.
6. The Government of Sikkim will at all times seize and deliver up any criminals, defaulters, or other delinquents who may have taken refuge within its territory, on demand being duly made in writing by the British Government through their accredited agents. Should any delay occur in complying with such demand, the police of the British Government may follow the person whose surrender has been demanded into any part of Sikkim territory, and shall, on showing a warrant, duly signed by the British Agent, receive every assistance and protection in the prosecution of their object from the Sikkim officers.
7. Inasmuch as the late misunderstandings between the two Governments have been mainly formed by the acts of the ex-Dewan Namguay, the Government of Sikkim engages that neither the said Namguay, nor any of his blood-relations shall ever again be allowed to set foot in Sikkim or to take part in the Council of, or hold any office under, the Maharajah or any of the Maharajah's family at Choombi.
8. The Government of Sikkim from this date abolishes all restrictions on travellers and monopolies in trade between the British territories and Sikkim. There shall henceforth be a free reciprocal intercourse, and full liberty of Commerce between subjects of both countries; it shall be lawful for British subjects to go into any part of Sikkim for the

purpose of travel or trade, and the subjects of all countries shall be permitted to reside in and pass through Sikkim, and to expose their goods for sale at any place and in any manner that may best suit their purpose, without any interference whatever, except as is hereinafter provided.

9. The Government of Sikkim engages to afford protection to all travellers, merchants or traders of all countries, whether residing in, trading in, or passing through Sikkim. If any merchant, traveller or trader, being a European British subject, shall commit any offence contrary to the laws of Sikkim, and such person shall be punished by the representative of the British Government resident at Darjeeling, and the Sikkim Government will at once deliver such offender over to the British authorities for this purpose, and will, on no account, detain such offender in Sikkim on any pretext or pretence whatever. All other British subjects residing in the country to be liable to the laws of Sikkim; but such persons shall, on no account, be punished with loss of limb, or maiming, or torture, and every case of punishment of a British subject shall at once be reported to Darjeeling.
10. No duties or fees of any sort shall be demanded by the Sikkim Government of any person or persons on account of goods exported into the British territories from Sikkim, or imported into Sikkim from the British Territories.
11. On all goods passing into or out of Tibet, Bhootan or Nepaul, the Government of Sikkim any levy a duty of customs according to such a scale as may, from time to time, be determined and published without reference to the destination of the goods, provided, however, that such duty shall, on no account, exceed 5 per cent on the value of goods at the time and place of the levy of duty. On the payment of the duty aforesaid a pass shall be given exempting such goods from liability to further payment on any account whatever.
12. With the view to protect the Government of Sikkim from fraud on account of undervaluation for assessment of duty, it is agreed that their custom officers shall have the option of taking over for the Government any goods at the value affixed on them by the owner.
13. In the event of the British Government desiring to open out a road through Sikkim, with the view of encouraging trade, the Sikkim Government will raise no objection thereto, and will afford every protection and aid to the party engaged in the work. If a road is constructed, the Government of Sikkim undertakes to keep it in repair, and to erect and maintain suitable travellers' resthouses throughout

its route.

14. If the British Government desires to make either a topographical or geological survey of Sikkim, the Sikkim Government will raise no objection to this being done, and will afford protection and assistance to the officers employed in this duty.
15. Inasmuch as many of the late misunderstandings have had their foundation in the custom which exists in Sikkim of dealing in slaves, the Government of Sikkim binds itself, from this date, to punish severely any person trafficking in human beings, or seizing persons for the purpose of using them as slaves.
16. Henceforth the subjects of Sikkim may transport themselves without let or hindrance to any country to which they may wish to remove. In the same way the Government of Sikkim has authority to permit the subjects of other countries, not being criminals or defaulters, to take refuge in Sikkim.
17. The Government of Sikkim engages to abstain from any acts of aggression or hostility against any of the neighbouring states which are allies of the British Government. If any disputes or questions arise between the people of Sikkim and those of the neighbouring states such disputes or questions shall be referred to the arbitration of the British Government, and Sikkim Government agrees to abide by the decision of the British Government.
18. The whole military forces of Sikkim shall join and afford every aid and facility to British Troops when employed in the Hills.
19. The Government of Sikkim will not cede or lease any portion of its territory to another State without the permission of the British Government.
20. The Government of Sikkim engages that no armed force belonging to any other country shall pass through Sikkim without the sanction of the British Government.
21. Seven of the criminals, whose surrender was demanded by the British Government, having fled from Sikkim and taken refuge in Bhootan, the Government of Sikkim engages to do all in its power to obtain the delivery of those persons from the Bhootan Government, and in the event of any of these men again returning to Sikkim, the Sikkim Government binds itself to seize them, and to make them

over to the British Authorities at Darjeeling without delay.

22. **With the view to the establishment of an efficient Government in Sikkim, and to the better maintenance of friendly relations with the British Government, the Majharajah of Sikkim agrees to remove the seat of his Government from Tibet to Sikkim and to reside there for nine months in the year. It is further agreed that a Vakeel shall be accredited by the Sikkim Government, who shall reside permanently at Darjeeling.**

23. This treaty, consisting of twentythree Articles, being settled and concluded by the Honourable Ashley Eden, British Envoy and His Highness Sekeong Kuzoo Sikkimputtee Maharajah, at Tumloong, this 28th day of March, 1861 corresponding with 17th Dao Neepoo, 61, Mr. Eden has delivered to the Maharajah a copy of the same in English with translation in Nagri and Bhootiah, under the seal and signature of the said Honourable Ashley Eden and His Highness the Sikkimputtee Maharajah and the Sikkimputtee Maharajah has in like manner delivered to the said Honourable Ashley Eden another copy also in English with translation in Nagri and Bhootiah, bearing the seal of His Highness and the said Honourable Ashley Eden. The Envoy engages to procure the delivery to His Highness within six weeks from this date of copy of this Treaty, duly ratified by His Excellency, the Viceroy and Governor-General of India in Council and this treaty shall in the meantime be in full force.

(Seal)

Sd/- **Sekeong Kuzoo** Sikkimputtee,

Sd/- **Ashley Eden** ENVOY (seal)

Sd/- **Canning** (seal)

Ratified by His Excellency, the Viceroy and Governor-General of India in Council at Calcutta on the Sixteenth day of April, 1861.

Sd/- **G.U. Aitchison**,
Under Secretary to the Government of India.

Khureeta to Deb Rajah

Annexation of Ambaree Fallacottah

09.06.1864

You are well aware that for many years past wanton outrages have been committed by your subjects within the territories of the British Government and within the territories of the Rajas of Sikkim and Cooch Behar, who are under British protection. Men, women, and children have been kidnapped and sold into slavery; some have been put to death; others have been cruelly wounded; and much valuable property has been carried off or destroyed. These outrages, it is well known are not the act of individual criminals, who set the laws of Bhootan at defiance; they are perpetrated with the knowledge and at the instigation of some of the leading Chiefs of Bhootan. Over a period of thirty-six years these aggressions have extended. Many remonstrances have been in vain addressed to the Bhootan Government, and the British Government has been compelled, in its own defence and the defence of its protected and subordinate allies, to have recourse to measures of retribution. In 1828 and 1836 the British Government were most reluctantly forced to occupy the Booree Gooma and the Banska Doars, but these districts were subsequently restored to the Bhootan Government in the hope that the Bhootan Government would fulfil the offices of friendship towards their neighbour by restraining their subjects from the commission of such aggressions for the future.

This hope proved illusory, and after the British Government had in vain endeavoured to secure a better understanding with the Bhootan Government by means of a friendly mission, it became necessary in 1841 to annex permanently to the British dominions the seven¹ Assam Doars, a measure which, it was believed, would convince the Bhootan Government that British territory cannot with impunity be persistently and wantonly violated. Nevertheless, the British Government, willing to believe in the friendship of your Government, and careful only to secure an undisturbed frontier and to leave at peace with the people of Bhootan, paid to your Government annually a sum of Rupees 10,000 from the revenues of these Doars.

But even moderation on the part of the British Government, this sign of its anxiety above all things for peace, was misunderstood. Outrages did not cease. Precautions had to be taken for the defence of the British frontier, and not only the Deb and Dhurma Rajahs, but the local Governors on the frontier, particularly the Tongso Pillo, had to be distinctly warned

that unless these insults to the British Government were put a stop to, the British Government would have no alternative but to resort to further measures of retribution.

These warnings were ineffectual; it is unnecessary to repeat the numerous acts of aggression to which the British Government patiently submitted, and the further remonstrances which were addressed to your Government before they carried their threats into execution by the stoppage of the rent of Rupees 2,000 a year for the Ambaree Fallacottah, which the British Government held in farm. Of the reasons which forced the British Government to this measure, your Government were duly informed, and you were warned that the rents of Ambaree Fallacottah would not be paid until full reparation should be made, captives released, and the guilty parties punished. These measures also proved ineffectual; and as the British Government were unwilling to be committed to a course of retributive coercion, it was determined to make one effort more by peaceful negotiation and the despatch of a friendly mission to explain fully the demands of the British Government and to put the relations of the two Governments on a satisfactory footing. Of this intention the Bhootan Government were informed in 1862 by a special messenger, who carried letters to the Deb and Dhurma Rajahs, and by more recent letters addressed to you by the Honorable the Lieutenant-Governor of Bengal. The mission, under the conduct of the Honorable Ashley Eden a high functionary of the British Government and my Envoy and plenipotentiary, reached your Court at Poonakha on 13th March 1864. Mr. Eden was the bearer of a Draft Treaty which he was instructed to negotiate with you. The terms of that Treaty were so just and reasonable, and so favourable to the best interests of both Governments, that I did not anticipate its rejection, more especially as Mr. Eden had full discretion to modify any of the details not inconsistent with the principles of the Treaty to meet the wishes of the Bhootan Government. It was, of course, optional with you to accept or reject this Treaty in whole or in part, and had you received my *Envoy in the manner suited to his rank as my representative*, and as by the usages of nations he ought to have been received, but declared your inability to accede to the demands of the British Government, this rejection of my proposals, however much to be regretted as forcing the British Government to coercive measures for the protection of the persons and property of its subjects, would not in itself have been an offence.

But you are aware that not only have the just demands of the British Government been refused, but they have been refused in a manner disgraceful to yourself and to your Durbar and insulting to the British Government. Not only has the Envoy deputed to your Court not been received with the dignity due to his rank; he has not even received

that protection from personal insult and violence which is extended to an Envoy by the Council the letter addressed to you on the part of the British Government has been treated with contumely; my Envoy was publicly insulted and derided in your own presence, and has been compelled under threats of personal violence to sign an engagement agreeing to restore the Assam Doars.

This engagement I entirely repudiate, not only because it was beyond Mr. Eden's instructions to agree to any such terms, but because the engagement was extorted from him by personal violence and threats of imprisonment. The treatment to which the mission which was deputed to your Court to remove all causes of dispute by peaceful negotiation was subjected, has been so disgraceful that the British Government cannot allow the Government of Bhootan to go unpunished.

I am aware that your authority has been usurped by the Tongso Pillo and other Chiefs, but it cannot be permitted that, for the insubordination of your Chiefs and the internal distractions which weaken the Government of Bhootan, the subjects of the British Government should suffer and the Envoy of the British Government should be insulted and maltreated.

I therefore inform you that the district of Ambaree Fallacottah, heretofore held in rent from the Bhootan Government, is permanently annexed to the British dominions, and that all payments of rent from that district and of revenues from the Assam Doars to the Bhootan Government have ceased for ever. You have been informed both in writing and by my Envoy that all British subjects of Cooch Bhear and Sikkim, of whom there are said to be more than three hundred, who are now held captive by your Chiefs and in your monasteries, or are detained in Bhootan against their will, must be released, and that the property which has been carried off from British territory, or Cooch Behar, or Sikkim within the last five years, must be restored. I now warn you that, unless these demands are fully complied with by the 1st day of September next, that it, three months from this date, I shall take such further measures to enforce these demands as may seem to me to be necessary.

Sd./- John Lawrence

The same to the Dhurm Raja.

¹Ghurkola, Banska, Chappa Goonee, Chappakhamar, Bijnee, Booree Gooma, Kulling.

Proclamation Regarding the Annexation of the Bengal Duars 12.11.1864

For many years past outrages have been committed by subjects of the Bhootan Government within British territory, and in the territories of the Rajahs of Sikkim and Cooch Behar. In these outrages property has been plundered and destroyed, lives have been taken, and many innocent persons have been carried into and are still held in captivity.

The British Government, ever sincerely desirous of maintaining friendly relations with neighbouring States, and specially mindful of the obligations imposed on it by the Treaty of 1774, has endeavoured from time to time by conciliatory remonstrance to induce the Government of Bhootan to punish the perpetrators of these crimes, to restore the plundered property, and to liberate the captives. But such remonstrances have never been successful, and even when followed by serious warnings, have failed to produce any satisfactory result. The British Government has been frequently deceived by vague assurance and promises for the future, but not property has ever been restored, no captive liberated, no offender punished, and the outrages have continued.

In 1863 the Government of India, being averse to the adoption of extreme measures for the protection of its subjects and dependent allies, despatched a special mission to the Bhootan Court, charged with proposals of a conciliatory character, but instructed to demand the surrender of all captive, the restoration of plundered property, and security for the future peace of the frontier.

This pacific overture was insolently rejected by the Government of Bhootan. Not only were restitution for the past and security for the future refused, but the British Envoy was insulted in open Durbar, and compelled, as the only means of ensuring the safe return of the mission, to sign a document which the Government of India could only instantly repudiate.

For this insult the Governor-General in Council determined to withhold for ever the annual payments previously made to the Bhootan Government on account of the revenues of the Assam Duars and Ambaree Fallacottah, which had long been in the occupation of the British Government, and annexed those districts permanently to British territory. At the same time, still anxious to avoid an open rupture, the Governor-General in Council addressed a letter to the Deb and Dhurma

Rajahs, formally demanding that all captives detained in Bhootan against their will should be released, and that all property carried off during the last five years should be restored.

To this demand the Government of Bhootan has returned an evasive reply, from which can be gathered no hope that the just requisitions of the Government of India will ever be complied with, or that the security of the frontier can be provided for otherwise than by depriving the Government of Bhootan and its subjects of the means and opportunity of future aggression.

The Governor-General in Council has therefore reluctantly resolved to occupy permanently and annex to British territory the Bengal Doars of Bhootan, and so much of the Hill territory, including the forts of Dallingkot, Panakha and Dewangiri, as may be necessary to command the passes, and to prevent hostile or predatory incursions of Bhootanese into the Darjeeling District or into the plains below. A Military Force amply sufficient to occupy this tract and overcome all resistance, has been assembled on the frontier, and will now proceed to carry out this resolve.

All chief, Zemindars, Munduls, Ryots, and other inhabitants of the tract in question are hereby required to submit to the authority of the British Government, to remain quietly in their homes and to render assistance to British troops and to the Commissioner who is charged with the administration of the tract. Protection of life and property and guarantee of all private rights is offered to those who do not resist, and strict justice will be done to all. The lands will be moderately assessed, and all oppression and extortion will be absolutely prohibited.

The future boundary between the territories of the Queen of England and those of Bhootan will be surveyed and marked off, and the authority of the Government of Bhootan within this boundary will cease for ever.

By order of the Governor-General in Council.

Fort William,
The 12th November, 1864

Sd./- *H.M. Durand, Colonel*
Secy. to the Government of India.

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Treaty of Sinchula

11.11.1865

Treaty between His Excellency the Right Honourable Sir John Lawrence, G.C.B., K.S.I., Viceroy and Governor-General of Her Britannic Majesty's possessions in the East Indies, and their Highness the Dhurm and Deb Rajahs of Bhootan concluded on the one part by Lieutenant-Colonel Herbart Bruce, C.B., by virtue of full powers to that effect vested in him by the Viceroy and Governor-General, and on the other part by Samdojey Deb Jimpey and Themseyrensey Donai according to full powers conferred on them by the Dhurm and Deb Rajahs - 1865.

ARTICLE I

There shall henceforth be perpetual peace and friendship between the British Government and the Government of Bhootan.

ARTICLE II

Whereas in consequence of repeated aggressions of the Bhootan Government and of the refusal of that Government to afford satisfaction for those aggressions, and of their insulting treatment of the officers sent by His Excellency the Governor-General in Council for the purpose of procuring an amicable adjustment of differences existing between the two states, the British Government has been compelled to seize by an armed force the whole of the doars and certain Hill Posts protecting the passes into Bhootan, and whereas the Bhootan Government has now *expressed its regret for past misconduct and a desire for the establishment of friendly relations with the British Government, it is hereby agreed that the whole of the tract known as the Eighteen Doars, bordering on the districts of Rungpoor, Cooch Behar, and Assam, together with the Talook of Ambaree Fallacottah and the Hill territory on the left bank of the Teesta upto such points as may be laid down by the British Commissioner appointed for the purpose is ceded by the Bhootan Government to the British Government for ever.*

ARTICLE III

The Bhootan Government hereby agree to surrender all British subjects, as well as subjects of the Chiefs of Sikkim and Cooch Behar who are now detained in Bhootan against their will, and to place no impediment in the way of the return of all or any of such persons into

British territory.

ARTICLE IV

In consideration of the cession by the Bhootan Government of the territories specified in Article II of this Treaty, and of the said Government having expressed its regret for past misconduct, and having hereby engaged for the future to restrain all evil disposed persons from committing crimes within British territory or the territories of the Rajahs of Sikkim and Cooch Behar and to give prompt and full redress for all such crimes which may be committed in defiance of their commands, the British Government agree to make an annual allowance to the Government of Bhootan of a sum not exceeding fifty thousand rupees (Rupees 50,000) to be paid to officers not below the rank of Jungpen, who shall be deputed by the Government of Bhootan to receive the same. And it is further hereby agreed that the payments shall be made as specified below:

On the fulfillment by the Bhootan Government of the conditions of this Treaty, twenty five thousand rupees (Rupees 25,000).

On the 10th January following the 1st payment, thirty five thousand rupees (Rupees 35,000).

On the 10th January following forty-five thousand rupees (Rupees 45,000).

On every succeeding 10th January fifty thousand rupees (Rs. 50,000).

ARTICLE V

The British Government will hold itself at liberty at any time to suspend the payment of this compensation money either in whole or in part in the event of misconduct on the part of the Bhootan Government or its failure to check the aggression of its subjects or to comply with the provisions of this Treaty.

ARTICLE VI

The British Government hereby agree on demand being duly made in writing by the Bhootan Government, to surrender, under the provisions of Act VII of 1854, of which a copy shall be furnished to the Bhootan Government, all Bhootanese subjects accused of any of the following crimes who may take refuge in British dominions. The crimes are murder, attempting to murder, rape, kidnapping, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, cattle stealing, breaking and entering a dwelling house and stealing therein, arson, setting fire to a

village, house, or town, forgery or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, perjury, subordination of perjury, embezzlement by public officers or other persons, and being an accessory to any of the above offences.

ARTICLE VII

The Bhootan Government hereby agree, on requisition being duly made by or by the authority of the Lieutenant Governor of Bengal to surrender any British subjects accused of any of the crimes specified in the above Article who may take refuge in the territory under the jurisdiction of the Bhootan Government, and also any Bhutanese subjects who after committing any of the above crimes in British territory, shall flee into Bhootan, on such evidence of their guilt being produced as shall satisfy the Local Court of the district in which the offence may have been committed.

ARTICLE VIII

The Bhootan Government hereby agree to refer to the arbitration of the British Government all disputes with, or causes of complaint against, the Rajahs of Sikkim and Cooch Behar, and to abide by the decision of the British Government, and the British Government hereby engage to enquire into and settle such disputes and complaints in such manner as justice may require, and to insist on the observance of the decision by the Rajahs of Sikkim and Cooch Behar.

ARTICLE IX

There shall be free trade and commerce between the two Governments. No duties shall be levied on Bhootanese goods imported into British territories, nor shall the Bhootan Government levy any duties on British goods imported into, or transported through, Bhootan territories. Bhootanese subjects resideing in British territories shall have equal justice with British subjects, and British subjects residing in Bhootan shall have equal justice with the subjects of the Bhootan Government.

ARTICLE X

The present Treaty of Ten Articles having been concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Shim Lung 24th day of the 9th Month, and signed and sealed by Lieutenant-Colonel Herbert Bruce, C.B., and Samdojey Deb Jimpey and Themseyrensey Donai, the ratifications of the same by His Excellency the

Viceroy and Governor-General or His Excellency the Viceroy and Governor-General in Council and by their Highness the Dhurm and Deb Rajahs shall be mutually delivered within thirty days from this date.

Sd/- *T. Donai* (in Dabe Nagari)
Sd/- *S.D. Jimpey*
(in Bhutia language)

Sd/- *H. Bruce*, Lieut.-Col.
Chief Civil and Political Officer.

This Treaty was ratified on the 29th November 1865 in Calcutta by me.

25th January 1866.

Sd/- *John Lawrence*
Governor General

25th January 1866.

Sd/- *W. Muir*
Secretary to the Govt. of India

Nomenclature of :
RANGLI RUNGLIOT

(Rungion Rung-Liot) : "The water of Tista (Rungion) have come this far and retired., and a cliff or cutting is pointed out as the channel by which the waters subsided. But the story has been metamorphosed and now runs, that the Balasun courted the Rungeet, daughter to the Tista, and at last persuaded her to slope. The pair got as far as the Ghoom range, which the Balasun safely crossed. The Rungeet's strength failed her, and she fell back again into her old valley. The angry father pursued the Balasun, but only succeeded in reaching Rungli Rungliot. Another version makes out that the Balasun came over to steal the fish (and not the daughter) of the Tista and succeeded, in fact until very recently, no fish could be caught with a line in the latter river.

Proclamation Regarding Annexation of the Doars 04.07.1866

Whereas in the Proclamation issued on the 12th November 1864, His Excellency the Viceroy and Governor General in Council announced his resolution of occupying permanently and annexing to British territory the Bengal Doars of Bhootan and so much of the hill territory, including the forts of Dalimkote and Dewangiree, as might be necessary to command the passes and to prevent hostile or predatory incursions of Bhootanese into the Darjeeling District, or into the plains below.

And whereas, in pursuance of that resolution, the British Government, under Article II of a treaty concluded on the 11th day of November 1865, has obtained from the Government of Bhootan for ever the cession of the whole of the tract known as the Eighteen Doars bordering on the districts of Rungpoor, Cooch Behar, and Assam, together with the Talook of Ambaree Fallacottah and the Hill territory on the left bank of the Teesta, upto such point as may be laid down by the British Commissioner appointed for the purpose.

It is hereby declared that the territory ceded by the Bhootan Government as aforesaid is annexed to the territories of Her Most Gracious Majesty the Queen of England.

It is further declared that the ceded territory is attached to the Bengal Division of the Presidency of Fort Willian, and that it will accordingly be under the immediate control of the Lieutenant-general regulations.

By order of the Governor-General in Council.

Simla
The 4th July, 1866

Sd/- *W. Muir*,
Secretary to the Government of India

Britain - China Convention

17.03.1890

Whereas HER MAJESTY the QUEEN of the UNITED KINGDOM of GREAT BRITAIN and IRELAND, EMPRESS of INDIA, and HIS MAJESTY the EMPEROR of CHINA, are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exists between their respective Empires, and whereas recent occurrences have tended towards a disturbance of the said relations, and it is desirable to clearly define and permanently settle certain matters connected with the boundary between SIKKIM and TIBET, HER BRITANNIC MAJESTY and HIS MAJESTY the EMPEROR of CHINA have resolved to conclude a Convention on this subject and have, for this purpose, named plenipotentiaries that is to say;

HER MAJESTY the Queen of Great Britain and Ireland, HIS EXCELLENCY the MOST HON'BLE HENRY CHARLES KEITH PETTY FITZMAURICE, G.M.S.I., G.C.M.G., G.M.I.E., Marques of Lansdowne, Viceroy and Governor-General of India.

And His Majesty the Emperor of China, HIS EXCELLENCY SHENG TAJ, Imperial Associate Resident in Tibet, Military Deputy Lieutenant-Governor.

Who having met the communicated to each other their full powers, and finding these to be in proper form, having agreed upon the following Convention in eight Articles.

- I. The boundary of Sikkim and Tibet shall be the crest of the mountain range separating the waters following into Sikkim Teesta and its affluents from the waters flowing into the Tibetan Mochu and northwards into other rivers of Tibet. The line commences at Mount Gimpochi on the Bhootan frontier and follows the above mentioned water parting to the point where it meets Nepaul Territory.**
- II. It is admitted that the British Government, whose protectorate over the Sikkim State is hereby recognised, has direct and exclusive control over the internal administration and foreign relations of that state, and except through and with the**

permission of the British Government, neither the Ruler of the State nor any of its officers shall have official relations of any kind, formal or informal with any other country.

- III. The Government of Great Britain and Ireland and the Government of China engage reciprocally to respect the boundary as defined in Article I, and to prevent acts of aggression from their respective sides of the frontier.
- IV. The question of providing increased facilities for trade across the Sikkim-Tibet frontier will hereafter be discussed with a view to a mutually satisfactory arrangement by High Contracting powers.
- V. The question of pasturage on the Sikkim side of the frontier is reserved for further examination and future adjustment.
- VI. The High Contracting powers reserve for discussion and arrangement the method in which official communications between the British authorities in India and the authorities in Tibet shall be conducted.
- VII. Two joint Commissioners shall, within six months from the ratification of this Convention, be appointed one by the British Government in India the other by the Chinese Resident in Tibet. The said Commissioners shall meet and discuss the questions which by the last three preceding Articles have been reserved.
- VIII. The present Convention shall be ratified, and the ratification shall be exchanged in London as soon as possible after the date of the signature thereof.

In witness whereof the respective negotiators have signed the same and affixed thereunto the seals of their arms.

Done in quadruplicate at Calcutta this Seventeenth day of March in the year of our Lord One Thousand Eight hundred and Ninety, corresponding with the Chinese date the twenty seventh day of the second moon of the sixteenth year of Kuang Hsu.

Sd/- Sheng Taj
CHINESE SEAL AND SIGNATURE

Sd/- Lansdowne
Viceroy and Governor General



Sikkim - Tibet Convention

05.12.1893

TRADE

- I. A trade-mart shall be established at Yatung on the Tibetan side of the frontier, and shall be open to all British subjects for purposes of the trade from the first day of May 1894. The Government of India shall be free to send officers to reside at Yatung to watch the conditions of British trade at that mart.
- II. British subjects trading at Yatung shall be at liberty to travel to and fro between the frontier and Yatung, to reside at Yatung, and to rent houses and godowns for their own accommodation and the storage of their goods. The Chinese Government undertake that suitable buildings for the above purposes shall be provided for British subjects, and also that a special and fitting residence shall be provided for the officer or officers appointed by the Government of India under Regulation I to reside at Yatung. British subjects shall be at liberty to sell their goods to whomsoever they please, to purchase native commodities in kind or in money, to hire transport of any kind and in general to conduct their business transactions in conformity with local usage, and without any vexatious restrictions. Such British subjects shall receive efficient protection for their persons and property. At Lang-Jo and Ta-Chun, between the frontier and Yatung, where rest houses have been built by the Tibetan authorities, British subjects can break their journey in consideration of a daily rent.
- III. Import and export trade in the following articles—arms, ammunitions, military stores, salts, liquors, and intoxicating or narcotic drugs may at the option of the either Government be entirely prohibited, or permitted only on such conditions as either Government on their own side may think fit to impose.
- IV. Goods, other than goods of descriptions enumerated in the Regulation III, entering Tibet from the British India, across the Sikkim-Tibet frontier, or vice versa; whatever their origin, shall be exempt from duty for the period of five years commencing from the date of opening of Yatung to trade; but after the expiration of this term, if found desirable, a tariff may be mutually agreed upon and enforced.
Indian tea may be imported into Tibet at a rate of duty not exceeding

that at which Chinese tea is imported into England, but trade in Indian tea shall not be engaged in during the five years for which other commodities are exempt.

- V. All goods on arrival at Yatung, whether from British India or from Tibet, must be reported at the customs stations there for examination, and the report must give full particulars of the description, quantity and value of the goods.
- VI. In the event of trade disputes arising between British and Chinese or Tibetan subjects in Tibet, they shall be enquired into and settled in personal conference by the political officer for Sikkim and the Chinese frontier officer. The object of personal conference being to ascertain facts and do justice; where there is a divergence of views the law of the country to which the defendant belongs shall guide.

COMMUNICATION

- VII. Despatches from the Government of India to the Chinese Imperial Resident in Tibet shall be handed over by the Political Officer for Sikkim to the Chinese frontier officer, who will forward them by special courier.

Despatches from the Chinese Imperial Resident in Tibet to the Government of India will be handed over by the Chinese frontier officer to the political officer for Sikkim, who will forward them as quickly as possible.

- VIII. Depatches between the Chinese and Indian officials must be treated with due respect, and couriers will be assisted in passing to and fro by the Officers of each Government.

PASTURAGE

- IX. After the expiration of one year from the date of the opening of Yathung, such Tibetans as continue to graze their cattle in Sikkim will be subject to such Regulations as the British Government may from time to time enact for the general conduct of grazing in Sikkim. Due notice will be given of such regulations.

GENERAL ARTICLES

1. In the event of disagreement between the political officer of Sikkim and the Chinese frontier officer, each official shall report the matter to his immediate superior, who, in turn, if a settlement is not arrived at between them, shall refer such matters to their respective

Governments for disposal.

- II. After the lapse of five years from the date on which these Regulations shall come into force, and on six months' notice given by either party, these Regulations shall be subject to revision by Commissioners appointed on both sides for this purpose who shall be empowered to decide on and adopt such amendments and extensions as experience shall prove to be desirable.
- III. It having been stipulated that Joint Commissioners shall be appointed by the British and Chinese Governments under the seventh article of the Sikkim-Tibet Convention to meet the discuss, with a view of the final settlement of the questions reserved under articles 4,5 and 6 of the said Convention; and the Commissioners thus appointed having met and discussed the questions referred to, namely, Trade, Communication and Pasturage, have been further appointed to sign the agreement in the nine Regulations and three general articles now arrived at, and to declare that the said nine Regulations and the three general articles form the part of the Convention itself.

In witness whereof the respective Commissioners have hereto subscribed their names.

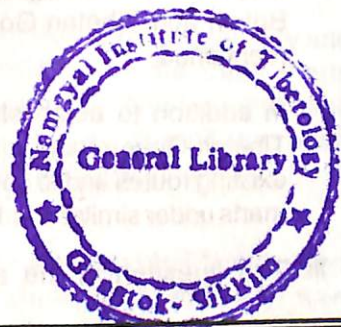
Done in quadruplicate at Darjeeling this 5th day of December, in the year One Thousand Eight hundred and Ninetythree corresponding with the Chinese date the 28th day of the 10th moon of the 19th year of Kaung Hsu.

Sd/- **HO CHANG JUNG**
Chinese Commissioner

Sd/- **A.W. PAUL**
British Commissioner

Sd/- **JAMES H. HART**

The 5th December, 1893



Great Britain - Tibet Convention

07.09.1904

Whereas doubts and difficulties have arisen as to the meaning and validity of the Anglo-Chinese convention of 1890 and the Trade Regulations of 1893 and as to the liabilities of the Tibetan Government under these agreements and whereas recent occurrences have tended towards disturbances of the relations of friendship and good understanding which have existed between the British Government and the Government of Tibet and whereas it is desirable to restore peace and amicable relations, and to resolve and determine the doubts and difficulties aforesaid and the said Governments have resolved to conclude a convention with these objects and the following articles have been agreed upon by Col. F.E. YOUNG-HUSBAND CIE in virtue of full powers vested in him by HIS BRITANNIC MAJESTY'S GOVERNMENT and on behalf of that said Government and LO-SANG GYAL-TSEN, the GA-DEN TI-RIMPOCHE, and the representative of the Council of the three monasteires SE-RA, DRE-PUNG and GA-DEN and of the ecclesiastical and lay officials of the National Assembly on behalf of the GOVERNMENT OF TIBET.

- I. The Government of Tibet engages to respect the Anglo-Chinese Convention of 1890 and to recognise the frontier between Sikkim and Tibet as defined in Article I of the said convention and to erect boundary pillars accordingly.
- II. The Tibetan Government undertakes to open forthwith trade marts to which all British and Tibetan subjects shall have free right to access at Gyantse and Gartok as well as Yatung.

The regulations applicable to trade mart at Yatung under the Anglo-Chinese agreement of 1893, shall subject to such amendments as may hereafter be agreed upon by common consent between the British and Tibetan Government apply to the marts of the above mentioned.

In addition to establishing trade marts at places mentioned the Tibetan Government undertakes to place no restriction on trade by existing routes and to consider the question of establishing fresh trade marts under similar conditions, if development of trade requires it.

- III. The question of the amendment of the regulation of 1893 is

reserved for separate consideration and the Tibetan Government undertakes to appoint fully authorised delegates to negotiate with representatives of the British Government as to the details of the amendments required,

- IV. The Tibetan Government undertakes to levy no dues of any kind other than those provided for in the tariff to be mutually agreed upon.
- V. The Tibetan Government undertakes to keep the roads to Gyantse and Gartok from the frontier clear of all obstructions and in a state of repair suited to the needs of the trade and to establish at Yatung, Gyantse and Gartok, and at each of the other trade marts that may hereafter be established a Tibetan Agent who shall receive from the British Agents appointed to watch over the British Trade at the marts in question any letter which the latter may desire to send to the Tibetan or to the Chinese authorities. The Tibetan agent shall also be responsible for the due delivery of such communications and for the replies of transmission.
- VI. As an indemnity to the British Government for the expense incurred in the despatch of armed troops to Lhasa to exact reparation for breaches of treaty obligations and for the insult offered to and attacks upon the British Commissioner and his following and escort the Tibetan Government engages to pay a sum of Rs. 500,000 (Five hundred thousands) equivalent of rupees seventy-five lakhs to the British Government.

The indemnity shall be payable at such place as the British Government may from time to time after due notice indicate whether in Tibet or in the British districts of Darjeeling or Jalpaiguri, in seventy five annual instalments of rupees one lakh each on the first January in each year beginning from the 1st January 1906.

- VII. As security for the payment of the above-mentioned indemnity and for the fulfilment of the provisions relative to the trade marts specified in Articles II, III, IV and V the British Government shall continue to occupy the Chumbi Valley until the indemnity has been paid and until the trade marts have been effectively opened for three years whichever date may be the later.
- VIII. The Tibetan Government agrees to raze all forts and fortifications and remove all armaments which might impede the course of free

communications between the British frontier and the towns of Gyantse and Lhasa.

IX. The Government of Tibet engages that without the previous consent of the British Government -

(a) no portion to Tibetan territory shall be ceded, sold, leased, mortgaged or otherwise given for occupation to any European power;

(b) no such power shall be permitted to intervene in Tibetan affairs;

(c) no representatives or agents of any foreign power shall be admitted to Tibet;

(d) no concession for railways, roads, telegraphs, mining or other rights shall be granted to any foreign power or to the subject of any Foreign Power. In the event of consent to such concession being granted similar or equivalent concession shall be granted to the British Government; and

(e) no Tibetan revenues, whether in kind or in cash shall be pledged or assigned to any Foreign Power or to the subject of any Foreign Power.

X. In witness whereof, the negotiators have signed the same and affixed hereunto the seals of their arms.

Done in quintuplicate at Lhasa, this 7th day of September in the year of our Lord, One thousand Nine hundred and Four, corresponding with the Tibetan date, the 27th day of the seventh month of the Wood Dragon year.

Declaration signed by the Viceroy of India on the 11th November 1904 and appended to the ratified convention of 7th September, 1904

His Excellency, the Viceroy and Governor-General of India having ratified the convention which was concluded at Lhasa on 7th Sept. 1904 by Colonel Younghusband C.I.E. British Commissioner for Tibetan Frontier Matters, on behalf of His Britannic Majesty's Government and by Lo-sang Gyal-Tsen the Ga-den Ti-Rimpoche and the representatives of the Council of the three monasteris Sera, Dre-pung and Ga-den and the ecclesiastical and law officials of the National Assembly on behalf of the Government of Tibet, is pleased to direct as an act of grace that sum of

money which the Tibetan Government have bound themselves under the terms of Article VI of the said Convention to pay His Majesty's Government as an indemnity for the expenses incurred by the latter in connection with the dispatch of armed forces to Lhasa, be reduced from Rs. 75,00,000 to Rs. 25,00,000 and to declare that British occupation of the Chumbi Valley shall cease after the due payment of the three annual instalments of the said indemnity as fixed by the said Articles provided however that the trade marts as stipulated in Article II of the Convention shall have effectively opened for three years as provided in Article VI of the Convention and that in the meantime, the Tibetans shall have faithfully complied with the terms of the said convention in all other respects.

- Viceroy and Governor General of India

This declaration was signed by the Viceroy and Governor-General of India in Council at Simla on the Eleventh day of November A.D. One Thousand and Nine Hundred and Four.

Sd/- **S.M. Fraser**
Secretary to the Government of India
Foreign Department



Nomenclature of
TENDONG

"The uprised horn" is the mountain which the Lepchas assert arose when all the country was under water, and supported a boat containing a few persons, all other people being drowned. The hill rose up like horn (hence its name) and then subsided to its present form. To this day at the commencement of the rains a monk is sent from the neighbouring monastery of Niam-tchi to the top of Tendong, where he has to remain during the wet season, praying hard that a second flood may not be sent. This tradition of a flood is traceable in another Lepcha name.

Great Britain - China Convention

27.04.1906

Whereas HIS MAJESTY the KING of GREAT BRITAIN and IRELAND and of the BRITISH DOMINIONS beyond the SEAS, EMPEROR of INDIA, and HIS MAJESTY the EMPEROR of CHINA are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exists between their respective EMPIRES;

And whereas the refusal of Tibet to recognise the validity of or to carry into full effect the provisions of the Anglo-Chinese Convention of 17th March 1890, and Regulations of 5th December 1893 placed the British Government under the necessity of taking steps to secure their rights and interests under the said Conventions and Regulations;

And whereas a Convention of ten articles was signed at Lhasa on 7th September 1904, on behalf of the Great Britain and Tibet, and was ratified by the Viceroy and Governor-General of India, on behalf of Great Britain on November 11th, 1904 a declaration on behalf of Great Britain modifying its terms under certain conditions being appended thereto;

His Britannic Majesty and His Majesty the Emperor of China, have resolved to conclude a Convention on this subject and have for this purpose named plenipotentiaries that is to say :

HIS MAJESTY THE KING OF GREAT BRITAIN AND IRELAND

Sir Ernest Mason Satow Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, His said Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China.

AND HIS MAJESTY THE EMPEROR OF CHINA

His Excellency Tong-Shao-yi His Said Majesty's High Commissioner plenipotentiary and a Vice-President of the Board of Foreign Affairs who having communicated to each other their respective full powers and finding them to be in good and due form have agreed upon and concluded following Conventions in six articles:

ARTICLE I

The Convention concluded on 7th September, 1904, by Great Britain and Tibet, the text of which in English and Chinese are attached to the

present Convention as an annexe is hereby confirmed, subject to the modifications stated in the declaration appended thereto and both of the High Contracting parties engage to take at all times such steps as may be necessary to secure the due fulfilment of the terms specified therein.

ARTICLE II

The Government of Great Britain engages not to annex Tibetan territory or to interfere in the administration of Tibet. The Government of China also undertakes not permit any other foreign state to interfere with the territory or internal administration of Tibet.

ARTICLE III

The concessions which are mentioned in Article 9 (d) of the Convention concluded on 7th September 1904 by Great Britain and Tibet are denied to any state or to the subjects of any state other than China but it has been arranged with China that the trade marks specified in Article 2 of the aforesaid Convention, Great Britain shall be entitled to lay down telegraph lines connecting with India.

ARTICLE IV

The provisions of the Anglo-Chinese Convention of 1890 and Regulations of 1893 shall, subject to the terms of this present Convention and annexe thereto, remain in full force.

ARTICLE V

The English and Chinese text of the present Convention have been carefully compared and found to correspond, but in the event of there being any difference of meaning between them, the English text shall be authoritative.

ARTICLE VI

This Convention shall be ratified by the Sovereigns of both the countries and ratifications shall be exchanged at London within three months after the date of signature by the plenipotentiaries of both the powers.

In token whereof the respective plenipotentiaries have signed and sealed this Convention, four copies in English and four in Chinese.

Done at Peking this Twenty-Seventh day of April, One Thousand Nine Hundred and Six being the Fourth day of the Fourth month of the Thirty-Second year of the region of Kuang-Hus.

Sd/- TONG SHAO-YI

Sd/- ERNEST SATOW

Treaty of Punakha

08.01.1910

Whereas it is desirable to amend Articles IV and VIII of the Treaty concluded at Sinchula on the 11th day of November, 1865, corresponding with the Bhootea year Shing Lang, 24th day of the 9th month, between the British Government and the Government of Bhootan, the undermentioned amendments are agreed to on the one part by Mr. C.A. Bell, Political Officer in Sikkim, in virtue of full powers to that effect vested in him by the Right Honourable Sir Gilbert John Elliot-Murray-Kynynmound, P.C., G.M.S.I., G.M.I.E., G.C.M.G., Earl of Minto, Viceroy and Governor-General of India-in-Council, and on the other part by His Highness Sir Ugyen Wangchuk, K.C.I.E., Maharaja of Bhootan.

The following Addition has been made to Article IV of the Sinchula Treaty of 1865.

"The British Government has increased the annual allowance to the Government of Bhootan from fifty thousand rupees (Rs. 50,000) to one hundred thousand rupees (Rs. 1,00,000) with effect from the 10th January, 1910."

Article VIII of the sinchula Treaty of 1865 has been revised and the revised Article runs as follows :

"The British Government undertakes to exercise no interference in the internal administration of Bhootan. On its part, the Bhootanese Government agrees to be guided by the advice of the British Government in regard to its external relations. In the event of disputes with or causes of complaint against the Maharajas of Sikkim and Cooch Behar, such matters will be referred for arbitration to the British Government which will settle them in such manner as justice may require and insist upon the observance of its decisions by the Maharaja's name."

Done in quadruplicate at Punakha, Bhootan, this Eight day of January in the year of our Lord One thousand Nine Hundred and Ten, corresponding with the Bhutia date, the 27th day of the 11th month of the Earth-Bird (Sa-Ja) year.

1949, the Government of India agrees to make an annual payment of Rupees five lakhs to the Government of Bhutan. And it is further hereby agreed that the said annual payment shall be made on the tenth day of January every year, the first payment being made on the tenth day of January 1950. This payment shall continue so long as this Treaty remains in force and its terms are duly observed.

ARTICLE 4

Further to mark the friendship existing and continuous between the said Governments, the Government of India shall, within one year from the date of signature of the Treaty, return to the Government of Bhutan about thirty two square miles of territory in the area known as Dewangiri. The Government of India shall appoint a competent officer or officers to mark out the area so returned to the Government of Bhutan.

ARTICLE 5

There shall, as heretofore, be free trade and commerce between the territories of the Government of India and of the Government of Bhutan and the Government of India agrees to grant the Government of Bhutan every facility for the carriage, by land and water, of its produce throughout the territory of the Government of India, including the right to sue such forest roads as may be specified by mutual agreement from time to time.

ARTICLE 6

The Government of India agrees that the Government of Bhutan shall be free to import with the assistance and approval of the Government of India, from or through India into Bhutan, whatever arms, ammunition, machinery, warlike material or stores may be required or desired for the strength and welfare of Bhutan, and that this arrangement shall hold good for all time as long as the Government of India is satisfied that the intentions of the Government of Bhutan are friendly and that there is no danger to India from such importations. The Government of Bhutan, on the other hand, agrees that there shall be no export of such arms, ammunition etc. across the frontier of Bhutan either by the Government of Bhutan or by private individuals.

ARTICLE 7

The Government of India and the Government of Bhutan agree that Bhutanese subjects residing in Indian territories shall have equal justice with Indian subjects, and that Indian subjects residing in Bhutan shall have equal justice with subjects of the Government of Bhutan.

ARTICLE 8

- (I) The Government of India shall, on demand being duly made in writing by the Government of Bhutan take proceedings in accordance with the provisions of the Indian Extradition Act, 1903 (of which a copy shall be furnished to the Government of Bhutan), for the surrender of all Bhutanese subjects accused of any of the crimes specified in the first schedule of the said Act who may take refuge in Indian territory.
- (II) The Government of Bhutan shall, on requisition being duly made by the Government of India, or by any officer authorised by the Government of India in this behalf, surrender any Indian subjects or subjects of a foreign power, whose extradition may be required in pursuance of any agreement or arrangement made by the Government of India with the said power, accused of any of the crimes, specified in the first schedule of Act XV of 1903, who may take refuge in the territory under the jurisdiction of the Government of Bhutan, and also any Bhutanese subjects who, after committing any of the crimes referred to in Indian territory shall flee in Bhutan, on such evidence of their guilt being produced as shall satisfy the local court of the district in which the offence may have been committed.

ARTICLE 9

Any differences and disputes arising in the application or interpretation of this Treaty shall in the first instance be settled by negotiation. If within three months of the start of negotiations no settlement is arrived at, then the matter shall be referred to the Arbitration of three arbitrators who shall be nationals of either India, or Bhutan, chosen in the following manner :

- (1) One person nominated by the Government of India.
- (2) One person nominated by the Government of Bhutan.
- (3) A Judge of the Federal Court, or a High Court in India, to be chosen by the Government of Bhutan, who shall be Chairman.

The judgement of this tribunal shall be final and executed without delay by either party.

ARTICLE 10

This Treaty shall continue in force in perpetuity unless terminated or modified by mutual consent.

Done in duplicate at Darjeeling this Eighth day of August, One Thousand Nine Hundred and Forty Nine, corresponding with Bhutanese date the Fifteenth day of the Sixth month of the Earth-Bull year.

Sd/- Harishwar Dayal
Political Officer in Sikkim

Sd/-Deb Zimpon Tobgye Dorji
Sd/-Yang-Lop Sonam
Sd/-Chho-Zim Thondup
Sd/-Rin-zin Tandin
Sd/-Ha Drung Jigme Palden Dorji

The Government of India, having considered the Treaty aforesaid, hereby confirm and ratify the same and undertake faithfully to perform and carry out all the stipulations therein contained.

In witness whereof this instrument of ratification is signed and sealed by the Governor-General of India.

Done at New Delhi the 22nd day of September, 1949

Sd/- C. Rajagopalachari
Governor-General of India



The Police Establishment

Dr. Campbell's letter to the Council

I beg leave to bring to the notice of Government that in para 2 of my letter of the 1st August last submitting Draft of Rules for the settlement of Darjeeling I stated that on granting me the powers (of) Magistrate, it would be necessary to allow a small Police establishment of 1 writer at 20 Rupees per month, and 4 chuprassies at 5 Rupees each, total 40 Rupees. This portion of my letter has not been as yet replied to. May I beg the early attention of Government to it and sanction to the above expense from the 15th instant¹.

This time the point was taken and the requests complied with and authorized. Darjeeling's first police force had been established.¹

¹ November-Consultations, Fort William, 27 November 1839, No. 129

Indo-Nepal Treaty

31.07.1950

The Government of India and the Government of Nepal recognising the ancient ties which have happily existed between the two countries for centuries;

Desiring still further to strengthen and develop these ties and to perpetuate peace between the two countries;

Have resolved therefore to enter into a Treaty of Peace and Friendship with each other, and have, for this purpose, appointed as their plenipotentiaries the following persons, namely, the Government of India, his Excellency SHRI CHANDRESHWAR PRASAD NARAIN SINGH, Ambassador of India in Nepal; The Government of Nepal, MOHUN SHAMSHER JANG BAHADUR RANA, Maharaja, Prime Minister and Supreme - Commander-in-Chief of Nepal, who having examined each other's credentials and found them good and in due form having agreed as follows :

Article I

There shall be everlasting peace and friendship between the Government of India and the Government of Nepal. The two Governments agree mutually to acknowledge and respect the complete sovereignty, territorial integrity and independence of each other.

Article II

The two Governments hereby undertake to inform each other of any serious friction or misunderstanding with any neighbouring State likely to cause any breach in the friendly relations subsisting between the two Governments.

Article III

In order to establish and maintain the relations referred to in Article I the two Governments agree to continue diplomatic relations with each other by means of representatives with such staff as is necessary for the due performance of their functions.

The representatives and such of these staff as may be agreed upon shall enjoy such diplomatic privileges and immunities as are customarily granted by International law on a reciprocal basis. Provided that in no case shall these be less than those granted to persons of a

similar status of any other State having diplomatic relations with either Government.

Article IV

The two Governments agree to appoint Consuls-General, Consuls, Vice Consuls and other consular agents, who shall reside in towns, ports and other places in each other's territory as may be agreed to.

Consuls-General, Consuls, Vice-Consuls and Consular agents shall be provided with exequators or authorization of their appointment. Such exequator or authorization liable to be withdrawn which issued to, if considered necessary. The reasons for the withdrawal shall be indicated wherever possible.

The persons mentioned above shall enjoy on a reciprocal basis all the rights, privileges, exemptions and immunities that are accorded to persons of corresponding status of any other state.

Article V

The Government of Nepal shall be free to import, from or through the territory of India, arms, ammunition or warlike material and equipment necessary for to this arrangement shall be worked out by the two Governments acting in consultation.

Article VI

Each Government undertakes, in token of the neighbourly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.

Article VII

The Government of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter residence, ownership of property, participation in trade and commerce, movement and privileges of a similar nature.

Article VIII

So far as matters dealt with herein are concerned, the Treaty cancels all previous treaties, agreements, and engagements entered into on behalf of India between the British Government and the Government of Nepal.

Article IX

This treaty shall come into force from the date of signature by both Governments.

Article X

The Treaty shall remain in force until it is terminated by either party by giving one year's notice.

Done in duplicate at Kathmandu this 31st day of July, 1950.

Sd/- **Chandreshwar Prasad
Narain Singh**
for the Government of India

Sd./- **Mohun Shamsher Jang
Bahadur Rana**
for the Government of Nepal.

SIKKIM STATE

General Department (Misc. Branch)
Notification No. 4816/G(M)

It is hereby notified for the information of the public that His Highness the Maharaja has been pleased to order the system of "Kuruwas" in the whole of Sikkim to be abolished with effect from the date of this Notification.

This will in no way affect or alter the Notification No. 3590-4089/G., dated the 31st December 1946.

GANGTOK,

The 31st January 1947

T. TSHERING,
(Offg.) General Secretary to
His Highness the Maharaja
of Sikkim

Memo No. 4817-5316/G(M).,

Dated 31st January 1947

Copy forwarded to the Landlords, the Managers and the Officers-in-charge, Police Out and Patrol Posts in Sikkim for information. They should make the purport of the Notification known to the bustiwallas of their respective jurisdiction.

T. Tshering,
(Offg.) General Secretary to
His Highness the Maharaja of Sikkim

Indo-Sikkim Treaty

05.12.1950

The President of India and His Highness the Maharaja of Sikkim being desirous of further strengthening the good relations already existing between India and Sikkim have resolved to enter into a new Treaty with each other and the President of India has for the purpose appointed as his Plenipotentiary SHRI HARISHWAR DAYAL, Political Officer in Sikkim and HIS HIGHNESS THE MAHARAJA having examined Shri Harishwar Dayal's credentials and found them good and in due form the two have agreed as follows :

ARTICLE I

All previous treaties between the British Government and Sikkim which are at present in force as between India and Sikkim are hereby formally cancelled.

ARTICLE II

Sikkim shall continue to be a Protectorate of India and subject to the provisions of this Treaty shall enjoy autonomy in regard to its internal affairs.

ARTICLE III

- (1) The Government of India will be responsible for the defence and territorial integrity of Sikkim. It shall have the right to take such measures as it considers necessary for the defence of Sikkim or the security of India, whether preparatory or otherwise, and whether within or outside Sikkim. In particular, the Government of India shall have the right to station troops anywhere within Sikkim.
- (2) The measures referred to in para (1) will as far as possible be taken by the Government of India in consultation with the Government of Sikkim.
- (3) The Government of Sikkim shall not import any arms ammunitions, military stores or other warlike materials of any description for any purpose whatsoever without the previous consent of the Government of India.

ARTICLE IV

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

ARTICLE V

The Government of Sikkim agrees not to levy any import duty, transit duty or other imports on the goods brought into, or in transit through Sikkim and the Government of India agrees not to levy any import or other duty on goods of Sikkimese origin brought into India from Sikkim.

ARTICLE VI

- (1) The Government of India shall have the exclusive right of constructing, maintaining and regulating the use of railways, aerodromes and landing grounds and air-navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim and the Government of Sikkim shall render the Government of India every assistance in their construction, maintenance and protection.
- (2) The Government of Sikkim may, however, construct, maintain and regulate the use of railways and aerodromes and landing grounds and air-navigation facilities to such extent as may be agreed to by the Government of India.
- (3) The Government of India shall have the right to construct and maintain in Sikkim roads for strategic purposes and for the purpose of improving communications with India and other adjoining countries; and the Government of Sikkim shall render the Government of India every assistance in the construction, maintenance and protection of such roads.

ARTICLE VII

- (1) **Subjects of Sikkim shall have the right of entry into, and free movement within India and Indian nationals shall have the right to entry into, free movement within Sikkim.**
- (2) **Subject to such regulations as the Government of Sikkim**



Sir Tashi Namgyal, KCSI, CIE,
Maharaja of Sikkim



Lepcha King Gaebo Achuk



Palden Thundup Namgyal
Chogyal of Sikkim



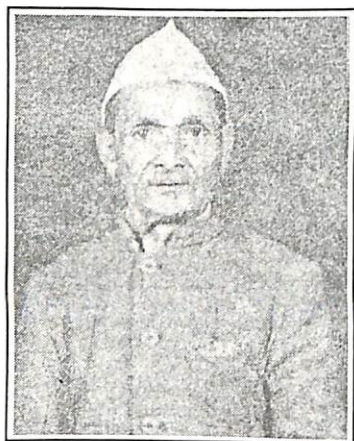
Hope Namgyal
Gyalmo of Sikkim



Capt. Dimik Singh Lepcha
Minister, Land Revenue
(Sikkim)--1949.



Shri Gobardhan Pradhan
President, Sikkim Rajya Praja
Sammelan, 1947



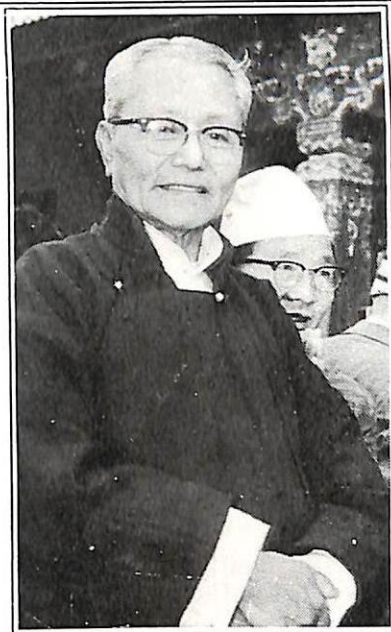
Shri Brihaspati Prasai
Sikkim State Congress, 1947



Shri Raghubir Singh Basnet
Secretary to the
Govt. of Sikkim--1948



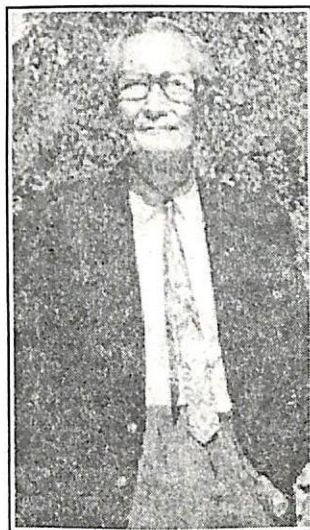
Shri Rashmi Prasad Aley
Minister of Forest(Sikkim), 1949



Kazi Lhendup Dorjee Khansharpa
Former Chief Minister of Sikkim



Shri Kashiraj Pradhan
Cabinet Secretary (Sikkim)--1949



Shri Namgyal Tshering Bhutia
Architect of Sikkim Ministry--1949



Shri Tashi Tshering
Chief Minister of Sikkim--1949



Shri Pawan Chamling
Chief Minister, Sikkim-1995



Shri Sonam Tshering,
Former Speaker of Sikkim, 1979



Shri Chandra Das Rai
Education Minister, Sikkim-1949



Shri Nar Bahadur Bhandari
Former Chief Minister of Sikkim



Smt. Dil Kumari Bhandari
President, Bharatiya Gorkha
Parisangh--2001



Smt. Kalawati Subba
First woman speaker, SLA



Shri Santosh Kumar Rai
First Lok Sabha MP, Sikkim



The signing of Indo-Sikkim Treaty--1950



The historic May 8th, 1973 agreement being signed



Hasting's House, Calcutta, 1906. Claude White (at centre), with (on left) Sir Thutob Namgyal, the Maharani of Sikkim and (on right) Sir Ugyen Wangchuk of Bhutan.



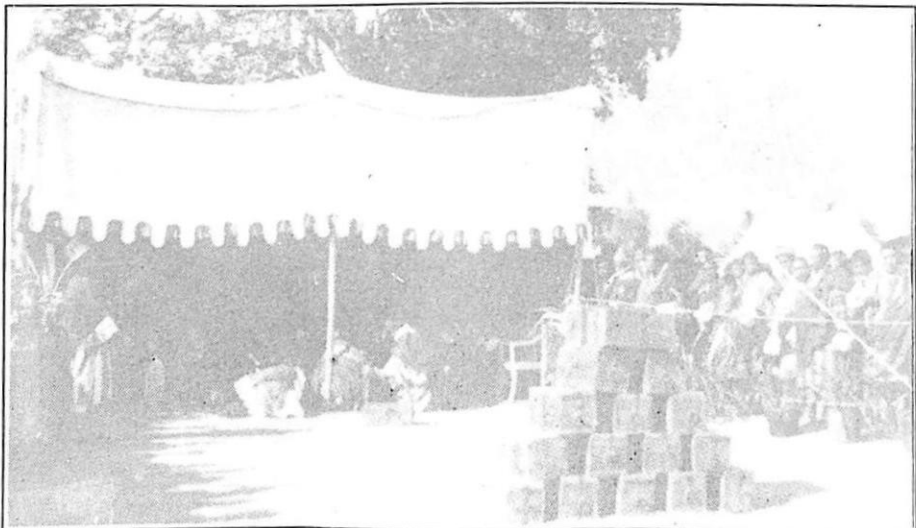
Visit of Sir Basil Gould to Bhutan. 1943. (From left) Jigmie Dorji, late Prime Minister of Bhutan, Tessa Dorji, the Chogyal of Sikkim, the King of Bhutan, Sir Basil Gould



A photograph of Punakha (Bhutan), 19.12.1907

Standing: Capt. Harold Hyshop, Ugen Dorjee, Palden Wangchuk,
Major F.W. Rennick, Kunzang Thinley, Kunzang Tshering.

Seating: Capt. Campbell, John Claude White, King Ugen Wangchuk,
Dawa Pinjore.



Subsidy (Rs. 50,000/-) of Kalimpong and Doors paying to Bhutan
Govt. by British Govt. 19.12.1907

may prescribe in consultation with the Government of India, Indian nationals shall have :

- (a) the right to carry on trade and commence in Sikkim; and
 - (b) when established in any trade in Sikkim, the right to acquire, hold and dispose of any property, movable or immovable, for the purposes of their trade or residence in Sikkim.
- (3) Subjects of Sikkim shall have the same rights;
- (a) to carry on trade and commerce in India, and to employment therein, and
 - (b) of acquiring, holding and disposing of property movable and immovable, as Indian nationals.

ARTICLE VIII

- (1) Indian nationals within Sikkim shall be subject to the laws of Sikkim and subjects of Sikkim within India shall be subject to the laws of India.
- (2) Whenever any criminal proceedings are initiated in Sikkim against any Indian national or any person in the service of the Government of India or any foreigner, the Government of Sikkim shall furnish the Representative of the Government of India in Sikkim (hereinafter referred to as the India Representative) with particulars of the charge against such persons.

If in the case of any person in the service of the Government of India or any foreigner if is so demanded by the Indian Representative, such person shall be handed over to him trial before such court as may be established for the purpose of the Government of India either in Sikkim or outside.

ARTICLE IX

- (1) The Government of Sikkim agrees to seize and deliver up any fugitive offender from outside Sikkim who has taken refuge therein on demand being made by the Indian Representative. Should any delay occur in complying with such demand, the Indian police may follow the person whose surrender has been demanded

into any part of Sikkim, and shall, on showing a warrant signed by the Indian Representative, receive every assistance and protection in the prosecution of their object from the Sikkim officers.

- (2) The Government of India similarly agrees, on demand being made by the Government of Sikkim, to take extradition proceedings against, and surrender, any fugitive offender from Sikkim who has taken refuge in the territory of India.
- (3) In this article, "fugitive offender" means a person who is accused of having committed an extradition offence as defined in the First Schedule of the Indian Extradition Act, 1903 any other offence which may hereafter be agreed upon between the Government of India and the Government of Sikkim as being an extradition offence

ARTICLE X

The Government of India, having in mind the friendly relations already existing between India and Sikkim and now further strengthened by this treaty and being desirous of assisting in the development and good administration of Sikkim, agrees to pay the Government of Sikkim a sum of rupees three lakhs every year so long as the terms of this Treaty are duly observed by the Government of Sikkim.

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

ARTICLE XI

The Government of India shall have the right to appoint a Representative to reside in Sikkim and the Government of Sikkim shall provide him and his staff with all reasonable facilities in regard to their residential and office accommodation and generally in regard to carrying out their duties in Sikkim.

ARTICLE XII

If any dispute arises in the interpretation of the provisions of this Treaty which cannot be resolved by mutual consultation, the dispute shall be referred to the Chief Justice of India whose decision thereon shall be final.

ARTICLE XIII

This Treaty shall come into force without ratification from the date of signature by both the parties.

Done in duplicate at Gangtok on this 5th day of December, 1950.

Sd/- **HARISHWAR DAYAL**,
Political Officer in Sikkim.

Sd/- **TASHI NAMGYAL**
His Highness
the Maharaja of Sikkim.



Extract from *Smash and Grab*

Tibet was not alone in expecting independent India to atone for British sins. Before Britain had fully pulled out, Gangtok sent a 10-page memorandum to New Delhi asking for Darjeeling's return. It argued that "on the lapse of paramountcy all sovereign powers in respect of the Darjeeling area will de jure revert to the ruler of Sikkim".

The document had been drafted by Sirdar D.K. Sen, a Bengali barrister who had been employed by the Maharaja of Patiala before becoming Sir Tashi's legal adviser. His case was that the terms and conditions of Tsugphud Namgyal's cession had not been honoured by the British, and that the transfer of territory was solely for use as a residential sanatorium. Sovereign rights in perpetuity had not, therefore, been conveyed. By paying rent, the British had acknowledged the continued ownership of successive Chogyals. In any case, the land was a personal offer to the East India Company and could not be passed on to the successor government. The memorandum added that "the deed of cession must become null and void on the lapse of paramountcy, and the rights of the ruler of Sikkim must ipso facto revert to him on the transfer of power in India."

Hence this reversion would be automatic, the durbar suggested at a new agreement between Gangtok and New Delhi. Unless it was done, India would have no legal rights in Darjeeling and enormous legal and administrative difficulties will arise, as all officers and courts functioning in the territories would, after the date of transfer, be acting without any lawful authority."

- Sunanda K Dutta-Rey

8th May Agreement

08.05.1973

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

- (i) the establishment of a fully responsible Government in Sikkim with a more democratic Constitution, the guarantee of fundamental rights, the rule of law, an independent judiciary, and greater legislative and executive powers for the elected representatives of the people;
- (ii) a system of elections based on adult suffrage which will give equitable representation to all sections of the people on the basis of the principle of one man one vote;
- (iii) the strengthening of Indo-Sikkim cooperation and inter-relationship; and

WHEREAS the Chogyal as well as the representatives of the people had requested the Government of India:

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

AND WHEREAS the Government of India have agreed to discharge the responsibilities hereby renewed to them;

NOW, THEREFORE, the Government of India, the Chogyal of Sikkim and the Leaders of the Political Parties of Sikkim, have agreed as follows:

1. The three parties hereby recognise and undertake to ensure the basic human rights and fundamental freedoms of the people of Sikkim. The people of Sikkim will enjoy the right of election on the basis of adult suffrage to give effect to the principle of one man one vote.

2. There shall be an Assembly in Sikkim. The Assembly shall be elected every four years. Elections shall be fair and free, and shall be conducted under the supervision of a representative of the Election Commission of India, who shall be appointed for the purpose by the Government of Sikkim.
3. (1) In accordance with this agreement, the Assembly shall have power to propose laws and adopt resolutions for the welfare of the people of Sikkim on any of the matters enumerated herein below, namely:-
- | | |
|--|-------------------------------|
| (i) Education | (ii) Public Health |
| (iii) Excise | (iv) Press and publicity |
| (v) Transport | (vi) Bazars |
| (vii) Forests | (viii) Public Works |
| (ix) Agriculture | (x) Food supplies |
| and | |
| (xi) Economic and social planning, including state enterprises | (xii) Home and Establishment, |
| (xiii) Finance | (xiv) Land Revenue |
- (2) The Assembly shall not discuss or ask questions on the following:
- The Chogyal and the Members of the Ruling Family;
 - Any matter pending before the Court of law;
 - The appointment of the Chief Executive and members of the Judiciary; and
 - Any matter which concerns the responsibilities of the Government of India under this Agreement, or under any other Agreement between India and Sikkim.
4. There shall be an Executive Council consisting of elected members of the Assembly who shall be appointed to the Executive Council by the Chogyal on the advice of the Chief Executive. The Chief Executive will preside over the meetings of the Executive Council.
5. The system of elections shall be so organised as to make the Assembly adequately representative of the various sections of the

population. The size and composition of the Assembly and of the Executive Council shall be such as may be prescribed from time to time, care being taken to ensure that no single section of the population acquires a dominating position due mainly to its ethnic origin, and that the rights and interests of the Sikkimese of Bhutia, Lepcha origin and of the Sikkimese of Nepali, which includes Tsong and Scheduled Caste, origin, are fully protected.

6. The Chogyal shall perform the functions of his high office in accordance with the Constitution of Sikkim as set out in this Agreement.
7. To head and Administration in Sikkim there shall be a Chief Executive, who shall be appointed by the Chogyal on the nomination of the Government of India.
8. The Executive shall have all the powers necessary for the discharge of his functions and responsibilities; and shall exercise his powers in the following manner;
 - (i) With respect to matters, allocated to a Member of the Executive Council, he shall act in consultation with the Member to whom administrative functions in this regard have been allocated.
 - (ii) He shall submit all important matters to the Chogyal for his information and for his approval of the action proposed to be taken, except where immediate action is required. In the latter case, he shall obtain the Chogyal's approval as soon after the action has been taken as possible.
 - (iii) He shall have a special responsibility to ensure the proper implementation of the constitutional and administrative changes in Sikkim, the smooth and efficient running of its administration, the continued enjoyment of basic rights and fundamental freedoms by all sections of the population of Sikkim, and the optimum utilization for the benefit of the people of Sikkim of the funds allocated for the economic and social development of Sikkim.
 - (iv) In cases involving amity between the various sections of the population of Sikkim, or the development of Democratic Government and efficient administration in Sikkim, any difference of opinion between him and the Chogyal shall be

referred to the Political Officer in Sikkim, who shall obtain the advice of the Government of India, which shall be binding.

9. There shall be equality before the law in Sikkim. The judiciary shall remain independent.
10. The palace establishment and the Sikkim Guards shall remain directly under the Chogyal.
11. The Government of India, who are solely responsible for the defence and territorial integrity of Sikkim, and who are solely responsible for the conduct and regulation of the external relations of Sikkim, whether political, economic or financial, reaffirm their determination to discharge these and their other responsibilities for the benefit of the people of Sikkim, for their communal harmony, good administration and economic and social development. It is hereby reaffirmed that they shall have the necessary powers for carrying out these responsibilities.

Done in triplicate at Gangtok on this the Eighth day of May of the year One Thousand Nine Hundred and Seventy Three, A.D.

Sd/- Kewal Singh
Foreign Secretary,
Government of India.

Sd/- Palden Thondup Namgyal
The Chogyal of Sikkim.

Leaders of the Political Parties representing the people of Sikkim :

For Sikkim
Janata Congress

For Sikkim
National Congress

For Sikkim
National Party

Sd/- K.C. Pradhan
Sd/- B.B. Gurung
Sd/- S.K. Rai
Sd/- B.P. Dahal
Sd/- B. Kharel

Sd/- K. Lhendup Dorji
Sd/- C.S. Rai
Sd/- C.B. Chettri
Sd/- N.K. Subedi
Sd/- D.N. Tiwari

Sd/- Netuk Tsering
Sd/- Man Bahadur Basnet
Sd/- Tasa Thungay
Sd/- Padam Kharel
Sd/- K. Wangdi



Sikkim Bill

1974

A Bill to provide, in pursuance of the historic agreement of the 8th of May, 1973 between the Chogyal, the leaders of the political parties representing the people of Sikkim and the Government of India and of the unanimous desire of members of the Sikkim Assembly expressed in the meeting of the Assembly held on the 11th May, 1974, for the progressive realisation of a fully responsible Government in Sikkim and for further strengthening its close relationship with India.

CHAPTER I PRELIMINARY

1. This Act may be called the Government of Sikkim Act, 1974. It shall come into force on the day of 28th June, 1974.
2. In this Act unless the context otherwise requires :-
 - (a) "Assembly" means the `Sikkim Assembly'
 - (b) "Chief Executive" means the Chief Executive referred to in section 28.
 - (c) "Chogyal" means the Chogyal of Sikkim.
 - (d) "Members" means the members of the Assembly.

CHAPTER II THE CHOGYAL OF SIKKIM

3. The Chogyal shall take precedence over all other persons in Sikkim and he shall continue to enjoy the honour, position and other, personal privileges hitherto enjoyed by him.
4. The Chogyal shall exercise his powers and perform his functions in accordance with the provisions of this Act and nothing contained in Section 3 shall affect the provisions of this Section.
5. All executive action of the Government of Sikkim taken in accordance with the provisions of this Act shall be expressed to be taken in the name of the Chogyal.

** The Bill has since become Act after signature of the Chogyal.*

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CHAPTER III

SIKKIM ASSEMBLY

6. (i) There shall be an Assembly for Sikkim
- (ii) The total number of seats in the Assembly to be filled by persons chosen by direct election shall be such as may be determined by law.
7. (i) For the purpose of election to the Sikkim Assembly, Sikkim shall be divided into constituencies in such manner as may be determined by law.
- (ii) The Government of Sikkim may make rules for the purpose of providing that the Assembly adequately represents the various sections of the populations, that is to say while fully protecting the legitimate rights and interests of Sikkimese of Lepcha or Bhutia origin and of Sikkimese of Nepali origin and other Sikkimese, including Tsongs, scheduled castes, no single section of the population is allowed to acquire a dominating position in the affairs of Sikkim mainly by reason of its ethnic origin.
8. For ensuring free and fair elections in Sikkim, the Chogyal shall appoint a representative of the Election Commission of India nominated by the Government of India in this behalf and the elections shall be conducted under the supervision of such representative, and for this purpose the representative shall have all the powers necessary for the effective discharge of his functions.
9. A person shall not be qualified to be chosen to fill a seat in the Assembly unless he-
 - (a) Is an elector for any constituency and makes and subscribes before some person authorized by the authority conducting the election an oath or affirmation according to the form set out in the Schedule.
 - (b) is not less than 25 years of age.
 - (c) possesses such other qualifications as may be specified in any law for the time being in force.
10. (i) The elections to the Sikkim Assembly shall be on the basis of 'one man one vote', that is to say, every person who on the prescribed date is a subject of Sikkim, is not less than

twenty-one years of age and is not otherwise disqualified under this Act or under any other law on the ground of residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at any such election.

- (ii) Every person whose name is for the time being entered in the electoral roll of any constituency shall be entitled to vote at the election of a member from that constituency.
11. The Assembly shall, unless sooner dissolved, continue for four years from the date appointed for its first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the Assembly.
12. The Chogyal shall, on the advice of the President of the Assembly, summon the Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in the one session and the date appointed for first sitting in the next session.
13. (i) The Chief Executive shall be Ex Officio President of the Assembly and as such shall perform the functions of the Speaker thereof.
- (ii) The Assembly shall, as soon as may be, choose a member to be Deputy Sepaker thereof who shall act as a Speaker during the absence of the President of the Assembly for any sitting of the Assembly.
14. The Chogyal may address the assembly after intimating to the Assembly his intention to do so.
15. Every member of the Assembly shall before taking his seat, make and subscribe before the Chogyal or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Schedule.
16. If the member of the Assembly -
- (a) becomes subject to any disqualification mentioned in Section 17 for membership of the Assembly, or (b) resigns his seat by writing under his hand addressed to the President of the Assembly, his seat shall thereupon become vacant.
17. (i) A person shall be disqualified for being chosen as, and for being, a member of the Assembly -

- (a) if he holds any office of profit under the Government of Sikkim other than office declared by law not to disqualify its holder;
 - (b) if he is unsound mind and stands so declared by a competent court;
 - (c) if he is so disqualified by or under any law.
- (ii) For the purpose of this section, a person shall not be deemed to hold an office of profit under the Government of Sikkim by reason only that he is a Minister.
- (iii) If any question arises as to whether a member of the Assembly has become disqualified or being such a member under the provisions of sub-section (i), the question shall be referred for the decision of the Chogyal and his decision shall be final.
- (iv) Before giving any decision on any such question the Chogyal shall obtain the opinion of the Election Commission of India or such other Election authority as may be specified by the Government of India for the purpose, and shall act according to such opinion.
18. If a person sits or votes as a member of the Assembly before he has complied with the requirements of Section 15 or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the Government of Sikkim.
19. (a) Subject to the provisions of this act and to the rules and standing orders regulating the procedure of the Assembly there shall be freedom of speech in the Assembly.
- (b) No member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or in any committee thereof and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or other proceedings.
20. (i) Subject to the provisions of this Act, the Assembly may discuss, make recommendations or make laws for the whole or any part of Sikkim with respect to any of the following matters, namely,



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- 1968 : Asstt. General Secretary
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- 1979-1986 : Private Secretary to the Hon'ble Chief Minister of Sikkim
- 1990-1992 : Confidential Assistant to the Hon'ble Chairman,
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