

**Impact of British Intervention on the Land Ownership  
Patterns in Sikkim: 1889-1947**

A Thesis Submitted

To

**Sikkim University**



In the Partial Fulfilment of the Requirement for the

**Degree of Doctor of Philosophy**

By

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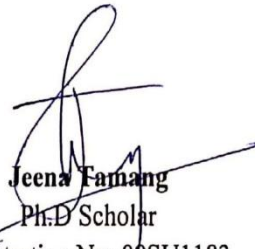
March 2021

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I, **Jeena Tamang**, hereby declare that the subject matter in this thesis entitled **“Impact of British Intervention on the Land Ownership Patterns in Sikkim: 1889-1947”** submitted to **Sikkim University** for the Award of the degree of **Doctor of Philosophy**, is my original work. Any content or any part of this thesis has not been submitted to any other institutions or for any academic purposes.

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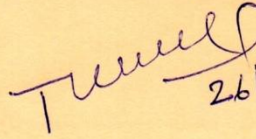
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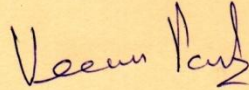
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1889-1947”**

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## **A NOTE ON CITATIONS**

In entire the text of the thesis, I have followed MLA style sheet. I have put all the citations in text itself, which is a latest trend. However, it is not possible to cite the archival references in the text particularly the government files, which needed to cite file number, reference number, department, and date. On the other hand, I have to cite many such files. Therefore, these sources are cited in the footnotes. But all the sources both primary and secondary, which are cited in the footnotes and in the text, are kept in the bibliography.

# CHAPTER I

## INTRODUCTION

Noticeable changes were seen in the patterns of land ownership in Sikkim after the intervention of the British in Sikkim. The changes in the patterns of land ownership were basically followed with the introduction of property rights institution in land. The newly established land institution changed the traditional land ownership patterns in Sikkim which was based on the customary line. The structure of the new land institutions was based on the creation of individual lessee system of landlordism. Under the lessee system the legal rights in land was given to individual with the issue of legal document like *patta*. In short, it can be said that, with the individual landlords were created with the issue of *patta*. The changes in the patterns of land under the British were visible primarily with the intention to increase maximum land revenue.

The concept of land use for the revenue assessment was introduced by the British in Sikkim. In the pre-British period, the concept of land use for the revenue assessment was not known. Henceforth, in the pre-British period revenue was assessed in terms of barter or kind. But under the British a well-planned revenue system was introduced which boost the flow of cash revenue constantly. Thus, with the land settlement policy or with the method of assessing revenue from the land in cash money was also introduced in Sikkim. Shortly after, the introduction of new structures in the land forests was demarcated and made reserved. Since, under the British, the forest was one of the major sources of revenue hence, forest was also brought under the control of government. As a result of this, the village communities or those who mainly dependent upon forests for survival were segregated from the common lands

likeforest. Due to which they suffer the most. However, here it is worth to mention that the sufferings of the people further increased with the formation of full-fledged agrarian society in which the landless 'tenants' suffered the most.

## **STATEMENT OF THE PROBLEM**

The land not just comprises soils, minerals, and forests. But it is really very important to the existence of human beings because it provides food, the material for cloths, materials to build houses, water etc. Therefore, over a period of time, we have interpreted in many ways right from the source of sustenance to sources of power (Acharya, 2008: 2). Certainly in agrarian society land is the most valuable form of property. The term land itself is comprehensive because it includes cultivable and non-cultivable lands, including forests, grazing lands, and water resources. Cultivable, is of course use for agriculture and non-cultivable land use for non-agricultural activities (Kekhrieseno, 2009: 191).

From the above it is clear that there is a close relationship between man and land and it is the ownership in lands that regulates and adjusts the man's relations to the land. The ownership regulates and adjusts the man's relations to the land particularly the power of disposition over land and the rights to use the land. Eventually, it is the rights in the land that brought work, income, prestige, power, and influence. While on the other hand one, without rights in land is dependent this consequently forced them to work on someone else's land for survival. On one side the owner possessed the right of disposition, right to decide whether to sell, lease, bequeath, give away, or lend a piece of land. On the other side, the occupiers only have the right to use the land (i.e. the cultivation of the land). Here due to the differences in rights in lands every

individual does not have the same ownership in the land. Likewise, ownership in the land is also not the same in nature (Kuhnem, 1982: 2).

In fact, under the influence of historical, social and economic factors different types of ownership in the land developed throughout the world. The different types of ownership in land are state owned, communal or community, and individual or private ownership. Under the state ownership land belongs to the state by conquest, gifts, purchase, and sometimes by seizure. Land under the state ownership partially cultivates by the state and also partially leased out basically for the public interest. In Communal ownership, the land was owned by the groups in common (Kuhnem, 1982: 4-6). In individual ownership land exclusively belongs to an individual only and others have no access to it (Kekhrieseno, 2009: 202).

Summing up the above statement we can say that during an entire period of history, the patterns of land ownership have appeared as an essential force that defines the pace of land and human relations. Moreover, it helps in molding the society we live in. Thus Yates highlights, “the ownership of land has been of crucial significance in the organization of society” (Yates, 1992: 265). Nonetheless, when it comes to ownership of land or owning the land one has to bear in mind one does not own property, i.e. land, but rather rights to over that property. Eventually, it is the bundle of rights that usually includes the right to use and the right to exclude others from its use and right to offer its use to others within the limits of the law (Larson & Janella B, nd: 4). Subsequently, to own the land it is essential to have a social recognized economic right because the question of ownership in lands judge only after separating the bundles of rights (De, 2016: 25). Thus, every society agrees that land cannot, in fact, be owned. All formal laws and informal customs that have the force of law treat

land ownership in terms of rights to its exploitation rather than possession of the ground itself (Linklater, 2013: 13).

Tracing back to the history of changing patterns of landownership in Sikkim, before the establishment of Namgyal dynasty in 1642 the concept of ownership in land was not developed in Sikkim. Moreover, the tribes used the land in common as common property. However, after the establishment of the Namgyal dynasty, a resemblance of Tibetan land economy was introduced due to the close connection between Tibet and Sikkim. Under this dynasty the ownership in land developed through the customary rights. Simply, it can be said that, out of the custom of providing for loyal services to the *Chogyal* aristocrats, officers, and monasteries secured the grant of lands. Subsequently, in due course of time, the grantee aristocrats and officers possessed the granted lands from generation to generation.

Consequently, the custom of granting land by *Chogyal* in exchange of services helps in developing private or individual ownership in land. The powerful landed aristocrats were the one who possessed private ownership in land under dynasty. They collected land revenue from the peasantry on behalf of the *Chogyal*. Accordingly, they had outright control over the land and its wealth. All this helped them to retain directly control over the one who live in their land or use it. Consequently, though *Chogyal* has right to issue and remove land grants but in reality he was dependent of the powerful landed aristocrats (Mullard, 2011: 57).

Further, the customary rights not only helped in shaping the private ownership in land but the community rights to use the common lands especially forests and grazing ground. Forests, as' common lands freely used by the people. In fact, this practice was continued to prevalent in Sikkim till the end of the nineteenth century. This proved

that, the rights to use the forests in common as common lands were acknowledged by the *Chogyal*. Nevertheless, the customary and traditional patterns of land holding send with the intervention of the British basically after 1889 onwards. Consequently, the British especially after the appointment of British Political Officer in Sikkim the traditional patterns of land holding break apart.

John Claude White was appointed by the British Government as the first British Political Officer of Sikkim in 1889. Under White the institutions in land was introduced for the first time in Sikkim with the creation of structures like lessee system of landlordism. Under the new structures the entire lands were brought under the control of the government (except fifteen private estates of *Chogyal* and five monastic estates) and divided it into *elaka*. Each *elakas* were put under contract or lease system with the issue of *patta* for fixed years. The individual lease holder of lands was the lessees who were basically *kazis*, *Newari thikadars*, and *head lamas*. Under the lessee system the newly created individual owner of lands the lessees held huge land both cultivated and uncultivated including forests and grazing lands. They have right to collect tax, permitted to sell, pawned or mortgage both moveable and immoveable properties of the defaulting *ryots*. The lessee could seize the property of *ryots* if the failed if they to pay tax on a fixed time. Consequently, they held immense power and control both land and the lives of *ryots* (Sinha, 2008: 93).

Furthermore, far reaching and significant changes were also seen in the managing the forests under the British influences. Under the British, forests were also brought under the control of the government and forests were made reserved by demarcating. After reserving the forests, the entry of the people was strictly prohibited. Moreover, no one was not allowed to cultivate, graze the cattle in the demarcated forest land. Simply,



the main propose of forest reservation was to claim government control over all forests and its produce which yield them huge revenue. Nevertheless, with the reservation of forest the village communities suffered the most because before the demarcation of forest or before asserting government control over the forest, that was their common lands‘a very source of their livelihood’. They take firewood from the forest, sent their cattle to forest for grazing, hunting and fishing and collect forest product like fruits and nuts to eat or to sell. But after reserving and demarcating of forest they were detached from the use of common lands.

Indeed, the suffering of the people not also ends with the forests policy but it grows widened with the formation of agrarian society in Sikkim. Owing to the revenue generation from the land the Political Officer encouraged the policy of Nepalese immigration in Sikkim. Subsequently, large number of Nepalese came and settled in Southern Sikkim as agriculturists (Awasty, 1978: 53). Soon with their settlement settled agriculture was developed and so as developed full-fledge agrarian society. Although, with the influx of Nepalese the internal tension rises, land dispute became frequent. But it is also noted that with the large number of their settlement the different types of tenancy too developed in Sikkim. It was this tenants who had to pay revenues other than revenues they had to provide free services types. Eventually, it was this tenants who had to suffer the most. The circle of all the sufferings relate to the land eventually end with the abolition of lessee system of landlordism after the departure of the British from Sikkim in 1947.

Hence the present study explores the various impact of changing patterns of land ownership of British in Sikkim from the appointment of British First Political Officer in 1889 to the Departure of last the British Political Officer in 1947.

## REVIEW OF LITERATURE

Talking about the literary sources, many scholars have completed their works in the history of Sikkim. However, most of their works deals with the political, cultural, traditional, economic, and religious history of the Namgyal dynasty.

Saul Mullard *Constructing the Mandala: The State Formation of Sikkim and the Rise of a National Historical Narrative*. (Mullard, 2011) discusses Sikkimese state formation in terms of the state as an institution which claims the exclusive right to the legitimate use of force in given territory. He mentioned that though *Chos rgyal* (*Chogyal* in common usage) had the right to issue or remove land grants from individuals. But in reality he was also depended on the local lords for tax collection and for raising armies during times of need. Although, author has mentioned about the overwhelming powers of the lords, perhaps he does not deal with the relationship between the cultivators and land owners.

Like for instance, Hope Namgyal in *The Sikkimese Theory of Land-Holding and Darjeeling Grant* (Namgyal, 2011) highlights on the Sikkimese theory of land-holding. It gives us a brief idea on the law of land-holding in Sikkim under the *Chogyal*. She points out that according to the law all land belongs to the *Chogyal*. She also added that it was customary for the *Chogyal* to give land for its use to his officers. As per the tradition of Sikkimese land-holding system the land in Sikkim could be transferred by the *Chogyal* to aristocrats and officers in return of services. However, this work mainly focuses only on the grant of land particularly Darjeeling by *Chogyal* to the British East India Company. This work did not talk much about the land holding system in pre-British period in Sikkim.

Hong Tran *Chogyal's Sikkim: Tax, Land & Clan Politics* (Tran, 2012) has examined the institution of land ownership and taxation of Sikkim. He has highlighted that in the land ownership of Sikkim clan politics played an important role. Further, with regards to the land ownership he states that, ownership of cultivable land was the symbol of wealth and power. He has also pointed out that the people of Sikkim have acknowledged that all lands including cultivable, uncultivable, forest, and wastelands belonged to the *Chogyal*. Nevertheless, this work is a micro study on land and taxation in Sikkim. It does not give complete information on the nature of land ownership in Sikkim before and after British intervention.

Pedro Carrasco *Land and Polity in Tibet* (Carrasco, 1959) the subject of this monograph is the system of land tenure as related to political organization. The author focuses on the land and polity in Tibet. He has noticed land is the most important means of production in Tibet and land system reveals the foundation of the social structure. Land rights are closely tied to all kinds of social functions, various services rendered to the state or to individuals are paid for in land, while rights over land imply social duties and often important political functions. He highlights that the structure of all important social groups, from the family to the state, can be seen in the land system. No doubt he has given good information about the land and polity in Tibet. But his work limits to Tibet only and gave trivial information about land tenure in Sikkim.

J. C. Debnath *Economic History and Development of Sikkim* (Debnath, 2009) mainly focuses the economic history of Sikkim before and after independence. In one of the chapters of his book the author has highlighted that the land tenure system of Sikkim was intimately connected with the agrarian sector of the economy and land was the

grand pillar of the socio-economic structure. Although, the author talked about the land tenure system however, his work is not a detail study land holding system in Sikkim. Hence, this work left the most important forms of land relation i.e. ownership of land.

Mansa Das Gupta *Sikkim Problem and Prospect of Development* (Gupta, 1992) in one of the chapters of this book author talked about the importance of forest in preserving the life and economy of the country. He mentioned that Sikkim, though described as the land of rice or *Denzong* is densely forested. More than one third of the total geographical area is covered with forest. At the same time, he has mentioned about *gourcharan* and *khasmal* forest. He states that, in *gourcharan* and in *khasmal* forest cattle grazing for the rural population allowed. Further it is in the *Khasmal* area where the villagers usually go to cut grass, gather fuel and collect other production. Though he has mentioned about *gourcharan* and *khasmal* forest but his work is not a complete study on the forestry of Sikkim. Thus, this work left pertained aspect related to the forest reservation and its impact on people who depend upon the forest resources for subsistence.

B. Bhattacharya *Sikkim Land and People* (Bhattacharya, 1997) in one of the chapters of this book author mentioned that the different cultural backgrounds of the Lepchas, the Tibetans or the Bhutias, and Nepalese have contributed to shaping the economics of Sikkim. This has further reflected in the agricultural practices including the terraced cultivation, the *jhuming*, the types of the crop produced and the implements used. However, the author did not touch the issue of ownership over the agricultural lands, distribution of lands, and division of labour. Yet, he left the most important issue land dispute and internal ethnic tension.

Richard English *Himalayan State Formation and the Impact of British Rule in the Nineteenth Century* (English, 1985) makes an extensive focus on the impact of the British in the state formation in the Himalayan region in the nineteenth century. The central concern of author is on the process by which the region was integrated into the colonial economy of British India during the nineteenth century with the growth of trans-mountain trade. However, except trade the author also talked about the local role of ownership. He mentioned that Mughal policies for land and revenue administration widely adopted by later hill rajas. Similarly, despite the historical rivalries among the various sects, the monastic institutions of Tibetan Buddhism remained a stable force in the administration of the Bhutia kingdoms of the Himalayan highlands. Monasteries played an important role in the mobilization of labour, the extraction of agricultural and herding revenues, and the control of trans-mountain trade. However, he did not focus on the land ownership of monasteries and left an issue how the monasteries looked after their landed property.

Gorer Geoffery *The Lepchas of Sikkim* (Geoffery, 1984) has thoughtfully researched and carefully written a monograph on the Lepchas of Lingthem village. The author mentioned that Lingthem is part of the king's private estates and is administered for him by the *kazi*. The individual rights of Lepcha farmer are clearly considered to derive from the king. He argues "all the land of Zongu belongs to the Maharajah and cannot be owned by anybody not of Lepcha blood". Transactions of land between residents inside zongu need the consent of the Mandal, and if necessary the confirmation of the court. Although, the author focuses at the Lingthem which was the part of the king's private property. However, he does not link it to the wider mechanism of the private ownership which incorporated not only to Lingthem but other areas as well.

Anna Balikci in her book *Lamas, Shamans, and Ancestors: Village Religion in Sikkim* (Balikci, 2008) has carefully study of ritual within a community variously referred to as Bhutia, Lhopo or Denjongpa in the agricultural village of Tingchime in North Sikkim. However, in one of the chapters she has talked about on the lessee estates introduced by the first British Political Officers at the end of the nineteenth century. She also highlights on the settlement of first Nepalese in North District in the late 1930s. She states that with the help of the newly arrived Nepalese tenant farmers, cardamom fields expanded into forest. No doubts this work gives detail accounts on village of Tingchime in North Sikkim. However, this work is not a detailed study on the aspect of land and leaves out the impact of British intervention and changes in land ownership.

Suresh Kumar Gurung *Sikkim Ethnicity and Political Dynamic: A Triadic Perspective* (Gurung, 2011) focuses how the ethnic and political factors together played a determining role in the creation of ethnic consciousness rather than ethnic community. One of the chapters of this book deals with the changes in the political and administrative structure of Sikkim under the first political officer of Sikkim, John Claude White. Yet at the same time, he talked about the introduction of new policy on land settlement and collection of land revenue. Here he has cleared that the introduction of new policy in land was different from the old or traditional land related policy. He has also highlighted how the new revenue policy, benefited the lessee lords immensely. However, he did not discuss the impact of British revenue policy on traditional land ownership pattern especially on common lands.

Vinay Krishin Gidwani ‘*Waste*’ and *the Permanent Settlement in Bengal*’ (Gidwani, 1992) focuses how the English represented and applied the concept of ‘waste’ in

Bengal under the Permanent Settlement in 1793. The author has illustrated this theme more vividly by explaining his interest in pursuing the subject of 'waste'. Here he has mentioned that the term itself is one of those subtle colonial legacies. Since, revenue generation was without doubt a driving force for English land settlement policies. This guiding criterion yields the interpretation that 'waste' was nothing but 'revenue waste'-a residual category receipts. Similarly, in Sikkim before the intervention of British the concept of 'wasteland' was not developed. However, carry out by J C White's land resettlement policy the entire land was classified into three categories. Lands which did not generated revenue like less fertile, uncultivated, was termed as 'wastelands'.

Firoz High Sarwar, *A Comparative Study of Zamindari, Raiyatwari and Mahalwari Land Revenue Settlements: The Colonial Mechanisms of Surplus Extraction in 19<sup>th</sup> Century British India* (Sarwar, 2012) made an attempt to analyze and to interpret the prototype, magnitudes, and far reaching effects of the three major revenue settlements i.e. Zamindari, Raitwari, and Mahalwari in a comparative way. He mentioned that British initiated auction based farming system as the first experiment in 1722, where land revenue collection rights had been allotted on contract basis. This farming system slowly developed into three major land settlements, viz Zamindari in Bengal, Raiyatwari in Madras and Bombay, and Mahalwari in North Western Provinces. Similarly, in Sikkim after the advent of John Claude White as the first Political Officer the land revenue collection rights had been allotted on contract basis to lessee lords. The lessee system which introduced in Sikkim can be compared with the Zamindari system, because unlike Raitwari and Mahalwari the land revenue as imposed indirectly not through an individual cultivators and village communities but

agreements made with the lessee lords or *elakadars*. However, this work does not deal with the condition of peasantry in detail.

## **OBJECTIVES OF THE STUDY**

The main objective of the thesis is to understand how the land ownership patterns in Sikkim changes under the British influences and how this changes impact the Sikkimese history. The main objectives of the study are:

1. To study the land ownership patterns of pre-British period in Sikkim
2. To evaluate the changing patterns of land ownership in Sikkim under the British
3. To examine the British policy of managing forests and its impact on community ownership.
4. To analyze the changes in agrarian structure following the introduction of new structure in land ownership.
5. To understand how the British policies intensified the ethnic tensions in the matter of land disputes in Sikkim.

## **METHODOLOGY**

The presentwork applies historical research methodology mainly based on primary sources available to us in the form of documents, and government files, which are available in the Sikkim State Archives, Private Museum, Sikkim State Library, Sikkim University Central Library, and Namgyal Institute of Tibetology. The information is analyzed based on the historical methodology. Studying the secondary sources is important to make a frame work and analyze the various aspects pertaining to the land ownership of Sikkim. Hence, the methodology for the present work also



involved gathering relevant data from various books, articles, and journals. Although only little research works deals with this topic but their works have carefully read and cross check have been done between one and another work. The journals and articles are also important sources of information and as used as secondary sources to understand and analyze the subject. Apart from the journals available in jstor.org also be collected. Online references to archival materials are also consulted through websites like *eap.bl.uk/project/EAP800* Fragments of Sikkim: Preserving and presenting the palace archives of a Himalayan Kingdom, 1875-1975.

## **CHAPTERIZATION**

The thesis counts seven chapters. Chapter one as Introduction aims to provide information about the importance of the topic, review of literature, deals with the Statement of the problem, discussed on the objectives, and methodology.

Chapter two, Political Background of the Namgyal Dynasty, focuses on the political background of the Namgyal Dynasty of Sikkim from the establishment of this dynasty in 1642 to till the arrival of the British in Sikkim in 1889.

Chapter three, Pre-British Land Ownership Patterns in Sikkim, explains the Pre-monarch land holdings in Sikkim which was based on Tibetan land economy in Sikkim. This chapter also gives a picture about the existing of private ownership and community ownership in common lands 'forests' in Sikkim.

Chapter four, Changing Patterns of Land Ownership under the British Influence in Sikkim, analyses the impact of changes patterns of land ownership in Sikkim under the British influence. It also deals with the different methods of assessment and classification of terraced rice fields. It also goes on to describe the strengthening the powers

ofelakadars under second Political Officer Bell along with the Judicial power of elakadars and the rise of the intermediaries such as mandals.

Chapter five, Impact of Changing Patterns of Land Ownership on Forests, this chapter deals with the introduction of forest policy in Sikkim for the first time. It also discusses how the reservation and demarcation of the forests impact on the customary rights of the community. Further, it also analyzes the commercialization of forest produces like timber, other forest products, and hide and skin of animals. At last it explains how the forests policy exploits the forests of Sikkim.

Chapter six, Land Disputes and Ethnic Tensions, also focuses on the different types of tenants in Sikkim and their conditions. In addition, it also focuses on the Indian freedom struggle and its impact on Sikkim.

Chapter seven, Conclusion, this is the last chapter, which summarizes the arguments mentioned in the above chapters.

## CHAPTER II

### POLITICAL BACKGROUND OF SIKKIM

Namgyal dynasty which was founded by a descendant of Tibetan origin in 1642 made a deep impression on the social, economic, and political history of Sikkim from seventeenth century onwards. The political system of this dynasty was based on the pattern of the lamaistic theocracy of Tibet. Therefore, similar to Tibet the *Chogyal* of Sikkim had both temporal and secular authority. Nevertheless, before establishing the dynasty the first *Chogyal* Phuntsog Namgyal successfully suppressed the tribal rebel and then transformed tribal society into a monarch. Under a monarch the concept of land ownership firmly developed and control over land began to symbolize with wealth, stability, and power. The customary rights over lands prevalent however, till the intervention of the British in Sikkim. Once, their intervention started in Sikkim the traditional administration and customs ended and tuned into British style. However, it is pertaining to note that the trade with Tibet and China was the key interests of the British which drive their focus towards Sikkim.

Sikkim, the twenty second state of the Indian Republic is a small hilly state in north-east India. It lies in between 27°5' and 28°10' North latitudes, and 88° 4' and 88°58' East longitudes and 2,818 square miles is the total geographical area of Sikkim. As center it is located between Nepal, Bhutan, Darjeeling, and Tibet. It is generally believed, once the territory of Sikkim was huge and stretched out as far as Limbuan (present day eastern part of Nepal) in the West, Chumbi Valley (present day past of China) in the North, some parts of Western Bhutan in the East, and in the South whole of Bengal, this includes Siliguri in the plains and, Titaliya Bihar-Bengal border.

Hence looking after its location it is not surprising to say, due to its geographical location Sikkim was conquest and attacked by its powerful neighbours in the past Sikkim. Hence, has lost the major portion of its territory (Gurung, 2011: 29-30).

The name 'Sikkim' basically obtains from two Limbu words 'Su' mean new and 'Heem' signify a house. It is said that, *Chogyal* Tensung Namgayl (1644-1700), the second *Chogyal* of Sikkim build a new house for his Limbu queen and asked her to name the newly build house. Subsequently, she named it 'Suheem' means 'new house' in Limbu language. Initially 'Suheem' was common only amongst the Limbu or it was only the Limbu who called the country by the name 'Suheem'. Later on it became the recognized name of the whole country. However, over time Suheem became Sukhim and then the current name Sikkim. Nevertheless, the original inhabitants of the country, the Lepchas, call it *Nye-ma-el* means "the holy land" (Kotturan, 1983: 4). According to the religious belief of Sikkimese people, Sikkim is one of the most sacred places of pilgrimage, blessed and sanctified by Guru Padma Sambhava. Further, legend has it that Guru Padma Sambhava<sup>1</sup> the founder of Buddhism in Tibet first discovered Sikkim and admired it as Paradise, or a Supernatural place most suitable for meditation (Bhattacharya, 1992: 1).

Sikkim being mountainous state consists of a tangled series of interlocking mountain chains, the rising range above range, from the south to the foot of the north-most range. Most of these mountain ranges are 10,000 to 28,000 feet high. Mt. Kanchenjunga (28,140 ft) is situated in the Singli-la-range, the crest of which forms the boundary between Sikkim and Nepal. The other important mountains are Kinchingham (22,700 ft), Siniolchu (22,620 ft) and Chomioms (22,386 ft). Between

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<sup>1</sup> Guru that arose spontaneously from a lotus.

these gigantic mountains, there are several passes linking northern Sikkim to Tibet like Chorten Nyima-la, Naku-la, Kongra-la, Chulung-la, Born Chho-la and Sese-la. Similarly, the Khungyami-la, Gora-la, Nathu-la, Jelep-la and Batan-la link eastern Sikkim with the Chumbi valley of Tibet. On the other hand, Nathu-la and Jelep-la are found in the Chola range and are of great strategic importance to both India and China. The Dako-la pass links south east Sikkim to Bhutan (Lepcha, 2008: 2).

While the mountain passes link Sikkim, territorially the rivers contribute in defining the territorial limits of Sikkim. The Teesta, described as the 'life line', is the chief effluent river that separates Sikkim from the present state of West Bengal. The Teesta which flows in a generally southerly direction is joined at Tsiinhang, by its main tributaries the Lachen, Lachung and Rungeet and at Ringen, it is joined by Rungnu-Chu. All these rivers run through mountainous terrain and over rapids and are therefore unnavigable (Lepcha, 2008: 2).

The climate of Sikkim varies from the tropical heat in the valleys to Alpine cold in the higher altitudes. The Tropical climate prevails in the deep valleys with elevation up to 500 ft and 13,000 ft are the Aline climate Zone reaching up to 16,000 ft which makes the beginning of the perpetually snow-bound zone. While talking about the rainfall, the annual rainfall varies from 50-200 inches (mostly during May-October), and snow on the upper levels often accumulates to a thickness of 30m (Bhatt & Bhargava, 2006: 25).

The animal life in the region differs from place to place. Along with various animals many minerals like copper, zinc, lead, mica, and coal also occurred in the State. Nonetheless, the real wealth of Sikkim lies in its forests which occupy nearly one-third of its area and yield precious timber (Shukla, 1976: 4). Forest of Sikkim is

covered Sikkim's 2, 828 square miles of mountainous territory is forested and forests are considered one of the kingdom's greatest assets. Forests occupy nearly 310 square miles in the northern zone, while in the intensely cultivated eastern and western zones forests cover only 203 and 235 square miles respectively. In the lower ranges and valleys, apart from what is left of the dense original forests covered with valuable plantations with includes *sal*, *simale*, and bamboo (Joshi, 2004: 72).

Sikkim is a multi-cultural society cohabited by multiple cultural-linguistic groups. Sikkim inhabited by three different ethnic communities namely the Nepalese Gorkhas/Paharis, Lepchas called Rongs/Monpas, and Bhutias called Denzongpas/Lhopas. Out of these, three, the Nepalese constitute the majority. Thus the major ethnic groups of Sikkim at present days are the Lepchas, Bhutia and the Nepalese. These communities have played an important role in shaping the political, social and economic history of Sikkim. Sikkim, Tibet, and Nepal are a Himalayan country having similar geographical location. Thus, carry out by this the people of these regions easily inhabitant and survive from time to time. While talking about Sikkim the impact of geography in shaping the Sikkimese history is one undeniable fact. For instance, Tibetans who came from the North not only brought with them their culture, languages, and religion but they also brought a mixture of pastoral and semi-settled agriculture. They introduced the new mode of production in Sikkim without any difficulties. Secondly, the Nepalese from Nepal brought in Sikkim their culture, language, Hindu religion and most importantly settled agriculture (Bhattacharya, 1997: 1).

## **Establishment of the Namgyal Dynasty**

The Namgyal dynasty was the first and the last dynasty of Sikkim. This dynasty ruled Sikkim until it was merged with the India on 16<sup>th</sup> May 1975 (Debnath, 2009: 21). This dynasty traces the descendants from Tibet and founded by a monarch of Tibetan origin in 1642. Hence witnessing different stress and strains this dynasty survived roughly for a period of over 330 years (Sengupta, 1985: 1). The first king or *Chogyal*<sup>2</sup> of this dynasty was Phuntsog Namgyal and the last was Palden Thondup Namgyal, respectively there were total twelve Chogyalsin Sikkim.

Notably, along with the different stress and strains this dynasty also witnessed drastic changes in socio-economic, politic as well as in cultural aspects of the region, till the British intervention in nineteenth century. Though, drastic changes occurred in various aspects after the advent of the British, one cannot deny the fact that the establishment of Namgyal dynasty was itself an event in the history of tiny Himalayan.

However, the initial year of the establishment of Namgyal dynasty was difficult and it was not easy. Before Bhutia immigrated into Sikkim in three different tribes Lepcha, Limbu, and Mangar settled in the country. These tribes took an active resistance against the newly established dynasty. Certainly, their resistance was valid because the migrated Bhutias despite of friendly coexistence with the native tribes and settled down into new land established a kingdom after disposing of the tribal set-up. Owing to this the process of establishing Namgyal dynasty was marked with a struggle and indeed not easy. Phuntsog Namgyal the first *Chogyal* initially had to fight, suppressed the revolt, adopted pacifying policy, and concluded treaty and so on. Over all, the

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<sup>2</sup>*Chos* means dharma while *rgyal* means ruler (*Dharmaraja* or religious king).

success behind the formation of the kingdom was associated with the subjection and submission of tribes by using military strength and other subservient alliance (Mullard, 2011: 2- 63). More or less, he had to implement the same policy which Kautilya has devoted. Jha has highlighted Kautilaya's methods of systematically breaking up of tribes: Kautilya devotes an entire chapter to the methods of systematically breaking up free tribes. In the initial phase dissension was to be sown within the tribe through the use of spies, poison, Brahmans, liquor, women, actors, and cash bribes. But at later stage the king was to make armed intervention, breaking up the tribe, and deport its members to distant lands in units (Jha, 2016: 102).

Thus more likely to what Kautilyahad suggested, the founding father of Namgyal dynasty Phuntsog Namgyal backed by his supporters' implemented the same methods to subdue the tribes. However, most of the scholars including *The History of Sikkim* have given a picture of some miraculous phenomenon behind the establishment of this dynasty. According to *The History of Sikkim* the three lamas Lhatun Namkhi Jigmed, Sempa Chhembo, and Rigdzing Kunzangpo came into southern slop Sikkim from three different directions and meet at Yoksum to fulfill the prophecy of Guru Padmasamvhava. After meeting at Yuksam Norbugang they assigned Togdan Kalzang Tondup one hermit to go to Gangtok to seek out and invite Phuntsog. Likely, the search party found Phuntsog at Gangtok and took him to Yuksom for coronation in 1642 (water horse year) (Namgyal & Dolma, 1908: 18).

Although, most of the writers and scholars of Sikkim's history have shown some miraculous and supernatural events were related to the concentration of Phuntsog into the throne of Sikkim. Nevertheless, the role of three the lamas behind the formation of Namgyal dynasty cannot be overlooked. The advent of the three lamas in Sikkim is



closely linked with the religious conflicts that occurred in Tibet. In Tibet during fifteenth and sixteenth century religious strife between rival sects Gelung-pa (Yellow Hats Sects) and Nyingma-pa (Red Hats Sects) in Tibet was at zenith resulted in frequent wars. As the Gelung-pass gradually gained the power, priests of the rival orders fled with their chosen followers and quite a few of these fugitives came down into southern slope (Basnet, 1974: 11).

The lamas and lay followers basically of Nyingma-pa desperately needed 'new land' primarily to settle down and definitely to spread their religion. At that juncture of time Sikkim seems favorable to them. Owing to both geographical proximity and not present of any sort of administrative authority they immediately turn their focus on Sikkim. Eventually, this led them to immigrate into 'new land' Sikkim. The then Sikkim was sparsely populated with abundant of land. The simple and easy going tribes who preferred a care-free existence seem to be less concerned with their coming down. Nonetheless, the lamas, who came to Sikkim in search of sanctuary, took upon themselves the tasks not only preaching their Buddhism but also of settling up of a political order akin to its Tibetan counterpart (Dhamala, 1991: 51).

Thus looking after the active role of three lamas K. C. Bhanja thus writes, "Hooker is correct when he writes that lamas were the means of introducing the first Tibetan sovereign into the country (Bhanja, 1993: 118). Accordingly, Sikkim offered them what they were looking for land to settle, pasture for their herds, and fresh field to proliferate Buddhism. Initially the immigration of Tibetans was a mere trickle. However, lately, their number increased steadily with this the urgency of some sort of authority or organization was felt soon essential (Basnet, 1974: 11). At this point in time, the three lamas played an important role in organizing the immigrants under the

banner of leaders who represents and spread Buddhism into a new country. In short, the lamas took up the cause of organizing the Tibetans under the theocratic monarch and to convert aborigines into Buddhist fold. However, the natives, who were animists, were not very enthusiastic and interested to convert into Buddhist fold. Therefore, they felt the necessity of establishing some temporal and spiritual authority that might patronize their cause (Sengupta, 1985: 2). Thus, it is clear that the lamas were aware of the fact that it was not easy for them to convert the ‘nature worshippers’ into Buddhist fold and they need someone to patronize their cause and Phuntsog was the perfect choice.

However, one pertaining question needs to put forward why they choose Phuntsog and why not other? The answer seems to be simple Phuntsog was a direct descendent of Khey Bumsa<sup>3</sup> who had established a friendship with the *Rong*’s chief The-Kong-Tek by swearing blood-brotherhood pact during fourteen century (Sinha, 2008: 31).<sup>4</sup> The legend goes that Khey Bumsa couple could not have children for some years, so they were advised to seek the blessings of a Rongs elder, The-kong-Tek, who prophesied that they will not only get one but three children and one of their descendants would be the ruler of *Denzong*<sup>5</sup>and that the Rongs would become his subjects. Followed by this, a blood-brotherhood was sworn between Khey Bumsa and The-kong-Tek at Kabilungtsok. Accordingly, Tek’s prophecy was fulfilled soon three

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<sup>3</sup> It is believed he traces descends from Minyak kingdom of Kham, East Tibet. Khe Bhumsa after the death of his father assumed the chieftainship. Likely, his son Mipon Rab’s shifted to Gangtok from Chumbi. While in Sikkim after Thekong Tek the Lepchas has broken into minor clans and eventually turned to Guru Tashi for protection and leadership. Similarly, the tradition passed on upto Phuntsog (Bhatt & Bhargava, 2006: 18).

<sup>4</sup> It is an animistic blood-swearing ceremony conducted in which both, the Bhutia patriarch and the *Rong* chief, sat together on raw hides of the slain animals and put their feet together in a vessel filled with blood as a mark of their abiding friendship.

<sup>5</sup> In Tibetan language it means the valley of rice.

sons namely Kyawa Rab, Langmo Rab, and Mipon Rab were born to Khe Bumsa<sup>6</sup>. Mipon Rab the youngest ones moved to Sikkim from Chumbi and became a local chieftain and his son, Guru Tashi moved to Gangtok. Tashi's son was Jowas Apha, whose son was Guru Tenzing and Tenzing's son was Phuntsog Namgyal (Shukla, 1976: 14).

Here, it is clear that Phuntsog was not a layperson and one can be assumed that he was the chief of Gangtok like his great-grandfather. Certainly, the lamas might have known already about Phuntsog as a man of substance and commanded respect amongst the people (Basnet, 1974: 13). Therefore, they choose Phuntsog and send a searching party to Gangtok. Truly, he was not an ordinary man because he successfully consolidated Namgyal dynasty after the displacement of the revolts of local chiefs. Meanwhile, it is to be noted for suppressing the rebellion of tribes the force is needed and if Phuntsog did not have large supporters or force it was impossible to establish a kingdom with just a mere help of three lamas.

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<sup>6</sup> According to Yishey Dolma *Legends of the Lepchas folk tales from Sikkim* Khey Bumsa tested the capabilities and state of mind of his three sons. He calls his elder son and asked 'son, tell me, how do you wish to earn your livelihood?' His son replied 'I would like to snatch and take away, by fair means or foul, other people's properties and possession.' Khey Bumsa with great anger busted. 'Get lost! You are not worthy and will be *Kya-was-rab*, a first rate ruffian.' He repeated the same question to his second son replied, 'father, I do not care to have any subjects or followers but would be happy to till my land and earn my livelihood.' Khey Bumsa not pleased with what his son reply said, 'you will make a first-class *lang-mo-rab*, a farmer, and nothing. At last he summoned his youngest son and asked him what do you want to do in your future?' His son's reply, 'I want to protect my followers and employ them in services and rule over them as their chief.' Khey Bumsa very delighted with the reply and blessed him 'You will be *mi-pon-rab*, a first-rate ruler of men. May you live long'. May your line succeed to the promised kingdom after my death and inherit the royal name (Doma, 2010: 105-106).

## Suppressing the revolt of three tribes and signing of a *Lhomentsongsum* Treaty

The enthronement of first *Chogyal* Phuntsog Namgyal was rough. Initially he had to fight to crushed or to overpowered rebellion of tribes like Lepchas, Limbus and Mangars. Most of the times; he had to employ forces to bring the tribes under his fold (Chhetri, 2012: 87). Eventually, it is observed that the tribes could not stand long against the excellent maneuver of Phuntsog who had the support of three intelligent Lamas. Thus by the end, Phuntsog gains victory despite of tough resistance made by Lepchas, Limbus and Mangars<sup>7</sup>. Eventually, they were made to accept the supremacy of Namgyal dynasty with the symbolic surrender of their lands. Nonetheless, the total peace to newly established kingdom was possible only after the concluding of *Lhomentsongsum*<sup>8</sup>.

According to Saul Mullard the Treaty was signed in 1663 (Water Hare year). However, Regu Tulku<sup>9</sup> states that the signing date was 1641 which seems to an error. The *Lhomentsongsum*Treaty is very important in order to construct the Sikkimese history or to understand the initial phases of the establishment of the Namgyal dynasty. But unfortunately the original document no longer survives. Hence, we are left with the translation work of it. As said above the first translation carried out by

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<sup>7</sup> It is observed that amongst the three tribes the Mangar proves to the toughest one. In fact they keep on their cause and did not surrender their lands therefore they were not included while concluding *Lhomentsong* treaty which indirectly means the symbolic surrender of lands. It is noted that the unlike Lepchas and Limbus chiefs the Mangar chief opposed the supremacy of Phuntsog/Bhutias and fought constantly till the end. The Mangars were undoubtedly headstrong to resist the Bhutias that even after the death of their chief they did not accept the over lordship of the Bhutias. Nonetheless, after the death of their chief their petty region got consolidated into Bhutias kingdom (Upadhyay, 2017: 42).

<sup>8</sup>*Lho* refers to (Bhutia), *Men* to Menpa (Lepcha), *Tsong* to (Limbus), and *Sum* mean three.

<sup>9</sup> He has translated the Treaty from Tibetan to English. For his complete translation see Moktan, 2004, pp 1-3.

Regu Tulku contains error basically in dating i.e., 1641. By close observation Mullard points out that 1641 was an Iron Snake year as per the Tibetan calendar and not the Water Hare Year as mentioned in the original document (Mullard, 2011: 140).

For Saul Mullard's translation see (Mullard, 2011: 141-143). The year 1663 which Saul Mullard has given seems to be authentic because as mentioned above the Phuntsog Namgyal after acceding the throne in 1642 had to fight intermittently to subdue the rebellions. Consequently, after subduing the hostilities eventually the losing party accepted Phuntsog as their king and made symbolic surrender of their land. Phuntsog Namgyal the thoughtful founding father of the Namgyal dynasty held a Tripartite Treaty of *Lhomentsonsum* to legitimize his over lordship over the losing party. This Treaty was signed to unite three communities under the tutelage of a single king. Moreover, through this Treaty, a notion of 'one family' was created Bhutias as father, Lepchas mother, and Limbus their Childers (Sinha, 2008: 47).

However, it is of note that *Lhomentsonsum* was the first ever legal document which unites the communities under a single Government and thus signed by the representatives of three communities. Eventually, acknowledging the supremacy of Phuntsog Namgyal as the head of a single political order. This Treaty has untold significant importance in the history of Sikkim. After concluding the *Lhomentsonsum* Treaty, Namgyal dynasty was secured from the thread of internal rebel at least for some times<sup>10</sup>. Further, this Treaty not only suppresses the rebellion but as first ever legal document it demarcated the role and position in between the

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<sup>10</sup> The reign of second *Chogyal* Tensung Namgyal inter-tribal conflicts, raids and war remained the main pre-occupation. While, the same situation continued during the reign of five successive *Chogyal* of Sikkim (Sinha, 1975: 14). However, the most influential internal dispute occurred during the reign of the fifth *Chogyal* Namgyal Phuntsog when landed aristocracy challenged the succession and assumed the all power for three years.

lords or master and servants. Furthermore, as oath, this document helps to secure the loyalty of the landed aristocracy, officers, and landlords (Mullard, 2011: 141).

Consequently, with the clever diplomacy of the lamas coupled with astute political and military skills, Phuntsog Namgyal consolidated the country into one single dynasty and with this begins the state formation of Sikkim<sup>11</sup>. With this, the boundaries of the newly established kingdom were also fixed. Which were Tagong La and Tang La on the East, Walung, Yangmag Khangchen Yarlung, Shingsa Dagpay, and Timar Chorten in the West, Dibdala in the North, down along the rivers Arun and Dud Kosi, down to the Maha Nodi Naxalbari, and Titalia in the South (Namgyal & Dolma, 1908: 20).

The installation of Phuntsog Namgyal also the first *Chogyal* of Sikkim was acknowledged by the then fifth Dalai Lama in Tibet. Asceremonial gifts the Dalai Lama sent silk scarf bearing the Dalai Lama's own name, the hat of the Guru Rimpoche, the devil dragger, and the precious sand image of the Guru Rimpoche to *Chogyal* Phuntsog Namgyal (Sinha, 2008: 47). Meanwhile, *Chogyal* slowly accomplished the task of converting the country into Buddhist fold<sup>12</sup>.

Subsequently, after all this, the first ever central administrative structure was set up. In the newly established central administration *Chogyal* Phuntsog Namgyal were at top. Aristocrats and various other officers were at second, and commoners at the bottom. Here, in the newly established administrative structure the local chief particularly Lepchas who had helped Phuntsog Namgyal in consolidating the dynasty

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<sup>11</sup> If we look at it, it took twenty-one years to Phuntsog Namgyal to consolidate his kingdom in the nation.

<sup>12</sup> With the passage of time the institution of Buddhist 'monastery' flourished in Sikkim and Buddhism became state religion.

were also appointed as officers of various ranks (Debnath, 2009: 21). The appointment of the officers was, however, made purely based on faithful services to the *Chogyal*. As Maharaja Thudop Namgyal and Maharani Yeshay Dolma explain, those who serve well, the post of the Minister, Prime Ministers, and offices of various rank would be bestowed on them. On the other hand, those who did not serve well would be classed amongst the common people (Namgyal & Dolma, 1908: 20).

### **The administrative structures of the Namgyal dynasty**

After the suppression of revolt and concluding a Treaty Bhutia dominated monarch was established. At the top there was *Chogyal* who was both temporal and spiritual head of the state, landed aristocrats and officers were at the middle, and commoners were at the bottom (Tamang, 2016: 20). Phuntsog Namgyal after becoming the *Chogyal* with the help of Lhatchen Chempo<sup>13</sup> provided a central administrative structure and new bureaucracy which was hitherto none existed in Sikkim. The centralized administrative system of Namgyal dynasty evolved with the feudal character of Tibetan style with a monarch at the top. This means the *Chogyal* was being apart from being the hereditary ruler, an incarnate lama having both religious and political powers. Hence, it was the *Chogyal* who basically controlled and supervised the newly established central government of the country. Subsequently, the judicial powers were in his hands. Meanwhile, it was upon *Chogyal*, to look after the law and order of the country, revenue collection, and protection of his subject and country from the enemy, etc. At the central level, he was assisted by officers, who looked after the administrative requirements of the country (Chhetri, 2012: 88). Since the kingdom was newly established and to run the administration of the country

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<sup>13</sup> Lama Lhatchen Chempo was considered to be the patron saint of Sikkim. He gave his own surname Namgyal to Phuntsog (Kotturan, 1983: 28).

smoothly twelve Kahlons<sup>14</sup> ministers from the twelve original *lhopo*<sup>15</sup> clans were appointed. The main tasks of these twelve ministers were to help and assist *Chogyal*. They were who generally believed to be the first Bhutia immigrants to arrive at Sikkim with Khey Bumsa (Tran, 2012: 7).

Subsequently, they had sided Phuntsog all along with the establishment of the regime. They were his companions in whom he could aid and seek advice in the usual activities of the government. The ministers were responsible to the *Chogyal* and work under his supervision. Next to, *Kalon* and *Dzonpen* were appointed as district officers and added into of administration of the country. Phuntsog Namgyal being a far-sighted ruler he did not want to dissatisfy the Lepcha chiefs hence, he decided to win their favor without causing conflict in the then existing social order for better administration. Thus most of the Dzungpens were selected through Lepchas chiefs. Therefore, he divided the country into twelve Dzongs<sup>16</sup> namely Lassu, Dallom, Yangthang, Gangtok, Rhenok, Barmeak, Tashiding, Song, Libing, Maling, Simik, Pandom, and appointed twelve important Lepcha chiefs as the Dzungpons. At the *Dzong* (district level) the Dzungpons<sup>17</sup> were the head of the administration. The appointment of the Dzungpons was one of the duties of the *Chogyal*. Thus it is note that the Dzungpons also worked under the strict supervision of *Chogyal*. Here, the main tasks of the Dzungpons were to maintain law and order within his *Dzong*. He was also responsible to collect the rent from the cultivators settled in specified land. In addition, they had limited judicial power to settle the little cases within his area.

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<sup>14</sup> They were also referred as *Blon po*.

<sup>15</sup> The name '*lhopo*' assumed to be the ethnic group that migrated from Tibet to Sikkim, probably from the thirteenth century onward. '*lhopo*' were generally referred to as Bhutias.

<sup>16</sup> Districts.

<sup>17</sup> Regional overlord or governor of a fort.



Nevertheless, the *Dzongpon*, were not free to use their judicial power on their own. Moreover, they exercise and functions their power under the supervision of *Chogyal* (Chhetri, 2012: 89).

The local Lepcha chiefs who have made contributed to the formation of the state were not only held the position of Dzongpons but were also appointed as ministers, governors, and as well as high officials of various rank. Similarly, a proclamation was even made in this regard. Since they held office and well reputation from the very beginning therefore in the later period most of the influential *kazi*<sup>18</sup> aristocracy traces their descendants from the Lepcha officers (Tamang, 2016: 20). Interestingly, the Limbus was too appointed as officers. It is evident Limbus also served into the administration of Namgyal dynasty display from *The History of Sikkim* of Maharaja Thudop Namgyal and Maharani Yeshay Dolma:

The Tsongs of the ancient times have also served under the Sikkim Rajas, in the capacity of such officers as Shupas or Subhas, Chpons, Dingpons and Gyapons, both under the Raja as well as under the kazi (Namgyal & Dolma, 1908: 23).

But it is worth to mention here is that unlike Lepchas and Limbus there is no recorded evidence which suggest that Mangars too appointed as officers under the monarch.

### **Political relationship between Tibet and Sikkim**

Right from the establishment of the Namgyal dynasty Sikkim looked upon Tibet in almost every aspects of decision making, ‘as mentor and supporter’ always cared, protected, and guided Sikkim. Hence, historically, culturally, and to a great extent ethnically, Sikkim lies within the realm of Tibetan influence (Tamang, 2016: 32).

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<sup>18</sup> Discuss in detail in later chapters.

Accordingly, it is known that the Namgyal dynasty the first ever dynasty of Sikkim was established by Tibet and their assistance. To begin with, the boundaries of Sikkim were fixed at the whims. So accordingly, they formulated the policies of Sikkim. Sikkim sought Tibet's help and consent in all most every big and small matter of importance for two centuries. Tibet also looked after the interest of Sikkim for instance, when Mangars rebelled against Phuntsog Namgyal, Tibet provided active helps to Phuntsog in subduing the resistance. Likewise, in later period Tibet also helped to subdue the internal uprisings of Tamding against *Chogyal*.

In addition, after subduing the uprising successfully to clear the mess, Tibet sent Rabdan Sarpa as Regent to Sikkim. Besides, internal crisis, Tibet also rescued Sikkim from external threats. Like, the invasion of Bhutan ended only after the intervention of Dalai Lamas from Tibet. Moreover, *Chogyal* Tenzing Namgyal got safe asylum in Tibet at the time of Gurkhas invasion of Sikkim. Over all, Tibet had always played a crucial role in protecting Sikkim in general and Chogyals in particular. However, the hay days of Sikkim in general and Chogyals in particular soon ended. At certain point Tibet stops paying attention to the internal and external affairs of Sikkim. Consequently, it made Sikkim to knock the doors of British India<sup>19</sup> (Upadhyay, 2017: 57).

Moreover, *Chogyal* had always looked upon Tibet and had offered a sort of voluntary submission of their origin, religion and, above all, the proximity of the two countries (Basnet, 1974: 50). Above all the feudalism which developed in Sikkim was a replica of Tibetan style. Thus the nature of Sikkimese feudalism represents typically Himalayan theocratic feudalism parallel to the Tibetan lamaist pattern with a monarch

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<sup>19</sup> Discussed in detail in chapter four.

at the apex of the system and he was the secular as well as the religious head of the country (Sinha, 2008: 39). To elaborate on the influences of Tibet on Sikkim Lal Bahadur Basnet rightly points out:

The Tibetan lamas in Sikkim were the pure product of the lamaist polity of Tibet. Having known no system other than the Tibetan one, the lamas, the only enlightened element among the people, set about to extend the Tibetan system in Sikkim (Basnet, 1974: 12).

Tibetan influence on Sikkimese could be found in many aspects right from the religion to socio-culture as well as in politics. However, religion was the most influential one and even manages to survive until today<sup>20</sup>. Buddhism in Sikkim has been related to Tibet since the time of the fifth Dalai Lama Ngawang Lobsang Gyatso (1617-1682). Buddhism as the state religion and the administrative pattern of Sikkim was as religious oriented as that of Tibet. In Tibet, religion and the state were closely related to each other, hence these similarities were also found in Sikkim. Above all, the institutions of the state were based largely on those of Tibetan feudalism. Hence, there is no doubt that the nature of Sikkimese feudalism represents typically Himalayan theocracy. In Tibetan, King was the secular head and also as an incarnate lama. Simply stated, the Dalai Lama was the religious and political head and his dominion comprises both the religion and the state. The political system of Tibet, being theocratic, invested more power in monks than in laymen. Therefore, the head lamas had a tremendous impact on Tibetan society and indeed held good posts in administration of the state (Tamang, 2016: 33).

Similarly, once the Namgyal dynasty was established, the Sikkimese political as well as cultural foundation was shaped in a Tibetan lamaist ideology. Thus it is noted that

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<sup>20</sup> Sikkim is a Buddhist state having more than hundreds of Buddhist monasteries.

the *Chogyal* of Sikkim was not only the secular head of the state, but was also considered as the incarnation of reverend lamas. For instances amongst the twelve *Chogyals* of Sikkim, Sidkeong Namgyal the eighth *Chogyal*, Sidkeong Tulku the tenth *Chogyal*, and Palden Thondup Namgyal the last *Chogyal* was recognized as the reincarnation of reverend lamas (Acharya, 2005: 56).

As mentioned earlier, Sikkim lies within the realm of Tibetan influence; therefore, Sikkimese culture was purely based on Tibetan fashion. Like the Tibetan king, the *Chogyal* of Sikkim was supposed to rule the country as per the tenets of the *Dharma* (*Chhos*). Since the basic tenets of the traditional polity had been the *Dharma*- the established religion and ‘*Gyalpo*’ ruler- the upholder of the doctrine justifying the appellation, the *Chhos-Gyalpo* ‘*Chogyal*’ (Sinha, 2008: 39). The traditional Tibetan government, which was the formation of clerical and lay elements likewise, the *Chogyal* of Sikkim, was also helped by an assembly called *Lhadhi-Mede*. The assembly ‘*Lhadhi-Mede*’ was the traditional assembly of Namgyalas primarily dominantly by the Bhutia kazis and monks. The members this assembly was not fixed and was nominated by the kazis and later by the private secretary to the *Chogyal*. *Lhadhi-Mede* had an important role to play from marriage of the member of the Royal family to issues of National importance (Gurung, 2011: 47).

Overall, this assembly had important role to play as far as the administration of the Namgyal dynasty was concern. The social and religious system introduced in Sikkim was the adoption of the Tibetan religion-political theory of state and political power, as represented by *lugs gnyis* (a system based on the unification of the secular/political sphere with that of the religious/spiritual (Mullard, 2011: 23).

In Tibet, the bravery of the solders earned hereditary titles and land whereas falling into disfavor with the Dalai Lama could lose an official position as well (Kuzmin,

2011: 134). A similar tradition was followed in Sikkim, during *Chogyal* Tenzing Namgyal reign Donyer Chagdor son of Solpon Tsang Namgyal had performed the most faithful and loyal services. At the time of crisis, he supplied the food to *Chogyal's* kitchen going through lots of hardship. Thus for his loyal and faithful services he was rewarded with the post and title of *Dewan* (he was also called the aged kazi Londepo) afterwards (Namgyal & Dolma, 1908: 49)

Besides this, with the establishment of Namgyal dynasty the Tibetan ideas and customs and politics were gradually practiced in Sikkim. Like the word “*Chogyal*” meaning *Dharmaraja*, was the traditional title of Tibetan origin and it had been commonly used by the various Tibetan kings in the past. Similarly, like Tibetan “*Tsongdu*” or National Assembly, the *Chogyal* of Sikkim had an assembly of monks and lay men called *Ladhi. Medi* (Gurung, 2012: 47). Meanwhile, the number of times the Tibetan regent looked after the country on behalf of *Chogyal*. For instance, during the reign of Gyurmed Namgyal (1707-1733) Jigme Pao Tibetan lama became his regent gradually with this the influence of Tibet upon Sikkimese court increased (Kotturan, 1983: 38).

Sikkim relies upon Tibet at the time of crisis.<sup>21</sup> At the same time, the grip of dependency tightened with matrimonial alliances or exchange of brides. From the very beginning the ruling families of Sikkim had maintained matrimonial alliances with the aristocrats of Tibet. The matrimonial alliances between Sikkim and Tibet

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<sup>21</sup> Sikkim had to seek help from Tibet in external threats, and *Chogyal* has taken the asylum to Tibet at many instances.

were 'tradition to follow' and almost every *Chogyal* had Tibetan wife.<sup>22</sup> Furthermore, the titles like Kalons and Dzungpons were also taken from Tibet, the language was Tibetan, and so were the manners and customs of Sikkim. Moreover, the traditional, political, and social practices of Tibetan patterns continued to flourish in Sikkim under the patronage of Tibet till the mid nineteenth century before the advent of the British. However, once British advent into Sikkim the Tibetan influences ended. Moreover, Sikkim was made to followed British customs and tradition (Debnath, 2009: 22).

### **The advent of the British in Sikkim**

The geographical location of Sikkim played a vital role in shaping the political, social, and economic history of Sikkim right from the establishment of Namgyal dynasty. Taking into consideration of geographical location the intervention of the British in Sikkim was not merely an accident correspondingly the geographical location of Sikkim was the main reason for their intervention. The history of Sikkim witnessed due to its geopolitical position and the strategic importance, Sikkim has been the area of the contest (Bhattacharya, 1997: 1).

Consequently, the mountainous land Sikkim inhabited by the Lepcha, Limbu, and Mangars have been gradually by the Tibetans, Nepalese, and finally by the British (Gorer, 1984: 35). However, it is worth to remark that right from the establishment of the dynasty to the advent of the British the Lepchas along with two other tribes were the ones who lost much of their land to Bhutias, Nepalese, and British (Debnath,

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<sup>22</sup>*Chogyal* have married Tibetan wives. In fact, out of matrimonial alliances *Chogyal* of Sikkim also held landed property and owned herds of cattle in Tibet. Such marriages introduced a new and important factor in the politic of Sikkim (Risley, 1928: iii).

2009: 12). Furthermore, besides taking their land they eventually introduced a new form of land ownership patterns which were completely different from their traditional system.

Henceforth, in the first phase of contest for the land, the migrant Bhutias were able to establish a dynasty along with it they successfully installed their religion by converting animist into Buddhist fold, brought Tibetan-culture, Tibetan language and so on. Secondly, the Nepalese from Nepal first invaded some parts of Sikkim gradually they outnumbered the original inhabitants within their land, and later they replaced semi-agricultural and pastoral practices by settled agriculture. At last, the land institution introduced by the British became a sole cause for the alienation of traditional rights in lands to newly introduced lessee landlords who were having legal rights over land. Thus the expression of natives losing their lands has been well defined by Charles Bell:

little Sikkim has lost land on all sides, for as the State Chronicles sadly records, it has shorn by Powerful hordes of elephants from the south, Active hordes of monkeys from the west, Cunning hordes of foxes from the north (Bell, 1998:7).

Here elephant represents the British, the Gurkhas (Nepalese) monkeys, and the Tibetans as foxes. These three powers have devoured large slices of Sikkim (Bell, 1998: 7). Along with slicing Sikkim into pieces and devouring the powerful hordes of elephants brought tremendous changes in the land ownership patterns of Sikkim especially by the end of the nineteenth century. It was under the British influence a well- codified land tenure system was introduced in Sikkim which was completely a new scenario to Sikkimese history (Sinha, 2008: 95). This in return brought changes in agrarian society. Therefore, it can be said that the most striking development,

which Sikkim ever witnessed, was emerged only after the advent of the British. Henceforth, to demonstrate the changes which took place in the land ownership patterns in Sikkim under the British influence first of all it is essential to have a fair knowledge about the advent of the British in Sikkim.

The supremacy of the British government in India during the nineteenth century was at its zenith. Subsequently, there were no other powers that could match or even competed with the power of the British Empire either in the land or in the sea. The overenthusiastic and overwhelming powers of the British government during the century explain by Neeville Maxwell, “the eighteenth and nineteenth centuries, British power in India expanded, filling out control of the peninsular sub-continent until it reached the great retaining arc of the Himalaya” (Maxwell, 2015: 3). Whilst, it was also the period when the enthusiasm and the desire of the British government to expand trade with Tibet in general and, China, in particular was at full swing. Risley’s account suggests that “Tibet offers a great market for certain articles of English manufacture. The Tibetans will take from us, we are told, any quantity of broadcloth, piece-goods, cutlery, hardware, and other odds and ends which are not worth mentioning. They may also, if their peculiar fancies are consulted, buy up a good deal of the Indian tea which fails to command a remunerative price in other markets. In return, they will send us wool of admirable staple but dubious cleanliness, musk, ponies, yaks tails, borax; and they may, if they can but get over their superstitious prejudices against mining, contribute to the solution of the currency problem by flooding the world with fresh supplies of gold” (Risley, 1928: xii). From his statement it is clear that to British Tibetan market was thus worth to deal with.



Other than trade the less visible but important reason why they wanted to establish a link with Tibet was to secure their position in Central Asia. In another words, it can be said that, extremely sly and smart British not only looked upon Tibet from the prospect of trade butpolitically and militarily they were interested in that region to secure their position in central Asia. As N. Ram writes, “Warren Hastings’ interest in Tibetan Himalayas looked expansively to piercing the mountain range and paving the way to trade between Bengal on the one hand and Tibet and the provinces of Central Asia on the other” (Ram, 1974:62- 63).

The similar, statement also finds in the writing of Alex Mckay, “British attempts to open Tibet to trade and to define its northerner frontiers, because more urgent as the Russian Empire expanded eastwards and British fears grew of a Russian move against India” (McKay, 1992: 400).

However, to reach Tibet there were several routes from the Tibetan plateau to the plains of India through which passed pilgrims and limited trade. One of the best known of these lay through the Kathmandu valley, its terminus being Benares (Lepcha, 2008: 4). However, the British India at that juncturedesperately looking for easy routs to reach Tibet and then the geographical location of Sikkim instantly grasps their attention.Sikkim although tiny but set in a perfect spot in fact it was the gateway to Tibet, particularly to Lhasa and the other major towns, such as Gyantse and Yatung, of southern Tibet (Ram, 1974: 59).

While, Bhutan and Sikkim both were the possible gateways to Tibet however, Sikkim being weaker was easy access and strategic benefits to the British (Das, 1983: 6). Nevertheless, Sikkim besides being easy access, weak, and strategic important was closely linked with Tibet and shared a very cordial relationship. Consequently, due to

close the affinity of Sikkim with Tibet along with its strategic location Sikkim acted as a bulwark against the possible Nepal-Bhutan alliances against British India. Carry out by the above reasons British chose Sikkim to expand its commercial network with Tibet (Tamang, 2016: 46). Thus the primary interests of the British towards Sikkim were;

1. First of all, Sikkim was easily accessible.
2. Second, Sikkim would facilitate communication with China through Tibet.
3. Last but not the least; from Sikkim the British would easily prevent possible Nepal-Bhutan intrigues against them (Sen, 1975: 346).

However, the British were in no hurry to grab Sikkim and waited for the right time. This was most probably because the prime aim of the British was to enter into Tibet for the trade. They, might have, thought that their sudden possession of Sikkim may upset their prime aim 'trade'. Thus they waited, moved slowly step by step to achieve their ultimate goal (Bhattacharya, 1992: 65-66).

Finally, they got chance to establish a link with Sikkim when they involved in a crucial war with Nepal over the Gorkha encroachments issue of in the Terai region that belonged to the Company. Since the British were new in the area and they were afraid that Nepal might get the support of China and Bhutan against them. However, the British find out that Sikkim was the only state which was not happy her neighbors i.e. Bhutan and Nepal (Shukla, 1976: 20). Sikkim, being threatened by her neighbors Bhutan from the east and Nepal from the west Sikkim eventually seeks the help of the British East India Company. Subsequently, the link of Sikkim with British East India Company began during the reign of the seventh *Chogyal* Tsugphud Namgyal (1785-1863) (Das, 1987: 44).

During his reign, Sikkim was having internal tension regarding the succession of the throne and external pressure concerning its territorial integrity with its Nepal. *Chogyal* Tsugphud Namgyal was one of the most unfortunate and troublesome periods of Sikkimese history<sup>23</sup> (Kottaran, 19983: 42-43). Ultimately, the disturbances have weakened the administration of Sikkim and to some extent the disturbances which Namgyal dynasty was facing proved to be the greatest benefited to British diplomacy. Consequently, it made Sikkim seek their help and that is what they wanted. In *the History of Sikkim* Maharaja Thutob Namgyal and Maharani Yeshe Dolma too confirms Sikkim seek the help of the British East India Company against Gurkhas (Namgyal & Dolma, 1908: 55).

Subsequent result of this was, Sikkim just on a blink of eyes involved in British diplomacy and was considered the friend of the British in the Anglo-Nepalese war. Meanwhile, in 1817 Nagri-Jong was successfully recaptured. In 1815 the Gorkhas was drive out from south-west Sikkim with the help of the British. Therefore, it can be said that when Sikkim was involved in the Anglo-Nepali War of 1814-1816 she came under the influence of the British for the first time (Bhattacharya, 1992: 66).

Nevertheless, the Anglo-Nepali War came to be an end with the Treaty at Segauli in 1816. In a meantime, this Treaty restricted to the Gorkha king from invading Sikkim which was indeed a great relief for the *Chogyal* of Sikkim. However, in 1817 again a new treaty was signed between British East India Company and Sikkim at Titalia in 1817. Moreover, the Treaty was the first Treaty that was signed directly between British and Sikkim. This Treaty offered Sikkim protection against the Gorkha invasion. However, at the same time the very Treaty of Titalia marked the beginning

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<sup>23</sup> It was during his period Darjeeling district was lost to British by Sikkim in 1835 (Upadhyay, 2017: 54).

of the end of Sikkim independence and initiated the British penetration. Moreover, the Treaty of Titalia proved to be a trap for the *Chogyal* set by the British, because right after this Treaty Sikkim has to inform each matter of dispute to the British East India Company for arbitration (Bhattacharya, 1992: 66-67). Meanwhile, as for the political point of view this Treaty has significant importance to British:

1. First of all, it helped them to check the expansion of Nepalese towards the east. With the restoration of the territory between the rivers Meehi (Mechi) and the Teesta Sikkim turned into a strong buffer state lie in between Nepal and Bhutan.
2. Second, the provisions of the treaty have brought Sikkim under the influence of the British India for the first time. Consequently, it has limited the freedom of action of Sikkim to a greater extent.
3. Last but not the least, by this treaty they have achieved what they were actually looking for 'profit' trade privileges and the right to trade up to Tibetan frontier (Sen, 1975: 374).

After the treaty was concluded Sikkim was able to restore most of its lost territories from Nepal. However, it was ultimately the British who gained most of the benefits from this treaty in fact more than Sikkim itself. Again, two months after the signing of the Treaty of Titalia 1817, Lord Moira ceded an additional territory of Morang to Sikkim to strengthen the position of Sikkim as a buffer between British India and Nepal (Sen, 1975: 374).

Without any doubt, the Treaty benefited British to a large extent unfortunately to Sikkim it proved to be a huge loss. Meanwhile, this treaty widened the hostility between the Tibetans and the Bhutias aristocracy on the one hand, and the British on

the other. Subsequently, this led to several British military expeditions to Sikkim, from 1850-1860. As a fruit of their hostility once again, the Treaty of Tumlong was signed in 1861. This Treaty was signed between the Sidkeong Namgyal and Ashley Eden<sup>24</sup> on behalf of the British. Moreover, this Treaty was considered as a master-stroke of British diplomacy over Sikkim. The Treaty had twenty-three articles and it spelt out more elaborate relationship between Sikkim and British India. Simply put it made Sikkim a *de facto* protectorate of the British (Shukla, 1976: 26).

Amongst the twenty-three articles the articles 18, 19, and 20 are pertinent. The Article 18 runs as, “The whole military force of Sikkim shall join and afford every aid and facility to British Troops when employed in the Hill”. The article 19 says, “The Government of Sikkim will not cede or lease any portion of its territory to any other States without the permission of the British Government”. Similarly, the 20 explains, “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” (Sharma & Sharma, 2005: 9).

Entertaining to all these development Risley confronts, “following our traditional policy, we meddled as little as possible in the affairs of Sikkim” (Risley, 1982: iii). Unfortunately, the Treaty accords the British paramount position. In simple word it can be said, after this Treaty they became the king makers of Sikkim.<sup>25</sup> Nevertheless, this time also due to the hostility between the Tibetan and the Bhutia aristocracy jointly against the British India the *de jure* status of Sikkim was not clearly defined.

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<sup>24</sup> The then Lieutenant Governor of Bengal.

<sup>25</sup> Like in 1874, the claim of Thinley Namgyal for succession was thwarted by the British and favour Thutob Namgyal. Further, after the death of Thutob Namgyal his second son Sidkeong Tulku became the *Chogyal* of Sikkim as John Claude White British Political Officer did not want Tchoda Namgyal first son of Thutob, to be a *Chogyal* of Sikkim (Tamang, 2016: 48).

Thus the Treaty of 1861 also proved to be failed as far as defining the *de jure* status of Sikkim (Chhetri, 2012: 98). Recalling the achievement of the Treaty of Titalia and problem arises due to hostility from the Tibet Risley remarks:

By the treaty of Titalya we [British] assumed the position of lords' paramount of Sikkim and our title to exercise a predominant influence in that state has remained undisputed for seventy years, until recently challenged by the monastic party in Tibet (Risley, 1982: iii).

Finally, the Tibetan hostility against the British interests in Sikkim came to an end with the signing of the Anglo-Chinese Convention in 1890. The Anglo-Chinese Convention which was signed at Calcutta in 1890 clearly pronounced the 'Protectorate' status of Sikkim (Chhetri, 2012: 98). As a result of the 1890 Convention, Tibetan hegemony over Sikkim had finally come to an end (Sinha, 2008: 55). However, when the Convention was signed neither Sikkim nor Tibet were consulted or were attended the convention. In fact, both countries rejected the convention. This was the first instance where the British Government illegally alleged to assume direct control of the internal and external affairs of Sikkim. The word "Protectorate" also appears for the first time.<sup>26</sup>

While once, the 1890 Convention was concluded it not only determined the border between Tibet and Sikkim, but it expressly acknowledged the British supremacy in Sikkim. So far as the status of Sikkim was concerned its external affairs and internal administration came directly under the sway of the British government of India (Sengupta, 1985: 6). Certainly, Clause 2 of the Convention admitted the British Government, protection over Sikkim State. It also recognized both direct and exclusive control over the British Government in internal administration and foreign

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<sup>26</sup>[eap.bl.uk/project/EAP800](http://eap.bl.uk/project/EAP800). EAP880/ 1/1/6/4

relations of Sikkim and so on (Debnath, 2009: 23).

Furthermore, the boundary of Sikkim and Tibet was also fixed by the Anglo-Chinese Convention, which was the crest of mountain range forming the watershed between the river systems (Basnet, 1974: 57). Likewise, it is noted that, for several decades, the frontier between Sikkim and Nepal remained an intense matter of concern as well as contested without any decisive outcome from both sides (Warner, 2014: 25).

After, British influences started in the Himalayas the frontier issues between Nepal and Sikkim finally settled down. The creation of official boundaries between the frontiers of Nepal, Bhutan, and Tibet was itself a new phenomenon in the political history of Sikkim under the wings of British India. Undoubtedly, with the creation of the boundaries, Sikkim was completely secured from the threats of its neighbours, especially, from Nepal and Bhutan. Certainly, by bringing Sikkim under their protection they actually want to secure their positions in Central Asia. According to Maxwell “the achievement of the British policy through the nineteenth century was the reversal of the allegiance of the Himalayan states, in reality so far as Nepal was concerned, and in form as well in the cases of Bhutan and Sikkim” (Maxwell, 2015: 24). Meanwhile, the cunning moves of British government regarding the Himalayas undoubtedly proved to be fruitful in later period or most likely to say during the twentieth century as Maxwell stated:

With Nepal, Sikkim, and Bhutan converted into what Curzon in 1907 described as a chain of protectorates, the British were content to rest their boundary their comfortable beneath the foothills. So long as Britain was confident that her influence over those states was sufficient to exclude that of rival powers, a boundary on the plains was satisfactory; the approaches to India could be guarded by obedient

feudatories as securely as by British power itself, and far more cheaply (Maxwell. 2015: 25).

No doubt, due to trade route Sikkim play an important role and as a bridge linked the British India and Tibet. However besides, commercial interests' it is also observed that from the prospect of defense Sikkim was equally important to British India. Henceforth, the visitors from Europe and America were allowed to enter into Sikkim only after obtaining special permission from the British India (Joshi, 2004: 62-63). Article 5 of the treaty of Titalya 1817 mentions, "That he (*Chogyal*) will not permit any British subject not the subject of any European or American State, to reside within his (*Chogyal*) dominions, without the permission of the English Government" (Sharma & Sharma, 2005: 2).

Interestingly, the above provision continued to implement in Sikkim especially under British Political Officers. For instance, under the British Political Officer provision was implemented in the prohibition of Europeans entering into Sikkim without a pass.<sup>27</sup> But to be sure it was the 'Protectorate' nature of Sikkim which eventually turns it into proto-type of British colony'. The convention 1890 made Sikkim one of the 'Protectorate' states of British India. However, by converting Sikkim into 'Protectorate' states Sikkim alone was not protected from her ferocious neighbors. But as a matter of fact, by bringing Sikkim under British control they secured their own interests but converting into proto-type of the British Colony. Although, Sikkim was strategically very important to British they never converted it into one of their colonies. They could have annexed Sikkim to their Indian Empire but they did not; for they thought that the gains accruing to them by the exploitation of their hold over Sikkim would, in the long run, outweigh whatever little they would have gained by

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<sup>27</sup> File No. 9/17/1921. SL No 72. Land Revenue Department. Government of Sikkim, 1921.



outright annexation. Initially, they were not interested in Sikkim sure their interests lie upon Sikkim to expand their trade linked to Tibet and the China. They were fully aware with the fact that the move of act of annexation of Sikkim with force would have seriously disturbed their efforts to enter into Tibet (Basnet, 1974: 50).

Simply by annexing tiny Sikkim, they do not want to miss their chances to enter into 'Roof of the world Tibet' and 'Land of the Red Dragon China'. Therefore, they decided to treat Sikkim as an open window to reach the Chinese in general and Tibetans in particular for trade, which meant how so ever pressing the situation might be, Sikkim would not be turned into a colony, but its effective control would be within the British hands (Sinha, 2008: 91). Similar situation was also visible in Nepal British considered annexing Nepal after they had defeated her in the Gorkha War (1814-1816) but decided that the move would be too likely to incur Chinese reaction. They were content thereafter with a situation in which Nepal continued in the form under China's suzerainty, but in fact, accepted British control of her internal and external affairs. In 1890 China signed with Britain a convention recognizing Sikkim as a British protectorate and delimiting and demarcating the Sikkim-Tibet boundary (Maxwell, 2015: 24).

Thus carry out by the above instances Sikkim came under the direct influence of the British perhaps, Sikkim was never converted nor transformed into classical colonies of British India however firmly remained under their indirect control as a proto-type of British colony till 1947 (Tamang, 2016: 49). Nevertheless, although there was a gulf between 'Classical Colonies' and 'Protectorate' Sikkim of British India but the introduction of the land institution was more or less the same. Thus, under the British influences the land ownership patterns of Sikkim changed from customary or

traditional land holding to British legal property right in the land. Under the new institution, the ownership of the land passed into the hands of the state which was under the influence of the British.

Subsequently, all the lands brought under the direct control of the State which was under the control of British. Thus, *The Administration Report of Sikkim State* records that “every inch of land in the State, broadly speaking belongs to the *Sarkar*<sup>28</sup>, the Government of the country. The rights of the ryots were fixed and secured and are governed by State Notifications. The ryots derived their title from the *Sarkar*, regards his landed property as fully private, heritable, saleable, and otherwise transferable property. The complexity of the land revenue system of the State and the nature of leases issued to the various lessees and lords or Elakadars in the working of that system can be appreciated only when it is fully realized that the theoretical owner to the individual proprietors of different holdings, subject to the land laws of the State”.<sup>29</sup>

Thus on the background of *The Administration Report of Sikkim State*, it can be said that the property rights institution was established in Sikkim with the introduction of a new structure in the land in the form of lessee system to generate revenue. However, the dissatisfaction of *Chogyal* regarding the establishment of new land institution noticeable from the Royal Account *The History of Sikkim*:

When His Highness the Maharaja (Thudup Namgyal) was detained in Kalimpong Mr. White with the aid of the Council carried out settlement works, basing the division mainly on the pattahs granted by

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<sup>28</sup> The British Government.

<sup>29</sup> *Administration Report of the Sikkim State for 1930-1931*, Calcutta: Government of India

the former Maharaja of Sikkim, but with modifying the ancient system of the land division (Namgyal & Dolma, 1908: 103).

Nonetheless, it is interesting to observe that, Sikkim which was merely a buffer state however, land ownership patterns or lessee system was a copy of revenue realizing policy that was prevalent in Bengal. Thus, similar to the *zamindari* system of the Bengal lessee system was introduced in Sikkim carryout by the land 'settlement policy'. Under the lessee system, the ownership of land was made through the legal system with the issue of *patta*.<sup>30</sup> The main person behind the introduction of the institution in this type of property rights institution on the land in Sikkim was John Claude White the first Political Officer in Sikkim. In short, the property rights institution in Sikkim through land settlement policy was introduced by him in 1889. The legacy left by him was continued by his successors until 1947.

From the above instances, it is clear that the supremacy of British in Sikkim was an event full process that had far-reaching and significant consequences in the Sikkimese history. From above, one cannot deny that fact that in the pre-British period the court of Namgyal dynasty was an active battlefield with intrigues, factionalism, conspiracy, and as well as insatiable owing to the external and internal threats. Henceforth, due to the constant invasions the security of the country was one major issue. However, by the Treaty of 1861, the destiny of Sikkim was virtually drawn as one of the 'Protectorate' states of the British India (Ram, 1974: 63). Certainly, the Treaty provides a sense of security to Sikkim as far as external threats was concern. Under the British protection Sikkim was permanently secured from the external threats perhaps, internal fractions continued to persist. Consequently, these internal fractions played a major role in establishing the new land settlement policy as directed by John

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<sup>30</sup> Discussed in detail in the next chapter.

Claude White first British Political Officer in Sikkim.

### **Beginning of new phases under the British influence**

After the ascendancy of British in Sikkim, the processes of changes have taken place on its relation with as well as on its traditional socio-political existences. Right from the establishment of Namgyal dynasty, Sikkim had maintained a cordial relationship with Tibet. However, with the advent of the British, the relationship between Tibet and Sikkim deteriorated (Tamang, 2016: 45). British not only protected Sikkim from the 'alien' Europe and America but Tibet which was supposed to be the father figure to Sikkim and it was also kept in isolation after their influence started. Carry out by the above instances the *Chogyal* was virtually cut off from the routine administrative responsibilities. Since, in the conflict between the British and Tibetans, Thutob Namgyal supported Tibetans. However, after the success of the British military expedition over Tibet, the *Chogyal* fled to Chumbi in panic in March 1892 (Kotturan, 1983: 44).

Although, the *Chogyal* was forced to come back to Gangtok but he refused to cooperate with the British in their designs. As a result of this the *Chogyal* was put under confinement and subject to extreme deprivation. For years together, the ruling couple<sup>31</sup> was subjected to harsh treatment and was shuttled from Tumlong to Kalimpong, to Kurseong, and Darjeeling (Sinha, 2008: 60). The instances of removing *Chogyal* for years as explained by White:

Government decided that it would be to the advantage of the State to remove the Maharaja from Sikkim for a time, and Kurseong, in the Darjeeling district, was proposed as his residence. It was my

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<sup>31</sup>*Chogyal* Thotub Namgyal and Maharani Yishey Dolma.

unenviable task to have to convey these orders to Their Highnesses, and their reception of the news was most characteristic (White, 2009: 25).

Even though in 1895 *Chogyal* returned to Sikkim, he was given back the charge of Judiciary only and Political Officer; John Claude White refused to return any sovereignty to Thutob Namgyal<sup>32</sup>. In simple words, the *Chogyal* was made no less than a prisoner in the hands of Political Officer, John Claude White (Debnath, 2009: 23).

### **The appointment of White as first Political officer**

The absolute control of the British Government over the foreign relations and internal administrative affairs of Sikkim was successfully secured through the Convention of 1890. However, this was the turning point in the history of Sikkim. In 1889, just one year before the signing of the convention, the British government appointed John Claude White, a civil engineer by training, as the first Political Officer to clean the administrative mess and checkmate the Tibetan influence in Sikkim (Sinha, 2008: 60). Notably, after appointing White the lists of British Political Officers continue to add India got Independent in 1947. The British Political Officers who were appointed in Sikkim from 1889-1947 were as follows;

John Claude White was appointed in 1889 and retired in 1908. After his retirement Sir Charles Alfred Bell was s second appointed Political Officer of Sikkim, Bhutan, and Tibet in 1908. However, in 1918, Bell relocated to Darjeeling where he devoted two years to the study of Tibet. Major William L, Campbell took over as Political

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<sup>32</sup> Political officer John Claude white who was supposed to be appointed to assist and advise *Chogyal* resumed all powers.

Officer Sikkim but unexpectedly resigned in 1920. Owing to this, Charles Bell resume takes the charges of Political officer for a short time. Then William Frederick Traves O'Connor occupied the post. The next Political Officer was the famous frontiersman Lt-Colonel Frederick Marshman Bailey in 1921. In 1928, he was succeeded by Major James Leslie Rose Weir. Then after James was Frederic Williamson in 1933. Sir Basil Gould took over in 1935 until 1945. Arthur John Hopkinson succeeded Sir Basil Gould in 1945 as the last British Political Officer. Thus, Hopkinson was the last British Political Officer remained in Gangtok until 1947 (Denjongpa, 2008: 173-177).

Table No. 2. 1: Political officers and their tenure in Sikkim from 1889-1947

Sl. No.	Name	Year
1	John Claude White	1889-1908
2	Sir Charles Alfred Bell (B.J.Gould acting PO*)	1908-1918
3	Major Willam L. Campbell	1918-1920
4	William Frederick Traves O'Connor	1920-1921
5	Lt-Colonel Frederick Marshman Bailey	1921-1928
6	Major James Leslie Rose Weir	1928-1933
7	Frederic Williamson	1933-1935
8	Sir Basil Gould	1935-1945
9	Arthur John Hopkinson	1945-1947

Note: \* In the absence of Political Officer, acting Political officer was also employed and this happens many times. For or instance, on 10<sup>th</sup> September Charles Bell, went Simla to join the Tibet Conference as Assistance to the British Plenipotentiary. Thus, on his behalf, B.J. Gould, I.C.S. assumed officiating charge of the office of Political Officer in Sikkim in Simla from Bell on 13<sup>th</sup> October 1914 and arrived in Gangtok on the 30<sup>th</sup> October 1914.<sup>33</sup>

Source: Anna BalikciDenjongpa. *British Residency in the Himalayan State of Sikkim: A Heritage Building Restored to its Former Glory*. Bulletin of Tibetology. Namgyal Institute of Tibetology: Gangtok. Volume 44. No. 1 and 2. 2008, pp 173-177.

<sup>33</sup>Administration Report of the Sikkim State for 1913-1914, Calcutta: Government of India.

A. C. Sinha opines that among the assorted British Empire-builder, who played significant roles in carving out the territories in different sections of the globe for the British emperors, there were many faceless individuals, whose names are rarely mentioned in the annals of history. Born in Calcutta in 1853 attended secondary school in Bonn, Germany and graduated in 1876. He was a civil engineer from the Royal Indian Civil Engineering College and worked in Bengal Public Works Department (Sinha, 2008: 91-92).

John Claude White in his long career serving under the British Empire spent twenty-one years in the Nepal, Bhutan, and Sikkim. In his work *Sikkim & Bhutan Twenty-One Years on the North-East Frontier 1887-1908* he has expressed his intimate knowledge of the Frontiers. In latter generation his work proved to be the ray of light in the dark leads many scholars towards some of the unapparent facts about Sikkim. Recalling his days of service in North-East White writes:

My Indian career has extended to nearly thirty-two years of active service, and of that more than twenty years were spent on the North-East Frontier in the administration, as well as the political charge, of the little-known State of Sikkim (White, 2009: vii).

While, White on his appointment as first Political Officer in Sikkim says:

I was offered the post of Political Officer in administrative charge of the State of Sikkim. Naturally I gladly accepted an appointment which would give me an opportunity of living in a country I was so anxious to see more of, and I have never regretted my decision (White, 2009: vii-viii).

Right after his arrival in Sikkim the actual powers passed into his hands the real power of the administration of Sikkim had been retained by the political Officer

whose residence was just few minutes far from Palace (Joshi, 2004: 62). Moreover, it can be said that the then *Chogyal* of Sikkim was under British control (Denjongpa, 2008: 172). Following this, the political officer had three types of power:

1. He would advise and assist the *Chogyal* in administration, thereby exerting his influence behind the curtain.
2. He would act as the final authority for the matters that were referred to him by the landlords.
3. He had the sanctioning authority of the state budget on behalf of the government of India and as such exerted a great influence in the economic matters of the state. In fact, the remaining powers in the hand of the *Chogyal* were only nominal as the British frequently over-ruled the royal decision and on occasions even imprisoned the *Chogyal* (Debnath, 2009: 24).

Since Sikkim was strategically important to British India as being the main road between Tibet and India, and nearly all the trade between the two countries passes through it. Thus to serve the best interest of the trade Political Officer himself look the affairs of the trade. The political officer himself, assisted by trade agents inside the Tibetan frontier, overlooks this traffic (Gorer, 1984: 43). As Alex McKay points out in *The Indigenisation of Western in Sikkim* “As the imperial representative in Gangtok, White enjoyed considerable powers it was difficult for a local state to resist the ‘advice’ of a Political Officer who so prominently represented the economic and military power of the British Empire-and until his retirement in 1908. Further adding to; it Alex McKay says, “White effectively ruled Sikkim through a *Durbar* that he appointed and controlled” (McKay, 2004: 25).

The social, economic, and political scenario of Sikkim at the time he joined his duty



was not at all good. So, what he noticed was total mess. His imagination of Sikkim can be understood from what he remarks:

Chaos reigned everywhere, there was no revenue system, the Maharaja taking what he required as he wanted it from the people, those nearest the capital having to contribute the largest share, while those more remote had toll taken from them by the local officials in the name of the Raja, though little found its way to him.... (White, 2009: 26).

White admits that the task before him seems to be interesting though but not at all easy. Meanwhile, he also acknowledges his absolute control over the administration of Sikkim as he put it, “everything was in my hands”. Subsequently, his first step was to appoint Council. Second, was to devise means to raise revenue, and third was to encourage immigration to bring more land under cultivation (White, 2009: 26). Thus the instant changes visible just after White assumed the power of Political Officer was thus the creation of pro-British Advisory Council.

### **Creation of the Advisory Council**

Basic changes were made in the administrative set-up as well as in the structure and machinery in the Himalaya which were gradually brought under the control of the British Indian (Ram, 1996: 694).

Likewise, in Sikkim under the British changes were made in the structure and machinery of the administrative set-up of Namgyal dynasty and the initial change was the creation of Council. From seventeenth century onwards to the middle of the nineteenth century, Sikkim looked towards Tibet as their guardian in all the matters of importance. Moreover, Sikkim perceives Tibet as a protector against political foes. However, with the advent of the British the whole situation has been changed.

Moreover, by the virtue of the Treaties Sikkim was made to look upon British India rather than Tibet. Subsequently, under colonial administration, J.C. White set up an administration on modern lines by transforming its already established feudal structure based upon the customary lines (Bhattacharya, 1992: 31). Thus initially he took up the cause of administrative transformation since the administrative reforms were his priority. After that to provide an institutional forum for his support, White, appointed an Advisory Council in between 1889-1890 later called State Council. Pertaining to note the Advisory Council created after replacing the traditional Council which had remained a larger and more representative body (Sinha, 1975: 20).

The Advisory Council consists of the representative body of four kazis, two Lamas and two *ex-Dewans* (ministers) of the ruler that were known for pro-British proclivities. In the beginning, the members of the Council were Khangsa Dewan, Phodong Lama, Sheo Dewan, Lhari Lama, Gangtok kazi, Tashidingkazi, Encheykazi, and Rhenok (Sinha, 2008: 60-93). The Councilors Phodong Lama, Karma Tenkyong and Khangsa Lhundrup Dewan knowingly or unknowingly were the pro-British aristocrats and they played a crucial role in the administration. Subsequently, the legacy of these two men was continued by their descendants in the later period. During the reign of Thuthob Namgyal, Khangsarpa brothers Phodong Lama Karma Tenkyong and Khangsa Lhundrup Dewan involved in the direct disloyalty to the *Chogyal* while they stood up against the *Chogyal's* decision and actively involved in the settlement Nepalese in Sikkim<sup>34</sup>. Hence, they became an arch enemy of *Chogyal* and the Pemayangtse lamas (Tamang, 2016: 53).

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<sup>34</sup> Discussed in detail in later chapters.

According to Risley, “White was appointed to offer an opinion or to console and to help the *Chogyal* in his administration of the counter. A representative Council selected from the chief men in Sikkim was also established with the same view (Risley, 1928: 26). But, if we look at it neither White nor Council members advised or assisted *Chogyal*. Moreover, the Political Officer presents himself as the president of the Council and the Council members function under White as his advisory body. In simple words, he administered the state affairs with the help of this Council which was primarily composed of the landlords. However, soon enough the Council also increased in number and surprisingly the membership of the Council was also opened for the Nepalese as well. Consequently, the Nepali thikadars were also included as the members of the Council over a time. In the year 1909-1910 the total number of the Council members was seven excluding the Political Officer. These seven members were Bermaik *kazi*, Jerung Dewan, Lasso *kazi*, Yangthang *kazi*, Tasang *kazi*, Rinzing *kazi*, Rai Sahib Haridas Pradhan. The then Political Officer was C.A. Bell (Chhetri, 2012: 100-101).

As said earlier, the members of the State Council were mainly consisted of kazis, thikadars, and lamas and to run the administration of the State White has to rely upon them (Tamang, 2016: 52). In other words, it can be said that the under the British subjugation the Sikkimese court not only witnessed significant changes in the administration but many non-Tibetan elements was introduced into the political system (Sinha, 2008: 40).

However, it is worth to mention that most of the members of the Council were pro-British or selected through a “divide and rule” policy<sup>35</sup>. Moreover, the pro-British

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<sup>35</sup> Explained in detail in chapter six.

Council members had no objection with the introduction of non-Tibetan elements in the political system of Sikkim. In fact, this group favored the leases of lands and immigration of Nepalese. Interestingly, the lease of land was a deliberate policy comes under the land settlement program initiated by none other than White from 1889 onwards. Through this new land institution individual ownership was created in Sikkim in the form of a lessee system. However, the land settlement of 1889 made by White cancelled all the former grants of lands based on customary rights and tradition. Meanwhile, the *patta* issued by him did not include the rightful piece of land possessed by its actual owners who owned the lands for generations to generations.<sup>36</sup>

While it is to be noted that, most of the influential Council Members were kazis and later thikadars. At the same time the kazis and thikadars besides being the member of Council held perpetual *patta* on a lease as lessee lords.<sup>37</sup> The creation of the pro-British Advisory Council, later on, made a profound impact in decision making in favour of British interest. Not only the creation of Advisory Council changed the traditional Council of Namgyals but the establishment of other administrative<sup>38</sup> bodies like Land Revenue Department, Durbar Department, Forest Department, General Department, and Judicial Department mark the end of traditional customs and tradition and beginning of new set up of administration structures in Sikkim.

As seen above the internal and external disturbances of Sikkim during the reign of seventh *Chogyal* have weakened the administration of Sikkim to an extent that it finally made Sikkim to seek help of British East India Company. To the Company it proved to be a great opportunity as they were casting their eyes towards Tibet for

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<sup>36</sup> File No 5/25/1912. SL No 46. Land Revenue Department, Government of Sikkim, 1912.

<sup>37</sup> Discussed in chapter five.

<sup>38</sup> Established from 1890-1909

trade. To them Sikkim was the perfect gateways to reach Tibet and therefore they were interested in Sikkim. Eventually with the Anglo-Nepalese War the initial connection between Sikkim and British began. Nevertheless, afterwards with the diplomacy of British other treaties were also concluded and gradually British supremacy in Sikkim was acknowledged. At the end with the Convention of 1890 Sikkim came under the direct influence of British India.

In addition, a year before the Convention British Political Officer was also appointed in Sikkim. With the appointment of the British Political Officer it finally marked the end of the independence of Sikkim in general and *Chogyal* in particular. The Political Officer took the control over the administration of the country and greatly curtailed the powers of *Chogyal*. To administer the affairs of the country Political Officer created a Council known as Advisory Council. Interestingly, the Political Officer was the President the Council was the advisory body to the Political Officer the newly created Advisory Council. This Council member greatly worked to secure the interest of Political Officer in many aspects. Besides, this J. C White also instrumented new institution in the land 'lessee system' based on legal ownership of individual in land. As a result of it lessee landlordism was firmly established in Sikkim.

Nonetheless, before going into detail about the changes made by the British in the patterns of land ownership in Sikkim it is crucial to have a clear understanding about the pre-British land ownership patterns. Thus, in the coming chapter land ownership patterns of Sikkim under the chogyals will be discussed.

## CHAPTER III

### PRE-BRITISH LAND OWNERSHIP PATTERNS IN SIKKIM

In Sikkim right from the establishment of Namgyal dynasty ownership in land displayed the mark of power, position and as well as wealth. The genesis in the advancement of legal individual ownership in land accelerated full-fledge in Sikkim under the influence of British or after the British influences started in Sikkim from 1889. Although, the legal ownership in a land greatly developed in Sikkim under the British, however, one cannot overlook a visible indication of individual and common ownership in land in pre-British influence. Nevertheless, one striking feature of Sikkimese land ownership patterns in the pre-British period was its traditional mode. Simply stated, unlike British legal ownership in the land the individual and common ownership in land in Sikkim were based upon customary or traditional rights primarily based upon loyal services in exchange for lands. While, the whole set up of customary or traditional rights patterns of land ownership seems to have developed with the establishment of Namgyal dynasty by Phuntsog Namgyal<sup>39</sup>. The rudimentary steps in establishing a whole new set up in land begun with the transforming of minor chiefdoms into 'proto-state' based on a Tibetan model of the political hierarchy (Mullard, 2011: 87).

But here it is worth to mention that during Phuntsog Namgyal the customary rights in land were flexible not rigid as it was seen during the reign of his successors. Meanwhile the rigidity in customary rights in land developed as soon as land turned out to be an important asset to be owned for many aspects as such for tax, service, and to a greater extent for political power. Consequently, the land turned out to be an

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<sup>39</sup> The first *Chogyal* of Sikkim.

important asset as a division of society was entirely based upon the control of land and landed property.

Thus during an entire period of Sikkimese history ownership in the land played a vital role in semi-tribal society to monarch and finally to proto-colony under the British influences. Therefore, to see the changes in the patterns of land ownership under British it is essential to trace the background of land holdings of pre-monarch and under monarch. Jagdish Chandra Debnath in *Economic History and Development of Sikkim: before and after Independence* thus eloquently writes:

To have a proper understanding of the economy of any country and its problem it is necessary, first of all to acquire a fair knowledge of the country pertaining to its different aspects like geographical features, people, historical background, political set-up and cultural factors, and the influence of all these on the economic (Debnath, 2009: 3).

### **Pre-Chogyal land holdings in Sikkim**

In any society, whosoever controls the land consequently wealth, stability, and powers remain in their hands (Gupta, 1992: 37). Similarly, in the newly established Namgyal dynasty land without doubt, was the grand pillar of the socio-economic structure and ownership over it indeed very crucial to determine political and economic interest. Subsequently, it was from this period onwards land turned out to be the most valuable assets and ownership over it means power, prestige, and position. Whilst, one without who do not have rights over land remained under the mercy of landlords. However, it is worth to mention here is that the relationship between the land and the aborigine of Sikkim of pre-Namgyal were utterly different as what the scenario of land and man relationship under a monarch.

Although the history of the pre-Namgyal period is obscure to depict due to the lack of written documents and historical records. However, few sources are available to us in the form of legends, folk-lore, traditions, and of course oral sources. The existence of popular folklore and legends vaguely indicates having tribal set-up in the pre-Namgyal period. Popular folklore legends and all the general history of Sikkim referred how first *Chogyal* engaging himself in subduing and winning over the tribal chiefs inhabiting the country (Risley, 1928: 19). Moreover, authors like Pranab Kumar Bhattacharya and Dr. Yeshe Choedon support the statement that early before the monarch has established the country was stateless, divided into a number of principalities with no central political power (Bhattacharya, 1984: 8; Choedon, nd: 73).

Besides, the statement of the stateless country with no central powers yet other statements of having tribal set up accepted by them. Subsequently, having tribal set-up is a crucial fact which through light on common ownership in the land. In the stage of the stateless nation with no central political power the Lepchas, Limbus, and Mangars settled in the country. They led a tribal life and call of their tribal leaders who were a credit to organize them. Meanwhile, the advice and opinion of tribal leaders were sought in important matters and as was followed by everyone (Bhatt & Bhargava, 2006: 17).

While, amongst the tribes settled in the country the earliest is believed to be the Lepchas or *Rong*<sup>40</sup>, they were organized under the local chief (Tamang, 2016: 15). According to the popular legends The-Kong-Tek one of the chiefs of Lepcha was a wizard and it was with his Khey-Bumsa has established a blood brotherhood treaty.

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<sup>40</sup> The Lepchas called themselves *Mutanchi Rong Kup Rum Kup*, literally means 'Mother's loved one' 'Children of the Snowy Peak' or 'Children of God' (Doma, 2010: 9).



The blood-brotherhood between Khey Bumsa and The-Kong-Tek *Rong's* chief indeed witness the existence of Lepchas chief before the kingdom was established. The royal account *The History of Sikkim* deliberately shows that Khey Bumsa seeks the blessings of Rong The-Kong-Tek who was the wizard (Namgyal & Dolma, 1908: 13). Thus the very statement of seeking blessings indicates earlier before the migration of Bhutias the Lepcha settled in the country. Besides Lepchas, there were considerable sizes of Limbus<sup>41</sup> also known as *Yakthumba/Tsongs* including Mangars were amongst the earliest inhabitants' residents in the country each under their respective chiefs (Datt, 1994: 69-70). The Limbus were settled mostly in the area which lies in between the Arun River known as Limbuwan and the Mangars were mainly settled at Mahgsari Magarjong area of west Sikkim under their chief (Subba, 2011: 4).

While talking about the substances of the above tribes, basically the Lepchas before being overshadowed by the Bhutias had simple subsistence depended mainly upon the forest. Moreover, hunting and gathering, shifting cultivation as their primary source of livelihood (Sinha, 1975: 5) An author like Jagdish Chandra Debnath also supports the statements Lepchas lead a life of semi-nomadic hunters (Debnath, 2009: 43). According to Lepcha's tradition, their ancestors were the free hunter and gatherer. Obtained foods and other necessary items basic for the subsistence from the abundance of the forest. The forest provides them hunting, edible fruits, tubers, medicinal herbs, fibers to weave the fabric for clothes and so on (Joshi, 2004: 66). It was only about a generation later most probably in the first half of the eighteenth century the Lepchas seems to have given up their semi-nomadic lifestyle and started to live in permanent houses. The permanent settlement enabled them to domesticate

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<sup>41</sup> The name Limbus has been given by Nepalese however, they called themselves *Yakthumba* meaning yak-herds. While the Lepchas and Bhutias summon them *Tsongs* means merchant (Risley, 1928: 37).

the animals (Gorer, 1984: 70).

It may be adequate to state that the availability of ample land at that time supports the tribes to practice shifting cultivation without much care of finite of land for cultivation. One way or the other the abundance of land directed them to lead a carefree life. Thus it seems that their carefree existences were the basic reasons behind the fact that the right of individual-holding on a certain plot of land permanently not emerged prior to monarch (Datta, 1994: 71). The historical account of Namgyal and Dolma demonstrates the presence of Lepchas and Mangars in Sikkim prior dynasty in this way:

Phuntsog party while passing through Yangang there were Lepchas and Mangars, as the party happened to be riding on ponies and some of the retainers had matchlock guns, which they were firing along the roads, the simple natives who had never seen ponies nor firearms, said to others, the entire parties rode on huge hogs, and some of them bore sticks when pointed towards you produced great sounds (Subba, 2011: 5).

From the statement of the royal couple, one can also determine that the Lepchas and Mangars have confined themselves to the world of the forest so much so that they cannot make a distinction between hogs and ponies. While, on the other hand, the same statement depicts the picture of how innocence they were and how to advance the Bhutias were the then. Similarly, the existence of the Limbus or Tsongs confirms from the historical records '*Lhoment song*' itself.

Thus similar, to the Lepchas the other tribes Limbus and Mangars must have continued to practice similar means of survival under their local chiefs. Further, the traditions of Limbus marrying other tribes particularly Lepchas display free

movement between them. For this reason, their habits were similar to those of the Lepchas (Bhatt & Bhargava, 2006: 38). Most often it is noted that, to avoid inter-tribal feuds, they used to negotiate inter-tribal marriages. The most compelling evidence was the inter marriages were freely prevalent amongst the Lepchas, Limbus, and Mangars before the establishment of Bhutia rule in Sikkim (Sinha, 2008: 46). Since the land was abundant and so as the food. Their simple living conditions favor them to get the basic needs of survival without difficulties. Simply stated they do not have material belonging to fight for or dispute any short. Naturally, they either mixed up with the other or moved on to a new pasture which was held in common (Shukla, 1976: 7).

Subsequently, all the above instances show the existence of communal ownership in the land. Further, it is evident from the dependence on the forest. To a large extent, they held customary rights over the forest as common land which was in vogue till the British influences started in the Sikkim. This reflects they held communal rights to use the forest, and its resources. Once again looking after their way of subsistence one can say that under them the agricultural society was not formed which means individual ownership or state ownership was not known properly. The analysis made by Jagdish Chandra Debnath about the pre-Namgyal society shows that Lepcha society was semi-nomadic and tribal. According to Debnath, one of the characteristic of tribal society was that land and its production were equitably distributed in accordance the decision of the society taken collectively (Debnath, 2009: 43). The land was used equally with the consent of the society. Henceforth, the distribution equally shows the claim of the individual over land and not developed within the society.

Likewise, agricultural methods and implements of the Lepchas including Limbus and Mangars further support the fact that individual ownership in the land did not exist. Moreover, their livelihood was simple and so as their method of agricultural production. They practice shifting cultivation or slash and burning. Meanwhile, their dependency on hunting and gathering compelled them to move frequently from one place to another place. Hence, under such circumstances it is obvious shifting cultivation goes hand on hand. Generally, shifting cultivation prevalent in those societies where communal ownership dominant the right to use the land. Kekhrieseno remarks that “where shifting cultivation predominated communal ownership tends to be the norms. The land is owned by the community and in such a situation there is no question of the tenancy and therefore no significant economic inequalities develop” (Kekhrieseno, 2009: 193).

Yet important but a less visible fact which greatly shows the nonexistence of individual ownership was the lack of use of iron implements or plow for agricultural production. C Kekhriesenoe states that “with the plough cultivation individual ownership becomes significant” (Kekhrieseno, 2009: 193). Referring to this statement one can be said that the exiting of individual ownership in the land was far from reality in the pre-Namgyal period because plow cultivation was missing the then. They lead simple life with semi agricultural life. They did not rely on cultivation and agriculture because they were getting foods from the bounty of the forest. This limits them to stick on the shifting cultivation and did not advance in agricultural production. It is also noted that theirtools were simply made of woods basically hoe and sticks and not iron. They originally dug up their fields with the use of the hoe and stick and they did not use the plow (Joshi, 2004: 202). Moreover, their simple tools

allow them to carry on the basic agriculture work like the shifting cultivation without a problem.

As a matter of fact, the Lepchas came to be familiar with iron very lately decades after the establishment of the Namgyal dynasty. In simple it can be said that the use of iron implements for agriculture production was of late development or introduced to them lately with the influx of Nepalese. Geoffer Gorer while studying the Lepchas of Lingtim village encountered an interesting statement about the use of iron. To Gorer one of the old natives a Lepcha narrated, “Iron for Knives was introduced in the first half of the eighteenth century” (Gorer, 1984:17). While looking into the history of one cannot deny the fact that the use of iron implements had significant importance in the expansion of agriculture. The colonization of the middle Gangetic plains by the Vedic people and related developments in the second half of the first millennium BC profoundly connected with iron. It is noted that with the use of iron implements initially the vast forests were cleared certainly more and more land was brought under the plow. Moreover, the use of iron plowshare made deep plowing possible result in the proliferation of territorial settlement (Jha, 2016: 62-63). Possibly with the territorial settlement individual claim over the land developed.

In the pre-*Chogyal* period under local chiefs, the private or individual ownership in land must have not developed therefore they held land in common. Gorer noted:

Private property in land must have developed somewhat later; according to native tradition the land below the monastery that is to say the more protected valley ground has been divided into private property from the time immemorial, but the higher ground was common property and was acquired and cleared as was wanted (Gorer, 1984: 70).

From the above statement, it is clear that the concept of private ownership was not existed and developed only later period that is most probably after Namgyal dynasty. Further, the dividing line(private property below and common property above) monastery itself indicates that it was the creation of a later period because Buddhism was introduced in Sikkim only in the middle of the fifteenth century. Also, the Buddhist institution 'monastery' came into existence in Sikkim lately i.e., after Chagdor Namgyal (1786-1716). Thus it seems that the tribes continued with their tribal set up with common ownership in the land until about the fifteenth century when the Tibetans influx started from the north (Choedon, nd: 73).

Thus it is clear from the above before dynasty was established land was held in commonly as 'common property'. As a consequent result of this the land and resources were shifted from the hands of tribes<sup>42</sup> to the immigrated Bhutias (Datta, 1994: 70). The important of land along with the initial concept of land ownership seems to be developed in Sikkim for the very first time only after the establishment of dynasty. However, it is worth to mention here is that the ownership patterns that developed under a monarch were greatly influenced from Tibet.

### **Influence of Tibetan land economy in Sikkim**

The influences of Tibetan system in Sikkim was not only limited to religious, social, and cultural aspects as we have seen in the previous chapters but the agrarian economy of Sikkim was also much influenced by the Tibetan economic institutions. Therefore, the basis of the Tibetan land systems was also established in Sikkim, which were visible in the principle of ranking system and granting lands in return of services. In fact, the land grants system with ownership rights to the celebrated

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<sup>42</sup> It was already discussed in the previous chapter.

families<sup>43</sup> for their services to State was more widely practiced and overall firmly established as vogue in Sikkim (Upadhyay, 2017: 85). Similarly, in Tibet the landed aristocrats and officers in Sikkim were also granted hereditary rights over the lands by the *Chogyal* in exchange for loyalty, the supply of military duties, and a constant flow of revenue through taxes on produce and service (Mullard, 2011: 56).

The most important aristocrats were *Chagzot* (Prime Minister), *Donyer* (*Dewan*), *Trungyig* (Secretary), *Nyerchen* (Grand Steward), *Dingpon* (Chief officer of fort), *Chupon* (Chief of ten-man force) (Tran, 2012: 7). Below these aristocracies there were officers like *Blonpo* and *Dzongpon*<sup>44</sup>. Next to *Blonpo* and *Dzongpon* there were *Dzongpon*<sup>45</sup>. They were generally responsible for tax collection at the local level and regional estates. In theory *Dzongpon* was given land by the *Chogyal*, in return for which the *Dzongpon* would collect taxes for the king, provide various services including military service during war or conflict. Further, below the level of *Dzongpon* were *Pyipon* and *Dingpon*. This group was similar to the landed gentry subservient to *Dzongpon* in most cases, and was responsible for the collection of taxes and the provision of services on their lands. *Dingpon* was appointed by *Chogyal* to look after his personal estates. The office of *Dingpon* was however hereditary. Below the level of *Dingpon* and *Pyipon* was *Gyapon* a military rank (Mullard & Wangchuk, 2010: 4). All the above mentioned high ranking aristocrats and officers were intimately connected with land and held control over tenants. As similar, system also followed in Tibet.

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<sup>43</sup> The granting of land was widely prevalent during the reign of Seventh *Chogyal* Tsugphud Namgyal (Upadhyay, 2017: 51)

<sup>44</sup> However, it is pertinent to note at the later dates the appointment of ministers was disbanded and the position became hereditary (Mullard & Wangchuk, 2010: 4).

<sup>45</sup> District officers

The influences of the Tibetan land economy also identifiable through the introduction of economic practices such as land ownership, structures of taxation and a form of stratification based on the principles of Tibetan land economics. According to Saul Mullard, “the basic system of land law introduced during the time of Phuntsog Namgyal based on wider Tibetan concept of parallel descent. Goldstein has noted this practice in Tibetan *mi ser* was tied to their lord through the practice of parallel descent, i.e. sons were associated with their father’s lords and daughters to their mother’s lord” (Mullard, 2011: 78-87). Tibetan *mi ser* was tied to the lords and this bonds also noted by Edger while passing through the Kubbi Village Edger noted that:

The people of this village pay their chief revenue to Thibet, but are bound to do certain services for the Sikhim Rajah, and to supply some food for his household. In explanation of this, I was told that the people were really Thibetans, and that though they happened to live at present in the territory of the Sikhim Rajah, and to cultivate land there, this did not release them from their obligations to their own State. They cultivate rice, murwa, maize, and back-wheat (Edger, 2005: 55).

Saul Mullard reads one of the documents named *La song du’ brel bairgyal rab* (LSG) this highlights the existence of parallel descent in Sikkim. It goes like this:

In the year of the dog (1646) the castle of La Sogs was built and in this castle the crown prince Bstan Srung rnam rgyal [general usage Tensung Namgyal] was born. In (1649) the year of the Ox (the palace) of Rab brtan rtse [Rabdense] was established. Yug mthing [Yumthang] and lha dbang bkra shis<sup>46</sup> [Rabdense] led the construction. The land was occupys and the second auspicious event was arranged, eventually by the strength of prayer some of the Lepchas of Yog bsam [Yugsom] united with the servants that conducted trade. So those who were commissioned as messengers of the kingdoms were sent to assemble a

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<sup>46</sup> In translation Mullard rendered lha dbang bkra shis as Rabdense Palace.



council and to designate the relationship of servants and master for as long as a hundred kalps without disturbance and after this council was assembled they were bound by a genuine oath. The system of male and female lineages and individual property right were explained. If your *monpa* is male you will obtain whatever sons there are. However, if your *mon pa* has only one male descendant that son must remain as the replacement father. Whatever daughters your *mnags mo* has, you will obtain (them). But if there is only one daughter she must remain as the replacement mother. If the *mon pa* and the *mnags mo* have only one daughter they can obtain another son. This is what was actually decided. The lineages of lords and servants will remain forever like flowing river (Mullard, 2011:62-63)<sup>47</sup>.

From, above statement it is clear that the institution of the land economy of Sikkim was copied from Tibetan and not originated or developed within Sikkim. But, despite the influences of Tibet on land institution some basic features of land ownership of Sikkim were different from mainstream Tibet. In short, it can be said that despite Sikkim adopted Tibetan land holding system and parallel descendent like Tibet absolute State ownership in the land like Tibet did not develop in Sikkim. The principal features of State ownership in land which was prevalent in Tibetan was thus absent in Sikkim till the intervention of the British.

### **Land ownership patterns under the monarch**

The question of land ownership seems to be a crucial issue aroused in the initial years of first *Chogyal* Phuntsog Namgyal. After winning the local chiefs he did not possess or held complete ownership over the land. In fact, he granted or allowed the local chiefs to retain the control of their lands in exchange for submission and services (services include supply of soldiers, labour, taxes) to the throne of Sikkim (Mullard &

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<sup>47</sup> Words in parentheses are Mullard's own. Words in square brackets are my own.

Wangchuk, 2010: 7). From here it is clear that in regarding the state of ownership land *Chogyal* took only services from the land.

However, while dealing with the ownership of land in pre-British in Sikkim most of the scholar is believe, “all lands belong to the king” (Namgyal 2011: 46; Edger, 2005: 62). But it is of mention here is that the concept of ‘all lands belong to the king’ was a view or a notion created by the British<sup>48</sup>. Moreover, the concept all land belongs to king deliberately reflects state ownership in land which means lack or missing of individual and common ownership. However, in the pre-British period in Sikkim, one can identify the evidences of co-existence of private ownership and common ownership in the lands. In addition, there were many instances which proved that the concepts of ‘all lands belong to the king’ were just a theory but in practice private and community ownership prevalent in Sikkim.

To enumerate the question of land ownership in Sikkim unlike Tibet land did not wholly belonged to the *Chogyal*. According to Carrasco, “in Tibet, all land was considered to belong to the ruler. Individuals can hold land only from the ruler, who has the right to resume it at will. The mobilization of land was limited. There was no

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<sup>48</sup> All land belongs to the king in India begins with a utopian view of European travelers who visited India during sixteenth and seventeenth centuries. They held the view unanimously that the king was the owner of the soil in India. The doctrine was passed on to British officials, who maintained that, the East India Company had inherited a universal right of ownership over the land from its predecessors (Habib, 1963: 123). Similarly, Oriental Despotism<sup>48</sup> also assumed there was no private ownership of land in Asia and that the king was the owner of land (Thapar, 2003: 7). However, as soon as British East India Company replaced Mughals they claimed to be the new ruler of India and assumed they legitimately inherited right of ownership. Henceforth, they introduced property rights in land assuming that they owned all the land in India. However, it is pertaining to note that the claim to be the owner of land and inherited right of ownership on land was merely a false justification of colonial administrators as a matter of fact in pre-colonial era private property in land and its heritability and transferability were existed and legally protected in India (Bagchi, 2010: xviii).

free transfer of land, and the power to sell was restricted or completely lacking. Under such circumstances, inheritance was the main form of transfer, and even in such cases no subdivision of land was made. Those who held land from the king owe, in return, duties (Carrasco, 1959: 209). Similarly, he made the same statement while it comes to Sikkimese land holding system i.e., *Chogyal* owns all the land (Carrasco, 1959: 189). Likewise, the reference lands belong to *Chogyal* also given by Hope Namgyal, “in Sikkim at the top was *Chogyal*, and according to Sikkimese land-holding law lands belongs to the king, and only usufruct age, not outright ownership devolves on the residents of the land. Moreover, all peasants land was held from the king and it was customary for the king to grant land or portion of it to uses” (Namgyal, 2011: 46). Further, the claim lands belong to king also finds its place in the writing of J. Ware Edgerin his *Visit to Sikkim and the Thibetan Frontier* based on peasants held land from the king he writes:

The cultivators have no title to the soil, and a man settle down on and cultivate any land he may find unoccupied without going through any formality whatever, and when once he has occupied the land, no one but the Rajah can turn him out (Edger, 2005; 62).

However, it is wrong assume that all lands belong to the *Chogyal* in Sikkim. To recapitulate the concepts all lands belonged to the *Chogyal* primarily refer state ownership in lands which counter or refused the existence of private ownership and common ownership in lands which was widely present in Sikkim. Although, all lands in Tibet held by the Dalai Lama but it was not in Sikkim. The concept, all land held by the *Chogyal* came into the forefront when Sikkim came into contact with British India. Likely, with these developed a tacit understanding among the people of the kingdom that all lands belonged to the king (Tran, 2012: 7). However, one thing that

has to bear in mind whenever we talk about the land ownership of Sikkim in pre-British influences is that the system of managing the lands was guided by the customary laws. Hence, the ownership system develops out of customary rights. In short, it can be said that customary rights accepted the individual and community rights in lands, unlike the British.

As already discussed in previous chapters British to legitimize their control over land claimed that there was no private ownership in land in Asia and the king was the owner of the land. However, in Sikkim there are many instances that prove the existence of both individual and common ownership in the land. For instance, the presence of private ownership could be seen from the dependency of *Chogyal* upon landed aristocrats and landlords who were having inheritance rights over lands of their ancestors. Meanwhile, the custom of land grants latently secured private ownership in land. Whilst the existence of common ownership prevalent from common land of La Chang and the dependence of community on the forest<sup>49</sup>.

### ***Private ownership in land***

*Chogyal* was both the spiritual and temporal head of the country. Certainly all the services and taxes of the lands belong to him. But here it is to be noted that he just owned services and taxes from land and not the lands itself. He has right over tax and services but not over entire land. As a matter of fact, he has no absolute power over lands and was dependent upon his aristocracy who held control over land. Moreover, it was this aristocracy who held the responsibilities of the implementation of law, organization of land holdings, and localized hierarchies. They were the one who commanded their tenants to work in his land, provide services or even fight them

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<sup>49</sup> Discussed in chapter five.

(Mullard, 2011: 57). In short, it was the landed aristocracy who directly controlled the land and tenants of it but not the *Chogyal*. Several times, Sikkimese history which witnessed the rise of the powerful landed aristocrats who even challenged the *Chogyal's* authority especially during the time of succession. The occurrence of troubles and challenges to the throne by powerful aristocracy proved that the power of *Chogyal* was not absolute. Here it is interesting to mention that though the *Chogyal* had rights to issue and cancel land grants but it noted that he used this power only when the landed aristocracy and landlords have violated the land holding customs of Sikkim. Further, the rights to inheritance the ancestral lands were an important forms of land possession.

In Tibet Dalai Lama hold absolute power (Carrasco, 1959: 217). Perhaps, in Sikkim the situation was slightly different *Chogyal* did not held absolute power in fact there was a balance of power between *Chogyal* and landed aristocracy. Subsequently, in Sikkim the power of *Dzongpon* and *Blonpo* often surpassed that of the *Chogyal*, whose power was tied indirectly to the land. The powerful landed aristocracy who swears to serve the throne loyally was the grand pillars of Namgyal dynasty. The *Chogyal* has to depend upon them largely to run the administration smoothly. The dependency of *Chogyal* upon his landed aristocrats displays private ownership. Thus, though king having the right to issue or remove land grants but in reality he was dependent on the landed aristocrats. Of course, the aristocrats<sup>50</sup> held the lands from the *Chogyal* following the customs of Sikkim. According to the customs of Sikkim *Chogyal* has to grant land to the aristocracy and officers in return for various services and loyalty to the throne of Sikkim. The main beneficiaries of the granted lands were the members of an aristocrat. Subsequently, they held the highest ranking position in

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<sup>50</sup> The aristocracies were developed from regional patrilineal leaders (Mullard & Wangchuk, 2010: 6).

the administration and control over lands as they were the landed aristocracy and most parts of their lands held by laymen. The *dzongs* were under their supervision and so as royal estates the task of collecting taxes over from the land under his jurisdiction or ownership of land remained in their hands (Mullard & Wongchuk, 2010: 4).

The influences of individual landed aristocrats were also seen from their power to issue *sanad* using their own seal. Consider as an illustration during the reign of fifth *Chogyal* Namgyal Phuntso, Changzod Karwang has obtained so much power that he used to affix the red seal on documents. In a *sanad* to the Shari-Nga Lama the seal of Chogyal Namgyal Phuntsog and seal of Changzod Karwang affixed jointly. Subsequently, his sons Changzod Chupthup and Changzod Bolod retained and influenced that red seal. Surprisingly, this put them upon an equal footing with the *Chogyal* (Namgyal & Dolma, 1908: 44).

The existence of powerful individual landed aristocrats, officers, and local lords proved the existence of private ownership in the land. Certainly, the powerful landed aristocracy and large land holders who were responsible for the implementation of law, organization of land holdings, and localized hierarchies could command his own tenants to work in his land, provided services or even fight for him at will. In short, the tenants owned their loyalty to local lords, and not to the monarch. Therefore, in theory the *Chogyal* had the right to issue or remove land grants from individuals in reality he was dependent upon landed aristocrats and local lords who collected tax for raising armies need in the nick of time (Mullard, 2011: 57). The aristocrats in Sikkim were so powerful that they could assemble and held meeting outside Royal palace. As per the *History of Sikkim* during the reign of Tensung Namgyal's reign a Changzod named Karwang was appointed from amongst the Bhutias and eight ministers were

chosen from the speakers of the eight clans of Bhutias. They used to assemble and held court in a house below Rabdentse palace (Namgyal & Dolma, 1908: 24).

The vehement and untold powers of the landed aristocrat however appeared during the time of succession. Subsequently, the demonstration of such powers of the landed aristocracy were visible during the reign of fifth *Chogyal Namgyal Phuntsog* (1733-1780). Changzed Tamdi<sup>51</sup> of the Tshechutar family, who was one of the powerful Bhutia aristocrat refused to acknowledge the legitimacy of Namyal Phuntsog's assumption to the throne for three successive years. Simply, it can be said that Tamdi and his supporter remained in power for three years from 1738-1741. Whilst, Tamdi declared himself '*Gyalpo*' or *Chogyal* further sat on the throne of Rabdentse (Subba, 2011: 31). Three years latter, Namyal Phuntsog however retains his throne with the help of the Chandzok Karwang a Lepcha aristocrat. Chandzok Karwang took up the cause of installing Namgyal Phuntsog into the throne with the help of Lepchas fraction. Along with it he, also secured the full support from the Limbus to oust the self-styled '*Gyalpo* or *Chogyal*'. Fortunately, the Lepchas fraction gained strength to counter Changzed Tamdi who has the then resumed the powers of the *Chogyal*. Certainly, there was a dispute, fights, and bloodshed on both sides. Eventually, Namgyal Phuntsog arose up as victorious which forced Changzed Tamdi to flee to Lhasa (Kotturan, 1983: 39).

According to Namgyal and Dolma:

Changzod Karwang at their head backed the young Raja Namgyal Phuntso, and took him away to Sinchel near Darjeeling, and after spending his own properties in paying the men for fighting and for

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<sup>51</sup> He was a treasurer of fourth *Chogyal Gyurmed Namgyal*.

supplying them with foods and arms, he carried on the strife for a number of years, and many lives were lost, during this internal broil (Namgyal & Dolma, 1908: 39).

### ***Right to inherit the ancestral lands***

The existence of right to inherit the ancestral lands was yet another evidence to prove the private property in land. As mentioned above the *Chogyal* Phuntsog Namgyal has given back the lands that have made a symbol of surrender of lands. This system of giving back the lands of losing party was most likely to introduce as a means of avoiding rebellions from local leaders by giving hereditary rights over land in exchange for military duties and a constant flow by revenue through taxes on products and services. There were attempts to integrate the various different ethnic communities, through the use of establishing hereditary rights over land and by allowing Lepchas and Limbus groups to maintain their lands in return for their allegiance to Phuntsog (Mullard, 2011: 58).

In one or another way the symbolic surrender of lands to the Phuntsog Namgyal greatly help in understanding the land holdings in Sikkim because after surrendering their lands he did not possess or made claim over the lands. Meanwhile he allowed retaining the lands in exchange for services and this was made possible with the symbolic surrender of land. Gradually, granting lands or granting hereditary rights over lands in return for services became an untold tradition and customs of the Sikkim land holding system. Interestingly, Basnet argues that:

this symbolic surrender had a significance in that some Sikkimese ruler have harboured the notion that the land belong to them and that the occupants of the land are not the real owners but trustees of the land in



their possession, from which they can be evicted at the will of the ruler (Basnet, 1974: 15).

It is necessary to mention that *Chogyal* did have the right, and exercised the right to issue and cancel the land grants to various families and individuals in Sikkim (Mullard & Wangchuk, 2010). *Chogyal* Chagdor Namgyal made grants of land to Dagkarpa Minister for his faithful services. In the grant it is said:

O Whereas our aged minister Karma dargay has served us most loyally and satisfactorily in every capacity and especially distinguished himself during the Bhutanese invasion time by the aged minister taking the command to Gangtok, in spite of his 75 years age, and there succeeding in killing the Bhutanese leader of the middle camp, and bringing his head and right arm, besides rendering most useful services to the State prior to that, we are pleased to reward his faithful and loyal services by grating him the lands...(Namgyal & Dolma, 1908: 27).

Nonetheless, it is interesting to mention that though the *Chogyal* also had rights to cancel land grant but it noted that he has used this power only when the landed aristocracy and landlords have violated the land holding customs of Sikkim. Or whenever the aristocracy and landlords showed disloyalty to the throne the land granted to them was disposed and made over someone else. One such instance was recorded in the royal account was the deed of grant given to the Dzungchen Lama's *Avtar*, conferring on him the revenue and incomes accruing from the nazulbari land in the plans:

The income accruing from the lands enjoyed by the three brothers of *Gyalpo* Tamding, [the usurper] in the year previous, known as Nazulbari, comprising the land revenue, capitation tax, Bazaar tools, jagats etc, treasurers discovered underneath the earth, stryed [stray] cattle which having come there become forfeited to the landlords,

cases, felts and blankets, defence against enemies, thieves, intestate properties, by extinction of families or by being heirless, duties on trade and all manners of incomes accruing there from, are herewith given in perpetuity (until the circular dome of the heavens changes) to the Avatar of the Dzongchen Lama, and to the khanchen Rolpai Dorji, as their annual maintenance allowance (Namgyal and Dolma, 1908: 43).

### ***Possession of land through grants***

As said earlier, instead of money the *Chogyals* of Sikkim granted the piece of land to his ministers for their services.<sup>52</sup> Thus under such circumstances, almost all the ministers, officers, and landlords held land out of grants for services. Land grants to loyal subjects seen during Tsugphud Namyal reign as such a land grant made to Karma Dargey and Debsang Ringzing.<sup>53</sup> While the customs of granting lands or it would be more appropriate to say the practice of pleasing with the lands grant to loyal aristocrats was indeed essential to secure supports hence it remained vogue. However, it also led to the birth of several aristocratic families. For instance, the family of Chagzod Karwang who played a prominent part in subduing Chagzod Tamding and suppressing Kotapa rebellion was credited with large land grants. His five sons were granted estates in their own names and further four estates were granted to his other descendants (Upadhyay, 2017: 57).

Thus from the above instances, it is clear that land grants made by the *Chogyal* to his aristocrats and officers in return of various services and loyalties were continued as customary and traditional rights to hold ownership in the land. This system evolved as

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<sup>52</sup> File No 17/I/1909. SL No 24. Land Revenue Department, 1909

<sup>53</sup> PD/1.2/003. Translated from Tibetan by Dr. Saul Mullard and Hissey Wongchuk.

a traditional institution of land ownership patterns in Sikkim through which individual ownership in lands developed in the pre-British period.

### **Community Ownership in ‘forests’ as Common lands**

As already mentioned in the beginning, prior to the establishment of the kingdom, the economy of the natives was simple and mainly depended on forest as a consequence a customary right to use forest develops. Therefore, one can say that besides individual ownership in land community rights in forest was recognized in Sikkim from the beginning of the Namgyal dynasty and never disturbed since then. To begin with the community rights on the forest in Sikkim pertinently in pre-British period, land was obviously the prime factor in socio-economic as well as in the political set-up during the Namgyal dynasty. It is observed that though in theory *Chogyal* was the owner of the land, but in general, the community held the right on ‘common lands’ especially in the forest. Edger in his *Report on a visit to Sikkim and the Tibetan Frontier: In October, November, and December 1873* notes, “a man may settle down on and cultivate any land he may find an unoccupied without going through any formality” (Edger, 2005: 62).

The community was independent to use the forest whence they derived their foods basically from the forest. In *The Gazetteer of Sikkim* Risley has listed the name of sixty-two foods that were derived from the forest. They were *La-spa-mchod-ma*, *Ting-ku-mchad-ma*, Wild figs of two kinds, *Phang-ski*, *Mu-si*, *Spom-si*, *Ken-dang*, *Spag-ko* two kinds, *Ga-dhor-spes* (wild mango), *Lta-si*, *Sung-lum*, *Nyor-lum*, *No-shel*, *Cha-tses* (raspberry) five kinds, Chestnuts three kinds, *Hbrom-kes*, *Chi-chung-sdong-nyel* two kinds, *Rtseg-rtseg-ru-bhi*, *Hber-heg*, *Skey-skyum*, *Hbah*, *Humpa-dorog* two kinds, *Kling-shu*, *Gues-chung-spes*, *A-um-la*, *A-ru-ra* two kinds, *Ltog-tos*,

Khum-dgos, Mu-ti-spes, Cane shoots two kinds, Bamboo shoots fifteen kinds, Ramje-dong, Stage-kya-dong, Dos-mo-don (elephant creeper), Ding-hbram-dong, Yams eleven kinds, Fungri eighteen kinds, Nettles six kinds, Hbab-mchod, Rdum-rug, Skentung, Chu-ten, Kang-ki-rig, Mgo-ned, Mus-la, Btang-sku, Sug, Si-Khang, Pha-ru, Dhu-shul, Bam-chang, Chu (a water weed), Ben-spu-dog, Na-res, Khung-rug, Dugigs, La-sgog two kinds (wild onion), Spyan-res, Ba-sho-kha, Gua-lhag (wild plantain), Hzaz-bhag, Tig-bhig five kinds (a bean) ( Risley, 1928: 77).

Besides these foods, forest also provided edible roots, numerous vegetables, tubers, fruits, and wild plants including water, timber, and fodder for animals (Sikkim Human Development Report 2014, 2015: 36). At the same time, the community also derived the medicinal plants or herbs of great value from the forest. Along the plants of medicinal value, they obtained the plants of religious values like Junipers and Rhododendron which includes incenses like *suma* leaves, and *sang-pama* leaves (Lachungpa, 2009: 52). Even more important forest provides hunting and pasture or grazing lands to the community freely.

The customary usage of forest in the pre-British period indicates that the community maintained the traditional rights to common lands, especially in the forest. It is more evident in the tradition that existed among the Lepchas (earliest and original inhabitants) of Sikkim, which confirms the communities' rights to the forest. According to their tradition in the very early times before the infiltration of other communities like Tibetans, Bhutias, and Nepalese, they lived as the free rulers of the immense forest which were their home (Joshi, 2004: 199). This inveterate practice is further explained by Gorer in *The Lepchas of Sikkim*, he stated:

According to Kahlyeu [oldest inhabitants]<sup>54</sup> and the tradition supported by others until about the beginning of the seventeenth century the Lepchas were entirely nomadic, only building temporary mud huts, and traveling about the forests, living on such animals, they could kill, and the wild plants, of which the Lepchas have considerable knowledge, for they know the edible (but not, as European tradition believes, the medicinal) properties of nearly every tree and plant...(Gorer, 1984: 69).

He further added that the ‘private property in land must have developed somewhat later. The high ground was common property and was acquired and cleared as was wanted’ (Gorer, 1984: 70).

Depending on the forest by the Lepchas for livelihood is a well-known story to tell. They have believed that they are essentially the children of the forests. In fact, the deep association of Lepchas with forests can be traced from their traditional food producing techniques and hunting skills. Owing to their close relationship with the forest, they acquired clear knowledge of animals, birds, plants, fruits and the roots both edible and poisonous. They have vast extraordinary zoological and rich botanical vocabulary of their own. To put it differently, they possessed the knowledge of the forest and its products better than other communities in the region like Bhutias and Nepalese. In fact, even today it is believed that they do not starve if the harvest fails because they manage edible leaves, fruits, and roots for subsistence from the forest (Joshi, 2004: 199).

The free access to hunt on forests also confirms the community enjoyed the right to use forests. In the legends of Lepchas hunters, it further shed light on it. It is believed that they were the true hunter and gatherer and fulfilled their livelihood mainly from

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<sup>54</sup> Words in square bracket are my own.

the bounty of the forests (Joshi, 2004: 191). In fact, the folk songs and folk stories of Lepchas glorify the stories of their ancestors who were the hunter and gatherer. Like for instance, one Lepcha folk songs demonstrated a song about ‘Satim Puno’ the porcupine king. The song describes the life of the porcupine saying things as, ‘When it rains, I go under a rock, and when it’s sunny I come out. I forage for food on the jungle floor’ (Brich, 2013: 58).

Further, they possessed a fair idea of poisonous roots used in hunting and the process of preparation only known by the Lepchas. The first ingredient *ning-dyud* called the “Father of the poison”, *bar-lang or rog-log, gon-chong, and se-red*) was prepared poison for arrows which greatly helped them in hunting. The poison of killing fish is called *but-ru*. Their hunting equipment and veneration of certain hunt-deities, *Gom-shi rum*, and *Gom-yu-rum*, who inspire them with the passion for hunting proved that they intermediately and freely associated with the forest. Furthermore, they acquainted with the ways of the wild accurately. They knew every track of the forest precisely, and the time when the animals passed the way. Adding more into it, the forest not only provided them shelter, food, and hunting, but they also obtained tools to make weapons of bamboo that they get from the forest. They basically prefer *ma-li-lang* bamboo for making bow, *dzu-ya* bamboo for string, *po-rang* bamboo for arrows (Joshi, 2004: 201).

While talking about the most essential resources of forest, the bamboo was definitely one of the most important resources of the forest to the Lepchas. They recognized numerous varieties of bamboo. In the traditional house of Lepchas bamboo was used for the floor, ceiling, walls, balcony, out of the water-carriers, and on even water conduits were made and used. The drinking vessels-*patyoot* made of old and hollow

bamboo. *Chi* the principal beverage drink from the *patyoot*, a sort of beer, which is formed by pouring boiling water on fermented grain drink through a straw called *pa-hip* also, consists of a section of a small-growing bamboo with the pith at the end loosened so as to form a rude filter. Besides, bow and arrows, hunting weapons quivers and scabbards, all made of different sorts of bamboo. Furthermore, the bamboo shoots use as food and leave fed to temporarily restrain domestic animals. Out of the bark of bamboo mats and baskets weave. Hat called *tuk* protects them from summer's heat and rain made of a double layer of finely woven bamboo filled with big leaves and has a rope in the center of fastening it around the neck (Gorer, 1984: 67).

As mentioned above, their intimate knowledge of all flora and fauna was unsurpassed. The British officers who visited the Himalayas in the nineteenth century noted them and praised their unsurpassed knowledge of the forest, plants, and animals. A world-renowned botanist, J. D. Hooker, the Director of Kew Garden, England, who visited Darjeeling, Sikkim, and Nepal Himalayas in the late 1840s and early 1850s, complemented them as pure naturalists and born botanists (Tamsang, 2008: vii). Similarly, Risley in *The Gazetteer of Sikkim* illustrated Lepchas:

They are above all things woodmen of woods, knowing the ways of birds and beasts, and possessing an extensive zoological and nomenclature of their own (Risley, 1928: i).

The Lepchas whose home was forest were expert in hunting, fishing, and gathering in the innermost corners of the very vast forest (Little, 2007: 81) and less dependent on agriculture. Because their immense knowledge of forest and skills of hunting. Therefore, their existence was not from agriculture; hence, their knowledge of agriculture was very basic and elementary. They cultivated only small patches of the forest by cutting down the trees, burned the undergrowth (slash and burning) and

planting the cleared with corn buckwheat, and millet (Joshi, 2004: 66). John Dalton Hooker noted that the Lepchas never inhabited one particular place for more than three successive years. They inhabited new places which they render profitable for three years and then moves to another. After moving to the new places, their first operation was to select the sites to burn the forest, clears the trees, and cultivates between the stumps. Firing the forest was a frequent practice. He wrote:

Much of the forest had been burnt and we traversed large blackened patches, where the heat was intense and increased by the burning trunks of prostrate trees, which smoulder for months and leave a heap of white ashes. The timber being hallow in the center, a current of air is produced, which caused the interior to burn rapidly, till the sides fall in, and all is consumed (Hooker, 1854:143-144).

Besides foods and, shelter another basic requirement the forest provided was the needs of grazing lands essential to the community for sustain. It is worth to mention here is that the grasslands or pastures were the communally owned land from the time immemorial in Sikkim. The ownership of communities, especially in pasture lands was never doubted. Pastures in alpine plateaus especially in North Sikkim have been a part of life support system for the *Dokpa*<sup>55</sup>. To put it differently, the dry-grassland or pasture lands were inhabited and traditionally managed by them for several centuries. To the *Dokpas*, pastoral was the only means of survival (Subba, 2011: 102).

The dependence of communities on pastoral lands in Sikkim in pre-British or even before the establishment of the Namgyal dynasty was analysed by Awadhesh Coomar Sinha, who stated that long before the fifteenth century Sikkim was sparsely populated

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<sup>55</sup> Nomadic grazers were basically Bhutias, Sherpa, Gurung etc. They grazed herd yaks, dzos (cow-yak hybrid), sheep and goats of pasima types in high altitude. From grazing, they obtained wool, cheese, fat of yak and sheep (Subba, 2011: 102).



by the primitive tribes. The Tibetan grazers and the missionary lamas were possibly the earliest immigrants to Sikkim in search of new pastures and potential converts to their religion (Sinha, 1975: 6). The search for the grazing lands essentially displays the relevance of pastoral lands for livelihood. Besides, individual ownership, the common ownership in Sikkim especially in pre-British influences notices from the practice of common land by the people of Lachung. The community fields in Lachung belong collectively to all the villagers (Mullard & Wangchuk, 2010: 12).

Once again, the free existence of the people who held communal right to use forest as 'common land' justifies the concept that the king's own land is just a notion. The absence of resistance from people (who depended upon the 'common lands') to *Chogyal* proves that the community was free to use the forest and its resources indicate communal ownership to use the forest. Thus from above we can say that all land did not belong to the *Chogyal*, and in fact, individual and common ownership was fashioned and guided by the customary rights. It is to note in any society or at any place or at any time when there exists ownership in land whether individual or communal it excludes one who does not have or possessed rights in lands. On the basis of having rights the relationship between the owner and tillers or peasantry develops. Therefore, what rights the peasantry were having in the land is the key to understanding pre-British land ownership patterns in Sikkim.

### **Grant of lands to the monasteries**

Since, Sikkim was greatly influenced by the Tibet and its land economy system was more or less an adaptation of the Tibetan land economic system. Thus under such circumstances, it is interesting to see whether the monasteries of Sikkim held land through grants as it was in Tibet. In Tibet monasteries own large landed estates (Bell,

1998: 55). Similarly, in India, temples owned lands especially granted by the rulers. For instances, during Satavahanas period, land was granted to the Brahmans and Buddhist monks. Along with the grant of lands they also started the practice of granting tax-free village to Brahmans and Buddhist monks (Sharma, 2005: 206-208). Sikkim being a staunch Buddhist state and *Chogyal* being the ‘religious king’ here it is pertaining to see whether the grants of tax-free lands to religious institution ‘monastery’ existed or not.

Initially, under Phuntsog Namgyal and Tensung Namgyal, monasteries did not possess any land. However, the monasteries were favoured with order to receive the gifts and donations of certain villages or blocks, over which they were given religious authority. Like if any laymen left any lands as legacy to the monasteries, they might possess them. Consequently, they did not possess much land (Namgyal & Dolma, 1908: 104). The reason monasteries of Sikkim did not possess land and was only favoured with the gifts and donation of village and blocks was then the institution of monastery was not established. However, the institution of monastery in Sikkim firmly established during the reign of third *Chogyal* Chagdor Namgyal since then monasteries like Pemiongchi<sup>56</sup> possessed vast tract of granted land basically for the maintenance of its lamas and to meet the expense of religious performances, to it by *Chogyal* himself (Dhamala, 1991: 61).

The above development was closely linked with *Chogyal* Chagdor Namgyal’s religious devotion. According to the biography of Jigmed Pao *Chogyal* Chagdor Namgyal is mentioned thus: “Worship of the Faith and its upholder Chagdor Namgyal

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<sup>56</sup> I am using the spelling ‘Pemiongchi’ because Kazi Dousandup the translator of *The History of Sikkim* of Their Highness the Maharaja Sir Thudup Namgyal and Maharani Yeshay Dolma of Sikkim 1908, has used it.

himself only assumes outwardly the garb of a worldly person, but inwardly he is a most pious and religious devotee, and conforms to all the ritualistic devotions, not merely for the sake of show, but with a sincere burning zeal and favour. He holds in deep veneration, not only Urgen Rinpoche and Chogyal Terdag Lingpa, but every noted Lama of the Nyingmapa sect. I am truly satisfied with him” (Namgyal & Dolma, 1908: 28-29).

According to *the History of Sikkim* Chogyal Chagdor Namgyal stayed in Tibet for quite a long time and had become very learned and acquired a great deal of the habits of the Lamas. He wanted to invite the great Heirarch (Terchen) of Mindol Ling named Gyurmed Dorji, also known as the celebrated Chogyal Terdang Lingpa to visit Sikkim once and bless the land by placing his feet bearing the mark of the golden chakra on the soil of Sikkim. He made several prayer of invitation great Terchen however Terchen at his old age could not comply Chagdor’s invitation. Thus in Terchen’s replacement Jigmed Pao<sup>57</sup> came to visit Sikkim and met Chagdor Namgyal, Lamas of Pemiongchi and Dubdi at Jongri. It was Jigmed Pao who instructed the mode of chanting, the accompaniment of the ritualistic music as were practiced just then in Mindol Ling monastery. He instituted the most appropriate and reliable mode of chanting psalms and other ritualistic duties and entrusted the management of the Pemiongchi monastery to Khenchen Rolpai Dorji. Subsequently, after his returning to Tibet Chagdor Namgyal and Khenchen Rolpai Dorji founded the present Pemiongchi monastery, about an arrow’s flight to the east of the site of the old monastery, founded in the times of Lha-tsun (Namgyal & Dolma, 1908: 27). After founding Pemiongchi he instituted the religious enlistment of the middle son from Bhutia community for Pemiongchi monastery only and likely 108 lamas were selected. This simply means

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<sup>57</sup> Third Incarnation of Lhatsun Chenpo.

not everyone was eligible to enroll in this monastery. Further, to support 108 lamas he appointed 108 families as their chief laymen (Tran, 2012: 6).

After this, he conferred on the Pemiongchi monastery, a *sanad* or deed bearing the impression of his own hands dipped in real paint prepared by grinding real gold (Namgyal & Dolma, 1908: 29). The Pemiongchi monastery estate granted by *Chogyal* Chagdor Namgyal comprised a huge tract of land adjoining the monastery. However, in subsequent years, the size of the estate doubled according to the political situation of the state. By a deed granted in 1730, the Phulbari land in the plains, then a Sikkimese territory, was given to the Pemiongchi monastery, including full rights on every plainsman raiyat who dwelt on the land (Namgyal & Dolma, 1908: 38). One notification issued by *Chogyal* Sidkeong Tulku in 1901 mentioned that, as per the land settlement of 1888, the area of Pemiongchi monastery estate was confined within the four streams like Rangit, Rathong, Khale, and Rimbi. However, due to some misunderstanding it could never take possession of the whole area (Dhamala, 1991: 68).

However, later on when Edger visited Sikkim writes, “Pemiongchi, Tasiding, and Changachelling monasteries as the great monasteries”. Yet other interesting things he noted about these monasteries were, the lamas were not entitled to furnish labour services to *Chogyal* like lay person. Here he highlights:

Just as in Egypt the land on the priests “became not Pharoah’s” so in Sikkim the Lamas are not bound to labour for the Rajah, and pay no dues of any kind, no matter how much land may be cultivated by themselves or their bondsmen (Edger, 2005: 64).

Furthermore, besides lamas were exempted from furnishing labour services to *Chogyal* they were also free from paying tax as well. While this system also prevalent in India in other parts of India. There, *brahmadeya* grants to Brahmans, and grants to temples and monasteries, were exempted from tax (Thapar, 2003: 292). Similarly, in Sikkim the monasteries like Labrong, Peydong, and Phenchong held grants of land and were free of revenue, while the monks of these monasteries were exempted from all State burdens. They basically derivetheir income from funeral ceremonies, from the offerings of the faithful, and from the sale of consecrated medicines (Edger, 2005: 59-60)

Risley has prepared the list of monasteries in Sikkim along with the numbers of monks in each from the official information supplied to him by Lama Ugen Gyatsho. Interestingly, he has also explained the meanings of each monastery (Risley, 1928: 257).

Table No. 3. 1: Number of monks and monasteries in Sikkim in 1894

Sl. No.	Monastery	Meaning	Number of Monks
1	Sangachelling	The place of secret spell	26
2	Dubdi	The Hermit's cell	30
3	Pemiongchi	The sublime perfect lotus	108
4	Gangtok	The Tsen's house	3
5	Tashiding	The temple of the religious king or <i>Dharmaraj</i>	20
6	Senan	The suppressor of intense fear	8
7	Rinchingpong	The precious knoll	8
8	Ralong	-	80
9	Mali	-	15
10	Ramthek	A Lepcha village name	80
11	Fudung	The chapel royal	100
12	Cheungtong	The Meadow of Marriage of the two river or Dorje Phagmo	8
13	Ketsuperri	The noble heaven-reaching mountain	11
14	Lachung	The large plain	5

15	Talung	The stony valley	90
16	Entchi	The high strong place	15
17	Phensung	The excellent banner or good bliss	100
18	Kartok	The Kartok (founder of a schism)	20
19	Dalling	“The stony site” or the place of the “Dorjeling” terton	8
20	Yangong	“The cliffy ridge” or “the lucky ridge”	10
21	Labrong	The lama’s dwelling	30
22	Lachung	The Bon’s ridge	8
23	Lintse	The lofty summit	15
24	Sinik	-	30
25	Ringim	Hermitage hill	30
26	Lingthem	A Lepcha village name	20
27	Changhe	-	-
28	Lachen	The big pass	8
29	Giatong	-	8
30	Lingqui	The uplifted limb	20
31	Fadie	The sublime victor	8
32	Nobling	The western place	5
33	Namchi	The sky-top	6
34	Pabia	-	20
35	Singtam	A Lepcha village name	6

Source: H.H. Risley. *The Gazetteer of Sikkim*. New Delhi: D K Publication. 1928, pp 257-258.

After third *Chogyal*, Chagdor Namgyal his ministers and governors also granted large plots of land including wasteland, forests, and fertile land to the monastery like Rumtek and Ralang. These lands were however not measured but natural boundaries as such stream, big rock, river and a pathway were used to demarcate the area of monasteries. The area under each monastery also varies from 15 to 20 acres and sometimes even large. Simply stating, the important monastery the more land as compare to smaller one (Gautam, 2014: 117).

The land ownership patterns of Sikkim under a monarch were thus based upon the grant of land including hereditary rights over the land in return of loyal services. Eventually, this became a customs and tradition of Sikkimese land holding system.

Out of the land grant system the private ownership rights in the land developed. However, the institution of private ownership in Sikkim was deeply rooted on the basis of loyal services. Further, besides the private ownership in land, the untold rights of the community to use forests were not even disturbed by the *Chogyal*, which witnessed the existence of community rights in common lands especially in the 'forest'. Thus the existence of these two forms of ownership in land shows that, *Chogyal* owns taxes from the land but he was not the absolute owner of all lands. This customary and traditional land holding system continued in practice till the British influences started in Sikkim. However, under the British influence, one notable change appeared in the land ownership patterns. Here the notion "all land belongs to the *Chogyal* greatly helped them to implement their land institutions. Followed by the notion they brought the land under the direct control of state which was under the control of the British Government.

As Fernandes Walter and Pereira rightly say, "changes should be built on tradition and emerged from within communities, not imposed on from outside (Fernandes & Pereira, 2005: 31). However, the change made by them in administrative structures of Sikkim was neither built nor emerged within the communities but was largely imposed on by the British. Meanwhile, under them the enforcement was made on the introduction of land and forest laws which were the core concept of colonialism. Thus in the coming chapter, the changing patterns of land ownership in Sikkim under the influence of British with the introduction of land institution in the land will be discussed.

## CHAPTER IV

### CHANGING PATTERNS OF LAND OWNERSHIP UNDER THE BRITISH INFLUENCE IN SIKKIM

The strategic importance of Sikkim both as a trade route to Tibet and buffer state in between Tibet, Nepal, and Bhutan eventually turned it into the 'protectorate' states of British India. Moreover, from the beginning to the mid twentieth century Sikkim as a bridge connected British India to Tibet mainly for the trade. Thus, less visible but the important fact to British Sikkim was no less than a hen that lays golden eggs. Therefore, from 1889 to till 1947 Sikkim firmly remained under the influence of British India. Subsequently, numbers of British Political Officers were appointed to look after the affairs of Sikkim. The first amongst them were John Claude White and last was Arthur John Hopkinson. All these Political Officers were stationed at Gangtok the capital city of Sikkim. However, the first two Political Officers namely, White and his successor Charles Bell having exclusive powers influenced political, social, and as well, the economic history of Sikkim. This arrangement lasted till the 5<sup>th</sup> April 1918, when *Chogyal* Tashi Namgyal was invested<sup>58</sup> with full powers of administration.<sup>59</sup> Although, Tashi Namgyal was conferred with all the powers of state, Sikkimese history under the British influence witnessed tremendous changes in the land ownership patterns.

The changes that appear in land ownership patterns were followed by the property rights institution in the land with the creation of lessees'. The British Political Officer John Claude White led to the introduction of new institution in the form of lessee

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<sup>58</sup> An investiture of administrative powers to *Chogyal* Tashi Namgyal is show in Appendix I

<sup>59</sup> *Administration Report of the Sikkim State for 1930-1931*, Calcutta: Government of India



system of landlordism in Sikkim. Under the lessee system lands were divided into pieces and given over to lessee lordson lease or contract for certain period of time. Simply put it, White stipulated the granting of elakas on contract and the contract holder of land or the lessees were responsible for the maintenance of law and order, collection of revenue, public work, and justice and so on in their respective elakas. It means they had extra-economic coercive powers in their elakas (Tamang, 2016: 59). Besides, giving the rights in the land on the bases of lease or contract to individual lessee lords the emergence of lessee landlordism was itself an important turning point in the history of Sikkim, because it led the rise of a new land lords in the form of ‘Nepalese thikadars’ with property rights in land. Subsequently, it brought about changes in land ownership patterns for the first time in the history of Sikkim (Datta, 1994: 72).

However, with the creation of new structures in land the lands on which the olden kazis were proprietors for the last nine generations were taken by the State and granted to those who do not possess land at all.<sup>60</sup> Furthermore, the new land settlement led to the alienation of traditional management of land holdings of landed aristocratic and so as of monasteries. Thus it eventually changed the land related customary rights. Nonetheless, the British left Sikkim in 1947 but the lessee system introduced by White remained the corner stone for the land ownership patterns of Sikkim 1949. Consequently, it was only one year after they left Sikkim i.e., in 1948 this system was abolished after which the people were asked to pay taxes directly to the Government (Debnath, 2009: 108).

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<sup>60</sup> File no 17/I/1909. SL No 24. Land Revenue Department, Government of Sikkim, 1909

## **Introduction of property rights institutions**

Several authors argued that the colonial rulers established institutions basically for the development of property rights. Douglas C. North explains, “Institutions are humanly devised constraints that structure political, economic, and social interaction. Throughout, history, institutions have been devised by human beings to create order and reduce uncertainty in exchange” (North, 1981: 97). Nonetheless, the institution of private property rights in land introduced by the British instead of reducing further increased the uncertainty in land ownership patterns. As per North, the property rights institutions should be evolved but not imposed.

The main intention of the British government to introduce the property rights institution was to maximizing profits from the land without uncertainty. For instance, the newly introduced institution in land created insecurity amongst the peasants to a greater extent. Colonial government claimed that the Western powers introduced the notion of equality before law introduced and that protected the right of private persons to possess productive assets, including land. In short, they claimed that they had made property secure. However, in reality, it was British who in fact made property insecure for the native people, for the sake of extraction of a surplus, and in order to provide their people both practically free land and command over the labour power of the dispossessed (Bagchi, 2010: xvii-xviii).

Formally, the cultivators possessed the right to use land and the king only had the right to impose taxes, however, with the introduction of private property rights in land by the British the rights in land split into many pieces. In this process, not only did a large number of cultivators’ loss their valid land rights. Moreover, status of the peasantry had fallen in to unprotected tenants and labours, and the tax collectors

became landlords and large landowners. At the same time, a stratum of intermediaries who did not have a specific function developed, and the land passed into the hands of moneylenders. This caused an enormous differentiation in financial conditions, whereby, the mass of farmers lived in abject poverty (Kuhnen, 1982: 64).

Before the introduction of property rights in land in India all classes connected with land possessed certain rights in land. For instance, before the introduction of institutions the primary means of production, the land was attached to or controlled by both the peasants and landlords. The right of the peasants in the land was inferior and landlords was superior. Despite the peasants had inferior rights over the land and complete control over the means of production was not with him all the times. He would have some inherent rights with him, arising from the sheer presence in occupying and usage of cultivable land (Sharma, 2003: xxii-xxiii).

Nonetheless, under the new institutions, right in land was conferred upon individual leaving no space for even occupancy rights. Like for instance in permanent settlement or zamindari system, right to the land conferred on the zamindars was alienable, rentable, and heritable. The privilege of utilizing land had become a saleable good. Those who had been cultivators until then obtained the status of 'occupancy tenants'. More and more cultivators became indebted, lost their occupancy rights, and dropped in status to tenants-at-will or agricultural labours. On the other hand, the wealth of the zamindars kept increasing on account of the income they earned from the difference between the amount of the taxes and the rentals, the increase in cultivated areas, money-lending, and expropriation of debtors (Kuhnen, 1982: 62-63).

Whilst, by introducing new property rights in land through the land revenue system, it firmly established the link between payment of land revenue and ownership rights, and caused land alienation, changes in agricultural methods and the emergence of rich peasantry, which in turn dominated the credit and commodities (Thangellapali, 2018: 20). Last but not the least under the newly established structures in property either landlords or moneylenders gained immense economic benefits and were also able to strengthen their position by using the new institutions of the colonial state. Subsequently, the powers culminated them to oust the peasants from the lands (Damadoran, 1998: 856).

With the appointment of John Claude White in 1889, Sikkim was firmly transformed into a 'proto-colonial state' and changes were made in traditional administrative structures. Further adding to it, one of the striking changes visible after the British influences started in Sikkim was a change in the patterns of land ownership. In short, under them the traditional land institutions were changed or altered according to meet their interest. Eventually it led to the introduction of the institution of property rights in land with the creation of lessees' lords through the issue of pattas. The eminent reasons behind the introduction of property rights in land in Sikkim like other colonial states were unquestionably land revenue assessment policy. One cannot deny the fact that maximizing profits from the land in the form of revenue was everything to British at any cost. Notably, the revenue deriving interests of British from the land as explain by Padel:

The institutions which introduced by the colonial government over the whole earth works out how to create the maximum profit out of the earth and the raw materials extracted from it in the shortest possible

time, with complete disregard for long-term consequences (Padel, 2009: 29).

Carry out by the revenue generating interest in mind, in India they led to the introduction of property rights in the land. Subsequently, under the British control lands of India gradually fell under one of the three distinct systems of property rights in land i.e., Permanent Settlement (1793) in Bengal or zamindari system landlord based, Raiyatwari system (1820) an individual, and Mahalwari system (1822) village based (Meena, 2015: 66). Accordingly, Permanent Settlement was introduced in Bengal, Bihar, Orissa, Banares division of U.P. By 1800 this settlement was further extended to Northern Carnatic or Northern-Eastern part of Madras and North-Western Provinces of Eastern U.P. Moreover, the Permanent Settlement or zamindari system covered the nineteenth percentage of the total area of British India. Secondly, the Ryotwary system was made in the major portion of Madras, Bombay, and Sindh Provinces. In North-East India particularly in Assam and Burma the principles of Ryotwary system were applied. Overall this system covered fifty-one percent of the total area of British India. Last but not least the Mahalwari settlement, this system was established in a major portion of U.P, Central Provinces, Punjab, parts of Madhya Pradesh, Orissa, and Oudh. Under Mahalwari settlement, the British controlled nearly thirty percent of the total area (Sarwar, 2012: 19). Overall, the basic interest of the British behind the introduction of different system of property rights in lands was to extract as much land revenue as possible from the land. But the pertinent question lies here is to why they introduced different land institutions through India? As Vijay Kumar Thangellapali writes:

The British came to India to maximize their profits, therefore, they invested money wherever they could get profits. They did not treat all

the regions with the same intent due to the difference in geography, climate and other production conditions. Their land revenue systems were not uniform throughout India (Thangellapali, 2018: 21).

Though they did not treat all the regions with the same intent and the land revenue systems were not uniform at all. But despite this one undeniable similarity in all the regions were the introduction of property rights institution in the land to maximize profit. Eventually, Sikkim although only a 'Protectorate' State of British India but carried out by the revenue interest or to maximize profit property rights institution in the land was firmly established in Sikkim with the lessee system of landlordism. Subsequently, with the creation of lessee landlordism, a new structure in land developed. As a result of this for the first time in Sikkimese history, change was occurred in land ownership patterns.

### **Landlords and the lessee system**

The Kazis were the leading landlords and claimed as they belonged to the old nobility of Sikkim (Moktan, 2004: 108). The institution of *kazihood* had strongly based on the ownership of land. Thus any attempt to analyze the dynamics of Namgyal dynasty without reference to the *kazi* will be incomplete (Sinha, 1975: 7). The institution of kazis was necessary to Namgyal dynasty because besides acting as a local judiciary they were the revenue collecting authority. They were the king's kinsmen, retainers, courtiers, war-lords and indeed rulers on behalf of their sovereign to their allotted estates. Hence, as a result they commanded considerable powers in the country. In simple words, they were the main power behind the throne acquiring social and economic dominance (Das, 1983: 9). Even Edger during his visit to Sikkim and the Thibetan Frontier in 1873 noticed them:

The kazis and several other officers of various names exercise jurisdiction over specific tracts of lands. Each of these officers assesses the revenue payable by all the people settled on the lands within his jurisdiction, and, as far as I can make out, keeps the greater portion for himself, paying over to the Rajah a certain fixed contribution.... (Edger, 2005: 62).

The conversions of Bhutia-Lepcha into Buddhist fold make it easy and smooth for social intercourse at the highest level with the Bhutias around the monasteries. With the inter-marriages between the Bhutias and Lepchas of the upper strata of society developed the aristocracy like *kazi* (Sinha, 1975: 5). However, in the beginning kazis were mostly Bhutia landlords with very few Lepchas who had attained relatively the equal status of the Bhutia kazis through marital relations with Bhutia aristocrats, and loyalty to the then kings as well. Thereby, it may be found a few Lepcha kazis, while no Limbu could emerge to such a position (Datta, 1994: 71).

The kazis were in charge of their territories and so as the regional lords. They were mainly selected on the commanding hill tops to supervise their territory where they enjoyed authority. Further, the territory of eachkazis was well defined, the size of their estates was also varied and they were named after their localities where they ruled similar with the Tibetan tradition. Within the area of the kazis they had full right to collect revenue and absolute authority deal with the civil and criminal jurisdiction along with the help of local officers. Nevertheless, thekaziskept the great portion for themselves, and paying over to king a certain fixed contribution (Sinha, 1975: 19). In short, the institution of *kazi* was necessary for the Namgyal dynasty because, they were the power behind the throne, warlords, regional lords, advisors, law giver. Moreover, they were the most significant and the important person within the administration of the Namgyal dynasty to whom *Chogyal* rely to run the everyday

affairs of the country. The status of this class was based on landed privileges and on its close proximity to, and association with the ruling houses (Bhattacharya, 1992: iii).

Owing to their close proximity and association with the ruling houses the marriages with the ruler's family slowly became common and were in vogue. They manned the royal council and the official's positions. As was lords they commanded or maintained army against the foes. Due to this they wielded considerable authority in his areas. In fact, at times, the stronger and more influential kazis was even more powerful than the rulers were. They held the position of ministers and this allows them to maintain two residential provisions. The two residential provisions were one at their provincial estates where they ruled. Subsequently, the next were in the capital around the *Chogyal's* Palace. Basically, it was in his second provisions he has to assist the *Chogyal* in traditional functionaries of the country. However, it is pertinent to note that the kazis had no proprietary right in the lands in spite of that they had a kind of hereditary title to their office (Sinha, 1975: 19).

Among the Bhutia families of repute, Risley mentioned fourteen *kazi* families. J. Edger, the Deputy Commissioner of Darjeeling recorded in 1874 that there were then twelve *kazi* houses. Similarly, Waddel mentioned only twelve *kazi* houses such as Yangthang, Gangtok, Rhenock, Lasso, Dallam, Song, Barmoik, Tashiding, Maling, Simik, Libing, and Pendong. According to Sinha, '*The Imperial Gazetteer of India, XXIII* mentions that there were total twenty-one kazis in Sikkim. Nevertheless, the most influential *kazi* families like Barmoik, Rhenock, Enchey, Rumtek, Fudong, and Gangtok trace their origin from the *Rong* chief, The-Kong-Tek (Sinha, 2008: 58).

Nonetheless, it is indeed difficult to identify the exact number of the *kazi* houses, because of the spurious claims or claim through illegitimate offspring and sometimes



claim through mothers. At the same time, their number has been fluctuating various periods as warriors, prosperous traders, religious figure, and successful bureaucrats even of modest origin were elevated to the *kazihood*. Among such cases of elevation of a commoner to *kazihood* was the Rai Bahudur Lobzang Chhoden, a British employee, who joined the Sikkim *darbar* Services, received estates namely Lingmo, Neh, and Brom and was ultimately recognized as a *kazi* during the British time. Nevertheless, no kazis have been created later on (Sinha, 1975: 8-9).

Being aristocrats' thekazis always treated themselves as a class different from other Bhutia-Lepcha people. Moreover, they were widely respected within the society they were called '*yapla*' (respected sir), while the other Bhutia-Lepcha people were simply called 'babooos' (Sengupta, 1985: 125). Moreover, they were all along active at the highest level in the economy and political life of Sikkim. As economically they were very sound and hence lived in a fine house surrounded by well-cultivated fields (Donaldson, 1900: 163).

However, the institution of the kazis had an obscure beginning, and it is still a question of debate whether it was borrowed from Tibet, Nepal, or India. At the same time, there are different suggestions with regard to the origin of kazis in Sikkim (Sinha, 2008: 57). It is believed that the term kazis came into use after the Gorkha invasion in Sikkim during 1774-1788. As per the Nepalese sources in Nepal the institution of kazis was introduced during King Bijoy Narain Rai reign (1584-1609). The history of Nepal also suggests that the general of King Bijoy Narain Rai was later on elevated to the position of *kazihood* on the basis of their virtue. It also suggests that *kaziship* was hereditary in certain cases (Sinha, 2008: 57).

Of course, there is no doubt that the institution of kazis was existed in Nepal,

however, it cannot be said that from Nepal the term kazis was borrowed to Sikkim. One simple reason is to why we cannot say the institution of kazis was borrowed from Nepal is the term and pronounced *kazi* itself. The term *kazi* was differently spelled and pronounced in Nepal like *Quazi*, *Kajee*, and *Kaji* (Sinha, 1975: 8). Likewise, it cannot be said that the institution of kazis was borrowed from Tibet, because in Tibet none of the officials carried or hold the title kazis. However, the Tibetan equivalent of kazis was said to be *blon-po* or ministers or *rdzong-dpon* (Sinha, 2008: 42).

Nevertheless, the term kazis seems to be derived from the Arabic term '*Qadi*' meaning a magistrate and introduced by Muslim rulers in India. Kazis traditionally have jurisdiction over all legal aspects mainly with cases to do with inheritance, personal statutes, property, and commercial transactions involving Muslims country. During the Muhammadan supremacy in Bengal, the Sikkim Chogyal's possession extended down to Titalia and Silliguria in the Purneah. At that time, the *Chogyal* of Sikkim used to send his Kalons and Dzongpons to administer justice at the adjoining parts of Mughal India. Afterwards any Sikkimese zamindars came to be designated by the title of kazis (Sinha, 1975: 9).

Next to the Kazis were thikadars. The term thikadars is a word of Indian origin denoting to one who functions according to the terms and conditions of the contract. In Sikkim Morung,<sup>61</sup> four different classes connected with land, they were *jotedar*, *bhagidar*, *praja*, and one of them were thikadars (Debnath, 2009: 63). Eventually, in

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<sup>61</sup> The plains of Terai below the foothills of the Darjeeling district were called as Sikkim Morung and traditionally it was the part of Sikkim. In the Treaty between Nepal and Tibet in 1792 this tract of land was ceded to Nepal. However, in the Anglo-Nepali war of 1814-15, Sikkim was allied with British and in the subsequent Treaty of Titalia concluded in 1817, where by Sikkim regained this territory. It was, however, annexed by the British in 1850 after which Sikkim has never been able to regain it (Debnath, 2008: 63).

Sikkim, by the end of the nineteenth century, a section of the Newars (Nepalese) thikadars emerged. Subsequently, this thikadars also functions according to the terms and conditions of the contract in land. So talking about the origin of thikadars in Sikkim, one can say that it was under the British influence the land owning group thikadars rose in Sikkim. During British domination in Sikkim, the pro-British officers like, Cheebu Lama and later on Lepcha kazis Khangsa Dewan and Phogong Lama determined to introduce Nepalese in the administration for their usefulness in developing Sikkim. Chebu Lama<sup>62</sup> who was appointed as the first Sikkim *Vakil* at Darjeeling in 1861 had seen the Newar entrepreneurs at Darjeeling turning from rag to riches and in process creating considerable wealth for the state. He decided to use their good offices with a view to developing Sikkim's natural resources. What struck him immediately was the fact that Sikkim had no currency of her own at that time and Newares were thriving as businessmen adept in minting copper coins in Nepal (Sinha, 2008: 73).

At that juncture there was a need for Sikkim to have its own currencies and it was taboo for the lamaist Bhutia-Lepcha kazis to quarry mines.<sup>63</sup> Therefore, Khangsa Dewan and Phodang Lama, who were virtually the main men in the Sikkim's administration, struck a deal with the Newar traders the Lachmidas brothers of Darjeeling under which a large tract of land which had been convicted of embezzlement, was made over to the Nepalese brothers (Bhattacharyya, 1984: 26).

The reason is to why the Khangsa brothers struck a deal with the Newar traders was

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<sup>62</sup> He was the Lepcha *kazi* from Chakhung. Though a priest by profession, he was appointed as the first Sikkim *Vakil* at Darjeeling in 1861. He accompanied Ashley Eden Mission to Bhutan in 1864 as Tibetan interpreter. As a reward for his pro-British services he was granted a tract of land comprising 115 square miles situated in the northwest of the Darjeeling district (Gazetteer of Sikkim, 2013: 85).

<sup>63</sup> The Sikkimese people believed that mining would bring ill luck to the land, it would cause sickness to men cattle and crops would fail (Bhattacharyya, 1984: 31).

they had expertise in copper mining and minting thus subsequently they were invited to Sikkim for copper mining and minting coins. According to Kotturan, it was in the reign of Sidkeong Namgyal the settlement of Nepalese began. In 1867, he (Sidkeong Namgyal) granted a lease in his state to famous traders, the Lachmidas brothers (Kotturan, 1983: 82). After this they finally settled in Sikkim for working in copper mine in Tuk Khani in Southern Sikkim.

Meanwhile, Khangsa Dewan and Phodan Lama, who were considered pro-immigration leaders, continued the lease of land to Lachmidas in later years as well. For instance, a deed dated 1874 records that two lama brothers have leased lands to Lachmidas, Chandrabir, Jitman and Lambodara had been passed. In a detail, under this deed of lease they were given the Sedam land with the lease of context to hold power upon descendants after descendants.<sup>64</sup> They had to pay five hundred rupees annually to the *Chogyal* and Seven hundred rupees to both Lamas. Nevertheless, with the exception of lease of lands this deed also authorized them to investigate and imposed fine according to the Nepalese custom. In a simple term, they were given powers to exercise within their own estates however, with the exception of murder cases (Sharma & Sharma, 2005: 17).

However, in 1883, the Newares have been given the contract to mint coins for a period of five years by the authority of Sikkim. While, in the process of minting coins

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<sup>64</sup> The deed also described the boundaries of leased land which was extended from the land on the North- East from Naddi to its confluence to the Tista River, on the East-South all along the Tista River, on the South-West all along the Burra Rungit up to its suspension Bridge over the Rungit River, on the North –West from the Rungit suspension Bridge along the old road up to Pukka village along the Government Road to Koolow Ektompani, from the Jhora of Koolow Ektompani upto the Manfur River, on the East from the North of Manfur all along the Manfur Jhora upto its source (Sharma & Sharma, 2005: 17).

for the Sikkimese government, they earned the title of *taksari*, or minter. Nevertheless, in Sikkimese context, these newly-arrived Nepalese could lease of land from the Sikkimese administration on the basis of contract (*thika*), hence, earning in course of time the title of thikadars for themselves (Sinha, 2008: 62). As said earlier, Lacmidas Pradhan was more prominent among Newars. By 1913, the family members of Lacmidas Pradhan could be found all over Sikkim. Some important members of Lachmidas's family were Rai Saheb Lambodar Pradhan, Rai Saheb Laximi Narayan Pradhan, Suriman Pradhan, Dalbahadur Pradhan, Ratnabhadur Pradhan, Sherbhadur Pradhan (Gurung, 2011: 60).

Though, they were small in number, but due to their close connection with the pro-immigrant kazis and with the British authority soon they were able to acquiring important positions within Sikkimese administration, they became reputedly enterprising, wealthy and influential one (Tamang, 2016: 39). Although, thikadars never summon as *kazi* but some of the descendants of Lacmidas's brothers received the prestigious title of Rai Shaheb from the British Government. They were also renowned as landlords/zamindars, or contractors or thikadars. Among them the most popular was the grandson of Lacmidas, Rai Saheb Balkrishna, he was also known as 'Baburam'. He built the well-known *baunn dhoka darbar* (the palace with fifty-two doors in Namthang). Besides, this it is believed that a band party with a song '*kasko baja kasoko baja Baburam ko baja*' (whose band it is? whose band it is? it is Baburam's band) would accompany him whenever he left his house (Shrestha, 2015: 26).

On the existence of band which carries baburam's name Rajen Upadhyay writes, it "reveals his costly lifestyle and lavish existence" (Upadhyay, 2017: 101). Thus once

again it is pertaining to note that, *thikadar* though never called as *kazi* but as lessee landlords they contented to play second fiddle to the *kazi* party which they had usurped for themselves. In short, they shared certain privileges like kazis led exclusive and extraordinary life. Therefore, thikadars especially the most influential one, proved as bad any of the kazis (Moktan, 2004: 108).

However, the creation of Newari thikadars was not free from criticism, according to the *History of Sikkim* Councilors Phodong Lama, Khangsa Dewan and Shew Dewan taking bribes, and favouring pro-British fractions gave the lands to Newari, new Paharias settlers (Nepalese), and those Bhutias and Lepchas who had no land or do not possessed land at all. Besides, these plainmen were also favoured with the pattas thus created thikadars (Namgyal & Dolma, 1908: 104). But one cannot deny the fact that it was with the rise of Nepalese thikadars as lessees the ethnic relations in Sikkim took a major turning point. They settled many new comers particularly the Nepalese from Nepal in their elakas. In short, it can be said that it was this thikadars who invite and encourage Nepalese to settle in their lands to extract more land rent (Datta, 1994: 72).

John Claude White after taking the effective control over the affairs of state immediately noted the unchanging patterns in land where the ownership in land was in the hands of landed aristocracy on behalf of *Chogyal*. Thus in order to bring the land under the control of the state he chalkout a new land settlement policy by introduced the modified lessee system of land tenure (Tamang, 2016: 50). In short, the modified lease system of land tenure was an institution in land introduced by a British Political Officer in Sikkim. Under this system, initially, an entire arable lands were

leased out to an individual on fixed land rent for certain period of time (Sinha, 2008: 93).

Nevertheless, in no time the system of dividing the land into pieces and granting the rights of land to individual through *patta*<sup>65</sup> on lease or contract for certain periods were in vogue in Sikkim. Thus it was, through a lease of land new structures in land were created i.e, lessee landlordism. Under the modified system the land institution the lessees were created with the issue of legal documents or *patta*<sup>66</sup>. Like zamindars of Bengal lessee lords of Sikkim also shares some similarities.

Like the zamindars of Bengal the lands of the lessees were alienable, rentable, and heritable. Besides, alienable, rentable, and heritable rights in land he has an effective control over all activities within his landed areas and that includes maintaining law and orders. Meanwhile he was accountable for the payment of fixed revenue to the State. Whereby, state was not directly entered into direct relations with the cultivators. Thus it is noted that this kind of system was basically seen in zamindari system in Bengal and not in Bombay, Madras, and Punjab.<sup>67</sup> Again, the lessees used middlemen<sup>68</sup> to allure people in the areas, where they wanted to be inhabited. Then from those settlers, landlords collected one rupee per house as tax; out of this they kept 62.5% for themselves and 37.5% was paid to the government as land rent. Later on, the landlords collected six rupees, out of which five rupees were kept by him and

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<sup>65</sup> Under the modified system of property rights institution, the lessees were created with the issue of legal document of land. It has mentioned the name of a lessee holder, name of the land that he has taken into a lease for certain period.

<sup>66</sup> It was the legal document of land. It has mentioned the name of a lessee holder, name of the land that he has taken into a lease for certain period.

<sup>67</sup> File No Nil/1924. SL No 1, Forest Department. Government of Sikkim, 1923

<sup>68</sup> About middlemen discuss in detail in latter pages.

one rupee was paid to the Government (Tamang, 2016: 66). About the zamindari system of Sikkim TB Subba states:

The distinctive feature of the zamindari system was that the landlord was bound to the land and for payment of the revenue amount for the whole term of settlement. He could not at his option relinquish the Estate and there was, in fact, a contract between him and the State by a fixed sum as land revenue and was not accountable for the collective made in the Estate (Subba, 1989: 83).

In the zamindari settlement the landlords have a legal proprietary title, but also a fixed responsibility. He is bound to the land and to the payment of revenue on it for the whole term of settlement. Further, he cannot at his option relinquish the estate. In early settlement he always signed as agreement for term, contract between him and state (Sarwar, 2012: 21).

Similarly, the lessees were given legal property title of land along with certain responsibility, such as a bound to pay revenue on time. The lessees of Sikkim had to pay fixed sums of land rent and house taxes to the state on the 15<sup>th</sup> of January and 28<sup>th</sup> of the February every year without a fail.<sup>69</sup> At the same time the legal ownership in the land has conferred upon them an overwhelming right which was beyond the imagination of those who do not have the rights in lands. The lessees have right to collect tax, permitted to sell, pawned or mortgaged both moveable and immovable properties of the defaulting ryots<sup>70</sup> (Tamang, 2016: 60-61). Since the main task of the lessees were to collect rent from the land hence no state aid was given to the lessees'

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<sup>69</sup> *Administration Report of the Sikkim State for 1930-1931*, Calcutta: Government of India

<sup>70</sup> Peasants



(kazis andthikadars) to realize land rent.<sup>71</sup> They have collect rents from the ryots without making any distinction whether they were poor of rich, widow or widower.<sup>72</sup>

Similar to the zamindars of Bengal the lessees were subjected to loss of their land on the failure to the pay of revenue on time. Thus like the zamindars lessees also undergone through insecurity of losing land on failure to pay revenue on fix date. It is widely noted that, they were more likely to lose the part of their land holdings or the lease of land if the rent of lessees remained unpaid for the period of twenty-one days. If it happens after twenty one days the *Durbar* terminates the leases without any excuse.<sup>73</sup> Further, if they failed to perform their duties the leases was more likely to be cancelled and transfer to others. For instances, when the lessee lords or lease holder of Dolling land was failed to perform his duty his lease of Dolling land was transferred to Rangrong Dorjee Namgyal.<sup>74</sup>

The lessee system along with sharing some features of insecurity of zamindari system of British India 'Bengal' also brought long term changes like the settlement of Nepalese ryots on large scale. The Bhutia and Lepcha ryots were less in number therefore the lessee keeps Nepalese ryots.<sup>75</sup> The most striking impact of settling Nepalese ryots was it dominated the native Bhutia-Lepchas ryots within a short span of time the subsequent impact of this even seen today. Secondly, with lessee's system not only the uncultivated wastelands were transformed into agricultural lands. But it also helped in transforming the semi-agrarian society of Sikkim into full fledges

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<sup>71</sup> File No 32/1/1911. SL No 41, Land Revenue Department. Government of Sikkim, 1911

<sup>72</sup> File No 19/I/1909. SL No 24, Land Revenue Department, Government of Sikkim, 1909

<sup>73</sup> File No Nil/1924. SL No 1, Forest Department, Government of Sikkim, 1924

<sup>74</sup> File No 1/8/1907. SL No 10, Durbar Department, Government of Sikkim, 1907

<sup>75</sup> Ibid

agrarian society.<sup>76</sup> While as far as the succession of land of the lessees was concerns on the event of the death of a lessee during the term of his lease, the Government had undertaken to renew the lease in favour of his heir only in the male line. In short, it can be say that without the approval of the state lessee were not transferable to anyone (Sengupta, 1985: 250).

Moreover, the lessees have to obey all the rules, regulations, orders, and notifications issued by the state time to time. This simply means they have to abide by certain rules passed by the *Durbar*/state. They were not allowed to establish not permitted to build a market or hat within his elakas without the express permission in writing of the state.<sup>77</sup> Although they were made to obey orders of the state but they enjoyed considerable benefits from the State. According to the draft of Political Office dated March 1906 all the lessees or land holder (kazi, thikadar, and lama) were personally exempted from labour services to the State. They had to supply substitute coolies to the State for constructing bridges and road.<sup>78</sup>

Except this, the lessee could absorb as many newcomers as they wanted as it was easy to extract initial payments in the form of *nazarana* (gift). All registration of land transactions was accomplished through the lessee landlords. Thereby, the tenants did not have any security of tenancy rights on a certain plot of land under the jurisdiction of lessee landlords and remained under the mercy of lessee. In such a situation, it was obvious they naturally tended to promote more Nepale tenants to settlement in their jurisdiction to earn more payments. Therefore, under the control and jurisdiction of

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<sup>76</sup> Discuss in detail in chapter seven.

<sup>77</sup> File No Nil/1924. SL No 1, Forest Department, Government of Sikkim, 1924

<sup>78</sup> File No 1909. SL No 14, General Order re-exemption. Land Revenue Department, Government of Sikkim, 1909

lessee landlords, large number of Nepalese settled down in waste land as agriculturist, skilled, and unskilled labourers (Datta, 1994: 73).

However, the new revenue policy benefited immensely to lessees' lords. The lessee lords especially kazis took over the Tibet trade when the roads were opened. They converted rice fields to cardamom which yielded a much high income. Thus, with the advantage of their status they successful established themselves into commercial ventures. Consequently, they were able to monopolize the administration as it was expanded and streamlined. However, with strengthening their powers the condition of the tenants deteriorated due to the exploitation of their labour in the form of taxes by the lessee lords in the presence of intermediaries and their extortionist behavior, besides insecurity of tenure (Gurung, 2011: 62).

Through *pattas* lessees or zamindars were created thus *patta* was issued and revised time and again. The first ever *pattas* were issued in 1889 by John Claude White and it was again revised in 1892 and lands were again redistributed.<sup>79</sup>

In 1900-1901 perpetual leased were also granted to some lessees. All the lessee lords or *patta* holders whose *pattas* have been expired were informed to collect revised *patta* personally. They were also warned that if they failed to do so than the management of their estates or elakas likely to be ceased by the state. Although, the lessees were entitled to renew the terms of their *pattas* the rights to renew the expired *pattas* was entirely up to the state. Consequently, it gave the lessees some certainty of

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<sup>79</sup> File No 3/ 1903. SL No 7, Land Revenue Department, Government of Sikkim, 1903

permanency and absolute control of the state.<sup>80</sup> Meanwhile, whenever lessees revised their *pattas* the rent of the lands also revised and increased.<sup>81</sup>

The main intention of the state of revising the *pattas* time and again seems to be simple. To established large land lords who will be responsible to the state for payment of revenue and not entered into direct relations with the cultivators. To curb the powers of lessees and to increased considerable revenues of the state without making the landlord classes too powerful either against the State or to the cultivators.<sup>82</sup> *Patta* was a key to determine the lessee system therefore notices was often issued by the state for the safe custody of *pattas*.<sup>83</sup> However, it is worth to mention here is that lessees could hold more than one *pattas* or lease of land ‘elakas’.

Thus, the measures of collecting land revenue with the introduction of lessee system or periodic land leased to lessee with the issue of *pattas* or written documents proved successful. Consequently, by the end of the nineteenth century, a large portion of cultivable lands was brought under the lessee system basically with the issue of *patta*. Meanwhile, it was through the lease large numbers of lessee were created all over Sikkim and called lessee landlords.

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<sup>80</sup> File No Nil/1924. SL No 1, Forest Department, Government of Sikkim, 1924

<sup>81</sup> File No 19/I/1909. SL No 24, Land Revenue Department, Government of Sikkim, 1909

<sup>82</sup> File No Nil/1924. SL No 1, Forest Department, 1924

<sup>83</sup> File No 30/1/1911. SL No 42, Land Revenue Department, 1911

Table No. 4. 1: Land rent to lessees through *pattas* granted under John Claude White during 1890- 1906

<b>Lessees</b>	<b>Place</b>	<b>Area in acres</b>	<b>Rent per acre in Rs</b>	<b>Total rent in Rs</b>	<b>Lease period</b>
NimaTashi	Pathing	358	0.25	89	5 years
ShrimanShadubhadur	Pathing	240	0.50	120	5 years
Choboo	Pathing	282	0.25	71	5 years
Pejo	Pathing	317	0.25	79	5 years
Phoopgoly	–	227	0.25	57	5 years
Doling Lama	Rayong and Singbu	1806	–	–	5 years
ThikadarChandraBir	Pathing	860	0.37	322	10 years
ChagoTsering Bhutia	Pathing	1390	0.19	261	5 years
Yangthang kazi	Rinchenpong	1407	–	130	5 years
Sookshing kazi	Lindok, Nampung	–	–	298	–
Gangtok kazi	Gangtok, Martam, and Nandok	3596	–	–	–

Source: File No X/X/1809-1907. SL No 1. Land Revenue Department, Government of Sikkim, 1907.

The table 4.1 shows that the lessees were having more than 200 acres. The Kazi of Gangtok was having 3,596 acres under his control. The information regarding how much rent was collected by him every year is not available. Next to him, was Doling Lama, who was having 1, 809 acres and Yangthang Kazi and Chago Tsering Bhutia had 1, 407 and 1, 390 acres respectively.

Thus looking after the above instances it is clear that the under lessee systemkazis and

thikadars rise. In simple, it led to emerge of new regional and local administration in land. Under British, a new pattern of regional and local administration emerged in which the Bhutia-Lepcha kazis and the Nepali thikadars played the central role, displacing the Dzungpons (district officers) as the main agent of the Sikkim government at the regional level (Chhetri, 2012: 101). The grant of *pattasee* appendix II.

### **Land the main source of revenue**

Before the British influences started in Sikkim the land economy system of Sikkim had been not developed and thus based on barter or exchange. It is also noted that that the trade was also not carried out regularly. Moreover, the barter system of goods was in fashion that was carried on between different sections of the community. To a great extent the barter was the only system of trade, therefore taxes were also used to be collected in kind (Bhattacharyya, 1984: 24-25). For instance, there were many taxes took in kind or labour services, all of which were levied to meet specific needs for the organization. There were thus duties levied in grain, butter, animals, transportation, farm labour, and so forth (Tamang, 2016: 57). In simple words, the pre-British land economy system of Sikkim simply indicates that all sorts of revenue that was collected in kind goes for the maintenance of the ruling houses. Moreover, the *Chogyal* took what he required, as he wanted it from his subject in the name of revenue. Overall, the revenue was collected in kind and not in cash. Due to absent of cash revenue here the subjects had to pay rent in kind that consisted the payment of part of the crop, salt tax, and butter (Gazetteer of Sikkim, 2013: 311).

Nonetheless, this tax did not form as a part of 'land' revenue. The same feature of taxation was in vogue and practiced in Tibet. Tibetan government was financed by the

taxation of the peasantry and the pastoralists. Taxes were for the most part non-monetary, being most often paid in the form of goods and services. Estate-holders were responsible for the collection of the taxes due from their estates and extracted their own share of the produce, largely from designated fields that were worked by the peasants on the lord's sole behalf (Kapstein, 2009: 176).

J. Ware Edger while visiting Sikkim and the Tibetan Frontier noted that, some herdsmen seasonally lived in the part of Sikkim and Tibet. They had to paid revenue in kind (in butter and cheese) value of about six rupees yearly to both Sikkim and Tibetan government<sup>84</sup>. Besides this, they also have to provide services occasional (Edger, 2005: 4). He further adds:

The land is not assessed, and pays no revenue. The assessment is on the revenue-payers personally, and I think that is theory he [tenant] is supposed to be allowed the use of the Rajah's land in order that he may live and be able to render to the Rajah the services which he is bound to do as the Rajah's live chattel; and possible if the system were carried to theoretical perfection, he would be bound to gave over the Rajah all the produce of the land-that is all the fruit of his labour beyond what might be actually necessary to support himself and his family. In practice the subject is only bound to give a certain portion of his labour, or of the fruit of his labour to the State; and when he does not give his actual service, the amount of his service is roughly assessed, and his contribution to the State fixed accordingly; but such assessment is made without the slightest reference to the amount of land occupied by the subject. The value of his wives and children, slaves, cattle, furniture, &, are all taken into account, but not the extent of his field (Edger, 2005: 63-64).

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<sup>84</sup>The Sikkim subject residing in the Chumbi Valley paid taxes to Tibetan government, File No 23/7(XXII)/1923. SL No 188. General Department, 1923

However, the first genuine effort to collect taxes in Sikkim was visible during fifth *Chogyal* Namgyal Phuntso's reign under the Regent of Rabden Sherpa. By that time salt was scarce in Sikkim. As a means to procure census he induced people to come to him to secure the *bakshis* a plateful of salt. Thereafter, he obtained a pretty correct census managed to enroll the names of recipients of the salt bakshis. Accordingly, the very next year the first assessment of taxes was made on the bases of names of recipients rolled. Eventually, this was the first every system introduced in Sikkim to collect annual rents from people. In addition, under him a regular source of income to the *Chogyal*, called *Zolung* (handle of manufacture) meaning a sort of tax, and a duty on trade was fixed. He also established the rule of annual collection in kind of grains wine, taxes in Sikkim. Thus, it was from the time of Namgyal Phuntso only annual collection in kind was realized from the raiyats (Namgyal & Dolma, 1908: 40).

Here it is clear, the *Chogyal* and his subordinates extracted labour as a matter of right. An important aspect of the early Sikkimese revenue system was the absence of any type of land revenue. The reason for this unusual phenomenon should be sought in the land tenure system of the country which was a prototype of the Tibetan system introduced in Sikkim. According to which land could not be taken on the basis of taxation (Debnath, 2009: 97). The taxation system of Sikkim before British was hence not developed institutionally thus it was not well organized. Meanwhile, the *Chogyals* of Sikkim had not implemented a systematic revenue system of their own and relying on the Tibetan system of land institution accordingly land was not taken as the basis for the assessment of taxation. Henceforth, till the intervention of British no systematic revenue system was existed in Sikkim. J C White's first impression regarding revenue system of Sikkim, "there was no revenue system; *Chogyal* takes what he required as he wanted it from his subject" (White, 2009: 26).



Thus owing to the lack of well-established land institution of Namgyal, Political Officer White successfully introduced property right institutions in land with such an ease soon their influences started. It was under the British influence the earlier system of taxation was replaced and all taxes were collected in cash. Land, for the first time, was taken as a source of revenue, and in fact, it accounted for the major portion of the state revenue. To put it differently, the British authority started the system of proper land revenue system in Sikkim. In fact, before that Sikkim unfamiliar with it and never counted land as a main sources of revenue though, the value of land was equally important. However, the use of systematic land revenue system would have not been possible without the introduction of monetary system and it was White who introduced money economy (Sinha, 2008: 95). Since in the pre-British period the taxes used to be collected in kind and the system of collecting in kind known as *Bisa Panja*.<sup>85</sup> But once Sikkim came under the British influences all taxes were collected in cash.<sup>86</sup>

However, the collection of all the taxes or revenue in cash was made possible with the introduction of the British coinage system in Sikkim. Sikkimese state does not mint any coins.<sup>87</sup> But during 1883, the Sikkim authority had permitted Lachmidas to mint *chapte paisa* (coins) for the *Chogyal* of Sikkim for limited circulation. However, Sikkim's coins could not circulate for more than a five years. It was discontinued after 1888, when Darjeeling's Deputy Commissioner refused to allow *Durbar's* (Sikkim's) currency to circulate in British territory. In short, due to the British influence, circulating Sikkim coinage system was discontinued. Meanwhile, British insisted on

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<sup>85</sup> *Administration Report of the Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>86</sup> *Ibid*

<sup>87</sup> *Administration Report of the Sikkim State for 1909-1910*. Calcutta: Government of India

the use of Indian currency in Sikkim (Tamang, 2016: 58). As a result of this, British Indian coinage<sup>88</sup> came into use in Sikkim (Gorer, 1984: 42). The British Indian Rupee then onwards freely circulated and indeed recognized the only official currency.<sup>89</sup> While, under the systematic land revenue system the introduction of British Indian coinage was itself an epoch making events. With it the cash collection of land revenue became more continent.

The coinage system introduced by the British in Sikkim replaced the traditional system barter/kind with cash/money to which Sikkim was unfamiliar with. Certainly, introducing coins for the convenience of collecting land revenue was important steps which further leads to alienation of land by sell, mortgage, and debt. Sell and mortgage of lands became frequent like mortgage of Daramdin Estates for loan.<sup>90</sup> Maharaja Thutob Namgyal and Maharani Dolma confronts, “Mr. White, Political Officer in Sikkim taught us how to collect rents, and taxes, to administer justice, and in every way improved the condition of Sikkim and shed the light of knowledge in the benighted little State” (Namgyal & Dolma, 1908: 141).

While, the immediate set back of the newly implemented revenue policy benefited the lessees, kazis and thikadars immensely. However, one of the set back of this new fiscal policy in Sikkim was it further led to the land annihilation. Sikkim unfamiliar with the

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<sup>88</sup> The basis of British India coinage is the rupee, a large silver coin worth a little over ¼, or about 32 American cents. The rupee is divided into sixteen annas, worth about a penny or two cents each. There are coins of one, two, four, and eight annas, of nickel. The *anna* is again subdivided into pice and pies, represented by small copper coins. (Each anna was having 12 pices). Sums larger than one rupee are paper banknotes, worth rupees 5, 10, 50, 100 etc. The silver content of the rupee is said to equal its purchasing power. The usual method of denoting sums in rupees is to place first the sign Rs. then the number of rupees, and a bar with on the right side the annas. Thus two rupees, eight annas is printed as rupess. 2/8 (Gorer, 1984: 42).

<sup>89</sup> *Administration Report of the Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>90</sup> File No 5/25/1912. SL No 46, Land Revenue Department, Government of Sikkim, 1912

cash system however with the introduction of money economy the essential features of ownership i.e., sell and mortgage of lands accelerated full-fledge. Nevertheless, the bold changes made in the land economy too added fuel in the fire on the ongoing changing in land ownership.

Under the British influences revenue was generated from various sources such as forest, agriculture, exercise, debt etc., Land revenue, house-tax, and income tax were the main heads of revenue and derived as direct taxes. As stated already, the State did not collect its taxes through any departmental agency. The entire collection of State demands was given to lessees on 'contract' or 'lease' for terms varying from fifteen years to one.<sup>91</sup> Between 1916-1917, land, labour, and exercise all these comprise seventy-three and half per cent of the total revenue.<sup>92</sup> No doubt land was the main source of revenue but other tax as such house-tax and income tax also composed as a major source of revenue to the state. Henceforth, as far as house-tax is concerned lessees have to pay to state four rupees per house. Besides, the house tax ten percent of the price of valuable timber sold from their land goes to the state as State revenue. At the same time, they were paying five rupees per maund of cardamom which was the only product from the same land. Further, the skin of the sheep and goats and the hides of cattle also add to the profit of the state. *Marwa* (liquor made of millet) and labour taxes of four rupees assessed from every household no matter how poor they were. At last, they had to supply coolies to the State for expedition, road, and bridge making.<sup>93</sup>

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<sup>91</sup> *Administration Report for the Sikkim State from 1930-1931*. Calcutta: Government of India

<sup>92</sup> *Administration Report for the Sikkim State for 1916-1917*. Calcutta: Government of India

<sup>93</sup> File No. 19/I/1909. SL No 24. Land Revenue Department, Government of Sikkim, 1909

Table No 4. 2: Land revenue and forest actual receipts in Sikkim during the tenure of John Claude White

Sl. No.	Receipts	1889	1890	1900-1901
1	Land Revenue	13, 585	14,122	45,116
2	Forrest	2, 752	5, 281	11, 049

Source: Jagadish Chandra Debnath. *Economic History and Development of Sikkim*. Delhi: Abhijeet Publication, 2009, pp. 104-120

As already mentioned before, maximizing profits through deriving revenue from the land was the ultimate aim of the British Government. To them revenue department was the most important department (Meena, 2015: 66). The importance of this to the British Government can be seen with the establishment of Land Revenue Department in Sikkim which was completely new to Sikkim. No doubt, the Land Revenue Department patronage the British land revenue policy in Sikkim similar to other states of British India. Other than the Land Revenue, Forest Department, Judicial Department, Police Department, Durbar Department, Education Department, Exercise Department, and Finance Department were also firmly established in Sikkim. All these departments were not existed before and established under British influences.

### **Locating Possible Sources of Revenue**

Leaving no stone unturned the Political Officer implemented various measures to extract revenue from the land. In the process of generating revenue they even used the forest as well.<sup>94</sup> Besides, land and forest for the very first time and the resources or minerals lie underneath the earth also added into the lists of possible sources of revenue. However, as per the religious belief of Sikkimese people digging the earth would bring bad luck and hence forbidden. Edger also noted that, the people of

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<sup>94</sup> Discussed in detail in the next chapter

Sikkim have belief-perhaps connected with the Fengshui superstition of the Chinese- that attempts to make use of the treasure below the earth are visited on those living above the surface by sickness of men and cattle, and by failure of the crops. Consequently, the search for metals is in every way discouraged, except in those parts of Sikkim which are under the influence of the representatives of Cheebu Lama, or that of Lasso kazi, or of some others whose prejudices have been removed through intercourse with Darjeeling (Edger, 2005: 75).

Generally, digging the earth in the Himalayan mountainous region is dangerous to the existence of their villagers. Perhaps with this danger the tradition of the region avoided and prohibited the digging the earth. Therefore, the idea to use the resources of earth was completely new to Sikkim but it was proposed by none other than White. When he was looking at all the possible ways to derive revenue, he pointed out:

There is another source of revenue in which, up to a year ago, I have vain tried to interest the Government of India. That is the store of mineral wealth buried in the mountain (White, 2009: 29).

The minerals such as Iron, tin, zinc, aluminum, arsenic, graphite, lead, gold, and silver exploited and this was an eventful process in Sikkimese history. While to use these minerals first it has to take out from the underneath of earth or it requires digging the earth that was strictly forbidden as per the religious belief of people. Nonetheless, ignoring, the belief under British mining was welcomed into Sikkim. Although, similar to other tasks introducing mining in Sikkim was not at all easy for White. He accepted that the difficulties of working on mining were greater for him to attempt. On top of that treasure of the state was empty and British Government refused to introduce foreign capital. He (White) made prayed several times and writes:

I approached them time and again on the subject, always to be met with the same answer, “there reluctance to destroy the simplicity of an arcadian little State”, and it was only in 1906, the year before I left, that I finally persuaded them to allow a beginning to be made, and certain business firms were given permission to send prospectors into the country to take up mining concession (White, 2009: 29-30).

### **Land Settlement Policy and the Assessment of Land Revenue**

Deriving profit from the land by implementing land institutions seems to be a force of habit of British Officers. Hence, the introduction of the property rights institution in the land in Sikkim was triggered off to fill the empty coffer of the state. In this process John Claude White abolished all the previous taxation systems and the land was taken as a source of revenue for the first time (Debnath, 2009: 104). While analyzing the economic condition of Sikkim White remarks, “The coffers were empty, and the first thing to be done was to devise some means by which we could raise revenue” (White, 2009: 26). McKay put forward that the first Political Officer was expected to develop his domain. However, the British government offered to fund a subsidy of 12, 000 rupees per annum only. To obtain the needed finance to develop his domain White instrumented land revenue-raising measures in Sikkim (McKay, 2004: 25).

Talking about the revenues in Sikkim especially land revenue in pre-British period was not known. The simple reason for not having land revenue system was at that time land was not assessed and paid no revenue. Moreover, at that time, assessment was made without reference to the amount of land occupied by the subject. Interestingly, the values of his wives, children, cattle, furniture were also accounted for assessment but not the extent of his field (Namgyal, 2001: 47-48). Simply stated,

under *Chogyal* land was never taken as revenue assessment. Thus, soon White First Political Officer noted that the land settlement patterns of Sikkim were firmly based on a customary or traditional system. More or less remained unchanged in which true ownership had been retained by the then aristocrats and land lords on behalf of the *Chogyal* (Datta, 1994: 72).

Thus, to raise the revenue from the land he led to the establishment of a property rights institution in the land through, a system of periodic land lease or lessee. Under this entire cultivable areas were divided into *elakas*<sup>95</sup> and then the arable land areas were leased to the influential person particularly to *kazis* and Newari *thikadars* on fixed annual revenues at various rates in accordance to acreage for certain years (Sinha, 2008: 60). Meanwhile, his policy worked hand in hand positively at first it successfully brought all the lands under lessee system. Secondly, it led to end customary or traditional land holding system which was based upon 'loyal services' in exchange of lands.

Under the new institution, all lands including forests and wastelands (except private estates of *Chogyal* and five monastic estates) of Sikkim parceled into various *elakas*, both big and small, which were leased out to influential people for a fixed term and on the conditions mentioned on the lease. Subsequently, the lessees have pay to the *Sarkar* or *Durbar* a fixed sum calculated at a rate per acre which varies according to the conditions of the *elakha* leased. They were authorized by the virtue of the terms of the lease to realize land revenue tax from the *raiyyats* of the *elakas* on a fixed and

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<sup>95</sup> Revenue collecting areas leased out to *kazis*, *thikdars*, and *lamas*.

certain assessment the expenses of realizing are incurred by the lessees themselves.<sup>96</sup>

There were totalelakas and they were:

1. Class one Elakas leased out elakadars.
2. Class two Elakas under the direct management of the state.
3. Class three Elakas leased out to monasteries (Sinha, 2008: 59).

Class one consists of those elakas which were leased out to various Elakadars on fixed annual khazanas (*Dhuri khazana* house tax and *zamin khazana* land tax) at various acreage rates. The system of collection of revenue was the lease holders pay annually certain fixed sums on account of land rent and household taxes on the 15<sup>th</sup> of January and 28<sup>th</sup> of February respectively every year.<sup>97</sup>

Table No 4. 3: Class one *elaka* and elakadars along with the rents they paid in 1916

Sl. No.	Elakadars	Elakas	Rent Rs.
1	Dallam Kazi	Daramdin	1754. 50
2	Dallam Kazi	Daramdin Hill Top	280
3	Kumar Palden	Daramdin	1114
4	Pinchu	Rinchenpong	1164
5	Pinchu	Hi	460
6	Sanga Dorji	Rinchenpong	260
7	Yangthang Kazi	Rinchenpong	225
8	Agam Singh	Rinchenpong	245
9	Yangthang Kazi	-*	-
10	Yangthang Kazi	Rinchenpong	120
11	Kaloh Dewet Kazi	Rinchenpong	212
12	Yay Kazi	Bermiok and Yaythey	1989
13	Yay Kazi	Radu	430
14	Yay Kazi	Mangbro and Dentam	427
15	-*	MangbroDentamHill Top	-
16	Yaythy Kazi	Dentam (Sangkoo)	320
17	Debi Prasad	Detam	-
18	Debi Prasad	Detan Hill Top	-
19	-*	Detan Hill Top	-
20	Debi Prasad	Karmatar	120

<sup>96</sup>Administration Report of the Sikkim State for 1930-1931. Calcutta: Government of India

<sup>97</sup> Ibid



21	Dawa Lepcha	Bongtery	225
22	Namphu	Gyaten	194
23	D. Prasad	Garaythang	226
24	Karzung Sonam Sring	Sakyong	230
25	Ralong Lama	Polot	125
26	Sherab Kazi	Brong	400
27	R.S Achuk Tesring	Mangbro	359
28	Deboo	Mangbro	150
29	Netook	Mangbro	1100
30	Singtuk Jongpen	Tinkitam	213
31	Chiring Pentso	Wak	571
32	Lasso Kazi	Namchi	6650
33	Balkrishna	Kitam	1170
34	Lambudar	Chida	2860
35	Balkrishna	Chida	2000
36	Balkrishna and Hiralal	Namthang	6064
37	Barmoik Kazi	Barmoik	11, 835
38	R.S Lachimi Narayan	Temi	699
39	Persad Singh	Tarku	835
40	Maharani	Namphuk and Bem	1975
41	R.B Ugen Gyatso	Yangang	489
42	R.B Ugen Gyatso	Yangang	180
43	R.S Lobzang Choden	Ne and Brom	343
44	R.S Lobzang Choden	Lingmu	300
45	Maharani	Samdong	937
46	Maharani	Simik	112
47	Simik Kazi	Simik	140
48	Maharani	Tumen	334
49	Ragunandan Rai	Lingtse and Simik	1041
50	Song Kazi	Song	1333
51	R.S Lachmi Narayan	Pendam	3480
52	Rumtek Kazi	Dikling	184
53	Dalbahdur Pradhan	Pache Khani	3736
54	Kartok Lama	Dikling	226
55	RatnabahadurDurgaSamsher	Rhenock	2050
56	Rhenock Kazi	Chuzachen	700
57	R.S Lachimi Naryan	Rigu	251
58	Maharaja Kumar	Pathing	915
59	R.S Lachimi Narayan	Pathing	414
60	Nandalal	Tarathang	314
61	Sherbahadur Pradhan	Mamring	410
62	Dalbahadur Pradhan	Taza	500
63	Rinchen Kazini	Pakyong	-
64	Timbu Tsering	Pakyong	511
65	Sonam, Rinchen	Semon	103
66	Rating Kazi	Pakyong	103
67	Phop Sring	Pakyong	9
68	Pache Kazini	Changay	-

69	Pache Kazini	Aho	-
70	Chowbise	Aho	-
71	Jungbir	Aho	-
72	Dachen Kazini	Yangtamthay	19
73	Raling Kazi	Aho	147
74	Manzong Kazi	Gangtok and Martam	3535
75	Maharaja	Gangtok	388
76	Gyaltsen Kazi	Rumtek Piece	74
77	Gyaltsen Kazi	Lingdok and Namphey	205
78	Dawa Sring	Tumblong	25
79	Rinzing Kazi	Ringim Gur	588
80	Maharani	Gur	-
81	His Highness the Maharaja	Chumtong	112
82	His Highness the Maharaja	Lachen	408
83	His Highness the Maharaja	Lachen	302
84	Laso	Tashiding	409
85	Pemdorji	Rayong (Dolling)	148
86	Maharani	Melli	282
87	Dhundiraj Pradhan	Rigu	227
88	Dalbahadur Pradhan	Rorrathang Paddy field	8
89	Rating Kazi	Singtam Hill Top Village	250
90	Rating Kazi	Singtam Gangtok elakha	89

Note \* Empty cells means number are not readable.

Source: File No. Nil/1916.SL No 60. Land Revenue Department Lists of landlords, Government of Sikkim, 1916

There were eleven *Elakas* under this class which were placed under the charge of different managers who credited into the State Bank<sup>98</sup> from time to time. The revenue collected by them under different heads. These credits were in the first instance kept as suspense deposits and subsequently classified to proper heads of accounts as soon as the managers submit detailed accounts of revenue realized by them annually. The submission of such accounts generally taken place after the close of the financial year and hence the adjustment of accounts for the preceding years was carried out only in the following year. Revenue under this class was fluctuating and it was not possible to say before the submission of detailed accounts by the Manager what will be the actual

<sup>98</sup> Messrs Bhojraj and Jetmul opened State Bank in 1899 at Gangtok.

receipt for the year under different heads.<sup>99</sup> The area, land revenue and number of house of class one and class two elakas are presented in the following tables.

Table No 4. 4: Class two elakas under the Direct Management of the State

Sl. No.	Name of Class I Elakas	Area (in acre)	Land Revenue	Number of houses Under each <i>elaka</i>
1	Ani Gompa	Unsurveyed	-	-
2	Chakung	30,670	26,980.00	2059
3	Chandmari	-	79.87	47
4	Chungthang	Unsurveyed	160.12	30
5	Lachen	Unsurveyed	490.12	77
6	Lachung	Unsurveyed	371.50	74
7	Rangang	3,182	321.81	-
8	Yangang	3,917	2275.15	305
9	Sirwani	-	45.00	5

Note: Lagyap and Gantong Village were also under the Direct Management of the State.<sup>100</sup>

Source: *Administration Report of the Sikkim State for 1933-1934*. Calcutta: Government of India

Chungthang, Lachen, and Lachung under the Direct Management were under exceptional conditions. Therefore, it is noted that landlords and managers of the other estates, and public in general were notified twenty feet in case of dry fields and ten feet in case of paddy fields shall in future be kept as road reserve on either side of all the estates as bridle paths except on steep hill side and place liable to landslips.

<sup>99</sup> *Administration Report of Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>100</sup> File No Nil/1916. SL No 60, Land Revenue Department, Government of Sikkim, 1916

However, the old practice of keeping only eight feet reserve was maintained in three estates.<sup>101</sup>

Class three elakas under monasteries. The elakas under monasteries pay annually on the 28<sup>th</sup> of February certain fixed sum on account of household taxes. They did not pay land rent which they recovered from the raiyats and utilize it for the religious purposes in the monasteries.<sup>102</sup> Since, White was determined to implement land institutions to generate revenue so much so that he made a rough survey of different districts which was hitherto not conducted at all. The initial step of conducting rough surveying was accelerated in 1889 by White.<sup>103</sup>

Although, the tasks of surveying a mountainous country like Sikkim was a difficult one. However, despite of difficulties the task of rough survey was accomplished within five years. Meanwhile, the assessment was also fixed as per acre by taking accounts of the nature of the soil, fertility and so on (White, 2009: 26-27). Carry out by this rough survey lessees system was called up and rent was fixed on lessees' kazis, thikadars, and lamas regularly without fail.<sup>104</sup> Interesting to note here is that only class one, two, and three elakas were put on lease system or lessee landlordism. But, the fifteen private estates of *Chogyal* and five monastery estates were left untouched by the State. Hence they were never put under lease system or lessee landlordism. Nonetheless, the lessee system of landlordism proved to be very successful measures in terms of extracting land revenue. In 1889 out of the total

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<sup>101</sup> Old Laws of Sikkim. Sikkim Code Volume V. Sikkim State General Department, Notification No.6072/2.

<sup>102</sup> *Administration Report of Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>103</sup> File No 19/I/1909. SL No 24, Land Revenue Department, Government of Sikkim, 1909

<sup>104</sup> Ibid

revenue of state only land revenue constructed whopping sixty-seven and this was the highest revenue as well (Gurung, 2012: 62).

### ***Impact of the land settlement policy: Land Alienation***

Carry out the new land settlement policy as a part of the lessee system, White with the help of influential Councilors without informing the *Chogyal*, who was then under detention in Kalimpong confiscated lands of olden landed aristocrats and leased out the same lands to newly created lessees. The patrimonial lands of the aristocrats turned out to be the first preference of land settlement policy and brought under the State control. Under the new institution of modified lessee system many landed aristocrats lost the part of their landholdings. In other words, it can be said that a large number of lands were confiscated mainly belonging to the erstwhile landed aristocrats who have supported *Chogyal* during their dispute with the British<sup>105</sup>. Meanwhile, the lands of olden proprietors were distributed to kazis and newly evolved Nepali thikadars who had close ties with the political officer (Chhetri, 2012: 102). Eventually, this became the main reason for land alienation and ultimately the end of customary and traditional patterns of land holdings in Sikkim.

In one of the memorials of old landed aristocrats highlights the issue of constant lands annihilation during the land settlement. This memorial states that lands which they held were initially granted to their forefathers as patrimonial estates for their faithful and unflagging services rendered by them to the State. Interestingly, this memorial also clarifies that besides land settlement the other important reasons for land

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<sup>105</sup> Most of the landed aristocracy lost their accessorial land holdings under new land settlement owing to their loyalty for the *Chogyal* Thodup Namgyal when court of Sikkim was divided into two different groups. One group was pro-British and other anti-British. This faction stood against each other issues like Nepalese immigration policy.

alienation was conflicted. They further said owing to the conflict between the British government and Tibet the kazis were deprived of their ancient patrimonial lands and had been made over the thikadars on the same conditions and the same rate of rent and taxes.<sup>106</sup> They further added that similar to the thikadars they had to pay rents and taxes, contribute labour and transport and carry out whatever the State demands. They believed there was difference between them and thikadars thus they requested to make different rates of rent and taxes payable by Bhutia-Lepcha kazis and thikadars. Thus they also pray to grant them their patrimonial *jagir* which they had lost to the thikadars'.<sup>107</sup>

One of the cases of land alienation of old landed aristocrats was seen in the case of Regu land<sup>108</sup>. To carry out the land settlement policy, the *patta* of Regu land was issued to Nepalese thikadars for five years. Initially, in 1904, the land at Regu approximately an area of 12,779 acres leased out to Nepalese thikadars named Babu Lachmi Narain and Kaloo Ram for one year from 1<sup>st</sup> January to 31<sup>st</sup> December 1904 on a rent of rupees 400 a year. However, a year after the same land was again leased out to same persons for five years i.e., from 1905-1910. Further they were also acknowledged by the state that they may renew the *patta* of Regu land for further period on an enhanced rent.<sup>109</sup> Besides, issuing *patta* of lands to the Nepalese several other estates were created in South, West, and East and handed over newly created lessees such as pro-British kazis and thikadars (Upadhyay, 2017: 86). As discussed before through lessee system new land lords were created and huge estates were given

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<sup>106</sup> File No 15/17/XI/1915. SL No 124. Durbar Department, Government of Sikkim, 1915

<sup>107</sup> Ibid

<sup>108</sup> It is a place located in Rongli East Sikkim

<sup>109</sup> File No 13/I/1906. SL No 9. Durbar Department, Government of Sikkim 1906

to the newly created lords. Following were the estates of Lacmidas's (influential Nepali *thikadar*) family owned:

1. Kitam, Chidam, Namthang, Singtam and Chakung. Owned by Rai Saheb Lambodar Pradhan.
2. Pakyong, Rungpo, Pedang, Rigoo, Pathing and Temi. Owned by Rai Sahed Laximi Narayan Pradhan.
3. Ney and Broom. Owned by Suriman Pradhan.
4. Pachey Khani and Taza. Owned by Dalbahadur Pradhan.
5. Rhenock. Owned by Ratnabhadur Pradhan.
6. Marming. Owned by Sherbhadur Pradhan (Shrestha, 2015: 26).

The direct consequences of creating lessees along with creating new estates were alienation of lands. The lands possessed by the traditional aristocrats from nine generations<sup>110</sup> were confiscated and redistributed to lessees.<sup>111</sup> Further, it is worth to mention that the income of the lands which proprietors enjoyed from nine generations was also taken by the State. Prior to 1906 thirty percent of the land income goes to the traditional land lords however it was reduced later on to ten percent only.<sup>112</sup> The *History of Sikkim* also claims that, “patrimonial lands were taken away and given to others who had no titles or claims to it” (Namgyal & Dolma, 1908: 104).

The Land settlement of Garjong lands with Her Highness the Maharani and Malling Kazi was an outcome of the above instances. During land settlement Garjong lands were leased out to Malling kazi. Lately Her Highness Maharani of Sikkim claimed to

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<sup>110</sup> File No 17/I/1909. SL No 24. Land Revenue Department, Government of Sikkim, 1909

<sup>111</sup> File No 5/25/1912. SL No 46. Land Revenue Department, Government of Sikkim, 1912.

<sup>112</sup> File No 19/I/1909. SL No 24. Land Revenue Department, Government of Sikkim, 1909

be the real proprietor of Garjong lands as her dowry. Therefore, in the Council Meeting of 1907 the dispute of Garjong lands was resolved and said lands were resumed to Maharani free from land tax thought exercise and labour taxes levied.<sup>113</sup>

The increasing land rent of the expired leases also led the land alienation. By 1909, land rent of the lessees whose lease has been expired increased two-fold. Therefore, a petition was submitted by the Councilors namely Bermiok Kazi, Gerung Dewan, Tasang Lama, Malling Kazi, and Haridas Pradhan on 8<sup>th</sup> March 1909 against the increased rent of the expired *pattas* and on a tax called income tax levied on those lands whose *pattas* have not expired.<sup>114</sup>

The issue of increasing land rent of expiring lease frequently came into the forefront after the land settlement policy. In this petition, the above Councilors mentioned that they would pay rupees four from each house to the government as house tax. As said earlier, besides, house tax ten percent of the price of valuable timber sold from their land goes to the State. At the same time, they were paying five rupees per maund of cardamom which was the only product from the same land. Further, the skin of the sheep and goats and the hides of cattle also added to the profit of the State. Since they were already paying many taxes to the State they pray not to increase and imposed a new tax in the form of increased rent.<sup>115</sup> In the same petition they have also made a humble pray to British, “All the people of Sikkim prays with one voice to the British Raj, who is the dispenser of kindness to all raiyats and to the Maharaja, who is lord of their lines, to consider favourably their earnest prayer of not increasing the rent again

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<sup>113</sup> File No 3/1903. SL No 7. Land Revenue Department, Government of Sikkim, 1903

<sup>114</sup> Ibid

<sup>115</sup> File No 19/I/1909. SL No 24, Land Revenue Department, Government of Sikkim, 1909



and again. And for which act kindness, your honour humble memorialist will ever pray”.<sup>116</sup>

Although they made humble pray to British authority regarding their great concerns of increasing land rent for some relaxation, however, during 1909 more than fifty elakadars pattas have been expired and went through the payment of an increased rate of land rent at the time of renewal.

Table No 4.5: Increase of land rent of the expired lessees 1909

Sl. No.	Lessees	Land	Number of houses	Present rate of rent	New rate of rent proposed by Political Officer
1	Barmoik and Yangthang	Yangthang	292	1276	2611
2	Bongtang	Wangdi	32	140	290
3	Barang	Sew Dingpong	65	90	561
4	Chidam	R.S Lambodar	757	2430	6654
5	Chugachen	Kuichu Gyalpo	175	450	1484
6	Daramdin	Dallam Kazi	207	1300	1904
7	Dikling	Rhumtek Kazi	30	105	265
8	Dikling	Kartok lama	29	158	270
9	Gangtok & Martam	Gangtok Kazi	587	2521	5326
10	Ghur	Ringing Kazi	81	405	684

Source: File No 19/I/1909. SL No 24. Land Revenue Department, Government of Sikkim, 1909

Thus looking after the above instances it is clear that the under lessee system kazis and thikadars rise. In simple, it led to emerge of new regional and local administration in land. Under British, a new pattern of landlords ‘lessee lord’ replaced the traditional regional and local lords of the land (Chhetri, 2012: 101).

<sup>116</sup> Ibid

Subsequently, with the lessee system the unequal rate of taxation was also imposed on ryots.<sup>117</sup> However, the unequal rate of taxation signifies White made a distinction between Bhutia-Lepchas and Nepalese. For the protection of the Bhutia-Lepcha ryots who were the old inhabitants the preferential rate of assessment on dry fields was fixed by the Bengal Government vide their Council Meeting dated the 5<sup>th</sup> September 1898. Meanwhile, in paddy fields Bhutia-Lepcha were made to pay half of the rates of rent as against Nepalese ryots. In short, Bhutia-Lepcha had to pay only one-eighth of the gross produce as against one-fifth by the Nepalese to the State.<sup>118</sup> A preference rates of eight annas i.e. half a rupee per *pathi* of seed sown was charged to Bhutia and Lepcha tenants. While on the other hand, the Nepali tenants were charged rupees 0.87. Further, Bhutia and Lepcha were allowed to graze three cows free of charge however the Nepali ethnic groups were taxed rupees 0.50 per cattle head (Dewan, 2012; 87).

Further, although, numbers of Nepalese were also evolved as lessees and termed as thikadars but White makes a distinction between the kazis and thikadars. It seems that traditional landed aristocrats especially Bhutia-Lepcha kazis were not at all happy with the sharing same and equal powers of lessees with the newly evolved Nepalese counterpart thikadars. In one of the memorials they expressed there was a difference between them and Nepalese thikadars. However, under the new property rights institution similar to the thikadars they had to pay rents and taxes, contribute labour and transport and carry out whatever state demands. Therefore, they requested to White to made different rates of rent and taxes payable by Bhutia-Lepcha kazis and thikadars. They also prayed to grant them their patrimonial *jagir* which they had lost

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<sup>117</sup> The Bhutia, Lepcha and Nepalese

<sup>118</sup> File No 12/6/1926. SL No 89. Land Revenue Department, Government of Sikkim, 1926

to the thikadars. Accordingly, White makes a distinction between the kazi and thikadars and favoured the former by the grant of pattas of fifteenth years and latter only ten years.<sup>119</sup>

### ***System of recording the number of houses***

The primary interest of the British was to collect land revenue and consequently the system of land records was also organized to serve that purpose. Records of Right, also known as *khatouni*, were put in place where the names and classes of tenure of all occupants of land recorded (Babu & Nautiyal, 2013: 5). Simply stated in Sikkim since the land was the main source of revenue generation therefore, to maintain record of the land numbers of houses was counted every year. The only land a record maintained by the state was the register showing the number of houses and their owners for the purposes of house tax. Moreover, it was maintained without any mistake and all changes happening during the year were duly incorporated.<sup>120</sup> For the collection of the house taxes state deputed officers to count the number of houses.<sup>121</sup>

Since, house taxes formed the major source of revenue hence besides deputing officers from the State to count the number of houses. The revenue inspector was also appointed to prepare a new register of previous year. In register he has to maintain the records of the cultivated area of various kinds in the occupation of different proprietors in Sikkim.<sup>122</sup> This method also helped the State to check the number of houses each year. While, along with the officers and revenue Inspectors lessees of each elakas had to maintain the accurate number of houses within his respective

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<sup>119</sup> File No 15/17/XI/1915. SL No 124. Durbar Department, Government of Sikkim, 1915

<sup>120</sup> *Administration Report of the Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>121</sup> File No 19/I/1909. SL No. 24, Land Revenue Department, Government of Sikkim, 1909

<sup>122</sup> *Administration Report of the Sikkim State for 1930-1931*. Calcutta: Government of India

elakas. Thus, according to the number of houses he has to pay four rupees for each house to the state.<sup>123</sup> They were required to submit detailed accounts of the houses of their elakas at the time of payment of house tax to State.<sup>124</sup> Certainly, all the lessees had to furnish full and correct information of the number on houses of his elakason the dates fixed by the state. Besides, this they have to keep the records of death and birth along with the report of the progress of cultivation.<sup>125</sup>

Table No 4. 6: Number of houses under each landlord prior 1917

Sl. No.	Name of elakas	Name of landlords	Number of household
1	Daramdin	Daonkar Kazini	207
2	Daramdin	Kumar Palden	167
3	Hi	Tashi Golay	24
4	Rinchenpong	Kalen Dewet	24
5	Rinchenpong	Pinchu	114
6	Rinchenpong	Sanga Dorji	33
7	Rinchenpong	Agamsing	36
8	Rinchenpong	Yangthang Kazi	15
		Namgay Kumahang	13
9	Barmiak and Yangthang	Yangthang kazi	292
10	Radu	Yangthang kazi	48
11	Mangbru Dentam	Yangthang kazi	125
12	Dentam (Khamdu)	Yangthang kazi	53
13	Dentam	Debi Prasad	90
14	Karmatar	Debi Prasad	15
15	Bongteng	Wangdoo	32
16	Gyaten	Namphu	31
17	Thickchiyantse	Debi Prasad	19
18	Gerethang	Debi Prasad	16
19	Sakyong	Karzung Sonam Tsering	60
20	Palot	Ralang Lama	18
21	Barang	Shew Dingpen	65
22	Mangbru and Sosing	R.B. Achuk Tsering	70
23	Mangbru	Diboo	27

<sup>123</sup> File No 19/I/1909. SL No 24, Land Revenue Department, Government of Sikkim, 1909

<sup>124</sup> File No 11/12/1926-1927. SL No 97, Finance Department, Government of Sikkim, 1926-1927

<sup>125</sup> File No Nil/1924. SL No 1, Forest Department, Government of Sikkim, 1924

24	Mangbru	Netook	12
25	Vak	Aduk (Tesering Pentso)	25
26	Vak	Aduk (Tesering Pentso)	75
27	Namchi	Lasso kazi	782
28	Kitam	Babu Bal Krishen Pradhan	-
29	Chidam	R.S Lambodar Pradhan	1, 641
30	Namthang	Babu Bal Krishen Pradhan	-
31	Barmiak	Barmiok kazi	206
32	Temi	R.S. Lachminariam Pradhan	69
33	Tarku	Jagat Bahadar	70
34	Yangang and Rangang	R.B Ugyen Gyataho	23
35	Neh and Broom	Neh Sherab Kazi	40
36	Lingmo	R.S. Lobzang Choden	70
37	Simik	Simik kazi	12
38	Kham and Simik	Babu Ragunandan Ram	235
39	Sang	Sang kazi	192
40	Pendam	R.S. Lachminarain Pradhan	552
41	Pachey Khani	Babu Dalbahadur Pradhan	113
42	Dikling	Kartok lama	29
43	Rhenock	Babu R.B and D.S. Pradhan	362
44	Chunzachen	Kinchok Gyalpa Munshi	172
45	Rigu	Babu Dhuniraj Pradhan	79
46	Rigu	R.S. Lachminarayan Pradhan	79
47	Pathing	R.S. Lachminarayan Pradhan	63
48	Tarethang	Nandalall	31
49	Mamring	Babu Sherbahadur Pradhan	77
50	Taza	Babu Dhuniraj Pradhan	96
51	Pakyong	Rinzing Kazini	-
52	Pakyong	Timbu Tsering	57
53	Simon	Sonam Rinchen	52
54	Pakyong	Pachey kazi	11
55	Pakyong	Phup Tsering	11
56	Gangtok and Martam	Gangtok kazi Martam kazi	587
57	Rumtek piece	Gyaltsen kazi	7
58	Lingdok	Gyaltsen kazi	21
59	Radong	Malling kazi	-
60	Tashiding	Lasso kazi	60
61	Pemiyongchi	Pemiyongchi lama	95
62	Rumtek land	Rumtek lama	93
63	Rayong	Rayong lama	16
64	Tsendenpong	Pemiyongchi lama	19

65	Talet	Pemiyongchi lama	39
66	Changia Lingtse	Pemiyongchi lama	20
67	Chakung	Gyaltsen kazi Mananger	1, 642
68	Saryong	Gyaltsen kazi Mananger	-
69	Singtam and Assam	Gyaltsen kazi Mananger	96
70	Lingjye	Pachey Kazine	21

Source: File No 19/11(III)/1917. SL No 152, Durbar Department, Government of Sikkim, 1917

### ***Boundary Disputes***

One of the most visible impacts of changing patterns of land ownership under the British influence was the frequent occurrences were lands alienation and boundary disputes owing to the lack of proper demarcated boundaries. Walter Fernandes and Sanjay rightly say, “If the borders have not been marked properly or the landmarks disappeared, the chances of land alienation and conflicts appear more” (Fernandes & Sanjay, 2008: 3). Similarly, Ancient Indian jurists was also aware of the fact that to safeguard the interest of the landowners against frequent anomalies arousing out of land disputes, and the careful boundary demarcation of a village or arable field was suggested or recommended in early India. Ancient Indian jurists recommended the demarcation and fixation of village boundaries to reduce the possibility of disputes among the landowners. Kautilya and Manu suggested that the village boundary should be demarcated by a river, mountain, raised mound, forest, cave, artificial buildings, tanks, wells, temples, fountains, trees, caves having a long life, such as *Salmali palmyra*, Silk cotton tree and different kinds of bamboos etc. It is also suggested that boundaries of the village and a field should be demarcated both by natural and artificial marks, i.e. visible and invisible marks (Chauhan, 2013: 90).

Although, placing boundary pillars to secure the boundary dispute was however not entirely a new phenomenon in Sikkim, however, land disputes and legal cases over

land were referred to the *Chogyal*. It was only after British influences all the cases regarding land were appealed to the revenue department who would depute an official to demarcate the land boundaries (Mullard & Wongchuk, 2010: 11). The marking of boundaries was so essential that it was made compulsory to all lessees within the six months after the lease has been granted they had to erect boundary pillars except on portion where natural boundaries exist.<sup>126</sup> Meanwhile, for the demarcation of boundaries notification was also issued by the state. Circulation Order No 1813/G Dated 10<sup>th</sup> June 1922 ordered all the lease holders to erect and maintained the boundary pillar of their respective elakas in proper order. They have further informed that there was no need to erect boundaries pillars if they have natural boundaries such as river, streams, jhoras, ridges, and nallas etc.<sup>127</sup> subsequently, it is observed that the task of demarcating boundaries pillars accelerated full fledge. Gradually, lessees requested the state to depute surveyor for the purpose of erect boundary pillars in their respective lands.<sup>128</sup> For instances, the boundary disputes in respect of the Dentam and Dellam hill-tops and the Pucca patta lands of Yangthang and Dallam Kazis were decided accordingly.<sup>129</sup> In case of dispute arose between lessees regarding boundaries the officer was deputed by the *Durbar*. The officer held the power to settle boundaries dispute. Nevertheless, the decision of *Durbar* was the ultimate on the lands or boundaries disputes.<sup>130</sup>

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<sup>126</sup> File No Nil/1924. SL No 1. Forest Department, Government of Sikkim, 1924.

<sup>127</sup> File No 1/22/1922. SL No 74. Land Revenue Department, Government of Sikkim, 1922

<sup>128</sup> File No 5/25/1912. SL No 46. Land Revenue Department, Government of Sikkim, 1912

<sup>129</sup> *Administration Report of Sikkim State for 1923-1924*. Calcutta: Government of India

<sup>130</sup> File No Nil/1924. SL No 1, Forest Department, Land Laws of Sikkim, Government of Sikkim, 1924

## **Changes appeared in the patterns of Monastery estates**

As already discussed in previous chapters how Buddhism was established in Sikkim and embraced by the *Chogyal*. Moreover, the *Chogyals* were fervent Buddhists and gave active encouragement to lamas (Gorer; 1984: 42) to follow the action of reverent lamas of the past and increased Buddhism.<sup>131</sup> Though during the reign of two Chogyals (Phuntsog Namgyal and Thensung Namgyal) the institution of the monastery was not well established in Sikkim hence monastery did not possess land. However, during the reign of third *Chogyal* Chagdor Namgyal the monastic institution was established and land grants to monastery accelerated.

However, under the new land settlement policy monastic lands were brought under the state control and state put it under the supervision of Sidkyong Tulku.<sup>132</sup> Henceforth, all the Sikkimese monasteries were under the direct supervision of Sidkyong Tulku and demarcated the boundaries of each monastery in the presence of the surveyor who mapped the land of each monastery in the presence of the lamas.<sup>133</sup> It would be more appropriate to say that he attempted to bring the monasteries towards their social obligation.<sup>134</sup> Sidkyong Tulku personally inspected monasteries like Phodang, Labrang, Gneydup Choling in Lachen, Sumtn Choling in Lachung, Rhumtek, Yangang, Doling, Tashiding, Pemiongchi, Sangcho, Rinchenpong, Lhonchi, Chakung and Namchi in Sikkim and the Dochuk (a branch of Phodang) and Ging

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<sup>131</sup> Catalogue of the Sikkimese Palace Archives PD/9.5/076.

<sup>132</sup> About Sidkyong Tulku, it is mentioned in detail in later chapters

<sup>133</sup> *Administration Report of Sikkim State for 1914-1915*. Calcutta: Government of India

<sup>134</sup> While, it is observed that similar to the lessees the lamas of Sikkim especially the head lamas were enjoying all the privileges with in the society was suspended by the Tulku. Thus when he talked the charges of monasteries, monks were alarmed as he tried to bring monks towards their social responsibilities.



monasteries in Darjeeling.<sup>135</sup> During the inspection, several Lamas were dismissed for their incompetence. A simple set of rules for the guidance of the Lamas had been drawn up by the Sidkyong Tulku with the consent of *Chogyal*, and account books were given to each monastery in which all their receipts and expenditure were to be recorded.<sup>136</sup>

Following such land settlement policy in the monasteries, one of the oldest monasteries the Dubdi was resumed by the State on 23<sup>rd</sup> March 1907. Traditionally Phuntsog Namgyal was crowned by the three lamas in Dubdi monastery.<sup>137</sup> Thus needless to say, when the new land institution was established in Sikkim there were more than thirty monasteries in Sikkim and thirty five monasteries under the perpetual grant of *Chogyal* lost their land holdings (Upadhyay, 2017: 86).

A curtail question essential to put forward as to why some monasteries, which were considered as the “institutions of Buddhism” lost the landholding and some favoured with huge landed estate. While, it is noted that land grant assigned a vital role in the agrarian economy of India during the pre-British period. No other single phenomenon has been ascribed so much value in Indian history as that of the land grants. Lands were donated to religious institutions for the religious establishments, servants and state officers for various services they provided to the state or king. Nonetheless, land-grants as blanket covered the tax-free lands eventually created pressure on the state or kings. Moreover, owing to absolute tax-free in nature, the land-grants have been taken for granted for their entirely charitable characters provide nothing to the

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<sup>135</sup> *Administration Report of Sikkim State for 1913-1914*. Calcutta: Government of India

<sup>136</sup> *Administration Report of the Sikkim State for 1909-1910*. Calcutta: Government of India

<sup>137</sup> File No 41/1/1907. SL No 5, Land Revenue Department, Government of Sikkim, 1907

State. It is thus observed that the tradition or trend of land donation hit the economic interests of the State (Chauhan, 2013; ix).

Since monasteries were not generating revenue for the state therefore under the new land settlement monasteries lands were confiscated by State and leased out to influential or head lamas. Consequently, lamas were too added into the lists of lessees and held lands in their own name. In many cases, lamas sent a petition to Durbar requesting to grant them the thikadarship of monastic lands. For instances, Dubdi Lama Ugen Sanga Tesrin hereditary lama of the Dubdi monastery serving from fifteen generations sent a petition to the Political Officer for thikadarship of Dubdi land. Eventually, the thikadarship of Dubdi land was granted to Lama Ugen Sanga Tesrin.<sup>138</sup> Further, Tsuzong Lama of Ralong, Jerung Dewan, Kartok lama of Pakyong, Entchi lama of Gangtok, and Rumtek lama held and managed lands in between 1909-1910 as thikadars.<sup>139</sup> The following were the monasteries land came under lessees' landlordism and the current demand of land revenue.

Table No 4.7: Monasteries and the current demand of land revenue for 1916

Sl. No.	Landlords	Land	Current Demand Rs
1	His Highness Maharaja	Dubdi	118.75
2	Pemiongchi Lama	Pemionchi	118.75
3	Maharaja	Phensong	45.00
4	Maharaja	Phodong	90.00
5	Barmoik Lama	Ralong	204.75
6	Rumtek Lama	Rhuntok	126.75
7	Maharaja	Sangachelling	-
8	R.B. Ugen Gyatso	Yangang	12.25
9	Pemiongchi Lama	Tsendenpong	23.75

<sup>138</sup> Ibid

<sup>139</sup> File No 10/XVII/1909-1910. SL No 28, Land Revenue Department. Government of Sikkim, 1909-1910.

10	Pemiongchi Lama	Talot	42.75
11	Pemiongchi Lama	Cangi	25.00

Source: File no Nil/1916. SL No 60. Land Revenue Department, Government of Sikkim, 1916

Under the new land settlement, all the monasterial lands brought under were direct State control. Consequently, the divine mansion monastery of monastery was also not free from paying taxes to the State. All the monasteries of Sikkim paid excise, labour, and road cess taxes to the State but were exempted from land rent.<sup>140</sup> Further, all the houses existed within the compound of the monastery and the lamas rendering services to the monastery were exempted from the payment of house tax and labour.<sup>141</sup> In Kartok monastery out of twelve lamas' eight lamas residing within the monastery compound rendering daily services to the monastery were exempted from house tax and labour tax. The lamas who were exempted were Dorjee Lopen (head teacher), Omzed (director of ceremonies), Chotikpa, Ochung (junior director of ceremonies), Nyerpa (storekeeper), Kunyer, Machen, and Mayok.<sup>142</sup>

However, the lamas who cultivated lands outside the monastery's compound had to pay excise and road cess tax.<sup>143</sup> Later on, the head lamas and other lamas of the monasteries were further exempted from the supply of "*jharlangi*"<sup>144</sup> by the notice No 5318 of General Department in 23<sup>rd</sup> of April 1926. Hence the notice were issued to all the head lamas and this notice says , 'You are hereby informed that the *Chogyal* of Sikkim has been pleased to exempt you and those lamas who are working in the

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<sup>140</sup> File No 5/7(I)/1927. SL No 81, Land Revenue Department, Government of Sikkim, 1927

<sup>141</sup> File No 5/24(I)/1923. SL No 79, Land Revenue Department, Government of Sikkim, 1923

<sup>142</sup> Ibid

<sup>143</sup> Ibid

<sup>144</sup> *Jharlingi* it's a free labour service. Discuss in detail in the later chapters

monastery for personal labour “*jharlangi*” as long as you and they are on the duty at the monastery’.<sup>145</sup>

At the same time lamas who held lands separate from main monastery estate had to pay land revenue including excise, labour, and road cess taxes. For instance, a piece of land of Rumtek was not under Rumtek monastery. Thus Rumtek lama Rabden held separate pattas for said land. Since, this land was not belonged to Rumtek monastery, it paid land rent along with excise, labour, and road cess taxes to the State.<sup>146</sup> Nonetheless, even after it was made clear that the monasteries were exempted from paying land rent and lamas residing within monasteries compound were free from paying certain taxes. Few lessees were imposing land rent and other taxes on the lamas. Chipa lama made a complaint to *Chogyal* against the *thikadar* of Chakung, Rinchenpong, Dubdi, and Yangang monasteries. He states that *thikadar* of said monasteries realizing land rents, house taxes, and labour from the lamas residing and cultivating within the monasteries compounds.<sup>147</sup>

The lamas of Chakung also opined that, “if the lamas were counted as ryots then they cannot manage the work of monastery”. Taking serious attention on this matter *Chogyal* exempted the lamas of the above mentioned monasteries from paying above taxes. In addition, Chakung monastery was also granted rent free land around the monastery. Besides, rent free land this monastery was also granted land around 208 sq feet.<sup>148</sup> Lamas if failed to pay rent were punished. Tenzing lama of pathing failed to pay rent despite several summons. Thus on 26<sup>th</sup> August 1929 he was arrested by

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<sup>145</sup> File No 16/10/1926. . SL No 348, General Department, Government of Sikkim, 1926

<sup>146</sup> File No 5/7(I)/1927. SL No 81, Land Revenue Department, Government of Sikkim, 1927

<sup>147</sup> File No 19/2(I)/1916. SL No 138, Durbar Department, Government of Sikkim, 1916

<sup>148</sup> File No 41/1/1913. SL No 84, Durbar Department, Government of Sikkim, 1913

police and made to paid up the sum of Rs eight to the head lama of Pathing monastery.<sup>149</sup> Nonetheless, since the monasteries were under the Royal Patronage they were exempted from paying Court Fees, Revenue stamps, etc.<sup>150</sup>

While most of the monasteries lands were confiscated except five monasteries Pemiongchi, Phodong, Phensang, Rumtek, and Ralong, which were having huge estates under their direct control. Interestingly, these monasteries had to pay only house taxes to realize by them form the ryots to the State. The rent derived from the lands goes to the maintenance of the Monasteries.<sup>151</sup>

Table No 4. 8: The monasteries with landed estates

Sl. No.	Name of the Monastery	Area in Acre	Land Revenue in Rs	Houses
1	Pemiongchi	19,091	-	435
2	Ralong	9,575	-	245
3	Phodong	12,442	-	130
4	Phensang	5,481	94	-
5	Rumtek	2,793	175	-

Source: *Administration Report of the Sikkim State for 1933-1934*. Calcutta:

Government of India

The question is to why only five monasteries owned and other loss lands? In the political structure of 'theocratic' Sikkim clergy having a prominent role to play. The monks were drawn from the high born Bhutia-Lepcha aristocracy. Under such circumstances, a net work of Buddhist monasteries was established and huge lands were given to them. From the very beginning of the Namgyal dynasty the lamas had important role to play. Therefore, they held important position in internal administration of state. They were appointed to the State Council; they managed the

<sup>149</sup> File No Nil/1919. SL No 6, Judicial Department, Government of Sikkim, 1919

<sup>150</sup> Old Laws of Sikkim, Sikkim Code Volume V, Sikkim State Judicial Department Notice No. 436/J.

<sup>151</sup> *Administration Report of the Sikkim State 1922-1923*. Calcutta: Government of India

monastery estates, administered justice and even helped the laity in the fight against the enemies. Though economically dependent, they were very influential both who managed the affairs of the state in collaboration with the state.

The monasteries were the centers of theological training for the clergy. Some of the monasteries were maintained with the support of the state exchequer and served as administrative centers. As the revenue was accepted in kind, the monastery served the purpose of regional centers for storage as well. In this way the monasteries were important institutions not only from the social-ritual points of view, but also from the economic and political considerations. The lamas were variously trained as painters, calligraphers, embroiders, carvers, and skilled craftsmen. The monk could work in the secular fields as well (Sinha, 2008: 56).

### ***The position of Pemiongchi monastery***

Here it is worth to mention is that amongst all the monasteries of Sikkim, Pemiongchi, Phodong, Phensang, Rumtek, and Ralang were the most important of all other monasteries of Sikkim.<sup>152</sup> However, amongst five monasteries the position of Pemiongchi was guaranteed by the establishment of a huge monastic estate free from tax obligations to the state (Mullard, 2011: 170) and received subsidy from the State.

It occupied an important position in Sikkim. All the *Nyingmapa* monasteries in Sikkim subordinated to this monastery. Monasteries like Dubdi, Sangacholling, Linche-Pathing, and Ging in Darjeeling comes under the direct control of this monastery. All these monasteries follow the rites and rituals according to the convention of Pemiongchi and head lamas to these monasteries sent from

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<sup>152</sup> *Administration Report of the Sikkim State for 1918-1919*. Calcutta: Government of India

Pemiongchi. It was the lamas of Pemiongchi having customary rights of performing all the religious functions of the royalty. The head lama of this monastery alone has the power to consecrate the *Chogyal* of Sikkim. Furthermore, in spite of the high spiritual status accorded to these lamas, they were also acted as royal advisers, fought in different wars against Bhutan and Nepal at the time of crisis. Along with it they also represented the state in various treaties and negotiations besides fighting skirmishes at Rhenock, Namchi, and other places especially against the matter of Nepalese settlement. Therefore, it is noted that this monastery enjoyed royal patronage not only from Sikkim but also from Tibet in olden days (Dhamala, 1991: 59-60). Besides, having huge landed of total 19,091 acres as per the *Administrative Report of 1933-1934* Pemiongchi was also favoured with subsidies of Rs four hundred from the State. However, four other monasteries Phensang, Ralang, Rumtek and Phodong were not given any subsidy at all.<sup>153</sup>

The monastery has twelve blocks and two bazars under it as its estate. The twelve blocks were Omchung, Kyongsa, Gyalshing, Chunbung, Tupung, Darap, Naku, Lurzik, Singrangbung, Sindaring, and Singeng and bazars were Gyalshing and Legship. Meanwhile, the *Udor Tsosum* (managing body of the monastery) looked after the maintenance of records and issues revenue demands for the collection of land rent and local rates from bustiwallas. Both land rent and local rents collected by them through their mandals. The monastery estate can be classified into four groups (i) land held by the monastery (primary holder) (ii) land leased out to people and registered in their names (bustiwallas), (iii) land held by household servants of the monastery (chakareys) and (iv) non-agricultural land held by the monastery (bazaar areas and the forest areas under its control) (Dhamala, 1991: 68-69). At last the positions of this

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<sup>153</sup> *Administration Report of the Sikkim State for 1918-1919*. Calcutta: Government of India

monastery also secured by the privileges of the lamas of this monastery. Pemiongchi the lamas were to be the chief spiritual guides of every succeeding Raja (Namgyal & Dolma, 1908:28).

### *Subsides to the monasteries*

Since, there were more than forty monasteries in Sikkim and most of the monastery received annual subsidies from the State. Chakung sixty rupees, Rinchenpong one hundred rupees, Dubdi two hundred rupees, Yangang one hundred-fifty rupees<sup>154</sup>, Chungthang thirty rupees, Lachen forty rupees, Mani Lhakhang of Lachen twenty rupees, and Lachung sixty rupees.<sup>155</sup> Sidkyong Namgyal sanctioned State grants to some monasteries which need immediate repairs.<sup>156</sup> At the same time he also proposed the idea to increase the subsidy of some monasteries in 16<sup>th</sup> July 1913.<sup>157</sup> No monastery can repair without the approval of the *Durbar*.<sup>158</sup> If any monastery needed a subsidy for repair or paint the lamas of the monastery had to request to the *Durbar*.<sup>159</sup> However, the monasteries like Changey, Nobling, Shamdong-Mitugong, Lingni-Phage neither given land nor subsidy.<sup>160</sup> Tasiding and Tolung were the most important and sacred in all small manilahkangs.<sup>161</sup>

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<sup>154</sup> File No 19/2(I)/1916. SL No 138. Durbar Department, Government of Sikkim, 1916

<sup>155</sup> File No 41/1/1913. SL No 84. Durbar Department, Government of Sikkim, 1913

<sup>156</sup> File No 22/4/1914. SL No 103. Durbar Department, Government of Sikkim, 1914

<sup>157</sup> File No 4/1/1913. SL No 84. Durbar Department, Government of Sikkim, 1913

<sup>158</sup> File No 12/8/1924. SL No 22, Judicial Department, Government of Sikkim, 1924

<sup>159</sup> *Ibid.*

<sup>160</sup> *Administration Report of the Sikkim State for 1918-1919*. Calcutta: Government of India

<sup>161</sup> *Administration Report of the Sikkim State for 1922-1923*. Calcutta: Government of India



### ***Land management patterns of the monasteries***

With regarding to the management land the monastery, instead of cultivating the land itself, leased it out to bustiwallas (secondary land-holders), who cultivate the land and pay taxes to the monastery. Regarding their management pattern monastery estates were grouped into two categories were monastery estates managed by the monastery wing of private estates and managed by the *Udor-Tsosum*. Firstly, monastery estate managed by the monastery wing of private estates (Rumtek and Phodong). In these estates, the correction, transfer and mutation of the records of rights of land are solely in the hands of these private estates. The *Udor Tsosum* is not kept informed these matters. The land rent, local rates and other taxes such as grazing fees, royalty from forest produce, and cardamom collected by it. Only a share of the revenue is given to the monastery for its maintenance and religious activities. The land rents were collected through block mandals, who instead of getting commission for it received tax exemption on their personal holdings. Secondly, the estates of Pemiongchi, Ralang, Tashiding, and Phensong managed by the *Udor-Tsosum* of their respective monasteries. The maintenance of records and issue of revenue demands to the bustiwallas both land rents and local rates, were collected through the block mandals. The collections thus were utilized for the maintenance of the monastery and for religious performance (Dhamala, 1991: 67-68).

### **Management of the royal lands or private estate of *Chogyal***

As already stated above in the absence of *Chogyal* new land settlement policy was implemented by the British, which triggered off the process of land confiscation. While, under this process not only the patrimonial lands of landed aristocrats and monasteries were seized, but also land under the control of *Chogyal* were also

grabbed by the state and leased to lessees. After seizing the lands by the government (then under the control of the British Political Officer) only fifteen estates were possessed by the *Chogyal* as Private estates or crown lands. These fifteen estates were Aho, Ben-Namphok, Bara Pathing, Changey, Dubdi, Gangtok Durbar Reserve, Gur, Kabi-Navey-Shotak, Ketsoperi, Melli, Samdong, Simik, Sangachelling, Tumen, and Tumlong.<sup>162</sup> Subsequently, they were formed into Private estates of the *Chogyal* which had been put under the management of the private managers (Gupta, 1992: 38).

The private estates were maintained by the private retainers called as ‘*nang-zans*’. They were directly appointed by the ruling families to render private services to them (Bhattacharya, 1992: iii).

Table No 4. 9: Elakas under Private estates or crown lands (area in acre)

Sl. No.	Name of the Elakas	Land rent house tax in Rs	Area in acre	Rate per acre in Rs	Land revenue in Rs	Number of houses
1	Aho	Free	862	-	-	-
2	Ben-Namphok	-	8748	0.95	1,859	408
3	Bara Pathing	-	9664	0.12	915	274
4	Changey	Free	307	-	-	-
5	Dubdi	Free	Unsurveyed	-	-	160
6	Gangtok Durbar Reserve	-	3721	0.06	338	173
7	Gur	Free	Unsurveyed	-	-	339
8	Kabi-Navey-Shotak	Free	Unsurveyed	-	-	-
9	Ketsoperi	-	Unsurveyed	-	234	102
10	Melli	-	Unsurveyed	-	282	95
11	Samdong	-	14,329	0.06	628	355
12	Simik	-	1,205	0.12	187-	43
13	Sangachelling	-	Unsurveyed	-	-	213
14	Tumen	-	4,848	0.06	334	141
15	Tumlong	-	Unsurveyed	-	26	8

Source: *Administration Report of Sikkim State for 1933-1934*. Calcutta: Government of India

<sup>162</sup>*Administration Report of the Sikkim State 1933-1934*. Calcutta: Government of India

The Private Estates were not brought under the State control hence they enjoyed considerable privileges as compared to the *elakas* which were under lease. Amongst all Dzongu was one of the classical Private estates of *Chogyal*. Dzongu as part of the private estate administered for *Chogyal* by one of his Kazi, or hereditary ministers and landowners. Initially, it was under the Rhennock Kazi, who has succeeded the Mali Kazi. All the lands of Dongu belonged to the *Chogyal* and he had made Dzongu reserved for only Lepchas. Therefore, in Dzongu only Lepcha could become landowners (Gorer, 1984: 109-123). In reserved land for Lepchas and Bhutias settlement of Nepalese was strictly prohibited. However, it was found that contrary to the existing practice, some landlords allowing Nepalese to settle in their lands north of Penlong La, which was reserved for Lepchas and Bhutias. Thus this controversial issue was resolved by the government on the 29<sup>th</sup> April 1909 at Council Meeting, in which they have stated that no Nepalese were, allowed to settle in north of Penlong La and that those who had already settled there shall be vacated by the 31<sup>st</sup> December 1909.<sup>163</sup>

The supply of coolies for the repair of roads, and bridges to *Durbar* was a labour duty or a kind of a roster system. Therefore, every land holder, *elakadar*, and manager of the Private estates had to supply a group of villagers to *Durbar* for the construction and repairing of roads and bridges. The monasteries of Sikkim were also not free from providing labour duties to the *Durbar*. However, it is noted that all Private estates did not supply labour to *Durbar*.<sup>164</sup> Indeed, the private estates had the largest and the fertile land. These lands were tilled by the tenants at free of cost and all its revenue goes to the personal use of the *Chogyal* and his family (Subba, 2011: 50).

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<sup>163</sup> *Administration Report of Sikkim State for 1909-1910*. Calcutta: Government of India

<sup>164</sup> File No 5/10/XXX/1916. SL No 132, *Durbar Department*, Government of Sikkim, 1916

## **The Role of Political Officers**

### *White's role from 1889-1908*

It was White who introduced the institution in land ownership through land settlement policy in the form of lessee system of landlordism (kazism, thikadarism or zamindar), in order to implement the British policies in the state. Moreover, with the help of these lessees the British realized their objectives of cultural as well as social issue. They carefully designed tactic of transforming theocratic Sikkim to 'Protectorate' state was successful to some extent. The Advisory Council implemented the British rules main intention to de-Tibetanize the Sikkimese traditional administrative structure into a 'Protectorate' state only and not a classical British colony. With this reformative set up or by measures it created pro-British landed aristocratic class, landlords, and officers as such kazis, thikadars, mandals and karbaris who exercised judicial and executive powers in favour of the British (Subba, 2011: 67).

Coming from a Public Work Department with no political experience at all J.C. White successfully established land ownership patterns under the British line. Thus, the rudimentary changes which have been made by White were practiced by his successors till 1947. Under new structure the rights in the land were legally defined and land laws of Sikkim was guided through series of notifications.<sup>165</sup> Thus undoubtedly, it was under White's guidance the revenue has increased tenfold, many hundreds of square mile of forest has been made as reserved and demarcated, road and staging bungalows have been also constructed, and the revenue system has been organized, so that, while the state dues have increased, the cultivator has been protected. Therefore, remembering the tasks of White, Charles Bell once remarks,

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<sup>165</sup> File No Nil/1924. SL No. 1, Forest Department. Land Laws of Sikkim State, Government of Sikkim, 1924.

“White, who worked here with untiring devotion and great ability for twenty years, and who deserves by far the greatest credit for the large developments. I may safely say that White’s name will ever be a household word in Sikkim”.<sup>166</sup> White created a Council from where he was acting and dominated, introduced the government of Sikkim, introduced the reforms in land revenue settlement, and forestry apart from introducing measures in excise.<sup>167</sup> However, he was introduced the unpopular measures of increasing immigration from Nepal<sup>168</sup> in order to increase the tax base and raise the agricultural production. Nevertheless, his immigration policy proved fruitful and hence, within a decade the revenue of the Sikkim state increased (McKay, 2004: 25). No doubt, the policy introduced by White was followed by his successors. Thus to honour him a White Memorial Hall was built in 1932.<sup>169</sup>

### ***Elakadars system under Charles Bell***

The second Political Officer Charles Bell continued the legacy of White and worked firmly to bring further changes in land ownership patterns. The property rights institution in the land that was introduced by White was followed by his successor Charles Bell, however, with a little modification. Under Bell by 1917 onwards more land was brought under the lease system. Although, as before State did not collect any of its taxes through its departmental agency and land revenue tax was raised from the *raiyyot* through middlemen or lessees (kazis, thikadars, and lamas) were also came to be known as elakadars.<sup>170</sup> Additionally, by 1925 the lessee system was further strengthened with the introduction of elakas or elakadars. Henceforth, the lessee

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<sup>166</sup> *Administration Report of the Sikkim State for 1918-1919*. Calcutta: Government of India

<sup>167</sup> Discussed in detail in the next chapter.

<sup>168</sup> For more details, see chapter six.

<sup>169</sup> *Administration Report of the Sikkim State for 1933-1934*. Calcutta: Government of India

<sup>170</sup> File No 10/4/1930. SL No 44. Judicial Department, Government of Sikkim, 1930

landlords also came to be known as elakadars. Furthermore, at that time, the land was leased at rates varying from one *anna* (rupees 0.06) to eight annas per (rupees 0.50) acre for five years to ten years.<sup>171</sup> Leases were given for fifteen years to the Bhutia and Lepcha landlords and for ten years to the Nepali landlords. Although, a few of the older Bhutia and Lepcha landlords were granted leases for thirty years the rent was liable to revision every ten years (Debnath, 2009: 108). Nepali landlords emerged with the new land settlement pattern. However, in the course of time, the Nepali landlords gradually increased their numbers and in 1913 about one-third of the total elakas were under the Nepalese thikadars (Boot, nd; 197-198).

Table No. 4. 10: Distribution of estates in Sikkim in 1913 (community-wise)

Type of authority	Number of Landlords	Number of landlord's districts (estates)
<i>Chogyal</i>	1	9
Monastery	2	2
Kazis, and lamas	16	19
Bhutia-Lepcha landlords	15	21
Thikadars	9	23
Ordinary Peasant	1	1

Source: Boot.D. P. *Tribal land Holding and Cropping Pattern in Sikkim*, Sikkim through Periodical Article: Reprints Seminar Proceedings, ETC (Artificial Round) Volume. 3 (A 665-945). Documentation Cell CHS, NBU. nd. p. 198.

According to Debnath's *Economic History and Development of Sikkim* the *Administrative Report of Sikkim State for the year 1929-1930*, there were total 104 elakas in Sikkim put under different categories of revenue collectors or elakadars during Charles Bell. The different categories of revenue-collectors for elakas were:

<sup>171</sup> File No X/X/1890-1907, SL No 1. Land Revenue Department, Government of Sikkim, 1890-1907

Table No. 4. 11: The different categories of Revenue-Collectors for Elakasin 1920-1930

Sl. No.	Categories of revenue-collectors	Number of elakas
1.	Private estates of the <i>Chogyal</i>	29
2.	Monasteries	15
3.	Kazis	21
4.	Thikadars	13
5.	Appointed Managers	11
6.	Bhutia landlords	6
7.	Lepcha landlords	8
8.	Domiciled Plainsman	1
9.	Total	104

Source: Jagadish Chandra Debnath. *Economic History and Development of Sikkim*. Delhi: Abhijeet publication, 2009. p. 68.

### ***Land alienation protection Act***

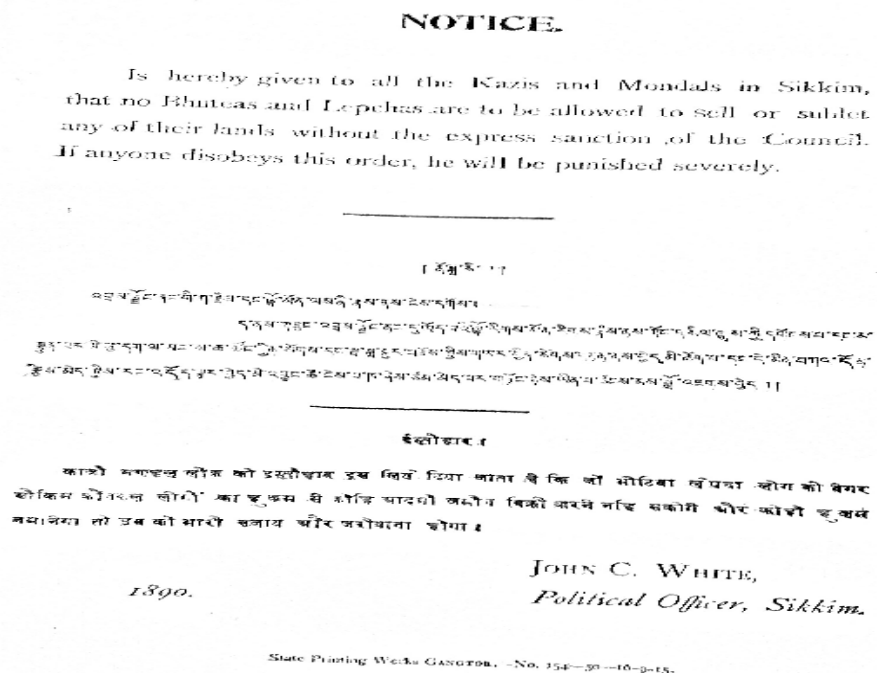
While within a decade of the introduction of new institutions, the lands of natives Bhutias-Lepchas were alienated frequently. The main reasons for their land get alienated constantly were first their land was seized during the land settlement process. Second was with the large scale immigration of Nepalese.<sup>172</sup> The Nepalese frequently took land on lease from Bhutia-Lepcha for rice cultivation.<sup>173</sup> Therefore, in 1890 White took deliberate steps to prevent the alienation of Bhutia-Lepcha lands by passing following notification.<sup>174</sup>

<sup>172</sup> Discuss in detail in next chapter.

<sup>173</sup> File No. 12/2/1924. SL No 21. Judicial Department, Government of Sikkim, 1912,

<sup>174</sup> File No 17/2/1914. SL No 98, Durbar Department, Government of Sikkim, 1914

Figure No. 4.1: Notification issued by John Claude White in 1890



Source: File No 17/2/1914. SL No 98. Durbar Department. Government of Sikkim, 1914

On 2<sup>th</sup> January 1897, the notification which was issued seven years i.e., in 1890 once again circulated amongst the all the kazis and Mondals in Sikkim.<sup>175</sup>

However, the introduction of Revenue Order No 1 land protection act by Bell was the major turning point in the history of land ownership pattern in Sikkim. By this order transfer, sell, and mortgage of the land to certain community was strictly prohibited. It simply means, through this order the sale of ownership rights in the land was limit to certain groups only. In all probabilities, to protect further annihilation of lands of native Bhutia and Lepchas, the Political Officer Bell through a notice, forbade the vending and subletting land of the Bhutia-Lepcha without the express sanction of the

<sup>175</sup> The Sikkim Code: Volume II Part I. Law Department Government of Sikkim



Council (Upadhyay, 2017: 74). The order prohibiting Bhutias and Lepchas to sell their lands issued by Political Officer on 17<sup>th</sup> May 1917 goes like this:

### **“Revenue Order No 1**

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

In this order the term “mortgage” means the mortgaging the whole or part of a holding on the *biyaz* or *masikata* system and the term “sublet” means the sub-letting the whole or part of a holding on the *pakuria* system.

#### Definition-

- (1) *Biyaz* means, the mortgaging land to another person who enjoys the produce of the field as interest, as the principle loan remains unpaid.
- (2) *Masikata* means, mortgaging of field to a creditor who enjoys the produce of the field as an annual installment towards the loan.
- (3) *Pakuria* means, sub-letting, where ryot allow another new ryot to settle upon a portion of his own holding, generally receiving from him some rent in cash and some assistance in cultivating his own fields”.<sup>176</sup>

A law prohibiting land alienation by hereditary State subjects, Bhutia-Lepcha in favour of the non-hereditary subject such as Nepalese or domiciled plainmen was in force and acted as a useful check on the former class, which was poor and

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<sup>176</sup> File No 3/8(I)/1921. SL No 113, General Department, Government of Sikkim, 1921

improvident, being speedily replaced by the latter, who were subtler and shrewd. Indeed, besides Nepalese and plainsmen the Sherpas believers of Buddhist religion were not allowed to buy lands from Bhutia-Lepcha. As per the Revenue Order No 1 of 1917, no Sherpas should be allowed to purchase their lands.<sup>177</sup> Meanwhile, with the reference to the Order dated the 2<sup>nd</sup> January 1897, it was hereby again notified to all kazis, thikadars, and Mandals that no Bhutia-Lepcha to be allowed to sell, mortgage, and sub-let any of their lands to any person other than their own kind without the express sanction of the *Durbar* or officers employed on behalf of *Durbar*.<sup>178</sup> Henceforth, to deal with this issue Civil Courts were also debarred from sanctioning sale of land belonging to hereditary subjects in favour of non-hereditary subjects without the express sanction of *Durbar*.<sup>179</sup>

The primary intent behind the prohibiting Bhutia-Lepcha to sell their lands to Nepalese was to safeguard the former from losing their lands or alienating from their own lands. But in spite of such protective measures the Bhutia-Lepcha tried to sell their lands to Nepalese as much as they can. They were selling their lands to Nepalese simply because Nepalese were paying double amount more for the land as compared to their own folks.<sup>180</sup> In a government file, it was noted regarding such acts of Bhutia-Lepcha, “instead of being grateful to the *Durbar* for such protective measures they are trying to sell their lands to Nepalese”.<sup>181</sup> To intensify, the helpless and poor conditions, not being able to pay land rent including house tax to the state and landlords, and indeed heavy debts were the main reasons why Bhutia-Lepcha ryots

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<sup>177</sup> Ibid

<sup>178</sup> Ibid

<sup>179</sup> *Administration Report of Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>180</sup> File No 5/32/1924. SL No 196, General Department, Government of Sikkim, 1924

<sup>181</sup> Ibid

was selling their lands to Nepalese. Therefore, focusing on this matter *Chogyal* eventually proposed to grant a permission to Bhutia-Lepcha to sell their lands to Nepalese however only on special conditions. Perhaps, it is made clear to Bhutia-Lepcha whoever wants to sell their land first to seek the permission of *Chogyal* by writing an application with valid reason as to why they want to sell their lands to the Nepalese.<sup>182</sup> Subsequently, several Bhutia-Lepcha filed applications to get the permission to sell their lands to Nepalese owing to many reasons.<sup>183</sup>

Lendup Bhutia of Neh has sent an application to *Chogyal* requesting him to allow selling his fields and garden lands situated at Neh to Nepalese. With reference to his application an enquiry was made by the state and it is found that, the applicant Lendup Bhutia was the son of late Goling kazi resident of Hramthang in Phoding monastery. The late Goling kazi happen to be moved from Hramthang with his family and settle at Neh elakha as raiyat. After applicant's father (Goling kazi), wife, and daughter died, he, and his old widow mother find it great difficult to manage their properties at Hramthang in Phoding monastery as well as in Neh. It also came into highlight that applicant was under heavy debt followed by the death ceremonies of his father, wife, and daughter. At last it is noted that there were no other Bhutia-Lepchas who could purchase the field and garden lands from him simply because they were also poor and cannot afford to buy. Considering the applicant Lendup Bhutia's helpless situations were reasonable and valid he was allowed to sell his paddy fields and orange garden to Nepalese.<sup>184</sup>

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<sup>182</sup> Ibid

<sup>183</sup> Ibid

<sup>184</sup> File No 5/32/1924. SL No 194. General Department, Government of Sikkim, 1924

Here it is pertinent to note that only in an exceptional circumstance Bhutia-Lepcha was allowed to sell their lands otherwise through the Revenue Order No 1 their lands were protected from selling to Nepalese, plainsmen, and Sherpas. Not surprisingly, even till the date Revenue Order No 1 protects the land ownership rights of Bhutia-Lepcha in Sikkim.

### **Methods of assessment and classification of terraced rice fields**

Andro Linklater in *Owning the Earth* remarks, in every country where the concept of individually owned landed property has taken hold, one unmistakable indicator of its arrival has been provided by a change in the way land was measured (Linklater, 2013: 32). In Sikkim under the British influence, two different methods of assessment of land revenue was prevalent namely *koot* and *pathi*. Under *koot* one-fourth of the produce of the land was given to the landlords as rent. While, the produce under *pathi* system was related to the amount of seed sown thus it was one of the indirect ways of taxation (Debnath, 2009: 104). Moreover, under *Pathi*, the land was usually measured for cultivation by the number of pathis of seed that can be sown in it. Eventually, the rent recoverable was also calculated by the number of pathis sown (Upadhyay, 2017: 77).

In *Economic History and Development of Sikkim* Debnath has highlighted about these two systems in the writings of White. White said, “That so far as the *koot* system was concerned, both the Paharias and the Lepcha-Bhutias paid one-fourth of the produce of all irrigated rice lands. But in case of *pathi* system, the area of the land on which it could be sown one *pathi* of maize was to be charged at fourteen annas for the Paharias whereas for the Bhutia-Lepchas the corresponding rent was eight annas only. Thus by the beginning of the twentieth century it is noted that the two system *koot* and *pathi*

were practiced all over Sikkim. Subsequently, under kuth system new lands paid no rent for the first three years in consideration of the labour involved in constructing the terraces. Whist, in *pathi* the sum payable by each ryots was fixed by headmen and villages however presided by the lessee lords and agents (Debnath, 2009: 105).

Two different methods of assessment of land revenue system prevalent hence soon it brought confusion amongst the ryots especially at the time of realizing the *koot*. The bustiwalas were in dilemma whether the *koot* to be paid in cash or in kind. Subsequently, they further enquired whether the *koot* to be paid according to the old system.<sup>185</sup> But *Chogyal Sidkeong Namgyal* opined that the rates<sup>186</sup> bore the burden of heavy rate on ryots and proposed the assessment should be made on the basis of *pathi* of seed sown and not on the produce.<sup>187</sup> While on queries whether the *koot* to be paid according to the old system Council responded and ordered that the *koot* to be realized in cash, but the assessment to be made according to the old system based on unequal rate of taxation levied on Bhutia-Lepcha and Nepali.<sup>188</sup>

In short, at Council meeting which was held on 30<sup>th</sup> October 1914, it was decided to revert to the old system of assessing *koot* as a temporary measure until new settlement made on this issue.<sup>189</sup> Subsequently, on the 26<sup>th</sup> of January 1915 the *koot* system was abolished (Debnath, 2009: 106). However, after *koot* assessment was made based on

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<sup>185</sup> File No 17/2/1914. SL No 98. Durbar Department, Government of Sikkim, 1914

<sup>186</sup> One fourth produces of the land as rent to landlords.

<sup>187</sup> *Administration Report of the Sikkim State for 1914-1915*. Calcutta: Government of India

<sup>188</sup> File No 17/2/1914. SL No 98. Durbar Department, Government of Sikkim, 1914

<sup>189</sup> *Administration Report of the Sikkim State for 1914-1915*. Calcutta: Government of India

*pathi* of seed on different classes of lands. Under this system the rent was assessed on the number of pathis of seed shown and a *pathi* being four seers in weight.<sup>190</sup>

In May 1914 the then acting Political Officer J. Gould proposed to introduce some sort of regular settlement for assessing the rice fields. The purpose was accepted by the then *Chogyal* in the Council Meeting. However, the *Chogyal* came up with the conclusion to conduct a cadastral survey of terraced paddy-fields accordingly acreage rates could be fixed. Meanwhile, his order was circulated and a cadastral surveyed of rice-field was carried out. Lately, Gould informed the Council that the bustiwalas were agreed to pay the cost of the survey but lessee lords strongly opposed the land survey for terraced rice-field.<sup>191</sup> However, the assessment of the fields land was again classified into wet and dry fields.<sup>192</sup> Accordingly, the assessment on ‘wet’ (rice) and ‘dry’ (maize etc.) land rates were fixed on an acreage basis and an acre was determined by the seed or sowing capacity of the land.<sup>193</sup> Eventually, the rates of assessment on dry and wet fields were fixed at one-fifth of the products for Nepalese and one-eighths for the Bhutia-Lepchas that was unequal rates<sup>194</sup>

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<sup>190</sup> Twelve manas equal to one pathi and twenty manas equal to one murhi

<sup>191</sup> File No 17/2/1914. SL No 98. Durbar Department, Government of Sikkim, 1914

<sup>192</sup> File No 12/6/1926. SL No 89. Land Revenue Department, Government of Sikkim, 1926

<sup>193</sup> *Administration Report of the Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>194</sup> *Administration Report of the Sikkim State for 1914-1915*. Calcutta: Government of India

Table No 4. 12: The unequal rate per *pathi* seed sown in dry and wet fields to Bhutia-Lepcha and Nepalese 1909

Sl. No.	Community	Rate per acre in wet field in rupees	Rate per acre in dry field in rupees
1	Bhutia-Lepcha	3.00	2.00
2	Nepalese	5. 25	3.50

Source: Jagadish Chandra Debnath. *Economic History and Development of Sikkim: Report and after Independent*. Delhi: Abhijeet publication, 2009. p. 105.

Hence according the Bhutia-Lepcha ryots were made to pay half of the rates of rent against Nepali ryots as proposed by *Chogyal Sidkyong*. Besides this, he also proposed to fix the rate of fields according to the nature of soil. He does not like the customs of leaving the rates of rent to be settled by the landlords and ryots themselves. He believed that this system would leave the poor and ignorant ryots at the tender mercy of landlords and some of them might not prove trustworthy, honest but rather rapacious, greedy, and manipulating. He further thought that the state has to take the responsibilities if it did not take proper steps to protect ryots from such landlords. According to him the best course to adopt was be to put the matter in the Council Meeting and to constitute a committee composed of representatives of the landlords and ryots. Based on the committee recommendations, the state could fix different rates as per the quality of soil.<sup>195</sup> Thus on the bases of his proposal the assessment was made by a person deputed by the lessees' lords, assisted by the mandals and karbaris and the cultivators were told to be present at the time of assessment. Eventually, after taking into consideration of the extent of nature and quality of the ground, officials

<sup>195</sup> File No 1/1/1912. SL No 21, General Department, Government of Sikkim, 1912

could have made a rough and fair accurate guess of the quantity of seed that could be sown (Sharma & Sharma, 2005: 74).

In a mean time, the classification of terraced rice fields was completed in December 1915<sup>196</sup> and it was come into force from the harvest season of 1915.<sup>197</sup> At the time of classification of terraced rice field in 1915 in all 15, 581 plots were classified. The classified areas covered approximately 10, 000 acres giving an average yield of 80, 000 maunds of rice. The price of the rice in 1916 was about seven seers for the rupee giving a cash return of about Rs 46 per acre of rice sown to the cultivator. Here also the Bhutia-Lepchas paid an average rate of about Rs 6 per acre as rent and Nepalese has to pay Rs 8 per acre.<sup>198</sup> The terraced rice land that was commenced in March 1915 was grouped into three classes as follow;

1. By first class land it meant the land on which in an average, years four *manas* (one pathi) or less of seed produce one *murhi* of rice.
2. Second class land on which in an average, years between four and six manasof seeds produce a *murhi* of rice.
3. Third class land on which more than six manasof seed were required to produce a *murhi* of rice.<sup>199</sup>

However, with the classification of rice fields the same principle of unequal rate of rents was followed by vide Council Order dated 26<sup>th</sup> January 1915.<sup>200</sup>

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<sup>196</sup>Administration Report of the Sikkim State for 1916-1917. Calcutta: Government of India

<sup>197</sup>Administration Report of the Sikkim State for 1914-1915. Calcutta: Government of India

<sup>198</sup>Administration Report of the Sikkim State for 1915-1916. Calcutta: Government of India

<sup>199</sup>Administration Report of the Sikkim State for 1914-1915. Calcutta: Government of India

<sup>200</sup>File No 5/14/1927. SL No 9. Land Revenue Department, Government of Sikkim, 1927



Table No 4. 13: Community wise rate per pathi of seed sown in 1914-1915

Sl. No.	Rice field	Bhutia-Lepcha 1914	Nepalese 1914	Bhutia-Lepcha 1915	Nepalese 1915
1	1 <sup>st</sup> Class	Rs 0.73	Rs 1.25	Rs 1.50	Rs 2
2	2 <sup>nd</sup> Class	Rs 0.62	Rs 1.12	Rs 1.12	1.50
3	3 <sup>rd</sup> Class	Rs 0.56	Rs 1	Rs 0.73	Rs 1
4	4 <sup>th</sup> Class	Rs 0.50	Rs 0.86	-	-

Source: File No 17/2/1914. SL No 98. Darbar Department, Government of Sikkim, 1914

The unequal rate of the rent to two communities of Sikkim was how not something scenario visible during the time of Bell but as a matter of fact it was introduced by the first Political Officer, White. It was from the time of White a preferential or unequal rate of taxation was imposed amongst Bhutia-Lepcha and Nepali tenants. Where by Bhutia-Lepcha were made to pay lesser or half of rates as against Nepalese.<sup>201</sup> The unequal rate of assessment of rent hence continued to be in practice and in 1925 the rent at the rate of Rs 14 per *pathi* was imposed on Nepali ryots whereas Bhutia-Lepcha were allowed to pay rent at the rate of rupees 8 per *pathi* by the *Darbar*.<sup>202</sup>

Furthermore, the inequalities were not only applicable while imposing the rate of rents on Bhutia-Lepcha and Nepalese ryots. However, inequalities were further visible at the time when land was put under lease or grant of pattas to Bhutia-Lepchas and Nepalese lessee lords. Lease of land ten to fifteen years to Bhutia-Lepchas and ten years to Nepalese. Further, in many cases influential Bhutia and Lepcha landlords were granted leased for thirty years also but the rent was liable to revision over ten years. In addition, the rates also vary from *anna* to eight annas per acre for periods of

<sup>201</sup> File No 12/6/1926. SL No 89. Land Revenue Department, Government of Sikkim, 1926

<sup>202</sup> Ibid

fifteen years to Bhutia and Lepcha landlords and ten years to Nepali landlords the rates being liable to revision at the end of each period.<sup>203</sup>

### ***Anomalies in the classification and fixing Assessment***

There were several anomalies in the classification of soil and fixing the assessment. Several complaints of the peasants reached the government. A complaint of Badong Maila kazi against R. S. Mathura Prasad for assessment of pahari rate of rent and realizing rent at the rate of 1<sup>st</sup> class for the 3<sup>rd</sup> class paddy field was received by the government. The classification of all the paddy fields was made in 1915 by the Council Order dated 26<sup>th</sup> January 1915 by the then Political Officer, who was in charge of the administration of Sikkim. But later on some defects appeared in the *khatian* granted by him. He has classified the 3<sup>rd</sup> class paddy field as 1<sup>st</sup> class. Nevertheless, the Sikkim Secretariat General Department ordered in 1927 that until and unless the whole of the paddy fields in Sikkim reclassified everyone must stick to the old classification of 1915.<sup>204</sup> Complaints were received from several *ryots* against their landlords of over assessment of rents. In each case it was submitted for inquiry to two landlords and one intelligent *ryot*.<sup>205</sup>

### **Enhancement of the rent under Charles Bell**

Right after the departure of White, his successor Bell walking into his footsteps implemented strict rules and regulations for the assessment revenue (Upadhyay, 2017: 87). While the first important changes he brought was the enhancement in land revenue. As seen above land rent was increased during the time of its renewal.

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<sup>203</sup> *Administration Report for the Sikkim State for 1916-1917*. Calcutta: Government of India

<sup>204</sup> File No 5/14/1927. SL No 91. Land Revenue Department, Government of Sikkim, 1927

<sup>205</sup> *Administration Report of the Sikkim State for 1910-1911*. Calcutta: Government of India

Despite a few lessees expressed their dissatisfaction against the increased rent, at Council meeting in August 1909 the enhancement of rent was put forward by the *Durbar*.<sup>206</sup> The Council Order of 1<sup>st</sup> August 1912 highlights to increase the rent after ten years. According to it, the revenue due under all land leases of more than fifteen years in length has caused uneasiness among landlords, who naturally are anxious to pay little revenue as possible and to swell their own profits. The revenue demands made by the government alarmed the ryots. What may be found to be a solution of the difficulties would perhaps be the detailed recording of existing rights of both landlords and *ryot*, which would clearly define the judicial and revenue powers of the landlords and the holding of the *ryot* guaranteed to him by the grant of a *patta* for a fixed number of years on a fixed rental.<sup>207</sup>

Table No 4. 14: Landlords with their respective elakas and the amount of land revenue they paid to State in 1916

Sl. No.	Name of Landlords	Name of Land	Rs
1	Dallam Kazi	Daramdin	1755
2	Dallam Kazi	Daramdin Hill Top	280
3	Kumar Palden	Daramdin	1114
4	Pinchu	Rinchenpong	1164
5	Pinchu	Hi	460
6	Sanga Dorji	Rinchenpong	260
7	Yangthang Kazi	Rinchenpong	225
8	Agam Singh	Rinchenpong	245
9	Yangthang Kazi	Rinchenpong	-
10	Yangthang Kazi	Rinchenpong	120
11	Kaloh Dewet Kazi	Rinchenpong	212
12	Yay Kazi	Bermiok and Yaythey	1989
13	Yak Kazi	Radu	430
14	Yak Kazi	Mangbro and Dentam	427
15	-	MangbroDentamHill Top	-
16	Yaythy Kazi	Dentam (Sangkoo)	320

<sup>206</sup> Administration Report of the Sikkim State for 1909-1910. Calcutta: Government of India

<sup>207</sup> Administration Report of the Sikkim State for 1913-1914. Calcutta: Government of India

17	Debi Prasad	Detam	-
18	Debi Prasad	Detan Hill Top	-
19	Debi Prasad	Detan Hill Top	-
20	Debi Prasad	Karmatar	120
21	Dawa Lepcha	Bongtery	225
22	Namphu	Gyaten	194
23	D. Prasad	Garaythang	226
24	Karzung Sonam Sring	Sakyong	230
25	Ralong Lama	Polot	125
26	Sherab Kazi	Brong	400
27	R.S Achuk Tesring	Mangbro	359
28	Deboo	Mangbro	150
29	Netook	Mangbro	1100
30	Singtuk Jongpen	Tinkitam	213
31	Chiring Pentso	Wak	571
32	Lasso Kazi	Namchi	6650
33	Balkrishna	Kitam	1170
34	Lambudar	Chida	2860
35	Balkrishna	Chida	2000
36	Balkrishna and Hiralal	Namthang	6064
37	Barmoik Kazi	Barmoik	11, 835
38	R.S Lachimi Narayan	Temi	699
39	Persad Singh	Tarku	835
40	Maharani	Namphuk and Bem	1975
41	R.B Ugen Gyatso	Yangang	489
42	R.B Ugen Gyatso	Yangang	180
43	R.S Lobzang Choden	Ne and Brom	343
44	R.S Lobzang Choden	Lingmu	300
45	Maharani	Samdong	937
46	Maharani	Simik	112
47	Simik Kazi	Simik	140
48	Maharani	Tumen	334
49	Ragunandan Rai	Lingtse and Simik	1041
50	Song Kazi	Song	1333
51	R.S Lachmi Narayan	Pendam	3480
52	Rumtek Kazi	Dikling	184
53	Dalbahdur Pradhan	Pache Khani	3736
54	Kartok Lama	Dikling	226
55	Ratnabhadur and DurgaSamsher	Rhenock	2050
56	Rhenock Kazi	Chuzachen	700
57	R.S Lachimi Naryan	Rigu	251

58	Maharaja Kumar	Pathing	915
59	R.S Lachimi Narayan	Pathing	414
60	Nandalal	Tarathang	314
61	Sherbahadur Pradhan	Mamring	410
62	Dalbahadur Pradhan	Taza	500
63	Rinchen Kazini	Pakyong	....
64	Timbu Tsering	Pakyong	511
65	Sonam, Rinchen	Semon	103
66	Rating Kazi	Pakyong	103
67	Phop Sring	Pakyong	9
88	Pache Kazini	Changay	-
69	Pache Kazini	Aho	-
70	Chowbise	Aho	-
71	Jungbir	Aho	-
72	Dachen Kazini	Yangtamthay	19
73	Raling Kazi	Aho	147
74	Manzong Kazi	Gangtok and Martam	3535
75	Maharaja	Gangtok	388
76	Gyaltzen Kazi	Rumtek Piece	74
77	Gyaltzen Kazi	Lingdok and Namphey	205
78	Dawa Sring	Tumblong	25
79	Rinzing Kazi	Ringim Gur	588
80	Maharani	Gur	-
81	His H. The Maharja	Chumtong	112
82	His H. The Maharja	Lachen	408
83	His H. The Maharja	Lachen	302
84	Laso	Tashiding	409
85	Pemdorji	Rayong (Dolling)	148
86	Maharani	Melli	282
87	Dhundiraj Pradhan	Rigu	227
88	Dalbahadur Pradhan	Rorrathang Paddy field	8
89	Rating Kazi	Singtam (Hill Top Village)	250
90	Rating Kazi	Singtam (Gangtok elakha)	89

Source: File no. Nil/1916. SL No 60. Land Revenue Department, Government of Sikkim, 1916

The land revenue was charged according to the area of land that was possessed by each elakadars or that was given to manager.<sup>208</sup> However, to make sure the revenue of the state does not mislead by the elakadars and his agencies Revenue Inspector was

<sup>208</sup> *Administration Report of the Sikkim State for 1918-1919*. Calcutta: Government of India

appointed by the State. The Revenue Inspector was expected to visit every elakhas quarterly in a year certainly; he toured for 260 days.<sup>209</sup>

Along with the enhancement made in taxes Bell also brought certain changes in the dates and times for the payments of tax (Upadhaya, 2017: 87). Accordingly, the date for the payment of rents was fixed on 20<sup>th</sup> April 1916. Further, the elakadars were obliged to collect land rent by 30<sup>th</sup> November to 31<sup>st</sup> January and the house tax included exercise, labour, and road cess by 30<sup>th</sup> November to 31<sup>st</sup> January from the bustiwalas each year. In September, the land lords had to count the number of houses of tenants within his elakas for assessing the house taxes. On the bases of the number of land rent and house taxes were realized.<sup>210</sup>

However, once again, the date and time were revised with the Notification No 8146-08/G dt 19<sup>th</sup> June 1926<sup>211</sup>. Accordingly, the time of payment by raiyats to landlords was fixed from 1<sup>st</sup> August in each year, but not before, and must pay up completely by 31<sup>st</sup> December. If the taxes and rents not paid within two months after the notice has been served the landlords or manager concerned should report the defaulting raiyats to the Durbar, to obtain the sanction of the Durbar to the sale of the attached property. Such reports were being accepted by the Durbar free of stamp duty. Likewise, time of payment by landlords to the Durbar was also fixed; house tax, in full, should be paid by the 31<sup>st</sup> December in each year, failing which the payments made on account of rent would be adjusted towards the payment of the tax. Houses tax was accepted by the Durbar upon the 28<sup>th</sup> February, and for the recovery of the balance, if any, after this date, the defaulters house property, private fields and personnel effects would,

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<sup>209</sup> *Administration Report for the Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>210</sup> File No 15/8(I)1915. SL No 123. Durbar Department, Government of Sikkim, 1915

<sup>211</sup> Most probably because of the convenience of the government to collect rents

without and further notice, be sold by public auction, to such extent as would be sufficient to meet the legitimate demands of the *Durbar* and at the same time his lease would, be cancelled in accordance with the stipulation contained in clauses 22 and 23 of the pattas. Similarly, full rent had to be paid in by the 15<sup>th</sup> of January in each year. After the 15<sup>th</sup> January, rent would be accepted by the Durbar up to the 15<sup>th</sup> February without penalty, but after the 15<sup>th</sup> February rent would be accepted up to the 31<sup>st</sup> March with a penalty of rupees two per cent on the total amount of rent due. Should any landlord fail to pay up in full by the 31<sup>st</sup> March, his house property, private fields and personal effects will, without any further notice, be sold by public auction.<sup>212</sup>

Certain changes were also made in the structure of revenue head. For instance, in house tax some short of relaxation was seen during this period. Although, a uniform tax of Rs. 6.73 per house per annum charged to all houses not situated within 'Bazaar' areas. The house tax was like before collected through the agency of elakadars who were paid Rs 1.73 per house for this service. However, a house whose occupiers were extremely poor, destitute they were exempted from the house tax. The house tax formerly consisted of excise tax Rs. 2, Labour tax Rs. 2.7, and Road cess Rs. 0.73. Or these taxes incorporated into a house tax, when the house ticket system was introduced.<sup>213</sup> Whilst, when the house ticket system was introduced not only the poor and destitute ryots were exempted from the payment of house tax. In fact, the elakadars whoever possessed free house tickets were exempted from the payment of house tax.<sup>214</sup> However, if they do not have mandals within their respective elakas they

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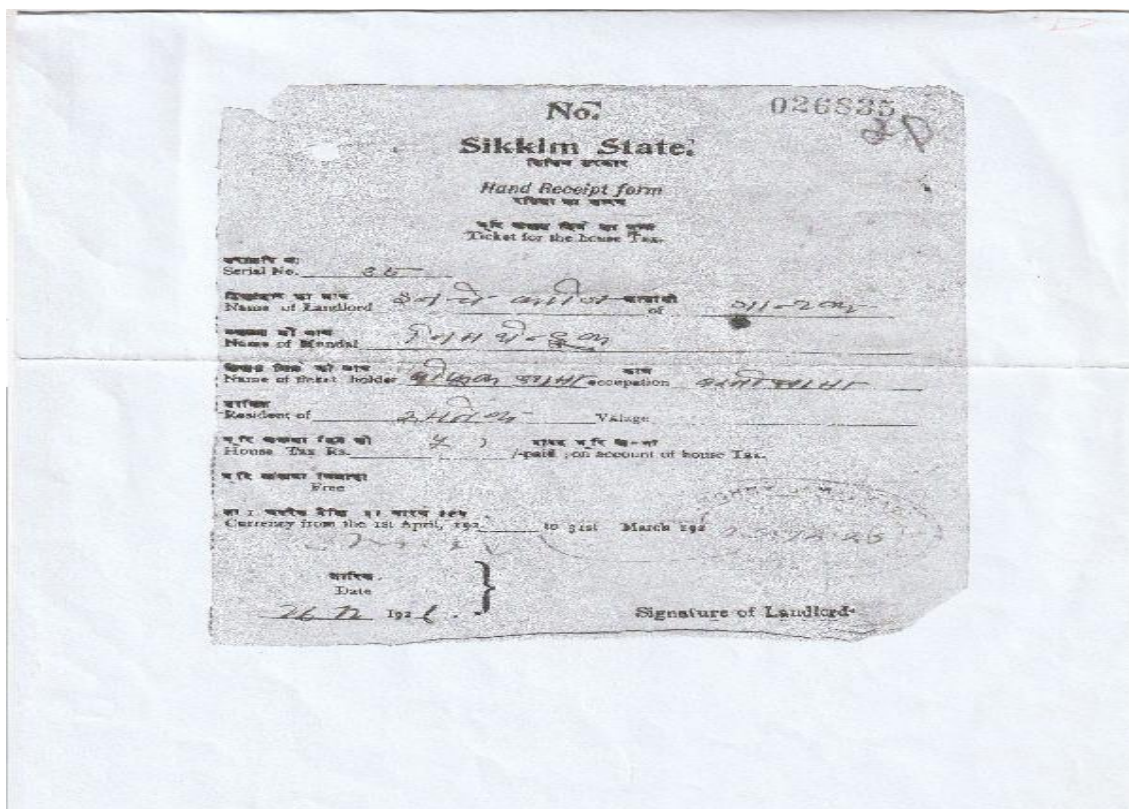
<sup>212</sup> Old Laws of Sikkim, Sikkim Code Volume V. Sikkim State General Department, Notification No. 6597-097/G.

<sup>213</sup> *Administration Report for the Sikkim State 1933-1934*. Calcutta: Government of India

<sup>214</sup> File No 5/24/1928. SL no 95. Land Revenue Department, Government of Sikkim, 1928.

were not given free ticket.<sup>215</sup> Following is the free house ticket of Entchi Kazi of Gangtok.

Figure No 4.2: The free house ticket of Entchi kazi of Gangtok



Source: File No 1/1/1923-1924. SL No. 77. Finance Department, 1923-1924

### Transferred or inheritance of land

The elakas leases by the *Durbar* in 1925 have undertaken to renew the lease in favour of one of the heir only in the male line of lineal decants and failing that of the duly recognized adoptee of the lessee if any.<sup>216</sup> However, it is worth to remark that the leases were not transferable without the express consent of the State in writing and are determinable at any time during the continuance of the period for which they have

<sup>215</sup> File No 5/24/(I)/1923. SL no 79. Land Revenue Department, Government of Sikkim, 1923.

<sup>216</sup> *Administration Report of the Sikkim State for 1930-1931*. Calcutta: Government of India



been granted, if the State at any time elects to change its land revenue system<sup>217</sup>. The rights to issue or cancel the lease were largely remained to with *Durbar* or State. For instance, after the death of Jerung Dewan of Chakung estate Lambodar Pradhan was appointed to look after the estates of Jerung Dewan for a temporary period by *Durbar*. He was vested with certain powers like to collect tax, to see the efficiency of mandals and so on.<sup>218</sup>

The Rumtek piece of land (land lies between the Rumtek Monastery land and Gangtokat the 6<sup>th</sup> mile on Gangtok-Sang road) held by Rumtek Lama named lama Rapde.<sup>219</sup> However, after the death of lama Rapde the other lamas of the Rumtek claimed the proprietorship of the Rumtek piece of land. But Gyaltsen kazi who was the nephew of late lama Rapde was given the proprietorship of the Rumtek piece of land.<sup>220</sup> Dallah kazi of Daramdin died without a male heir. Hence the question of management of his estate and a decision as to who is the rightful heir remained pending.<sup>221</sup> Eventually, Tobden Kazi, younger brother of the Rhenock Kazi, was decided to be the rightful heir to the late Dallah Kazi's estate in Daramdin. As he was a minor, the Donker Kazini, wife of the late Kazi, was appointed manager of the estate and guardian of the minor until the latter at least 21 years of age.<sup>222</sup>

### **Strengthening the powers of elakadars under Bell**

In 1906 the Political Officer had given Notification based on the Council No. 2338, in which *elaka* system was recognized. Similarly, with this Order the judicial power was

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<sup>217</sup> *Administration Report of the Sikkim State for 1933-1934*. Calcutta: Government of India

<sup>218</sup> File No 22/1/1912. SL No 48. Land Revenue Department, Government of Sikkim, 1912

<sup>219</sup> He was the head lama of Rumtek Monastery.

<sup>220</sup> File No 5/7(I)/1927. SL No 81. Land Revenue Department, Government of Sikkim, 1927

<sup>221</sup> *Administration Report of the Sikkim State for the year 1909-1910*. Calcutta: Government of India

<sup>222</sup> *Administration Report of the Sikkim State for 1909-1910*. Calcutta: Government of India

granted to all landlords in Sikkim.<sup>223</sup> The two main objectives of this Notification were first, it recognized the *elakas* and, secondly it defined the powers and functions of the *elakadars*. In short, *elakadars* were invested with both the administrative and judicial powers. Under the administrative powers, they were responsible for the collection of revenue with the help of *mandals* of their *elakas* which include a fixed sum on account of land rent and household tax. Since, the state does not collect any of its taxes through its department agency. Hence *elakadars* were invested with the power to collect land revenue tax from peasants. *Elakadars* or lessee paid to the king a fixed sum calculated at a rate per acre, which varies according to the conditions of the *elaka* leased. At the same time, they had the responsibility to maintain the register of birth and death within their *elakas*. They also acted as a link between the government and the peasants and act as an agent of government at the local level (Chhetri, 2012: 102-103).

Further, they had to keep the records of the peasant's settlement every year.<sup>224</sup> The *elakadars* were the *ipso facto* subordinate forest officers. They maintained menial forest establishments at their own expense and are paid in the shape of half of the royalty on timbers and other minor forest products sale from the reserved forests in the *elaka* and 3/4<sup>th</sup> of the royalty accruing from the sale of timber and other minor forest produce in the *Khasmal* areas.<sup>225</sup> Therefore, the *kazis*, *thikadars*, and *lamas* were granted with one half royalties on timber that was sold in their states.<sup>226</sup>

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<sup>223</sup>Council Order 2338, SL No. 9, File No 9/37/1920, Judicial Department, Government of Sikkim, 1920.

<sup>224</sup>Council Order, SL No. 26, File No 38/1/1909, Land Revenue Department, Government of Sikkim, 1909.

<sup>225</sup>*Administration Report of the Sikkim State for 1933-1934*. Calcutta: Government of India

<sup>226</sup>Council Order, SL No. 29, File No 1/III/1910, Durbar, Government of Sikkim, 1910.

With regard to their judicial powers, they were granted the powers to try petty cases, cattle trespassing, petty land disputes, and debt cases of value not more than rupees ten with the power to fine up to rupees five only was given to elakadars.<sup>227</sup> Furthermore, the kazis, thikadars, and lamas were divided into four different categories so far as their judicial powers were concerned.<sup>228</sup> Some of them were invested with high judicial powers and were divided into four classes as follows;

1. The first class had judicial powers to try ordinary civil and criminal cases and fine up to rupees one hundred or imprison for one month, if the sentences of imprisonment is passed the prisoner to be confined in the jail at Gangtok.
2. The Second class was conferred with powers to try ordinary civil and criminal cases and fine up to rupees fifty.
3. Third and fourth classes were invested with powers to try ordinary civil cases and fine up to rupees twenty-five and fifteen rupees respectively. These powers were granted to the kazis and thikadarseach within their own elakas.<sup>229</sup>

The land lords who were given judicial powers in the first, second, third, and fourth classes during 1906 were:

1. First class: All members of the council, Dallam *Kazi*, Rai Bahadur Ugen Gyatcho, Rhenock *kazi*, Gangtok *kazi*, and Rai Saheb Lobzang Choden.
2. Second class: Bidurkazi, Lutchmi Narain Pradhan, Tulsi Das Pradhan, Rumtek Lama, Penchu, Ralong Lama, and Roghunandan Ram.

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<sup>227</sup> Council Order 2338, SL No. 9, File No 9/37/1920, Judicial Department, Government of Sikkim, 1920.

<sup>228</sup>The extract from the minutes of the Council meeting held at the Residency, Gangtok, on the 18<sup>th</sup> July 1906, Government of Sikkim, 1906.

<sup>229</sup> Council Order, Sl. No. 37, File No 9 of 1920, Judicial Department, Government of Sikkim, 1920.

3. Third class: Kabirhang Subah, Sakyong Kurzang, Jongtook, Chobag, and Prasad Singh.
4. Fourth class: Agamsingh, Sangchung and Sanga Dorzi.<sup>230</sup>

### *Judicial power of elakadars*

The system of government of Sikkim in the pre-British period was simple. There were no so-called legislatures or any written laws in Sikkim. However, it is pertaining to note that Sikkim, being a religious state, hence the usages or the customs of laws were guided with the Buddhist faith. Thus, carry out by the Buddhist faith, whatever be the crime, the capital punishment was considered as taboo. Consequently, the imposition of fines and maiming of limbs were the usual forms of punishment. At the same time, the ordeal by hot boiling oil was an accepted form of proving innocence (Bhattacharya, 1992; 112).

Moreover, there were sixteen customary laws in Sikkim they were; (1) General rules to be followed in times of war; (2) Rules for those who were defeated and cannot fight; (3) Rules for officers and Government Servants; (4) Law of evidence; (5). Laws of grave offence; (6) Fines levied for offence; (7) Laws of imprisonment; (8) Law for offenders and defaulters who refused to come to court; (9) Laws for murder; (10) Law of bloodshed; (11) Law for those who were false and avaricious; (12) Law for theft cases; (13) Law for disputes between near relatives, between man and wife, between neighbors who have things in common; (14) law for adultery; (15) Law of contract; and (16) Law for uncivilized people. However, the main objectives of these customary laws were to make the people follow the religious way of life. In short, to put it differently, the above laws were more or less guidelines for Buddhist way of life

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<sup>230</sup> File No 9/37/1920, SL No. 9. Judicial Department, Government of Sikkim, 1920.

(Bhattacharya, 1992: 113).

In spite of that, it is pertaining to note that, the orders of the *Chogyal* and landed aristocrats, and land lords were the sources of law under their own jurisdiction. Sengupta, in his book *State Government and Politics: Sikkim*, has stated, “Prior to the establishment of British control over Sikkim by virtue of making it as a protectorate of India in 1890, and even a few years after that, up to 1908-1908 there was no codified laws in Sikkim”. In simple words, there were no proper criminal and a civil court in Sikkim (Sengupta, 1985; 249).

Under such circumstances, the lords of Sikkim enjoyed absolute judicial powers. However, with Sikkim’s contacts with the British Indian Government had worsened the existing judicial system of Sikkim. For instance, after the establishment of the State Council, the *Chogyal* was kept behind curtains and the Political Officer began to take decisions, enact laws, and ruled the kingdom with the help of pro-British kazis and thikadars who worked in favour of British. Moreover, Political Officer and the Khangsa Dewans with whom a Council was formed had usurped the authority and source of law (Tamang, 2016: 70). The overwhelming powers of Political Officer and Khangsa Dewans could be observed from the lease of land grants from 1890-1907 on behalf of the king.<sup>231</sup> However, it is pertinent to note that after the advent of the British the power and privileges of lessees were regularized with the creation of proper criminal and civil court.

As the entire state was divided into several *elakas* and was put under the control of the lessee landlords, the Political Officer gave some judicial powers to them. For instance, the Council Order No 2338 declared the ‘Order of Maharaja in Council was

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<sup>231</sup> File No. X/X/1890-1907, SL No 1. Land Revenue Department, Government of Sikkim, 1890-1907

approved and signed by the Council on 28<sup>th</sup> July 1906' that defined the limited powers of the landlord.<sup>232</sup> Furthermore, in 1909 the State Council held deliberations on the advisability of granting judicial powers of class IV Sikkim Magistrate to all landlords. It also defined the powers of all Magistrates in the trial of civil suits. It means, the State Council Resolution of 1909 had given an overwhelming power to the elakadars (kazis, thikadars and lamas) (Sengupta, 1985: 25).

In addition, it has also been resolved in Council that the powers of elakadars shall be clearly defined. The courts of Magistrates may try ordinary criminal cases, such as cattle trespassing, simple assault, simple hurt etc. Accordingly, the first class Elakadars in respect of money suit shall be subjected to a maximum of rupees five hundred, second class rupees three hundred, third class rupees two hundred and fourth class rupees one hundreds. Furthermore, the powers of IV class magistrates with regard to the imposition of fine were clearly defined as follows;

1. Court of Magistrates of first class: they could imprison the criminals for a term not exceeding one month and imposed fine not exceeding one hundred rupees.
2. Court of Magistrates of second class: They were fined not exceeding fifty rupees.
3. Court of Magistrates of third class: Fine not exceeding twenty-five rupees.
4. Court of Magistrates of fourth class: Fine not exceeding fifteen rupees.<sup>233</sup>

In order to get the higher rank of magisterial power the elakadars have to write an application to the *Darbar* bearing State stamp of rupees one. Accordingly, Chief Judge examines the work records of elakadars (whether he was doing clean and clear

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<sup>232</sup> File No. 9/37/ 1920, SL No 9. Judicial Department, Government of Sikkim, 1920

<sup>233</sup> File No. 11/8/1929, SL No 34 Judicial Department, Government of Sikkim, 1929

judgment to his people and whether he had maintained his registers neat and clean) then only the aspired power conferred upon them by *Chogyal*.<sup>234</sup> Chief Judge can also grant 4<sup>th</sup> class and 3<sup>rd</sup> class magisterial powers to the heir of elakadars. Consequently, exercising his power Chief Judge has granted 3<sup>rd</sup> class magisterial powers to the sons of Yangthang Kazi and Dalbahadur thikadars.<sup>235</sup>

Above the courts of the elakadars there was another court called the *Adda* Courts. Every lessee manager of monastery holding an estate was *ipso facto* a court of original jurisdiction of that estate. The *Adda* Courts were invested with some class of judicial powers both on the civil and criminal sides. They were neither honorary nor stipendiary courts, as they were maintained by themselves (Sengupta, 1985: 254-255).

1. First class *Adda* exercised criminal powers to the limit of being competent to punish up to one month's imprisonment and could impose fine up to rupees hundreds on the civil side they could hear suits up to the value of rupees five hundred.
2. Second class *Adda* could punish in the criminal cases to the extent of inflicting fine only up to rupees fifty and on the civil cases they could hear suits up to the value of rupees three hundred.
3. Third class *Adda* could punish in the criminal case by imposing fine up to rupees twenty-five and on the civil case could hear suits up to the value of rupees two hundred.
4. Fourth class *Adda* could punish in the criminal case by imposing fine up to rupees fifteen only and could hear civil case up to the value of rupees hundred (Sengupta, 1985: 254-255).

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<sup>234</sup> Ibid

<sup>235</sup> Ibid

According, to the *Gazetteer of Sikkim*, 2013, there were fifty-one *Adda* Courts in Sikkim during 1930. Where by twenty-two landlords were invested with first class magisterial powers, eighteen with second class, ten with third class and seventeen with fourth class (Sengupta, 1975). However, according to the Land Revenue Records from August 1932 to February 1949, twenty two landlords were invested with first class magisterial powers, twelve with second class, seven with third class and fourteen with fourth class.<sup>236</sup> Even after the creation of Sikkim Chief Court in 1916 to exercise a supervision and appellate jurisdiction over the *Adda* Court<sup>237</sup> *Adda* Court continued to influence the powers within their respective *elakas*.

All the important judgments were given through the *Adda* Courts, which were carried out by the *elakadars*. Hence, as a result of this, they exercised a huge variety of function and powers encompassing virtually all aspects of administration within their own *elakas*. Moreover, they were the leading judicial authority acting as the Magistrate. Besides this, they also functioned as the head of the police officer and could arrest and imprisoned the small peasantry who paid land rent below twenty-five rupees. In short, they had powers to put the peasants behind the bars which they had maintained in their house who disobey their orders. Moreover, they were also empowered to register documents for permitted to sell the attached moveable and immovable properties of the defaulting peasants. In short, they were the country's law maker, administrators, and judges. Accordingly, there was no uniformity in the judgments delivered by the lords and no effective checks on their powers too (Sengupta, 1985: 250).

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<sup>236</sup> File No. 11/8/1929. SL No 1. Land Revenue Department, Government of Sikkim, 1929

<sup>237</sup> File No. 6/4/1915. SL No 112. Durbar Department, Government of Sikkim, 1915



### ***Power of elakadars to detain the defaulted ryots***

All the elakadars and Managers of elakas of Sikkim were authorized by the Durbar to arrest and detain in custody for not more than 24 hours. Now the important question needed to put forward is who should be detained? While, it is noted that any bustiwalas<sup>238</sup> who they had reasoned to believe were leaving the jurisdiction of their elakas without paying the rents and tax provided that no bustiwalas paying land rent of rupees twenty five and above should be detained. That information of any detention or arrest effect should at once be given to the Durbar and that the Kamdaris should not make any arrest in the absence of the Elakadars or Mandals for their elakas unless specially authorized by the *Durbar*.<sup>239</sup>

Due to unchangeable nature of elakadars rights over their elakas, there were not clearly defined. Therefore, the Council Order of 1906 had also clarified the relations between landlords and ryots had set forth certain rules which decisively show the permanent nature of their rights over their elakas. For instance, the elakadars, who had been created, they could retain their *sanad*<sup>240</sup> for endlessly. Or they could claim over their elakas, unless and until, they served the state faithfully and not involved in rebellion and traitors against the state. Secondly, the ryots were prosecuted if they intentionally purposed false charges against their landlords. At the same time, elakadars were allowed to make an annual *janch* of their own elakas if they wished. Further, each ryots had to pay his land rents, exercise labour and road taxes within the 30<sup>th</sup> November every year to his land lords. If, they failed then their attached

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<sup>238</sup> Intermediaries between lessees or elakadars and *ryot*.

<sup>239</sup> *Administration Report of Sikkim State for 1933-1934*. Calcutta: Government of India

<sup>240</sup> Ordinances of land endowment to a king's subject as a reward for his or her loyalty as service (Tran, 2012: 7).

properties both moveable and immoveable were pawned or mortgaged for a period of two months. In short, the landlords could seize their property if they fail to pay up the same by the end of January.<sup>241</sup>

### **The role of the intermediaries**

The land at the block level was distributed amongst some people who became intermediaries between the elakadars and the *ryot*. These intermediaries were called mandals<sup>242</sup> and bustiwallas according to the amount of land they held. These people did not cultivate the land. Moreover, they appointed tenants for the cultivation of their lands (Gupta, 1992: 88). According to the rules and customs of Sikkim a *mandal* was appointed over twenty houses and the only remunerations *mandal* was an exemption from paying rents and taxes and along with three days free labour from each tenants under him.<sup>243</sup> However, the average number of houses under each mandal was not known but may be estimated fifteen to twenty. There were several mandals or headmen under elakadars and were responsible for the collection of rents and taxes from the ryots. The number of houses under each mandal varied from five to sixty and were scattered over the hills and valleys. The task of the mandals was to keep accounts of every house.<sup>244</sup>

However, they also collect revenue from the ryots and paid it to the elakadars, who paid a fixed amount to the state treasury. At the same time, he was also responsible

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<sup>241</sup> File No 1 of 1906. SL No 3. Land Revenue Department, Government of Sikkim, 1906.

<sup>242</sup> *Mandal* is the common word for the head of the village through Northern India. However, in Sikkim on the complaint of king and Bhutias, it was decided that no Nepalese would be appointed as the (*mandal*) head of the village. They were appointed either by landlords or by the king as his representative (Tamang, 2016: 25).

<sup>243</sup> File No. 5/25/1912. SL No 46. Land Revenue Department. Government of Sikkim, 1912

<sup>244</sup> File No. 5/25/1912. SL No 46. Land Revenue Department. Government of Sikkim, 1912

for the maintenance of law and order on behalf of the elakadars. No doubt, they were exploitative too however they acted as a bridge between elakadars and commoners. The mandals had certain privileges that others did not have in the village. Some of such privileges enjoyed by mandals were; remission of house and seed tax, the right of free labour<sup>245</sup>, and *bethi*. Originally, the office of mandal was hereditary and when the holder dies, it was given to the next most suitable male in the family. Certainly, they also employed *baidar* and *kamdari* as assisted in keeping the accounts. They were also responsible for the census work and if mandal fails handsome punishment be awarded to them. Nonetheless, if they performed their work properly they get a certificate from the *Durbar* in recognition of the service they had rendered.<sup>246</sup> The assistance of mandals *karbari* was not however given any official recognition by the government therefore; his compensation comes out of the mandal's share of the revenue (Chettri, 2012: 120).

On the other hand, *bastiwalas* could lease out land to tenants in accordance with the terms and conditions set by themselves. Moreover, they were the person with a primary interest in specified land. This tenure carries with it the right to possess and use, sell mortgage, and inherit the land.<sup>247</sup> The right of the *bastiwalas* was hence also transferable and heritable. The Mandals and *bastiwalas* also hold lands. These intermediaries used to appoint tenants on behalf of the *kazis* and *thikadars* and did not usually cultivate the land.<sup>248</sup>

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<sup>245</sup> Discus in detail in the next chapter

<sup>246</sup> File No 10/4/1930. SL No 44. Judicial Department, Government of Sikkim, 1930

<sup>247</sup> Notification No. 1208. 17<sup>th</sup> September 1951, Part I, Land Revenue Department, Sikkim Durbar Gazetteer, Government of Sikkim, 1951.

<sup>248</sup> As per the Revenue Circular No. 8554/G dated 26<sup>th</sup> October 1924, a *bastiwalas* is an intermediary holding land upto twenty acres and mandals could hold up to thirty acres.

Interestingly, the mandals and bustiwallas were acted as the first intermediaries between the estates and the actual cultivators. While the lessees or the elakadars acted as the second intermediaries between mandals and bustiwallas and the state. From this it is clear that state itself had no direct relation with the actual cultivators of the soil (Gupta, 1992: 88). Since, the mandals and bustiwallas acted as first intermediaries between the estates and the actual cultivators. Hence it is pertained to put forward a question as what was the possession of the bustiwalas on expire of lease or being determined? In Bengal the agricultural tenants can acquire permanent rights of occupancy subject to enhancement of the rent and the rents in such cases can only be enhanced to a limited extent and subject to the approval of the court. In Sikkim, however, the tenants did not have occupancy rights in fact their rights were not clearly defined. However, in 1924 with the revision of pattas certain rights of the bustiwallas were secured. According to which the lessees could issue lease rentals land to the bustiwalas after the approval of *Durbar*. At the same time, lessees could not raise the rent of the bustiwalas nor could eject them without the sanction of the *Durbar*.<sup>249</sup>

The new land system introduced by the Political Officer without a doubt marked an epoch making events in the history of land ownership in Sikkim. However, the point often overlooked by the Political Officer was the task of scientific survey of land. It is noted that under the British India the revenue department and survey of lands was important. Here it is important to realize that except the rough survey of land done by White a way back in 1889<sup>250</sup> no scientific survey has been done for the purpose of revenue settlement or to preparing land records<sup>251</sup>. Thus in the absence of scientific

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<sup>249</sup> File No Nil/1924. SL No 1, Forest Department, Government of Sikkim, 1924

<sup>250</sup> File No 19/I/1909. File No 24. Land Revenue Department, Government of Sikkim, 1909

<sup>251</sup> *Administration Report of the Sikkim State for 1930-1931*. Calcutta: Government of India.

measures *nazar janch* a traditional method was applied to survey the lands or area for the purpose of extracting revenue. In simple words, *nazar janch* was a method to measure the new acquired land by the *mandal*. Under this the *mandal* climbs on the tallest tree of the locality to assess the land and accordingly fixed the amount of revenue (Upadhyay, 2017; 96).

### **Distribution and acquisition of land by the state**

Under the British property rights institutions different classes of people inhabiting Sikkim possessed wet, dry, and garden lands. However, the state did not encourage the acquisition of vast holdings to individuals and has set a limit of the maximum acreage a proprietor may possess. Ordinarily a *ryot* was not permitted to acquire more than twenty acres of cultivable lands. In case of mandals of various blocs of an elakas, this maximum might go up to thirty acres, whilst the “lessee” might not acquire more than one hundred acres, and his son or brother separate in interest from him can only reach a maximum of fifty acres. The member of a family not separated in interest from the head of the family was not deemed to be able to acquire landed property in their own name over the limit fixed for the head of the family.<sup>252</sup> While, talking about the acquisition of lands it is noted that if *Durbar* at any time required the whole or any portion of the land covered by either temporarily or permanently, for any public or state purpose the lessees had to surrender the said lands to the *Durbar* without any compensation.<sup>253</sup> One such instance was the resuming of the Chandmari lands by the

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<sup>252</sup> *Administration Report of Sikkim State for 1930-1931*. Calcutta: Government of India

<sup>253</sup> File No Nil/1924. SL No 1. Forest Department, Government of Sikkim, 1924

State. Chandmari lands which were granted to one policeman by White for cultivation was resumed by the State in 1915 under Bell for military purpose.<sup>254</sup>

Thus, Sikkim under the British influence went through overall changes as far as patterns of land ownership were concerned. White, first Political Officer introduced new structures in land system in the form of lessee landlordism, kazism, zamindarism, and thikadarism in order to implement the British land systems, which included property, rights institutions in Sikkim. With the help of newly created lessee lords or 'zamindars' the British realized their main objectives i.e., extracting land revenue as much as possible. In this process the old patterns or customs of land holdings were discontinued. Consequently, under a new institution series of land was annihilated, the creation of individual lessee through the lease of land was continued. Henceforth, over a period of time number of individual owners of land developed like lessee lords (kazi, thikadars, and head lamas) and, later on the intermediaries like mandals. With the increase in the number of individual owner of land who possessed the rights of disposition there also rise in the number of the occupiers 'tenants'. They use the land of lesseelords (kazi, thikadars, and head lamas) and mandals for which they pay rent or fee.

However, with due changes made in the patterns of ownership the community ownership in 'common land' forest brought under state control. Therefore, in the next chapter we will see the impact of changing patterns of land ownership on the community rights on the forest.

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<sup>254</sup> File No 5/73/1926. SL No 88. Land Revenue Department, Government of Sikkim, 1926

## CHAPTER V

### IMPACT OF CHANGING PATTERNS OF LAND OWNERSHIP ON FORESTS

The concept of property rights as understood by the colonial ruler not only led to the alienation of patrimonial lands possessed by olden landlords from generation to generation but it also changed the community's customary rights on common lands such as forest and grazing lands. The beginning of the twentieth century unleashed far-reaching and significant changes in the community rights on common land in Sikkim. However, in the pre-British period, it is noted, though theoretically, *Chogyal* was the owner of the lands, in practice the community maintained their rights in 'common lands' pertinently, in the forest or grazing lands. Nonetheless, it was under the British influence, Sikkim for the first time witnessed the beginning of the forest reservation and demarcation. Soon, the Forest Department was set up in 1909 which was hitherto no existed at all and framed rules, and procedures. Consequently, it took no time to overrule the customary rights like hunting and gathering, cutting trees, collecting wood, fodder, and tuber, various edible roots, using the forest lands for pasture or grazing yet most important slash and burning or shifting cultivation was strictly prohibited. Certainly, the British property rights institution which did not recognize customary rights likely the new Forest rules did not recognize the customary rights. As the legal property right of British did not recognize community rights to use the forest and its products freely the community suffered the outmost. Nonetheless, once again here it is worth to remark that the alienation of land was primarily followed by the revenue assessment policy. Likewise, the non-recognition of community rights was too followed by the revenue-generating policy by the

British. Accordingly, all uncultivable lands, including forest came under the direct control of the state, which was under the control of the British. It led to the imposing of heavy grazing fees and commercialization of forest. This is truly the forest of Sikkim were commercialized so much so that the rate of almost every forest produce has been fixed. The livelihood of the people became more difficult as they were using earlier all the forest resources without paying fees before the British influence. Consequently, the community that directly depended upon the forest for survival suffered the most. Initially, they suffered due to the inaccessibility of forest, insufficient pasture land, imposing heavy fees on grazing, restrictions on collecting fodder, firewood wood, etc. Meanwhile, the traditional hunting and gathering lost its significance. Thus, undoubtedly, right from the establishment of the Forest Department, which imposed several restrictions on the forest, multiplied the difficulties and sufferings of the community. Moreover, the non-recognition of communities' land put out more restrictions on the traditional use of the common lands especially forest. Subsequently, not recognizing the communities' rights on common lands was one of the basic forms of land alienation (Fernandes & Barbora, 2008: 3) through community suffered under the British influence.

### **Background to forest policies in India**

The history of Indian Forestry is, to a great extent, a story of the evolution of a system of intervention in the processes of natural regeneration to upgrade the value of forests for the Raj. Mahesh Rangarajan, 1998: 575

The beginning of nineteenth-century witnessed historical landmarks in the history of the forest in India. The conspicuous background behind the introduction of British forests policy in India lies in the interests in shipbuilding and constructing a railway



network over the whole country especially after the Indian revolution, in 1858 (Pfaff, 1997: 180). But, the dawn of forestry in India was visible any with the issue of forests charter. In 1855, Lord Dalhousie the Governor-General of India issued a "Charter of the Indian Forests" dated 3<sup>rd</sup> August 1855, outlining the forest conservancy for entire India. To carry out the conservancy policy Dietrich Brandis<sup>255</sup> was appointed in January 1856. With his appointment, the dawn of 'scientific forestry' was launched full-fledged (Ribbentrop, 1989: 13). Nonetheless, it is on the observation that, 'scientific forestry' initiated with an intending to conserved forests turned out to be a major instrument that controlled the forests of India for the rest of the history. For successful forests administration, the declaration of the state monopoly right over forests was considered essential. Therefore, an initial attempt at asserting state monopoly was accelerated through the forest act of 1865. However, thirteen years later in 1878, a comprehensive all-India Act was drafted. This act provided for the constitution of 'reserved' or closed forests, divested of existing rights of users to enable sustained timber production. Moreover, this act provided an elaborate procedure of forest settlement to deal with all claims of a user (Guha, 2017: 38).

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<sup>255</sup>Brandis was born in 1824 in Bonn, Germany. In 1849, he received his doctorate in botany from Bonn University. As a teacher, he served in the same University for five years. After that, he took the position of Superintendent of Forests in Pegu province of Burma, under the British government. He introduced scientific forest which included the determination of teak volume, rate of growth, identifying rate of harvest, and developing forest protection plans against pests and fire. Certainly, he was the one who introduced timber purchase rules, harvesting rules. As well as the establishment of managed teak areas called conservancies with officers who were appointed as conservators. Later on, he became Inspector General of Forests in India, a position he held for twenty years. He formulated new forest legislation and helped to establish research and training institutions, including the State Forest Service College at Dehra Dun (Anderson, 2005: 42-43).

Consequently, the 1878 Act clearly and firmly established the state's supremacy over forests by rendering people's rights over them. This Act also confers upon the state the undisputable powers such as the powers to establish, create and demarcate forests for protection. Furthermore, it also empowered the forest department to regulate the use of forest, grazing lands, and wastelands. After this, people's access to the forest was made totally on the will of the government. Moreover, the Act 1878 visibly disregarded and refused people's age old customary rights and practices on the basis of mere privileges, which had no legal sanction. Here, it is worth mentioning is that after State asserts firm control over forest it systematically eroded people's rights over their resources and posed a threat to their livelihood. Along with it also hampered the delicate balance which rural and forest-based communities have traditionally maintained with their natural environment (Nongbrit, 1999: 1). Likely, in Sikkim by the beginning of the twentieth century, with the increase in the value of timber and other essential resources of forests the process of demarcation and reservation of forests land triggered off full-fledged. Nevertheless, before getting directly into the colonial forests policy of Sikkim it is essential to look back into the forests of Sikkim in the pre-British period.

Thus it is clear that the fundamental principle of private property rights in the land of the British government eventually reinforced forestry policy in India. However, as far as the question of ownership and control in forest concerned, the colonial government carries the two important interests first were certainly the needs of timber for ships building for Royal Navy and railways. Second, was, of course, maximizing revenue collection from the trade of forest produces, especially from the teak harvest. Ultimately, their needs to maintain high levels of timber productions increased the urgency of defining rights over forest and ownership over it and surely use of its

produces (Tucker, 2012: 5-6). While yet another important change visible in the course of converting forest into the state-owned reserved forest was the introduction of the category of 'wastelands'.

The introduction of the category of wastelands into Indian law and land revenue policies began from the Permanent Settlement of Bengal in 1793. According to Cornwallis, in the late nineteenth century, one-third of the land in Bengal was laying waste, although its precise amount could not be specified (Whitehead, 2010: 5). But what is 'wastelands' that we have to identify various scholars and writers have given different arguments related to 'wastelands' categories. According to Nitya Ghotge has rightly stated that under the colonial regime lands which could not be put under the plow and could not be cultivated called forests classified as 'wastelands' as it did not provide revenue (Ghotge, 2011: 16). Likewise, Singh state that, the land not under cultivation and which did not provide revenue was termed and treated 'wastelands'. Such land includes forests that were traditionally common lands available to the villagers for various purposes (Singh, 2013: 3).

Judy Whitehead opines that the concept of wasteland began its career in India not as we understood it today, i.e., as a natural category applied to infertile and barren lands or rocky outcrops. It was a social category that applied unproductive uses that lands were put to, to lands held in common, or to land left free (Whitehead, 2010: 86). Gidwani writes that in the land revenue context 'waste' was nothing but 'revenue waste' a residual category for land unproductive by a revenue receipt. Although this may be true, it is worth to be noted here is that the idea of 'waste' represented much more than a revenue waste. It was a colonial commentary on native society. When Lord Cornwallis remarked that one-third of the company's territories lay 'waste', he

was an opinion not simply about land types but also about land use and the kind of society (indolent, effeminate, ignorant) that promoted such lands were 'waste' (Gidwani, 1992: 40-42). The conservation of the 'wastelands' forests into reserved forest lands was accelerated with the realizations of the valuable timber. As a result of this forests were declared to belong to the state placed a major restriction on its use and eventually take over by the Revenue Department (Singh, 2013: 3).

### ***The management of Forest under community: pre-British influences***

As already seen in previous chapters how the community held absolute rights to use the forest as common ground. Before 1889 i.e., before the British influence started in Sikkim in 1889 the subsistence economy of the community rested on the forest resources in many ways. In chapter three it was discussed the untold customary rights of the community over forest were never disturbed by the *Chogyal* themselves. In general, forest supports firewood a major energy resource essential for cooking and necessary for providing heat in the winter season. Secondly, timber, especially hardwood was important for building houses. Beyond this, thirdly forest also provided essential fertilizer supplement in the form of manure. Furthermore, forest supports the grazing of cattle, sheep, and goats, etc. (Tucker, 2012: 4). Simply put it, forest synonym of the source of livelihoods for the community of Sikkim especially in the pre-British period. The community looked upon a forest for survival to a greater extent and held customary rights to use the forest and its produce from time immemorial. Forest more than a dense collection of trees it was home to them provides both shelter and nourishment.

The dependency on the forest and it produces institutionalized through a different social and cultural mechanism. This institutional mechanism consequently developed a system of the conservancy of forest in various forms. Guha stated that:

The village communities had drawn a protective ring around the forests. Across the region covered by this study there existed a highly sophisticated system of conservancy that took various forms. Often, hilltops were dedicated to local deities and the trees around the spot regarded with great respect (Guha, 2017: 29).

Similarly, in Sikkim, the dependency of community on the forest firmly established the practice of conservancy and management with a religious notion as 'sacred sites'. From the very beginning to the community of Sikkim forest besides being a means of survival linked with the religious notion as 'sacred sites'. Subsequently, the community's faith forest as 'sacred sites' visible with the veneration of certain trees more often. Believing forest as the abode of various Gods and semi-Gods deeply rooted amongst the community of Sikkim. Moreover, the forest served as nature's bridge linked the communities with various Gods and Goddesses<sup>256</sup> (Upadhyay, 2017: 27).

Further, believing trees to be the abode of gods and ancestral spirits, many communities set aside sanctified areas of forests and established rules and customs to ensure their protection. Though, these rules varied but often prohibited the felling of trees, the collection of any material from the forest floor, and the killing of animals. Presiding deities were believed to administer punishment, often death, to individuals who violated the rules, and sometimes to the entire community in the form of disease or crop failure (Singh, 2007: 130-131). Some trees were considered the abode of

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<sup>256</sup> *Jungali, Devi, Naag, Shimey-Bhumey, Ban Jhakri, and Lyam Lyamey* (Upadhyay, 2017: 7)

God's and ancestral spirits and the communities worship them. For instance, the Lepchas worship nature and they summons the names of two trees *Sungli-Songlaok*, including all mountains, peaks, and rivers in prayers (Tamasang, 2008: 3). Furthermore, considering, the forest as sacred sites certain rituals were performed. Anna Balikci in *Lamas, Shamans, and Ancestors: Village Religion in Sikkim* highlights a section of the *Nesol*<sup>257</sup> rituals. These rituals deal with the offering ritual to the deities of the land include an apology for polluting the environment which reads as:

All our actions that are contradictory to the body, speech, and mind of gods, such as burning meat in the hearth, cutting down trees that are the abode of deities, polluting lakes and destroying hills, rocks, and cliffs-please forgive us for doing such things out of ignorance (Balikci, 2008: 93).

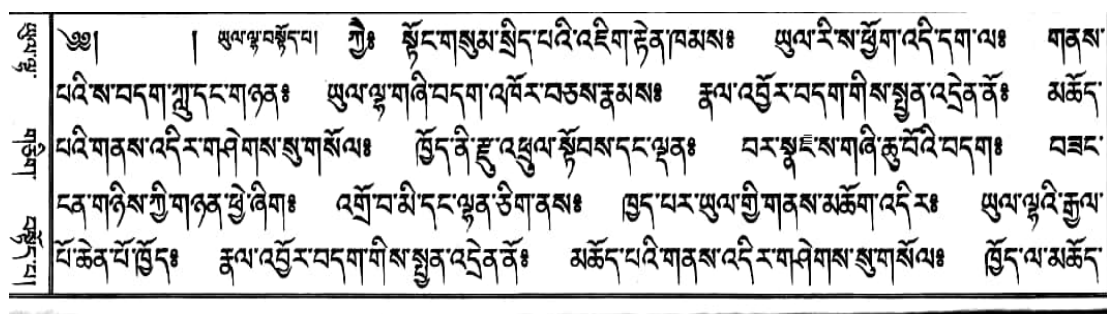
She also states that "cutting down the trees that are the abode of deities, polluting lakes and destroying hills, rocks, and cliffs", considered a sinful activity. It is believed that the higher deities and protectors of the land will not withdraw the blessings and protection that ensure the peace and prosperity of the land if people respect the sacred sites and refrain from pollution, and destructive action. On the other hand, it is also believed if people do not refrain from these actions, the wrath of the deities could, in turn, result in epidemics, famines, internal fighting and natural calamities (Balikci, 2008: 93).

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<sup>257</sup>*Neso* (*gNas gsol*- 'offering to powerful sacred places') ritual text, which is a celebration of Sikkim as a *beyul* (*bsasyul*- 'sacred hidden land') and an offering ritual to Kangchendzonga (*gsags* snow, *chen* great, *mdzod* treasure, *lnga* five), Sikkim's mountain god, and to all the deities of the land (Balikci, 2008: 23).

As for the Buddhist tradition, the sacred sites and the deities associated with the forest were *Yul-lha*- territorial deities mostly associated with the mountain. *Lu*-water spirit physical appearance is a half-human and half snake. *Sa-dak*- earth spirits or owners (*dak* translates directly as ‘owner’) associated with more localized natural features such as rocks, stones, and small areas of land. *Chu-dak* (water owner), *shing-dak* (wood owner) and more generally *zhi-dak* (foundation owner) based in mountain abodes, and a term sometimes used instead of *yul-lha* (Woodhouse, Philip, & Milner, 2015: 299). The prayer or *puja* to *Yul-lha* (territorial deities) generally made in *Sang Chu Pecha*.

Figure No. 5.1: *Sang Chu Pecha*



In the above *Sang Chu Pecha* all the protector deities *Yul-lha* residing in a territory are worshiped by inviting them by the lamas.

Thus the rituals like *Nelson* and *Pecha* like *Sang Chu* proves that the notion of sacred sites was deeply rooted amongst the community of Sikkim and hence their belief in sacred sites played an important role in conserving the forest. Moreover, their belief forests as sacred forbidden them to cut the trees, pollute the water reservoirs and destroyed the forest resources. Thus, besides, the significant importance of forest for survival other factors that effectively functioned in managing the forest wisely were the belief in the sacred forest. Chuba in north Sikkim forest revered and worshipped

twice a year no one cuts the trees and hunts in an around the sacred forest area. It is still believed that if anyone exploits the forest bad luck descends over the entire village. It is to be noted that, in Sikkim most of the sacred forest were either attached to the monasteries managed by the authority of *gumpa* or by the lamas, and often by the village community. Monasteries like Dubdi, Enchey, Labrang, Phensong, and Old Rumtek managed sacred forest. Whilst, the sacred forest of Norbugang, Gadi Central or Budang Gadi, Kabi, Kalkani Devi Mandi preserved both religious as well as historical importance (Sacred Groves of Sikkim, nd: 1-9).

The deep belief in the forest of the community well explains by Geoffery Gorer in *The Lepchas of Sikkim*. He writes:

According to lamaist believes everything in the world (except for the earth itself and some big mountains) possess a soul; for the soul, it is the animating principle of all life, without whose intermediary nothing could move or grow. For the Lamaists, the soul is the equivalent of life, and the soul of the rock or tree is only the essential quality of rock or tree with no powers beyond making the rock hold together or the tree grow in due session. The soul of the rock or tree or river is not altered if a supernatural takes of his abode therein (Gorer, 1984: 77).

Thus he further adds, “This is the landscape for the European; for the Lepchas, not a single feature is the same. Except when they refer to them as the habitation of the high Gods, the Lepchas do not remember the mountains; they do not lift their eyes, they look down on the ground. Every piece of land is meaningful to them, for every piece be the homes of supernatural, is, has been, or will be cultivated” (Gorer, 1984: 81).

From, the above notes it is clear that in the pre-British period the communities of Sikkim along with the common lands were relatively independent and had an indirect



relationship with the state (Upadhyay, 2017: 15). Besides, they were unaccustomed to any other means of livelihood and being untouched by any civilization<sup>258</sup> used 'common lands' such as forest and pasture or grazing lands freely. Their dependence upon the forests as common land ultimately led to developing a notion or belief of sacred sites that eventually helped them to create a protective ring around the forest.

### **Introduction of the forest policy in Sikkim under British influence**

The wind of British India forest policy soon entered into the forest of Sikkim which was until the advent of the British was in a pristine form or untouched from any exploitative measures. Nonetheless, the forest of Sikkim came under the direct influences of the British by the beginning of the twentieth century. This is a well-accepted fact that prior British the land was not taken as the source of revenue. However, under the British not only the land was used as the principal means to obtain revenue. But indeed, the minerals deposit under the earth was also taken as a source of revenue. Along with these for the continuous collection of the revenue as already discussed in chapter five. As the consequences of introducing new policy and measures on forest was brought under direct state control. After this, the process of demarcation and reservation of forest accelerated in Sikkim for the first time under the British. Eventually, the forest policy introduced in Sikkim was based on the British Indian Government. Therefore, a similar attitude of the colonial government was visible while managing the forest of Sikkim. To start, the state control over the forest of Sikkim colonial forest policy was installed under the British influences. Consequently, the community along with the common lands which were relatively independent and had an indirect relationship with the state in the past directly brought

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<sup>258</sup> File No. 12/35/1913. SL No. 74. Durbar Department, Government of Sikkim, 1913

under the state under the wimps of the British (Upadhayay, 2017: 15). Moreover, the system of forest accounts recommended and prescribed by the Government of India has been introduced in the Forest Offices in Sikkim.<sup>259</sup> Subsequently, it results in curtailing the customary rights of the community to use forest autonomously.

Before dealing with the introduction of British forest policy in Sikkim, once again it is important to recall that the sole interest of the British was to maximize profits from the lands. Felix Padel writes, “The institutions which introduced by the colonial government over the whole earth works out how to create the maximum profit out of the earth and the raw materials extracted from it in the shortest possible time” (Padel, 2009: 29). The botanist whoever visited India during the eighteenth century they found the land of India was no lesser than heaven. As Richard Tucker stated, 'India in the eighteenth century was exotic to the European in every way and no one found it more so than botanists (Tucker, 1998: 468). Like, British India, Sikkim was blessed with exotic forests consisted of wide ranges of plants and animals were a paradise and attracted the attention of British naturalist and explorer before 1889. Sir Joseph Dalton Hooker was the first British officer who noted the plentiful flora and fauna of Sikkim. In the *Himalayan Journal*, J D Hooker has provided peculiar information on different species of plants and its occurrence in Sikkim (Gazetteer of Sikkim, 2013: 46). Without a doubt forest was one of the important sources of revenue and so as its produce. Nature has generously gifted rich forest as treasures to Sikkim. Forest the major land use in the Sikkim<sup>260</sup> possessed different varieties of valuable trees

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<sup>259</sup>Administrative Report Sikkim Forest Division, Revenue P.V. January 1869 III, Government of West Bengal, State Archives Branch

<sup>260</sup>Three distinct types of forest namely *sal* forest, broad leaf forest, and coniferous forest existed in Sikkim. About 8, 500 acres covered by the *sal* forests that expanded from the Teesta, Rangit, and Rishi valley. While the middle and upper hill forest covered by the broad leaf forest. At last,

including oak, silver fir, magnolia, *sal*, pine, cane, rhododendron, bamboos, and plants of great medicinal and religious values. Despite valuable trees and plants, Sikkim quite rich in the field of wildlife too important wild animals like Panda, Musk Deer, Goral, Bear, Otter, Leopard, Barking Deer, and Black Bear existed (Upadhyay, 2017: 26).

Accordingly, Sikkim which was under the influence of the British tried to tap the resources of the forest through different ways (Debnath, 2009: 109). The initial efforts to generate revenue from the forest triggered off during the first Political Officer John Claude White. He was the first to introduced exercise measures in the forest to derive the revenue (Mckay, 2004: 25). Further, to generate revenue from the forest White also instrumented contracts of sleepers with the Northern Bengal State Railway. Jagadish Chandra Debnath in *Economic History and Development of Sikkim* quotes Mr. Maridin, the then Commissioner of the Rajshahi Division in 1900:

The forests seem to afford the best chance for developing State revenues. Besides the large forests on the lower ranges, which are already worked to some extent, there are very fine fir forests above the lower temperature zone at about 8, 000 feet where, in the Lachung Valley, I saw trees of 200 feet in height and 16 to 20 feet in grith. All this magnificent timber is wasted at present for want of means to get it away. I am suggesting to Mr. White whether it would not be possible to utilize the Lachung and Lachen river to float logs down by the Tista to Sevoke. A system of wire ropeways also seems feasible. Apart from these fir forests, however, some development may be expected from

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coniferous forest extended over 45, 000 acres and covered the valleys of Lachung, Lichen, and Dombang. There, was, however, no accurate record of total surface area of forest under British influences in Sikkim. But, it is noted that before Sikkim was merged with the Indian Government in early 1970s out of total 7, 069 sq approximately 1, 977. 05 sq (27. 4 percent) area excluding road slip and reserved road forest was occupied the forests (Lama, 2001: 55).

the lower forest, and as you are aware Mr. White has this year obtained a contract with the Northern Bengal State Railway of Rs. 20, 000 for the supply of sleepers... (Debnath, 2009:109-110).

However, the full-fledge development in the forest organization in Sikkim visible with the establishment of the Forests Department in 1909. This undoubtedly changed the course of forest history in Sikkim. In the same year, Forests were Reserve and *Goucharan*<sup>261</sup> or grazing lands were also surveyed and demarcated. Simultaneously, forests Manual which serves as a statute book has compiled (*Sikkim Forest: 100 Years of Service*, 2009: 10-11). Meanwhile, forests were classified for the very first time the area under the forests into two kinds known as reserved forests and *Khasmahal*. Originally a certain portion of the forest area was set apart to allow settlement of colonists and disafforestation of suitable lands therein for paddy and maize cultivation and this area was designated as *Khasmahal* area. A major portion of *Khasmahal* area brought under plow. "*Gorucharan*" was plots reserved for the supply of fodder for cattle and dry sticks for fuel for the ryots were known as "*Gorucharan*".<sup>262</sup> As per the Administration Report Sikkim Forest Division, great progress has been made in all forest operations and much experience and local knowledge have been acquired by the Assistant Conservator in Sikkim forest division.<sup>263</sup>

Nonetheless, the History of Modern forestry in Sikkim starts with Sidkeong Tulku the tenth *Chogyal* of Sikkim (1879-1914). He pioneered and fathered the Forest Department of Sikkim. He is known as the 'Father of Sikkim's Forestry'. Here Tulku's education played a vital role in shaping the forest history of Sikkim in one or another

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<sup>261</sup>*Gau* 'cow, *Charans* pasture meaning a pasture land for cattle.

<sup>262</sup>*Administration Report of Sikkim State for 1933-1934, Calcutta: Government of India*

<sup>263</sup> Administrative Report Sikkim Forest Division, Revenue P.V. January 1869 III , Government of West Bengal, State Archives Branch

way. If we looked into the education policy of British India it was mainly build up in the principle of "Indian in skin color, English by taste". Surprisingly, it fits well when we compare Tulku personality towards administering his state. Tulku had learned Hindi and Tibetan in 1893-1895 from the Rajah Tendook at Bhutia *Basti* near Darjeeling, and as early as 1895, the British sought to educate him the English language. Therefore, in 1899, he was sent to St. Paul School at Darjeeling. In 1906 he was sent to Pembroke College Oxford, where Mr. Bernard Blackiston was to be his tutor. He was given education on forestry and agriculture, political economy, especially tax and Indian law (Subba, 2011: 46). He was a brilliant diplomat he eliminated all the previous policies to be in good terms with British India (Upadhyay, 2017: 71). His closeness with British India can be determined from the request made by Panchen Lama of Tibet to arrange a meeting with the British in Delhi.<sup>264</sup>

More importantly, he was greatly influenced and indeed fired with an intense zeal of "modern education" (Tamang, 2016: 87). He was in fact 'carefully educated' and had gained a comprehensive knowledge of various departments (pertinently forest) of the state.<sup>265</sup> After completing his education Tulku dives headlong into the administrative activities of his kingdom and duly assumed the charges of forests, including schools and, monasteries. Though, the administration of Tulku was relatively short-lived. However, it was during the short span of administration, he brought the management of forest of Sikkim under an organized government organ and on a "scientific"<sup>266</sup> line in between 1905-1914 (*Sikkim Forest: 100 Years of Service*, 2009: 10). Throughout, the year he worked very carefully and took keen interests in all the three Departments.

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<sup>264</sup> PD/6.2/003. Letter to Sidkeong Namgyal from Panchen Lama dated 1909-1913. Namgyal Institute of Tibetology.

<sup>265</sup> *Administration Report of the Sikkim State for 1914-1915*, Calcutta: Government of India.

<sup>266</sup> British line.

As far as organizing the forest department in the 'scientific' line was concerned, he visited almost every part of Sikkim for demarcation and reservation. The energy, tact, and thoroughness he has shown in the management of forest provided a great service to the state.<sup>267</sup>

### ***Reservation and demarcation of the forests in Sikkim***

The first initiative towards the forest organization in Sikkim was obvious, the demarcation and reservation of the forest. In 1905 *Chogyal* Thodup Namgyal issued a notification to demarcate the areas which were not occupied by the people as reserves forest. On this matter he also issued a special order to all the landlords of Sikkim stating that do not allow anyone to cultivate within the demarcated forest area (Forest, Environment & Wildlife Management, nd: 1). The demarcation of the forest areas was accelerated with the approval of the *Chogyal* Thodup Namgyal in Council with the Notification issued in 1905. However, it is observed that the demarcation of the forest was greatly criticized and remained highly unpopular amongst the landlords of Sikkim.<sup>268</sup> Tulku, however, did not step back, neither had he appeased dissatisfied landlords' kazis and thikadars who often complain against the introduction of forest rule.<sup>269</sup> Tulku, along with the active assistance of Babu Dilay Singh, Forest Ranger of the Kurseong Forests Division<sup>270</sup> surveyed and demarcated the forest areas.<sup>271</sup>

As already mentioned, Tulku was the main person behind the foundation of 'scientific' forestry in Sikkim here it is indeed interesting to note that, he took the

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<sup>267</sup>*Administration Report of the Sikkim State for 1909-1910*, Calcutta: Government of India.

<sup>268</sup>*Administration Report of the Sikkim State for 1909-1910*, Calcutta: Government of India.

<sup>269</sup>File No. 6/4/1914. SL No. 95. Durbar Department, Government of Sikkim, 1914.

<sup>270</sup>*Administration Report of the Sikkim State for 1909-1910*, Calcutta: Government of India.

<sup>271</sup>*Administration Report of the Sikkim State for 1910-1911*, Calcutta: Government of India.

cause of demarcation and reservation. He prepared the lists of Reserve Forests which include Teesta, Rangeet, and a few other valleys including Rangpo where *sal* grows well. During the demarcation, the lower boundaries of the upper forest were selected and demarcated. While the forest lay above the demarcation was declared reserved forest.<sup>272</sup> The initial attention to demarcate the reserved forest was given to Teesta because the Teesta Valley abounds in the finest *sal* trees. According to the *Administrative Report Sikkim Forest Division*, “There is a great demand for large *sal* canoes in the districts through which the Teesta flows and the best are valued at Jalpigoree (Jalpaigiri) at Rupees 100 each. The trees suitable for canoes are sold standing at Rs 10 each, and the canoe makers willing give this price for them”.<sup>273</sup> Nonetheless, soon the maps of the reserved forest were all prepared and eventually were sent to Tulku.<sup>274</sup> Perhaps, in the newly established Forest Department of Sikkim it was the Tulku who were vested with the power to try all the forest offenses.<sup>275</sup> Besides, Forest Managers, landlords of *elakas*, forest guard and *chaprasis* were appointed by the state as forest officers. Certainly, these officers played a pivotal role in the management of the forest.<sup>276</sup> According to the *Administrative Report of the Sikkim State*, the total expenditure spent on the demarcation of the forest during 1909-1910 was Rs 3, 850. 24.<sup>277</sup>

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<sup>272</sup> File No. 2/III/1910. SL No. 31. Durbar Department, Government of Sikkim, 1910.

<sup>273</sup> *Administrative Report Sikkim Forest Division*, Revenue P.V. January 1869 III, Government of West Bengal, State Archives Branch.

<sup>274</sup> File No 12/43/1913. SL No 75. Durbar Department, Government of Sikkim, 1913

<sup>275</sup> *Ibid*

<sup>276</sup> File No. 13/III/1910. SL No. 37. Durbar Department, Government of Sikkim, 1910

<sup>277</sup> *Administration Reports of the Sikkim State for 1909-1910*, Calcutta: Government of India

## **Framing of forest rules**

Right after the establishment of the forest department in Sikkim the rules of forest were framed. They were passed at the Council Meeting; on 30<sup>th</sup> August 1909 deal with the inside and outside Reserve Forests. Simultaneously, the proposal for further demarcation as well as administration of forest was granted by the Council in the same year. To a large extent, the rules for Sikkim Forest were passed based on the British Indian Government.<sup>278</sup> Guha has highlighted some effective rules laid down by the colonial government while managing the Kumaun hill forests in *The Unquiet Woods*, 'rules were framed for regulation the lopping of trees for fuel and fodder and claims for timber, while trade by villagers in any form of forest product was prohibited. Subsequently, elaborate rules were framed for the exercise of rights, specifying the number of cattle to be grazed and the amount of timber and fuel wood allotted to each right holder. The annual practice of burning the forest floor for a fresh crop of grass was banned within one mile of reserved forest (Guha, 2017: 45). Resembling, rules were seen while managing the forest of Sikkim under the British influence.

According to the forest rules, all the reserved forests except Gangtok forest remained under the control of its landlords as long as the landlords looked after efficiently.<sup>279</sup> However, it is about to note here is that though reserved forest remained under the landlords of their respective elakas, they were also obligated to follow the rules of forest passed by the Council. In simple terms, it can be said that as far as the reserved forest was concerned close supervision was maintained by the *Chogyal* and Tulku.<sup>280</sup>

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<sup>278</sup> File No. 2/III/1910. SL No. 31. Durbar Department, Government of Sikkim, 1910

<sup>279</sup> File No. 2/III/1910. SL No. 31. Durbar Department, Government of Sikkim, 1910.

<sup>280</sup> *Administration Report of the Sikkim State for 1909-1910*, Calcutta: Government of India.



Meanwhile, rules regarding the protection of forest from fire, plantation of trees on the slip and alone jhoras, cutting of timbers for fuel and gathering of other forest products were laid down firmly.<sup>281</sup> Furthermore, the forest was divided into blocks to facilitate the work of the Forest Department. The forest, except for Gangtok Reserved, was divided into two ranges, Eastern Range and Western Range, each was under the in charge of the foresters, with their headquarters at Gangtok and Namchi respectively.<sup>282</sup> Strict rules and laws were adopted to abolish corruption within the Forest Department. If the forest officer failed to execute his responsibilities, he was punished<sup>283</sup> severely as well as fined handsomely (Upadhyay, 2017: 27). Interestingly enough, it is observed that due to the close supervision and strict rules forest obtained Rs. 3, 000 as fines from forest offenses in 1909-1910.<sup>284</sup>

Though, the rules of the forest proved to the brightest stars in terms of realizing revenues to the state. However, to the community, it proved to be an epic eclipse because the forest rules imposed several restrictions on their customary rights. It is observed that to the colonial government the customary rights of the community were the biggest hurdles in between their interests in forest and forest produces. Therefore, to remove the hurdle regarding 'the rights of the community', they claimed that the forest was destroyed by the forest dwellers hence they have to restrict the rights of the forest dwellers over forests (Saravanan, 1998: 126). To this Laxman D. Satya, stated:

British Government found that the customary rights of the local communities, who were enjoying them, since immemorial times, were

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<sup>281</sup> Ibid.

<sup>282</sup> *Administration Report of the Sikkim State for 1910-1911*, Calcutta: Government of India.

<sup>283</sup> In many instances forest officers were punished severally and made to pay penalty fees on the account of failure to perform his duties.

<sup>284</sup> *Administration Reports of the Sikkim State for 1909-1910*, Calcutta: Government of India.

an obstacle to their commercial exploitation of the forests. Therefore, the forest policy of the British in India imposed restrictions on the communal rights of the people (Satya, 2009: 61:70).

Thus, owing to this no excuse and concession were granted as far as the reserved forest was concerned. Subsequently, no cultivation, grazing, a collection of fodder, firewood, and felling of trees were allowed within the reserved forest. On top of that, no compensation was paid to the cultivators who cultivated against the orders of the reserved forest.<sup>285</sup> In short, it can be said that once surveyed and demarcation of the forest was done, no rights and concessions existed in the forest. Moreover, the Reserved Forest was treated and designed 'sacred' however, not by the virtue of some religious notions but by the virtue of classification (*Sikkim Forestry: 100 Years of Service*, 2009: 10).

### ***Rules for plantation***

For the conservation of the forest, Tulku made certain amendments in the forest laws and encouraged his subjects for plantation of trees on 'wastelands'. Owing to this, the landlords were ordered to plant *Utis*, *Tun*, *Lampatis* or Rubber in the worse land-slip areas.<sup>286</sup> Furthermore, the worst ravines and landslips were demarcated 50 to 200 feet, and in a few cases more than 200 feet. Meanwhile, *Lampatia*, *Pani Saj* and Rubber ordered to plant in the lower elevations and *Piple* and *Utis* in the higher elevations to prevent erosion.<sup>287</sup> Carry on by this initiative roadside trees were also planted all along the roads. However, it pertains to note that, those who had planted the trees against the order or carelessly done the work of plantation were fined. For instance,

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<sup>285</sup> File No. 2/III/1910. SL No. 31. Durbar Department, Government of Sikkim, 1910

<sup>286</sup> File No. 2/III/1910. SL No. 31. Durbar Department, Government of Sikkim, 1910.

<sup>287</sup> *Administration Report of the Sikkim State for 1910-1911*, Calcutta: Government of India.

Jerung Dewan, Lasso Kazi, and Yangthang Kazi were fined due to the negligence. The trees they planted were neither prescribed kind, nor they were properly fenced.<sup>288</sup>

### **Impact of the forest policy on the customary rights of the community: Alienation of common lands**

The forest rules, guided by the written manual of the Forest Department concealed all the un-written customary rights of the community in the forest. It is noted that in the pre-British period the forest and its produce were in use under community without any formalities. It would be more appropriate to say that, the rights over the forest under them were never a big question (Saravanan, 1998: 146). Nonetheless, with the establishment of the Forest Department, the community was detached from the forest so much so that for the mere requirement of timber and firewood they have to obtain formal permission of the Forest Department. In other words, it can be said that timber and firewood availed only after the obtaining formal permission from the government (Sikkim Human Development Reports, 2014, 2015: 38). As a result of this, the forest which was home to them inhabited from generation to generation directly or indirectly pushed off from their dwelling place. Likely, the scenario of British intervention in the hills and exploring the dense forest which was home to the community and later on ejecting them precisely mentioned by Risley in *The Gazetteer of Sikkim*. He writes that:

Of late years, as the hills have been stripped of their timber by the European tea-planter and the pushing Nepalese agriculturist, while the Forest Department has set it faces against primitive methods of cultivation tribes is on the way to being pushed out (Risley, 1928: ii)

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<sup>288</sup>Ibid.

One cannot deny the fact that the British property rights institutions inland constructed based on land alienation. Likewise, forest policy, small but very effective, self-contained parts of a large entity of British land policy alienated the living space of the community. Simply stated, the British forest policy influenced forest dwellers living in the forest for centuries or dependent upon the forest. Moreover, they were caused to alienate their homelands (Ribbentrop, 1989: 22). To this Atluri Murali rightly stated, while analyzing the forest policy in Andhra:

Colonialism, in its bid, extends control over forest resources, destroyed this traditional organization resulting in a shifting of the boundaries of the public space (Murali, 1955: 104).

The processes of land alienating and shifting the boundaries were visible in Sikkim right in the courses of demarcation and reservation of the forest lands. While during the demarcation some raiyats of Sikkim had to vacate their lands which came under the demarcated forest areas as a result of these people immigrated to Bhutan.<sup>289</sup> Furthermore, certain cultivated lands were included under reserved forest consequently many cultivators were turned out.<sup>290</sup> Similarly, many cultivators lost their fields for instance after demarcating the *sal* forest in Teesta, Rangeet, and Rangpo valleys all *sukha khet* and small isolated *pani khet* were included under reserved forest.<sup>291</sup> Although, the cultivators whose fields lie inside the demarcated forest areas were allowed to remain and cultivate till the end of 1912 after that they were ordered to evacuate the lands without compensation.<sup>292</sup>

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<sup>289</sup> *Administration Report of the Sikkim State for 1910-1911*, Calcutta: Government of India.

<sup>290</sup> File No. 2/III/1910. SL No. 32. Durbar Department, Government of Sikkim, 1910

<sup>291</sup> *Administration Report of the Sikkim State for 1910-1911*, Calcutta: Government of India

<sup>292</sup> *Ibid*

Besides, to further ensure the advance of people the boundaries of the reserve forest were kept intact from the encroachment of any kind. Though there were some encroachments in the reserve forest the offenders were punished and fined.<sup>293</sup> However, in one instance of encroachment in the pioneer reserve land landlords, Norzong *Kazi* paid fine. He has placed the pillars in the wrong place and cultivated fourteen acres of the same lands; therefore, he was charged the penal rent of twenty-one rupees.<sup>294</sup> Nonetheless, besides land alienation, forest policy put major restrictions on the traditional use of forest lands for grazing the cattle.

### ***Restrictions on the grazing***

As discussed already, pasture or grazing was the basic economic activity for the communities of Sikkim especially to the 'Dokpas'. The community depended on the pasture as their chief means of livelihood since from the nine generations.<sup>295</sup> The dependence of the community on pasture too conformed by Edger. He noted, "Their [people of Sikkim] chief support is derived from the grazing on the great pastures which lie on both the Sikkim and Thibet sides of the Chola Range" (Edger, 2005: 3-4). While it is also clear from his writing that the pasture area was extended from Sikkim to the Chola range. Perhaps, the Chumbi Valley East of Sikkim now lie in Tibet was the natural choice for pastoral in olden days (Sinha, 2008: 46). This is a well-accepted fact that under the British influence grazing lands declined rapidly. The main reason behind the decline of such lands was revenue-generating policies. Since the British looked for the profit from every piece of land and pastoral lands did not generate revenue to the state. Owing to this uncultivated pasture land was nothing

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<sup>293</sup> *Administration Report of the Sikkim State for 1913-1914*, Calcutta: Government of India

<sup>294</sup> File No. 1/10/1921-1922. SL No. 52. Finance Department, Government of Sikkim, 1921-1922

<sup>295</sup> File No. 12/35/1913. SL No. 74. Durbar Department, Government of Sikkim, 1913

more than a waste to them. Meanwhile, it is observed that under the British land settlement policy, lands, which did not provide revenue, were termed as 'wastelands'. Whilst, it is important to mention here is that the feasible identification of 'wastelands' was accelerated through the process of "settlement", a term applied to the method of assessing the land revenue demand under the British (Singh, 2013: 6).

Revenue was the main interest of the British land settlement policies, therefore, they interpreted that 'waste' was nothing but 'revenue waste' a residual category for land unproductive by way of revenue receipts (Gidwani, 1992: 40). To them, the 'wastelands' were the lands not under cultivation, lie fallow for long periods, and utilizing for gathering, hunting or pasturage activities (Whitehead, 2010: 86). Accordingly, they equate the grazing lands to the 'waste' since it did not contribute to the state in terms of generating the revenue. However, it is about to note that what they considered as 'waste' was the basic means of livelihood for the community.

Moreover, to the community, the same lands carry the 'value' as a source of survival. They grazed herd yaks, dzos (hybrid cow-yak), sheep and goats of pasima and obtained wool, cheese, fat etc. (Subba, 2011: 102). Thus, it is interesting to note that what 'waste' for the colonial government was not 'waste' for the community. Nonetheless, under the British influence grazing lands decreased rapidly as agricultural lands extended. In simple words, it can be said that under the British influence the relative importance of pastoralists decreased as agriculture was extended to increase the revenues from agricultural lands (Ratnagar, 2004: 27). In Sikkim, the urgent demand to bring 'wastelands' under cultivated agricultural lands at the end of the nineteenth century witnessed the encouragement of Nepalese immigration. Eventually, by the beginning of the twentieth century, it accelerated the settlement of

large scale of Nepalese in uncultivated 'wastelands'<sup>296</sup>. Further, the Land Laws of Sikkim also encouraged converts 'wastelands' into productive cultivated lands. According, to the Land Laws of Sikkim the lessees could claim all the 'wastelands' fit for the cultivation available within his elakasand settled permanent bustiwalason such lands. Consequently, the lessees rapidly claimed over 'wastelands' outmost to increase the permanent bustiwalas.<sup>297</sup>

However, in the process of converting 'wastelands' into cultivated agricultural lands, pasture or grazing lands declined tremendously. As a result of this there was insufficient grazing land to graze the cattle. Nevertheless, the community suffered not only due to the decline of grazing lands, but they were further endured with the imposition of heavy fees to graze their cattle which was completely new to them. Thus, on one hand, the community bears the burden of heavy fees on grazing. On the other hand, the traditional rights of grazing obsolete due to denying the entered into the grazing lands. Overall, they suffered to graze their cattle.<sup>298</sup> (Grazing ground under elakadars in 1917 see Appendix III)

The consequently, the reason for their suffering was indeed the forest rules which closed their traditional pasture or grazing lands. It is observed that the hill folk and their cattle migrated annually to the grass-rich areas of the forest and alpine pastures above the tree line where they stayed till the first autumn snow (Guha, 2017: 28). Not surprisingly, the movement of people along with their cattle was also noted by J. Ware Edger the Deputy Commissioner of Darjeeling. Edger made a report of his

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<sup>296</sup>In Sikkim, then the entire land was classified into three categories namely, reserved land, private land, and waste land. Reserved lands consist of forest, Private land was the most fertile cultivable lands, and waste lands were those less fertile and uncultivated forest lands (Datta, 1994: 73).

<sup>297</sup> File No. Nil/1924. SL No. 1. Forest Department, Government of Sikkim, 1924

<sup>298</sup> File No. 19/III/1910. SL No. 35. Durbar Department, Government of Sikkim, 1910

journey while investigating the ways of opening trade between British India, Sikkim, and Tibet. During his journey to Tibet and back to Darjeeling he encountered many herdsmen in Sikkim. At that time, he noted, “When the snow began to fall on the uplands, they drive their sheep and cattle to the lower slopes of Sikkim, where they cultivate patches of wheat, barley, and buckwheat” (Edger, 2005: 3-4). Besides, this the other thing he noted about herdsmen was that:

Near us were the huts of some herdsmen, who had made the clearance and who had brought down their cattle from winter pasture, the grazing on the lower slopes of the hills the Teesta being very good (Edger, 2005:67).

Similarly, the *Dokpas* along with their herds migrated once in a year above the Lagyap road in summer and down in winter. However, their continuous movement collapsed or ended due to the close of pasturage lands below the Lagyap forest. Owing to this they suffered to graze the cattle.<sup>299</sup> Likewise, the other important valleys traditionally used by the community for grazing were closed. The names of the valleys were as follows;

- a. All the valleys running north from the Yali Chu to the Tang-Ka La.
- b. All the side valleys of the Lachen river from Cheungtong to Tangu.
- c. The whole of the Talung valley from Be upwards, including all the side valley on either side.
- d. All the valleys forming the head-waters of the Rungeet river north of a line drawn from Moinam Rock to Dubdi Monastery.<sup>300</sup>

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<sup>299</sup> File No. 12/35/1913. SL No. 74. Durbar Department, Government of Sikkim, 1913

<sup>300</sup> File No. 5/III/1910. SL No. 33. Durbar Department, Government of Sikkim, 1910



Ramachandra Guha quoted 'at the level of forestry ideology grazing and lopping was declared enemies'(Guha, 2017: 54-55). Adopting the ideology as guidelines, grazing in the reserved forest was banned moreover grazing was considered to be the major factor that led to exhaust of forest wealth (Sikkim Forest 100 Years of Service, 2009: 5). Thus to preserve the forest wealth against the destructive deed of 'grazing' strict grazing rules was applied in Sikkim. Gradually, by imposing grazing rules a major halt was put on the traditional rights of grazing. Time and again the proposal for grazing was revised and proposed at the Council Meeting. Initially, the proposal for the stoppage of grazing for five to twelve years was passed on 30<sup>th</sup> April 1909.<sup>301</sup> Also, on the 18<sup>th</sup> June 1910 amendment of the grazing rule was passed by the then Political Officer C.A Bell without concerning the *Chogyal*. According, to the amendment of grazing rule only the permit holders were allowed to graze the cattle and the permits of grazing were issued by the landlords within their respective elakason the payment of fees.<sup>302</sup> The rates of grazing fees were as follows;

Table No. 5. 1: The payment of grazing fees per head during 1910

Sl. No.	Description of cattle	For permit holders at Rs	For non-permit holders or outsider at Rs
1	Buffalo	4	8
2	Bull, cow, pony, mule	2	4
3	Sheep	6	1

Source: File No. 17/III/1910. SL No. 37. Durbar Department, Government of Sikkim, 1910

The permits had to renew each month at the same time all the permit holders have to make payments in an advance on the 1<sup>st</sup> day of the month. However, in case of daily each permit holder had to pay a double amount as fine by the end of the month.

<sup>301</sup> File No. 9/2/(III)1915. SL No. 116. Durbar Department, Government of Sikkim, 1915

<sup>302</sup> File No. 7/III/1910. SL No. 37. Durbar Department, Government of Sikkim, 1910

Landlords as a forest officer, it was their duties to check the number of cattle of permit holders periodically. At the same time, they had to submit an account of the grazing fees of their *elakasat* the end of each month to Tulku.<sup>303</sup> In short, Tulku himself looked after the account of grazing fees. Furthermore, building sheds and construction of grazing compounds or *bathan* were strictly prohibited under the reserved forest. Although forest officers could approve sites for the construction of bathans however, it was his duty to make visits and maintain proper records of the bathans.<sup>304</sup>

The proposal of closing certain portions of reserved forest and an opening of the new portion for grazing was under consideration. Subsequently, by 1910 under the amendment of grazing the proposal of closing certain portions of reserved forests and an opening of the new portion for grazing was adopted and put into operation full fledge.<sup>305</sup> Furthermore, between 1910-1911 all the landlords were directed to close half of their forest areas to grazing for five years and the other half for the next five years.<sup>306</sup> Meanwhile, according to a Circular Order ref., Cultivation had to be stopped in the state reservation and grazing lands specified the number of cattle to be grazed. Accordingly, in some demarcated reserved grazing lands, only one or two pair of oxen and one milch cow was allowed to graze.<sup>307</sup> Eventually, with another circulation (Circular, No 385 M dated 21<sup>st</sup> July 1915) the professional grazers were excluded to graze their cattle from grazing lands.<sup>308</sup> To prevent slip lands from grazing Circular Order regarding cultivation to be stopped in the State reservation and *gurucharan*. In

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<sup>303</sup> File No. 17/III/1910. SL No. 37. Durbar Department, Government of Sikkim, 1910

<sup>304</sup> Ibid.

<sup>305</sup> *Administration Reports of the Sikkim State for 1909-1910*, Calcutta: Government of India

<sup>306</sup> *Administration Reports of the Sikkim State for 1910-1911*, Calcutta: Government of India

<sup>307</sup> File No. 10/(III)/1915. SL No. 120. Durbar Department, Government of Sikkim, 1915

<sup>308</sup> Ibid

this record, it has been mentioned that landslip was demarcated and cultivation was prevented till grass and plants grow within the slip.<sup>309</sup> Cultivates had to leave enough space for the slips while cultivating the fields and not to allow the slips to grazed as *gorucharan* and survived.

### ***Survey of grazing lands***

Not surprisingly, the revenue extract policy of the British government from the lands which they termed as 'wasteland' successfully functioned in Sikkim. As per the *Administrative Report of the Sikkim State for 1910-1911*, Rs 4, 014.44 realized only from grazing.<sup>310</sup> However, to further elaborate the relevance of grazing lands for realizing revenue to the state the proposal was passed to open new grazing lands. For instance, the proposal to open a portion of Gangtok Lagyap reserve forest of the 7<sup>th</sup> mile for grazing was proposed. Gangtok Lagyap reserve forest contained very few valuable trees and was not providing any revenue to the state. Thus, on 10<sup>th</sup> February 1914, Forest Manager Dilay Singh suggested Sidkyong Tulku open a particular portion as grazing lands to realize grazing fees to the state.<sup>311</sup> Under the guidance of Forest Manager surveyed of grazing lands were conducted and prepared detailed information. The grazing lands prepared under the strict supervision of Forest Manager Dilay Singh in 1917 were as follows:

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<sup>309</sup> File No 10/(III)/1915. SL No 120. Durbar Department, Government of Sikkim, 1915

<sup>310</sup> *Administration Report of the Sikkim State for 1910-1911*, Calcutta: Government of India

<sup>311</sup> File No. 6/8/1914. SL No. 96. Durbar Department, Government of Sikkim, 1914

Table No. 5. 2: The area under grazing under various landlords by 1917

Sl. No.	Estate	Landlords	Grazing area in acre	Fit grazing area in acres
1	Daramdin	Daonkar Kazini	71.76	2
2	Daramdin	Kumar Palden	48.40	4
3	Hi	Tashi Golay	-	-
4	Rinchenpong	Kalen Dewet	33.30	1
5	Rinchenpong	Pinchu	303.42	3
6	Rinchenpong	Sanga Dorji	45.00	1
7	Rinchenpog	Agamsing	14.50	1
8	Rinchenpong	Yangthang Kazi Namgay Kumahang	73.30 116	1 1
9	BarmiakandYangthang	Yangthang kazi	297.55	4
10	Radu	Yangthang kazi	58.80	1
11	Mangbru Dentam	Yangthang kazi	139.20	1
12	Dentam (Khamdu)	Yangthang kazi	82.82	1
13	Dentam	Debi Prasad	38.30	2
14	Karmatar	Debi Prasad	-	-
15	Bongteng	Wangdoo	28.5	1
16	Gyaten	Namphu	110.5	1
17	Thickchiyantse	Debi Prasad	20.80	1
18	Gerethang	Debi Prasad	49.45	1
19	Sakyong	Karzung Sonam Tsering	101.50	2
20	Palot	Ralang Lama	26.95	1
21	Barang	Shew Dingpen	131.22	5
22	Mangbruand Sosing	R.B. Achuk Tsering	42.65	2
23	Mangbru	Diboo	43.95	2
24	Mangbru	Netook	18.85	1
25	-	-	84.22	1
26	Vak	Aduk (Tesering Pentso)	294.60	3
27	Namchi	Lasso kazi	1700.12	11
28	Kitam	BabuBalKrishenPradhan	-	-
29	Chidam	R.S Lambodar Pradhan	-	-
30	Namthang	BabuBalKrishenPradhan	825.17	10
31	Barmiak	Barmiok kazi	415.56	6
32	Temi	RSLachminariamPradhn	236.43	3
33	Tarku	Jagat Bahadar	121.55	3
34	Yangang-Rangang	R.B Ugyen Gyataho	517.72	5
35	Neh and Broom	Neh Sherab Kazi	86.50	2
36	Lingmo	R.S. Lobzang Choden	11.90	1
37	Simik	Simik kazi	9.55	1

38	Kham and Simik	Babu Ragunandan Ram	120.16	8
39	Sang	Sang kazi	472.25	9
40	Pendam	RSLachminarainPradhan	332.13	8
41	Pachey Khani	BabuDalbahadurPradhan	190.90	8
42	Dikling	Kartok lama	16.30	2
43	Rhenock	BabuRandD.S.Pradha	4549	7
44	Chunzachen	Kinchok Gyalpa Munshi	95.65	2
45	Rigu	Babu Dhuniraj Pradhan	126.06	3
46	Rigu	R.S.LachminarayanPradan	54.65	2
47	Pathing	R.S.LachminarayanPradan	193.93	5
48	Tarethang	Nandalall	71.55	2
49	Mamring	BabuSherbahadurPradhn	240.85	3
50	Taza	Babu Dhuniraj Pradhan	1104.90	2
51	Pakyong	Rinzing Kazini	-	-
52	Pakyong	Timbu Tsering	205.65	3
53	Simon	Sonam Rinchen	75.25	2
54	Pakyong	Pachey kazi	19.40	2
55	Pakyong	Phup Tsering	-	-
56	Gangtokand Martam	Gangtok kazi Martam kazi	15 -	650 -
57	Rumtek piece	Gyaltsen kazi	29.10	1
58	Lingdok	Gyaltsen kazi	95.47	2
59	Radong	Malling kazi	52.50	2
60	Tashiding	Lasso kazi	215.10	2
61	Pemionchi	Pemionchi lama	393.43	4
62	Rumtek land	Rumtek lama	25.27	5
63	Ralong	Ralong lama	69.30	1
64	Tsendenpong	Pemionchi lama	59.30	1
65	Talet	Pemionchi lama	400.90	4
66	Changia Lingtse	Pemionchi lama	36.50	1
67	Chakung	Gyaltsen kazi Mananger	3614.0	-
68	Saryong	Gyaltsen kazi Mananger	188.28	4
69	Singtamand Assam	Gyaltsen kazi Mananger	-	4
70	Lingjye	Pachey Kazine	8.20	1

Source: File No. 19/11(III)/1917. SL No. 152. Durbar Department, Government of Sikkim, 1917

However, in the rush of collecting revenue from grazing lands, the state overlooks the hardship of the community who depended on pasture or grazing completely. Closing grazing lands and introducing grazing rules added fuel on the fire in the livelihoods depended mainly on grazing for survival. The grievances of not allowed to graze in their traditional grazing lands and imposition of grazing rules were clearly visible from the objections raised by bustiwalas of Rhenock and Rangnay people. The bustiwalas of Rhenock in 1910 sent a petition to the *Durbar* expressing their grievance not having sufficient forest to grazing their animals.<sup>312</sup> The second was the representation of the Rangnay people<sup>313</sup> they sent a petition to the *Chogyal* dated 5<sup>th</sup> October 1913 stated that 'at Rangnay there were no alternative means of production and, they primarily rely on pasturage for survival since from the nine generations'. Under the petition, they also mentioned that 'due to the influence of Political Officer the *Chogyal* passed an Order No 114 dated 17<sup>th</sup> April 1913. By this Order the traditional grazing ground was closed subsequently it prohibited the customary rights of pasturage forest below the Lagyap road.<sup>314</sup>

Consequently, due to this, they suffered to graze their cattle since they were not allowed to enter into their traditional grazing lands. Interestingly, it is worth to be mentioned here is the traditional grazing ground 'forest below the Lagyap road' was only closed for the community but the milkmen of Political officer 'Chowri Kharke' was allowed to graze their cattle in Lagyap reserved forest freely.<sup>315</sup>

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<sup>312</sup> File No. 10/III/1910. SL No. 35. Durbar Department, Government of Sikkim, 1910

<sup>313</sup> Specifically, the *Dokpa* of Rangnay.

<sup>314</sup> File No. 12/35/1913. SL No.74. Durbar Department, Government of Sikkim, 1913

<sup>315</sup> File No 32/2/1929. SL No 592. General Department, Government of Sikkim, 1929

### *Denial of hunting in the forest and Game Laws*

However, the extent of the forest rules and hardships of the community not only limits to the demarcation and reservation of forest, separation of communities from grazing lands, and imposition of heavy grazing fees. Indeed, the forest rules rapidly spread like a wildfire and burned down the other customary means of subsistence including hunting-gathering and shifting agriculture. Certainly, the process to assert state control over the forest community was detached from their customary rights to hunting as well.

In Sikkim, the denial of hunting was triggered off with the introduction of Game Laws. The Game Law under the Political Officer regulated the hunting. The Game Laws greatly denied the hunting and for that The Game Preservation Department was established. On 29<sup>th</sup> June 1910 Sidkyong Tulku<sup>316</sup> took the charge of the Game Preservation Department with the approval of the then *Chogyal* Thudop Namgyal at Council. Subsequently, the Game Preservation Department of Sikkim under Tulku banned hunting with the notified which stated that hunting was not allowed without obtaining the license. Interestingly, the notification applied to all state subjects and officers. However, except for those who have been specially exempted from the order of *Chogyal* in Council. Meanwhile, the Game Laws regulated the right to kill certain animals and fish only after obtaining a license. With this the rules of hunting were made simple; whoever wants to hunt had to get a license first. Due to this, only license holders enjoyed the privilege of hunting. Simply stated, no one was permitted to proceed towards the forest in search of the game without a license and the rights to

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<sup>316</sup> He ascended the throne of Sikkim on 11<sup>th</sup> February 1914.

refuse to issue the license were only reserved by the state.<sup>317</sup> The license of 30 rupees permits the holder to shoot large and small Games for 12 months. The numbers of animals were as follows;

Table No. 5. 3: Number of animal permit to shoot

Sl. No.	Animal	Number
1	Ovis Hodysoni (Ammon)	1
2	Ovis Nahura (Burhel)	2
3	Tibetan Gazelle	1
4	Serow	2
5	Tahr	2
6	Goral	3

Source: File No. 5/(III)/1910. SL No. 33. Durbar Department, Government of Sikkim

The license of 10 rupees enabled to kill Pheasants, Ram Chakor, Partridges, Snipe, and Woodcock. Further, a special license with the fees of fifteenth rupees per annum was provided and enabled the license holders to kill barking deer, bears, and wild pigs.<sup>318</sup> Further, Circulation was passed at Council Meeting, ordered all landlords to enforce the Game Laws within their respective elakas. It says, "Be it known that more care must be taken by you to enforce the Game Laws within your '*elakas*'. The rules have already been circulated to you some time ago and they are well known. If you detect anyone breaking the rule you must report the matter to the Maharaja Kumar Sahib".<sup>319</sup>

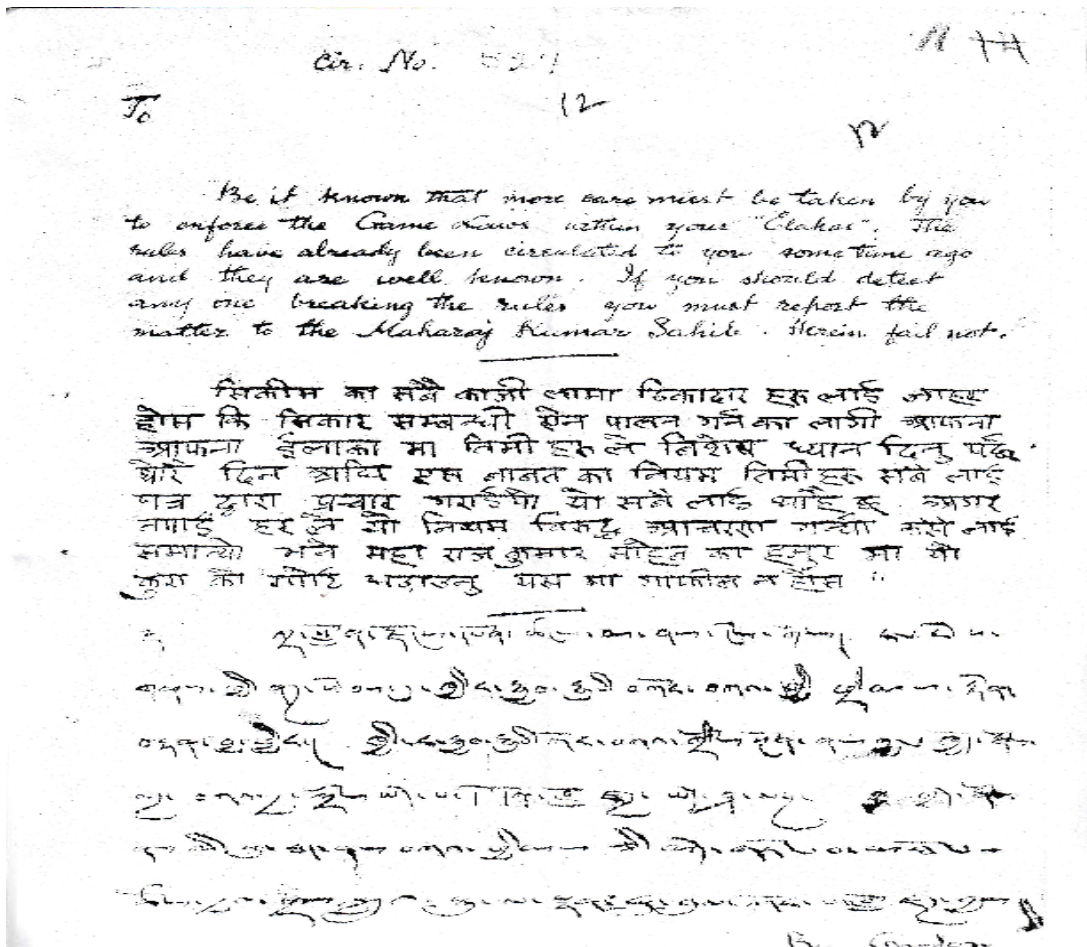
<sup>317</sup> File No 5/(III)/1910. SL. No 33. Durbar Department, Government of Sikkim, 1910

<sup>318</sup> File No. 33/2/(III)/1923. SL No. 191. General Department, Government of Sikkim, 1923

<sup>319</sup> File No. 5/III/1910. SL No.33. Durbar Department, Government of Sikkim, 1910



Figure No. 5: 2. Circular No 529 to protect Game Laws



Source: File No 5/III/1910. SL No 33. Durbar Department, Government of Sikkim, 1910.

Nonetheless, by greatly denying the unwritten customary rights of the community Durbar possessed the absolute rights overhunting. According, to the Game Laws, Durbar reserved all the rights of fishing in the streams, lakes, and other waters bodies in fact in the lands enclosed under the lease.<sup>320</sup> However, it is interesting to mention that, by ignoring and denying community rights of hunting the Game rules paid special attention to protect the Game Laws. In short, strict action was taken to protect the Game Laws. Thus, if any employee or watcher of the Game Department violet the

<sup>320</sup> Fill No. Nil/1924. SL No.1. Forests Department, Government of Sikkim, 1924

Game Laws, levy bribes in any form, and oppressor intimidate any person under threats of punishment they were liable to the substantial penalties laid down under the convection of section twelve of Sikkim Game Laws.<sup>321</sup> To further ensure the protection of Game Laws rewards of 10, 15, and 25 rupees were also offered whoever gives the correct information of conviction of the Game rules.<sup>322</sup> At the same time, the scales of rewards were repaired paid by the Political Officer for the hunting of vermin (wild animals and birds which carry disease or harm crops). The rewards were as follows;

Table No. 5. 4: Rewards of the British for the killing vermin in Sikkim in 1910

Sl. No.	Vermin	Rewards in Rs
1	Leopards (snow and common)	5.00
2	Bears	3.00
3	Wild Dogs and Otters	0.50
4	Foxes and Indian (Pine) Marten	0.25
5	Martines (other than above) Wild Cats, Weazles	0.12

Source: File No. 5/III/1910. SL No. 33. Durbar Department, Government of Sikkim,

1910

Subsequently, to preserve the Game certain forest in Sikkim was proposed as “Game Reserve areas”. Soon three estates were located and marked ‘Game Reserve areas’.

The selected areas where as follows:

<sup>321</sup> File No. 5/III/ 1910. SL No. 33. Durbar Department, Government of Sikkim, 1910

<sup>322</sup> Ibid

Table No. 5. 5: The Game Reserve areas

Sl. No.	Estate	Game reserve areas
1	Namthang	The whole area reserved forest between Donka Ridge and kamlu <i>jhora</i>
2	Western Pandam	The whole of Bordang <i>Sal</i> forest between Singtam and Bangey <i>khola</i>
3	Kitam Estates	Half portion of Kitam forest between Manpur khola and Majitar below the Turul and Majitar Road

Source: File No. 2/13/1935. SL No. 635. General Department, Government of Sikkim, 1935

In the “Game Reserve areas” hunting and shooting were strictly prohibited to all including license holders as well as landlords of the localities.<sup>323</sup>

From the above note, it is clear that great care was shown for the preservation of the Game. Nevertheless, it is of mention hereunder community hunting was not a 'Game' playful and competitive activity or set of rules for entertainment purposes. To them, hunting was more than entertainment it was a means of livelihood. In short, it can be said that the community of Sikkim hunting means supporting themselves for a living. In *Hidden Tibet: History of Independent & Occupation* Sergius L. Kuzmin points out, “The nomads rarely hunted, and even then it was only for food. For example, they had a custom not to kill the wolf female, if she lived with her brood near the camp of nomads (Kuzmin, 2011: 132).

Similarly, in Sikkim, the community hunt primarily to obtain meat for food and pay special attention when and what to hunt. Besides that, as has already been seen in the case of Lepchas hunting was their tradition and associated with the hunt deities. Their

<sup>323</sup> File No. 2/13/1935. SL No. 635. General Department, Government of Sikkim, 1935

hunting expeditions usually ended by sharing a portion of their game with a piece left in the forests to appease the nature (Lepcha, 2011: 167). Sikkim as staunch Buddhist state the lamas and monasteries always tried to keep its people away from the bad deeds i.e. hunting or killing the animals. Therefore, on this regard a royal decree was passed in 1824. This decree was especially for the Lepchas-Bhutias in *bsang rdzong*. Tells them to act virtuously with regards to Buddhist ideals not to make bad karma or hunt wild animals from 1<sup>st</sup> month until the 30<sup>th</sup> days of the wood monkey year.<sup>324</sup> Thus it is clear before the Game Law was deeply rooted into the Sikkim under the influence of British there were certain fixed months where community entered into the *jungle* to hunt the animals. But according to the Game Law whoever possessed license of thirty rupees were given the permission to hunt for twelve months.<sup>325</sup> Once again here it is also to be noted that the “Game” has made such an influenced that even after passing a decree against the killing of animals for the entertaining purpose by the lamas or monasteries. It has been reported by the Pemiongchi Dorji Lopon Naka lama the order was not circulated to other monasteries.<sup>326</sup>

The Game Laws undoubtedly protected and preserved the interest of "Game" at the expense of both denied the customary rights of hunting and altered the meaning of hunting indeed. Nonetheless, it is of note the hunting rules shows the two-faced aspect of the British forest policies in other colonial states of India. Hunting, the basic means of livelihood was greatly restricted by demarcating and reserving the forest. Moreover, hunting was made illegal by imposing penalties and breaching the Game rules was liable to punishment. But it was very much prevalent amongst the officers

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<sup>324</sup> PD/1.1/010. Royal Catalogue.

<sup>325</sup> File No 33/2/III/1910.SL No 191. General Department, Government of Sikkim, 1910

<sup>326</sup> File No 19/1/1928. SL No 31, Judicial Department, Government of Sikkim, 1928

(Sinha, 2016: 41). To them, hunting of wild animals, including birds and fish were prized as trophies. Further, just as other benefits colonial practice gave greatly privileged to elites on access to Game by restricting local people's traditional rights (Tucker, 2012: xv-xvi). Likely, in Sikkim, the introduction of the Game Laws also followed the two-faced aspect of the British forest policies. By denying the traditional right of hunting to the community privilege on access to Games was given to certain people. As a matter of fact, in the Council, the *Chogyal* himself had exempted few people to hunt freely without getting a license.<sup>327</sup> Nonetheless, it is noted that even after implementing strict action for the protection of "Game Law" most of the time it suffered within the *elakas* of *elakadars*.<sup>328</sup>

### ***Prohibition on burning the forest/Slash and burning***

Before the establishment of Namgyal dynasty or even after the dynasty was established the most favorable methods of cultivation were shifting cultivation or slash and burning in Sikkim. Under these forests were cleared by cutting down of trees and were set on fire when dried. As mention, before the community of Sikkim does not practice agriculture full-fledge. Meanwhile, their knowledge of agriculture was basic and practiced shifting cultivation or slash and burning. The methods of slash and burning cultivation were also confirmed by *Chogyal* Thutob Namgyal and Maharani Yeshe Dolma in *the History of Sikkim*. The vast forest and abundance forests produce favored the communities pertinently to the aborigines Lepchas, Limbu, and Mangars continue to do so until the immigration of Nepalese or before the influence of the British started. By this method rice, *kodo*, and Bhuttas, as well as various other white and black grains were sown (Rock, 1953: 949). Nevertheless, owing to the British forest policy

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<sup>327</sup>File No. 5/III/1910. SL No. 33. Durbar Department, Government of Sikkim, 1910

<sup>328</sup>File No 5/III/1910. SL No 22, Durbar Department, Government of Sikkim, 1910

shifting cultivation was forbidden in Sikkim by the *Durbar* in 1925 (Upadhyay, 2015: 195). Under the British influence, the age-old tradition of shifting cultivation was branded illegal and perceived this practice interrupted the dense forest. Sir J. D. Hooker while describing the aspects of the country says:

Sikkim is covered with a dense forest, only interrupted when village clearances have bared the slopes for cultivation (Risley, 1928: 80)

The preference of Lepchas to these types of cultivation is more evident from the writing of Malley the writes:

Formerly the system of cultivation was that common to nomadic tribes which are known as *jhuming*. Destitute of plows and plow-cattle, the rude hill tribes used to burn down the jungle and grow their scanty crops on the land thus cleared. The soil soon became exhausted by a quick succession of crops raised by the hoe, and in a year or two the whole settlement would move off to a fresh patch of jungle, which they cleared and exhausted, and then deserted for fresh woods (Malley, 2012: 64).

The two-faced aspect of the British forest policies also visible while implementing the fire protecting rule in Sikkim. Owing to this act the aged old traditional practice of shifting cultivation made illegal. As discussed above in the pre-British period the community of Sikkim did not entirely depend on agriculture although they cultivate small patches of forest following shifting cultivation. Shifting cultivation or slash and burning more common in northern-eastern parts of India also known as *jhum* cultivation. Under this system, the forest land clears temporarily by burning and cutting the trees and cultivate for some years so that land retains fertility (kekhrieseno, 2009: 192).

Moreover, British forest policy viewed shifting cultivation with great disapproval. However, this form of agriculture was a predominant practice in the northeastern part of India so as was in Sikkim under community. Obviously, in shifting cultivation the plot of the forest area was burned and cleared for cultivation. After cultivating the land shifted to another area and followed the same. Nonetheless, it is interesting to mention the policy behind the disapproving of practicing shifting cultivation was lie their ultimate interest i.e., to protect the valuable timber consisted within the areas under shifting cultivation. Therefore, to prevent the valuable timber from burned down and cleared for the cultivation strict measures were taken and implemented (Sinha, 2016: 41). As per the *Report of Sikkim Forest Division* in the forests of Sikkim the traditional ‘slash and burning’ was successfully prohibited. As this reports writes, “the mode of cultivation practiced by most of the less civilized tribes in Sikkim has not been much pursued in the reserved forests”.<sup>329</sup>

### ***Restrictions on the gathering of forest produce***

Again a major setback to the customary rights of the community was restrictions imposed on the gathering of forest resources pertinently foddors. As mentioned already, grazing and lopping were enemies of British forest conservation ideology. Considering, the ideology of forest lopping was strictly forbidden. Under such circumstances, it is observed that lopping the branches of trees, cutting saplings, moreover using the fodder and plants for animals were strictly prohibited. Only the permit holders having *bathan* inside the reserve forests were allowed to use foddors including *nebaro*, *dudilo*, *lali*, and herbal plants. Others without a permit were allowed to use foddors and herbs only after paying the amount. The rate of foddors

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<sup>329</sup>*Administrative Report Sikkim Forest Division, Revenue P.V. January 1869 III , Government of West Bengal, State Archives Branch*

and herbs for a monthly permit to removed load daily was Rs 0.50 and Rs 0.60 was *cooly* load daily.<sup>330</sup> Extractions of wax or honey from the hives of wild bees were strictly prohibited.<sup>331</sup>

By imposing strict restrictions on the gathering all the forests produces were made saleable by the state. Respectively, the rate of fodder includes bamboos leaves, *Gogun, Nebaro, Dudile, Lali, Thali, Chindia, Phoota, Charinangre Tanki, Koyralo, Khaneo, Khamari, Parari, Dabbabe, Khari, Gayo, Kutmiro, and Jamoona*, Creepers of all shorts and berbaccons were fixed.<sup>332</sup> Certainly, hunting and gathering required frequent movement from one place to another place. Thus under such circumstances shifting cultivation was the most favorable and use in practice from the time immemorial. However, the method of slash and burning were disallowed to continue as it was considered illicit by the rules of protection of forest from fire. Thus after the application of forest fire rules the age-old traditional shifting agriculture or slash and burning was denied to continue.

### **Commercialization of forest produce: Prohibition on the cutting of trees**

One cannot deny the fact that trees and their woods played an important role in human life. The woods were the most pertinent materials used for various purposes from building or constructing houses to manufacturing the tools and so on (Robert, nd: 1-2). Even after knowing the importance of trees amongst the community major restrictions were put on cutting and felling. In the pre-British period and prior reservation of forest, the cutting of trees was there to some extent, to meet the basic

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<sup>330</sup> File No. 17/III/1910. SL No. 37. Durbar Department, Government of Sikkim, 1910

<sup>331</sup> *Old Laws of Sikkim. Sikkim Code Volume V. Sikkim State, General Department Notification No. 6309/G.*

<sup>332</sup> File No. 12/31/1913. SL No. 73. Durbar Department, Government of Sikkim, 1913



demands of the community. Or, the community logged the trees freely in moderate ways to fulfill their basic needs. One has to bear in mind in mountainous and cold regions like Sikkim felling trees for fuel, construction of houses, making agricultural implements, etc., was essential and obvious. However, after the organization of the forest department under the British, the customary rights to cut the trees for the basic needs were unalloyed. Cutting or logging of trees was considered a high degree sin looked after by *Durbar* itself.

The question is to why logging of trees was strictly prohibited is simple since the community log the trees freely this simply means loss of revenue to the state. To the state, trees were worth of commercial values consequently, strict prohibition was imposed on the felling of trees freely. Moreover, the state made to pay dearly for the use of the trees (Joshi, 2004: 66). It is noted that due to the commercial value certain trees were marked highly reserved and cutting or logging the reserved value trees was strictly prohibited. On 30<sup>th</sup> April 1909 at Council Meeting eighteenth species of trees, namely *Sal*, *Sissu*, *Tun*, *Okrot*, *Pipil*, *Champ*, *Buk* (oak), *Katus*, *Kalasiris*, *Phalat*, *Painli*, *Lampatia*, *Kimbu*, *Saj* (*pakka saj*), *Panisaj*, *Lali*, *Gokuldhup*, and *Kowla* were made to reserve by Tulku. Again, two years later in 18<sup>th</sup> May 1911 at Council Meeting, eleven new species of trees were added to the list of reserved trees they were *Angari*, *Malagiri*, *Kainjal*, *Mandari*, *Sallo*, *Jobri*, *Dhupi*, *Dhyanigri*, *Sallo*, *Thingriy Sallo*, and *Sehshing* (*pica morinda*).<sup>333</sup>

In the following year, an order was issued by Sidkyong Tulku some reserved kinds of trees were reserved irrespective of whether they were inside or outside reserved forests. Eventually, by 1911, there was a total of twenty-nine varieties of valuable

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<sup>333</sup> File No. 15/III/1910. SL No. 42. Durbar Department, Government of Sikkim, 1910

trees existed in both reserved and non-reserved forests. These twenty-nine varieties of trees were declared as royal trees and no one was allowed to cut without Tulku's permission.<sup>334</sup> The commercial value of trees can be estimated from the letters exchanged between the then Political Officer of Sikkim and Sidkyong Tulku, "All the *sal* and other valuable trees (and there are many thousands of such trees) will be recklessly felled some for making houses other for sale and in years all such trees will vanish which means a loss of many thousands of Rupees to the State".<sup>335</sup>

Subsequently, the Land Laws of Sikkim also protected the commercially valuable trees within the state. Protecting the interests of valuable trees, the Land Laws of Sikkim stated that, 'all the trees of commercial value on lands covered by the leased were the property of the *Durbar* and no one was allowed to fell without the written permission'.<sup>336</sup> Without any doubt, as compared to the other commercial products of the forest the trees proved to provide the highest revenue collector to the state in a subsequent year. The revenue extract statements of 1909-1910 show that from the sale of timber to the Local Public Works Department the state benefited with the whopping amount of rupees 3, 238.87.<sup>337</sup>

However, by reserving and branding the trees as 'royal trees', not necessarily means the trees were protected from unnecessary felling and logging. But it simply means by denying the community rights to use trees freely to meet the basic needs trees were felled to earn a profit. In short, 'royal trees' were felled extensively to the sale for

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<sup>334</sup> Ibid

<sup>335</sup> Ibid

<sup>336</sup> File No. Nil/1924. SL No. 1. Forests Department, Government of Sikkim, 1924

<sup>337</sup> *Administration Report of the Sikkim State for 1909-1910*, Calcutta: Government of India

revenue. In 1933-1934 timber from Namthang, Bermiok, Sang, Eastern and Western Pendam reserved forest was sold.<sup>338</sup>

At the time of felling trees for timber and fuel, utmost attention was given to the marking of trees.<sup>339</sup> Since marking of trees was indeed essential while logging the commercial tree, therefore, Notification No 2022/G., prescribed rules regulating marking of trees, poles, etc., in *Khasmahal* forest by the landlords and managers of estates in Sikkim.<sup>340</sup> The rulers were as follows;

1. Marking of trees was an important and responsible work; hence this duty should always be entrusted to a reliable *kamdari* in the employ of the landlord.
2. No green trees of any description and any species should be marked from slip-reserve, *gorucharan* and road reserved. Dead, dry or fallen trees of any species unfit for sawing purposes might be marked for the bonafide use of the raiyats.
3. Green trees of any description standing on the precipitous and rocky place and along jhoras and banks of the river must not be marked.
4. No trees of any description of the reserved kind (i.e. *sal*, *chanp*, *tooni*, walnut, *angare* and *pahenle*) should be marked except dead dry or fallen ones unfit for sawing into the timber.
5. Trees of any species over 3 feet in girth at breast height fit for sawing purpose should not be marked.
6. Only, hallow, knotty, crooked, diseased and partially rotten trees over 3 feet in girth should be marked from places not mentioned in rules 2 and 3. The

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<sup>338</sup> *Administration Report of Sikkim State for 1933-1934*. Calcutta: Government of India

<sup>339</sup> *Administration Report of Sikkim State for 1909-1910*. Calcutta: Government of India

<sup>340</sup> Old Laws of Sikkim. Sikkim Code Volume V. Sikkim State, General Department Notification No 2022/G.,

number of trees to be marked should be limited to the actual requirement of each individual.

7. If there are already fallen or dry trees near about to answer the need of the applicant, no green standing trees should be marked.
8. Trees, poles, etc., standing on the fields of one raiyat not be marked for another raiyat without the consent of the former; this would encourage the raiyats to preserve and grow trees for their future requirement within their field.
9. While clearing Lhosay or khasmahal jungle of over five years standing, no trees or poles of over 11/2 feet in girth of any species should be allowed to be felled without being marked. If in such place there is a dense crop of promising poles of useful species, such as *Utis*, *Saur*, etc. the marking officer should take care to mark only such poles as are necessary to be removed and leave out the remaining poles within the area.
10. For breach of any of the above rules, the landlords or managers of estates would be severely dealt with.<sup>341</sup>

### ***Sale of the timber***

The main interests of the colonial government behind the introduction of forest policy in India were shipbuilding-railways and maximizing revenue from commercializing the forest produce. Sikkim forest served the commercial interests to a large extent. This is true, Sikkim forest, though, lately, but effectively involved in the venture of commercialization of forest produce. It is observed that the forest of Sikkim by the 1910s onwards considerably supplied and sold timber along with other commercial

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<sup>341</sup> Old Laws of Sikkim. Sikkim Code Volume V. Sikkim State, General Department Notification No 2022/G.,

items that meet the revenue interests of a state. Or it is more appropriate to say that the Forest Department of Sikkim under the influence of the British fixed the rate of almost all the producers of forest depending on importance, the extent of availability, and market value of forest produces (Lama. 2001: 57). Undoubtedly, this increased the miseries of the community because they were made to pay a heavy amount to use the forest produce which was used by them freely. While it is interesting to observe that prior to the British influences started in Sikkim the offer to use the timber of Sikkimese forest to the British Government has been made by *Chogyal* Thutob Namgyal. In 1875 when Sir Richard Temple the Lieutenant Governor of Bengal came on a tour into Sikkim the then *Chogyal* Thutob Namgyal had expressed his willingness to give timber from the Sikkim forests if they should be used to the British (Namgyal & Dolma, 1908: 71).

In the pre-British period forest and its produces were neither treated as sources of revenue nor were given the right to cut down the timbers on leased to contractors or company (Saravanan, 1998: 129) However, under the British influence, Sikkim forest turned into active suppliers of timber and woods of commercial value. Consequently, the right to cut the timber was granted on lease to contractors or the companies. Burn & Company of Calcutta held rights to cut and removed timbers from the forest of Sikkim.<sup>342</sup> Besides, Company in the latter phase the landlords were also given contract in the forest. For instance, Daramdin and Dentan hilltop forests were given on contract to Dallam Topden kazi and Yangthang kazi for three subsequent years.<sup>343</sup> In a meanwhile, the schedule rate on the sale of timber was prepared in 1913. The rate of timber was as follow:

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<sup>342</sup> File No. 13/III/1912. SL No. 52. Durbar Department, Government of Sikkim, 1912

<sup>343</sup> *Administration Report for the Sikkim State for 1925-1926, Calcutta: Government of India*

Table No. 5. 6: Schedule rate of timber per cubic feet (cft)

Sl. No.	Name	Rate in Rs per cft
1	Sal	0.50
2	Walnut, Sisoo, Khair, Toon, Champ (Safed & Oule)	0.34
3	Angare, Kimboo, Pipli	0.31
4	Malagiri, Pahenle, Lampate, Panisaj, Buk, Phalat, Katus, Phusre-Champ, Kalasiris, and Pakhasaj	0.25
5	Kaula, Simuk, Khamari, Gokuldup, Kadam, Mandane, Kainjal, and Bangi	0.19
6	Lapche-Kawla, Safed Siris, Chilawne, Utis, Saur, Tite-Champ, Halloonre, and Arupate	0.12
7	Dabdale, Mauwa, Tarsing, Lapsi, and others	0.09

Source: File No. 12/31/1913. SL No. 73. Durbar Department, Government of Sikkim, 1913

Timber was actively supplied to Messer Burn & Company of Calcutta; therefore, timber agreement was signed between the Company and *Durbar*.<sup>344</sup> Messer Burn & Company of Calcutta, therefore, held forest rights along with mining and forest rights in Sikkim. Subsequently, Messer Burn & Company had carried out some experiments in the Bardong copper mines.<sup>345</sup> Further, the Messer Burn & Company also requested the *Durbar* that no one else should be given mining concessions within the areas granted to them.<sup>346</sup>

The relationship between Sikkim and Messer Burn & Company of Calcutta did not limit to timber agreement and mining rights. However, in November 1914, regarding various concessions and negotiations with Messer Burn & Company, then acting Political Officer Gould visited Calcutta. The negotiations were satisfactorily

<sup>344</sup> File No. 9/XVI/1909. SL No. 25. Durbar Department, Government of Sikkim, 1909

<sup>345</sup> *Administration Report of Sikkim State for 1918-1919*, Calcutta: Government of India

<sup>346</sup> File No 33/4/(XIV)/1917. SL No 54. General Department, Government of Sikkim, 1917

concluded and consequently; an agreement was signed at Gangtok after receiving the approval of the Government of India on 30<sup>th</sup> April 1914. The various concessions were as follows;

- a. Concession to cut and sell timber
- b. Concession for the manufacture of bamboo pulp
- c. Concession for Hydro-Electric undertaking
- d. Concession for Wire Ropeways
- e. Concession to work limestone at Changu.<sup>347</sup>

Besides Messer Burn & Company of Calcutta, the timber contract of Sikkim also linked with Messer Capur and Company, Timber Contractors of Punjab. Timber Contractors from Punjab purchased 500 Chir Pine trees from Chidam and Kitam elakas intending to export into British India in logs, but so far they had not been able to carry out the scheme. *Sal* and other kinds of timber were also sold from Chidam, Rateypani, and Namthang elakas and timbers for box planking and wood for charcoal were sold to the tea estates of Darjeeling from the forest adjoining the Darjeeling district.<sup>348</sup> In 1900-1901, the total amount derived from the sale of *sal* sleepers was 8, 548 and 2, 591 from the sale of tea box planking including a royalty on timber (Debnath, 2009: 118). At the same time, during 1918-1919 Sikkim State agreed to sale 40, 000-meter gauge *sal* sleepers and other scantlings to the tea estates of Darjeeling from Namchi Reserved Forest.<sup>349</sup> Hallor, Toon, Mainakath, Lampatey, and few Kadam trees were sold to tea-planters of Darjeeling from Melli reserved forest

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<sup>347</sup> *Administration Report of Sikkim State for 1913-1914*, Calcutta: Government of India

<sup>348</sup> *Administration Report of Sikkim State for 1919-1920*, Calcutta, Government of India

<sup>349</sup> *Administration Report of Sikkim State for 1918-1919*, Calcutta: Government of India

and Chakung *khasmahal* forest. Simal and Mainakath trees were also sales from making orange boxers, from Melli, Pendum, Song, and Namthang.<sup>350</sup>

***Sale and contract of other forest products***

Besides, timber being made inaccessible for fuel due to the fixed schedule rate, poles the tree trunks also used in buildings houses, animal sheds, and as poles for colorful prayer flags. Due to its importance soon the price of poles was fixed and added into the schedule rate list. In 1913 the rate of the poles was as follows:

Table No 5. 7: The rate of timber

Sl. No.	Names	1 inch Rs	3-24 inches Rs	25-36 inches Rs
1	Sal, Sisso, and Khair	0.25	0.50	1.00
2	Except for Sal, Sisso, and Khair	0.12	0.25	0.50

Source: File No. 12/31/1913. SL No. 73. Durbar Department, Government of Sikkim, 1913

Thus, other than the contract of timber, the forest of Sikkim also fulfilled the needs of wood for fuel. It is observed that, Gangtok reserve under the direct management of Sidkyong Tulku<sup>351</sup> was the main supplier of fuel and timber.<sup>352</sup> Though in the latter period timber and firewood of *khasmahal* forest also use to sell Gangtok reserve forest remained the main suppliers of timber and fuel.<sup>353</sup> Thus carry out by the increasing demand for fuel the rate of fire woods for fuel was prepared by the then

<sup>350</sup> *Administration Report of Sikkim State for 1923-1924, Calcutta: Government of India*

<sup>351</sup> File No. 2/III/1910. SL No. 31. Durbar Department, Government of Sikkim, 1910

<sup>352</sup> File No. 17/III/1910. SL No. 37. Durbar Department, Government of Sikkim, 1910

<sup>353</sup> *Administration Report of the Sikkim State for 1923-1924, Calcutta: Government of India.*



Forest Manager Dailay Singh. He prepared the rate for two subsequent years, i.e., before 1913 to September 1914 were as follows;

Table No. 5. 8: The rate of firewood per 100 cft before 1913 to 1914 onwards

Sl. No.	Trees	Before 1913	From 1913
1	Oak	1.75	2
2	Sal	1.75	2.50
3	Mixed	1.50	-
4	Others	1.75	1.50

Note: Oak consists of Buk, Phalat, Arkhoula, Sungure, and Katus.

Source: File No. 12/31/1913. SL No. 73. Durbar Department, Government of Sikkim, 1913

Table No. 5. 9: Rate of firewood per 100 cft in 1913 from different places

Sl. No.	Place	Rate at Rs
1	Sal from Pamam to the Ravi Khola	3.00
2	Sal from other places	2.50
3	Oak, Pakhasaj, and Pipli	2.00
4	Other kinds	2.50

Note: Oak consists of Buk, Phalat, Arkhoulo, and Sungure Katus.

Source: File No. 12/31/1913. SL No. 73. Durbar Department, Government of Sikkim, 1913

The demand for the supply of fuel and timber from Gangtok reserved in between 1913 to 1914 was high. However, there was a slight decline in the demand for fuel in 1915 owing to the transfer of the troops. In 1915 the demand for fuel was only 20, 670 cft. Whereas in 1913 it was 36, 000 cft onwards there was indeed increased.<sup>354</sup> The demand for timber from Gangtok Reserve in 1913-1914 was as follows;

<sup>354</sup> File No. 9/6(III)/1915. SL No. 118. Durbar Department, Government of Sikkim, 1913

Table No. 5. 10: Demand for timber from Gangtok Reserve in 1913-1914

Sl. No.	Year	On payment	Free
1	1913	35	12 used by the late <i>Cooyal</i>
2	1914	43	-

Source: File No 9/6(III)1915. SL No 118. Durbar Department, Government of Sikkim, 1915

Next, to timber and woods, the other forest produces actively sale and supplied were tweets and rugs to Bengal Home Industries, nettle (*bhangery*) for making clothes, and bamboo pertinently *maling* (Bamboo) supplied to Burn & Company Limited Calcutta to make paper pulp.<sup>355</sup> As mentioned before bamboo was the most essential forest resource used by the community for various purposes, right from building their traditional houses to water-carriers. Nevertheless, the use of bamboo freely was merely memories of the heyday. After 1913 the rate of bamboo was fixed which means people were stopped to obtain bamboo without paying. The rate of the bamboo was as follows:

Table No. 5. 11: Rate of Bamboo prepared in 1913

Sl. No.	Size	Wholesale rate of Rs.
1	Large kind per 100	5.00
2	Small kind per 100	0.27
3	Bamboos and chimes (per cooly load)	0.12

Note: Retail rate of bamboo was 0.08

Source: File No. 12/31/1913. SL No. 73. Durbar Department, Government of Sikkim, 1913

<sup>355</sup> File No. 18/III/1911. SL No. 44. Durbar Department, Government of Sikkim, 1911

The minor forest produces like *kutki* and *chireto* (medicinal herbs) were sold from the forest of Thangu, Dentam, Kargi, Damthang, Rayong Barmiak, Tashiding, Tinkitan, and Kongri.<sup>356</sup> Along with the medicinal plants, miscellaneous forest produce and flowers like *majito*, orchids, and lilies were in slight demand and sale from the forest of Sikkim. The other forest produces like canes, rubber, thatch grass and building stones and as well as dry sticks were sold from the Gangtok reserve and another reserve forest.<sup>357</sup>

### ***The contract on hide and skin of animals***

Exports of hides and skins of Game animals<sup>358</sup> indicate the extent of the commercialization of forest resources. Surprisingly, the proposal for trade in hides and skin made for the first time to the Durbar of Sikkim by the company named The General Hides and Skin Export Company, LTD by the end of 1925. The other countries to which this company exported hides and skins were Germany, Spain, France, and Italy.<sup>359</sup> The rate of the hides and skins of animals as follows;

Table No. 5. 12: The rate of the skin and hides of different animals in 1925-1926

Sl. No.	Animal	Rate at Rs
1	Bullock an ox	2.12
2	Cow	1.62
3	Steer and heifer	0.75
4	Calf	0.31
5	Buffalo	3.37
6	Buffalo uncalved	1.56

<sup>356</sup> *Administration Report of the Sikkim State from 1923-1924*, Calcutta: Government of India

<sup>357</sup> File No. 12/31/1913. SL No. 73. Durbar Department, Government of Sikkim, 1913

<sup>358</sup> File No. 5/III/1910. SL No. 33. Durbar Department, Government of Sikkim, 1910

<sup>359</sup> File No. AN/Vet/55/1923. SL No. 1. Veterinary Department, Government of Sikkim, 1923

7	Buffalo calf	1.68
8	Goat and sheep	0.50
9	Buffalo hide (daghi)	2.75
10	Bullock or ox (daghi)	1.25
11	Cowhide (daghi)	1.00
12	Buffalo hide (ruddi)	1.25
13	Bullock or ox hide (ruddi)	0.75
14	Cowhide (ruddi)	0.50

Source: File No. AV/Vet/55/1923. SL No. 1. Veterinary Department, Government of Sikkim, 1923.

As per the *Durbar/State*, the skin and hide were used by bustiwalas in old primitive methods which do not from any source in the State. Thus to make revenue out of the skin and hide contract was opened.<sup>360</sup> Subsequently, all the profits derived from the sale of animal's skin as such sheep, goat, and hides of cattle all goes to the State.<sup>361</sup> Similar, to other products of the forest the sale of animal skins and hides were completely new to Sikkim.

On top of that granting contract was a new venture which puts major restrictions to sell of hides except for the contractors. Of note here is that the system of hide contract which was abolished on 22 December 1914 by the then political officer again revived in 1923. However, it was the *Chogyal* who reserved the right to accept and reject the tenders. The tenders of the contract were enclosed in sealed covers and superscripted tenders for the Hides Contract. The dates for auction the hides' contract was enforced from 1<sup>st</sup> July 1923 ends on 30<sup>th</sup> June 1924. On 5<sup>th</sup> July 1923, the highest tender for a hides' contract was Rs 4, 905.<sup>362</sup> Consequently, a contract for the collection of hides

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<sup>360</sup>Ibid

<sup>361</sup> File No 19/I/1909. SL No 24. Land Revenue Department, Government of Sikkim, 1909

<sup>362</sup>File No. AV/Vet/55/1923. SL No. 1. Vet Department, Government of Sikkim, 1923

in the Sikkim state for one year 1923-1923 was given to Mahamad Yakub and Mohamad Abdul Hafif of Darjeeling.<sup>363</sup> Whilst, from 1<sup>st</sup> August 1925 to 31<sup>st</sup> July 1926 contractor Mahamad Yakub obtained the *patta* to purchase hides of buffalo, ox, cow, sheep, goat, tiger, bear, and an antelope, etc., The *patta* for a hides' contract was printed on the brown paper with the stamp of *Durbar*. The agents and the *chaprasis* of the hide contractor resided at the Rangpo, Singtam, Namthang, Gangtok, Pakyong, Rhenock, Malli, Majhitar, Naya, Bazar, Sombarey, Dentam, Manebhanjyang, Namchi, Lachen, Nathang, etc. The Kazis, thikadars, mandals, and kamdariesin Sikkim were requested to inform the *bustiwalas* not to sell hides without display of *pattas* with the stamp of *Durbar*. With this notification, there was the universal stoppage of the collection of hides through the state people was strictly prohibited to collect bones, hides, and horns.<sup>364</sup>

The sale skin and the horn of the Game animals were strictly prohibited.<sup>365</sup> Only the contractors with *pattas* were permitted to purchase all kinds of hides through the State. In case, if anyone found selling hides illicitly the hides were confiscated and the person was punished severely by the *Durbar*. Further, the person had to pay compensation to the contractor. At the same time, the person who informed the *Durbar* about the smuggling of skins was given the rewards of five to fifteen rupees from the contractors.<sup>366</sup> Besides, Mahamad Yakub and Mohamad Abdul Hafif there were several other contractors for the hides in the state.<sup>367</sup> However, it was only in between 1914-1915, the hide monopoly was abolished. Consequently, after the

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<sup>363</sup> *Administration Report of the Sikkim State for the year 1923-1924*, Calcutta: Government of India

<sup>364</sup> File No. AV/Vet/55/1923. SL No. 1. Vet Department, Government of Sikkim, 1923

<sup>365</sup> File No. 5/(III)/1910. SL No. 33. Durbar Department, Government of Sikkim, 1910

<sup>366</sup> File No. AV/Vet/55/1923. SL No. 1. Vet Department, Government of Sikkim, 1923

<sup>367</sup> *Administration Report of the Sikkim State for 1923-1924*, Calcutta: Government of India

abolition of hide monopoly only the community was allowed to sell their cattle hides, goat skins to whomever they want to. To sell, the hides freely were undoubtedly a great pleasure to them.<sup>368</sup>

Above all, the contract on forest produces extended to the monopoly system of sale of firewood, charcoal, and grass. R. S. Rhenok Kazi held a contract of monopoly sale of grass from the forest of Rongli, Gnatong, Nathula, Gangtok, Rangpo route for three years for 3, 000 rupees per annum. Likewise, a contract of monopoly sale of grass from the forest of Dolepch and, Rhenok, and Rorathang rout was granted to R. S. R. B and Babu D. S Pradhan for 410 rupees per annum.<sup>369</sup> The usual method of transport of the forest produce was by cooly up to the cart road and thereafter by cart.<sup>370</sup>

All the above instances prove that Sikkimese history witnessed an eventful process with the establishment of the Forest Department under the British influence. It is also observed that before the introduction of forest rules in Sikkim there was no damaged and no restrictions on the use of forest and its produce.<sup>371</sup> Nonetheless, under the British influence, community suffered due to insufficient or non-availability of grazing lands, and denial to enter into the forest or to the use produce freely. On the other hand, their traditional methods of subsistence were also ended. Eventually, the forest rules eroded the traditional means of survival to a greater extent. Consequently, they were forced to adopt the new means of livelihood i.e., agriculture on the cost of extensive clearing of dense forest. However, the process of converting common property resource like forest or assets the state control over the forest which

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<sup>368</sup> *Administration Report of the Sikkim State for 1914-1915*, Calcutta: Government of India

<sup>369</sup> *Administration Report of the Sikkim State for 1930-1931*, Calcutta: Government of India

<sup>370</sup> *Administration Report of Sikkim State for 1933-1934*, Calcutta: Government of India

<sup>371</sup> File No. 12/35/1913. SL No. 74. Durbar Department, Government of Sikkim, 1913

accelerated in full-fledge during Sidkyong Tulku maintained the momentum during Tashi Namgyal period which witnessed strengthening of the powers of the Forest Department.

### **Strengthening the powers of the Forest Department**

The powers of the Forest Department strengthening further after the sudden death of Sidkyong Tulku. After, Sidkyong Tulku Tashi Namgyal assumed the charges of the Forest Department along with Education, and Monastery on 2 March 1915.<sup>372</sup> Soon after the assuming the control over the Forest Department Tashi Namgyal, made certain changes within the administration of the Forest Department which subsequently widened the powers of the Forest Department. All the rules and orders passed from time to time, in connection with the administration of Forests, compiled by Mr. K. P. Dewan, Assistance to *Chogyal*, printed and published in book form by the State Printing Press.<sup>373</sup>

While the money transaction receipts of revenue and payments of expenditure of the Forest Department were transferred to the Financial Secretary.<sup>374</sup> The work consists of making of the trees for domestic use, issuing of grazing permits, and trying forest cases remained under the direct supervision of the Forest Department. In short, Forest Department paid special attention no one including the landlords cut trees of reserved kinds without proper authority.<sup>375</sup>

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<sup>372</sup> *Administration Report of the Sikkim State for 1914-1915*, Calcutta: Government of India

<sup>373</sup> *Administration Report of the Sikkim State for 1916-1917*, Calcutta: Government of India

<sup>374</sup> *Administration Report of the Sikkim State for 1918-1919*, Calcutta: Government of India

<sup>375</sup> *Administration Report of the Sikkim State for 1914-1915*, Calcutta: Government of India

After Sidkyong Tulku, except Game Preservation the Forest Departments took the charges of Grazing lands, Landslip, and *Bazaar* (market). To further secure the proper information of grazing lands two surveyors or *Amin* was employed to demarcate the grazing areas and they were responsible for the demarcation and mapping of grazing lands.<sup>376</sup> Along with it grazing lands was also expanded like some more plots of *khasmahal* forest were also included in grazing lands especially in Lingmo and Sosing *elakason* the ground that the number of previous reserved was not sufficient.<sup>377</sup> Since grazing lands served a very useful and important task of generating revenue to the state therefore the boundaries of the grazing lands have to be properly maintained. The landlords like Lassio Kazi, Gorey Singh Thikadars, Sonam Rinchen Kazi, Song Kazi, and S.L.D. Sherab were fined for not maintaining the boundaries of the grazing lands properly.<sup>378</sup> However, as far as landslip was concerned landslip reserves were strictly prohibited to turn into grazing lands.<sup>379</sup>

However, by 1919 onwards, Education, Industry, Agriculture, Monasteries, Road, and Buildings departments came under the direct control of the Forest Department. Subsequently, the Gangtok reserve was divided into two blocks, Penlong and Lagyap. A new Range known as Northern Range was also established with the headquarters at Chungthang. Along with a new range, new orange officers were also appointed. Babu Bhim Bahadur Pradhan as a forest ranger joined the state Service in April after going through the prescribed course of Forest Ranger's training in the Forest College and Research Institute, Dehra-Dun. Likewise, Babu Dakman Lama joined as a

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<sup>376</sup>Ibid

<sup>377</sup>*Administration Report of the Sikkim State for 1916-1917, Calcutta: Government of India*

<sup>378</sup>*Administration Report of the Sikkim State for 1923-1924, Calcutta: Government of India*

<sup>379</sup>File No. 9/10/(III)/1915. SL No. 120. Durbar Department, Government of Sikkim, 1915



Forester.<sup>380</sup> Thus during 1923-1924, there were four range officers and they were in charge of Gangtok Range, Northern Range, Eastern Range, and Western Range respectively. However, in the Western range, two foresters were attached one to look after the Dallam and Dentam hill-top while the other to assist the range officer.<sup>381</sup>

### ***Plantation work***

Great care was shown while it comes to the plantation of trees therefore even after Sidkyong Tulku, Political Officer takes the charges of the plantation of trees and as well as a roadside reserve.<sup>382</sup> The concern for the preservation of trees was particularly seen in Charles Bell. In 1915, he planted over 1000 Oak, Magnolia, and Walnut trees in the residency compound with the view of providing firewood and timber to his successor (Balikci, 2008: 174). It was during his tenure extensive transplantation was done in Gangtok Reserve Forest.

Table No. 5. 13: Transplantation in Gangtok Reserve Forest in 1914-1915

Sl. No.	Specie	Total plants	Total planted	Transplanted	Plants died	Survived by 1915
1	Walnut	2,643	1,843	800	100	2,543
2	Champ	1,446	990	456	1,46	1,300
3	Tuni	922	770	152	126	797
4	Buk	1,339	1,323	16	400	939
5	Phalat	12	7	5	2	10
6	Pipali	100	50	50	10	90
7	Katus	80	-	80	30	50
8	Paiyong	103	-	103	5	93
9	Dhupi	460	-	460	20	440
10	Total	7,105	4,983	2,122	839	6,262

Source: *Administration Report of the Sikkim State for 1914-1915*, Calcutta:

Government of India

<sup>380</sup> *Administration Report of the Sikkim State for 1919-1920*, Calcutta: Government of India

<sup>381</sup> *Administration Report of the Sikkim State for 1923-1924*, Calcutta: Government of India

<sup>382</sup> *Administration Report of the Sikkim State for 1914-1915*, Calcutta: Government of India

Meanwhile, similar to other state of British India *taungya* was introduced in Sikkim for the very first time.<sup>383</sup> Henceforth, the constant felling of value trees was supplemented by undertaking the *taungya* system of plantation however on a limited scale in marginal forest of Sikkim (National Biodiversity Strategy and Action Plan, nd: 12). Subsequently, the *taungya* system reduces the cost of forest plantations enormously therefore it had been extended and applied vigorously in Namchi, Namthang, Melli, Reshi, Pedom, Pemiongchi, Bermiok, Sang, Sumbuk, and Gangtok reserves.<sup>384</sup>

Table No. 5. 14: The total area of reserved forest brought under *taungya* plantation in 1930-1931 to 1933-1934

Sl. No.	Range	Area in acre 1930-1931	Area in acre 1933-1934
1	Eastern Range	415	414
2	Western Range	417	440
3	Gangtok Range	40	44

Source: *Administration Report of the Sikkim State for 1930-1931, 1933-1934.*

Calcutta: Government of India

Overall both artificial and natural regeneration of valuable species of trees like *sal*, *simal*, *tooni*, *lampate*, *walnut*, *utis* etc gowned satisfactory in above mention ranges.

### **Revived the powers of landlords in the forest**

As discussed before the landlords were not happy with the introduction of the forest rules under Sidkyong Tulku. The forest policy has not only eroded the customary rights of the community to use the forest freely. But it is observed that the newly introduced forest policy carved out the rights of landlords over the forest within their

<sup>383</sup>File No 10/5/1937. SL No 678. General Department, Government of Sikkim, 1937

<sup>384</sup>*Administration Report of Sikkim State for 1093-1931*, Calcutta: Government of India

respective elakas. During the process of demarcation and reservation of the forests initially the major portion of the landlord's forest was marked and made reserved. Soon after the reservation of the forest no one was allowed to log the trees including landlords without obtaining the permission of Sidkyong Tulku.<sup>385</sup> However, it is noted that before the demarcation and reservation of the forest landlords held rights in all the timber grown within their respective elakas. They were entitled to possess the timber without paying any royalty to the state.<sup>386</sup> The dissatisfaction of landlords towards the forest rules actively came into the forefront when one of the Councilors of *Durbar* named Jerung Dewan objected to the demarcation of the forest. He did not allow surveying his elakas for the reservation. He claimed that on 16<sup>th</sup> May 1902 *Chogyal* granted him deeds or lease with the full rights in all the timbers grown within his elakas without paying any royalty to state.<sup>387</sup>

Meanwhile, under Sidkeong Tulku's supervision irrespective of the community all the landlords had to pay fees to graze their cattle in the reserved forest. Although the landlords were also meant to pay grazing fees it is also noted that, the landlords who paid rent of their lands including reserved forest, received  $\frac{3}{4}$  of the grazing fees while  $\frac{1}{4}$  possessed by the State.<sup>388</sup> However, after Sidkyong Tulku, landlords were bestowed with the suspended privileges like free access to grazing lands and also shares of one-half royalty on the sale of forest produces.

Under Tashi Namgyal, landlords enjoyed great relaxation as far as payment of grazing fees were concerned. *Chogyal* Tashi Namgyal made certain changes in grazing rules.

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<sup>385</sup>File No. 5/III/1910. SL No. 42. Durbar Department, Government of Sikkim, 1910

<sup>386</sup>Ibid

<sup>387</sup>Ibid

<sup>388</sup>File No. 6/8/1914.SL No. 96. Durbar Department, Government of Sikkim, 1914

In the initial period of his supervision, over forest all the landlords have made a petition to him regarding the exemption from grazing rules. On this issue, *Chogyal* Tashi Namgyal an officer in charge of the forest he permitted the members of the Council to graze their cattle without payment of fees. Further, he exempted all the landlords of Sikkim from the payment of grazing fees in reserved forests. In short, except landlords, kazis, and thikadars others had to issue grazing permits.<sup>389</sup> The landlords were allowed to retain full royalty if sold from *Khasmahal* lands and were not included in the revenue of the year under report but kept as a deposit to be refunded to them.<sup>390</sup>

*Durbar* received the shares of royalty and granted one-half royalties to kazis and thikadars on timber sold in estates forests and its products. Nonetheless, as mentioned already, the landlords were much averse to the demarcation. Landlords, however, reconciled over time meanwhile received one half the royalty on timber sold from their forests and three-fourths of the grazing fees, while the State retains only one-fourth of the latter as supervision charges.<sup>391</sup> Subsequently, the Council Order Draft No 755 granted of one-half royalties to kazis and thikadars on logging and sold of timber in their *elakas* except Jerung Dewan and Rai Saheb Lobsang Chhoden. As the Officer of Forest, he had curtailed privileges the grant of half royalty to Jerung Dewan and Rai Saheb Lobsang Chhoden.<sup>392</sup> According to the rule, payment of a royalty of

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<sup>389</sup> File No. 17/III/1910. SL No. 37. Durbar Department, Government of Sikkim, 1910

<sup>390</sup> *Administration Report of the Sikkim State for 1914-1915*, Calcutta: Government of India

<sup>391</sup> *Administration Report of the State Sikkim State for 1910-1911*, Calcutta: Government of India

<sup>392</sup> File No. 1/III/1910. SL No. 29. Durbar Department, Government of Sikkim, 1910

landlords, the royalty or forest products dues to landlords was payable once a year in March.<sup>393</sup>

Further, to assist the landlords to manage the forest of their respective *elakas* forest guards were appointed by the state. To recognize the forest guards, landlords and managers of the estates were ordered by *Durbar* to provide uniform to the guards consisting of khaki coat, Khaki pyjama, blue pugri with red fringe, chapras (with the name of landlords and name of estate), and *khukri*.<sup>394</sup> Besides this, for the convenience of forest rangers and foresters convenience while traveling pony allowance was raised from ten to twenty rupees per month.<sup>395</sup>

Although, after Sidkyong landlords enjoyed certain freedom while in managing the forest of their respective *elakas* but it does not mean that they were free from paying fines while in breaching the forest rules. The landlords namely Kartok lama, Sonam Rinchen Kazi, Jongtook Jongpon, Lasso Kazi, and Assang Kazi were fined for violating the forest rules.<sup>396</sup>

### **The Role of Private estates and Monasteries in the management of forests**

Private estates enjoyed many privileges when it comes to the management of forest lands. Unlike Reserved Forests which were under the strict supervision of *Chogyal*, Forest Managers, Forest officers like rangers, etc., Or in simple terms, rights on forest developed directly on the state. Contradictory to the Reserved Forest in the forest of private estates all rights devolve upon the owners and landlords (Sikkim Human

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<sup>393</sup>File No. 7/3/1919-1920. SL No. 17. Finance Department, Government of Sikkim, 1919-1920

<sup>394</sup> Old Laws of Sikkim. Sikkim Code Volume III. Sikkim State, General Department, Memorandum No.7821/G.

<sup>395</sup> File No 18/2/1920-1921. SL No 46. Finance Department, Government of Sikkim, 1920-1921

<sup>396</sup> *Administration Report of the Sikkim State for 1923-1924*, Calcutta: Government of India

Development Report 2014, 2015: 38). The grazing lands of private estates were excluded from paying grazing fees to the state. The grazing lands of private estates under Tulku were not served. In the process of demarcation of grazing lands, the forest lands of private estates were never surveyed on the ground of scanty population.<sup>397</sup> More than that, the private forest was not under the control of the Forest Department. Likely, Jongri forest under the private estates of *Chogyal* was not included under the control of the Forests Department.<sup>398</sup>

Not surprisingly, the community of the private estates continued to maintain their traditional rights in the forests. Like for instance the community of Dzongu enjoyed the utmost freedom to use the forest. Dzongu one of the private estates of the *Chogyal* and the Lepchas of this private estate free to access into the forest without paying fees or prohibition. Unlike Reserved Forest the community residence in the forest of private estates, especially of Dzongu, continued to collect forest produces like roots, tubers, edible leaves, grass, fruits, herbs, etc., Further, they used the forest to graze their animals as well as gathered firewood and fodder freely (Bhasin, 2011: 46).

The monasteries of Sikkim particularly five monasteries with estates had their forest independent from the control of the Forest Department. In simple terms, it can be said that the privilege to held forest lands out of the state control was enjoyed by the five important monasteries of Sikkim namely, Pemayangtse, Ralang, Rumtek, Pensang, and Phodong. The forest area of each monastery was; the grazing area in an acre.

Other than these five big monasteries, the other small monasteries do not have the privileges to own forest out of the control of the Forest Department. However, the

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<sup>397</sup> File No. 12/43/1913. SL No. 75. Durbar Department, Government of Sikkim, 1913.

<sup>398</sup> *Administration Report of Sikkim State for 1910-1911*, Calcutta: Government of India

lamas of Sikkim were permitted to use the products of the forest including trees for the maintenance of the monasteries. In other words, it can be said that they were allowed to use the trees without the payment of fees. Nonetheless, they have to write a letter to the *Chogyal* for what purpose they need trees.<sup>399</sup> Subsequently, based on letter five *Dungsing* trees from Lachung and Yumthang Reserve forest were granted to the lamas for making sheds and necessary wooden machines.<sup>400</sup> Further, it is noted that in a subsequent year certain trees (especially the trees of religious value) were sanctioned to fell for making burning incense vide order 3248, dated the 22<sup>nd</sup> July 1929. Accordingly, juniper trees were allowed to use by the lamas in Sikkim at free of cost for manufacturing sticks of burning incense.<sup>401</sup> Moreover, trees required for the religious purpose and public utility were granted free.<sup>402</sup>

Besides, free access to the monasteries in the forest few lamas also enjoyed half royalty on the sale of forest products. Certainly, lamas as the landlords benefited with the royalties within their elakas. Accordingly, Rumtek lama kazi received Rs 42 and 12 annas in between 1926-1927 as half royalty<sup>403</sup> Similarly, Tassang lama and Phodong also benefited with half share royalty in timber and fire woods.<sup>404</sup>

### **Impact of the forest policy on communities**

Although during *Chogyal* Tashi Namgyal period, many changes were visible in management of the forest however, it benefited the landlords tremendously. However,

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<sup>399</sup>File No. 24/2/1929. SL No. 521. General Department, Government of Sikkim, 1929

<sup>400</sup>File No. 24/70/1929. SL No. 522. General Department, Government of Sikkim, 1929

<sup>401</sup> File No. 1/3/1927-1928. SL No. 96. Finance Department, Government of Sikkim, 1927-1928

<sup>402</sup>*Administrative Report of the Sikkim State for 1923-1924*, Calcutta: Government of India

<sup>403</sup> File No. 1/3/1926-1927. SL No. 98. Finance Department, Government of Sikkim, 1926-1927

<sup>404</sup>File No. 9/1/1927-1928. SL No. 100. Finance Department, Government of Sikkim, 1927-1928

the condition of the community remained the same. The nature of their deprivation shows no signs of relief. The condition of the community of Sikkim was more or less similar to other hill people under the British. As Ngamjahao Kipgen writes:

The Colonial rule brought changes in the hill areas that they were not only deprived of the facilities of earning but were also made to buy the resources from their land. They were made to buy a monopoly right of village resources from their land. Furthermore, the prices at which hill men might sell the forest produce were also fixed (Kipgen, 2018: 116).

Certainly, in Sikkim Forest rules, Circulations, and Notifications of Council continued to act as a shield which kept forest out of the reach from the community. The payment of the fees on the use of forest and its produces continued to increase. In consideration *khasmahal* forest which was set apart from the reserve forest to meet the basic requirement of wood for fuel to the community (National Biodiversity Strategy and Action, nd: 12) brought under the strict control of Forest Department. To put it differently, the community was supposed to have a free supply of timber and firewood from the *Khasmal* however; they were made to obtain formal permission from the Forest Department (Sikkim Human Development Report 2014, 2015: 38). Moreover, they were allowed to use the timbers and firewood of *khasmahal* forest only after the payment of twenty-five percent of the value of the trees as a supervision charge. With these methods, state derived revenue amounted to rupees 831-1-6.<sup>405</sup>

From the above point, it is clear that the state altered and modified the rules of the forest according to their interest and benefits. On one hand, the forest was made inaccessible to the community by demarcating, closing, and checking the encroachment of people within the reserved forest. However, on the other hand, a

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<sup>405</sup> *Administration Report of the Sikkim State from 1923-1924*, Calcutta: Government of India



certain portion of the reserved forest was opened for cultivation as per the conveniences of the state. To take the case of opening reserved forests for agriculture Chakung, Temi, Tarku, and Sedonchin reserved forest were opened for permanent settlement. On the ground of said forests were inaccessible to extract profit from the sale of forest produce.<sup>406</sup>

As far as grazing rules were concerned great relaxation was bestowed upon members of the council and all landlords including kazi, thikadars, and lamas. As they were exempted from the payment of grazing fees even though the cattle were their property and kept by them for their domestic use. However, except for the members of the council and all landlords others have to take the permits to graze their cattle on the payment of a fee of rupees 10 for buffaloes and rupees 30 for cows, yak, and bull in Reserved Forest.<sup>407</sup> Nonetheless, with the exception of all the above rules to prohibit state reserved grazing ground, it is noted that the public did not strictly observe the contents of the Notice No. 5653/G., dated the 20<sup>th</sup> June 1923, regarding the grazing of the animals within the prohibited areas in Gangtok. Thus once again it was notified that any animals found grazing within the said areas, the owner or ownership shall be dealt with accordingly.<sup>408</sup>

### **Exploitation of the Sikkimese forest**

Due to the lack of communications with the outside world the economy of the community was entirely based on the forest products i.e., the hunting, gathering, grazing of animals, collecting essential forest products, and so on. The community of

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<sup>406</sup> *Administration Report of the Sikkim State from 1925-1926*, Calcutta: Government of India

<sup>407</sup> File No. 17/III/1910. SL No. 37. Durbar Department, Government of Sikkim, 1910

<sup>408</sup> Old Laws of Sikkim. Sikkim Code Volume V. Sikkim State, Judicial Department Notice No. 943/J.

Sikkim in the pre-British period less relied on agriculture as they were getting every essential means of substances to form the forest. Thus, without a doubt, the significant importance of forest and it produces consciously urged the community to use the forest and its products wisely without hampering and exploiting the forest (Lachungpa, 2009: 54).

Nonetheless, under the British influence, the forest of Sikkim witnessed regulation at first and destruction second. Indeed it is observed before the introduction of forest rules there was no damage and no restriction on the use of the forest.<sup>409</sup> The destruction of the forest began with the clearing of the forest. Under John Claude White extensive clearing of forest indeed triggered off with land settlement policy. The initial phase of clearing the forest in Sikkim carried forward with the expansion of agricultural lands (Subba, 2011: 102-103). Next was as of course the construction of roads. Murali has rightly put forward the words Julia Thomas, where she commented on "the early clearing of forest tracts by the colonial administration to make roads" (Murali, 1995: 97). The process of construction of roads in Sikkim was accelerated only after the intervention of the British. In fact, Clause 13 of 1861 treaty of Tumlong secured the road construction by making proclamation:

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 not object thereto and will afford every protection and aid to the party engaged in work. If a road is constructed, the Government of Sikkim undertakes to keep it in repair and to erect and maintain suitable travelers' rest houses throughout its route (Sharma & Sharma, 2005: 8).

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<sup>409</sup>File No. 12/35/1913. SL No. 74. Durbar Department, Government of Sikkim, 1913

In Sikkim, the construction of roads, bridges, and bungalows was undertaken under the guidance of John Claude White. In short, it can be said that he builds roads, bridges, and bungalows (Denjongpa, 2008: 172). Without any doubt, the construction works carried out with the sacrifice of an extensive forest. However, in the course of constructing the roads, in 1898 White declared the roads of Sikkim a reserved ground. All the trees, shrubs, and sapling within the limits of the reserved road were also declared reserved. Punishment or fine as much as five rupees were fixed in case of destroying or disobeyed the order. At the same time, trees like Walnut, *Chawp*, *Panisaj*, *Pipli*, *Lampatia*, *Kimlu*, and *Tooney* were prohibited from cut without his permission.<sup>410</sup> Consequently, it was under him in 1906 for the first time Gangtok road was connected to British India by wheeled traffic. By the beginning of the twentieth century, it was by his efforts it became possible to ride on mule track and by 1906 onwards Gangtok was linked to British India by wheeled traffic for the very first time (Debnath, 2009; 45).

Or, it can be said that at the expense of large scale felling of trees it was made the possibility to ride on mule track from one end to another. Some of the later construction of roads and bridges were; Palace roads, Gangtok Dentam via Song road section 1 from mile 22<sup>nd</sup> to 24<sup>th</sup>, Singtam Tokul road, Gangtok Chumbi road 1<sup>st</sup> mile, road from Naya Bazar to Ligship and Chapa to Naya Bazar section of Rungeet valley road, Rungeet valley and other roads, and roads from Upper Bazar to Mundi at Rungpo. Bridges iron bridge over Pabong khola, the bridge over *Jhora* on road

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<sup>410</sup> File No. 3/1/1898. SL No. 1. Durbar Department, Government of Sikkim, 1898

leading from Gangtok *Bazar* to Rai Sahib Ratnabhadur pradhan's house, a concrete bridge over Dentam road, and Tashiding suspension bridge.<sup>411</sup>

As a source of increasing revenue colonial policy accelerated the opening of new land (Trucker, 2012). Similarly, for generating revenue new land was opened for settlement significantly and it led to the mass clearing of the forest. *The Administration Report* mentioned that settlement of raiyots could only be possible as the sacrifice of Forest reserved areas.<sup>412</sup> Therefore yet another point which deserved to mention here is that the large scale deforestation of the forest by the end of the nineteenth century was carried out by the opening of new land for the settlement of immigrants or busties to generate revenue. Gradually, the settlement of new busties was made possible by carving out the reserved forest, khasmal forest, and gorucharan undoubtedly for revenue creating interest. Subsequently, rules regarding the opening of new areas for settlement of busties were passed out. The rules were prescribed for the landlords and managers of the estates in whose estates Reserve forest, Khasmahals or Gorucharans were being opened for new busties or settlement.<sup>413</sup> Subsequently, on 10<sup>th</sup> May 1926 an order passed was by *Chogyal* regarding opening of new bustis. All landlords and managers of the estate ordered to obey the rules at the time of opening new busties or settlement. Rules were as follows;

1. The landlords or manager considered shall depute, on each occasion, a reliable kamdari to go with the mandal and the new bustiwalla to the area allotted for settlement, and the kamdari shall, in consultation with the mandal, demarcate

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<sup>411</sup> *Administration Report of the Sikkim State for 1933-1934*, Calcutta: Government of India

<sup>412</sup> *Administration Report of Sikkim State for 1930-1931*, Calcutta: Government of India

<sup>413</sup> Old Laws of Sikkim. Sikkim Code Volume V. Sikkim State. General Department Notification No.6161/6

the necessary land for each other settler, leaving sufficient reserves for streams, landslips, gorucharans, etc.

2. All trees over 3'in girth which it is considered necessary to remove from the area in question shall be marked by a reliable kamdari before they are felled
3. Timber trees that have already been felled must not be burned to ashes or otherwise destroyed. The landlord shall do his best to make use of them by inducing new and old raiyats to make pucca houses with the timber extracted from such trees. Applications should, however, first be made for permission to convert them into scantlings, etc.<sup>414</sup>

However, it comes into highlight once the forests, gorucharans, and khasmals opened for settlement the landlords and managers of the estates seem to forget their responsibility to looked upon gorucharans. Owing to this Notification Nos.3075/G. and 6161/G. dated the 21<sup>st</sup> March 1925 and 10<sup>th</sup> May 1926 respectively and further ordered.

1. They must get all steep places, already cleared and fit for permanent cultivation, properly terraced within two years from the date of this notification.
2. All precipitous, rocky and very steep places where terracing is impossible should be closed at once and trees should be allowed to grow freely on them. In violation of 1 and 2 above the defaulting landlords and managers of estates will be fined from Rs 50 to Rs 500 according to the gravity of the case.
3. If they, later on, fail to make the settlement permanent in those places which have already been opened, except on precipitous, rocky and very steep places,

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<sup>414</sup> Old Laws of Sikkim. Sikkim Code Volume V. Sikkim State, General Department Notification No. 6161/G.

the area thus damaged on the plea of permanent settlement should be planted up with valuable species of trees suitable to the locality at the expense of the landlords or managers concerned and again converted to forest, *gorucharans*, etc., as they were before.<sup>415</sup>

However, with the growth of population, increased demand for new lands for both settlements and agriculture led the pressure on forest and its produce for fuel, fodder, etc. (Sikkim Human Development Report, 2014, 2015: 37). The deforestation of the forest continued with the settlement of the people. Two plots of upper forest one near the frontier of Bhutan and another Sedonchen were deforested and opened for the settlement of the raiyats.<sup>416</sup> Furthermore, to meet the increasing demand for the opening of new lands for busties settlement of raiyats being even started in *gorucharan*. For instance, portions of Malbansey and Sekrep in Chakung and portion of Sang *gorucharan* forest in Sang Elakas opened for the settlement of raiyats.<sup>417</sup> Likewise, the *gorucharan* area of Dentam of Yangthang elakas also opened for the settlement.<sup>418</sup> Similarly, Dokothang, Phethang, and Pangsepo reserved forests were also opened for the settlement.<sup>419</sup> According to the *Administration Report of 1933-1943* reserved forest of Chakung and Namchi elakas were deforested for the

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<sup>415</sup>Notification No. 6161/G. Old Laws of Sikkim. Sikkim Code Volume V, Sikkim State, General Department

<sup>416</sup>*Administration of the Sikkim State from 1923-1924*, Calcutta: Government of India

<sup>417</sup> *Administration Report of Sikkim State for 1933-1934*, Calcutta: Government of India

<sup>418</sup>File No 31/27/1926. SL No 367, General Department, Government of Sikkim, 1926

<sup>419</sup> File No 31/47/1926. S No 370, General Department, Government of Sikkim, 1926

settlement of raiyats.<sup>420</sup> Besides, *gorucharan* and reserved forests of *khasmahal* the forest of Parangoi was thrown open for the settlement of the raiyats.<sup>421</sup>

All the above instances proved that Sikkimese history witnessed an eventful process with the establishment of the Forests Department under the British influence. Further, not only community suffered due to the insufficient pasture ground or non-availability of sufficient grazing lands, firewood but also eroded the traditions of hunting and gathering. Further, as far as hunting is concerned one can identify the vast difference in the meaning of hunting as well under community and under the British. To a greater extent, the British had opened the door of an untouched forest of Sikkim for the commercialization to generate revenue. However, this not only led to the loss of community traditional rights in the forest but it largely contributed to the loss of rich resources of Sikkim forest.

Forest was an integral part of the lives and livelihoods for the community of Sikkim from the time immemorial. In a true sense, it provides sustenance to the community who directly dependent on it for the survival in many ways without going through formalities and permission. Moreover, what 'waste' for the colonial government was not 'waste' for them. Under the British influence, the aim of assets direct state control over rich forest triggers off the beginning of the twentieth century. Meanwhile, Sikkim forests soon brought under the direct control of the Forest Department, which was under the influence of the British. Consequently, the forest was demarcated and made Reserved Forest. Subsequently, forest manual drafted under the British influence in 1909, supplemented from time to time served as a statute book imposed a halt on customary use. Due to the demarcation access into forests was highly

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<sup>420</sup> *Administration Report of Sikkim State for 1933-1934*, Calcutta: Government of India

<sup>421</sup> File No 31/23/1926. SL No 366. General Department, Government of Sikkim, 1926

restricted. Furthermore, due to the reservation, living space of communities reduced day by day, hunting and gathering chief means of sustenance lost its importance.

Furthermore, slash and burning were prohibited because burning the forest was viewed as the most destructive forest practice. Customary rights of logging trees to secure fuel and to fulfill other basic requirements were forbidden. Likewise, the major restriction was imposed on the collection of forest resources, including fodders for animals. Above all, for the first time, the community was encountered with the system of payment of tax or fee for using their 'common lands' for the collection of timber, firewood, fodder, grazing and so on prior which was completely free to them. Eventually, the fate of a community drawn by the colonial visions 'generate revenue' segregated community from the forest.

Next, we will look into the overall changes in society. With the changes in the patterns of land ownership a complete new range of agrarian society formed in Sikkim. The changing patterns of land ownership also introduced changes in the agrarian structure. Of course, the main reason lies behind the formation of agrarian society was the British land revenue system that accrues profits from the land. With the urged to increase land revenue the need for cheap labour increased. This led to the encouragement of the immigration of Nepalese. Subsequently, with this not only the changes in the demography but also commercialization of agriculture was firmly established.



## CHAPTER VI

### LAND DISPUTES AND ETHNIC TENSIONS

The introduction of new property rights institution in land lessee landlordism not only changed the land owning patterns, but, it led to drastic changes in economic to social set up of Namgyal dynasty under the British. Under the new institutions the land became the center of conflict owing to its importance. The creation of Nepalese as lessee lords was the initial steps towards this tension. Nepalese especially Newaries began to own lands on lease or in contract as similar to the traditional old landlords. It was with; the large scale of influx of Nepalese in Sikkim ultimately led to the rise of land disputes and ethnic tensions. Nonetheless, the background for the rise of conflict was ‘encouraging Nepalese settlement policy’. Simply stated, the settlement of Nepalese was thus followed by the British ‘immigration policy’ that was triggered off to generate maximum land revenue. As the Nepalese were hardworking, industrious agricultural labour perfect combinations as what British looking for. On the other hand, once Sikkim was opened and welcomed the labours the Nepalese took the opportunity and immigrated in Sikkim. Soon they settled down in Sikkim and never looked back to Nepal their country. However, with large scale influx of Nepalese alienation of lands became frequent.

Thus, establishing the lessee system and giving the ownership rights in land to Nepalese and settling Nepalese in Sikkim triggered off the aged old hatred against the Nepalese. Eventually this hatred adds fuel in the fire of ethnic conflict against Nepalese from Bhutia-Lepcha groups. Although with the settlement of Nepalese ethnic conflict outburst but it benefited to the state in not only in terms of raising the land revenue but it also worked effectively to maintain counterbalance of Tibetan

inclination. Indeed, with the large scale immigrant of Nepalese, it changed the demography of state and so as their population increased and within a decade the Nepalese outnumbered the Bhutia-Lepchas. Subsequently, by encouraging large numbers of Nepalese who were basically Hindus the ethnic scene of Sikkim eventually underwent a rapid change (Das, 1983: 6).

However, one cannot deny the fact that it was only after the settlement of Nepalese the full fledged agrarian social set-up were visible in Sikkim. Terrace farming was introduced by them in Sikkim, cash crops like cardamom and their 'traditional technique' of agriculture. Indeed, with the large number Nepalese settlement, they also rise into the different categories of tenants an important development of any agrarian society. Consequently, the detrimental consequences of recognizing the tax collector as lord of the lands with the introduction of the legal institution of saleable private landed property brought considerable changes in the demographic and economic aspects within the society (Kuhnen, 1982: 61).

### **Influx of the Nepalese in Sikkim**

To generate the revenue from the land, first of all, it is essential to bring the lands into use. However, as already discussed in previous chapters in the pre-British period land did not count as a source of revenue. In fact, under *Chogyal* the use of the land was mainly for sustain not for generating revenue. However, under the influence of the British, the concept of land use for revenue was developed. To bring the land into use or under cultivation more peasants and labour were needed. But then the territory of Sikkim was very vast and extended from Himalayas in the north to the Bengal in the south, however, the population was extremely less. Simply put forward, Sikkim had huge extended territories but no sufficient men to work (Sinha, 2008: 49). This

situation remained unchanged even after the British influence firmly started in Sikkim by the end of the nineteenth century. Thus owing to the less population there was no labour to work for the development and ryots to bring land under cultivation to such huge and vast extended territory. The desperate need of manpower in Sikkim was as highlighted by Risley, “labour is badly wanted and well paid”<sup>422</sup> (Risley, 1928: ii). The need for manpower in Sikkim continued to be the same therefore decades later the Administration Reports of Sikkim specifically mentioned labour was scarce and wages were high. Skilled labour has still to be imported and when large numbers of coolies were required in connection with the relief of troops or for any large works villagers were pressurised. During these years, there were no works of any importance and ordinary labour was mainly required for the maintenance of the road.<sup>423</sup> It is clear that the population was extremely less and the need for cheap labour was the main concern of the then Political Officer. Subsequently, when the need for cheap labours was at its zenith to strengthen the economy of State then the paucity of labour was fulfilled with the settlement of Nepalese who came from Nepal (Upadhyay, 2017: 21).

First, it was the Political Officer, White, who promptly encouraged the Nepalese immigration to settle down in Sikkim. While he justifies his action of ‘encouraging Nepalese immigration’ by saying that, “country was very sparsely populated and to bring a more land under cultivation, it was necessary to encourage immigration, and this was done by giving a land on favorable terms Nepalese, who as soon as they knew it was to be had, came freely in” (White, 2005: 27). Certainly, White believed that once Nepalese came to know about it, they would surely come to Sikkim to grab

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<sup>422</sup> The wages were as follows; for coolies two annas to eight annas a day, and for mason eight annas to one rupee a day (Risley, 1928: ii).

<sup>423</sup> *Administration Report of Sikkim State 1909-1910*, Calcutta: Government of India

the golden opportunity and it actually happened. According to White, the main purpose of inviting Nepalese in Sikkim was to bring more land under cultivation since the Bhutias and Lepchas were mainly engaged in trading and herding activities rather than cultivating fields. They were not engaged in any labour services which was indeed was in great demand. Henceforth, as a suitable alternative to this, White turned his attention towards hard working Nepalese and encouraged them to get settled in Sikkim. Within a year or two of White's service, the settlement of Nepalese increased (Upadhyay, 2017: 21). Following the steps of White, some of the Council members too encouraged Nepalese to settle in their respective lands. Meanwhile White also proposed plans for opening up wastelands 'forest' especially for settlement of Nepalese. Carry out by all the above instances, large number of Nepalese settled down in barren lands or uncultivated wasteland mostly in south Sikkim (Gurung, 2011; 165).

Nonetheless, scholars have given their different views as to why British encouraged Nepalese to settle in Sikkim. Starting with John Claude Whit, who, remarked Nepalese were steady, industrious and thrifty people, very pushing and eager to take up new employment, and they were excellent settlers, paid their rents regularly, and gave no trouble in that way. He further adds, by hard work and perseverance Nepalese rise to important positions in contrast to the Lepchas whose indolent temperament always acts as a deterrent and caused them to be outdistanced by more energetic races (White, 2009: 26). The *Administration Report* of 1905-1906 also highlights that, the Nepali people are hardworking and thrifty as rule, pay his taxes regularly and at the same time are law-abiding and intelligent settlers.<sup>424</sup> According to Das, the British needed more Nepalese labour to develop their communication network to access Tibet

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<sup>424</sup>*Administration Report of Sikkim State 1905-1906, Calcutta: Government of India*

because then the population of Sikkim was extremely less and there was a shortage of labour. The Bhutia-Lepcha together formed very less population not enough to support the need for labour (Das, 1983: 6). Veena Basin remarks that the British always favored the opening up of the wastelands of Sikkim to Nepali settlers. Hence Nepali immigration was encouraged as a labourer for the construction of roads and to extent agriculture (Basin, 2002: 5).

Scholars like P.K. Rao and B.S.K. Grover stressed, that Nepalese were particularly encouraged to settle in Sikkim by the British for two important reasons;

1. To accelerate the economic growth, and
2. To counteract the supremacy of the Sikkimese royal family and the Bhutia councilors (Gurung, 2011: 117).

Jagdish Chandra Debnath supports the second reason behind the encouragement of the Nepalese settlement in Sikkim. He points out, "the British wanted to curb the Tibetan influence on the Bhutia monarchy as well as to have a large number of Sikkimese subjects more loyal to the British than to the Sikkim king" (Debnath, 2009: 16). Likely, Dr. Yeshe Choedon also analyzed that other than the requirement of manpower for the construction of roads and agriculture development. Another important intention of the British behind the settlement of Nepalese in Sikkim was to counterbalance the Tibetan inclination by flooding and settling them (Choedon, nd: 74). Interestingly, related statement also visible as Risley talked about the future of Sikkim. He perceived the influx of Nepalese as a balance of activities to counter Tibetanising. He says, "Tibet and a Tibetanising *Chogyal* of Sikkim had been the only elements of danger that we were called upon to face" (Risley, 1928: ix). He thus summarized:

Most of all will our position be strengthened by the change which is insensibly but steadily taking place in the composition of the population of Sikkim. The Lepchas, as has been stated dying out; while from the west, the industrious Newaries and Gorkhas of Nepal are pressing forward to clear and cultivate the large areas of unoccupied land on which the European tea-planters of Darjeeling have already cast longing eyes. The influx of these hereditary enemies of Tibet is our surest guarantee against a revival of Tibetan influence. Here also religion will play a leading part. In Sikkim, as in India, Hinduism will assuredly cast out Buddhism, and the paying- wheel of the lamas will give place to the sacrificial implements of the Brahman. The land will follow the creed; the Tibetan proprietors will gradually be disposed of and will betake themselves to the petty trade for which they have an undeniable aptitude (Risley, 1928: xxi).

Accordingly, he concluded, “so long these three parities (Bhutias-Lepchas, and Nepalese) maintained what may be called their natural relations, there was no fear of our influence declining, and the internal affairs of the country could be trusted to adjust themselves with the minimum of interference on our part” (Risley, 1928: x). Sinha on the other hand opines that to counteract the anti-British intrigues of the Bhutia aristocracy the British encouraged the Nepalese to settle in Sikkim (Sinha, 2008: 61). Thus from the above instances, it is clear that besides revenue-generating interest there exist other less visible but important reasons why the British encouraged Nepalese to settle in Sikkim.

One cannot deny the fact that to British land revenue or gaining profits from the land was above all and primary reasons behind the immigration policy. Simply put forward, they need “labour” in the form of ryots to work for them. The British had understood Nepalese ‘labour’ were the multitasking people. As a matter of fact, the usefulness of Nepalese has already seen by White in Nepal. Thus, once he remarks,

"Earlier in my service I had spent over a year in Nepal on special duty and had learned something of the people and their ways which proved now to be of use in dealing with them" (White, 2009: 27). This means Nepalese were good as a peasant in peace-time and as soldiers during wartime. An influential section of the Sikkimese Kazis especially pro-British shared a similar view of the British. At the same time these Kazis were interested in cultivating their huge land holdings by reassigning lands to the agriculturally competent Nepalese and to earn not only bribes but also bigger harvest. Hence, they took an active interest in settling the Nepalese immigration. The prominent among them were the two Khangsarpa brothers Phodong lama and Khangsa Dewan kazis of Chakung<sup>425</sup> (Basnet, 1974: 43). Furthermore, the Nepalese thikadars also encouraged Nepalese their own kind to settle in their lands. Thus all the above instances greatly helped in accelerating the rapid immigration of Nepalese into the country. They came in Sikkim as agriculturists, skill and unskilled labourers, mostly settled in wasteland 'forest' by clearing the unoccupied 'wastelands' (Datta, 1994: 73).

### ***Resistance against the Nepalese Immigration***

The influx of Nepalese in Sikkim had already started during the eighteenth century<sup>426</sup> but after 1861 their influx into Sikkim increased. Thus, it is about to note the immigration of Nepalese in Sikkim happened in two successive phases. Therefore, it would be wrong to conclude the immigration of Nepalese started with British only.

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<sup>425</sup>They played significant roles in getting the Nepalese settled in Sikkim. Moreover, they were the first beneficiaries of the Nepalese toil and industry. They filled the Rhenock land with the Nepalese settlers and allowed them to take the lands of Bhutia and Lepchas against the *Chogyal's* wishes.

<sup>426</sup>When the various invasions occurred in Nepal during eighteenth century the Nepalese from Nepal started to immigrate and settle into Sikkim (Sanyasi, 2017:16 ).

The Nepalese immigration started prior to British however, on a limited scale. T. B Subba writes that:

One of the misconceptions widely held about the pre-British Sikkimese history is the absence of the Nepalis, who are considered to have been brought there by the British. This cannot be denied totally but it is also not true that all Nepalis had come because of the British policy (Subba, 1989: 82).

Adding further into it he says, the Nepalese immigration, in fact, started in 1780 when Nepal invaded Sikkim and ruled it for thirty-seven years, up to the West of Teesta River, until 1817 when under the Treaty of Titaliya the land occupied by Nepal was restored to Sikkim by the British (Subba, 1985:63). However, after the treaty of 1861, the British Government began to encourage the Nepalese settlement into Sikkim. But it is noted that the majority of the aristocrats particularly the Bhutias opposed and not all pleased with the idea of encouraging Nepalese to settle in Sikkim (Upadhyay, 2017: 66). Since from the time of Chagdor Namgyal to Tsugphud Namgyal Sikkim had been constantly subjected to the invasions and raids from the Bhutanese side and later on by the Gurkhas. The Bhutanese used to enslave the Sikkim subjects who fell as prisoners into their hands. It was a feeling of bitter enmity engendered in the heart of Tsugphud Namgyal against the Bhutanese and the Gurkhas (Nepalese). So he had always expressed his bitter feelings by enjoying upon the ministers, lamas, and kazis, as his irrevocable will, that not even a single person belonging to this state should be allowed to settle down in Sikkim. Subsequently, years after Sidkyong Namgyal and his sister Tenzing Dolma indeed laid particular stress upon the command of the late *Chogyals* related to prohibiting the people belonging to Bhutanese and Gorkhas (Nepalese) to settle down in Sikkim. In 1871 circulation was issued on this matter and



was circulated to the ministers and officers of the state (Namgyal & Dolma, 1908: 71-72).

However, in 1875 Cheebu Adan Lama acted with direct defiance of the above order, by allowing Phairas<sup>427</sup> to settle in the lands of Chakung, Rishi, and Ramam rivers. Soon, his example was followed by Lasso Kazi (Lha-Tenzi) who allowed Paharia to settle in Kitam and Namchi and without so much as asking permission from the Maharaja, he opened and began to work a limestone quarry and make lime. Khangsa Dewan Lhundub and Phodong Lama Tenkyong gained so much influence that they ignored the former orders of the *Chogyal* and ventured to apply for the grant of Namchi land to the Newari Lachmidas brothers (Namgyal & Dolma, 1908: 72).

Overall the dissatisfaction of the Councilors eventually ended with the fraction of the Sikkimese aristocrats. The issues related to the settlement of Newaris additionally led to a conflict between Khangsarpa and the Pemayangtse lamas. *Chogyal* Sidkeong Namgyal who was not unenthusiastic to allow the Nepali settlers into Sikkim in all probabilities requested Sir Ashley Eden the then Lieutenant Governor to allow settling the immigrants on waste and uninhabited lands. However, in 1867 *Chogyal* made a grant of land to Nepalese i.e., to two Newari brothers. Eventually, these two Newari brothers after securing deeds of land started to settle a large number of Nepalese within their area to cultivate their lands. Subsequently, the process was soon followed by the others, especially by pro-immigrant fractions. Simply stated, the landed aristocrats, who were in favor of settlement of the Nepalese, had strongly felt the importance of land, labor, capital, and supported owing to these they settled Nepalese in their respective areas (Upadhyay, 2017: 67).

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<sup>427</sup> Gorkha or Nepalese.

Year latter Nepalese successfully settled in Sikkim dissatisfied against their settlement in one of the memorials of olden kazis highlights the words of Ashley Eden, “if possible, no Nepalese settler should be allowed to settle in Sikkim, but if that was unavoidable then they might be allowed to settle in the uninhabited parts of the country; but on no account should the foreign be permitted to become landlords. These should always be Bhutia and Lepchas, otherwise, the natives of Sikkim would, in the end, get the worst of it.”<sup>428</sup>

However, the settlement of Nepalese was never approved by most of the landed aristocratic of Sikkim, especially by the Bhutias. Risley observed that, their presence was regarded with disfavor by many influential lamas, who alleged that they wasted the forests, allowed their cattle to trespass, and make themselves unpleasant neighbours in other ways (Risley, 1928: ix). Similarly, Edger also noted that although before the large scale immigration of Nepalese carried out by the British interest small portion of Nepalese were settled in Sikkim. But they were not welcomed by some influential landed aristocrats like kazis. He writes, “There are few Nepalese in another part of the country; and the Guntuck (Gangtok) *kazi*, told me he would not allow a Nepalese to settle within his jurisdiction. When I asked the reason, he said that they wasted the forests; that they made themselves unpleasant neighbours in other ways” (Edger, 2005:74).

Immigration of Nepalese was started already in the eighteenth century however; their immigration was widely visible from the nineteenth century onwards especially after coming up with Newari. It was after the floods of Nepalese immigration started in Sikkim and they also encouraged their own kind to come and settle within their

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<sup>428</sup> File No 15/17/XI/1915. SL No 124. Durbar Department, Government of Sikkim, 1915

respective elakas. Thus initially a bulk of them belonging from different casts settled in South Sikkim. Nonetheless, the process of their settlement was not easy at all. In fact, on an issue related to their settlement, the Sikkimese court was openly divided into two groups one was pro-British in favor of Nepalese immigration and anti-British the supporter of *Chogyal* against Nepalese immigration. Owing to this there was a fraction amongst the member of *Durbar*.

### **Factions of Sikkimese court into anti and pro-immigration**

As discussed in previous chapters after the 1850s, Sikkim suffered from constant internal feuds due to the conflicts between Bhutia-Lepchas aristocrats for power. Frequent *Durbar* intrigues were carried by them. Therefore, the court was rife with intrigues, factionalism, conspiracy, and instability. Under the British influence also the history of Sikkim witnessed the authority of the *Chogyal* and the state undermined by the disunity among the Bhutia- Lepcha kazis and the influential members of the ruling houses (Sinha, 2008: 50). From this period onwards, the grouping of the aristocrats who supports two different opinions was visible as the internal ethnic tensions regarding land disputes. During this period, the aristocracies of Sikkim especially the kazis were openly divided on most of the issues. Thus, due differ in their outlook among them some had become pro-British and the other strongly anti-British. The pro-British saw the resettlement of the newcomers<sup>429</sup> as a profiteering opportunity. While the anti-British perceived the Nepalese presence as a threat to their political and economic dominance; they sided with the *Chogyal* and Pemayangtse Lamas (Tran, 2012: 29).

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<sup>429</sup> Resettlement of newcomers means the settlement of Nepalese.

Simply stated that, the settlement of the Nepalese under the guardianship of the British some influential local Lepcha aristocrats dive into the task of getting Nepalese to settle in their land for their own interests consequently the seeds of distrust sown amongst the Bhutia elites. On the other hand, the British, relying on their old and effective policy of 'divide and rule'. As their policy was clear 'divide and rule' not surprising its worked. First they made sure to favor one group and further widen the gap between the rival factions. Here they supported 'pro-British' aristocrats who were in favour of revenue-generating by settling Nepalese in their lands.

Since the policy of the British was to seek allies from the discontented kazis and courtiers who would work against the *Chogyal*. By the end of the nineteenth century, the feuds between the Sikkimese aristocracies became more vigorous. The *Durbar* was divided on all major issues faced by the state like establishing a close liaison with British India, helping the British in establishing trade ties with Tibet, and allowing settlement of Nepalese. In simple words, the councilors of the Sikkim were far from united among themselves. The Bhutias and the Lepchas were, as ever, split into factions. The Bhutia could not reconcile themselves to the Nepali settlement and the British paramount powers in Sikkim. Hence, this ultimately left enough bitterness for the newcomers among the host Bhutia, especially among the *Chogyal* and a section of the kazis. Therefore, one section retained the power in the state with the support of the British and the other section aligned itself with the Tibetan interests along with the king (Sinha, 2008: 54).

However, the major contend on which they had a tough struggle and also resulted in a series of land alienation were 'immigration' issue. The pro-immigration faction led by Khangsa Dewan was having a lively tussle with the anti-immigration faction.

Prominent among them were D. Athing Densapa and Tarching Lama of Pemiongchi. The struggle was carried out between two groups when Khangsa Dewan seized the land belonged to Lasso Athing and subsequently transferred the lease of the land in favour of Lachmidas and his brothers. This very incident put the flame in the fire of rivalry between the two faction groups. Finally, the matter was sorted out when the Thutob Namgyal met with Ashley Eden, Lt Governor of Bengal, and pleaded with him for the stoppage of Nepalese immigration. After which the immigrants were to be allowed to settle on uninhabited and wastelands only (Basnet, 1974: 41). Despite orders from the *Chogyal* and Ashley Eden, the pro-immigration faction filled the Rhenok lands with Nepalese settlers (Tran, 2012: 29).

Followed by the above instance, the discontent between the anti-immigration faction and pro-immigration faction, however, mounting steadily which finally ended up with small skirmish which broke out at Rhenok in 1880. The skirmishes were, however, taken place when Pemiongchi Lamas dispatched a group of monks to eject the Nepalese settlement under the management of Lachmidas and his brother. Moreover, there was a fracas. The Pemiongchi group suffered from some casualties and retreated to the safety to their monastery. This was possible with the help of Phodong Lama and his followers (Basnet, 1974: 46). In the end, with the support of the British officer, Khangsa Dewan settled the dispute of Rhenok in favour of his brother Phodong Lama. Ultimately, this opened the way for increased settlement of the Nepalese. Subsequently, the Newar traders began to live and carry on their business at Rhenok without much difficulty (Bhattacharyya, 1984: 17). Moreover, the Political Officer, John Claude White implemented the settlement plan, largely with the help of pro-British Lepcha councilors, and landlords who always favored settlement of Nepalese in Sikkim for economic benefits. The prominent among them were the two

Khangsarpa brothers, Phodang Lama and Khangsa Dewan, Tseepa Lama, Lasso Athing (Gurung, 2011: 60).

Taking advantage of the above episode of anti-immigration fraction British diplomatically implemented their 'land settlement policy' i.e., by encouraging Nepalese to settle down to bring more lands under cultivation. However, here it is pertaining to mention that although White and pro-immigrant groups' favoured Nepalese settlement certainly they keep maintained a distinction between Nepalese i.e., Newari and common Nepalese. While, on the one hand, Newaries was lessee lords or leaseholders of the estate and of course they were literate, treated equally to kazis a privileged people within the society. However, on the other hand, the common Nepalese were illiterate, peasants, agricultural labour, coolies, and other occupational castes (Sinha, 2008: 78).

### **Impact of Nepalese immigration and demographic changes**

The Nepalese who migrated to Sikkim in different periods had made a tremendous impact in Sikkimese society besides bringing changes in land and agriculture. The initial impact of Nepalese immigration was demographic change. The Nepalese consists of Bahun, Thakuri, Chhetri, Newar, Rai, Gurung, Tamang, Limboo, Mangar, Jogi, Bhujel, Thami, Yolmo, Sherpa, Dewan, Mukhia, Sunar, Sarki, Kami, and Damai. They all consist of roughly about fifty percent of the Sikkimese total population by 1891 (Gurung, 2011: 114).

Table No. 6. 1: Increasing the number of Nepalese in Sikkim from 1891-1931

Year	Lepchas	Bhutias	Nepalese	Total	Nepalese population
1891	5,762	4,894	15,458	30,458	50.75%
1911	30,000	30,000	50,000	80,000	62.50%
1931	13,060	11,955	84,693	1,09,808	77.13%

Source: Manas Das Gupta. *Sikkim and Prospects of Development*. Indus Publishing Company: New Delhi, 1992, p 21.

The above censuses show the increasing number of Nepalese population in Sikkim. But gradually as the number of Nepalese immigrants increased and nearly outnumbered the Lepcha-Bhutia population, *Chogyal* through the notification no 5063/F in 1948, prohibited the Nepalese people from acquiring land, especially in north Sikkim (Chakrabarti, 2010: 24).

Hindu Religion was one of the clear indications entered from the boundary of Nepal with Nepalese. In Sikkim, Buddhism was the only dominant religion until there was a huge influx of Nepalese who successfully mixed and blend into the air of Sikkim which has the essence of Buddhism in every aspect of life. There is no well-established religious center for the Hindus in Sikkim even though Hinduism is professed by the majority of the people, mainly the Nepalese. This is perhaps because Hinduism has brought into the country only in the recent past along with the influx of the Nepalese. Yet another influence of sharing boundaries as well as people coming across the boundaries was the domination of the Nepali or Gorkhali language. Gorkhali language, the official language of Nepal, soon replaced the 'Sikkimese' language of Sikkim. With no time this language became the common language

amongst the people of Sikkim. This language used as the *lingua-franca* in Sikkim (Debnath, 2009: 13-14).

The influx of the Nepalese was such it did not control once they were encouraged to settle in Sikkim. Thus a subsequent result was ethnic dispute and clashes finally. Analyzing the policy of the Immigration of Nepalese and clashes afterward, moreover, the immigration and settlement of Nepalese in Sikkim soon turned out to be one of the most controversial issues. Eventually, result in some minor clashes between the Sikkimese forces and the British constabulary. However, despite of all the efforts to stop the immigration of Nepalese the Chogyal and his supporters failed to stop the influx the Nepalese immigration to Sikkim (Sinha, 1975: 15).

Looking after all the events Sikkimese history witnessed especially after the immigration and settlement of Nepalese in Sikkim Lal Bahadur Basnet eloquently writes:

In the strange ways of fate, the Nepalese, who had followed a career of pillage and conquest of Sikkimese territory beginning with the closing years of the 18<sup>th</sup> century, were ultimately to form not only the most numerous of the ethnic elements that formed the population of Sikkim but were also to lay the firm foundations of the agrarian economy of Sikkim. But such transformation took many years. And the early years of the immigration of the Nepalese were full of strife on account of the opposition of the Bhutiyas the leadership of the rulers of Sikkim, who had inherited an almost atavistic trauma of the Gorkha dread (Basnet, 1947: 41-42).



### *Cases of land disputes*

In the pre-Namgyal period, there were no economic differences amongst the communities of Sikkim. The absence of economic differences restrained the community from land disputes. Under the monarch, the land disputes were limited in nature since all the land-related issue was guided by traditional and customary rights. But under the British influence there aroused serious economic differences due to the introduction of property rights in the land. It eventually facilitated the culmination of land disputes and ethnic tensions in Sikkim. The cases of land disputes became frequent and visible, in the dispute between the Barmiak Kazi and Rai Lambodar Pradhan Sahib over the Namthang land. It was resolved at a meeting of the Council, held on the 2<sup>nd</sup> June 1909 that the latter should retain the land but pay to the former annually a sum of rupees 1, 000 in addition to the rents and taxes now paid directly to the State. Concerning the resettlement of time-expired leases, it was resolved at a meeting of the Council held on the 16<sup>th</sup> August 1909 that leases to Kazis should be for 15 years and to other landlords for 10 years at the enhanced rates proposed by His Highness the Maharaja and that these renewals of leases are to take effect from the 1<sup>st</sup> April 1909.<sup>430</sup>

The management of the Chakung Estates was transformed from Rai Sahib Lamboder Pradhan to Kazi Gyaltzen in response to the general feeling among Sikkim landlords that a Sikkim man should be appointed to the post. Rai Sahib Lamboder Pradhan performed his office most satisfactory and made a good and thorough revenue assessment.<sup>431</sup> Tobden Kazi, Younger brother of the Rhenock Kazi, was decided to be the rightful heir to the late Dallam Kazi's estate in Daramdin. As he is a minor, the

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<sup>430</sup> *Administration Report of Sikkim State for 1909-1910*, Calcutta: Government of India

<sup>431</sup> *Administration Report of Sikkim State for 1913-1914*, Calcutta: Government of India

Donker Kazini, wife of the late Kazi, was appointed as the manager of the estate and guardian of the minor until the latter reach at least 21 years of age.<sup>432</sup>

The land disputes between Thikadars Sherbhadur and Dalbahadur Pradhan over Pithang land was finally decided by the Darbar granting the land in dispute to the former on the latter agreeing to forgo a claim of rupees two hundred per annum to which he was entitled according to a partition deed of 1899.<sup>433</sup> It was found that some landlords were allowing Nepalis to settle in their lands north of Penlong La, which is reserved for Lepchas and Bhutias, and it was resolved at a meeting of the Council held on the 29<sup>th</sup> April 1909 that no Nepali would be allowed to settle north of this line and that those who had must vacate by the 31<sup>st</sup> December 1909.<sup>434</sup>

### ***Expansion of agriculture with the settlement of Nepalese***

Sikkim is an agrarian State and is the land of the villages. Agriculture is the main occupation of the people and agriculture has a history of its own. Rajen Upadhyay, 2017: 29.

As already discussed in chapter two, in the earlier days, the Sikkim economy was completely based upon primitive mode. The earlier inhabitants the Lepchas including Limboos and Mangars were semi-nomadic and tribal in character and followed a primitive mode of food acquisition. Subsequently, with the establishment of the Namgyal dynasty, a Tibetan-type of feudal society was set-up. Meanwhile, under the Namgyals, land was taken as sources of revenue and this means agriculture was not developed under them. The *chogyal* and his officers received revenue in the form of

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<sup>432</sup> *Administration Report of Sikkim State for 1910-1911*, Calcutta: Government of India

<sup>433</sup> *Administration Report of Sikkim State for 1933-1934*, Calcutta: Government of India

<sup>434</sup> *Administration Report of Sikkim State for 1909-1910*, Calcutta: Government of India

the kind which was mainly consisted of the little agricultural produces and the labour. Moreover, the Lepchas continued to practice shifting cultivation and Bhutias being traders and herdsmen not interfering in the traditional mode of Lepchas continued with their own. The implements they used for agriculture were very simple and basic hoe, sickle and *bamphok* (Subba, 1985: 5).

However, settled agriculture stepped into Sikkim only with the arrival of the Nepalese settlers. As they were hardworking, energetic agriculturalist, and innovative they left no stone unturned to clear vast and extensive uncultivated wasteland to made land fit for cultivation (Upadhyay, 2017: 20). According to the *Administration Report of 1930-1931*, after Nepalese, the cultivation has been steadily extending and more and more demands for throwing open areas reserved for forests continued to come in mostly from Nepalese settlers. The same report also stated that Nepalese has fully colonized the country as far as it could be.<sup>435</sup>

The Nepalis as labourers and cultivators, who were encouraged to settle to bring economic growth in the state certainly proved to be fruitful. These immigrants introduced a new form of cultivation which is known as terrace cultivation which they had mastered in their homeland Nepal. Since, Sikkim shared similar topography with Nepal; carry out by this Nepalese was able to secure their same agricultural habits in immigrated land as well. As discussed in previous chapters the terrace fields were classified in the dry and wet paddy fields. All these became possible after the settlement of Nepalese. Consequently, once they settled in Sikkim terrace farming replaced old practices like slash and burning. Suresh Kumar states, "the Bhutias, who were mainly traders, and the Lepchas who always wanted an easy-going method for

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<sup>435</sup> *Administration Report of Sikkim State for 1930-1931*, Calcutta: Government of India

farming, the agricultural economy is the contribution of industrious Nepalis who under historical antecedents had acquired immense knowledge on terrace farming” (Gurung, 2011: 59).

The terraced fields were classified into *pani khet* (wet rice) field and *sukha khet* (dry maze) field. While the wet rice field required water as Nepalese were expert in it and terrace farming they used their traditional system of diverting the source of the water from water streams, river, rivulets, local springs, and ponds through *kulo* (channels) and *nail* (minor channels) (Gazetteer of Sikkim, 2013: 226). Their agricultural implements were all traditionally developed in Nepal. Such implements were *Halo* (wooden plow), *dandee* (levelers), *jotaro* (rope used in share shaft), *hallund* (a twisted rope mainly made of buffalo skin used to support plough with the shaft), *okhali* (a wooden pestle for beating rice) etc. They used of wooden plough drawn by bullocks for tilling the terrace fields was also brought from Nepal. Also the agricultural equipment primarily used in farming during crop sowing, weeding, harvesting, cutting were *kanta*, *kodalo*, *kodali*, *khurmi*, *kanchiya*, *hansiya*, *khurpa*, *khukuri*, *katari*, *bancharo* (Gazetteer of Sikkim, 2013: 240).

As a result of this, the natives particularly the Lepchas gave up their traditional mode of agriculture and using of new agricultural and started using new agricultural tools and techniques or terraced farming. In this connection, L S S O’ Malley commented:

With the reservation of the forests and the advent of the more skilful Nepalese cultivators the Lepchas have abandoned this [slash and burning] wasteful system of cultivation and have given up the hoe for the plough (Malley, 2012: 64).

Besides introducing terrace rice farming and traditional technique and implements they also introduced methods of assessment of lands<sup>436</sup>. The new system of assessment was generally used in and it has also sanctioned by *Chogyal*, Council, and the British Government of India (Sharma & Sharma, 2005: 74). Thus after they settled down they left no stone unturned to in the process of digging, hoeing, smashing and overturning rocks, felling downs extensive trees. They turned the course of streams into their fields within a short time. In addition, they also brought with them large herds of buffaloes, cows, and sheep and in no time their number increases (Bhattacharyya, 1984: 10). Thus with the settlement of Nepalese the uncultivated lands were mostly turned into cultivable land and they made quick progress in the field of agriculture. Interestingly, Sikkim started to export of grain while there was a scarcity in the plains. White notified the kazis and thikadars not to sell *bhuttas* (corns) and advised them to export their crops at the time of scarcity of grains in plains.<sup>437</sup>

The above instances provide ample pieces of evidence that Nepalese were the true agriculturalists and they had a great role to play in transforming the agrarian society of Sikkim. The importance of agriculture in their life can be traced from their (Nepalese)popular saying, “*Padi guni ke kam, halo joti khayo mam*”. This means what is the use of reading and writing, ultimately you have to plow the field (Chakrabarti, 2010: 23). Hence one can say that, the introduction of new structures in the land made a profound impact on agrarian society of Sikkim. In fact, the changes which appeared in the land with the creation of lessees helped in transforming the agrarian society full-fledge by the end of the nineteenth century with the settlement of Nepalese. Subsequently, the Nepalese turned uncultivable wastelands into cultivable

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<sup>436</sup> The method of assessment discussed in chapter four

<sup>437</sup> File No 93/V/1908. SL No 9. Land Revenue Department, Government of Sikkim, 1908

lands but they also started permanent cultivation in the same land, introduced commercial crops that increased land revenue. Afterwards the nature of agrarian social structure of Sikkim also changed from homogenous to heterogeneous due to settling of high and low caste Nepalese in Sikkim (Subba, 1989: 83).

### **Settlement of Marwaris: debt and mortgage**

Since the economy of Sikkim based on landlordism with a high concentration of ownership and a wide prevalence of rack-renting. Under such circumstances, no doubt, the poor peasants were buried under the weight of debt, usury, rack-renting and oppressive forms of land tenure, and all the material and moral deadweight of this archaic formation (Ram, 1974: 60). Eventually, the oppressive forms of land tenure became more oppressive with the settlement of money lenders. Besides Nepalese another important community who migrated and settled into Sikkim was the people of plains like Rajasthan, U.P., Bihar, Bengal, Punjab, Odisha, etc., were the Marwaries and the Baniyas. These people have played an important role in the trade and commerce of the state. In this way, Sikkim under the British influence indeed served as meeting points of various communities (Upadhyay, 2017: 22).

While on one hand with the settlement of Nepalese overall changes appeared in an agrarian social set up. However, on the other hand with the settlement of Marwaries one more structure added into the land patterns i.e., money lenders. However, with the rise of these money lenders the cases of debt increased. The initial steps of money lending officially started with the process of increasing land rents to the lessees. In 1906 White had increased heavy land rents of the kazis, thikadars, and lamas due to the imposition of heavy State revenue the landlords along with the ryots lent money

from the kayas. The former lent money from the kayas to pay to the state and later to pay to landlords thus both landlords and ryots were in heavy debts of the kayas.<sup>438</sup>

Interestingly, when both landlords and ryots were unable to pay the debt with no hesitations kayas or marwaries take away their lands. Hence with the settlement, money lending activities of kayas or marwaries and land alienation further increased and became one of the major concerns of the state. Therefore, to prohibit the debt cases and land alienation the Council Meeting was held on 4<sup>th</sup> May 1913. In a Council Meeting held at the Residency of Political Officer, the unwritten law was passed by which Modies and Marwaries were not allowed to possess the land in Sikkim.<sup>439</sup>

Again, the ryots of Sikkim were exploited by the kayas on cardamom produce and in *dadani* system. Meanwhile, the ryots' complaint against two kayas Ganpat and Bajrangdas for seizing their cardamom forcefully when they failed to pay their debt.<sup>440</sup> Besides seizing of cardamom it is noted that as per the custom, the ryots in Sikkim borrowed money from the kayas whenever they required and at the rate of Rs ten they returned one maund of cardamom. The kayas barely gave them the whole amount of loan in rupees and often convinced the ryots to take Rs five worth in goods. Thus the Council Meeting held in November 1909 notified in future no advance on cardamom produce be given to any cultivators in Sikkim and the kayas be prohibited from giving (*dadani*) advance in cardamom. Further, it was proposed in Council that the State obliged to take up the task of giving advances to ryots as may be required for

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<sup>438</sup> File No 19/I/1909. SL No 24. Land Revenue Department, Government of Sikkim, 1909

<sup>439</sup> File No 5/24(I)/1923. SL No 79. Land Revenue, Government of Sikkim, 1923

<sup>440</sup> File No 10/19/1926. SL No 342. General Department, Government of Sikkim, 1926

the sowing of cardamom. The State undertakes work and carried out in connection with the collection of cardamom rents.<sup>441</sup>

From the year of 1907-1910, the bustiwalas of Sikkim especially the bustiwalas of Daramdin submitted the debt cases against the marwaris of Sikkim to the Durbar. The bustiwalas claimed that the marwaris charged them a high rate of interest. Under these circumstances, if they failed to pay the excess interest of witty marwaris obtained control over their immovable properties and sometimes takes their children as servants. To look over this case special court was created and kazis was appointed as 'panchayas' to try the cases.<sup>442</sup> Besides, this, to inquiry about the debts cases under the influence of the British Debt Regulation was proposed in Sikkim in 1909.<sup>443</sup>

Accordingly on 7<sup>th</sup> November 1910, The Sikkim Debt Regulations were passed in the Council.<sup>444</sup> According to the *Administration Report of Sikkim State* with the introduction of the Sikkim Debt Law of 1910, it had limited the rate of interest. With this, the indebtedness of the peasantry has steadily declined. This desirable result has been accelerated by prohibiting money lenders from lending money to be repaid in grain. By this process, twenty rupees was frequently repaid by grain to the value of thirty rupees or forty-six rupees months later. Furthermore, the special court was appointed for the trial of cases between money-lenders and cultivators, has also assisted by punishing breaches of the law. Some Marwari money-lenders attempted to evade the law by obtaining decrees at higher rates in the Darjeeling Court and having them sent to Sikkim for execution. These attempts have however been frustrated by

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<sup>441</sup> File No 14/XXIII/1910. SL No 31. Land Revenue Department, Government of Sikkim, 1910

<sup>442</sup> File No 27/V/1912. SL No 49. Land Revenue Department. Government of Sikkim, 1912

<sup>443</sup> File No I/V/1909. SL No 21. Durbar Department, Government of Sikkim, 1909, also see *Administration Report of Sikkim State for 1909-1910*

<sup>444</sup> *Administration Report of Sikkim State for 1910-1911*, Calcutta: Government of India



the refusal of the Political Officer in Sikkim to execute such decrees unless they were in conformity with the Sikkim Debt Law.<sup>445</sup>

As a result of the above measure, indebtedness has, as stated above, been greatly reduced. Several Marwari money-lenders have already left Sikkim on account of the decline in their business.<sup>446</sup> Since the introduction of the Debt Law of 1910 and the institution of co-operative Credit Societies, the Marwaris in Sikkim found that the lending of money to the people was not as profitable as in earlier days. The majority appears to have ceased to lend out money; some have shut down and left the country, others are confining themselves more and more to shop-keeping. There were 53 Marwari shops in Sikkim by 1917-1917. No new settlers have been allowed for several years past.<sup>447</sup>

Other than money lending from the marwaris mortgaging of land for money was widely prevalent leading individual landholders to lose their lands. Therefore, the mortgaging also proved beneficial to money lending because they were the one who took land in the mortgage. Arnold Linklater remarks, "In its old use, a mortgage means "dead pledge", signifying that a borrower automatically forfeited his lands if he failed to repay the money in full on the specified date (Linklater, 2013: 33). Exactly as what he has remarked to the ryots of Sikkim mortgaging of land were not lesser than mortgaging their own lives. To get rid of an off mortgage they have to bears a burden of extra work. Finally, unable to pay money in full on the specific date they were alienated from their land as a penalty to failing to pay back money to money lenders and landlords. Nonetheless, despite this mortgaging was in vogue in the

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<sup>445</sup> *Administration Report of Sikkim State for 1914-1915*, Calcutta: Government of India

<sup>446</sup> *Ibid*

<sup>447</sup> *Administration Report of Sikkim State for, 1916-1917*, Calcutta: Government of India

middle of the twentieth century in Sikkim. Hence, under the new land ownership patterns of Sikkim sale<sup>448</sup> and mortgage<sup>449</sup> of land (fields, graders, and houses) were exited that eventually result in land alienation.

Overall, with the rise of moneylenders, individual landholders turned into landless tenants if they failed to pay money. Here it pertains to observe that, an important feature of agrarian society was landless who tills the land but not where its owner. Further, adding to it with the influx of Nepalese the number of landless tenants increased.

### **The tenants in Sikkim**

After a huge immigration of Nepalese in Sikkim a change was clearly visible in land tenure system. Simply stating, different types of tenant classes formed in Sikkim. As Arnolds Linklater quotes John Norden, “a sixteen-century surveyor, “the tenants are the members (limbs), the land the body, and the lord the head” (Linklater, 2013: 16). Similarly, tenants as limbs played an important role in changing the land ownership patterns in Sikkim as part it was connected with the head and body.

Coming to the tenants of Sikkim besides the full private heritable, saleable and otherwise transferable tenure of the properties the tenancy tenure is known as "kutias" exists. However, for the assessment, the state does not deal with the "kutia" but with the lessee lords. Thus the tenancy tenure divided into those who paid rent in the shape of a division of produce locally known as adhiya or adhiaras. The tenants who paid

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<sup>448</sup> File No 7/154/1926. SL No 295, General Department, Government of Sikkim, 1926

<sup>449</sup> File No 7/193/1926. SL No 309, General Department, Government of Sikkim, 1926

fixed rent as may be determined by contract in the form of “kind” or “cash” known as “kutias”<sup>450</sup>.

Along with tenants like kutias and adhiyas in generally the tenure in Sikkim classified into four types they were; adhiaras, kuldars, chakureys and phakureys. Manas Das Gupta says that adhiaras<sup>451</sup> and kuldars were found in large numbers throughout Sikkim. But chakureys and phakureys exist largely within the monastery estates and the Private estates (Gupta, 1992: 39). Nevertheless, it is noted that the classification of peasants in Sikkim also builds in inequality. For instance, adhiaras system, unlike kuldars, chakureys and phakureys was based on the equal partnership between the lessor and the lessee. In simple terms, it can be said that under adhiaras system the labour entered into a contract with the landowner and hence, the harvests were equally divided between them (Balikci, 2008: 176).

To tell the truth, the adhiaras had to pay only fifty percent of the produce to the landlords. Furthermore, in many cases, they were allowed to raise subsidiary crops but only when they accept his total subordination to the landlords. Therefore, carried out by this it can be said that the adhiaras were the privileged class compared to kuldars, chakureys and, phakureys (Gupta, 1992: 39).

While on the other hand, as rent *akutdar* had to pay small portion basically half of the produce of the land to the landlords. The stipulated amounts of a particular grain were taken by the lessees as rent, irrespective of the amount of production and the subsidiary crops were usually left to the sharecroppers. Despite the high rent they had to bear some other burdens too (Tamang, 2026: 78). Hence, Gupta says that the most

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<sup>450</sup> *Administration Report of Sikkim State for 1930-1931*, Calcutta: Government of India

<sup>451</sup> Commonly practiced in the cardamom fields.

unfortunate and harassed category among the tenants were *kutdars*. As the terms of the lease was not fixed or there were definite terms for lease. Under such situation the arrangements often determined by the land-owner at his will. Moreover, most of the time the *kut* leases was made orally. At the same time, under this system, the landlord normally did not give any concession in case of crop failure. On top of that, if peasants were not able to pay the fixed amount of *kut*, the equivalent amount was put against him as debt which the tenant had to pay it back with interest added to it.

Subsequently, when the poor farmer cannot pay back in time the landlord insists that the former hands over to him any of his holdings registered in his name. Moreover, in some cases, where the product is not adequate to meet the *kut*, the land-owner extracts the dues by depriving the *kutdar* of his cattle or other movable property or even goes to the extent of exploiting the labour of his children in the form of '*kamara*' and '*gothala*' (servants). The *kutdars* were also liable to pay '*theki salamis*' (in the shape of various agricultural products such as meat, poultry and fruits) to the landlords as a token of their complete subordination to his landlords (Gupta, 1992: 39).

However, it is pertaining to note that, the *kuts* system was more commonly practiced in Sikkim. In short, it can be said that the *kutdars* account for more than fifty percent of the total households in the agricultural sector. However, the existence of *kut* system on the lessee and *kazi* estates also varies from region to region (Balikci, 2008: 27). As mentioned already, the peasants like *chakurey* and *phakurey* existed in the monastery estates. The *phakureys* were the landless agricultural laborers. It is noted that they suffered from a greater sense of insecurity and lived under the mercy of landlords. They could not afford to disappoint their landlord; hence, they had to produce as much as they can. Naturally, they were more exploited in the hands of their landlords

(Subba, nd: 327). Besides this, they had to pay rent either by providing labour services or by the *koseli*(gift) in the form of milk, butter, eggs, and fowls. However, it is to be noted that the *chakurey* and *phakureys* who were living within the monastery estates had to provide the services of manual labour to the monastery and the lamas. Since there were no terms and conditions laid down for the compulsory labour, the tenants had to send daily one member of their family for compulsory labour or whenever the monastery asked. Moreover, the *chakurey* and *phakurey* settled in these lands had undergone through various repressive and unsatisfactory conditions (Gupta, 1992: 40).

At last, there were *Sukumbasi* ryots, who were constantly moving. The *Sukumbasi* ryots were in habit of moving from one *elaka* to another *elaka* every year respectively. They cultivated the land of the particular landlord only for a year and next year moved into the land of a new landlord. As they do not have a permanent house they did not have to pay land rent or house tax.<sup>452</sup> However, they were liable to provide various services to landlords besides cultivating the fields. *Sukumbasi* ryots have to render *jharlangi* along with it they also have to pay *bethi* to their mandals.<sup>453</sup>

Besides different categories of tenants, slavery was also prevalent in Sikkim. According to the *Census Report of Sikkim* which taken in February 1891 mentioned that there was a total of 326 slaves in Sikkim. Out of which 124 were males, 99 were females, and 103 were children (Risley, 1928: 27). At the same time, Kotturan writes that slavery was prevalent in the country as forced labour. Old records spoke about the raids conducted to capture slaves. The brunt of these raids possibly fell on the Lepchas whose children were carried away by the Bhutias as slaves. This was so

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<sup>452</sup> File No 5/24/1928. SL No 95, Department, Government of Sikkim, 1928

<sup>453</sup> File No 2/2/1927. SL No 348, General Department, Government of Sikkim, 1927

common that the Lepchas mothers used to frighten their children onto obedience by threatening them “The Bhutias will take you” (Kotturan, 1983: 55).

From the above, it is clear that in Sikkim there exist different categories of tenants with different rights and privileges. Similarly, as per the basis of their categories, they have to provide various services. Following the various service, the imposition of rent on them also varies. However, despite this, their condition worsened under the British influences. Simply stating under the new structures in the land the miseries of the common people were inevitably carried out and the common people like Bhutia and Lepcha suffered equally along with their Nepali counterparts from the feudal exploitations (Sengupta, 1985: 140). Although it is true, one cannot ignore the fact that the system of inequality among the peasantry developed in Sikkim with the time followed by the unequal rate of taxation among Bhutia, Lepcha, and Nepalese (Subba, nd: 320).

Concerning the unequal rate of taxation, it is observed that, since from the very beginning of the Namgyal dynasty, the inequality was widespread based on the status of the peasantry. For instance, Hong Tran writes the ryots those who lived on the crown's land or in the estates of the *Chogyal* they had to pay the revenues (that were in the form of kind) to their respective headmen. Not to the *Durbar* directly. The revenue which the ryots pay in the form of kind were as followed; ‘Well-to-do *raiyat*; one *pathi* of rice, 1/8 seer of butter, as holiday or *puja*. However, this rate was later on revised to be nine pathies of rice and twelve pathies of *marwa*. While, middle-class *raiyat* had to pay; six pathies of rice and one load of *marwa*’ (Tran, 2012: 8).

Contrary to, above instance at a later period, the inequality was, however, practiced based on communities. The amount of rent levied on each ethnic group was fixed. As

mentioned in previous chapters, the inequality was prevalent among Bhutia, Lepcha, and Nepalese based on taxation. Accordingly, Nepalese had to pay a higher rent than the Bhutia and Lepcha. However, despite this unequal rate of taxation, the peasants irrespective of differentiation had to render free services of labour to their landlords. Nevertheless, despite the above inequalities the miseries and exploitation faced by them were common. In short, they were bounded by their common fate. They had to till the lands belonging to the *Chogyal* and land lords, render free labour services to landlords, headmen and so on. In other words, the peasants had to work for their lords and in return they get nothing. Hence, they bore a great hardship for their livelihood (Dewan, 2012: 88). Moreover, all communities of Sikkim were affected by the dominant role and exploitations of the lords.

### ***Exploitation of the tenants***

In any agrarian society land used to be a primary productive asset, the expression of economic as well as political powers. It means whosoever controls the farmland consequently wealth, stability, and powers remain in their hands (Gupta, 1992: 37). Similarly, the control of land by the *Chogyal*, aristocracy, and officials was visible in Sikkim right after the establishment of Namgyal dynasty. Anna Balikci writes that agriculture was the basis of Sikkim's economy (Balikci, 2008: 5). Hence, based on her argument it can be said that besides the land there were no other sources of income. Therefore, under such circumstances, the lords whoever possessed huge landed took the full advantage of the free services of the peasants. At the same time, the traditional land-holding in Sikkim allowed them to maintain tenants on their private estates as compulsory laborers. Subsequently, they lead a comfortable and luxurious life. By ignoring and isolating the miseries and the interest of peasants (Dewan, 2012: 88).

The peasantry of Sikkim has to furnish forced labour. Consequently, the landlords exploited the masses beyond its limits. According to Anna Balikci until the year 1924, all the villagers had to furnish eighteen days a year of free labour to the state, the landlords, and the mandals, seven days of free labour in a year to state, one day in a year for road repairing, six days in a year to landlords, and four days to the mandals (Balikci, 2008: 50). However, it is pertaining to note that the peasants of Sikkim had made a complaint against over assessment of labour services.<sup>454</sup> But despite of the complaints, they had to provide compulsory labour which nothing was given to them. *kalobhari*, *kuruw*, *jharlangi*, and *thekibeti* were the four different types of free labour which the ryots of Sikkim had to provide.

### **Kalobhari**

It was under the British influence the practice of forced labour started in Sikkim. The most popular form of force labour was ‘*Kalobhari*’ or black load. In Nepali *Khalo* means black and *bhari* means load. Carried out by their trading interest, British sold arms and ammunitions to Tibet. The British also utilized the labour services of the common people. As a matter of fact, the *kalobhari* system was introduced in Sikkim by the British to run their trade interest smoothly. Indeed, they were the one who insisted it. It was the British, who contracted the transportation of *kalobhari* to *kazi* and *thikadar*. Meanwhile, it was the duty of the *kazi* and *thikadar* to collect the *ryots* to carry the loads (Tran, 2012: 10).

The logic behind the name *khalobhari* is very interesting. To save the commodities from rain and snow they load were wrapped in cardboards and put inside gunny bags bedaubed with tar. The tars protect the commodities from outside rain, and it also hid

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<sup>454</sup> Council Order, SI. No. 39, File No. 28/1/1911. Land Revenue, Government of Sikkim, 1911.



the commodities within. Hence, the color black gave the load its local name *kalobhari* or black load (Sanyasi, 2017: 46-47). However, the carrying of load in terrain and the inclement weather condition was indeed difficult and had to take a high risk. While coming back from Tibet to Sikkim they have to carry a load of gold dust again. In order to carry this transport, fixed porters were arranged by the kazis for the British. However, for the transport of each bag, they paid fifty *paise*, but the *kazi*-contractors kept that amount for themselves. They did not pay the porters; rather they forced them to carry the load through the difficult Tibetan terrain during the lashes of rain, thunder, sleet, and snow (Subba, 2011: 64-65).

The wages offered reached unprecedented heights for the transportation of goods. The greed of the landlords rose simultaneously to obtain more money. Therefore, they falsely requisitioned these packages, as government stores for which the ryots were bounded to carry as *kalobhari*. The ryots would receive the prescribed rates of hire for forced labour whereas the rates offered for these goods were five times the amount or even more. The goods belonged to private concerns, and the ryots were not bound to carry these goods. But the ignorant ryots were completely deceived. Those who could afford to buy off their liability preferred to suffer extortion and paid through the nose. The poorer ryots were obliged to carry out the filthy task. They were paid as forced labour and the landlords pocketed the grains. By such despicable means, the landlords had hid it for long time. When they learned about it, the victims of defraud approached the powers that be a redress of the wrongs suffered by them. It was, however, no effect. Nevertheless, the slightest offense, so much as alleged, against a *ryot* exposes him to severe punishment whereas the deceitful methods to an obtained wealth of land lords treated as of no account (Moktan, 2004: 110).

### **Kuruwa**

People sent for *kalobhari* had to wait for several days for the arrival of the commodities. The waiting of commodities by their own food was called *kuruwa*. Hence, the literally means of *Kuruwais* a long wait (Gaunley, 2002: 19).

### **Jharlangi**

To maintain the pathways and trade routes the British Government needed labour. Here also they rely upon the *kazi-thikadar* or contractors. Obviously, looking after the profit the *kazi-thikadar* or contractors full their pockets first and used the free labour of their peasants in the various construction works. Thus, the system of labour without paying wage was called *jharlangi*. In short, it was the typical free labour services. There was no fixed time and place needed for carrying on such tasks. The *kazi-thikadar* or contractors could order any of their peasants to offer their unpaid labour according to their interest and convenience. Simply, the labourers had no choice, but to obey because disobedience the order of their lords means punishment. Besides these, *kazi-thikadar* or contractors could demand *jharlangi* even to carry the beddings of government officials on transfer (Subba, 2011: 65).

### **Thekibethi**

Furthermore, the peasants had to offer gifts to their landlords especially on the festive occasions. These gifts were packed in a special receptacle called *theki*. contained meat, curds, bananas, and other items (Subba, 2011: 65). Along with *theki*, the peasants also offered unpaid labour to the mandals. This unpaid labour was called *bethi*. Rarely, the zamindars or mandals fed them. There was no limit to the amount of time or labour that was to be given, nor was there any specified place for doing it

(Gaunley, 2002: 41).The ryots residing in high land were employed in for the construction of *kothi*, those who reside in valleys were employed in carrying stones, soil, sand, planks and so on.<sup>455</sup> Besides, they have to supply labours to the Government or Government Officials in traveling on duty basically to carry their goods. Along with they have to supply fuel and fodder to persons traveling on State duty.<sup>456</sup> A government notification insisted on wages:

It has come to the notice of the Authorities that people are not willing to supply labours and transport etc when requisitioned by the Government or Government Officials traveling on duty on payment of wages at standardized rates fixed by the Government. The General Department notification no 5590-4089/G dated the 31<sup>st</sup> December 1946 clauses: ...

But for the administrative purpose and ceremonial occasions labour which includes transport may be requisitioned on payment of wages at standardized rates fixed by the Durbar from the time to time. Fuel and fodder shall also be supplied to persons traveling on State Duty on payment at a rate fixed by the Durbar. Any person traveling on duty is entitled to those privileges.<sup>457</sup>

Furthermore, the ryots residing in high land were employed in the construction of the *kothi*, those residing in valleys employed in carrying stones, soil, sand, planks, etc.<sup>458</sup> The ryots were made to work free. Most of the time they had to work for their lords consequently, they were unable to look after their own family. At the same time, they have to bear the burden of heavy tax and punishment if failed to pay taxes on

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<sup>455</sup> File No 2/2/1927. SL No 348, General Department, Government of Sikkim, 1927

<sup>456</sup> Education and transport Department, Government of Sikkim, Notification No. 600-78/E.T, File collected from Ram Gauri Sangralaya, Private Museum Rehnok.

<sup>457</sup> Ibid

<sup>458</sup> File No 2/2/1927. SL No 348. General Department, Government of Sikkim, 1927

time. Hence, unable to bear the suppression the ryots also migrated towards Nepal, Assam, Darjeeling, and Siliguri (Dewan, 2012: 89).

Nevertheless, some reformative measures started by Sidkeong Tulku and Sir Tashi Namgyal to ease the sufferings of ryots but not worked effectively. In the initial attempts, Tulku's reformist zeal i.e. to remove the vested interests and his proposal to liquidate the system of landlords made him a staunch enemy of the powerful landlords (Dewan, 2012). Tulku's reformative attitudes proved to be a serious problem for the monks of Sikkim also. Similar to the feudal lords of Sikkim they were also enjoying all the privileges within the society. Hence, when Tulku talked of the monasteries discharging their social responsibilities, monks were alarmed. However, for the monks of Sikkim, it was like a revolutionary heterodoxy coming from a man who was supposed to defend and protect the interests of the privileged group. Meanwhile, his revolutionary actions to bring a reform within the society formerly disturbed the interests of landlords. But, unfortunately, his reign did not last long. With his sudden death in December 1914, his reform measures proved to be failed. Nevertheless, his mysterious death proved much relief to them (Basnet, 1974: 64).<sup>459</sup>

Similarly, Tulku's half-brother Tashi Namgyal (1893-1963) eleventh *Chogyal* of Sikkim also took up the cause but failed at last. He ascended the throne of Sikkim in December 1914 under the tutelages of Charles Bell.<sup>460</sup> However, it is pertaining to

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<sup>459</sup> *Chogyal* Sidkeong reformist zeal, not only displeased the powerful landlords of Sikkim but the then Political officer Bell was also not happy with it. In December 1914 Tulku was taken ill. The British physician who was treating him deceitfully offered him a heavy transfusion of brandy in the name of treatment. Meanwhile, the fire was kept behind the bed, and he was put under the number of blankets. However, within hours the news of his death came. His sudden death was diagnosed as heart failure (Basnet, 1974: 64).

<sup>460</sup> The then Political Officer of Sikkim.

note that during his reign the Sikkim had maintained a good relationship with British Government. Moreover, the British had taken a liking for the new king for his submissive attitude. Meanwhile, the British were so satisfied with his loyalty that it restored him substantial internal autonomy. At the same time, the British conferred on him many honors and titles like K.C.S.I and C.I.E. Therefore, after he was conferred by these honours Tashi Namgyal came to be referred as Sir Tashi Namgyal (Shukla, 1976: 45). Before his reign as mentioned in previous chapters, the Political Officer administered the state affairs with the help of the Council primarily composed of the landlords. However, Tashi Namgyal vested with the absolute powers when he formally became the king in April 1918 (Coelho, 1970: 24).

Subsequently, his reign witnessed several reform measures. For instance, he introduced many social and economic reforms. One such reform was the establishment of Judicial Court. This was set up in 1916 under an independent judge for the first time in Sikkim's history. This step put an end to the old practice of combining executive and judicial powers in the hands of the kazis, who acted as landlords and governors (Coelho, 1970: 45-46). Moreover, the lower courts of the landlords came under the supervision of the new courts, called the Chief Courts which became an important landmark in the history of Sikkim.<sup>461</sup>

At the same time, it was under his guidance in 1922, with the Notice. No. 2030 the *Durbar* had withdrawn the powers of sentencing an offender to flog powers of the kazis, thikadars, and lamas.<sup>462</sup> Furthermore, it was during his counsel in 1924, the *Durbar* tried to check the situation by abolishing free labour and replacing it with a system of compulsory paid labour (Balikci, 2008: 51). No doubt, he made serious

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<sup>461</sup> Council Order, SL No. 112, File No. 6/4/1915, Durbar, Government of Sikkim, 1915.

<sup>462</sup> Council Order. SL. No. 9, File No. 9/37/1920, Judicial Department, Government of Sikkim. 1920.

efforts to bring changes within a society through his reforms but he failed to do so most probably because of his family issues. Consequently, he lost his interest in his work. He began to keep himself aloof, attending to only essential matters of state. Further, he took to painting and devoted as much time to it as remained to him after meditation, wine, and the company of some special privileged men and women. Therefore, the sudden changes in his personal life caused him to be under the influence of a coterie of kazis, monks and Nepali landlords (Basnet, 1974: 66).

In short, despite his reforms, the landlords had continued to exercise judicial powers with all their wonted cruelty. Simply stated, the landlords were a power behind the throne and using their proximity to power. They often claimed that they were the members of the royal family, and they have the right to exploit, to tax, and to adjudicate the cases of the *Chogyal's* subjects. Although, the king was aware of the exploitations, yet he was passive owing to the circumstances in which he was in (Gunley, 2002: 17).

### **Indian freedom Struggle and the Departure of British**

The twentieth century marked significant changes in the history of Sikkim. The deprivation and exploitation by the lessee lords finally led to oppose the political authority and economic system. During the forties when India's struggle against British Imperialism was at its climax, it made a serious impact on Sikkimese history too. The path of India's struggle for freedom inspired an advanced section of people who were observing it. Moreover, this led to nourish the idea of emancipating the people from the grief and exploitations. It was the time when the wave of India's struggle for independence touched the masses of Sikkim. The downtrodden masses raised their voices against the exploitations, though the voice of the people through

muffled and feeble began to rise against the exploitation, suppression, and cruelty of landlords. It sought to eradicate Sikkim from the evil of the zamindari system, the practices of *kalobhari*, *kuruwa*, *jharlangi*, and *theki-bethi*. Consequently, for the first time in Sikkimese history, the political parties gradually emerged. The main aim of these political parties was to free the masses of Sikkim from the exploitation (Gaunley, 2002: 20). This time masses were determined to protest against forced labour and oppression of lords. They refused to pay taxes and provide free services (Moktan, 2004: 110). The zeal of masses to get rid of exploitation was such that it led to the end of free services like *Kuruwa*. The system of “*Kuruwa*” in the whole of Sikkim was abolished ordered by *Chogyal*.<sup>463</sup>

Eventually, in 1947 with the freedom of India Sikkim was also free from the ‘Protectorate Status’ of British Government. His Excellency the Viceroy and Governor General of India Lord Mountbatten called a special meeting of the Chamber of Princes on 25<sup>th</sup> July 1947, to discuss the future of the states. In the course of his address His Excellency stated, “The state has complete freedom technically and legally they are independent”.<sup>464</sup> Right after that the British left Sikkim too. Although, Sikkim was free from the British as soon as they left the country but the struggle of the masses continued. This simply indicated that the land rights and its structures introduced by the British in Sikkim was deeply rooted that even after they left their legacy was continued by the lords which they have created.

It is obvious to see some changes especially in agriculture and in agrarian societies when a bulk of people migrated and settled in the new lands. Similarly, in the cases of

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<sup>463</sup> General Department, Government of Sikkim, Misc Branch, Notification No 4816/GCM, File collected from Ram Gauri Sangralaya, Private Museum Rehnok

<sup>464</sup> eap.bl.uk/project/EAP800

Sikkim when Nepalese immigrated and settled in Sikkim on large scale initially, land settlement changed. Following this, the changes were also seen in demographic conditions and religious fields. However, the changes that appeared in agriculture practices were the vital one hence the consequence result of this was the formation of an agrarian society. Under this agrarian society ownership over land means control over the lives of people. Meanwhile, based on control over land the different categories of tenants were developed. Eventually, the exploitation over the tenants by the landlords led to the rise of resistance. Finally, in 1949, the lessee system of landlordism introduced by the British abolished and it was the great relief to the people of Sikkim.



## CHAPTER VII

### CONCLUSION

Namgyal dynasty which was founded by a descendant of Tibetan origin in 1642 made a deep impression on the social, economic, and political history of Sikkim from the seventeenth century onwards. The political system of this dynasty was based on the pattern of the lamaistic theocracy of Tibet. Therefore, similar to Tibet the *Chogyal* of Sikkim had both temporal and secular authority. Nevertheless, before establishing the dynasty the first *Chogyal* Phuntsog Namgyal successfully suppressed the tribal rebellion and then transformed the tribal society into a monarch. Eventually, a first ever central administrative structure was also established and in this, *Chogyal* was at top, aristocrats and officers were in a second position, and commoners were at the bottom.

However, it is noted that the newly established Namgyal dynasty was deeply influenced with Tibet. Therefore, the Tibetan influence was seen in Namgyal's court till the British influence started in Sikkim. Once, the British influence started it not only ended the influence of Tibet from Sikkimese court but the Tibet's connection between the Sikkim in general and *Chogyal* in particular deteriorated. The event of Sikkim's encounter with the British is significant in the history of this tiny Himalayan kingdom. Actually, the British connection with Sikkim triggered off with the trade interest in Tibet. The advent of the British in Sikkim seems to be in a destiny Namgyal dynasty. Hence, both geographical location and internal-external disturbances of the then Sikkim paved the way for the British to enter into Sikkim. Soon, under their diplomacy, first of all Sikkim became their ally in Anglo-Nepalese

War. After that, the treaties were signed one after other ultimately; by the Convention of 1890 Sikkim was brought under their direct control. From, here onwards their influence started in Sikkim.

The appointment of John Claude White as Political Officer of Sikkim in 1889 was the sign of victory of their diplomacy. White, as newly appointed British Political Officer created the Advisory Council. Later on, this Council not only helped him in functioning of the administration of Sikkim into the British line. But the Council and its member left no stone unturned in implementing and promoting the new institutions in land in the form of 'lessee system'.

Coming to the background of the pre-British land ownership patterns in Sikkim before the establishment of the dynasty the concept of land ownership was not known. The tribes used the land as common property. However, once the dynasty was established the ownership in land firmly developed and the control over the land began. Nevertheless, one striking feature of land ownership patterns of Sikkim in the pre-British period was its customary and traditional mode. Simply stated, unlike British legal ownership in the land the private or individual and common ownership in land in the pre-British period were secured and protected through customary and traditional rights. Moreover, the traditional system of land holding patterns continued to exist in Sikkim till the end of the nineteenth century. Nonetheless, by the end of the nineteenth century i.e., by 1889 onwards far reaching and significant changes were seen in the patterns of land ownership in Sikkim. In short, under the British influence property rights institutions in land was introduced in order to maximize the land revenue. Thus, for the first time in Sikkimese history land was used as a source of revenue. After that land rent and house tax made compulsory.

With the introduction of property rights in land with the creation of new structure like lessee system of landlordism tremendous changes were appear in the patterns of land ownership. Under the new structure of land individual owner of the land was created with the issue of *patta* or lease or in contract for five to ten years and some time for fifteenth years. While introducing the new institutions, the entire lands of Sikkim were seized by the government except the fifteen private estates of *Chogyal* and five monastic lands. Meanwhile, while seizing the land and giving the *pattas* of the seized land to the newly created lessee large number of lands were annihilated.

Thus, with the creation of new structures in land the lands on which the old *kazis* were proprietors for the last nine generations were taken by the State and granted to those who did not possess land at all. Besides, it also led the alienation of traditional management of land holdings of landed aristocratic and so as of monasteries. Certainly, under the British not only the new patterns of land ownership increased the number of individual owners of the lands but it marked the end of the land related customary and traditional rights.

Subsequently, most of the lessees were the *kazis*, Nepali *thikadars*, and the head *lamas*. These lessees worked like the *Zamindars* of the Permanent Settlement of Bengal. The main tasks of the lessees were to collect rent from the land. The lands of the lessees were alienable, rentable, and heritable. They used middlemen like *mandals* to allure people in the areas, where they wanted to be inhabited. The lessees have right to collect tax, permitted to sell, pawned or mortgaged both moveable and immoveable properties of the defaulting *ryots*. While, in a due course the powers of these lessees increase as *elakadars*. They were conferred with the absolute judicial powers and the power of the *adda* courts were also held by them. The powers to detain the defaults

ryots were in their hands. Under such circumstances, the defaulting ryots suffered with untold miseries.

The changing patterns of land ownership under the British also made a deep impact on communities' ownership in common land as such forests. The beginning of the twentieth century unleashed far reaching and significant changes in the community rights on common land in Sikkim. The concept of property rights as understood by the colonial ruler undoubtedly changed the community's customary rights on common lands. In the pre-British period, it is noted, though theoretically, *Chogyal* was the owner of the lands, but in practice the community maintained rights on forests, pasture or grazing land. However, under the British influence, Sikkim witnessed the beginning of the forest reservation. Afterwards, under the British influence Forest Department was set up in Sikkim and framed their rules and procedures. Consequently, it took no time to overrule the customary rights like hunting, cutting of trees, collecting of woods, fodder, tubers, roots, using the forest lands for pasture or grazing, and burning of the forest for floor or for shifting cultivation, etc.

Overall, the new Forest rules did not recognize the customary rights of the people to the use the forest and its produce. Nonetheless, it is pertaining to note that in Sikkim the non-recognition of community rights was followed by the new revenue assessment policy by the British. Accordingly, all uncultivable lands, including forests came under the direct control of the state, which was under the control of the British. It led to the imposing of heavy grazing fees and commercialization of forest. This is truly the forest of Sikkim were commercialized so much so that rate of almost every forest produce has been fixed. The livelihood of the people became more

difficult as they were using all the forest resources without paying fees before the British influence.

Consequently, the community who directly depended upon the forest for survival suffered the most. Initially, they suffered due to inaccessibility of forest, insufficient pasture land, imposing heavy fees on grazing, restrictions on collecting fodder, firewood wood etc. Meanwhile, hunting and gathering lost its significance. Thus, undoubtedly, right from the establishment of the Forests Department, which imposed several restrictions on the forest, multiplied the difficulties and sufferings of the community.

The introduction of new property rights institution in land in the form of lessee landlordism not only changed the land owning patterns of Sikkim. But it further contributes in transforming Sikkimese semi-agrarian society to full-fledged agrarian society. With the individual ownership in land became the source of wealth, power, and prestige and as well as the center of conflict owing to its importance. Further, the creation of Nepalese as lessee lords shown the seed of initial conflict related to the lands and widened the gap of ethnic tension. Moreover, the urge to convert uncultivated land 'wastelands' to maximize the revenue add the fuel in the fire of ongoing conflicts. In the urgency of bringing more lands under cultivation Nepalese immigration policy was encouraged not only by the lessees but the Political Officer and his Council members to encourage the Nepalese immigration policy. Owing to this, the influx of Nepalese increased day by day in Sikkim. However, with the large scale influx of Nepalese alienation of the lands of Bhutia-Lepchas became frequent. Further, their number grows in such a large that within a decade the Nepalese outnumbered the Bhutia-Lepchas. Nonetheless, with the settlement of Nepalese

although ethnic conflict outburst but it benefited to the government in terms of raising the land revenue on one hand. On the other hand, it also helped in maintaining the counterbalance of Tibetan inclination. Thus, the immigration policy worked for the government in two ways.

The settlement of the Nepalese in Sikkim was not free from criticism. In fact, it let the major faction of the Sikkimese court divided into two groups. Though, the settlement of the Nepalese was opposed by one faction. But, despite of their resistance, Nepalese were settled mostly in south Sikkim. Soon, they turned the uncultivated lands of south Sikkim into cultivable lands introduced terrace farming, cash crops like cardamom and ginger were also introduced. As they were having skills in agriculture and experts in traditional technique of agriculture thus in no time settled agriculture was started in Sikkim. Further, with the large number of Nepalese settlement, the number of landless agricultural tenants increased. Thus all the above instances helped in the development of agrarian society.

Here it is important to note that with the formation of full-fledged land based agrarian society no doubt the revenue from the land increased. But it also led to the increasing of the exploitations of peasants. They have to pay revenue and provide various free labour services to their land lords and to the state. Subsequently, when the news of Indian freedom struggle crossed the boundary and reached out to the masses of Sikkim they too raised their voices against the 'unbearable miseries' which was of course deeply connected with the land. Eventually, in 1947 with the freedom of India the British influences in Sikkim came to an end and they left Sikkim. As the British left Sikkim their land institutions also weakened. Finally, in 1949, the lessee system of landlordism introduced by the British was abolished.

## Appendix I

### AN INVESTITURE

Durbar was held on the 5<sup>th</sup> April, 1918, in the Palace. C.A. Bell the then Political Officer in Sikkim, handed the Kharita of investiture from His Excellency Lord Chelmsford, Viceroy and Governor General of India, conferring full powers of administration of Sikkim on His Highness Maharaja Tashi Namgyal, Maharaja of Sikkim.

His Highness the Maharaja of Sikkim was invested with full powers of administration in his State. It was a beautiful spring morning. The investiture was held in Durbar Hall in the Palace. Sikkim was *en fete* on this occasion and a deep feeling of gratitude ran throughout the length and breadth of the country owing to the Durbar having received back its former privileges from the British Raj. After reading the Kharita of Investiture from His Excellency the Viceroy to His Highness, the Political Officer, C.A. Bell continue as follows;

“Your Highness dislikes long speeches; so do I. therefore I will be as brief in my remarks as possible. It is now about thirty years since Sikkim has been under British tutelage. During this time the population of the State has quadrupled, the revenue has increased tenfold, many hundreds of square mile of forests have been reserved and demarcated, road and staging bungalows have been constructed, and the revenue system has been organized, so that, while the State dues have increased, the cultivator has been protected and his contribution lightened. During practically the whole of these thirty years two Political Officers and two only, have held charge, namely, While and myself. That is a very unusual phenomenon in India. We have all heard

with great regret of the recent death of White, who worked here with untiring devotion and great ability for 20 years, and who deserves by far the greatest credit for the large developments mentioned above. I may safely say that White's name will ever be a household word in Sikkim. It is now more than three years since Your Highness, and then fresh from school, became the ruler of this State. It was felt both by the Government of India and Your Highness that you ought to have time to gain knowledge of administrative principles and details before taking up the full burden of rule. Ordinarily Your Highness would have taken charge last year, but that year being inauspicious, you requested that I should continue in charge for one year longer. Your Highness has now exercised control over several of the Departments of the State and received opportunities for gaining experience of the other Departments. I cannot conclude without expressing my appreciation of the cordial friendship accorded to me by Your Highness as well as by Your Highness late lamented father and brother. Indeed, my twelve years in this frontier have been twelve years of unalloyed pleasure. I have received nothing but kindness and friendship from the rulers, the ministers and people in Tibet, Bhutan and Sikkim, whether in relations with His Holiness the Dalai Lama and the Tibetan Government, or with His Serenity the Tashi Lama and the authorities of Thashilhumpo, or in my work with His Highness the Maharaja of Bhutan and the subordinate Chiefs of that country, or in my work with the Rulers and people of Sikkim. It is indeed good to work among such friends."

His Highness the Maharaja, replying to Bell, expressed his thanks to the Viceroy for the Kharita and said "there are two points connected with it on which I would like to speak in open Durbar. The first is the restoration of the subsidy. Sikkim is beholden to you, for I feel sure that His Excellency's act of generosity is the result of our recommendation. The intrinsic value of the act marks an epoch in history of Sikkim.



Briefly, it means to us the restoration to our former position of trust and confidence which it will be my constant endeavour to uphold. On behalf of Sikkim I thank you. The next point is the extreme pleasure of receiving the Kharita from your hands. You have been connected with Sikkim since 1908 and have advanced the State to its present position of prosperity. Coming from you, His Excellency's announcement appeals to all of us present here as most appropriate. It is, as you say, about 30 years since Sikkim has been so fortunate as to be administered by the British. The high and low, the rich and poor, all without exception, recognize fully the good which has poured into the country. It is my earnest hope to be able to carry on this good, but when I look into the future I find myself facing a great responsibility. I am, however, buoyed up with His Excellency's assurance of friendship and support in time of doubt and difficulty. It is with mixed feeling that I now turn to thank you for your unfailing friendship and advice at all times. Your departure on long leave is necessitated by bad health, but no one will feel your absence more than I particularly in the first month of my administration. You are thoroughly conversant, not only with the customs and manners, but with the conditions prevailing in this State. I express thought of all by saying that when you leave this hall you will take with you our sincerest wishes for a thorough recovery and speed return to a country where you are held in such esteem. To this expression I would like to add my personal thanks for your Kindness and friendship upon which you have this day set an indelible seal by handing personally to me His Excellency's Kharita."

In commemoration of this epoch even His Highness the Maharaja of Sikkim caused the restoration of the Brang land, as a special case to the widows of the land Sherab Kazi, for their personal benefit only, the land reverting to the State on their demise. The poor were fed and remissions of sentences were granted to all the prisoners who

were then in the Gangtok jail. The annual subsidy of Rs 12, 000, which had been withheld since 1889, was restored to the Sikkim Durbar on this day.

Source: *Administration Report of the Sikkim State for 1918-1919*, Calcutta:  
Government of India

## Appendix II

### GRANT OF PATTA

(24) *[Faint handwritten text in Nepali script]*

श्री २३

वर्ग	संख्या	विवरण	क्षेत्रफल	मालिक	संख्या	विवरण
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Source: File No X/X/1809-1907. SL No 1. Land Revenue Department, Government of Sikkim, 1907.

### Appendix III

#### Grazing grounds under Elakadars in 1917

Sl. No.	Name of elakas	Name of elakas	Area of Estate acres	Number of grazing ground	Total area of grazing ground in area	Forest Manager's remarks on sufficient grazing grounds
1	Daramdin	Daonkar Kazini	12,246	2	71.76	Not sufficient. There was no patch of waste land suitable to reserve as grazing ground
2	Daramdin	Kumar Palden	1, 882	4	48.40	Not sufficient
3	Hi	Tashi Golay	4, 484	-	-	No grazing ground at all
4	Rinchenpong	Kalen Dewet	1, 060	1	33-30	Not sufficient
5	Rinchenpong	Pinchu	3, 539	3	303.42	Not sufficient
6	Rinchenpong	Sanga Dorji	1, 552	1	45.00	Not sufficient
7	Rinchenpong	Agamsing	1, 065	1	14.50	Not sufficient
8	Rinchenpong	Yangthang Kazi Namgay Kumahang	1, 407 619	1 1	73.30 116	Not sufficient
9	Barmiak and Yangthang	Yangthang kazi	6, 862	4	297.55	Not sufficient
10	Radu	Yangthang kazi	-	1	58.80	Not Sufficient
11	Mangbru Dentam	Yangthang kazi	10, 090	1	139.20	Not Sufficient
12	Dentam (Khamdu)	Yangthang kazi	544	1	82.83	Sufficient
13	Dentam	Debi Prasad	851	2	38.30	Not sufficient
14	Karmatar	Debi Prasad	1, 271	-	-	No grazing ground
15	Bongteng	Wangdoo	1, 352	1	28.5	Not sufficient
16	Gyaten	Namphu	1, 777	1	110.5	Not sufficient
17	Thickchiyantse	Debi Prasad	635	1	20.80	Not sufficient
18	Gerethang	Debi Prasad	1, 208	1	49.45	Not sufficient
19	Sakyong	Karzang Sonam Tsering	3, 500	2	101.50	Not sufficient

20	Palot	Ralang Lama	Unsurveyed	1	26.95	Not sufficient
21	Barang	Shew Dingpen	Unsurveyed	5	131.22	Sufficient
22	Mangbru and Sosing	R.B. Achuk Tsering	4, 634	2	42.65	Not sufficient
23	Mangbru	Diboo	1, 266	2	43.95	Not sufficient
24	Mangbru	Netook	740	1	18.85	Not sufficient
25			1, 710	1	84.22	Not sufficient
26	Vak	Aduk (Tesering Pentso)	4, 734	3	294.60	Not sufficient
27	Namchi	Lasso kazi	17, 566	11	1700.12	Sufficient
28	Kitam	Babu Bal Krishen Pradhan	2, 336	-	-	No gorucharan at all
29	Chidam	R.S Lambodar Pradhan	12, 980	19	1622.44	Sufficient
30	Namthang	Babu Bal Krishen Pradhan	16, 178	10	825.17	Sufficient
31	Barmiak	Barmiok kazi	9, 787	6	415.56	Sufficient
32	Temi	R.S. Lachminariam Pradhan	2, 169	3	236.43	Not sufficient
33	Tarku	Jagat Bahadar	2, 555	3	121.55	Not sufficient
34	Yangang and Rangang	R.B Ugyen Gyataho	11, 016	5	517.72	Sufficient
35	Neh and Broom	Neh Sherab Kazi	2, 745	2	86.50	Not sufficient
36	Lingmo	R.S. Lobzang Choden	4, 189	1	11.90	Not sufficient
37	Simik	Simik kazi	1, 499	1	9.55	Not sufficient
38	Kham and Simik	Babu Ragunandan Ram	4, 340	8	120.16	Sufficient
39	Sang	Sang kazi	7, 110	9	472.25	Sufficient
40	Pendam	R.S. Lachminarain Pradhan	10, 655	8	332.13	Sufficient
41	Pachey Khani	Babu Dalbahadur Pradhan	1, 720	8	190.90	Sufficient
42	Dikling	Kartok lama	841	2	16.30	Not sufficient
43	Rhenock	Babu R.B and	8, 000	7	459.38	Sufficient

		D.S. Pradhan				
44	Chunzachen	Kinchok Gyalpa Munshi	Unsurveyed	2	95.65	Not sufficient
45	Rigu	Babu Dhuniraj Pradhan	12779	3	126.06	Not sufficient
46	Rigu	R.S. Lachminarayan Pradhan	12, 779	2	54.65	Not sufficient
47	Pathing	R.S. Lachminarayan Pradhan	1, 951	5	193.93	Sufficient
48	Tarethang	Nandalall	666	2	71.55	Not sufficient
49	Mamring	Babu Sherbahadur Pradhan	1, 579	3	240.85	Not sufficient
50	Taza	Babu Dhuniraj Pradhan	1, 946	2	1104.90	Sufficient
51	Pakyong	Rinzing Kazini	54	-	-	No grazing land at all
52	Pakyong	Timbu Tsering	3, 800	3	205.65	Not sufficient
53	Simon	Sonam Rinchen	4, 071	2	75.25	Not sufficient
54	Pakyong	Pachey kazi	381	2	19.40	Not sufficient
55	“	Phup Tsering	33	-	-	No grazing
56	Gangtok and Martam	Gangtok kazi Martam kazi	3,336 26, 087	15	649.98	Sufficient
57	Rumtek piece	Gyaltsen kazi	307	1	29.10	Not sufficient
58	Lingdok	Gyaltsen kazi	4, 782	2	95.47	Not sufficient
59	Radong	Malling kazi	Unsurvyed	2	52.50	Not sufficient
60	Tashiding	Lasso kazi	Unsurveyed	2	215.10	Not sufficient
61	Pemiyongchi	Pemiyongchi lama	18, 408	4	393.43	Not sufficient
62	Rumtek land	Rumtek lama	2, 793	5	25.27	Sufficient
63	Rayong	Rayong lama	1, 806	1	69.30	Not sufficient
64	Tsendenpong	Pemiongchi lama	Area included that of Pemiongchi	1	59.30	Not sufficient
65	Talet	Pemiongchi lama	Area included	4	400.90	Not sufficient

			that of Pemiongchi			
66	Changia Lingtse	Pemiongchi lama	Area included that of Pemiongchi	1	36.50	Not sufficient
67	Chakung	Gyaltsen kazi Mananger	22, 839	2	3614.0	Not sufficient
68	Saryong	Gyaltsen kazi Mananger	5, 831	4	188.28	Not sufficient
69	Singtam and Assam	Gyaltsen kazi Mananger	2, 316	4		Not sufficient
70	Lingjye	Pachey Kazine	462	1	8.20	Not sufficient

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