

MAHARAJA TASHI NAMGYAL'S ADMINISTRATIVE RE-ORGANIZATION (POST- INDIAN INDEPENDENCE-1947)

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On 15th August 1947, India attained freedom from the British colonial administration. Widespread political resentment and public discontentment against the colonial *Raj* and its long battle Indian struggle for freedom led the British to finally withdraw on the eve of 15th August 1947. The withdrawal of the colonial British government also severely affected the administration of Sikkim. Sikkim was a protectorate of the British Empire and the kingdom's administration was under the British political officers. Sikkim, a tiny Himalayan kingdom witnessed the colonial *diktat* and fell prey to the expansionist's imperialistic ambition of the *Raj*. The Indian Freedom from the colonial *Raj* also led Sikkim to be free from the British administration. Despite Sikkim being free on the eve of Indian Independence Day from the British yoke, she continued to fall prey to the British imperial policies. Post-Indian independence, India inherited the legacy of the British government to keep Sikkim under her protectorate entities. A small kingdom like Sikkim once again had to bow down first to the British and after that to India. India retained Sikkim as a protectorate state. Since then, India has been a major financial provider towards Sikkim to boost its infrastructural development. Strategically also Sikkim remained an important buffer zone between the two Asian giants, in the North with the People's Republic of China and the South People's Republic of India.

Administrative Re-organization

Sikkim is considered a major commercial and strategically significant location which acts as a catalyst between Tibet, China and India. Post-1947, India adopted a policy of "Father-son relationship" concerning Sikkim. Sikkim remained a loyal and trusted partner to the Government of India. The signing of the Indo-Sikkim Pact of 1950, which ultimately brought Sikkim under the protectorate status of the government of India, bears testimony. The treaty brought India to appoint a permanent representative resident official to be stationed in Sikkim who could guide and manage the affairs of her diplomatic ties.

Sikkim underwent winds of changes post-1947, be it in politics, economics and then in administrative reforms. New political parties were formed and a voice for democratic movements was launched against the age-old monarchical setup. The political parties played a major role to bring about new administrative and welfare reforms and assisted in the reforms of the *darbar*. The voice for a more pro-democratic elected government was witnessed after 1961 and political parties began to express their radical thoughts exponentially. Sikkim National Congress, a popular political party threatened to launch a political resistance movement against the *Chogyal* for the grant of constitutional and representative governmental rights.

Post-1947, various administrative reorganization measures were initiated under the supervision of the *Maharaja* of Sikkim, Sir Tashi Namgyal. The ruler was aided and advised by his council of Ministers and backed by the government of India. *Chogyal* Tashi Namgyal requested the Government of India to depute an official from the Indian counterpart to assist him in his administrative setup. India agreed upon the request of the *Maharaja* of Sikkim and soon sent senior Indian civil servant “*Dewan*” to guide and assist the *Maharaja*’s administration. Several administrative initiatives and developmental projects were undertaken. Senior Indian civil servants were now deputed and assisted in the *darbar* administration under various capacities in the kingdom’s administrative business.

The widespread political resentment and discontentment can be witnessed after post-1947, which led the *Maharaja* to relinquish his administrative powers and partially transferred his political power towards his son, crown prince Palden Thondup Namgyal who was trained as a Civil Servant from the Academy, Dehra Dun, India. During, the last decade of *Maharaja* Tashi Namgyal’s tenure devoted his leisure time to mystic paintings, meditation and secluded religious discourses. By that time, the ruler was not actively involved in his administrative and political affairs. Prince P.T. Namgyal played an active role on behalf of his father’s administration. He was aided by the *Dewan* who guided the kingdom’s administrative system. The administration was guided by the financial adviser, an Indian chief Engineer, and the Director of Sikkim’s the largest source of revenue; Sikkim state distillery. Apart from these, there were many other heads of departments who were appointed by the Indian citizens.

Administrative reorganization of the judicial system: Long before the accession of *Maharaja* Tashi Namgyal to the throne, Sikkim had its traditional system of judicial courts. Landlords had an upper hand in the civil proceedings since time immemorial. The time process of judicial reformation was undertaken during His Highness’s reign with due technical support from India. Within two years of Tashi Namgyal’s coronation to the throne, a modern type of chief court was created in 1916. The chief court consisted of members from amongst the aristocratic class and other influential village elders. This court comprised twelve selected members nominated by the *darbar*. The chief court functioned the court procedures of pending cases related to civil, criminal, and murder before the floors of the courts. The payment on the part of state expenses of complainants and attendance of court hearing procedures was adopted at Gangtok chief courts. Prince Palden Thendup Namgyal was elevated to the rank of state judicial secretary and he held direct administrative affairs of the functions of the chief court.

Many of the Namgyal dynasty’s predecessors failed to implement what Sir Tashi Namgyal’s administration did concerning the reformation of the judiciary system in the kingdoms. The introduction of new judicial courts with the appointment of full-time judges in 1916 which enhanced an outdated traditional judicial system into modern forms was enacted. Further, with due assistance from the government of India, a High court was established through the charter of April 1955 separating the judiciary from the executive was completed.¹

The *Adda* courts: The landlords practised their judicial cases under the *adda* courts. The *adda* courts could take important decisions and solve cases in matters of petty civil and criminal judgements. The

adda courts were neither stipendiary nor honorary courts nor most of the court fees and fines imposed upon were kept by the landlord himself. Monastic estate manager and lessee's holders were undoubtedly the ipso facto of their respective jurisdiction of that estate.

In *adda* courts, a classified subordinate section of class as mentioned below was distinguished amongst several landlords to facilitate quick decisions of the respective holders.

I. First-class *adda*

Here, the authority could exercise their functions to settle their civil cases and could punish upon month imprisonment and could impose a fine of up to Rs. 100.

Contrary to this, they could also hear civil suits from the civil side up to a value of Rs. 500.

¹“*The Sikkim Coronation Book*”, Coronation Souvenir Book Committee, The Statesmen Press, Gangtok, 1965.

II. Second class *adda*

An authority could impose a penalty worth Rs.50 and could punish a criminal based on the merit of the case. On the civil side, they could settle a civil suit with a value of Rs. 300.

III. Third class *adda*

This *adda* had the power to punish a criminal and could impose a fine of up to Rs 25. The *adda* court could hear civil suits up to a value of Rs. 200.

IV. Fourth class *adda*

This *adda* had an absolute authority to punish criminals with the power to impose penalties up to 15 only. Here they could hear civil suits worth a value of Rs. 100.

The highest judges of the above-mentioned *adda* courts were under the jurisdiction of Sikkim chief judges who presided over their cases and exercised supervising and appellate jurisdiction over the *adda* courts.²

The chief courts: Above the *adda* courts, the chief courts were there, which exercised both original and appellate jurisdiction. The senior judges of the state were elevated to the post of chief judges. The authority beyond the functions of *adda* courts could be transferred and disposed of to the courts of chief judges. The chief judges exercised their powers in both original and appellate jurisdiction. The chief courts have the authority to deal with the revenue suits that were under the domain of land administration. The chief judges also looked after the lower *adda* court's judgements and could decide the merit of the lower court's order and scrutinize the

²Nirmalananda Sengupta, “*State Government and Politics: Sikkim*”, Sterling Publishers Private Limited, New Delhi, 1985, p.255

lower *adda* court's functions. In *adda* courts, judgement was sometimes granted on compromises and only petty cases were disposed of. The chief courts were not the final court of appeal and justice, the apex judicial authority was the Supreme Court whose decision was taken as final.

The Supreme Courts: The highest court of appeal in the kingdom was the court of *Maharaja* the

Supreme Court. Its original jurisdiction was in absent. The board of judicial committee of the Privy Council in England had the authority to appease the *Maharaja* concerning its judgement after the merits of cases. The Supreme Court while in Sikkim had no authority to settle and tried the British subject cases in the kingdoms. Along with the state judicial courts, political officers also had special powers concerning judicial judgments if any. The civil litigation case with regards to British subjects had a choice to appeal either in the *darbar* or political officer's civil courts. The political officers could perform the functions of the district magistrate cum district session judges' authority and the decision taken by the authority was full and final except in some cases. This court of Sikkim followed the British line of administrative governance and was very simple in nature. However, the demerit of the case was that there were some instances with regards to non-observance of technicalities error, evidence-based proof on their final judgment.

Retired judges of the districts and session judges from the various states of India were appointed to the posts of Sikkim High Court judges and the Chief Magistrate's Court. Now *Tehsiladrs* came to be known as District Magistrates and Assistant Magistrates as Deputy District Magistrates. They functioned as both civil and criminal-related affairs through judicial proceedings. Now the magistrate exercised both judicial and executive powers since the judiciary was not separated from the executive

functions. By 1963, an attempt to separate the judiciary from the executive was taken into consideration by creating a post of *Munsif* Magistrate who could exercise both civil and criminal matters.

Practically *Chogyal* had an upper hand when it came to the kingdom's judicial functions. He was the source of the administration of justice in the country. *Chogyal* appointed judges for the respective state courts at his discretion. To strengthen a better judicial administrative system, an appointment of officials to the executive cum judicial post was created. Since there was no civil or judicial service commission to look into this matter.

a. Eastern circle

A Deputy Magistrate was deputed in the eastern circle with powers of a second-class magistrate whose jurisdictional authority was to try civil cases up to a value of Rs. 2000. Deputy Magistrate held the power to record a statement of the convicted criminals as deemed under the investigation officers.

b. Western circle

A Deputy Magistrate was appointed with the first class magisterial powers to try civil cases value up to Rs. 5000.

The *Chogyal* was the ultimate source of the court of justice in the country. A court of the tribunal was set up to review the judgments of the cases and other misjudgments of cases which were thoroughly scrutinized by the tribunal court. The first member of the court of tribunal consisted of Rai Bahadur T.D. Densepa and Rai Saheb B.B. Pradhan. This tribunal was presided over by justice Bijoyesh Mukherjee of Calcutta High Court. Another tribunal was formed under the chairmanship of Justice D.M. Sen of Guwahati High Court and its members are Mr M.P. Pradhan and Tashi Chhopel. The last tribunal was formed under Justice D.M. Sen as Chairman along with Mr Kashiraj Pradhan and Mr Sonam Tshering as its members respectively.

Sir Tashi Namgyal initiated several administrative machinery posts in 1947, to check the growing influence inflicted by the new pressure groups.

Sikkim subject regulation of 1961: Sir Tashi Namgyal's administration also stressed safeguarding the rights of his subjects by enacting Sikkim Citizenship Regulation passed in 1961 known as the „Sikkim Subject Regulation Act“. Through this regulation, the state administration began to collect the name of its citizens for registering them as Sikkim nationals based on certain terms and conditions. The regulation clearly defines provisions for granting citizenship status to Sikkim subjects. Total registration for citizenship claims included about 1.50 lakhs³ applicants in that year.

A registration process for the 1961 Sikkim subject certificate contained a list of early subject holders along with the names of fathers, date of birth and their place of residence. Those who failed to submit their identity proofs of Sikkim residence their claim for Sikkim citizenship subject were rejected. Registration claims got rejected by the authority due to their fake claims and due to potential disqualification as they were unable to submit due proof before the authority. The majority of the rejected citizenship claims were from the Nepalese communities. Tibetan refugees who immigrated to Sikkim after the Chinese invasion of Tibet post-1959 also staked claims for Sikkim citizenship rights. The Nepalese who were not allowed to stake their claims over Sikkim citizenships gradually moved towards Assam and other neighbouring states of India and some members again returned to Sikkim later on. The regulations of 1961 may be considered as epoch-making reforms in the history of Sikkim as thorough verification of names was conducted and one of the most exhaustive tasks ever done in the Country before the merger period was concluded.

³ Jigmi N.Kazi, “*Sikkim for Sikkimese-Distinct Identity Within the Union*”, Hill Media Publications, Vol.1, Gangtok, 2009, p.7.

The criteria for the persons claiming and acquiring Sikkim citizenship as per the provisions of 1961 are as follows:

Before the immediate commencement of Sikkim subject regulation, only persons of Sikkim with valid possession of identity proof were subjected to this act. The regulation prescribed for the Sikkim subject's claims are if:

1. He/she was born and resident of Sikkim therein or
2. Those who were ordinarily resident of the territory of Sikkim for a period less than 15 years immediately preceding such commencement. Provided absence of the counting for 15 years from the said territory under the government of India on account of service shall be disregarded or
3. Is the wife or minor child of a person's as per clause (a) or clause (b)

Provided claims for minors or persons of unsound mind such applicants shall be met by their guardians. Further, a person with no domiciled proof of Sikkim could be made Sikkim national if his/her ancestors were the subjects of Sikkim before the year 1850.

Based on these provisions of the Sikkim Subject Regulation, any citizen was eligible for a Sikkim subject certificate as per their descent claim that their earlier generations were Sikkimese nationals. Naturally, the provision stated that a person's born from Sikkim subject holders would become Sikkim national either born in or out of the country.

Through marriage alliances with foreign nationals Sikkim subject status could be acquired after renouncing their former citizenships after being married to the Sikkim subjects.

Sikkim subject's status could also be acquired through naturalization after submitting applications to the government of Sikkim as prescribed under the state regulations rules.

Contrary to this regulated policy, there were several other means to lose his/her citizenship based on the regulations. The issue of losing citizenship included as follows:

When a person voluntarily acquired citizenship rights from other countries and renounced his Sikkim citizenship status. Or through marriage alliance one could renounce a Sikkim subject's status; for example, a woman, when married to non-Sikkim's subjects or persons who were involved in unlawful trade activities or had an alliance with the enemy of Sikkim or had been disloyal to the *durbar* or with persons in possession of fake Sikkim certificate of identification with naturalization, fraud etc., or had been in prison for the convicted crimes within five years of naturalization, ceased to confiscation or cancelled of Sikkim subjects certificate.

Demand for Constitutional Reforms.

The greatest advantage Sikkim sought from the Indian independence movement was the liberation of the masses from autocratic rule. The growth of new political and social awareness, politics of religion and economic discourses led to the birth of Sikkim's first political party known as Sikkim State Congress on the 5th Dec 1947. The Sikkim State Congress was affiliated with the parent body of the Indian National Congress (INC). The Sikkim state congress was formed on the basic objectives of the following:-

- A. Abolition of landlordism
- B. Formation of a popular interim government
- C. Sikkim's merger with the union of India.

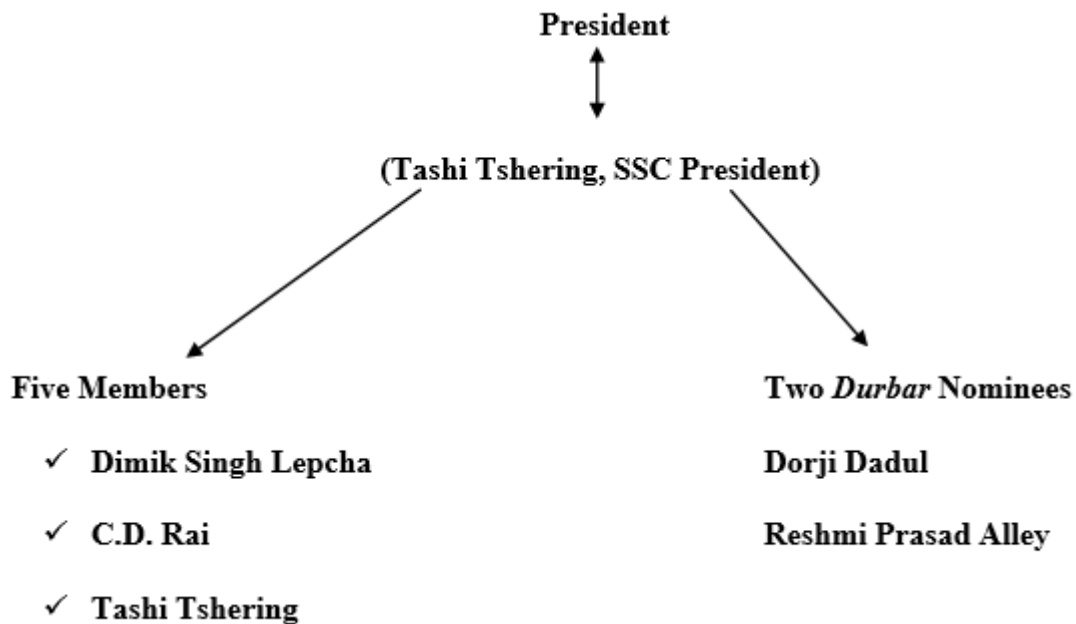
However, in course of time, SSC became the single largest political party in the kingdom. It carried forward the basic sentiments of the pro-majority Nepalese population as its supporters were mainly from the majority of the Nepalese community. Meanwhile, to counter the rise of SSC, a new political party Sikkim National Party (SNP) was formed which was then backed by the *durbar*. SNP leaders were from within the ethnic Bhutia Lepcha community, and its supporters were also mainly backed from within these two communities and then from the pro-palace sentiments. Consequently, there arose clashes of political interests between two political parties whether on good terms or bad inflicted interest. The SSC's agenda was completely different from that of the SNP. The latter aimed to protect and safeguard Sikkim's rich cultural and unique history and demanded to remain a separate independent country with due protection from the Government of India. The SNP members consisted mainly of the affluent Bhutia Lepcha nobility ignoring the local level members from the grassroots levels. SNP's demand for maintaining Sikkim as a separate sovereign status proved no worth and ultimately Sikkim was merged into the union of India in 1975.

On the contrary, SSC fought against the various discriminatory policies of the *durbar* and demanded the need of constitutional reforms. SSC raised a voice against the ruling authority and hoisted Black Flags as a mark of dissatisfaction and protest against the *durbar* policies. Due to SSC's aggressive campaign

against the *darbar*, many of their prominent leaders were jailed. SSC was serious about their political motives and led a delegation comprising a team of experts to Delhi to restore and bring back new constitutional reforms based on democratic principles. Inspired by the Indian struggle for freedom, Sikkim State Congress launched a Satyagraha movement in May 1949.⁴ This strong wave of political

⁴Awadhesh Coomar Sinha “*Politics of Sikkim. A Sociological Study*”, Thomson Press (India) Limited, New Delhi, 1975, p.25

resentment and widespread protests led to the ruling authority finally surrendering administrative duties for the time being and he agreed to compile and form an Interim government. The interim government consisted of the following cabinet members:-



For the first time after Indian Independence, the administration was transferred from the *darbar* to the popular Interim Government on May 9, 1949, with Sir Tashi Tshering as the head of the government. Unfortunately, this popular Ministry got dissolved a month after its formation, owing to administrative inconvenience and lack of coordination as the main reasons behind its failure. A judgment about important bills passed by the Ministry was disagreed upon at the higher level on several grounds. *Durbar* nominees also created several hurdles to cooperation in the important decision-making process. The Ministry’s allocation of dispensing administrative duties was absent with no proper authority to functions. Important reformative issues like administrative, land revenue and agrarian reforms were not to be discussed by the Ministry.

Meanwhile, *darbar* succeeded in convincing New Delhi to dissolve the Ministry with forward claims of the Ministry in Sikkim means offending the sentiments of local population. Sir Tashi Namgyal’s government was able to succeed in withdrawing the popular Ministry on the eve of 6th June 1949. The *darbar* succeeded in suppressing the initial anti-monarchical forces and protecting its rich unique history. But, gradually, widespread anti-*Chogyal* sentiments started spreading

and herby realizing the need for popular representation, Sikkim *durbar* began to initiate a process of democratization.

Acting upon the scenario of crisis in Sikkim and its strategic significance to her immediate neighbours, the Government of India acted swiftly to resolve the issue. Based on this, the state executive power was transferred from the dissolved ministry and passed on to the *Dewan* who was deputed to Sikkim on the *Maharaja*'s request to head the kingdom's administration. He was nominated from the senior Indian civil services and his tenure was fixed for a brief period. Sir John Lall was the first *Dewan* of Sikkim from 11th August 1949, with the conferment upon the new executive functions; the *Dewans* exercised his power in bringing about a series of new reforms in the field of various administrative capacities. Immediately after the *Dewan* assumed his office, he issued a notification about the dissolution of agrarian hardships, measures to abolish a lessee system and measures to raise the standard of the cultivators by safeguarding their rights. Under his direction, new judicial reforms were introduced and he also upgraded the economic policies which were framed to enhance the treasury of the kingdom.

Finally, on 22nd January 1947, a resolution was passed in the constituent assembly to form a committee to deal with the special issue between the kingdom of Bhutan and Sikkim. The committee was to submit a report to the assembly after having due negotiations with the chamber of princes. However, the „Standstill Agreement“ which wassigned between Sikkim and the government of India continued the legacy of the British administrative policy. Through this agreement, all of Sikkim's relations with India and her administrative concerns existing before „14th August 1947“ were continued until a new treaty with the government of India was to be negotiated.

The Indo-Sikkim pact of 5th Dec 1950 may be regarded as *Maharaja* Tashi Namgyal's greatest administrative and political movement which can be remembered in the long history of the relationship between Sikkim and India. But; the treaty of 1950 greatly reduced the existing pride and prestige of Sikkim's political and administrative affairs. Despite the kingdom's willingness to join as a member of the United Nations (UN), the pact of 1950 curtailed Sikkim's ambitious move to join the international arena. Bhutan on the other hand successfully joined as a member of the UN. India refused Sikkim's interest to be a member of the UN as India believed Sikkim being a protectorate country based on the 1950 treaty, didn't necessarily entail UN membership. Through this treaty, Indian officials were recruited in the kingdom's development process under various capacities. A total of thirteen (13), Articles consisted of the Indo-Sikkim pact of 1950 (See Appendices). Of these, all of the kingdom's external affairs including defence, communication, etc come under the control of the government of India. Gradually Indian political influence could be witnessed in Sikkim politics. Because of the pact, a large part of the territories that fell within the strategic location of the East and North districts of Sikkim came under the direct domain of the Indian army.

Royal Proclamation of 1953

Post-1947 witnessed many administrative changes and one major change can be seen in the field of the legislative council. Various methods and means of administrative welfare measures were undertaken to disseminate democratic ideals and principles. In May 1951, an all-party meeting was conducted for a state-elected council with seventeen members reserving six seats for Bhutia Lepcha, six seats for

Nepalese and five nominated seats through the *darbar*'s discretion. Further, the royal proclamation of 23rd March 1953 defined the constitutional functions of the state councils; to which a state council and executive council were to be formed to administer the kingdom's administrative machinery. For the first time, the elections were held based on the constituency level which was divided into four constituencies to elect its 12 representative members. The allocated constituencies are as follows:

- | | |
|------------------------------|-----------------|
| 1) Gangtok constituency | 2 Bhutia-Lepcha |
| 1 Nepalese | |
| 2) Northcentral constituency | 2 Bhutia-Lepcha |
| 1 Nepalese | |
| 3) Namchi constituency | 1 Bhutia-Lepcha |
| 2 Nepalese | |
| 4) Pemayangtse constituency | 1 Bhutia-Lepcha |

2 Nepalese

The method of seat allocation was to maximize the minority Bhutia Lepcha seats instead of the majority Nepalese seats. The four candidates each for Gangtok and North central constituencies while the two candidates each for Namchi and Pemayangtse constituencies. The qualifications required to be a member of the state council were as follows:

- a) At least 30 years of age.
- b) Of Sikkimese origin
- c) Possess such other qualifications as may be prescribed by the *Maharaja* from time to time.

The year 1953 saw the creation of a legislative body called the Sikkim state council or the Sikkim council under the leadership of Sir Tashi Namgyal. The elected member of the legislative council was entrusted with various administrative duties. According to the Royal Proclamation of 23rd March 1953, the state council set out the powers and its structural composition to the executive council. The state council was presided over by the President appointed by the *darbar* and consisted of 17th members. Of these 17th members, Six Bhutia Lepcha, Six Nepalese and Five nominated members were from the *darbar*'s discretion. The state council was further got amended in the year 1958 and its legislative council members rose to 20 from 17.

Looking into the royal proclamation of the Sikkim state council of 17th March 1958, its distribution of seat sharing was as follows:-

Reservation	No of Seats
1. Bhutia and Lepcha	6
2. Nepalese	6
3. General Seats	1
4. <i>Sangha</i> (Monastery)	1
5. Nominated Seats	6
Total	20

As per the Sikkim state council and executive council proclamation, section 7(a), laid down that the state council should meet at least twice a year. However, the *Maharaja* could intervene to conduct council sessions at any period. The *Maharaja* also had the authority to dissolve the state council sessions. The normal tenure of the council was for a period of three years unless it got dissolved earlier by the *Maharaja*. Based on the clause of the state council section 13th, the council had the power to enact new laws for peace and good governance. Annual budgets in every fiscal year were to get due consent from the *Maharaja*. Budgetary finance expenditure and estimated receipts were discussed in the council and passed from the floor of the council. Matters related to external affairs of the state including Indian affairs and matters of the Maharaja and Royal Highness^s were prohibited to be discussed in the house of the Sikkim state council.

However, the state council had no voting right in some of the following governmental expenditures:-

- i. The civil lists, *Maharaja*'s household expenditure
- ii. Allowance and salaries of the *Dewan*, the judiciary and other officers on deputation
- iii. from the government of India, and
- iv. Based on sec.17, secret and discretionary expenditures.

The financial supports assisted by the government of India for its developmental programme were also not allowed to be placed on the floor before the house of the state council. The powers and functions of the Sikkim council were however limited. State council had no authority to discuss matters affecting the reserved subjects which included the department such as Ecclesiastical, State External Affairs, State Enterprise, Home, Police, Finance, Land Revenue, Rationing, and Establishment Department⁵.

⁵ B.S.K. Grover, "*Sikkim and India: Storm and Consolidation 1947-1974*", Jain Brothers, New Delhi, 1974, p.65.

State Executive Council

Along with the function of the Sikkim state council, the state executive council initiated a process of the decentralization of Sir Tashi Namgyal's government. The executive council was headed by the Indian-

appointed *Dewan* and its members consisted of the nominated elected members of the state council with a due accent from the ruling authority. The executive members of the state council assisted the *durbar* in its administrative discourses as long as there was *Maharaja*'s pleasure. The state executive council comprised of the President and two executive members. The *Dewan* was the ex-officio chairman of the Sikkim executive council. Chairman proceeded to the council sessions and in his absence, a senior member of the council proceeded to the sessions.

Gradually, the number of state executive council members rose from three to five by 1959. The members included the following executive councillor's candidate assisted by three deputy councillors such as follows:

1. Kashiraj Pradhan
2. Martam Topden

The three deputy councillors comprised:-

1. Nakul Pradhan
2. Norbu Wangdi
3. Chuksam Bhutia

Through this initiation of the executive councillors, Sir Tashi Namgyal's administration focused to modernize new administrative dimensions by associating a larger people's representation in his government.⁶

⁶Durga P. Chhetri, "*Decentralised Governance and Development in India with special reference to Sikkim*", Mittal Publications, New Delhi (India), 2012, p.109.

The state executive councillors retire with the appointment of new councillors, but they were also entitled to reappointment⁷ to the services. The house of the executive council was concerned with the legislation of new laws, bills etc. The select committee was also established to consider the working efficiency of the bills. Members of the select committee were recruited from within the state councillors. Most of the legislation was initiated only by the transferred subjects. Bills such as the Drug Control Bill, Excise Bill, Eviction Bill-1 of 1956, Gangtok Rent Control and Motor Vehicle Bill were passed by the council. However, some bills stood pending for more than a decade until they got passed in the council. Excise Bill is one such example placed in Dec 1957 but was only passed in the year 1970.⁸

The executive council held administrative charges in the following departments:-

- Education
- Public Works

- Public Health
- Excise
- Press & Publicity
- Transports
- Bazaars
- Forests

Although the state executive councillors were assigned their respective department's portfolios their authority to function independently was limited. An

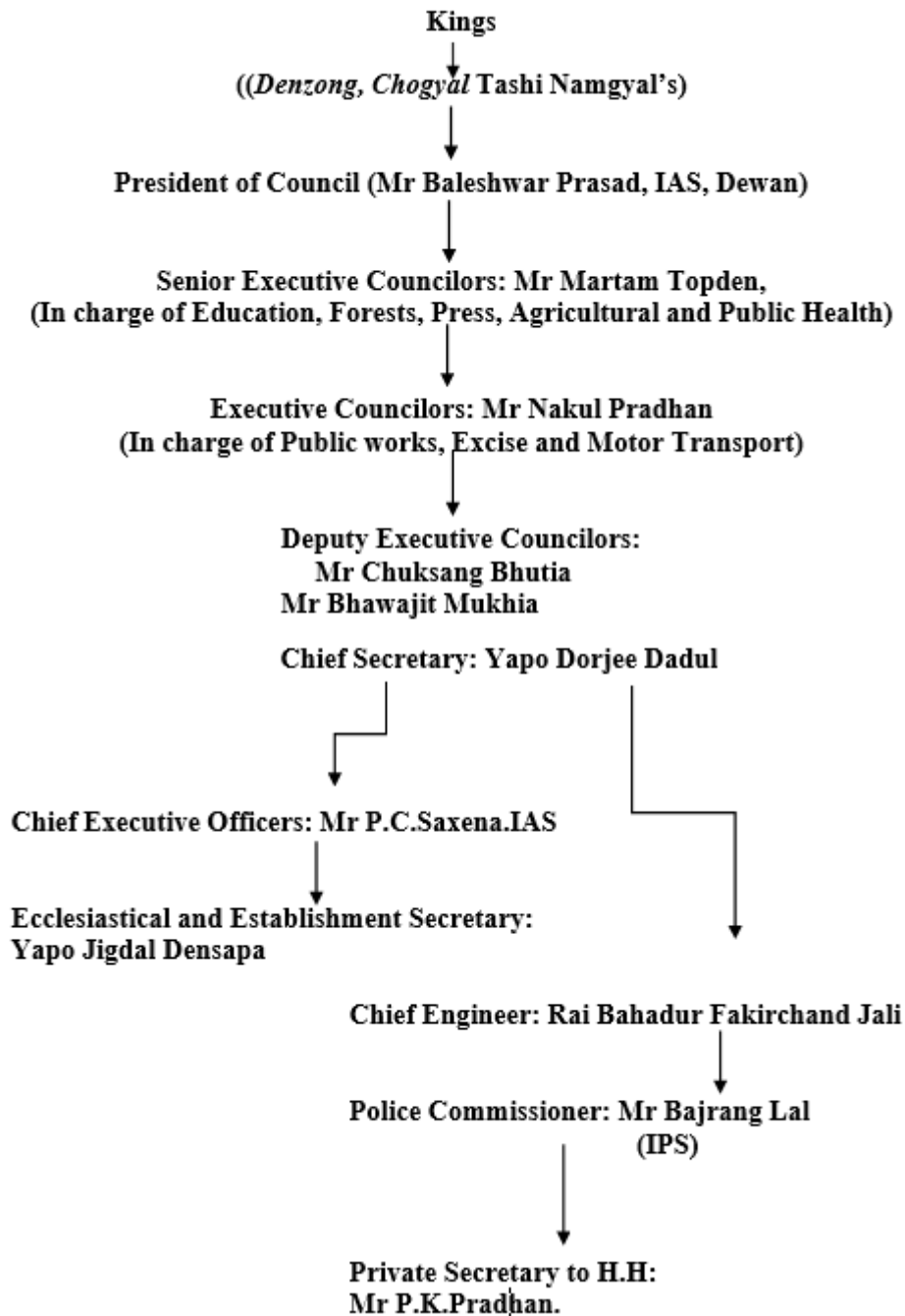
⁷ Ibid, p.110

⁸ N Sengupta, Op, cit, p.203.

an important decision was discussed by the executive councillor in every new session regarding the progress report of the new administrative departments. The president of the council outlined the progress and achievements of the government in different sectors in sessions from time to time. Since the *Chogyal/Maharaja* of Sikkim was the ultimate and final source of authority in the kingdom and could veto any decision that was passed before the knowledge of the ruling authority.

Post-1947, the structure of governance under the leadership of Sir Tashi Namgyal's administration can be elaborated through the following diagram:

Administrative Structure of Government



Source: Sikkim, Facts and Figures, 1963.

With the transfer of the state executive functions vide the royal proclamation of the *Maharaja* in February 1959; a state advisory committee was formed. The advisory committee consisted of the members of the executive council with *Dewan* as its President. This advisory committee looked after the matters relating to the state administrative system including portfolio departments of the committee's President.

Similarly, the Royal Proclamation of 1953 created a diarchic form of governance to which the transfer of administrative tasks was assigned into two categories viz., one reserved and the other transferred

subjects. The categories falling under reserved departments were under the direct watch of the *darbar* under *Maharaja's* Supervision. Likewise, the transferred departments fell within the state executive councillor's portfolio in the country's executive council.

The reserved departments of the state council consisted of eight subjects as summed as follows:-

1. Ecclesiastical Affairs
2. External Affairs
3. State Enterprise
4. Home and Police
5. Finance
6. Land Revenue
7. Rationing
8. Establishment

The reserved departments were under the chairmanship of the *Dewan*

The state-transferred departments are listed as follows:

1. Education
2. Public Health
3. Excise
4. Press and Publicity
5. Transport
6. *Bazaars*
7. Forests
8. Public Works

The councillors with specializations in certain fields were assigned various administrative tasks. For example, the transferred lists required certain specializations in the field of local knowledge and social services. On the other hand, the reserved departments required knowledge of land revenue, law & order of the kingdom's long history. In the council sessions, the chief secretary submitted a report about the

progress and achievements of the transferred departments to the council chairman.

Reorganization of Secretariat

The gradual modernization process of the administration of Sikkim can be seen only post-1947 vide the appointment of *Dewan* as an Administrative head of the kingdom. Foremost, the top position of the hierarchy of the country's administration was headed by *Chogyal Chempo*, the supreme leader of the kingdom. *Chogyal* was assisted by his chief aide and executive officer termed „Principal Administrative Officers“. After its creation, this post was held by R.N. Haldipur. PAO was appointed by the *Maharaja* with due approval from the Government of India as the officer was selected from the Indian Civil Services background. PAO discharged important administrative tasks in the country. In the absence of the *Maharaja*, the PAO acted as the main guardian in the country's administrative business.

PAO was the ex-officio chairman of both the state council and executive council. The executive council discharged important affairs about new laws and new bills. However, matters related to Finance Bill had not have much to do in the kingdom's executive council. The finance bill was discussed at length and passed only in the Sikkim state council. The important decision-making process and the new Bills had to be highlighted before the Sikkim state council sessions and some bills were discussed in the house of the executive council and had to be submitted before the *Maharaja* to get due recognition.

The elected Sikkim executive councillors were discharged with various departmental portfolios such as:-

a. Education. b. Public Health. c. Transports. d. Bazaars. e. Excise. f. Forests. g.

Public Works. h. Animal Husbandry. i. Agriculture. j. Press and Publicity.

Sir Tashi Namgyal's administration saw rational progress in his administrative system at the country secretariat level with the appointment of the post of Chief Secretary by the year 1954. Chief Secretary was the head of the state administration who supervised the administrative system of the reserved departments.⁹ New secretariat establishment under Chief Secretary was under various departmental subjects such as finance, panchayats, land revenue, education, public works and law. Mr.T.D. Densapa was the first chief secretary of Sikkim to lead *Maharaja* Tashi Namgyal's administration. Then, a new Development Commissioner's post was created with *Maharaja Kumar Jigdel Tsewang Namgyal* as the head of the commission. To exercise coordination between various departments in the field of developmental activities, a Development Secretariat was established. Apart from all these activities,

⁹ Ibid, p.111.

the secretariat also prepared a future roadmap for the development plan of Sikkim. Chief Secretary along with the executive council President supervised and coordinated the development process of the new administrative head i.e., the Development Commissioner and other state secretaries. This way the new secretariat helped to run the show of state administration independently in the certain assigned administrative machinery.

The land lordships exercised magisterial and judicial functions. However, the judicial functions of the landlords got abolished along with the abolition of landlordism in 1949. Then the establishment of several *Tehsil*-office and Revenue officers were appointed. The rate of tax collection was also slightly reduced. To suit the administrative vibes, the kingdom was split into four administrative offices later. At

the district level, a District Magistrate (DM) was appointed to function as the head of the country's regional administrative duties. A revenue officer was appointed in each of these districts to collect taxes. At the local level, the administrative works were carried forward by the Panchayats which were established in 1966,¹⁰ to look after the business of the village-level bodies. The village administration looked after the welfare of the village programmes including its infrastructural build-up. Sikkim's first village Panchayats election was based on one family and one vote system and the political campaigns based on party tickets and affiliation was in absent.¹¹

Apart from District officers, Deputy Development officers, and an Inspector of land revenue was also there to serve in the regional administrative offices. Sikkim's various administrative departments were headed by Directors as some departmental systems had no secretary post to lead the administrative departments.

¹⁰ Ibid, P.44

¹¹ Ibid, P.44



Fig: Old Tashiling Secretariat, From Coronation Book.

Photo Credits: Sikkim.blogspot.com



Fig: New Tashiling Secretariat, Gangtok.

Photo Credits: Sikkim.blogspot.com.

The post of Director was under the jurisdiction in the following departments:-

- a. Education
- b. Health Services.
- c. Chief Engineer.
- d. Commissioner of Police.
- e. Conservators of Forests.

The posts of Chief Secretaries, secretaries and Directors, all these posts were below the subordinate to the Principal Administrative Officers and fell within the tutelage of the PAO orders.

Besides, the executive functions of state Councilors, there was certain other department allocated specifically only under the domain of *Maharaja* of Sikkim. Such a department that comes under the *Chogyal* was categorized as „reserved subjects“, which also includes a political relation with India. Monastic establishments were headed by the secretary for ecclesiastical affairs under the watch of the *Chogyal* via, his PAO office. Law and order fall under the reserved subjects except in some circumstances the department was handed over to the chief secretary.

The Development Commissioner was there to access and coordinate the works of the several departments. Progress related to the planning programme in the kingdom was under the charge of the Development Commissioner. The Financial advisor assisted to advise in the financial set-up of the country's expenditure on her development infrastructure. This integration of the financial adviser to several department's heads on the matters related to the financial exchequer and audit helped in keeping the country's administration updated with the help of a timely financial grant through government aid. The financial secretary discharged duties on the accounts of the revenue and expenditure of the country in every district and all these records were kept on the state bankers, Messrs Jetmull Bhojraj.¹² The major sources of revenue were derived from income and sale tax, excise, *bazaars*, forests and Sikkim

¹²Ibid, p.45

Nationalized Transport (SNT). Minor taxes were derived from the sources such as land revenue etc. With regards to the Judicial administration of the country vide proclamation of a special charter, High Court was established in 1955. High Court functioned as the apex judicial authority consisting of the

chief judge and its members "s judges. Besides, there was another judicial authority such as the chief judicial magistrate in Gangtok, and four magistrates in each of the four districts respectively. The effort to review a judicial law on par with the modern proceeding was initiated though only some laws were codified. The *Chogyal* was the ultimate source of authority and the kingdom"s final court of appellate was in the ruler"s hands and the verdict was on his discretions. The law related to capital punishment was judged before the *Chogyal*, and the ruler could consider the case with the tribunal to further examine the merits of the details case. With the amendment of the laws, this sort of law related to the feudal type of capital punishment was abolished in the year 1948.¹³

Sir Tashi Namgyal"s government had no regular system of recruitment in either the administrative posts or the kingdom civil services. Most of the country"s vacant administrative posts were filled via *darbar*"s discretion. Likewise, shortage of skilled and trained experts in the field of the kingdom"s administrative affairs compelled Sikkim"s authority to recruit top officials from Indian origin in the Sikkim administration on deputation basis. The administration then adopted „parity formula" between Bhutia Lepcha and Nepalese to balance the free access to government benefits. This way the kingdom"s administration was manned by balancing the rich communal harmony.

Meanwhile, the Government of India also maintained important administrative

¹³ Ibid, P.45

departments in Sikkim such as:-

- ❖ Central Public Works Department
- ❖ Indian Border Roads Organization (BRO)

These departments coordinated with other stakeholders and took initiatives in building and maintaining the national highway, including road connectivity from North Bengal to Gangtok and from Gangtok to the Northern and Eastern parts of the country.¹⁴ Besides, the Government of India also, ran the postal, telegraph and telephone services as important and integral means of communication. The kingdom of Sikkim had no special currency of its own nor was a postage stamp, hence Indian currency legal tender everywhere in the country. West Bengal being a border state of India shared an important entry point with Sikkim and facilitated her business transactions. West Bengal did not impose any principal taxes such as sales tax towards Sikkim. No trade or customs barrier existed between Sikkim and India.

The government of India via Political residency maintained very cordial relations between the two nations. The political office though initiated under British influence continued to carry forward the legacy of the British administration after 1947. The political office coordinated in a liaison between GOI and Sikkim and assisted the Sikkim *darbar* in leading the kingdom"s administrative affairs.

Prince Palden Thendup Namgyal as de-facto ruler: After the sudden and tragic accident of heir apparent Prince Paljor Namgyal while in active service in the Royal Indian Air Force, the younger brother prince Palden Thondup Namgyal had to shoulder the huge responsibility in the affairs of his father"s administration. Palden Thondup Namgyal was sent to Indian Civil Services training at Dehra Dun in 1942.

The heir apparent was under the tutorship of *Athing* Tashi Dadul Densapa of Barmiok.

¹⁴ Ibid, p.48

Gradually, Prince PT Namgyal was elevated to his father Tashi Namgyal's administration as Principal Advisor to the *Maharaja* in matters related to judicial and executive functions. Because of his experience and exposure to state administration, the prince was appointed as president of the Sikkim state council in the year 1944 and assumed office until 1949. The various departments falling under the reserved and transferred list of the *darbar* were personally looked after by the Prince

P.T. Namgyal. Due to his elevation to such prestigious posts in his father's administration, the Prince made prime moves such as socio-economic welfare and other administrative reforms. Prince P.T. Namgyal stood tall when Sikkim signed the famous Indo-Sikkim treaty of 1950 with India as the prince was his father's principal advisor on external affairs during the course of 1949/50 proved worthy.

During the last few decades of Sir Tashi Namgyal's reign the kingdom's administrative responsibility was handed over to the crown Prince Palden Thendup Namgyal. By that time prince, Palden Thendup Namgyal was well-experienced concerning his country's administration and his father Sir Tashi Namgyal had full faith in him. Sir Tashi Namgyal devoted most of the last years of his reign to a religious one spending time in a retreat while remaining aloof from the state's political affairs. He was also well experienced in paintings and spent his leisure time on these activities rather than being involved in state affairs. On the contrary, Prince Palden Thendup Namgyal actively got involved in his father's direct administrative business and was the ultimate source of political authority in his kingdoms.

Planning

The first major developments plan was drawn up in 1945 and was aimed to focus for the upliftment of state society and improve the economy. The Namgyal administration was clear about the roadmaps of the future course of actions. Due to lack of sufficient funds such earlier major development plan had to be scrapped. However, after post British era, Sikkim government started negotiations with the government of India from 1947 onwards to carry out its development plans. This optimistic policy which was once a dream of the Sikkim's rulers turned out to be converted into reality. During, Jawaharlal Nehru's visits to Sikkim in 1952 after prolonged discussion with the then *Maharaja* of Sikkim, government of India agreed to provide aid for the Sikkim development plans. The mutual trust and friendships between two neighbors led to the initiation of the Sikkim's First Economic Development Plan in 1954 and then second plan in 1961, which completely changed the shape of Sikkim's socioeconomic development model into a newer path.



Fig: Indian Prime Minister Jawaharlal Nehru accompanied by His Majesty 11th Chogyal of Sikkim, Sir Tashi Namgyal along with his son, Crown Prince Palden Thondup Namgyal, his daughter-in-law, Princess Sangay Deki Samdrophodrang; and Apa Pant, Indian Political Officer during the latter arrives on a 1956 state visit.

Photo Credits: Image Archive. Projectdenjong.com

The year 1954 witnessed the first major steps in the formulation of Sikkim's planned development programme. Sikkim state plan was brought into limelight with an outcome of Indian Prime Minister Jawaharlal Nehru's visits to Sikkim on April, 1952. Through this, the then *Maharaja* Sir Tashi Namgyal initiated a future course of development in order to boost the country's economy in a planned manner with due assistance from the Government of India. Seven-Year Economic Development Plan (1954-61), was drafted by a team of experts from Indian Planning Commission. Though launched in the year 1954, the actual Seven Year Plan started in Sikkim from 1955. For that a mission to be successful an expertise of human resources was invited from the Indian subjects to draft a course of actions in its development programme. The First Seven Year Development Plan focused was on building new infrastructural projects including road connectivity, health, education, agriculture and hydro electric projects etc., was the main concern during the First Sikkim Seven Year Plan Economic Development. With regards to the launch of planned development model, Sikkim was comparatively ahead of her immediate neighbors. Bhutan initiated her First Plan Development only in the year 1961. Government of India assisted Sikkim both financially and provided technical experts during her First Seven Year Plan. An amount numbering to about INR 32.369 million was invested on this first plan total outlay. However, the amount invested over for building National highways to northern and eastern Sikkim was not included in the total outlay, as these projects were carried on

by the Border Roads Organization (BRO), and charged to the Indian exchequer.¹⁵ Consequently with the success of the first Seven Year Development Plan in Sikkim, *Maharaja* of Sikkim again decided to launch a Second Development Plan from the year 1961-66.

¹⁵ Ibid, p.113

The two biggest economic development plans were launched during Sir Tashi Namgyal's reign in order to facilitate the all round developmental of Sikkim. The development plans taught sharing of powers between higher to lower level as these developmental initiatives were mainly undertaken from the ground level. State secretariat was the nodal agency which acted as a coordinator in implementing several developmental projects vide coordination with the various departments' heads. Development committee was constituted in formulation with regards to the popular people participation in nation building activities. So, in this way, the planned economic development saw greater people's participation which ultimately led to the success story.

Thus, *Maharaja* Tashi Namgyal's administration initiated roadmaps for the Sikkim development model by creating a decentralized democratization process of the country's administrative policy through distribution of the administration responsibility between *darbar* and the State secretariat and then to the local administrative levels.

In 1960, Sikkim National Congress put forward demands against the government of India to initiate the following basic objectives:-

- a) To have a valid representative government with executive responsibility in the assembly. The election is to be based on the adult franchise on a parity basis.
- b) The need for a constitutional monarchy was raised.
- c) Maintaining proper rule of law
- d) Independent judiciary.
- e) High court.

The above-mentioned demands were raised during the first phase of the Sikkim seven year economic development plan. However, all these demands put forward by the SNC were not considered seriously by the government of India. The complete focus shifted towards a new economic plan funded by the government of India. The focus was on the path of how to lead economic progress rather than constitutional changes in the country.

Similarly, *darbar* was approved to constitute a committee to locate and identify the rich mineral deposits in Sikkim. This led to the formation of the Joint (Indo) Sikkim Mining Corporation on 22nd March 1960. Keeping in view a risk or threat to security it possesses from the Northern frontiers, *Maharaja* of Sikkim visited India on January 1961 and was briefed with regards to the defence built-up. During a time of the outbreak of the border crisis along the Sino-Indo border, Sikkim loyally stood along with their Indian counterparts. Large numbers of Indian soldiers were deployed along its frontiers to challenge any

misadventure posed by the Chinese occupations. Sikkim local recruits were also deployed to guard its northern border and in terms of manning a border, an equal share of locals was there along with Indian troops to man its frontiers. Sikkim's local militia was also raised with approval from the ruling authority to challenge her external threat. State administration approved the communication networks particularly roadways heading up to the border regions. During the hour of the unprecedented wake of the sudden Chinese aggressive behaviour on the eve of October 1962, along the borders, Sikkim declared a state emergency on 13th Nov 1962. All party meeting was called upon and constituted all the parties of Sikkim people's consultative committee which was convened on 19th Dec with Prince

P.T. Namgyal is the President of the committee. The committee discussed the future course of action for Sikkimese welfare in an hour of crisis. A

defence measures such as community civil defence plans including various precautionary measures to avoid any damages or losses of lives were constituted. By 21st January 1963, an influx of Tibetan immigrants began to move towards Sikkim a result of which the Sikkim administration began to impose a strict vigil on the entry of Tibetans¹⁶ along its border checkpoints. The sino-Indo war of 1962, led to the development of the border roads and as a result, a road from Gangtok to Lachen was finalized.

1962, the Sino-Indo war witnessed a small Himalayan Buddhist kingdom like Sikkim which fought valiantly along the sides of its Indian counterparts. The solidarity that both nations cherished led to the establishment of a very cordial relationship between both countries and has lasted on several grounds.

¹⁶ Shanti Prasad Varma, "*Struggle for the Himalayas: (A study in Sino-Indian relations)*" sterling publishers (P) ltd, New Delhi, 1965, p.175.

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