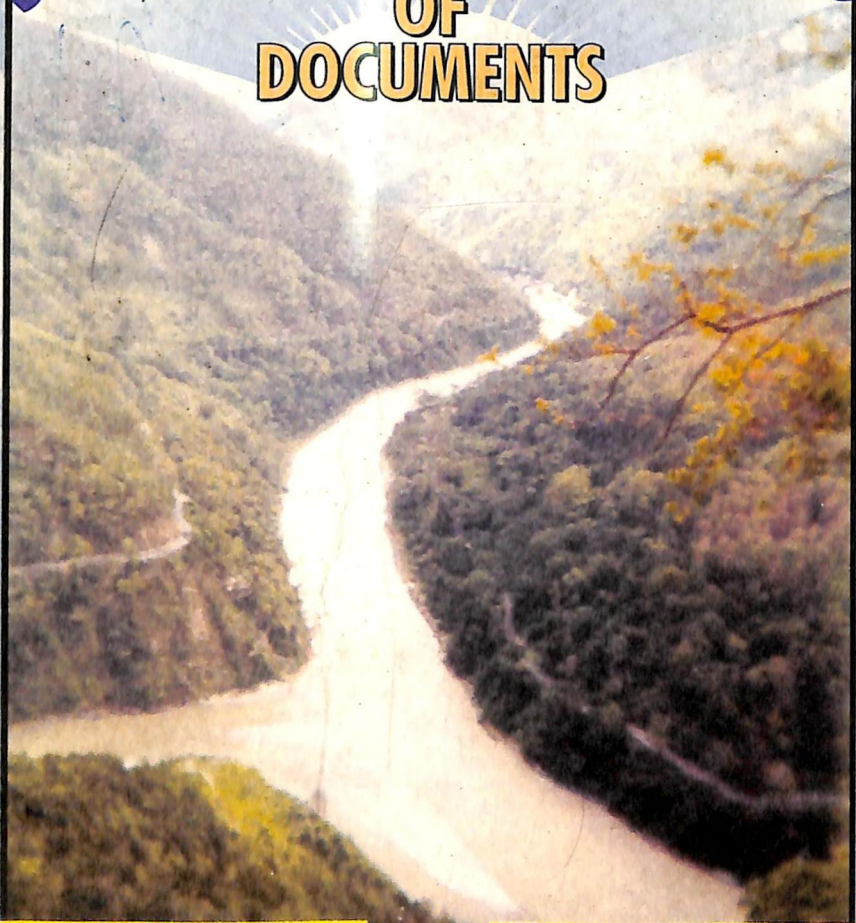
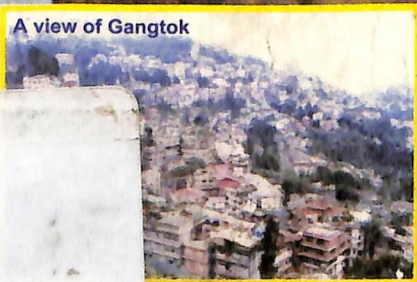


SIKKIM: DARJEELING

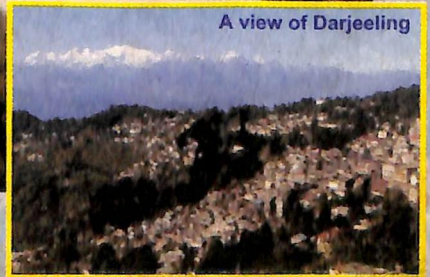
COMPENDIUM OF DOCUMENTS



A view of Gangtok



A view of Darjeeling



Compiled & Edited: R. Moktan

SIKKIM : DARJEELING
COMPENDIUM
OF
DOCUMENTS



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

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Preface

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

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

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

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

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

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

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

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

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

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

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

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

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

26th January 2004

C.D. Rai
Tadong, East Sikkim

Acknowledgement

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

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

INTRODUCTION

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

History is a kind of rocking chair where one can sit and contemplate. It plays a significant role for its people when written from the consumers point of view. It allows insight into events for such people who are no historians. Because of misrepresentations, history is becoming more and more hazy and problematic in recent times. Peoples and primarily politicians, distort them to serve their own selfish motive and such distortions are often endorsed as genuine history even by the sensible section of the society. The damage inflicted upon the society by such a behaviour is immense. Where fiction is preferred to fact while writing history, the end result is always disastrous. While writing history, fact is secondary to none and those who perpetuate myth and fiction in the name of history actually does a great disservice to the community by retarding its intellectual growth. This has been our first hand experience with politician turned historian and no other person is better aware of this fact than the historian themselves.

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

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

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

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

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

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

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

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

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

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

25th December 2003

Dr. Harka Bahadur Chettri
Kalimpong
Dist. Darjeeling

PROLOGUE

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

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

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

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

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

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


(R. Moktan)

Date: 26th January, 2004.

Darjeeling : Early Political History

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

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

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

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

(Bengal District Gazetteers - Darjeeling)

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

Tripartite Agreement : "Lo-Men-Tshong Sum"

1641

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

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

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

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

The seal of following were put :

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

11. Mo Zang (or Morang) Mig Tshep,
12. Tsa Tai
13. Poshing
14. Matsi To,

15. Labung Thopa Kui
16. Deshe Hang
17. Mig Yom Ajamta,
18. Modenpa
19. Peghapa,
20. Bolobir
21. Tapa Agod of Rathang Chun Gupa
22. Tapa Shuphang of Ringbi Ching Gupa,
23. Tapa Gea Kyab of Galed Chung Gupa,
24. Pelo.

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

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

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

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

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

Treaty of Segowlee

02.12.1815

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

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

ARTICLE 1st

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

ARTICLE 2nd

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

ARTICLE 3rd

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

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

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

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

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

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

ARTICLE 4th

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

ARTICLE 5th

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

ARTICLE 6th

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

ARTICLE 7th

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

ARTICLE 8th

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

ARTICLE 9th

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

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

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

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

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



Nomanclature of : **SANDAKPHU**

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

Rectification of the Treaty of Segowlee 04.03.1816

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



Sikkim State

General Department
Notification No. 5186-085/G.

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

BY ORDER OF H.H. THE MAHARAJA OF SIKKIM

Sd/- B. Karthak

Gangtok

General Secretary to

The 3rd January 1948 His Highness the Maharaja of Sikkim

Treaty of Titalia

10.02.1817

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

ARTICLE I

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

ARTICLE II

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

ARTICLE III

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

ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

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

ARTICLE VIII

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

ARTICLE IX

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

ARTICLE X

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

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

Sd/-Barre Latter
Sd/-Nazir Chaina Tenjin
Sd/-Macha Teinbah
Sd/-Lama Duchim Longadoo

Sd/- Moira
Sd/- N.B. Edmonstone
Sd/- Archd. Seton
Sd/- Geo. Dowedswell

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

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

Sunnud Granted to the Rajah of Sikkim 07.04.1817

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

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

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

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

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

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

Deed of Darjeeling Grant

01.02.1835

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

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

Seal of the Rajah prefixed
to the document.

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



Extract from : Sikkim a Himalayan Tragedy

- Nari Rustomji

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

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

- M. Hidayatullah