

Democratic Transition, Institutional Crafting and Constitutionalism:

A Study of Sikkim

A Thesis Summary Submitted

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Summary of the Thesis

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The study of democratic transition, institutional crafting and constitutionalism trace down the formative and the founding moments of democratic institution in Sikkim, and the modes of transition the state adopted in the process of acquiring various political development. The transition process from an authoritarian regime to a democratic institution opens unprecedented freedom, empowering the citizens to choose their own elected representative, and the liberty to organise themselves into the association of people the way they prefer. The reformation and rejuvenation of past political culture is a collective action of people at the grassroots level, thriving for democracy. The transition to democracy accommodates the different modes of transitional process. In few cases the process has been essentially peaceful while in some transitions have evolved into a violent social and political conflict in the state.

Thus, the present study of democratic transition provides an understanding of how the process of transition, from a monarchical regime to liberal democracy evolved over the period in Sikkim. The study also incorporates the detailed analysis of the political struggles waged by different political actors such as civil society organisations, political parties which have shaped the institutional crafting process in Sikkim. Every transition process evolves through three different phases: a preparatory phase where there is a prolonged and inconclusive political struggle for democratisation, a decision phase where the political leaders participate to end the struggle and institutionalise the democratic procedure, and finally the habituation phase where a politicians and people must get used to the democratic procedures and rules. Each of these phase of transition makes an important contribution towards the institutionalisation of a democratic regime. Therefore, the main purpose of the study was to contribute towards a more comprehensive understanding of the complex nature of transition to democracy in Sikkim and how the process accelerated the development of constitution in the state.

The study has been divided into six different chapters, and each chapter of the thesis contribute towards a more comprehensive understanding of the complex nature of the process of transition to democracy, and the relevant theory involved, particularly regarding transition in Sikkim. The chapter one of the study is dedicated to the brief introduction of the topic, to familiarise the concept of democracy, transition, institutional crafting process, and

constitutional development. The chapter includes the literature review which helps in identifying the research gap in the present study. It is followed by the theoretical framework on transition, institutional crafting, and constitutionalism. The chapter outlines the statement of the research problem, research objectives, research questions, and research methodology. The chapter two of the study delves into the conceptual understanding of the concept of democracy, transition, institutional crafting process and constitutional development. The chapter outlines the various theories and approaches suitable to the better understanding of the transition process in Sikkim. Similarly, the chapter three of the study delves into tracing down the various events defining the process of democracy in Sikkim. The chapter outlines the nature of condition that existed in Sikkim under the authoritarian regime. The chapter four of the study is dedicated towards exploring the role and the structure of different organisations and actors that provided an insight into the stability and the quality of the regime transformation. It discusses the key mechanism in the institutionalisation process of the democratic institution and examines the role of elite groups, civil society, and political parties in the transition process in Sikkim. The critical analysis of the data collected from the field is incorporated in the chapter five of the thesis. It delves into the detailed analysis of the transition process mechanism, and unfolds the stages of democratisation process in Sikkim, from an establishment of the electoral system to the development of the constitution in the state. The concluding chapter summarises the core findings of the study and presents the suggestion and limitation of the study conducted.

The findings of the study suggests that not all the transition follows the same modalities, they may have common features, but they do differ in their inception, sequence, and trajectory. Like any other political system, the socio-political structure of Sikkim was traditional and feudal in nature. The basic fabric of the feudal system remained intact with Sikkim for a quite some time. Apart from the domination of an authoritarian regime, the ethnic diversity and consequent demographic imbalance in the state reflected the economic division of the society. There was an unequal pattern of revenue collection system in the state, where the Nepali population paid higher rent in comparison to the other two population, the Bhutia and the Lepchas. In terms of a social group in the state, Sikkimese elite conceived a small and organised social group occupying the positions of leadership, power, and influence, and claiming the right to exercise, legitimately, or otherwise, the authority to enforce and to maintain their role of command. The traditional elites in Sikkim are identified with the ethnic, religious, and feudal social forces, whereas the emergent elite derive their legitimacy from

positions in bureaucracy, political parties, professions, or voluntary organisations. The findings of the study suggest that a taxation system in Sikkim constituted the bulk of administrative governance under the institution of monarchy. Sikkim, transition to democracy like any other transition study does revolves around the idea of inequality and distributive conflict. The study reflected the state of social and economic inequality among the people, which also determined the concept the favouritism of one ethnic community over the other.

In a similar line, the Revenue Order No. 1 of 1897, prohibits the alienation and transfer of Bhutia-Lepcha land to other communities and gives Bhutia access over the Lepcha land. The ownership of productive land came up as a mark of wealth and power in Sikkim. Though, all these provisions according to the Chogyal was to safeguard the interest of the indigenous populations of Sikkim. But somewhere it created a fraction among the existing ethnic communities of Sikkim. Thus, the change during socio-economic development gradually leads to the reduction of the authoritarian development and to the growth and entrenchment of the democratic values among the people. The major development in the transition process in Sikkim came to be seen with the signing of an Indo-Sikkim Treaty of 1950, which enlarged the existing political relationship between India and Sikkim. Before India gained its independence in 1947, Sikkim did constitute a part of British India influence and was classed as a princely state like other states in India. It was, thereafter, the signing of Treaty; Sikkim gathered a momentum in the transition process, with the provision for an establishment of a popular ministry and an association of popular representation with the government. It was a significant initiative taken after signing of Indo-Sikkim Treaty 1950 to establish the institute of village panchayat and simultaneously, to set up a Council for the state. It was, thereafter, the election took place for the first time in the kingdom of Sikkim. The mode of election to the council came through the Royal Proclamation of Chogyal, and accordingly, the election was conducted in the state under the institution of monarchy. This came as an initial phase of constitutional development in Sikkim transition process.

The democratisation process in any country is either initiated from above, or from below, where the revolutionary movements mobilising the mass supports are emboldened to challenge the existing authoritarian institutions by introducing new demands. The study reveals the fact that transition to democracy in Sikkim is initiated from below witnessing a large mobilisation of collective actors demanding for a political change and development in the state. Democracy in many countries is seen to be achieved through a political struggle, a

movement of violent clashes among the incumbent and the contender have been witnessed. The transition process in Sikkim did witness the movement of agitation, but it never escalated into a violent revolution like in other countries. The transition to democratic institution in Sikkim was not an overnight process, it was a prolonged and inconclusive political struggle of the common people. The study reflects the role of political organisations such as Praja Sudharak Samaj at Gangtok, Sikkim Praja Mandal at Chakung, and Praja Sammelan at Temi. All the three organisations based on their common interest and aspirations for establishing a democratic institution in the state led to the formation of first political party Sikkim State Congress. If constitutionalising monarchy is indeed a mode of modernising it, Sikkim's Namgyal dynasty had initiated and embodied it gradually but steadily since January 1952, when Chogyal issued a Proclamation laying down the mode of election to the State Council.

Apart from these political organisations, there was a presence of another institute of civil society known as Study Forum in the year 1966. The forum evolved under the guidance of Hope Cooke, and it was an organisation of young and intelligent government officials. The kind of activity propagated by the forum was anti-Indianism and the forum stood on the belief that Sikkim should have the right to voice its feeling in matter regarding economic and political aspects of the kingdom. In all these political development processes in Sikkim, the political parties were demanding the greater political rights of the Nepali population, but at the same time, the retention of Sikkim's distinct political identity under the Chogyal as a constitutional head was also being considered equally. There could be seen the division among the Sikkimese population, those who wanted to retain a monarchical regime and the other group who were demanding complete accession of Sikkim with the Indian Union. It has been observed the transition process in Sikkim did witness the mass mobilisation of people from all four districts of Sikkim, enabling themselves to be a political agent with the hegemonic authority of the state. The organisations which took initiative to bring reformation in the state were led by the handful of educated Sikkimese who had assimilated the modern ideas of democracy and freedom among the common people of Sikkim. The process of democratisation has never been an easy one, the agendas for democratisation cannot be simply derived from elite interests or interactions but reflect the demands made by the collective actors and appeals for the support of the masses.

The 1973 agitation saw an association of political actors enabling themselves as a political agent in negotiating with the hegemonic authority of the state. Though, the regime

was successful in avoiding the situation escalating into a full-scale violent revolution. However, a series of popular agitation compelled the government to sign an agreement. It called for a Tripartite Agreement which was signed between the Chogyal, the Government of India represented by the Foreign Secretary Kewal Singh, and the five representatives of the three major political parties of Sikkim led by L.D. Kazi (SNC), K.C. Pradhan (SJC), and Netuk Tshering Lama (SNP). The agreement was purported to be the basis of the future constitution as well as the future of Indo-Sikkim Treaty. The agreement called for the establishment of a fully responsible government in Sikkim, the guarantee of fundamental rights, the rule of law, an independent judiciary, greater legislative and executive power to the elected representatives of the people and demanded the election which will be based on adult suffrage, equitable representation different sections of the society and one man one vote. The fast-moving events in Sikkim towards new change and development beginning from the April 1973 agitation and leading to the Tripartite Agreement was particularly heading towards a calculated end of Sikkim's ultimate merger with the Indian Union. The internal administration of Sikkim had been taken over by the Indian government with an objective of exercising greater power with her neighbouring countries in the cradle of Indian Sub-Continent

The constitutional deadlock gripped the tiny state of the Himalayan Kingdom with the enactment of Government of Sikkim Act of 1974, which made the ruler a constitutional head, reducing his existing power and on the other side India's hold over Sikkim became firm. The constitutional development that took place following the year 1973 uprising and the Government of Sikkim Act, 1974 led to a substantial change in the political and the economic institutions of the future democratic institution of Sikkim. It has been observed with the introduction of the Government of Sikkim Bill 1974 in the Sikkim Assembly, the entire Sikkimese administration was restructured. The impact of the Bill was seen with the limitation in the scope of internal autonomy that the Sikkimese Government in the person of the Chogyal had enjoyed until 1973, and at the same time the provincial status of Sikkim was withdrawn subsequently. Thus, Sikkim could not safeguard its separate identity for a long, despite of Chogyal's numerous initiatives to protect its status. There came an introduction of 35th Constitutional Amendment Bill in the Indian Parliament where Sikkim became an Associate State of Indian Union. And later, with the 36th Constitutional Amendment Bill passed on 23 April 1975, Sikkim lost its status as an Associate State and was completely merged with the Indian Union. The aftermath of 1975 has undermined the influence of the

kazi and thekadaars in the administrative system of Sikkim and has opened new avenues for mass participation in the policy decision making process of the state as an institution.