

SUB-STATE AUTONOMY IN INDIA :

THE DARJEELING GORKHA HILL COUNCIL

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DEDICATED TO MY MOTHER



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CERTIFICATE

This is to certify that this Dissertation entitled **Sub-State Autonomy in India : The Darjeeling Gorkha Hill Council** : submitted by **MALIKA BASU** in partial fulfilment of the requirements for the award of the Degree of **MASTER OF PHILOSOPHY (M.Phil)** has not been previously submitted for any degree of this or any other university. This is her own work.

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PREFACE

Diversity has been the keynote of India and regionalism is rooted in India's ethnic, cultural and linguistic diversity. Regionalism is noted as a major force, moulding the nature and texture of politics in India for a long time. The concern of the present study is with Intra-State regionalism, which is growing in India and is most rampant, typified by a Ladakh in Jammu and Kashmir; Telengana in Andhra Pradesh; Saurashtra and Kutch in Gujarat; Vidarbha in Maharashtra; Jharkhand in Bihar; Bodoland in Assam; Gorkhaland in West Bengal, only to name a few. I have referred to them as "sub-state movements". Much less attention has been paid towards analysing such movements as compared to vast energy devoted to study of communalism, casteism and even linguism.

The story of such movements, within most of the states, clamouring for either more autonomy and power; or aspiring for separate statehood; or demanding secession from the Indian union is almost an unending affair of Indian federalism.

My effort however, has not been to diagnose at length the factors giving rise to such sub-state movements but to concentrate on the experiment in autonomous council formula, to deal with the discontent engendered at the sub-state level. Through autonomous councils, regional aspirations can easily get accommodated without hampering the national interest.

A study of this type however, could hardly cover all sub-state movements. The scope of the present one is also limited to a study of the Gorkhaland movement but more specifically, the focus is on the Darjeeling Gorkha Hill Council experiment which successfully defused the Gorkhaland demand and brought back peace to the hills of Darjeeling, in West Bengal. It fulfilled the regionalist aspirations of the people "without demarcating afresh the state boundaries." Darjeeling Gorkha Hill Council is an excellent

example of "sub-state autonomy", the main theme of the present study.

National unity is desirable, because it is conducive to greater security, political stability and social and economic development. Nevertheless, national unity should not be pursued at any cost. The constitutional framework of the Nation-State must provide for equality and justice for all segments of the population; it must provide for equality in sharing political power, economic and social development and enable "people" within the Nation-State to maintain and develop their distinctive cultural identity. Failing that the right to separate statehood or even secession by an aggrieved lot may have to be granted, albeit not lightly and only as an ultimate resort. In this way, the threat of separate statehood/secession reinforces the obligation of the nation-state to allow the population the maximum degree of internal self-determination; at the same time, the difficulty of achieving separate statehood/secession strengthens the cooperation of all segments of the population in building national unity.

Taking up the Darjeeling Gorkha Hill Council (DGHC) model in west Bengal, the overall theme of the present study, as mentioned earlier, is that of sub-state autonomy. Sub-State Autonomy refers to autonomy of region(s) within a state, wherein without creating new states, people can get an opportunity to manage their own lives, develop and plan their future.

I have arranged my study in two parts, comprising five chapters in all, including the introduction and the conclusion.

Chapter I, the introductory chapter deals with the importance, scope and objectives of the study. Besides these, I have expressed my views and the academicians view on Regionalism vis-a-vis Nationalism. There is a brief description of the types of regionalism. This chapter then highlights that a country of India's size and diversity needs to reorient its federal arrangement i.e. move out of the two level framework (viz. union and states) to a multi-level arrangement. The stress is on Decentralization vis-a-vis

Centralization and devolution of power to bring the decision making process closer to people who are not getting a fair deal.

Chapter II deals with the contents of sub-state movements in general. It also gives the existing provisions or different possibilities the constitution offers for providing autonomy at sub-state level. The chapter then ends with an introduction to politics of Darjeeling.

Part II deals specifically with the "Darjeeling Gorkha Hill Council". The first chapter in this part includes the background of the Gorkhaland Movement; the step towards conciliation in the form of the 1988 Accord; factors that contributed to it and the consequent formation of the council and ends with an assessment of its functioning.

The second chapter in this part focusses on the obstacles that the council faced while functioning; straining of its relation with the state government; the DGHC (amendment) ordinance and the second general elections to the council. Finally, the chapter gives the latest developments- at the time of this dissertation being documented- with regard to the council. Most of the information in this chapter is based on the interviews held on the basis of a questionnaire (See Appendix F); and also informal and unstructured interviews conducted with well informed persons.

Finally, Chapter V, "Conclusions" is divided into two sections. In section A, an attempt has been made to assess DGHC's own prospects and its significance for similar other demands-can it be a model? Section B gives the positive implications of sub-state autonomy vis-a-vis creation of separate states, in India's federal politics and suggestions.

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CHAPTER - I

INTRODUCTION

The picture of India is complex being essentially characterized by particularities, specificities, diversities and pluralities-that make up its identity and makes it a classic example of what has been universally recognized as unity in diversity. Without the maintenance and harmonious growth of these diversities, the peculiar pattern of unity itself will be undermined.¹

By way of a preface to this discussion, it is worthwhile to point out that cultural pluralism manifests itself among others, in regionalism. Regionalism is a clustering of environmental, economic, social and governmental factors to such an extent that a distinct consciousness of separate identity within the whole, a need for autonomous planning, a manifestation of cultural peculiarities, and a desire for administrative freedom, are theoretically recognized and actually put into effect. Regionalism is something which remains to be realised and further developed, as well as a phenomenon which has already appeared and taken form.²

The central argument being developed here however, is that regionalism need not necessarily have a negative correlation with national integration and democracy, as has sometimes been argued.

¹ Rasheeduddin Khan, "Political and Socio-Cultural Determinants of Federalism", in K.R. Bombwall (ed.). **National Power and State Autonomy**, Meerut: Meenakshi Prakashan, 1977, p.114.

² D.R.Gardgil, **Federating India**, Gokhale Institute of Politics and Economics Publication, no.13, 1945, p.59.

Regionalism and Nationalism

Two views have been prevalent in India with regard to the dynamics of nation building.³ One has been that the emergence of a strong and well integrated polity requires the exclusion, or atleast the subordination of all sub-national loyalties implicit in the known diversities. The second view is based on the assumption that cohesion and coordination of national efforts can be more feasible in a framework of accomodative responsiveness; that the diversities are not inconsistent with the convergence of common ideals, interests and apprehensions; and that even when specific manifestations of the articulation of diversities are wholly inconsistent with national interests, the existence or the continuance of sub-national loyalties should not be taken as anti-national. The corollaries of this view are a federal constitution; respect for state, regional or other level political parties linked to diverse loyalties; affirmation of the value of consensual pluralistic decision making arrangements and a developmental perspective of accommodating diverse communities in a common endeavour to transform separate identities into a willingly affirmed larger loyalty.⁴

Regionalism is the expression of the collective personality of a people inhabiting a state or a region. The International Encycloepadia of Social Sciences definies a region, "as a homogenous area with physical characteristics, distinct from those of neighbouring areas. As a part of the national domain, a region is sufficiently unified to have consciousness of its customs and ideals and thus possess a sense of identity, distinct from the rest of the country.

³ T.C.A. Srinivasavaradan, "Plurailistic Problems in the Federal System", in N. Mukarji and B. Arora (ed.), **Federalism in India: Origins and Development**, New Delhi: Vikas Publishing House, 1992, p.127.

⁴ Ibid

Charles Taylor talks of "The Politics of Recognition", in which everyone should be recognised in their unique identity. Recognition means-with the politics of equal dignity, what is established is meant to be universally the same, an identical basket of rights and immunities; with the politics of difference, what we are asked to recognize is the unique identity of the individual or group, their distinctness from everyone else. The idea is that, precisely this distinctness is what has been ignored, glossed over, assimilated to another, dominant or majority identity. "Assimilation is the Cardinal sin against the ideal of authenticity"

Regionalism however is often taken as antithetical to nationalism. It is conceived as something anti-system, anti-federal and against the basic interests of a well-integrated and well-developed polity. It is even branded as a threat to national integration and coherence. Whereas nationalism represents forces of cohesion and tries to assimilate nationalities, regionalism strives to keep the identity of such groups alive and thus breeds division.

The problem that India is facing to-day is the problem of integration. How to integrate the divisive forces of casteism, linguism and communalism and make the nation march on the right path to achieve the cherished goals of Democracy, Socialism and Secularism.⁵

The point is that the concept of nation is hard to define precisely because of various incrustations of meaning; yet, it commands men's loyalty overriding other

⁵. M.Ramchander, "Regional Sentiment" in P.Satyanarayana and T.Suryanarayana Rao (ed.), **Perspectives on National Integration**, Prakasam Institute of Development Studies, Hyderabad, 1982, p.76.

identities. Nationalism, to quote Gellner is essentially "the general imposition of a high culture on society".⁶ It is the establishment of an anonymous, impersonal society, with mutually substitutable atomized individuals, held together above all by a shared culture, in place of a previous complex structure of local groups, sustained by folk cultures reproduced locally and idiosyncratically by the micro-groups themselves. The nation-state does not easily tolerate cultural fissures within itself. The nation as Emerson puts it, can be called a "terminal community"⁷.

Anderson sees Nationality or nation-ness as well as nationalism as "cultural artefacts"⁸ of a particular kind, but it is the most universally legitimate value in the political life of our time. For Anderson, therefore, the nation is an imagined political community. It is imagined because the members of even the smallest nation will never know most of their fellow-members, yet in the minds of each lives the image of their community because regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep horizontal comradeship.

In T.S. Smith's words, fundamentally, nationalism fuses three ideals :collective self determination of the people, the expression of national character and individuality, and finally the vertical division of the world into unique nations each contributing its special genius to the common fund of humanity.

Bidyut Chakrabarty writes, whatever the upshot of regional/sub-national

⁶ Ernest Gellner, *Nations and Nationalism*. New Delhi: Select Books, 1986, p. 57

⁷ Rupert Emerson, *From Empire to Nation*. Cambridge: Harvard University Press, 1960, pp. 95-96.

⁸ Benedict Anderson, *Imagined Communities*. London: Verso, 1983, pp. 12-16.

movements launched in various parts of India, they moot a fundamental question regarding the notion of 'Nation' and 'Nationalism'. Nation refers to a 'mental world which is constructed before the 'nation' comes into being. This is basically 'an ideological construction' of the people who think alike because of a common cultural background which may not be acceptable to all but which remains pivot around which everybody evolves. It seems therefore that being a part of a common cultural milieu, sometimes willy nilly, the individuals do form a sense of oneness atleast in their imagination.

But regionalism is not the counterforce to unification. National unity can genuinely flower out of a healthy reconciliation between regionalism and nationalism.⁹ However, it is evident that like national chauvinism, unhealthy regional or sub-regional patriotism is equally cancerous and disruptive both of creative regionalism and also of syncretic nationalism.

The basic problem is not of regionalism vs nationalism but one of right ordering of loyalties, between the regional and national identities. No doubt, regionalism has both positive and negative dimensions. The former embodies a quest for self-fulfilment on the part of a people of an area and the latter reflects a psyche of relative deprivation on the part of a people of the area not always viable in terms of rational economic analysis, let alone prone to rationalism. According to Ramashray Roy, both nation and region represent symbols to which people in different situations identify with and use them to achieve a particular purpose. It is, therefore, argued that it is neither nation nor region nor, for that matter, any other referent of identity that matters. What matters is the

⁹ Rasheeduddin Khan, art.cit. in K.R.Bombwall (ed.), op.cit., p.17.

purposes individuals consider important and whose realization they think adds to their felicity.¹⁰

The claim of the nation-state as the supreme symbol of people's socio-cultural identity as well as the only instrument of articulating and realizing their aspirations tends to overshadow all other identities insisting that every process, institution and attitude of its inhabitants ought to be fitted. Charles Taylor writes, Democracy has ushered in a politics of equal recognition, which has taken various forms over the years, and which now has returned in the form of demands for the equal status of cultures, and of genders.

If the absolutization of the nation-state implies authoritarian repression of sub-nationalities, what about the perspective that makes liberty the corner-stone of the nation-state? When national identity claims supremacy and demands total loyalty, local and regional communities wilt and lose their salience rendering community life incapable of sustaining individual search for well being.¹¹

In a pluri-cultural society like India, if the emphasis on uniformity is over-played, a kind of threat to preservation of identity of specific components of the society will remain implied. Instead, the spirit of harmony among multiple socio-cultural identities by providing indirect recognition and assurance of their survival over the periods of time may cultivate the trust and confidence that can counter-balance the tendency of centrifugality. Thus, for a pluri-cultural society like India, unity is required to be

¹⁰ Ramashray Roy, "Region and Nation : A Heretical view", in Paul Wallace (ed.), **Region and Nation in India**. New Delhi: Oxford, 1985, p. 270.

¹¹ Ibid, p. 276.

conceived not in terms of enforcing uniformity but by inculcating the spirit of harmony.¹²

Region provides a meaningful framework for overlapping interaction of several social processes. Just as nationalism can not be conceived as contrary to internationalism, similarly regionalism in its proper connotation can not be taken as contrary to nationalism. Infact, it is quite possible to extend the sense of regional unity to the national level by establishing inter regional relationships cross-cutting the regional boundaries and thereby promoting a unity consciousness among the regions which is conducive to national harmony.¹³

The aim of Indian nationalism is supposed to be the development of cultural and linguistic diversity, there is a persistent and lurking suspicion that political identities based on language generate forces that are potentially a threat to the national unity. Every regional movement becomes a suspect and is taken as an earnest threat of the balkanization of the country.

Regionalism involves such diverse problems as those of minorities, administrative decentralisation, local self government and autonomy, the cult of homeland and earth and local patriotism which very often lead to separatism.¹⁴ In a general sense, it may be

¹² Ajit, K. Danda, **Ethnicity in India**. New Delhi: Inter-India Publicatons, 1991, pp. 198-199.

¹³ Bharati Mookherjee, **Regionalism in Indian Perspective**. Calcutta: K.P. Bagchi, 1992, p.10.

¹⁴ R.N. Mishra, **Regionalism and State Politics in India**. New Delhi: Ashish Publishing House, 1984, chapter 1 : Theoretical Formulations.

viewed as a reaction against any exaggerated or oppressive form of centralisation; or politically understood, regionalism is a search for an intermediate control system between the centre and the periphery for competitive advantage in the national arena.

If man-made artificialities differentiating and discriminating among different regional entities can be eliminated, regionalism may serve as an instrument for the promotion of nationalism. It has a positive role which lies in its role as a link between localism and nationalism.¹⁵

Types of Regionalism

Regionalism can be of three major types¹⁶ First, Supra-state regionalism: It is an expression of group identity of several states which join hands to take a common stand on an issue of mutual interest vis-a-vis another group of states. South vs North, in India on such issues as language illustrates the point. Second, Inter-state regionalism: It is co-terminus with state boundaries and involves juxtaposing of one or more state identities against another on specific issues which threaten their interest. River water disputes in general; Maharashtra-Karnataka border dispute in particular can be cited as examples.

Third, Intra-state regionalism : It is the other name of sub-state regionalism. A sub-state is smaller than the individual state but larger than its basic territorial unit-the district. A sub region is a small area generally within a state, it embodies "a quest" of a part within a state "for self-identity and self-development".¹⁷ As mentioned in the

¹⁵ Bharati Mookherjee, op. cit., preface.

¹⁶ Iqbal Narain, "Cultural Pluralism, National Integration and Democracy in India", in K.R. Bombwall (ed.), **National Power and State Autonomy**, op.cit., pp. 194-195.

¹⁷ Bharati Mookherjee, op.cit., p. 33.

Preface, my concern is with this third type. It is advantageous to concentrate on the development and activation of this level, for the discontent engendered at this level is much more significant.

India has been witnessing a number of agitations by territorially clustered groups with distinct identities which seek to loosen the ties which bind them to the states in which they happen to be located. Some like the demands for Jharkhand, Uttarakhand, have existed for a long time; while others like Bodoland, Gorkhaland demands have emerged more recently as organised political movements.

There is a general agreement that in a country like India with its vast size, with regions at different levels of development and with linguistic and other diversities, federalism is most appropriate but a country of India's size and diversity also can not have a federal scheme confined to just two levels viz. union and states. The need is to move out of the two-level frame to a multilevel arrangement. This would include cities and territories with specific problems and many (would) vary in size from a cluster of districts to entire "sub-regions".¹⁸

In a democracy, regional sentiment ought to be an important factor in the political ordering of affairs. Keeping this in mind, India's federal democracy may be viewed as continuing experiment in discovering the manner and extent to which ethno-linguistic diversity should not only be recognized but also assigned a role in the politico-administrative system.

¹⁸ Balveer Arora, "Approaches to the study of Indian federal polity: a reappraisal of the dual level approach to federal systems", in J.S. Bains and R.B. Jain (ed.), **Political Science in Transition**. New Delhi: Gitanjali, 1981, pp. 239-250.

DECENTRALIZATION

The integration of the people, to a large extent rests on the content that is imparted to the federal arrangement.

A federalised state is one in which the several units and their respective powers are constitutionally or otherwise legally "united under the ultimate power of a central state and government".¹⁹ But it is also an essential mark of a federalized state that the subordinate units retain or have reserved some irreducible powers operative within the same territory and regulating the same population over which the federal authority also applies with respect to other matters or different aspects of the same matter. The point is, a stronger central authority could hardly be expected to restructure social reality, especially in the context of the religious, linguistic and cultural pluralism of Indian Society. The commitment to the maintenance of a pluralist or composite culture-based society is the core of the endeavour to build a united federal nation.

No contradiction then need be perceived in describing India as a multinational nation-state, based on the principles of democracy, federalism and secularism. And the predominant tendencies in the development of India's federal system have been towards pluralism, regionalism, decentralisation and interdependence.²⁰

¹⁹ Frank N. Trager, "On Federalism" in Thomas M. Franck (ed.), **Why Federations Fail: An inquiry into the requisites of successful federalism**. Studies in Peaceful Change, No. 1, New York University, p. X.

²⁰ Paul Brass, **Ethnicity and Nationalism: Theory and Comparison**. New Delhi: Sage, 1991, p. 155.

The process of integration, in the political sense, revolves around the question of distribution of power. The power is exercised in the process of deciding the priorities and the share of different groups in the overall utilisation of the national resources. In a society where there are pluralistic forces and conflicting economic interests the competition for power is inevitable. It becomes sharper when there is widespread poverty and the level of development is low. It is in this process demand articulation and assertion for greater share both in the resource allocation and decision making, the people grow politically more conscious bringing in qualitative changes in the power structure.²¹

Greater decentralisation, it is assumed would facilitate increasing participation of the people in decision making process. Decentralisation implies hierarchy, a pyramid of governments with gradations of power flowing down from the top. Decentralisation has been seen as a means by which the state can be made "more responsive, more adaptable, to regional and local needs than is the case with a concentration of administrative power and responsibility in the central state".²² Not least, it moves administration out from the capital to the regional cities, towns, and the villages. But decentralisation of government in itself does not necessarily involve a devolution of power.

Devolution of power is "the legal conferring of powers to discharge specified or residual functions upon formally constitute local authorities."²³ Devolution in principle

²¹ G.Haragopal, "Decentralisation", in P.Satyanarayana Rao and T.Suryanarayana Rao (ed.), **Perspectives on National Integration**. op.cit., pp. 148-149.

²² Neil Webster, **Panchayati Raj and the Decentralisation of Development Planning in West Bengal**. Calcutta: K. P. Bagchi, 1992, p. 3.

²³ Henry Maddick : **Democracy, Decentralisation and Development**. Bombay: Asia Publishing House, 1963.

take widely different forms, ranging from the grant of very legislative powers to assemblies for one or two selected provinces only, to a comprehensive decentralization of government to assemblies in all provinces, wielding extensive powers to legislate and to control provincial governments, and therefore implying a great reduction in the scope of the central legislature and government.²⁴

Federalism may be viewed, therefore, as an instrumental device which in the words of Jean Blondel "aim at achieving optimum decentralisation". It thus acquires a purposive connotation which transcends the strait jacket of theories based primarily on the division of powers between "coordinate levels of government and focuses on the efficient organisation of diversity."

What I am trying to emphasize is that there are and exists diverse cultural realities, and one cannot just wish them away. To attempt to do this is apt to invite resistance, even agitations.²⁵ This opposition is bound to become more intense and resolute with the passage of time if the socio-economic programmes being undertaken by the government are seen in practice to widen the economic gap between regions.

Federalism - a system of shared powers, partnership, and multiple access - is very much alive, for "although complex and multifaceted, federalism is still susceptible to experimentation, flexibility and change". Federalism is an important element in both the maintenance and the containment of pluralism and democratic politics must both maintain and contain pluralism if democracy is to survive.

²⁴ Bernard Burrows and Geoffrey Denton, **Devolution or Federalism ? Options for a United Kingdom**. London: Macmillan Press, 1980.

²⁵ Shriram Maheshwari, 'Regionalism in India : Political and Administrative response, in K.R. Bombwall (ed.), op.cit., p. 83.

India was invented by its constitution makers to conform to an ideal of democracy, social change and equity. The ideal can only be equity, participation, plurality. Static instruments with gravitational disequilibrium will crumble and organic unities which do not account for living particularities will putrefy.²⁶

India has always been a pluralistic society, and this pluralism has survived over thousand of years. It is this pluralism which has given vitality to Indian society in years of stress and conflict in the past and it is this we need to foster through decentralised government and devolution of power.

Federalizing involves both the creation and maintenance of unity and the diffusion of power in the name of diversity.

In conclusion, cultural pluralism, national integration and democratic politics are to be treated as living, interactive and mutually reinforcing parts of a continuum.

Unity in diversity has been the characteristic feature of Indian polity and culture and its translation or incorporation in government policies, both in letter and spirit, should facilitate and accelerate the process of adjustment and accomodation between the different groups and regions.²⁷ Strict and steadfast adherence to the pluralistic model of development alone can ensure the development of a healthy nationalism and a new national culture.

²⁶ Arvind N. Das, **India Invented: A Nation in the Making**. New Delhi: Manohar, 1992, p.4.

²⁷ S.A.H. Haqqi, 'Pluralism and National Integration in India', in S.A.H. Haqqi (ed.), **Democracy, Pluralism and Nation Building**. New Delhi: NBO Publishers, 1984, Chapter 25.

But politics and government of this land have not adequately reflected in their internal structures and decision - making processes this striking feature of the Indian society. The result has been the rise of regionalism and sub-regionalism, based on ties of common sentiment, interest or purpose. These indicate the boundaries for the formation of a unit for a purpose, and the claim is usually based on the greater propriety and efficacy of the regional unit proposed in serving a need than existing units.

CHAPTER - II

SUB-STATE IDENTITIES AND MOVEMENTS

As mentioned in the earlier chapter, the phenomenon of growing regional tensions, more so that of intra - state regional tensions, in Indian society is one of the most conspicuous development in the political culture of this country.

The different varieties of geography and topography, contrary historical traditions and experiences, uncommon ways of living have been operating in different degree to accentuate regional loyalties and foster sub-nationalism.¹

The problems connected with regionalisation arise only where there is a combination of two or more such factors as geographical isolation, independent historical tradition, radical, ethnic or religious peculiarities and local economic or class interests.²

In India, class diversities and ideological differences are not so predominant but regional diversities based upon culture as well as an religion laguage geographical distances and communal identification create problems for national integration.³

Over the years, "as the regional interest has become more powerful than national

¹ S.N. Singh, **Centre-State Relations in India: Major Irritants of Post Sarkaria Review**. Delhi: H.K. Publishers, 1990, p. 217.

² Sitaram Akinchan, "Regional Development of Backward Area in a Ferderation", in A.G. Noorani (ed.), **Centre-state relations in India**. Bombay: Leslie sawhny programme of training for democracy, 1972, p.115.

³ Sharda Rath, **Federalism Today: Approachs, Issues and Trends**. New Delhi: Sterling, 1984, p.51.

outlook, sub-regional feelings have become powerful than even a regional outlook.⁴

Electoral politics, modernization, opportunities of popular participation and possibilities of sharing governmental benefits have accentuated separatism because by claiming a separate identity, they hope to share more. But only sound institutional mechanism and mutual faith among different layers of the government could keep such tendencies under check.⁵

The point is, in the descending cascade of decentralization from the union to the states and from the states to sub-state levels, if the cascade stops at the first stage, the states would be choked with powers and functions and people's participation would remain a far cry. If, on the other hand, the cascade only starts at the second stage, the states are unlikely to part with enough powers and functions to make sub-state levels viable for fear that this may reduce their own importance too much.⁶

Just as there are different levels of development between the States, there are similarly differences in the levels of development in a State.

Components of Sub-state Movements

Variations in Politico-socio-economic and cultural spheres within a nation gives scope for the birth and rise of regional sentiments. It may be distinguished from

⁴ Rajinder S. Sandhu, "GNLF: an Overview", in K.C. Markandan (ed.), **Concern of Politics, The Indian Context**, ABS Publishers, 1989, p. 72.

⁵ S.N. Singh, *op.cit.*, p. 267.

⁶ Nirmal Mukarji in Theme Paper : "Decentralization below the State level", in R.C.Dutt (ed.), **Centralism and Devolution of Power**. Lancer, 1990.

nationalism in that the latter involves loyalty to a wider group transcending the parochial attachment to the local region. It may be distinguished from mere sectionalism in that, it is not based exclusively on regional economic or class interests but involves certain ethnic factors such as cultural, traditional or linguistic peculiarities, which provide a basis for what is often termed as sub-nationality.⁷

In her long history, India had essentially a cultural not political identity.⁸

Different geographical regions had developed distinct cultures over a long period. The conversion of cultural differences into bases for political differentiation between peoples arises only under specific circumstances which need to be identified clearly.⁹

Prof. Iqbal Narain asserts that regionalism in India has a concrete geographical basis.¹⁰ It has often been noticed that territories isolated from the main land either by mountain ranges, vast stretches of water or rugged and inhospitable configuration of land are susceptible to regional and more often sub-regional movements.

Because of geographical barrier, the degree of interaction and understanding between the core community and the peripheral community cannot reach to an expected height. As a result, a cultural as well as communication lag between these two

⁷ R.N. Mishra, **Regionalism and State Politics in India**. New Delhi: Ashish Publishing House, 1984, Chapter-1.

⁸ Ibid., p.216.

⁹ Paul Brass, **Ethnicity and Nationalism, Theory and Comparison**. New Delhi: Sage Publications, 1991, Introduction.

¹⁰ Iqbal Narain, "Regionalism, A Conceptual Analysis in the Indian context" Akhtar Majeed (ed.), **Regionalism, Developmental Tensions in India**. New Delhi: Cosmo Publications, 1984, p. 23.

communities become obvious.¹¹ The geographical configuration of the territories of the North eastern states which has virtually kept them bifurcated from the rest of India has generated a similar regionalistic attitude due to which demand for state autonomy is so powerful in these States.

Secondly, there is the factor of history, which buttresses regionalism by way of cultural heritage, folk lore myths and even symbolism. Nothing perhaps illustrates this better than the story of the rise of the Dravida Kazhagam (DK) and the Dravida Munnetra Kazhagam (DMK) in Tamil Nadu. But history cannot always withstand the onslaught of rugged politico-economic realities as is again borne out from the change in the stand of the DMK from secession to one of autonomy within the federal constitutional framework.¹²

Thirdly, the factor of caste. This, perse, is not so important except when combined with dominance (as in Maharashtra) or when working inconjunction with linguistic preponderance (as again n Maharashtra or Tamil Nadu) or religion (as in the Punjab or negatively speaking, in Tamil Nadu in the sense of anti-Brahmanism) and so on.¹³

Then, there is the factor of language, which is perhaps the most important mark

¹¹ Bharati Mookerjee, **Regionalism in Indian Perspectives**. Calcutta: K.P. Bagchi, 1992, p. 46.

¹² Iqbal Narain, "Cultural Pluralism, National Integration and Democracy in India" in K.R. Bombwall (ed.), **National Power and State Autonomy**. Meerut: Meenakshi Prakashan, 1977, p. 189.

¹³ Ibid. p. 189.

of group identification. Linguistic homogeneity strengthens regionalism both in positive and negative senses, in the former in terms of strength of unity and in the latter through emotional frenzy. The very fact that language helps a group to forge an emotional identity also tends to make it highly inflammable as shown by language riot in Assam or in Tamil Nadu.

The diversities of India do not exclusively relate to language. Though one impact of the broad linguistic reorganisation may have been the attainment of relative homogeneity of the States that strengthened the demand for greater autonomy by the States. On the other hand linguistic reorganisation was by no means the final chapter of the story of regionalization. It also added to the problem of dislocation of minority groups.

The demand, however, for the recognition of regional language as the basis of administrative and political units gave rise to similar demands based on ethnic and other social factors.

Paul Brass writes that ethnic identity or ethnicity involves subjective self consciousness a claim to status and recognition either as a superior group or as a group at least equal to other groups. Brass writes, some ethnic groups demand that they be given not just individual educational opportunities on the same basis as others, but that they be given control over the public system of education in their areas of concentration so that they can teach the history, language and culture of their group to their own children. They demand a major say for the group in the political system as a whole or control over a piece of territory within the country or they demand a country of their own with full sovereignty.¹⁴

¹⁴ Paul Brass, *op.cit.*, Chapter 1.

Notwithstanding the processes of modernization, industrialization and democratisation (or rather because of them) the regional and religious communities and the weaker sections of the society including the Scheduled Castes and Scheduled tribes have become more than ever conscious of their identity and communal interests and both keen and anxious about their share in the national cake as well as about the exercise and enjoyment of their rights as citizens, particularly those relating to equality, and to the preservation of their respective languages, scripts and cultures.¹⁵

Neither the political emancipation of Indian in 1947 nor the remapping in 1948 nor even the reorganisation of states in 1956 satisfied the ambition of the people in some parts of the country for a distinct political entity of their own for which they began to agitate. The trouble began largely after the reorganisation of states on the basis of language. The bifurcation of state of Bombay, the division of Punjab, reorganising of Assam are examples of such regional sentiments.

The demand for separate Telengana, the cry of Vidarbha and the agitation of Saurashtra, etc. as the best examples for the sub-regionalism. The main reason for the development of such sub-state regionalism is the uneven economic development.

According to Iqbal Narain, "economic component" is the crux of regionalism and hence of demand for autonomy by states and within states. It may be stated here that most of the demands for constituting new states were primarily based on unfair and unequal distribution of developmental benefits and expenditures on multi-lingual States.

¹⁵ S.A.H. Haqqi, "Pluralism, National integration in India : Problems and Prospects", in S.A.H. Haqqi (ed.), **Democracy, Pluralism and Nation - Building**. New Delhi: NBO Publishers, 1984, Chapter 25.

There are neglected and economically backward regions in most of the States. Jammu and Ladakh in Jammu and Kashmir, Hill region and Eastern U.P. in U.P., Telangana in Andhra, Saurashtra and Kutch in Gujarat, Jharkhand in Bihar, Vidarbha in Maharashtra are some of the examples. Because of frustration born out of economic underdevelopment and scant attention paid to them, these regions frequently resort to violent agitations. So long as the aspirations of the people belong to sub-regional social-cultural groups within the states remain unfulfilled and so long as their economic underdevelopment persists, there will be no end to such agitations. So the states clamouring for more autonomy should also provide autonomy for sub-regions within the state for an over all proportionate development of all regions within a state.

In other words, demand for state autonomy has to cope with the demand for autonomy for sub-region within the State.¹⁶

The real threat of regionalism is directed not against the political sovereignty or the overall territorial integrity of the country but to administrative stability. Such a threat to administrative stability ultimately entails a threat to the process of development and therefore to national interest in the long-run.¹⁷

Governmental policies and institutional mechanisms may be critical factors in influencing a groups capacity or desire to survive as a separate entity, its self-definition and its ultimate goals.¹⁸

¹⁶ Dr. Chandra Pal, *State Autonomy in Indian Federation : Emerging Trends*. New Delhi: Deep and Deep Publications, 1984, p. 51.

¹⁷ S.K. Chaube, "Nationalism and Regionalism in India", in S.A.H. Haqqi (ed.), *Democracy, Pluralism and Nation-Building*, op.cit., Chapter 24.

¹⁸ Paul Brass, op.cit.

Constitutional Provisions

A validity of the regional identity is even accepted in an implied way by the constitution itself, for Article 3, explicitly provides for the creation of new states in an amazingly simple manner - by a bare majority of those present and voting in Parliament. Thus, the creation of a separate Andhra state from the erstwhile state of Madras (1953), separation of Maharashtra and Gujarat from the Bombay state (1960), setting up of the state of Nagaland (1962), formation of Punjab and Haryana as separate states (1966), reorganisation of Assam and creation of the full-fledged state of Meghalaya (1972) have had their legal support in this article.

First clause of the first article, [Article 1(1)] of the Indian constitution says India, that is Bharat, shall be a "Union of States". B.Pakem in his edited book, **Regionalism in India**, writes, the word "Union" by itself doesnot indicate the principle of uniformity. Therefore, the authorities concerned should not and can not expect that there should be uniformity of thought, aspiration, expression and action in the country. Regionalim has to be accomodated. The old cliché that in India, we have unity amidst diversity has not become worn out as yet.

To save this Indian diversity, our constitution, apart from Article 1 (1) has made a number of other provisions for the existence of regionalism in the country. Parts VI, VIII and X which deal with the states, union territories and the scheduled and tribal areas respectively stand out as monuments to the spirt of regionalism in the country. The constitution makes special provision for the administration of certain areas called "Scheduled Areas" in states other than Assam or Meghalaya (Article 244, Part X) even though such areas are situated within a state or union territory, presumably because of the backwardness of the people of these areas. Subject to legislation by Parliament, the

power to declare any areas as a "Scheduled Area" is given to the President (Fifth Schedule) and the President has made the Scheduled Areas Order, 1950, in pursuance of this power. These are areas, inhabited by Tribes specified as "Scheduled Tribe" in states other than Assam, Meghalaya or Tripura.

The tribal areas in the states of Assam, Meghalaya, Tripura, Mizoram are specially dealt with and provisions for their administration are to be found in the sixth schedule to the constitution.

The Governors of the states in which there are 'Scheduled Areas' have to submit reports to the President regarding the administration of such areas, annually or whenever so required by the President. Tribal Advisory Councils are to be constituted to give advice on such matters as welfare and advancement of the 'Scheduled Tribes' in the states, as may be referred to them by the Governor.

The Constitution provides for the appointment of a Commission to report on the administration of the scheduled area and the welfare of the scheduled tribe in the state (Sixth Schedule, Articles 244 (2) and 275 (1)). The President may appoint such a commission at any time, but the appointment of such commission at the end of 10 years from the commencement of the constitution is obligatory.

The tribal areas in Assam, Meghalaya and Tripura as well as Mizoram are to be administered as autonomous districts. Provision is made for the creation of District Councils and Regional Councils for the exercise of certain legislative and judicial functions. The laws made by the councils shall have, however, no effect unless assented to by the Governor. These councils shall also possess judicial power, civil and criminal,

subject to the jurisdiction of the high court, as the Governor may specify from time to time.

The spirit of regionalism has been further reinforced by the provisions of Part XI specifying the legislative and administrative relations between the union and the units and part XII with their financial relations. In addition, certain classes like the Scheduled Caste, Scheduled Tribe, Backward Class and Anglo-Indians have special provisions for their administration, education, representation and reservation.

Besides applying territorial surgery for redrawing the boundaries of the states and union territories, another arrangement has been the special recognition and status granted to certain areas (part XXI) in the case of Maharashtra and Gujarat (Article 371), with respect to Nagaland (371A), repeated adjustments in the case of Assam particularly relating to NEFA (Arunachal Pradesh) and Mizoram (371 B), Manipur (371 C), Andhra Pradesh (371 D), and in the case of Sikkim earlier as an 'Associate State' and later as a full-fledged state (Article 371 E), Jammu and Kashmir continues to enjoy larger autonomy as compared with other states. Its special status was safeguarded by article 370.

The device of granting a constitutional status to sub-regionalism was envisaged, analytically speaking as a measure to maintain the integrity of large politico-administrative units and yet providing full protection to the legitimate interests of the regional/sub-regional identities incorporated in such large units.

Some Practical Examples

In practice also selected regions in some states have secured varying measures of

recognition. This governmental response has assumed three principal forms.¹⁹ The structure visualized for a particular region might be assigned purely or substantially coordinational responsibilities in specified matters for the region concerned, an example of which is the Rayalseema Planning and Development Board, set up in 1969. Rayalseema, region comprises the four districts of Anantpur, Chittoor, Cuddapah and Kurnool. One of the functions of the board is to consider and advise the State Government upon schemes pertaining to development of Rayalseema such as might be included in the five-year plan or in the annual plans. The other examples of such Coordinating bodies are the development boards for Bundelkhand and the hill districts in Uttar Pradesh, for Vidarbha and Marathwada in Maharashtra, for Saurashtra in Gujarat.

There could also be a political apparatus in the form of a 'Sub-Legislature' clothed with a measure of financial authority. The Andhra Pradesh Regional Committee (popularly called the Telangana Regional Committee) is a striking example of this style of governmental response, other's being the Hindi and Punjabi Regional Committees which functioned in Punjab from 1957 till 1966 when the state was bifurcated into Punjab and Haryana.

The Andhra Pradesh Regional Committee, its powers and functions have been enlarged from time to time in deference to popular agitations. Many new items-university education, medium and heavy industries method of personnel recruitment to subordinate services and post, provision of employment opportunities to the Telangana people-were added to the original list (in 1958) in 1970 - apparently in a bid to mollify the

¹⁹ Shriram Maheshwari, "Regionalism in India : Political and Administrative Response", in K.R. Bonibwall (ed.), op.cit., p. 85.

protagonists of a separate state of Telegana. The Regional Committee constituted an important and necessary level in the state's legislation-making, affecting the Telengana region. Every bill, other than money bill, affecting this region and pertaining to lists falling under committee's jurisdiction, is required, upon introduction in the state legislative assembly or if it has been introduced in and passed by the upper house, upon transmission to the assembly, to be compulsorily referred to the Regional Committee for consideration and report to the assembly. Any dispute on whether a particular bill or not pertains to lists under committee's jurisdiction, is clarified by the Governor whose decision is final.

The third form in the state government's regional recognition is best depicted by the one-time (1970-72) Mehalaya which became a sub-state within the state of Assam. The institutions of the latter two categories acquire a distinctly special character in as much as they can be ushered into formal existence only by the central government. This marks them off from the bodies falling in the first category which may be set up by the concerned state government itself. Meghalaya, state within the state of Assam, came into existence in April 1970. It consisted of two revenue district of Assam, i) United Khasi and Jaintia Hills and ii) Garo Hills. Meghalaya enjoyed control over 61 out of 66 subjects that figured in the state list under the Indian constitutin. So far as Meghalaya areas were concerned, the government and legislature of Assam exercised jurisdiction in respect of i) state police ii) major industries, iii) river communication and navigation iv) hydro-electric and other power generation, and v) major road communications. While the overall responsibility for law and order in Meghalaya remained with the Governmet of Assam, the former had its own village and town police. Meghalaya's executive authority extended to all the remaning 61 subjects. The legislatures of Meghalaya and Assam enjoyed concurrent powers of legislation in respect of 13 subjects out of the constitutions

concurrent list, such as acquisition of land and property, registration of documents, recovery of public dues etc. Meghalaya was endowed with independent taxing authority, its taxation powers extending to all the subjects that were assigned to it including land revenue and agricultural tax, excise duty, taxes on mineral rights, taxes on goods and passengers and entertainment tax. It was also assigned its proportionate share out of the state's salestax. It needs to be stressed that Meghalaya continued to have its usual representation in the Assam legislature. In Assam's council of ministers as well, adequate representation was to be ensured to areas within Meghalaya (The chief executive councillor of this sub-state was designated 'Chief Minister' who was the head of the council of ministers). For only less than two years did Meghalaya remain as a sub-state within the state of Assam. It bloomed into as a full-fledged state on 20 January, 1972. This should not look suprising. The status of a sub-state for this region appeared to be a necessary prelude to its full statehood, for the parent state, Assam, evidently needed time to prepare itself psychologically and emotionally to let one of its parts go out of it. The point is that the indian constitution has carved out different kind of arrangements for different categories and locations. Big range of solutions exist for regional elements and demands, which form a potentially powerful entity in Indian politics.

One such solution, was in the form of the Darjeeling Gorkha Hill council, which forms the crux of the present study. This was a new experiment, in that it was an intra-state solution, said to be an example of creative handling by the west Bengal Government. It was an alternative arrangement in that, in this particular case, the centre intervened in so far as there was an agitation by the Gorkhas for a separate state of Gorkhland. That is, centre's intervention was necessary to get a solution, once the solution came through in the form of the Darjeeling Gorkha Hill Council Accord, it had to be an act of the state government.

For the social, economic, educational and cultural advancement of the people residing in the hill areas of Darjeeling district, therefore, it was agreed to have an Autonomous Hill council to be set up under a state act. Part II now deals with Darjeeling Gorkha Hill Council and effort has been made to show to what extent and how best the local aspirations can be accommodated, without hampering the national interest. Before moving on to the coming of the Darjeeling Gorkha-Hill Council, a background to the region needs to be pointed out.

History of Darjeeling

Historically, what is known as the district of Darjeeling (Darjeeling has been named after the monastery, Do-Rje-ling, meaning the land of thunder) today, was parts of two kingdoms during the pre-British period-the Kingdoms of Sikkim and Bhutan. Tanka B. Subba writes, a strange controversy over the political history of Darjeeling has sustained over the years²⁰.

The present territory of Darjeeling came under the British occupation during the 19th century in three stages.²¹ In the first stage, the Raja of Sikkim, ceded a portion of the hills to the British on February 1, 1835. Secondly a military expedition, despatched to avenge a Britisher's capture in 1859 and rescue him, culminated in the annexation of Sikkim Morang or Terai at the foot of the hills, and a portion of the Sikkim hills bounded by the Ramman river, on the North, by the Great Ranjit and the Teesta on the East and by the Nepal frontier on the west. The third stage, marked by a war between

²⁰ Tanka B. Subba, **Ethnicity, State and Development : A Case Study of Gorkhaland Movement in Darjeeling**. New Delhi: Haranand Publications, 1992, pp. 29-42.

²¹ **Gorkhaland Agitation : The Issues**. An information Document, Government of West Bengal, Vol.1, Sept. 1986.

the British India and Bhutan, led in 1864 to the annexation of the hill tract to the East of Teesta. The other part-Kalimpong-originally belonged to Sikkim but was annexed by Bhutan in 1706. In 1865, it was ceded alongwith certain other neighbouring territories by Bhutan to the British Government.

Thus it was only in 1866 that the present district of Darjeeling took its full shape and size. It may also be added that till as late as 1874-Darjeeling was a "Non-Regulated Area". From 1874 to 1919 it was a "Scheduled District" and from 1935 till the independence of India, it was a "partially excluded area" under the Government of India Act of 1935. Hence until 1947 Darjeeling was administratively not fully integrated with West Bengal though politically it was a part of it since 1866 itself.²²

The native population of the Darjeeling district did not comprise of the Nepalese origin. Both the Nepalis and the Bengalis came to the region as immigrants following the development of the tea industry and the expansion of the administration. The lepchas are unanimously considered to be the 'aborigines' of Darjeeling.

Tanka B. Subba begins the ethnic history of the Nepalis with certain propositions. One, 'Nepalis' and the "people of Nepali origin" are not hundred per cent same ("which is a common misconception"). Two, it was only towards the beginning of the twentieth century that 'Nepalis as one ethnic group emerged in Darjeeling. And third, the history of Darjeeling cannot be studied in isolation from the history of Sikkim and Bhutan, if not Nepal also.²³

²² Tanka B. Subba, *op.cit.*, pp. 36-37.

²³ *Ibid.*, pp.37-48.

To take the first proposition made above, the ethnic group called 'Nepalis' now is constituted of over nineteen endogamous groups professing different religions, speaking different languages, and holding different positions in the social hierarchy. Some of these groups disdain 'Nepali' identity while others are stripped of such an identity by the constitution ignoring whether or not they identified themselves with the Nepalis.

With regard to the second proposition it may be pointed out that most groups corporately identified as 'Nepalis' today had separate identities till 1920s. They indentified themselves as limbus, Rais, Mangas, Tamangs, etc, and the only groups which identified themselves as Nepalis until then were the Bahuns, Thakuris, Chhetris, Kamis, Sarkis and the Damais. It was only after 1920s that all these groups began to identify themselves as 'Nepalis' thus 'Nepali' as an ethnic group is of rather recent origin.

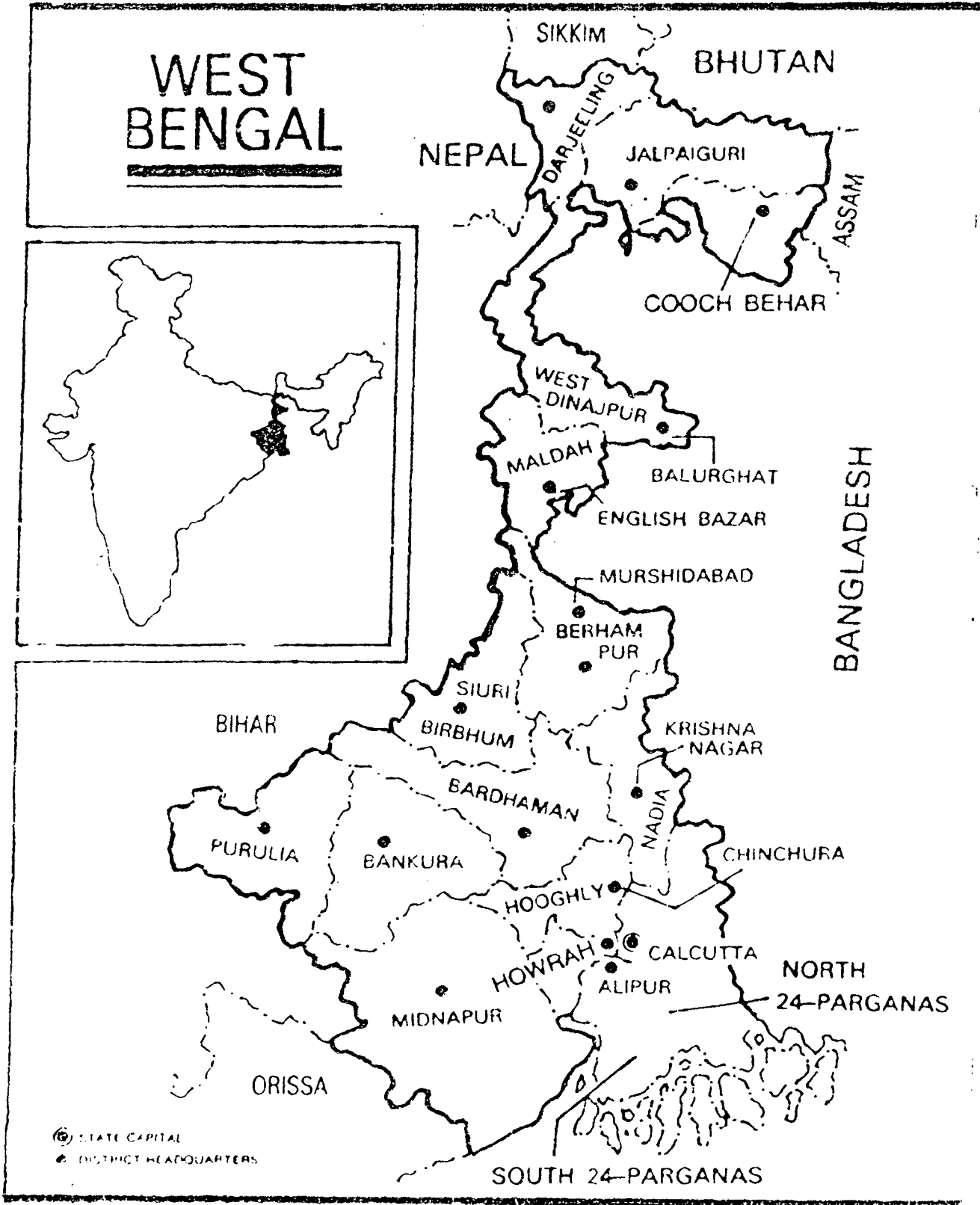
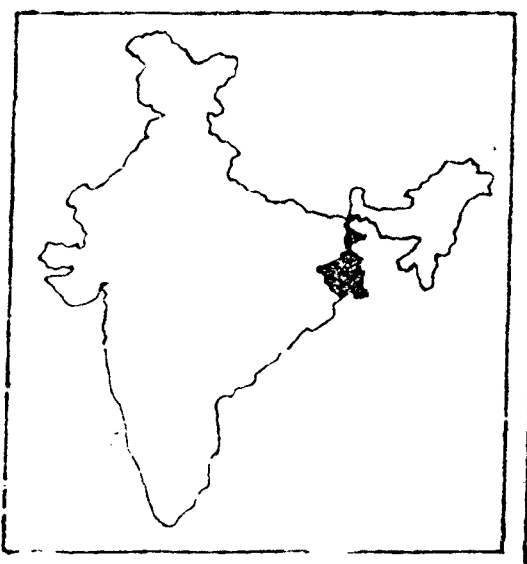
Finally, it has to be remembered that the political Darjeeling emerged out of Sikkim which was partly ruled by Bhutan and partly by Nepal for some time in its history. The people coming from such conquering countries can not be termed as "immigrants".

After looking at the political and ethnic history briefly, one moves on to the major controversies that made violence and counter-violence inevitable in an otherwise peaceful region. But the earnestness of the parties concerned to find a solution in Darjeeling was not suspect. Protracted negotiations resulted, in the long run in the signing of an Accord

on 22 August 1988, adding "a new dimension to the Indian federal politics".²⁴ As a sequel to the signing of the 1988 Accord, an autonomous Darjeeling Gorkha Hill Council was created under a state act. It is to this council, the formation of which, the state Government of West Bengal felt, would not foster separatism and secessionism, rather it would "strengthen national unity by recognising the cultural diversity of the population" that one turns attention to in the next couple of chapters.

²⁴ Dhrubajyoti Bhaumik, "The Darjeeling Gorkha Hill Council. An Experiment with Regional Autonomy in West Bengal", art. cit. *Administrative Change*. Vol. VIII, Nos 1-2, July 1990 - June 1991.

WEST BENGAL



⊙ STATE CAPITAL
● DISTRICT HEADQUARTERS

CHAPTER - III
SUB-STATE AUTONOMY IN INDIA :
THE DARJEELING GORKHA HILL COUNCIL

The hills of Darjeeling have been the focus of media attention especially since the mid of 1986. The reason: violence and counter-violence that rocked them in the wake of the Gorkhaland movement for a separate statehood within the Indian Union. The Gorkha National Liberation Front (GNLF), which spearheaded the movement, had the most heightened support of the Gorkhas/Nepalis. The chief of this Front, Subash Ghising, suddenly became a messiah of the Gorkhas, sidelining other organizations and leaders in the hills fighting for the same or similar cause.

The GNLF fight for a separate Gorkha homeland within the Indian sub-continent was preceded by continuous efforts of other organizations in the hill areas: some of them may not have been as powerful as their present day counterpart, GNLF, but they nonetheless, exhibited the hill people's underlying socio- economic discontent. They justified their claim for a separate state on the ground of racial and cultural differences with the Bengalis¹.

Origins of the Gorkhaland Movement

The quest for statehood dates back to the first decade of the present century, when the Hillmen's Association presented a memorandum to the Montague-Chelmsford Commission asking for separation from Bengal. A similar request was made to the Simon

¹ Bidyut Chakroborty, **Sub-nationalism in India: A study of Gorkhaland and Jharkhand movements** Occasional Paper No. 55, Govind Ballabh Pant Social Science Institute, Allahabad, 1990, p.3.

Commission in 1928. Since then, there have been periodic demands for separation from Bengal and it was in 1972 that the Congress ministry led by Mr. Siddharta Shankar Ray set up the Darjeeling Hill Development Council in the Wake of the Nepali language stir.

There is nothing new about the Gorkhas demand for separation from the Bengali dominated West Bengal². The All India Gorkha League (AIGL), has been in the forefront of the movement since long. The Hill people's Association- the Precursor of the AIGL - had in 1907 and 1919, sought from the British, a separate administrative set up comprising Darjeeling district's four sub-divisions- Siliguri, Kurseong, Kalinpong and Darjeeling, outside Bengal. The demand was to give security to the majority and backward hill people, in administration, employment, education and development³. In 1920's, this was reiterated also by Darjeeling Planters Association and European Association. The ground, i.e. Nepalese cultural and racial distinctiveness, on which the demand for a separate state was sought to be justified, was, however too weak to defend the claim. Accordingly, the organisers drew attention to the regions economic backwardness which was attributed to the Bengal Government's failure to ensure an adequate share of economic wealth for Darjeeling and its adjacent hill areas. So, a memorandum was placed before the 1929 Simon Commission demanding a separate province for the Darjeeling hill people not only for protecting their racial and cultural identity but also for ensuring the economic uplift of the region as well.

Not withstanding the memorandum asking for a separate State, the 1935 Government of India Act paid no attention and as a result the demand was shelved. With

² Rajinder S.Sandhu, "GNLF Movement : An Overview" in K.C. Markandan (ed.), **Concern of Politics : The Indian context**. New Delhi: ABS Publications, 1989, p.75.

³ The Hindustan Times, June 1, 1986.

the formation of the AIGL in 1943 however, the region saw an interesting turn of events. Still in its infancy, the AIGL drawing on the recommendations of the 1928 Motilal Nehru committee demanded adequate protection of the Gorkhas as an ethno- linguistic group. The 1948 AIGL constitution clearly stated that the AIGL was formed to ensure constitutional guarantee to the Nepali Language and to resolve the controversy over the citizenship of Indian Gorkhas⁴.

During the reorganization of the states in 1955, there was a hue and cry for a separate administrative set up for Darjeeling. The State Reorganization Committee in its 1955 report challenged the notion of creating a separate state on linguistic homogeneity because a state can be unilingual only where one language group constitutes about 70% of its entire population. As there was only 19.9% Nepali speakers, according to the 1951 census, the demand for a separate state appeared dubious. Although the decision regarding the recognition of Nepali language was shelved for the time being on solid administrative grounds, the language-issue brought disparate hill people together, regardless of caste and creed. In order to make a case for Nepali, the Nepali Basa Samiti was formed in 1972 demanding its inclusion in the Eighth Schedule. Not only was the central government reluctant to concede the demand, but the Janata Party Prime Minister, Morarji Desai, aggravated the tension by identifying Nepali as a foreign language. Between 1969 and 1972 West Bengal underwent political strain for a variety of reasons and the Gorkha issue did not receive as much attention as was promised. With the installation of the Congress ministry in 1972 in West Bengal, the Gorkha agitation became somewhat limited confined merely to submitting memorandum both to the Central and state Government, championing the Gorkha cause.

⁴ Bidyut Chakraborty, *Sub-Nationalism in India*, op.cit., p.4.

The Formation of the left Front Government in 1977 with the CPI(M) as the dominant partner, infused new zeal into the movement. The participants in the movement had reasons to be enthusiastic in view of CPI(M)'s professed ideological commitment to champion the Gorkha cause as the Gorkhas constituted a distinct nationality"⁵. This may have added fillip to the movement which assumed unprecedented magnitude within a short period of time.

"It was in April 1954 that the CPI first spoke about regional autonomy for the hill area of Darjeeling. On may 15, 1955, the Darjeeling District Congress Committee (DDCC) had also made a similar demand but termed precisely as "Statutory District Council." But in 1957, the regional atonomy demand was jointly placed by the Congress, the CPI and the AIGL before Jawaharlal Nehru visited Darjeeling.⁶

"It is further learnt that in 1967, when the united front came to power in West Bengal, a resolution was passed on this demand by the State Assambly. Yet another resolution was passed on September 23, 1981 for creating a statutory autonomous authority" subject to the "Overall authority and control of the state government and legislature".⁷

On August 9, 1985, in significant deviation from the earlier stand of the Congress and the CPI, the CPI(M) member of parliament, Ananda Pathak moved the constitution (Amendment) Bill, suggesting that: Notwithstanding anything in this constitution,

⁵ Ibid., p.6.

⁶ Tanka B. Subba, *Ethnicity, State and Development : A Case Study of Gorkhaland Movement in Darjeeling*. New Delhi: Haranand Publications, 1992, pp.91-92.

⁷ Ibid.

parliament may, by law, form within the State of West Bengal, an autonomous region comprising such areas, as may be specified, of the district of Darjeeling and neighbouring district where the nepali speaking people are in majority and create for the administration of such region a District Council⁸. This private member's Bill introduced in Lok Sabha on August 9, 1985, debated on December 6, 1985 and march 7, 1986, was eventually turned down by vote.

The GNLF and the Statehood Demand

It has been mentioned earlier that over the years, several organisations sprang up striving to mobilize the hill inhabitants to fight the Gorkha cause, but none of them was as successful as the Gorkha National Liberation Front (GNLF). Founded in early 80's, the GNLF came to prominence in may 1986, having been activated by the eviction in march of some 10,000 ethnic Nepalese from the North Eastern state of Meghalaya, where the native residents had feared that they were becoming outnumbered by immigrants. Since Mid-1986, headed by Mr. Subash Ghising, the GNLF stepped up their movement and agitation for Gorkhaland. The GNLF has successfully drawn the hill people's attention to the crux of the problem, i.e. the identity crisis of the Nepali-speaking people. Besides, the GNLF also mobilized support for the campaign on centre-periphery dichotomy, attributing the areas economic backwardness to the West Bengal Government's discrimination against the hill people⁹. The development issues or economic deprivation, as projected by the Gorkhaland leaders were mere rabble-rousing against the state government, e.g. since independence Darjeeling district got nothing except 'eyewash by

⁸ Ibid.

⁹ Bidyut Chakrabarty, op.cit., p.7.

offering petty things and minor repair works'.¹⁰ The figures given by the state government appear to be convincing in comparison with other backward districts as Purulia, Bankura, Birbhum and other North Bengal districts¹¹ with regards to per capita plan expenditure, aggregate amount of capital expenditure, rate of unemployment, etc.

Taking the whole of the state of West Bengal into account, despite the poverty in the hills, its position appears to be better than the average in the rest of the state.¹² In terms of per capita income, its position is fourth among the sixteen districts of the state, coming after Calcutta, Howrah and Burdwan, and in terms of urbanisation (including the plains with Siliguri City) it ranks after the Calcutta Metropolitan district and Burdwan district. In terms of unemployment whereas the proportion of registered unemployed to the total population in the State is around 7.82 per cent, in case of Darjeeling hills it is 8.29 per cent, which is slightly higher than the State average. On the other hand, the unemployed in the hills of Darjeeling have a much higher chance of placement than their counterparts in the plains; while average placement for the state as a whole is 3.30 per thousand of live register in employment exchange, in case of Darjeeling sub-division it is 19.3, and in case of Kurseong and Kalimpong around 13 percent. But such Statistical accounts could hardly cover the region's other grievances, viz, recognition of language, citizenship demand, neglect of education and culture.¹³

¹⁰ Sajal Basu, **Regional Movements : Politics of Language, Ethnicity-Identity**. IIAS Shimla, New Delhi: Manohar Publication, 1992 p. 58

¹¹ See Appendix B.

¹² Gorkhaland Agitation : The Issues. An Information Document, Government of West Bengal. Vol.1, Sept. 1986, p.2.

¹³ Sajal Basu, "Regional movements...", op.cit., p. 58

Apart from the political demand for creating a separate state, the GNLF put forward a number of supplementary demands with a view to resolving the Gorkha Identity crisis. They are (a) protection of Nepali Identity by recognising the Nepalese as Indian nationals and citizens (b) recruitment of Indian Gorkhas in the Gorkha regiments of the Indian army and (c) inclusion of Nepali language in the eighth Schedule of the Indian Constitution.¹⁴

These demands have been raised off and on by the activists in the hill areas. The GNLF has succeeded, it is claimed, in identifying its root cause in the Article VII of the 1950 Indo-Nepalese treaty of Friendship.¹⁵

One of the main demands of GNLF therefore is the abrogation of Article VII, which confers certain reciprocal facilities on Indian and Nepali citizens in one another's country.¹⁶ It reads "The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territory of the other, the same privileges in the matter of residence, ownership of property, participation in the trade and commerce and other privileges of a similar nature.

On the face of it, there is nothing objectionable or discriminatory in this Article that the Nepalis can take exception to; why then is Mr. Ghising so exercised over it? In

¹⁴ Bidyut Chakrabarty, op.cit., p. 10.

¹⁵. See Appendix C

¹⁶ Barun Das Gupta, "Significance of Gorkhaland Demand", art.cit. *Mainstream*. Vol.XXV, No.2, Sept.20, 1986.

an interview to a Calcutta weekly, Mr. Ghising spelt out his reasons.¹⁷ "The treaty by not making a clear distinction between the Nepalese of Indian origin and the Nepalese of Nepalese origin, exposes the Nepalese of Indian origin to a graver danger. It actually denies us the rights which we are entitled to as an Indian citizen by clubbing us with the Nepalese of Nepalese origin. He goes on to clarify further that while Article VII gives economic rights, it is silent on what he calls' "political rights".

Ten articles, of the 1950 treaty, together make an integrated whole. Each article is indivisibly related to and dependent on the others. Scrapping article VII will ipso facto render infructuous the provisions of Article VI which says 'Each government undertakes, in token of their neighbourly friendship between India and Nepal, to give to the nationals of the other, in its territory national treatment with regard to participation in industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.

Those who are with and for the GNLF observe that initially its demand was misunderstood as an attempt on the part of Mr. Ghising to carve out an Independent State of Gorkhaland. "It was a politically motivated stance to be able to label Ghising and denounce him as anti-national as if he was wanting to break up the unity and integrity of this country".¹⁸

From its failure to understand the motive force of the GNLF agitation the CPI(M) moved on to an exaggeration of the various undoubted weaknesses and negative features

¹⁷ Quoted in Barun Das Gupta, "Significance of Gorkhaland Demand" art cit. *Mainstream*. op.cit.

¹⁸ Interview with Inderjit, M.P., Darjeeling, Sept. 27 & 29, 1992.

of a mainly spontaneous (i.e. lacking in adequate consciousness) mass movement and started damning it sometimes as imperialist-inspired and some other times as a RAW manipulated conspiracy.¹⁹

The left front government in West Bengal led by the CPI(M) denying any legitimacy of the GNLf agitation as it did, came to rely upon police measures in general and central paramilitary forces in particular more and more as the violence of the GNLf agitators went on increasing. The CPI (M) central committee resolution of August 1987 admits, "The law and order problem by this constant agitation could not be tackled without relying on constant help from the centre. More and more police companies were required, all the more so because agitators were now getting sophisticated weapons".²⁰ The GNLf leadership on the other hand, politically unlettered that it is, in the beginning depended upon the support of royalty, extending from the neighbouring Nepali king to the distant British queen and subsequently on the crude machinations of the Rajiv Gandhi government which was using it as a handy tool for cornering the West Bengal left front Government.²¹

The State Government criticised GNLf for being anti-national because it was appealing to outside countries, to China, Nepal,²² for raising slogans like "Bengal Hamlo chihan Ho".²³ (let Bengal be our graveyard) and perpetuating violence in the

¹⁹ Ajit Roy, "Darjeeling : Hopeful turn and remaining obstacles", art.cit., **Economic and Political Weekly** Vol. XXIII No. 30, July 23, 1988, p. 1511.

²⁰ Ibid.

²¹ Ibid

²² Interview with Jyoti Basu, Chief Minister of West Bengal, January 6, 1994.

²³ Interview with Ashok Bhattacharjee, Minister of Municipal Affairs and Urban Development, Government of West Bengal, Jan 3, 1994.

hills.

The agitation in the Darjeeling hill areas threatened to become a major source of friction not only between the GNLF, led by Mr. Subash Ghising and the West Bengal government, led by Jyoti Basu, but also between the latter and the Union Government.²⁴

Move Towards Conciliation

Though the GNLF publicly continued to reiterate its demand for a separate state and organized a series of bandhs which crippled the economy of the hill districts, it gradually veered around to the idea of a District Council within West Bengal, with specified powers and functions.

After protracted negotiations lasting nearly, one year a tripartite agreement,²⁵ the 1988 Accord, was signed in the presence of Jyoti Basu and Home Minister Buta Singh on August 22, 1988 in Calcutta. A day later there was a second accord in Delhi that was signed between the Central Government and the GNLF on the issue of citizenship, recruitment of the Gorkhas in the Indian army, and the inclusion of the Gorkha language in the hill schedule.

After the accord was signed, the Darjeeling Gorkha Hill Council act was enacted. Under the act, elections were held in December, 1988, and the Darjeeling Gorkha Hill Council formally came into being resulting in the country's first experiment in the autonomous regional council concept.

²⁴ A.S. Abraham, "Peace in Darjeelings Hills", Independence No. 1988 of the **Monthly Commentary on Economic Conditions**, Indian Institute of Public Opinion, Vol. XXX, No. 1, Aug. 1988, p. 349.

²⁵ See Appendix D.

Tanka B. Subba in his book *Ethnicity, State and Development*, where in he has done a case study of Gorkhaland movement in Darjeeling, has indentified four factors for conciliation,²⁶ in the form of the 1988 Accord:

- 1) Role played by the mediator-journalist Inderjit Khullar. He was the most important liasion man between the Centre and the GNLFF. He was believed to be the main person behind Ghisingh's giving in to the council formula of the centre.
- 2) Violence was in itself an important constraint on the three parties. Violence not only meant loss of property and lives in the region concerned but many other things. To the Centre, it meant inviting danger from across the border, to the State, it signified its failure to ensure law and order and to the GNLFF it meant death, torture, arrests etc., of its supporters.
3. Economic devastation was another constraint on the GNLFF rather than the other two parties. Of the three major sectors of Darjeeling's economy-tea and tourism had collapsed as soon as the movement broke out. Further, frequent bandhs and road blockades resulted in unavailability of essential goods and commodities for which the hills were dependent heavily on the supply from Siliguri.
4. Finally, another important constraint was the sagging morale of the Gorkha troops, which had exhibited enormous patience and endurance.

Compared to the above factors, the conciliatory gestures of Rajiv Gandhi, Jyoti Basu and Ghising towards the end of the movement were of relatively lesser importance.

The Accord finally signed marked a different kind of arrangement. Here, one was not carving a separate State, but only carving out a separate autonomous council i.e.

²⁶ T.B. Subba, *op.cit.*, pp. 158-164.

Rejecting the demand for a separate State, the Accord proposed regional autonomy for the compact areas of the hill divisions of Darjeeling comprising of Darjeeling, Kurseong, Kalimpong, Mirick. The centre's intervention here led to the accord, but legally and constitutionally it was something to be handled only by the West Bengal government.

An important aspect of the Darjeeling Accord is that it has demonstrated, when such a demonstration has become necessary, "the resilience, flexibility and mediatory capacity of the democratic system",²⁷ the country works under.

The Darjeeling Gorkha Hill Council

Against this background, a brief study of the DGHC which came about as a result of the Accord, under a State Act, is highly relevant. DGHC has to function under two bodies the General Council and the Executive Council. From an impressive list of subjects over which the executive power of the General Council extends coupled with the power of making bye-laws, conclusion is that the General Council wields legislative and executive authority on 19 subjects²⁸. The council is also responsible for both formulating and implementing development schemes for hill areas.²⁹ The Government may, with the consent of the General Council, entrust either conditionally or unconditionally to the General Council or to its officer functions in relation to any matter, not enumerated in section 24. Further, under section 31, panchayat samitis, gram panchayats and municipalities in the hill areas are subject to the general powers of

²⁷ A.S. Abraham "Peace in Darjeeling Hills..." art.cit. in Monthly Commentary on Economic Conditions, op.cit.

²⁸ **The DGHC Act. 1988** passed by the West Bengal Legislature. West Bengal Act XIII of 1988, Section 24.

²⁹ *Ibid.*, Section 25.

supervision of the General Council. Under Section 30, the DGHC shall have the power to impose levy and collect taxes and fees. The State would retain general administration and law and order.

In vital aspects of composition the General Council under section 5 consists of 42 members of whom two-thirds shall be elected and the remaining one-third shall be nominated by the State government. The elected members of the General Council shall elect from among themselves the Chairman and the vice-chairman³⁰ as whole time functionaries of the Council.

There has been the provision of Executive Council.³¹ The Chairman of the General Council is designated as the Chief Executive Councillor. The Status of the Chief Executive Councillor in the Executive Council is equivalent to that of the Chief Minister of a State in respect of his right to allocate the councils business "in such manners as the thinks fit".³² Being the undisputed leader in the hills Mr. Ghising did not face any difficulty in the allocation of business in the executive council. The executive Council consist of 7 members, 5 nominated by the Chief Executive Councillor from amongst the elected members of the General council and 2 by the State from amongst the nominated members of the General Council.

The question can not end with what was provided for through the Accord, the question is that of functioning i.e. how far the Accord has been implemented? For, strains stem not from what they had aspired for but from what they got ultimately. Hence

³⁰ Ibid., Section 34.

³¹ Ibid., Section 38.

³² Ibid., Section 42(2).

the concern with the performance of the council.

Sources of Tension

On July 21, 1992, for the first time since the signing of the Accord nearly four years ago, the GNLFF Supremo, Mr. Ghising publicly appealed to the hill people to burn the copies of the DGHC act as a symbolic protest against what he described as the betrayal of the Gorkha's trust by state leaders. To quote Ghising, "the State government did not take adequate steps for the implementation of the Accord, particularly in regard to the transfer of Government departments to the Council."³³

Even though autonomy was promised, it was not implemented either in letter or spirit. An example³⁴ can be sought from the Sadar Hospital in Darjeeling city. It is no more than a slaughter house. It had to be transferred three years ago. And people think the council is running it and it is the council which has earned a bad name. The point is that despite the agreement that certain departments would be transferred to the council, little has been done in this regard.

At the end of the exercise, the DGHC which was intended to be an autonomous Council has turned out to be a more or less, subordinate office of the hill affairs department of the West Bengal Government. There is virtually no autonomy at all. In short control from Calcutta has not lessened. Ghising claims, "The council cannot appoint a peon even". Under section 51, of The DGHC Act, the provision exists for the appointment of employees subject to the approval of the State government.

³³ The Statesman (Calcutta), July 14, 1990.

³⁴ Interview with Inderjit.

It has also been pointed out that the relationship between DGHC and the union and State Governments have run into rough weather on account of the flow of grants. Ghising observed that committed total state and central assistance has fallen short of the Commitment. Local CPI(M) leaders however allege that the council has neglected development work and instead misused money for funding the local ruffians. "Unless one gives the accounts, one can not give the entire amount to spend".³⁵ Ghising has time and again objected to the allegation of squandering State funds.

Another aspect is that of financial resources in terms of taxing powers. On analysis it would reveal that the Hill council has to depend on the levy of tools and fees alone.

Further the nomination principle in the Executive and General Council which perpetuates the apprehension that the State Government seeks to exercise control from within.

Finally, like other subordinate bodies for example municipal board etc, in West Bengal, DGHC is subject to provision that state government may annul or suspend regulation or by law or resolution of the Executive council or General Council on grounds of "safety and security of the state".³⁶ The right of dissolving the General Council of DGHC may be exercised by the State government on grounds of "its incompetence to perform or has made default in the performance of the duties imposed

³⁵ Interview with Jyoti Basu.

³⁶ The DGHC Act, 1988, op.cit., Section 58.

on it by or under this Act"³⁷. Such provision gives rise to suspicion that the government is not keen on adhering to democratic norms in respect of Hill council.

The state government's response to the allegation that it has contributed to the virtual winding up of the council is on a low key. Its argument is that since the DGHC has almost made it to the next DGHC elections, due in May-June, 1993, is a proof that the experiment on sub-state/sub-regional autonomy has succeeded as well as could be expected.

The latest dissentment of the GNLF came with the language issue. It regarded the centre's move to recognize the Nepali language as an anti-national act. Recognition of the Nepali language was seen as a violation of the Accord reached in August 1988 which refers to Gorkha Bhasha and not Nepali as the language of the hills, Mr. Ghising contended that the word, Gorkha denoted a community, while Nepali, had a national dimension. It was identified with a particular country. Nepalis had a king of their own, while the Gorkhas were loyal citizens of India.

With the GNLF and State Government continuing their muscle-flexing it seemed there was no hope for a change in the situation as political considerations took the better of economic exigencies in the region's politics.

As the relations deteriorated, the DGHC's General Council adopted on march 31, 1993 a resolution for dissolving the much acclaimed Hill Council mainly over the statemate on release of funds to the DGHC. The resolution called for dissolution of Hill

³⁷ Ibid., Section 61.

Council in phases and surrender of its assets and liabilities to the Government, bringing to a halt all development activities in the hill areas.

Many felt that since the next elections were due, and Mr. Ghising had not many achievements to his credit, his current tantrums were a part of his poll strategy. But the GNLF's resolve to seek new political solutions to the Gorkha demand for a separate state kindled fears of turmoil in the days to come. Winding up of the council meant, the spectre of violence will once again haunt and chaos will be inevitable as the district will be left without a civic administration.

In reality, interests of DGHC and State Government are so closely interwoven that a high degree of coordination is necessary between them. The State-DGHC relationship is not to be considered from the angle of regional autonomy versus state powers but rather one of partnership and cooperation aiming at securing the best possible and most efficient service for the people. The need is of urgency for sincerity from both sides to save the council.³⁸

Perhaps realising this need apths to sort out outstanding issues through mutual discussion and in a spirit of tolerance and cooeration, the March 31 resolution passed by the or councillors recommending winding up of the Hill Council was withdrawn on April 30, giving the DGHC a fresh lease of life.

Talks were held subsequently to propose amendments to the DGHC act and arm it with new powers. The next chapter deals with these proposed amendments which gives the council a better equipped establishemnt to make it more functional.

³⁸ Dhрубajyoti Bhaumik. "The Darjeeling Gorkha Hill Council: An Experiment with Regional Autonomy in West Bengal", art. cit. **Administrative Change**. Vol.XVIII, No.1-2, July 1990 - June 1991.

CHAPTER - IV

IN SEARCH OF A NEW HORIZON

The Darjeeling Gorkha Hill Council completed its first four year term on December 26, 1993.

After protracted negotiations it was possible to find a solution to the Darjeeling problem. The tri-partite agreement which led to the Bill on the Darjeeling Gorkha Hill Council, was drafted, in Jyoti Basu's own words, "having in mind our own stated policy to provide regional autonomy to the hill areas of Darjeeling".¹ But, the DGHC was a new and innovative experiment in fulfilling the sub-regional aspirations, and problems were only to be expected. Mr. Subash Ghishing realised two years after the first elections to the DGHC, that the existing act was defective and his position was nothing more than a glorified Panchayat leader. Since then he had been demanding more powers to the council and wanting the removal of some of the anomalies which he said were standing in the way of proper functioning of the Hill Council. In all GNLF wanted nearly 58 defects in the Act to be rectified. These included the crucial question of finances and the reduction in the number of nominated councillors.

GNLF Versus the State Government

In December 1992 the DGHC blamed the "Lackadaisical" attitude of the State Government for the problems faced by the Hill Council. It charged the Government with failure to provide adequate infrastructure to make the Hill Council experiment succeed.

¹ Speech of Shri Jyoti Basu on the Darjeeling Gorkha Hill Council Bill, 1988, cit. **Towards Formation of the Darjeeling Gorkha Hill Council**, Pub. Director of Information, Govt of West Bengal, n.d., Oct. 1988.

The real cause of disaffection between the State Government and the GNLF chief was what Mr. Ghising perceived as improper withholding of funds by the State Government. Mr. Ghising has been complaining that the state Government was not releasing funds for the DGHC. Even the Central funds had been 'blockaded' According to DGHC Chairman, the State Government held back the release of Rs.37.16 crores also due to receive Rs.19.32 crores of special assistance and Rs.14.17 crores an account of state plan allocation for 1992-93.

On its part, the State Government had charged the DGHC of "misusing" the funds and not submitting utilisation certificates for the funds given to it. Besides, the DGHC chairman had been repeatedly attempting to obtain funds directly from the centre, which was in direct contravention of the constitutional arrangement for devolution of finances.

The embargo imposed by the Government on the release of funds to the DGHC had led to Mr. Ghising's ire. "It appeared the maverick GNLF leader was on a collision course with the Writers' Building and the Darjeeling hills would be on fire again"²

On March 31, 1993, the councillors of the DGHC passed a resolution recommending the dissolution of Hill Council. According to the resolution of the executive council, among the main factors that led to the dissolution were non-transfer of departments as per the tripartite accord, an embargo on council funds and interference by the government in its activities. Mr. Ghising had earlier closed down several departments of the Hill Council and released State Government officials who were on deputation with the Hill Council. He had returned the funds released by the State

² M.Vinayak, "Uneasy truce in the hill", art.pub. **The Hindu**, May 16, 1993.

Government. At the same time, he revived the demand for a separate Gorkhaland state, complaining that the West Bengal Government's "non-cooperation" made the council concept unworkable.

Chronology of Principal Events

- **December 26, 1988** : The council formed after the first general election to the DGHC.
- **June 24, 1992** : Council decides to close down eighteen departments after Ghising receives letter from state government objecting to their functioning.
- **July 5, 1992** : Burns copies of the council act passed by the state government and describing it as going against the accord.
- **Sept-Dec. 1992** : Mr. Ghising refuses, to accept state government's invitation for talks in Calcutta.
- **March 29, 1993** : Complained against the government delay in advancing funds and sets March 31, as the deadline to meet all demands, in the council's meeting.
- **March 31, 1993** : Council is dissolved and dissociates itself from the Darjeeling Accord.
- **April 2, 1993** : GNLF central committee endorses the council's resolution and decides to launch a fresh movement for statehood.

Mr. Ghising's decision to disband the council, many felt, was a calculated one to consolidate his position in the face of continuing allegations of corruption and to wrest more power for the hills. Many felt, for his own reasons which have more to do with such factors as personal ambitions, erosion of his popular base and the lacklustre performance of the council under his stewardship than to the inadequacies of the system, Mr. Ghising had the general body of the DGHC adopt a resolution disbanding itself and

deciding to remit the funds back to the government and resume the fight for full-fledged statehood. And he sought to blame it all on the West Bengal Government and its failure or disinclination to part with even the allotted funds, the implication being that it was keen on throttling the DGHC.

State Government also noted with dismay the resolution of the Hill council to the effect that the DGHC Act was against the Accord. It is unfortunate that although the DGHC Act was framed after detailed discussions and understanding between the Centre, the State Government and Mr. Ghising, the council has chosen to virtually reject this act as anti-accord.

It took repeated messages from Calcutta and New Delhi to persuade Mr. Ghising to reopen the dialogue between then hill council and the state government.

Saner counsel prevailed, and Mr. Ghising gave up his confrontationist stand and agreed to talk things over with Jyoti Basu who had expressed the Government's willingness to have the differences sorted out with the DGHC leadership.

The March 31, resolution passed by the councillors recommending winding up the Hill Council was withdrawn on April 30, giving the DGHC a fresh lease of life. Mr. Ghising's visit to Calcutta for talks across the table on all the thorny issues that troubled the DGHC also restored the cordial relations of the council with the secretariat (Writer's Building).

The two leaders decided on certain administrative changes to be put into effect immediately. "We asked them what is it that you want. They said we have no

administrative set up; we need officers etc. I said, you could have told this earlier There was no need for arson, slaughter, murder. We have now given them more powers".³

Darjeeling Gorkha Hill Council Act Amendment

It was decided that "improvements" through amendments to the Hill Council Act would be worked out which would make the council more autonomous. Till present, for almost every decision of routine policy matter, the DGHC had to seek the approval of the state government.

With the notification of the ordinance amending the existing DGHC act, on November 27, 1993, almost three years of confrontation between the GNLF leader Mr. Subash Ghising and the State Government came to an end.

The ordinance was signed by the Governor, Mr. Raghunath Reddy, ushering in a new stage in the relations between the autonomous hill council and the West Bengal government.

The Darjeeling Gorkha Hill Council Amendment Ordinance 1993 provides for a reduction in the role of the state government in supervising the work of the hill council and an extension of the power of the council and its chairman. It also enhances the status of the chairman and the council by transferring to the autonomous body more direct responsibility for development activities. "Mr. Ghising's ego has been appeased with the appointment of a principal secretary to the hill council, though his initial demand was for a chief secretary to add status to the council".⁴

³ Interview with the Chief Minister of West Bengal, Shri Jyoti Basu; January 6, 1994.

⁴ The Times of India. Nov. 28, 1993.

Mr. Ghising was concerned that the state government retained the right to meddle in the affairs of the hill council by nominating 14 members to the 42 member council. While the state government has partially relinquished its right of nomination, it still retains considerable clout in indirectly intervening in the affairs of the Hill Council. "The number of executive councillors has been increased to give the semblance of a miniaturised cabinet, over which Mr. Ghising can preside."⁵ The executive council of the DGHC has been enlarged with addition of six members raising its strength from 9 to 15. The state government will have the right to nominate two of the fifteen members on the executive council. The chairman will be empowered to nominate the vice-chairman. The state government will relinquish its right to appoint Group C and Group D employees. The state government, however, reserves the right to appoint a team of officers to inspect the accounts of the DGHC, with ofcourse, prior intimation to the DGHC. The team will assist the council in taking an independent view of the affairs of the council.

The amended act invests the council with more fiscal power, empowering it to acquire property worth over Rs. 1 crore. The congress (I) representatives initially raised a mild objection to the proposal to give powers to the DGHC to acquire or dispose of immovable property worth upto Rs. 1 crore within the whole area of the DGHC without prior intimation to the state government. The Congress (I) representatives wanted the financial ceiling to be reduced.

In addition, Mr. Ghising's status has been upgraded to a full-fledged cabinet minister with all the attendant pomp. Mr. Ghising had sought amendments to the

⁵ Ibid.

formalities of oath-taking and resignation by the hill council chairman. Instead of the chairman of the DGHC being sworn in by the chief secretary, as happened the first time round in 1988, the chairman will now be sworn in by the Governor. The chairman will submit his resignation to the chief minister, making the DGHC boss, virtually a member of the state government.

The ordinance brings three departments : Family welfare, social, adult and mass education and non-formal education; and sports and youth services under the control of the DGHC, thus increasing the number of transferred departments from 19 to 22.⁶ Further, Hospitals in Darjeeling, Kurseong, Kalimpong and Bijanbari would come under the council's purview. It could also amend the Local Library Act. The state government also agreed to release Rs. 13 crores of dues to the council as an additional boon.

The amended act brings new provisions which are "certain symbolic provisions. They are not shortcomings but improvements upon the earlier Act. One does not lose anything through slight aberration of legislation of this type, if it maintains the integrity of the state".⁷

"For forty years we have been preaching autonomy of hill regions of Darjeeling, but within the state of West Bengal. Unfortunately, it could not be done earlier. Ultimately it was done. Even then, there was lot of misunderstandings. They had no experience of running the administration and they did not give us accounts. We told them unless you give us the account, you cannot get the entire amount."⁸

⁶ See Appendix E, for list of departments under the DGHC.

⁷ Interview with Mr. N. Krishnamurthy, Chief Secretary, Govt. of West Bengal; Jan.7, 1994.

⁸ Interview with Jyoti Basu

"The earlier DGHC did not fail. After five years, our experience showed that more has to be done. It tallied with the experience of the DGHC. We have given, them all the powers except big water works powers etc. which cannot be transferred to the hill council".⁹

"GNLF was not clear about formation of DGHC. It saw the formation of the council as an interim arrangement. Earlier they would even bypass the State Government just to create friction.¹⁰ Bhattacharya opines that perhaps the formation of the DGHC was a hurried process. The Accord was signed and within two months elections were held. Provisions like resignation etc were not included. Now more powers have been given. State Government also would give full cooperation to strengthen the DGHC, which is the only alternative to sub-state regionalism.

Some of the amendments suggested to the DGHC act are however totally in opposition to the hill leader's scheme of things. For instance, the most important among these are the inclusion of MLA's and MP's belonging to the three hill sub-divisions in the DGHC and the proposed reservation for scheduled castes and scheduled tribes.

DGHC has also raised demands to bring tea gardens in the hills under the overall administration of blocks. The tea Gardens were under the jurisdiction of the district authorities so far as the general administration was concerned, but in matters of development on their own.

This, Mr. Ghising thought, had affected the process of development of civic facilities in tea gardens. In fact, Mr. Ghising would like the issue of bringing tea gardens and forest areas under the control of block administration before consenting to the panchayat elections in the hills. He referred to call this process "delimitation of blocks". DGHC also asked for a share of the revenues that the state gets from tea plantations on account of agricultural income tax.

⁹ Ibid.

¹⁰ Interview with Ashok Bhattacharya, Minister of Municipal Affairs and Urban Development, Government of West Bengal, Jan.3, 1994.

Whether the panchayats in the hills would come under the overall control of DGHC is, however, an issue yet to be decided.

Mr. Ghising had reservations about the total area under tea gardens and forest. He thought that there was excess and available in tea gardens and forest which could be realised for other uses. This have to be sorted out with the centre, which might take time.

Further, while Mr. Ghising has been insistent that the DGHC have some say in the home affairs department, the State Government is equally firm that this issue is the special domain of the state administration. The constitution and precedents, elsewhere in India guarantees that the home department remains in the hands of State Government. The state government will therefore keep the home affairs, including the police under its control. Mr. Basu, has further reiterated that though law and order, a state subject cannot be transferred to the hill council, there is going to be a better coordination of law and order machinery with municipalities and panchayats.

Last but not the least, Mr. Ghising had wanted that after the second general elections to the DGHC, the majority party will elect its leader; the Governor will then invited the leader to form the DGHC. "It had to be pointed out to him that DGHC is different from the State Government".

"In a human system, issues will continue. But having bound them in a legal structure, it would be difficult to go out of this; State's integrity should not be meddled with".¹¹

But there is a section of population in Darjeeling which feels that the ultimate is 'separate statehood'. And this merely is a temporary truce. Many feel betrayed too, by Mr. Ghising's compromising attitude and conciliatory moves. More than 300 people were killed, hundreds injured and over 10,000 houses razed to the ground during the Gorkhaland struggle that preceded the tripartite Darjeeling accord. This can not go waste.

¹¹ Interview with Mr. N. Krishna Murthy.

It must however be highlighted that, quite a few of the points the government has conceded are sure to make for a qualitative improvement in the council's functioning, and the Gorkhas must learn to run the affairs of their state on a limited scale before their leaders fancy the attainment of a full-fledged state. The government's commitment to revamp the administrative structure, an important element of which will be the posting of a Principal Secretary as the Chief Executive Officer and senior secretary level officials as heads of key departments like planning and finance. Given the sort of irritants that surfaced in the working relationship between the Hill Council and the Darjeeling district administration and the crippling effects which flowed from them, the decision to define clearly the functional jurisdiction of the two authorities is commendable and should in itself enable the DGHC to play its role more effectively than hitherto.

The Marxist supporters in the hills, the worst hit during the violent GNLFF movement, were against any "soft-attitude" towards the GNLFF-run council, while the CPM state leadership was more interested in establishing DGHC as a model in the country than to safeguard the political interest of their party cadres.

What is important now is to concentrate on developmental activities to meet the urgent needs of the hill people like drinking water, creation of job opportunities, health services and so on. The council, would have a better equipped establishment with a principal secretary finance and planning secretary to make it more functional.

Second General Elections

With the notification of the ordinance amending the existing Act, the stage was set for announcing the date for the second general elections to the Darjeeling Gorkha Hill Council. Since the DGHC elections do not come under the purview of the Election Commission, the notification announcing the date was issued from Calcutta and elections were held at the end of December, 1993. Unlike in 1988, when the cry of "Gorkhaland" dominated, this time the rise of ethnic forces and the present council's record influenced the 3.80 lakh electorate, who elected 28 councillors for the hill council.

GNLFF did not put up its representative against the CPM in four constituencies : Kurseong town; Today tanga, Chinetong-Rishihat and Mung poolat panchar. CPI(M) therefore had no "ideological problem" in going for seat adjustments with the GNLFF.

The Gorkha Democratic Front, the Akhil Bharatiya Gorkha League and the CPI (Marxist-Leninist) did not fight the elections.

Of the 28 seats that were up for grabs, the GNLF bagged as many as 24, independents emerged victorious in three seats while the CPI(M) could barely manage a presence in the hills, winning just one. Ghising was quick to point out, after GNLF's victory, that had he himself campaigned for the polls, the CPI(M) could not have won even one seat; "Moreover, we did not field candidates in four seats", he said, adding, "We gave the CPI(M) a chance to bag four seats, but they could only win one".¹²

"The CPI(M) leadership badly underestimated Subash Ghising. May be, it was misled by reports that five years of being at the helm of the hill council affairs had made him highly unpopular with the voters. True, Ghising behaves like a dictator, tolerates no opposition has mismanaged the funds allocated for the development of the hills and has turned Darjeeling into a tourist's night mare. But the shrewd Gorkha leader did not lose his skills at managing elections."¹³

But despite the poor performance, Mr. Ashok Bhattacharya, the municipal affairs minister in the Basu cabinet, is not willing to admit that the CPI(M) has been wiped out from the hills. He put it this way, "we have got more votes this time than we did in 1988".¹⁴ In the first DGHC election, the CPI(M) got 8.6 per cent of the votes and won two seats. Though the party this time has got ten percent of the votes, it bagged just one seat.

Mr. Bhattacharya stated that the present election which was "peaceful and democratic" was only "a political conflict". It was a referendum, showing people do not want a separate state".¹⁵

¹² Cited by Nabendu Guha "Himalayan Blunder" *Sunday*. January 16-22, 1994, p.78.

¹³ Ibid, p. 79.

¹⁴ Interview with Ashok Bhattacharaya.

¹⁵ Ibid.

CPI(M) had come to an understanding with the GNLFF that it would leave the field open for the Marxists in four seats. "But the party realised a bit too late in the day that the GNLFF chief had fielded his nominees in the garb of independents in all these four seats". There will now be no opposition in the Darjeeling Gorkha Hill Council. GNLFF remains on top in the absence of a formidable opposition from Gorkha Democratic Front (GDF), Akhil Bharatiya Gorkha league (ABGL), Gorkha Liberation Organisation (GLO), Congress (I) and the BJP. The Marxists have bagged only one seat and what's more, the three independents who won are all Gorkha nominees.

As things stand, with the CPI(M) down to one, the Congress decimated the GNLFF's regional rival-the GDF, running scared of an electoral contest, there is virtually no counter-force to the GNLFF in the council apart from the government-nominated members whose number have been reduced after the amendment to the Darjeeling Gorkha Hill Council Act. It remains to be seen how Ghising who has been given the status and accoutrements of a cabinet minister discharge his increased responsibilities.

For Jyoti Basu, in DGHC they have formed a model. "No where else in India it has happened"¹⁶

The centre which was the third party in Darjeeling accord signed in August 1988 has gradually distanced itself from Mr. Ghising thereby no longer playing a mediatory role.

Mr. N. Krishnamurthy, state's chief secretary emphasizes that autonomy can be further build and extended but the GNLFF must realize and maintain that "they have to come to the state government; live with the state government".¹⁷

Mr. Ghising had been visiting New Delhi often and refused coming to Calcutta when the council stands constituted within the framework of West Bengal by an enactment of the state legislature.

¹⁶ Interview with Jyoti Basu.

¹⁷ Interview with N. Krishnamurthy.

Once again there is complete agreement. Fortunately the elections were peaceful. The Agreement now reached "in principle", between the GNLFF and the State Government, on a wide range of issues should not be seen as a "surrender" either by Ghising or by the state government. It would rather be better to describe it as a proper realisation on both sides of the inadequacies and deficiencies of the DGHC. With the change in the Darjeeling Gorkha Hill Council Act in deference to wishes of DGHC chairman Subash Ghising, the Gorkha leader has ruled out the possibility of Reviwing the demand for a separate Gorkhaland state. At present, it should be the common objective of all to ensure proper and healthy functioning of the Hill Council.

Only time however can tell, whether the council formula will prove to be a temporary truce, or a transitional phase before the hill people attain separate stathood or will it prove to be a viable alternative and an excellent model to resolve the existing problem of sub-state identities and movements clamouring for separate state-hood or demand for full state-hood.

CHAPTER - V

CONCLUSION

From what has been discussed in the preceding chapters, it may be concluded that the issue of intra-state regionalism in India today is of focal importance as a new political problematique that rocks the entire polity. It is concerned as a socio-political reality which reflects the ethos of a region in its search for self-identity, social, economic and political. This has given birth to tensions here and there on the body-politic at a period when the system itself is under the process of consolidation.

Behind the plethora of autonomy demands and movements for separate statehood is a feeling that they have been left in the cold by the process of development. It is this growing sense of deprivation, both political and economic and realisation that no redress of the long-standing grievances is possible without some amount of autonomy and self-rule that have led to the eruption of violence of fruitful intensity in different regions. In terms of the socio- cultural diversities, largeness of population and continental spread, India is bigger than a country, larger than a nation and more than a mere state.¹ It is a defined civilization with all its varieties. It is a determinate territorial identity carved out uniquely by physical geography. Centuries of interfacing and inter-action between its many ethnic segments has given it unique impress of a pattern of co-existence, generally called "unity in diversity". India's federal democracy may thus be viewed as a continuing experiment in discovering the manner and extent to which ethno-linguistic diversity should not only be recognized but also assigned a role in the politico- administrative system. The core of the federal principle is democratic since it attaches a special value

¹ Rasheeduddin khan, **Federal India. A design for change.** New Delhi: Vikas Publishing House, 1992, p-29.

to linkage by mutual consent and the uniting of separate socio political entities within a system that provides for dispersal of power, thus ensuring the maintenance of distinctive identities.²

Federalism in India

A federal-nation is a mosaic of people in which unified political identity is reconciled with socio-cultural diversities. Its hallmark is unity of polity and plurality of society.

Whatever the definition of federalism, it should be understood as a phenomenon which represents some kind of a compromise between the forces of regionalism and forces of nationalism, or in other words between centrifugal and centripetal forces. Federalism combines unity and diversity, on the one hand, it promotes security, peace, strength and glory and on the other it ensures democracy, liberty identity. By providing common good to the state and to the individual federalism thrives.³

There will be continue to be a use for federalism in the centrifugal context, "as a system for holding existing sovereign entities together while giving free rein to local tribal, ethnic, religious or economic interests".⁴ Thus, in India, federalism, paradoxically, is primarily a tool responsive to the need to contain divisive factors.

² Nirmal Mukarji and Balveer Arora, "Conclusion: Reconstructing Federal Democracy" in N. Mukarji & B. Arora (ed), **Federalism in India, Origins and Development**. New Delhi : Vikas Publishing House, 1992, p.2.

³ Sharda Rath, **Federalism Today, Approaches, Issues and Trends**. New Delhi : Sterling, 1984, p.26.

⁴ Thomas M. Franck, " Why federation fail", im Thomas M Franck (ed), **Why Federation Fail: An Inquiry in the Requisites for Sucessfull Federalism**. New York : NY University Press, 1984, p.191.

As centrifugal local feelings assert themselves, new states of the Indian Union are created out of the subdivision of order ones. Except for the federal solution, these new units might break away altogether. Generally, however, centrifugal federalism is likely to save the federal state only where the cause of centrifugalism is not a local revolt against the idea of a particular formulation of the local unit. Centrifugal federalism generally threatens the federal state only when it gets out of hand, creating too many sub-units unviable in the role assigned to local government, or when it produces an overemphasis on local loyalties which eventually erodes the idea of the larger nation.

The principle cause for federation failure or partial failure of federations cannot " be found in an analysis of economic statistics or in an inventory of social, cultural or institutional diversity. It can only be found in the absence of sufficient political-ideological commitment to the primary concept or value of federation itself".⁵

Debate on Indian federalism has tended to be polarised around the centre state dichotomy. Political interaction is structured around the centre-state axis. The failure of centre to recognize sub-regions in negotiations relating to allocation of resources etc leads to statehood as a solution. There exists no intermediate arrangement of providing effective remedial action. The funding of developmental programs and financial redistribution consider the state as the basic unit; particular areas do not always feel that they are getting a fair deal from the state government. The persistence of sub-regional movements clamouring for recognition has considerably heightened the awareness of the need for going beyond the state government to a third more fundamental level of the federal polity pending its constitutional recognition.

⁵ Ibid, p. 177.

"Federalism does not show a static institution, a pattern; it is dynamic to the extent that the economic, political, social and cultural forces have shaped its outward forms. The problems of economic development and planning, diverse languages, races, castes, religions and cultures and a sense of cultural and political identity have changed the process of federalism from the concept of 'interdependence' and 'sharing of two levels of government'.⁶

Solution lies with the centre to reorient federal arrangement towards a direct relationship with identifiable socio-cultural areas presenting specific economic problems. Attempts have been made: for instance with the sub-state or autonomous state experiment in Meghalaya, but abandoned in favour of full statehood. Another arrangement is the special recognition and status granted to certain areas under article 371. Creation of Union territories is yet another arrangement. Formation of autonomous council, like the Darjeeling Gorkha Hill Council (which forms the crux of the present study) is another variant of the response to similar specific needs.

Simmering since the early '80s, the Gorkhaland movement shot into prominence in spring 1986 when the Gorkha National Liberation Front (GNLF) led by Subash Ghising began mobilizing the Nepalis of the Darjeeling hill districts on an anti-Bengal platform. When Rajiv Gandhi, then Prime Minister, visited Darjeeling on December 19, Ghising organized a successful boycott and sought central intervention in the dispute. After consultations with the West Bengal Government, the centre began holding talks with Ghising on January 28, 1987 in order to work out an amicable settlement. The GNLF agreed to suspend its agitation to allow the state assembly election in March, but

⁶ Sharda Rath, *op.cit.*, p.25.

once again proved its support base by staging an effective poll boycott. Meetings were held between Ghising and the Union Home Ministry and various constitutional options were examined.

Though the GNLFF publicly continued to reiterate its demand for a separate state and organized a series of bandhs (general strikes) which crippled the economy of the hill districts, it gradually veered around to the idea of a District Council within West Bengal, with specified powers and functions. After protracted negotiations lasting nearly one year, a tripartite agreement was signed in the presence of the chief Minister, Jyoti Basu and Home Minister Buta Singh on August 22, 1988, in Calcutta. The Darjeeling Gorkha Hill Council (DGHC) which came into being was an intra-state solution, an example of creative handling.

Recognition of sub-regions does not mean by passing state government, but an attempt to revitalise democratic process by promoting effective participation and representation of constituent areas, thus strengthening state themselves.⁷

The DGHC - A Model ?

The importance of the 1988 tripartite Darjeeling Accord under which the DGHC came into being cannot be overemphasized. Yet, it not only brought peace back to the hills but also served as a model for fulfilling the regionalist aspirations of the people. When the Bodoland agitation engaged a national attention it was to the Darjeeling accord that the government turned for guidance to sort out the issues. Efforts to find solution

⁷ Balveer Arora, "Approaches to the study of Indian federal polity: A reappraisal of the dual level approach to federal systems", in J.S. Bains and R.B. Jain (ed.), **Political Science In Transition**. New Delhi: Gitanjali Prakashan, 1981, pp.236-252.

to problems like Jharkhand too has been on the Darjeeling model as it fulfils aspirations of self-rule without having to demarcate afresh the state boundaries. This shows how important it is to ensure that the autonomous council experiment is a success. The four years that the council had been in the existence provided a welter of details on the positive and negative aspects of the experiment . It formed the basis for a reappraisal of the Hill Council Act, under which the council functions, to make it more effective in ensuring autonomy to the region.

Is Creation of a Separate State only Solution ?

Through this paper, my effort has been to state that it is not necessary that solution to sub-state movements is the creation of a separate state. Is not the autonomous council formula like the DGHC a viable alternative? The point is, the number of sub-regions potentially capable of constituting federal units may be estimated between 50 and 60. But this leads to serious misgivings regarding administrative and financial costs of such a massive reorganisational operation, even when it is conceded that the unity of the country would not be endangered by the creation of these new states.

A.S. Abraham points out that creation of new states can mean excessive dangerous fragmentation, with every sub-group perceiving itself in isolation and unwilling to merge into large social units.⁸ He further states, but such assertions of identity are often, paradoxically a response to the much stronger forces of integration, cultural, social and economic. It is because the system encourages the definition and development of identities through competitiveness that, as development goes on, sections

⁸ A.S. Abraham, "Peace in Darjeeling Hills", Independence Number, 1988 of the **Monthly Commentary on Indian Economic Conditions**. The Indian Institute of Public Opinion, vol xxx No. 1349, Aug 1988.

of the population previously outside the system make demands for their recognition by and within it, whether they are tribals demanding a Jharkhand state or others demanding an Uttarakhand or yet others seeking the recognition of the country into smaller, more culturally homogenous entities.

Political demands of viable sub-regions for new administrative arrangement are not necessarily antithetical to the territorial integrity of the country. For, every urge for autonomy is not a divisive, but most probably a complementary force, it would not lead to balkanisation but to the restructuring of national identity. It is not a fissiparous but a normal centrifugal tendency in a federation; it should not be taken as a call for disintegration on the national sovereignty but its re-integration.⁹

It is, however, arguable whether each one of them can be made into a separate federating unit or whether a couple of them or even more can be harmoniously constituted into a single state. The point is that in-built tensions and conflicts of the sub-regional units should be minimized if not entirely removed. There have been arguments in favour of small states. These may be cited as follows :

- a) The administration in such states will be more accessible to the people. The government will be able to involve itself more effectively in meeting the local needs of the people.
- b) The involvement of the people in the economic development, generally and in the cooperative and community development projects in particular will be ensured;

⁹ Rasheeduddin khan, "Determinants of Federalism" in K.R. Bombwall (ed) **National Power and State Autonomy**. New Delhi : Meenakshi, 1977, p. 121.

- c) The bonds of democracy will be strengthened and the outlook of unity and community interest promoted.
- d) The social welfare activities can be fostered better.

The smaller states have some weaknesses nonetheless. First, the local needs of the people are taken care by the machinery of planning and a small state is not able to finance on its own, projects which have no chance of being considered at the national level. Secondly, it is not necessary that a small state can and a large state cannot enlist the cooperation of the people in planning or forging ahead the ideals of democracy. Thirdly, a small state may not be financially, economically and administratively viable. "Too many small states may add to the burden of unproductive expenditure", remarks the States Reorganisation Commission.

In fact, efficiency of administration is not necessarily co- related with the size of the state. It would, therefore, be dogmatic to suggest that a large state is better than a small one or vice versa. In a federal structure like the one in India where all states- big or small, advanced or backward, thickly or sparsely populated-desire to have a uniform status, it is necessary that each state should be of such a size as to be inherently capable of survival as a viable administrative unit.¹⁰

True, the answer could possibly be found in carving out a very large number of states. But such a course of action is bound to prove very expensive in view, of the entire paraphernalia customarily associated with statehood-the Governor, the high court, the public service commission, to name a few.¹¹

¹⁰ B.L. Fadia, **Indian Government and Politics**. New Delhi: Sahitya Bhavan, 1992, p.316.

¹¹ Shriram Maheshwari : "Regionalism in India" in K.R. Bombwal (ed) **National Power and State Autonomy**, op.cit., p.110.

Since the demand for separation stems from backwardness and neglect it is time there was a national consensus on the criteria and principles for creating new states.¹²

If economic backwardness of a region is to be the only arguments for causing it out as a separate state, then, there will be no end to it. There may be relatively more backward pockets in a "backward area" inhabited by a small population which differs ethnically or linguistically from the majority and they on their part may demand regional autonomy for themselves.

There should be a serious thinking whether regional autonomy or statehood for a section of people for the sake of quicker development and for satisfying their political aspirations of sound proposition.¹³

There are others who believe that this is a wrong policy. Once the concept of regional autonomy within a state is accepted, there is nothing to prevent the people concerned eventually to go a step further and demand full-fledged statehood. Meghalaya is an example, it was first created as an autonomous unit within the state of Assam on April 2, 1970. But that did not satisfy the All party Hill leaders conference (APHLC) leaders and on January 20, 1972 that is, in less than two years, full statehood had to be conferred on Meghalaya.

In words of Inderjit, the Congress(I) M.P. from Darjeeling, perhaps another reorganisation is possible in the future" but atleast not as of today".¹⁴ "I feel we are not

¹² Barun Das Gupta, "Significance of Gorkhaland Demand" art.cit. *Mainstream*. Vol. XXV, No. 2, Sep. 20, 1986.

¹³ *Ibid.*

¹⁴ Interview with Inderjit Khullar on Sep. 27 & 29, 1992.

ready at this stage to redraw the political map of the India. India is today facing a number of crises and we cannot afford to waste any more time in redrawing the political map".¹⁵

A number of criteria can be used to assess the relative value and the viability of the existing constitutional alternatives (see chapter II for the existing alternatives). They do not all point in the same direction, nor does any single one of them provide a clear pointer to the choice of system at the present time.

The point is, Decentralization has become an acceptable concept across political spectrum but sharp differences remain on how to operationalize it. Solutions have been suggested in different directions and formation of autonomous councils is one such solution. No solution can be regarded as the 'best' solution yet the 1988 Accord did envisage a new type of partnership which the constitution-makers could hardly foresee. It envisaged what may be termed as sub-state autonomy. The stress is on devolution of power to bring the decision-making process closer to people who are not getting a fair deal.

Greater decentralisation of power, it is assumed, would facilitate increasing participation of the people in the decision-making process. This renders their identification with the political entity possible. For it would reduce their level of alienation from the power structure and integrate them with the system. The solution therefore lies with the centre to reorient federal arrangements either through constitutional means or otherwise, towards a direct relationship with identifiable socio-cultural areas

¹⁵ Ibid.

presenting specific problems. Participation is the central issue as between continuing the existing system of administrative decentralization and adopting either devolution or federalism.¹⁶

The basic demand of those who want to change the existing system is to exercise in the provinces control over decisions affecting the provinces.

David C. Nice¹⁷ writes that the national government has been regularly involved in programs that call for the involvement of the program's clientele (that is, people served by the program) in decision-making and delivery of service. Mostly those efforts fall under the heading of national-local relations, broadly defined, but local governments have not always played a formal role in the programs operations. Moreover, clientele participation has sometimes produced unexpected results.

This is not to say that participation by program clienteles is in variably a bad thing. It may enhance the efficiency of a program and provide officials with valuable feedback on program operations. It may also be the only genuine alternative to no program at all. Whether it is a good or bad alternative can vary from program to program and may depend on one's individual values. However, it runs the risk of turning a program over to well organised groups with abundant political resources-groups that will probably run the programme to benefit themselves to the neglect of other interests. Such an arrangement cannot appropriately be labeled decentralization.¹⁸

¹⁶ Bernard Burrows & Geoffrey Denton, **Devolution or Federalism? Options for a United Kingdom**. London : Macmillan, 1980.

¹⁷ David C Nice, **Federalism : Politics of Inter-Governmental Relations**. New York: Martin Press, 1987.

¹⁸ Ibid, p. 182.

Democratic polities must both maintain and contain pluralism if democracy is to survive. Many elements in politics are necessary or useful in fostering a polity conducive to accomplishing both tasks, including proper political structure and processes embedded in a proper political culture, while encouraged by appropriate social and economic conditions. An increasing number of people have found federalism, although they have not always recognised it as such, to be an extraordinary important element in both the maintenance and the containment of pluralism.¹⁹

Federalism has worked in both directions at various times, that is, in the ability of the states to resist federal encroachment and in the ability of the federal government to assault state-fostered or sanctioned encroachments on legitimate pluralism, what is important about federal arrangement is not the simple matter of power developed but the more complex matter of power shared allowing different avenues of recourse for injured parties or for those who wish to protect themselves against injury.²⁰

Suggestions

An arrangement once made is never the final answer to the problems of national, integration and nation-building. Federalism is a continuous process and a growing polity needs to make adjustments with a view to better serve the larger purpose. An important aspect of the Darjeeling Accord is that it has demonstrated when such a demonstration has become necessary, the resilience, flexibility and mediatory capacity of the democratic system the country is working under. The system's strength lies in its vast accommodative potential.

¹⁹ Daniel Elazar, *Exploring Federalism*. Tuscaloos University of Alabama Press, 1987, p.99.

²⁰ *Ibid.*, p. 101.

The following basic questions²¹ need to be kept in mind while reorienting federal arrangement which system will provide the greatest degree of popular participation and thus satisfy the feelings of provincial allegiance?

Which system would produce the optimal balance of financial independence with the maintenance of an acceptable equalisation of economic conditions and social provision?

Which system would provide the most reliable safeguards for the human rights of individuals and minority groups?

Which system is more likely to preserve the coherence of the state? (supposing that the majority of the Indian population wish to preserve it)

Which system will be the most simple to administer, avoiding the proliferation of bureaucracy which is feared if a further tier of legislative and executive authority is introduced. Keeping these questions in mind, it is possible to argue that the homogenizing transformative approach to pluralism and diversity is unsuited to our policy where the legitimacy of multiple identities is deeply ingrained in society and culture. There have been recurring problems arising out of India's enormous cultural diversity. Intra-state regionalism is one such problem. And the Darjeeling Gorkha Hill Council, is the first experience in fulfilling such regional aspirations of autonomy without having to redraw the borders of a state. This is sub-state autonomy which refers to autonomy of regions within a state. It leads to an autonomous something short of a full-fledged state.

²¹ Bernard Burrows & Geoffrey Denton, *Devolution or Federalism?* op-cit. pp. 14-15.

To conclude, the way the Gorkhaland demand has been settled provides a ray of hope. As mentioned earlier the Darjeeling Model came in handy to end the Bodoland agitation in Assam. When efforts were on to end the deadlock on Jharkhand, it was again to the DGHC that one turned for inspiration. Similar has been the case for Ladakh. All this shows how important the success of the council is to the nation. What all subjects should be delegated to the autonomous body and how the latter should be constituted are matters of detail that can be thrashed out across the negotiations table.

Mr.N. Krishnamurthy points out that autonomy is like an umbrical cart, if feeds, sustanins and develops. A proper planning done can be a real success".²²

The point is that though granting of statehood can create complicated administrative and political problems, nothing prevents the government from extending autonomy. But autonomy should be such that the people concerned really enjoy a greater say in the administration of the region.

²² **Interview with N. Krishnamurthy, Chief Secretery, Government of West Bengal, Jan.7, 1994.**

APPENDIX - A
POPULATION GROWTHS IN DARJEELING DISTRICT

YEAR	POPULATION	YEAR	POPULATION
1891	2,29,914	1951	4,45,260
1901	2,49,117	1961	6,24,640
1911	2,65,550	1971	7,81,777
1921	2,82,748	1981	10,24,269
1931	3,19,635	1991	1,335,618
1941	3,76,369		

Source : Gorkhaland Agitation : The issues : An Information document, Published
by Director of Information, Government of West Bengal, September, 1986

APPENDIX - B
SELECTED INDICATORS OF DEVELOPMENT FOR DARJEELING
AND OTHER NORTH BENGAL DISTRICTS

No.	Indicators	State average	Darjeeling	Jalpaiguri	Cooch Bihar	West Dinajpur	Malda
1.	Area (% of W.B.)	100.00	3.55	7.02	3.82	6.04	4.21
2.	Population (% of W.B.in 1981)	100.00	1.88	4.06	3.25	4.41	3.72
3.	Density (per Sq. km.)	615.00	325.00	356.00	523.00	449.00	544.00
4.	Proportion of cultivated area to total area	64.94	32.26	53.77	80.16	89.03	82.97
5.	Cultivable area for agricultural worker (that is cultivators and labourers together) - hectares	0.80	0.94	1.22	0.84	1.07	0.86
6.	Index of agricultural production in 1982-83 with 1971-72 = 100	96.14	133.48	107.29	94.24	94.43	117.16
7.	Percentage of workers	30.22	36.88	33.72	29.80	32.08	30.26
8.	Population per bank (in thousand)	20.00	14.00	27.00	34.00	41.00	25.00
9.	Literacy rate	40.90	42.50	29.90	30.00	26.90	23.10
10.	Medical Institutions (% of W.B.)	100.00	4.20	5.39	3.55	4.03	3.62
11.	Radio (% of W.B.)	100.00	3.18	1.35	2.79	0.60	0.70
12.	Television (% of W.B.)	100.00	0.30	0.17	0.30	0.05	0.07

No.	Indicators	State average	Darjeeling	Jalpaiguri	Cooch Bihar	West Dinajpur	Malda
13.	Percentage of cross-bread cattle	9.66	64.59	1.47	8.97	5.52	8.17
14.	Milk production (% of W.B.)	100.00	4.58	3.88	3.03	3.51	4.25
15.	Agricultural enterprises (% of W.B.)	100.00	5.06	3.10	1.08	5.19	9.19
16.	No. of non-agricultural enterprises (% of W.B.)	100.00	2.09	3.34	2.94	3.23	2.82

Source : Gorkhaland Agitation : The issues : An Information document, Published by Director of Information, Government of West Bengal, September, 1986

APPENDIX - C
TREATY OF PEACE AND FRIENDSHIP
BETWEEN
THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF NEPAL
(1950)

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

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

Have resolved therefore to enter into a Treaty of Peace and Friendship with each other, and have for purpose, appointed as their plenipotentials the following persons, namely :

THE GOVERNEMENT OF INDIA
HIS EXCELLENCY SHRI CHANDRESHWAR PRASAD NARAIN SINGH,
Ambassador of India to Nepal.

THE GOVERNMENT OF NEPAL
MOHUN SHAMSHER JANG BAHADUR RANA, MAHARAJA,
Prime Minister and Supreme Commander-in-Chief of Nepal.

Article I

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

Article II

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

Article III

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

The representatives and such of their staff as may be agreed upon shall enjoy such diplomatic privileges and immunity as are customarily granted by international law on a reciprocative basis; provided that in no case shall these be less than those granted to persons of a similar status of any other State having diplomatic relations with either Government.

Article IV

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

Consuls-General, Consuls, Vice-Consuls and Consular agents shall be provided with exequature or other valid authorisation of their appointment. Such exequature or authorisation is liable to be withdrawn by the country which issued it, if considered necessary. The reasons for the withdrawal shall be indicated wherever possible.

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

Article V

The Government of Nepal shall be free to import, from or through the territory of India, arms, ammunition or war-like materials and equipment necessary for the security of Nepal. The procedure for giving effect to this arrangement shall be worked out by the two Governments acting in consultation.

Article VI

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

Article VII

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

Article VIII

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

Article IX

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

Article X

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

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

Sd/- CHANDRESHWAR PRASAD
NARAIN SINGH
For the Government of India

Sd/- MOHUN SHAMSHER JANG
BAHADUR RANA
For the Government of Nepal

Source : - Gorkhaland Agitation : The issues : An Information document, Published by Director of Information, Government of West Bengal, September, 1986

APPENDIX - D

Memorandum of Settlement on the GNLF Agitation

The following is the text of the memorandum of settlement reached among the Centre, the West Bengal Government and the GNLF, following the tripartite meeting between the Union Home Minister, Mr. Buta Singh, the Chief Minister, Mr. Jyoti Basu and the GNLF President, Mr. Subhas Ghisingh, at New Delhi on July 25 :

1. Separate State of Gorkhaland:

On the overall national interest and in response to Prime Minister's call, the GNLF agrees to drop the demand for a separate state of Gorkhaland. For the social, economic, educational and cultural advancement of the people residing in the hill areas of Darjeeling district, it was agreed to have an Autonomous Hill Council would be as follows:

1. (I) The name of the council will be "Darjeeling Gorkha Hill Council".
1. (II) The council will cover the three hill subdivisions of Darjeeling district, namely, Darjeeling, Kalimpong and Kurseong, plus the Mouzas of Lohagarh T.G., Lohagarh Forest, Rangmohan, Barachenga, Panighatta, Choto Adalpur, Paharu, Sukna forest, Sukna Part-I, Pantapati Forest-I, Mahanadi Forest, Champasari Forest and Salbari Chhat Part-II within Siliguri subdivision.
1. (III) The State Government agrees to release to the council after it is formed,

or acquire for it the use of such land as may be required and necessary for administrative and developmental purposes, anywhere in or around 'Darjeeling more' in Siliguri subdivision.

1. (IV) The executive powers of the council will cover the following subjects to the provision of the Central and State laws:-
 - (1) The allotment, occupation or use or setting apart, of land other than any land which is reserved forest, for the purpose of agriculture or grazing, or for residential or other non-agricultural purpose, or for any other purpose likely to promote the interest of the inhabitants of any village, locality or town;
 - (2) The management of any forest, not being a reserved forest;
 - (3) The use of any canal or watercourse for the purpose of agriculture;
 - (4) Agriculture;
 - (5) Public health and sanitation, hospital and dispensaries;
 - (6) Tourism;
 - (7) Vocational training;
 - (8) Public works - development and planning;
 - (9) Construction and maintenance of all roads except national highways and state highways;
 - (10) Transport and development of transport;
 - (11) Management of burials and burial grounds, cremation and cremation grounds;
 - (12) Preservation, protection and improvement of livestock and prevention of animal diseases, veterinary training and practice;

- (13) Pounds and the prevention of cattle trespass;
 - (14) Water, that is to say, water supplies, irrigation and canals, draining and embankment, water storage:
 - (15) Fisheries;
 - (16) Management of markets and fairs not being already managed by municipal authorities, panchayat samiti or gram panchayats;
 - (17) Education - primary, secondary and higher secondary;
 - (18) Works, lands and buildings vested in or in the lawful possession the council;
 - (19) Small scale and cottage industries.
-
1. (V) The council shall exercise general powers of supervision over panchayat samitis, gram panchayats and municipalities falling within the area of the council's jurisdiction.
 1. (VI) The general council will have a total of 42 members out of which 28 will be elected and the rest nominated by the state government.
 - 1 (VII) There will be an Executive Council and the chairman and vice-chairman of the general council will be ex-officio members of the executive council with the chairman of the general council functioning as the Chief Executive Councillor. The chief executive councillor will nominate 5 members to the executive council from out of elected members of the council and the state government will nominate 2 members to the executive council from out of the nonofficial nominated members of the general council.
 1. (VIII) The chairman of general council cum chief executive councillor will have

the ex-officio status and privileges of a minister in the Council of Ministers in the state.

1. (IX) The Bill for setting up the Hill Council will be introduced and passed in a special session of the state legislature which has been summoned. The election to the Hill Council will held by the 15th December, 1988.

2. **Restoration of Normalcy.**
2. (I) Review of Pending Criminal Cases. It is agreed that a review will be done by the state government of all the case registered under various laws against persons involved in the GNLFF agitation. Action will be taken in the light of the review not to proceed with prosecution in all cases except those charged with murder. Release of persons in custody will follow the withdrawal of cases. This review will be completed within 15 days of signing of this agreement.
2. (II) Action against government servants : The State Government agrees to withdraw all cases of disciplinary action taken against employees in the context of the agitation. There will be no victimisation of government servants.

2. (III) The GNLFF agrees to issue a call to its cadre for the surrender of all unauthorised arms to the distrit administration. It will be made clear in the call that such surrenders made voluntarily within the prescribed date will not attract any prosecution.
2. (IV) The GNLFF herebyy agrees to withdraw all agitational activities and to

extend full cooperation to the administration for the maintenance of peace and normalisation of the political process in the hill areas of Darjeeling.

Source : Towards formation of the Darjeeling Gorkha Hill Council, Published by Director of Information, Government of West Bengal, n.d. October 1988.

APPENDIX - E

I CHAPTER II OF THE DARJEELING GORKHA HILL COUNCIL ACT, 1988

[passed by the West Bengal Legislature]

POWER AND FUNCTIONS OF THE GENERAL COUNCIL

(Section) 24. Subject to the provisions of this Act and any other law for the time being in force and any general or special direction of the Government, the General Council shall have executive powers in the hill areas in relation to :-

- i The allotment, occupation or use, or setting apart, of land other than any land which is reserve forest for the purpose of agriculture or grazing or for residential or other non agricultural purposes, or for any other purpose likely to promote the interest of the inhabitants of any village, locality or town. Such allotment, occupation, or use, or setting apart, of land shall be subject to the provisions of the West Bengal Land Reforms Act, 1955 and the rules made thereunder;
- ii the management of any forest, not being a reserved forest.

Explanation - "Reserved Forest" shall mean a reserved forest as constituted under the Indian forest Act. 1927;

- iii the use of any canal or water course for the purpose of agriculture,
- iv Agriculture.
- v Public health and sanitation, hospitals and dispensaries;

- vi Tourism,
- vii Vocational training;
- viii Public works - development and transport;
- ix Construction and maintenance of all roads except National Highways and State Highways;
- x Transport and development of transport.
- xi Management of burials and burial grounds, cremations and cremation grounds.
- xii Preservation, protection and improvement of livestock social and prevention of animal diseases, veterinary training and practices.
- xiii Pounds and the prevention of cattle trespass;
- xiv Water, that is to say, water supplies, irrigation and canals, drainage and embankment, water shortage;
- xv Fisheries.
- xvi Management of markets and fairs, not being already managed by Municipal authorities, Panchayat samities or Gram Panchayats;
- xvii Education - primary, secondary and higher secondary
- xviii Works, lands, and buildings vested in or in the possession of the General Council,
- xix Small-scale and cottage industries.

II THE DARJEELING GORKHA HILL COUNCIL (AMENDMENT)

ORDINANCE, 1993.

Amendment of Section 24

18. In section 24 of the principal Act-
- a) in clause (v) after the words "Public health and Sanitation, " family welfare", shall be inserted.
 - (b) for clause (viii), the following clause shall be substituted :- "(viii) public works",
 - (c) for clause (ix), the following clause shall be substituted :- "(ix) roads except national highways and state highways."
 - (d) in clause (xvii), after the words "higher secondary", the words, social, adult and mass education and non-formal education" shall be inserted.
 - (e) after clause (xix), the following clause shall be inserted:-
 - (xx) sports and youth services.
 - (xxi) such other matters as the Government may, by notification, official Gazette, place under the control and administration of General Council.

- Source :
- I. The Darjeeling Gorkha Hill Council Act, 1988.
 - II. The Darjeeling Gorkha Hill Council (Amendment) Ordinance, 1993.

APPENDIX F

Questionnaire

- Q1. What were the main shortcomings in the earlier DGHC Act? What according to you are the major achievements under the amended act.
- Q2. There were suggestions which were not accepted while amending the Act? Do you think, these can affect the future functioning of the act.
- Q3. Has the attitude of the West Bengal Government changed towards the Gorkhaland movement. Did this justify the electoral understanding CPI(M) had with the GNLF.
- Q4. Before the DGHC came into being what were the main features of the Hill Affairs policy of the Government.
- Q5. Do you think economic grievances will persist as long as DGHC remains a dole receiver.
- Q6. It appears to be a paradox that while West Bengal Government claims credit for outstanding initiative in Council formula, earlier it had shown resistance and it almost seemed that the government agreed to the council under pressure from the centre. Comment.
- Q7. How do you see the present Gorkhaland situation evolving?
- Q8. Do you think that council formula is only a transitional phase before the attainment of full-fledged statehood? Can the DGHC form a model for other such demands?
- Q9. Talking of sub-state autonomy, what is the limit i.e. certain amount of autonomy has been granted, which other area/areas can it be further extended to.

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