The Subject-Citizen: Locating the Status of 'Sikkim-Subject' in Modern Indian Democracy
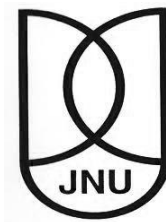
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DOCTOR OF PHILOSOPHY

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DECLARATION

I declare that the thesis entitled "**The Subject-Citizen: Locating the Status of 'Sikkim-Subject' in Modern Indian Democracy**" submitted by me for award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this university or any other university.

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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

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For

Sikkim Subjects

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Acknowledgements

This Ph.D Thesis on Sikkim Subject is a culmination of my initial puzzle, combined with the veracity of conceptual distinction between Subject and Citizen in citizenship scholarship and democratic practical imperatives. As a 'legal' descendant of Sikkim Subject and a first generation scholar from Sikkim in the newly established Sikkim Central University, upon chance I encountered a publication by Harvard Scholar, Muhammad Mamdani's Citizen and Subject; the book cemented my academic orientation on Sikkim Subject, further developed into a lifelong engagement. I was then an MA student at the Department of International Relations and Politics, Sikkim University (SU). Keen to take forward this argument on citizen and subject for my M.Phil Research, it remained stalled due to lack of professorial expertise and guidance at SU. I abandoned this idea, but not dejected, picked it up again from where I had left right after my MPhil programme. I was a step ahead in studying the rationale of Sikkim Subject through conceptually analysis of citizen and subject dichotomy and apparent co-habitation of subject and citizen as hyphenated subject citizen. In 2014, I was invited to defend my research proposal on Citizen and Subject: with case study of Sikkim Subject at the Centre for Comparative Politics and Political Theory (CCPPT), School of International Studies, Jawaharlal Nehru University (JNU). My proposal on Sikkim Subject as citizen and subject received rapt attention from the likes of Prof. Kamal Mitra Chenoy, Prof. Nivedita Menon, Dr. Mollica Dastider and Dr. Biju Kumar. This was my first brush with political scientists, based in one of the better university in the Global South. This was a momentous occasion in the career of my academic mobility, as professor of repute from amongst the interview panel, acknowledged my rudimentary endeavor in citing Muhammad Mamdani's Citizen and Subject as a starting point of my theoretical argument. The professor in question, as mentioned in the introductory preface of the book, Subject and Citizen was none other than Muhammad Mamdani's close friend. I must admit, the interview panel was extremely encouraging. I thank all of them.

Therefore, in my endeavour to organically understand the notion of cultural communities in a particular social and cultural setting of Sikkim in Eastern Himalayas, I have drawn references from similar experiences of cultural communities from states in North East India in the adopted framework of individualized centric democracy. The cultural communities in India with their distinct web of social relationship constantly negotiate inevitable changes modernizing state power espouse. The study is an effort to look at the dynamics and interface it occupies in the narrative of subject and citizen distinction in India. I would like to extend my sincere apologies to those whom I have failed to acknowledge for reasons best known to me. After having secured admissions in JNU in 2014-15 winter semester, I arrived again after having left Delhi in 2007 upon completion of undergraduate course at Delhi College of Arts and Commerce (DCAC), University of Delhi. I would like to remember friends at JNU who made my transitional stay in the hostel a hospitable affair. In this, I would like to thank Shailendra Mani Pradhan, Dr. Pravhat Lama, Dr. Panu Pazo, Bijay Thapa, Dr. Barun Adhikary, Rabindra Mani Pradhan and Japeth Darngwan (now ACS) for sharing their double and single seater space with me at Chandrabhaga, Sutlej and Brahmaputra Hostels.

At the academic front I would like thank my PH.D mentor, Dr. Mollica Dastider, Associate Professor at CCPPT for making critical interventions and furthering the debate of my study. I owe my academic growth to her unconditional support till my submission of my PH.D Thesis. Thank You, Dr. Mollica Dastider from the bottom of

<u>Abbreviations</u>

SSR	Sikkim Subject Regulation
USA	United States of America
NEI	North East India
ST	Scheduled Tribes
GOI	Government of India
GOS	Government of Sikkim
MHA	Ministry of Home Affairs
CTR	Central Tribal Region
J & K	Jammu and Kashmir
LMT	Lho-Mon-Tsong Sum
RC	Resident Commissioner
NCDI	National Commission for the Development of Indigenous
ESC	Economic and Social Council
SC	Scheduled Castes
LB	Lepcha Bhutia
SNC	Sikkim National Congress
SSC	Sikkim State Congress
SNP	Sikkim National Party
SJC	Sikkim Janta Congress
WB	West Bengal
EC	Executive Council
JAC	Joint Action Committee
D&K	Darjeeling and Kalimpong
UN	United Nations
SC	Sikkim Congress
PM	Prime Minster
CM	Chief Minster

Introduction

In 1975, the insertion of Clause F to the Article 371 of the Indian Constitution facilitated the merger of the erstwhile kingdom of Sikkim into the Indian Union. Indian citizenship was granted to all the then Sikkim-Subjects on the basis of this territorial merger of Sikkim—a foreign country till 1975 connected only with the bilateral treaty provisions with India.

Who are the Sikkim Subjects and What is their Constitutional Status in India?

The Sikkim Subject Regulation of 1961 defines 'Sikkimese' as the nationals of Sikkim (now Indian), referring essentially to the three ethnic communities of the Sikkim viz. Lepcha, Bhutia and the Nepali. In Sikkim, every Sikkim-Subject is an Indian citizen but all Indians citizens are not Sikkim-Subjects. The specification of categories (Sikkim subject and non-Sikkim Subject Indian citizen) is the primer of practice of citizenship rights discourse in Sikkim. The rights of Sikkim Subject include entitlements, subsidies, upkeep of community land, community livelihood, resource mobilization, employment opportunities and reservations in empanelled educational institutions in various parts of India exclusively reserved for Sikkim Subjects. In Sikkim, Sikkim-Subjects and non Sikkim-Subjects as opposing categories of India's population highlight tensions within the conception of rights in India. On the question of who is a Sikkim Subject, from the dawn of Sikkim's accession it was quite clear, only registered Sikkim Subjects under Sikkim Subject Regulation Act, 1961 (hereafter SSR) were qualified to be citizens of India. This transformation proves that the transformative process was documentary, inscrutable and contested. Many residents were rendered stateless after the closure of registration in SSR in the aftermath of Sikkim's takeover by India.

Discussed in detail in chapter I of the thesis, the top down approach of imposing political membership of modern democratic state on the dynamic community perceptions remains a matter of lengthy debate on 'subject' and 'citizen' in the post colonial situation. In becoming a legal citizen of the modern Indian state, the Sikkim Subject simultaneously preserves with its subject status as a subject of community and customary laws. The transitional processes of Sikkim Subject from monarchical subject to a citizen of modern Indian state help locate Sikkim's non western ways of knowing the terrains of a representing subject, and that of rights—both collective and individual. The reorganization of customary landholdings and communities within the framework

of nation-state produced a de-facto citizen i.e in the retention of indigenous worldviews and knowledge along with acquiring the enfranchised status as a vote bearing citizen. In doing so, the subject-citizen distinction and dichotomy became evident in the obtainment of entitlements and privileges are obtained—either as a member of indigenous tribe and subject (who are also the subject of community knowledge and worldview) or as a citizen of modern state.

Subject-Citizen: A Conceptual Debate

The modern social theory and critical scholarship have highlighted the difficulties of transforming population of Asia, Africa and Latin America into modern temporal concept of individual 'citizen' that demands the severing of all traditional ascriptive ties—social, political, religious and cultural. *Citizen and Subject* (Mamdani 1996) presents before us insights from African conditions. Mamdani locates colonial political identities such as native versus settler and indigenous versus non-indigenous, constructed on the basis of race and ethnicity that went on to consolidate as subject versus citizen divide in post colonial Africa. For Mamdani (1996) this colonial artificial divide shaped the discourse of political violence in post colonial Africa.

The 1789 French Declaration of the Rights of Man and of the Citizen indicate shift in the body of citizenship thought and mobilization in Europe. The individual citizen as the bearer of rights heralded an original beginning of citizenship in France. The objective of the said Declaration was to exhibit the rejection of conventional hierarchies in citizenship practices and the inauguration of collective equality within the realm of society under construction. Etienne Balibar's (1991) analysis of political subject in a response to Jean-Luc Nancy's query, *who comes after the subject?* Balibar responded by saying After the Subject, comes the citizen or citizen-subject of a political community in which equal rights is simultaneously redemptive and exclusive. In other words it embodied living paradox of that is the unequal construction of egalitarian citizenship (Balibar 1991:27). The Balibarian subject mutates in to citizen but the sovereign (state) commands rights over every citizens without distinction in the new nation state, comprised of liberated individuals guided by the rule of law. The transformation of these liberated individuals as subjects of the sovereign state thus became the foundation of their membership of the new nation state. The paradox of Balibar's analysis lies in the dialectics of equality and inequality where subject becomes citizen and citizen as the citizen-subject.

In India, Partha Chatterjee (2004), locates the debate in the constitution of political society. He argues that, in the developed west difference between citizen and population emerged because of governmental technologies. These population subjects in non western democracies wrest significant vote bank mobility and therefore it is the politics of these subjects Partha Chatterjee, talks about when he says it is their politics that post colonial democracies have to largely pay heed to. The difference in distinction between right bearing citizens and population subject in western and non western democracies are such that in non western democracies even as they have become objects of governmental policies they remain subjects of their traditions, customs and belief systems, whereas in western world the figure of the subject has mutated through the discourse of rights into a figure of citizen subject. The case of the Nagas, Sikkim Subjects, diverse African ethnic groups, tribals in northeast India, tribals in central and southern India and majority of Indian peasants are subjects of communitarian loyalties, so are they to the specific enumeration techniques of governance (Chatterjee 2013). Neerja Gopal Jayal too acknowledges the colonial legacy of the subject –citzien distinction (2013). The criteria of race and class formed the basis of determining population subjects and right bearing citizens during the British colonial regime in India. In short, the conceptual delineation of population between the rights bearing individual citizens *and* a larger population as the direct subject of the modern state in India, has unravelled the divergent meanings of the concepts of democracy, citizenship and civil society. This demarcation between rights bearing citizens and the population-subject cement the enormity of political theory in dealing with dichotomies and binaries in the received theories of western liberalism leading to many scholarly writings on liberal individualism versus communitarianism, rights versus culture, civil society versus political society.

Continuing in Indian context, the groups which had been external to the project of Indian nation-state but somehow became part of it has been given several exceptions in the form of autonomy of self governance. The tribals of North East (Sixth Schedule), tribals of Central India (Fifth Schedule) and the erstwhile population subjects of Jammu and Kashmir under the then Article 370 and subjects of Sikkim to a certain extent enjoyed the notion of shared sovereignty. The conception of Autonomous District Councils (ADCs) in the northeast India operates in the form of state within a state institution (Bhuyan 1989) followed with protective discrimination. Guided by the

special constitutional provision (VI Sixth Schedule) North East India is a region where the politics of protective discrimination for scheduled tribes (STs) today raises some of the most difficult issues of justice, fairness and costs on system legitimacy (Baruah 2003: 1624). The distinction between state-governed settled population and a frontier penumbra of less governed or virtually autonomous peoples became a contingent only with the inauguration of agrarian states- with attributes like wet rice cultivation in the valley and introduction of religion which created distinction between hill tribes and settled cultivators in the plains of the northeast India. It was based on this difference colonial power wrested autonomy to tribals in hilly northeast by putting in place inner line regulations. The Constituent Assembly which provides Sixth Schedule autonomy in northeast India, provides a framework of ethnic homeland created as an enclave for 'aborigines'/indigenous where they could be allowed to pursue their 'customary practices' including kinship and clan-based rules of land allocation (Baruah 2005:11).

Special Category of Citizens in India

As regards Article 371 F the special provisions of Indian Constitution for Sikkim, it is noteworthy of mention that there exists similar provisions in the form of Fifth Schedule, Sixth Schedule, (Article 370 for erstwhile J&K state) and several other clauses under Articles 371s as a precursor for granting special citizenship rights. These special provisions had established the distinctiveness of India's constitutional mandate over its diverse territory and even more diverse subject population. A careful study of special provisions may establish the distinctiveness of Indian Constitution[1] in relation to the notion of sharing sovereign spaces and natural resource mobilization in specific cultural and ecological setting. The special provisions of Indian Constitution have in fact ensured a mass political subject hood in Indian democracy. The idea of special citizenship bounded in a specific territory (Baruah 2013) is but differentiated citizenship. After independence special citizenship rights were particularly promoted to acknowledge and accommodate the autonomous self governing tribes for their cooption into Indian citizenship (Jayal 2016:4). The objective was to aim for triumphant integration of regions and its population bearing distinct social and cultural history.

This multifaceted citizenship practices in India renders its numerous subject population a citizen's right as enshrined in the Constitution. The Indian Constitution envisaging an

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[1] For Indian Constitution see more at Austin (1966).

inclusive and universal citizenship model for its diverse population departs significantly to accommodate membership in the new nation to diverse social groups without them having to relinquish thier own cultural identity. The only way forward was to conceptualise a multiple notion of citizenship as a claim to membership for accommodation and absorption. The competing conception of citizenship claims was effectively employed to prevent India's disintegration following the partition of the British India between—India and Pakistan.

The SSR therefore forms a tangible landmark for special rights for indigenous cultural communities of Sikkim. Sikkim Citizenship Order 1975 sets another important parameter of particularism over universalism as evident from citizenship practices in North East India and in the former state of Jammu and Kashmir.

II

The Rationale and Scope of Research

The dearth of scholarship on Sikkim studies corresponding with a lack of research based literature on the Sikkim Subject provides the main rationale of this study. The subject and citizen dichotomy in citizenship scholarship posits the paradox of modern citizenship within the limit of nation-state. Sikkim Subject as subject-citizen in India challenges the dominant view of individual as the only bearer of rights *with* the assurance that 'bearer of rights' status could also be extended to the collective members of communities with historical and cultural differences. Therefore, the major concern of this study was to bring in the concrete example of Sikkim Subjects in advancing the critical debate on 'subject' and 'citizen' in the theoretical scholarship. The present study also emerges from the serious need to locate the Sikkim Subject in the larger context of population-subject of the modern Indian state.

The very concept of having a culturally homogenous nation-state; or even the idea of bestowing all sovereign powers in the regime of a modern state, as the final arbiter, of a unified nation with common cultural identity (as borrowed from Europe) is yet to find acceptance among diverse cultures in India. This includes many self governing

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communities or the tribal population in the country. India certainly is one of the most culturally diverse non western societies of the world where 'state-nation' building continues to be an ongoing process for its ruling elites. The reality of communitarian existence of a large section of India's population, in contrast to the limited domain of civil society (comprising of *self interested rational individuals* or citizens) conscious of its rights and entitlements from a liberal democratic state, is much recognized by the liberal modern Constitution of India itself. Several provisions under the Indian Constitution acknowledge and uphold this collective over the individualized status of her citizens. Schedule V & VI and Articles 371, and (till recently the article 370) are some of the important provisions through which the makers of modern India had acknowledged the historical and cultural differences of several of its communities, and had thus chartered their integration into the modern Indian nation state only by *first granting them much autonomy* to conduct their community affairs as per their customary laws, along with their limited sovereign rights over their traditional zones/land of habitation and livelihood practices. The recent GOI negotiations with Naga insurgent groups endorse this post colonial Indian reality even further.

Scope of Research: The specificity of the study is located in the context of two broad themes (a) Citizen-Subject debate in the literature of contemporary political theory, and (b) the special provisions in Indian Constitution that grants special citizenship status to the population subjects. This has enabled one to study from close the status of tribal communities of Northeast India with a special emphasis on the need for customary governance. An exploration of the concept of Sikkim-Subjects in modern Indian democracy will help us understand community-knowledge subjectivity; and the relevance of local customs and traditions in the adopted framework of liberal democracy. This study is complimented by important ethnographic study of Lachenpa and Lachungpa tribes in North Sikkim where traditional and communitarian practices coexist with tribal self governance known as the *Dzumsa*. Thus enabling one to locate both the conflict and cohabition of the concepts of community agency and individual rights as 'subjects' and 'citizens' in a non western democracy.

Central Research Question

1. As a subject-citizen of modern Indian democracy, can the category of Sikkim Subject draw our attention to the split subjectivity of many such population-subjects in non western democracies?

Related Questions

1. Whether tribal councils such as Dsumza in Sikkim with autonomy over their collective land and traditional livelihood, help tribal population produce better human and environmental standards as compared to traditional communities who have little or no control over their land and livelihood rights?

2. Whether special Constitutional provisions for community rights and tribal councils or Autonomous District Councils (ADCs) make the tribal group behave like a state and bring in new hierarchies in their relationship with the non-tribals?

Research Methodology

This work of research has combined archival and textual studies—as the mainstay of researching from the secondary sources. Some extensive fields study based collection of empirical data mainly from North Sikkim provided the crucial empirical data to substantiate the main conclusions of this research.

The archival approach was used to analyse the old documents, adminstrtaive report[2](SSR, 1961, Census Report of 1940s and Land Survey of 1951) from the archives in Sikkim. The Sikkim Subjects as an empirical category of India's population is identified and documented on the basis of region's political history. Archival research approach facilitate the study of administrative documents in the pre and post accession period vis a vis the kingdom's/state's subject, ranging from policies on revenue generation (from settled agriculture, plantation economy, land registration) to that of electoral mobilization. Besides the archival approach, thorough referencing of primary texts concerning the inclusion of special provisions in the Indian Constitution has been employed in the study to represent the arguments of the constitution makers on the necessary enshrining of such provisions. The scholarship on citizenship from political theory, philosophy and critical theory , needless to say, has been crucial for making

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[2] For more see Anon (1915).

important interventions in the conceptual debates on 'subject' and 'citizen'. Since textual studies as a field of inquiry within social science research remain essential for building theoretical framework and making critical reflections, the proposed study make use of textual sources to locate Sikkim-Subjects within the theoretical frame of subject-citizen. The deductive approach of textual referencing on the subject complimented with detailed important ethnographic research in Sikkim. The field of ethnographic research Sikkim in general and North Sikkim in particular (to understand and analyze the role of tribal council of Dzumsa) was selected. The collection of source material from first hand field research helped study the desired inductive approach in its methodology. This study has been complimented by important ethnographic study of Lachenpa and Lachungpa (chapter IV) tribes in North Sikkim where traditional and communitarian practices coexist with tribal self governance known as the *Dzumsa*. This will enable locate both the dichotomy and cohabition of the concepts of 'subjects' and 'citizens' in a non western democracy.

The Summary of Chapters

Introduction

The introduction to the subject of research is followed by an overview and outline of the study.

Chapter I: The Citizen Subject Debate: A Conceptual Exploration

The chapter focuses on the citizen and subject debate in relation to the wide array of contemporary literature on the issue. It engages with citizenship scholarship from critical theory literature, political theory etc to understand the journey of ever evolving distinction between subject and citizen from ancient political thought to contemporary practices. The chapter employs the category of 'subject-citizen' by theorists from non western world who have made important interventions in liberal western concepts by bringing in their observations from the realities in post colonial societies. The chapter deals with the concept of political subject produced through the developmental trajectory of industrial modernity. The transformation of a peasant to a figure of citizen or citizen subject in Europe diverges with their experiences in non western world of transforming in to 'subject-citizen'. The chapter has drawn debates from citizen subject

in post colonial societies through the works of Partha Chatterjee, Mahmood Mamdani, Dipesh Chakraborty, Neerja Gopal Jayal, Etienne Balibar and others.

Chapter II: The Sikkim Subject in Indian Democracy

The chapter introduces Sikkim Subject as India's population through the historical processes of Sikkim's engagement with India's democratic forces. The chapter discusses Sikkim Subjects first as subjects in the erstwhile Kingdom of Sikkim and later as subjects of rule in Indian and community knowledge subject. The chapter traverses through the dominant historiographic traditions of Namgyal dynasty and political history of colonial period in expanding the debate further regarding, 'who', 'how' and 'what' actually constitutes Sikkim Subjects? The analysis of cultural geographies of Eastern Himalayas helps locate the position of Sikkim Subjects in as cultural communities of Sikkim's historical specificity in Indian democracy. The chapter discusses position Sikkim Subjects hold in Indian Union marked by changing nature of social-political landscape of Sikkim after the mid 1990s.

Chapter III: **Citizens with Special Status: A Closer Study of Articles 371 and Schedule VI of the Indian Constitution**

The chapter makes necessary reflections on citizenship with special status in the Constitution of India. The chapter explores how special provisions of the Indian Constitution have allowed tribal subjects to practice their customs and traditions as per their customary law thereby safeguarding their linguistic, cultural, social, demographic identity in relation to thier land and environment. For example, Article 371 F of the Indian Constitution provides Sikkim a special status and its numerous cultural communities a special citizenship status as a mark of protection and safeguards. The Article—371 ranging from 371 A to H and 371 J, accordingly mandates special provisions for eleven states concerning its custom based traditions, employment status, citizenship status, fiscal concessions, land use, special electoral college including natural resource management. The chapter discusses how certain regions of British India upon achieving independence were compelled to integrate with post colonial Indian state with the promise of autonomy and shared sovereignty by extending special

provisions in the Indian Constitution and rights of self governance under Autonomous District Councils.

Chapter IV: Dzumsa: The Story of Autonomous Tribal Council in India

A closer study of Article 371 (F) has revealed protection of customary and institutional practices of the indigenous people of Sikkim particularly in Sikkim's North district in Sikkim where community existence is modelled in tune with customary governance under a villace council konwn as *Dzumsa*. The institution of *Dzumsa* in North Sikkim (Lachen and Lachung) has proved to be exemplary institution of tribal self-governance in India. The autonomy exercised by the community leaders contribute significantly to the everyday figure of a Sikkim-Subject. A first hand study of social and political structure of Dzumsa, has enabled the study to understand both the dichotomy as well as the cohabition of the concepts of 'subjects' and 'citizens' in a non western democracy

Chapter V: Sikkim Subjects: The Self Governing Modern Citizens in India

The chapter focuses on the current discourse of Sikkim in environmental and social sector governance. Sikkim's success as the first fully organic state in India; the only state that can boast about the National Geographic Society certified bio-diversity hotspot in South Asia; as well as being the 'Greenest' state in India. The GOS's official acknowledgement that all "three Sikkimese ethnic communities of Sikkim (i.e the Lepcha, Bhutia and Nepali) possess rich traditional knowledge (Ramakrishnan 2007) of bio-diversity and have their own customary ways of conserving nature", indeed present a unique picture and demands some serious academic engagement. This chapter has contextualized state's achievement in the developmental indices of modern India in its social setting and the culture of traditional knowledge practices. For Sikkim's achievements in environmental governance pose serious questions on *the modern mainstream's inherent assumptions of 'non scientific' knowledge base of cultural communities.* This is complimented through a community protest struggle over construction of dams in Sikkim.

Conclusion

Chapter I

The Citizen-Subject Debate: A Conceptual Exploration

Introduction

The chapter will focus in the context of extant citizen-subject debate in question, within extensive array of scholarship. Engaging, particularly with conceptual and theoretical scholarship on citizenship studies, this chapter is an attempt to understand the distinction between the citizen and the subject; as well as the employment of the category of 'subject-citizen' by theorists from non western world, who have made important interventions in liberal western concepts by bringing in their annotations from empirical realities of non western societies.

The chapter will attempt to survey the conception of the political subject whose linear progression through trajectories of industrial modernity transformed in to the figure of citizen or citizen subject; whereas their counterparts from non western societies have undergone diverse exposure of transforming themselves as citizen remain in hyphenated condition as 'subject-citizen.' The chapter will draw on debates from subject and citizen (Wright: 1994) distinction, citizen and population dichotomy, subject-citizen and citizen subject from citizenship scholarship from western and non-western societies. The scholarly interventions on citizenship scholarship through the works of Partha Chatterjee, Mahmood Mamdani, Dipesh Chakraborty, Neerja Gopal Jayal, Etienne Balibar will be helpful to locate the debate on subject and citizen.

I

Introducing the Subject/Topic of the Study

All Sikkim Subjects are Indian Citizens but all Indian Citizens are not Sikkim Subjects. This delineation of peoples as Sikkim Subject now Indian citizens sums up the legal status of Sikkim Subjects in modern Indian democracy. Then, the kingdom of Sikkim, promulgated first ever codified nationality law referred as Sikkim Subject Regulation (from hereon SSR) 1961 to regulate its nationals within its territorial jurisdiction. Upon Sikkim's 'absorption' the Sikkim Citizenship Order, 1975 facilitated transition of 'Sikkim-Subject' as new members in the nation-state as Indian citizen.

Sikkim's unique clause governed by Article 371 F of the Indian Constitution preserves Sikkim Subject Regulation, 1961. This constitutional mandate bears a testimony of one the exceptional India's laws on citizenship, mandated by the India's special constitutional provisions. Sikkim's experience with Indian citizenship brings into question existing interplay of multiple layers of citizenship practices in India. The legal status of Indian citizens in different parts of the country varies since the practice of citizenship is conditioned by the model of 'differentiated citizenship' or multicultural citizenship within the model of universal citizenship. If one is to contextualize Sikkim in the larger body politics of citizenship provisions within the larger Indian context, it is best illustrated through similar special status conceded to the states and residents of Jammu and Kashmir under Article 370 of the Indian constitution (in the pre abrogation status in 2019). Further, the states in the North-India particularly Nagaland, Mizoram and Meghalaya receives concessions under several provisions under Article 371 of the Indian Constitution.

It is here Sikkim's unique Sikkim Subject clause finds semblance within the regime of citizenship practices in India. This territorial form of citizenship in many of the north east states is governed by Sixth Schedule status where 'original' inhabitants are enumerated as Scheduled Tribe (ST). Sikkim's territorial form of citizenship status is therefore regulated by Sikkim Subject status under Sikkim Citizenship Order, 1975 of the Indian Citizenship Act, 1955. As citizen resident of Sikkim and elsewhere in India, Sikkim Subjects simultaneously subscribe to the universalist model of Indian citizenship and territorial form of citizenship recognition as Sikkim Subject within Sikkim simply. This prescribes the special status of Sikkim Subject illustrated by the special provisions of the Indian Constitution. Therefore, Sikkim's experiences with citizenship ought to be understood within the larger subject citizen debate in India and those prevailing in many of the non-western democracies. Unlike the experiences of western democracies on citizenship the trajectory of citizenship journey in India has its foundations in colonial management of 'difference'.

Who is a Subject and a Citizen?

The advent of European colonialism in many of the non western societies of Latin America, Africa and Asia distinctively drew boundaries between peoples. The application of managing 'difference' was employed as an effective tool of governance

in seeking legitimacy from the governed. The colonial state-bureaucracy comprised two racially compartmentalized man powers. It was segregated between European administrators and settlers. This artificial segregation accorded the basis to necessitate distinction from the indigenous people (Ahluwalia 2001: 97) belonging to ethnic groups and tribes. In perspective, employment of this logic by colonial machinery was as an instrument employed to engineer social and political exclusion on which the very foundations of European civilizing project thrived. In this manner, the colonial state accorded the status of citizenship and subjecthood to specific population groups -on those who govern and those being governed.

The practice of attesting such a status on population groups in the erstwhile colonies was in a sense, articulated to simply claim rights since the domain of rights belonged to citizens. Therefore, institutional distinction of people into-citizens and subject effectively brought by the colonial state, principally devised the legal categories of people as subject and citizen as conceptually distinctive with opposing statuses. This legal formulation and practical imperatives of peoples either as citizen and subject under the condition of colonial rule simultaneously effected the divergent conception of citizenship and subjecthood scholarship both within legal studies and social science disciplines. Hence, the conceptual outline of citizenship and subjecthood scholarship have repetitively figured as discrete, bounded categories and temporally disparate within the disciplines of legal jurisprudence and social science literature[3] (Majumdar 2013: 480).

The distinction between the two politico-legal categories of subject and citizen were first articulated in the colonies by the colonial state for two very different set of populations—'settlers' and 'indigenous' populations. The colonial state produced this distinction between subject and citizen under diverse and different colonial contexts. The settlers in the North American continent in this sense were the first Europeans to articulate British nationality as an individual's link to a particular state for accessing

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[3] The legal formulation of citizenship and subjecthood as two opposing distinct identities was a colonial enterprise. This dominant formulation was instituted as part of the pedagogical moment in legal studies and social sciences, however this watertight compartmentalization of legal statuses stands challenged by confirming that these presumed distinct legal categories are blurred. It is in fact the colonized people in South Africa who employed the dual status of citizen/ subject to claim and access rights while on the other hand pledging allegiance to the colonial state. The colonized people through petitions and referenda appealed to the colonial rulers established a slippage between the categories of subject and citizen .For details see, BijitaMajumdar (2013), 'Citizen or Subject?Blurring Boundaries, Claiming Space: Indians in Colonial South Africa', Journal of Historical Sociology, 26/4, 479-502.

individual rights under a given municipal law thereby forming the rubric of future developments on citizenship practice and aspirations. Therefore, in the United States when settlers were denied individual rights they declared independence from an empire since they were considered subjects of an empire and not citizens.

The progression and transformation to a new status from subject to citizen did not materialize with the onset of declaration of American Independence. Prior declaring of American Independence, the basis of differentiation of subject population were regulated through the usage of often opposing concepts such as "subject" and "denizen." [4] Over a period of time the new legal order sought change within the usage of these concepts in America, what was then a colony of an Empire. The declaration of American independence flowed by the signing of treaties by the continental congress with competing Europeans powers - France on February 6, 1778 and the Netherlands on October 8, 1782 the concept "subject" was the basis for describing the inhabitants of the United States of America[5] (Koessler 1946:58). With the passage of time, the usages of the concept of "citizen" superseded "subject" in US. In Great Britain British 'subject' meant every resident owing allegiance to the British crown within the commonwealth but 'citizen' meant those people of whom were members of the commonwealth claiming jurisdiction over the territory.[6]This categorical and conceptual delineation of the population as "subject" and "citizen" was institutionalized under the then prevailing political culture flourished in the immediate aftermath of American Declaration of Independence. This distinction between the two categories were

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[4] Denizen as a conventional concept was employed to denote people residing in an alien country without enjoying full rights as inhabitants of a particular country. The difference between denizen and citizen hence can be ascertained on the basis of which particular group of people acquire partial or full rights in their own social and territorial settings.

[5] The term citizen however was largely in circulation in what then formed the territory of British Empire as early as 1777 in the Articles of Confederation. The usage of the term "Subject" was rendered obsolete in North America only with the enactment of the US Federal constitution in 1787. The term citizen was adopted to refer to the people of the US both in their relationship with country and its federating units. This change was motivated by the emergence of new political consciousness and philosophy which disapproved and despised colonial feudal monopoly in what then formed the colonies of an Empire in North America. The feudal characteristics of the term subject "subject" was well established in European theocracies since people were tied by the duty of allegiance to serve the master. The theory of allegiance that informs subjection to an authority does still forms the basis for defining American nationality. For more details see Maximilian Koessler, 1946, "SUBJECT", "CITIZEN", NATIONAL" and "PERMANENT ALLEGIANCE " Yale Law Journal, 56/1, 58-76 available at http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=4474&context=ylj accessed on 21/05/2016.

[6] British Subject was an inclusive term denoting vast masses of people residing in different parts of the world under the suzerainty of the British monarch with a sense of allegiance towards the empire whereas citizen meant people of a particular country of the British commonwealth.

institutionalised and enforced through lexicographic procedures (Koessler 1946:60). However, the annals of the American War of Independence or American Revolution testify a link that there was no visible and categorical distinction between "subject" and "citizen." The predicating of the legal statuses of "citizen" to the people of the republic and "subject" to those under the crown was a much a later articulation. Even French nationals under the absolutist feudal regime the category of "citizen" meant people under subjection of the sovereignty of the French monarchy.

It appears as if both the categories have figuratively been articulated interchangeably as synonyms in fast changing European political contexts much prior to its employment in colonies. It was successfully articulated in colonial—African and Asian contexts in the nineteenth and the first half of the twentieth century. This distinction still forms the basis of modern day governance - citizen as a figure has to be governed. This forms the basis governance in most parts of the non western world in general and post colonial societies in particular. In contemporary contexts, the category of the citizen has the incipient stature involving three dimensions of governance—democracy, government and self (Samaddar 2016: 90). The fundamental tension here is, who is the "subject" in post colonial governance? Why are citizens governed like subjects? The possible link to this query can be well founded in the theory of allegiance, whether as subject or citizen, where subjection to an authority is a momentous factor in reinforcing modern day citizenship practices and as a legal status. This is why, the citizen as a figure is perpetual problem figure in modern day governance (Samaddar 2016: 90). Therefore, it is pertinent to locate its journeys through genealogical differences within canonical texts, thoughts and under diverse political contexts in different time and space.

Subject and Citizen: Locating the "Difference"

In principle, mutation of subjects to citizens under state sovereignty in modern times was realized through the Declaration of American Independence. Then, the British settlers Subjects settled in USA, through an Act of Parliament, passed in December 1775 emerged as a new nation by forging membership of an embryonic political community. The American Revolution had fundamentally altered the theory and practice of state craft thereby transforming the political disposition of the population from subjects to citizens (Ramsay 1789). Having said that, differences between the two categories are enormous and not simplistic. The concept of subject is derived from a

combination of two Latin words, *sub* and *jacio,* meaning one who is under the authority of another, whereas citizen is derived from Latin word *civitas* meaning city. The progression of subject to citizen is indicative of perspicacity of 'liberation' from authority or freeman from slavery or resident inhabitant of a free township, autonomous country, member of a state or nation or someone who is not an 'alien'. The Anglo-French derivative of citesein, citezein signified urban dwellers since urban settings provided the route for acquiring basic rights and privileges differently from those of 'aliens' and 'slaves'. For the first time in modern history of US the definition of citizen appeared as—cas a synonym for unit of population as part of an emerging collectively as a political community of nation thereby professing sovereignty (Ramsay 1789).

As members of an emerging political community and privileged member of a township, citizens unlike the subjects were equals without possessing superior hereditary rights over other fellow citizens—members of the community. The representation of the subject as under the rule of an authority meant swearing by an allegiance to a superior authority for an exchange of subjectivation. Subtly, there was or is advertently a master and slave dichotomy involved in the process of subejectivation under an authoritative reign. This gives an indication of an incomplete community. Therefore, to be a citizen of an emerging political community was akin to possessing sovereignty much different from the conditions of rule of the absolutist monarchical regimes. Further, commenting on the nature of significance of monarchical expansionist European empires Ramsay (1789) philosophically enlightens the superior position of citizens in a feudal European set up. This reflects system of rule under European aristocracy with limited political prominence than that of being a citizen. Being a citizen—meant being a member not only of free community but meant possessing collective sovereignty as a fully developed autonomous member of a political community. The European aristocrats which yielded authority over commons lacked the free space for individual mobilisation since noblemen enjoyed power so long the monarch entitled them to dispense their envisioned roles.

Subject and Citizen in Western Political Thought
As a modern democratic category, the concept of citizen denotes legal residents of a country or state. This is despite of it being a derivative of a Latin etymology *civitas* meaning city. This creative category in its original mandate meant city dweller or an

inhabitant of a city-state. This logic of deriving *civitas* for citizen as a modern legal category is perhaps *polis,* ancient Greek city-states is the forerunner where the ideas of modern citizenship within the political community i.e the nation-state owe its foundation.[7] Therefore, this category of the citizen perpetually draws rapt interest as it did two millennia ago when Greek scholar, Aristotle posed a question on the nature of constituting a citizen. Further, the relevance of Aristotelian query on citizen and citizenship remains pertinent even to this day. The complexity of defining citizenship as a politico-legal status and direct relationship between state, community and the individual remains to this day. This relationship transcends between allegiance and rights to belonging and participation since its conceptual foundations are in some sense analogous to obligation and privileges, status, identity and values, thereby defying unanimity in its conceptual precision (Brown 2017: 09). The ambiguities over unanimity in defining the concept is as germane today it were in Greek *Polis* (city-states).[8] It is well established that the membership in Greek city-states were exclusive.

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[7] It is well founded argument that Greek city-states were the architects of atypical western form of citizenship. The *Polis* in historical times were urban township which resembled modern day cities with fortified demarcation with a countryside in the vicinity and with a set of unique belies systems such as tutelary guardians, dynastic family traditions and even demography with several linguistic variations. Similarly, there existed several *Polis* which were unique in its structure, composition and rules governing its people. Hence ancient Greece was a conglomerate of several existing and feuding city-states where land and sea warfare over control and monopoly over territory and natural resources were the order of the day. The commerce and trade was aggressive and hence required men with individual geniuses to lead perform duties and obligations in exchange for privileges. This requirement established individuation as form of recognising delivery of public services within the community. The warring nature of city-states required individuals to provide service in any event of external aggression, internal crisis for safeguarding the health of the city-states and legal protection and general well being of the population in question. The lived experiences of the little communities testify that they competed against each other and sought survival and political, economic opportunities for upward mobility. For those who excelled in public life and those city residents, who fulfilled in paying obeisance to tutelary deities and those who exhibited military prowess were positively discriminated. The individuals who were performing extraordinarily in performing public services had to be segregated by bestowing special status by extending rights and privileges from those whose relationship to the city-state and the community was not strong to be commended for special status. There were still those within the community who were residents fulfilling their livelihood existence not necessarily identifying with the dominant value patterns of the city-states they were residing, there were residents who were committed to the community but not been visible enough worthy for commendation; servile attitudes were not considered worthy for public services. Citizenship as a legal status and as a body of practice gained significance over a period of time in ancient Greek society. It even acquired prominence when resources and powers became significantly contestable with few men from the community trying to achieve a status for rights and privileges. Hence citizenship in the Greek city-states was limited to the privileged classes. For more details, please see, Peter N. Riesenberg (1992), *"Citizenship in the Western Traditions: Plato to Rousseau,"* University of North Carolina Press, pp.03-04.

[8] Talking about Greek citizenship, it is particularly Athenian model of citizenship which forms the dominant narratives about early form of citizenship practices within Greek city states. Athenian citizenship forms the least implausible source which informs modern day inspiration of liberal constitutionalist tradition. The Spartan model in liberal tradition is often considered of having lower relevance which precedes Athenian models of democracy. Hence, two ancient Greek traditions represented an assortment of unique set of values with its own set of followers and yet Spartan forms has

The process of facilitating citizenship virtue for its residents were selective as every residents residing in the city-states were not considered legal residents since many residents did not fulfil political and religious attachments with the city-states. These were those categories which did not fulfil commitment to the host community. There were significant numbers excluded from the community for exhibiting servile status from the certain symbol of attachment i.e participation in war and politics of city-states (Riesenberg 1992:03-04). The initial foundations of modern citizenship in western democracies are an exhibit of the Spartan model of citizenship. This sought to produce citizen-soldiers as a mark of patriotism and allegiance but western citizenship is a representation of Athenian virtue with its city-states emerging as a space for evoking humanistic education, economic and artistic activities (Riesenberg 1992:08). The Spartan conditions were conditioned by its participation in hostile environment with social and political institutional structure of the society organized under the oversight of ruling land owning gentries. Here, soldiers as warriors were rewarded with land deeds for inculcating warrior citizen status and arsenal for the state armoury. This form of citizenship practice is replete in modern day praetorian states where the ruling state bureaucracy is entirely comprised of landowning class—civil servants, military officers and politicians. This manifestation of Spartan model remains discarded in the western world by institutionalizing civilian and democratic oversight over the military. But Spartan virtues—of sacrificing for the nation while performing active military duties continue to reinforce military education as democratic citizenship ideals in the West. For example, active military duty in US is used as a bridge by minority groups Afro-Americans and Latinos (Leal, Nichols, and Teigen 2010) a way forward for upward social mobility and as well as to exhibit their patriotism (Guzman 1976; Sullivan 2014) for the inscribed dominant national culture of nation-states. Evidently, US has promoted its political engineering by envisioning citizenship for minority incorporation through

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failed to receive due acknowledgments of its contribution in defining and shaping modern day citizenship practices which is familiar to the contemporary world. However Riesenberg (1992), accounts Spartan influence outweighing Athenian model during the period of longue *durée of the first citizenship,* notably during the initial revolutions of the late 18th century. Spartan model however when placed within the frame of western democratic government fails to pass the litmus state as it represents antecedence of present day military and authoritarian governments. Spartan model invoked a tradition which in modern day citizenship is synonymous with compulsory military service and conscription which many of the western democracies uphold and prepare a military doctrine of military preparedness. For more details, please see, Peter N. Riesenberg (1992), "*Citizenship in the Western Traditions: Plato to Rousseau,*" University of North Carolina Press, pp.06-08.

military service (Krebs 2006; Riesenberg 1992; Samito 2009; Smith 1981) and this continues to do so for its 'immigrant' residents.[9]

Therefore, ambiguities over precise definition of citizenship from ancient Greek city-states persisted well into period of Roman citizenship. As argued, the Roman citizenship appeared more complex than those from its predecessor—Greek polis. From the empirical point of view, the Roman citizenship appeared grander. From the theoretical perspective, it was less intellectual since Greek citizenship were theorised through the likes of—Plato and Aristotle.[10] The difference between Rome and Polis was that former flourished under absolute monarchy eventually established itself as an empire and the latter represents a model of participatory citizen democracy. The Roman Empire also left behind an institutional reality of a society operationalized for centuries based on the norms of citizenship (Riesenberg 1992:56). The growth of the Roman Empire as a major attribute on citizenship is contingent upon its empire building imperatives where allegiance and service provided by few inhabitants were rewarded accordingly. This is in the manner of how an Empire was managed by the by the so called free men. This value over laden with liberation provided a platform for evolving citizenship landscape inaugurated by the advent of Christianity (p.57). For example, in order to secure Rome from external threats, it relied extensive service from certain categories of able bodied men but considered inferior from those categories of people who governed. As an exchange for active service rendered, many identified inferior body of people were offered nominal citizenship thereby giving a new outlines to the

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[9] Great Britain, US's biggest ally in global militarism have finally after two centuries of military service extended citizenship rights to retired Nepalese personnel of the Brigade of the Gurkhas attached with the British Armed Forces. While Nepalese serving in Indian Army after retirement can acquire Indian citizenship but many Nepalese have acquired citizenship rights in India without rendering service in the Indian Armed Forces since Indo-Nepal Friendship Treaty, 1950 grants citizens of each others' countries the right to passage in each others' territories to settle and procure property etc.

[10] In Greek *Polis* as analyzed by Plato and Aristotle, citizenship figured as an institution whereby few men of substance acquired civic virtue by justifying the commands of the city-state in matters of military service and economic activity notably as a landowner. The status was therefore bestowed in recognition of exemplary service rendered to the community within city-states. This exclusivity in rendering service to the community was based on decent or permanent residency or even both. This "citizen" status allowed city-state or oneself to differentiate from slaves and aliens and even women. The outcome of achieving such a status allowed one to enhance chances to acquire, protect and preserve his property. See Peter N. Riesenberg (1992), *"Citizenship in the Western Traditions: Plato to Rousseau,"* University of North Carolina Press, pp.209.

institutional framework of the state. This was instrumental in representing Roman polity as a functional unit of inclusive, moral political community. Those in higher echelons of state power demonstrated high benchmark of state craft and statesmanship by fortifying Roman Empire through citizen management—participation and service. The Roman Empire linked citizen participation in the overall fiscal and political management of the state. In doing so, they not only fulfilled the political requirements and needs of the state it additionally fulfilled citizen's impetus. The Greek city-states had ideally failed to liberate it's inhabitants since only those in possession of properties and the privileged classes were considered 'free' citizens.

Therefore, the fruition of citizenship in Greek city-states was by and large the outcome of segregated participation of soldiers and farmers. The soldier-citizens were instrumental in safeguarding the security of and the preservation of the city-state whereas farmers with their individual land holdings supported the economy and formed the rank and file of a privileged class. As time progressed towards the Middle Ages, it became evidently clear that citizenship was linked with trading and commercial enterprise. In this set up, the individuals required politico-legal sanctity, recognition and patronage for social and economic upward mobility (Riesenberg 1992:203). The pre-eminence of citizenship as a fundamental value associated with thriving cities with economic and trading activities lost much of its significance at the beginning of the sixteenth century corresponding to medieval Europe most notably in Italy. During the Middle Ages, the European monarchical state valued citizenship as a small and local level political activity.[11] By then, the monarchies had emerged as a dominant authority and citizenship was at the mercy of the ruling classes. The theorising of citizenship took a new turn as thinkers grappled with the change in the composition of state structure. According to Riesenberg (1992) this change in citizenship aptitude resultantly was the

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[11] It was in the Middle Ages citizenship as a civic virtue dwindled in significance and once again remained confined itself as an undemocratic category. Its exclusive character rendered it undemocratic and biased as it had evolved from Greek city-states. It continued to remain similar in temperament with hierarchical feudal set up supported by monarchical institutions. This practice of exclusivity and discrimination survived well into the periods corresponding sixteenth century Europe. Its survival particularly was driven by its status quoist politics under monarchical governments in the absence of revolutionary ideals emanating from the aspirations of the community. The scope of citizenship during the period continued to limit advantages of those individuals who would fulfil criterion of achieving excellence in rendering service under the new scale of princely rule and governance. Out of the several requirements to fulfil criterion in achieving the status of citizen was to possess property, civil disobedience and conforming to the established traditions and norms practiced by the religious institutions notably of the church patronised by the state. See Peter N Riesenberg (1992), "*Citizenship in Western Traditions: From Plato to Rousseau*", University of California Press, p. 203.

ruling monarchies in order to limit citizen participation associated citizenship with Republican Rome (p.203). The royal courts and universities under European monarchies and ecclesiastical institutions detested any form of Roman connections (Riesenberg (1992:203).

Those monarchical states with extensive territorial jurisdiction simultaneously governed its people culturally, settled faraway from its capital and those effectively controlled within few miles away from the ruler (Riesenberg 1992: 203). For the political thinkers of the corresponding period, the category of "citizen" was not congenial in comparison to its opposition "subject"[12]. For Riesenberg (1992) the category of "subject" allowed itself effortlessly to the fresh extent of political control and supervision. This constituted relationship between state and its people through subjectification under "subjects of monarchs" thereby turning people into political subjects (de Carvalho 2016: 57). This initial stage shows the progression of transforming diverse individuals or peoples into homogenous political subjects. The political subjects owed allegiance to the abstract notion of state preceding the emergence of early nation-state (de Carvalho 2016:58). This political subjecthood in question was instrumental in normalizing and regulating the outlook of the political subject where state emerged as an unavoidable association. This state was which one was born into without actually owing dynamic allegiance without exit options left.[13] This gradual shift highlights documentation on shifting loyalties towards state assumed primacy as the only and the primary loyalty (Strayer 1970: 10). This marker of shift in political subjecthood largely political in foundations was realized through the legal dictum employed by the state (de Carvalho 2016: 59). The reconfiguration of political

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[12] Various theories dealing with state formation have paid scarce interest in the emergence of individuals or people as subjects despite sixteenth century states commanding control and monopoly over territory and its politicization of its people as subjects. The dominant focus within theoretical traditions on state formation like that of the emergence of bureaucratic state machineries to levy taxes and conduct war at the cost of exploring formation of relationship between state and its subjects. The relationship between state and subjects is one of politicization of subjects or *subjectification*. For details please Benjamin D Carvalho (2016), "*The Making of the Political Subjects: subjects and territory in the formation of the state*" B. TheorSoc, 45/1, 57-88, available at https://link.springer.com/article/10.1007/s11186-016-9264-0 accessed on 21/03/2018.

[13]Subjecthood was changed into a unitary concept whereby individuals owed its allegiance to the state. This change in the political subjecthood through territorialisation of space in the Europe forms our primary understanding of contemporary political discussions such as that of nationalism, techniques of governance of subject populations, transformation in sovereignty of state, emergence of extraterritorial organisations under globalisation. The change in subjecthood informs our understanding of gradual shift in the dynamics taking place in global politics. See Benjamin D Carvalho (2016), "*The Making of the Political Subjects: subjects and territory in the formation of the state*" B. TheorSoc, 45/1, p. 59, available at https://link.springer.com/article/10.1007/s11186-016-9264-0 accessed on 21/03/2018.

subjecthood routed through the legal recourse, the king was empowered to downgrade and upgrade the legal status of man by relegating alien or a denizen or even instituting a new status as an intermediary of an alien[14] and a subject[15] (Riesenberg 1992: 217). This reconfiguration of political subjecthood through legal sanctity gave the state to govern its citizens and inscribe this relationship of subjection onto its subjects (de Carvalho 1992: 217). This is further exemplified in Strayer's (1970) arguments where at the conclusion of the procedure of political subjechood subjects concede and admit the principle of state interests triumphing over others and the maintenance of the state as the highest social good (p. 09). Here, Riesenberg (1992: 217) cautiously echoes an explanation English condition under the reign of Tudors and necessitate the nature of distinction and similarities between citizen and subject on the basis of relationship between people and the state. Further, Riesenberg (1992) contends that in legal parlance citizens did not exist under the kingdom as they were simple residents within cities thereby nominally qualifying to be mere subjects of royal households. The category of the citizen appears significant only as a historical conceptual figure during the reign of Tudors. This view stands in sharp opposition shared under liberal citizenship paradigm where citizens are a reflection of constructive agents of contemporary modern political order (Mitra 2013: 01). For the category of citizen to emerge as an agent of modern states (Mitra 2013:01) under liberal paradigm, the virtues of ancient model of sacrificing citizen was subtly emulated by the absolutist monarchies thereby propelling contiguity to the category of citizen and citizenship practices into a period marking the declaration of American and French Revolution.

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[14] Alien as conceptual category is seen as diametrically opposite to the citizen. The category of alien entails one to forego rights and obligations. Having the categories of citizen and alien as at opposing ends allows one to measure individual's experiences with different levels of citizenship and sense of alienation See Subrata Mitra (2013), ' Introduction: Citizenship as a Cultural Flow----Shifting Paradigms, Hybridization, *or Plus Ca Change?'* In Subrata Mitra (ed.) Citizenship as Cultural Flow: Structure, Agency and Power, Springer-Verlag, Berlin and Heidelberg, p.01. The difference between citizen and alien is also based on four basic principles underlying the conception of citizenship (a) subjection of aliens by territorial sovereignty, (b) exclusion from citizenship rights (c) states have sovereign authority in determining norms for loss and acquisition of their citizenship and (d) human rights is dependent on citizenship rights. If all states in the world combine this application of differences between the two categories it is going to render both the categories as same and the one. The ushering of liberal democracy after second world and the rise of unequal transnational citizenship in Europe have failed to achieve unambiguous scale of measuring populations' relations with the state. For details see, Citizens and aliens: the traditional borderline available at https://jeanmonnetprogram.org/archive/papers/97/97-04--1.html accessed on 22/04/2018.
[15] The king other than possessing fundamental power based on might and parliamentary association was his power and function in the divine natural order. His existences was legitimised as necessary condition to rule with order to protect those who existed to work and serve and obey (footnote 8).

In this manner, the absolutist monarchs time and again demanded active services of the citizen from the people while denying citizen like participation to its people in the conduct of making law and government (Riesenberg 1992: 218). Even reformation did not materialize intended political transformation at least within the realm of citizenship although marginal alteration in ecclesiastical thinking to effect change in the relationship between state and its exercise of power over its people through violence and patronage was visible (Riesenberg 1992: 218). This is synonymous with resistance movements against the tyranny of the rulers which in turn redefined republican citizenship. This was noticeable in France but hardly had an impact in political processes in England.

This period is synonymous with the emergence of territorial state sovereignty where the concepts of "subject" and "citizen" were employed interchangeably as synonyms by contemporary jurists such a Jean Bodin and Grotius (Koessler 1946: 60). If Bodin and Grotious used it as synonymous concepts, Pufendorf and Spinoza influenced by Aristotelian distinction attempted to craft distinction between subject and citizen whereas for Spinoza citizens were those body of men who exercised leverage over civil law of the commonwealth whereas subject as those body of people tied to the ordinances in law (Koessler 1946: 60). In Jean Bodin's initial formulation of citizenship, he observes that every citizen is a subject but not all subjects are citizens. The establishment of such similarities and distinction between citizen and subject is institutionalized on the basis of mutually constitutive relationship over citizenship between a free man and the sovereign. A Citizen for Bodin was an individual of political disposition and articulation whereas slaves were forbidden to deliver services to the sovereign with full freedom (Riesenberg 1992: 222). Therefore, citizen articulated a sense of emancipation of the subject within the sovereignty of the other subject.

As a legal jurist, Bodin made decisive distinctions between the two concepts. He argued that citizens were not just rights bearing residents of township but those legally and culturally inscribed and enjoying the confidence of the sovereign. The citizen can be attained by birth, naturalization or by the authority or those people untied from servitude. The individual's personal commitment to the sovereign power makes one a citizen whereupon he has access to rights and privileges. Therefore, private connection between the sovereign and the individual forms the basis of political community. This personal attachment of the sovereign with citizens and therefore relinquishing one's citizen identity in personal capacity is not welcoming. With the onset of reformation

in Europe, institutions and orthodoxy tied to religious practices outside the purview of uniform citizenship was coming to an end. Thus religious clergy with resources were reduced to the status of others in the community. Therefore, clergy men became citizens. However clergymen maintained their social status as economic prowess since wealth determined dignity and the social function they dispensed. They were forced to swear by an allegiance to a superior political dispensation by paying taxes and obeying norms of the uniform civil code. This was the beginning of new development as dimension of equality invoked in the social body comprised of large number of people inducted in the citizen body (Reisenberg 1992: 232).

In the sixteenth century, the concept of the subject regained control over the concept of the citizen[16] (Reisenbeg 1992: 233). In delineating this distinction between the two concepts it practically reinforced a disagreement that the concept of citizen was particular whereas subject was general. In this the concept of subject contained a classical history assimilated with the passage of time with the concept of citizen (Reisenberg 1992: 233). It was perhaps, the focus of civic republicanism demands active participation from its selected body of citizenry. The employment of the terms "people" and "subject" were acquiescent with a large population sample and not confined to the limited body of "citizens" residing in urban spaces. The usage of the concept "people" like "citizen" had its extensive interconnectedness with the Roman Empire much prior commencement of the biblical scholarship. Therefore, the grammar of citizenship continued to transform as Europe progressed into seventeenth and eighteenth centuries. The seventeenth, eighteenth and nineteenth centuries were periods marked by the linearity of human transformation propelled by the movements under the French, Industrial and Scientific revolutions. There emerged certain classes of people trained in administration, military ethics; legal jurists all tied to the executive organ of the state machinery where all people emerged as political subjects. Membership tied to

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[16] It was during this period Machiavelli and Bodin had contributed significantly bringing novel ideas to the body politics of citizenship. Both the thinkers wrote out of their nativist experiences from respective Italy and France. Both were immensely influenced by humanist studies and Roman laws which Renaissance legal practitioners taught and read. The teachings were incorporated as doctrine of political thinking including the idea of public welfare etc. As Europe progressed into new era citizenship as a virtue survived thereby commanding innovative perspectives. The works of such thinkers and jurists heralded a revolutionary zeal in Europe was absolutist in nature. The unstable political conditions of Europe demanded an innovative set of political thinking with republicanism as a cornerstone of upstaging anti-monarchical revolutions in the hope of acquiring desired change in the political masters. There were also religious movements favouring for change in thinking calling for institution of concepts such as rights and liberties. This political thinking preceded events American and French Revolutions p. 235).

representative bodies either through birth or qualification continued was a prerequisite for participation in a fully developed civic activity.

One of the major intellectual developments of this period was the stimulation of the theory of natural law freed from theological dogma as it been for several centuries in Europe. One such major thinker of this period was Johannes Althhusius, pioneered theory of associations to political thought. He saw state as a community organised for collaboration for achieving uniform goals. For him, citizen was primarily a socio-politico concept. Individual acquired a citizen stature after moving out of family life by initiating to interact with the rest as a matter of survival. In addition, citizen was required to be part of the larger community called *civitas* (p.239). Membership in a community formed the cornerstone of fulfilling the status of citizen. In doing so, he naturally distinguished citizen from foreigner, alien and slaves residing within the community. This was perhaps of utter realisation of not disturbing the fabric of citizenry since they were outside the purview of community participation. The citizen with his full membership in the community above exclusively enjoyed the benefit and privileges of the law under the government he was a subject of. The members of the community formed the principal component, state repository and of the sovereign. They swore allegiance to uphold political order and the ruler who in turn governed with their explicit sanction.

In a similar vein, naturalist theorist, Pufendorf, did not assign the community a stake in the government but developed principles of civic recital as Althhusius expected them to do. Pufendorf was aware that subjects and citizens are often confounded within the theoretical traditions informing virtues of citizenship. He showed intense interests in the concept of the citizen because for him being a good citizen meant fulfilling existential of men as "truly political animal" (p.240). Here, the emphasis is more on the morals of being a citizen since for him all citizens were not good citizens.

The English Revolution of the seventeenth century witnessed an emergence of religious dissident voices in the form Levellers. They demanded instituting of democratic program by calling for popular elections to the parliament representing the entire country by constituting a parliament instead of the landed aristocrats and royalty. The concept of citizen was one among many words that resonated well with the movement. For them, common men needed a just voice by appealing for social justice. For Reisenberg (1992: 243) it was the movement under the Levellers which had a

significant impact in inspiring the American and French Revolution[17] one and half centuries later. Among the great political thinkers of the time whose work amplified the concept of citizens was Thomas Hobbes. Thomas Hobbes[18] one of the voices of the monarch was principally opposed to civic republicanism. However, mindful of the history of citizenship he himself had titled a chapter of the human condition *De Cive*, although *cive* stood for a monarchical subject (Reisenberg 1992: 245). Both Levellers and Hobbes contributed significantly citizenship thought by integrating it with theories but did not devote significant attention in analysing the concept of citizen. They failed to give emphasis to civic republicanism of citizenship of yester years.

George Lawson, analysed the concept of citizen as well as emphasized civic republicanism of citizenship. Lawson was critical of Thomas Hobbes analysis of citizenship and the concept of citizen and subject.[19] Lawson's conception of citizenry evoked constitutional and institutional content. He argued that citizens existed prior formation of communities and since communities were formed by the citizens. For Lawson, the figure of the citizen did not weaken even after the progression of community into a commonwealth with a reasonable parliamentary oversight. This parliamentary oversight with its specific law rights transformed both the monarch and the citizens as subject of law. Lawson endorsed constitutional monarchy where monarch as the subject of law had to govern in compliance with the tacit consent of the people. His disposition was that men were free and equal and must be governed as natural and free beings.

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[17] See Sewell (1980).

[18] For Hobbes sovereign occupied an unquestionable place in the structure of authority. The authority of power was bestowed upon him by men who require a sovereign to rule over them. Despite bestowing all the power onto the hands of the sovereign he retains for all the subjects of the sovereign important rights-right to life and control over property, family. In all aspects Hobbes felt control over essential areas by men themselves was important to conduct oneself as human being. These constituted "a sphere of natural law of mankind outside public sphere" indicating exercise of autonomy of self. For Hobbes, individual formed the back bone of politics, sine he considered "man as the stuff of society" whereupon he emphasised that individual is an irreducible figure on which the complete framework of politics was established. This aspect of highlighting an individual contributed in arousing new definition of citizenship in the mid-seventeen century (p.246).

[19] Lawson has developed his catalogue of citizenship to Roman traditions through the works of medieval jurists. Lawson is credited for giving rational views on modernity and democracy in seventeen century Europe something which was anachronistic. He brings in religion as part of the political being. For Lawson, community form the first form of human existence and therefore property, personal liberty and equality was part of those community existences whose members were called citizens and had responsibilities towards family and each other. It was through socialization of human beings communities developed further into a commonwealth by means of constitutional machinations. It is then the citizen brings subjectship to his existence thereby acknowledging his membership in the community by swearing allegiance to its laws and institutions upon which structures of politics is based (p.248).

In sum total, Lawson's distinction of subjects and citizens acknowledge by and admitting the political veracity of monarchical form of government with the people as subjects in proposing a civic republicanism. He locates monarchy on the pedestal of community consent by alleviating the citizen a higher privilege by explaining their action as a historical and a politico-legal figure. Hence, subject of the monarch plays the role and dispenses the responsibilities of a citizen. The morality of citizen is constructed on the basis of its civic activities like exercising franchise serving in multiplicity of roles in dispensing public good making him a proper citizen (p.248). Lawson's constitutional conception of subject and citizen did not impact political thinking in England.

James Harrington, another English thinker did make an impact on English political thought.[20]

His thought resonate an advocacy for building a citizen army not as a means for disciplining citizens but for achieving objectives for high military standard for military successes. His conception of land owning classes for military service binds the figure of active citizens. Harrington's citizen included even the Royalists leaving little for citizens whether bad or loyal to employ judgement in the name of the community. The relevance of his thoughts assumed much more significance with the proliferation of criticism of the existing institutions in the society. Like Harrington who entered the field of citizenship was John Locke whose primary interests, however lied with property and government.

John Locke's ideas figured out of the concerns for the exclusive interests of land owning and propertied gentries of the state. Locke's conceptualised a training manual in order to impart training to produce professional citizens for administrative, moral and political functions. In educational programs, he located mechanisms to define the community. For Locke, each Englishmen had to replicate, nurture intelligence aptitude and rationale for membership and participation in the political economy of the

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[20] James Otis and John Adams were two critical thinkers of the time who acknowledged contributions of James Harrington's to English political thought. Long after his demise, the President of Yale College acknowledged his contribution by making a claim that the New England states had realized the capital ideas of Harrington's seminal work *Oceana.* His work was instrumental in contributing the emerging European thought of the eighteenth century. His political thought was reproduced classical republicanism of Renaissance period with simplicity for rural folks in England. This version later metamorphosed into an Atlantic republicanism in the eighteen century. See , Davis, J. C. (1981) "Pocock's Harrington: Grace, Nature and Art in the Classical Republicanism of James Harrington." *Historical Journal* 24/3, p. 683.

community. For Riesenberg (1992) this constituted Locke's citizen of the commercial republic in England of the eighteenth century with property as an asset.[21]

Although Locke did not sponsor syntax of citizenship, his ideas resonate citizenship education by regulating conduct and behaviour of people through training modules. Most importantly, his ideas of conduct found commanding value in the epoch of evolving European nation-states (Reisenberg 1992: 251). His advancement of political thinking in his expectations should serve the country, his fellow Englishmen would contribute to the growth of England as a power in the conduct of global political economy. This idea served the expansionist tendencies of the British Empire founded imperialism for concentrating political and economic prosperity. Locke's ideas were intertwined between two world views both—modern and medieval.

The major obsession of eighteenth century debate on citizenship was a return to the Greek city-states. After the Revolution successfully dislodged the monarchy, there emerged a consensus for creating republic. This consensus positioned citizenship as a political process and it acquired ascendancy and *citoyen* became a political buzzword[22]. The masses were not completely conscious of emerging rights engulfing Europe. They were neither mindful of the consequences of achievable transmutation of simple peasant folks into a fully developed rights bearing Englishmen, Frenchmen and American. The return emphasis on Greek *Polis* by political thinkers of the time had undersized the scheme of citizenship for a population sample and country larger than Greek city-states. The political modernity and progressiveness of the Revolution made everyone responsive about *ancien regime* but too much reliance on it rendered recently constituted political expressions ineffectual i.e. is the metamorphosis from the category of "subject" to "citizen." The ideal category of citizen remained confined to the limits

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[21] Locke was more interested in the figure of the boy who could be transformed through education and become a successful propertied man. He differed with yester years' humanist educational set up as theorised by Greek and Latin literary traditions. Locke's educational curriculum or educational ideals contained strong and powerful observable values for his followers to pick and implement them in real life world situations. He did not invoke or promote established epistemology in order to foster his educational curricula. His basis to knowledge was application of existing knowledge for achieving success for mankind and human good. He saw education as a bridge towards attainment of property and wealth and thereby a position in the community. This is how Locke was understood in the eighteenth century (p. 251).

[22] It is quite true of the events after the revolution that the people who took part in it were not fully prepared to accept new republican era ushering in Europe. The people were still considerate in accepting the scope of citizenship virtues as inscribed in the tradition of Greek *Polis* which was emphasised in Renaissance through the works of Machiavelli and the rest belonging to his generation and tradition. Even Rousseau, emphasised an institution of citizenship from an ancient tradition while formulating his ideal community from his experiences as a youth in Geneva (p. 254).

of city-states, the category of "man' seemed more comprehensive and conceptual since the focus of city-states on the ancient moral world with aristocratic and exclusivist political principles failed to acknowledge generalising theories founded on the state of nature and social contracts (Pocock 1987: xx).[23] At this instance, Montesquieu and Rousseau could exploit the concept of "citizen' contentedly without having to link with innovative approaches of theorizing (Reisenberg 1992: 254). The entry of Rousseau[24] and Mably does indicate a course en route for republicanism where the doctrine of citizenship—civism, heroism, equality and sacrifice acquired impetus (Reisenberg 1992:255).

The concept, *citoyen* eventually gained popularity in the political vocabulary and diction. The concept not only harnessed essence of its meaning for the civic humanists of the Renaissance epoch but also carried overtones of republicanism and popular activism. For practitioners, the concept of citizen was over laden with allocation of authoritative values with origins in classical values. The entirety of an identifiable legal concept the category of the citizen qualified for the requirements of both traditions—polar tradition and absolutist traditions (Reisenberg 1992: 255). Rousseau and Hobbes used the concept of citizen in comparable circumstances but with a dissimilar strategy: a parity of subjection to the sovereign authority (Dukes 1977: 44-53). Montesquieu's political influence added substance to the political category of the citizen. He connected the efficacy, advantages and poignant return of citizenship to the pulsating civilization of city-states which was fashionable during the time. This was because Roman Empire had limited to offer because of its demise despite contributing to structure political discourse. He envisaged an English political system with monarchy under constitutional oversight where principles of governmentality institutionalized under the law enforced by the parliamentary sovereign. The homogenous unit of population were closely knit

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[23] Also see Weber, *Peasants (1976).*

[24] Rousseau was one such political thinker whose ideas were persuasive and instrumental in shaping the discourse of literary genres. However other expressive art forms like drama, opera, poetry, expressed novel ideas in criticising the dominant modes of institutional power. This infused a critical role in giving a new outlook to the new world to be. The opera houses were self critical of the cultural and the political elites. The growth of literacy in France vitalised the anti-establishment culture and ideas since large number of published editions and periodicals were in circulation feeding with ideas and information. The reading culture and habit among the salaried and those in service saw a steady rise by 1780. By 1789 the people were not only gossiping but were also agents of news. By the time Revolution struck France, people had with them several hundred publications endorsing critical perspectives on the establishment. The most acclaimed pieces were circulated through pamphlets between the periods 1789 to 1799. These pamphlets minted innovative currency of political ideas. See Darnton and Roche, *Revolution in Print*, pp. 55-56.

by uniform religious institutions. The people exercised liberty and this was what interested him the most. The citizen under second citizenship in a large modern state was his ideal model where he is politically active in participating electorally. England had representative form of political participation which the Romans lacked whereupon citizens in Roman system were performative citizens.

His conception of the citizen flourished within the condition and principles of liberty and security. Liberty was conceptualized as a life under the reign of law. He expected citizens to contribute to the national interests by adhering to the legal provisions of the land, complying with the educational standards producing obedient, industrious and an affectionate subject of the sovereign authority. His model citizen was expected to embrace the dominant national culture by accepting norms and traditions by contributing in his own genius ways to the dynamism of the state. This conception of citizen did not seek to manufacture a heroic political figure but to reinforce virtuous order among them to harness obligations towards state by not extracting honour for feeling obliged. The creation of heroic character from the citizen did not become visible in England but elsewhere later in the period (Montesquieu 1965: 24-95; Skhlar1991: 55-66; Richter 1977 and Pangle 1973).

One of the thinkers who analysed the emergence of *citoyen* as a political figure was Gabriel de Mably[25] whose analysis of France dates back to the days prior the Revolution. Mably's political activism was duty bound to revolt on the eve of the revolution against the tyranny of the ruler. He demanded action from the citizen to oust the ruler (Ceba 1845). The French Revolution of 1789 gave impetus to the scheme of *citoyen* which gripped the public imagination as a form of loyalty to the movement and

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[25] Gabriel de Mably was one the defenders of American Revolution. As a Frenchmen he was well versed with the lengthy tradition of Atlantic and English social and political thought. He was self consciously rationalist thinker as is evident from his writings on the subject. His questions for example raised issues whether quality of a citizen destroy man's dignity as a man. For him the state of nature was the primary condition of actual politics whereas Liberty occupies only as "a second attribute to humanity." He saw citizen as a political activist where his existence is seen as an integral part of the society governed by the rules and laws. He is critical about judgements delivered by agents of the state and in this case citizen must rise above and raise his voice and use his rational to act to change and both the outlook of citizen and the ruler. The compulsion to act against unjust action is nothing but a virtue of human nature since laws created by man himself for his own good should not render him a slave. As a rationalist, he opined that man is naturally rational since it is God given in order to bring progress to the laws and human behaviour and one should act through political processes to bring out a desired result. John Locke himself had legitimised the right to revolution against the sovereign's violation of contract with his subjects purely as legal requisites whereas Mably sees the breach rather as a moral and political condition. His analysis of citizen falls short of quality in comparison to Montesquieu but is an activist citizen compared to Rousseau's citizen and seen as a social reformer. He highlighted existing problems and concerns related to taxation and property of common man (Mably cited in Reisenberg 1992: 259).

emerging French nation. This sequence of the figure of *citoyen* within emerging French nation was wedged as part of the discussions of citizen in the city-states only four decades prior the Revolution. According to Resisenberg (1992: 259) there were critical concerns; why did this ancient view on citizen emerge on the eve of Revolution in modern Europe?; Why did citizenship figure unexpectedly as on the buzzword of the revolution?

The region of Western Europe which was engulfed in scientific mode of reasoning was organised under a feudal system operating for several thousand years. For the political thinkers and philosophers, citizenship continued to accept the characteristics of the hierarchical construction of social and political order. The human beings were categorized as citizens based on their rank and gender relationship as a propertied class, resident of the city, military elites and aristocrats etc. In essence, citizenship was subservient to community as unit of analysis with individual excellence as a criterion for recognition. The political and moral programme of European lives had remained stable without effecting a change in the character of the citizen. In order to maintain the stability in the curriculum, theology played an imperative role to ward off the activist civic ideals of the Greek city-states and *civitas* normalized through the works of ancient philosophers. However, these activist civic ideals with agrarian and martial republic of the *Polis* assumed relevance in Western Europe's emergence an imperial power in consolidating an empire. In addition, there was proliferation of literacy programmes where publications dealing with the innovative mode of critical political reasoning swayed the temper by the time Revolution had reached France. Rousseau emerged as one of the most celebrated and quoted thinkers of political activism during that era. His theory of social contract was the least read and circulated prior commencement of the Revolution.

His ideal citizen formulated from his experiences as a youth in Geneva was evoked by the revolutionaries throughout the moment (Spurlin 1984: 86-98; Miller 1984). The French Revolution was truly a period political movement founded on the pedestal of citizenship within a large territorial state inhabited by free, reasoning human beings and not simply by subjects of the state (Palmer 1960: 150-51). But the existence of literary traditions in mobilizing political thinking discloses further traditional figure of the

citizen, the one closely resembling the citizen from the days of the Greek *Polis.*[26] Rousseau like Hobbes saw the state as an absolute institution with authority over its citizens with an oversight stretching over a large territory and its population. In this respect, Hobbes and Rousseau both shared with Bodin the ascendancy of the sovereign authority in regulating and shaping the characteristics and rights of citizen and subjects. His platonic correspondence with emphasis on sate controlled education would engender a moral and soldier citizen class of people attached to the motherland (Jaume 1989; Sewell 1980).

The concept of citizen and citizenship was accepted as the benchmark expression of politics after the meeting of the Estate General in 1789 (Reisenberg 1992: 266). Since then, *"citoyen"* as an expression figures in numerous official channels including in popular traditions throughout the country. Even noblemen and clergy who were part of the old power structure made use of without its application. The word signified political activism and universalism dating back to centuries. The word made introduction as a preface to emerging constitutionalism, requesting for justice important petitions and memorandums. The term was abstracted into its usual use in order to inculcate revolution in France with regard to attainment of place in the order of the government. The concept of citizen rose to prominence with the "Declaration of Man and Citizen" by assuming the impression of politico-legal stature. As a starting point, it evokes generalizing references to man, sovereignty, liberty and the legal provisions of the land. Thereafter it mentions reference to the expression of citizen ultimately attached to the doctrine of law, freedom of expression and speech and its relation with state and its organs. In this, citizen is supposed to indicate serious, authoritative concept related to man as a form of fundamental human existence as a member of the community. This declaration as upshot of the then French social system with a bent towards bourgeoisie relying for its authenticity on realistically derived universal principles (Hyslop 1968: 113-15). The conception of citizenship since the end of eighteenth century underwent

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[26] As a leading figure of French Revolution, Rousseau had emerged as an egalitarian theorist and modern democracy. In precise, he was leading light for modern totalitarian democracy. Rousseau although wrote and preached about constituting hierarchical social and political order but his hierarchical order was dismantled in the Revolution. He was comfortable with the citizenship of the old or first citizenship of the city-states which he endorsed and died a natural death following his demise. His political thought was often contradictory with his own line of political thinking. His ideas on citizenship remained consistent which was tied to his own ideas of general will, equality and administrative methods of administering a country. His opinions were remarkably powerful in changing the outcomes of political thinking in Europe for atleast two centuries. His reliance on Platonic social and political vision brought it to the forefront of European political thought.

transformation along both sides of the Atlantic. The republican governments established under the two very different political and social contexts lasted in US without any interval while in France it was marked with interruptions such as military interventions and its defeat after the revolution re-emerged as a republic. The American Revolution in itself constituted anti-establishment foundations and institutions and in this manner American polity was instituted.

The overhaul of colonist into a citizen is a salient feature since organisation of settler colonial townships in America did not diverge much from ancient city-states.[27] Similarly, France faced the nuisance of creating a new model of citizenship as in America despite the variance between contexts of the Revolution in US and France. The French community establishment did not diverge much from the Greek city-states, but Bodin's theory of citizenship survived at the level of the nation where the distinction between subject and citizen remained as a form of subjection of the individual to the sovereign monarch where the sovereign did not command active participation of the development of laws (Resineberg 1992: 270). This anomaly had been the subject of the Revolution which needed to be rectified by locating people in the government. The Revolution centred on creating consequential, evocative and uniform form of countrywide French citizenship. However, France had a long tradition of persisting multicultural identities consisting of different regions. At the same time, the fall of eighteenth century heralded an epoch where Rousseau and other political thinkers employed the category of *citoyen* in a loud method robbing its original inclusive mandate it was supposed to mobilize. It was no more a universal concept with precise clarity and definitive distinctiveness. Prior the Revolution, the concept misunderstood

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[27] The American colonists remarkably chose republicanism as an ideal form of government and accordingly transformed subjects into citizens despite the fact that the pattern of American colonial community values that were organised was small scale. Its religious laws and reality were not very different from those of an English village of the middle Ages or ancient Sparta in Greek city-state. The size of the colonial settlement, reliance on community values, community regulation over personal, public and economic affairs, religious uniformity, aversion to accept newer ideas and unconventional institutions, its reliance on citizens for the exercise of persistent service was no different from the older citizenship practiced in Greek city-sates or as in the Roman Empire. But if we inquire into the practices of colonial America from the category of longue *durée*, placing ideas of thinkers such as Harington and Locke makes a perfect sense. The colonists in America prior hundred and fifty years the Revolution struck lived some form of republican life. The leaders after and during the Revolution were faced with the task of creating new community and virtuous society on the basis of harmonious and uniform identity as it were under the theological and religious terms in US prior Revolution. In reality, the framers were tasked with the need for instituting and conceptualizing novel citizenship by removing older allegiance as well as incorporating them in order to permit inclusion of strangers as new members in the community. This reconfiguration and new conceptualisation would incorporate "belongingness in commons" and simultaneously acknowledge individual membership see Reisenberg (p. 269-70).

its clarity with *sujet* and *bourgeois* and its uncertain revolutionary zeal. After Revolution, confusion regarding the meaning and significance continued unabated since the accurate nature of call for action was not understood to the leadership of the revolution let alone to the common folks.

However, if the concept of citizenship within nation-states owes its origin to Greek city-states then the principles and philosophy of national citizenship was first idealized during the French Revolution (Brubaker 1989: 31). For the first time in the history of contemporary era, formal delimitation of the population; the investiture of universal egalitarianism, necessitating mutual and collective rights and duties, the institutionalization of political participatory rights, the juridical validation and ideological inflection of distinction between citizen and alien etc was formalized (Brubaker 1989:31). Despite ambiguities surrounding the implication of the Revolution on the French polity particularly on the convention of the term *citoyen* as envisaged by the revolutionaries, the Revolution was accredited for laying the instituting the framework of modern nation-state. Along with the modern-nation state the Revolution simultaneously gave birth to the modern institution and philosophy of national citizenship (Brubaker 1989:31) albeit confusion persisted on the actual, meaning and significance of the citizenship in France over a long time on the post Revolution phase. The confusion hovered until the nineteenth century with late eighteenth century distinction between active and passive citizenship continued to operate as a mere rhetoric of political activity[28]with citizenship as an idea but not a practical imperative. The refutation of monarchy and its substitution by an elected representative organ based on adult suffrage allowed entry of ordinary men in public offices in America really did not create a favourable environment for a new order. Both the Revolutions could not depart from the past even it made commitments to create new citizenship model. The debates for achieving adult suffrage for all men in France irrespective of status and property, discrimination meted out to Native Americans and Blacks in America through the institution of slavery and the lengthy struggles for social, legal and political rights among women in Europe and America actually testifies the fixated conditions built

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[28] In passive citizenship every person's property and liberty would be protected whereas in active citizenship exclusively only adult male were worthy enough to be involved in the welfare of the sate by way of service and property. The situation did not warrant a situation where all men were equal since both active and passive citizenship highlighted facet of wealth and property which was with the reach of both able and propertied men where all men were unequal in terms of privilege, status, symbol and property. This distinction between active and passive citizen only allowed men with position, power and property to function as citizen in post revolutionary France.

upon older citizenship model where objectives of the innovative model of citizenship was unbreakable to achieve. This period of uncertainty did pave way for the emergence of second citizenship from first citizenship. The second citizenship for instance brought benefits as well as virtue through ruling and being ruled (Reisenberg 1992:273) forming the condition for creating distinction between subject and citizen.[29]The cerebral expression of the French political community within the tradition of modern republican citizenship as is known today actually started from the ideological crucible of the 1860s (Hazareesingh 1998: 04). There at least appears usage in political vocabulary but without proper understanding and consensus diversities of formulations about the notions of citizens and citizenship. One such analysis of prevailing political vocabulary in France between 1869 and 1872 was by Dubious. He observed notable array of phrasing where one encounters several forms of membership within a political community. Therefore, formulation of the "good" and "virtuous" citizen, "honest" citizen, "citizen-president," "citizen-soldier," "citizen-king," "citizen-bourgeois," "citizen-worker" and also the "citizen-subject" appears in varieties of contexts (Charles Debbasch and Jean-Marie Pontier cited in Hazareesingh 1998: 10). In this fashion, the French Revolution dismembered the hierarchical construction of social lives by crafting amid all citizens an order of abstract equality without assuring pledge to preserve of freedom (Bendix 1977: 58-9). It is in this context of building national political community nation-state emerged in Europe after the Revolution.

The established distinction between subject and citizen in political life espoused in the older regime prior Revolution was based on merit. The bond between inherited or spiritual rank in the society, command over resources most notably over land and the employment of public office (Bendix 1977: 66) was the realm of citizens. The system of according and accessing rights and privileges was one based on one's ability to directly participate in public affairs. The direct participation in public affairs was based on one's landed credentials and status. The individual subject on the other had did not enjoy the privileges and access rights and liberties since the regime extended these to

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[29] In France for example there were regular mentions to references of *citoyen* in the 1814 Charter, Napoleon's Additional Act, 1815 followed by 1830 charter. The Constitution of 1848 vociferously identified the reciprocal responsibilities of citizens towards the republic and vice versa. Lastly, the first article of 1852 Constitution of the Second Empire implied the regime's observance to the "great principles proclaimed in 1789as the foundation of public rights of Frenchmen." This heralded a new beginning in France where the notion of citizenship and citizen was widely accepted and circulated in political, juridical as well as in discursive contexts (Charles Debbasch and Jean-Marie Pontier cited in Hazareesingh 1998: 10). See Sudhir Hazareesingh (1998), From Subject to Citizen: Second Empire and Transformation of Republican Citizenship in France, Princeton University, p. 10.

the groups, corporations and estates; estates were a channel for traditional classes for representation in judicial and legislative organs of the state (Bendix 1977: 66). The classification of subject population varied from tenants, journeymen, working class, servants and peasants. The subject was however represented by their household master and through his estate. These distinctions between subject and citizen reinforced through status was derelict by the emergence of twin revolutions in the West—the political and the industrial and these momentous events heralded a movement for due recognition of citizenship rights for all, together with those individual subject in position of economic dependence (Bendix 1977: 67). This corresponds well with the struggle involving the idea of equal rights for its entire people in Western Europe which is based on the experiences of historical mutation of peasant subjects into an industrial working class in order to acquire the figure of the citizen-subject of the nation (Chakrabarty 2002).This event in Europe ushered new narrative of political modernity. This event significantly shredded the governing distinction between subject and citizen administered through traditional and patrimonial relationship between individual and the authority.

The idea of the equal rights for all "citizens" further amplified with the surfacing of class relations between the working class and the upper class. The implication for such a development in the west in the eighteenth century was that the commencement of national citizenship was conceptualised within the context of evolving class relations. The industrial working classes' mobilization for equal rights in England and people's revolution for equal rights in France and America have had different bearings for its people. The revolution in France and America and Industrial Revolution in England highlights two facets of national citizenship in the west—Republican citizenship and Liberal citizenship. The revolutions in France[30] and America resulted in the emergence of the bourgeoisie on the other hand industrial revolution in England resulted in the ushering of political mobilisation of emerging industrial working classes (Bendix 1977: 74). The political mobilisation of lower classes in America is not an effect of

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[30] Ever since the French Revolution, discussions on extending citizenship within the parameters of the "fourth estate" which was extending the principle of functional representation to those subjects who were under economic dependence, along with the advancement of plebiscitarian principle (Bendix and Rokan 1962: 90) became a major highlight of extending citizenship rights in Europe. The advancement of this principle was fashioned in order to discard all intervening power such as estates and corporations between the individual and the state simply to ensure free flow of equal rights to its individuals before the sovereign authority as citizens. Please see, Bendix and Rokkan, "Nation Building and Citizenship", 1962: 91).

industrialisation since political mobilisation preceded industrialisation in America. In Sum total, citizenship in France and England required codification of rights and duties of all men who were recognised as citizens (Bendix and Rokkan 1962: 89). The distinction between subject and citizen in Europe became distinctive with the subletting of various forms of functional representative system and plebiscitarian principle as the basis of national citizenship in many parts of Europe. The underlying aspects of integrating national community though functional representation[31] and plebiscitarian[32] principle not only embodied citizenship but also characterized the progression in enactment and codification for institutionalizing national citizenship in many parts of Europe (Bendix and Rokkan 1962:91). The French Revolution not only pushed forward the principle of citizenship in to its exercise but positively fastened the idea of citizenship to the sovereign state. With the passage of time, the sovereign state transformed in to nation-state and subjects into citizens respectively (Xi 2010: 7018). This was a result of the shift in the sovereign allegiance from the sovereign ruler to the sovereign nation when sovereignty was transferred to the French people as citizens. From thereon, the state formerly a spatial and political organism acquired the membership association (Xi 2010: 7018) for political communities.

In the end of the nineteenth century, nation and state shared a symbiosis where nation became a fundamental part of the modern state in Europe. The national identity and belonging in many parts of Europe unavoidably ties to the idea of citizenship. The epoch of the citizens has just begun albeit through the experiences of several transformations in the late nineteenth century. From a juridical identity of one one's national belonging to an embodiment of number of entitlements or rights, citizenship today as a concept explains it's political, legal cultural and social dimensions which inform an individual's potentials to partake in the public sphere[33] (Marshall 1964 cited

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[31] It is derived from the medieval political structure where it was thought fit for elders and grand masters of an association or corporation to represent within a municipal assembly or council. The word function represents to any form of activity admissible to an estate. In a broader view function also means group activities, associational activities along with rights and duties. It also included observation of behavioural and moral mandate of groups and associations since there prevailed hierarchies of rights, ranks and functions of the constituent groups (Bendix and Rokkan 1962: 91).

[32] It is derived from the word plebiscite which means direct vote on an important public issue by all eligible member electorates of a community. Broader the size of the community lesser the qualification stipulated for electors since larger number of electors or people will have direct bearing on the relationship with public authority and hence electors as members of certain groups in exercising their rights will conflict with the plebiscitarian rights.

[33] For details please Sussanne Brandtstädter, Peter Wade and Kath Woodward, "(2011) Introduction: rights, cultures, subjects and citizens, Economy and Society, 40:2, 167-183.

in Susanne Brandtstädter, Peter Wade and Kath Woodward 2011:167). In order to discuss the journey of subject to citizen or a distinguishing feature that distinctively separates subject and citizen require analysis of numerous rights of citizenship. The citizenship rights espoused by T.H Marshall in his seminal piece on citizenship comprises of threefold category of rights: political, civil and social. Marshall's (1964) formulation delineates the evolving journey of civil,[34] political[35] and social[36] rights within the colours of national citizenship in England. These rights of citizenship were a product of equal citizenship rights espoused in England in later half of the eighteenth century. The civil rights and equality in legal status among people in England were first achieved in the eighteenth century. In their struggle for rights the people secured political rights such as right to vote through adult suffrage which was denied to large sections of working classes and women. The other social sector rights like right to education, health care, was realised later in the twentieth century. This gave sections of inarticulate population benefits of citizenship from a libertarian perspective by legally acknowledging individuals by instituting courts for perseverance and protection of all rights and civil rights. The evolution of citizenship and citizenship rights in England corresponded with the consolidation of homogenous nation-state thereby leading to the growth of democracy. The struggle of the working class in industrial England otherwise excluded by the traditional boundaries of citizenship rights did secure equality in citizenship only to be juxtaposed with inequalities allied to class relations.

While the conception of citizenship in Europe evolved from one form to another it simultaneously created hurdles to the economic interests in market relations. This led to the call for instituting social welfare measures. Ever since the 1940s the debates on finding the equilibrium amid the demands of citizenship and a sustained classical variant of liberalism continues to this day despite of many western states embracing the cardinal principle of welfare state (Xi 2018: 7019). The evolution and development of citizenship practices within nation-states echoes the evolving historical experiences in the West. The citizenship experiences in the West vary significantly given its diversity within topographical, political, economic and demographic settings. However, unifying

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[34] Marshall's civil right includes, "liberty of person, freedom of speech, freedom of thought and faith, the right to own property and to conclude valid contracts, and the rights to justice."

[35] Marshall's political right includes rights such as franchise and the right to access public access.

[36] Marshall's social right in includes rights stretching from "the right to modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards of prevailing in the society. For details see, a reprint of T.H Marshall (1964), *Class, Citizenship and Social Development*, Doubleday & Co.,Inc., Garden City: New York, pp-71-77.

common strand within these diversities has been its experiences of establishing the idea of nation-state with shared experiences of transforming oneself as citizens from subjects. One of the identifying factors distinguishing subject from citizen appeared when citizenship as a modern form of membership within a political community exhibited uniform qualities viz. a. Nationality as the source of legal status and sense of belonging, b) rights and obligation—constitutional rights or protection and sense of duties and sense of responsibilities, c) allegiance—commitment to the nation-state, d) social position dignity and due acknowledgment.

In the run towards the development of citizenship as a central idea of the revolution "citizen" and "subject" continued to be used arbitrarily in US where the term "subject" was substituted by "citizen" but the philosophy of subjection- allegiance continued as a tautology for American nationality (Koessler 1946: 58-9). The reinforced distinction between subject and citizen in Europe and US varied manifestly since citizenship in US was a result of settler colonialism. The settler subjects rebelled against the norms of the country of their origin through the American war of independence. The birth and consolidation of the new state and a nation comprising the settlers differed from the experiences of the European nation-states. As indicated, in their efforts to them becoming citizens as a free nation, philosophy of subjection- allegiance continued to guide their citizenship ideals so much so that they engaged their English legacy in creating new system of law and governance. The revolution changed the cardinal principle of the government but the fundamentals of distinguishing subject and citizen in US continued to be informed by institutions embedded in colonialism. The new state and the nation that constituted US was created through the methodical imposition of colonizing interests by institutionalizing segregation of citizenship regime of white settlers from Afro-American and indigenous communities. The institution of slavery institutionalised political and social hierarchy for a long period of time. This constituted the distinguishing feature between citizen and subject although it is debateable whether citizen in US achieved the fully grown status of the "citizen" due to overlying and extensive inequalities prevailing among white settler citizens. However, legal status and subjugation conditioned by race, ethnicity and religion continued to be the basis of constructing citizenship in US as a distinguishing feature between subject and citizen. This aspect of hierarchical construction of citizenship in US remained grounded on race, ethnicity and religion which further stalled its progression. This anomaly stood in sharp contradiction with the nation's declaration of principles—human equality, natural

rights and liberty (Xi 2010: 7019) at the outset of American Revolution. Therefore, the distinguishing feature between subject and citizen in US was juxtaposed with the distinction between citizen and inhabitants/residents. The non-white demographic representation constituted resident inhabitant population and not citizens (Ramsay 1789: 03). This testimony of racial construction of American citizenship in distinguishing subject and citizen was maintained and realised through dual characteristics of citizenship development in different periods of time. These dual features—citizenship as a legal status determined who ought to be a citizen and extension as well as confiscation of citizenship rights combined together formed the basis of distinguishing subject and citizen in US.

The revolution created rupture within the architecture of British citizenship whereby British subjects relinquished their allegiance to the British monarch. This citizenship practice in seventeenth century England laid the fixated status of the subject as "natural, personal and perpetual." (Kettner cited in Xi 2010:7020). This did not dislodge the difference between subject and citizen since the new American state declared "We" as the model of citizen. This ambiguity persisted since suffrage was seen as a privilege and not as a right since certain class of people enjoyed the privileges. The subject and citizen distinction continued to be governed by gender bias, slavery. The "citizens' continued to be constituted by property and office etc. There appeared similar designs of marking the status of citizens in US and Europe. Despite the efforts of French Revolution to create "citizens" from "subjects" the distinction between subject and citizen continued to be governed by a division—active citizen and passive citizen— privileged voters and under privileged.

II

Citizen to Subject to Citizen: Balibar on European citizenship
In the earlier sections an attempt on the transformation of subject and citizen distinction in western citizenship traditions from Greek *polis* to western revolutionary conception was made. The question—what constitutes a citizen and a subject is mirrored in ambiguities. In western political thought, subject is one who is subjected to the authority of a sovereign ruler and bound by certain rights and obligations. This relationship between the subject and ruler is the basis of governance. The sovereign ruler produces consent from the subject to be ruled and governed. Thus governance is a process of

production of subjects, where process of production of subject implies reciprocal relationship between those who rule and govern and those who are ruled and governed (Samaddar and Sen 2012:01). The reciprocity between the former and latter is a productive process of producing subjects of governance and counterproductive process of turning the site of governance a debatable issue (Samaddar and Sen 2012: 01). Following the question 'Who comes after the subject' posed by French philosopher Jean-Luc Nancy, Etienne Balibar (1991) answered by furnishing explanation about the outcome of such a formulated query in this particular format. The question posed by Nancy illuminates our understanding about the existence of a figure of subject awaiting its transformation to be substituted by a different form. The different form is the supposed successor figure of the subject entity but not the same as the subject entity but as "non subject."The subject in Nancy's question is being replaced and substituted by another subject which is not the same as the subject in Nancy's question itself. Then who is the subject in the question and what constitutes the different subject awaiting transformation into a different form of subject. To arrive at a particular answer to the question this requires careful examination of who and what actually constituted Nancy's subject in question.

His answer to the problem raised by Nancy and group of philosophers expresses how the subject is contested from within by an otherness that undermines its isolated sovereignty but through which it forms an incomplete political community. The real meaning of Balibar's explanation is located in the dialectic involving on the one side a subject with two proportions—one anthropological (consciousness) and other political (subject of power and rights)—and on the other hand, the citizen. Balibar's explanation, "Thus after the subject, comes the citizen—or the citizen subject within a political community. The constitution of political community is such that (ii) universalism of citizenship rights is both restricted as well as redemptive, (ii) the differences of class, race and sex—both are dismissed as reason for inequity from the right to citizenship as the fundamental right of the human being and also dismissing the privileged ways of legitimating internal segregation and exclusion that deny rights under citizenship. Balibar in his own words put it as, "they embody the living paradox that is the unequal construction of egalitarian citizenship" (Balibar 1991). Balibar's response to Nancy is informed and mediated by a commentary within the methodological and metaphysical conception of subject employed such as Descartes and Hegel. And there are multiple expressions in the conception of 'subject' that stand upon philosophy and concurrently

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many ways of philosophising producing wider results for a conception of the subject (Power 2007:55). In order to understand Balibar's response it is important to understand diversities of the concept of subject, evolution as a concept and its treatment as a concept in French philosophical traditions and political thought in the twentieth century.

One needs to grasp the concept of the subject as it is prevalent in its current form and argumentation and dominant way of conceptualising such as Cartesian shapes the contemporary critical discourse of the subject as well understand mid-twentieth century argument about 'humanism' within Marxist, struturalist, humanist and anti-humanist ways that dominated the important aspect of the need and requirement of a concept of the subject for philosophy and politics (Power 2007:55). The etymology of political subject as in philosophical reflections has swung from *subject* to *subjectus* and from different trajectories from Greek to Latin, Latin to French/English. However, Latin followed by French portrayal of *hypokeimenon as subjectum (sujet) and as subjectus* establishes ambivalence in the concept which in particular divides the concept across its philosophical and political axes: "One gives rise to a lineage of logico-grammatical and ontological-transcendental meanings, and the other to a lineage of juridical, political and theological meanings" (Balibar, Cassin and Libera 2004:1243). The political and philosophical conception of subject is not autonomous from each other since it has influenced each other particularly Kantian articulation of subjectivity and subjugation became synonymous with the theory of the constituent subject (Balibar, Cassin and Libera 2004:1244). The substance of the concept of subject as it is, rests on Descartes and yet Balibar strangely declines to acknowledge location of a modern, philosophical-political subject in Descartes by locating it in between Kant's argument of revolutionary politics in the political and the historical and anthropological texts (Power 2007: 56).

Balibar's critique of European transnational citizenship as embodying the "the living paradox of an inegalitarian construction of egalitarian citizenship?" allows us to re-engage citizenship as contested concept (Ruitenberg 2015:01) even after the period of its resurgence in 1990s. Since then for Ruitenberg (2015), citizenship scholarship Europe is perpetually facing humongous task of reconceptualising and reconciling the boundaries of citizenship for all its residents (p.02). Evidently, Balibar's (2004) comments about the nature of transnational citizenship insisted that these models were "antinomic" and "problematic" but were bereft of any achievement or positivity. This

is probably why Balibar in his corresponding discussions not only laments about inegalitarain construction of egalitarian citizenship but also locates the categories of subject and citizen as essentially as antagonistic—conceptual as well as practical applications.

The question of imagined community (Anderson) as we the people of Europe is marked by borders—both internal and external marked by historically contingent rise of the movement of transnational people. In this context, nation-state as well citizenship acquires complexity since there are group of people who owe their allegiance to its nation and not necessarily to the nation-state they inhabit (Ruitenberg 2015:01). Therefore, deconstructing the theme of citizenship with extricable connection with participatory forms of democracy—where individuals hold themselves in a relationship with a political body. The political body conditioning the conditions of modern citizenship is the "nation-state" (Bottery 2003:102)—included or excluded from it.

Therefore, there is explicit disagreement about citizen's equality even be it in claiming or obtaining allegiance from its resident-citizens. These citizenship theatrics as an artificial production questions the notion of "borders" where transnational communities renegotiate the political fault line in challenging to rethink and defining citizenship as imposed political association. For Balibar (2004) questioning the notion of citizenship as linked to political association is to again initiate the question of affiliating citizenship with nation-state in Europe. The European nation-states constituted through territorialisation of space followed by regulation of these demarcated spaces under international law are indissoluble from the establishment of authority as sovereignty (Balibar 2004). The combination of sovereignty, border and the regime of population as a singular and all pervasive institution makes a case for distinction between citizen and 'alien' (Balibar 2004). In Balibarain notion, European borders border the difference between 'alien' and citizen by distinguishing involving the national (domestic) and the foreigner. This distinction works as a regime for establishing sovereign authority to normalise and regulate specific category of population to a specific given territory. This is a step towards drawing boundaries of citizenship in a specific given territory for its population to as form of harnessing rule of law. The boundaries of citizenship as is in the case of European borders—administratively controls the territory by regulating populations and simultaneously governs its people through the division and appraisal of its territory. The demarcation of territory also formed the basis of defining citizen—

as a combination of free individual under the subjection of rule of sovereign (Bodin 1576: 112). Therefore, demarcating territorial borders have been one of the fundamental aspect and marker of re-launching once again the suitability of the liaison between citizenship and nation-state. For Balibar (2004) the borders have acquired eminence as a regime of control much more in countries celebrating democracies and much lesser in monarchies. This is attributed to the how democracies project state as public property and in addition state as a prominent representative or proprietor of population's rights (Balibar 2004: 05). Again having ownership of population's rights is not akin to having ownership over citizen's rights because nature of equality citizenship promises is ideal type. It is accompanied with exclusion since not everyone within one nation-state qualifies to be a citizen.

This takes one to comment and relook at the nature of equality citizenship promises to its populations since it is a practice to exclude marginal sections. Not everyone within a nation-state qualifies to be a citizen since nation-states are founded on the basis of the emergent inclusion and exclusion propelled by historical conditions such as colonialism and face wave of economic migration. This for Balibar is the epicentre of producing nation-state theatrics such as openings and closure of borders thereby bringing in the questions of borderless societies attached to the notion of state sovereignty. Therefore, debate over citizenship values contradicting with practical imperatives does not necessarily amount to renouncing citizenship as a formal membership. The very act of renouncing citizenship is akin to deserting the opportunities to produce innovative models of membership with collective autonomy for its members. This is seen as one way of bringing democratizing democracy.

Therefore, the politics of citizenship tied with democracy or even as an integral function of democracy leads one to the demands of question over equality and liberty—genesis of democracy and participation of individuals as equals. The search for equality in a democracy starting with citizenship renders it contradictory—between preferential equality and envisioned under as universal principle. This contradiction between two contending citizenship principles when translated into practice posits the practice of citizenship as dialectic between equality and inequality. This contradiction within citizenship remains unresolved and yet normalises membership within a given political community. The fact is—not every person can benefit from the status and rights from being a rights bearing citizen even within singular political community. There is a

tension between equality in status and inequalities in resources and mobility. This characterise the antinomies of citizenship in western democracies. In the more post colonial situation it is the confusion and contradiction over the convergence of community and the individual citizenship identities as the bearer of rights.

Balibar's pre-occupation with citizenship studies reveal a pattern for founding and establish foundations for philosophical and anthropological approaches to locate scholarship on citizenship issue. The dominant theme in both philosophical and anthropological dimensions subject matter of scholarship is between differing couplets; the becoming-citizen of the subject and the becoming-subject of the citizen. The couplet—subject and citizen leads to the advancement of the prevailing citizenship problematique in Europe or even the convergence of reciprocal heresy. The conception of European citizenship, whether liberal or Republican has been the basis for reconstitution of citizenship in non western democracies.

The premise of citizenship research where subject and citizen dialectics are pursued as having principles of public sovereignty and individual agency for autonomous political participation. The search for 'equality' in citizenship research is perpetual since the promise of citizenship as the Rights of man and the citizen is equality. The denial of equality or fulfilment of equality is the constituent antinomy of citizenship practices since subject and citizen are unevenly constituted or even equal citizens constituted within hierarchical constructions of citizenship regime.

Balibar's engagement with the terrain of citizenship through the dialectics of equality and inequality, subject and citizen is in fact tied to the conception of public sovereignty and ideas of the individual as an autonomous self. This makes one to carefully notice or rethink that the notion of equality within the concept of citizenship is multi-dimensional since individual autonomy as an equal virtue is the trigger for moment of mobility. This idea of equality which constitutes the very edifice of citizenship infrastructure more so when group and community identities meets individual identities. This idea of equality informs the citizenship antinomy in democratizing societies where ethnic and tribal identities precede citizenship identities.

The discussions on dualism of citizen and subject that constitute the citizenship landscape are fundamentally the dialectics between rights and duties and between the principles of *liberty* and equality *and between* democracy and citizenship practices.

Balibar's lifelong engagement with citizenship scholarship is reflected through construction of dialectics in historical time and space. Balibar (2003) drew heavily two meanings from the conceptual category of the subject (p.9). The first meaning was drawn out from the European medieval called subditus (subordinate) (Balibar 2003:09). This is the philological subject under the rule of a powerful authority. For Balibar (2003) the second meaning meaning subjectum is neutral in so far as generations of thinkers from the times of scholasticism have interpreted as the rendition of the Greek hupokeimenon (substratum or support) (Balibar 2003:09) The second meaning of subject is drawn from metaphysics which takes a new dimension that characterise various aspects of human activities by setting a divergence from other living beings. The first meaning is derived from masculine concept of subjectus and it has been considered comparable to the medieval figure second meaning. The philological subject is rendered meaningless under democratic movements especially when taking part in mobilising aspirations with other fellow citizens as equals. The slave and a master relationship under authoritarian regime ends only to mark a comeback when European bourgeoisie society creates citizen out from a privileged white member that characterise the subject of human activity (Balibar 2003:09).

Another distinction between subject and citizen within linear progression from citizen to subject to citizen is central to the notion of democratization in post-marxist logic. Balibar's interventions lead one to delve into the fundamental questions he posed on how citizenship could become democratic? These question forms the basis of conceptualizing citizenship as a political concept tied to a political body that defines the boundaries of citizenship by historically contingent nation-state (Bottery 2003:102). The answers are not easily discernible except when located and situated when citizenship position members as equals to one another. This allows members to experience membership as subjects of rule within the political community and simultaneously as a subject of conscience with individual as an autonomous self.

For Balibar (1988) citizenship is historical and revolves around two central themes with two distinctive dimensions inseparable, one from the subsistence of state and within the framework of state sovereignty which is vested to an authority called the Public. It's other dimension is tied with the individual aptitude to be part of the political processes and its decision within the body politics (Balibar 1988:723). The first aspect of citizenship that is inseparable from the state practices is the statutory or legal aspect of

citizenship which creates openings and closure for entry and membership as citizen or the 'alien' (Ruitenberg 2015:04). This understanding of citizenship is an adaption of political membership in city state framework where exclusion and inclusion is determined and distinguished by the provision of rights and obligations in a given political setting and it is for this reason Balibar considers modern nation, a city (Balibar 1996: 358) where exclusion and inclusion marks the everyday politics of modern nation-state. Therefore for citizenship to fructify as a political project it requires a territorial setting in a particular geographical space with significant human habitation with an overarching regulation of institutional practices. It is, in this bounded space, citizenship creates exclusion and inclusion from amongst the human population inhabiting the bounded space for setting parameters of rights and obligations. The legal or statutory aspect of that particular institutional framework commences inequality as a fundamental principle by devising a demarcation between two set of governable populations—citizen and non-citizens co-existing in a particular territorial setting. This setting constitutes a hierarchy of relationship between members and between state and people etc since it is the state which decides whether or not a particular individual is a citizen or an 'alien'. For Balibar this particular aspect of legality which sets conditions for fulfilment of citizen's rights and duties forms the ground work of state as a rule of law where every citizen is (a) subject.

The second aspect of Balibar's (1998) conceptualisation as remarked above is evident from his references to individual as a capable agent of taking part in the affairs of a state and in matters of public decisions. This capacity of individual comes as an accumulation of autonomous selves more importantly as collective political agents thereby constituting parameters of political processes/participation in the so called constituted public space (Balibar 1996:364). In this way, Ruitenberg (2015) opines that the legal and statutory aspect of citizenship renders citizen a subject to the state and the constitutive aspect of individual capacity within citizenship practice render state a subject to its citizen (Ruitenberg 2015:04).The link of citizenship with these two aspects provides a route for equality (Balibar 2015:364). The individual capacity to participate in public space as agents forms an explanation of changing the parameters of participation within the political community for its members by holding the state particularity its governmentality accountable to the people and public space.

In discussing, these two aspects of citizenship, Balibar (1996) formulates citizenship scholarship by fashioning a framework of "the people" along a hierarchical continuum, intangible and part of the community, affiliation and identity and in the second aspect with a more inclusive overtone located as "the people" with an outlook of egalitarian collective authority (Balibar 1996:369). This intervention or formulation of citizenship within the framework of "the people" demarcated by hierarchical and legal aspect and egalitarian and constitutive aspect is ever present in contemporary citizenship practices in democracies. Further, Balibar laments that citizenship practices in contemporary political situation are mutually constitutive often vacillating as poles but in a perpetual dialectic. Balibar (2010) by employing the concept of *antinomie* locates contradiction within citizenship practices in various historical moments of time not as a democratic concept but rather with a political connotation in locating citizenship as a modern democratic category of contemporary times and why it contradicts with democracy. In doing so, Balibar (2002) locates these perpetual dialectics between two citizenship poles as necessary condition for looking at historical citizenship transformation for envisioning eventful change in the future (Balibar 2002:1-2). This is to say that, as remarked above, citizenship in modern times involves submission to the state and constitution of the state. This is to locate citizen as constituted by subject of rule/governance or subject of conscience. The tensions between these two aspects of subjectivities institutionalized within two poles—legal and egalitarian conceptualisation necessitates change as a precondition for democratising citizenship.

The changing citizenship landscape and regime in Europe propelled by economic migration into Europe has brought back the discussions of Europe as borderland. The legal aspect or statutory aspect of European citizenship is outweighs its other aspect of egalitarian outlook where migrants are continuously seen as 'aliens'. The European borders are again making a comeback in its permanent structure where border control regime is making citizenship aspiration in European Union tighter and tighter. The construction of hierarchy between state and citizens and between peoples is a question of legality and this gives a meaningful opportunity and space to rethink the question on citizenship's egalitarian virtue. This is more so evident because the concept of citizen evokes emancipatory aspect of political struggles where equality is inscribed as a conceptual ally of citizen.

Critiques on Citizenship: Non Western Perspectives

Subject-Citizen: A Conceptual Debate: The Subject Citizen debate made a return to political theory through critiques on citizenship scholarship in post colonial settings in India and Africa. This has given pioneering meanings to the concept of democracy, citizenship and civil society. This has further cemented the vastness of scholarship in dealing with dichotomies and binaries in the form of subject versus citizen (Brunsman 2010) liberal individualism versus communitarianism (Chatterjee 1998), rights versus culture (Asomah 2015), civil society versus political society.

The most prominent feature of European nation-state and citizenship transferred from France and Great Britain is the unique and contemporary variant of citizenship established colonies in Africa and Asia. The colonial powers steadily imposed colonizing interests in an alien territory and on its largely heterogeneous social order. One of the resultant effects of the imposition of colonial values in foreign territory was the institutional segregation of biological race—between master race and subject race and cultural ethnic groups comprising of natives (Mamdani 2005). These legally inscribed identity boundaries imposed by the state made a distinction between "race" and "ethnicity" replicated by institutions conditioning citizen membership within the state (Mamdani 2005). Although Mamdani contends that there was no difference between race and ethnicity with natives belonging to ethnic groups and non-natives belonging to races. The construction of racial hierarchy with Europeans on top followed by "coloureds" and then—Asians, Arabs, Hamites was lodged within the logic of western civilising mission (Mamdani 2005). This was precisely because race as a category did exhibit qualities of civilizing influence albeit in different extent but ethnicity as a category was considered in need of being cultured. The colonial powers employed legally inscribed two different categories to govern the subject population— race and ethnicity. This also meant that vast majority of Africans and Asians under the aegis of colonial empire did not enjoy the benefits and rights of citizenship as white Europeans or settlers did. The domain of race was primarily urban whereas ethnic groups continued to reside that constituted the rural heartlands. The underlying differences in construction of distinction between subject and citizen in colonial territories lie in the mode of indirect rule as opposed to preceding mode of "direct rule"

prevalent in the colonies prior mid 19th century.[37] The noteworthy aspect of indirect rule enforced by the colonial state bureaucracy in managing "difference" as stated earlier implied restrictive citizenship to the settler races—whites as well as the subject races. According to Mamdani (1996) the distinction between subject and citizen was employed by creating two opposing political identities—"native" and "settler."

Mamdani's analysis of the "indirect rule" and subsequent primary distinction between subject and citizen within the structure of colonial segregation of population in two polar camps—races and ethnicities need further substantiation. The racial compartmentalisation of subject population was the domain of settlers or non-natives whereas natives constituted under different ethnic groupings managed by its distinctive social traits. The distinction between subject and citizen was first premised on biological—race and cultural—ethnicity. The second difference constituted under law was primarily on legal dualism. The application of the principle of legal universalism did not apply as population under the subject of race were governed under European civil codes whereas ethnicities were governed by the prerogative of the customary authority under the auspices of customary laws (Mamdani 2012:03). The population subject of race was outside the framework civil society in its idealized prescription with European foundations. The underlying principle of civil power, the domain of citizen was the basis of civil law which structured civil rights in civil society (Mamdani 1996:18). This is it was considered a historical construct since civil society under colonialism was racism. Those ethnicities governed by native authorities were members of political community. The civil code was lodged in the principle of rights and bound by law while customary law was bound by custom and traditions and sought to preserve originality of the customary institutions. The domain of law was civic power employed within the imperative of law in line with the sphere of rights constituted under law. The

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[37] The difference between Indirect rule and other modes of rule such as direct rule, rule by previous western empires and the French techniques of "assimilation" to "association" lies in the colonial management of difference by producing and reproducing difference. The previous mode of rule focussed on the conquered elites while the indirect rule focussed on the vast majority of colonial subjects. The previous mode of governance followed homogenizing principle of rule by eradicating difference through systematic incorporation of conquered elites through a system of political assimilation. The indirect regime on the other hand managed the difference but over a period of time successfully shaped the discourse and practice of difference within the colonies. Indirect rule formed the basis of governance in colonies where the colonial powers institutionalized difference as a part of the larger colonial project. The management of 'difference' by the colonial power was borne by the crisis in the Empire such as the War of 1857 in India and other important events in different parts of the colonies forcing the colonial state apparatus to siege control through incorporation of colonized subjects within the hierarchy of citizenship regime. For more see, Mahmood Mamdani, (2012) "Define and Rule: Native as a Political Identity" Cambridge, Massachusetts and London: Cambridge University Press, p.2.

principle of custom was non-restrictive to power since it was obligatory to observe customary duties and bear allegiance to the native institutions. The discourse of rights under citizenship in Europe produced an entirely different distinction between subject and citizens whereas under colonialism distinction between subject and citizen produced by constructing native and settler identities as political identities. This distinction largely imagined acquired real distinctiveness as political identities as it was embodied in real political institutions (Mamdani 1998:01) and reinforced through colonial state machinations. In his seminal work, Citizen and Subject, Mamdani (1996) discusses the imagined political boundaries as civic and ethnic identities. For Mamdani, civic identity was the potential marker of the citizen with race as the basis for determining hierarchy of citizenship regime.

The race as category was composed under uniform legal domain of civil rights and law where different categories of people were pitted against each other as more civilized than the other. This was the basis for claiming access to rights under civil law. The subject and citizen distinction between the domain of race and ethnicity was not the same between colonizers and the colonized. The race as a governable category integrated both the colonizer and colonized. The colonized subject comprised of natives and non-natives population which meant that all non-natives were not colonizers but a fraction of them were colonized like the natives. The creation of native and non-native identity within the subject population in itself is worth grasping in the constitution of subject and citizen distinctiveness. The race as a category which was constituted with a racial bias towards white settlers comprised of the master race and subject race (Mamdani 2005:09). The non-native or non-indigenous settlers or immigrants constituted subject race category while natives were constituted as under subject ethnicities. The dividing line between the two colonized categories was an artificial divide between race and ethnicity. The construction of the category of subject race was as a result of targets of colonial policies to perform certain duties and obligations for the colonial state which the natives were averse to. The subject race acted as an intermediate either in state or market and their status was marked by petty privileges and preferential treatment in civil law (Mamdani 2005:09) but were accustomed to racial discrimination. While the subject and citizen distinction negotiated the native and non-native divide it is important to understand non-natives comprised of both—master race and subject race. As the case was with non-native subject race oppression was the same as with subject ethnicities which is why subject and citizen distinction negotiates

another divide settler and native divide. The identity of subject race as non-native and settler is a divide between legal and political identities. The citizen identity of the non-native white settler was a political identity whereas subject identity of non-native immigrant population was a legal identity. Here, the subject and citizen identities traverse through the distinction enforced between—conquerors and immigrants, natives and non-natives, indigenous and immigrants, settlers and natives etc.

Thus the history of civil society in Africa is one embedded with bias, where citizen's right encompassing civil and political were guaranteed to only those who fulfilled conditions by birth and virtue. The civil society as an embryonic construct in Africa was primarily the society of colons created by colonial state (Mamdani 1996:19). The distinction between subject and citizen captured through modes of governance—direct rule and indirect rule was actually about harmonizing native control. Both—the forms of rule has been debated as an unconventional form of controlling natives within the colonies. The form of direct rule as a civil power gave rise to civic identity through institutional segregation and exclusion of natives from civil freedoms guaranteed to citizens in civil society (Mamdani 1996:18). The indirect rule as a form of rural power reinforced native identity by incorporating natives within the structure of state imposed customary instructions. Both the form of rule signified colonial power as put forward by Mamdani as despotism. The institutional structure of power in direct rule was centralised despotism and the structure of power in indirect rule was decentralised despotism.

The subject and citizen dichotomy was institutionalized differently in rural areas from urban areas. The colonial state as a solitary hegemonic power was bifurcated in duality—rural and urban areas. The bifurcation represented separate form of administration for urban and rural divide but signified same side of the coin which is the bifurcated state. The colonial authority governed urban areas through the idiom of civil society and civil rights with racial criteria differentiated vertically with a clear objectified racial hierarchy amongst settlers. The white settler race acquired the citizen identity as master race by distinguishing itself from other settler subject races and from black native ethnic subjects of community and culture. The difference of civil power over customary power was such that former claimed to protect rights and latter to enforce tradition (Mamdani 1996:18). The main purpose of creating subject and citizen dichotomy was to organise structure of power differently in urban and rural areas. The racial hierarchy in urban areas allowed white settler citizens to concentrate power in

their favour while in rural areas communities were brought uniform under governable category as ethnic subjects under singular power. The rural folks were disqualified under the regime of rights since colonial power employed the language of custom and tradition and stood diametrically opposite to the civic identity of settlers. While commenting on the shifts in the history of civil society and state, Mamdani (1996) problematizes subject and citizen dichotomy by identifying those educated urban based natives as neither belonging to either of the categories but did not dwell on it precisely because they represented a miniscule percentile.

The location of subject and citizen dichotomy under the rubric of racialized civil society and tribalized native authority is where the rights of citizen—such as free association, free publicity and political representation under direct rule was mediated with those of subjects organised under customary authority (Mamdani 1996:19). Between the intersecting domain of rights bearing citizen and peasant subject was the struggle of educated native middle of the urban areas which had a different effect on the development of civil-society relations in the post independence reform. Although exempted from the knot of the customary rule these educated middle class were racially subjected under the civil laws. Although some of them as in India may have qualified for citizenship rights in urban areas but they retained their subject status because of the imposed overriding legally inscribed political identities embedded in real political institutions. The crucial indicator of exclusion from achieving the citizen status within the realm of civil society was race although there was shift in perspective and practice of civilization from a civilizing mission to a rule of law (Mamdani 1996:109) where the subject population framed under the administration of extra-economic coercion and administratively driven justice struggled against both against the native institutions and racially constructed civil society (Mamdani 1996:19). This formed the basis of racial divide in the subject and citizen dichotomy with state as the guardian of the exclusive and actually operating civil society.

These urban educated urban middle class neither subject under customary power nor exalted as rights bearing citizens under civic power suffered in politico-legal impasse asserted their struggle for membership in civil society thereby creating an indigenous civil society but without transforming the racialized character of the structure of colonial state (Mamdani 1996:19-20). Even with gradual independence, state was deracialized but civil society continued to accrue privileges from its historically racialized embeddedness. It was only after independence racial privileges were

dismantled and state and civil-society acrimony was substituted by strains within the so called civil society (Mamdani 1996:20-1) with the rise of indigenous leadership thereby serving as the link between urban and rural divide. This moment after independence in Africa witnessed the demise of nascent indigenous civil society and integrated into the structure of political society where the role of the state took centre stage managed by the merging indigenous elites of the society (Mamdani 1996:20-1). As for the question of deracialization of civil society arose it had to be realized in conjunction with democratization of native institutions which was organized differently under ethnic power. The point of reform was limited to deracialization and this derailed democratization process of local state structure in rural areas since the structure of power was organised in rural areas not on the basis of race but on culture and tradition as diverse ethnic tribes. Hence, civil society in urban areas was deracialized only to be subsumed by the tribalized and unreformed native institutions (Mamdani 1996:20-1). This formed the basis of subject and citizen distinction in African societies organised under direct and indirect rule with colonial state as the singular power. The colonial divide formed the basis of post colonial reconstitution of identities in Africa as citizen and subject.

In sum total, post colonial Africa inherited colonially constructed distinctions between citizen and subject mediated through civil power and customary power, race and ethnicity, rights and custom, freedom and tradition and lastly between subject race (non-natives) and subject ethnicities (natives). After decolonization and reorganisation of structure of states—rural and urban divide, the subject and citizen distinction is produced and reproduced in its attempts to deracialize civic rights and de-ethnicize customary power. In the idiom of nationalist discourse –mainstream nationalists replicated the duality produced by the colonial indirect regime by acknowledging the customary culture and tradition as the real flesh and the blood of the communities. In creating a post colonial subject and citizen, indigeneity acquired a privileged status over its non-indigenous citizens. The post colonial state guaranteed civil rights for all its citizens but those indigenous were given an added bonus of the customary (Mamdani 2001:657-58; Mamdani 2005: 09-10). Hence, they failed to de-ethnicize the customary power and bring in the desired reforms to the nature of the bifurcated state.

In determining indigenous ethnic groups from non-indigenous ethnic groups- they employed erstwhile colonial categories of native and settler—as distinct political identities under the rule of native authorities. The logic of creating such a divide at local

level of native institutions was to channel support for the central leadership with its rural subjects by patronizing custom as an authentic and original tradition of Africa. The distinction between subject and citizen was based on the polarised identities of privileged indigenous versus non-indigenous. It was just a flip side of colonialism where non-indigenous population were a privileged subject in their access to market and state. The colonial cartography became the basis of determining settlers and natives in post colonial Africa resulting in genocide between ethnic groups.

Mamdani's arguments represent a path breaking shift of perspective in African analyses. Mamdani makes a departure from the dominant traditional modes of inquiry underpinning African literature. In so doing, Mamdani however remains entrapped within those dominant traditional discourses on Africa (Ahluwalia2012: 103). Mamdani's successfully outlines the preponderance of dichotomies that underpins the landscape of African analyses by highlighting the subject and citizen problem. However his analysis reproduces the binary representation of population in the urban and rural divide in South Africa despite understanding the subject and citizen binary problematic in the regime of indirect colonial rule in Africa. Mamdani's analysis of de-ethnicized rural modes of power fails to explain and capture imagination of African nation states with its own sense of national identity free from ethnicity (Ahluwalia 2012: 104).

Mamdani's (1997) delineates the concept into two categories--liberal individualist citizens of the African urban space and the vast majority of ethnic subjects divided as so many tribes in rural Africa reflects the nature and state of post colonialsocieties.In general, Mamdani's (1997) distinction (citizen and subject) gives conceptual clarity in understanding the nature of post colonial societies with the introduction of legal dualism to regulate colonizer and the colonized. Mamdani (2012) further explores and explains how colonial administrators created the language of pluralism and difference by espousing and dismantling the existing differences between the citizens (white) and the subjects (populations). In doing so the colonial administrators introduced a new form of governance which sought to manage the difference by giving a new definition to the difference.This new model of governance introduced sharp lines between settlers and natives as two very distinct and opposing political identities in Africa. The natives were further segregated in to so many distinct and diverse tribes. The basis of such an artificial divide between peoples was borne out of crisis in the British Empire in India particularly the 1857 Revolt in India, where Muslims and Hindu sepoys took up arms

to dismantle the British Raj. The British experience in India led to reform in colonial administration in different parts of Asia and Africa. In practice, such reforms segregated ethnic subjects by territory and customs and became the basis of administration by native institutions. Mamdani claims that this 'given' native political identity determined groups and communities' access to land rights and political power which is the generic form of post colonial Africa. Mamdani (2005) claims that construction of hierarchy was one based on European civilizing mission, some races claimed higher rights over others. Ethnic subjects regulated by customary authority were numerous and multiple but races were constituted under single legal domain of European civil law. The races constituted a hierarchy in the form of master races and subject races. The colonial construction of non-natives versus native identities has been instrumental in shaping the discourse of political violence in post colonial Africa with designation of subject ethnicities as indigenous to the land.

The subjects in non western democracies which comprised the bulk of the population were political subjects who had come in contacts with both colonial and post colonial modern state. Their mobility to organize and resist the power was recognized by modern state in the form of allocating special provisions like inner line regulation in colonial era and constitutional safeguards in the post colonial period. Partha Chaterjee (2004) argues that, in the developed west difference between citizen and population emerged because of governmental technologies. These population subjects in non western democracies wrest significant vote bank mobility and it is these subjects Partha Chatterjee, talks about when he says it is their politics that post colonial democracies have to largely pay heed to, in order to claim its sovereign rights over them, that is why "it is the politics of the governed (that is those population subject who negotiate and bargain special benefits in return of their votes, with the modern states)in most part of the non western world".

The difference in distinction between right bearing citizens and population subject in western and non western democracies are such that in non western democracies even as they have become objects of governmental policies they remain subjects of their traditional communitarian customs and traditions whereas in western world the figure of the subject has mutated through the discourse of rights into a figure of the citizen subject. The case of the tribes in North East India, caste in India, Sikkim Subjects, diverse African ethnic groups, tribes in central and southern India and peasants are

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subjects of communitarian loyalties so are they to specific enumeration and governmental technologies. Chatterjee (2013) further develops his arguments that normative political theory as practiced in the West managed to guard itself against the turmoil of real world politics and assert the continued validity of its norms in relating to the empirical world view. Chronological event of the transformation of the nation-state is different in post colonial states. Hence, Population subject bears an important mark of category for modern state as they form the vast majority of the electorate whose political mobilization is critical for governments of the day. This space of politics in post colonial democracies has split between a narrow domain of civil society and wider domain of political society as a parallel coexistence (Chatterjee 2013). The domain of civil society is where the citizens fulfil their relational capacity with the state through legally enforceable rights and obligations on the other hand political society is where government agencies deals with multiple identities of populations to deliver special benefits through a special arrangement and if not through the monopoly of violence in governing their own populations.

The two contending political and philosophical theories—liberal individualism and communitarianism—debate opposing views on the role of individual in the society. Liberal individualism exaggerates the quest of individual rights within the political system. Communitarianism pursues the role of the community in society and feeling of consciousness in strengthening the community structure and society. Chatterjee (1998), reflects the relevance of debates between two major ideologies in western democracies and its engagement with non western world. He critiques the two opposing ideologies in locating the discussions of development in non-western countries. He argues that liberal individualism can be applied to a small minority people in the world and few of communitarian aspects explain the political and social positioning of the non-western countries that the nationalists sought to invoke. According to him, the normative stand of western political theory in most of the cases have intended to project non-Western practices as backward. In doing so, he argues that non western theorizing needs different conceptualization of emerging practices of the new political societies of the East (p.282).

Chakraborty (2002) arguing for Indian modernity cites *subaltern studies* in locating subaltern peasants as subject citizen of contemporary political modernity although Indian modernity vastly differed from western modernity (p.19). Unlike the west mass

subjects did not undergo into historical mutation into a working class to become citizen subject of the nation. Since population subject had always been *political*, the post colonial Indian state granted formal and equal rights of citizenship to the mass population, although it was a slow and a natural progression into citizen subjects (ibid 19). The idea of *political* for European thinkers meant something completely different and did not really conform to their definition. The European colonialism introduced various institutional practices in its colonies in the name of civilizing missions. One of such practices to emerge was equal rights promised by citizenship was denied to the natives the status of citizen in civil society. For them, natives were not political communities of free individuals and equal status would simply pose a threat to colonial architecture. Those who did not fall within the ambit of modernity as promised by European Enlightenment became pre-modern. Chakraborty (2002) contends that subaltern classes mediated the meaning of modernity in India constantly through the binaries created by Eurocentric modernity (p.19). For example, the use of the word modern in contemporary era has consistently found place in its discussions of democracy and development. The legacy of western modernity was as such that, historiography on India whether by western scholars or Indian scholars are drawn from English model of historicizing despite search for decolonizing the discipline of Indian history. The subaltern classes including the peasant in India did not go through the hazardous experiences of historical mutation into the industrial worker in order to become citizen-subject of the nation (Chakraborty 2002:19).The boundaries between elite Indian citizen and subaltern population are best drawn from their ability to organize themselves. The elites relied on vertical mobility like native imitations of British institutional practices which was based on European legal and constitutional framework whereas subaltern masses relied on horizontal mobility based on traditional organization family, kinship ties and territoriality. Chakraborty (2000) critiques western political modernity, writing and theorizing social sciences with Europe as a reference point in post colonial world. The key themes that have emerged from European history and thought include capitalism and modernity. This was produced by colonizers in the colonies and imitated by the local people. Thus, history of the world is much a history of Europe and may perhaps North American by extension (ibid). The work raises questions on how European history must be relegated to its region and

alternative history and models must be invoked to inform present and past of many non western worlds (ibid).

For Jayal (2013) the subject-citizen figures asa colonial anomaly. The Indian experience of attaining nationhood was completely different from the western democracies. Civil society in non-western societies is a narrow domain of elites where they speak in the language of legally enforceable rights and entitlements as part of their belonging to modern nation sates. The criteria of race and class formed the basis of determining population subjects and right bearing citizens during the British colonial regime in India. The educated Indian elite in the administration which formed a mere percentage comprised the de-facto citizens amongst the mass subjects. This architecture of colonial power was imitated by the governing Indian elites when India attained independence in 1947, whereby, the population subjects continued to live the lives of the subjects and not citizens. Like Mamdani (1996) and Chatterjee (2004) (2013), Jayal (2013) also acknowledges the subject-citizen as a colonial legacy. The basis of which was race and class in creating two different forms of peoples. The claim of equal status for marginalized Indian masses was remote as only few Indians managed to acquire citizenship. Amongst mass subjects, a miniscule percentage of educated, propertied, and enfranchised classes comprised the de facto citizens of colonial India. Their claim to civil and political rights was thwarted by colonial enterprise as they represented threat to the architecture of the British Raj. Although citizenship was the most important idea to emerge in the nineteenth century India but the British opinion about Indians achieving it was remote and anachronistic.

Subject-Citizen in India: Reading Special Provisions of Indian Constitution
The policy makers, academics, media people, statesmen have made honourable mention of the special provisions of the Indian Constitutions. The Indian Constitution which came in force in 1950 gave India and its citizen set of rights within a broad liberal democratic framework. The Rights set out as Fundamental Rights in the Indian Constitution and special provisions in the Indian Constitution were not the Rights as mentioned in the French Declaration of the Rights of Man and the Citizen and the American Bill of Liberty. The rights in India although as in the west recognised individual as an autonomous citizen-subject but the notion of religion, ethnicity, tribes and religion mediated the terrain of Rights in India. The special citizenship provisions

in India firstly are an acknowledgement and recognition of variety of group-differentiated rights that exist within the framework of liberal democracy. The special provisions in the Indian Constitution provide us the model of understanding the approaches of accommodating 'difference'.

India's experiences with liberal citizenship project especially in the context of accommodating diversities figures as an object of western scholarship on citizenship studies and policies on multiculturalism. The projection of liberal citizenship as difference blind does has not gained currency in India since the pedestal and temperament of India's citizenship lies in its exceptionalism. The multitude of policies such as the minority question, tribal customs informs the basis of India's legal pluralism in governing family conventions and customary laws. The concept and practice of self-government in North East India informs the territorial and cultural autonomy granted to many diverse tribes and linguistic groups concentrated in 'remote' corners of the Indian state.

The discussions on the very concept of citizenship gives one an idea about its outlines covering liberal, communitarian and civic republican ideals and values (Jones and Gaventa 2002: 02). These three strands occupy centrality of thoughts with ideas often varying and converging in dimensions around citizenship scholarship. The basic assumption of classical concept of citizenship renders belonging within a political community, exclusionary. The need to advance logical arguments about granting every individual equal formal rights irrespective of one's political clout and fiscal resources is noteworthy but inequalities existing between individuals and groups members does affect rights claims in a particular given setting. Therefore, participation of individuals as equals is only motivated by one's access to power and resources. In such, the rights to participate under liberal democratic framework cover only aspects related to rights to political participation within electoral processes. The need to recognise and accommodate plurality of social distinctiveness often takes a backseat when electoral mobilisation is cited as rights claim and therefore is placed as the centre stage of mobilisation in citizen making. The framers of the Indian Constitution did not intend to transform Indian masses as vote bearing legal citizen through this process of demarcating people as constituents but was intended to alleviate their subjugated status as free equal individuals before law. Therefore, Indian Constitution envisioned a liberal model with autonomous individuals as equals within a polity by recognizing a series of

group rights mediated through liberal rights (Bajpai 2011). In the words of Bajpai (2015) India's policies on accommodating minority safeguards precedes western focus on multiculturalism by more than four to five decades (p.1). The Indian Constitution which was completed in 1950 challenges western bias as multiculturalism as their discovery. It was widely believed that multiculturalism in African and Asian continents as an export from western democracies (Bajpai 2015:01) is challenged by Asia's prior engagements with ethno-religious heterogeneity and pluralism (Hefner 2001).

The Constitutional Assembly (CA) debates while reflecting on the requirements to institute liberal individualist model as a sentiment of an integrationist nationalist project harboured pan Indian feeling stemming out from anti-partition subjectivity. Therefore, adopting multiculturalism in the Indian Constitution was met with road blocks with official roots into British policies of constructing divide and rule including the difference blind influence of the developmental model (Bajpai 2015: 01) envisioned under the Nehru liberal consensus. The journey of group rights in India under the framework of group-differentiated rights received substantial moment of centrality in CA debates (Bajpai 2000). Therefore, these contestations were reflected during crucial deliberations over framing of citizenship laws in the floor of the CA debates. As indicated above, instituting liberal individualist model with an integrationist national agenda formed the crux of the citizenship debate since aspiration for equal status had been systematically denied by the colonial state to the vast majority of Indian masses as subject populations. Even Indians who managed to scale administrative hierarchy in colonial bureaucracy were regarded as de-facto citizens only. Therefore, individualist model with equal status debunked the effective framework of Indian masses' relation with colonial state as ruler and the subject or ruler and the governed.

The primary objective for mutating diverse categories of India's subject population into equal citizens of 'free' India was to initiate the processes of chronological transition within the ensuing political transformation from princely to republican along the ideals laid out along sovereignty, autonomy, legitimacy and equality (Sarangi 2014:xv). The dilemma of integrating princely states into the framework of 'republic' and regions governed under different framework with its unique social and political history intrigued members overseeing integration and constitution writing process between the years 1946-49. Therefore members of the Constituent Assembly (CA) had to craft in an inclusive policy where issues of rights, status and identity of individuals were to be

ascertained as an individual as well as members of multiple identities. In accommodating, princely states and tribal regions governed under separate administrative rules, the CA debated at length the future of communities and populations as citizens of India. The debate between the years 1946-49 forms a major highlight of India's Citizenship at the commencement of the Indian Constitution.

In crafting policies where rights, status and identity determined individual citizen identity and the accommodation of transcending multiplicity of identities makes the Indian Constitution, one of the world's longest written Constitutions containing several special Articles and Parts for governance with democratic order. The XXI of the Indian Constitution contains 'Temporary, Transitional and Special Provisions as a form of concessions granted to numerous regions and cultural communities inhabiting regions with distinct social history. This formed significant part of the state of Jammu and Kashmir governed under Article 370. The Temporary Provisions clause in the state of Jammu and Kashmir (J&K) in its pre abrogation status in 2019 formed the subject matter of debate along with special provisions of the Indian Constitution for eleven states covered under several Articles from 371, 371A to 371H including Article 371J.

As the debates on integration of princely states intensified with the birth of new dominions of India and Pakistan in 1947, many regions and princely states were included in the Indian Union through an experiment of accession (Sarangi 2014:XI). Since, 1858 colonial state had managed to segregate colonial India into two governmentalized administrations—British India and Princely India (Sarangi 2014: xxi). The future of the princely states in the aftermath of the British withdrawal in 1947 rested with the independent dominions of Pakistan and India. The princely states had been governed through residents, crown representative and political agents and constituted differently governed populations. The British colonial governance constitutionally evolved in the post Montague Chelmsford Reforms of 1919. In fact, the Cabinet Mission Plan, 1946 which laid down the criterion for princely states to accede to either India or Pakistan or choose to remain independent structured the debate of integration for the post colonial states of India and Pakistan. Therefore, integrating tribal regions in the present day North East India remained vital for India's territorial integrity propelled by nation-building process.

Conclusion

The hasty process of neoliberalization in India, enforced through the capitalist technocratic-bureaucratic structure located in particularistic human rights orientation with its source in European history and freedom struggle shapes the discourse and practice of governance in India (Burman 2002:29). This has produced new subject of the governance where the distinction of subject and citizen lies within sovereignty of state control. This tendency in governance has given a fillip to the mobility of cultural communities to assert for space in the face of deficits coming from state control over resources mediated through self governance as alternative ways of mobilizing community identity. The project of governance includes targeting population for economic welfare through penetration of financial institutions in to community norms thereby resulting in conflict between community and individual norms. The conflict between the two values sets apart subject and citizen as a framework of distinction in Indian democracy from western democracies. Sikkim Subject as category of

Therefore, Sikkim Subject category of India's population is allowing collective cultures of Sikkimese communities to compliment and contradict the dynamics of transforming citizenship regime and practices in India. The transformation of Sikkim Subject from monarchical subject to a citizen of modern Indian simply reminds of Sikkim's territorial shift in Indian democracy. Sikkim continues to carry forward its practical governance imperatives flowing from its monarchical subjectivities in Indian democracy. The hyphenated position of Sikkim Subject as subject-citizen helps us understand the ways in which it represents subject of rights—collective and individual.

Chapter II

The Sikkim Subject in Indian Democracy

<u>Introduction</u>

The chapter introduces Sikkim Subject in Indian democracy. The chapter will discuss Sikkim Subjects as subjects in the Kingdom of Sikkim and later as subjects of modern Indian democracy. The political history of Sikkim of both the Namgyal[38] and colonial[39] period will expand the debate further regarding, 'who' and 'what' actually constitutes Sikkim Subjects? The analysis of cultural geographies of Eastern Himalayas will help locate the position of Sikkim Subjects in Indian democracy. The chapter will discuss unique position of Sikkim Subjects in Indian Union by making references to changing social-political landscape of Sikkim after the mid 1990s.

Sikkim, the 22nd state of the Union of India located in Eastern Himalayas is bordered by three international boundaries, Nepal to the west, Tibet Autonomous Region in China in the north and east, Bhutan in the east and Darjeeling and Kalimpong hills in Bengal in the south. Sikkim lies in the cross road of caste Hindu civilizations of Central Himalaya and the animist/Buddhist practices of Eastern Himalaya. The diversity is reflected in the classification of Sikkim Subject (Sikkimese) as Sikkimese cultural and political communities of official census and survey reports in the colonial as a well as in contemporary era. The region of Eastern Himalaya a regional whole spread across five nation-states and over a period of time has accommodated settlement of different categories of population of diverse ethnic origin. Simultaneously, these peoples of Eastern Himalaya have developed their skills to adapt and adopt subsistence production of systems of social, political and religious organizations (English 1985:61). This diversity of settlement, in addition its dividing tendencies of natural geography, extensively delayed the Buddhist, Hindu rulers and native chiefs in laying claim to the specific territory from expanding the boundaries of its localized and typically fragmented domains (English 1985:61) outside the cultural geography of Himalayas and its foothills. In the seventeenth century, Sikkim under the Buddhist Namgyal Dynasty and the Gorkha Kingdom (now Nepal) under the Hindu Gorkhas in Central

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[38] For the political history of Sikkim under Namgyal dynasty see Dolma and Namgyal (1908).
[39] See Kotturan (1983).

Himalayas consolidated their rule over indigenous peoples inhabiting culturally contiguous territory in Eastern Himalayas as Buddhist and Hindu kingdoms respectively. The centralized Hindu and Buddhist political practices evolved a new socio-political formation among the communities of Central Himalaya and Eastern Himalaya—among Newars, Magars, Gurungs, Murmis, Rais, Limbus and Lepchas.[40] The consolidation of British influence in the region with its Bengal presidency and its ever expanding colonial economy in the form of timber, tea, cinchona plantation economy and enlistment to military services integrated its peoples and the region within the framework of world economy aided by British imperialism (English 1985:62). It is this makeover in the form of new socio-political formation of communities in Central and Eastern Himalaya—the contemporary identity of Sikkim Subject or Sikkimese is taking place in the nation-state.

The early classification of Sikkimese peoples into three distinct ethnic categories precedes the contemporary classification of Sikkim Subject. The early classification date back to seventeenth century Sikkimese source in the form of Lho-Mon-Tsong[41] Sum (Mullard 2011). In other words Bhutia, Lepcha and Limbus find mention as peoples cohabiting parts of Eastern Himalayas that constitute Sikkim in contemporary times. In the early nineteenth century, Sikkim's demography underwent a further change following a British influence in the region. The integration of the region within plantation economy encouraged people to settle permanently in culturally and geographically contiguous regions of Eastern Himalayas in Darjeeling and Sikkim Himalaya. The British imperial policies targeted specific set of population in the region as targets by enumerating otherwise heterogonous 'Tibeto-Burman' peoples in Sikkim and Darjeeling as homogenous caste Hindu Sanskritized 'Nepali'. Since then the categories of Lepcha, Bhutia and Nepali have been the basis of official demographic classification of Sikkim Subject. In contemporary times, the nomenclature Sikkimese

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[40] The Nepali identity in Sikkim is a modern day construction of political identity and therefore as a cultural and linguistic identity in India it operates outside the boundaries of Nepali nation-state. For example, Nepali category in Sikkim is entirely different in Nepal since Nepali identity in Nepal is a national identity and therefore what constitutes Nepali in Nepal is an amalgam of several ethnic identities having their own specific language, custom and literature. For example Lepcha and Bhutia identity in Sikkim which is an opposing identity of Sikkimese Nepali in Sikkim is actually an indigenous identity in Nepal and constitutes Sikkim ethnic people.

[41] The dominant Namgyal historiography sponsored by Sikkim state (see, for example, Namgya land Dolma 1908) mentions three distinct communities—Lhopa (Tibeto-Sikkimese or Bhutia), Mon (Lepcha), and Tsong (Sikkim Limboo/Limbu)—inhabiting Sikkim at the time of the consecration of first Chogyals, Phuntshok Namgyal, in the seventeenth century.

does not represent one set of dominant ethno-lingual ethnic identity of Sikkim but rather it indicates an amity of Sikkim Subjects comprising Lepcha, Bhutia and Nepali identities.

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Historicizing State Formation and Religion in Sikkim

In contemporary period, Sikkimese population is mainly composed of Bhutias, Lepchas and diverse social commonwealth of Nepali tribes and castes including Tsongs (Limbus). The demographic representation of Sikkim is evident from its strategic location along the cross roads of eastern Himalayan, Tibetan plateau and the Gangetic plains. The migration of diverse peoples in Sikkim has taken place in different periods of history. Lepchas[42] are recognized as the earliest inhabitants and considered indigenous of Eastern Himalayas comprising Sikkim-Darjeeling and region comprising Eastern Nepal. The early Tibetan immigrants from Tibet in Sikkim are known as Bhutias[43] whose historical migratory pattern is clear. The migration of the Bhutia people from Tibet in Sikkim continued until the 19th century (Denzongpa 2008). The Bhutias introduced Tibetan Buddhism and Tibetan culture to animists Lepchas and while the expanding Gorkha kingdom in Estern Nepal had social impact on Limbus of Eastern Nepal and western Sikkim. The Lepchas converted themselves to Buddhism but retained their animist practices but Tsongs (Limbus) resisted Tibetan culture and religion resulting in their marginalization and exclusion from Sikkimese narratives and history. The Tsongs or Limbus[44] form one of the earliest inhabitants otherwise

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[42]Lepchas are referred as *Mon* by Tibetans, *Lapche* by Nepalese, and *Rong* by Lepcha themselves. The Lepchas were originally by nature animists and hunter -gatherers. They share intimate relationship with environment, ecology and its natural produce. They initially practiced shifting cultivation until the introduction of terrace cultivation in Sikkim by Nepalese in the 19th century. Since Sikkim did not possess central political authority under the Lepchas, social and political organization centered on clan based Lepcha Chieftains.

[43]Bhutias are referred as Lhopo by Tibetans, Bhote by Nepalese. The introduced formal religion and form of pastoralism in Sikkim. They introduced a Tibetan model of centralized feudal bureaucracy and organized vast territory under one administrative unit with the inauguration of Namgyal Dynasty in Sikkim in the seventeenth century by a Bhutia warrior chief-Phuntshok Namgyal as the first Chogyal (or Dharma Raja in Tibetan civilizational discourse) of Sikkim.

[44] Limbus refer themselves as *Yakthumba*. The Lepchas call them *Lum* and Bhutias call them *Tsong*. Limbus are spread throughout western Sikkim, Darjeeling and Limbuwan in Eastern Nepal. They are animists by nature and reluctant Hindus by faith. The Tsongs (Sikkim Limbus) resisted Tibetan religion and culture in Sikkim Himalaya and Limbuwan Limbus of Eastern Nepal resisted Indo-Aryan culture and caste Hindu practices of Khasa/Gorkha kingdom under the Shah Dynasty. The Limbus wandered freely between present day western Sikkim and present day Eastern Nepal until the introduction of cartographic politics in Himalayas in the 19th century by the British. The Limbuwan Limbus of eastern

enumerated as Nepali in Sikkim along with Lepchas and Bhutias. The Lepchas and Limbus played an important role in the administration and governance of Sikkim under the Tibeto—Namgyal reign. The Gorkha conquests of Kathmandu valley and Terai, Sikkim's territories east of Meechi river in 1790s and British restoration of Sikkim's land to Sikkim Raja after the defeat of Gorkha in 1816 allowed British to maintain its presence in Darjeeling (then Sikkim) in 1835 (English 1985:70). The British inroads in Sikkim after 1850s was propelled by the need to expand its colonial economy through plantation (English 1985). This phase of development along the colonial economy transformed the demographic profile of Sikkim into a multi-farious social setting and also the face of Sikkim's agrarian profile. The migration and settlement of diverse ethnic subjects from then Gorkha Kingdom in Sikkim and their ethnic brethren born in the region were enumerated in census reports of the twentieth century as social commonwealth of Sikkimese Nepali. The Tsongs (Sikkim Limbus) were enumerated as Nepalese because large number of Limbuwan Limbus (Nepalese Limbus) migrated to Sikkim and Darjeeling during the British period and forged crucial kinship ties with Tsongs. Limbuwan Limbus were forced migrate to Sikkim in large numbers due to the migration of Hindu cultivators from Central Himalaya under Gorkha reign by occupying Limbu customary land in present day eastern Nepal. The Hindu rulers sought to limit the authority of warring Kiranti—Rai and Limbu chiefs in Eastern Nepal. The Hindu rulers expanded its agrarian base by cultivating Kiranti customary land under Gorkha state control for surplus attraction for its invading army (English 1985) further into Sikkimese territories. Those in eastern Nepal were often stripped of their customary Land holding resulting in eviction paving way for migration to nearby Sikkim and Darjeeling in search of greener pastures.

Therefore, diverse ethnic Tibeto-Burman tribes such as Gurung, Magar, Tamang, Rai, Limbu, Sunuwar were enumerated as homogenous Nepali thereby emerging as targets of specific British colonial policies on military recruitment as Gorkha soldiers in the

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Nepal were recruited as Eastern Gurkhas in British Indian Army and later when Limbuwan Limbus migrated to Sikkim and Darjeeling with the advent of British they were enumerated as Nepalese along with Tsong (Sikkim Limbus). Since then Limbus have been included as part of the social commonwealth of Nepalese tribes and castes outside the territory of Nepali nation-state.

British Indian army, workforce as labourers in plantation economy in Darjeeling and *raiyats* in agrarian economy of Sikkim as *bustiwallahs.* Sikkim, as it is known in contemporary times is referred differently in different linguistic and cultural traditions. For Lepcha people, Sikkim figures as *Nye Mayel Lyang* or land as "paradise" or "heaven" on earth. The Bhutia people refer Sikkim as *Beyul Demazong*or or hidden[45] valley of rice. The Limbus along with Nepali identify Sikkim as *Su-khim[46]* or new home. Therefore, the presence of differing narratives about Sikkim's history, society, culture and beliefs makes it difficult to historicize from one dimensional perspective. In all this, Bhutia narrative/historiography supported by the Namgyal Dynasty has often emerged as and invoked as authentic making it a dominant Sikkimese narrative in modern contemporary years.

The diverse Sikkimese narratives like Limbu chronicle, Lepcha folklores and legends, Tibetan canonical texts and scriptures are the sources of Sikkimese historiography. It is at times in Sikkim's context historiography illuminate the past and appear as substitute for actual and authentic records (Chakrabarti 2012). Additionally, 'the strong presence of allegories and prophecies' in Sikkim's historicizing traditions proves these sources to be a poor substitute (Census of India 1981). According to Mullard (2011) history of Sikkim is the study of Sikkimese historiography.[47] Ironically, there is little work on the historiography of dominant Namgyal narratives in Sikkim within the academic discipline except the publication of '*Opening the Hidden Land'* by Saul Mullard (2011). This volume dispel Sikkimese historiography topically as a construct of serious religious and religious concerns of the Namgyal dynasty (p.5). This comment on Sikkim's political history[48] portrays dominant historical narratives[49] as a legitimate

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[45] Sikkim is often refereed in canonical texts as hidden land. This theory of hidden allowed dominant groups to search and find Sikkim as the land where decaying religious sect in Tibet could be saved by proselytizing indigenous inhabitants—Lepcha people into Buddhism. This logic of 'hidden' land actually helped in consolidating and the foundations of the Namgyal Dynasty with the customary hereditary rulers as the Chogyal which ruled Sikkim until 1975.

[46] Khim in Rai and Limbu languages means home. Bhutia people are refer home as khim.

[47] According to Furay and Salevouris (1988) historiography is "the study of the way history has been and is written — the history of historical writing... When you study 'historiography' you do not study the events of the past directly, but the changing interpretations of those events in the works of individual historians."

[48] See Basnet (1974).

[49] According to Lawrence Stone, narrative has traditionally been the main rhetorical device used by historians. In 1979, at a time when the new Social History was demanding a social science model of analysis, Stone detected a move back toward the narrative. Stone defined narrative as follows: it is organized chronologically; it is focused on a single coherent story; it is descriptive rather than analytical; it is concerned with people not abstract circumstances; and it deals with the particular and specific rather

historical fact as later construction of the Sikkimese monarchy under the Namgyal Dynasty (Mullard 2011). The consolidation of historical project concerning Sikkimese state (including state formation and introduction of Buddhism in Sikkim) fructified in the late nineteenth century and the early twentieth century. In the contrary, available historical documents or sources contemporary to state formative years of the seventeenth century contradicts the claims of historical narratives as 'legitimate' history.

Sikkimese narrative**s** about Guru Pabmasambhava's (patron saint of Sikkim) sermon in Sikkim en route to Tibet in the 8th century remain a dominant narrative and hence a historical fact in Sikkim. The reverence of Guru Padmasambhava for introducing Buddhism in Sikkim has become acquired the basis of patronizing this Indian saint for localized politics in contemporary Sikkim. The saint in question blessed the inhabitants but also predicted the inauguration of Namgyal dynasty in Sikkim. This legitimizes 'immigrant' Namgyal rule in Sikkim for over three centuries. The other significant narrative on Sikkim's state formation is the prophetic narrative of four Tibetan yogis chosen to consecrate its first ruler at Yoksum in west Sikkim. The blood brotherhood narrative and ritual has been incessantly invoked by certain cultural organization to accrue benefits by ethnic Bhutia organizations to foist solidarity with Lepcha people in contemporary Sikkim. Mullard's (2011) work dispel the myth about the centrality and the authority of the orthodox narratives by comparing comparable sources of the dame period with a focus on Sikkim's political history especially on state formation. The contemporary source and documents on state formation in the seventeenth century known as *Lho-Mon-Tsong Sum* (LMT) Treaty testifies Sikkim's different and diverse historicizing experience in comparison with (Mullard 2011) prophetic narrative of four Tibetan yogis consecrating Sikkim's first Chogyal (dharma ruler) at Yoksum in west Sikkim and the narrative on blood brotherhood ritual between Lepcha chief and Bhutia ruler without mentioning Limbu in Sikkim's recorded past.

The views prescribed by later historical narrative on state formation and consecration of Phuntshog Namgyal as the first ruler of Sikkim as a solemn and religious affair managed by four Tibetan yogis remains contradicted by a seventeenth century primary

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than the collective and statistical. He reported that, "More and more of the 'new historians' are now trying to discover what was going on inside people's heads in the past, and what it was like to live in the past, questions which inevitably lead back to the use of narrative."

source, LMT which reveals a state of civil was for reigning supremacy over a territory which was larger than the present territory of Sikkim controlled by several Bhutia, Lepcha and Limbu chiefs prior consecration of Phuntshok Namgyal as the first ruler of Sikkim. The Lho-Mon-Tsong (LMT) Sum agreement as a historic accord as per the document signed by several signatories bears seal of Phuntshok Namgyal and other vanquished chiefs in the civil war.

This resulted to the processes of unification of Sikkim as a centralized state. Sikkim's state formation period dating back to Iron Hare Year of the Tibetan calendar suggests that state formation was not 1642 AD (Mullard 2011) Water Hare Year in Tibetan calendar is prescribed is replete with secondary source references in avalibale literatures on Sikkim scholarship. The territory of Sikkim at the time of state formation was much larger than the contemporary political boundaries of Sikkim.[50] In sum total, divergence within contemporary Sikkimese sources on state formation and later manufactured narratives of the late nineteenth and early twentieth century has been produced and reproduced for instrumental and affectionate reasons. As mentioned by Mullard (2011) himself that the orthodox' sequence of events was essential with other political developments in the neighbourhood. This point to the conclusion bout Sikkim's historiography being manufactured on the consent of the state with the hypothesis of grave political and religious concern (Mullard 2011:5).

The institutional and administrative framework of governance under the Namgyal dynasty resembled an orthodox Tibetan feudal model. The mode of production and land relations remained controlled by local aristocrats. The Sikkim state maintained close political and religious ties with lamaist Tibet ruled by the institution of Dalai Lama. Sikkim's social, political and economic milieu resembled Tibet until the end of 19th century. Tibet mediated several of Sikkim's peace agreement with warring Bhutan. The Namgyal Dynasty along with Bhutan introduced Mahayana Buddhism as the state religion to nature worshipping Lepchas and Limbus in Sikkim. The territories spread throughout eastern Himalayas, parts of Gangetic plains and the Tibetan plateau made the task of administering Sikkim daunting for the Namgyal dynasty. Therefore, the kingdom was divided in to twelve Dzongs (districts) to be administered under the

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[50] The territories extended well up to ThangLa and Chumbi valley in Tibet in the north and east, Tagong La near Paro in Bhutan in the east, Titalia on the borders of West Bengal and Bihar Terai (present day Kishaganj) in the south and the western border Timar*Chorten* on the Timar river in present Nepal.

administration of Dzongpens (governors) (Chakrabarti 2012) and Kalons (Sinha 1975:06).

In addition, the LMT serves as a reference of classification of Sikkim's peoples into three distinctive ethnic groups. The three distinct groups *Lhopo* (Tibeto-Sikkimese/Bhutia) is Tibetan by extraction and migration history, *Rong* (Lepcha) and *Tsong* (Limbu) co-habit the socio-cultural and geographical space of the eastern Himalayas. In Sikkimese narratives and oral traditions there subsists a plausible convention about the presence of the Magars in Sikkim. The Sikkim's Magars according to Risley, their ethnic homeland in present day western Nepal migrated to Eastern Nepal and finally came to Sikkim), used to live by occupying small territory there (Risley 1928:74).The Magars in Sikkim are believed to have inhabited warmer Morang valley now in Nepal Terai.

With the passage of time, Sikkimese historiography is relatively relegating the Limbu presence in Sikkim. This deficient in acknowledgement of Limbu's as an integral inhabitant of Sikkim was an attempt to exclude Limbu narrative in Sikkim's historiographic as the marginal 'other. This exclusion is despite the strong evidence of matrimonial alliance of Namgyal rulers with Limbu chiefs.

The narrative of exclusion in Sikkimese historiographic tradition appears somewhat deliberate from the inherent contradictions depicting the LMT treaty with acknowledgement of Limbu chiefs as signatories and later narrative depicting 'Blood Brotherhood ritual' between a Bhutia ruler and a Lepcha chieftain. This is not to say that Lepchas have been represented in good light. There appears inherent power relation on how Lepcha has been represented in Sikkim's historiography as mutually constitutive 'inferior' to 'superior' Bhutia. The requirements to invoke and evoke the significance of physical entities like Mt. Kanchendzonga is a Lepcha attribute as much it is with Limbu tradition. Lepchas and Limbus together share the same cultural geography of eastern Himalayas much before the advent of Namgyal Dynasty in Sikkim and the Gorkha sarkar in eastern Nepal. Lepcha and Limbus (along with Rais) somehow practice nature worshipping with some degree of variance along the Eastern Himalayan regional whole.

The Sikkimese Limbus resolutely offered resistance to the cultural and religious hegemony of Bhutia rulers instrumental in introducing Lamaist Buddhism in Sikkim. The Nepalese Limbus of eastern Nepal too resisted the cultural and religious hegemony of the Hindu Khas/Gorkha Empire. Further, Limbus straddled within the cultural geography of Hindu Gorkha Kingdom and Lamaist Buddhist Sikkim remained marginal subjects in the social-political milieu of both the Himalayan Kingdoms. In the meantime, Lepcha proximity towards Bhutia in Sikkim is a political construction of later historiography aided by colonial ethnography. This foisted solidarity, produced to control mode of production over land over a period of time led to institution of Kazis as the ruling gentries of Sikkim. This became the dominant mode of control over land and resources and the theme of feudal mode of production. This institutional alteration in socio-cultural lifestyle of Bon practicing Lepchas has been a major imperative of religious and political concern especially after the introduction of Lamaist Buddhism in Sikkim.

Sikkim and its neighbours

Sikkim's history is intertwined with the history of its powerful neighbours and therefore, Sikkim's location is dubbed as both a boon and a bane for Sikkim and its people (Mullard 2011). For this reason, Sikkim's political history is marked by continual warfare from the ever expanding Gorkha kingdom from the west and warring Bhutan from the east. This resulted in Sikkim's territorial losses of eastern Nepal, Terai and the region of Darjeeling to Bhutan, Nepal and the East India Company (English 1985). The collapse of Kathmandu valley (then known as Nepal valley) ruled by Newars in 1768-69 by Gorkha Kings furthered aggravated their aggressive stances leading expeditions further eastwards in to Sikkim's territory. The conquest of Sikkimese territories was halted when Gorkhas turned their attention towards Terai in the south and Garwhal and Kumaon region in west under the watchful eyes of the British India. The British finallt defeated the Gorkha army in the Anglo Gurkha War, 1814-16. Series of battles were fought and the British were finally able to secure a treaty with the Gorkhas to sign the Treaty of Sugauli in 1816. The Gorkha state lost its territories to British India, annexed in western Himalayas (Kumaon and Garhwal in present day Uttaranchal state) and had to withdraw from Sikkimese territories extending up to the borders of Meechi River in contemporary eastern Nepal (English 1985). In addition, Gorkhas and the British set out to ink an agreement a process for recruitment

of Gorkha soldiers as mercenaries in the British Indian Army. Further, both parties to the agreement agreed to appoint British Resident Commissioner at Kathmandu.

In the east, Sikkim was attacked numerous times by Bhutan between 1700 to 1706. The warring Bhutan captured Sikkimese territories in east Sikkim and captured Damsang area in present day Kalimpong (West Bengal) (Pradhan 1991). It is on the insistence of Dalai Lama, Bhutan withdrew from Sikkim but annexed Ha Valley in western Bhutan bordering east district of Sikkim. For example, definition of Bhutia in Sikkim includes Dukpa people because of precisely because of common linguistic traditions. Further, Gorkha invasion over Sikkim and its subsequent occupation from 1790s to 1816 (Pradhan 1991) gave Gorkha Kingdom a common border with Bhutan.

The Anglo- Gorkha war of 1814-16 is momentous for an understanding Sikkim's political transformation in the nineteenth century. This heralded a new epoch in Sikkim's political orientation with the British. The expansion of Gorkha state established with Kathmandu valley (Nepal valley) as its new capital was halted after the Anglo-Gurkha war of 1814-16 (Pradhan 1991; English 1985). Subsequently, the British developed cordial relations with the Gorkha rulers of based in Kathmandu valley (originally Nepal valley) and started referring the rulers of the Gorkha kingdom as rulers of Nepal.

This insistence of the British forced the Gorkha rulers to rechristen the territory ruled by their dynasty as the Kingdom of Nepal in the early twentieth century and the khas speech spoken by Gorkha rulers as Nepali language as the national language. The Gorkha territories in eastern Nepal today were autonomous territories of the *Rais* and *Limbus* chiefs which subsequently became part of contemporary state of Nepal ruled by Gorkha rulers by forging strong alliance with Limbu and Rai chiefs (English 1985:70). This is why the expansion of Gorkha rulers in Eastern Himalaya was a slow and a gradual process where control over land was secured through alliance with native rulers. They effectively checked the limit of the native rulers through subtle control over land use and its produce.

The fall of Kathmandu valley (ruled by *Malla Newars*) in 1769 is the immediate cause of east ward expansion of Gorkha kingdom in *Rai* and *Limbu* held territories in eastern Nepal. There is strong evidence in Nepalese historiography of Sikkim's military general resolutely defending Sikkim against Gorkha attack in territories comprising eastern

Nepal in 1770s (mallard 2014: 31). The Sikkimese general is remembered in Nepal as *satrajeet* for repulsing Gorkha attack seventeen times in eastern Nepal in 1780s (Mullard 2014:32). This had serious consequences for Sikkim which extended its taxation rights to *Rais* and *Limbus* of present day eastern Nepal. It was here many *Kiranti* ethnic tribes mainly– *Rai, Limbus and Yakkhas* was tied to Sikkimese monarchy through a system of annual tribute (Mullard 2011: 03). Ironically, *Rais* form the ethnic majority amongst all the listed ethnic communities of Sikkim. On the other hand *Limbus,* either straddle as part of larger Nepali ethno-lingual community or a distinct *Tsong* identity in Sikkim. Like the Lepcha and Bhutia, Limbus have been granted recognition as Scheduled Tribes (ST) in Sikkim and Darjeeling under the Indian Constitution.

The other significant narrative includes period in the immediate aftermath of Gorkha conquests of eastern Nepal and resultant occupation of Sikkim by it, the Gorkha rulers encouraged settlement of caste Hindu Khas/Paharaiya (Chettri-Bahun) in Rai and Limbu territories of eastern Nepal (English 1985). This forced many Rais to migrate eastwards into Sikkimese territories (then Darjeeling and North Bengal Terai) and settled with other Tibeto-Burman tribes *(Murmis)*[51] as plantation labourers and possible recruits in the British Indian Army. The demographic transformation of Sikkim under Gorkha occupation between 1796-1816 has not been documented precisely because Gorkha rulers only collected tax from the occupied Sikkimese territories and exclusively maintained a military post. Following the Gorkha withdrawal from Sikkim after the Anglo Gorkha war of 1814-16, Gorkha simply withdrew their forces from the territory ruled by the Namgyal Dynasty of Sikkim. Contrary to this view lies a credible Sikkimese factual account in the form of Sikkim's consolidation of eastern Nepal as Sikkimese territories and Rai and Limbu of present day Nepal being tied with Sikkim through an annual tribute. This is one reason why Lepcha and Bhutia in Nepal constitute the indigenous nationalities of the former kingdom.

The cessation of Darjeeling by Sikkim Darbar in 1835 culminated into minor hostilities between British in Darjeeling and Sikkim (Risley 1894: iii-iv). These were mainly

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[51] Tamang, Tibeto socio-cultural group professing Tibetan Buddhism enumerated as Nepali people in India is referred as Murmi inhabiting in Darjeeling in colonial accounts by Campbell and Hooker. In Nepal Tamang was tied to the ruling Shah dynasty through bondage since they lived in the adjoining hill areas in proximity to the Kathmandu valley. They form the bulk of plantation man power in Darjeeling's tea and cinchona plantation.

related to movement and settlement of people from one territory to the other violating land laws of each other (ibid). The violation of land laws can be attributed to cultural misunderstanding between two sides. This misunderstanding further aggravated between two sides with the arrest of Campbell and Hooker by Sikkim Darbar in 1849 (ibid). The British sensing Sikkimese treachery annexed all territories in the plains and Darjeeling south of the Rangeet River in 1850 that had been restored to Sikkim from the Gorkha occupation of Sikkimese territories (ibid). The territorial losses led to reduction in Sikkim's annual revenue which according to the Gam pa treaty equaled about Rs. 46,000 (See Mullard 2010; Mullard and Wongchuk 2010: 98). The hostilities between Sikkim formally ended with the signing of the treaty of Tumlong, 1861. The treaty marked British ascendancy, suzerainty and incursion in Sikkim's internal affairs. Subsequently, they established the office of the British Political Officer in Sikkim in 1888 to oversee modernization of Sikkim's internal administration suiting British interests. They established themselves as the masters of Sikkim's administration by expelling Tibetan forces stationed at the Sikkim-Tibet border (English 1985). J.C. White, seasoned engineer bureaucrat assumed absolute control of Sikkimese administration, as the first political officer of Sikkim. The British ascendency in Sikkim was finally recognized with the culmination of Britain and China Convention on the 17th March 1890 by the unsuitably named, Sikkim - Tibet Convention 42 of the fifth of December 1893 (Mullard 2011: 184).[52] This summed up British establishment of indirect rule as a form of control over Sikkim with the British assuming the protector state of the Sikkim. Sikkim's protectorate status meant that the colonial policies on Sikkim would primarily change Sikkim's institutional temperament along the interests pursued by the logic of colonial capitalism. Like most states, Sikkim's history remained influenced and intertwined with the history of its powerful neighbours (Mullard 2011). The history of British India's ascendancy in the region not only shaped Sikkim's modern colonial history but influenced Sikkim's status in the post colonial Indian setting after the British withdrawal from India in 1947.

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[52] The highlight of Sikkim Tibet Convention is that neither Sikkimese nor Tibetan were signatories in the process of agreement to the convention but rather was represented and signed by the British and Chinese officials.

Sikkim & British: Indirect Control and Plantation Economy

Sikkim and Darjeeling: The British entry in Darjeeling region and subsequent successive treaties with Sikkim made sizeable influence on the social, cultural and political milieu of Sikkim. Sikkim, ruled by the Namgyal dynasty was amidst political modification. Meanwhile, the British in India innovated makeover to its colonial mode of resource control after successfully subduing native uprising in 1857 dubbed as First War of Indian Independence by nationalist Indian historians. This modification for resource control as fillip to its expansionist tendencies is dubbed as a watershed movement in British imperial policies in India and colonial Africa including parts of Asia governed under the colonial administration of the British Empire. This structural adjustment of colonial governance completely transformed the political economy of the Empire notably in Africa by promoting several native rulers and native institutions as a measure of recognizing native population from its settlers subjects (Mamdani 1996). This was because direct rule of the British Empire as form of rule over its subject population had often proved to be a drastic affair notably in the form of generating resistance. This indirect rule, mode of control, innovatively substituted direct rule, sought to govern native subjectivities with much more impunity not as a mere site of acknowledging native sensitivities but turning the state into an ethnographic state.

In Sikkim's context, the Treaty of Tumlong signed in 1861 formally marked the entry of British as a colonial power although British acquired significant entry in SIkkikm following the restoration of Sikkim's territories after the Anglo-Gurkha War of 1814-16. The said treaty not only guaranteed British ascendancy in Sikkimese internal affairs but significantly reduced Sikkim's territory following the British takeover of Terai land and land south of the Rangeet River in 1850. This period corresponds with British direct rule mode of control where native concerns especially of the Namgyal dynasty were dispelled for the larger expansionist interests of the Empire. For example, Darjeeling was leased to the British in 1835 during the period of direct control for developing a sanatorium (McKay 2010: 32) for its sick Europeans soldiers.

Further, developing Darjeeling for plantation economy (tea, timber and cinchona) (Warner 2014) and depot for recruiting ethnic groups as Gorkha soldiers for British Indian Army is a attribute of indirect rule in the post 1857 episode in India. Darjeeling as a region emerged as a settler colony with significant European population. On the

other hand, Sikkim an autonomous kingdom was vigorously mapped under direct rule with the British designing policies for strategic incursions into Sikkimese territories after the arrest of Campbell and Hooker in 1849 for entering Sikkim and Tibet (Risley 1894: iv). The British annexation of Sikkim's territory in 1850, originally restored to Sikkim after Anglo Gurkha War, 1814-16 forms a major highlight of British colonial expansion through the lens of direct rule for acquiring land to meet the demands of international market.

The British annexed Sikkim's territory in 1850, south of River *Rangeet* and North Bengal plains and placed under Darjeeling adminsitration, restoring British prestige after Sikkim's aggressive conduct of arresting Hooker and Campbell after their entry in Sikkim in 1849 (Risley 1894:v; McKay 2010: 33; O'Malley 1907). Further, the British under Campbell in Darjeeling acquired permission to initiate low level warfare with Sikkim in 1860 (McKay 2010: 36). The fallout for such British actions was a result of injuries caused on British subjects by violating British territory by Sikkim (ibid). The Sikkimese forces repulsed British military expeditions back to Darjeeling (Gawler cited in McKay 2010: 36).

The British prestige after Campbell's retreat in 1860 reminded about the events of 1857-58 and therefore seeking unconditional apology and compensation from Sikkim's ruler and the *Dewan* of Sikkim (McKay 2010: 38) was the only solution. The British had definite instructions to destroy Sikkimese ruler's property and its palaces (McKay 2010: 38) if they fled to Tibet to seek refuge. The British launched an attack on Sikkim in February, 1861 and Dewan fled to Tibet. The British victory was secured without resorting to exchange of heavy fire power and without inflicting heavy casualties on both sides. By the time the British secured the Treaty of Tumlong with Sikkim, indirect rule as a form of control had been consolidated in colonies and in parts of British India. The Sikkim's territory annexed by British in 1850 (during direct rule) flourished as a centre for plantation economy during the period of indirect rule of the post 1958 period when the British secured availability of labourers from the so called 'settler' subjects without employing 'native' subjects. After establishing pro-British political environment after 1861, Sikkim was expected to open floodgates for trade route to Tibet for the colonial world. Sikkim witnessed steady rise in the number of travelers, government surveyors, and construction engineers for roads visiting Sikkim (McKay 2010: 45) for studying the feasibility of trade route to Tibet. The British was able to

secure that Sikkim should render all possible legal and political assistance in securing trading access to Sikkim and Tibet (McKay 2010: 45). Sikkim was also forced to conform to the modern day state model with a single authority monopolizing external relations and oversight of its legitimate army within its territory (McKay 2010: 45). The state was not to rely on private armies. The Sikkim ruler was asked to permanently reside in Sikkim and not in Tibet (McKay 2010: 46) in order to ensure pro-British environment within its jurisdiction. One of the significant developments of 1861 Treaty with Sikkim was the culmination of hostilities between the British and Bhutan in 1865. Bhutan had allegedly given refuge to the supporters of the castaway *Dewan* of Sikkim, primary figure responsible for Hooker's and Campbell's arrest in 1849.

As the region of Darjeeling developed under the British control, Sikkim relatively remained autonomous until the appointment of British Resident Commissioner (RC) in Gangtok in 1889. Subsequently, under the office of the British RC, Sikkim was granted the status of British protectorate in 1890 (Rose 1969). While, Darjeeling emerged as a colony or territory of European settlement Sikkim emerged as territory of European domination-not of settlement but a protectorate. This mode of control was supposedly a profitable enterprise in amassing of capital and simultaneously dealt with the dilemma of native question (Mamdani 1996). The overall significance of indirect rule was effective consolidation of a large territory through systematic co-optation of the local hierarchy without causing risks as in attending complexities or costs for administration (Sundar 2007:91) in kind or in cash. For example, British claimed independent right to control forest resources and access to minerals in Bastar region after imposing indirect rule in central tribal region and the adjoining Chattisgarh Fuedatory States (Fields 1985:31). In a similar vein, Treaty of Tumlong, 1861 imposed direct British suzerainty over Sikkim internal administration with access to right to construct road networks for trading routes to Lhasa in Tibet.

The British RC in Gangtok expanded its administrative outreach to claim control over other resources by instituting administrative departments in the name of modernizing Sikkim's governance. The British RC in Sikkim assumed the de-facto role as chief administrator by relegating the stature of Chogyal as a nominal ruler. The indirect rule instituted a mechanism for allowing British to lay control over Sikkim's internal administration as chief administrator. In the absence of natural heir the RC was empowered with the right to nominate heir apparent to the throne of Sikkim.

By the time, British consolidated its authority through residency in Gangtok in 1889 Sikkim's territory had been undersized to a much smaller Sikkim. The incessant external attacks from its powerful neighbours in the east, west and south and British imperial expansion led to the occupation and subsequently loss of Sikkim's territories. In the process of Sikkim's occupation, its powerful neighbours inflicted destruction of Sikkimese scriptures and properties. The British expansion along the Himalayan regions provided a route for Sikkim state to sponsor projects in the form of writing historical narratives.

This process led to the construction of narratives as official history including the narrative on the emergence of Sikkim state formation as the realization of divine prophecy (Mullard 2011: 185). Understandably, colonial account of Sikkim's history is influenced authoritatively by theory of divine prophecy as Sikkim's historical narratives sponsored by the Namgyal Dynasty. This advancement of Sikkim's historical account as official history had substantial impact on British perspectives about Sikkim's history (Mullard 2011: 185). The *Gazetteer of Sikhim* by Risley (1894) reproduces Namgyal account of Sikkim as the official history of Sikkim quoting divine prophecy on Sikkim's state formation as given and fixed truth.

British Indirect Control and Colonial Subject Populations

Taking careful consideration, British indirect rule is fundamental in shaping an understanding of institutional transformation in Sikkim. The land use is considered as primary subject of community's access to resources—tangible and intangible in contemporary Sikkim. The British RC in Sikkim instituted an administrative system with a simple variety of law and justice. It expanded physical infrastructures notably road networks, bridges, residential bungalows, primary schools and health centres. The success story in Darjeeling as a centre of modern education centered on colonial public sphere, the RC in Sikkim was keen to replicate imperial plantation policies for agriculture based settlement in lieu of payment of taxes for revenue.

The British relied on cheap labourers in Darjeeling for working in plantation economy. The same class of people provided the man power for recruitment to the Gorkha Regiment of British Indian Army. The people belonging to diverse categories of

'Tibeto-Burman' ethnic tribes divided on the basis of Nepalese varna syatem including Lepchas and Bhutias. This is in reference to Hooker's (1854) reference to Lepcha, Bhutia, Limbu, Magar and Murmis inhabiting Sikkim-Darjeeling in the 1840s. In doing so, Hooker (1854) makes a reference to the religious practices of Lepcha shamans as *Bijooas* instead of referring it as *Bongthing*.

The term *Bijooa* in Eastern Himalaya is well known reference for Rai shaman. Hooker's confusion with vernacular vocabulary for referring Lepcha shaman with Rai shaman is indicative of Hooker's prior contact with Rai people either in his travels from eastern Nepal or in Darjeeling itself. There is plausible doubt over substantial presence of Rai in Sikkim-Darjeeling region during 1840s or even a gross human error assuming his travels to eastern Nepal in the same year where he came in contact with Rai people. It is surprising to note that his account during his visit to Eastern Nepal makes references to upper caste Gorkha soldiers, upper caste Brahmins, Limbus and Lepchas as those groups inhabiting eastern Nepal. Rais are conspicuously absent in his widely published travelogue although printing mistake cannot be ruled during crucial moment of publication.

The publication of Bengal District Gazetter on Darjeeling allows to one have a glimpse of on colonial ethnography worked in the region. The enumeration technique of classifying ethnic groups as Nepali caste communities of Darjeeling includes the Limbus in the late 1800s. Nepali along with Lepcha and Bhutia ethnic communities were acknowledged as Tribes in 1872. In 1876, surprisingly Nepali groups were pushed into the embarrassing legal status of 'immigrants' in Darjeeling. Since, the category of tribe has been interchangeably used to denote indigenous nationalities in the colonies this noticeable shift from tribe to immigrants was served by indirect rule to devise opposing categories in the form of settler and natives. Therefore, associating Nepali communities as tribal in 1872 did not serve the purpose of providing subtle leverage to 'native' Lepcha and Bhutia in the plantations.

The shift from tribe in 1872 to 'immigrants' in 1876 is realized in the absence of the so called state of Nepal since what British had referring as the state of Nepal was the Gorkha Kingdom with Nepal (Kathmandu) as its capital. The migration history of several ethnic groups in India point to specific regions in modern Nepal does not necessitate a distinction that migrant communities entered Sikkim as Nepalese people.

In most cases, so called Nepali ethnic groups migrated as belonging to an ethnic group fleeing state making project professed by continual use of violence under the aegis of Gorkha Kingdom.

The plausible answer to British miscalculations of creating categories in colonies was a set of politically and economically vested project. The driving forces in the form of settler colonialism necessitated a divisive environment where political categories of 'settlers' and 'native' subjects pushed forward the idea of native question to rulers of the land. This meant that, natives would not be forced to serve as indentured servants and coolies by the British as a show of respect for the ruler belonging to the master race. This was realized by clasping and enumerating several ethnic groups as 'immigrants', non-indigenous and 'settlers'. For example, Sikkim's first census of 1891 and subsequent censuses testify the logic of colonial ethnography benefiting colonial interests in the region. For example, once a community is identified as 'immigrant' the resilience to resist repressive conduct is totally undermined.

The Notes on Tea in Darjeeling by a Planter in 1888 gives a glimpse about creating two distinctive Nepali identities. The nature of distinction was established on the division of labour—indigenous Nepali of Darjeeling is recognized as instrumental in creating infrastructure and manpower for setting up of Tea plantation while those Nepalese 'immigrants' from Nepal entering Darjeeling as seasonal and casual labourers (Tamang 2011). In creating and institutionalizing 'difference' the British objective was to secure trading relations with Tibet through Sikkim, controlled by Lepcha and Bhutia with a workforce provided by the Nepali communities. In doing so, well orchestrated settler colonialism in Darjeeling could be emulated in Sikkim as the demography and land profile were same and the one between Sikkim and Darjeeling.

In order to lobby for trading and transit rights to Lhasa, British tried all possible means to please Sikkim Raja by constructing Nepali identities in Sikkim for exchange of higher payment of tax rates from its Nepali tenants. The Lepcha and Bhutia payed nominal fee while 'settler' Nepali paid exorbitant rates as land rates. This paved way for fashioning two opposing identities in Sikkim and Darjeeling—Nepali as 'settler' subject and Lepcha and Bhutia as 'Native' subject. In 1874, the British under the indirect rule in their effort to mollify the ruling 'native' Bhutia communities of Sikkim established the first Bhutia boarding school in Darjeeling (Waller 2004:193-94). The

intent of the school education remained entirely a module for producing 'natives' in Sikkim capable of serving colonial fiscal interests in Tibet as translators, geographers and explorers in the future (Waller 2004:193-94). The dire need to train 'natives' along the interests of colonial bureaucracy speaks in volumes about pleasing Bhutia rulers of Sikkim for opening Sikkim for trade with Tibet remained a persistent theme of indirect rule.

However, the term 'Nepali' or Nepalese employed to designate a 'settler' in Darjeeling is a later phenomenon of the 20th century only. It is significant to note that contemporary Nepali state was referred as Gorkha Kingdom with its capital in Nepal valley (Kathmandu Valley). The British Empire in numerous official correspondences with Gorkha rulers referred their Shah counterparts as rulers of Nepal since Nepal valley (Kathmandu) was its capital. For anyone in Darjeeling going to Nepal meant going to Kathmandu. Therefore, kingdom of Nepal conceptually and politically remained an outsider's description for what the so-called Nepalese people referred to as the Gorkha Government or Gorkha Sarkar (Burghart 1994:03). Similarly, language refereed as Nepali, originally called Parbatiya/Khas Kura or Gorkhali is spoken language of dominant Aryans particularly Chettris and Brahmin and not the entire so called Nepalese people either in Nepal or Nepali in India (Pradhan 2015:16).

Infact, Newar people, natives of Kathmandu (Nepal valley) speaking Sino-Tibetan language regarded their language as Nepal Bhasa or Newa Bhay. The attempt by the Newars of Kathmandu (Nepal valley) to designate their mother tongue, Nepal Bhasa/Newar as Nepali (because it was the language of Nepal valley) led the Gorkha Government to designate their mother tongue (Khas or Gorkhali) as Nepali and the Gorkha Kingdom as 'Kingdom as Nepal' thereby bringing territory, population and language in unison under unified politico-cultural entity (Burghart 1994:03). Since, the late 1920s and early 1930s, the designation Nepal, is referred to identify the entire country ruled by the Shah Dynasty. Therefore, homogenization of ethnic communities as 'Nepali' outside Nepal precedes the birth of contemporary Nepal as a nation state. This construction of Nepali identity was mooted out of the compulsion to create opposing identities to Lepcha and Bhutia.

For example, Sikkim's Limbu people traversed its legal status from Tsong to Nepali identities. Sikkim census, 1891, makes no mention of communities as 'Nepali'. Sikkim

census enumeration of 1891, mention communities as per ethnic affiliations and not on the basis of homogenous 'Nepali' cultural identity. Like Darjeeling, component of Sikkim's population in 1891, is an impression of ethnic categories like Rais, Murmis, Magars since territory in eastern Nepal was inhabited by non-Lepcha and Bhutia ethnic categories and many Limbus in Nepal during the Sikkim-Gorkha wars in 1780s had supported the Sikkimese forces fight the Gorkha army. Following this, sizeable number of men fighting for Sikkim from eastern Nepal fearing Gorkha persecution fled to Sikkim prior Sikkim's occupation from Gorkha forces. The Gorkha state annexed Sikkim's territories, present day west Sikkim, Darjeeling hills, North Bengal plains, eastern Nepal etc. This was restored to Sikkim by the British after the culmination of Gorkha defeat in the Anglo-Gorkha war, 1814-16. The territories of eastern Nepal remained with Gorkha state while Darjeeling was leased to British in 1835. After the territories south of River Rangeet were annexed by the British after Sikkim-British skirmish in 1849 the region witnesses steady rise in population migrating from neighbouring region.

There appeared plausible increase on migration and movement of ethnic communities from neighbouring eastern Nepal in Sikkim after the advent of British in Darjeeling in 1835. J.W. Edgar, Deputy Commissioner of Darjeeling while touring Sikkim in 1873 noted that Nepali were numerous in the south-west of Sikkim while reporting few Nepali inhabiting other areas of Sikkim. This necessitated a hypothesis that Sikkim required more Nepali people for plantation due to its proximity to Eastern Nepal and Darjeeling district. After Gorkha forces successfully assisted in subduing native Indian soldiers in 1857-58, the British began recruiting more ethnic communities in its Gorkha troops. For Darjeeling to emerge as a recruitment depot meant pressurizing Sikkim rulers to accept cessation of large tract of Darjeeling to British and allow Sikkim ethnic Nepali subjects to serve in the British Indian Army as Subjects of Sikkim. Sikkim's Nepali subjects joined Indian Army in large numbers simply to earn in order to pay higher land rates than Lepcha and Bhutia and prevent possible eviction from the land under cultivation.

System of Administration: Land, Revenue and Aristocracy

In order to understand British policies in Sikkim, it is important to contextualize Sikkim's administration within the study of demography, land use and settlement patterns. Prior British advent in Sikkim, Sikkimese opinion about 'Nepalese' migration was highly divided (Denzongpa 2008: 50 fn 20). Sikkim Darbar and ruling gentries along with high ranking monks from royal chapel opposed it few ruling gentries—Kaji family notably the Khangsapa brothers—encouraged by the British in Darjeeling—started settling Nepalese on their private estates from as early as the 1870s (Denzongpa 2008: 50). The regulation of settlement and revenue collection in Sikkim prior the advent of the British is highly ambiguous. The notion of private property in Sikkim was not institutionalized because the land primarily belonged to the Chogyal. The land was regulated by monasteries of Sikkim under the aegis of Lamas and Kajis.[53] The role of monastic institution in regulating land is feature most common in Tibetan feudal mode of production. The British RC in Sikkim in 1880s and subsequent modernization of Sikkim's conventional administration and land revenue was initiated. According to Rose (1978), the British RC, Claude White, shortly after his appointment in 1888 initiated foremost modification of land revenue and land use.

As an endeavor to elevate Sikkim's economy, White executed the lessee system (Rose 1978:214-16). This shift was in tune with indirect rule of British polcies of dealing with the native concerns since land was the primary attachment of natives of Sikkim. The conventional Sikkimese land deeds regulated by *kajis* and number of monasteries were replaced by fifteen-year leases handed to Sikkimese Lepcha and Bhutia *kaji* (landlords) and ten-year leases to Sikkimese Newar landlords called *thekādār*. The landlords levied tax from the tenants by paying an annual rent fixed by the government (Lal 1981:229). According to Denzongpa (2008), the Report for the year fiscal year of 1926–27 illustrates exactly sixty lessee estates in Sikkim.

The lessee estates were managed with fifteen years time line as lease agreement held by forty six landlords of which twenty one belonged to kaji heritage, six Bhutia, eight Lepcha, ten Nepali and one Indian plainsman (Denzongpa 2008). In addition, there existed twenty four estates under the direct supervision of the Darbar, sixteen under the

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[53] Hereditary aristocrats of Sikkim belonging to mixed heritage of Bhutia-Lepcha chiefs after state formation process was completed in seventeenth century.

supervision of Private Estates of Sikkim ruler and five estates allocated for the maintenance of five principal monasteries (Denzongpa 2008: 48 fn 15). Initially, the British initiated to demarcate lessee system by taking unilateral resolution to modify traditional land deeds to lease system much against the consent of the ruler and the land owning kazis.

The land owning kazis loyal to the Chogyal wielded significant clout in Sikkim's administration prior advent of the British. The Kazis were contemptuous of the British and its policies even refused to acknowledge the authority of British RC. The British upon sensing contempt of order by Sikkim Kazis or the landed gentry stripped their rightful landholdings (Rose 1978: 215 fn10). In the meantime, British administration groomed 'obedient' commoner natives as lessee landlords without aristocratic familial privileges for the upkeep of the land and system of administration. This transformation in land regulation aided the British policy of agrarian economy. Thus, large tracts of jungles and uncultivated land were terraced for wet rice cultivation replacing jhum cultivation as the mainstay of agrarian economy.

The landlord was required to pay the lease fixed by the administration which the landlord extracted from the tax levied on tenants from rents collected from them. This system of tax substituted the conventional form of payment in kind. The landlords needed workforce and tenants to pay for the land rent which was fulfilled by settling people from Limbuan and Khambuan (present day eastern Nepal) transferred to the Gorkha Kingdom after Anglo Gurkha War, 1814-16. The ruler and the traditional nobility whose titles were abolished as Kazis by the British opposed the policy on settlement of 'settlers' citing demographic shift.

Therefore, British presence in Sikkim is one marked by incessant rivalries between land owning ruling gentries over issues related with land revenue and settlement rights. The British had encouraged increase in production and revenue aided by the increase in agricultural peasants (belonging to diverse Nepali caste and tribes) in eastern, southern and western Sikkim, for agriculture and terrace cultivation. The Sikkim Darbar restricted lessee system and settlement of agriculturalist in north Sikkim, a. ethnic enclave for Lepcha in Dzongu and Bhutias in Lachen and Lachung (Denzongpa 2008). North Sikkim does have concentration of habitation by land holding Mangshila Limbus in Manghsila (Denzongpa 2008).

The British did not challenge Chogyal's concern of excluding North Sikkim out from lessee system because North Sikkim as it is comparably less arable than other areas of Sikkim. Much of North Sikkim remain an ethnic enclave where they practice community form governance referred as *Dzumsa* (Chettri 2013; Bourdet-Sabatier 2004) on the basis of customary law and legal vote bearing citizen under the constitutional democracy of the modern nation state.

The agrarian economy aided by 'settler' peasants was instrumental in generating revenue for Sikkim. Newar landlords introduced cardamom plantation in Sikkim for the first time which emerged as Sikkim's cash crops. Sikkim became the highest producer of cardamom in the world. Mangan, the headquarters of North Sikkim was referred as the cardamom capital of the world. This was instrumental for generating revenue for the state. The tax paid by tenants for land and homestead was referred as *khazana.* In order to keep up with the productivity of the land, peasants rendered services such as harsh practice of compulsory labour and porterage duty.

The landlord of the lessee lands were empowered to appoint feudal intermediaries— *Mandal* and *Karbari* of their choice in respective revenue blocks of the lessee estate concerned in order to collect tax and maintain law and order. Hence, the peasants were subjected to dual form of feudal domination. The *Mandal* and *Karbari* collected rent and maintained law and order in a village setting. The Northern Sikkim exempted from lessee system were customarily administered by *Pipon* later replaced by Mandal except in Lachung and Lachen. The agrarian economy added revenue to the state treasury but also changed the demographic profile in Sikkim. Therefore, as a control measure to create a balance in demography uneven land rent rates for Lepcha-Bhutia and Nepali peasants were introduced. This proposition is partly true but Lepcha and Bhutia as 'natives' were privileged race constituted under the indirect rule grouped as opposite to 'settler' Nepali. This policy in Sikkim has Sikkimese peculiarities but is akin to other colonies where colonial state had been successful in institutionalizing subject races— as one between 'natives' and 'settlers' (Mamdani 2001). This has been the basis of political violence in post colonial states in Africa (Mamdani 2001).

The relationship between British and Sikkim underwent a tumultuous phase regarding involuntary movement of people from Sikkim to Darjeeling and vice versa after the treaty of Tumlong. Sikkimese peasants unable to pay higher rent took refuge in

plantation and joined the Indian Army. Those evading rent duties and committing petty crimes found refuge in Darjeeling as a subject of the British Empire. On the other hand, British subjects too sought refuge in Sikkim evading British law for good.

As for the first official Sikkim Census organized in 1891, the subject population constituted Lepcha, Bhutia, Limbu, Gurung, Murmi, and Rai (Jimdar), Khambu, Kami, Brahman, Mangar, Chhettri, Newar and Darzi (Census of India 2011). After the census of 1891 Lepchas, Bhutias and Limbus are classified as distinct ethnic tribes while others ethnic groups are classified as Nepali castes (Gulia 2005: 69). The systemic change was a direct result of lessee system introduced in Sikkim leading to a demand for labour and migrations from nearby Eastern Nepal to attend to Sikkim's agrarian demands.

The migrant cultural communities and their counterparts in Sikkim were categorized as Sikkimese Nepali. This construction of ethnic groups in Sikkim was a direct result for achieving specific targets of colonial governmentality. Even in Sikkim's historiographic tradition Nepal is always mentioned as Gorkha kingdom and is people as Gorkha people and therefore constituting ethnic communities as Nepali people redrew the ethnic and political formations of communities in Sikkim. The basis of such a political formation perpetually structured Sikkimese society especially in the Lepcha and Bhutia vs Nepali divide in Sikkim long after the British withdrawal from India in 1947.

The British successfully planted Sikkim's diverse subjects as objects of colonial policies ranging from land revenue-settlement, taxation duties, military recruitment in the army etc. Sikkim census, 1931, Land Survey, 1951 and Sikkim Subject Regulation, 1961, gives an indication of how state had deep linkages with an ethnographic and statistics methods of recording people as sampled and tools for governance imperatives. This has a deep linkage in making of modern governmental Sikkim Subject. In a similar setting in colonial Africa, Mamdani's eloquently explains in, *Define and Rule: Native as a Political Identity,* colonial realities and post colonial predicaments wherein, he claims that colonial subjects were divided along two opposing political categories— natives and settlers. This colonial divide remains the basis of current structure of power in post colonial setting.

In the absence of documentation about the presence of Nepali population residing in Sikkim courtesy Gorkha invasion and occupation of Sikkimese territories between 1796

to 1816 and Gorkha state having a common border with the kingdom of Bhutan (Mullard 2011) it is plausible to rethink of Nepali migration during the advent of British in Sikkim as a third phase of Nepali migration in Sikkim. A second factual account of Nepali presence in Sikkim dates back to as late 1840s when Hindu Newars[54] secured the right to mine copper for minting Sikkimese coins (Bhattacharyya 1982:93-98) for standardizing fixed exchange system with British and Gorkha Kingdom.

The mining is considered a religious taboo within the ritualistic practices of Tibetan religion and thus Newars were instrumental in employing non-Newars in the mining fields of East and South Sikkim. This account of mining copper in Sikkim history remains under researched and may have encouraged small scale migration of non-Buddhist Nepalis to work in mines. The British elevated several Newars as landlords under the lessee system of administration after the advent British entry in Sikkim since Newars were long established in Sikkim interacting with Namgyal dynasty contractors and minters. The census of 1891 which records the presence of several communities in Sikkim establish a theory that Nepali presence in Sikkim precedes British advent in Sikkim since British residency was established in Sikkim in 1889.

However, the much discussed topic of migration of Nepali in Sikkim that transformed Sikkim's demography is the undoubtedly the third phase migrations encouraged by the British. This third phase with a clear pattern of migration of people consolidates non-indigenous identities of so called Sikkimese Nepali. This has structured the debate over indigenous vs non-indigenous people in Sikkim. This is reflected in the Lepcha and Bhutia vs Nepali divide in Sikkim. The undercurrent of ethnic and communal divide is much deeper given the divide between Lepcha and Bhutia about the status of latter as indigenous in Sikkim since migration pattern of Bhutias from Tibet is clear and straight forward. Even the divide within Bhutia community is massive since the category of Bhutia seems political—amalgam of several Tibeto tribes in Sikkim (Nepali-Sherpas, Yolmo, Kagataey and people of Tibetan and Bhutanese origin).

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[54] Newars are an urban community professing both Hinduism and Buddhism as a day to day ritual and religion. However, as Buddhists and unlike Tibetan highland Buddhist, Newars do not maintain community of monks and nuns. Buddhist Newars like the Hindu Newars practice occupational caste functions of Hindu society.

Sikkim and India: Kingdom and Democracy

The British paramountcy over Sikkim as a British protectorate concluded with the British withdrawal from India in 1947 (Rose 1969; Sidhu 2018). India's political predicament with Himalayan neighbour established on imperial pattern was politically impractical for anti-imperialist dominion of India.[55] Therefore, the independent dominion of India succeeded the British as protector. India signed the Standstill Agreement with Sikkim along with Bhutan, Nepal and Tibet in 1948 (Rose 1969). In the meantime, bilateral treaty with India, Sikkim felt assured of its political future of retaining its independent identity distinct as an independent kingdom. For Sikkim, the Standstill Agreement left the answer of independent identity dilemma in abeyance for two or three years only (Levi: 1959: 493). After India's success in integration process in Kashmir, Hyderabad and Junagadh, particularly after military victory over Pakistan in Kashmir India subtly debunked its anti-imperial foundations by securing series of friendship treaties with Himalayan Kingdom of Nepal, Bhutan and Sikkim between the years 1949 to 1950 (Karan and Jenkins Jr 1963).

Through the friendship treaty, Sikkim was relegated to a status of a protectorate of India. Sikkim agreed to India's assumed responsibility, a 'regrettable necessity' (Levi 1959: 493) of reigning control over Sikkim's foreign relation, defence, finance and communications—considered most integral for international recognition as a sovereign and independent entity. This severely limited the mobility of Sikkim's rulers to exercise autonomy in internal affairs the state. The British too had governed and controlled Sikkim as defacto power centre from time of instituting British Residency in 1889 to the time of British withdrawal in 1947. India's protectorate status allowed India to emulate the British through India office and the Indian Political Officer stationed in Sikkim intervened in assisting the Sikkim Darbar in running day to day administration.

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[55] The Indian opinion regarding Sikkim's status after British withdrawal from India was divided. The Congress Party under the leadership of Sardar Patel was tasked with enormous integration process of Princely States in the Union of India and wanted Sikkim to be part of India for India's strategic security. The Congress Party felt that the British rule in India had made no distinction between Sikkim and other princely states of India and had received a same treatment in a manner similar with those of princely states of India. This was in contrast to British relation with Bhutan and Nepal. Pandit Nehru had opposed Patel's suggestion for Nehru Sikkim would serve the purpose of buffer state in India's first line of defence. Citing Sikkim's distinct Himalayan cultural identity Sikkim was allowed to maintain its distinct identity but the framework of Indian democracy.

India's stance of assistance as mandated and formulated the provisions of the 1950 Indo-Sikkim Friendship Treaty amounted to interference for Sikkimese rulers. This period marked a beginning of political awakening for equal rights among Sikkimese people especially among those marginalized peasants.

Awakening of Political Consciousness

The mandate of Indian democracy after 1947 inspired by Indian freedom struggle developed a conscience for political reformation in Sikkim. Sikkimese educated in India and abroad formed informal pressure groups to attract interests in addressing concerns facing Sikkim's feudal mode of production and society. Sikkimese administration under the Chogyal during India's independence was still archaic given Sikkim's entry into era. The fundamental temperament of Sikkim's governance was largely controlled by landed aristocrats having absolute control over internal administration. It was wielded by local power holders comprising of landed gentries—*Kazis of* Lepcha and Bhutia heritage and *Thekedars* (Newari heritage) tied to Sikkim Darbar through lessee system tied with land. The landed gentries armed with archaic executive and magisterial powers exercised revenue, executive, police and local judicial functions of the Darbar in the absence of defined legal laws and accountability. At villages, they functioned and adjudicated disputes through feudal intermediaries. The peasants underwent dual exploitation through series of bondage and porterage compulsions. The feudal mode of production extracted surplus from the peasants and were threatened with possible eviction notices.

Educated Sikkimese sensing the need to bring political awakening decided to confront the bondage of feudalism by inviting the mood of democracy in Sikkim's political arena (Sengupta 1985:08). Three political parties were established in Sikkim but lacked organizational consistency to work in unison for a single cause. Their primary objectives stated to abolish system of landlordism and the establishment of elected popular government. This call for instituting popular government mobilized the subaltern peasants with the hope that abolition of landlordism would materialize so that they could retain their surplus. Sikkim State Congress (SSC) formed in 5th Dec, 1947 with the integration of three parties (i) Praja Sudharak Samaj at Gangtok, Praja Sammelan at Temi Tarku and Praja Mandal at Chakung (Sengupta 1985:08) rallied for total abolition of rent in Sikkim. For the SSC 'No Tax' campaign for the masses

indicated the rise of popular voices from the underrepresented voices among the masses. According to Levi (1959) this heralded a beginning of revolution in Sikkim. The demands of the SSC along with 'No Rent' campaign ranged from demanding Sikkim's accession with Indian Union, abolition of landlordism and formation of interim government in Sikkim (Sinha 1975:25, Sengupta 1985:08). The extent of 'No Rent' campaign quickly snowballed into law and order crisis and the Darbar employed police and magisterial functions to quell the crisis by courting arrest of the leadership and protestors alike in big numbers.

The demand for accession with India gives an indication that it was sponsored by New Delhi. India Office in Sikkim not only intervened on behalf of SSC but also secured the release of leaders from serving jail sentence. As a counterproductive posturing, the Crown Prince, Palden Thondup Namgyal established Sikkim National Party (SNP) (Rao 1978). SSC's mobilization along the plank of anti-landlordism mobilized the aspirations of Nepali peasant masses thereby posing a direct challenge to the hegemony of the Sikkim's traditional aristocracy comprising Kazis, belonging to a mixed heritage of Lepcha and Bhutia landed gentries. The SSC and SNP engaged in political parleys and it give one an understanding about opposing stance about India's 'active' role in Sikkim. SSC's insistence on Sikkim's accession with Indian Union as unjustifiable political sentiment for the SNP was rallied by pro Chogyal faction in Sikkim (Rao 1978: 13). The movement under SSC's clarion call for agitation led to the formation of the five member interim government with two nominees from the Sikkim Darbar.[56] The tenure of the interim government was short lived as it failed to deliver SSC's and India's concerns. Sikkim Darbar in connivance with New Delhi's approval dismissed the interim government.

Notwithstanding, mounting law and order crisis aided by SSC's clarion call for passive resistance and civil disobedience movement forced the Sikkim Darbar to appeal for active Indian assistance to restore normalcy. Additionally, Sikkim Darbar requested New Delhi to take up the responsibility of Sikkim's internal administration. In order to meet Sikkim's requirements of Sikkim Darbar's request, New Delhi transported small contingent of Central Reserve Police Force (CRPF) to assist Sikkim's police in quelling

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[56] The 5 member interim government formed on 9th May, 1949 was represented by TashiTshering, Dimik Singh Lepcha and C.D Rai from the SSC and DorjiDadul and Reshmi Prasad Alley from the SNP.

protests. This stance allowed New Delhi to use its political leverage in grooming Sikkimese leaders for possible anti monarchy political posturing. Further, New Delhi instituted the office of the Dewan and appointed officer belonging to the cadre of Indian Civil Services as Dewan (quasi Prime Minister).

It was manifest by 8 June 1949, Sikkim and India would forge special treaty and Sikkim assumed the status of India's protectorate kingdom in order to serve the interests of law and order stipulated by Indian and Sikkim Friendship treaty, 1950 (Levi 1959: 496). New Delhi meanwhile influenced Sikkim Darbar to handover executive power from the interim government to an Indian Dewan[57] selected from among the cadre of Indian Civil Services/Indian Administrative Services etc (Sinha 1975:26). The office of the Dewan was influential in implementing numerous demands of Sikkim's peasantry ranging from crucial subject of agrarian inequality by abolishing the revenue imperatives of landed gentries. The landless peasants were issued receipts upon payment of taxes by state administration. The peasants were guaranteed that none could be evicted from private holdings by landed gentries let alone due process of law (Levi 1959: 497) and not certainly by whims and fancies of landed classes.

The pro-monarchy faction in Sikkim's politics created stumbling blocks after political programs aimed at reforming village councils with the introduction of Panchayati raj received flak following a decision by the SNP to boycott local elections for failing to discuss reservations to Lepcha and Bhutia. The Dewan used the temperament of the office to successfully recast the judicial, legal and revenue administration of Sikkim government. This eased the ongoing tension between Sikkim Darbar and the Sikkikese masses (Sinha 1975:27). The diverging demands made by Sikkim's political parties for political reformation failed to meet its expected outcomes due to deepening political crisis. The future of Sikkim's status with India haunted all Sikkimese stakeholders thereby deepening political climate in Sikkim.

A major reform in Sikkim initiated by Sikkim Darbar after the dismissal of the interim government was the establishment of Sikkim Legislative Council (SLC) in 1953. According to Rao (1978) the SLC was institutionalized to legislate and execute laws for administration and restoring law and order with the consent of the ruler but could

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[57] Quasi Prime Minister selected by New Delhi to wrest executive functions of the state. John Lall was was appointed the first Dewan of Sikkim on 11 August, 1949.

not decide on the appointment of Principal Administrative Officer as an ex officio President of the SLC (p.16). SLC from twenty members with fourteen were elected and six nominated members expanded its size by enlarging to twenty four members, eighteen were elected and six nominated by Sikkim Darbar.

In order to appease Lepcha and Bhutia communal constituencies, SNP and Sikkim Darbar institutionalized a parity principle where seats were unevenly distributed in the SLC as agreed upon numerically majority Nepali were equated with numerical minority Lepcha and Bhutia in sharing seats in the SLC (Sengupta 1985:12). The controversial 'parity system' dominated the first general elections held in 1953 (Sinha 1975:28). The inequitable distribution of representative seats to Sikkim's seventy percent of the population at six seats in the initial twenty member SLC and seven seats in revamped twenty four members SLC against six and seven seats to Lepcha Bhutia made way for political discontentment in the future. The Lepcha and Bhutia constituted twenty five percent of the total population and commanded majority in representation in Sikkim. In doing so, the Darbar ensured political membership by including Lepcha and Bhutia Aristocrats as nominated members in the floor of the SLC to balance the influence of elected members in legislating laws against the hegemony of Sikkim's ruler. This institutional structure of political power was instrumental in mobilizing marginalized peasants of rural areas for instituting popular government in Sikkim.

Subject Formation & India backed Political Processes in Sikkim: 1953-1974

1st and 2nd General Elections: Sikkim's first general election was held in 1953. Sikkim Darbar conducted and over saw electoral processes in the absence of laws and election commission. Therefore, contentious issue of parity[58] formula assumed as the persistent theme of communal representation and debates flowing out from it over critical issue of citizenship, resources mobilization and political participation. The blueprint of parity formula necessitated a complex voting behaviour and pattern from the electors. The allotted six seats each for Lepcha and Bhutia (LB) and Nepali were filled on the basis of Electoral College comprising of Sikkimese electors—Lepcha-Bhutia and Nepali. Six Nepali seats filled on the basis of general elections whereas primaries were held in the

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[58] In order for candidate to get elected in the SLC, he or she must not only get secure the highest number of votes from his community, but also minimum percentage of votes from the other community votes (Rao 1978:17).

case of electing Lepcha and Bhutia leaders. LB candidate was to be elected in the primary election first by BL electorates only (Rao: 1978:17).

In order pass the test, these LB candidates elected by Electoral College received confirmation in the general elections, i.e. LB and Nepali electors voting together in deciding the fate of candidates. In the heat of competing communal scene there existed 'private estates of Sikkim Darbar' and the 'Monastic estates' where LB electorates with pro monarchy and pro SNP making parity work in favour of LB constituencies. The employment of parity formula employed by Sikkim Darbar consolidated Chogyal's show of strength instead of strengthening processes of popular participation in addressing democratic deficit (Sengupta 1985:13). Sikkim's State Council (SC) along with Executive Council (EC) constituted the membership of two members nominated each from SNP an SSC.

The executive councilors were entrusted with the responsibilities of dispensing charges over 'transferred' lists ranging from forest, education, transport, health, Public Works Department (PWD), excise, while the 'reserved' lists principally the home and finance departments remained as the administrative prerogative of the Dewan of Sikkim, additionally adjudicated the responsibility of the Speaker of the Sikkim State Council (Sinha 1975: 28; Rao 1978: 18; Sengupta 1985:12-13). The communal temperament of Sikkim State Council stalled Sikkim's democratic credential. Further, parity voting behaviour segregated elected representatives during the proceedings of state council perpetually communalizing and splitting Sikkimese politics thereby appearing regressive.

This parity blueprint persisted to continue until the culmination of the Second General election held in 1958. The primaries held for LB candidates was appeared complex in the context of voting process. The leaders from SSC and SNP were disqualified from contesting to seats of Sikkim State Congress. The dissident leaders of SNP, SSC, Swatantra Dal (SD) and Scheduled Caste League (SCL) jointly convened a meeting in September, 1959. The joint convention reiterated the demand for the formation of popular government in Sikkim.

The formation of popular government in Sikkim could be realized only with the formalizing of joint electoral system based on the universal principle of adult franchise under the institution of Legislative Assembly with twenty four members mandated by

the by a written constitution (Rao1978:19) (Sengupta 1985:13). The political environment rife with inter party and intra-party rivalries led to the declaration of another Joint Convention in May, 1960 (Sengupta 1985; Rao 1978)). The dissident politicians[59] of the SSC, SNP, Praja Sammelan and Swatantra Dal organized a common convention and form Sikkim National Congress (SNC). Kazi Lendup Dorjee was its foremost President. The SNC reiterated its demand for establishment of popular government, written constitution, fundamental rights, codifying legal laws and establishment of Sikkim High Court (sengupta 1985; Rao 1978). The stated objective of SNC reiteration was to profess a culture of united opposition force of Sikkimese unity against the hegemony of feudal monarchy.

The diverging demands of the smaller splinter political parties polarized ethnic and political consciousness of Sikkimese unity to nurture an opposition frame of unitary Sikkimese identity. The dissident leaders elected from SNP and SSC tickets representing Sikkim National Congress in State Council proceedings with four leaders occupied second place. Despite their numerical strength SNC were denied membership to the executive council.[60] The awakening of national consciousness among Sikkim Subjects Sikkimese nationals under the aegis of SNC leadership reiterated demands for reforms-political, social and economic. This was entirely vetoed by Sikkim Darbar in 1961. Initially, Indian intervention had been sought to achieve reforms in crucial social and political as in the form of abolishing lessee landlordism, abolition of forced labour and porterage etc in the 1950s.

Identifying the 'Sikkimese' : Sikkim Subject Regulation 1961

The Kingdom of Sikkim did not maintain a codified for nationality laws. The inhabitants were subjected to the authority if the Chogyal through a variety of customary laws and traditions. Sikkim's Lepchas, Bhutias, Limbus and Nepali subject population acquired documentary domicile only in recent times. The domicile criterion in Sikkim required tangible confirmation of successfully establishing a dwelling and immoveable properties. The Darbar presumed that inhabitants—'settlers' and 'natives'

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[59]The dissident group of the State Congress was led by C.D Rai under the banner of the People's Group, the SNP was led by dissident leader SonamTshering, PrajaSammelan was led by D.P Tiwari and Swantantra Dal was led by KaziLendupDorjee (Rao1978:20).

[60] By 1960 with the formation of the Sikkim National Congress the support base of the political parties supposedly projected an ethno-lingual character. Sikkim National Congress commanded the support of the Nepali-Bhutia members, National Party garnered support from Bhutia members exclusively and State Congress garnered the support of the Nepali members only.

have exercised their preference of regarding Sikkim as their political community and Sikkim a land of nationality (Hutt 2003:93). The call for continued political reforms in Sikkim culminated in the promulgation of Sikkim Subject Regulation on July, 1961 by the Chogyal of Sikkim (Grover: 1974:120).

According to Rao (1978) the Chogyal took a unilateral decision without consultation of the State Council to provide citizenship to ethnic subjects belonging to exclusively Lepcha, Bhutia and Limbu categories of persons (p.20). However, Grover (1974) SSR, 1961 was the first legal code defining the political status subject population simultaneously making provisions for acquisition or loss of Sikkim Subject status (p.120). In citing major opposition from the political parties, Sikkim Darbar clarified that, prior promulgation of SSR, draft had been widely circulated for deliberations with stakeholders since 1956 and incorporated with suggestions for final enactment (Grover 1974:120). Further, SSR, 1961, complicated the communal politics of belonging making and referring three categories of ethnic groups as eligible for recognitions as Sikkimes nationals. The ethnocentric reference to Lepcha, Bhutia and Tsong communities as categories eligible for Sikkimese nationality or subjecthood informs the ebb and flow of citizenship politics in Sikkim. SSR mandated was ambiguous provisions as only three ethnic categories of people were mentioned for eligible for citizenship:

1. All persons of Sikkimese domicile, if born in Sikkim and resident there or if ordinarily resident in Sikkim for not less than fifteen years prior to the promulgation of the regulation;
2. Persons not domiciled in Sikkim but of Lepcha, Bhutia or Tsong (Limbu) origin whose father or grandfather was born in Sikkim; and
3. Persons not domiciled in Sikkim but whose ancestors have deemed to be Sikkimese subjects before 1850.

The provisions for naturalization process provided to the individual after fulfilling fifteen years of residency in Sikkim further highlighted the prevailing communal electoral process underway in Sikkim. SSR supplemented the communal character of citizenship rights of Sikkimese people being represented by ideologically communal political parties. The atmosphere perpetually affected Darbar's relationship with the masses in governing the subjecthood of the population. This denial of citizenship rights

with exclusive references to Lepcha, Bhutia and Tsong was interpreted as a deceitful maneuver to rebuff the claims of Sikkimese Nepali the right to Sikkimee nationality.

The ambiguity in referring three ethnic communities—Lepcha, Bhutia and Tsong was articulated to mean non-residential Lepcha, Bhutia and Tsong for entitlement as Sikkim Subject. The exclusion of domiciled taxpaying Nepali subjects within the reference of SSR snow balled ongoing agitation in the public domain. Sikkim Darbar criticized intensely by stakeholders despite claiming consent of the political parties were forced to rethink the draft regulation of SSR. Unwilling to relent, Sikkim Darbar clarified SSR had clearly defined the status of Sikkim subjects. Sikkim Darbar did not dispel unrest until GOI intervened to calm the political climate in Sikkim (Sengupta 1985:14).

Sikkim Darbar was forced to obliterate references to ethnic communities by making fundamental changes to its provisions with effect from 16th January, 1962. It was promulgated by the Chogyal on July, 1962. The amendment removed all the ambiguities but communities remained divisive. Sikkim faring poorly in Human Development Indices added with Sikkim Darbar's approach of dealing with marginalized peasants furthered anti monarch sentiments to a scale never known in Sikkim's history.

An attempt to characterize 'Sikkimese' as belonging to Sikkim, referring essentially to the three ethnic communities of the region, viz –Lho-Mon-Tsong (Bhutia, Lepcha and Limbus) bears a pattern of Sikkim Darbar invoking historical sources for framing citizenship legislations. This was met with severe resistance from marginalized Nepali subjects since modern Sikkim is synonymous with Nepali contribution in agrarian economy. SSR, 1961 may have been promulgated with the tacit approval of the Indian Political officer and the Dewan but this is unknown. The Indian intervention in Sikkim's sensitive internal affairs such as SSR proves otherwise. The decision to prepare draft references to communities in SSR added ambiguities but also meant proactive role of pro-monarch SNP in formulating the draft of SSR.

SNP comprising exclusive interests of Lepcha Bhutia elites resisted diminishing political clout of landowning and governing elites of Sikkim. The survival of Namgyal Dynasty wrested on the support of land owning gentries. The resolution to distinctively mention Tsongs in SSR was a calculated attempt to divide the Nepali community

(Grover 1974:121). The political stakeholders requested to substitute Tsong with larger Nepali community and accord special privileges on Sikkimese Nepali on a similar footing as it was with Lepcha-Bhutia.

Grover (1974) saw this as a ploy employed by Sikkim Darbar to efficiently exploit SSR as a shield to minoritize the political acumen, effectiveness and mobility of numerically majority Sikkimese Nepali. The fifteen year residency clause as a criterion was placed as tricky sketch to eliminate Nepalis from acquiring political power by way of disenfranchising its political rights. As a reply the allegations of positing institutional discrimination against Sikkimese Nepali, the crown prince, in his address to the media in New Delhi substantiated SSR as a fruition of thoughtful deliberations with diverse stakeholders of Sikkim.

Further, Sikkim's Crown Prince maintained a position about erroneous reference to community construed discriminatory was deleted. It was mad clear that SSR was not conceptualized to acquire and access political ascendancy of any section of population over. This remained refuted since SSR draft made nationality clauses conditional with mention of communities and fifteen year criteria.

The GOI's active role was also clarified since India it was in India's interest to know the composition of Sikkim Subjects who could claims the right of protection under the bilateral agreement of Indo-Sikkim Friendship Treaty, 1950. This was GOI's appeasement of Sikkimese people since GOI was fully aware of Sikkim Subjects especially Nepali serving in Indian Army. It was for this reason Chogyal Palden Thondup Namgyal was the Major General of the Indian Army and held the honour of the Colonel of the Regiment of Gorkha Rifles (Das 1981:01). It was believed that Crown Prince's press conference in New Delhi was held on the behest of New Delhi in order to dispel fears of repercussions from Sikkimese Nepali.

Indian opinion about SSR being Sikkim's internal matter proved wrong since Crown Prince's press release was endorsed by New Delhi. Initially, GOI's influence to communalize the content of SSR and later de-communalize to embarrass Sikkim Darbar meant that Darba's political conduct was subservient to Nepali mobility and how New Delhi contextualized Nepali mobility to garner pro New Delhi posture. GOI's success

in managing Sikkim's internal affair was more than it hoped for since bilateral treaty was restricted to defence, foreign relations, communications and finance.

For Sikkimese Nepali, SSR elevated their political clout in Sikkim and later as Indian citizens became special citizens under Article 371 F. As marginalized peasant the criterion of being a 'land tiller' emerged as the relaying theme of Nepali belonging and rights discourse in Sikkim. The registration of people under the SSR continued well up to 1975 when Indian intervention led to its absorption leaving many genuine undocumented subjects stateless. SSR has assumed as the foci of determining nativity and indigeneity in contemporary Sikkim. GOI grants concessions to the legal category of Sikkim Subject defined by SSR, 1961 as an effort to create different categories of subject population as targets of governmental policies in India.

In the backdrop of political polarization, the political stakeholders continued to demand for reforms. There was brief interruption by Sino-Indian border war of 1962. The third general elections to state council were postponed in order to recognize India's war efforts. The Sikkim's frontier with Tibet was guarded by the Indian Army since Sikkim was an Indian protectorate. The Dewan chaired People's Consultative Committee comprising of different political parties to strengthen internal security and national defence (Sengupta 1985:14). This served India's interests and not Sikkim's interests. The demise of Sir Tashi Namgyal, the ruler of Sikkim in December, 1963 secured Crown Prince, Palden Thondup Namgyal as the Chogyal of Sikkim. As principal adviser to his father the ruler, he was experienced administrator with military and bureaucratic training background trained in India.

As an advisor to his father, the new ruler had taken the entire responsibility of administration upon himself. The third general elections in Sikkim concluded in 1967. Sikkim Darbar increased the number of seats of elected members in the State Council ny four more seats as a form of reform. The LB and Nepali seats increased from six to seven respectively while the remaining seats were reserved for Limbu and Scheduled Castes (SCs). SNC formed the majority with eight seats in the State Council followed by SNP. Sikkim Darbar constituted a six member Executive Council with two members from SNC.

Sikkim Darbar disregarded SNC led by Kazi Lendup Dorjee[61] for the post of Executive Councillor. Sikkim Darbar miscalculated the position of Kazi Lendup Dorjee by elevating B.B Goorong[62] as the EC member. This divisive politics of Sikkim Darbar led to the proliferation of factional politics[63] among SNC leadership. The Chogyal's clout in Sikkimese politics remained sustained through divisive politics and by grooming pro monarchy politicians of the SNP.

The fourth general election was held in the backdrop of factional politics. The elections were conducted in the absence of election commission. The political parties aligned with the Darbar ignoring the mass mobilization of people. The demands for written constitution, fundamental rights, right to education, social and economic rights were promised by political parties. In the elections, SNC facing divisive politics performed poorly than the SNP in the votes polled. SNC was victimized by giving only one seat in the EC for promoting anti-Darbar political stance. SNC members were removed arbitrarily from the EC for opposing the Darbar. The factional politics continued to control proceedings of the political participation. Sikkim Janata Congress (SJC) was formed with the integration of Sikkim State Congress and Sikkim Janata Party in 1972. SNP with pro monarchy tilt continued to wield clout over authority.

SNC despite its rank and file being hurt factional politics continued to present its stance as the principal opposition party in Sikkim. Sikkim Janata Congress (SJC) led by Nepali leaders raised the authenticity of Lepcha Bhutia rights in Sikkim as simmering communal tension seemed inevitable in the kingdom. The Chogyal supported by SNP and the royal consort brewed sentiments against New Delhi's interests among the educated elite of Sikkim organized as Youth Study Forum. Sikkimese masses ralled for bigger political rights while Sikkim Darbar diverted the attention of people by mobilizing Sikkim's independent international status in the comity of nations vis a vis Indian control. In Nepali mobilization, GOI found a moment to rally for cornering Darbar.

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[61]Kazi was elected the first Chief Minister of the Indian State of Sikkim after Sikkim's absorption into the Indian Union in May, 1975.

[62] B.B Goorong was elected the third Chief Minister of Sikkim for a brief period of thirteen days in the early 1980s.

[63] B.B Goorong was expelled from the National Congress and formed under his leadership factional congress. The National Congress was further split by divisive politics when LalBdrBasnetdefected the SNC and formed the Janata Party (Rao 1975:24).

The Fifth General elections conducted amidst political polarization along ethnic backgrounds witnessed SNC under Kazi Lendup focusing on larger interest of Sikkimese masses. The content of SNC manifesto ranged anything from its reiteration about written constitution, setting up popular government, abolition of parity formula and intensification of friendly relations with India (Rao 1975: 38). The intensification of relations with India was contrary to the prevailing climate with persistent demands for India to withdrawal from Sikkim. SNP believed to encourage anti-India feelings and create an awareness to germinate communal logic of Lepcha and Bhutia as rightful owners of Sikkim. The parity formula secured Sikkim Darbar's interest helping SNP to secure majority seats in State Council. The Darbar was accused of rigging elections but without any solid foundations (Sengupta 1985).

After the elections, six member EC was formed with two members from the opposition parties—SNC and Sikkim Janata Congress (SJC). SNP with four members dominated the proceedings of state Council demanding revision of India-Sikkim Friendship Treaty, 1950 (Rose 1969). The two opposition parties mobilized its strength for reforms in the parity electoral formula in the form of one man one vote principle. Chogyal's accepted conditional approval for reforms as a trade off for political consensus for exacting revision of bilateral agreement with New Delhi. SNC and SJC demands proved antithetical with SNP's views about the status of Sikkim's future relations with Delhi. In a widely held theory, Chogyal tried to fulfill his political aspirations by consulting with external powers which had traditionally remained hostile to India. The opposition leaders felt convinced that Sikkim—whether independent or controlled by India meant absolute monarchy for Sikkimese people. Krishna Chandra Pradhan, politician was arrested by Sikkim Darbar for alleged contempt and flicking derogatory-communal inflammatory rhetoric.

Constructing Sikkimese National Identity and Understanding Indian Intervention

The decision to use arrest as a form of political tool to silence dissident leaders proved almost counterproductive for the Chogyal. The establishment of Joint Action Committee (JAC) under the aegis of Kazi Lhendup comprising members of SNC and SJC were a direct result of Chogyal's highhandedness. JAC's state wide outreach ensured through its wide support networks in all parts of the kingdom. JAC highlighted sixteen point demands—abdication of the Chogyal and abolishment of the institution

of monarchy formed the bedrock of political protest. The scale of the agitation against Sikkim Darbar resulted in the overrunning of government establishments by protestors. The police stations urban townships were overrun by protestors. JAC team took asylum in India House in Gangtok. In this quagmire of political protests, the Chogyal sought assistance from the Indian Army in restoring normalcy and Indian takeover of Sikkim's administration (Grover 1974: 13; Rao 1985:41-42). Chogyal's unilateral attitude against opposition political parties led to a stalemate and therefore JAC completely alienated the Chogyal in the ensuing crisis. B.S Das an IPS cadre officer was appointed as the Chief Administrator of Sikkim. JAC also joined the administration and reiterated their demand for abolishing the institution of monarchy.

Amidst Sikkim's unrest, rural poor peasants continued to lead life under threat of eviction since rural cultivable were held by handful of landed gentries—*Kazis* and *Thekedars.* Sikkim Darbar exclusively owned private estates often tenants tilling land for the upkeep of palace granary. Therefore, peasant resentment against landed gentries directly defied the monarchy. The political parties mobilizing and competing for authority did so in the name of the peasants—signifier of "We the People".

This period was crucial for Chogyal since he needed a population subject willing to forge Sikkim's national identity to nurture worldwide recognition of Sikkim's international political identity. The continuum of connotation for "distinct political identity" meant not mere autonomy in internal and external conduct of Sikkim's political identity but meant Sikkim's independent status as a sovereign kingdom free of Indian control (Hiltz 2003:79). Chogyal's concern was an outcome of deliberate abandoning of India's strategic imperatives in a sensitive border region as much as India's sidelining Sikkim's concern for independence. In this manner, Chogyal exhibited popular antipathy towards New Delhi's concern as an indirect hint for impetus in revising unequal bilateral treaty provisions in the early 1960s.

On 15th June, 1967 EC members from the National Party, National Congress and State Congress issued a "historic joint statement" reaffirming Sikkim's position on bilateral treaty as between two sovereign entities citing Sikkim's sovereignty to conduct treaties with foreign country after the British withdrawal in August, 1947 (Gupta 1975:788). Sikkim's aspirations to ensure nominal Indian interference in Sikkim's administration reinforced India's anti-imperial outlook as a metaphor to convey India's 'aggressive'

posture towards Sikkim. Chogyal watchfully maneuvered anti-India leanings through Youth Study Forum. Educated elites wary of India's conduct over Sikkim were immediate targets of the forum as a way of projecting Sikkim's sovereign status and nationalism. While the Youth Study Forum managed by staging anti-India demonstrations Chogyal in the meanwhile concealed his intentions by taking a pro-Indian stance ordering punitive measures against so-called anti-India 'culprits' (EPW 1969:1695). It was revealed that innocent Nepali peasants and commoners were picked and arrested for staging anti-India feelings (EPW 1969:1695). It was brought to notice coercion and influence were mechanized to stage demonstrations against India by members of Youth Study Forum.

The members were rewarded with material benefits. The members made conscious attempt to demand for revision of Sikkim's treaty with India. The national project—symbols of Sikkimese sovereignty—national flag, national anthem and Sikkim Guard were incorporated into state functions as exhibits of Sikkim's distinctive status (Hiltz 2003:80). Sikkim sent cultural delegation as an endeavor to internationalize unique art, architecture and handicrafts abroad promoting its unique cultural artifacts as Buddhist kingdom to the global world. The prevailing cold war scenario in South Asia prevented Sikkim's quest for international identity on a similar footing such as Bhutan and Nepal. Sikkim's domestic upheaval of April, 1973 with demands from popular for reforms and stronger ties with Indian Union deterred Sikkim's ambitions of its international stature. The law and order crisis and collapse of Sikkim's administration allowed India leverage to intervene in internal administration in the name of restoring democratic rights of Sikkimese people.

This intersection of India's strategic imperatives and Sikkim's domestic predicament made way for Indian intervention possible without resistance from the majority section of Sikkim's population. As India flexed its interventionist posture in Sikkim, it often did so as acting within its domestic sphere of influence. India's refusal to treat border between India and Sikkim as an international boundary testify India's cartographic politics in Himalayan region. Sikkim lodged strong worded protests with New Delhi and even sanctioned its own map. In 1967, GOI designated the status of boundary as an international border as a mere negotiation to Sikkimese sentiment without acknowledging Sikkim's sovereign status (Rose 1969:36). After the demise of Tashi Namgyal, the Crown Prince, Palden Thondup Namgyal discarded the Indian (Hindu)

title of *Maharaja* from its royal use (Rose 1969). Sikkim Darbar requested to be addressed by the traditional title, *Chogyal*[64] (Righteous King or Defender of Faith in Tibetan Buddhist Theology) instead of the title of Indian *Maharaja.* This distinction of distinct Sikkimese cultural identity from 'mainstream' India was met with reluctance from New Delhi. For New Delhi, it was tantamount of Sikkim's stress on its non-Indian origin and its unique credentials of Namgyal Dynasty (Rose 1969:36) in promoting its stature as a sovereign kingdom.

This propelled Youth Study Forum and Sikkimese interests groups to demand revision of India's treaty with Sikkim, 1950. During late 1960s, Chogyal in his address to press and foreign Heads appraised Sikkim's "rightful place in the comity of nations" (Rose 1969:36). This was the era when smaller nations had particularly expanded the consistent growth in United Nations (UN) membership and Chogyal was aware of this fact (Gupta 1975:788). Sikkim's aspiration received impetus following Bhutan's entry in the Colombo Plan relayed with full fledged membership in the UN (Gupta 1975:788). The revision of Sikkim's treaty with India was imminent much against India's interests.

However, demand for such an extensive revision was met with inconsistencies since Sikkim's governance infrastructure remained archaic and feudal. Sikkim's administration was staffed by Indian officials on deputation basis. Initially, when political parties demanded Sikkimization of its internal administration exclusively by Sikkimese, Sikkim Darbar vetoed the proposal thereby allowing India to maintain careful eye over its internal administration. Therefore, review consideration of defence and security did not impress New Delhi. Therefore, Sikkim's repeated calls for international recognition seemed anachronistic since its domestic realm was held hostage by New Delhi's insistence on strategic balance a legitimate standard operating procedure for nation-state in a divided global order. For New Delhi, modification of India's relations with Sikkim meant deterioration of New Delhi's position in relation to China in the frontier (Rose 1969:45). Therefore attempts of constructing Sikkim's sovereign stature in a global scale as a Buddhist kingdom remained in a state of

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[64] The British rulers in India addressed the Chogyal of Sikkim as the Maharaja of Sikkim in official correspondence with Sikkim Darbar. This was followed by India in their official correspondence with Sikkim Darbar until PaldenThondup decided to drop the title of Maharaja after the death of his father because of its non-Sikkimese value.

paralysis due to its partisan effort to create a national identity in a multifarious social setting alienating the concerns of Sikkim's majority community.

The construction of Sikkimese national identity in the 1960s and 70s were done based on the theological advancement of historical narratives. This lacked the basis of modern institutional framework. SSR, 1961, Sikkim's first nationality law was rejected by the stakeholders and the Sikkim subjects alike. The construction of Sikkimese nation and nationality debunked shared concerns of belonging among diverse communities thereby influencing global community of its inclusive and distinct identity free of Indian domination. Sikkim's efforts, dramatic as it were too proved futile in the face of India's growing regional supremacy after the liberation of Bangladesh.

However, initial attempts at creating a nation and Sikkimese nationalism seemed problematic since 'Sikkimese historical narrative' constituted the basis of forming a Sikkimese nation. The historical facts were brushed aside to construct a basis of Sikkimese reality. The commissioning of documentary entitled Sikkim directed by Satyajit Ray speaks in volumes about its plot. This considering Sikkim's historical narrative endeavor's to characterize Sikkimese history as a national history (Mullard 2011: 19). Therefore, promotion of Sikkimese identity in 1960s and 70s evoked tangible material culture and agrarian rhythm of Sikkimese society and the profound influence of Sikkim's state religion (Hiltz 2003:73). It portrayed unique life worlds of Sikkim's ecology and landscape as the basis of Sikkimese milieu.

In sum total, constructing Sikkimese national identity in the 1960s and 70s overburdened the role of the Namgyal Dynasty. The exhibition of mountains as a deity in Sikkimese Buddhism charted a character of 'artificial' Sikkimese identity and perhaps laden with Bhutia 'bias'—dominant cultural development manifest from the early 1960s (Hiltz 2003:73). This manifestation of Bhutia 'bias' in the construction of Sikkimese cultural material in the 1960s fuelled the communal nationalizing project in Sikkim. This divisive climate obstructed Sikkimese aspirations to nationhood since majority of Sikkimese population feeling alienated mobilized its resources calling for genuine reforms in political and social sectors.

Sikkim's ruler having realized the institutional lapses in alienating Sikkimese Nepali made final endeavor to foster 'Tibeto-Burman' solidarity among the diverse tribes of 'Tibeto-Burman' Nepali communities (Hiltz 2003:74). Sikkim's ruler, an ethnic Bhutia

belonged to 'Tibeto-Burm' stock along with Sikkimese Lepcha. The Namgyal Dynasty crafted a careful delineation of Sikkim's 'Tibeto-Burman' ethnic categories belonging to Nepali communities as a distinct category from Nepali 'Indo-Aryan' Hindu. The racial divide in Nepali community was highlighted by Sikkim's ruler suggesting Lepcha and Bhutia's cultural and ethnic affinity with Nepali 'mongoloids'.

This bounded illustration between caste Hindu 'Indo-Aryans' communities speaking Nepali as mother tongue as culturally distinct from tribal 'Tibeto-Burman' communities speaking Nepali as lingua franca was an attempt to construct Sikkimese national identity free from Indo-Aryan (and India's Hindu) cultural influence. An effort to forge shared Sikkimese consciousness and belonging among the Mongolian communities belonging to social fabric of Nepali people and Bhutia-Lepcha was made. For Sikkim's ruler, Nepali mongoloid communities formerly Buddhist in credentials like the Bhutias with ancestral links to Tibetan plateau first migrated to Nepal Himalaya and finally to Sikkim Himalaya (Hiltz 2003: 74). The effort to delineate Nepali Sikkimese Mongolian communities as distinct from caste hindu Indo-Aryan was an attempt to minoritize Nepali as a political category.

The cultural Tibeto- Burman dialogue of Sikkim's ruler added with Bhutia account and culture fuelled Sikkim's national project in the 1960s (Hiltz 2003:74). The construction of 'settler' Nepali as a political identity in Sikkim as an opposing identity of 'native' Lepcha and Bhutia forged through colonial rule had consolidated Nepali as a given and fixed in Sikkim. Nepali language, mother tongue of upper caste of India-Aryan Chettri-Bahun communities was spoken as a lingua franca for communication by rest Tibeto-Burman Nepali retaining their ethnic language and culture. The adoption of Nepali as a lingua franca by the Mongolian tribes institutionalized hegemony of Nepali language on tribal languages among the non-Indo-Aryan Nepali. The Lepcha-Bhutia of Sikkim too appropriated Nepali language as a lingua franca for communication. The effort to institutionalize Sikkimese identity on the basis of shared Tibeto-Burman heritage in Sikkim was a reminder to reinforce an identity liberated from Indo-Aryan cultural influence meaning Indian civilization and 'Not Indian' (Cooke 1980:130) from 'mainstream' perspectives.

The British colonial construction of Sikkimese Nepali as Hindu by faith in political connotation meant India's sphere of control. The Sikkimese national identity as a search

for rightful place in the comity of nation meant free of Indian control but tied with equal treaty provisions as sovereign equals. The urban educated in Sikkim endorsed ruler's nationalizing project but proved too little and late. The unequal treatment meted to Sikkimese Nepali peasants by landed gentries, inequalities in distribution of electoral rights, parity formula in allocating resources to the common masses people deprived the majority from acquiring access to state resources including educational and employment. This divisive ethnic parity[65] stalled the processes for securing consensus for building national identity among Sikkimese Nepali and Sikkimese Lepcha and Bhutia. To make matters worse communities were further divided as political constituencies aided by proliferating political parties.

Protection to Absorption: Sikkim Subjects after Annexation

The 1970s, a period when international atmosphere had changed drastically for both Sikkim and India under Indira Gandhi. The 1960s, passed as a turbulent phase when India had fought two international wars—one with China and the other with Pakistan. Sikkim's ruler mobilizing support for revision of Sikkim's treaty provisions with India felt alienated at home with Sikkim's majority community out in the streets. Sikkim's domestic affair divided with communal parity in the allocation of rights tilted the favour for New Delhi to intervene with greater leverage. The victory over Pakistan in December 1971 followed by liberation of Bangladesh gave India the impetus of a regional power in South Asia. Mrs. Gandhi's return to power in 1972 general elections, handled Sikkim's internal affairs as a matter of India's domestic and political constituent. India's better relation with Nepal and Bhutan meant non-committal in cajoling Sikkim (Gupta 1975:790) while taking them into confidence for dealing with Sikkim.

India's superior position made the task of Joint Action Committee simple in dealing with pro-Chogyal in Sikkim's domestic affairs. The JAC urged the New Delhi to either

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[65]The communal parity was implemented by the Chogyal in all the activities of the Sikkimese lives. The crucial administrative jobs in the Sikkim Darbar Service was exclusively reserved for Bhutia-Lepcha (for example the Chief Secretary, Police Commissioner, Assistant Police Commissioner and the officers cadre of the Sikkim Guards. This was well orchestrated through its polices extended in school admissions, technical education and other field etc. Hence, Chogyal's last minute nationalist appeal attracted only the urban educated middle class Nepali Sikkimese while the Nepali mass of rural Sikkim were more concerned about immediate priorities (Gupta 1975:790). Initially the probable recruits of the Sikkim Guards exclusively belonged to the ethnic Bhutia-Lepcha ethnic stock and as part of the series of political reforms initiated by Sikkim Darbar, the rank and file of Sikkim Guards was opened for Nepali Sikkimese but on the system of communal parity.

support democratic consolidation in Sikkim or support the consolidation of monarchy. Upon Indian insistence to take over Sikkim's administration from Sikkim Darbar the JAC suspended its agitation as a way forward for restoring normalcy. In doing so, JAC's hard fought ideological battle with monarch was hijacked by New Delhi to intervene in Sikkim's governance. This significantly eroded Sikkim's autonomy since India's interest in Sikkim primarily wrested in maintaining control over Sikkim's internal security imperatives since 1950 when New Delhi GOI had issued a press statement on March, 1950.

It stated Sikkim's right to enjoy autonomy "subject to the ultimate responsibility of the GOI for upkeep of the Sikkim's administration, law and order (Gupta 1975:791). As State Congress led the agitation in April 1973, the law and order problem gripped Sikkim with reported incidents of arson and loot in different parts of the kingdom. The pro-Chogyal forces allegedly saw proactive role of Communists and the Congress Party cadres harbouring Nepalis of Darjeeling and Kalimpong as Sikkimese Nepali to spur anti-Chogyal demonstrations (Gupta 1975:790). It was interpreted as a movement organized on the behalf of Nepali Sikkimese by forces against the Chogyal. What remained unanswered was whether anti-Chigyal forces meant pro-India fringe groups acting in Sikkim. For Das (1983) the Indian design to subvert Chogyal's ambitions was not his suppression of the Nepali subjects but its search for international identity at par with Bhutan and Nepal vis -a- vis India. However, Indian entry in Sikkim as internal administrator and its referendum saga was 'held' on the behest of Nepali represented by JAC. The Indian intervention materialized only when the Chogyal asserted his personal capacity beyond domestic politics.

The request by JAC for intervention support from GOI was accepted by New Delhi. India intervened by also made incursion in Sikkim's internal administration proving costly for the ruler as well as for JAC. This is despite the fact that JAC's agitation was sponsored by India creating groundwork for Indian intervention to counter Sikkim's bid for treaty review. The Chogyal reposed India's faith when he promised constitutional and political reforms in consultation with the political parties and GOI despite media reporting about possible Indian move to restrict Sikkim's sovereignty. The Chogyal was forced to negotiate with GOI and JAC to discussed a settlement framework for political arrangement for instituting the credentials of the popular government on May 8, 1973.

The GOI informed the Lok Sabha on April 9, 1973 that Sikkim's and its people's interests were being secured and safeguarded for it to march on the road to democratization, stability and economic prosperity (Grover 1974:132). The Chogyal assumed the role of the nominal and constitutional head with effective power transferred onto the people without a constitution of its own. The May agreement signed on May 8, 1973, is a watershed since it advocated reforms to the framework of government and diminished the role of Sikkimese royalty (Gupta 1975:792). The call for reforms was aimed at introducing elections held on the principle of universal adult franchise and not on the communal parity formula. The mandate of the election was due representation to all sections of Sikkimese society.

The principle of 'one man one vote' and restoration of law and order after collapse of state machinery in the backdrop of 1973 agitation formed the buzzword of reforms. The highlights of the Agreement envisioned a prominent role of Sikkim State Assembly for a period of four years. The elections to Assembly were to be conducted under the auspices of Election Commission of India (ECI) nominated by people's Government of Sikkim (Gupta: 1975:792). In addition, May 1973 agreement endorsed fourteen subjects for Sikkim Assembly to deliberate. This was an increase by six subjects stipulated in 1953 Act discussed by the then Sikkim Council[66] (Gupta 1975:792).

The 1973 Agreement demarcated boundaries like the 1953 Act stipulating discussions concerning the Chogyal and the Namgyal Dynasty external of the control of Sikkim Assembly and issues sub-judiced for hearing as 1950 Treaty remained India's responsibility. The Executive Council was established and necessitated institutional safeguard of minority rights. It defined the legal status of the Chogyal as a nominal figure guided by the Constitution[67] which was passed in 1974. The reverence of the institution of the Chogyal continues Sikkimese socio-cultural milieu remained. The Chief Executive empowered with financial powers allocated funds and resources for Sikkim's overall development. The role of the Indian Political Officer as the final

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[66]According to Ranjan Gupta (1975) the subjects that were transferred for deliberations by Sikkim Assembly included education, public health, excise, press and publicity, transport, bazaars, forests, public works, agriculture, food supplies, economic and social planning, including state enterprise, home and establishment, finance and land revenue. Under the 1953 Act the Sikkim Council could discuss education, public health, excise, press and publicity, transport, bazaars, forests and public works.
[67]The Chief Executive (CE) who was an Indian civil Servant was required to act as a channel of communication between the Assembly and the Chogyal. The CE was the over all in charge of Sikkim's administration as stipulated by the agreement was required to all matters to the Chogyal for his information and assent of the proposed bill.

authority and arbiter between the Chief Executive and the Chogyal highlighted Chogyal's retreating political clout. The provision for constituting the framework for governance was given distinct place in the Government of Sikkim Act, 1974. The Government of Sikkim ACT, 1974 was to be Sikkim's Constitution promulgated in 1974 but the basis characteristics of future governance were enshrined in the 1973 May Agreement (Gupta 1975:793) between the Chogyal, GOI and the political parties of Sikkim.

Several factors triggered the April 1973 movement—allegations of rigging in the 1973 elections, K.C Pradhan's arrest. Finally, Sikkim's election was conducted by an election commission in April, 1974—the Indian Election Commission. JAC committee a conglomerate of Sikkim Janata Party and Sikkim National Congress merged to form Sikkim Congress (SC) led by Kazi Lendup Dorjee. The 1974 elections, Sikkim Congress led the charge with its manifesto mentioning land reforms programmes a major source of inequitable distribution of resources in Sikkim. Pro Chogyal SNP was completely defeated and SC emerged a victorious as in the Assembly. In the 32 member Assembly sixteen seats were reserved for Sikkimese Nepali and sixteen for Lepcha and Bhutia. One each for Sangha (Buddhist Monasteries) and Nepali Scheduled Castes was (un)evenly distributed. The political mandate of 1974 elections compelled them to work towards fulfillment of new constitutional framework which became the basis of India's future interaction with Sikkim. Meanwhile, in the absence of the Constitution, the Chogyal inaugurated Sikkim Assembly on May 10, 1974 and newly elected SC legislators objected to swear allegiance to the Chogyal as a protest of demanding popular government and a constitution. Sikkim Assembly passed the Government of Sikkim (GOS), Bill, 1974 as the new Constitution of the kingdom. The GOS mandated guidelines for the elected representatives, the council of ministers and the nominal role of the Chogyal. It also highlighted warrant of precedence with privileges and blueprint for Sikkim's relationship with India.

The pro palace outfits took out rallies as a mark of protest against the constitutional framework and Chogyal's diminishing role in popular politics. Sikkim in the meanwhile had been reduced like one of India's federal constituents which the political parties were not able to understand. The Chief Minister and his Council of Ministers were given portfolios of a department as executive Heads of Departments. The new council of ministers was constitutionally mandated to follow popular principles in the

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May Agreement. The military, foreign affairs, finance and communications remained with New Delhi as stipulated under the conditions of the Treaty Provisions.

Sikkimese people demanded the nomenclature of the Prime Minister (PM) instead of the Chief Minister (CM) to the leader of house. This demand by Sikkim made India wary about its interest of relegating Sikkim as its domestic constituent. The demands for Sikkim's stronger ties with India had still not translated for accession with India untill the elections to the Assembly, 1974. The Chogyal alienated in the Assembly gave way for GOI's advice to give his assent to the Government of Sikkim bill, 1974. In the meanwhile, Chogyal brought the question of amendments to the GOS bill repeatedly was vetoed by Sikkim Assembly. The Government of Sikkim Bill, 1974 was passed on July, 1974 transferred power to the elected representatives and the Assembly under the GOS Act (Adhikari 2012).

According to Rao (1978), the GOS requested New Delhi to bestow legal and constitutional impetus to the GOS Act, 1974 by providing representation for the people of Sikkim in the Indian Parliament. This position of GOS was taken by India as an opportunity to accord Sikkim the status of the 'Associate State' of India well within India's federal constituency. It was cited as an Associate State, Sikkim was now poised to demand its inclusion in Indian Planning Commission's developmental initiatives. Sikkim was mandated to appeal New Delhi for seats and access in higher and technical universities of India. The Sikkim Subjects were eligible to seek rightful employment opportunities in India at par with Indian citizens in any public and private sector undertakings[68] (Gupta 1975:795) although 1950 mandated such a practice especially large number of Sikkimese Nepali served in the Indian Army. The 35th Constitution Bill, 1974 introduced in the Indian Parliament downsized Sikkim's protectorate kingdom by according the status of India's associate state on September 3, 1974 (Gupta 1975:795). However, the associate status did acknowledge Sikkim's sovereignty within the limits of prescribed by Indian suzerainty over Sikkim and this provided New Delhi

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[68]). However, Sikkim Subjects especially Nepali Sikkimese were employed by the Indian Army as recruits in the Gorkha battalions of Indian Army much before May Agreement of 1973. In recognition of the service of the Nepali Sikkimese in the Gorkha battalions of Indian Army, GOI bestowed the rank of Honorary Major General of the Indian Army to the Chogyal of Sikkim and hence became the Colonel of the Regiment of 8th Gorkha Rifles.

flexibility in and resource in defining moments of Sikkim's autonomy (Gupta 1975:795).

Chogyal reduced to a nominal figure continued to confront elected representative in the Assembly. In the midst of confrontational politics, upon the invitation of the Royal Government of Nepal, Chogyal made an 'undesired' visit to attend the coronation of the King of Nepal (Gupta 1975). Allegedly, Chogyal used his visit to brief Pakistani and Chinese delegate future about Indian designs in Sikkim. On his return the ruler faced mounting pressure the elected members and the people. Thereafter, India initiated a program in the Assembly seeking for a resolution abolishing the institution of the Chogyal on 10th April, 1975. This was followed by a popular vote referred as Indian referendum held on 14th April, 1975 (Sengupta 1985:33). The Assembly received approval of the masses by deliberating the resolution of the Assembly to abolish the institution of the Chogyal only if it meant democratic consolidation in Sikkim. The GOS requested GOI to give immediate effect to the unanimous decision of the Assembly to further Sikkim's stronger ties India through necessary Parliamentary process (Sengupta 1985:32).The GOI sensing opportunity to materialize Sikkim's stronger ties with India made a request for necessary parliamentary process leading to the proposal of Constitutional Amendment Bill, seeking to include Sikkim as the 22nd state in the Indian Union. The Constitutional Bill passed by the Parliamentary resolution on the 26th of April, 1975 came in effect on 16th May, 1975 as the 36th Amendment Bill. At the end, the idea of increasing association of Sikkimese people with India so desired for responsible and popular government resulted in the accession of Sikkim in India, Sikkim had to remain content (Sengupta 1985:33). This story of accession is therefore not without controversies in handling the situation in Sikkim. It is alleged New Delhi imported non-Sikkimese Nepalis from neighbouring Darjeeling district to mobilize demonstration and create law and order crisis. Even after four decades of Sikkim's absorption by India, the careful explanation on why Delhi agreed to integrate Sikkim prior promulgation of emergency has not been answered (Sengupta 1985:38).

On 9th of April, 1975, the Indian Army stationed in Sikkim overran the palace sentry posts guarded by Sikkim Guards consisting of three hundred Sikkimese men (Datta-Ray 1981). The Indian Army resorted to firing by killing a Sikkim Guard. The Indian

Army systematically disbanded Sikkim Guards[69], a force trained and officered by Indian Army (Datta-Ray 1981). The Chogyal was detained under house arrest[70] and made a last frantic attempt to communicate to the outside world through a radio (Datta-Ray 1981; Duff: 2015). The GOI intercepted Chogyal's radio signal and jammed the signal to prevent message from being relayed to the international community (Datta-Ray 1981; Duff 2015). The GOI had through the treaty provisions of 1950 secured right of Sikkim's communication as New Delhi's subject list and Sikkim did not enjoy sovereign right to communicate with the international community without New Delhi's consent. Even the media and press reporting on Sikkim during 1970s were not permitted to the foreign media from Sikkim. The media report on Sikkim was carried out from New Delhi which relaying official Indian account. The absorption of Sikkim in the Indian Union a debate between merger or annexation remains a political question.

III

Being Both the Indian Citizen and the Sikkim Subject: Sikkimese Identity in the Union

The Indian intervention materialized in Sikkim as a reference of India's negotiation with Sikkim, first as an India's protectorate state in 1950, associate state in 1974 and finally a state in the union in May, 1975. After its formal inclusion in India, state has witnessed transformations including the rise of the Nepali as a political power. The rise of Sikkimese Nepali should be read as per the provisions stipulated by Clause 7/Section III under the Government of Sikkim Act, 1974. It stipulates, that "The Government of Sikkim may make polices for the rationale of providing that the Assembly sufficiently represents the diverse sections of the population, that is to say while fully safeguarding the genuine rights and interests of Sikkimese of Lepcha or Bhutia origin and Sikkimese Nepalis and other Sikkimese, including Tsongs, Scheduled Castes, no single section of

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[69]Sikkim Guards were disbanded and transported to various locations of Sikkim and later systematically incorporated by GOI in different paramilitary battalions of Central Police Forces under the Ministry of Home Affairs, GOI.

[70] The Indian Government spokesman denied the account of Chogyal being put under house arrest by the Indian Army. The GOI clarified that the Chogyal's security was foremost and important as the situation outside the palace was unsafe for the Chogyal and therefore need protection.

population would be allowed to attain a dominating arrangement in the affairs of Sikkim mainly by its ethnic origin" (Sinha 2006:10).

In doing so, the reserved Nepali seats in the Legislative Assembly were arbitrarily removed by India in 1979. Ever since, Since Sikkim joined India; Indian Nepali consistently used the political clout of Sikkimese Nepali and its back door channel through Government of Sikkim to have their demands met. For showcasing mobility, GOI clipped Sikkimese Nepali seat in SLA and since then Sikkimese Nepali has been demanding restoration of lost seats. It is through this concessions and demands after integrating Sikkim with India, Sikkimese sense of belonging is maintained and even supported by state, thereby producing a sense of Indian belonging (Turin 2014:392). For example Sikkimese languages like Bhutia, Lepcha are being nationalized in institutionalizing a sense of Indian belonging: becoming Indian through being Sikkimese, becoming Sikkimese by being a Lepcha (Turin 2014:392). This is also true with recognition of Nepali as an Indian language through Sikkimese belonging. Sikkim gave India its first Nepali Chief Minister in 1979. Since then mobilization of language movement for the status of major Indian language under the Eighth Schedule of the Indian Constitution received political impetus. This national project created a sense of Indian belonging: becoming Indian by being Sikkimese, becoming Sikkimese by being a Nepali. There is also distinction between the legal and political status between Sikkimese Nepali and Indian Nepalis. It lies in the status and maintenance of the legal category of Sikkim Subject whereas as Indian Nepalis (Gorkhas) are regulated by the Indian Citizenship Act's Gorkha clause which was notified at the behest of Gorkha National Liberation Front in 1988. The Gorkha population in domiciled in India at the commencement of Indian Constitution on 26th November 1949 automatically acquired Indian citizenship.

In the run up to 1979 elections to State Assembly, the GOI issued an ordinance no 7, 1979 by which inequitable arrangement of parity formula was abolished. Under the new framework twelve seats were allotted Lepcha and Bhutia (specifically LB and not as ST), one for Sangha (Monks), two seats for Nepali Scheduled Castes (SC) and the remaining seats were earmarked as General. New Delhi maintained Sikkim's old category of Lepcha and Bhutia while for Nepali it was replaced with constitutional category of General since Nepali was recognized as General category and Lepcha and Bhutia as ST in 1977. The confusion arose following the enfranchisement of non-

Sikkimese to contest in general elections fuelled animosity amongst ethnic groups. These political ambiguities caused the mobility of Sikkimese Nepali a blow since it was alleged that Indian state had rallied behind the Nepali support to absorb Sikkim in the Indian Union. The aspiration of Sikkimese Nepalis for equal rights remained questioned by India which mobilized its aspirations for equitable democratic rights.

Many organizations in Sikkim opine that the present formula of seat sharing in SLA which is without parity formula in some way concealed subtle form of parity for consolidating Lepcha Bhutia interests in Sikkim. The Sikkimese Nepali in sensing political conspiracy against Nepali, Kazi Lendup Dorjee who had rallied behind Nepali mobilization against the Darbar was toppled and removed from the government. Nar Bahadur Bhandari took over the reins of the government in 1979 thereby marking a new beginning for Sikkimese Nepalis. This also marked a new phase in India's Nepali mobilization. N.B Bhandari rallied the sentiments of Sikkimese people throughout the 1980 and early 1990s. Bhandari led government followed the 'son of the soil' rhetoric which made him acceptable to the Sikkimese masses--LB and Nepali. Sikkimese Nepali although a conglomerate of ethnic groups consolidated their 'Nepali' identity vis-a-vis Lepcha-Bhutia combined in the politics of Sikkim. Bhandari government led by zeal of linguistic nationalism and cultural hegemony of sanskritised Nepali language and its caste Hindu practices mobilized following demands; (i) Restoration of Assembly seats for Sikkimese Nepalis (2) Granting of citizenship to the stateless Sikkimese Nepali mostly peasant Sikkimese residing in Sikkim for long; and (3) Recognition of Nepali language and its inclusion in the VIII Schedule of the Indian Constitution.

Bhandari led government was successful in two counts—granting Indian citizenship by being Sikkimese to stateless people of Sikkim and national recognition of Nepali language in the VIII Schedule of Indian Constitution. The restoration of Nepali seats in Sikkim Assembly remains a major problem of electoral politics. Although Bhandari mobilized Nepali interest he particularly mobilized the sentiments, culture, symbols and language of the upper caste Hindu Nepalis. The ethnic component of Nepali mongoloids was left unaddressed in constitutional recognition as ST leading for resentment. Bhandari led government became a victim of competing communalism in 1992 when Lecha and Bhutia legislators along with few Nepali legislators withdrew support from the government.

The GOI in dire need to overthrow Bhandari imply communalized Sikkim's political situation by withdrawing Income Tax exemption granted exclusively to LB. This opportune political movement coincided with the demand for backward class mobilization among the marginalized mongoloid Nepali in Sikkim under the leadership of rebel legislator Pawan Chamling. This mobility of mongoloid experiences is drawn from transnational mobility of marginalized ethnic groups between India and Nepal (Dastider 2011). The mongoloid ethnic groups especially 'Kiratas' in Eastern Himalayas (Sikkim, Darjeeling and Eastern Nepal), comprehended that continued stress on 'Nepali' identity had led to continued consolidation of Indo-Aryan upper castes Bahun-Chhetri monopoly of their rituals and customs (Dastider 2011). This according to Dastider (2011) was institutionalized by imposing conventional Hindu practices leading to sustained marginalization of the languages and cultures of the subaltern mongoloid Nepalis in favour of the Indo-Aryan Nepali language and culture. The long sustained consolidation of Nepali identity in Sikkim consolidated Bhandari's ruled in Sikkim and vice versa.

This was true across the border in Nepal Himalaya, *janjati* discourses of mongoloid aspiration in Eastern Nepal had taken root (Dastider 2011) around the same time. The *janjati* discourse in Nepal was aimed at dismantling dominant caste Hindu culture and sanskrtized Nepali language imposed by the Nepal Barbar over mongoloid (Indigenous) nationalities in Nepal. This craft of articulating cultural autonomy among the mongoloid people in Eastern Nepal in reviving ethnic cultures and languages found a willing counterpart in Sikkim as backward class mobilization to fit within the framework of the Indian Constitution for reservation (Dastider 2014). It was only when Sikkim Democratic Front (SDF) came into power in 1994, Nepali speakers of Tibeto-Burman origin obtained an opportunity to communicate their aspiration in concrete terms in the institutional arena (Dastider 2014:214-15). The resurgence of ethnic culture and languages among subaltern mongoloid Nepalis in Sikkim testify the linguistic and cultural autonomy of tribes who as part of the Nepali social commonwealth never got assimilated into linguistic and cultural hegemony of a sanskrtized Nepali language and its caste Hindu practices (Dastider 2014: 215). In its institutional form the Sikkim Government has initiated eleven language policies by including them in the school curriculum (Dastider 2014). The same attempt was initially made by the Chogyal to bring closer the Tibeto-Burman Sikkimese Nepali speakers with Bhutia-Lepcha

brethrens in order to construct a Sikkimese national identity in the 1960s. Simultaneously, SDF government institutionalized Panchyati Raj Institutions (PRI) in mid 1990s when mongoloid aspiration was at the height of the movement. This dual policy of backward class mobilizations and PRIs consolidated the SDF monopoly over electoral policies. The vast majority of Sikkimese peasantry falling within the backward category's interest were served by PRIs as an instrument in mobilizing the people in concrete institutional arena and vice versa. The convergence of alternative narratives of janjati discourse with PRI introduced along political ideology formed the basis of SDF's electoral vote bank. Since then, PRIs in Sikkim has served as a channel of information and link between the political party in power and the people. The PRIs have played the role of state agents in implementing policies of the state. This role of PRIs is fundamental in understanding the relation of the electorates and political party in power. It emerged over a period of time that it populism the expected function of the state. This echoes Chatterjee's (2004) explanation of popular politics in non western democracies, where politics is conditioned by the functions and activities of modern governmental systems which has now become part of the projected functions of the governments elsewhere and this is turn has shaped the relation between governments and populations (Chatterjee 2004:03). This note is self explanatory as GOS under Chamling remained in power for five successive consecutive terms where Sikkim Subjects (population) continue to vote as vote bearing legal citizens.

The recognition and promotion of *janjati* languages and culture in Sikkim has helped communities of Limbu and Rai in addition to Lepcha and Bhutias in the state to bring in their language based knowledge and world views that offer both 'diversity of alternatives' and 'difference within' the mainstream (Dastider 2014:215). The success of the backward class mobilization in Sikkim resulted in the effort of the communities of Sikkim, the Tamangs and Limbus enrolled as Scheduled Tribes (ST) under the Order of 2002. Tamangs and Limbus have a downgrade position as *Matwalis* communities or impure castes subjects along caste Hindu Nepali practices. The success of backward class mobilization has fuelled other mongoloid groups asserting for the status of scheduled tribes and the status of 'tribal state' for Sikkim. In the concrete institutional terms cultural geography of *janjati* discourses of Eastern Himalayas has helped communities to claim for total indigenization of the Sikkim subjects (Dastider 2014) by demanding the status of ST under the Indian Constitution.

Now, Sikkim is being mapped as part of North East Council (NEC) for development initiatives of the GOI despite Sikkim's distinct geography and culture from the rest. Sikkim does not even share a territorial contiguity with north-east India. Like Sikkim majority of the northeast states are governed by Article 371s with a separate system of administration under the VI Schedule of the Indian Constitution for tribal self governance. The Article 371(F) grants protection to customary laws and traditions of Sikkim under the Old Laws of Sikkim like protecting customs in other states. This system of administration such as Dzumsa and an ethnic enclave for Lepcha people continues to function in Sikkim along with reservation as ethnic communities of Sikkim. One of the most important feature of Sikkim's status in the union is the continuity of the e convention of monasteries in the form of Sangha (Monastic community) as an electoral constituency, using the symbols of Sikkim Darbar by the present government, upkeep of religious affairs under the Department of Ecclesiastical Affairs in particular maintenance of monasteries in Sikkim and Darjeeling brings into fore the continued legacy of Sikkim Darbar for many observers reflect Sikkim's status in the union after 1975.

The states in the North East of India are ethnically diverse with its own system of governance. There are states in the North-East which are fully "tribal states". The majority of the populations are listed as STs. GOS has approached GOI India to accord the status of "tribal state" based on the recommendations of Roy Burman Commission initiated by GOS. The report of the Roy Burman Commission has also been severely criticized by few affiliates of ethnic Sikkimese organizations as their stated reason as it goes against the spirit of Article 371-F. The Roy Burman Commission was constituted to address problems of competing communalism but it is aiding the competing communalism in Sikkim. In this present political climate, Limbus and Tamangs (LT) of Sikkim are the only Scheduled Tribes in India without a political representation in the state Legislative Assembly. The BL is no position to share representation with LT as twelve reserved seats are exclusive mandated for BL reservation. The Roy Burman Commission justifies the demand for Sikkim's tribal status and enlargement of SLA seats from existing 32 members to 40 in the SLA. The is in tune with the demand for proportional representation for Sikkimese Nepali on a similar ground as 12 and 1 Sangha seat exclusively for LB. The LL contends it as violation of the historic May 8 Agreement of 1973 between GOI, political parties and the Chogyal. GOS and GOI has

been unable to deliver results on this aspect of competing communalism as it allows state to engage people to negotiate for demands as not tantamount to inquiring legitimacy of India's action in Sikkim.

GOS for most part of its reservation policies within the state of Sikkim had devised backward class categories such as Most Backward Class (MBCs). This is the ongoing struggle to gain recognition as ST and thereby indigenous communities securing preferential entitlements associated with Scheduled Tribe status in India. This in Sikkim, reinforce one's understanding that tribal identity does not essentially connote marginality, subalterneity and domination; it replicates political empowerment of population groups of Sikkim (Arora 2007:196). The political parties in Sikkim highlight its policies to bring all the Nepali communities under the special constitutional categories of STs. This aspect of engineering of uplifting 'educationally and economically backward communities' of Sikkim has ensured political parties its electoral mobility specifically in rural areas where majority of Sikkim's voters reside as peasant.

Another important aspect of mobilizing ethnic identities in Sikkim has allowed mongoloid communities to grasp over indigenous knowledge on biodiversity of Eastern Himalayas, techniques of agriculture, nurturing forest resources and this lived traditions are helping *janjati* communities to retain some of their past practices in their present (Dastider 2014: 215). The GOS's policies like Sikkim Organic Mission and Sikkim Green Mission refurbish community knowledge over agriculture and conservation. The role of communities in harnessing agriculture and nurturing of forest resources in the rich and fragile ecology of eastern Himalayas is being acknowledged by integrating in government policies. In doing so, the state has been taking credit for successful implementation of its flagship programs. However, despite implementing indigenous techniques in conservation and agrarian practices, Sikkim in early 2000s witnessed a spurt of protest for planning to construct mega hydro electricity dams along the river Teesta.

The protest led by Affected Citizens of Teesta (ACT) primarily comprised of Lepcha youths of Dzongu in North Sikkim. They mobilized alternative voices and profusely protested neoliberal incursions in Sikkim's environmental governance. The ACT's aspiration mobilized riverine communities along the Teesta basin to struggle for rightful

share of water resources downstream. This form of everyday resistance in the lives of Sikkim Subject and the attempts to nationalize resources and cultural spaces by modernizing power makes the movement of Sikkim Subject unique in the global south.

The status of Sikkim Subject[71] in Indian Democracy

In North-East India, special provision along with VI Schedule arrangement ensures system and regime of tribal self-governance. Self governance combined with differentiated citizenship rights ensure liberal structures of reservation policies for its autochthonous or 'indigenous' communities as protection from a process of social and demographic alteration from the incoming waves of migration fostered by global capitalism. This constitutional safeguard is in due recognition cultural autonomy of communities in India. This aspect of indigenous governance is a unique arrangement in administering a framework for indigenous communities much unlike other parts in India. The preferential treatment of ST communities in the North-East and Sikkim-Subjects in Sikkim makes a case unique as subject-citizens in modern day framework. North-east model is not free of controversies since it pits larger tribes with smaller tribes as in the practice of colonial governance in North-east. For Baruah (2005), this form of acknowledgment institutionalized an "ethnic model homeland" in contrary to the "actually existing political economy of the region". In creating such a model, Baruah (2005) writes:

> "The origins of the Indian Constitution's Sixth Schedule- and implicit in it today is an ethnic homeland subtext – go back to British colonial efforts to create protected enclaves for 'aborigines' where they can be allowed to pursue their 'customary practices' including kinship and clan-based rules of land allocation. Extending a set of rules, originally meant for isolated aboriginal groups, to less and less isolated groups living along with other ethnic groups and that too in the profoundly transformed conditions of the twenty-first century can only produce a crisis of citizenship, leaving citizens with the choice of either seeking recognition as Scheduled Tribes in order to

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[71] All Sikkim-Subjects are Indian citizens but all Indians citizens are not Sikkim-Subjects. This delineation of two categories (subjects and citizens) in Sikkim has become the basis of Sikkim-Subjects' access to community land, livelihood and resources after Sikkim's accession to the Indian Union in 1975. However, what made the Indian state continue with the category of Sikkim Subject for rallying Sikkimese identity? Since Sikkim-Subjects and non Sikkim-Subjects in Sikkim are two distinct categories of population subjects of modern Indian democracy. The different categories of population are treated differently in India with former making higher claims of access to community land, livelihood and resources in Sikkim. Sikkim-Subject as a category has acquired a native identity vis a vis other identities in Sikkim and has shaped the current discourse of populist politics.

This has resulted in inter ethnic clashes and long drawn insurgencies. The demands for ST status in the North-east have been increasingly made to garner access to the state resources earmarked for STs. The demand for extension of Scheduled Areas in new areas of North-east has led to demand for full statehood etc. Although Sikkim's experience different from North-east, Sikkim Subject status grants preferential treatment to Sikkim-subject within its territorial setting. The claims of different ethnic organizations remain limited within the territorial boundaries of Sikkim. The hills of Darjeeling in West Bengal with an identical cultural contiguity with Lepchas, Bhutias and Nepalis (Gorkhas) as its inhabitants like Sikkim differs on an aspect of Sikkim Subject as a legal status.

The Indian State allowed GOS to maintain the legal category of Sikkim Subject in order to distinguish between constituent units of Sikkimese and non-Sikkimese. This was done in order to prevent cultural communities of Eastern Himalayas with similar ethnic stock from acquiring Indian citizenship for rights. There are many undocumented agricultural tenants of landed Bhutia - Lepcha and Nepali land lords in Sikkim which continues to till the land without citizenship rights. This legal category is maintained through Sikkim Subject certificate and 'Certificate of Identification' as a proof of domicile for verified subjects and legal descendants after 1975. This helps GOS to identify and select beneficiaries for its schemes and entitlements. This is a territorialized form of recognition, but different from the Sixth Schedule in the North-East since it is not defined by ST status (Shneiderman and Tillin 2015:28).

The constitutional status of Sikkim Subject in India reinforce a territorial identity or being Sikkimese by its historically specificity as communities as subjects of the Namgyal dynasty prior Sikkim's absorption in the Union of India. The hurried manner in which 36th Constitutional Amendment was passed in the Indian Parliament meant Indian was able to interpret anti-Chogyal posture of Sikkimese as not entirely pro-India as far accession with India was concerned. Therefore, GOI was cautious of continuing the category of Sikkim Subject as a form of drawing distinctions historical residents from later immigrants. In contemporary populist practices Indian state grants

substantial entitlements to Sikkim's documented subjects in the form of financial aids and fiscal concessions in recognition to state's commitment to integrate with India.

It was reported, that the financial aid was hefty for a small state with few hundred thousand documented subjects as its population size that GOS under Kazi Lendup Dorjee could not utilize the fund and was returned to the Planning Commission in the initial years. However, by maintaining the legal category of Sikkim Subjects through the state enforced domicile certificates many residents awaiting registration with SSR, 1961 prior Indian accession failed to qualify for Indian citizenship and had become stateless. This technicalities in informs distinctiveness of Sikkim Subjects from other population subjects in India. For example, the 'Gorkha' ethnic brethrens from Darjeeling views the Sikkimese commitment towards Gorkha project as complacent while Sikkim's subjects fear encroachment on their special status by those from Darjeeling (false Sikkim domicile certificates confiscated from Darjeeling residents) (Shneidermanand Tillin 2015:25) as well as demand for changing nomenclature of Sikkimese Nepali to being Gorkha and finally demand for merger of Darjeeling with Sikkim.

The fundamental distinction is situated in the ways post colonial Indian state bestowed citizenship to its diverse subject population born within the territory of what comprised India prior 1950 by legislating the Indian Citizenship Act, 1955. The Government of India (GOI) acquired foreign territories such as French, Portuguese possessions and enclaves through military initiatives in the 1960s. Sikkim was absorbed in the union in 1975. The GOI granted Indian citizenship for peoples in territories as mentioned above through Goa, Daman and Diu (Citizenship) Order, 1962, Dadra and Nagar Haveli (Citizenship) Order, 1962 and Citizenship (Pondicherry) Order 1962 without imposing conditions. However, in implementing its authority under section 7 of the Indian Citizenship Act (citizenship through territorial acquisition), 1955, GOI legislated Sikkim (Citizenship) Order 1975 and the applicable rules applied to only those subjects who immediately before 26th day of April, 1975 was a Sikkim Subject under the Sikkim Subject Regulation, 1961, Those awaiting registration as Sikkim Subject in SSR before 26th April, 1975 immediately became stateless.

Therefore, Sikkim Subjects exclusively registered in the Sikkim Subject Regulation (SSR), 1961 records were granted Indian Citizenship. This conditional citizenship

regime in 1970s does remind of the tectonic shift in India's commitment to citizenship practices in India especially in North East India. In this way, many people who took part in anti-Chogyal movement supported by India became stateless after Indian takeover. The shift in the technicalities in the citizenship processes highlights the sensitivity exhibited by the Indian state to legal Sikkim Subjects in 1975 allows one to locate into evolving regime of Indian citizenship as a body of practice. Although at the theoretical level Indian citizenship is applicable at the pan Indian context, legal status in regions varies. Therefore, diverse citizens in India regulated by Indian Citizenship Act, 1955 are differently governed by distinct citizenship orders at regions as a system of incorporation and integration of diverse peoples in India.

Therefore, the Indian Citizenship Act, 1955 effected with subsequent amendments have appeared increasingly exclusive and conditional. This shift in India's commitment from ideal meaning of citizenship espoused in the Indian Constitution to one which is conditional is compelled by India's domestic factors (insecurity and refugee crisis particularly in Bengal and Assam). Sikkim's strategic importance and its cultural contiguity with neighbourhood populations (Nepal, Bhutan and Tibet) converged with prevalent local politics over alleged immigration together influenced dominant practices of citizenship leaving many unregistered Sikkimese stateless for almost over a decade. The members of Sikkim Legislative Assembly (SLA) petitioned the Indian Parliament on 13th May, 1988 requesting GOI to amendment Sikkim (Citizenship) Order, 1975 to gove give relaxation to persons residing in Sikkim from five years prior to 26th April, 1975. The MHA notified Sikkim Citizenship (Amendment) Order, 1989 with an outline of guidelines for Sikkim for conducting comprehensive appraisal of genuine omissions for granting Indian Citizenship through Sikkim Subject status. The GOS reviewed MHA guidelines by verifying kinship lineage, land revenue records of stateless families, employment status, and those stateless in possession of agricultural lands were granted citizenship in phases after 1990 with the issue of Certificate of Identification (COI) with a legal status of Sikkim Subjects.[72] This process has created

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[72] The MHA (GOI)and GOS have in different phases starting on the 7th August, 1990, 8th April, 1991 and 10th January, 1994 issued Sikkim (Citizenship)Order based on the framework and guidelines of Sikkim Citizenship (Amendment) Order, 1989 to scrutinize family descent, tenancy rights on agricultural lands, rural property, voting rights, employment record in the Sikkim Darbar services, holder of rural trader license, non-citizens of a foreign country or should not have entered in the territory of Sikkim with a work permit or a refugee before 26th April, 1975. Based on the fulfillment of these criteria laid by the MHA, GOS and GOI verified after consideration of all facts and documents produced in respect of

many types of Indian citizens of Sikkimese origin. This has become the basis of access to preferential treatment in terms of access to state resources. This had differentiated Indian citizens mostly traders and those employed in the GOI services present in the territory of Sikkim from 15th August, 1947 to 26th April, 1975 from those Sikkim Subject Indian citizens after 1975.

The legal status of Indian citizens in Sikkim prior 1975 were governed by the provisions of India-Sikkim Friendship Treaty, 1950.[73] The treaty obligated free movement and passage of peoples for employment and setting up enterprises in the each others' territory —Sikkim and India. Now, there is a persistent demand for Sikkim Subject status for Indian communities in Sikkim. But, this was a moment when Sikkimese people were being made Indians and not Indians becoming Sikkimese.

Therefore, Indian communities as Indian citizens does not comprise the category of Sikkim Subject and remain outside the regulation of Article 371-F of the Indian Constitution. It gives protection to Sikkimese people regulated by old laws, laws on land and revenue, and customary traditions. The Indian communities having been enfranchised to vote in 1977 forms a significant strength as urban electoral constituencies. Therefore, there exists hierarchy as far access to preferential entitlement in India is concerned. This customary 'hierarchized' (Baxi 2002)[74] relation among

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number of peoples were granted inclusion of names in the register maintained under the SSR, 1961, and were deemed to have qualified as citizens of India with effect from, 26th of April, 1975 in terms of Sikkim (Citizenship) Order, 1975.

[73] As a successor state to British India, the post colonial Indian state inherited treaty obligations from the British. Prime Minister Nehru concluded friendship treaties with three northern Himalayan kingdoms (Sikkim, Bhutan and Nepal) in the period 1949-1950. The British India and China has concluded treaties in 1890 and 1893 which gave British position of protectorate over Sikkim. These regions acted as buffer region for India against possible Chinese aggression. Through this treaty, India was successful in bringing Sikkim to India's sphere of influence. Under the provision of the Friendship Treaty Sikkim became the protectorate of India with New Delhi taking control of Sikkim's Defence, Foreign relations, Finance, information communication relations. Sikkim's old position of protectorate state was revived and Sikkim's internal autonomy confirmed. The Indian political officer stationed at Gangtok advised the king of Sikkim in administration. India was allowed to station Indian troops in Sikkim's border with Tibet and build roads and airfield for speedy military mobilization. The treaty also allowed free passage of each others populations in search of employment opportunities. However, Sikkim Darbar restricted the movement and settlement of Indian traders outside the notified Bazar area.

[74] The hierarchy of citizenship in India has been identified as follows by UpendraBaxi: super-citizen (beyond the law); negotiating citizens (typically upper middle class who, through their capabilities to negotiate the law, often remain immune from the law, but have the power to represent law enforcement as regime persecution); subject-citizen (the vast majority of the impoverished Indian to whom the law applies relentlessly and for whom the presumption of innocence stands inverted); insurgent citizens (often encountered or exposed to vicious torture, whose bodies construct the expedient truths of security of the state); gendered citizens (women, lesbi-gays, and transgender people, recipients, and often

Indian Citizens in Sikkim's context (Sikkim Subject versus non-Sikkim Subject) is a not an exception in Indian democracy but this hierarchy of relations in Sikkim is prevalent among different types of Sikkimese (Sikkim Subjects) created by the Indian state as a matter of policy execution.

The fiscal concessions granted to Sikkimese (Sikkim Subject) and its legal descendants registered in SSR, 1961 has made the debate of Sikkim Subject extremely relevant and contentious. For the economically advantaged merchants in Sikkim fiscal concessions forms the locus of political empowerment. This has led to divisive politics among different categories of Sikkimese and Indian citizens (traders and merchants) residing in Sikkim. As an acknowledgement of their electoral significance, Residential Certificates is being granted to Indian citizens (non-Sikkimese) residing in Sikkim before the designated period. The creation of a category of subject population in Sikkim has aggravated the political climate with vast majority showing disapproval for this scheme.

The pressure groups and affiliates of several Sikkimese ethnic organizations has censured and reproached state's actions as rapprochement with New Delhi and its non Sikkimese people in the post general elections of April, 2014. The general elections of April, 2014 has proved be counterproductive for political party in power after opposition parties (now ruling) garnered eleven assembly seats in the thirty two members Assembly. The then ruling Sikkim Democratic Front (SDF) government performed below par in urban constituencies comprising significant strength of non-Sikkimese urban voters. In sensing political mobility among non-Sikkimese electorates in Sikkim during crucial election campaigns led to the suspension of trading rights in notified urban areas to non Sikkim Subject. Despite, opposition party, having garnered urban votes in general elections failed to rally behind these concerns thereby leading to total defeat of opposition party from urban constituencies in the municipal elections as late as 2015. This has led to reversal of policy related decisions of the SDF led GOS to prioritize Sikkim Subject issue in distributing resources/schemes to its population. The decision of the GOS to grant Residential Certificate (RC) to resident non Sikkimese population led to protests from Sikkimese communities. The GOS was accused of

receptacles, of inhuman societal and discrimination); and PAPs-citizen (the project affected peoples who remain subjects of state practices of lawless development).

diluting special provisions of Sikkim Subject's rights under the Indian Constitution. The GOS's decision to issue residential certificates to resident non Sikkimese residing in Sikkim since or before April, 1975 had remained shelved after 2010. The affiliates of ethnic organization contested the decision of GOS about possible encroachment on the legal status of the Sikkim Subject.[75]

The GOS reviewed the reversal of decision in 2015 in the wake of victorious municipal elections in urban local bodies to notify grant of RC to resident citizens of the state for residency rights and trading rights in the notified urban areas of Sikkim. This decision has been vetoed by many Sikkimese organizations as unconstitutional. The GOS accused of playing vote bank politics in the wake of abysmal Assembly elections losing eleven constituencies notified the RC for eligible set of population.[76] The GOS on 15th May, 2015 notified that people without Sikkim Subject certificate would be issued residential Certificates (RC) after proper verification and scrutiny of residency documentation.

The District Administrative Centres (DAC) were instructed to distribute RC forms to eligible households and individuals. The RC holders are now set to benefit entitlements issued by the government meant for Sikkimese except in matters relating to employment, access to Sikkim's rural/agricultural land either through sale or purchase. The tighter control mechanism has applied in distributing RC include fulfillment of eligibility criteria of residency documentation before 26th April, 1975 in the form of valid business license issued by Sikkim Darbar, voters ID, ration card or any land or

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[75] The opposition parties in 2009 did not secure seats in the Sikkim Legislative Assembly elections. The SDF led by PawanChamling garnered 100% seats in the general elections of 2009 in the 32 members SLA. The main opposition party was led by three times Chief Minister, N.B. Bhandari who had merged his Sikkim SangramParishad (SSP) with Indian National Congress (INC) to fight the 2004 general lections in the state. The Sikkim KrantikariMorcha (SKM), main opposition party in 2014 general election led by P.S. Golay garnered 11 seats reducing the number of ruling government to 22 members. However, in the general elections of 2009, SKM leader Golay was a rebel SDF legislator elected from one of the urban constituency in Gangtok. Having denied the cabinet berth to Golay by SDF in 2009 resulted in a rift with the SDF leader Chamling resulting in the birth of SKM. Bhandari meanwhile resigned from the INC and revived SSP that had merged with INC in 2004. However SSP under Bhandari did not contest and chose to support SKM from outside.

[76] The GOS had in the meantime notified two notifications dealing with the issue of Residential Certificate to the persons and their legal descendants, who have been residing in Sikkim prior 26th April, 1975. Initially GOS had issued Notification No. 120/Home/2010, dated: 26/10/2010 to issue RC to non-Sikkimese population. This was resisted by Sikkimese population in particularly by organizations like All Sikkim Educated Self Employed & Unemployed Association (ASESE&UA) and Sikkim Subject Bacahao Committee (SSBC). However, GOS notified Notification No. 123/Home/2015, dated: 15/05/2015 for issue of RC to eligible people residing in the state prior, 26th April, 1975.

tax related documentation. The government agencies such as state Home Department in consultation with the Police or Intelligence Bureau (IB) under MHA (GOI) has been roped to be vigilant in scrutinizing the present and past residency records for an issue of RC in consultation with Land Revenue Department of the Government of Sikkim.

Contemporary Sikkim Subject and Many Types of 'Sikkimese'

The distribution of RC to non-Sikkimese has created another category of population in Sikkim. The categories of Sikkimese are multi-layered and mostly inhabit the domain of policy. Ever since Sikkim's absorption, state has created categories of population. The basis of creating categories has been the documentary aspect of citizenship verification. This has created many types of Sikkimese from 'stateless' to RC holders. This journey of experiencing citizenship in Sikkim says much about what Dirks talks about ethnographic state where government rely on ethnographic surveys and census reports. In Sikkim' case too those kinship lineages are being sourced from revenue Survey Record, 1951, tenancy rights, voting rights, employment record of the Sikkim Darbar.

The families with an evidence of acquiring agricultural land as peasants or tenants in rural Sikkim in payment of rent (khazana) to the Sikkim Darbar were qualified as Sikkim Subject. The difference in legal status is manifesting in the distribution of Sikkim Subject ti its different legal descendants. The extension of fiscal concessions to 'Sikkimese' means Sikkim Subject registered in SSR, 1961 and its natural descendants. The Sikkimese' not registered in SSR, 1961 were not exempted from central Income Tax. In recent times GOS has passed several notifications stating that those who have acquired Sikkim Subject status on the basis of rendering services to Sikkim Darbar on 'non-subject' clause for employment and residency permit in urban areas would be granted Sikkim Subject status only for two generations after the issue of Sikkim subject status. Hence, distribution of Residential Certificate (RC) gives one a fair idea and question over techniques of who and how one is governed and for whom one governed?

According to SSBC, the GOS's unilateral decision to issue RC without SLA's confidence is a dilution of the provisions of Article 371-F of the Indian Constitution. The GOS passing RC in the floor of house (SLA) meant legislating a piece of bill for enactment as law much against the interests of the Sikkim. The hasty manner in which it notifications were notified in 2015 during the run up to 2015 municipal elections in

Sikkim reinforce an understanding of GOS' electoral symbolism towards its non Sikkimese population. Therefore, as a notification GOS remains well within its powers to withdraw RC granted to its non Sikkimese population without deliberations in a similar manner it was introduced in 2015.

The right to withdraw notifications by GOS remains well within the prescription offered by laws established Article 371-F of the Indian Constitution. The divisive character of Sikkim Subject and non Sikkim Subject again is not limited to the distribution of Residential Certificate. There wide report of 'non-Sikkimese' population approaching the Supreme Court with petitions demanding equal rights at par with Sikkim Subject for IT exemption to exclusive Sikkim Subjects (whose majorities are Nepali speaking).[77] In the petition to Supreme Court, Sikkim Subject Nepalis have been projected as foreigners and non-Sikkimese Indians as rightful native Indian in India should be allowed to exercise demands for grant of IT concessions within the territory of Sikkim upon its absorption in Indian Union of India in 1975. The decision to grant fiscal concessions and withdraw the same concessions to Sikkimese remains the prerogative of the GOI. The IT exemption was withdrawn by GOI for Sikkimese tribals in 1991 leading to the fall of the Bhandari led SSP government. This has led to trade off in assembly seats by LB legislators to INC led by Sanchaman Limbu. In the meanwhile, Supreme Court's acceptance of the petition for immediate hearing instead of advising GOI despite application of Article 371-F and other special provisions of the Indian Constitution contains political overtones of Indian control over Sikkim's resources.

The decision to grant fiscal concessions to certain category of Sikkim Subject has been accordance with the recognition of Bhutia-Lepcha and Nepali as a historical specific community of Sikkim. This distinctive feature of Sikkimese people is a sequel to the political agreement of the year 1973-74 between GOI, the Chogyal of Sikkim and political parties of Sikkim. The subsidies that are earmarked for Sikkimese are mobilized through the maintenance of the legal category of Sikkim Subject. The fiscal

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[77] The Lingua Franca of Sikkimese people, Nepali, was originally referred as Khas Kura/Parbatiya and Gorkhali etc. It is widely spoken in the hill districts of Darjeeling, Kalimpong andDooars in West Bengal, Assam and in many parts of the North-East India. It was granted the status of Major Indian Language in 1992 under the 8 Schedule of the Indian Constitution. Nepali, as it is known today is also called the eastern dialect of the Pahariya people whereas, western dialect of the Pahariya people indicates languages spoken in present day Uttarakhand (Garhwal and Kumaon) and Himachal Pradesh.

concession has ensured through the category of Sikkim Subject and remains subject to change as deemed necessary after GOI. This means when vast majority of Sikkim Subject's economic security is ensured and financially secure to be able to pay IT at par with other Indian citizens it will be withdrawn.

Conclusion

Sikkim Subject as a category of population in the adopted framework of individual centric conceptualized democracy is lodged within the logic state's historic political arrangement of May, 8, 1973-4 with India and the people. This is the basis of conditions of the merger agreement of the then protectorate of Sikkim in India. In other words, the merger of Sikkim is construed conditional and unlike J&K there was no instrument of accession signed between the Chogyal and GOI (Thapa 2012). This nature and significance of legal status of Sikkim Subject in the Indian union has allowed Sikkim Subject to negotiate with the state for autonomy and concessions as is with other such population subjects in India.

<center>**Chapter III**</center>

Citizens with Special Status: A Closer Study of Articles 371 and Schedule VI of the Indian Constitution

Introduction

The chapter will reflect debates on special status in India. This will help us locate the importance of debates on integration of tribal communities of Northeast India and such other communities with special provisions in the Indian Constitution. The chapter explores provisions of the Indian Constitution that allows tribes as subjects of their knowledge forms to govern as per their customs and traditions. This highlights the importance of cultural communities and the debate of over customary law, constitutional safeguards of linguistic, cultural, social, demography, land and environment. It is based on this empirical observation this chapter makes an assessment of Shared Sovereignty in the context of India's democracy.

India's independence in 1947 is the basis for emergence for embryonic Indian nation-state followed by the transfer of power as transfer of sovereignty from its predecessor—the British Empire in India. The predecessor state was tied to numerous regions, and its subject population through treaty obligations within and outside the provincial framework of British India. Upon India's independence, these nominal sovereigns had to accede to the demands of the nation-state. This forged a patron-client relationship between nation-state and nominally sovereign princely states. Their acceptance to surrender their sovereign authority under the treaty of accession brought the relation between Government of India (GOI) and them under the provision of distribution of powers between GOI and the federal provinces provided in the Government of India Act (Hannum 1996:152). This federal disposition of India was designed as a mechanism of evenly sharing powers between federal government and the provinces as a way of sharing sovereignty. It is in this format of sharing and distribution of powers, Indian nation-state conceded exceptions in North-east India and many other tribal regions by acknowledging unique indigenous belief system as a basis of tribal autonomy.

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It is fundamentally important to reflect the conception and implications of sovereign rule within the framework of adopted nation-state from western discourses and practices and examine its impact on diverse non-western societies such as Indian exceptionalism. Therefore, it is important to contextualize indigenous sovereign practices in North-east India within the framework of shared sovereignty. This is evident in India's experiences of legislating autonomous arrangements for diverse cultural communities. This allows one to assume outside the limit of shared sovereignty (i.e. distribution of powers) outlined within the framework of Government of India Act and rethink the notion of shared sovereignty by situating territorial mobility of ethnic communities in North-east India and the response of Indian nation-state there from.

<center>**I**</center>

Sovereignty, Nation-State and Citizenship Regime

Defining Sovereignty:

It is an accepted impression, that talking about scholarship on sovereignty in contemporary literature and time is indeed challenging. The conception of sovereignty informs political situatedness of nation within nation-states. The emerging network of transnational actors (Chimni 2004) at various state and non-state levels increasingly held hostage to the conception of sovereignty (Sakwa 2012: 05). In order to conceptualize the meaning of the concept and practice of shared sovereignty or sharing sovereignty in a federal political framework, it is essential to contextualize the evolving conception and practical imperatives of sovereignty within nation-state framework (Axtmann 2004: 260-61). This conception and definition of sovereignty within the study of politics is complex, contradictory and even ambiguous (de Benoist 1999). It has a plurality of meanings and current discourse is open to buoyant reconceptualisation[78] (Prokhovnik 2007:01). The inaugural moment for examining sovereignty in political theory is through careful categorization between legal sovereignty and political sovereignty (Pennock 1937). The difference and distinction

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[78] One of the most important way of looking at the concept and meanings of sovereignty is to look at how it has been constructed in a diverse manner within the sub set of the discipline of Politics- most importantly political science, international relations theory, security studies and international law (Prokhovnik 2007:09).

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between legal and political sovereignty is conventional-legal as the superlative jurisdictional authority (constituted within the order of law making bodies and practices) and political sovereignty as the superlative body of power to reign control by legal sanction to make regulations and conventions (Prokhovnik 2007:01).[79] The progression of *rechtstaat*[80] as a modern convention of state sovereignty is dominant mode of conceptualizing, habitually constricted formation of sovereignty (Prokhovnik 2007:01).

In municipal discourses, sovereignty is envisioned in one of two ways: (a) appliance of unlimited civic rule as an exercise of monopoly and, in theory, the competence to intimidate its authority as a final arbiter and (b) the proprietor of lawful authority (de Benoist 1999:100; Dworkin: 1967; Shapiro: 2018). In other words, two fundamental conceptual meanings of sovereignty in everyday practices invoke: superlative power and autonomy or self-rule (Zick 2005: 269). It is vital to establish these two conceptions of sovereignty within contemporary nation-state framework where state is the unit of analysis. In discussing, national sovereignty defined by part (a) definition and conceptualization of sovereignty, it essentially referring to self-determination as an independent and collective entity and similarly, argument on popular sovereignty gives one the impressions about state authority and its legitimacy (Benoist 1999:24-35). In the evolving nature of global politics, predicaments related with practice and concept of sovereignty are manifold (Bartelson 2006). This predicament has arisen, due to lack of alternative to situate sovereignty outside nation-state frame.[81] The conceptual formulation of sovereignty prior the emergence of modern nation-states is evident from divergence between nation and state as distinct entities. This is a landmark departure

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[79] According to Prokhovnik (2007), political sovereignty has a limited significance concerned only with ruler sovereignty-including concerns of supreme authority, relation between governed and the governor and the question about popular sovereignty. The difference between legal and political sovereignty is of secondary importance as both concepts primarily are twin concepts-concerning the issues related to supreme authority. In conventional discourse political sovereignty is political in narrow sense which is about government. governance and rule.

[80] It is a German expression composed of two separate words-'Recht' (law) and 'Staat' (state). It's English translation rule of law is rooted in all European legal traditions. The expressive idea that it throws up is that everyone is subject to law and therefore commands obedience and obligation.

[81] The relations of two or more nation-states at the regional, continental and global level has further complicated its many and manifold meanings and especially after the Peace of Westphalia of 1948. The complex interdependence network in a globalized world order and rise of powerful transnational organizations have further questioned the validity of the concept and practice of sovereignty in recent times. Since, sovereignty denotes independence of one nation-state from other external nation-states at the international level i.e. non-interference from external powers in its domestic affairs. The norm of international system is simply based on the principle of mutual coexistence and sovereign equality of nation-states.

for the concept of sovereignty formulated wholly backed by the hypothesis of state (Benoist 1999:100) contradicting realist hypothesis on sovereign being consolidated in the body of classical nation-state (James 1986; Hinsley 1986; Rosenberg 1994). As understood, the concept of sovereignty is closely connected with modern state authority which has transcended its outline in the guise as a last arbiter of political authority (Krehoff 2008; Milde 2002). Locating sovereignty with the dynamics of transcending state authority in nation-state as its intrinsic value has rendered the meaning of sovereignty unreadable vis-à-vis state (Hoffman 1998; 1995). According to Branch (2011) the trajectory in conceptualization sovereignty as a linear progression is a recent affair but the tendency to locate it as an authoritative allocation of power is contextual; based on political reality.[82]

In medieval Europe, sovereignty predicament manifested over an issue of legality of its authority over population and the pattern of engagement between the government and the people in a political community (Benoist 1999:100-01). Under the prevailing political culture, French philosopher, Jean Bodin (1520-1596) made an initial methodological analysis of sovereignty through careful definition[83]. Bodin's analysis fell short of departure from earlier works of Roman jurists: "Princepslegibus solutes" (The Prince is not bound by law). Bodin's conceptualization was exclusive as it vested supreme power of lawmaker to the figure of monarch (individual) representing state authority as above the law. The definition of sovereign state power in the ruler's ability to take decision over its subject independent of accountability to other legitimate authority (Ludsin 2013:113) meant that nation is formed within a state, and identified with this state (Benoist 1999:102). For Bodin, sovereignty constituted political state of the country or state identified by bits values forged through its distinctive history,

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[82]Aristotle's explanation for supreme power as a necessary condition for order within a political community justifies his familiarity with the concept ands idea of sovereignty although he does not mention political power and authority as sovereignty. His analysis and mention about political ideas like *kuphianaphen* meaning supreme power in Greek city states and *summum imperium* in Roman Empire is sovereign in practice. Sovereignty however, is not related to any form of government or political organization but an inherent in any form of political authority.

[83] In his La Republique, Bodin makes a strong claim of sovereignty being the foundation of political authority within political community and presupposition of politics in a political life. The effective governance in accordance with the will of the people is not a sufficient ground to clarify the nature of sovereign power but power should be vested in the law, and the capacity to determine future course of law through legislations and rule is inherent priority of the sovereign power. Bodin makes a claim by locating sovereign power within a political system then prevailing in Europe mostly precisely within an individual who has been considered above the law.

culture, identity.[84] In doing so, Bodin made a sweeping assessment for an innovative theory of sovereignty. This innovation inaugurated the foundation of nation-state as indivisible and absolute in terms of sovereign power exercise. His conceptualization redefined "the people" as an organism exemplified by their individual character estranged from sovereign state authority (Benoist 1992: 102). In addition, definition of sovereignty was not confined to an exercise of absolute power, but of right (Freund 1965:118 cited in Benoist 1999:104).

For Hobbes, (1588-1679) the sovereignty problematique was institutionalized on social contract (Lloyd 2001) depending on individual prudence. The individual's decision to forge ties with society meant mobilizing their rational judgment to be guided under the organization of the prince with an understanding of an exchange for security from intimidation and hostility from the state of nature (Benoist 1999:104). In Hobbes's analysis of sovereignty, there is an explicit understanding for the requirements of consent from the governed and in this manner individuals enter into a contract giving up their sovereignty in favour of the prince[85] (Dalgarno 1975). Hobbes's scrutiny of sovereignty and its legitimacy is grounded on the rights of the sovereign's order for exacting compliance from individuals as legal norm (Abosch 2003:623). Thomas Hobbes shares Bodin's thoughts on the temperament of prince's sovereign authority (Dunning 1896). For both, sovereignty is indivisible, absolute, and wholly unitary synonymous with state (Benoist 1999). An effort of delegating power through autonomy among social and political agents rendered destabilization of political and territorial integrity of state. Despite of ambiguities surrounding the initial formation of sovereignty, Bodin and Hobbes's definition made departure from differentiating tyranny from sovereignty by specifying the objective confines of sovereignty (Malcom 2016). However, the distinction between tyranny and sovereignty arrives with

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[84] Sovereignty for Bodin was the hall mark of a political state which is supreme and absolute. It was unlimited and indivisible in its exercise and monopoly over legislative sovereign powers. The people were to be given limited autonomy but should in no way constrain the legislative order of the prince. The state was unitary and the sovereign power vested to an individual prince was supposed to reflect and represent the order of the political community and from which values are derived. This placement of sovereign power to an individual prince representing state with absolute sovereign power separated prince from people and public life by placing himself in self imposed isolation thereby depriving the people their existence in community life of the state.

[85] This analysis of Hobbes on social contract and sovereignty is in opposition to Rousseau's social contract. The prince extracts obedience from the people for guaranteeing security. This makes people's individual will an inalienable part of the sovereign powers and its authority. This is tantamount to state "swallowing" the people unlike Rousseau's general will through which the people "swallow" the state (Benoist 1999:104).

conditions of sovereignty held indivisible and supreme (King 1974:79). For Bodin, sovereignty as supreme authority the political community (Held 2002) was a simple illustration of relations between governed and governor. The ruler enjoyed full authority to formulate laws independently of interference. The power could be exercised only though the medium of absolute state without autonomy. Therefore, difference between public and private sphere is founded on the nature of state power and exercise of absolute, this paradox institutionalized widening gap between state sovereignty[86] and popular sovereignty[87] (Petersmann 2006:04-05).

The declaration of rights of man and of citizens by the National Assembly of France introduced declaration of rights through series of articles (Johnson 1990). This heralded a new corpus of socio-political principles and practices in Europe. The idea of Nation was an important insertion in the Declaration of Rights, in essence, the Nation emerged as mother of sovereignties[88] (Barkin and Cronin 1994:110-113). It overtly deprived individuals of privileges to forms of authority (Conway 2008:68). The precursor of the Declaration of Rights of man and of citizens, French Revolution, preserved the content and meaning of sovereignty personified as absolute monarchy by taking credit for transferring sovereignty to the nation[89] (Benoist 1999: 105). Despite rivalry between contending factions in defining nation, it was agreed to define nation as "a body of members, living under a common law"[90] (Benoist 1999:106). For Sieyes (1788), propagating a homogenous nation, wrote that "the nation is before all, it is the origin of

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[86]Sovereignty as identified by Krasner is of four different types. Domestic sovereignty (organization of political authority within a given specifies territory or state), interdependence sovereignty (authority of the state to check movements across state borders), international legal sovereignty (the principle through which the status of political entity is achieved in international relations especially by means of recognition) and Westphalian sovereignty (based on the principle of territoriality and non interference from external actors in domestic structure. The Westphalian notion of sovereignty is essentially which can be compromised by means of humanitarian intervention and simultaneously through invitation, when a state voluntarily accepts external constraints to its internal authority (Ferreira-Snyman).

[87]It has been argued that the narrow scope has been allowed for the concept by conventional distinction between legal and political sovereignty.

[88]By locating Nation as the source of sovereignty by the National Assembly of France in the declaration of rights in the form of several articles, also served as the base of Liberty, individual and the national.

[89]The system of governance in the form of prevailing absolute monarchy in France was responsible for ignorance, neglect and contempt of human rights as the only and the main cause of public misfortune and corruption of the government. Locating the nation as the source of sovereignty enabled the body social to incorporate this principle as inalienable right and incontestable principle.

[90]The rivalry between Sieyes and Mirabeau faction on the question of representation of common people in a Popular Assembly or a National Assembly led to a deadlock in defining the as to what actually constituted the "nation." Mirabeau's contention was vetoed citing it as harmful to the right of the nation. In conceptualizing nation as the supreme authority with sovereignty residing essentially in the nation, it was rigorously a homogenous body and the only body sovereignty belonged to in case of relocation.

all. It's will is always legal, it is the law itself " (Sieyes 1970:180). It was based on this assumption that the name 'National Assembly' was adopted as representation of the nation (Benoist 1999:106). The nation is indivisible and homgenous representing single entity[91] (Benoist 1999:106). The centralized and indivisible concept of sovereignty after the French Revolution rendered practices over nationality and citizenship identical[92] (Benoist 1999:108). The minorities in France still go unrecognized in contemporary times.

In sum total, Bodin's reproduction has survived the test of time with the Peace Treaty of Westphalia, 1648 (Benoist 1999:114-115). Through his model, nation-state, the universal look of political modernity was achieved. The applicability of Bodin's sovereignty is limited in modern times since it is marked by the rise of numerous transnational actors. The inquiry into whether nation-states' reign in Europe is reaching its conclusive end remains a puzzle. The Westphalian model of conventional political modernity as understood from Europe is being substituted with a new form of sovereignty along lines of European federalism[93] (Benoist 1999: 118). An alternate form of sovereignty detached from nation-state on academic pipeline is the notion of shared sovereignty. The notion of shared sovereignty (Krasaner 2004) in non western democracies helps locate processes of nation-state being replicated in exceedingly composite socio-political system (Chatterjee 1997).

Shared Sovereignty and Indigenous Peoples: Framework of Indigenous Autonomy

Shared sovereignty arrives as an alternative to locate sovereignty as detached from nation-state but well within the limit nation-state. Shared sovereignty is a hypothesis where two or more nations co-exist collectively as one nation-state by distributing sovereign authority in certain quarters of legal and administrative liaison under one centralized constitution (Shimrah 2016). Ever since, it's institutionalization in Europe,

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[91]The concept of "the nation" relegated the concept of "the people" to an abstract figure. This was the price "the people" had to pay for declaring themselves "sovereign" (Benoist 1999:107).
[92]There was not a single French national who was not a French citizen or French citizen who was not a French national.
[93]This argument on European federalism stems out of the tendency particularly with the decline of the nation-state in Europe. A strong well conceived Europe along federal arrangement would not be the agent of dissolution of sovereignties, but, rather, a mechanism of their rebirth as a means of European sovereignty conceived and practiced alternately (Benoist 1999:118).

sovereignty is rendered incompatible with the norms of indigenous people.[94] It's application in indigenous struggles for autonomy in matters resource mobilization is substantial. In India's context, tribes are involved in a long drawn conflict with the Indian state for sharing of power demanding better share in the framework of shared sovereignty.

The notion of shared sovereignty allows one to locate temperament of indigenous societies prior the advent of European nation-states. The most parts of the non-European societies (Americas, Africa, Asia and Oceania) indigenous people were under hereditary chiefs wielding customary laws compatible with their belief system in specific territorial setting. The custom formed the basis of self governance nature of relationship between human society and its physical environment: land, water, ecology and vice versa.

Therefore, first nation communities (in Americas), aboriginal people, islanders (in Australasia), tribes in North-East India were self governing[95] cultural communities exercising sovereignty over their territorial home. Although sovereignty is the artifact of Westphalian modernity, its application in indigenous governance necessitates an understanding to outline indigenous people's ideas of political community. Despite, multitude of diversity in the exercise of sovereignty, very few practical imperatives in contemporary period resonate with indigenous experiences. According to Webster's dictionary, sovereignty is defined as including the concept of self government. This is sound ground testifying conditions for autonomy and self-government.

The counterbalancing of sovereignty of nation-state by indigenous mobilization through assertion of indigenous subjectivities confronts the conformist conception of colonizer's contention of the Crown acquiring sovereign over territory and population upon its "Discovery" (Mann 2013). The judgment of 'Discovery' and the concept of *terra nullius*[96] meaning - 'empty land' figures as a legitimizing legal standard (often

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[94] The First Nation is the term used to denote or refer to the peoples of indigenous background who are categorized as organized group as targets of policies in western democracies in particular Canada and US.

[95] According to the Report of the Royal Commission of Aboriginal People (1996), the Crown proclamation of 1763 recognized the rights of the indigenous peoples as self governing peoples living in what is Canada in contemporary modern era.

[96] The colonial logic of *terra nullius* signified that the colonial state did not recognize indigenous customary systems, the day-to-day customary beliefs and practices of indigenous people continued to be governed by their distinct indigenous subjectivities and cultural practices.

normative) enforced by Europeans claims as 'rightful' affirmation of sovereign rule over territories and its people (McRae, Nettheim and Beacroft 2009:66). Canada, constituting settler nation-state with sizeable population of indigenous inhabitants despite instituting constitutional safeguards deprive indigenous people their sovereignty.[97] Acknowledging indigenous sovereignty amounts to acknowledging indigenous rights over resource mobilization. Canada, a modernizing power, willing to demarcate boundaries for resource mobilization—tangible and intangible remains a question? This is followed with hypothesis, whether Canada guarantees constitutional rights of self government to indigenous people. This is self explanatory since Canada is the first western democracy to incorporate multiculturalism as its official policies. Canada is known for accommodating affluent 'immigrants' communities more than actually deliberating in forging policies based on indigenous experiences. The crucial question of indigenous self government is equally associated to the life of indigenous 'legal sovereignty'.

In Canada, United States, Australia and New Zealand, the rights of communities on indigenous sovereignty failed to materialize due to voluntary political consensus. This is because acknowledging indigenous rights amounts to exercise of undisputed indigenous power. The prerequisites for granting recognition to Indigenous sovereignty within the limit of nation-states require facilitation of bilateral relation of indigenous nation with indigenous nation of another sovereign nation-state.[98] This international mobility for acknowledging indigenous sovereignty holds explanation for forging agreements among indigenous people divided between modern-nation-states. This internationalized indigenous mobility offers hegemonic spaces of resistance to the outline of consolidated nation-states. The transnational and global engagement of people aided by technological context renders consequential dialogues and forums for

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[97]The nation-state of Canada in its assertion of Crown sovereignty has enforced De facto or actual sovereign control over all the territories and the people. On the contrary, Indigenous people maintained their pre contact De jure or legal sovereignty that was mediated through customary exchanges with other nations and through recognition of self government over their respective zones of habitations. The existing pre colonial legal sovereignty, although known to the colonizers, was devalued through forceful legislative order issued in the name of the Crown in the form of terra nullius and the logic of 'Discovery.'

[98] This has been realized through forging bilateral or multilateral Treaties and making alliances. This is evident in the manner how Indigenous Nations have made alliances and treaties with European nations and is the hallmark of nation - to - nation relationship.

the organization of treaties among Indigenous nationalities. The intergovernmental global treaties acknowledging indigenous mobilization has sought to address issues of trade, environment and ecological degradation displacement (Fernandes 2004) and consequences of globalization in the economies of global south. The contours of global mobilization of indigenous people echo the bearing on indigenous sovereign rights[99] for mobilizing its identities. For example, Canadian federal authority terminated indigenous rights in the form of Federal Termination policies (Mann 2013). The federal termination is applicable throughout the territory of Canada despite provincial divergence. The end result has been concerted expression of opposition to this policy. For Mann (2013) the suspension policy was constant with Canada's White Paper policy, 1969 as a form of medium to douse all forms of Indigenous rights. Initially, this was accompanied by unique status accrued to indigenous people. It is like nation-states' discussions on Indigenous rights have always been a major hurdle in fulfilling assimilationist agendas. Once fulfilled, nation-state is further drive dire need to craft institutional structures for valorizing indigenous cultures as its minority imperatives.

For decades now, indigenous peoples in Canada[100] have been producing autonomous spaces for asserting self-governing rights as an outline of indigenous sovereignty.[101] The Report of the Royal Commission on Royal Commission (1996) (RCAP hereon), define sovereignty as indispensable natural right endowed upon people by nature in upholding their identities—individual and community—for forging a nation. For indigenous communities, it is contingent upon subsistence of indigenous people as custodian and tenant over a culture and territory as souvenir from the creator. The assertion of tangible attachment with land use illustrates their imposing thoughts about

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[99] The exercise of Indigenous sovereignty covers aspect of the individual exercise of collective Indigenous right such as hunting, fishing or gathering. On a wider scale it is the exercise of Indigenous sovereignty at the level of Nationhood. The manifestation of sovereignty through treaty making alliances, its application for development and exercise of indigenous sovereignty based on legislation of indigenous law. Such application of indigenous law within its territorial habitation can be understood as jurisdiction. This would perhaps lead to non-cooperation by setting up its own self styled autonomous space catering indigenous needs (Boden 2011).

[100] The successor state of the British empire in northern hemisphere in the form of the Federal Dominion of Canada was borne out of the British North America (BNA) Act, of 1867 through the Constitution Act. This act defined the parameters of operation of the federal state of Canada. The BNA Act of 1867 reserves the rights of the Federal Government of Canada of supervision and authority over Indians or indigenous peoples and their land reserved for Indians. In doing so, the terms of the treaty negotiations shifted from British Colonial government to the representative of the dominion of federal Canada.

[101] The Indigenous peoples are often grouped or categorized as "Aboriginal", First Nation or Indian. However, diversity within indigenous peoples are huge with different languages, culture, habitations etc.

territory as an indenture asset in the shaping of indigenous cultural identities (ibid). In contemporary parlance, the notion of indigenous culture is based on the logic of nation to nation liaison forming indigenous bond and solidarity.

The intergenerational knowledge of orality and customary laws of indigenous people remains a custodian of indigenous law (Roy 2005:7; Borrows 2005). The illustration of indigenous sovereignty is dawn by invoking inter nation relations among indigenous people in pre-colonial and pre-contact settings (SWIP 2009:04). The indigenous peoples forged sovereign diplomatic relations with European powers. Evidently, this demonstrates indigenous peoples' capacities of engaging in international and diplomatic relationship as sovereign entities (RCAP 1996). The co-existence of multi lateral relationship between indigenous people and with foreign powers conditioned competing control of sovereign power over a territory for resource mobilization.

In due course, colonial state's expansion of capital consolidated nation-state by encouraging immigration of settlers. Eventually, indigenous peoples were overpowered by settlers and 'immigrant' culture. The settler state arbitrarily imposed terms of treaty of co-existence by denying indigenous people of its rightful access to territorial sovereignty. Therefore hold over community land remains an intrinsic fabric of indigenous struggle. The right of resource mobilization and access to community land is identified as an imperative landmark for self determination (Van Cott 1996) and self government rights of indigenous peoples including the modern state (Henderson 2016). The claim over land management helps communities comprehend the location of indigenous nation as the basis of territory (Feiring 2013:17; Erueti 2006). Further, cultural localities of nation with land as the basic premise define conditions for consolidation of recurrent themes of indigeneity, culture and identity as a Nation (Guenther 2006:18).

For establishing indigenous identity as a Nation, land use for resource mobilization is the benchmark of knowledge forms as the basis of re-establishing subsistence economies for supporting community sustenance among indigenous people (Anderson 2008). Their reliance on non-state organizations for funds was honestly linked with their access to land use as a site of resource building for indigenous subsistence economies (Kuokkanen 201: 278) as an alternative to market economy. The

accessibility to ample lands among indigenous peoples fulfilled their struggle for sustaining their social capital (Uquillas and Nieuwkoop 2003: 20).

This mobility challenged the vertical notions of state sovereignty including primacy of the nation state over its populations in a defined territory. For diverse indigenous peoples, horizontal notion of sovereign rights are drawn from its distinctive historical and cultural norms, regulated within a specific territory, environment, economic structure and social systems.[102] In this manner, it diverted itself away from crucial parameters of recognizing rights of the indigenous peoples as matter of experiment. In indigenous conceptualization, sovereign practices and rights of the peoples were inclusive of rights to self determination. The indigenous peoples' rights of self determination was collective and community oriented, specified by their attachment to land with subsistence mode of production, typifying detest for market economy. This distinct livelihood became the basis of indigenous aspiration for political, legal and socio-cultural recognition of their collective agency free from external intervention notably by nation state and global institutions.

Therefore, attachment with land reinforces indigenous pattern of value system as the basis of nation. The physical landforms—land and water bodies forms the premise for territorial jurisdiction over resource mobilization and use.[103] The settler state induced segregation of indigenous people from its natural habitations in order to detach them from land use. Therefore, pattern of land use underwent major makeover under the settler colonial rule. The settler state designed ethnic enclaves by allotting exclusive 'reserve' land as belonging to the Crown (Aragon and Kessler 2017) by justifying

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[102] The first nation or indigenous people have vigorously contested the nation-state and governable category of "Aboriginal" people (Bronwyn 2016). In simple words, the category of "Aboriginal" people relegated their livelihood practices as a policy tool for state polices.

[103] Ever since the arrival of Europeans in North America, there have been institutional efforts to assimilate indigenous population into the mainstream settler economy and society. In doing so, the settler government promoted European settlement colonies thereby displacing and rehabilitating indigenous peoples from their fertile ancestral lands. History has it that, treaties and agreements were made to facilitate European settlement. For indigenous leaders, the treaty was to be mutually beneficial but for colonizers it resonated a form of enterprise for transfer of land titles and land use in exchange for recognition of limited indigenous rights. The recognition of limited rights of the indigenous peoples for exchange of land rights have not been upheld and fulfilled in the early years of settlements and in more modern treaties concluded by the nation-state and its liberal foundations. The Canadian Crown, successor state of the colonial state has persistently denied justice to indigenous rights by undermining the sovereignty the First Nation or indigenous people in their resistance to retain communal hold and control over traditional system of land use and to the structure and authority of the Nation-State.

relegation of indigenous people as tenants under colonial land tenure. This territorial demarcation of land tenure over 'reserve' territory under the regulation of settler state remains under contemporary Canada (Vernest 2014: 03). Therefore, the discourse of Indigenous resistance is primarily targeted towards retaining communal hold over land as territory Feiring 2013) by abandoning reserve tenure of land deeds of indigenous peoples (Vernest 2014). This approach of land use and resources has helped afford an agenda for indigenous autonomy. This is based on respect for land, its responsible and sustainable utilization (Morley 2015). The indigenous mobility for autonomy is entirely distinct from its western concept which monopolizes arbitrary reason of coercion and control (RCAP 1996:04). The colonial[104] resolve over domination dispossessed indigenous lands and its agrarian output, life worlds by rendering indigenous landless. This is manifest with migration to urban spaces and possess miniature portion of communal hold over land. The state sponsored encroachment[105] of indigenous lands and displacement from livelihood affect their accessibility to land and its relational capacities to generate alternative to nation-state as autonomous spaces.[106]

Canada as a successor of colonial settler state perpetually used assimilation practice to displace indigenous civilization from their attachment to land (territorial sovereignty) and sense of belonging (Vernest 2014:03). The swelling of settler population and assimilation techniques of state organization sped the process of confining indigenous peoples and its value system along the margins of settler state (Vernest 2014:03). This

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[104] It is necessary to dissect colonial powers in North America in to what was on the one hand French power and the British power on the other hand. The British drafted the Treaty of 1725 in order to achieve its monopoly in the new colony. In doing so, the British retained the mechanism of retaining hold over indigenous land without any form of resistance and opposition to pursue its colonial enterprise. The Treaty of 1725, set conditions on the indigenous nations to treat British interests by maintaining friendly approach and by not being party to alliances with powers that are considered threat to the existence of British empire in North America. This kind of manipulation and coercion were tactics adopted by the British to keep indigenous peoples away from the French. In checking the growing competition from France, Britain concluded two successive treaties with indigenous nations in 1752 and 1760-61 thereby reaffirming their supremacy in northern hemisphere. The Treaty of 1752 which also reaffirmed indigenous rights to hunting and fishing as inherent rights of the indigenous nations.
[105] Formal treaties with indigenous nations were the foundation of initial encroachment of indigenous territories. This allowed colonial state to codify many of the aspects of colonial land tenure systems.
[106] The indigenous peoples who have been constantly denied of their rightful access to indigenous resources as agreed upon by treaty provisions with Crown representative served the interest of the Empire and contemporary nation-states leaving aside concerns of indigenous values at bay. The camaraderie and mutual respect clause proved to be a façade and illusion of fair and equal relationship which still has not been not been upheld (Paul 2014) even in the three centuries of settler rule aided by subsequent consolidation of the nation-state in northern hemisphere. Until recently, indigenous people have had to struggle to uphold rights for access to fishing and hunting through lengthy litigation process with the Canadian state.

legislative procedure of assimilation[107] institutionally alienated indigenous mobility from their lived experiences by nationalizing their agency, regulating indigenous mind and the body (Vernest 2014:03). The state power perpetually viewed indigenous struggle as a bystander despite of mutual bilateral treaties between indigenous peoples granting concessions to settler state to acquire lands. The numerous agreements forged between indigenous people and Crown representative includes historic documentation of temperament of determining patterns of land management and resource sharing.[108] The indigenous agreements include oral agreements forged between indigenous people and the settler state.[109] The route to consolidation of colonial dominance over indigenous territorial spaces governed originally by indigenous peoples has allowed few remaining indigenous territory to be held on ransom a land alienating the community by transferring to the state's demands. Therefore, liberal constitution under democracies regarded as 'difference' blind has its roots in indigenous marginalization. Moreover, English translations of agreements were conspicuous of settler bias through careful alteration of meanings and intent of indigenous agreements by state officials.

The unitary structure of Canada expedited assimilation process by encouraging settlement of settlers. It displaced indigenous peoples from their territories to specially designed enclaves or reserves held under a land deed. The gradual effects of assimilation process supported by their 'civilizing' norms were institutionalized through Gradual Civilizing Act of 1857.[110] The act enfranchised white adult males with

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[107] Through the Indian Act, the indigenous people were confined and relocated to inhospitable geographical spaces by controlling their movements and aspects of governance. Another devastating method employed was the Indian Residential School, targeted indigenous house hold by 'snatching' indigenous children from their parents impacting continuity within indigenous family households.

[108] Treaties and agreements were also made to outline the responsibilities in the field of education and health. For the indigenous peoples treaties are still living international agreements which are legitimate even to this day.

[109] The King George III issued a Royal Proclamation on October 7, 1763 after a victorious Seven Years War with France in the western frontier of the British Empire to maintain a conflict free relation with indigenous nations by acknowledging indigenous title to land. The treaty maintains in spirit that indigenous people were the owners of the land and the Crown required permission from indigenous peoples to buy land for any form colonial governance. in doing so, the aboriginal land title was conveyed to the Crown and this tricked the indigenous peoples of accepting European primacy over indigenous land. This policy of the British successfully prevented indigenous rebellion and on the Europeans through this proclamation maintained harmonious relation with indigenous nations in North America thereby saving hem the time and the money to maintain law and order in the huge land mass of what is today's US and Canada.

[110] The purpose of the Act was to promote and encourage the progress of western civilization among the indigenous tribes seeking to regulate settler subjects and indigenous tribes under the framework of codified European legal laws as a mechanism for smooth facilitation for acquisition of non-moveable property such as land. Officially, this Act seized control over indigenous lands and passed European

access to land rights and land deed over indigenous land since the premise of allotment of indigenous land was on obligatory practice of enfranchisement.[111] In offering stiff resistance, the indigenous people reproduced conducive environment for long term engagements with colonial state and its organizations[112]. The worldwide resurgence in indigenous social mobility after 1970s calling for equitable restoration of indigenous rights has resulted in proliferation of advocacy groups for litigations for mitigating perpetual plight of the indigenous peoples as a cause of social justice. The sympathetic judgments by courts uphold indigenous legal and customary laws for contesting against the Crown representative.[113] The litigation by indigenous advocacy groups against provincial governments confirm the refutation of the hypothesis of 'Discovery' as official sources of tenure of indigenous territories by settler state. The court's ruling of treaties with indigenous people as unequal treaties with indigenous communities, were identified and directed for remedial measures by advocating a fresh land tenure policy

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patriarchal male endowments over land transfer contrary to indigenous matrilineal system of indigenous family structure.

[111] Through such enfranchisement indigenous Indians were entitled to land out of the especially 'reserved' for exclusive indigenous allotment not exceeding fifty acres in size. Later, lands designated as 'reserved' for rehabilitation of indigenous peoples from earlier displacement process further remained under the control of the colonial state to forge assimilation techniques.

[112] Indigenous peoples despite their differences with the state and the government have also sought to interact with the state and its agencies creating a healthy and conducive environment for government to government relationship either through mediations, meetings, negotiations and petitions etc. There is a convention in Canada for the government to acquire prior permission or informed consent from the First Nation or indigenous people for utilization of land resources and development of land for infrastructural transformation or any decisions related to land use. It is also true that, indigenous people are compelled by state to use colonial laws but it does not supersede their inherent practices and right to indigenous laws. One of the most important struggles of indigenous peoples in Canada has been the struggle for recognition of their inherent and Treaty rights in the constitutional realm of the state. Key international organizations, such as the United Nations (UN) have declared Indigenous peoples' right as an important international guideline and principle for creating basic standard for sustaining their livelihood practices with dignity and their well being in accordance with indigenous principles.

[113] The legal opinion of Canada's superior Court posited a rightful position of indigenous people with state failing to restore, respect and implement indigenous rights by a federal government and its 'autonomous' federating units. This is despite Supreme Court's legal directives to create conducive atmosphere with legal and legislative provisions to enable provincial governments to legally resolve indigenous contestations through necessary times based negotiations rather than involving indigenous people in a legally binding 'alien' litigation procedures. The so called tax payers' money was funded by the state to meet the expenditure and costs for litigation amounting to hefty hundred million dollars. The Canadian state based the hypothesis of 'Discovery' as legitimate and national source of Canada's national history. In articulating their resistance against political modernity, the indigenous nation has persistently insisted on mobilization of people for creating a sense of belonging in a particular cultural and territorial setting for successful realization of indigenous sovereignty. The concerted effort to deny access to land use and management was seen as a detrimental to the social and political health of indigenous communities. Their efforts at restoring indigenous rights were upheld by Canada's Supreme Court. Therefore, key moments of legal interventions arrived with judgment of Supreme Court of Canada and added indigenous mobility strengthened demands for restoration of sovereignty in the post 1970s.

as per indigenous title deed[114] (Vernest 2014:17). The recurrent quotation of Section 35 (I) of the Constitution Act clarified indigenous positions about the ambiguities relating to Aboriginal titles institutionalized by settler state (Vernest 2014). The citation of this section, established that indigenous land titles was communally held by the community and not as private individuals as the state claimed.[115]

Governance and Indigenous Resistance: Perspectives from the Global South

The manifest development of worldwide mobilization for recognition of indigenous rights in Canada is its social influences on indigenous struggles in Mexico. Ironically, Canada and US were responsible for indigenous mobilization in Mexico through a neoliberal free trade policy.[116] The marginalization and contestation between liberalizing national economy of Mexican state and indigenous people started in Chiapas[117] highlands in Southern Mexico (Rosenthal 2006).

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[114] In 1990, the Supreme Court passed another judgment concerning Section 35 (I) of the Constitution Act. The court ruled that the Section 35 (I) of the Constitution Act endow with sufficient legal principles for strengthening of justice system and protection of indigenous rights. The court ruled 'any aboriginal rights' which is in operation prior its extinguishment before section 35 (I) was to be effective from 17 April, 1982. The Section 35 (I), 1982 of the Constitution Act states for legal validation for any form of state control over indigenous affairs without prior informed consent from the indigenous communities. The Supreme Court cited Section 35 (I) of Constitution Act as a legal provision for delivering justice. It was accompanied with indigenous people's ideas on self government, providing impetus to indigenous cultural norm as the basis of contestations, indigenous practice and customary traditions established "integral" to the "distinctiveness culture" before the advent of European as the affirmed right of the indigenous peoples (Vernest 2014:19).

[115] This moment was a watershed in indigenous movements with official acknowledgement of 'Aboriginal' right to self determination by setting up autonomous self government through indigenous sovereign governments. The court rulings on delivering social justice to indigenous peoples were stalled by contemptuous political will to effect executive legislations for rectifying past misdeeds. The lack of political will as a state response aggravated anger and disagreement casting suspicion over assumed 'vibrant' relationship between indigenous people and the Canadian state.

[116] North American Free Trade Agreement (NAFTA). The northern hemisphere comprises significant number of indigenous peoples as its inhabitants divided by boundaries of neo-liberal national economies and commonly marginalized by settler's states assimilation techniques.

[117] The concentration of indigenous population in Mexico comprises the highest the whole of Latin America (international Service for Peace 2002 SIPAZ from hereon). For details see, http://www.sipaz.org/en/chiapas/peace-process-war- process/334-1994.html, accessed on 24/10/2016. The UN Human Rights Commission account 15% as Mexico's total identified indigenous peoples with major concentration in southern states of the Mexico. According to World Directory of Minorities and Indigenous Peoples (2013), Mexico's total indigenous populations amount for 12.7 million people with 62 diverse linguistic variations. Chiapas has one of the largest concentrations of multi-cultural populations in Mexico. According to the Mexican Institute of Statistics and Geographical Information (INEGI) 2010 census (2010), there are close to 1.1 million indigenous people contributing 27.2 per cent of the Mexico's total population. The abundance of natural resources in Chiapas makes it one of the wealthiest states in Mexico (with 30 per cent of Mexico's fresh water supply), but ironically lists as the

The Spanish imperialism, denied indigenous peoples and the community, its existence as per the rights of self determination. Therefore, history of indigenous struggle in Latin America commenced with the advent of European in the 'new world.' Further, decolonization of Latin American economies exacerbated the prospect of domination by settler post colonial states on rightful indigenous autonomy over sovereign rights.[118] Mexican state's failure to render indigenous peoples its rightful allocation of resources led to the formation of EZLN, a conglomerate armed indigenous opposition to mobilize for recognition of indigenous rights. The demands articulated in their declaration to the state, the EZLN sought to end institutional practices of indigenous segregation (Leah 2012:373). The policy of segregation under the state exacerbated agreement to conclude free trade in haste through enactment of NAFTA without prior consultation with indigenous people. The US and Canada forged ties with Mexico without informed consent from indigenous people in the absence of guidelines for future indigenous governance. In this manner, NAFTA was conceptualized in order to upset indigenous interests and social fabric by altering indigenous agrarian landscape (business as well as production) especially over communally held land titles in Mexico.[119]

The indigenous peoples' livelihood pattern dependent on agricultural produce remained uprooted from their community land titles and intergenerational knowledge systems. This policy imperative affected Mexico's sixty seven percent indigenous populations directly dependent on subsistence agriculture (Commission for Indigenous

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second most marginalised state in Mexico (INEGI 2010). According to the figures provided by International Service for Peace (SIPAZ), 50 percent of Chiapas' indigenous population is unemployed and "reports no income at all with another 42 per cent making less than US$5 a day." This had a direct impact on the mental and physical health of the indigenous communities with reports of whopping 70 per cent of Chiapas's indigenous population suffering from high levels of malnutrition and access to basic health facilities.

[118] The structure of the post colonial state in Latin America—authority nation-states are wielded by outward looking minority settler Creole population. The religious and political concerns of the indigenous populations at the hands of the minority Creole government remain exactly as it had been during the Spanish colonization of Americas. In Mexico's Chiapas highlands' indigenous people have for centuries been marginalized from basic government sponsored projects including access to facilities like education and health care (Ruiz and Menocal 1998; Godelmann 2014). The organizational structure of the process of decision-making in indigenous affairs had no indigenous representations.

[119] NAFTA enabled Mexico to liberalize economy and open Mexican market for US and Canadian crops thereby harming indigenous local market and the productivity over ownership of communal land. The multi-national companies dealing in agri-business with US corporate funding not only required market but productive lands for setting up business setups in Mexico. Therefore indigenous farming lands were targeted by US backed companies and legally acquired and transferred by Mexican state.

Development 2002). The Mexican alienated from its indigenous concerns signed NAFTA signed a tri-lateral agreement. The outcome of which was mobilization for creating autonomous spaces for self governance among indigenous people. This movement in Chiapas, Mexico is popularly referred as the Zapatista uprising. This struggle comprising of comprehensive composition of Chiapas' indigenous peoples and the EZLN or the 'Zapatistas' mobilized its inclusive social fabric accompanied with support system from non-indigenous communities of Chiapas. The Zapatista mobilization recognized peasantry as a core principle of indigenous struggle. Therefore, Zapatista movement was the symbol of peasant struggle for recognition of rights. The Zapatista Movement or EZLN was founded on the principle of restoring "traditional indigenous forms of self organization and autonomous governance" (Chiapas Support Committee 2013).

The EZLN's resistance struggle was inaugurated on 1st January, 1994, the day NAFTA came in effect in Northern hemisphere. As the struggle gained momentum, ELZN gained control over numerous municipalities within the territorial jurisdiction of province of Chiapas (Soto 2013). The diverse indigenous mobilization under one umbrella organization, the Zapatistas[120] trapped Mexican state by surprise. The community mobility forged each other's marginalized social and political status as shared and lived experiences. This created innovative meaning to the being and becoming of indigenous in Chiapas.[121] In the initial years, the struggle made headways in liberating local municipalities.

They created thirty eight autonomous zones[122] for accomplishing their objectives of self government mediated by indigenous autonomy (Stahler-Sholk 2010:279). The land or

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[120] The Zapatista concerns were agreed upon under the San Andres Peace Accords, two years after the uprising (Sprague 2016:43). The accord directed the state to impart fair treatment to the indigenous concern in Chiapas. Ironically, the indigenous interests were contradictory to that of Mexico's NAFTA agreements, as aspirations of both (parties to conflict) the indigenous peoples as well as agro-based companies' on the availability of land in rural Mexico. The EZLN contested the state's continued and deliberate role of denial to access facilities to good life for indigenous peoples. The demands included incorporation of indigenous political, economical and social rights in the federal Mexican Constitution (Collins 2010:774). In addition, the San Andres Peace Accord outlined basic features for constitutional involvement of indigenous peoples for rightful exercise to self-determination (Leyva Solano 2005:556).

[121] The movement was a direct consequence of alienation and marginalization. The demand for recognition of indigenous rights and real sovereignty initially but forged louder cry in demanding rightful share in resource mobilization in sectors such as "work, land, shelter, food, health, education, independence, freedom, democracy, justice and peace" (Soto 2013).

[122] The aspiration for indigenous self determination was channeled through indigenous autonomy with a "communal right to have diversity acknowledged, indigenous jurisdiction over native-territories

territory as the basis indigenous conception of self government and autonomy held importance for community for creating autonomous space and for state to further their 'developmental' agendas (Petras and Veltmeyer 2011). Further, the conflict aggravated with Mexican government's modification of Article 27 of the Federal Constitution ending indigenous land reforms (Stahler-Sholk 2010:281). This implied that petitions of indigenous people would no longer be administered and legitimacy. The mounting loss of lives and property as a result of armed struggle and counter state response, Mexican state was forced to negotiate a deal with indigenous peoples (Sprague 2016:43).

Indigenous Resistance and Sharing Sovereignty: Reclaiming Indigenous Sovereignty

The Zapatista mobilization, since it's investiture in of 1994 evolved through critical phases (Sprague 2014:43). The Zapatista movement adopted non-cooperation as techniques to boycott crucial elections to the Mexican parliament. They adopted schemes of autonomy established through indigenous assembly of self government. The self governing autonomous spaces debarred government officials from their jurisdiction despite the threat of armed state responses (Stahler-Sholk 2007:54). Through such efforts the Zapatistas were able to create autonomous zones as counter spaces against the state government's order to destabilize Zapatista's autonomous claims by creating newer hegemonic spaces such as municipalities[123] (ibid.p.55).

It provided framework with emancipatory authority, institutionalizing local self-government assembly for distribution of democratic values of dialogue, dissent, and

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(Chiapas Support Committee 2013). Therefore, the interests and limitations of the indigenous communities of Chiapas, as represented in the San Andres Accords invoked cultural autonomy and political participation as an inherent medium of attaining of self-determination rights within the framework of federal Mexican constitution (De la Rosa 2014: 31; *Godelmann 2014)*. But despite the efforts of indigenous peoples' commitment, the Mexican state under the guise of the San Andres Accords, the government delayed indigenous law and eventually assimilated prominent indigenous professionals into the neoliberal network (Sprague 2014:43-44).

[123] In July 2003, the Zapatista struggle entered fourth phase with the realization of well established structure of self government with a dedicated and a focused organizational outlook (Stahler-Sholk 2005). These newer models of self government was based on indigenous approach known as as *Buen Gobierno*, or simply "the good government," that "rules by obeying the people" (Stahler-Sholk 2005; Soto 2013). At the institutional level they established Councils of Good Government (Juntas del BuenGobierno, or JBGs) by combining five geographic areas known as *Caracoles*, or shells (Stahler-Sholk 2005; Soto 2013).

franchise. This allowed indigenous communities to follow mechanism for realizing equitable distribution of resources for diverse indigenous communities.

During the fourth phase of the Zapatista struggle (2005-06), series of negotiations and meetings with socialist sectors of Mexican civil society were organized (Stahler-Sholk 2006:221). As it evolved from purely local indigenous to trans-national contexts, its commitment for indigenous people did not wane despite emerging competition between indigenous nationalities.[124] Some of the constructive elements of the Zapatista struggle in Chiapas highlands include recognition of indigenous peoples' constitutional rights of self-determination without conceding Mexico's territorial sovereignty (Leyva Solano 2005:556). This principle fundamentally shaped the significance of Mexico's democracy for conceding concessions for differentiated rights of indigenous communities. The indigenous marginalized empowered, freely determined their political position within the framework of accomplishing economic, social and cultural harmonization (UNDPI 1997). The Zapatista struggle ensured sustained strengthening of indigenous representation in local assemblies against encroachments and simultaneously received under Mexican governments' tacit approval for recognition of indigenous system of government (Gaspar and Lyunn 1999).[125]

The major development of the after effects of Zapatista struggle is the converging of indigenous interests with their aspirations within the framework of Mexican constitution. This formed fresh and renewed political, economic, social and cultural relationship between the two forces (Gaspar and Lyunn 1999). Their model of resistance provided platform and order to oversee functioning of indigenous autonomous councils as per social customs and indigenous institutions. The indigenous

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[124] This is why Zapatista struggle that grew out of localized contexts epitomize indigenous struggles in a global scale. The development of Zapatista autonomy struggle in the last two decades typify the potential to present itself as alternative framework to the neoliberal market model despite inherent ambiguities with the concept and practice of autonomy (Stahler-Sholk 2006:57). According to Stahler-Sholk (2006), the potential of alternative framework to neoliberal model, autonomy has not been without dilemmas (Stahler-Sholk 2006:222) calls for deeper introspection of rethinking autonomy (both provincial and indigenous) within the frame of nation-state. In the words of Immanuel Wallerstein, the Zapatista movement was once described as the, "barometer and trigger" for anti-systemic movements worldwide. It was born at the peak of the neoliberal ideological offensive and the ELZN articulated configurations of a new anti-systemic cycle. Claiming to represent the underrepresented, the ELZN stood for indigenous' peoples right for autonomy; it generated extraordinary interests both at local and international level accompanied with support for recognition of indigenous rights to self determination and autonomy (Godelmann 2014).
[125] The Mexican Government agreed to indigenous peoples' right to participate in the policymaking of indigenous affairs and efforts to conserve their languages and their jurisdiction over territories.

sovereign space within a specified territory prior Spanish colonial contact was called as *"calpulli"*[126] (Leah 2012:371). This was the plain feature of indigenous exercise on sovereign practices (Leah 2012:371). The sovereign indigenous rationale within *"calpulli'* as exercised by the authority of *"calpiulec"* was judicious application of customary law on land and agrarian conventions (Leah 2012:371). The perpetual worth of *calpulli' and "calpiulec* as a integral component of indigenous affairs is much recognized by federal Mexican state.[127]

The establishment of the National Commission for the Development of Indigenous Towns (CDI) has been major shift in indigenous conceptualization of autonomy under the Mexican state (Economic and Social Council 2010:02). Its mandate to discuss and issue public policies for development and safeguarding indigenous population by ensuring "respect for their cultural and social systems values, implementation of their rights (Economic and Social Council 2010:06) became a prominent feature. The primary task of the commission was preparation of legal opinions and drafts to provide institutional support for successful legislations concerning indigenous peoples and encourage and inculcate conducive environment of respect and regards and defence of basic human rights of the indigenous population (Economic and Social Council 2010:03).[128]

II

Citizenship and Federalism in India: Framework for Sharing Sovereignty

The symbiosis of modern nation-state premised on territory is considered absolute, sacrosanct and indivisible. The edifice of modern nation states conceptualized through territorial reconstruction inhabited by people (also referred as nations) with shared

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[126]In contemporary modern times it is better understood and referred as patches of small territories where indigenous peoples sustain their livelihood practices with self government.

[127] The official recognition of this unique aspect of indigenous administration ensured protection and safeguard of indigenous practices for future generation indigenous people. The constitutional recognition of indigenous law in Mexico brings into discussions aspects of shared sovereignty with many self governing communities by looking at theories of land attachment as the basis of indigenous sovereignty.

[128] Despite institutionalizing concrete institutional arena for hearing and delivering justice against indigenous human rights violations, the CDI has been criticized for its failure to ensure justice to the victims of gross human rights violations. As a result, the approach of the indigenous peoples towards CDI is marked by their criticism of failing to achieve the mandate. The poor living standard of the indigenous peoples in the current times demonstrates institutional failure in providing them satisfactory living standards.

values and experiences as cultural norm is based on the grammar of language and descent. In present times, proliferation of manifold aspirations challenges the fixity of territorial construction of sovereign nation-states, prominently demands for creation of new nation states from within nation-state.[129]The demands for creation of new nation-states (carved out of the territories of sovereign nation-states) testify the trajectory in the inauguration of contemporary Indian nation-state as sovereign.

Understandably, nation-state continues to be an elementary site of political representation. It's centrality locus in governance and simultaneously is a chief determinant of private attachments and identity (Rodrik 2012:01). The nation-states in the past and present played a role in institutionalizing norms of conceptualizing shared outlines of human rationality. The values and norms of nation-states with its origin in colonial legacy actualized accounts on human equality with individual as the unit of analysis, emerged as the basis of universal principle on citizenship rights. For example, this project offered new imagination of human equality from the progression of subject to citizen.[130]

The basic tenets of European nation-states do not apply in India's context, yet nation-state in India with diverse nations as Indian population. The nation-state in India as defined as a legal system of institutional governance with a written constitution is accompanied by a system of inclusion through citizenship regime with state monopoly over violence is established. An act of deviance by sections of the population in the nation-state makes the form of nation-state in India rigid prone to exercise of state violence. The states respond to defiance through arbitrary exercise of armed state reprisals[131] as practice to counter threat perception to integrity of the state. Therefore,

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[129] Despite changes effected to 'unalterable' borders with the formation of new nation-states and emerging demands for new nation-states, the classical understanding of nation-states remained relatively unchallenged (Prabhakara 2011). The view of Westphalia Peace of 1648, as the basis of European modern nation states with its universal application is a foundation basis for aspirations of modern nation-states worldwide.

[130] The European nation-states ruled its erstwhile colonies without impunity but its model and norms which have been successfully replicated by successor states after the process of decolonization. This emerged as the basis of institutionalizing homogenous nation-states in the post colony (as in Europe) where citizens with a common descent and linguistic groups forged recognizable tenets of universal tendencies.

[131] AFSPA, a colonial legislative order adopted and passed by the post-colonial Indian state in the state of Jammu and Kashmir and North-East India. It gives legal impunity to the personnel of the Indian Armed Forces, Indian Paramilitary and the Police from conducting armed operations against people dubbed as 'suspects conspiring and waging war with the Union of India' therefore manifesting values of a deviant from the norm.

track record of nation-states in fulfilling the aspirations of the minority populace-ethnic, religious, sexual, and cultural appear as faux pas. Amidst these moments of 'crisis' many nation-states have unflinching tendencies for state reprisal denying and violating human rights upon its own subset of populations. [132] The Indian nation-state[133] as a successor state of British Empire, not only replicated elementary aspects of governance imperatives but has also employed it wholly.

The hierarchical configuration of rights for populations in the Empire became basis of according citizenship rights in India. This basis for according citizenship rights posited Europe as its Centre. The British Subjects in Great Britain exercised political rights as a fully developed citizen but the same British government denied basic access to citizenship rights to their colonial subjects in the colonies. The denial of access to rights to its colonial subject population in the colonies was deliberate and providing equality and autonomy in the name of managing 'difference'. In fact, denial of citizenship rights to its subject population in colonies was accompanied with justification that the colonial subjects were not fully developed civic community, capable of exercising citizenship duties on rights, duties and obligations. As India replicated nation-state framework from the west as post colonial form of political organization, its exercise of powers reminds the conditions of an Empire –which initially conditioned the emergent political subject (Samaddar 2010).

The relation of Delhi as the Centre with its 'peripheral' North-East exhibits a systemic persistence of centre-periphery relationship with Centre as its heart and the Rregion as its periphery. For example, Nandy (1989) opines that, nation-state has emerged as the dominant actor by sharing stage with political forces in the public sphere and this

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[132] The monopoly over exercise of violence by homogenous nation-states in the Global North is has been the continued symbols of state imposition of dominant cultures by forcing its minority population to assimilate with a normative and dominant national culture. Therefore, nation-states ability to recognize and acknowledge difference is reflected in manner national governments share sovereignty with its cultural communities.

[133] The assertion of self- governance by Indians was simply denied by the British logic lodged in colonial interpretation of India not qualifying criteria of a nation. The colonial account judged India as an anthology of diverse communities of peoples which were unified under the British imperial raj as targets and objects of British policies. For the British-admistrators, politicians and scholars India was abstract as there is and was never en entity called India. The lack of unity-geographical, territorial, political, socio-cultural, religious made them deny rights of nationhood to Indians. For Jinnah, India was not a country or a nation, India was a sub-continent of nationalities. Therefore, Indians had to prove that India was infact a nation and was capable of attaining nationhood.

transformation has been the most important characteristics of Indian political culture. Over a period of time, the primacy of the nation-state remains unquestionable for lack of competition from other forces in the public realm (Nandy 1989:01). Therefore, autonomy of the public realm is hostage to the functional imperative of nation-state i.e. the jurisdiction of the Indian state.

Despite systemic difficulties, nation-state in India was able to identify and discuss issues relating to people of North-East India in the Constituent Assembly debates. After formal discussion of local realities on the North-East, rights of the North-Eastern people and other tribes were incorporated into the framework of the Indian Constitution. This integrationist policy over assimilation technique is deviance from the norm of nation-state, India stands as an exemplar of managing 'difference'. Thus, Indian Constitution recognized minority and tribal question seven decades ago when major democracies have faltered to acknowledge minority culture in its territory (Bajpai 2002).

State Sovereignty and Regional Autonomy: Foundations of 'Sharing' sovereignty in India

The nation-state is not homogenous (Samaddar 2012). The many homogeneous 'country' and 'nation' across the globe deal with cultural diversity is politically managed through liberal-federal constitutions (Mehra 2016). Culturally diverse indigenous peoples existing as minorities within a postcolonial framework seek to fulfill level of self-determination or shared sovereignty within the nation (Robbins 2010). In India's context, autonomy, devolution and decentralization, are concepts, mechanisms and processes of operationalizing power sharing in the constitutional framework, requiring socio-political consensus (Samaddar 2006). As a process, consolidated Westphalian sovereignty is shared within, though it could be absolute in the international arena. However, when some sections of an 'imagined community' (Anderson 1983) perceive the process as forced, sharing sovereignty by assigning regional autonomy could be a contentious process, leading either to an urge for greater autonomy (a larger share in the power of the sovereign state), or secession as an independent sovereign state.[134]

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[134] The origin of modern day connotation of "sovereignty" can be traced to Europe following the Peace Treaty of Westphalia of 1648 (Croxton 1999:569; Osiander 2001). In the beginning, stated drew its legitimacy and justification of its authority over population within a territory resided in the supposed divinity of the monarch and the church (Bhargava 2008:261). According to divine rights theory the

The scholarship on Indian federalism sees the process of state formation rather than conceptualizing it constitutionally or comparatively as the process of negotiation and sharing divided sovereignty (Rudolph and Rudolph 2010). Indian experience of sharing sovereignty dates back to pre colonial political processes where multiple power centres shared sovereignty as contestations between competing sub-continental empires and regional kingdoms (Rudolph and Rudolph 2010: 07). English East India Company at the helm of affairs imposed its authority over regional kingdoms.[135]

The demise of overarching Mughal Empire at about corresponding period paved way for emergence of powerful regional kingdoms by exercising sovereignty as in the rise of presidencies in Bengal, Madras and Bombay. The three presidencies under the Company reign managed federal form of autonomy. The 1858 proclamation accompanied by an Act of Parliament substituted direct company rule by indirect Crown rule. Under the British Crown, the British introduction of representative aspect of autonomy under the Indian Councils Act, 1861 made way for the Governor General of India to institutionalize a legislative council at the centre in a federal state form through concessions at provincial councils within the presidencies. Due representation was accorded in administration because Indian people did not constitute the rank and file of the Indian Civil Services (ICS) cadre.

The Indian Council Act, 1861 is seen as a precursor of representative principle of the Indian Constitution (Rudolph and Rudolph 2010:08). The decentralization of power onto the Indian hands made steady progress when Lord Ripon (1890-1894) constituted local bodies at the urban and rural levels. This was out of the dire need for self government organization since people lacked basic local government institutions and therefore introduced 'a measure of political and popular education' (Montague-Chelmsford Report, 1918)[136]. Further, the GOI Act known as the Morley-Minto

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sovereign was an individual, where as the under the scope of Westphalian tenets of statehood, the sovereign became an impersonal agency: the state, which over a period of time evolved in to a figure of a liberal nation-state (Barsa 2000:08).

[135] In the its long history of rule, the Company initially starting as a chartered trading company in 1600 A.D finally expanded its writ over adjoining kingdoms and its people, eventually ending as the de facto colonial power in 1857 (Rudolph and Rudolph 2010). The first war of Indian Independence in 1857 following a mutiny marked a new beginning for the British Empire and the very constitution of sharing sovereignty.

[136] This particular move of Lord Ripon was opposed by the members of the Indian Civil Services, as they were of the opinion that Indians were not a community of free people and hence lacked the will to self govern with a fitted representative government.

Reforms widened the strength of non-official membership in the legislative council by devolving financial autonomy in the way of achieving responsible government. Despite this, Morley-Minto reforms assured federal state formation in India intact (Coupland 1944:44-45). The GOI Act, 1919 or also known as Montague-Chelmsford Reforms introduced a system of governance known as 'Dyarchy, in its federal form, it shared sovereignty at the provincial levels (Rudolph and Rudolph 2010:09).

Under this system, governance 'transferred' number of subjects to Indian ministers responsible to provincial legislature[137] while 'reserving' other subjects for the provincial governors' discretion[138] (Chanda 1965:16). As Indians members were included in the provincial legislative councils on the basis of communal electorates and organized interests—like those of landed gentries, business enterprises and universities found its place. The system of separate electorates fructify with the approval of the Indian National Congress and the Muslim League. The system of separate electorates as a system of governance was to managed Hindu-Muslim differences through federal commitment. This paved way for new conceptualization of federal polity of sharing sovereignty. The Motilal Nehru Report of 1928 introspected greater mobility of cultural values for Muslim minority in India through federally constituted polity of sharing sovereignty. The Simon Commission proposed ending system of dyarchy and reservation of primary subjects at provincial governors' discretion (Rudolph and Rudolph 2010:10). Further, it proposed to strengthen Indian federalism as a counter narrative to Indian nationalism under the congress.[139]

In the meanwhile, GOI Act, 1935, as India's constitution until India achieved independence on 15th August, 1947 retained many provisions of the GOI Act, in its Constitution. Further, partition of the country in to two dominions—India and Pakistan led to diverse conceptualization of power sharing arrangements within the same federal

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[137] The subjects included local government, agriculture, education, public health, medicine, public works, and land tenure. The principal source of revenue generation for provincial government was land revenue and sales tax (Rudolph and Rudolph 2010).

[138] The subjects included revenue, police, famine relief. Subjects such as those of defence, communications and foreign relations, criminal law, revenue sources such as income tax and customs were retained by the center.

[139] It was only in 1935, the British Parliament enacted Government of India Act to consider about innovative ways of conceptualizing federal features in India. This was the basis for provincial sovereignty that was informed by the structure and outline of the GOI Act, 1935.

state.[140] For Singh and Saxena (2011) sovereignty under independent Indian constitution underwent amendments in at least three basic parameters. Firstly, Indian state inherited full sovereign rights of the British Empire within the context of nation state. Secondly, India's national sovereignty was reformulated in a democratic and republican way. Thirdly, Indian sovereignty was to be realized by sharing and dividing responsibilities and powers in exercise of its duties between the union and federating units with a manifest legal preponderance of the centre over the states.

Therefore, in order to draw boundaries of governance in areas to be administered by distinctive customs based conventions, part XXI of the IC, as *Temporary, Transitional and Special Provisions*, effect mechanism for autonomous arrangements through Articles 370 A (pre abrogation status) and 371 (A-J). The Fifth and Sixth Schedule of IC governs tribes of CTR and North-East India. This provided the constitutional framework of safeguarding the grammar of autonomy (Kumar 2008: 120). In discussing the nature of autonomy in the North-East of India, Kumar (2005) opines that, "the institutional arrangements for autonomy were…..organically related to other institutions of federal structure in terms of devolution of power and responsibilities that put the exercise of autonomy under strain and further states that unlike PRIs which lays Republican principle of one nation and people and one land, autonomy practiced under the provisions of the Fifth and the Sixth Schedule appears as exception"(Kumar 2005).

Understanding Autonomy in India: Indigenous and Shared sovereignty in North-East India

As remarked above, the nation building process making in India diverge from European nation state as far as granting concessions to heterogeneous social order. Evidently, divergence is manifest in the principle of according minority rights in the concrete institutional sphere. Therefore, integration through accommodation of regions and its people into the fold of nation-state remains an ongoing affair with wide ranging demand of ethnic homelands. For this purpose, post colonial governance relies on colonially mapped ethnographic reports and regulation as a way forward for administration of

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[140] The national leaders conscious of varying degree of regional diversities and the mood to remain independent conceptualized autonomy primarily on the basis of diversities—both religious and ethnic. At the same time, leaders simultaneously asserted a kind of sovereignty that enabled India to exercise the existence of India Union (Kumar 2008:119). As a linear process along the continuum of transition of power the British suzerainty was passed onto the new Indian state as a successor of British India.

tribal areas. The lineage of contemporary nations-states in Global South within the framework of colonial state as opposed to nineteenth century European Empires (Anderson 1983: 1991: 168) is self explanatory in India's context.

The transition of colonial regime until the end of British Raj witnessed institutional administration of tribal populations in North-East India[141]. The British entry in the region influenced by frontier hypothesis accumulated capital ever since its expansion in North-East since 1920s. For administration, the region was administered from Bengal presidency because of easy access to the region. In the immediate aftermath of the First War of Independence in 1857, colonial state transferred authority to the British sovereign marked a multitude of increase in British presence in the region in the altered political atmosphere of recognizing native structure of governance. The tea plantation economy in was restricted in the Assam valley and valley dwellers were restricted from entering hills regions under Inner line regulation and separate criminal tribunal justice system. This limited settlers from the plains with access to colonial market economy from settling in the hill areas. This systematically segregated tribes from making early contacts with valley inhabitants.

The North East India comprising of eight states accommodates aspirations of diverse ethnic groups in the region (Hussain 1987). The Indian state carved tribal states from Assam's hill districts: Nagaland (1963), Meghalaya (1973), Arunachal Pradesh and Mizoram (1987) (Haopkip 2012). The demands for homeland were accompanied with violence and state repression followed by intense negotiations with diverse stakeholders (Dasgupta 1997). The GOI's policies on Naga political solution formalize an agreement to conceptualize framework of sharing sovereignty between India and Nagalim. Further, North East India's homogenous nomenclature politically formalized (Haokip 2012) conceals the demands coming from the region for autonomous arrangements.[142]

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[141] The Regulation X of 1822 was such, a first regulation which inaugurated a unique system of tribal administration in North-East India as evolved from other parts of British India. This was followed by GOI Act, 1853 and Indian Councils Act of 1861. The transfer of power from East India Company to the British Sovereign in 1858 saw necessary transformation in the colonial architecture. The GOI Act, 1870 made further provisions for legislating regulations for certain parts of the country and in particular for backwards tracts. This provision was later extended to other parts of Assam with effect from 1st of January, 1873.

[142] The administrative concept of North East acquired a policy dictum to refer to seven North Eastern states when the North Eastern Council (NEC) was instituted by Government of India in 1971 under the aegis of the Ministry of Home Affairs (MHA). Further, absorption of the protectorate kingdom of Sikkim

The structural adjustment to the administration of tribal region in the North-East has been the judicious application of political autonomy and statehood. The structural reorganization of Assam Province in the post 1947 period along federal arrangement conceded administrative autonomy to tribes through Sixth Schedule Autonomy along the British colonial policies. The nomination of sub-committee in the Constituent Assembly, by the Interim Government of India had viz. North- East Frontier (Assam) Tribal and Excluded Areas Committee under Gopinath Bardoloi. The recommendation of sub-committee was incorporated as the provisions for instituting Sixth Schedule under the Indian Constitution. The committee suggested establishment up of ADCs to provide due autonomy and representative governance at the local level.

Understanding Tribal Autonomy: From Excluded Areas to ADCs

The Indian state continues to embark on process of incorporating territories relatively autonomous during the British period. The integration of princely states was watershed process in the history of independent India. In redrawing independent country, IC incorporated many of the provisions of Government of India (GOI) Act, 1935. This way, the British withdrawal did not ensure major overhaul of colonial bureaucracy. The governmental-bureaucratic structure of British India adopted by the post colonial state remained validated under Article 372 of the Indian Constitution. This validated many British laws in independent India unless repealed by Indian Constitution.

A distinctive colonial administrative apparatus of tribal affairs was partially retained under Indian Constitution. The separate policies on tribal administration under the British were forged due to resistance offered by tribes upon sensing encroachment of tribal territory for resource extraction. As a means to pacify tribal sensibilities, colonial state devised regulations to exclude the region from general administration but remained accessible to the British colonial authority. The British colonial

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as the 22nd state of the Indian Union in 1975 formally paved way for Sikkim's inclusion in the NEC in 2001. Sikkim forged Indian identity through series of treaties with India where sovereign powers were divided between Sikkim's Namgyal dynasty and New Delhi. The demand for constituting popular government led to Sikkim's inclusion in the Union of India. Despite, Sikkim sharing not sharing historical, cultural and territorial contiguity with the rest of the seven North Eastern states Sikkim joined the NEC as eight constituent state of the region.

administrators justified their interests to expand for exploiting forest and mineral resources through enactment on forest policies.[143]

The Bengal Eastern Frontier Regulation, 1873 referred as Regulation 5 of 1873 (Sutnga 2013) limited entry of plain dwellers in tribal areas. The Bengal Eastern Frontier Regulation, 1873 effectively segregated 'backward areas' and its habitants under the British control. The artificial boundaries were drawn upon territories and designated as restricted areas for 'other' British subjects. This was in tune with what colonial state in Africa created native institutions under indirect regime to be governed by native authority under the lash of the customary laws (Mamdani 1996). Over a period of time, British selectively categorized enclave districts in the region for differential regulation by legislating Scheduled Districts Act, 1874. The Scheduled District Act designated territorial constituencies under the control of British Chief Commissionership as "Scheduled District" with district as the unit of administration in British India.[144] In 1914, the colonial state demarcated hill regions from plain areas by legislating North East Frontier Tract. The Montague Chelmsford Reforms reformed tribal administration by excluding general administration under provincial governments. The excluded areas were directly placed under the Governors and the Governor General. This reform rechristened it as Backwards Tracts again renamed under a different nomenclature of Excluded Areas under GOI Act, 1935.[145]

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[143] In their endeavour to expand in the region, colonial state formulated separate laws for administration in 1839 in the tribal region of present day Andhra Pradesh and Orissa. It was introduced during the Company Raj wherein by incorporating territories of southern Odisha and seven districts of Andhra Pradesh for special administration (GOI 2004:18). The transfer of sovereign rights from the East India Company to the British sovereign in 1858 did not deter administrators from continuing this policy. Further, Queen's Proclamation of 1858 stated objectives regarding tribal governance that "in framing and administering the law, due regard will be paid to the ancient rights, usage and customs of people belonging to different castes, tribes and races in India" (quoted in Savyasaachi: 9).

[144] The 'backward tracts' in the territory of British India never under the general jurisdiction of the Acts and Regulations of ordinary court were governed by the force of indispensable laws (Biswas 1997:171-72). The governance through special regulations had two implications – then hills of Assam province were governable within the administrative framework of two different and yet similar categories of areas 'excluded and partially excluded areas'. This resonated with the policy of segregating a region predominantly inhabited by tribals. This mechanism was effectively put to test by post colonial India for conceptualizing tribal autonomy.

[145] The policy of the British government under GOI Acts of 1919 and 1935 suggested that the 1919 Act termed these areas as 'backward tracts' and in the 1935 Act, all Scheduled Districts were treated as wholly or partially excluded areas under the administrative control of the Provincial Governor.

In the post- independence, Indian Constitution, 1950, rechristened it as Tribal Areas. This tribal area was reorganized as states within the Indian union. For example, present day territory of Arunachal Pradesh was created out from frontier tract as North East Frontier Agency (NEFA). In both, colonial and post colonial discourse Indian state has followed the policy of frontier territory. Designation of frontier to a particular space has allowed state to perform administrative duties as it was in the case of colonial era.

As the independent Indian state retained British colonial provisions of separate administration, the act of retaining such a law for tribes is lodged in the logic of enterprise. The state carried forward special administrative provisions a as a form of transfer of power from colonial to post colonial state by maintaining status quo. Secondly, administration in the designated excluded areas, in reality, legitimized substantial presence of military control for accomplishing resource mobilization in tribal areas. In doing so, exercise of sovereignty employed by the British was successfully retained in the tribal areas.

The Land Acquisition Act legislated by British to acquire land titles was continued by Indian state for sound application into tribal areas. Many of the laws in operation within tribal areas in contemporary times including the Forest Act passed for designating forests as reserved and protected area brought forests and its resources under the regulation of the British government. These racist constructions of laws made the forest dwellers trespass in their own land and criminalized their productivity. The paradox of laws in India that exists today has its references in the British policy on separate administration of tribal areas. Hence, tribal autonomy granted in the form of Fifth and Sixth Schedule of the Indian Constitution marks post colonial continuities and shifts in the perseverance of British policies in India.

The Constitutional status of tribes in Central India under the Fifth Schedule and the North East states of Assam, Meghalaya, Tripura and Mizoram under the Sixth Schedule marks shifts and continuities in post colonial governance. The demand for Sixth Scheduled status for communities over the years has resulted in the inclusion of tribal areas such as Bodoland Territorial Council in 2003. The Special Provisions for North East states other than Sixth Schedule have been thoroughly dealt with constitutional amendments such as inclusion of Article 371A and application of customary law, transfer of land tiles and land use and resource mobilization in the territory that

comprise Nagaland. The Article 371 C allows the office of the Governor to control administration of the Hill Areas of Manipur. The Article 371 G for application of customary law in Mizoram and Article 371 H control over law and order in Arunachal Pradesh speaks in volume regarding sharing over sovereign powers in acknowledging sovereign rights of Indigenous people such as customary laws, land titles and resource mobilization.

Administration of Tribes: Fifth and Sixth Schedule of the Indian Constitution

The nation building process in ethnically, linguistically, religiously diverse setting such as India conceptualized an individual citizen governed by notion of community, gender and religion as the basis of advocating rights. In this, the framing of Indian Constitution was one of the elementary constructions of nation building after 1940s. The Indian Constitution granted citizenship rights to its diverse people. Therefore, it is much different from the experiences of western countries. This period marked a new phase for right to self rule to emerge within the plethora of constitutionally guaranteed rights. The constitutional rights encompassed social justice and these were the basis within which reconstitution of independent Indian state as a developmental state seeking to endow with prospects of progress of those citizens who needed to catch up with the rest of the country (Sakhrani 2014). In doing so, the Constitution gave concessions for tribal administration and governance enshrined under the Fifth and Sixth Schedules of the Indian Constitution.

The tribal aspirations in the North-East driven by tribal rationality for resource mobilization as historically specific cultural communities are governed by distinct tribal customs. Their integration in to the folds of the Indian nation-state was guaranteed with a promise of regional autonomy as form of resource mobilization and continuity of tribal traditions. In order not to isolate or assimilate tribes within the Indian state the relative and limited autonomous governance or self governance reflected the feature of India's 'difference' acknowledgement. This aspect of India's integrationist focus in Indian nation-state has given India a category of 'the Indian nation-state as the nation state in making'. This feature of integration within the framework of Indian federalism brings the debates to the fore about the notion of shared sovereignty in India.

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The tribes in North-East India are governed by Sixth Schedule provisions and Articles 371 (A, B, C, D, H), tribals of Central India and Peninsular India governed by Fifth Schedule provisions, and Sikkim Subjects governed by Article 371-F once again brings to the fore the notion of shared sovereignty in India. The hallmark of the Fifth and the Sixth Schedule as a bearer of constitutional safeguards for country's diverse socio-cultural and political practices of the tribal areas is an important landmark in the constitutional legislation in India. The very insertion of minority rights as an official acknowledgment recognizes diversity differently from the colonial policies of segregating tribes remains ambiguous since tribal administration during the British period was not a constitutional prerogative as it is now.

The Indian Constitution delegates the control of administration of the Fifth Schedule areas as primary responsibility of the Union Government. The Governor as an agent of New Delhi is constitutionally empowered to pronounce, integrate and reject any areas from the territorial jurisdiction of the Fifth Schedule areas. The Governor is posited to lay claim to a legal provisions which may not be applied a functionary of the GOI. The provisions of the Fifth Schedule stipulate a condition of rule where the Governor is always consulted by an advisory board of Tribes Advisory Council (TAC) instituted by the state government in question. The TAC in Fifth Schedule Areas comprises of tribal legislators from the respective State Legislative Assembly (SLA). The deliberation of TAC may range from simple issue to matters pertaining to the "welfare and advancement of the Scheduled tribes".[146]

The conception of Autonomous District Councils (ADCs) in the northeast India was designed by the leaders of independent India. Upon India's independence in 1947, the interim GOI appointed several committees and sub-committees of the Constituent Assembly (CA) in framing constitutional safeguards to its diverse populations as a

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[146]The Governor is also mandated if necessary to make regulations for the "peace and good government" of Fifth Schedule area and allocate three issues of tribal sustainability- prohibition or restriction of transfer of land by or among tribes, regulation of allotment of land to tribes and regulating money lending amongst tribes. The states that have areas under the Fifth Schedule are in the undivided Andhra Pradesh, Chattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Gujarat, Himachal Pradesh, Odisha and Rajasthan.

subject matter of guidelines. The Bordoloi sub-committee (a sub-committee of the Constituent Assembly) undertook extensive field based research by exclusively travelling and interacting with the people in the British governed administrative hills of North East India.

The sub-committee was tasked to understand the disposition to create conducive environment for setting up of an autonomous administrative body for hill areas. The sub-committee recommended instituting of an administrative institutional set up for granting autonomous concessions in matters relating to customs, laws of inheritance, administration of justice, land, forests etc (Report of the North-East Frontiers 1950). In many instances it has been referred as mini-constitution in itself (Phira: 1993:02). The application of Sixth Schedule framework in the North-East is a prompt reminder of India's handling of tribal issues within the structure of a singular political entity (Stuligross 1999: 501). The stress for integrating tribal population in the Indian nation-state meant allowing tribes greater contact with modern governance institution since their contact with governance institution during days of the Raj was indirect and uneven (Stuligross 1999: 501). Whether it is Sixth Schedule Provision or special provisions under Indian Constitution for states like Nagaland, Meghalaya and Mizoram, right to customary law, access to forest resources are primary domain of concessions to tribal practices without external interventions.[147] Therefore, in North East India the status of Scheduled Tribes forms the crux of STs as indigenous people of India (Xaxa 1999) and sees resident non tribal population as an outsider within the territory of ethnic homeland (Baruah 2008).

This created a situation of divide in realizing citizenship rights in India. The inherent tension between individual conception of rights and differentiated rights increasingly alienate non-tribals (Jayal 2011). In addressing this gap in mind, Indian constitution has made provisions for allocating due representations to non-tribals within the framework of Sixth Schedule in Assam. This allows certain number of seats exclusively reserved for non tribals in ADCs. This was ensured because as a unit administration, district in India it was historically represented as cultural unit for decentralizing effective governance under an officer belonging to the cadre of Indian Civil Service (colonial) and Indian Administrative Service (post colonial). Therefore, districts in Sixth Schedule

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[147] For British policies on forest regulation see Handique (2004).

areas under dual rule of elected ADCs and district management under state government engage in turf war for control over indigenous affairs. This conflict has acquired electoral dimension in contemporary phase of tribal administration.

The enactment of ADCs has been a product of vigorous constitutional debates between two schools of thoughts. The two poles divided between assimilation and integration approaches has been backbone for conceptualizing Indian nationhood highlighted in the debate in the Constituent Assembly. The productivity of G.S Ghurye[148] (assimilation) versus Verrier Elwin[149] (integration) debate has been the institutionalization of tribal distinctiveness and granting concessions for tribes in independent India[150] (Stuligross 1999: 499). The observation of the sub-committee on hills tribes negotiating lived experiences and everydayness is its due acknowledgement of community bond with land attachment (territory), tribal distinctiveness of adjudicating dispute and justice and the notion of sovereign rights over territories. The feature in the relationship of the tribes with their territory is a landmark of struggle and resistance for reclaiming sovereign indigenous rights. At the very outset, Bordoloi sub-committee justified tribal distinctiveness concerning the supervision tribal institutions unlike the failure of liberal constitution in western democracies to recognize indigenous sovereign rights over land and territory by meaningfully charting constitutional recognition of customs and traditions of indigenous nations through systematic assimilation of the indigenous nationalities.

The sub-committee's recommendation for fashioning ADCs in the hills of Assam province limited possible disruption to the unity of the country (Rao 1976:182-183). The tribal inclusion through autonomy and self rule reinforce India's recognition of tribe as self governing communities[151] with democratic credentials (Janardhan Rao and

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[148] See (Ghurye 1963).

[149] See (Elwin 1959).

[150] Since, idea of nation-state is at embryonic stage in India it has been accompanied with acts of subversion by insurgent groups, homogenization by state, repression of movement, resistance from communities, secession by diverse nations. The Constituent Assembly cautiously mapped constitutional rights of self governing communities in the northeast with indirect relations with British India. The sub-committee of the Constituent Assembly based upon its empirical evidence opined that tribes in hill regions of North East India required strong autonomous mechanism imperative to uphold and sustain their unique culture, their social history, sense of belonging to a particular territorial setting and a nation by simultaneously integrating with the Indian nation-state.

[151] It has long history of migration and settlement as described as the history of frontier communities by James Scott (2009) in territories geographically divided among contemporary nation-states in South East Asia, parts of China and the northeast India. Scott refers this as Zomia, extending to hilly regions from

Bhushan 1995). The promise of autonomy to the self governing communities in India made way for tribal integration despite aspiring for self determination rights. This suggests a proposition admitted by Scott (2009) as hill people as communities who in the passage of two millennia, has been running away from oppressive nature of state-making projects in the plains and the valleys.[152]

The Constituent Assembly which provided the Sixth Schedule autonomous arrangement for tribes in Assam, makes provisions for an ethnic homeland created as an enclave for 'aborigines' to practice their 'customary practices' including kinship and clan-based rules of land titles (Baruah 2005:11). In totality, the ADCs are vested with authority than the state governments but enjoy more power in regulating local governance structure primarily institutionalized to integrate predominant tribal demography as cultural communities, in the political community of Indian state[153] (Stuligross 1999: 497).

Fifth and Sixth Schedule: Indigenous 'Homeland' and Indigenous Sovereignty

The Advisory Committee on Fundamental Rights and Minorities in the Constituent Assembly, the Interim Government of India constituted three sub-committees as part of advisory committee. The extensive reports carried by the sub-committees led to enactment of Article 244 of the Indian Constitution.[154] This article specifically deals

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the plain dwellers emerged as a sanctuary for largest ethnic and linguistic minorities. Scott makes startling assertion, people inhabiting the territory comprising Zomia is world's largest remaining transnational regional whole whose population are still negotiating for a place in the nation-state or not fully integrated into the framework of nation-states

[152] According to Scott (2009), the distinction between state-governed, settled population and a frontier penumbra of less governed or virtually autonomous peoples became a contingent only with the inauguration of agrarian states- with attributes like wet rice cultivation in the valley and introduction of religion which created distinction between hill tribes and settled cultivators in the plains of the northeast India. It was based on this difference colonial power wrested autonomy to tribals in hilly northeast by putting in place inner line regulations.

[153] The statutory PRIs are not allowed to operate in ADC regulated areas since ADCs themselves are conceptualized as an institution for tribal administration at district and local level. The tribal interaction with the governance of the British Raj largely indirect accepted formal British suzerainty over their territory and protection without being absorbed (Roy Burman 1991). The independent Indian state draws its sources for effective autonomous governance for ensuring political stability within tribal districts.

[154]During the period corresponding Indian independence, British Indian jurisdiction in four principal territorial jurisdictions- (i) Presidency Area with British Crown as Supreme, (ii) Presidency Area with powers vested to the Resident and the Ruler (iii) the Agency areas (tribal) or the partially excluded areas where the Agent governed on behalf of the Crown leaving tribal affairs and self governing institutions independent and (iv) the Excluded Areas (North-East) where British representatives were mere nominal figure.

with the provision of the Fifth and the Sixth Schedule in the Indian Constitution. The regions marked as partially excluded areas became regions regulated under Fifth Schedule the British excluded area were administrative ADCs adopted under Sixth Schedule provisions.[155] The CA debate highlights importance of ADCs for delegating administration for self-governance of tribal communities in addition as a necessary condition for ensuring fiscal federalism in North-east India (Dutta 1999). The fiscal federalism maintained successful integration of people with Indian state while on the other hand assimilated the region with the Indian (Hansaria 1993:09).

In highlighting tribal diversities and distinctiveness of the people, the Committee made observations that "unlike in other regions of India where tribals had assimilated to a large extent the life and culture of plainsman, the process of assimilation was minimal in the hinterland of Assam hills, particularly in the Naga and Lushai hills; that the tribesmen in the north-east were very sensitive about their land, forests, systems of judiciary and that they should be left free from any fear of exploitation or domination by the advanced section of the people" (Barpujari 1998:10f).

Their expressive demands to Bardoloi Committee to acknowledge their aspiration for self rule or, as in Naga context, self-determination formed the basis of self rule citing unique history of the region and the communities. They justified their social history as being distinct due against the incoming threats of encroachment of tribal land. The perseverance of British Inner Line Regulation in the region received special attention for maintaining tribal distinctiveness (Chakraborty 1995). The detailed empirical study based on interaction with people, after lengthy deliberations for and against the motion, the report suggested institutionalizing ADCs for granting concessions for safeguarding indigenous land rights, language, culture and maintaining relative degree of tribal self-rule (Roy Burman 1999:03). The Bordoloi sub-committee explicitly suggested the existence of plethora of distinctive self-governing traditional institutions within a specified territory. The administration of village government under self governing institutions primarily based on customary laws and rituals included maintain tribal justice system such as mechanism for dispute settlement. In order to validate constitutional recognition of such practices its upkeep and safeguard of distinct tribal

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[155]For the first time, GOI as a measure for upliftment and protection of tribes certain tribes inhabiting scheduled areas were defined as the 'Scheduled Tribe'.

history and identity is included in the Sixth Schedule and Special provisions of the Indian Constitution.[156]

The Drafting Committee in accepting the recommendation, approved by the CA inserted the recommendation as part of the Sixth Schedule provisions of the Indian Constitution (Rao 1976:149). The ADCs were created in different hill districts of Assam. The ADCs exercised autonomy for self governance within its territorial jurisdiction with legislative, administrative powers and issues related to land, customary laws, rituals and appointment of village chiefs. The special reference to customary laws, tribal rituals and inalienable rights of land is subtle mark of acknowledgement and recognition of indigenous sovereignty. This also segregates tribes from non-tribes in ADCs. These policies extend tribes to concede relative necessary advantage in accessing welfare entitlements. This relates to tribes acquiring exclusive access to allocation, occupation for use and management of forests and rights of appointment of chiefs/ headmen, inheritance of property, marriage and divorce and social customs.

The ADCs are granted bigger autonomy by Sixth Schedule in matters of tribal governance, whereas executive powers of state legislatures under the Fifth Schedule are much broader. In both the Fifth and the Sixth Schedule, GOI enjoy executive control of the tribal governance in comparison to the state legislatures. This has given ADCs lesser space for deliberation of democratic governance. However, it grants concessions districts and the village councils to discuss issues of local self governance (after the passing of the Panchayats (Extension to Scheduled Areas) Act, 1996). The landmark

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[156] The Fifth and Sixth Schedule has been the brainchild of the efforts of the Constituent Assembly under the leadership of Ambedkar and Nichols Roy. J.J.M Nicholas Roy, a tribal leader from Meghalaya believed that the expansion of self governance would ensure tribes with autonomy necessary for safeguarding sensibilities such as culture and tribal institutions. In this context, B.R. Ambedkar highlighted separate administrations for tribals of the north-east and the rest of India by spelling tribal distinctiveness between north-east and the rest of India based on their experiences with market, history and British contacts. His scholarly interventions motivated him to relocate tribal subjectivities in North-east India from his experience in understanding subjectivities of First Nations in US which constitute the fabric of indigenous communities. Ambedkar's observations about indigenous people in US constituted a republic and nation as distinct autonomous communities. This observation of Ambedkar in the 1940s resonate indigenous mobility for reclaiming indigenous sovereignty in North America in the 1970s. His role on setting ADCs in India warranted a need of an institution to self govern as per indigenous peoples genius and wisdom.

protection granted to the tribals is the prevention and restriction of land alienation from tribes to non tribals, a law passed by the British.

Indian Constitution identifies four states viz. Assam, Meghalaya, Tripura and Mizoram for Sixth Schedule administration. The nomenclature tribal area is not synonymous with Scheduled Areas since Nagaland and Arunachal Pradesh are not covered under Scheduled Area. Only tribal regions governed by Sixth Schedule can be referred as Scheduled Areas within the territory of the states concerned.[157] Sixth Schedule designates a district as an autonomous district and the provincial Governor is empowered to notify territorial jurisdiction of the identified tribal areas. Currently, in India there are ten such Councils. [158] The ADCs is well within the administrative reach of the Sixth Schedule by wresting significant autonomy in matters of tribal governance. The Sixth Schedule framework of tribal autonomy can be best understood in the context of creating federal states, where territories were reorganized on the basis of linguistic organization.

Assessing Autonomy of the Sixth Schedule Areas in North East of India

The decision to incorporate Sixth Schedule in the Indian Constitution was to acknowledge and accommodate Naga aspirations for separate political arrangement dating back to British colonial rule. The Naga nation was first the cultural community

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[157] Although the jurisdiction of tribal areas are the prerogative of the executive authority or the state government concerned, provision has been inserted for the establishment of district councils and regional councils for necessary exercise of certain legislative and judicial autonomy to govern the aspects of tribal ways of lives.

[158] The contemporary state of Assam consists of Bodoland Territorial Council,KarbiAnglong Autonomous Council and North Cachar Hills Autonomous District Council. The state of Meghalaya consists of Garo Hills Autonomous District Council,Jaintia Hills Autonomous District Council and Khasi Hills Autonomous District Council.The formerly princely state of Tripura consists of Tribal Areas Autonomous District Council and in Mizoram Chakma Autonomous District Council, Lai Autonomous District Council and Mara Autonomous District Council operate along with the state government. The contemporary state of Assam consists of Bodoland Territorial Council,KarbiAnglong Autonomous Council and North Cachar Hills Autonomous District Council. The state of Meghalaya consists of Garo Hills Autonomous District Council,Jaintia Hills Autonomous District Council and Khasi Hills Autonomous District Council.The formerly princely state of Tripura consists of Tribal Areas Autonomous District Council and in Mizoram Chakma Autonomous District Council, Lai Autonomous District Council and Mara Autonomous District Council operate along with the state government.

to exhibit disapproval for incorporation of Naga territory under ADCS. The ADC was contrary to their stated objectives of insisting on self determination.[159]

The ADCs exercise bigger autonomy than the local self governments under Panchayati Raj Institutions (PRIs) and Municipal bodies envisioned under the 73rd and 74th amendments. The ADCs as a self government differs from its counterpart in parts of the country and the Fifth Scheduled Areas. The autonomy paradigm under the Sixth Schedule has brought a degree of equilibrium within the tribal societies mainly via the formal dispute resolution under customary laws. The ADCs exercise authority to implement and reject state government legislation and notifications on responsibilities directly corresponding within its territory. The ADCS have emerged as zones of inter-tribal conflict for intrinsic inadequacies concerning the aspirations of diverse tribes. The ADCS have allowed dominant tribes to decide future of other smaller tribes through constant creation of multiple centres of power.

The turf war over on the control of territorial jurisdiction between ADCs and the State Legislature/Government has electoral dimension and sidelined democratization of tribal administration. The state of Meghalaya carved out of the Assam as a tribal state is still governed by Sixth Schedule. Meghalaya is the only state where Sixth Schedule Autonomy functions parallel with the state government. This has caused conflict with the functions of the state government and state legislative assembly on matters of legislations and implementation.[160]

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[159] The Sixth schedule provides institutional arrangement in the framework autonomous decentralized governance and deliberates on important legislative and executive functions to deal with subjects ranging from access to drinking water, land tiltes, local customary laws and tribal culture and rituals. It can legislate subject on tribal affairs provided with the approval the provincial Governor. The ADCs empowered with judicial autonomy to chair over certain type of civil and criminal offence.

[160] The elected representatives of ADCs employ political parties to nurture political ambitions to be members of State Legislative Assembly from their community. The Naga people were the first India to reject ADCs under Sixth Schedule. It was a miniature within the framework of the Indian Constitution and failed to fulfill ambitions for self determination. The intense negotiations with the Naga people resulted in the formation of parallel governments in Nagaland. The ongoing talks with Naga stakeholders points to the fallout of the Naga demands. The tribal population within ADCs and tribal population inhabiting areas outside the purview of Sixth Schedule are two different categories of tribal peoples. The local governance of tribals in non-Sixth Schedule Areas are regulated through PRIs. The financial devolution of local bodies through State Finance Commission (SFC) makes local bodies accessible to the people. The issue of financial devolution for allocation of budget in ADCs is complex. The turf war between State Government and ADCs are manifest in allocation of budgets. The Governor is bound by the advice of Chief Minister and the Council of Ministers. The autonomy of ADCs remains immaterial in matters of legislations of important tribal affairs.

The present debate about ADCs in the northeast India reinforce its functions in the form of state within a state institution (Bhuyan 1989) followed with protective discrimination. In this argument, North-east India is a region where the politics of protective discrimination for scheduled tribes (STs) today raises some of the most difficult issues of justice, fairness and costs on system legitimacy (Baruah 2003: 1624). The important marker of special citizenship rights in the North-East and tribal heartland as official outline of acknowledgment of both individual as well as communitarian aspects of citizenship rights espoused by Indian Constitution. The segregation of individual rights from community rights has caused a split between the community and the individual. The protective discrimination of certain categories of population relating to the reservation policies and representation in the public institutions reinforce community as the bearer of rights in the region. The individual rights as the expectations of full democratic participation do not materialize due to inconsistency in legal and constitutionalism application of rights in the region. According to Sakhrani (2019) judiciary as the final arbiter of power interprets the Constitution, and has interpreted rights narrowly and is in disagreement between power and rights, and it is the former which over rides the latter in many of the cases.[161]

<center>III</center>

Understanding Autonomy in North-east India: A case of Article 371s

The Naga hill achieved statehood within the framework of Indian Constitution with the insertion Article 371 (A) of the Indian Constitution.[162] Therefore Article 371s (A,B,C,D,E,F,G,H) of the Indian Constitution deal exclusively with the people of

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[161] The 1957 tribal panchsheel declaration by Jawaharlal Nehru's asserted that tribes should be permitted to "develop along the lines of their own genius", however, a year later, the Armed Forces (Special Powers) Act (AFSPA) giving the armed forces immense impunity from arrests was imposed on Manipur (Sakhrani 2019). This reinforces the conviction of people over constitutionalism and its legal legitimacy and on the other hand expansionist system of governance. This echoes colonial construction of the region as a frontier as an enclave and frontier territory. The presence of the military as the dominant criteria is followed by sate's capitalist agenda. The post colonial Indian state's arbitrary extension and implementation of AFSPA in North East contradict constitutional framework on tribal policies. The gregarious presence of the army under AFSPA in the North- East is indicative of the continuation of military control policy in the regulated areas of the North-East as was under the British.

[162] The Article 371-A states that no Act of Parliament in respect of religious or social practices of the Naga people, Naga customary law and procedure, administration of civil and criminal justice and ownership and transfer of land and resources will apply to Nagaland unless passed by the Act of State Legislative Assembly of Nagaland.

North-east India. In effect it renders concessions for cultural autonomy and limited political autonomy to reaffirm self-rule. The mention of customary laws of tribes in the Indian Constitution reinforces our understanding of exception in accommodating diverse peoples by liberal nation-state. The traditional customary rituals is community oriented for asserting collective accessibility towards principal supply of resources such as land and territory for the maintenance of tribal identity.

In this collectivity one can sense a feeling of community and security among the tribes in the region. Their affinity with the land and the community prevents feeling of alienation despite incursion by modern developmental system pursued by the state. The region has been more successful in safeguarding tribal interests unlike their counterparts in Central Tribal Region (CTR). Over a period of time, tribals of CTR has witnessed gradual erosion of tribal identity due to encroachment of land made by corporate sector aided by the Panchayat Extension of Scheduled Areas, 1996 (PESA) (**Kurup 2008**). The concept of individual citizen and liberal individualism creates tensions with the community based living. The tribal chieftains are the singular administrators and standardize the use of land and water. Seven decades after India's independence, the change in value patterns of India's polity have led to major restructuring of India's economic practices but tribal customary laws around resource mobilization and guideline of tribal marriages remain integral. In the recent times Public-Private Partnership (PPP) has been making steady inroads into tribal areas for extractions of natural resources. This has generated debates on newer forms of land alienation promoted by development initiatives. The recently earmarked hydropower dams by the GOI executed with a nationalist sentiment[163] (Vagholikar and Das (2010).

Upon Sikkim absorption in the Union of India the 36th Constitution Amendment was promulgated with the insertion of Article 371-F which was regarded as the "Special Safeguards" for the new state. While, the subjects of the Kingdom of Sikkim became Indian Citizens in practice, they were still subjects in law because they could still retain their 'distinct identity' as well as the 'old laws' which was operational in the Kingdom

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[163] The customary law among the tribes has been undergoing transformation with shifting priorities. The introduction of 'alien' laws codified by the British as an intrinsic western value created tension in the fabric of customary law. Successive British government continued the policy of confining the tribes from the structures of formal laws. In recognition of tribal identity and culture, the Constitutional Amendments recognized the significance and importance of customary laws of Nagaland (371-A) and Mizoram (Article 371-G).

of Sikkim. In short, Sikkimese people officially retained every aspect of their Sikkimese subjectivities under the monarchy including the system of governance.[164]

Like the Sixth Schedule of the Indian Constitution, Article 371-F is considered a mini-constitution. Article 371-F clause (k) deals specifically with the old laws of the Kingdom of Sikkim. Unlike other states in North-East India, Article 371-F clause (k) has given constitutional sanction for the old laws of Sikkim to continue as a measure of protection to the Sikkim- Subject vis-à-vis non-Sikkim Subject unless repealed by competent authority. Further, Clause (I) enlightens us with the information that, if at all, the old laws of Sikkim have to be changed in order to compliment the Indian Constitution or conform to the provisions of the Indian Constitution, it could have been done within two years from the appointed day. The changes in the structure of the old laws should have been made before 16th May, 1977. Hence, the old laws of Sikkim remain unmodified and unchanged and do not conform to the provision of the Indian Constitution and yet have constitutional sanction to remain in effect and cannot be modified further. The most important aspect of 'old law' in operation before the 'appointed day' and hence is still in operation according to clause (k) is the Government of Sikkim (GOS) Bill, 1974. The Sikkim Assembly had passed the GOS Bill, 1974 on 28th June, 1974 and the Chogyal had approved the bill on 4th July, 1974 as the GOS Act, 1974. The GOS Act, 1974 was recognized by India and also given due legitimacy after the 35th Amendment Act of the Indian Constitution. The GOS Act, 1974 had given the Chogyal a Constitutional role without tampering his privileges.

The Act had also provided for the association of Sikkimese Government with GOI in the day to day administration (Gupta 1975:794). As per the clause (k) all old laws before the appointed day in the kingdom of Sikkim also included GOS Act, 1974. The GOS Act, 1974 was most importantly the new Constitution of Sikkim agreed upon in the

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[164] The insertion of Article 371-F in the Indian Constitution through the 36th Amendment Act, on 16th of May, 1975 ensured Sikkim's statehood in the Union of India. This day is marked as the 'State Day' in Sikkim and in constitutional and legal parlance it is referred as the "appointed day". This day is also referred as the day of Sikkim's annexation with the Indian Union. Upon insertion of Article 371-F in the Indian Constitution as special safeguards for Sikkim, sixteen clauses were laid out as a matter of constitutional guidelines to be followed in respect to the state of Sikkim. The Article 371-F starts with the declaration, "*Notwithstanding anything which is contained in this constitution*", called the non-obstinate clause, which effectively is to be understood that any subject concerning Sikkim, the provisions laid out in Article 371-F shall overrule those laid out in the Indian Constitution (Adhikari:2010:55).

May Agreement of 1973 where Indian representative was a signatory to the agreement between representatives of different political parties and the Chogyal. The competent authority was authorized to make modification if it was not in conformity with Indian Constitution within two years from the appointed day and hence, GOS Act, 1974 remain in operation in Sikkim.

In sum total, autonomy arrangements in North-east India include a federal arrangement by way of setting territorial and non-territorial councils, union territories or autonomous states (Karlsson2001:10) but the Indian state in most cases has granted autonomy to accommodate indigenous peoples' demands for self-determination either through ADCs or formation of separate states within the union (Erni 2003:61). The differences between the status of people in North East India is the degree in which special provisions of the Indian Constitution render cultural communities rights as a subject matter of shared sovereignty. For example, Sikkim Subjects under Article 371 F share sovereignty with Indian state through the maintenance of the legal status of Sikkim Subject and Sikkim's Old Law, which overrides India's national legislations within the territory of Sikkim whereas in North East India it is the status of Schedule Tribes. This legal status of cultural communities either as Sikkim Subject or STs emerge as the bearer of citizenship rights and mobilization in the region and not the citizen's 'equality' status.

Territory, Citizenship and Rights: Special Status as Citizenship Conception

The logic of constituting "special" and "temporary" provision for few states warrant a serious rethink on the temperament of autonomy experiences in India. At the commencement of India's independence, the deliberation of the Constituent Assembly (CA) underscores definite wishes of minorities and self governing communities. In the context of Jammu and Kashmir state (in the pre abrogation status, now UT) concession were conceded as requisites for its accession in India. The Article 35A formed the requisite of erstwhile J&K legal status in India. It laid the foundations for institutionalizing dual citizenship in India—one for the country and one for the state. It defined the legal status of permanent residents of the J&K when it acceded with India. The state Subjects were the historical subjects of the erstwhile Kingdom, upon accession received non-obstante status in order to prevent conflict with notion of equality and fundamental rights set out by the Indian Constitution (IC). Therefore it laid precedence for conceding exclusive rights and concessions reserved for those

categories of population registered as state subjects (permanent residents) of the state in the pre abrogation status. This conception of special citizenship status under 35A and 370 rendered the conception of equality among Indian 'unequal'. Further Article 370, instated as a result of intense negotiation between New Delhi and Srinagar defined the roadmap of J&K integration within India.

While the CA debates provided the route for integration and special citizenship status for multiple identities demanding specific demands particularly in India's North East by incorporating Articles 371 A-H and 371 J&K (Bajpai 2002; Bajpai 2002). The Artciles—370 and 371 have been a prominent feature of India's Constitution at its commencement on 26th January, 1950 while on the other hand Articles 371 A-H and Articles J and K have been incorporated in the Constitution following the reorganization of states in North East and down south.

The territorial acquisition of Sikkim by India in 1975, the insertion of Article 371 F in the Indian Constitution—accorded special status to the erstwhile Kingdom of Sikkim. The subjects of Namgyal Dynasty referred as Sikkim Subjects, underwent mutation of its subject status by preservation of SSR 1961, vide enactment of Sikkim Citizenship Order (SCO) 1975—as legal Indian citizens of Sikkimese origin. The becoming of Indian citizens of Sikkimese nationals in the aftermath of transfer of allegiance to the Indian government is the key to consolidating 'difference' amongst Indian citizens in Sikkim—Sikkimese and non-Sikkimese. Despite, the formal 'cessation' of Sikkimese national identity the sustenance of the legal category to Sikkim Subject permanent residents of Sikkim reflects India's accommodation of multiple identities within the singular notion of Indian citizenship. Therefore SCO, 1975 defines Sikkimese as per SSR 1961, with continued reference in subject matters of employment, alienation from land rights, special state level citizenship status, fiscal autonomy and fiscal concessions under Clause K of Article 371 F of the Indian Constitution.

The consolidation of Sikkim-Subject as a special citizen status simultaneously means— a territorial identity for Indians citizens of Sikkimese origin. It derives its specificities from series of clauses and sub-clauses contained in special provisions under Article 371 F of the Indian Constitution. In case of former Jammu and Kashmir (J&K) state, its residents or permanent residents drew its distinctiveness from the Article 35 A of the Indian Constitution.

Therefore, contextualizing Sikkim's experiences with rights—constitutional and citizenship rights within the territory of Sikkim was identical from those of Article 35 A of erstwhile Jammu and Kashmir state. The resurgence of electoral politics in Sikkim increasingly tilts the discourse of rights as a subject matter of political parley. The enumeration of resident Indian citizens in the electoral roll calls is a systematic encroachment on special status. Those excluded from the legal definition of Sikkimese from Sikkim's electoral process until 1977 were large numbers of Indian citizens. Their inclusions in the electoral rolls impel rights politics as a subject matter of electoral vote bank politics.

Therefore, practice of rights emerging from Article 371 F corresponds within the contemporary territory of Sikkim. The tangible demarcation of Sikkim's territory as per Article 371 F evokes 'nationalist' value for its historical inhabitants. The modernizing and nationalizing process of Sikkim by Indian state is much a question of demography. The scale of migration of non-Sikkimese in the state, the demands for Gorkhaland and merger of Sikkim with hill regions of Kalimpong & Darjeeling in Bengal puts the definition of Sikkimese exposed to litmus test. This significance of Sikkim's territorial demarcation, home to specific cultural communities that forms the common culturally geography of Eastern Himalayas is much different from the rest of India.

Therefore, Sikkim Subject in a territorially defined Sikkim—from a historical context of Sikkimese national into a figure of a citizen in Indian democracy. Therefore, the question of who is a Sikkim-Subject in India, from the dawn of Sikkim's accession, been clear and straight forward; only registered Sikkim Subject were qualified to be citizens of India. This transformation showing contestation with several residents rendered stateless after the closing of registration in Sikkim Subject Register. The exclusion and inclusion of Sikkim's population from Indian citizenship act is congruent upon kingdom's nationality law, the Sikkim Subject Regulation (SSR) Act, 1961 adapted and adopted as Sikkim Citizenship Order 1975. Therefore, SSR is tangible artifact of documentary citizenship within the territory of Sikkim—departs and arrives as a citizenship regime for Sikkim's numerous cultural communities.

This definition of Sikkimese from SSR sets apart resident Indian citizens whose presence in Sikkim was regulated by Sikkim India Friendship Treaty 1950. This Sikkim Citizenship Order 1975 is akin to citizenship practices in North East India and former

Jammu and Kashmir. The legal residents accrue entitlements from numerous state and centrally funded policies as matter of positive discrimination. This positively discrimination override fundamental rights and equality enshrined in the Indian constitution.

The realm of citizenship in India allied along the ideals of equality has its origin in India's search for equal status for its population within the body politics of dominion status. The quintessential quest for equal citizenship rights in India at par with Europeans in the dominion made the question of citizenship an intrinsic asset of western 'civility'. As an integral function of democracy, demands for citizenship with individuals as autonomous agents render the concept equality unequal and ambivalent. The complimentarity and ambivalence over citizenship along universalism and preferential poles is abundant in the conception and practice of citizenship in India. The Indian Constitution's simultaneous framing of fundamental rights and special provisions for certain regions and its population withhold equal status thereby splitting social cleavages wide apart between two citizenship principles in India—universal and preferential rights. The universal application of citizenship laws in the entire country, for all Indians as equals and simultaneously the practice of restricting equal status to its legal citizens in specific territories as in Sikkim is the hall mark of special provision in India. For example, Sikkim Citizenship Order, 1975 exclusively enacted for Sikkim, override Fundamental Rights from sound application in Sikkim.

The framing of multiple notions of citizenship posits politics over citizenship practices as dialectic between equality and inequality. This dialectic problematize and at the same normalise membership in a political community based on the experiences of exclusion and inclusion. The factual and practical imperative in such a case scenario suggests that not every member can benefit as equal members in a political community as rights bearing citizen. As Balibar notes that "Not everyone is a citizen, even within one nation-state", further he laments that "certain categories of people are in society without being of society". Even in the context of homogenous European nation-states, experiences of inclusion and exclusion continue to produce inequalities forming openings and closures at the border and the cities. Therefore, India's multifaceted and deep social divisions and experiences with inclusion and exclusion shaped the development of citizenship regime in India (Shani 2010). Therefore special provisions in the Indian Constitution

privileges a section of local resident population in a specific territorial setting despite Indian Constitution conceding common fundamental rights in India for citizens in India. The aspects of universality of equality inherent in Indian citizenship and particularism as provoking inequality espoused by special provisions of the constitution frame the citizenship regime in India. The unique experience arising out of India's deep social conflicts, regional and social divides shape citizenship as well India's experiences with nationhood. In other words, citizenship and nationhood in India are the same sides of the coin (Brubaker 1998:138).

In this context, citizenship as membership binds diverse social groups but also extract legitimacy from the state as an exchange. From India's integrationist approach it is evidently clear that, regions with distinct social history negotiated terms of membership in the nation. As a result of which, India emerged as a nation where multiple social groups integrated under a common citizenship framework—Indian citizenship, but at the same time distinct overlapping conception of membership was also made viable for social groups (Shani 2010: 145) within the nation and particularly with regions with unique social history. The membership claims realized under uniform citizenship and one based along particular form of membership has produced distinct contending membership claims in India. This duality has allowed population groups to avail universalism as national citizenship and preferential treatment as state level citizenship. In doing so, various population groups even Sikkim Subject have found a place in the nation, without fully conceding their assortment of identities.

This has given meaningful place for participation to 'certain' sections of population in the body of Indian citizenship. The participation of 'certain' section of population within a specific cultural and territorial setting of a region in the nation and in the body of citizenry creates is an interplay of multiple citizenship conceptions (Shani 2010: 145). As a result of which this has emerged as a prominent practice expressive of shifting paradigm of state resource allocation (Shani 2010: 145). This reminds of Baruah's explanatory analysis of actually prevailing practice of dual citizenship conception in India—at national and state levels. The multiple citizenship conception is synonymous with competing membership claims since groups excluded at national level may feel secure exclusively within a state thereby creating an environment of exclusion of nationally dominant groups in a particular region. This has consolidated

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and accommodated dynamic social conflict emerging out from shifting paradigm of resource control in a specific territorial setting. Additionally, dual citizenship regime in India is shaped by institutional practices—centre and state relations. This demarcates boundaries for allocation of resources at different level of governance. Therefore, multiple citizenship coexist, with one of the pair of citizenship practice forming the dominant model (Shafir and Peled 1998: 411). This creates tensions between multiple citizenship conceptions and on the discourse and practice of rights (Jayal 2011; Jayal 2016). This tension is between liberal conception of citizenship rights and ethno-national conception of citizenship rights. Therefore, the dominant prescription of liberal conception of individual as the bearer of rights takes a backstage. In India, the access to rights has always remained fettered by the notion of community, gender, religion and descent. Therefore, Indian Constitution which assures fundamental rights to all its citizens is subject of verification in regions governed by special provisions of the Indian Constitution. The Part XXI of the Indian Constitution defines 'Temporary, Transitional and Special Provisions' sets conditions for defining permanent residents and rights for residents and 'natives' inhabiting the states covered under Part XXI of the Indian Constitution. The distinctively creates tension in the Indian Constitution between two different kinds of rights—liberal and community.

Sikkim Subject and Article 371 F: Identifying Citizens with Special Status

The Supreme Court (SC) judgements on the constitutional validity of Article 371 F of the Indian Constitution in Sikkim and its people reinforce the constitutional legitimacy of special provisions. The SC ruling on 371 F as valid provision despite in conflict with features of India's constitution sets precedence to reserve rights for its historical residents. Several petitions filed in the court of law challenging the legality of Article 371 F as against the Preamble, Fundamental Rights and Right to Equality from warranting precedence in Sikkim has stood test of Sikkim's interests. The preservation of Sikkimese as a national or a politico-legal identity after its cessation at the commencement of Sikkim Citizenship Order (SCO), 1975 as non obstante clause grants clause (K) 371 F the status of Sikkim's Old Law which reads as:

> *"all laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority",*

This provides constitutional foundation for application of Sikkim's "Old Law" whether customary or legal in Sikkim with its justification provided in clause (k) provided in clause (I) which reads as;

> *"for the purpose of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim…………, every such law shall have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law;"*

In the post 1975 period, the roadmap for Sikkim's governance remains straightforward. Any attempts of alleged 'incursion' violating clause (K) of 371 F remains challenged in the court of law as robbing communities' of its subjectivities. The practice for electing representatives and rights as electors remains governed by Sikkim Subject Representation Act (SSRA), 1974 since clause (K) preserves the validity of SSRA despite implementing Representation of People's Act, 1950 in 1977 and 1980 from the emerging tension of universalism and particularsim. The attempt to smudge exclusive composition of Sikkimese electors in Sikkim Legislative Assembly (SLA) must therefore be read with clause (F) of 371 F when read reflects the dimension and demography of Sikkimese electors and representation:

> *"Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections".*

The different sections of the population of Sikkim in clause (F) is contextual reference to SCO, 1975 where three different Sikkimese cultural communities—Lepcha, Bhutia, and Nepali (Chi 1966) of Sikkimese origin were granted Indian citizenship through acquisition of foreign territory. Considering, similar situation with Article 35A powers to define "Permanent Residents" of the former state, it lawfully restrict non-residents from acquiring land and immoveable property in the state, employment in government and public sector undertakings, exclusive and reserved voting rights for residents. This provision has allowed then J&K governments to identify its beneficiaries exclusively from within its domiciled 'permanent' residents.

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Sikkim Subject and State Resources: Concessions under Special Provisions

Under Article 371 F of the Indian Constitution, the Indian state privilege Sikkimese cultural communities as historical residents of the state. Sikkim's special status as an independent kingdom with a protectorate status followed by the hasty rapprochement of an associate state facilitated the context of Sikkim's specificities as Sikkimese cultural communities upon joining India. The Nehruvian left-liberal consensus of accommodating communities stated in the Constituent Assembly debates forms the backdrop of Articles 371s of the Indian Constitution. Sikkim's special provisions uphold Nehruvian left-liberal consensus of granting special concessions requiring special attention. In the overall context, liberal citizenship rights conveyed formal and legal equality among individuals whereas special provisions of Indian Constitution figured as an outline to facilitate substantive equality and exercise rights for individuals as part of the community. In exercising individual rights and community rights, religious and ethnic minorities with a prolonged history of regulation under personal or customary laws were conceptualized as conflicting in advocating legal competence in the face of institutional bias and rule of law.

In this context, communities were not considered fit for performing fiscal duties and hence concessions granted in the form of exemption from payment of income tax etc. For example, the Income Tax Act under Section 10 (26) stipulate tribal communities recognized as STs inhabiting the geographical region under the Sixth Schedule of the Indian Constitution in present day Assam, Autonomous Councils in Meghalaya, Arunachal Pradesh, hill areas of Manipur, states of Mizoram, Nagaland and tribes of Tripura the right of fiscal concessions from income generated from sources within the state.

Legally, communities with ST status are exempted from informing their sources of income and deposits due overriding fiscal concessions granted to them as cultural communities. Similarly, Sikkim Subject as a state subject of Sikkim figure as an exceptional category in India. The collective cultures of Sikkim within the realm of transforming citizenship gives an opportunity to locate Sikkim's 'culture' as a terrain of representation as subject of rights—collective or individual. The Article 371 F, empowers the Governor of Sikkim the functional precision to ensure environment necessary for equitable allocation of resources for marginalized population in Sikkim.

The social cohesion remains one of the flagship programmes of Article 371 F. As indicated earlier, Sikkim's context as an erstwhile kingdom provided a route for autonomy under the Indian Constitution similar as in the case of distinctive Article 35A for J&K or ADCs under the Sixth Schedule.

Like Sikkim former J&K and ADCs feature as a prominent aspect of territorial form of recognizing citizenship rights in India. Sikkim's territorial form of citizenship rights attests legal or customary—under the erstwhile Chogyals, now presented as "old laws," by Indian Constitution governing and regulating Sikkimese cultural communities (Pradhan 2018). In a similar setting, Sikkim like J&K (pre abrogation status) enjoys a quasi independent status where legislation of India's parliamentary laws is seconded by Sikkim's Old Law. For that, if any laws legislated by the Indian Parliament exists in Sikkim's "Old Law, it takes precedence over parliamentary legislations in favour of reverberating "old laws" in Sikkim (Pradhan 2018). The authorization for the perseverance of any Sikkimese laws in operation prior Sikkim's inclusion in India, unless amended (Pradhan 2018) gives competent authority scope for measured dilution of the special status.

Any measure of diluting Sikkim's Old Law has remained challenged by Sikkim's pressure groups calling for honouring the 'agreement of merger' spirit. There appears a degree of divergence between—pressure group acting in unison demanding New Delhi to honour merger agreement and the official GOS stand challenging New Delhi's alleged attempts of diluting Article 371 F. The GOS accused of diluting Article 371 F by imposing GOI's flagship legislations of on revamping India's energy requirements (GOI 2004) thereby inviting investments from power developers and pharmaceutical corporations in Sikkim override Sikkim's environmental concerns. The implementation of land acquisition act in Sikkim is a starting point of advocating dilution of Sikkim's land use pattern by GOI's policy initiatives for laying control over environmental sector governance. The response of GOS to this glaring accusation of violating Sikkim's Old Law by implementing New Delhi's policy vision 'development' inextricably linked with nationalist sentiments legitimize 'anti-national' rhetoric against certain sections of activists population.

In the contrary, GOS too remains paralyzed by New Delhi's gradual dilution of Sikkim's Old Law. During monetization drive, GOI's decision to nationalize State

Bank of Sikkim (SBS), India's last remaining bank under functional autonomy of Reserve Bank of India (RBI) met rigid confrontation from GOS for attempting to nationalize SBS. It was an attack on Sikkim's fiscal autonomy since GOS was empowered to fix its daily expense without seeking permission to Ministry of Finance, GOI. The GOS while confronting GOI under the BJP highlighted the 'terms of merger' for New Delhi as a solemn pledge to uphold Sikkim's status. Therefore, upholding constitutional guarantees conferred upon Sikkim as a framework arrangement for Sikkim's special status remains important for GOS's functional autonomy. However, GOS selectively highlights national legislations as a measure of dilution if it is against the interest of GOS's functional operation by communicating as violation of Article 371 F.

The spectre of competent authority mentioned in Article 371 F as Governor, the Parliament of India or the Sikkim Legislative Assembly (SLA) is not clearly specified remains a subject of ambivalent interpretation. However, the Governor empowered for ensuring peace and equitable management of social and economic development of diverse sections of people exemplify nature of ambiguity within citizenship practices chiefly as the basis of rights by the Indian state to mobilize non-Sikkimese aspirations in Sikkim. The Governor of Sikkim allegedly acting on the behest of GOI violate "Old Law" clause of Article 371 F as an act of achieving the unity of Indian state in the form by institutionalizing universalist model of citizenship as targets of electoral politics.

There have been occurrences in Sikkim when its people have mobilized against violation of Sikkim's special status. In the mid 1980s, the Governor of Sikkim, Talyar Khan issued official notification to extinguish Sikkim's special status covered under the Old Law Clause. The special status under Old Law clause especially SSR, 1961, Sikkim Employment Exchange Act and medical seats reserved for Sikkimese candidates in medical college and other educational institutions showed strain during Taleyar Khan's tenure as the Governor of Sikkim. The old Law clause has been seen as a site of obstacle for aspirations of non Sikkimese population. After Sikkim's inclusion in 1975, for the first time, Sikkim witnessed state wide protests following the decision of the Governor to repeal SSR, 1961 for distribution of state subject certificates for documented Sikkim Subjects. The necessary legal condition for qualifying as a Sikkimese as per the GOI remained suspended way of revoking Sikkim Subject as a way forward for allowing non-Sikkimese population to share resources.

This brings in to context, tenuous tensions between community rights and liberal rights in Sikkim and other parts of North East India. The Governor's decision to revoke SSR is a major highlight of institutionalizing the practice of according in the status of the individual a bearer of rights. Ironically, the category of individual transcends from Sikkimese to the members of 'mainstream' Indian community residing in Sikkim. This was motivated to provide non-Sikkimese people a say in decision making process of Sikkim. Since, India's claim for merger of Sikkim has been tenuous and questionable on many grounds this would his ensure a gradual shift in 'official' narratives securing legitimacy over its actions in Sikkim. This enfranchised people from 'mainstream' India with evidence to show their permanent residency in Sikkim as Indian people necessitates politics of demographic displacement an attempt to subvert and delegitimize SSR. This was widely by resistance until GOI withdrew notification sensing unrest in a sensitive state whose integration with the Indian Union for over a decade remained questioned in international foras.

Similarly, Sikkim Employment Act provides for employment opportunities to Sikkim Subject exclusively. The right to employment considered a basic right of citizenship in India remains suspended since it is impossible for 'others' to acquire this right. The Employment Exchange Act with no jurisdiction over Sikkim was extended to the state of Sikkim, met with resistance from diverse stakeholders. The enormity of the resistance against Employment Exchange Act seized the credibility of the Government in power. The movement subsided after its withdrawal by the government. It was a practice, Sikkim without higher educational institutions of its own were allocated seats for Sikkimese students in Delhi University and other medical colleges in India. This was maintained in the post 1975 by GOI since Sikkim did not build institutions of higher learning. The Old Law Clause in the Article 371 F made provisions for continuation of seats in Delhi University and medical colleges for Sikkimese. It was alleged that during the tenure of Talyer Khan, as the Governor of Sikkim, the medical seat allocated for Sikkimese was diverted to his family members. The All Sikkim Students Association (ASSA) mobilized a dissent march forcing the Governor to withdraw his consent from such as malpractices.

Sikkim's historical legislation with GOI as a signatory is the Tripartite Agreement signed on 8th May, 1973. The introduction of Article 371 F with respect to the state of Sikkim flows from the foundation of the Tripartite Agreement. The Tripartite

Agreement signed by the Chogyal, political parties of Sikkim and the Government of India as an outcome for political solution led to the enactment of the Government of Sikkim (GOS) Act, 1974. Effectively, Government of Sikkim Act, 1974 as Sikkim's Constitution provided a route for feuding political parties to lay foundations for forming popular government in Sikkim. The GOS Act, 1974 now an Old Law clause is supposed to provide a framework of governance for Sikkim. The institution of Namgyal Dynasty having been abolished upon receiving 'popular vote' in its favour as a signatory of the GOS Act, 1974. The GOS Act, 1974 flares a reminder about the abrogated institution of the ruling Namgyal Dynasty diminutively covered under the Old Law of Article 371 F. This runs the risk of legitimacy crisis for New Delhi over its actions in Sikkim since Namgyal Dynasty haven't signed the treaty of accession with India.

The confrontation between GOI's policies and GOS's stand on Article 371 F has been at the forefront of centre state relations in the initial years after Sikkim's absorption in India. The Tripartite Agreement, 1973 arrives as a guide for GOS's and GOI to advise authority on several pieces of legislations in Sikkim. The violation of Sikkim's constitutional status has emerged as a matter of debate in contemporary political discussion concerning Article 371 F in Sikkim. Sikkim's governance in the post liberalization of Indian economy has been marked with alleged violation of the special provisions following the attempted implementation of Central Employment Exchange, Imposition of Central Income Tax Act, 1961 overriding Sikkim Income Tax Manual, 1948. The debate over fiscal concessions in Sikkim in 1993 led to the downfall of N.B Bhandari led Sikkim Sangram Parishad (SSP) government by feuding Lepcha Bhutia (LB) legislators popularly supported by Nepali legislators. This special provisions of the Indian Constitution which provides politico-legal basis to territory has been instrumental in reinforcing political membership and citizenship identities based on community membership.

Conclusion

Discussions on Sikkim's special status under Article 371 F of Indian Constitution surge from Sikkim's inclusion in the Indian Union in 1975. The special provisions—Articles 371 (A-K) of Indian Constitution was not a prominent feature at the commencement of Indian Constitution in 1950. These provisions were incorporated to Indian Constitution in order to address specific demands of India's diverse population. This was formed as part of India's innate function of nation building strategies. During the same time,

mobilization by peasant classes for restoration of popular government in Sikkim and demands for Sikkim's accession with India in pursuant to the expressive interests of Sikkim's political parties. India's 'assistance' in restoring democratic rights for Sikkimese people flows out of Sikkim's changing political developments and status. Sikkim's journey from a colonial periphery under British suzerainty until 1947 to India's protectorate state under Sikkim India Friendship Treaty 1950 provides backdrop to Indian interest in Sikkim. Thereafter, Sikkim's status as an Associate State of the Union under Article 2-A by 35th Amendment of the Indian Constitution conditioned by mandates of the Tenth Schedule flowed by 36th Amendment of Indian Constitution with the removal of Article 2-A as the 22nd constituent state of India under Article 371 F of the Indian Constitution. The amendment of Indian Constitution in 1975 as a reciprocal acknowledgement of fulfilling long awaited demands of Sikkimese people for Sikkim's association with India. As a pledge to recognize pre 1975 political developments of and in Sikkim the conditions for inclusion in India is found in Article 371 F. Therefore, Sikkim's special provisions have to be contextualized within Sikkim's historical backdrop of pre 1975 political arrangement with India.

Therefore, SSR, 1961 under regulation 3 defines Sikkim Subject as Sikkimese and regulation 7 as set parameters governing who shall not be a Sikkim Subject. In this highly technical approach, India's apex judicial body, the SC expressed satisfaction regarding the idiom of 'Sikkimese nationals' and 'non-Sikkimese nationals' under the clause to Rule 4(4) of Sikkim Establishment Service Rules are read in the context of constitutional regulations to mean Indians of Sikkimese origin. Sikkim's laws in effect under the monarchy prior 1975 were not based on the constitutional mandate of parliamentary democracy. In order to endow immunity from other constitutional provisions, Article 371 F providing safeguards to Sikkim's Old Law had to begin with non obstante clause.

As a special provision in reverence to Sikkim, non obstante clause provided safeguard for Sikkim Subject and Sikkim from further infringement as unconstitutional because it conflicts with constitutional prerequisite of a free democratic state. Therefore, Article 371 F engages with 'unusual' arrangement with a historical specific context.

Chapter IV

Dzumsa: The Story of Autonomous Tribal Council in India

Introduction

Sikkim's Northern district can be considered an ethnic reserve or an enclave where communities practice traditional governance commonly referred as *Dzumsa* (Chettri 2013; Bourdet-Sabatier 2004), based on custom based customary laws and simultaneously by being a modern governmental subject or vote bearing legal citizen of the nation state. A closer study of Article 371 (F) illustrate protection of institutional practices of Sikkimese cultural communities in Sikkim where community lives are modelled as per the dictates of customary laws and customary village council known locally as the *Dzumsa*. The customary institution of *Dzumsa* in North Sikkim (Lachen and Lachung) is the sole exemplary institution of tribal self-governance in India.

A closer study of Article 371 (F) reveals perseverance of customary and institutional practices in Sikkim, particularly in North district where community existence is modelled in tune with customary laws and customary authority known as the *Dzumsa*. Dzumsa, customary institution in North Sikkim (Lachen and Lachung) is an exemplary institution of customary self-governance in India. The autonomy exercised by the community members of Sikkimese-Bhutia tribes contribute significantly to the everyday figure of a Sikkim-Subject. A first hand study of social and political structure of *Dzumsa*, would be imperative to understand both the dichotomy as well as the co-habition of the concepts of 'subjects' and 'citizens' in a non western democracy. In addition, a chapter on tribal council will touch upon Indian state's preponderance for conceding autonomy and sharing sovereignty by extending special provisions in the Indian Constitution.

I

Dzumsa of Sikkim: An Institution of Tribal Self-Governance

Sikkim's absorption within the framework of India's constitutional and liberal democratic practices has not altered its communitarian fabric. The India Constitution guarantees tribes and religious minorities relative degree of communitarian autonomy.

For example, Sikkim's multi-farious social setting and Sikkim-Subjects irrespective of ethnic origin benefit from this aspect of constitutional parameters of safeguarding its communitarian status. This unique status covers all aspects governance under the Kingdom of Sikkim covered as Sikkim's "Old Laws" prominently land titles and land use, settlement patterns and opportunities in employment in public sector as well as public sector undertaking. The North district of Sikkim relatively confined to its geographical location from the rest of Sikkim is stands out as exception.

It is here, Lachen and Lachung valleys of North district with its proximity to Tibetan borderland thrive in relative isolation from the rest of the region. The Lachung and Lachen valleys represent a system in Himalayas where man and nature relationship is interwoven along traditional customs and belief systems. The ethnic tribe inhabiting the valleys of Lachen and Lachung are locally identified as Lachungpas and Lachenpas— a sub category within the social commonwealth of Bhutia people. These set of Bhutia people are known for their festivals, rich handloom and wood carving skills since it is governed by dynamic traditional village council called Dzumsa. This aspect of traditional governance stands out as an exemplar of indigenous efforts at preserving cultural landscape where men and ecology interact and shape each other's co-existence in a state of inter-dependence. It is self explanatory that cultural co-existence is conditioned by *Dzumsa's* customary rituals and its customary practices.

For this reason, Sikkim-Subjects from other districts of Sikkim obtain permits to enter many parts of North district. In addition, the interiors of North district is also sparsely populated and mostly inhabited by three major tribal groups—Lepcha, Mangshila Limbu and Bhutia (Lachenpas and Lachungpas). The region shares a sensitive border with China's Tibetan Autonomous Region (TAR). The erstwhile Kingdom of Sikkim (hereon Sikkim Darbar) had declared the region a 'reserved' enclave for Lepcha in Dzongu and Bhutia in the valleys of Lachen and Lachung. The Dzumsa as a customary institutional practice is not confined to habitation of Bhutia village since it expands right up to the Chinese border. Therefore, Dzumsa as a customary village council remains highly relevant in the context of socio-cultural and agro-ecological practices of Lachungpas and Lachenpas in contemporary times.

The valleys of Lachen and Lachung along with Dzongu continues to remain an exclusive ethnic 'reserve' zone of habitation for homogenous ethnic tribes inhabiting

the region. The rights over property ownership and settlement are restricted for rest of the Sikkimese people. Owing to their relative isolation and confinement, the Lachungpas and Lachenpas have developed, retained and sustained their unique life world practices, social systems, language and culture. The socio-cultural context of Lachenpas and Lachunpas differ and do not share the same values patterns with their ethnic- Bhutia brethrens of other districts of Sikkim. The striking feature of 'reserved' North district is as such that, as a zone of contact, the tribal people inhabiting the region enjoys varieties of autonomy experiences vis-a-vis other districts of Sikkim-both cultural and political.

Dzumsa: The Dynamics of a Self Governing Institution

Dzumsa **of Lachen and Lachung:** The liberal framework of Indian democracy in seeking to accommodate diversities by virtue of modern citizenship regime incorporates traditional system of community rights. This has not fully transformed into modern democratic politics where inclusion and gender mobilization is a piratical imperative. In such, Dzumsa in Sikkim bears a hallmark of such governance imperatives where inclusion and accommodation of peoples is determined by homogenous ethnic affiliations. Therefore as an exemplary illustration of continuing traditional village council in the valleys of Lachen and Lachung in Sikkim it contains subtle ethnic Bhutia bias since members of Dzumsa are knowledge subject of Bhuia customs.

The valleys of Lachen and Lachungalso shares socio-cultural and geographical contiguity with China's Tibetan Autonomous Region (TAR) and share much in common with people across the border. Therefore ,people in this village has lived in relative isolation from the centres of power located at Gangtok thereby remaining confined to activities as a semi-nomadic pastoralist and traditionally engaging in cross border trade with Tibetan traders.

Over a period of time *Dzumsa* of Lachen and Lachung valleys has evolved as an exceptional outline of traditional self governing institution. In other words, it is a community of village assembly representing individual family households within a particular geographical space governed by customary regulations. The establishment of *Dzumsa* as an institution is not known but it was established only after *Bhutia* immigration from Tibet to Sikkim fructified during the reign of Namgyal Dynasty from

mid seventeenth century to late twentieth century. However, the archival records of the erstwhile Sikkim Darbar testify its inauguration and establishment as early as 19th century (Bourdet-Sabatier 2004). The reasons for establishing such a practice remains to that of providing regulatory framework and social cohesion to the unique aspects of border tribes inhabiting the region. *Dzumsa* during the reign of Namgyal dynasty was put in place to uphold agro-ecological mandate in the region as graziers. The system resonated well with the ethnic life world forms in the valleys of Lachen and Lachung.

This region, remotely located from the centralized authority to follow rules applicable to other districts of Sikkim during the reign of Namgyal Dynasty (Bourdet-Sabatier 94, Subba 2008: 277) delegated authority to its community leaders to deliberate on issues of community, ecological and monastic governance. Further, it is evident that successive Namgyal rulers delegated authority upon Pipons and Gyapons to sustain *Dzumsa* by ensuring stability and confidence among border population in the border region. This was seen as a necessary condition for the survival of Namgyal reign in Sikkim. It is clear that, it was a means of delegating royal authority at faraway villages with a tacit approval of the Namgyal Dynasty.

As a customary social institution, it plays a pivotal role in adjudicating disputes thereby maintaining and regulating community harmony. The primary function of village council is to organize annual community events and govern day to day life world practices of the people. It ensures equal and full participation of all household members within its jurisdiction. Those failing to participate in community events are imposed sanctions and fines depending upon the magnitude of failures adhering to its customary beliefs. The apex body within the village council is empowered to summon those found guilty of violation of community law and are summarily punished with imposition of fines and social boycott. Community regulations are strictly observed and decisions pertaining to violations are spontaneously taken on the floor of community meetings when convened. It is increasingly felt that its function has been overburdened with additional responsibilities of local self-government (which shall be discussed in subsequent sections that follow). Despite such changes, the traditional structure and customary practices within the village council survives.

Structure: The institutional structure of Dzumsa is entirely customary and patriarchal. The system of self-governance is headed by two *'Pipons'* nominated village headmen

assisted by '*Gyapons*', deputies nominated, as required by social customs and customary laws of the council. In the past only one Pipon headed the village council on the basis of hereditary chieftaincy norm. Unlike in some parts of the North-East India, the village council now nominates two Pipons through a system of priority nomination. This structural adjustment was introduced in recent times to implement recommendations of Dzumsa bearing the additional responsibility of PRIs in Sikkim. The Pipons are assisted by Gyapons to conduct village assembly proceedings that are socio-cultural and self governing in the context of local self government. In addition, it also recognizes a convention of eighteen Gembos or village elders representing different localities within the jurisdiction of the Dzumsa village council. The role of the convention of Gembos primarily replicates an modern day advisory board necessary for the upkeep of the customary traditions administered by village council. The Pipon is expected to seek advice in many matters of socio-cultural importance from the advisory board including dispensing judicial decisions without prejudice and bias.

The village council meeting is commenced with prior notification by Gyapons in advance. Prior to the commencement of village assembly, the age old tradition of making announcements by Gyapons from a hillock is a visible mark of its customary ritual weaved with its natural surroundings. Despite of access to telecom facilities, council members still rely on making announcements from hillock and use of loudspeakers are prohibited. In its more traditional form, it was customary for Gyapons visiting respective village localities to announce by shouting names of heads of individual family households to be ever ready for attending village assembly. This ensured compulsory attendance of atleast one member each from one individual family household. As reiterated, a failure to attend community meetings despite issue of prior notifications dealt with by imposition of fines and penalties as a form of ritual. The magnitude of fines and penalty is deliberated and decided upon by the village council and the members of the council's governing body. The fines and penalty can either be in monetary form or traded in the form of services. One important aspect of Dzumsa customary institution is the role of Buddhist monastery. Monasteries regulate religious norms amongst Lachungpas and Lachenpas and play a pivotal role in the lives of the community. Unlike, monks in other monasteries of Sikkim don't belong to the community of monks and nuns withdrawn from society lead parallel lives of lamas as well as head of the families. The monastic community within Dzumsa simultaneously

hold separate meetings within the vicinity of the village monastery on the day Dzumsa council meetings are convened. However, attendance of representatives from the monastic community in the village is mandatory in the general council meetings. The monastic representative from religious institution to the general council of Dzumsa is referred as the *Chuitempas*. The monastery forms an integral and most important part in its socio-cultural setting as most of the annual festivals are held in the monastery with monks performing rituals for the upkeep and conservation of pastoral grasslands, lakes and river systems, livestock along with spiritual well being of the region.

Over a period of time it has effected minor modification in its structural composition. Although largely customary in its outlook, it is more or less represents an elected council with a fixed tenure of one or two years. The council may get approval of the village community for extension of its tenure based on the assessment of the workings of *Dzumsa* under the said council. Therefore, community mandate plays an important role in the working of the *Dzumsa* and provides checks and balance in the working of the council members in running the day to day community affairs. The relationship between the village council and the community is reciprocal and unify social and cultural fabric of *Dzumsa*. In order to lessen the burden of responsibilities of village council, two *Pipons* are elected as heads of the council. It was customary ritual to nominate one *Pipon* in the past. The modes of selection of members of village council including *Pipon*s are affected through a system of simple ballot system. The names of the probable candidates are written on a slip of paper and placed before the floor of the village council comprising of village elders. The monastic representative inserts papers in the box and performs religious prayers and sermons to nominate the right person. The names of the candidates are drawn from the box randomly to select members to fill the vacant positions of the village council. The paper slip containing the name of the person which appears first during the withdrawal of names is nominated as the first chief or the *Pipon*. The members are then elected unopposed by the *Gembo*s or council consisting of village elders. The new village council takes up the responsibility after the successful commencement of annual Mask Dance in the village monastery. It is customary to involve monastery and the village council of elders as an adhoc village council to oversee transition of village council to the newly nominated village council to take up its charge. The decision on the tenure of the council is held during the month of January-February. The monastic institution here serves as a primary locus of

customary authority for the preservation of its customary ritual as well as its Buddhist culture, both material and intellectual.

Dzumsa as a Village Council: The basic customary structure of *Dzumsa* between *Lachen* and *Lachung*, despite sharing great deal in common except few minor village variations. These variations range in the form of tenure, division of Dzumsa jurisdiction in blocks, system of appointment and mechanism of delivering social justice. *Lachung Dzumsa* is divided under two blocks name viz. *Lema* and *Khedum*. *Dzumsa* in *Lachung* often conduct separate meetings for two separate blocks-Lema and Khedum in order to avoid confusion and commotion in the working of *Dzumsa*. *Dzumsa* in *Lachen* however, remains a single customary entity and is not divided under blocks. The role of *Lachung Dzumsa* as a singular institution is conditioned by nature of cases and policies concerning the upkeep of village community. The apex body of *Dzumsa* (both Lachung and Lachen) council for settling dispute is called *Khamsu*. The highlights of the disputes are put out in the village domain by the council and settled amicably between parties.

In situations of disobedience of council mandate in refusal to settle disputes mutually may invite imposition of hefty fines in monetary payments.[165] It is quite striking that the rates of fines imposed are nominally high given tribal upward mobility in other parts of India. In order to avoid financial complications into paying fines, contending parties or individual often settle dispute mutually without involving the village community. The council of *Khamsu* whenever it convenes for settlement of disputes or petty crimes, it is customary for the accused parties or individuals to prepare feast or bear the cost of the feast including meals and *chaang,* the traditional millet and barley beer. This aspect of *Dzumsa* council encourages disgruntled parties to avoid disputes and maintain a healthy environment in the locality. In case of deadlock and disagreement over council verdict feuding parties may deviate from the village council. The matter is forwarded to district administrative centre for hearing by formal judiciary. This departure from the norm of village council may invite fresh round of penalties. It is exemplary, Government reports on instances of crimes as rare in Lachung and Lachen. The fines

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[165] For more see Atreya (2004).

collected by council of *Khamsu* are used as funds for the upkeep of village infrastructure and managing community affairs.

The villagers of Lachung and Lachen justify its continuity amidst change to attributes like forms of transparency and spontaneity of the village council in meeting deadlines on important matters of community existence. The deliberations of the village council are not ambiguous and free from bureaucratic and executive overtones. The funds collected through donations, fines, contract fees from construction, government agencies, welfare funds and allocations of infrastructure are evenly and equitably distributed amongst all the households under *Dzumsa* customary institution. The open public meetings convened by *Dzumsa* presents social audit of spending, expenditure, procurement for goods and services in managing the affairs of village council. The funds which remain unutilized are distributed amongst individual households.

Ever since its conceptualization, the functioning of Dzumsa has seen major transformation and continues to regulate socio-cultural behaviour of the people in the region. It is in the backdrop of the Sino-Indian border war of 1962 cross cultural interactions of *Dzumsa* inhabitants with Tibet has limited its significance as a customary institution within the context of cultural geography of Buddhist Tibetan civilization. The fortification of border region of Dzumsa jurisdiction has allowed greater magnitude of interaction with forces of nation-state in particular military and the paramilitary agencies stationed in Sikkim's border with Tibet. From thereon, their focus has been on agro-ecology of the particular space, managing village community, juridical institution and interaction with the Indian Army stationed in Dzumsa territorial jurisdiction. The *Dzumsa* in modern day connotes village council of local people directed by village elders, elected and also designated by villagers for a specific tenure. The administrative tenure of elected or designated members within *Dzumsa* is fixed for a certain period and is expected to represent them in village administration and manage day to day village affairs in a transparent manner. The council of village representative or the administrative structure of *Dzumsa* is locally known as *Lheyna* comprising of *Pipons* and *Gyapons* (Subba 2008:277). The tenure of *Lheyna* is fixed for a period and is subject to change unless the people wish to renew its mandate (Subba 2008:277). The organization of *Lheyna* is responsible for the upkeep of village administration premised on sound application and implementation of customary laws and regulations in

conducting community affairs including age old customary festivals in Buddhist theocratic traditions. In its more modern avatar it schedules and convenes meetings of village community where important decisions are taken of communal interests. The meeting of village council although is a customary ritual of Dzumsa but today discuss plans and proposal to identify beneficiaries for Government led welfare policies like housing, pension, homestead, agriculture, horticulture, sanitation, tourism, banking etc.

II

Self Governing Tribal Institutions of NE India under the Sixth Schedule

The autonomy context under which Dzumsa continue to uphold customary values within the framework of nation-state is unique but experiments of autonomy granted to numerous tribal groups in the North-East India and tribes in the Central Tribal Regions under the provisions of the Sixth Schedule and Fifth Schedule of the Indian Constitution respectively abound in India's modern democratic practices. While, in the Autonomous District Councils (ADCs) falling under Sixth Schedule, many of the Tribes within their zones of habitation self govern as per customary rituals based on indigenous chieftaincy based traditions. The ADC as such is a legislative assembly of elected members and dominant tribes have a major share in running the administration of ADCs under Sixth Schedule of the Indian Constitution. The ADCs in fact function as a state within a state where village councils are directly regulated by the ADCs. *Dzumsa* centuries old local tribal council of village community in North Sikkim as an indigenous autonomous institution is similar to tribal self governing institutions in North-east India. These tribal self governing institutions are by and large seen as measures of preservation tribal sovereignty through the mechanism of self- governance in modern Indian democracy.

ADCs and Dorbar in Meghalaya: Most of the tribal communities in the North-East India have its own distinctive and specific traditional institutions of self-governance. The traditions of self governing practices have been maintained despite the advent of political modernity and its forms of governance and administrative institutions. The numerous village councils and authority in North-east India within its respective zones of habitation hold influence over community practices. The tribes in the hill districts of

Assam, tribes in Meghalaya, tribes in Tripura and Mizoram have Sixth Schedule Autonomy-special administrative imperative in matters of tribal self governance accompanied with Article 371-special provisions of the Indian Constitution.[166]The Sixth Schedule Autonomy has created non-traditional institutions such as Autonomous District Council (ADCs) to empower and safeguard traditional tribal institutions viz cultural and economic practices and interests of highland tribes in the states of Assam, Meghalaya, Tripura and Mizoram.

The issues concerning tribal self governance within their natural habitat are related to land rights, land use and management, inheritance law, resource mobilization and forest rights and dispute settlement mechanism. At the local level of village council, the tribes are governed by customary laws and rituals mediated through clan and tribal chiefs. In North-east India it is the ADCs which wrest significant power and control over tribal self governance, while at the district level, the ADCs accompanied with constitutional mandate serve the interests of the tribals in the form of elected state legislature. The ADCs is empowered to make and amend laws related to governance of tribal areas in its predominant tribal populated district. At the village level, the village council or the village authority depend on ADCs for its survival. It has been brought to notice that ADCs' organizational structure vis-a-vis state has been strengthened due to constitutional provisions under VI Schedule. The ADCs as an institution for tribal governance is becoming more powerful vis-a-vis its relationship with self governing tribal council or institutions. The demand for autonomy and financial independence has evolved ADCs into an institution of tribal legislative assembly. The ADCs like state legislative assembly has tenure and with system of elections to run the affairs of the District. The electoral politics and electoral mobilization within ADCs has led to inter-tribe as well as intra-tribe factions with deep impact on the functioning of village council where tribes live in communities.

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[166] The practices of stipulating autonomy in Indian context is not new given varied British policies for protection of tribal interests from external interference and contact. The Indian state after independence upheld this unique practice of conferring the tribals to practise self governance according to the customs and traditions of village councils and authority. The Constituent Assembly in 1948 voted in favour of retaining the British territorial demarcation of 'excluded' and 'partially excluded ' tribal areas as tribal homeland as envisaged in the Sixth Schedule of the Indian Constitution. The imperative of traditional self governance is stipulated in Sixth Schedule Autonomy through creation of Autonomous Districts Councils and Regional Councils to realize unique tribal autonomy-political, cultural and administrative.

The traditional system of governance in many parts of the North-east India in particular Meghalaya in contemporary times is mutually constitutive of non-traditional institutions. The ADCs are parallel non-traditional institutions of tribal self governance in Meghalaya. However, traditional self governing institutions in Meghalaya in particular Khasi hills continue to hold reverence for the people. This institution of tribal self governance in Khasi hills are locally referred as *Dorbar* (Upadhyaya and Upadhyaya 2016:17). This indigenous system of self governance in Khasi hills resonates a three tier structure of self governance. The village council is referred as Dorbar Shnog. The village council of Dorbar Shnog is headed by a village headmen locally referred as *Rangbahshnong*. The mid level Dorbar is locally referred as *Dorbar Raid* and is under the charge of nominated headmen referred as *Sirdar* or *Lyngdoh* or *Basra* (Harriss 2002:03) and the upper tier of the clan is referred as *Dorbar Hima* under the guardianship of *Syiem* (King). The system of tenure is fixed for life in case of Syiem but in few cases period of five years have been held by Syiem. The council consisting customary executive called as *Myntris* elects *Syiems* and (ministers) constitute the Dorbar of the Syiem (Upadhyaya and Upadhyaya 2016:17).

This system of governance in Meghalaya functions alongside modern governance structures such as the ADCs and the State Legislative Assembly. Dorbar at all three levels of self governance allow only men as members and in matters of attendance despite matrilineal structure of Khasi society. Dorbar of late has been making efforts at bringing reforms by relaxing norms for membership for women and non-tribals etc. The Dorbar functions as a customary assembly of giving directives for running affairs of the council and adjudicating its judicial functions like imposition of fines and punishment to the accused individuals and parties. In many instances, Syiem or the Dorbar is not seen as an ideal form of effective governance for Khasi younger generations as in most of the cases since the role of ADCs are represented as the real backbone for delivering social justice and dispute settlement (Upadhyaya and Upadhyaya 2016:18) for tribes.

In such, the role of ADCs in regulating the functions of village council in many parts of the North-east India is quite visible. In most of the cases, traditional institutions of self governance are merely treated as an offshoot or an intermediary of ADCs. Over a period of time, the ADCs as an institution of tribal governance has gained essence over self governing tribal councils at villages. This is contrary to practices of age long practices of customary self governance of village council that precedes ADCs in

maintaining tribal traditions, customs and culture. However, current status of tribal self governance reveals otherwise with ADCS playing a central role in advocating tribal autonomy.

Under paragraph 3 (i) (g) of the Sixth Schedule, ADCs have been conferred absolute authority to regulate the appointment of chiefs and headmen of the village council (Action Aid 2016:08). There is a power tussle not just between village council and ADCs but also between ADCs and state government (Bhuyan 1989) on the question of making decisions on tribal self governance. There have been questions as whether or not ADCs have been successful in preserving tribal interests and identity within a territory with a predominant tribal population. The state of Meghalaya has three ADCs respectively and is a tribal state with significant non-tribal population such as Assamese, Bengali and Nepalis. In such instances, the relevance of ADCs cannot highlight the consequences of having such an arrangement with a predominant tribal population. There have been serious contestations of powers between state legislature and ADCs over jurisdiction and control over subjects deemed as state prerogatives. On the contrary, ADCs have a better and clearer mandate with predominantly non-tribal population such as in the state of Assam. In such scenario, ADCs have a clear role in reaching out to its tribal populations and thereby significantly strengthening self governing village councils vis-a-vis ADCs.

Thus, it is clear that, ADCs have superseded the function of traditional village council. The ADCs and village councils have both in their objectives common shared goals of preserving communitarian values of those particular societies but power contestations have downplayed the existence of village councils over a period of time as the focus is on the working of ADCs. The demand for reform within VI Schedule autonomy framework is often accompanied for wresting more autonomy, power and financial status leaving the core issues of village councils as secondary objectives.

In many cases, customary laws of village councils are over ridden by state legislations. ADCs have not been able to give customary law the impetus it requires to protect tribal rights and tribal identity. The documentation of tribal customary laws in many ADCs have failed to make make inroads as its policy to ward off incoming state legislated laws leaving tribal land and habitation at the mercy of state legislature. The codification of customary laws at the village council level can give village council a heightened role

in tribal self governance. In many matters of tribal self governance ADCs are dependent on state legislations rather than on customary laws. This has weakened the role of village councils as self governing institutions in states like Meghalaya. Even in the state of Tripura with predominant non-tribal population has been unable to address issues of land alienation by non-tribals in the state. Instead of village councils, village committees have been set up as co-terminus of village revenues with elected members.

In Sixth Schedule, ADCs have been empowered to carry out development functions such as building networks of physical infrastructure. However, state legislatures have a final say as states control flow of developmental funds from the states to ADCs and to village councils. The ADCs have more or less no power in terms of carrying out development projects as state governments are the key agents of development and only with support of the state government ADCs can carry out its development mandate. The state government's justification of controlling ADCs in this aspect is that state government and its agencies by discharging its welfare and developmental agendas at local level is actually making inroads into tribal autonomy mostly through its Bloc Development Offices.

Dzumsa: Interface between Tribal Self Governance and Panchayati Raj Institutions

In the twenty first century, Sikkim has witnessed major transformations in the form of globalization, ideological inroads of the nation-state and ensuing shifting values in the society. These changes have also effected traditional institutions such as Dzumsa to adhere minor structural modifications but may pose greater threats in the near future. So far, Dzumsa along with people have demonstrated manifest aptitude to accustom to the changing winds and at this juncture subtle amendment as been taking place. These changes in the guise of Panchyati Raj Institutions remain the project of nation-states in tribal areas which has been incorporated as part of the Indian nation-state. This aspect of nation-state often confuses the role of tribal councils and PRIs as bedfellows creating a rupture within the fabric of tribal society.

In order to uphold values of democracy and participation in village affairs within the system of community living- a system of and simple system of nomination has been introduced in the recent past to chair of village council. In recent years its function has

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enlarged as a form of decentralized local bodies and simultaneously as self governing institution of village communities of Lachen and <u>Lachung</u>. The functions of *Dzumsa* system varies from that of a customary social institution to that of a political necessity. In its more recent forms the function of the Dzumsa system has replicated that of Gram Panchayat Unit (GPU). It has been successful in retaining its traditional form of providing structure and cohesion for community regulation but it has been over burdened with its original cultural mandate. As per the official records of the erstwhile Kingdom of Sikkim, Dzumsa was established during the first half of the 19th century. In assuming its distant isolation from the centres of administrative headquarters- past and present, it has transformed itself as an effective mechanism of self-governance. Therefore as a social-cultural institution it regulates social customs and conventions, and simultaneously manages agro-ecological balance with natural environment that forms the basis of social integration. It is clear that survival in the mountains is intricately linked with nature, and the prudent realisation that, unless strictly regulated, the boundary of nature would deplete, makes the villagers implement the rules rigorously.

The subsequent absorption of Sikkim in the Indian Union in 1975 has not altered *Dzumsa's* profile and outlook of people in Lachen and Lachung valleys. As part of decentralizing tendencies of the Indian state, Sikkim implemented recommendations in setting up Panchayati Raj Institutions (PRIs) as a form of decentralized and devolved local government at village and district level. The Government of Sikkim (GOS) sensing sensibilities preservation of tribal self governing institutions such as *Dzumsa* in North district did not impose recommendations for setting up two tier PRIs in Lachen and Lachung. The GOS eventually recognized *Dzumsa* as a form of local administration in 1985 and continues to remain germane (Subba 2008:277) as a customary institution of Sikkim.

The other aspect of Dzumsa is ensuring equitable distribution of welfare policies in recent times especially after Sikkim's absorption in the Indian Union. The allocation of plan and policies in the form of funds has certainly overburdened Dzumsa with additional governmental protocol. In the past, Dzumsa was only a function of customary practice as societies those days were less complicated. The role of the customary institution in the past was to bear conventional responsibilities. The village council is now recognized as counterparts of village and zilla panchayat units. This

singular customary institution is now responsible for implementation of government welfare schemes and continuously interacts with officials of GOS. The customary institution of Dzumsa has not witnessed major change in the form of nominating women members in the village council. The nature of women participation in Dzumsa is that of mere attendance from respective family households. However, large numbers of women participates in annual Dzumsa meetings and give opinions to the village council. The GOS in the recent past as part of women empowerment programme has allocated 50% seats specifically for Sikkimese women in the local bodies throughout Sikkim. The state administration has been making efforts to allow women to fill the leadership vacuum in the village council. The proposal inducting women in the village council is out of compulsion for Dzumsa to shoulder responsibilities of Panchayati Raj Institutions (PRI). Like any other Gram Panchayat Units (GPU) of non-Dzumsa regulated villages in Sikkim, male dominated village council of Dzumsa has been selecting women beneficiaries under government schemes meant for Sikkimese women. The women in the village feel that some aspect of decision making in village council regarding government sponsored women schemes are better implemented by women of the area if at all there is a space for women leadership. This aspect of modern day governance is making Dzumsa political in nature despite remaining largely customary. This phase of transition from customary to partially political has been making Dzumsa a source for electoral politics in effecting electoral mobilization by political parties. This is allowing government to make inroads into the lives of village council and the village community. The strategic location of these villages is another factor whereupon any infrastructure up gradation in these villages requires good communicative and working relations with the security forces (Army and the ITBP) stationed within the territory of Dzumsa jurisdiction. This flexible aspect of traditional tribal institutions in embracing modern day democratic political practices is allowing it to survive despite threats emanating out of the political practices of national governments and mostly in the form of decentralized governments and local self governments. This adaptation of modern attributes of governance makes Dzumsa interesting case study of tribal council in India and the entire Himalayas.

After the recommendations of the 73rd and 74th Constitutional Amendment Acts in the Parliament, the GOS implemented setting up of PRIs as part of delegating and devolving powers in Sikkim. The GOS constituted elected local bodies for rural and

urban bodies to strengthen administration and implementing flagship governmental welfare programmes as part of their village development agendas. The GOS has empowered PRIs with several functions which also includes financial devolution at the village level. In Sikkim, rural areas have one dedicated elected village council or the Gram Panchayat (GP) with village as a unit of self governance. The GPUs in Sikkim figure as the foundation within the structure of elected local government. One of the most important function of the GPUs in Sikkim in recent times has been its assigned task of selecting beneficiaries for distribution of government welfare schemes and entitlements besides other functions of dispensing the role of political agents the party in power. Unlike, in other parts of India, the structure of local self government in Sikkim is different. The Zilla Panchayat in Sikkim constitute the second tier structure of elected local bodies at the district level which over see the functioning of GPUs at village level. In many parts of the North-East India, Autonomous District Council (ADCs) forms the basis of three tier structure of elected local bodies at the district level. The traditional village institutions which serves as the basis of self governance in tribal areas of North-East India under the provisions of the Sixth Schedule of the Indian Constitution remains as the local level of governance under the purview of ADCs. The ADCs regulate aspects of tribal autonomy relating to recognition, nomination, dismissal and suspension of village chiefs and headmen of such h customary institutions (Umdor 2015).

As stated, structure of local self governance in Sikkim vary from the rest of the country and in many forms share similar governance structure with North-East India and yet remains unique from other governance practices. Dzumsa, as a tribal village council and the Pipon (village headmen) persistently give recourse to the Sikkimese society to live the lives of subject and citizen. The GOS empowered Dzumsa with additional responsibility to function as a parallel government in replicating the role of village GPU. Dzumsa, the customary village council has been co-opted by governmental agencies to assist in civic administration, planning and implementing measures of government welfare schemes and maintenance of basic law and order. While it discharges the duties of local bodies, it remains customary as traditional custodians of Bhutia religious, cultural and agro-ecological landscape in the region. It continues to adjudicate disputes in the traditional manner depending on the magnitude of the dispute

and the crime. The legal litigation as understood in modern jurisprudence remains its last resort.

Besides its customary mandate, Dzumsa has emerged as a key interface between governmental agencies and the people the zones of tribal habitation. Over a decade Dzumsa has expanded its activities to include number of functions contradicting its customary mandate.

Dzumsa: Role in Resource Management and preservation of Cultural Landscape

The people in the valleys of Lachen and Lachung practice a unique system of farming and land use practices. The land use practices with rich indigenous ecological knowledge system is endowed with inherent natural resource management and conservation techniques passed down through generations. This informal system of knowledge traditions is prevalent where outreach of modern sectors of governance is minimal as in the context of Lachen and Lachung in North Sikkim. The unique feature of land use system is sensible utilization of limited available arable land located at higher altitudes in the Himalayas. The patch of horizontal valley land although located at higher elevation is used for multi-purpose agrarian functions. The community engagement in agro-forestry is regulated by Dzumsa customary practices. The area under Dzumsa jurisdiction has well demarcated boundaries for grazing activities, (*Gau Charan*)[167], preservation of sacred groves[168] and plantation fields. In addition individual families also have family cattle ranches otherwise banned in Sikkim for farming of food crops. This has facilitated maximum utilization of limited arable land in available to the community to sustain agriculture with enhanced yields.

This customary tradition of ecological values at the local level has scientific impetus for conservation efforts at a global scale. The availability of surplus glacial water for irrigation along with efficient eco-system outlines a vital watershed for the rivulet flowing into the gorge. The customary management of land use has maintained a high degree of biodiversity conservation of perennial water system for irrigation and domestic consumption. The people don't rely on water supplied by the government agencies as majority rely on private directly sourced from the perennial springs. These

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[167] This a notified grazing field demarcated by the Land and Revenue Department of the Government of Sikkim where individual cattle owners can rear cattle.
[168] For sacred Groves in larger Indian Context see Malhotra, Chatterjee, Gokhale, and Srivastava (2001),

innate practices of the communities have been feasible due to firm social customary laws governing and regulating proper utilization of forest and its resources. *Dzumsa* regulations on land use therefore correlate exceptional agro-ecosystem where reduction of nutrients during the crop yield month is complemented by a system of crop rotation by using organic cattle manures. This unique system prevalent in the Himalayas has helped communities in maintaining and sustaining the fertility of the soil for another year's yield etc.

Dzumsa has over the centuries regulated land utilization and its resources. The patterns of human settlement with homesteads, plantation field, cattle ranches, grazing fields and special reserve of community crematorium within the vicinity of monastery is part of *Dzumsa* customary law. This traditional practice of human adaptation in the Himalayas is an exemplar of community mobility much to the rigor of Himalayan topography. The customary ritual of harvesting forest resources is seen as necessary for conservation of bio-diversity of the region. The fortitude of maintaining strong customary institutions and customary laws have allowed communities to govern as per custom based traditions and sustains intricate relations with nature and its surroundings. This is one aspect of tribal efforts towards sustainable management of resources. The relevance of such tribal council based on non western knowledge forms of conservation serves as an exemplary model for modern day environmental activism and scientific community. Thus, one can safely assume that the customary rituals of *Dzumsa* are responsible for conservation of landscape-both physical and cultural. The continuity of *Dzumsa* in the contemporary democratic scene especially it's customary status among the tribal people figure as a guiding standard to the continuity of their life ethnic life world practices. The significance of *Dzumsa* at least in its one important aspect is that it has continued to involve and sustain human interaction with environment and viceversa.

The customary practices of *Dzumsa* among the Lachenpas and Lachungpas are important markers of retaining community norms in their day to day agrarian practices and upholding customary traditions of paying obeisance to natural deities for harvests and sustainable agricultural produce. The temperament of community participation within *Dzumsa* proceedings in approaching collective issues as a voluntary community association remains the fountain such communitarian practices. The idea of common good especially in conservation efforts remains the hall mark of this village council. This collective approach has ensured community involvement thereby fostering logic

of common ownership over environment, ecology and cultural landscape. *Dzumsa* rallies community involvement for the upkeep of natural habitat embedded within its rich traditional knowledge and values of community participation within the platform of village council. The knowledge of flora and fauna among the community is immense. This is the only region in India where *Dzumsa* allows community to harvest Yarsagumba known for its medicinal value and high demand in the international market.

Lachen and Lachung in North Sikkim is an extant illustration of cultural landscape in Sikkim Himalayas. Despite of external threats emanating out from the practices of modern nation-states, these villages have been successful in maintaining and nourishing its traditional core values. The opening of border roads through these strategic villages by GOI has helped villages overcome isolation but at the same time this has brought incoming waves of migration from other parts to work in construction projects of Border Roads Organization (BRO). This has led to mushrooming and proliferation of small satellite colonies along the highway which comes under *Dzumsa* jurisdiction. The stationing of Indian Army's Brigade headquarters and ITBP cantonment along the area has posed a threat for fragile ecology and its cultural landscape. *Dzumsa,* as the first line of village government interact with military officials for the conservation and upkeep of ecology and landscape. The maintenance of green cover within the surrounding vicinity despite of mushrooming of cluster villages have not depleted in these years of road expansion. The recent widening and black topping of border roads are strictly regulated by *Dzumsa* and the Sikkim Forest and Environment Department. The traditional sustainable methods of farming practices of the Lachenpas and Lachungpas are not merely intricately regulated by Dzumsa but have also strengthened community hold over farming. The use of machines such as in other parts of India has not encouraged villagers to adopt non traditional farming practices. This has not altered traditional manual farming since cattle farming is the source for nourishing the nutrients of the soil. The use of chemical fertilizers for farming is strictly banned in *Dzumsa* let alone in the state of Sikkim. It is customary for communities to observe rituals conducted by *Dzumsa* monastery with indigenously produced food grains although in recent times packets of biscuits and other items are offered to the deities from nearby grocery stores. This compulsion of paying obeisance to the deities with locally grown food grains has continued traditional methods of farming in the region. The use of wooden artefacts in designing traditional architecture as well as eco friendly houses are

common although in recent years Dzumsa has not been able to implement strict building norms in the village due to the proliferation of tourism economy. The customary practice of the communities in Lachen and Lachung continues to authorize communally dependent relationship with environment which is flourishing even in the modern consumer times.

The company of tough customary laws governing the socio-cultural and ecological practices in these villages has also produced strong divine values in conserving the sacred groves amongst the Lachungpas and Lachenpas. The purity of specific species of trees and animals are observed by *Dzumsa* traditions. This is in particular with regards to water bodies such as lakes, ponds, streams and river systems as fishing is strictly prohibited amongst Bhutia people and upland Buddhist communities in Sikkim. This characteristic of their culture has been supportive in articulating their grievances against the proposal of constructing of mega dams in Lachen and Lachung.

The Lachenpas and Lachungpas have a structured social system which has flourished socio-economic and cultural fabric of the villages in upland Sikkim Himalayas although dependence on agriculture has decreased due to opening of the region for tourism. The community involvement with ecology and environment is intricately embedded within the socio-economic cultural practices of people passed down through the generations and demarcation of land for land use. This indigenous ecological knowledge is segregated along conventional labour divisions due to absence of occupational caste system among the tribe and is extremely result oriented in conservation efforts of mountain diversity.

The agriculture practices in upland mountain is closely associated with agro-ecology and forestry management by the communities. The function of the spiritual values and monasteries in Dzumsa plays an important role in evoking social organization and cultural practices of worshipping revered landscape such as caves, sacred mountains, valleys, hilltops, rivers, lakes etc.

III

Dzumsa: Decoding the Politics of Nationalising Space and Frontier

Nationalizing of Sikkim's customary and institutional heritage both—tangible and intangible culture is witnessing assault from the processes and forces of nationalisation.

The nationalisation of Sikkim's frontier and socio-cultural spaces territorially and culturally contiguous with the Tibet, Bhutan and Nepal bears little resemblance with Indian civilisation. Therefore, this remains a primary point of New Delhi's policy imperatives vis-a-vis India's North East and particularly Sikkim. Since, the demographic distribution Sikkim predominantly Lamaist Buddhists, animist indigenous beliefs and Hindu Nepali differ vastly from India's dominant national culture—liberal foundations of Indian nation-state. Therefore, Sikkim's sequences of events about the "Idea of India" depart significantly from the contemporary 'mainstream' narrative of modern Indian historiography.

Thus, the project of nationalizing Sikkimese narrative from the perspectives of 'mainstream' India has been taking place in slow and gradual manner. In recent times, Sikkim's fragile but rich ecosystem in its multi-ethnic setting and social systems are perpetually in the process of nationalization process mediated through a series of development discourses with nationalist sentiments (building dams in Sikkim is one glaring referent of nationalizing Sikkim's Natural Resource Management). Therefore, Sikkim's border areas or space has acquired prominence as foremost policy goals under the programme of nationalizing its borders along the culturally contiguous borders with Tibet. Further, this is exacerbated by the India's strategic imperatives and interests among the largely communitarian but modern consumerist Sikkimese masses about the gradual processes in ways by which national security driven interests following the India-China War of 1962 has led to the securitization, fortification and closure of Sikkim's soft border with Tibet. In the last seven decades Sikkim Subjects from border regions are systematically recruited in Indian Army and para-military formations to materialize security driven imperatives by nationalizing certain section of Sikkim's population. There are instances of *Dzumsa* members being recruited as soldiers in the Indian Army and border guarding para military units.

The impact of Sino-India war on Dzumsa has been the forceful closure of Sikkim's border. This led to a major structural adjustment to *Dzumsa's* economy and livelihood. *Dzumsa's* cross-cultural interactions with Tibetan traders engaging in cross border trade and commerce met its abrupt halt. Hence, India's nationalisation process of Sikkim's border areas starting in 1962 was realized through the construction of border roads and occupation of community lands for cantonment. Lachung Dzumsa and the Indian Army have been contesting the occupation of community land for expansion of military base.

The lands occupied by the Indian Army under the dispensation of the Sikkim Darbar in 1962 continues to remain in a state of contestation with the Ministry of Defence and the Indian Army failing to pay compensation to the aggrieved members of Dzumsa after the transfer of power from Sikkim Darbar to New Delhi in 1975. Then, the kingdom's ruling and financially dependent dispensation had agreed to hand over Sikkim's four key subjects—Defence, External, Finance and Communications to New Delhi's jurisdiction. The Sikkim Darbar had agreed to allow Indian Army to use land in North Sikkim for transit camps and hand over to the rightful owners. Therefore, Dzumsa contestation with national agencies commenced after the inauguration of nationalisation process in 1962 actually having its genesis in Sikkim's status as India's protectorate under the provisions of Sikkim- India Friendship Treaty in 1950.

These instances of nationalization of Sikkim's frontier space and territory were much discussed during the civil military relations conferences held between the Indian Army and Government of Sikkim in the early 2000s. The discussions ranging from occupation of civilian lands, construction of Gurudwara in mountain region by the Army, recruitment of Sikkimese in the Indian Army, demand for procurement of lands for military bases, environment and ecological impacts of expanding cantonment formed the basis of the relation. The concrete results of the relation remain outside the limits of academic intervention due to the 'sensitivity' attached with the subject matter for the Army and the civil administration from the national security points of view. This subject matter is best exemplified through cinematic representation. The Bollywood production, 'Paltan' produced as sequence of war trilogy after Border (1997) and LOC Kargil (2003) is a case of reference. The context— 1967 border skirmishes between Indian Army and China's People's Liberation Army (PLA) in the Kingdom of Sikkim's border with Tibet. The representation of border skirmish as a nationalized war theatre for 'mainstream' viewers as India's modern military victory is misleading since the site of skirmish is the Kingdom of Sikkim.

This particular shift in narrative, as an attack on India's 'own' territorial sovereignty has been exemplified by this Bollywood celluloid. This cinematic representation of Sikkim has been giving legitimacy to India's nationalization of resource mobilization and forceful occupation of community lands in the name of national security in present times. The representation of Sikkim as India's vassal state is strategic and tactical. The Bollywood celluloid intentionally fails to mention Sikkim's status in India for its

nationalist viewers. The recreation of the film set in Ladakh and not in Sikkim conspicuously marks the nonappearance and exclusion of Sikkimese narrative from the plot—border skirmish in question.

It is important to understand that Bollywood productions are gainfully produced to entertain its middle class consumer audience. But, this alleged and glaring exclusion of Sikkim's history and its people's lived experiences from this war celluloid figure as an attempt at nationalizing Sikkim's social and political history. This celebration is often antithetical to India's liberal–constitutional democracies which often deride employing the Indian Army as form of national presence in a region marked by nominal state presence. Furthermore, representation of India's Jat Regiment as protagonist by this war celluloid reinforces socially constructed concept of race to represent meticulous set of cultural-linguistic communities as nationalist population.

Sikkim-Subjects eligible and serving in Indian Army's Gorkha Battalion during the time of India-China border skirmish fails to pass the cut off criteria in 1967 as nationalists precisely because race as a concept of nationalist imagination excludes the Tibeto-Burman and Sino-Tibetan Sikkimese 'other'. The representation of Sikkim in this Bollywood celluloid forever—misrepresents and construes Indian consumer's imagination and orientation in the country leading them to imagine Sikkim high mountain passes with rich community institutions such as *Dzumsa* as India's integral territory since the formation of Indian nation-state. This has often come at *Dzumsa's* emotional, environmental, ecological and historical costs as social history is a site of referent for its historically specific cultural communities.

Additionally, socially constructed concept of martial race with religious overtones prominently patronize 'mainstream' Hindu and Sikh religious symbols as Indian religion by the Indian Army. The Indian Army, largely colonial in its grandeur in the name of sheltering secular character has been pursuing endless construction of temples and Sarva Dharma Sthal as secular worship space in Sikkim's highlands where it has come in conflict with community traditions. Therefore, Sikkim's border region has witnessed mushrooming of Sarva Dharma Sthal constructed under the aegis of Indian Army to enthral tourists visiting the border areas much to the constraints of surrounding ecology through heightened vehicular movement in the region. This has propelled

border tourism and pilgrimage tourism thereby causing disruption to its Sikkim's mountainous ecology.

Therefore, nationalisation of border regions in Sikkim has involved massive adjustment of local myths and deities through substitute ad-hoc myths by institutionalizing and fashioning immortal legends out from posthumous soldiers. Therefore, border region through endless construction of Sarva Dharma Sthal to and celebrating the sacrifices of immortalised posthumous soldier as a routine affair by nationalizing agents has shifted the narrative from a localized event to nationalized concern. The nationalizing project has involved changing nomenclature of social organization of space and place from local to 'mainstream' Indian names in the guise to ward off espionage activities from the 'enemy' across the border. In a gradual process, the frontier spaces are emotively being nationalized through the nominal presence of the Indian state but *Dzumsa* has been offering resistance by upholding local ethos and physical landscape as a site of local veneration in Gurudongmar lake under *Dzumsa's* jurisdiction.

The extent of nationalizing spaces through national narratives and practices is now shifting its focus towards nationalizing socio-cultural and ecological organization of space and place by means of appropriating Sikkimese places of worship by the the presence of the Indian Army. The landmark community response adopted to prevent defilement of Gurudongmar Lake by Lachen *Dzumsa* offer a landmark instance of local resistance to such nationalizing tendencies. Therefore, community practices and social organization of space and place contradicts and conflicts the discourse of nationalized rhetoric of development and practical imperatives of nationalizing frontiers.

The social organization of Sikkim's Gurudongmar Lake either as place or space is that it revered by Sikkimese cultural communities. In the recent times Delhi based Sikh organizations presumably administered by descendents of Sikh 'refugees' fleeing Pakistan in the aftermath of partition has been consistently appealing the nationalist attention of Gurudongmar Lake as a Sikh place of worship. This highly misplaced memorializing social space from 'mainstream' religious forces is laced with political overtones. Gradually narratives of Sikh Guru Nanak visiting Sikkim in the sixteenth century is being effected to erase social memory of Sikkimese community in the post 1975 period after Sikkim's annexation with India. The affluent Sikh organization has served legal notice to *Dzumsa* through legal litigation to have rightful access to control

Gurudongmar Lake by constructing Sikh Gurudwara. The construction of Sikh Gurudwara in Gurudongmar lake compound was veiled as *Sarva Dharma Sthal* thereby refuting Sikkim's Buddhist heritage. Since, Sikkim's higher elevations within *Dzumsa* customary jurisdiction are under military control therefore litigation by affluent mainstream but minority Sikh community. The construction of *Sarva Dharma Sthal* under the aegis of the Indian Army mirrored in legal battle with a customary institution is an attempt to intrude into the domain of custom and traditions by 'alien' legal codes.

The magnitude of the conflict is more magnified with GOS allowing feuding parties to allow legal intervention based on western jurisprudence to intrude into the function of Dzumsa, the custodian of customary institutions of cultural communities. As per Sikkim's Old Law clause, the most important stakeholder for the upkeep of Gurudongmar Lake is *Dzumsa* of Lachen in North Sikkim. *Dzumsa* as an exemplary customary institution recognised under the "Old Law" of Sikkim not only regulate social, cultural, ecological, political, natural resource management functions but also adjudicates judicial disputes in the region. A local level dispute between functionaries of *Sarva Dharma Sthal* and *Dzumsa,* its role is absolute since it adjudicates customary jurisdiction. The state and its agencies is bound by the decisions of this this customary institution in question. In hindsight, the role of state government is expected to preserve *Dzumsa* since *Dzumsa* is the only institution which maintains its presence along with the Army. In the absence of nominal GOS functionaries, GOS despite its effort has not been able to 'educate' national agencies about Sikkim's distinct Buddhist heritage in secular India. Sikh Guru's alleged journey to Sikkim in the fifteenth century from present day Pakistan for offering sermon in Gurudongmar Lake is mirrored in inconsistencies. The inconsistencies are well established since Sikkim's state formation dates back exclusively to seventeenth century when Namgyal dynasty established its rule after a series of civil war. The seventeenth century source referred as LMT Sum Agreement establishes the presence Lepcha, Limbu and Bhutia tribes as signatories of the said treaty by recognizing Phuntosk Namgyal as the first Chogyal (Dharma Raja) or the Righteous King. This LMT as a treaty officially inaugurates Buddhism as the state religion of Sikkim. Therefore, Sikh Guru's visit in Sikkim at the height of civil war in Sikkim is mirrored in inconsistencies. It is important to note that Sikhism (under Bhakti cult) as a religion was in competition with Muslim rule for space in religious affair in North India.

Therefore, legal litigation against the customary practice in favour of 'mainstream' propaganda arrives as an intrusion by legal laws over customs and convention. The employment of symbols of 'mainstream' Indian minority religion for nationalizing cultural spaces by pitting minority versus minority religions in Sikkim severely question the credibility of *Dzumsa* as a customary institution. This questions the legal validity of Article 371 F of the Indian Constitution by raising suspicion on Sikkim's distinct non-national narrative much different from the experiences of rest of India. In doing so, they have strategically avoided using symbols of majority 'mainstream' Hindu religion to nationalize Sikkim's cultural space as a preventive measure to patronise and endorse the cultural practices multi-ethnic Sikkimese Nepali cultural communities. In recent times, Government of Punjab (GOP) has approached its counterparts in Sikkim and with its political clout and influence in the national parliament and the Indian Armed Forces *Dzumsa* is at mercy of nationalizing forces. Despite strong nationalizing tendencies, Dzumsa has been able to ward off power developers from the region and are in constant negotiation with the Army for compensation for land acquisition.

Dzumsa: Resistance and Development Projects

Since 2005, GOS has vigorously pursued its policy to develop hydro power plants in the region. This has brought power developers and communities at a standstill when Lepcha reserve Dzongu (Subrata 2013) was mapped for construction of mega dams much to the violation of constitutional norms. During this phase GOS signed many Memorandums of Understanding (MoU) for endless construction of dams in Sikkim. In Sikkim alone GOS signed MOUs with private power developers especially with Himalayan Green Energy Pvt. Limited for the purpose of constructing of Teesta I (320 MW). In the same year GOS signed an additional MOU with public sector undertaking NHPC Ltd. and Himurja Private Limited for constructing Lachen HEP (210 MW) and Teesta II (480 MW) respectively (Anderzen and Bhutia 2012:74) in North Sikkim. The proposed dam site for Lachen HEP was identified in the vicinity of a village on the confluence of Zemu Chu and Teesta River. The proposal for constructing dams between Chunthang sub-division and Lachen Dzumsa and and Thangu to Lachen falls under the jurisdiction of Lachen Dzumsa. According to Anderzen and Bhutia (2012) the GOS in 2016 conducted public hearing in Lachen in the presence of several stakeholders

namely Lachen villagers, representatives from the power developers and officials from the Department of Power and Energy.

It was in fact a recee disguised as public hearing organized as means to comprehend community temperament on the subject concerned. Its deliberations expressively limited to sharing of experiences and opinions touched upon the crucial question of proposing a hydro electricity plant in *Dzumsa* jurisdiction, which is ecologically sensitive due to its proximity to the mountains and glacial lakes. The Lchenpa community decisively and collectively expressed their stated opposition the any proposals for the mega dams in its jurisdiction. The entire community vetoed against the motion for tabling proposals for constructing dams in its jurisdiction. The frontal role of *Dzumsa* in opposing the GOS lobbyists for power projects is a major highlight of its autonomy in Sikkim. Its autonomy exhibits were in full display when it successfully passed resolution within the community to refuse construction of dams in its jurisdiction. It is self explanatory that it exercised its autonomous veto power in the presence of government functionaries, power developers and the village council without external intervention. The resolution adopted by the community assembly unanimously stated its objection to oppose the proposal in the present and in the future. The resolution made a strong commitment to resist any plans for any form of construction projects of a scale of hydro-power in its jurisdiction as it was in conflict with tangible aspect of communities' environmental, social and cultural value patterns. Communities in Lachen vetoed the proposal on a number of justifications. The prominent being alienation of land due to forceful acquisition by power developers followed by inequitable share in resource mobilization with the power developers. The community members have a bitter experience of losing land to military encroachment and GOS leaving little for agriculture and live stock rearing in resource scarce region. They cited traditional livelihood practices as values upholding their identity in a particular social and territorial setting. The question of being landless in Lachen being stateless in Dzumsa and therefore rupture within community norms and institutional practices. The discontinuities emanating from these rupture would eventually lead to massive privatization and entry of corporate in Sikkim's environmental governance. As evident from massive militarization f border regions community were forced to interact with diverse background of India Army personnel belonging to diverse ethnic and linguistic social groups non conversant with Sikkim's cultural landscape. The construction of dams meant interaction with migrants from eastern India. The region

marked by limited arable land and land for housing were already showing signs of distress with depleting ecosystem in North Sikkim.

The demographic transformation as indicated is accompanied with social and cultural change with colossal impact on the functioning of customary institutions in the region. The community members shared their analysis over environmental costs and on the rich bio-diversity hosting endangered and endemic species of medicinal herbs which is an integral fabric of community practices on agro-forestry and agro-ecology. This also indicates role of *Dzumsa's* non western knowledge forms as traditional pastoral community.

The Ministry of Forest and Environment, GOI commissioned the Centre for Inter Disciplinary Studies of Mountain and Hill Environment (CISMHE) to conduct '*the Carrying Capacity Study of Teesta Basin in Sikkim.* The study (2006) revealed that apprehensions evoked by the community were in fact indisputable and scientifically established. The study observed that sites of the proposed dam comprised of areas with higher concentration of breeding birds and were geographically susceptible and anthropogenic pressure would lead to natural calamities and disaster in the long run (Anderzen and Bhutia 2012:76). In demonstrating local sensitivity to land use, population disturbances, conservation disasters highlighted in the study (2006), the GOI informed GOS in 2008 that construction of power plants would not be permitted including authorization to carry out surveys along the proposed dam site. It was on the basis of advisory by the Ministry of Environment and Forest, the GOS[169] scraped five hydro projects along the Teesta basin—Teesta I (300 MW), Teesta II (480 MW), Bhimkyong (99 MW), Bop (99 MW) and Lachung (99 MW). This five projects contained total capacity of 1077 MW (Kohli 2012).

The community members were promised and lured to give consent in exchange for hefty monetary transaction to make way for hydro power projects (Anderzen and Bhutia 2012:77) and employment opportunities in the construction companies to the educated local youths. This proposition was straight forwardly vetoed by *Dzumsa Pipons* by asserting their stand in opposing dams in the region. The pledge of securing economic

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[169]Despite requests by GOI, GOS persisted and persuaded the Experts Appraisal Committe (EAC) to carry out feasibility study and survey based on revised location and parameters (Kohli 2012) in 2010 t0 Tessta I and II projects and followed by three other projects the same following year for carrying out feasibility study (Kohli 2011). The detailed Project Plan (DPR) prepared by the Central Electricity Authority (CEA), revealed that Teesta I was to be finalized by October 2012, Teesta II by October 2011. The tentative schedule prepared by the Energy and Power Department (GOS) for commissioning these power projects were earmarked as 2016-17 and 2015-16, and 2016-17 for Lachen project.

boom for the community was reflected as momentary happiness since it did not reverberate with community everydayness of ethnic life world forms regulated by customary institution. The *Dzumsa* unwilling to grasp Sikkim's energy potential for generating revenues for the state in fact was meeting India's energy requirements in urban India mostly in the cities of India's heartland mitigated by India's growth story failed to impress communities as to why collectivized communities should suffer for the sake of India's individual centric urban middle class.

Fifth Schedule: Assessing Autonomy vis-a-vis Tribal Governance:

The Fifth Schedule of the Indian Constitution dealing specifically with the administration of scheduled regions in Central Tribal Region (CTR) predominantly with tribal population has undergone massive transformation due to state led market interventions since colonial times. The institutional arrangements for tribal governance as in the Tribal Advisory Councils[170] (TACs) as constitute the constitutional bodies for the upkeep of tribal welfare. The office of the Governor and the state legislature constitute the TAC. The functions of the Governor has been constituted and instituted. The Governor of states overviews the decisions of the state cabinet regarding industrial projects within scheduled areas. The function of the Governor is as such that it can withdraw and upset ratification of bills at his judgment after due consultation the TAC.[171] The functions and role of Governors in tribal areas hold prominence as the tribal customary institutions are subservient to the authority of central government. The control over local territories in Fifth Schedule Areas demarcates New Delhi's rights over resource mobilization in the region. The strong presence of the elected Chief Minister along with the state cabinet chairs the TAC on behalf of the Governor. The presence of the CM (non-tribal) within the TAC with tribal composition has led to conflict of interests between tribal legislators and the non-tribal CMs. The CM of the

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[170] The TAC instituted under the aegis of the Fifth Schedule Autonomy is tasked at protecting land rights of tribalsinhabting the region of schedule areas under Fifth Schedule. The law explicitly mentions role of governors for ensuring peace and governanace of schedule areas with prior consent of TACs. In recent times it is indicative that there has been a shift with non-tribal interests taking over the reins of TACs in many states with rich mineral deposits.

[171] The Governor has a clear mandate in administering its function in tribal areas. The role of the Governor is an all powerful one and often ambigous in Fifth Schedule Areas which is applicable for nine states in India for the upkeep of tribal sensibilities and traditions to which the schedule applies. The role of the Governor in the Fifth Schedule Areas of the Indian Constitution was initially spelt out in the Government of India Act, 1935 under Excluded and partially-excluded areas inhabited by largely abroginals and backward category people. Under this framework, legislations did not apply in tribal areas, except on the direction of the provincial governor. In the post independence, constitution reversed the role and put in place Fifth Schedule wherein legislations would apply in Fifth Schedule Areas unless the governor finds it inapplicable for the upkeep of tribal administration.

state, head of the government are known in India for their pro-active role in inviting investments into their state in the post liberalization of Indian economy.

It is alleged that state governments in most cases makes inroads into tribal areas with land legislations favouring corporate projects much against the wishes of TAC. In most case tribal customary institutions are bereft from consultations by the state agencies. It has come to the notice that the functions of the governor has been superseded by the political vested interests of the Indian economy where central and state government work in tandem to invite investments in states controlled by state legislature. The Fifth and Sixth Schedule areas with strong central government supervision ware envisioned at the commencement of Indian Constitution within a developmental model of Indian economy with strong state control. In the post liberalization of Indian economy, PESA was implemented in order to effect structural adjustment at the local community level where actual works for investments are carried out by the developers and the state agencies. Despite the diminishing stature governor, GOI does rely on the office of the governor to stall investments in the state especially if the political parties in power at the centre and the states are different. The central government through its party agent as the governor in the state does create institutional problem for state government in halting the initiatives of the state. For example in 2012, GOI's official correspondence the then Governor of Andhra Pradesh, E S L Narasimhan indicates strong intervention to stall bauxite mining in tribal belts as a measure of governor's constitutional provision in upholding tribal welfare in tribal belts (Malhotra (2014).

However, Governors are also in a position to digress from its official constitutional mandate by using CM's discretion as an excuse to sanction investments by undermining the spirit of tribal governance. The SC of India citing diminishing stature of governor's constitutional role in delivering social, economic and political justice in tribal belts have instructed governments to take measures in meeting the expected outcomes. For example, the SC of India made decisive judgments in the Nyamgiri hills versus Vedanta (2013) by instructing the government to empower customary institutions and tribal communities as envisioned under the Panchayats Extension to Schedule Areas (PESA) Act (Malhotra 2014). Similarly, the Xaxa Committe Report (2014) illustrates strong role of state governments and legislature in undermining the status of Governor's role in legislating policies for the TAC. The overriding control over TAC by CM and his cabinet has led to the institutionalization usurping the apex body of tribal governance by vested corporate interests of the political

parties in state legislature (Xaxa 2014:75). The lack of coordinated institutional arrangement between the Governor, state legislature and state council of ministers makes the role of governor as an independent head problematic in realizing autonomy in tribal governance. Therefore the role of the Governor in the state to safeguard tribal culture, land rights on the compassion of one character also typify the position of the governor as undemocratic in India's parliamentary form of democracy (Malhotra 2014).

The legislative action institutionalizing authority in one individual has attracted legal and social activists to challenge parliamentary enactment as unjust and unviable under the Fifth Schedule of the Indian Constitution. For example, Chhattisgarh which was formed in 2003 by the BJP government, its TAC is chaired by the CM and is accountable for expansion of laws in schedule regions. It has been noticed that Governors of states as a matter of maintaining cordial relations with CM and the cabinet colleagues abstain from intervening in the function and domain of state cabinet. Therefore, the role of the Governor in maintaining law and order following police excess on tribal groups and activists has gone unnoticed (Mahaprashasta 2013). Therefore, PESA in Fifth Schedule areas remains mirrored with policy ambiguities faced with bureaucratic hurdles. Further, the presence of two powerful institutions, the Ministry of Panchayati Raj and the Ministry of Tribal Affairs conflict and contradict GOI's policies on PESA implementation in tribal areas without proper institutional co-ordination between two ministries (Mahaprashasta 2013). The lack of coordination between the Governor and the political credence of the CM over council of ministers and TA and absence of institutional harmonization between GOI and states on PESA renders the issue of tribal governance meaningless.

This had led to empowering the role of state government in tribal affairs based on the nature of state politics and investment projects in tribal belts. The usurpation of constitutional mandate by the state government and Governor's complicity highlights encroachment of the integrity of tribes and administration of tribal areas (Malhotra 2014).

The CTR as known has the biggest concentration of mineral resources. This makes the region prone to government desire for extraction of resources in the name of 'development'. This has led to mushrooming of corporate lobbyists in the state for securing time bound concessions for favours in cataloguing tenders forms as an exchange for surplus returns.

The infrastructural upgradation in CTR has its impact in depletion of ecology and affected tribal communities of its livelihood practices. As a fillip to investment opportunities tribal

sensitivities are brushed aside as a law and order problem and a local level issue. This is indicative in the role of CM's centralized over the agency of the Governor as heads of the TACs. The centralized role of the CM undermines the function of the governor who as per constitutional norms is empowered to focus on critical indicators of safeguarding tribal self governing institutions and empowering access to joint resources. The role of the governor if followed in letter and spirit institutionalizes roadblocks for state governments in to make incursions in tribal belts endowed with rich minerals thereby destabilizing the autonomy of tribal institutions.

PESA and Self Governance in Fifth Schedule

The Fifth Schedule applied in nine territorial states with tribal population, institutional safeguards and autonomy and rights over territory through an institutional mechanism of Tribal Advisory Council (TAC). Amidst condemnation for overt centralization of powers under GOI, then PM of India in 1992, P.V. Narasimha Rao unanimously passed the 73rd and 74th Constitutional Amendment by the Parliament. It was passed to empower local self government in the form of Panchayati Raj institutions (PRIs) and urban municipalities as a form of decentralizing power at the village and the block level. The Fifth Schedule region, originally governed by constitutional provisions was excluded from PRIs citing constitutional laws. The 73rd and 74th Constitutional Amendment was widely assumed to cater revolution in the governance of village as the first line democracy in non scheduled areas.

The tribal regions with strong institutional mechanism remained bereft of reformation prospect in local governance due to the presence of vibrant self governing institutions in tribal areas. Thereafter, a sense prevailed in initiating reforms in the structure of tribal self governance by enacting PESA for Fifth Schedule regions in 1996. The application of PESA in tribal regions created parallel local government along with self governing institution of tribes. This parallel body under PESA created institutional hurdles to the function of self governing customary institution in by evoking and invoking western and modern knowledge subjectivity alter tribal knowledge subjectivity about ecology, environment, resources etc. This was the initial attempts at refurbishing PESA as agents of the governments. The promise of the Gram Sabhas to devolve power for tribes to participate in decision making remained in paper.

Further, three-tier formation of PESA was approved in the tribal regions. At lowest level Gram Sabha formed the elementary constituent of village local governance in tribal areas. It was set to exercises strict watch over natural resource mobilization and an institution for mechanism of dispute resolution. Both functions are the core of customary institutions and tribes and not the Gram Sabha. This top down approach of relegating customary village councils allowed access to global financial institutions through cooperatives societies which self governing institutions don't allow. At the middle level gram panchayats constituted an elected organ comprising members from respective gram sabhas. The gram panchayats were additionally refurbished as an appellate judicial local body for administering dispute settlement as a higher court due to the discontentment from the local level. The upper most tier is the apex body at the taluk-level or the block level (Mahaprashasta 2013).

Enactment of PESA robbed tribes of its autonomy over natural resources management. PESA curbed tribal autonomy on behalf of the state by making inroads through the function of Gram Sabha as a unit of village administration. The Gram Sabhas were used by the state to formulate important decisions on contested tribal issues. The decision to regulate sale and consumption of liquor, access over forest resource, encourage land alienation; restore unlawfully alienated land, control over of village market, control over money lenders, and forcible land acquisition by PESA, the state reinstated its superior disposition. This was despite the decision to compulsorily render every legislation across tribal belts to abide by prevailing customary domain and the function of customary institutions of tribes (Mahaprashasta 2013).

Conclusion

The autonomy of *Dzumsa* was tested during GOS's mega infrastructure adjustment process in Sikkim in early the 2000s. It was propelled by India's growth story established through India's potential to supply continuous energy to its industries and ever expanding urban scene. Sikkim's untapped perennial Himalayan rivers provided a platform for then India's Planning Commission to route energy outside Sikkim. Sikkim's total energy requirements capped at mere 95.70 MW as against Sikkim's projected potential to generate energy 5352.7 MW made way for large scale entry of power developers in naturally endowed resource rich state of Sikkim. The Lepcha ethnic reserve witnessed the impact of colossal infrastructure upgradation on ecology, livelihood and culture etc. The Lepcha without their customary institution was

subservient to state led electoral politics channelled through elected PRIs mobilized men and material on behalf of power developers and the state agencies. This split in the community along the political (PRIs) and customary-constitutional (ACT) divide along with the construction of largest project, at Chungthang village bordering Lachen and Lachung *Dzumsa* jurisdiction along the Teesta River made the possibility of harnessing energy impossible in Lachen and Lachung *Dzumsa*. In leading from the front, communities from Lachen and Lachung resolutely offered credible opposition and resistance to the proposal of harnessing energy. Since then Dzumsa traditional governance institution, has acquired the buzzword in Sikkim's policy circles. The GOS officially acknowledges Dzumsa as 'little republic' due to their inability to make inroads in to the domain of customary governance.

Dzumsa's strong customary beliefs and values normalize water bodies such as lakes, rivers and springs as referents of divine gift. Therefore, resistance to dams was a case of natural and cultural reverberation of society's intrinsic value patterns. The community members saw this as an infringement of community beliefs with nature particularly contempt of the integrated river systems, an invasion of cultural landscape from swarming of labourers with no social ties with the culture and society of the region.

In general, construction by huge machineries was as much a geological disaster as it was in opposition to their local practices of preserving the integrity of the territory and the river. The current generation of urban educated youths from Lachen and Lachung vigorously offered a new face to the validity of customary institution. This mobilized *Dzumsa's* institutional validity as a democratic and customary platform to raise awareness and mobilize its parliamentary credential. The villages in Lachen and Lachung stands as an example for neighbouring (Lepcha and Bhutia) inhabitants of Chungthang with whose consent dam was built in Chungthang.

Chungthang is located at the ground zero of the Chungthang Dam which is surrounded by three sides by artificial reservoir. The small township is known for noise pollution exacerbated by the movement of heavy machineries due to the commissioning of dams, landslides through construction of roads and tunnels, vehicular movement of military convoys along tourists vehicles leading to traffic jams, presence of 'immigrant' population and uneven monetary compensation have rendered few household landless. The epicentre of the September 2011 earthquake located at North Sikkim was the centre

of man and nature human causalities. The region is located in the downstream with glacial lakes atop the villages and in the vent any artificial strain of ecology could spell disaster to the scale of glacial lake outburst floods (GLOFs). This empirical observation from Chunthang within the vicinity of Lachen and Lachung *Dzumsa* along with customary value patterns became a rallying point for communities to offer resistance dams. This autonomy context of many self governing institutions in India remains regulate by electoral institutions in the name of tribal self governance.

Chapter V

Sikkim Subjects: The Self Governing Modern Citizens in India

Introduction

The chapter will posit important roles and responsibilities of Sikkim Subject have played as collective agents in mobilizing community-traditions and subjectivities in many of modern achievements of the state of Sikkim. Sikkim's success as the first fully organic state in India; the only state with rich bio-diversity in South Asia; as well as in being the 'Greenest' state in India—when seen in light the official acknowledgement that all "three Sikkimese cultural communities of Sikkim (i.e the Lepcha, Bhutia and Nepali) possess rich traditional knowledge of bio-diversity conservation and have their own non western ways of conserving nature", indeed present a unique situation and call for some serious academic engagement.

Sikkim's contemporary discourse on environmental sustainability in the context of anti dam movement led by Affected Citizens of Teesta (ACT) gives an overall picture of environmental governance in India. The relaxation of environmental norms for construction of mega infrastructure remains a subject of central legislations. Therefore self governance has to be contextualized in light of policy debates and non western alternative local practices. The success of Sikkim actually accentuates community knowledge on environmental sustainability in sectors such as agriculture, tourism and bio-diversity conservation.

I

Sikkim-Subject: Subject-Citizen of Modern Indian Democracy

Sikkimese cultural communities (Lepcha, Bhutia, Nepali) as citizens of modern Indian democratic state share a culturally contiguous geography in Eastern Himalayas with Darjeeling and Kalimpong (D&K). Despite the demographic similarity cultural communities between the two, communities in D&K enjoyed equal individual rights as citizens since 1947. For example, Lepcha language/cultural community in D&K enjoy equal rights since 1947 in comparison to Lepcha language cultural community who did

not have democratic right until Sikkim's inclusion with India in 1975. Since then, Sikkim Subject like its ethnic counterparts in D&K—as citizens of modern Indian democracy enjoy equal citizenship rights of modern Indian democracy including access to modern education. Despite, being beneficiaries of modern education as equal citizens of India since 1947 cultural communities in D&K are demanding for the creation of Gorkhaland and numerous non territorial Development boards for the upkeep of socio-economic need of the communities. This context presents an interesting puzzle in the hyphenated subject citizen debate. The category of citizen is put to test by this empirical reality and fact.

Sikkim Subject seen in light of subject citizen debate is not just a subject of king but a subject of knowledge forms. For example, Sikkim Subject status allows cultural communities to live as members of community reserve in specific areas in north Sikkim. This has been brought to notice that Sikkimese Lepchas of north Sikkim being a subject of community knowledge posit a special category of subject citizen and in view of the demand and debate for setting up of Lepcha development board by their counterparts in D&K offers a significant point of argument in view of subject citizen debate in India. Similarly, the demands of Sikkimese Nepali cultural communities for recognition of Nepali language and Scheduled Tribes status diverge from the demands made by Nepali communities in D&K. The special constitutional status of Sikkim Subject has provided safeguards to Sikkim's territorial integrity despite repeated calls for merger of D&K and Sikkim as Nepali speaking federal constituent in India. This informs the ebb and flow of political subjecthood and territorial form of special citizenship rights in Sikkim and D&K. The demand for the creation of Gorkhaland in West Bengal and Sikkim's 'annexation' in India brings forth the scheme of incorporating specific population with special territorial citizenship rights.

In comparison to western democracies where the rights bearing individual citizens assert their rights and entitlements as per the basis of modern and constitutional laws, in non western world or postcolonial societies, where modern laws and jurisprudence were incorporated by colonial power as against the customary rights it is the "general population" who predominantly live the lives of both citizens and subjects i.e. both as a 'subject' of communitarian knowledge and community world view as well as a 'legal citizen' who as a 'vote bearing individual', can claim his/her constitutional status and

demand her special cultural rights[172] when denied, as is evident in the special status of cultural minorities and Scheduled Tribes (ST) in India (Dastider 2016:49). This is evident from the examples of maintaining the politico-legal and empirical category of Sikkim-Subject as Sikkimese people. Therefore, Rights of the right bearing citizen in India is not synonymous with rights of the rights bearing Individual as the citizen under the French Declaration of the Rights of Man and the American Bill of Liberty. The western experience of vesting equal status in the autonomous individual as the unit of analysis is the rubric of liberal citizenship project. Unlike western experiences, the rights of the rights bearing citizens in India remains mediated through empirical classification of population as cultural communities.

The large section of India's population who were brought under the rubric of modern citizenship remained encumbered by the conception of social structure such as religion, caste ethnicity and tribes etc. The Fundamental Rights attempted to depart from its colonial predecessor where colonial administration armed with legal jurisprudence understood India's diverse social systems as being consolidated by social collectives premised on caste, gender, religious identities (Washbrook 1981) and tribal ethnicities in India's Northeast and not merely as autonomous individual. The large sections of India's population who were incorporated by the rubric of modern individualized conception of citizenship continue to mediate with state not as an autonomous individual but through group and community subjectivities. Thus, the subject citizen in India continues to navigate state resources mediated by community, gender, religious and ethnic identities. Hence, the citizen-subject or subject-citizen as enshrined in the Indian Constitution is not the individual citizen liberated from ascriptive categories of race, ethnicity and religion but those connected to traditional structure of community governed by its customary laws (Newbigin 2011:07).The modern citizens in India as population or as subject-citizen claim their rights and entitlements much different from western democracies.

Sikkim Subject as subject citizen in India has access to similar concessions provided by the Indian state. For example, concessions of special citizenship right granted to the state subjects of former J&K state, tribes in North East India resonates similar experiences of subject citizen oscillation. This experience places resident inhabitants

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[172] For more on cultural rights see Kukathas (2002).

with higher access to differential privileges in comparison to resident Indian citizen settled in the region. This anomaly within the architecture of liberal citizenship regime in India sets it apart from western democracies. It is a given fact that the transformation of subject from citizen from pre-colonial, colonial, post colonial to contemporary is constituted in complex ways and under varied contexts (Cederlof 2017:01). The concessions of special citizenship rights constituted through special provisions of the Indian Constitution figures as a strategy to accommodate the claims of the minorities and tribals by recognizing their interests (Jayal 2016:04). The special citizenship rights in India evidently was a fruition of the the Constituent Assembly (CA) debates on the rights of minorities and tribes governed by their own social customs, customary and personal laws.

It is important to contextualise the milieu that underpins the political processes under which large sections of population were brought under the rubric of modern citizenship in India. In the words of Chatterjee (1998), the initial endeavours to arrange a logical story of Indian politics after India's independence were particularly located along liberal modernization paradigm. The said political processes replicated many legal parameters of colonial state as way forward for consolidating liberal processes including the introduction of universal suffrage. These were the basic changes in the approach of post colonial administration that constituted the background of India's citizenship regime. The liberal project that endorsed equality as the unit of citizenship analysis supposedly discarded connections rooted on caste, kinship and religious affiliations. For example, the colonially constructed difference and membership based on ethnicity were regarded as remnants of underdevelopment. This was to instil withering away of such connections by realizing membership of people in political community of a nation. However, diverging territorial incorporation of peoples and regions in India shaped the discourse of democratic processes. This allowed citizens to endorse its loyalties based on kinship, caste, tribe, religion and ethnicity. This oscillated a modern system of political participation of remaining loyal to their community norms and adopting, transforming and finding a space within the framework of democratic imperatives.

This is apparent in the formulation of special citizenship rights under the Indian Constitution where the common outline of Indian Constitution does not arrange inclusive provisions in relation to citizenship rights in India. The Constitution makes a

description of empirical category of population eligible for Indian citizenship at the commencement of the Constitution in 1950. Further, the Constituent Assembly Debates (1946-49) upon deliberations on the rights of minorities and tribes conferred concessions in the form of self-governance rights under their own personal and customary laws. In the case of erstwhile state of Jammu and Kashmir (J&K), Article 370 (A) conferred concessions to the erstwhile state of Jammu and Kashmir by allowing to be a state subject whereupon the application of Indian laws by the Indian Parliament was a matter of verification by the then J&K Legislative Assembly. Then, the State Subject were regulated by their own state laws, including citizenship laws, property ownership and fundamental rights. The Union Territory of Ladhak and Leh within the J&K then exercised significant autonomy as State Subject as well as citizens of India under the Indian Constitution.

In Sikkim's context, Article 371 F as safeguards for special citizenship rights of Sikkim Subject is similar to other provisions granting special citizenship rights to its resident inhabitants. In Sikkim's case, 371 F reinforce state's historical trajectories from that of a Buddhist Kingdom to colonial periphery, associate state of Indian Union and finally as the twenty second constituent unit of the Indian Union. The acknowledgement of Sikkim's political and historical trajectory underpin Sikkim's unique social systems, cultural, fiscal, administrative, legal, customary and religious in making Sikkim-Subject as a distinct category of population.

Therefore, maintaining official category of 'Sikkim Subject' to determine historical residents from the rest has produced a distinction in legal status. This delineation has suited the policy imperatives of protective discrimination vigorously pursued by the Indian state. This allows GOI and GOS to discriminate in favour of historical residents. This enable resource mobilization in the interest of Sikkim's largely agriculture based residents where access to land is the primary source of sustaining productive livelihood and community knowledge forms (Datta 1994). This aspect of territorial rights of Sikkim Subject allows them to emerge as targets of governmental policies. In this context, GOS and GOI have been successful in monitoring in-migration of people from neighbouring hills and plains. In the meantime, this exercises monopoly over allotment of resources—entitlements and subsidies. This aspect of territorial form of recognition is employed in parts of North East India (NEC 2002) within the framework of Sixth Schedule autonomy, defined wholly by Scheduled Tribes (ST) status.

In Sikkim's context, the legal status of being a 'Sikkim Subject' is a route for accessing benevolent fiscal subsidies Sikkim and its documented residents accrue from GOI. The concessions meant for Sikkim is an official acknowledgment of Sikkim's strategic location and keeping 'sensitive' region free from resistance. Sikkim's financial allocations are often considered disproportionate to its size and small documented citizens. The special status of Sikkim Subject has also allowed GOS to maintain autonomous and direct relationship with GOI. The successes of governmental welfare policies recognize Sikkim and its people as achieving suitable standard of 'human development' despite Sikkim being industrially backward. The employment of special citizenship rights in Sikkim has comparably excluded identical ethnic communities inhabiting D&K region in WB bereft of concessions in the form of subsidies and entitlements from the state. The assertion for separate statehood demands in D&K is propelled by the condition that separate state ensures social security for their ethnic compatriots among Sikkim Subject. This logic of special citizenship rights for Sikkim has been a driving force for demanding and yearning for inclusion of Gorkha people with special status.

Similarly, Article 371 A safeguards are ensured for Naga people in Nagaland. This allows the social practices of Naga people to be regulated as as per Naga customary law and its procedure. The administration of justice as per Naga customary laws gives them to safeguard its ethnic life worlds. This includes retaining control over ownership and transfer of land and resource mobilization as per the norms of Naga practices. This is true in the case of tribal practices in Meghalaya, Mizoram and Arunachal Pradesh. For example Articles 371s grants concessions to its residents under the lash of customary laws and social practices prevalent upon their specific territory. The Naga people as Indian citizens simultaneously benefit from Fundamental Rights as enshrined by the Indian Constitution. The duality of communitarian identity and individual citizen-subject in India perpetually is rooted in the framing of Fundamental Rights modelled along the French Declaration and American Bill of Rights by giving preference to social structures of minorities and tribes. This has brought tensions and conflicts between aspect of cultural autonomy under customary law and civil rights under legal provisions in India.

The overarching framework of universal citizenship rights in India accompanied with the model of differentiated citizenship for its diverse subject population has rendered

preferential citizenship rights to its disadvantaged population groups, immigrants and its national minorities in India. Differentiated citizenship in India as a model informs India's pluralist diversities in seeking to recognise community identities as against individual identity by way of differential treatment to group identities (Bajpai 2011). The differentiated citizenship model works well within a particular socio-cultural setting demarcated by administrative boundaries or even at district level jurisdiction within a state.

This convergence of liberal citizenship with 'illiberal' culture in India has produced layers of citizenship regimes, which is to say that different levels of rights and entitlements exists for Scheduled Castes (SC), Scheduled Tribes (ST), Backward communities and national minorities within the country (Mitra 2008: 345). The 'illiberal' overtone of the citizenship rights is indicative of customary cultures of many of India's national minorities. The endeavour to uphold equilibrium between the demands of universalist conception of citizenship accompanied with the special priorities of the communities, first of an acknowledgement that, along with civil and political rights for all citizens, to safeguard and guarantee rights of religious minorities (Jayal 2016:04).

As a result of the special priorities of specific population groups, their participation in political processes has a yielded relationship with state much different from the west. The implementation of citizenship benefits in Sikkim exclusively for 'Sikkim Subjects' has yielded results much different from the experiences of rest of India. For example, 'Gorkha' people in sub- Himalaya West Bengal with similar linguistic and cultural demography vary from Sikkim Subject. The cultural participation, demands, processes and forms of governance along Gorkha martial tradition renders multiple ethnic communities its cultural autonomy. The demand for recognition of Nepali as major Indian language under Eighth Schedule of the IC or whether mobilizing ethnic campaigns for recognition as Scheduled Tribes status in Darjeeling has been routed through the official GOS channel. This distinctive example of treatment on cultural communities divided by political boundaries in India amplify Partha Chatterjee's terminology of the 'politics of the governed' in non western societies.

Further to validate this argument, in most part of the non western democracies, the state treats its residents not as wholly developed rights-bearing citizen but as governed subject *populations* (Chatterjee 2004). Thus, Sikkim Subject as an empirical category

of vote bearing citizens continuously respond to the demands of the state and concurrently state responds to the demands of Sikkim-Subject. In implementing policies in the interests and welfare of the population state enhances its welfare programmes mobilizing electoral gains. The state mobilizes in the name of enhancing phase of peoples' conditions by producing enumerating people as 'underdeveloped', 'backward' or primitive etc. As mentioned, many of the post colonial states in pursuing these aforementioned policies are invoking colonial modes of governing its subject populations by achieving the status of right bearing citizens albeit under welfare programmes. Rights of the right bearing citizen in India is not synonymous with rights of the rights bearing citizens as projected under the French Declarations of the Rights of Man and the American Bill of Liberty with autonomous individual as the unit of analysis within the rubric of modern citizenship. The rights of the rights bearing citizens in India re mediated through empirical classification as a set of community in need of welfare and patronage by the state. This is realized through several of the flagship programs of the governments. The model of differentiated citizenship in India mediates the flagship governmental programmes and schemes by identifying beneficiaries from a particular community and ethnic group under specific political contexts. The semblance of colonial project of 'civilizing' mission with welfare techniques of post colonial governments varies little except that the post colonial state employ it in the name of 'improving' aspects of population lives since the fundamental rights in the Indian constitution was to transform ordinary lives of India's population as free citizens. This architecture of governance has enabled states capability to act in producing obligations from its governed populations.

The post colonial institutions of governance in India reinforce the liberal-individualist conception of equal citizenship with equal rights and equality before law for all (Jayal 2016). However, everyday citizenship practice in non-western democracy such as India is shaped by community subjectivity over the adopted individualizedstatus of the citizen. The concessions for particular forms of rights for specific groups of people elevatecommunity and cultural subjects as bearer of rights over individual citizens. The transition of the 'Sikkim-Subject' into the figure of Indian citizen encompasses equal citizenship rights and equality before law as individual citizens but recognition of certain categories of rights privilege Sikkimese cultural communities such as (Bhutia, Lepcha and Nepali as bearer of rights in Sikkim on the premise of historical

documentation as a Sikkim-Subjects. The Sikkim Citizenship Order, 1975 forms a facet of constitutional mechanism for giving recognition to the interests of Sikkimese cultural communities as different from the rest of the Indian citizenry. In India, it is best exemplified through various constitutional policies and provisions for diverse categories of 'differences,' each justified in terms of criterion of appropriateness (Jayal 2016:4).

The transition of Sikkim Subject from a kingly subject to "modern" citizens of modernizing Indian state power has been one filled with processes related with documenting citizens in India. The documentary citizenship in many parts of Indian was a realized as mechanism to counter alleged immigration of 'aliens' from the neighbouring countries sharing similar demographic profile by safeguarding and preserving the rights of the historical residents. The contemporary practice of attesting documentary citizenship in ascertaining communities as bona fide citizensof Sikkim explains the practice and implementation of welfare policies of the Indian state and its special citizenship statusby limiting selective distribution of entitlements to its historical residents. The contemporary Indian citizens in Sikkim comprise two watertight compartmentalization and categories viz., Sikkimese and non-Sikkimese. In recent times, proliferation of sub identities within the category of Sikkimese has emerged to glide in public discourse. Meanwhile, Sikkim has been able to maintain the category of 'Sikkim-Subject' as a legal status to distinguish Sikkim's historical residents from later immigrants (Melanie 2011). This has had implication in understanding the conception of citizenship regime in India and most importantly in rethinking the nature of 'protective discrimination' pursued by the Indian state in Sikkim.

The political participation of diverse population groups within forms of governance has a yielded relationship in the post colony much different from the west. The implementation of governmental policies in Sikkim meant exclusively for 'Sikkim Subjects' has yielded results much different from the other states in India. The demographic distribution of ethnic communities in a particular historical specificity gives Sikkim Subject a distinct personality as subject-citizen in India. Therefore, political participation and processes of 'Gorkha' peoples' residing in sub- Himalaya West Bengal vary from Sikkim Subject. The demand for recognition of Nepali as a major Indian language under the Indian constitution or mobilizing ethnic campaign for

Scheduled Tribes status for Darjeeling residents have been routed through official channels of GOS. This example amplifies India's policies of managing territorial 'difference' for its populations. This is popularized by Partha Chatterjee as the 'politics of the governed'. Further to substantiate this argument, in non western world state treats its residents not as a wholly developed rights-bearing citizens but as governed *populations* (Chatterjee 2004). The context largely dominated by electoral milieu renders population as a set of target for electoral mobilization.

Therefore, Sikkim Subject as an empirical category respond to the demands of state and state reciprocate to the demands of Sikkim-Subject. The implementation of policies in the interests of people conditions grounds for electoral mobilization. It does so in the name of improving and developing aspects of peoples' lives by creating 'underdeveloped', 'backward' or primitive status. The invocation of colonial modes of classification of populations for handing welfare policies allows one to argue that the rights of the right bearing citizen in India is not synonymous with rights of the rights bearing citizens as projected under the French Declarations of the Rights of Man and the American Bill of Liberty. The rights of autonomous individual in India remains mediated through empirical classification as a set of community in need of welfare. The realization of welfare through flagship policies of the government reinforces one's grasp over the model of differentiated citizenship. The flagship welfare programmes and schemes are mediated through the model of differentiated citizenship in India. The identification of beneficiaries belonging to a particular community or an ethnic group makes population groups clamour with demands for ST status. The welfare objectives of post colonial government upholds insistence on 'improving' aspects of peoples' lives as a fundamental right as free citizens. In exchange, it has enabled state's capacity to extract obligation from its governed populations.

This top down approach of producing obligations from its populations without state conceding obligations towards its governed populations gives an account of supposedly constructed citizenship hierarchies. For example Upendra Baxi (2002) while revisiting hierarchical model of citizenship lamented that the marginalized majority of population is subject citizen for whom the law applies immensely to this category of population (p. 59 fn 30). In many cases, differentiated citizenship model as a platform to render welfare policies do not prove beneficial for the entire people. For example army recruitment drive in Sikkim by Indian Army specifically targets Sikkim Subject. In

Darjeeling, military recruitment drive is lodged within the framework of colonially constructed 'martial race' theory. The terrain of Gorkha 'martial race' theory in India has consolidated the foundations for the demand of separate statehood of Gorkhaland as matter of distinguishing Nepalese citizens from Indian 'Gorkha' people. The state's response to the separate statehood demands remains a question of electoral bargains. The difference in according preferential priorities to the demands of Sikkim is an articulation of differentiated citizenship model through special status. In doing so, the post colonial state employ techniques sourced from colonial ethnographic database.

This relationship of the governed and ruler constantly produces the process of people becoming a subject and an empirical category of population. The individual as the autonomous self or the rights bearing citizen is a subject under conditions of rule constituted within the framework of liberal project. Therefore, Sikkim-Subject either as an individual citizen or a member of Sikkimese cultural communities remains fettered by the notions of ethnicity, historicity, and religion allowing it to maintain its subjectivities. Therefore, conditions that underpin Sikkim Subject as subject-citizen in India are not indistinguishable to those from D&K region or in the Northeast. This is because there are copious ways in which subjecthood in India is represented in diverse historical moments (Cederlof 2017:01) or even in the contemporary. According to Cederlof (2017) illustration of subjecthood within the grand narrative of imperial history to post independence India, the subject-citizen in India as an individual or as of community is constantly being reconfigured and reconstituted in composite ways and under varied contexts (Cederlof 2017:01).

Sikkim Subject: Self Governing and Modern

India's constitutional provisions uphold legal pluralism precisely due to large sections of community subjects still rely on norms of customary laws despite access to modern education. For example, Dzumsa self governing customary institution in Sikkim mainly with a customary mandate adjudicates community disputes as per customary laws. In dealing with issues of magnitude requiring legal interventions, communities have approached judicial bodies in order to maintain customary fabric of Dzumsa. This approach in effecting minor modification to its world view by reaching out to the modern institutions is anything but integration with political modernity. The hall mark

of integrationist approach in India's nation building processes allows communities with distinctive social practices to remain rooted to its subjectivities. The paramount allegiance of subjection to the nation-state unlike in Europe transcends from cultural community to political community.

For example, self governing communities in Dzumsa draw its cohesiveness from customary subjectivities. On the other hand, it is continued relevance is a split in allegiance between customary institution and nation-state. India's special provisions grant legitimacy to maintain dual subjectivities for its community subjects in Sikkim and parts of North East states. These imply that cultural communities are granted political, cultural and fiscal concessions as a way forward to emerge as individual citizen of the nation-state. Certain aspect of customary institutions when seen from democratic theory suffers from democratic deficits such as gaps in gender relations. Despite such deficits, Sikkim is an exception with total absence of the killing of the female foeticide since. The mobility of Sikkimese women above national average is manifest with women enjoying fifty percent reservation in jobs and elected local bodies. The role of women within customary village council held hostage under customary institutions hold important role within the household relations. There has been pressure on the institution to open for women's participation in leadership roles. This is mainly due to numerous government schemes targeting Sikkimese women as its principal beneficiaries. Despite pressure from feminist movement all over the country, tribal traditions and customary institutions continue to function with its patriarchal mandate. One of the most prominent features of self governance in Sikkim is that it regulates diverse aspect of community lives. For example, customary laws in North Sikkim does not recognize clubs, tourism development associations and non-governmental organizations registered under formal legal system in order to avoid conflicts resulting from diverging worldviews. It has been brought to light that self governing village council such as Dzumsa effectively plays the role of modern day association, self help groups and clubs with a customary allegiance. Lachen Tourism Development Corporation (LTDC) in Lachen functions under the regulation of Dzumsa. In Lachung, boxing club promote boxing under the banner of Lachung Dzumsa Boxing Association. In this manner, Sikkim Subjects as self governing subjects have been playing important role in creating balance between the customary and formal legal world views. This is keeping in mind emerging conflict between formal and customary forms of governance—political, cultural, legal and ecological etc. The denial of organizing

community under formal self help groups, clubs independent of customary supervision prevent formal parallel bodies intruding and challenging authority of customary worldviews. The regulatory control of customary village council over formal bodies such as NGOs and self help groups safeguards erosion of customary laws from external influences.

The Role of Sikkim Subject in Placing Sikkim as a Cultural Landscape

In 1994, the world Heritage Convention constructed the category of 'cultural landscape'[173] in order to recognize a particular landscape as spaces of affiliation and interaction attaining remarkable universal cultural value between communities and nature. This is despite the fact that all cultural landscape posses some inherent cultural principle but only those exhibiting intrinsic interaction between human and the ecology is acknowledged as the "World Heritage Cultural Landscape" (Boojh 2012:24). Sikkim in Eastern Himalaya in a specific geographical location combines collective work of Sikkimese cultural communities and community resilience towards conservation of environment for livelihood and cultural sustenance.[174] The Kanchendzonga National Park (KNP) in Sikkim located in Eastern Himalaya was voted as the UNESCO world heritage site in 2017 as a form of recognition of interaction between environment and its people. The region of North Sikkim and many parts of Sikkim falls under KNP where Sikkimese cultural communities—Bhutia, Lepcha and Nepali interact with nature thereby producing a distinct geographical space with communities at the forefront of nature's conservation.

Sikkim's non industrial economy largely supported by customary agriculture and animal husbandry is consistent with land use and agro-forestry (Sharma, Xu & Sharma

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[173] The category of 'cultural landscape' under the WH Convention was created in 1994. It was to map landscape with exceptional affiliation of human beings with the environment. Landscape is with an excellent universal assessment in terms of the interface between communities and the environment was acknowledged as "World Heritage Cultural Landscapes." The identification Sikkim as specific cultural geography in Eastern Himalaya with properties individually represent(ing) the shared work of nature and of human beings was acknowledgement of community knowledge forms of Sikkimese cultural communities. The inclusion of cultural landscapes on the World Heritage List was the result of the new anthropological dimension acknowledged in the definition of cultural heritage of 'outstanding universal value' (Titchen and Rossler, 1995).

[174] The term "cultural landscape" upholds multitude manifestations of communication between humankind and the nature. It reflects distinctive techniques of sustainable land-use, in view of the features and limits of the nature they are accustomed with and a reverence for nature. The examples of cultural landscapes illustrate and acknowledge community role in modern techniques of sustainable land-use by sustaining the and natural nutrients and knowledge forms in the landscape. The subsistence of customary forms of land-use patterns scientifically maintains conservation efforts in many parts of worlds.

2007; Patiram and Kumar 2005). Sikkim's subsistence agriculture allows communities and the ecology to depend on each other and vice versa. Agro-forestry, a foremost resource of land use in covers large tracts of individually owned private forests. Sikkim's large tracts of forests are privately owned by individuals holding landed revenue documents. The nodal agency of regulating forests norms remains with the state forest department[175] but private individuals wield control over land forest resources. This dialectics has prevented over exploitation of resources thereby formalizing harmonious equilibrium between communities and environment through agro-forestry and organic agriculture.

The forestry in Sikkim is demarcated based on its profile. The grazing pastures for community utility commonly demarcated for cattle rearing remains banned since 1990s due to the technocratic shift in mapping forests resources from modern perspective. The Reserve forests forms the vital mechanism for maintaining robustness of Sikkim's forestry where community engagement is minimum. Forestry around village settlement and agricultural fields are referred as *Khas Mahal.* This is a vital source of livelihood for the communities. The resource it endows with its communities gives it a protective cover to reserve forest. The grazing lands are characterized as common property for entire communities. Unlike in other parts of India, forestry remains under the control of community regulation free from market based timber felling enterprise. The community access to forest and resources are one based as per the designation of land use as grazing land, pastures, reserve forests etc. For example, under the formal legal system, forest areas within Dzumsa jurisdiction comes under state Forest department while under customary law it comes within Dzumsa jurisdiction. Therefore, Dzumsa regulates oversight in the movement of cattle from higher elevation to lower elevation pastures. Local communities access forest resources for subsistence practices.

This aspect of community conservation in Sikkim is multi layered and forms an integral part of cultural politics. The political ecology of Sikkim's state formation in the seventeenth century in canonical texts finds mention under "Hidden Land Traditions".

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[175] The establishment of forest department in Sikkim dates back to late nineteenth century. Technically, Sikkim's forest department is the largest owner of land in Sikkim with control over more than eighty percent of Sikkim's land use under its regulation. The government of Sikkim wrest control over forest land—both government and regulate minimum standard control over of privately owned forests where communities exercise autonomy in accessing forest produce except felling rare species of trees and poaching of wild animals.

The Tibetan's quest for a territory in the south of the Himalayas legitimized state formation narrative based on Buddhist prophecies has emerged as a site of cultural politics. The narrative of objectifying environment as hidden treasures and sacred gives spiritual meanings to the natural environment. The revered sacred groves (Borthakur 2013; Gadgil and Subhas Chandran 1992) allow communities to maintain forestry by imposing particular restrictive value such as deity with a particular ecological setting. This organic approach towards conservation mapped with political economy of flourishing tourism economy is changing the profile of community sacred groves. The ban on adventure sports and mountaineering expeditions in Sikkim Himalaya due to local attachment map Sikkim as a cultural landscape. The resistance to mega hydro projects by communities in Sikkim are innate exhibits of community resilience towards natural calamities.

Sikkim's sacred groves in its spatial setting are historically demarcated. Its civilizational impression on communities is manifold. The ecological characteristic of sacred groves (Ormsby and Bhagwat 2010) is an illustration of community dynamics of taking decisions on resource mobilizations with strong conservation output. The sacred groves emerge as a site and point of communal harmony and tolerance. Decision making procedures in community governed areas prominently include natural resources management and livelihood. The nomadic and pastoralist communities in Sikkim rely on custom based conventions for the upkeep of natural resources.[176] The migration of livestock, cattle in search of grazing pastures in high mountain topography is an intrinsic function of community autonomy.

For rearing of cattle, community demarcates grazing lands for summer and winter seasons. The cattle and yaks form the important stay of community livestock in Sikkim. The community calendar is prepared by the village headmen for movement of cattle ranches from one grazing pasture to another depending on the season. The decision on seasonal movement of cattle ranches from higher elevation to lower elevation in one single or within week's time as a mechanism to evade soil erosion. The community schedule prepared by members from the village council is logically binding upon

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[176] The traditional medium of livelihood in border villages has undergone major transformation in the after math of border war between China and India in 1962. This has limited community mobility within Sikkim. The migration of Indian Army followed by acquisition of lands, pastures, closure of trade and borders with Tibet has considerable impact on traditional pastoralism. The downscaling of livestock and trade mart in Tibet has allowed communities to discover other alternative livelihood options.

communities. The village council is convened bi-annually at two different venues for—summer and winter. During summer when the days are generally longer and warmer, cattle ranches are moved along the higher uplands and migrate downwards to low lands during winter season.

The role of customary institution in resource management and livelihood practices of Sikkim Subject is prominently visible in locating the region as a cultural landscape. The community themselves regulate social norms on environment such as access to forest for timber, firewood, quarries, forage and collection of herbal plants etc. The violations of social customs on ecological grounds invite imposition of fines fixed by local panchayat and customary institution.

Local customary institutions are important stakeholders in livelihood and resource management in Sikkim. Despite coming in conflict with state and national agencies local sentiments related to sacred landscape (Arora 2016) are seen as necessary to sustain. Intervention by state government on behalf of Dzumsa over construction of *Sarva Dharma Sthal* by the Army has been contested by communities on the ground that this act has disengaged nature from its previous ecology. The exemplary conservation activities of the communities with traditional techniques lie in its autonomous status as self governing communities.

Sikkim's cultural landscape is contextual in its religious, cultural and ecological setting as a site of reverence for Buddhist and Hindu communities from across the Himalayan regions. Sikkim's hidden land traditions form the basis of Sikkim's reference as *Damezong* which implies sacred of all being the abode of Sikkim's deities. As a cultural landscape Bhutia people refer it as *Beymul Denzong,* or hidden valley of rice. For Lepcha people Sikkim's cultural landscape as *Nye-Mae-el* means paradise on earth. *Tsong* who are now are part of Sikkimese Nepali community refer Sikkim as *Sukhim* meaning new home. Therefore, Sikkimese Nepali cultural communities regard Sikkim's cultural landscape has a new and happy home.

Sikkim where communities govern and regulate social customs on environment reinforces Sikkim's revered stature. It hosts numerous glacial lakes revered by communities and a source of state's perennial rivers system. The privatization of river waters was naturally met with vehement protests by communities.

The significance of glacial lakes in areas governed by customary regulations such as mountains, rivers, and forests forms sacred landscape in the ethnic life world practices. Sacred landscapes forms the foundation for conservation initiatives driven through

community participation and achieved through forest conservation South East Asia (Tingsobadh 1995). On a similar note, Sikkim's landscape forms the institutional basis for Buddhism based sacred landscape theory and practice (Maharana 2000). Sikkim's Buddhist sacred landscape is purely based on teachings of non-violence. Therefore, anti-dam struggle led by the communities is an important symbol of non violent approach of offering resistance. Sikkim's imagining of counter space ingrained in Buddhist philosophy and sacred landscape theory remains a driving force in community resistance against dams.

Sikkimese festival such as "*Pang-Lhabsol* propitiate ecological deities such as rivers, mountains, valleys and forests etc. The ruling deity of Mt. Kanchendzonga, third highest mountain in the world is revered by Sikkim Subject. In 2019, the decision to open Mt. Kanchendzonga for adventure tourism by MHA met vehement opposition by all sections of Sikkim Subject and GOS. Sikkim's religious dances are performed in praise of Sikkim's sacred landscape.

Traditional methods of natural resource management rely largely on indigenous knowledge system much different from the ones that drives modern knowledge system (Dastider 2016). The community involvement in natural resource management is higher in Eastern Himalayas. Here, the communities still live in isolated villages with large tracts of forests available for practising agro-forestry and homesteads for livestock and indigenous farming etc. The sparsely populated states of Sikkim and states in North East India are few states where tribal culture yield better productivity through land use. This has produced better ecological and environmental standard. Sikkim's Buddhist practices and shamanist traditions largely focus with ecology. The monastic institutions with its private estate have been a centre of resource management and farming practices. Sikkim with numerous monasteries dates back to several centuries old is the custodian of ecological and cultural balance (Higgins-Zogib and Chatterjee 2005). Sikkimese communities whether under customary institution or elected PRIs have identical ways of allocating values to local ecology. Lepcha, Bhutia and Nepali languages are rich in zoological and botanical specificities and communities are experts in identifying species and sub-species of flora and fauna in local names.

The jurisdiction of customary village council in North Sikkim spreads over a large geography of non-state spaces where presence of state is nominal. It spreads across the Greater Himalayas to the Tibetan plateau with huge concentration of military. The

ecosystem under its jurisdiction is diverse and attracts large volume of tourists from across the country. The anti-dam struggle was the most successful in this area where they successfully employed non western values of sacred landscape tradition to ward off power developers. Although, construction of hydro power projects in Sikkim were conceived much against the geological advices of the scientific community but it was community sensibilities on nature, ecology, environment, folk lore and oral traditions that prevented major dams in critical areas. The conservation efforts employed by communities have proved to be resilient. This has benefitted scientific community to understand non western knowledge forms on resource mobilization within the framework of customary institution. Sikkim's scared groves are an important site of conservation and cultural politics. This is a strong indication of environmental consciousness of Sikkimese culture.

This understanding of environmental consciousness has contributed towards a sustainable use of natural resources in Sikkim. This is precisely because customary institution exerts strong pressure on communities' perception on preserving indigenous knowledge forms for its dissemination in maintaining its sustenance and relevance in contemporary ecological thought. In order to acknowledge non western knowledge forms shamans and monks are enrolled in GOS payroll to evoke indigenous forms of natural resource management ensuring and sustaining cultural heterogeneity in Sikkim.

For example, hydro electricity power projects along the Teesta basin in Sikkim attracted the anger of two self governing local communities. The Lepchas of Dzongu mobilized under the banner of Affected Citizens of Teesta (ACT) and the communities in Lachung and Lachen mobilized under Dzumsa customary institution. The GOI's policy to generate 5,000 MW energy from Sikkim's river system has been in conflict with local world views. As per Sikkimese world view river is theorized as the life line of culture, religion and livelihood. Dzumsa's unconditional objection to the proposed dams in the upstream unlike in Dzongu was customary. Whereas, GOS successfully mobilized Lepcha community by dividing them along two polar camps—those for the dams and against the dams. The customary governance institution of Lepcha people having been substituted by elected PRIs, local elected bodies have served as a channel of communication between government agencies and power developers. Dzumsa, wholly customary, resolutely resisted attempted incursions into community owned natural management resources. This important hallmark of self governance in Sikkim with

customary mandate has safeguarded community knowledge practices. The ruling government with a dedicated organizational cadre failed to make inroads in the functioning of self governing. The state government acknowledged community reluctance acquired through customary consensus against opening of the region for power developers.

As a modern educated knowledge subject community leadership petitioned GOS to stop lobbying on behalf of power developers. As community knowledge subject local leadership invoked cultural landscape theory as a custodian of tradition and their world views. The GOS citing strong anti-dam sentiments have prevented power developers from making commitments for privatizing community resources in Sikkim. The autonomy of self governing communities in Dzongu, Lachen and Lachung in the face of large scale nationalization of Sikkim's cultural, economic and political practices has helped Sikkim Subject to produce better standard of human development.

Taking cue from Sikkim's customary self governing institution resonate Partha Chatterjee's proposition of political society where people as population and not right bearing citizen negotiate the everyday struggle with state authority much different from civil society which is the domain of individual citizen based in urban centres led by individual elites. The salience of political society in contemporary political debate in Sikkim where communities either as Sikkim Subject or ethnic Lepcha, Bhutia and Nepali negate the liberal theory of equality or political participation. Sikkim Subject as an empirical category of population work alongside local level politics for forms of state patronage. The entire state machinery responsible for executing and enforcing rules work in tandem to rescue their population 'clients' from 'poverty' under its various welfare measures including employment opportunities.

In many instances, officials and local leaders deviate from government norms to select beneficiaries under its schemes. It is surprising that identified beneficiaries for 'rural housing schemes' may not necessarily be homeless in dire need of housing scheme. This trend of politics in non-western societies has produced a counter space for this empirical category of population to articulate newer forms of representations. This has allowed them to develop scope for everyday governance practices in their favour by exercising their bargaining capacities for governments to recognize. According to Chatterjee (2004) state's obligations towards its subject populations now figure as

expected functions of governments of the day across non western world. These has produced particular forms of inter relationship between the state and its populations (Chattrejee 2004:03). The relationship of 'patron' and 'client' is one based on compliance in resource mobilization in exchange for welfare schemes.

In Sikkim, the allocation of preferential entitlements and resources to registered Sikkim Subject is premised on the documentation processes of its historical residents. This allows government to successfully monitor welfare schemes meant for Sikkim Subject. This has also allowed brokerage in selecting certain communities from marginalized sections to claim resources thereby maintaining electoral vote bank for political parties. Although Chatterjee's 'politics of the governed' (2004) in a different political context posit a suggestion that the medium of political processes where majority of marginalized population indulge in brokerage and mass politics by demanding welfare from the state is not different from Sikkimese mobilization for welfare. However, in Sikkim's case pattern of engagement and rule vary because of difference in historical context but the structure of politics remains the same as represented in the form of policies.

II

Hydel Dams in Eastern Himalayas: Communities, Environment and Livelihood

India's hydraulic policies aimed at national growth manufactured in two different contexts—Developmental and Neo-Liberal contexts have proved to be disastrous for peasant and riverine communities.[177] The implementation of energy policies on

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[177] The construction of dams in India as a matter of economic imperative has been a state led initiative driven by state monopoly. The construction of mega dams in contemporary times is largely a phenomenon of global capital push where states has retreated its position as mere secondary agents of economic development. The primacy of the private agencies and global financial institutions in decision making has been a major highlight of growth stories of non western democracies. The role of the state within the landmark growth based neoliberal economy has largely been that of rendering logistics to the flow of capital. This logistics include providing security, law and order parameters for successful facilitation to actions of private agencies in particular social and political setting. The bureaucratic processes of acquiring and handling grassroots mobilization has been the function of state apparatus with the local government as unit of village administration preparing laying the foundation for entry of mega projects often in eco sensitive regions. This pattern of mobilization by state and private agencies has been met with fierce resistance from the local communities and also its networking within the larger scheme of collective mobilization against neoliberal economic model of development.

communities firstly is greeted by policy malfunction and secondly adverse impact it has had on people's livelihood.[178] Thereafter, policy imperatives on displacement and rehabilitation routed through bureaucratic-political nexus permanently leave imprints of homelessness in one's own home. The construction of dams in Eastern Himalayas dates back to early 1990s after liberalization of Indian economy.

Therefore, impact of neoliberal economic imperative in Eastern Himalaya region dating back to the new millennium was a witness to Sikkim's first dam.[179] It was commissioned in the early 1990s at Rathong Chu at the border of South and West districts. Then, the resistance against hydropower power projects was primarily led by community value pattern, livelihood, resource mobilization and ecological-environmental symbiosis.

Neoliberal Dams in Eastern Himalayas and North East India[180]

India's paradigm shift for harnessing clean energy as a measure to achieve India's economic growth, major hydropower projects in the region was conceived.[181] Sikkim and Arunachal Pradesh's (Human Rights Law Network 2008) perennial water resources figured on the list for nationalizing resource mobilization.[182] Sikkim's response with a

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[178] The Recommendations of the World Commission on Dams made an assessment about the number of dams being built on world's major river system. The construction of dams for multi-purpose including irrigation facilities has taken a back seat with the power of the dam industry lobby both within the government and corporation to harness water for energy need alone. The Recommendations of the World Commission on Dams have thus failed to necessitate a change in the framing of national policy imperatives of harnessing alternative ways of harnessing energy worldwide.

[179] For Neoliberalism see Harvey (2005).

[180] The mapping of North East India as 'Future Powerhouse' of India emphasizes the economic clout of the Recommendations of World Commission on Dams on India's energy policies. Then, the Planning Commission of India allocated a total figure of approximately 60,000MW of energy from North East India alone. The two Himalayan states—Sikkim and Arunachal Pradesh was a natural choice because of its perennial water resources. The feasibility of such a policy in ecologically sensitive regions of the world was an overstatement of in the name of harnessing clean energy and green economy.

[181] As a precursor to inaugurating the foundations for hydro power, the Central Electricity Authority (CEA) of India, 2001, tabled the inaugural ranking report on 400 hydropower dams with approximately with 107,000 MW capacities. Then NDA government allocated 50,000MW electricity as the standard of energy harnessing initiative. In addition, the government supported the vision energy plan by publishing "prefeasibility reports" on the would be sanctioned 162 fresh projects with a cumulative capacity of about 47,930 MW (ADB, 2007: 13 cited in Baruah 2012). These projects were slated to be operational by the end of 2017. The second phase initiative with an additional of 67,000MW energy was to be harnessed from the region within one decade after project implementation (International Rivers, 2008:7 cited in Baruah 2012).

[182]There are suggestions at India speeding hydro power development in the region owing to geo-strategic rivalry between India and China. The construction of dams along the river Brahmaputra with its origin in Tibet is part of India's strategy to seek river water as a riparian state. This has steeped India's water war in Asia since both India and China are not parties to treaty of the international water agreement on rivers dealing specifically with riparian laws. India's alleged response to China's mega dams in Tibet, according to Kurien (2013), "China's construction of hydro power projects has served India's 'strategic

vision document to harness 50000 MW of electricity proposed hydropower power plants along its river systems. Sikkim's energy harnessing vision was larger in magnitude than the national average. Arunachal Pradesh, with bigger unutilized perennial water resources suggested energy potential within the threshold ten year period level the country as a whole had produced after India's independence (Human Rights Law Network 2008:3). This pace of constructing hydro-power projects as part of India's development policy is an attempt to achieve an objective in a scale measured as a "Great Leap" in energy sector production (Baruah 2012; World Bank 2007). The trans-regional cultural geography of Eastern Himalaya has been mapped as energy resource rich region. The harnessing of clean and renewable energy exclusively meant for India's industrial economy and expanding urban spaces has required relaxation of environmental norms for power developers (World Commsission on Dams 2000).[183]

Initial mapping of North East India as a resource scarce region inevitably sees its dams as a way forward for steering economic growth for exporting energy to India's industrial bases earning huge dividends for state government's treasury.[184] The

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reason' to claim legitimacy of constructing large dams In North-east India by consolidating its first-user rights over the rivers." India's steadfast resolution to accelerate construction of power projects along the tributaries of river Brahmaputra—Siang, Lohit and Subansiri in North-east India reinforce India's apprehension to institutionalize such a practice. Therefore, India's uncalculated decision lack integrated assessment of the environment and livelihood. The grating of environmental clearances to the power developers without taking note of communities and their practices, recommendations of the environmental and risk assessment is disastrous. The integrity of environmental impact assessments carried out by government agencies and other agencies on the behest of the government lacks understanding of the region—both physical and communitarian. The criticism of the impact assessment by civil society and environmental activists were inevitable and immanent. The GOI's blueprint for Sikkim's river was formulated along with the decision to propose dams in the North-east India. This forms a significant part in India's narrative to nationalize resources in the region.

[183] Bhutan, a sovereign kingdom's Gross National Happiness is being mapped through hydropower projects. Its projection of carbon free emission state of the world lies in its hydel dams. The context of India's energy policy to widen energy bases—hydropower and thermal to steer India's projected economic growth through urbanisation and industrialisation of its largely agrarian economy. The agrarian economy—commercial and subsistence conflict the dynamics of nationalizing resources and displacing community livelihood permanently (Bryceson 2000).

[184] Sikkim with limited revenue returns has turned towards exploiting its natural resource base without carrying out a critical study on its carrying capacity. The promise of revenue returns stood annually at meagre 12% of revenue shares from total revenue returns. The unequal allocation of resource mobilization after the commissioning of dams for a period of 35 years is akin to resource drainage global capital financed power developers. The promise of revenue returns as royalty for respective state governments have resulted in signing MoUs power developers both public and private. The lack of strong measures to address facilitation of transition from power developers to state government after the lapse of lease agreement of 35 years remains farce with poor record on human resources. Moreover, the promise of generating employment opportunities for affected communities in a highly technical and professional energy sector such as power development remains farcical with majority of people engaged as labourers in dam construction sites. Sikkim with a size of 7096 square km proposal of 24 dams in a single river system—Teesta and its tributaries for a mere 12% revenue returns for a period of 35 years at the cost of its rich cultural heritage seemed meaningless. The costs of safeguarding environment and

inequitable state share in dividend vis-a-vis power developers tilts the impacts of power projects against the state.[185] The costs of the project are borne by respective state government since it is the nodal agency and the first responder of crisis. The concerns flagged by demographic displacement, loss of livelihood, ecological and environmental constraints, displacement and rehabilitation of communities.

Sikkim Subject from Planned Economy to the Economics of Neoliberal Market

The implementation of power projects in Sikkim remains a joint venture between power developers, GOS and GOI. The rationale of implementing projects in an ecologically fragile region is marked by India's growth trajectory. India's policy planners label hydro power plants as emitting low carbon energy by integrating hydropower with climate mitigation strategies.[186]

The capacities of hydropower project generating clean energy appear farcical since its environmental costs were more than its benefits. The National Hydroelectric Power corporation (NHPC) at the forefront of power development in Sikkim employed sub-contractors on its own to carry out technical operations making power development complex and highly technical. For example, Gati Infrastructure prominently known for

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livelihood practices of Sikkimese cultural communities runs generations before Sikkim joined India. In the absence of state energy development board, state plans to stale claims over power projects after the expiry of 35 years contract with power developers. In addition, the lack of infrastructure, human resource and man power, technical experts to assess costs and benefits of power market regulation, environmental and ecological costs and technical knowhow of energy infrastructure further ails the state government.

[185] The unequal relationship between New Delhi and North East is referred as "Resource Colonisation". The elementary differences in power projects in the Nehruvian era (**Guyot-Réchard** 2013) and present led by neoliberal development imperatives is the role of states in upholding the critical developmental needs of agrarian communities including meeting standards of irrigation. The scaling of river systems for energy mobilization in Sikkim in the absence of feasibility planning with costs on environment has much been against community norms. The gorge and high velocity rivers are being interpreted by policy planners as resource for generating energy. The single purpose hydropower projects attend only economic needs of the power developers differ with multipurpose projects initiated in the aftermath of Indian independence. The multipurpose hydro power projects initiated in the post-independence period developmental needs since many of the projects were a feature of integrated river basin planning. The sectors of river basin power development comprised of components like flood control, supply of clean drinking water, irrigation and allocating communication and transportation for access to remote locations.

[186] The institutionalization of energy buzzword 'clean and green' has allowed hydropower projects funding under the Clean Development Mechanism (CDM) initiative as an exchange for carbon credits (ADB, 2007). This remains highly controversial within environmental regulation norms as it conflicts with community norms on environment. The result with varying degree of resistance offered by affected communities has found support from environmental advocacy groups across local, regional, national and global platforms. Atleast one/fourth of the hydro power projects under CDM funding are located in the cultural geography of Eastern Himalayan region—India and China (Dharmadhikary 2008). It is irony that nation-states India and China compete in global stage with a same funding source specified under CDM.

courier services entered Sikkim's hydro power sector, it relied much under its sub-contractor SEW Constructions Company Limited for technical operations. SEW Construction Company Limited further employed sub-sub contractor COASTAL to expedite commissioning of the power project. The involvement of numerous power developers widened the social and cultural impact propelled by power developers.

Sikkim's major dams close to about ten projects alone applied for CDM funding. The projects along single river system—Teesta River and its tributaries forms a single river as it enters the state of West Bengal. The riverine communities along the Teesta basin in Sikkim to Bengal flood plains forms important locus of socio-cultural mobility. The cultural ethos of Sikkimese cultural communities are drawn from Sikkim's river system. Sikkim technically comprises of single river system with Teesta and its tributary Rangeet as its major river system. The smaller rivers upstream are either tributaries of Teesta or Rangeet forming part of Teesta at *Tribeni* confluence at Sikkim-West Bengal border. The confluence is revered spot for multi-ethnic Nepali communities of Sub-Himalaya West Bengal and Sikkim. Moreover, the entire region forms a part of Lepcha ethnoscape—Mayel Lyang. The contestation over power projects arose out of their disregard for cultural ethos hurting regional sensibilities.

The resistance in North Sikkim's with exclusive ethnic reserve witnessed higher participation of communities through mass mobilization and petition. The regions with higher concentration of Nepali community with mixed population of Bhutia and Lepcha witnessed low level participation in anti dam movement. The reluctance to participate was borne by fear of political retribution mobilized by PRIs. However, power projects in Nepali majority areas were implemented without informed consent while carrying feasibility study reports. The affected Nepali landowners were forced to part away with landed property.

The commissioning of Chuzachen power project in Rongli, East Sikkim in the vicinity of Pangolakha National Park and Neora Valley National Park bears a testimony of official highhandedness of collaboration with power developers. The commissioning of Chuzachen hydropower over Ronglichu and Rangpochu is one facet of callous attitude from power developers and state agencies. The underground linking of two rivers—Ronglichu and Rangpochu much against the wishes of landowners brings with tunnels dug underneath. The famers affected by Rongli dam sites were made aware of dams

only when reconnaissance team conducted a geological assessment of paddy fields. This was done without prior notification from state government to the farmers. The conflict subsided when affected communities were promised employment, compensation and construction contracts within the construction sites.

The visible change within the landscape of power project is proliferation of contractor class. This class mostly comprising of youth yielded pro-dam voices within Sikkimese Nepali community. The downstream paddy fields in Rongli experienced ecological strains through seepage of underground water resulting in deficit of ground water for paddy cultivation. This ground water is vital supply of drinking for downstream riverine communities. The results of which are receding of Nepali terraced fields due to deficits in water supply and forcible acquisition by power developers (Gonsalves 2012).

Community Resistance and Dams in Sikkim

In the initial stages, the power developers received some form of tacit approval from Sikkimese communities. After 2005, power developers started shifting its focus towards North Sikkim—source of Sikkim's torrential rivers. Sikkim's as many as twenty nine dams were mapped in a geographical area spread over 7096 square kilometres during this period. This figure made Sikkim, a region with highest density of dams in the world. Sikkim's assessment within Zone V of seismic zone of the world was overlooked for rich economic returns. The 2011 earthquake recording almost 7.00 on the Richter scale had its epicentre located in North Sikkim christened a fresh debate on the significance of major dams for 'development' in Sikkim.

The social assessment of 2011 Sikkim's earthquake on dam(ned) ecology, environment and communities rejuvenated public resentment in Sikkim.[187] The emergence of public

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[187]The agrarian economic practices of communities in North East India are directly proportional to the local ecosystem and the environment. Land is the primary nucleus of any nuclear household consumption and production. The communities have always practiced jhum cultivation despite efforts of the government to curb this agrarian practise as contributing to the environmental degradation. The primary mode of agricultural production in particularly in Sikkim and North-east in general is the sedentary wet rice cultivation in terraced farmers. This is the primary mode of land use system in the region. Thus land and the forests form the basis of socio-cultural and economic engagement and thereby shaping the discourse on livelihood in a particular setting. The pattern of land use system and ownership over land and private forestry is a major feature of community's relation with the environment and ecology. The communities engage in exchange of labour as part of social obligation thereby shaping the community fabric and social order. The exchange of labour in community settings consolidates cooperative approaches in dispensing agricultural production. The traditional knoeldge system is the basis of sustaining agricultural production, forestry and the economic system of the communities. In order to understand the relation of community economy with ecology among the Nagas in North-east India, please

resentment against dam as an up shoot of depleting environment nature created by power projects dates back to early 1990s.[188] These initial protests left a visible imprint for future anti-dam struggle with a momentum for building solidarity on society, culture and environment. The proposal of executing hydro power projects in 1990s in North district and West district were publicly vetted by Sikkimese community organisations. The tender to build dams in Lepcha Reserve of Dzongu in North district was vetted by Salvation Council of Dzongu on several counts in public forums (Lepcha 2012:80). The successful resistance narratives against dams in West district were led by community of Buddhist monks, Concerned Citizens of Sikkim (CCS). The CCS rejected the 70 MW power project along Rathong Chu in West Sikkim (Sharma and Pandey 2013). Sensing trouble, GOS scrapped the proposal only to re-emerge again after a decade. The enormity of the project increased when it remerged with 510 MW energy output in Teesta Stage V adjoining Dzongu region in North district.[189]

The assessment of social and environmental impact elicited by Teesta Stage V in Dikchu area is alarming. The artificial reservoir remains is a major cause of threat to the entire ecology of adjoining East district and North district. The underground tunnels rendered downstream riverine communities in East and South Sikkim without supply of water for paddy cultivation due to seepage of ground water. Lachen Dzumsa stands out as an exemplar institution at the forefront of mobilising resistance against hydropower projects. The Lachenpa people collectively vetted against proposals to construct dams for 'development'. Their community counterparts under Lachung Dzumsa joined Lachen Dzumsa by offering community resistance to proposed dams.

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see, U.A Shimray (2018), Relation of Traditional Economic System and Ecology: The Case of Naga Community in Sumi Krishna's (ed), *Agriculture and a Changing Environment in Northeastern India*,Routledge: London, New York and New Delhi, pp-53-77.

[188] This aspect of community resentment dates back the early 1990s over construction of hydro power dams in west Sikkim. The period 1990s were a shift in power politics when SDF made its political debut. Then, Sikkim's public protests were not articulated and organised over social media and internet posts as it was in the early 2000s. The use of modern gadgets such as internet and communication for mobilising resistance was unheard of in Sikkim in the early 1990s. Then, the protests were a corollary of socio-cultural and ecological conflict power projects rendered in a particular social setting.

[189] The two of the bigger projects: the Panan and Teesta Stage IV projects were proposed along the river Teesta and its tributary Rongyongchu within Dzongu. The major component of Teesta Stage III also falls within Dzongu. The remaining four projects Rangyong, Ringpi, Lingzya and Rukel projects are proposed are within the vicinity of the protected Kanchendzonga biosphere reserve.

II

Anatomy of Resistance under Affected Citizens of Teesta

As per customary traditions construction of dams in Sikkim contradicted the cultural and religious ethos of Sikkim's customary foundations. As per formal laws it contradicted Sikkim's "Old Laws" provisions under Article 371 F of IC. Sikkimese customary norms embedded in Sikkim's governance practices safeguarded by blanket cover for the protection of biosphere in surrounding of Kanchendzonga National Park was under direct threat from construction activities of the power developers. The Affected Citizens of Teesta (ACT) formed the grassroot line of resistance against six hydropower dams in North Sikkim.[190] The movement received nationwide support from environmental activists. The movement spearheaded by villagers in Dzongu debuted in 2003. As an exclusive Lepcha resistance body from affected villages, it comprised of first generation English educated Lepcha youths. The village level meetings progressed to door to door campaign struggle for mobilizing support to communities in scattered and isolated villages. In 2004, the Affected Citizens of Teesta (ACT) was formally launched. It received impetus, as it worked like a knit community organization. It snowballed as a social movement representing the interests of local Sikkimese communities and those of the rivereine communities along the Teesta basin. The ACT initiated two fold objectives: to build community-institutional basis of Sikkimese resistance against the massive river valley projects in Dzongu (The Telegraph 2004) and to convey and nurture responsiveness and resilience towards negative effects of power projects to Lepcha cultural communities (Little 2010: 88).

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[190] North Sikkim, with its jurisdiction headquarters at Mangan has two exclusive ethnic enclaves or reserves. Dzongu, is an exclusive Lepcha Reserve while Lachung and Lachen is exclusively inhabited by highland Bhutia people. While, the Lepcha enclave of Dzongu has witnessed greater intrusion from state agencies with latest being the official demarcation of Dzongu as an administrative sub-division (tehsil) and revenue block. This demarcation is a contemporary phenomena introduced under the aegis of 'decentralisation and devolution of powers' in Sikkim's rural settings. Lachen and Lachung under the purview of customary governance straddle the incoming waves of political transformation ever since Sikkim joined the Indian Union in 1975.

Dams in Dzongu[191]

Dzongu,[192]demarcated as an ethnic Lepcha enclave are acknowledged as aboriginal inhabitants of Sikkim. The ethnic enclaves declared vide notification of **<u>Royal Proclamation of August 30, 1956</u>**, under the aegis of the Sikkim Darbar. This Royal Proclamation of August 30, 1956 as an old law under the purview of Article 371F of the IC grants Lepcha permanent residents with safeguards from land alienation, eviction, and deny access for 'alien' residents with settlement rights.

The Lepcha communities scattered within the cultural geography of Eastern Himalayas—Eastern Nepal, Sikkim, sub-Himalaya West Bengal and Bhutan consider Dzongu as a land of Lepcha worldview. Dzongu as 'sacred' landscape is embedded within ecological thought and conscience of communities drawn from customs, culture and folklore. The cultural ethos is a combination of ecological and spiritual reverence

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[191] Sikkim's narrative on decentralization of powers under the aegis of Rural Management and Development Department is entirely different from the narrative of self governing institutions. The statutory Panchayati Raj Institutions (PRIs) in Sikkim's otherwise largely community enclaves is a recent phenomenon. This has shifted power dynamics to local self government with control over customary laws. Lachung and Lachen are the only two left with Dzumsa as a first line customary village administration. Dzongu, entirely inhabited by Lepcha people once under the *Chogdu* customary institution is now under the regulation of elected PRIs. The region is surrounded by Teesta river in the south east and its tributary—Tholung Chu in the north east. The confluence of Teesta and Tholung serves as a site of worship based on Lepcha beliefs and custom. The Mt. Kanchendzonga towering at 8585m revered as guardian deity also straddle cultural geography of Sikkim with Eastern Nepal. The Mt. Kanchendzonga is revered by Sikkimese cultural communities and Kiranti communities inhabiting western Sikkim and eastern Nepal. The region is situated along the Kanchendzonga Biosphere Reserve, considered as the biodiversity hotspots of the world. This region constitutes one of the world's most ecologically fragile protected zones.

[192]Dzongu is a triangular region in **<u>North Sikkim</u>**. It is bounded by the Teesta River in the south-east, Tholung Chu River in the north-east and by mighty mountains in the west. It borders the Kanchendzonga Biosphere Reserve offering panoramic views of Mount Kanchendzonga (8,585m), the third highest peak and considered a guardian deity of Sikkim. Dzongu was declared an official reserve for the Lepcha people, the aboriginal inhabitants of Sikkim by the **<u>Royal Proclamation of August 30, 1956</u>**, a law still valid and protected under Article 371F of the Indian Constitution after Sikkim's formal merger with India in 1975. Under this law Lepcha inhabitants qualify for far-reaching protection against interference from outside which is subject to interpretations. As far as the Lepcha civilization is concerned the region is considered the last bastion of Lepcha culture where one could possibly meet some of the last local shamans referred locally as the 'boongthing' who still practice the ancient animistic rituals. Hence, for Lepchas scattered throughout the Eastern Himalayan regions of Eastern Nepal, Sikkim, West Bengal and Bhutan, Dzongu is technically their holy land. They have strong ties with the nature and have lived here for centuries. An understanding of their culture, customs and language helps to foster an appreciation of the beautiful mountains, deep forests, and the Teesta River. They refer to themselves as mutanchirongkup which means 'children of the snowy peak or children of the gods'. They were hunters and gatherers and lived complete nomadic lives till mid-nineteenth century when they began practicing settled agriculture introduced and influenced by Nepalis. They are originally animists but reverted to Buddhism. For an ordinary Lepcha, Dzongu is a pilgrimage place of superior importance. It is an area to which every Lepcha traces his/her lineage and ancestry. The Lepcha history and culture is intricately woven into its natural environment: the mountains, rivers, lakes and forests, especially those of Dzongu.

in praise of peaks, river systems and its vegetation. *Mutanchi Rongkup* as locally referred in Lepcha language generates its origin in ecology as the 'children of the mountains or of the gods'. The combination of agro-ecological practices like *jhum* cultivation, settled agriculture, hunting, fishing and animism have innate ties with mountain ecology. The sacred grooves with its specific local deities associated with mountains, springs, lakes, rivers, forest abound in Sikkim. These varieties of practical and spiritual imperative drive the physiology of Lepcha culture and Sikkimese ethos. This imperative is interpreted as the fulcrum of mobilization and resistance against dams in Sikkim.

In January 2006, GOS commenced a survey with the intent to acquire private holdings on behalf of the power developers. This was resisted by ACT in Mangan, North district headquarters. The community barricaded entry and exit points of Dzongu preventing government officials from entering the village for land assessment. The local level initiative mobilized villagers at the village level. The event was circulated in state's print and electronic media houses. The media report raised the profile of ACT with a potential to emerge as a pan-Sikkimese struggle. Large sections of people showed distress directly or indirectly. As the movement acquired social mobility, the ACT staged longest hunger strike averting at least four major projects. Despite scrapping four projects, land acquisition for Teesta Stage IV and Panan HEP were not averted since constructions were already in pipeline. The community remained divided on the issue of dam as boon or bane. The fractured consensus had considerable social costs. These fractured social costs were in full display during the 2009 State Legislative Assembly elections. The pro dam supported the ruling party and anti-dam faction rallied support for the opposition party. The protest movement represented a new wave of Sikkimese mobilization on environmental, cultural and religious grounds.

Therefore, hydro power project in Dzongu has been interpreted as sheer disrespect for culture and heritage of Lepcha community. The long resistance campaign headed under the Affected Citizens of Teesta (ACT) has its origin in 2003. The communities opposing project proposal in Dzongu convened small meetings in villages. By July 2004, ACT inaugurated its stated objectives of offering resistance against construction of hydro-electric projects along Teesta river in Dzongu (The Telegraph 2004). Additionally, the struggle sought to construct counter space to generate awareness against hegemonic

'development' space. The awareness attempted at mitigating harmful effects of the projects (Little 2010: 88). As a local level initiative it mobilized social movement aspirations in Sikkim. The GOS in the meantime, defied local sensibilities by commencing fresh surveys over private holdings with a view to acquire on behalf of power developers.

The ACT mobilization staged dharnas at the district headquarters at Mangan. The nodal department of the Land Revenue and Management (LRMD) with its land records became a space of contestation between ACT and power developers. They strategized their struggle by mobilizing information through social media and media bytes. From a low scale struggle the movement snowballed as a pan-Sikkimese protest struggle. The media raised the platform for mobilization within Sikkim and beyond its boundaries. The ACT cautiously crafted its expressions through the discourse of human rights violations by state repression. The ACT organized its largest *dharna* along Gandhian philosophy (Arora 2008) of non-violence and *satyagraha*. The relay hunger strike was the largest in the recorded lived experiences of Sikkim Subject in the former Himalayan kingdom. This relay hungerstrikes became the fulcrum for government to scrap four hydro power projects in Sikkim.

ACT: Social Movement of Sikkim Subject

The major objective of ACT since its inception has been mobilizing the resistance among Sikkim's diverse ethnic communities. It sought to raise awareness campaigns about risks posing to local biodiversity hotspot in the vicinity of Kanchendzonga biosphere reserve. Sikkim with a total population of 500,000 inhabitants and especially those of Lepcha tribes in Sikkim is swarmed by 'immigrant' culture. The GOS's policies to grant Lepchas 'primitive' tribe status to safeguard their ethnic 'enclave' as per traditions and customary norms remained endangered by proliferation of hydro power projects in Dzongu.

Sikkim's resistance movement against hydropower projects has its humble origin in 1990s. Then, the anti dam movement was led by community of monks and nuns as a protest for construction of dam over Rathong chu in West district. Then, the communities invoked narratives of community bonds to forge community interests against power projects in Sikkim. In recent times, the dominant Sikkimese narratives have come under academic scrutiny it continues to be revered by Sikkim's ethnic

communities. The dominant narrative about community ties relate to blood brotherhood treaty between Bhutia 'immigrant' and resident Lepcha chief with Mt. Kanchendzonga bearing the witness of the solemn occasion forms a part of resistance theory in contemporary Sikkim. As a matter of fact, mobilization in Sikkim is drawn from references on dominant narrative of Namgyal historiography. This narrative forms a starting point of foisted solidarity of Bhutia with Lepcha communities. The seventeenth century primary source indicates Limbu signatories confirming Sikkim's state formation under Namgyal dynasty. These emotive structures are embedded in governmental practices led GOS to abandon Rathongchu project in 1999.

ACT adopted strategies were supported by the community of monks and nuns involved against Rathong Chu project in West Sikkim. The dams were portrayed as anti-thetical to Sikkim's foundation as Buddhist landscape. The ACT invoked Guru Rinpoche's prophecies, and sacred grooves emerged as a site of worship. The participation of Sikkimese people from other districts became a prominent feature. Lepcha, Bhutia and Nepali communities from other parts of Sikkim became part of the movement. The amalgamation of local practices—nature worship and Buddhist principles integrated cultural practices of Lepcha, Bhutia and Nepali[193] cultural communities rallied the religious sentiments against power projects.

The common thread that fastens all ethnic communities in Sikkim or in Eastern Himalaya is a common practice of invoking of local deities attached with specific landscape, streams, rivers, lakes, ponds, sacred grooves and mountain peaks. This forms the basis of everyday religion of Sikkimese cultural communities. It is in this context, conflict over construction of dams over rivers produced culturally contextual protests narratives and movements with river systems as a intrinsic value of Sikkimese ethos (Bhutia 2012:05). The dams on rivers from Sikkim's folklore are drawn from were

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[193] As a matter of fact, Rai and Limbu counterparts in present day Eastern Nepal have an age old tradition of locating their customary belonging to eastern Himalayas with Mt. Kanchendzonga as the source of origin. Sikkim's dominant Lepcha and Bhutia narrative endorse Mt. Kanchendzonga as a 'Guardian' deity by successfully creating Sikkimese ethnoscape. The creation of Sikkimese ethnoscape results from political consciousness as a citizen and communities inhabiting the region. In many ways, this assertion of citizenship consciousness is similar to *Janjati* mobilization in eastern Nepal. The *Janjati* mobilization of Nepal re-conceptualized Eastern Himalaya region as ethnoscape by conceptually creating *Khambuwan* and *Limbuwan homeland* in Eastern Himalayas as an attempt to articulate their belonging as indigenous in the region. Incidentally, conceptual *Khambuwan* includes part of western Sikkim, regions of Kalimpong and Darjeeling in West Bengal. The *Kiranti* community in West Bengal and Sikkim form an ethnic majority and revere by paying obeisance to the ecosystem shaping their life world practices.

regarded as erroneous judgments to cultural heritage of Sikkim. The volume of dams in Sikkim leaves about 3 to 4 km stretch of free flowing river water in upper Dzongu. The physical environment in Sikkim which are ascribed with living life forms now house massive power stations and tunnels[194] adding strain to fragile ecosystem. Ascribing life form to mountains, caves, forests, waters bodies, springs is manifest in Sikkimese ecological practices. This prevents communities from defiling a particular ecological space by harnessing strong environmental ethos on biodiversity conservation. As mentioned, this aspect of principle forms a locus of local conservation premise that steer Sikkimese cultural communities to commit for environmental protection from immanent natural disasters (Broome and Taraporevala 2010:63) since the state is located in young fold mountains.

The ACT expressed its resentment over violation of safeguards guaranteed by special provisions of Indian Constitution (Lahiri 2012). The inward movement of labour migration from the site of hydro power projects with a potential to render cultural shifts to local demography posed threats to land use. The Land Acquisition Act negates the consolidated the 'merger' theory between people of Sikkim and India. The ACT comprising educated youths mobilized its protest narrative by attesting Sikkim's historical trajectory much different from rest of India's experiences. The conferment of concessions and special citizenship rights of Sikkim Subject under IC highlighted the narrative of rights in Sikkim as much different from rights bearing citizens which locates individual as unit of citizenship analysis. India's constitutional parameters provided a framework for individuals to ascribe their transcendental identities as cultural communities for advocating rights in India. The ACT protest illustrates

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[194]The environmental impact of tunnels constructed for diverting the natural course of the river water fails to adhere basic principles under run of the river projects. The reservoir diverts the river waters through underground tunnels, prior dropping water back into the river downstream adjacent to the power plant. The ecosystem under intense pressure from the construction of underground tunnels through explosives reverberate Sikkim's social spaces with proverbial anecdote which remain affected by long overdue autonomy movement for Gorkhas in Darjeeling and Kalimpong in West Bengal. The hurling of 'infamous' popular proverbial anecdote *'Kholapari Gorkhaland Khola wari Todkaland'* (on the other side of the river bank lies Gorkhaland, and this river bank lies the crevice land) contains explicit political overtone about Sikkim's contemporary political constraints. The Gorkhaland movement in West Bengal creates political instability in Sikkim with frequent bandhs in Darjeeling and Kalimpong by Gorkha political outfits.Similarly the question of dams have left visible imprint on environment and livelihood sustainability in Sikkim with political parties often politicking the issue on the behest of the affected communities.

oscillating narrative of rights either as rights as individual citizen and rights of community identity in a specific cultural setting.

The anatomy of ACT struggle gave distinctively characteristics drawn from drawn from their folklore and ecological expertise as protectors of local ecological surrounding (Little 2009). The cultural affiliation with land use and forestry provides the backdrop of their political consciousness and struggle. The expertise in story telling gave life to dwindling moment of folktales and local myths. This brought interests among youths with access to western education. The ACT mobilization has found support to focus on their roots and culture through visual representation. The ACT protests narrative exploited the technological contexts through internet. The ACT narratives featured through media houses, online blogs, social media sites such as YouTube channels and documentary movies (Little 2009:43). The ACT popularized graffiti culture as an essential medium of protest struggles.

The site of relay hunger strike in Gangtok emerged as a destination for people showing solidarity with the ACT. The ACT struggle expressively captured ecological and cultural resistance to hegemonic political philosophy as found in concisely summarized study by Peterson as (1996) "social narratives can help motivate, deliberate often risky action in pursuit of political change". The ACT struggle fundamentally shaped the discourse and practice of community knowledge among Lepcha youths. The large congregation of youth volunteers from Dzongu for sit in relay hunger strike in BL house for months (Little 2009: 50) materialized youth participation aided by technological contexts gave this movement a major facelift—from social to indigenous.

The ACT protest struggle echoed ethos related to traditional livelihood practices of the people. Their subsistence on forest and vegetation remains one of the central theme of mobilization. Edible nettle fibre found in Sikkim's forest used for numerous purposes such as weaving traditional attires, ward off evil, ailment for traditional healers is vital component of indigenous agro-forestry and biodiversity conservation. The Land Acquisition on behalf of power developers meant incursions into Sikkim's agro-forestry and a step towards privatizing lands for commercial venture.

The attempted entry of private players meant displacing Sikkim's agro-forestry sector with and subsistence agriculture—*jhumming* and terraced cultivation as principal

source of livelihood[195] with market based economy. The ban on *jhumming* in the early 1990s and acquisition of terraced fields[196] by pharmaceuticals companies and power developers since early 2000s is receding Sikkim's agriculture productivity. The pace with which land is diminishing in size reverberate GOS's insistence on integrating traditional communities within neo-liberal market model. The ACT stepped its opposition against practices of privatization and nationalization of Sikkim's resources. The ACT sloganeering against displacement, dispossession, and rehabilitation allows one locate position of Sikkim Subject as cultural communities within the adopted framework of citizen-centric Indian democracy.

The ACT protest rationale on displacement in their 'homeland' suggests a prototype of their withdrawing strength in the face of incoming waves of numerically dominant and articulate cultural communities. The trajectory of which is migration from Tibetan plateau, Nepal and Bhutan Himalayas and from Gangetic plains. The ACT narrative succinctly reviewed their marginalized status beginning from seventeenth century to contemporary phase of India's nationalization of Sikkim's resources.[197] Through ACT mobilization, Lepchas inhabiting the cultural geography of West Bengal, Bhutan and Nepal are now constantly demanding rights by identifying themselves with ACT's political consciousness (Broome and Taraporevala 2010: 64). The Sikkim Darbar gazette notification of 1957 which provided Dzongu[198] the impetus of an ethnic

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[195]Shifting agriculture is the main stay of agricultural production in the region. It is considered the oldest practice of mixed cropping production system. In North Sikkim, it was the primary form of agricultural production. The availability of flat land was one of the primary reason for shifting cultivation in Sikkim until the Nepali peasant introduced terraced cultivation to the Lepcha and Bhutia people in Sikkim. The scale of shifting cultivation big or small the produce is primarily for subsistence consumption. The shifting cultivation is primarily for mixed cropping and agricultural produce for a fixed tenure. After the tenure is over, cultivators abandon the patch and relocate shifting practice in another patch until the fertility of the used patch is restored through natural intervention like the rain and sun. The patch of land for shifting cultivation lacks the basis for flattening and converting into terraced fields. It is generally practiced in privately owned forest in Sikkim. This was widely practiced in Sikkim among the Lepcha and Nepali people.

[196] The availability terraced fields in Sikkim depends on the elevation of village and climate. Dzongu geographically being a large isolated village has different types of vegetation and land profile. The land use pattern of Dzongu at lower elevation within the proximity of river banks are suitable for wet rice cultivation while those close to the forests and the mountains practice mixed farming not necessarily rice cultivation. The upper elevation is more suitable for cultivation of large cardamom. The transfer of land in Dzongu is strictly monitored by their cultural norms and are mostly intergenerational.

[197] For example, A.R. Foning's 'Lepcha: My Vanishing Tribe', published in the 1980s provides a base to the nomenclature "vanishing" to articulate diminishing values by the ACT.

[198]According to PemaWangchuk it is perhaps the only place which contains the last relics of the Lepcha identity: including traditional houses, bamboo bridges ("made from long sections of split bamboo, a ingenious feat of grass root engineering"), the bongthing (the Lepcha shaman) and the mun (the female counterpart of the same) - bridges between the human, the natural and the supernatural worlds- revered monasteries, trees, lakes, hot springs, forests, caves, hills, mountains and the rivers worshiped and

'enclave' was cited by the Supreme Court (SC) as necessary for upholding Judgment on 10 February 1993 by according Lepcha the status of Sikkim's 'original indigenous' inhabitants.**199**

In talking about, displacement and dispossession from Dzongu, the ACT observed that the fallout of dispossession from natural habitat had grave implication for communities' cognitive reasoning is sustaining community knowledge forms. The acquisition of arable land by power developers resulting in land alienation from ancestral holding means loss of indigenous techniques of farming, land use and livelihood. The ACT highlighted these aspects of land acquisition by raising awareness of being landless community in your homeland. In initial stages, the ACT wasn't successful in avoiding communities from departing with arable land at throw away price. The significant number of people in Dzongu rallied support for power projects despite losing land and livelihood practices. The communities who had wrongfully calculated dividends of salaried income as employment opportunities generated by power projects made people jobless and landless.**200**

The ACT was opposed by certain sections of people supporting the power developers. This led to manifest conflict and divide between pro and anti dam faction.**201** The land acquisition in Dzongu by power developers made ACT wary of incursion in individually owned forest resources. Although, it was stated that the process for land acquisition was voluntary (Little 2008) but the ACT claimed that the affected landowners were made to sign unspecified land deeds under duress. The community

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propitiated regularly through elaborate ceremonies. For details see Pema Wangchuk's Lepcha and their Hydel Protests.

[199] The SC's Judgment was delivered in light of Sikkimese Nepali communities' litigation for equal representation rights in the Legislative Assembly as an exclusive Sikkimese Nepali community as was the practice under the dispensation of Namgyal Dynasty.

200 Those opposing ACT in Dzongu invoked Article 371 F as guarantor of their land rights despite the imminent threats of dispossession from their ancestral lands. There were varied opinions regarding the power projects in Dzongu with even some inhabitants supporting the power initiative provided their individual material needs were achieved and fulfilled.

[201] This divide highlighted the debate over costs and benefit analysis of power projects in Dzongu. The ACT articulated the hasty manner in which agencies were acquiring land and rehabilitating affected landowners in Dzongu required community consensus. The ACT highlighted that the magnitude of displacement and dispossession in Dzongu did not resemble those in CTR where marginalized villagers along with the entire village are expelled by corporate greed and acquisition. Sikkim's villages vary from those of clustered villages in tribal regions. In Sikkim, villages are isolated with individual family controlling ownership over homesteads and nearby forest lands. Dzongu comprising of eight Gram Panchyat Unit (GPUs) comprise arable land with huge tracts of individually owned forests spreading across the borders of Sikkim's West and South districts**.**

divide in Dzongu primarily between the ACT and the residents supporting power developers made local news headlines.

At a public hearing meeting held at Namprikdang in Dzongu between the ACT and the affected residents, the affected landowners nullified ACT's reservation about the dubious manner in land acquisition was realized (Sikkim Now 2007:1). The affected landowners also claimed that none of the displaced family had been forced to part with private holding in favour of the power developers (Sharma 2007:1). Further, residents rallied similar sentiments about their concerns about ecology and the environment including their faith in the constitutional safeguards (Sharma 2007:1). The ACT's question over rehabilitation[202] of affected families was dismissed as being secondary despite ground reports suggesting otherwise.[203] The promise of employment opportunities in the absence of technical degrees fetched them the job of a menial labourer in construction site. In the absence of requisite technical qualification required for employment in power sector, the monetary returns for affected farmers were minimum with the powers developers offering a paltry sum of Rs. 8000-10,000 per month (Bhutia 2012:49). The salary income was bare minimum compared to Dzongu farmers' popularity in cardamom cultivation as highest cardamom producers in the world.[204]

The ACT projected their protest from dualities—invoking rights as Sikkim–Subject and rights as citizens of India. The ACT's discourse on rights traversed individual rights as

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[202] The site of rehabilitation for affected landowners located at *Dudhey Danda* was not suitable for farming let alone for rehabilitation. The physical and the land profile of rehabilitation colony named as the R&R (Resettlement & Rehabilitation) colony lacked access with nearby villages. The long spell of monsoon rains in Dzongu made travel time through the mountain trail extremely tenuous (Bhutia 2012: 49). The rehabilitation of affected landowners in R&R colony at cost of dispossession of fertile terraced fields was policy eyewash. The landowners' return to subsistence farming at RR colony was farfetched reality.

[203] The rehabilitation programme at RR colony lacked planning as evident from its location. Initially, affected families maintained silence with the fear of retribution by state agencies in delaying rehabilitation rights and loss of promised employment benefits. The employment remained the only source of livelihood at the cost of arable lands. The ACT questioned the rehabilitation policy of the government and the power developers as a policy farce. It was lacking in social sector facilities notably the Right to Education and access to basic health facility to cater to the health of the mother and the child in difficult topography.

[204] Sikkim was one of the highest producers of large cardamom in the world along with Bhutan and Nepal. This is a huge source of income for average rural Sikkimese people including the Lepchas. Mangan, the North district headquarters is also refereed as the Cardamom Capital of the World. The Dzongu variant of cardamom grown is unique to the region and the Spices Board of India specified the variant as DzonguGolsai. The most prominent cardamom in other district grown by Nepali cardamom growers is the *Varlang*.

well as rights from the communitarian perspective. The ACT's rights discourse as cultural communities in Sikkim's a historically specific timeline and integration in India as rights bearing citizen also necessitated a reminder about the processes that constituted Sikkim's association with Indian nationhood. The communitarian discourse on rights in Sikkim contradicts basic assumption of liberal position on individual as the bearer of rights. India's Constitution allows complimentary spaces for both to co-exist with each other despite tensions between the two.

The ACT's outreach and mobility touched diverse themes ranging from culture, ethnicity and basic human rights. Sikkim's territorially derived rights portray 'immigrant influx' as demographic deluge of turning locals into a minority. The cultural outpouring of 'alien' cultures from Gangetic plains in Dzongu formed the basis of ACT struggle for external cultural threats. The low standard housing for labourers lacking proper drainage, sanitation and health facilities in Dzongu posed questions over its ecological impact of the dams and its labour camps (Broome and Taraporevala 2010: 68). The labour camp was a violation of land use and its exclusive reserve status.[205]

The ACT struggle received much needed impetus through internet and media coverage.[206] The ACT's mobility in the context of Sikkim's ethnic configuration, Sikkim-Subject as a special citizenship status and Article 371 F resonated with nationalization process of Sikkim's resources. The ACT struggles in a culturally specific context emerged as a momentous movement in Sikkim and the country. The ACT protest narrative located in a pre-capitalist mode of production valorized centered

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[205] The ACT mobilized its struggle by relying much from empirical observations in adjoining areas in Dikchu dam site. The commissioning and operation of Dikchu project under NHPC within the vicinity of Dzongu reserve caused irreparable impact on social, cultural and ecology of Dikchu area. The mud slide, displacement, inundation of soil by the reservoir depletion of arable and abandonment of permanent housing structures by resident is everyday struggle of Dikchu region. The report in rise of thefts and sexually transmitted diseases in Dikchu area in downstream Dzongu region formed ACT's message to its audience. immediate concerns against the proposed dams in Dzongu reserve.

[206] One of the prominent triumph ACT struggle has been its handling of media and the press. This helped the ACT to sensationalize their struggle beyond Sikkim's borders. The Sikkimese youths created *weepingsikkim.blogspot.com* an online blog to voice their concerns about the affects of power projects. They found support from the global advocacy groups enabling the ACT to internationalize their protest narratives. The overseas Sikkimese advocated their support by projecting the movement as cultural, social and environmental. The Australian aboriginals facing similar cultural onslaught from the settler state gathered and showed solidarity support to the ACT. The Sydney Harbour Bridge and Mellbourne hosted ACT's struggle making headlines in Sikkim's leading English and vernacular dailies. The creation of blog by youths was not a prominent feature of ACT's struggle narrative but the internet context provided the foreground for ACT to accelerate its pan-Sikkimese identity.

around Lepcha world view and ecological harmony criticized the advocacy of capitalist mode of production at the expense of indigenous land, livelihood (Baviskar1997:43). The ACT voiced alternative energy model such as mini-energy hydel plant in Sikkim. The alternative with community as the stakeholder in the project since the scale of environmental and cultural destruction by mini-hydel plants are minimal (Statesman 2006). This does not require diversion of river water through underground tunnels and artificial reservoir. This was in view of Sikkim's total energy requirement figures below 160 MW. Sikkim has a history of mini-hydel project commissioned under the erstwhile Sikkim Darbar. The ACT openly advocated mini-projects which promoted community interests and the immediate energy needs of the state.

Additionally, the ACT's base in Gangtok spearheaded the movement's mobility. Gangtok provided an avenue for momentous dialogue with diverse stakeholders including the GOS. It provided a route for ACT to accomplish nationwide coverage. The activists from different parts of the country provided contexts for ACT to debate under the context of "Displacement & Un-Democratic, Unjust, Anti-People & Pro-Corporate 'Land Acquisition (Amendment) Act, 2007' and 'Resettlement and Rehabilitation Bill, 2007'' (Little 2010:103) being introduced in Sikkim. The ACT struggle was relayed by activists in New Delhi with activists observing hunger strike at Jantar Mantar. The ACT meaningfully found space in India's social movement by communicating with communities facing similar experiences of dispossession and displacement elsewhere in the country. The trans-border mobility of the ACT forged alliance among the Lepcha community residing in West Bengal.[207] This provided the path towards reinforcing their community identity as an 'indigenous' social group of Eastern Himalayas.[208] The technological context under which ACT narrative expanded its operations offers an understanding of their interests to forge an alliance with affected communities in West Bengal and elsewhere.[209] The dialectics between ACT, Lepcha

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[207] The Lepcha community in West Bengal imitated Gorkha volunteers by staging a blockade along the National highway connecting Sikkim with the rest of India. The blockade over National highway paralyzed Sikkim's dependent economy. Protests rallies were organized in Kolkota, Darjeeling and Kalimpong to highlight nationalization of rivers in Sikkim and West Bengal. The Teesta river in West Bengal has met similar fate at the hands of power developers. The livelihood of riverine communities along the highway remains one of the major highlights of ACT's resistance narrative struggle.

[208] Communities in Eastern Hiamlayas are exposed to develoment induced displacement only after India's liberalization of economy whereas in Western Himalayas communities well integrated with colonial as well as post colonial mode of production have been a witness of large scale privatization of natura resources. Fo more see, Guha (1999).

[209] The ACT struggle as it entered city spaces, government intervened with a promise to review projects by expressing anguish for the fate of the local people in the region and "…that culture, tradition and

people in WB and the media houses provided a route for communities to highlight their social plight. Their struggles for recognition of Lepcha language gained momentum along with ACT struggle in Sikkim. Their struggle to create a Lepcha space independent of ongoing Gorkha project in WB also provided a context for ACT to mobilize its resistance by creating a network with communities worldwide to highlight their plight against repressive forces—both the public and the private.

This was a momentous occasion of ACT struggle as the movement mobilized sense of Sikkimese belonging. The people sympathetic to ACT struggle visited them at Thutob Namgyal Memorial Hospital. It attracted large crowd and exacerbated protest struggle. The ACT with modest background in North Sikkim transformed into full fledged social movement with a clear mandate for preserving Sikkim's communitarian imperatives. The ACT's protest narrative was politicized as opposition political picked up stories for its own benefits.

Sikkim's ruling government responded to ACT's struggle as an exclusive Lepcha movement bereft of support from Sikkim's other ethnic communities. The attempt to isolate and alienate Lepcha communities from mobilizing other communities was a strategy of GOS to target Lepcha community through anti-national rhetoric. The influential Lepcha people wholeheartedly supported ACT's popular stance on dams. This provided ACT to create a niche for representing the aspirations of affected citizens along the river Teesta river beyond Sikkim's border.[210] The ACT articulated their definition of affected citizens denoting communities at lower riparian state in particular Bangladesh. The GOS on 21st August, 2007 promised to review the projects in Dzongu.

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identity would never be compromised for the sake of economic development alone" (Rai 2006:1). The government's inability to discharge their stated commitment on preserving culture, tradition and identity galvanized the ACT to enclose resistance struggle through an indefinite hunger strike on June 2007. The peaceful relay hunger strike attracted the public resentment as Sikkim repeatedly featured in diverse news segments at different levels of media coverage.

[210] The ACT office bearers enhanced their technical skills for operating internet and YouTube blogs shared widely on International Rivers and other relevant NGO database (Little 2010: 104). Exploiting global languages such as English, information technology and media for prompt communication exacerbated humble localized protest struggle into one of the successful anti-dam movement in India. The ACT in their sustained methodological protest narrative creatively employed modern amenities to exhibit its communitarian traditions and lived experiences against the state—the modernizing power.

The GOS failed to deliver the promise of timely review over the status of the project[211] and ACT resumed its second phase of the struggle in March, 2008.

The ACT with its humble origin in 2004 from rural Dzongu emerged as a harbinger of Sikkimese aspirations. It became a platform for Sikkimese people to continue with their community traditions and a modern organization of youths representing citizens. It mobilized a critical space for dialectics of interaction between forces of modernity and community traditions. With its localized resistance strategies of GOS's decision to allow power developers to execute seven projects plants in Dzongu highlighted the context of Sikkim's unequal resource share created by neoliberal market imperatives. The state administration while it cleared obstacles coming against power developers, the power developers simultaneously ingressed into Sikkim's 'untapped' natural resource mobilization as part of GOI's initiative to generate 'clean' and 'green' energy to enhance its growth trajectory and starved energy sector (Ramanathan and Abeygunawardena 2007). The energy sector considered vital component of India's ever expanding middle class and growth trajectory for sustaining industrial energy requirements. Therefore, ACT protest narrative represents first ever expression of political and social movement against state controlled development discourse.

The ACT struggle unlike the political movements of 1970s against the Namgyal Dynasty was bereft of external funding and interventions. It was led by educated youths who volunteered to partake in giving the struggle a political idiom. Unlike the class based struggle elsewhere, the ACT mobility relied on culture, community practices, environment, ecology and livelihood. The mobilization of these non class identities reinforce their continued comprehension as cultural communities of India much acknowledged by constitution of India. The stress on specific territorial rights as

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[211] The ACT appealed to the global advocacy groups and social movements. The ACT commenced self-determining feasibility research to assess environmental and cultural impacts of hydro power projects in Dzongu. The summary executive and the findings of the independent project were publicized by ACT through press release and YouTube blogs (Little 2010). The stories hunger strikes were shared for global audience on YouTube channels etc. The ACT employed English as medium of communication with global and national audience. This allowed prominent independent UK print media and the global media house, the BBC World to cover ACT struggle narrative to the audiences in the Global North. The ACT effectively employed their bilingual familiarity in Lepcha and Nepali languages to mobilize its support base in neighbouring Himalayan regions. The ACT's relocation from Dzongu to Gangtok and its technological context of the early 2000s rendered the movement a continuum of engagement with mass. The effective media coverage and documentation allowed them to engage with a larger target audience.

inhabitants of Dzongu or Sikkim Sikkimese discloses the significance of rights firmly embedded in the cultural history of communities in India's North East.

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III

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Organic Economy of Sikkim Subject and the Politics of Green Mission in Sikkim

Sikkim's Green Mission launched in 2006 marks a shift in GOS' approach towards environment sustainability and mountain development.[212] The decision to scrap Rathong Chu Project among others earned Sikkim's CM the Greenest Award in India. The fragile ecosystem of Sikkim Himalaya formed the basis of GOS's environmental imperatives. Sikkim's Green Mission was launched at the backdrop of ACT resistance struggle against the construction of dams in North Sikkim. The decision to allow private power developers to set up power projects meant movement of 'immigrant' labour force and heavy machineries unknown for Sikkim's fragile ecosystem. The construction of dams and roads, settlement colonies for labourers, boring tunnels for diversion of river water and artificial reservoirs had significantly depleted Sikkim's environment. The GOS's commitment towards environmental protection remained questioned and challenged by ACT's protest narrative. Amidst, ACT resistance, GOS announced flagship Green Mission programme in order to reconfigure Sikkim's environmental image as a destination for tourists visiting the Himalayan state. The GOS's role in propagating Green Mission in the state at the height of ACT resistance comes as a counter hegemonic force on depleting environmental discourse propagated by ACT narrative.

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[212]The publication of Green Mission handout distribute by GOS under the aegis of the Department of Environment and Forest, remarks Green Mission as a multipronged approach undertaken to conserve and endorse Sikkim's environmental commitment and biodiversity conservation. The Green initiative ranging from planting of saplings, preservation and conservation efforts; creating a database on the successful monitoring and implementation under the National Afforestation Programme in the state (see Government of Sikkim 2011); distribution of car window stickers with Green Mission messages; conception of eco-cities and the eco-state; upkeep of trees along major roads and highways; organic agriculture; ban on forest grazing; ban on chemical fertilizers; and a fairly effective ban on plastic bags in Sikkim (Banerjee and Sood 2012: 06).

Therefore, Sikkim's march towards Green economy has primarily been a state government enterprise.[213] This Green project initiated at the backdrop of ACT protest over constructions of hydro power projects in Sikkim calls for careful introspection. When seen from the light of the ACT protest narrative, Sikkim's green project suffers from legitimacy deficit over Sikkim's Government's Green claims on environment and ecology. The GOS's in order to provide aesthetic value to the "Natural" appears as artificial. This environmental project of GOS alienated the role of communities in environmental conservation policies. At the policy level, the 'Greening' of Sikkim's governance sector makes it compulsory for government departments and agencies to adopt project Green strategies to promote environmentally cohesive policies aimed at Sikkim vertical 'development'. This has helped Sikkim to gain its robust environmental image due to loss incurred by the ACT's mobilization. The stories of environmental degradation caused by ensuing dams, roads and upgradation of physical infrastructure to sustain Sikkim's development discourse elevates Sikkim's policy intervention as one of the most successful in India. Sikkim's Green Mission well intentioned suffers from methodological faults and incoherence.

The Agro-Ecology of Sikkim Subject

Sikkim's blanket ban on grazing and tighter forest regulation on *jhum* cultivation (Arunachalam et al 2002) beginning in the early 1990s serves as a precursor to Sikkim Green Mission. The agro-pastoralism as widely practiced in Sikkim until the early 1990s remains lost from Sikkim's livestock rearing scene. Since, then effective ban on grazing and jhum cultivation rendered Sikkim's forest a blanket green cover in the absence of cyclic dependence of organism and ecosystem and vice versa. This has increased Sikkim's Green and Forest cover with 47.3 percent of total area as compared to India's national average of 21 percent.[214] This earned Sikkim the Greenest state award in India. Beginning from the early 1990s, GOS leadership popularized Sikkim's Green cover and natural setting to attract investors to invest in tourism economy. The incumbent Chief Minster was awarded the Greenest Chief Minister of India Award,

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[213] One of the primary aim and objective of Green Mission has been to add artificial aesthetic senses to promote tourism. For more see http://www.sikkimforest.gov.in/green_mission.htm accessed on 20/12/2018.

[214] Please see http://iseeindia.com/2013/09/24/sikkim-indias-greenest-state/ accessed on 20/12/2018.

1998 by the Centre for Science and Environment, New Delhi for his role in conservation.[215]

Then the protests by community of monks led by Sikkim Salvation Council over construction of dams along Rathong Chu in West Sikkim in 1990s led GOS under CM Chamling to cancel the hydropower project in Sikkim.[216] The ban on grazing in early 1990s remained contested by the graziers by appealing to the courts for intervention citing community practices. The Award: the Greenest Chief Minister of India, 1998 was carried out by carrying surveys and policy interventions issues ranging from banning plastic bags to those of termination of major hydro-electric project[217] at Rathong Chu in West Sikkim.

This top down approach of implementing holistic sustainable development programme such as Green Movement by banning grazing, plastic bags, introduction of joint forest management programme and water shed programme isolates communities from their natural livelihood on forest resources. The policy of mobilizing community interest and community institution for successful conservation strategy is yet to receive impetus in environmental policy formulations in the post Green CM Award.

The review of the Rathong Chu Project on religious and environmental grounds arrives as a catalyst for change in GOS's attitude somehow appears myopic given a cautious attention to Green Mission project in the mid 2000s. As it is, the southern flank of Mt. Kanchendzonga bordering Eastern Nepal home to fragile glacial lakes and national parks inhabited by *Kiranti* communities within its immediate vicinity maintain geological fragility of the state. The presence of centuries old Buddhist places of worship and sacred groves, dating back to Sikkim's state formation period of the mid

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[215] For more on Sikkim Chief Minster, see http://sikkim.nic.in/homedept/biodata.htm accessed on 21/12/2018.

[216] Significant developments as part of policy interventions took shape in the late 1990s. In order to avoid conflict with the community members as in the case of Rathong Chu hydro power project, the GOS in the late 1990s appealed communities to map ecological, cultural and historical referents in preparing scientific and detailed database[216] (Lachungpa 1998). It is worthwhile noting that, the proposal for Rathong Chu project was initiated through lobbyists mostly proliferating contractor class and businessmen in the absence of detailed assessment and consultation with the local people. The Concerned Citizens of Sikkim (CCS) mobilizing strategies for termination of Rathong Chu observed that the local community were mostly co-opted by power developers by promising small returns and compensation in exchange land (Kazi 1998). The outpouring of protests by the local communities in the aftermath of Rathong Chu power project initiated a review of the project by the GOS. The voices of the people living around the vicinity of the project site accrued an opposing public opinion leading to finalisation of meaningful review of the Rathong Chu project in 1997.

[217] For more see details at http://www.ipsnews.net/1999/03/environment-india-a-green-chief-minister-in-a-green-state/ accessed on 20/12/2018.

seventeenth century allure its fragile ecology the natural, historical and cultural context and setting to flourish as a site of resistance against state led development discourse and practices. Sikkim's northern region, home for Lepcha and highlander Bhutia communities still practice communal: agro-forestry and natural resource management under its customary institutions. The conflict of interests between communities inhabiting the region and India's national security imperative bordering China has aggravated Indian Army's alleged occupation of civilian lands for expanding cantonment and barracks, import of livestock from North Bengal and alleged defilement of community places of worship through construction of secular worship temples and Sikh Temples. The GOS's forceful persistence insistence with the Indian Army to abandon their position in converting Sikkim's northern borders with Tibet for building a firing range earned dividends for GOS's environmental policies.

The GOS's persistence led to cancellation of Army project as a commitment for preserving Sikkim's mountain ecology. Though Indian Army had promised GOS financial compensation but losses for vital eco components would have proved irreparable. The region is home to varied species of Himalayan flora and fauna: mountain leopard, musk deer, Tibetan wild ass, rhododendron medicinal herbs and plants (Lachungpa 1999). This calculated factors and risks motivated Sikkim under CM Chamling to forge statist regulations on forestry by enforcing blanket ban on grazing activities. The ban on grazing in Sikkim was enforced much against the wishes of pastoralist communities. The Greenest Chief Minster Award, 1998 summarize Sikkim's environmental governance of the 1990s. Since then, Sikkim has experimented numerous state led initiatives on environment without crediting the role of communities in environmental conservation.[218]

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[218] The GOS's numerous flagship schemes targeting select beneficiaries makes Sikkim one of the successful states in India in implementing central government schemes. This has allowed Sikkim to emerge as a model state in India for implementing numerous government schemes directly funded by New Delhi. The Green Mission in Sikkim is one of the many policies, having been implemented at various levels of the governance (Banerjee and Sood 2012: 06). The launching of Green Mission in 2006 raises serious questions about GOS's earlier commitment on scrapping power projects and forcing communities to ban grazing etc. The ACT's anti-dam narrative had raised serious questions on GOS's environmental policies thereby weakening Sikkim's environmental perseverance mostly reflected in its policies and practices. Did GOS launch and plan Green Mission as a fillip to its dwindling environmental degradation effected by large scale power construction? If this is the case or it is the case why it was vigorously launched. The green initiatives under the Green Mission include formulation of conservation strategies for protection of forestry and natural resources. The plantation drive along the roads was a measure to strengthen highways from slippage during monsoons and as a measure to shrink pollution—water, air, noise.

Politics of Green Mission

The promotion of tourism under Green Mission indicates lobby culture of government contractors and suppliers in Sikkim. In the aftermath of road construction plantation drives initiated by forest department is based on fiscal investment. As an initiative to add aesthetic price via state wide plantation drive of avenue along the state highways as a measure of afforestation to engender green belts in unoccupied lands and improvement of natural lands in artificial parks raises serious questions about Green Mission's aims and objectives. The plantation drive carried under the aegis of Sikkim Forest Department allows plantation of an exclusive species of sapling supplied by suppliers. The depletion of green cover ensued by ongoing expansion of roadways followed by plantation drive portrays lack of robust mechanism to regulate felling of trees. This appears like a vicious cycle where deforestation managed by state is quickly followed by its afforestation programmes under the Green Mission.

The conception of Green Mission as an eco-tourist currency for promotion of state as Green state needs a critical review.[219] The targets include domestic as well as foreign tourists. The visual graphics used by tourism brochure selectively used natural artefacts featuring snow clad mountains, forest system, rivers in projecting state's environmental policy as a story. Sikkim's reliance on tourism economy, the visual graphics depicting lush green forest and rivers as a 'real' representation of Sikkim remain under pressure to exhibit state's aesthetic function in the face of incursion resulting in environmental degradation from energy industries integrated with market for outsourcing 'clean' and 'green' energy.

The accomplishment of Green Mission is measured by satellite graphics showing increase in Sikkim's green cover by over two percent. The success of green cover dependent on government spending lacks integrated approach in understanding community role in conservation. On asked about the measures taken by power

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[219]The ACT's protest struggle engulfed Sikkim thereby attracting public scrutiny including by those power voices from environmental movements in the country. Sikkim's environmental mismanagement within power project site areas was subjected to severe scrutiny human rights watchdog and human rights networks and network of civil society activists. The portrayal of Sikkim as violating basic human rights of indigenous people did not serve Sikkim's Buddhist image well. This had had considerable affect on Sikkim's tourism credibility as a destination familiar with clean and green Sikkim.

developers within the affected areas by project, the concerned forest officer claimed that power developers hire retired Forest Department officers to monitor the effects of Green Mission in power project sites. The officer serving in the Sikkim Forest Department revealed that under the Green Mission, the power developers operating in Sikkim compulsorily hire retired forest officers belonging to the cadre of Sikkim Forest Services. As symbolic gestures to comply with standard norms on environment amidst criticism levelled through ACT mobilization aggravated through tunnelling by using dynamites had eternally troubled Sikkim's ecosystem. The impact on tunnelling on natural vegetation especially the loss of supply of drinking water through seepage has been reported widely. Therefore, Green Mission's watershed programme tried to addresses loss of underground water at superficial level.[220]

In addressing large numbers of tourists[221] visiting environmentally fragile eco-spaces, the GOS has introduced payment of fees as funds for conservation around glacial lakes and its habitats (Banerjee and Sood 2012; Banerjee and Sood 2011). The monetary compensation for unregulated flow of tourists in the absence of integrated understanding of requirement for conservation of mountain ecology legitimizes tourists flouting standard norms on hygiene and sanitation. At the level of schools, GOS Sikkim in an effort to inculcate Green education at higher and secondary schools have instituted eco-clubs for its students.[222] They engage on issues by generating awareness campaigning on ecology.

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[220] The presence of military installation has been causing damage to glacial ecology and tourism economy is adding strains to the depleting environment. The nominal presence of state government in mountain areas, the accomplishment of Green Mission lies with Army's cooperation including those of providing necessary logistics and human resources at higher elevations. The PRIs at the gram or village level coordinate with Forest Department in implementing Green Mission at different levels. In order to strengthen Green Mission, the community monitoring of forest conservation and water shed management has been constituted under the Joint Forest Management Committees.

[221] Through Green Mission GOS packaged rural tourism as a means of strengthening self employment opportunities. The push towards village based tourism in the name of helping communities to build structures through government subsidies in the face of stiff competition from urban tourism industries controlled by Kolkota based hotel agents. The increase in unregulated tourism in rural areas in the lack of institutional assessment on environment and ecology is alarming. Sikkim high altitude lakes in mountain areas and isolated rural areas are negotiating everyday change necessitated by unaccounted movement of tourists visiting the area.

[222] The GOS under the guidance of Centre for Science and Environment recruit "Green Teachers" by designing courses and imparting training programmes by involving student participation in annual competitions organized under Green Mission (Banerjee and Sood 2012: 06-07). Despite being a top down approach on environmental policies its aims and objectives are worthy of mention since Sikkim's stands out as the only state in the country to increase its green cover in the last odd twenty years.

Sikkim's Green Environment remains a policy level input with a desired output for state to be eligible for Green funding from GOI. The GOI funds five Himalayan sates[223] under the head—green dividends and green bonuses as special environmental fund for formulating policies on conservation and protection of mountain ecology propelled by development practices.[224] The Green gratuity for five Himalayan states was conceptualized after much of its perennial Himalayan rivers have been mapped as resource generating asset of reaching India's energy targets of more than 50,000MW energy under clean energy mission under CDM.

The proposal to commence twenty nine dams in a state with a geographical area of 7096sq km remains a policy paralysis. This meant Sikkim as a region with highest density of dams in the world. The inequitable revenue dividends with shallow share for Sikkim amidst mere promise of local employment opportunities as a legitimate path of Sikkim's development it becomes necessary to offer critique of Sikkim's Green Mission as a state led counter hegemonic environmental movement in the face of community resistance.

Sikkim's Organic Mission Plan

Sikkim's diverse cultural communities practice farming using simple traditional technique, knowledge and skills required for enhancing production and productivity without resorting to the use of chemical fertilizers. Thus, GOS's decision to brand community and traditional farming practices as organic farming under Sikkim Organic Mission is a top down approach of mainstreaming agriculture for market. Sikkim's subsistence farming remains non commercial. Therefore, integrating subsistence farming with commercial ventures under organic mission puts traditional farmers and limited land cultivation under pressure. The varieties of Sikkimese cardamom

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[223]Jammu & Kashmir, Himachal Pradesh, Uttarkhand, Sikkim and Arunachal Pradesh. Green bonus was one of the issues discussed and deliberated upon by five mountain states during the Himalayan state meet requesting the Government of India to offer adequate funds to the State Governments for conceiving measures of conservation of the Himalayan ecosystem and the environment. For more on Green Bonus see, http://scstsenvis.nic.in/index3.aspx?sslid=717&subsublinkid=427&langid=1&mid=4 accessed on 20/01/2019.

[224] The 'Green Bonus' funded by New Delhi was largely interpreted to augment India's clout at multi-lateral climate change conclave. India was seeking funding from developed countries as strategies for environmental conservation conceptualized under CDM during the Copenhagen conference on climate change in December 2011. However, Green Mission must be contextualized in GOS's proposal to commence twenty nine hydro electricity projects (HEP) along the Teesta and its tributaries. The ACT struggle in Sikkim is a major highlight of concern for ecology and cultural value pattern fed by Sikkim's rivers.

plantation form a major stay of agro-forestry practices. The cardamom cultivation under organic farming as sustainable farming strategy of the government is overstatement of its governmental policies on agriculture and food security.

It has often been projected as a policy initiative to improve community livelihoods and upward economic mobility. Sikkim's cardamom cultivation as mainstay of agro-forestry practiced as per community land use and as strategies of retaining rich nutrients of the soil was branded as organic cardamom. Sikkim's was the highest producer of cardamom in the world much before conceptualizing Sikkim Organic Mission Plan in 2003. Sikkim's cardamom produce of the last century has been free from fertilizer based production because cardamom, plantation is practiced by communities as an integrated part of conventional conservation through agro-forestry. Therefore, scope of using fertilizer in agro-forestry was in conflict with community conservation of forestry and environment. For this reason, Mangan, the administrative headquarter of North district in Sikkim was known as the cardamom capital of the world in the 1990s. Declaring Sikkim's community agriculture practices as organic under Organic Mission appeared like a shift from fertilizer based farming to organic agriculture mediated by state's policy intervention.

The 'shift' from fertilizer to organic agriculture was indeed marked by GOS's declaration of ban on sale and supply of chemical fertilizers in the state. There were no provisions for regulating the use and availability of chemical fertilizer in Sikkim prior declaration of organic mission plan. In 2003, as a policy level intervention, GOS withdrew subsidies on the sale and supply of fertilizers. In 2006, GOS withdrew subsidies on transportation. [225] Since then, the shift to fertilizer free market of Sikkim was registered in GOI's annual agricultural statistical reports, published by the Ministry for Agriculture. In order to argue Sikkim's organic practices as an initiative of GOS, state officials put on record that the ban on subsidized sale of fertilizers in Sikkim had put the onus on farmers to adopt organic agriculture since there were no options available to the farmer. This brings into question the role of technocrats in policy formulation without acknowledging community knowledge in conservation and farming sector.

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[225]For more details see, http://www.ecoideaz.com/expert-corner/sikkim-organic-mission-accomplished accessed on 21/02/2019.

The GOS official statement accounts for policy exaggeration forcing farmers to get co-opted as policy targets of adopting organic measures rather than acknowledging their resilience. It was a practice in early 1990s Sikkim's farmers using fertilizers for a restricted timeline which did not increase agricultural produce for subsistence economy. Moreover the use of fertilizers had fell short in securing harmonious equilibrium with components of Sikkim's ecosystem. The failing health of soil and plants was first felt by communities and the switch to traditional manure was prompt. The Sikkim Organic Mission Plan was finally conceptualized in 2003[226] at a time when power developers were marking its entry in Sikkim's energy sector.[227]

The major policy highlight of Sikkim Organic Mission is diverting Sikkim's farming culture as the field of sustainable agriculture.[228] The branch of sustainable agriculture designed within the framework of climate change promotes mitigation strategy of retaining receding glaciers at a global scale. Organic agriculture as sustainable agriculture practice forms an integral function of mitigation techniques of sustaining rapidly receding Himalayan glaciers. It has been dubbed as praiseworthy of emulation across the world despite large scale indigenous mobilization over construction of power projects along Sikkim's perennial rivers systems.

The Sikkimese communities have a history of agrarian practices in retaining soil nutrients. The policy bears fewer acknowledgements of knowledge practices under this visionary initiative. At policy level it has been hailed as an exemplar in realizing Green Movement in the country. Sikkim's adoption of organic agriculture is arbitrary and

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[226]For more on Sikkim's Organic Mission, please see http://www.sikkimorganicmission.gov.in/ accessed on 21/01/2019.

[227] Through, Sikkim Organic Mission, the state is said to have implemented organic agricultural practices covering 75,000 hectares of agricultural land. In 2003, this flag ship scheme was launched by the GOS through a declaration on the floor of Sikkim Legislative Assembly. In Addition, the GOI declared Sikkim as the only organic state in India at a plenary on sustainable agriculture at Gangtok in January 2016. The conversion and certification of Sikkim's agricultural land as organic land as per the standard agricultural practices prescribed by the National Programme for Organic Production links farming into a wider network of market economy. This declaration makes no reference to Sikkim's traditional subsistence and organic agricultural practices of the communities relying solely on manure and traditional compost.

[228] The focus of the Paris climate change conference addressing tipping issues of global warming failed to achieve its carbon emission targets. The only exceptional outcome of this conference has been France's annual resolve to augment carbon content in the soil by four percent. This would realize in enhancing agricultural production by supplementing soil fertility as a step forward for accomplishing sustainable agriculture. The French initiative is likely to secure an edge over other powers in carbon emission strategies. For more see, http://www.ecoideaz.com/expert-corner/sikkim-organic-mission-accomplished accessed on 21/02/2019.

unilateral. As per reports, despite, the introduction of fertilizers in the mid 1990s from neighbouring West Bengal, Sikkim reported a miniscule spending on chemical fertilizers with 5.8 kg per hectare of cultivable land. Sikkim's rich agro-ecology and non market production did not recognize agricultural model of fertiliser based Green Revolution. Sikkim, recorded third lowest in utilizing pesticides for enhancing productivity. The perennial but rain fed agricultural terraced and sloping lands, individually owned communitarian land use and tenure, unique livestock rearing within agricultural homesteads and traditional local knowledge of farming paved way for GOS to envision this natural condition to visualize already existing community farming practices as organic farming under Organic Mission. The long spell of monsoons in eastern Himalayas with integrated drainage prevented the soil from absorbing fertilizers. The isolated social structure of Sikkimese villages with privately owned forestry with wide spread livestock where food crops are cultivated with cattle compost are naturally recycled as biomass to strengthen farming practices. Sikkim's primary cash crop, large cardamom is a prominent landmark of state's agro-ecological practices providing farmers with high annual dividends. The widespread pattern of cardamom cultivation in Sikkim significantly decreased communities' reliance on shifting cultivation thereby sustaining biodiversity conservation (Garbayal 1999). This has successfully checked soil erosion rumoured to have been caused by shifting cultivation.[229] The cardamom plantation, the main stay of Sikkim's cash crop has never been introduced with fertilizers and chemicals because of its isolated cultivation from habitation. This has prominently enhanced livelihood of Sikkimese peasants, thereby allowing people to focus on agriculture and relatively check out migration in search of better opportunities. [230]

In the last phase (2013-2019), the GOS envisioned comprehensive agricultural policies for realizing Sikkim's agricultural sector as a model for democratizing organic farming in India. The Organic Mission claims to have integrated innovative technological techniques with community practices for facilitating pest free agriculture.[231] Sikkim has

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[229] For more on shifting cultivation in North East India see (Borthakur 2002).

[230] The viable option for migration of Sikkimese youths to other areas are for employment in public sector and higher education. The majority of Sikkimese youths migrating outside the state include students and soldiers in the Indian Army and India's Paramilitary. Those within state serve in state police department and armed police battalions and migrate only as far Sikkim's capital, Gangtok and other districts.

[231] This includes management of pest through adoption of pheromone snare to regulate fruit flies, domestically produced bio-pesticide to regulate blast sickness in paddy cultivation, introduction of bio-

a long tradition of piling cattle wastes in hatcheries built indigenously within the perimeter of cattle sheds. The GOS has been encouraging farmers to revive the age old tradition of composting bio-mass and fuels as a delivery for organic agriculture. The organic agriculture earlier practiced as a form of subsistence economy is being integrated with market incentives by setting up livelihood institutes and take up farming as a self employment opportunity. The crops and fruits grown by Sikkimese farmers are being branded under Sikkim Organic brand.[232] The effective mechanism of supplying these brands in leading retail stores will depend on the nature of storage facilities, transportation and connectivity and on the volume of agricultural produce.

At the policy level, Organic agriculture has set standard worthy of emulation by other hill states in India but in actual practice, the means of production still remain subsistence and traditional. The problem of Sikkim Organic Mission lies in its orientation as market enterprise for modern consumer society in a largely traditional mode of production. In order to secure use of bio-mass and vermin compost, state has additionally tied Organic Mission with animal husbandry. The livestock within homesteads are crucial for the sustenance of Organic Mission. In all, the state has relied much on community knowledge and local infrastructure to give fillip to the much needed sector after large swathe of Sikkim's land is in the process of rapid acquisition for large scale construction of power projects and pharmaceutical companies. The agricultural lands that are being diverted for construction of pharma companies contribute significantly in depleting Sikkim's ecosystem and environment. The construction of large structures around agricultural fields will have impact on agro-forestry as well as its traditional farming as an alternative practice.

Moreover, villages are being declared as organic village in an effort to popularize eco-tourism. Sikkim, as eco-tourism destination valorize Sikkim's agricultural practices as

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dynamics for providing nutrients to the soil and the produce and integrating farming with bio-pesticides and bio-fertilizers. Locally, grown azolla and algae are being farmed for producing bio-fertilizers for organic manure. The GOS is supplying bone meal and untreated rock phosphate at subsidized prices. The eco-friendly farming manures such as herbal pesticides are being encouraged. The control over rodent menace is being carried out through natural mechanism thereby limiting artificial interventions to the eco-system.

[232]The program was aired by private satellite production covered through in an episode in 'SatyamevJayate', a popular talk show, hosted by cine star Aamir Khan in 2012. The program was aimed at highlighting tiny state's role in a world increasingly conscious about the ill effects of chemical fertilizers and pesticides in the field of agricultural conservation.

state venture. The promotion of organic villages is being materialized during and after Sikkim's declaration as open defection free state by accomplishing hundred percent sanitation through state government assistance. Much of the policies aimed for improving people's livelihood in Sikkim have top down policy imperatives.

The enforcement of land acquisition law notably, the Compulsory Land Acquisition Act has facilitated land acquisition by power developers and pharmaceuticals companies. This raises questions about negligence on crucial issues of environmental and sustainable agricultural governance. The release of pollutants allegedly by pharmaceutical companies has posed questions mark over sustainability of state's river systems. Therefore, success of Organic Mission relies on the availability of cultivable land exclusively at the control of communities. The eco-tourism aspect of home stay business requires integrated approach to sustain feasibility of ecological sustenance. The proposals for setting up of power projects along the Teesta basin under clean and green energy generation in the absence of environmental assessment continue to invite criticism. The reports on Sikkim's increasing forest cover under the Green Mission will not suffice for long term conservation goals.

The rights of the communities—notably, the right to informed consent has been violated by proposing dams in Sikkim. The people raising concerns against government schemes are painted with anti-national rhetoric. This leaves little space to deliberate on crucial issues of ecology, employment, human rights, land rights and rights of Sikkimese communities in a historical specificity. The September 2011 earthquake with its epicentre in North Sikkim reminisced ACT's struggle on environmental grounds. In June 2017, the residents of Dzongu rallied appealing all forms of construction in North Sikkim be scrapped. The 2017 rally marked a crucial shift in people's allegiance by endorsing ACT's dismissal of state sponsored benefits of providing local employment opportunities and revenue generation for Sikkim. The people initially divided along pro and anti dam camps showed united show of strength.[233] The ACT's new struggle passed a resolution calling for total ban on dams in Dzongu and its adjoining areas. Sikkim rise

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[233] Dzongu's socio-cultural fabric torn apart between factions opposing and supporting dams was noticeable during campaigns by political parties contesting the legislative assembly elections in 2009 and 2014. The political division was manifest with imprint during community functions and gatherings. The polarization, inevitably affected social customs, funeral processions and important customary village rituals. The ACT leadership co-opted by political parties from opposition camp rallied a sentiment resounding rhetorical promise of scrapping dams from Dzongu if voted to power.

one notch up from Zone IV to Zone V in the seismic activity graph in the high risk zone brought horrors of September, 2011 earthquake back to North Sikkim, with highest casualty in loss of human lives, livestock and property.

The intent of social schemes as targets of electoral vote bank through elected local bodies worked with communities in garnering pro dam posture in Dzongu. The role of elected local bodies as an agent of neoliberal development policies in Dzongu has been widespread. It selectively identifies beneficiaries for schemes and works with state government agencies in charge of overseeing crucial work for laying entry and access for power developers in Sikkim.

Conclusion

The discussion emanating from the experiences of Sikkim Subject highlights the ongoing conflicts between state a modernizing power and cultural communities in India. The state with its personal interests and culture around resource management has its origin in colonial practices. This legacy has had adverse impact on the interaction between agents of modernity and tradition. The state led by the rationale of scientific epistemology of European enlightenment remote controlled by techno-bureaucrats view environment as nature while the cultural communities locate their subsistence within environment as their livelihood. Therefore, the concept of natural resource mobilization for state and communities show diverging interests. The state's reliance on environment and community reliance on nature has become the source of conflict between the state and self governing communities.

Therefore, the Indian Constitution cautious about changes introduced by colonial administrators around land use and management inserted special provisions in IC as a mark of guarantee for safeguards of community culture and practices. The right to practice and preserve customary rituals guaranteed a formal legal cover to the functions and role of land and natural resource as livelihood of communities residing a particular ecological and social settings. The Article 371 F of IC has helped Sikkim Subject to retain its cultural rights as collective rights over individual rights. The special rights of the Sikkim Subject have allowed indigenous ecology to resist developmental economics based on a philosophy of 'alien' legal laws. The diverging worldviews on environment and resource mobilization in Sikkim has produced conflict generating wide scale protests. Through mobilization, Sikkim Subject reinforced the role of

community and cultural rights based on special citizenship rights as reversing the effects of climate change, maintaining green cover, biodiversity conservation in eastern Himalayas with vital component such as glacial lakes. In realizing the potential of community practices, GOS accommodated community knowledge by harnessing their practices in sustainable agricultural practices in producing better policy results in India.

Conclusion

Differentiated citizenship, an imperative for diverse societies with cultural and social differences, is quite beautifully acknowledged in the Constitution of one of the most diverse countries of the world—India.

The Constitution of India framed fundamental rights for its citizens but simultaneously provided special citizenship rights for its diverse frontier regions and its people. The people who consented to join the Union of India on the basis of such constitutional guarantees. The Differentiated citizenship (Jayal 2016, Baruah 2013) provisions of the Indian Constitution thus fine balances two conflicting sets of rights—liberal individual rights with that of the collective or communitarian rights.

The present thesis studied the citizen-subject dichotomy and dialectics in culturally diverse non western societies of the world, through the particular case of Sikkim Subjects in India. India certainly is one of the most culturally diverse non western societies of the world where 'state-nation' building continues to be an ongoing process for its ruling elites. The reality of communitarian existence of a large section of India's population, in contrast to the limited domain of civil society (comprising of *self interested rational individuals* or citizens) conscious of its rights and entitlements from a liberal democratic state, is much recognized by the liberal modern Constitution of India itself. Several provisions under the Indian Constitution acknowledge and uphold this collective over the individualized status of her citizens. Schedule V and VI and Articles 371 (till recently Article 370) are some of the important provisions through which the makers of modern India had acknowledged the historical and cultural differences of several of its communities, and had thus chartered their integration into the modern Indian nation state only by *first granting them much autonomy* to conduct their community affairs as per their customary laws, along with their limited sovereign rights over their traditional zones/land of habitation and livelihood practices. The continued significance of these special Constitutional provisions for the present day Indian state is most evident in its introduction of Schedule VI areas and creations of many autonomous district councils within those areas. The recent efforts of GOI

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towards negotiating an Accord with the Naga insurgent groups in the country's North East endorses the post colonial Indian reality even further.

The citizen-subject debate in contemporary political theory has amply highlighted the dilemmas of the post colonial societies of Asia, Africa and Latin America in adopting western normative institutions like modern citizenship based solely on the concept of individual rights. Looking through the prism of 'citizen-subject' dichotomies of contemporary political theory this work of doctoral research was initiated with the primary concern of examining whether the constitutionally guaranteed collective agency of the Sikkim Subjects help the Sikkimese communities achieve exemplary records in biodiversity conservation; along with securing a very good rank in the human development index (HDI) in contrast to the individual-right bearing modern citizens in rest of India?

In Chapter One the thesis presented a thorough debate on the categories of 'citizen' and 'subject'. Through a discursive on theoretical literatures the chapter underlined the need for re-thinking and re-visiting the received model of modern western normative concepts of citizenship practices in multicultural societies of non western democracies. Particularly elaborating upon the works of Etienne Balibar, Mahmood Mamdani, Niraja Jayal, Dipesh Charkabarty and Partha Chatterjee. The chapter reveals the realities of the narrow base of individual right-bearing modern members of Civil Society in contrast to the wider domain of population or mass-subject of post colonial democracies—who in spite of being legal-governmental subject of the modern state *remain* subjects of their communitarian traditions, customs and belief systems. Asserting for the different modernity of the subaltern subject-citizen Dipesh Chakrabarty (2002) argues that unlike in the west the mass subjects in the non western societies did not undergo the process of historical mutation into a working class to become citizen subject of the modern nation. The post colonial Indian state nevertheless granted formal rights of citizenship to the mass/population subjects. The present study on Sikkim Subject in modern Indian democracy highlights the complimentary cohabition of individual and community rights conditions of citizenship in non western democracies. The study also substantiates with concrete example the citizen-subject dialectics argued in the post colonial theory—by locating counter-hegemonic spaces

where the grammar of community subjectivity and rights, qualifies and contextualize the refinements of individual rights.

The Second Chapter examines in detail the special citizenship category of the Sikkim Subject in India. The Sikkim Subjects oscillates its status—subjecthood and citizenship through Sikkim's specific political and cultural context in historical time as well as an integral part of post colonial Indian democracy. The chapter is a study on why coexistence of legal and formal laws uphold the social equilibrium split between complimenting and contending citizenship principles in India—universal and preferential rights. Thereby, allowing minor population groups such as Sikkim Subjects to unearth its meaningful place as subject-citizen of Indian democracy, without completely compromising the assortment of subject identity. Through this chapter, the study posits participation of Sikkim Subjects in a specific cultural and territorial setting as interplay of multiple citizenship conception in India. The multiple citizenship conception has emerged as the basis of expressing dynamic paradigm for resource mobilization (Shani 2010: 145) in India. This centrality within multiple form of citizenship practices in India echoes Baruah's established analysis of actually existing dual forms of citizenship practice in India—at national and state levels.

The Third Chapter is about understanding the special citizenship provisions in the Constitution of India. The Indian Constitution which guarantees fundamental rights to every citizen meets special citizenship provisions under part XXI of the Indian Constitution. The special citizenship clause while it defines permanent and legal residents in the states covered under part XXI of the Indian Constitution distinctively creates tension between fundamental rights and constitutionally guaranteed special citizenship rights. The rationale behind India's experiment of conceding citizenship concessions has accommodated dynamic social conflict emerging from uneven theory of resource control and mobilization in a specific ecological setting. The special citizenship status has enabled boundaries for allocation and mobilization of resources at different levels of governance. Evidently, this forms a major highlight of multiple citizenship discourse of liberal versus communitarian models as citizenship claims either of the one forming as the dominant citizenship model (Shafir and Peled 1998: 411). The chapter is a reflection on the question of liberal conception of citizenship rights co-existing alongside ethno-national conception of citizenship rights meant for

communities. By examining Sikkim Subjects, the chapter brings to light the subject of rights discourse in India as mediated through the notion of cultural-community membership.

The Fourth Chapter attempted to understand the position of cultural communities as self governing communities through an ethnographic survey of tribal councils in the North Sikkim district. The self governing communities under Dzumsa customary institution enjoy varieties of autonomy in the field of governance as per customary law in its ecological, cultural and territorial jurisdiction. In this context, customary subjectivities and modern subjectivities of communities are evident in the special provisions of IC. These are some of the important provisions through which the makers of modern India had acknowledged the historical and cultural differences of several of its self governing communities, and had thus chartered their integration into the modern Indian nation state only by *first granting them much autonomy* to conduct their community affairs as per their customary laws, along with their limited sovereign rights over their traditional zones/land of habitation and livelihood practices. The continued significance of these special Constitutional provisions for the present day Indian state is most evident in the functional autonomy of self governing village councils such as Dzumsa in Sikkim and in its introduction of Schedule VI areas and creations of many autonomous district councils within those areas where village councils under its chiefs retain control over natural resource management and land use.

The Final and Fifth Chapter locates the split subjectivity of Sikkim Subjects in their crucial role of being both modern-knowledge subjects as well as the bearer of community and indigenous knowledge practices. The chapter posit an understanding of Sikkim's acclaimed success in conservation and sustainable agriculture as knowledge domain of all "three Sikkimese cultural communities of Sikkim (i.e the Lepcha, Bhutia and Nepali). The divergent disagreement between community environmental practices and policy imperative under statist projection over the utility of environment is put forward through an analysis of anti dam movement led under the banner of Affected Citizens of Teesta (ACT). The anti dam movement under ACT mobilization forms a highlight of indigenous subjectivity on environmental governance in India.

The ACT's interventions *highlight the role of self governing communities in the larger debate of the political modernity of India's democracy.* Sikkim's success in governance

reflects Sikkim Subjects' disposition associated around land use, agro-forestry, and bio-diversity conservation. Sikkim's organic agriculture which otherwise remains a traditional method of farming practices has produced results even under the policy imperative as state's sustainable agricultural practices. The hypothesis of Sikkim's organic agriculture actually remains rooted in the community practices necessary for maintaining conventional subsistence economy without rendering pressure on land use and land management. The community control over forest and forest tracts as collective agents has prevented commercial timber merchants from entering in Sikkim's unexplored forest resources. The declaration of Kanchendzonga National Park (KNP) as UNESCO world heritage site notably highlights environmental knowledge of three ethnic communities of Sikkim with its respective self governing rights.

In summing up, I hope that my present thesis will help us rethink India's experiences with liberal citizenship project not merely as a project of political empowerment but an accommodation of cultural and social diversities of its population in a political community. The projection of liberal citizenship 'as difference blind' is an anomaly, as evident in the exceptionalism of Indian citizenship provisions. Minority and tribal community rights inform the constitutional and legal parameters of India's pluralist approach to modern nation building. In asserting the community role in self governance though much reference is made for the Autonomous District Councils as a model of tribal self governance however the excessive electoral mobilization in effect are jeopardizing the structure of ADCs and making them toe the line of elected legislative assemblies pushing for the industrial-developmental model. This has given rise to the increasing demands for autonomy of tribal self governing institutions at the local village levels. In reality, the ADCs have curtailed the dynamism of self governing village councils. In the case of Sikkim, Dzumsa occupies a prominent position in the areas of village self governance. Dzumsa's jurisdiction is confined within the specific geographical space of North Sikkim. This perhaps has prevented the impact of the otherwise unique achievements of this autonomous village council. Sikkim's village council such as Dzumsa exercising autonomy over their collective and traditional livelihood covers aspect of agro-ecology, agro-forestry and cultural landscape. The collective decision to thwart attempted incursion by power developers in reserve areas allow one to ponder state's role in environmental degradation and followed by its policies of conservation. The non-commercial nature of Sikkim's forestry in agro-

ecological setting such in the practices of agro-forestry has allowed Sikkimese cultural communities to produce healthier human and environmental standard as compared to indigenous people in many parts of the world whose land and livelihood practices remain under the control of state and capitalist partners. Indigenous mobilization all over the world reminds of struggle for restoration of its sovereign control over land and natural resources as original inhabitants of the land. Therefore, traditional communities with its unique control over land use and resources, indeed help indigenous knowledge/alternative knowledge practices; and thereby the larger goal of environmental conservation.

This work of research on Sikkim Subject has revealed that communities with access and control over land, livelihood and resources have performed extremely well in Sikkim. Sikkim's projection of organic agriculture rests on how better agro economy is practised with community-control over land. Thereby affirming the view that communities are helping the state to produce better results through its alternative practices conditioned by collective agency. In recent times, these special citizenship provisions is widely critiqued in the electioneering discourses. The scrapping Article 370 meant for erstwhile J&K state, raised fear and apprehension in Northeast India on the Citizenship Amendment Bill (CAB), 2015. Whereas, the current study shows how the special provisions of the Indian Constitution have helped consolidate India as a truly multicultural state, both in ideal and practice.

In privileging the indigenous Sikkimese or the Sikkim Subject over others, Article 371(F) has paved the path of Sikkim's integration into the Union of India. Similar other special provisions for India's North-East under Article 371 ensures the pluralist nation building legacy of modern Indian democracy. The differentiated citizenship practices vis-à-vis many cultural communities in the Central Tribal Region and in the frontier regions of the Indian state have thus preserved a unique split-subjectivity of tribal-citizens—who are subjects of both citizenship rights and their indigenous-knowledge.

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