

# BRITISH STRATEGIC INTEREST IN THE EASTERN HIMALAYAN REGION: A STUDY WITH SPECIAL REFERENCE TO DARJEELING AND SIKKIM

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The history of nation state formation in the Indian subcontinent throws much light on contemporary realities. The smaller kingdoms and princely states slowly succumbed the strategising of the company leaders and thence forward by the representatives of British Raj. In this process the annexation story of Darjeeling from the Sikkim Rajah and later the entire kingdom of Sikkim by the Indian state shows interesting operational principles in its ideational mode as well as actuality. The international legal status of the small kingdom of Sikkim and the history of it being willy nilly forced to cede the territory of Darjeeling to British East India Company is what constitutes the core narrative of this paper.

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**Key Words:** Darjeeling, Sikkim, Annexation, East India Company, British Raj

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In the British Imperial Raj Eastern Himalayan region was one of the prominent areas of British strategic interests. The region was the meeting point of the three major regions—South Asia, Central Asia and South-East Asia. The geopolitical and geo-economic significance of the Eastern Himalayan States played a crucial role in drawing the attention of the regional and global powers in order to dominate the region and impose their political will over these states.<sup>1</sup> The importance of the Eastern Himalayan region is being highlighted in the Great Game<sup>2</sup> also. It became the subject of interests for scholars, who were dedicated to the study of Eastern Himalayan states; history and development, power rivalries over the control of this region etc. However, there are a limited number of publications available to find out the significance of Eastern Himalayan states as

<sup>1</sup> Abilov S, *The "New Great Game" Over the Caspian Region: Russia, the USA, and China in the Same Melting Pot*, Retrieved on 21/11/2013, URL: [jhss-khazar.org/ .../New-Great-Game.pdf](http://jhss-khazar.org/.../New-Great-Game.pdf)

<sup>2</sup> The Great Game has to do with the colonial and strategic rivalry between the Russian and British Empires for the supremacy in Central Asia during the 19th century. Arthur Connolly, a British officer was the first who coined the phrase, 'The Great Game' in a letter to a friend (Abilov, 27).

an area important in the power rivalries between states, especially in the global geopolitical context.

When the Anglo-Russian rivalry in Central Asia intensified by the mid 19<sup>th</sup> century, the British recognised the strategic position of the Eastern Himalaya and tried to build it into a buffer zone against Russian influence.<sup>3</sup> British built Eastern Himalayan region as a protective shield against the powers like Tsarist Russia and Imperial China, to protect their interest in South Asia, which they considered 'jewel' in their imperial crown. The British saw the control of Eastern Himalayan region as a means of gaining access to the untapped markets in Central Asia.<sup>4</sup> British saw the great opportunity of introducing British goods into China via Sikkim and Tibet.<sup>5</sup> In the 19<sup>th</sup> century; Britain, Russia, and China involved in the political rivalry in the Eastern Himalayan region due to the access to rich resources, control of trade routes and the transportation routes that transfer the resources to the world market.<sup>6</sup> Nevertheless, access to the rich resources has been considered the main reason, but it was not the only motive that great powers were engaged in the rivalry. In short, all these three major powers of that time had had political, economic and security interests in the Eastern Himalayan region.

### **Sikkim in the British Strategic Concern**

The small mountain kingdom of Sikkim, as put forth by the scholars like Meyer had the economic blessing and military misfortune to be located on the two most accessible natural routes between Tibet and India.<sup>7</sup> The players in the Great Game – England and Russia – had

<sup>3</sup> Retrieved on October, 17th 2014, URL: [www.bl.uk/reshelp/findhelfregion/asia/india/indiaofficerecords/indiaofficehub.html](http://www.bl.uk/reshelp/findhelfregion/asia/india/indiaofficerecords/indiaofficehub.html)

<sup>4</sup> The Government of Bengal justified Edgar's Mission to Sikkim on the ground that it was its policy "to seize every opportunity of opening up and developing trade with Central Asia, and to secure by increased frequency of communication more full and accurate knowledge of what goes on in the hills" (Rao 1972: 55).

<sup>5</sup> English R, "Himalayan State Formation and the Impact of British Rule in the Nineteenth Century", *Mountain Research and Development*, Vol. 5, No. 1, (1985), 61-78.

<sup>6</sup> Abilov, 2013: 34

<sup>7</sup> Meyer K, *In the Shadows of the Himalayas: Tibet, Bhutan, Nepal and Sikkim*, (Ahmedabad: Mapin Publishing Pvt. Ltd: 2005)

the advantage of having only one major pass to conquer.<sup>8</sup> Sikkim was a key strategic outpost in the Great Game where a firm British presence was deemed essential. The Maharajahs of Sikkim had loyalty to Tibet, and as suzerain of China who wielded protective power over Tibet and thus Sikkim, which was a long-rooted historic fact.<sup>9</sup> British correctly assumed that in case of conflict, the Maharajah of Sikkim would be a potential friend and ally of the Tibetans.<sup>10</sup> British had to strengthen their position in Sikkim, in order to protect their interests against Tibet/China.

Sikkim figured prominently, as the trade link between Indian sub-continent and the heartland of Asia. Himalayan kingdom of Sikkim occupied a significant position in view of its geopolitical implications. Its strategic location gave it an importance irrespective of its size. It stands at the crossroads of the world, wedged in between, Nepal on the west, Bhutan on the south-east, China on the north and north-east and Darjeeling district on the south.<sup>11</sup> England saw this region as an important area for its geopolitical strategy, as it connected its position with regard to Tibet, China and Russia.<sup>12</sup> Strategically, the position of Sikkim was even on Lenin's classic route of communist conquest, when he said; 'the road to Paris lies through Peking and Calcutta'.<sup>13</sup>

<sup>8</sup> Sikkim was strategically deemed important in the chessboard of The Great Game between England and Russia. The position of Sikkim is as such that if any power had strengthened its position over Sikkim then it would have an advantage over another. Sikkim had a major pass, both in and out through Sikkim of which both the power wanted to take advantage. In this case, Britain became successful in holding the position in Sikkim.

<sup>9</sup> Meyer K, The Maharajas' annual payment of the symbolic token gifts to the Chinese emperor was the evidence of the subservient relationship with China; Mullard S, *Opening the Hidden Land: State Formation and the Construction of Sikkimese History*, (Boston: Brill, 2011), 145. From the Sikkimese Palace Archives, many documents relating to this can be identified. One such document, PD/6.3/003, indicates the unusual case of gifts and letters being returned to the Sikkimese Chogyal by the Chinese Amban.

<sup>10</sup> Meyer K, *In the Shadows*, 17-20.

<sup>11</sup> Hunter W. W, *The Imperial Gazetteer of India: Volume XII, Ratlam to Sirmur*, (London: Trubner and co., 1887), 483; Grover B, *Sikkim and India: Storm and Consolidation*, (New Delhi: Jain Brothers, 1974), 177.

<sup>12</sup> Abilov, 2013: 34

<sup>13</sup> Grover B, *Sikkim and India*, 177.

The diplomatic manoeuvres and pressure tactics of the British Government had reduced Sikkim much in size and position. It is said that the original size of Sikkim at the time of Phuntsog Namgyal<sup>14</sup> extended far beyond its present size. In the north, it extended to Thang La beyond Phari in Tibetan Autonomous Region, in the east till Tagong La, near Paro in Bhutan and in the South to Titaliya, near the borders of Bihar and Bengal. In the west, it extended to Timar Chorten, on the banks of the Timar river in Nepal.<sup>15</sup>

In a border dispute between Nepal and Sikkim the British Government signed a treaty at Titaliya with Nepal on account of Sikkim,<sup>16</sup> and the disturbances which Nepal government wanted to create in Sikkim with the help of Lepchas who had taken refuge in Nepal,<sup>17</sup> after the assassination of Lepcha Chief Minister, Chagzod Bolod by the order of Rajah.<sup>18</sup> But it did not yield anything to Nepal, it was the British government who could capitalize from those disturbances, and in this very context, the British government became successful in getting the beautiful and salubrious hill station of Darjeeling in their possession.<sup>19</sup>

### **British Strategies in Eastern Himalayan Region and the Annexation of Darjeeling**

The Rajah of Sikkim who was under the treaty obligation with the Company sought a British intervention to extradite those who are causing raids on Sikkim from Nepal side. The boundary dispute had also arisen between Sikkim and Nepal regarding the jurisdiction over a piece of land called Ontoo, situated on the eastern side of

<sup>14</sup> The first ruler of Sikkim consecrated by the three Tibetan Lamas (priests) viz; Lhatsun Chen Po, Kathog Zangpo and Phuntshog Ringzing in the year 1642. Namgyal T, and Dolma Y, *History of Sikkim*, (Gangtok: Unpublished Typescript, 1908), 15-7.

<sup>15</sup> Namgyal T, and Dolma Y, *History of Sikkim*, 14.

<sup>16</sup> Article 2 of this treaty says Sikkimputtee Rajah should not engage himself in the acts of war or aggression against the Gorkhas or any other State (Treaty of Titaliya). In the treaty of Sugauli in 1815, the same was agreed by Nepal.

<sup>17</sup> Dhanvajra, Vajracharya and Tek Bahadur Shrestha, "Political Asylum of Kazi Yukla Thup of Sikkim in Nepal": 3, Unpublished Typescript.

<sup>18</sup> Namgyal T, & Dolma Y, *History of Sikkim*, 56-58.

<sup>19</sup> Namgyal & Dolma, 56-58

the Mechi River.<sup>20</sup> In 1828 C. A. Llyod and Mr J. W. Grant I.C.S. were deputed to settle the issues between Nepal and Sikkim. While settling the internal feuds between these states, both went to inspect the Sikkim boundary and came till Rinchenpong.<sup>21</sup> On their way, they saw Dorjeling<sup>22</sup> encircled by the forest and they were struck by the idea of the suitability of hills, as a sanatorium for Europeans and informed the then Governor General.<sup>23</sup>

Lord William Bentinck, then Governor General deputed Captain Herbert, a surveyor to examine the place along with Mr Llyod and Mr Grant. Their findings suggested that the site would not only make an ideal sanatorium but also confer considerable political benefits to the Company. Lord William Bentinck, thus, proposed to the Council in 1830, that they should open negotiations with Rajah Tsugphud Namgyal for the transfer of Darjeeling to the East India Company.<sup>24</sup> It did not materialise that time due to some oppositions in the Council.

In 1831, J. W. Grant wrote to Rajah regarding the insurrection of the Lepchas under the traitor Yukla Thup:

If we hold an interview about the matter, the insurrection will be suppressed very easily, and you need not entertain the least anxiety about it, I would like to come to Darjeeling to meet you. But it would not be with the intention to take any portion of your land; were that our intention, then where was the use of our restoring the Morang Terai<sup>25</sup> to you formally. The custom or

<sup>20</sup> Singh A. K, *Himalayan Triangle: A Historical Survey of British India's Relations with Tibet, Sikkim and Bhutan (1765-1950)*, (London: The British Library, 1988), 177.

<sup>21</sup> Presently in West Sikkim.

<sup>22</sup> Hamilton W, *The East Indian Gazetteer*, (London: Parbury, Allen and Co., 1828) 547-48. Present day Darjeeling-The most important stronghold of the country, as it was selected by the Gorkhas for their principal military station, when Gorkhas invaded Sikkim in 1788 A. D., the Gorkha garrisons were established in Sikkim and Darjeeling, these were the two principal stations of the district.

<sup>23</sup> Namgyal, Bhanja K, *History of Darjeeling and the Sikkim Himalaya*, (New Delhi: Gyan Publishing House, 1993), 2-3; Rao P. R, *India and Sikkim (1814-1970)*, (New Delhi: Sterling Publishers, 1972), 7

<sup>24</sup> Rao P. R, *India and Sikkim (1814-1970)*, (New Delhi: Sterling Publishers, 1972), 7-8.

<sup>25</sup> Morung added to Sikkimese territory in the Treaty of Titaliya in 1817.

policy of our Government is, when we have once given any land or property, we don't take it back.<sup>26</sup>

However, it was clear that the British were looking at Darjeeling as an ideal place for the sanatorium and to install their troops in such a commanding height from where they could observe all the Eastern Himalayan states.

At the same time the Lepchas in Illam, under the Gorkha Government, were known to be contemplating a raid on the Sikkim Terai.<sup>27</sup> In 1833, Lepcha refugees made another inroad into Sikkim.<sup>28</sup> The Government of India sent Llyod to inquire into the matter, and 'that compelled the Illam Lepchas to return quietly to their homes' (Namgyal 1908: 61). Lord Bentinck wanted to exploit this situation to acquire Darjeeling. He, therefore, proposed the Council that Llyod should be deputed to negotiate with the Rajah of Sikkim for the cession of Darjeeling 'in exchange for an equivalent either in land or money'. Once again, the project was dropped due to the opposition in the Council.<sup>29</sup>

In January 1835, Llyod in a private letter to Captain T. H. Taylor at the Government House enquired about the Government's intention to establish a sanatorium at Darjeeling. He felt that the suspicion of the Rajah of Sikkim about the British intentions was the only obstacle to its establishment, but he was sure that it could be removed. The enquiry of Llyod revived the Company's interest in the project. On 8<sup>th</sup> January 1835, Bentinck proposed to the Council that Llyod might be sent to Sikkim to negotiate with the Rajah regarding the transfer of Darjeeling to the East India Company. This time the Council approved the proposal and decided to depute Llyod to Sikkim to negotiate with the Rajah for the transfer of Darjeeling to the Company in exchange for such equivalent either in land or money. Further, he wanted that Llyod should explain to the Rajah that the British interest in Darjeeling was only motivated by the idea of the establishment of a sanatorium there.<sup>30</sup>

<sup>26</sup> Namgyal, 58.

<sup>27</sup> Namgyal, 61.

<sup>28</sup> Rao, 8.

<sup>29</sup> Rao, 8.

<sup>30</sup> Rao, 8-9.

Llyod left for Sikkim, immediately on reaching Tumlong,<sup>31</sup> he paid a courtesy call on the Rajah. The next day he again met the Rajah in full Durbar. Before he could request the Rajah for the transfer of Darjeeling, the Rajah himself made three requests. Llyod pleaded his inability to accede to the first request which was the boundary of his Kingdom might be extended up to Konchi as it was beyond his power. Regarding the second request that Kummo Pradhan, the embezzler of the Morung revenues should be arrested and delivered to him, Llyod did not say anything except expressing the wish that he might mediate between the Rajah and the Lepchas and their Kazis so as to settle their disputes. As to the third request which was Deboan might be added to his Kingdom, Llyod did not make any comment except mentioning that the Governor General desired to have Darjeeling in exchange for lands in the plains or for a sum of money. On hearing this, the Rajah informed Llyod that he would give his answer the next day.<sup>32</sup>

The Rajah did not give his answer the next day, on the sixth day of Llyod's stay at Tumlong, he met the Rajah for the last time and requested him to give a definite answer regarding the cession of Darjeeling to the Company. On hearing this, the Rajah gave Llyod, a paper with first demand having been removed, with two requests regarding the cession of Darjeeling. The Rajah further informed Llyod that if his both requests are met, he would give Darjeeling to the Company "out of friendship".<sup>33</sup> The original deed of Darjeeling mentions, which is highlighted in an article written by the then Queen of Sikkim, Hope Namgyal.<sup>34</sup>

That Health may be obtained by residing there, I from friendship make an offering of Darjeeling to the (Governor General) Sahib.

Dated 19<sup>th</sup> Maugh, Sambat 1891, A.D

22<sup>nd</sup> January 1835

<sup>31</sup> Then Capital of Sikkim.

<sup>32</sup> Rao, 9-10.

<sup>33</sup> Rao, 10; Singh A.K, 178.

<sup>34</sup> Namgyal, Hope "The Sikkimese Theory of Land-Holding and the Darjeeling Grant", *Bulletin of Tibetology*, III, 2, (1966): 48.

The Rajah gave this letter of the deed to his officers while escorting Llyod, on his way back to Darjeeling. The officers were instructed to hand over this document only when his requests are taken into consideration. Llyod, however, succeeded in getting possession of the letter of the deed, found it to be imperfectly drafted.<sup>35</sup> He, therefore, drafted a new deed:

Deed ceding Darjeeling to the English (sic), 1 February 1835

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

Llyod sent this newly drafted deed to the Rajah with a request that this paper should be substituted with a similar paper, for the one Rajah had delivered with his officers.<sup>36</sup>

When Llyod sent the new draft to the Rajah, he was perfectly aware that the Company could get Darjeeling only by acceding to the Rajah's requests. Llyod considered it important to obtain the possession of Darjeeling for reasons other than its cold climate because "as a military post that must stand pre-eminent."<sup>37</sup> The Government, after rejecting Rajah's conditions for the transfer of Darjeeling, asked Llyod to point out any wasteland in the neighbourhood of Sikkim which could be transferred to the Rajah in exchange for Darjeeling. If there was no such wasteland, Llyod was asked to give his opinion regarding the amount of pecuniary compensation which the Rajah may consider sufficient in exchange for Darjeeling. Llyod was unable to point out any wasteland, which could be given to Rajah in exchange for Darjeeling. Regarding pecuniary compensation, he valued Darjeeling at Rs. 120,000 but

<sup>35</sup> Rao, 10; Singh, 178.

<sup>36</sup> Rao, 10, Singh, 178.

<sup>37</sup> Rao, 10-11

doubted its acceptance by the Rajah since he attached little value to money. On hearing this, Sir Charles Metcalfe, the Officiating Governor General of India, ordered Llyod to abstain from further negotiations with Rajah as he was not 'cordially disposed to cede it.'<sup>38</sup> On receiving that order, Llyod informed the Government that the 'Deed of Darjeeling Grant' is already in his possession.<sup>39</sup>

It happened Llyod while on his way back from Sikkim to Darjeeling, sent the Rajah a new draft of the Darjeeling Deed requesting him to "substitute this or similar paper for the one he had delivered to his officers." The Rajah on receiving that new draft, which was backdated 1<sup>st</sup> February 1835, affixed his red seal and returned to Llyod. That was the "Deed of the Grant of Darjeeling" that Llyod communicated to British Government. It is important to note that the new Deed was the substitute for the original one which the Rajah gave to his officers with instructions that it should be delivered to Llyod as soon as his requests are considered with. When Llyod received the Deed of the Darjeeling Grant, he was aware that the Government was not going to comply with the Rajah's conditions.<sup>40</sup>

In fact, he was asked by the Government to refrain from further negotiations with the Rajah. The plain course left for him was to return the Deed to the Rajah, but instead of doing that he wrote a letter to the Rajah asking him to mention whether he desired to give Darjeeling to the British Government out of friendship. This action of Llyod not only violated the 15<sup>th</sup> June, 1835 orders of the Government of India, wherein he was asked to refrain from further negotiations with the Rajah, but also went against the clear mandate of Lord Bentinck, who, in his minute of 17<sup>th</sup> June 1835, cautioned

<sup>38</sup> Letter of Macnaughton to Llyod, 15 June 1835, quoted in Melville's Memo, n. 4. (Rao, 1972: 12).

<sup>39</sup> He did not inform the Government of this very important fact as soon as he received the Deed (ibid), the reason could be he did not want Darjeeling to go from their hands as he was the one who insisted upon the suitability of converting Darjeeling into a sanatorium for Europeans with Governor General first. He was allured by the beauty of Darjeeling and would have thought about making the proper use of the Deed in a right time. When the right time came he revealed about the possession of 'Deed of Darjeeling Grant'.

<sup>40</sup> Rao.

his officers that 'the cession of Darjeeling should not be ultimately insisted on, unless the terms offered as an equivalent to the Sikkim Rajah should be really satisfactory to him.'<sup>41</sup> Further, Llyod did not send to the Government a copy of the letter he had addressed to the Rajah. The Rajah's reply is on record, it is an important document since it was on receiving, that Llyod considered himself at liberty to make use of the Grant, and forwarded it to the Government who thereupon took possession of Darjeeling. The Rajah's reply was as follows:

Your letter and present of a box has reached me and having been understood [sic] afforded me much pleasure. You write that vakeels from Nepaul [sic] have arrived, and having been waiting a long time, but that my vakeels have not come and you wish to know the reasons for their delay and request that on receipt of your letter I would despatch them in order that boundary of Siddikola may be ascertained and fixed. You have thus written to me but I am now sending you both the vakeels and have the goodness to settle firmly the boundary for me—and you have also many times written about Darjeeling, but last year the grant of Darjeeling under my red seal was delivered to you through my vakeels and there can never be any departure from that by my Government—if you have understood that differently I cannot help it—continue to gratify me with your welfare. I send three yards of Cochin as present.<sup>42</sup>

This letter was written as a reply to Llyod's letter and for an answer since he was waiting for long, to his two stipulations regarding ceding of Debgoan and the arrest of Kummo Pradhan. Rajah enquired as to when the Bengal Government intended to discharge their part of the bargain. He pointed out that when he had reiterated the 'grant having been made and he would not depart from it', he assumed that his terms had already been honoured, otherwise the cession of Darjeeling was something he would, on no account, have agreed to.<sup>43</sup> The main theme of the letter was in relation to the boundary dispute with Nepal and the non-arrival of

<sup>41</sup> Quoted in Melville's Memo, n. 4. (ibid: 13).

<sup>42</sup> Rao, 12-13.

<sup>43</sup> Singh, A.K., 179.

his vakeels from Sikkim as vakeels from Nepal had already arrived to discuss matters relating to the boundary dispute between Sikkim and Nepal. From the Rajah's reply, Llyod concluded that the cession of Darjeeling was unconditional and informed the Government that the Rajah "makes the grant freely, mentions no conditions whatsoever and seems to regret that he has been misunderstood." The Government replied to Llyod in the following notable terms:

As it now appears that the transfer has been unconditionally made by the Raja, it only remains to consider the best means of turning it to the advantage of the British Government.<sup>44</sup>

One would conclude as Llyod treacherously secured Darjeeling claiming it unconditional surrender, looks strange in view of the above-mentioned fact. And a letter sent by Rajah Tsugphud Namgyal in 1843 to the Superintendent, the British Officer In Charge of Darjeeling confirms it not an act of unconditional surrender, wherein he reminds the British Government of equal compensation to Darjeeling, he writes:

Formerly we received a letter from India Government at Calcutta saying that the Government wanted a piece of land in Darjeeling for a Sanitary station for invalid British Officers and that either a suitable piece of land in exchange or some rent in money would be given. Accordingly I offered a piece of land in Darjeeling for the purpose. The proposed exchange in land was not given, but you persisted in offering an annual rent in money. And you know clearly, whether we sent any one to ask for rent money or not. Now you write to say that you will not send up the annual rent for the Darjeeling land. Now, if you do not live in Darjeeling we do not want any money either.<sup>45</sup>

This shows Rajah's resentment toward the annexation of Darjeeling. Darjeeling became the observatory post of British which placed themselves so close to the hill states of the Eastern Himalaya and also constantly reminded them, the possibilities of trade with Tibet.<sup>46</sup> Many scholars, namely P. R. Rao, A. K. J. Singh and Saul

<sup>44</sup> Rao, 13-14.

<sup>45</sup> Namgyal, 61

<sup>46</sup> Rao, 14.

Mullard are of the view that cession of Darjeeling had a great impact on the subsequent developments in Anglo-Sikkimese relations.<sup>47</sup> The relation till then going on a friendly note turned sour after the annexation of Darjeeling. The annexation of Darjeeling depended upon the interpretation of the letter of Rajah to Llyod. The events which unfolded after the cession of Darjeeling tell us whether it was a gift or high-handed diplomatic manoeuvres.

According to Mullard, 'the British assumed that the land-grant meant that Darjeeling had become sovereign British territory, whereas the Sikkimese understood the land grant according to Sikkimese land law.<sup>48</sup> The British failed to understand this and so believed Darjeeling was sovereign British territory, in which British law would prevail and not the rule of the *Chogyal*<sup>49</sup> of Sikkim'. Whatever be the case, the annexation of Darjeeling proved to be of great advantage to the British, not only in their relations with the hill states of Bhutan and Nepal but as a reminder of the possibilities of trade with Tibet.<sup>50</sup> The relations between the Rajah and the East India Company soured as the latter failed to compensate the former adequately for the cession of Darjeeling.<sup>51</sup>

<sup>47</sup> Mullard, S. *Opening the Hidden Land: State Formation and the Construction of Sikkimese History*, (Boston: Brill, 2011).

<sup>48</sup> Mullard, S., 182-83. In Sikkimese law, land grants were issued to leading families in exchange for an annual rent based on the tax yield of an estate, which could be changed depending upon the annual income of an estate. A failure to uphold any of these conditions could result in the forfeiture of land.

<sup>49</sup> Sinha, A. C. *Sikkim: Feudal and Democratic*, (New Delhi: Indus Publishing House, 2008), 39. The secular head of the State but also an incarnate lama with the responsibility to rule the subjects in accordance with the gist of the "Chhos" i.e. Dharma. The basic tenets of the Lamaist's policy in Sikkim ever since 1642 was the Chhos as the established religion of the rulers (rGyalpo) who were instrumental in upholding the doctrine justifying the designation, 'Chos-Gyal' (Chogyal). In an ideological sense, the traditional Tibetan government was a synthesis of clerical and lay elements. "As there were two sets of laws—one for Lha-sde (the domain of the church) and one for the Mi-sde (domain of the state). The monks and the nobles were closely connected and there could not be an absolute separation between spiritual and temporal estates. The apex, the Sakya hierarchy, was the meeting point of both ecclesiastical and civil jurisdictions. Here was a government possessed of both Chhos (Dharma) and Srid (Sansar)."

<sup>50</sup> Singh A.K, 180.

<sup>51</sup> Rao, 15.

### Sikkim's Claim on Darjeeling after the Lapse of Paramountcy in South-Asia

Before the transfer of power to independent India, Maharajah Tashi Namgyal (1893- 1963) having received no further assurances regarding Sikkim's position in relation to the Indian Union, wrote to Lord Mountbatten on 1<sup>st</sup> August 1947 and submitted a memorandum on the question of his state. The problem to which the memorandum most specifically addressed was the cession of Darjeeling and the Sikkim *Terai*.<sup>52</sup> The memorandum argued that "on the lapse of paramountcy all sovereign powers in respect of the Darjeeling area will *de jure* revert to the ruler of Sikkim."<sup>53</sup> It was a subject, the Maharajah explained, of prolonged correspondence with the Governor-General under the East India Company and had been the cause of much resentment by his predecessors.<sup>54</sup> His case was, the terms and conditions of Tsugphud Namgyal's cession had not been honoured by the British, and that the transfer of territory was solely for use as a residential sanatorium. Therefore, sovereign rights in perpetuity had not been conveyed.<sup>55</sup>

The gist of the argument centred round Rajah Tsugphud Namgyal's Deed of Cession of February 1835, granting Darjeeling to the East India Company. The deed did not purport to grant the Company the rights of sovereignty in respect of Darjeeling. The right could only have been given by express stipulation, and that his predecessor would have never agreed upon. It followed, therefore, that the powers of sovereignty, exercised by the British Government in respect to the Darjeeling area, was not derived from the Deed of Grant, but by the exercise of paramountcy. Since the British Government had acquired these rights by virtue of being the paramount power in India, it allowed that there could be no other

<sup>52</sup> Singh, 259.

<sup>53</sup> Sirdar D.K. Sen, "Memorandum of the Government of Sikkim: Claims in Respect of Darjeeling" (1947, unpublished). Sirdar D.K. Sen was a Bengali barrister who had been employed by the Maharaja Tashi Namgyal as a legal adviser. Cfr. Datta-Ray, S. K, *Smash and Grab: Annexation of Sikkim*, (Delhi: Vikas Publishing House Pvt. Ltd., 1984/2004), 45

<sup>54</sup> Singh, 259.

<sup>55</sup> Datta-Ray, 45.

source to which these rights and powers could be ascribed.<sup>56</sup>

Maharajah's aim in submitting the memorandum was to enable the Viceroy to understand Sikkim's historical claim in respect to Darjeeling from Lord Bentinck's minute of June 1830 to the legal position, at the end of British paramountcy in India. He hoped that Lord Mountbatten would consider setting up some form of arbitration for the settlement of the case and for interim arrangements in the meantime.<sup>57</sup> The memorandum also advocated that "the deed of cession must become null and void on the lapse of paramountcy, and the rights of the ruler of Sikkim must ipso facto revert to him on the transfer of power in India."<sup>58</sup> The Maharajah also said the grant itself was a personal gift to the British Government and would cease to have any validity in law once British authority had been terminated in India.<sup>59</sup> Since this reversion would be automatic, the Maharajah suggested at least a new agreement between Gangtok and New Delhi. He further added, 'unless this was done, India would have no legal rights in Darjeeling and enormous legal and administrative difficulties will arise, as all officers and courts functioning in the territories would, after the date of transfer, be acting without any lawful authority'.<sup>60</sup>

In an article published in the *Bulletin of Tibetology*, by the then *Gyalmo*, Hope Namgyal advocated that:

Sikkimese law provides that all land belongs to the King and only usufructage, not outright ownership devolves on the occupants of the land. Therefore, Darjeeling would have given, in the traditional context of a grant for usufructage only, ultimate jurisdiction, authority and the right of the land being implicitly retained by the ruler.<sup>61</sup>

<sup>56</sup> Singh, 260.

<sup>57</sup> Ibid.

<sup>58</sup> Datta-Ray, 45.

<sup>59</sup> Singh, 260.

<sup>60</sup> Dutta-Ray, 45.

<sup>61</sup> An American wife of last Chogyal (ruler), Palden Thondup Namgyal. Cfr. Namgyal, Hope, *Sikkimese Theory of Landholding*, 46-78.

While under international law, personal rights and obligations of a state could not devolve on a successor state unless there was an express stipulation in the treaty to this effect. The Independence of India Act of 1947 had made this position quite clear. The Maharajah specifically asked that on the lapse of paramountcy, all rights and powers of sovereignty exercised by the British Government in the Darjeeling district should automatically revert to the ruler of Sikkim; and that the deed of grant in respect of Darjeeling should, on the termination of British authority in India, cease to be operative, the rights of property being reverted in the ruler. 'It is, therefore, imperatively necessary that before the transfer of power takes place, and possession of the territories in question should be returned to the Successor Government of India and the Government of Sikkim.'<sup>62</sup>

The India Office saw no possibility of the memorandum being considered by the Secretary of State for India. The time had passed for that, India Office called for a decision by the successor Indian Government. The Nehru government did not reply on it.<sup>63</sup> The memorandum could have conceivably come up for the consideration during the Treaty (Independence of India Act of 1947) negotiations, but they did not intend especially to mark it for that purpose.<sup>64</sup>

### **Sikkim and Darjeeling in the Post Indian Independence Period**

Since the plea of Maharajah was turned down by the British Government and recommended to discuss the future relation of Sikkim with Indian Union and the prospect of getting its territories back with independent India. In the Independence of India Act, 1947 the question regarding Darjeeling was not highlighted, and the Nehru government did not say anything on it. In the post-independence period, it was not clear as to what would be the future relation of Sikkim and other states with Indian Union. Since this was the more pressing issue, the question of restoration of Darjeeling was submerged in the larger issues, and it was not discussed. It

<sup>62</sup> IOR: L/P&S/13/1449, P 1253, Memorandum of the Government of Sikkim in respect of Darjeeling, 1 Aug 1947. Singh, 285.

<sup>63</sup> Datta-Ray, 45.

<sup>64</sup> Singh, 260.

was not even clear whether Sikkim would remain independent, or it would be integrated into Indian Union, like other Princely states.

On 16<sup>th</sup> July 1947, the three Sikkim delegates met V.P. Menon, Sir Humphrey Trevelyan, and Harishwar Dayal of the States and External Affairs Departments. Roop Narayan<sup>65</sup> argued that Sikkim's geopolitical location and ethnic and cultural affinities called for parity with Bhutan. Menon admitted that Maharajah Tashi Namgyal's status was different from any other ruler of Princely States and that Sikkim was under no obligations to join India. Menon did, however, express the wish that the Durbar would not sever all connections with India. He suggested that even without accession, Sikkim could enter into agreements with independent India on defence, external affairs, and communications. He also assured the visitors that India's External Affairs Ministry would continue to handle relations with Gangtok.<sup>66</sup>

In the meantime, a political party Sikkim State Congress (SSC) formed on 7<sup>th</sup> December 1947, under the leadership of Tashi Tshering and Chandra Das Rai as General Secretary, called on Nehru at his official residence and submitted a memorandum with one among the three demands; accession of Sikkim into Indian Union. Prime Minister Nehru said, Government of India will look on the first two demands which were; abolition of landlordism and formation of responsible government in Sikkim but accession of Sikkim is not possible at this time, because Nehru said, "We do not want to be accused of bullying small Sikkim and forcing Sikkim to join India by using pressure tactics."<sup>67</sup> In 1948 India signed a standstill agreement

<sup>65</sup> An Indian judge who served in Sikkim for around 20 years (Datta-Ray 1984/2004: 47).

<sup>66</sup> Datta-Ray, 49.

<sup>67</sup> Rai C. D, "India's Independence and its Impact on Sikkim", S. P. Wangdi (eds.), *Sikkim's Raj Bhavan*, (Gangtok: Department of Information and Public Relations, 2011/2013), 103. The possible reason of taking this position by Nehru could be, India, in an initial stage, did not want to be blamed with the accusation of having an imperial design or imperial nature inherited from Great Britain on Sikkim or any other states. In the statement, Nehru says, "We do not want to be accused of bullying small Sikkim and forcing Sikkim to join India by using pressure tactics" shows the concern of Nehru that if India accedes Sikkim into Indian Union then international opinion would be against India and as a young nation Nehru tried to identify India as a nation which has no imperial design on any state. The image

with Sikkim. The standstill agreement was a temporary measure. It was realized that the relations between India and Sikkim must be brought on a new basis which required time for deliberations and discussions.<sup>68</sup> And, in 1950 it was decided that Government of India will continue a same kind of relation which Sikkim had had with Britain, i.e. protectorate of Indian Union.

India after independence predominantly followed the strategies and policies vis-à-vis Sikkim of the predecessor government, the aforementioned event is one of the examples where India continued the same policy followed by British. Darjeeling was the important foothold of the British from where they successfully operated their policies and controlled larger Eastern Himalayan region. Therefore, this paper emphasized on Darjeeling and its special status in the strategic concerns of the British, which the Government of India followed after the independence. And another event, merger of Sikkim with Indian Union in 1975, was the clear manifestation of the Indian strategic concerns in the region.

### **Conclusion**

As it is clear, British interest in Eastern Himalayan region was to gain political and commercial privileges from Eastern Himalayan states and to promote trade in Tibet and China via Sikkim. The annexation of Darjeeling proved to be very useful in this regard, because of its commanding height and strategic location in the Eastern Himalayan region. The annexation of Darjeeling not only placed the British into close contact with the hill states of Nepal, Bhutan and Sikkim but also provided a platform to explore the possibilities of trade with Tibet. The British argument of turning Darjeeling into a sanatorium might be the convincing one but they must have looked at it from the political point of view also. Since Nepal was very close

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building in the international level was important for India and India wanted to project itself as a state which believes in mutual co-existence, peace and harmony in the world. The impact of this position of Nehru was, the third demand of the State Congress was dropped and immediate actions were taken to bring in reality the first two demands of SSC.

<sup>68</sup> Kotturan G, *The Himalayan Gateway: History and Culture of Sikkim*, (New Delhi, Sterling Publishers, 1983), 93.

to Darjeeling, if they station their troops in Darjeeling then Nepal literally would be content in their own border.

As Darjeeling was very close to Nepal, the Rajah of Sikkim neglected the area and never thought of developing it for the fact that Nepal was always hostile to Sikkim. Darjeeling was less revenue producing estate with the only a population of hundred and a dense forest. Llyod visualised immense potentiality of this place at once and considered turning it into a British base for further expansion. The other reason could be, the age-old desire of the British to open up commercial relations with Tibet, for which they saw Darjeeling a suitable trade post. Darjeeling's use as a military base for the defence of the trade route to Tibet through Sikkim was apparent. From its commanding height, the whole of Sikkim and the neighbourhood could be observed and protected. However, the effective Indian policy depends on the maintenance of several corridors and vital connection links in the Eastern Himalayan region, which India inherited from British India.