

# Sikkim for Sikkimese: The Woman Question

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## Introduction

There has been a general assumption that the North-East states of India are better off in terms of gender equality primarily because there have been no reports of dowry-related deaths, *sati* or female infanticide. However, the ground reality is far from true. Gender inequality may not be blatantly visible but there have been studies to show how womenfolk in these North-East states are lagging behind in terms of access to economic and social welfare measures causing a hindrance to their empowerment. Studies in this direction have already been made by scholars like Ruth Lalsiemsang Buongpui (2013) who has called this apparent picture of well-being of North-East women as an “illusion” and scholars like Bidisha Mahanta and Purushottam Nayak (2013) have shown how a society that does not believe in overt sexual disparity can still be deeply gender-fragmented. Empowerment means having control not just over resources but the freedom to exercise choice and fulfil their potential as equal members of society. It is a situation where womenfolk are in a position to think and act freely. However, there are certain cultural practices and customary laws in these tribal communities that restrain women from exercising their rights as emancipated individuals. One of the primary arguments of this paper is to show how the state of Sikkim is deeply entrenched in customary laws leading to gender inequality, particularly with regard to property and citizenship rights. Customary laws, especially those relating to property and inheritance, are powerful tools that define women’s social and economic status. Taking cue from the renowned economist Bina Agarwal (1994) that the single-most important factor affecting women’s situation is the gender gap caused by property rights, it is presumed that property rights invariably protect women from being second-class citizens. This finds a very clear

and obvious resonance with the case of women’s fate in Sikkim, a tiny Indian state in the Eastern Himalayas where the identity of Sikkimese women rests upon either her father or her husband. A Sikkimese woman is considered to be a true ‘Sikkimese’ only if both her father and husband are Sikkimese in origin. The history of women in this patriarchal society is one of exclusion or invisibility. In this shared historical experience, women are seldom seen as co-partners but left at the mercy of the male narrative where men inscribe the roles for women. This is particularly true of women who belong to the third world where societies have greater skewed gender relations. Let me bring in here the oft-cited article by Chandra Mohanty who has argued truly that for far too long women in the Third World have been considered not agents of their own destiny, but victims<sup>1</sup>. Under such a society, women’s identities are based on structural and systemic inequalities where women enjoy little or no rights. The political, economic and legal reforms have been negotiated by men through social and cultural practices which are time-warped and therefore frozen. In such a male supremacist culture, women are forced to adhere to practices that perpetuate gender inequalities. Such is the case of Sikkim which was an independent monarchical Kingdom from the early 17th century A.D. till 1950 when the Kingdom became a protectorate of the Government of India. During the erstwhile period, all sovereign and political powers rested with the ‘Chogyal’ or the Maharaja of Sikkim. The Chogyal was assisted by a ‘State Council’ whose members were partially elected and partially nominated wherein the laws were promulgated by royal proclamations based on customary traditions of Sikkim. Sikkim became a state within the Union of India based on the Amendment Act of 1975 and a referendum of the Sikkimese people on 26 April 1975. However, the state of Sikkim has been granted special status to protect and safeguard the identity and interests of the people of Sikkim under Article 371F. The paper is an attempt to situate the identity of Sikkimese women under Article

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371F and to see if the umbrella term 'Sikkimese' can be applied to Sikkimese women in an inclusive sense. The primary object of Article 371F seems to uphold, what the forefathers of Sikkim upheld, 'Sikkim for Sikkimese', in order to prevent any intrusion from outsiders and also to reinforce the 'distinct identity' of Sikkim. However, what many of us don't see is that the Article is deeply entrenched in patriarchy and in an attempt to insulation against outsiders, insidiously insulates its womenfolk as well. The paper examines the historical trajectory of the Married Women's Property Regulation passed by the Chogyal in 1962, to the passing of the Sikkim Succession Act in 2008, revealing the status of women in Sikkim to be mired in the politics of exclusion. At the same time, the paper also seeks to explore how women's role in Sikkimese history has been undervalued by patriarchy where property rights have been promulgated to ensure patrilineality and where men want to secure their lineage through their sons who will be carriers of their line of descent. This patrilineal father to son line of descent can be considered as one of the primary reasons why societies have organized their economic and social practices to favour men and exclude women.

### Sikkim for Sikkimese

To the vexed question of 'who is a Sikkimese', mention may be made of the proceedings of the Sikkim Council of 1956. A discussion among the members at the State Council on 15 May 1956 mentioned by Melanie Vandenhelskenin her paper titled "The 1961 Sikkim Subject Regulation and 'indirect rule' in Sikkim: ancestry, land property and unequal citizenship" which is as follows:

Q. Shri Nakhul Pradhan: Who is a Sikkimese?

A. One who has lived here and has his home in Sikkim<sup>2</sup>.

The Sikkim Subject Regulation 1961 aims to define the status of Sikkim Subject in terms of ancestry and possession of landed property. The three categories defined by the Regulation were: (i) persons living in Sikkim since 1946; (ii) persons not domiciled in Sikkim but of Lepcha, Bhutia or Tsong origin whose father or grandfather was from Sikkim; (iii) persons not domiciled in Sikkim but whose ancestors were deemed to be Sikkimese subjects before 1850<sup>3</sup>. Thus, the criterion of 'blood' and 'land' has been central to the formation of Sikkimese identity where the possession of the landed property was a condition to gain access to citizenship status. It was also one way to ascertain the divide between the 'native' or indigenous populace and the 'settler' people who had made Sikkim their home. Scholars have maintained that the policy of immigration of Nepalis into Sikkim by the British was a deliberate policy driven by the Britishers desire to balance the pro-Tibetan Bhutia or Sikkimese of Tibetan descent

with the pro-British Nepalis. As a result, strict citizenship rules were framed to regulate infiltration into the Kingdom as well as to ascertain the suzerainty of Sikkim amidst the growing power tussle with the British and the Indian dominion. In his proclamation of 30 August 1956, the King of Sikkim assured the Lepchas and Bhutias of protective land measures like differential taxes as against the Nepalis settlers. There was also the prohibition of selling, mortgaging and subletting of lands to 'outsiders' or 'non-indigenous communities'. Apparently, these measures were undertaken to protect the interests of the indigenous people of Sikkim as fears of Hinduization due to Nepali immigration was widespread.<sup>4</sup> The twelfth Chogyal, being apprehensive of the indigenous people to be outnumbered by the settler Nepalis, has expressed his fear in the following way: "They [the Nepalis] settled down for good and began digging, hoeing, smashing and over-turning rocks, felling trees, and turning the courses of streams at such a rate that all jungles were turned into fields, [and] in a very short time the present Gorkhali population of Sikkim would treble the number as the original Bhutias, Lepchas, and Tsongs [i.e. Limbu]"<sup>5</sup>. However, after examining the Revenue Order No. 1 of 1917, some scholars have opined that the land restrictions were imposed less to protect the 'natives' and more to prevent them from selling their land. Modern-day theorists like Baruah (2020) have suggested that the fixing of such differential categories for 'natives' and hill tribes' is an attempt to confine them to their natural habitat and to a particular place. Land is no doubt a scarce resource in this hilly terrain where out of the modest total area of 709600 hectares, only 13.67 per cent is arable, including the current and other fallow land<sup>6</sup>. As such the possession of land is marked as a signifier of wealth and status. Traditionally it has been understood that all land was royally owned and so even when it was royally endowed to loyal subjects, it could be revoked by the King at his own discretion<sup>7</sup>. One such example could be found in a *sanad*<sup>8</sup> from the fifth Chogyal Namgyal Phuntsobestowing land to a Lepcha subject named Namrabstating that "as you are a tenant of the lands under our direct hand and seal, we give you our pasture lands temporarily, which however has not been your patrimonial property"<sup>9</sup>. Under such a tacit understanding, the possession of land automatically meant owing human beings with all things being cultivated on that land. Needless to state that women were seldom at the receiver's end and as such without any property, she was devoid of identity rights as well. Bina Agarwal in her seminal work *A Field of One's Own: Gender and Land Rights in South Asia* (1994) has spoken of the interconnectedness between family, community, market and the state and therefore how the possession of land with legal rights and titles can lead

her to have a better 'bargaining approach' to improve not just her empowerment but to the improvement of overall well-being of the society as a whole<sup>10</sup>. It is clear that citizenship rights were closely related to property rights in Sikkim. The heads of villages were invariably reserved for men, especially among the Bhutias in Lachen and Lachung areas of Sikkim and also among the Lepchas of Dzongu in Sikkim. Today despite the effort of modern-day governance women have an equal role in electoral politics yet women's quest for empowerment is incomplete without clarity on her identity issue. Hence the slogan of 'Sikkim for Sikkimese' is very similar to Paine's 'The Rights of Man' because when Paine sought to talk of the rights of men, he was actually talking only of the male sex; similarly, the appellation of 'Sikkimese' for women subjects is actually a far cry. Devoid of property rights, the fate of Sikkimese women with regard to their citizenship is precariously dependent not on one man but two men; father and husband. This ambiguity of the law framers and the silence of the majority of womenfolk lie in the psycho-social conditioning in the belief that women are completed and complemented by men. Major feminist works like *Sexual Politics* (1969) by Kate Millet, *The Female Eunuch* (1970) by Germaine Greer, *The Dialectic of Sex* (1972) by Shulamith Firestone, *Women, Resistance and Revolution*, and *Hidden from History* (1972 and 1973) have copiously dealt with the issue of women being ruled through the family. One of the principal causes of this kind of conditioning has been patriarchy whose roots have been deeply integrated within our psycho-social consciousness. Patriarchy leads to the subordination of women to men leading to unequal gender relations in a society. Such patriarchal conditioning is historically delineated and is visible mostly in relation to the ownership and distribution of private property relations governing most societies. Patriarchy may simply be defined as the 'rule of men' where women are always defined in relation to men. It is historically evident in the nature of our very society that under such unequal gender relations while women remain passive, men exercise domination in all spheres of social, economic, political and cultural spheres. From traditional times, women in Sikkim play a major role in the domestic affairs of the household and as such women command a high bride price. The custom of polyandry and bride price is an indication of the economic value attached to women in such societies. Bride price is paid to compensate the girl's family for their loss of "an economically active member"; at the same time, it has provided men with 'the justification to treat his wife as a disposable commodity'. Often, customary laws relating to property and marriage are highly oppressive to women.<sup>11</sup> Despite the extension of the Hindu Marriage Act of 1955, the Lepchas and Bhutias

of Sikkim continue to be governed by their customary laws in matters relating to marriage, succession and inheritance. A woman could only acquire property by way of gifts (*pewa*) but had to relinquish these in case she decided to marry outside her tribe. Thus, it was very clear that in such cases the 'ties of blood' (*jus sanguinis*) fell weak as opposed to the 'ties of land' (*jus soli*). For men, the 'ties of blood' was stronger because it allowed automatic citizenship while one could demonstrate the 'ties of land' through acquiring immovable property.

### Political History of Sikkim

The mythological origin of the state of Sikkim can be traced to the establishment of the Namgyal Dynasty in the 17th century. Phuntsog Namgyal (1604-1670), the great-grandson of Guru Tashi was consecrated as the first king of Sikkim in 1642 with the title of 'Chogyal' meaning 'religious king'. The land of Sikkim primarily constituted of the ethnic tribes of the Lepchas and Bhutias after the signing of the 'blood brotherhood' treaty in 1641 between one of the ancestors of Phuntsog Namgyal named KhyeBumsa and a Lepcha Chief named Thekong Tek. Towards the end of the 18th century, the British came to Sikkim with trade and political interests in their mind. Sikkim's geo-political importance of being a 'buffer zone' against the Chinese and Russian incursion made Sikkim strategically significant for the British. With the signing of the Treaty of Titalya with the East India Company in 1817, the British got a foothold in Sikkim; and Sikkim became a de facto protectorate of the British since the treaty of 1861. The demographic structure of Sikkim changed with the advent of the Nepalese as the British brought with them Nepalese to facilitate them in their colonial expansion projects. When in 1947 the British left India, Sikkim's status was left undecided. But due to the influence of the national freedom movement of India, Sikkim's political scenario too was affected by waves of democracy. The Chogyal wanted an arrangement for Sikkim different from the other princely states. The Indian government signed a treaty in 1950 retaining Sikkim's status as a protectorate with full control over its internal affairs but to be controlled by the Government of India in matters of defence, foreign relations and communications. The Government of India could also intervene in the internal administration of Sikkim "should a situation arise in which law and order are seriously threatened within the state"<sup>12</sup>. Crown Prince Palden Thondup Namgyal was the second son of Chogyal Tashi Namgyal (1893-1964) who had to take over the reign due to the sudden demise of his older brother Paljor Namgyal in a plane crash in 1941. Palden Thondup Namgyal was subsequently consecrated as the twelfth Chogyal of Sikkim in 1965. However, this

last Chogyal Palden Thondup Namgyal (1923-1981) in his bid to retain power lost the faith of the majority Nepali subjects. As the anti-Chogyal political parties were rising and with the help from the Government of India, they were able to wrest powers from him. It became the 22nd State of the Indian Union by the 38th Amendment Act of the Indian Constitution. The early rumblings of political discontentment demanding the removal of the monarchy led to the dethroning of the last and the twelfth Chogyal Palden Thondup Namgyal. The establishment of democracy started in the 1970s and eventually, Sikkim was annexed to the Indian Union on 16 May 1975. However, Sikkim continues to enjoy a privileged status on account of Article 371F bestowed by the Constitutional provisions of India and one of the major agendas of all political parties has been to declare the continued protection of Sikkim's unique status as enshrined by Article 371F.

### Article 371F and Sikkimese Women

The total area of Sikkim is 7096 square km with a total population of 6,10,577 persons, with women constituting 47.09 per cent of the total population<sup>13</sup>. It is surrounded on its three sides by Tibet, Bhutan and Nepal in the Northeast, East and West respectively and in the South lies Darjeeling district of West Bengal. Although Sikkim is historically not connected to the other North-East states of India, it has joined the North Eastern Council in 2002. It is worth keeping in mind that the three states of North-East India with special provisions are Nagaland (371A), Mizoram (371G) and Sikkim (371F). It is true that Sikkim's status cannot be compared to that of the other two North-Eastern states that had a history of armed insurgency. Apparently, Sikkim shared a closer affinity with the state of Jammu and Kashmir as these two former princely states had signed an agreement with the Union Government of India as sovereign entities. However, while the King of Kashmir Maharaja Hari Singh signed the Instrument of Accession on October 26, 1947, the Chogyal of Sikkim refused to sign it. Sikkim was to be governed by the Indo-Sikkim Treaty of 1950 as a Protectorate state of India. In 1974, Sikkim was made an associate state of India and the Government of Sikkim Act of 1974 stated that no single section of the population is allowed to acquire a dominating position in the affairs of Sikkim mainly because of ethnic origins. Article 371F through clauses (f) and (g) seeks to strengthen this provision further. Clause (f) states that 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 and for the delimitation of the assembly

constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim. Similarly, Clause (g) states that the Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim.

When R.C. Poudyal challenged the subsection (f) in the Supreme Court on the ground that this clause challenge the constitution of India, especially the Representation of the People's Act of 1951; the Supreme Court ruled that even if Article 371F conflicts with other features of the constitution, it will still be valid<sup>14</sup>. Thus it is certain if there is a conflict between the old laws governing Sikkim and the Constitution, the old laws shall prevail. After the abrogation of Article 370 in Jammu and Kashmir, voices of deep-seated fear among the Sikkimese could be heard. "The Article 371F is there to stay forever as the integration of Sikkim with the Union of India is final and irrevocable", pacified a senior Political Leader K.T. Gyaltsen, who was the Speaker of the Sikkim Legislative Assembly from 2009 to 2014. The "I am 371F" campaign in Sikkim is an example of Sikkimese wanting to retain the special status of Sikkim and its coordinator Passang Sherpa had strongly voiced resentment against the appointment of a non-Sikkimese Sunil Saraogi as the Officer on Special Duty to the Chief Minister of Sikkim as it violated the provisions of Article 371F.

The Sikkim Government's inability to gain exemption of Sikkim from the purview of the Citizenship Amendment Act has also garnered animosity. Footballer-turned-politician Bhaichung Bhutia expressed his disappointment that Sikkim was not excluded from the ambit of the Citizenship Amendment Bill unlike other North-Eastern states as he feared that the legislation would dilute the special provisions granted under Article 371F<sup>15</sup>. Although Article 371F granted special provisions to the state of Sikkim but what caused consternation amidst the political thinkers of Sikkim was the abrogation of Article 370 in the state of Jammu and Kashmir and its possible ramifications for Sikkim. To allay such fears, the Chief Minister of Sikkim Shri Prem Singh Tamang had to come forward to assure its people that the Centre will not interfere with Article 371F and it would in no way dilute the special status of Sikkim. At the same time, the honourable Chief Minister had also rejected any possibility of the merger of Sikkim with Darjeeling hills in West Bengal which was once a part of Sikkim. A senior journalist with a popular daily *Summit Times*, Pema Wangchuk, notes: "More than the legal provision in Article 371F, it is a very emotive issue and every political party in the state, including the national parties, stress upon how important the Article is."<sup>16</sup> Considering

the centrality of article 371F in the Sikkimese political consciousness, Professor K.R. Chakravarthi explains it as not only a constitution within the Indian Constitution but it remained as a 'Great Charter' for the state of Sikkim.<sup>17</sup> Attempting to locate the identity of women under the aegis of Article 371F would take us to the first citizenship law of Sikkim which was implemented by the Sikkim Subject Register of 1961 which stipulated that a Sikkimese woman would lose her status as a Sikkim subject if she married a non-Sikkimese man. In the year 1962, the Chogyal had proclaimed the 'Married Women's Property Regulation' to provide succession rights to Sikkimese women whomarries non-Sikkim subjects to acquire, hold and dispose of immovable property in Sikkim and to provide for rules of succession of property for women. Some of the provisions of the 1962 Married Women Property Regulation were:

1. It forfeited the property or inheritance rights of Sikkimese women if they married a non-Sikkimese subject.
2. Such a Sikkimese woman could sell or mortgage her property to a Sikkim subject during her lifetime.
3. The husband and the offsprings of such Sikkimese women cannot have any interest in her property.<sup>18</sup>

Since the Regulation was not notified, subsequently on 15 March 1969, the Sikkim Durbar initiated a proclamation stripping women of their citizenship if they married a non-Sikkimese. One of the first known cases had been of one Ruth Karthak Lepchani who was debarred from her ancestral property as she had married a non-Sikkimese. Ruth Karthak Lepchani attempted to make a foray into the male domain of politics by forming a political party called Sikkim Independent Front in 1966. It is said that the Sikkim Government forced her to leave Sikkim on the charges of spreading lies against the King. The Sikkim Subject Regulation thus made the identity of Sikkimese women dependent upon not one but two men: father and husband. Once again the Married Women's Property Regulation (1962) came under scrutiny in 1991 in the case of one Padma Kumar Ganesan, when the district authorities refused to register a gift deed executed by her in favour of her two sons. The Sikkim High Court in its judgement had directed the district authorities to reconsider the plea of registration of gift deed afresh without relying upon the 1962 Regulation proclaimed by the Chogyal as it had not been notified. After the merger of Sikkim with India, the Hindu Succession Act of 1956 was extended to Sikkim on 1 May 1989.<sup>19</sup> The sub-section (i) of the Hindu Succession Act<sup>20</sup> states that nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of Clause (25) of Article 366 of the Constitution unless the Central government by

notification in the Official Gazette otherwise directs<sup>21</sup>. Therefore Sikkimese women belonging to the Scheduled Tribe category are not subject to the Hindu Succession Act of 1956<sup>22</sup>. As such the Property Rights of such Sikkimese women continue to be governed by their customary laws. In 2008 the Sikkim Succession Bill was in the Sikkim Legislative Assembly which prohibited the right of Sikkimese woman to ancestral property if she married a non-Sikkimese. The Sikkim Succession Act 2008, therefore, contains provisions like:

1. Immovable property inherited, gifted or purchased by women married to non-Sikkimese cannot be transferred in their names.
2. Such immovable property cannot be transferred to her legal heirs.
3. Sikkimese women were mandatorily required to submit an unmarried certificate in all government procedures.

However, it fails to address the issue of her fate if she divorces her husband or what happens to children born out of such wedlock. This Sikkim Succession Act of 2008 was challenged in *Basanti Rai & Ors. versus State of Sikkim* by a group called 'Daughters of Sikkim'<sup>23</sup>. The high court found that while the Act had been passed, it has never been notified; and subsequently, a notification was issued in June 2018 which allowed ownership right to the Sikkimese women married to non-Sikkimese but maintained that such rights shall not be extended to her offsprings.

This divide is based on their name being registered in the Sikkim Subject Register of 1961 or the possession of Certificate of Identification (COI)<sup>24</sup> to qualify as a Sikkimese and only such subjects can get access to civil and political rights and economic benefits within the state of Sikkim. Seemingly an attempt to insulate the land against foreign intruders and settlers has cost the identity of Sikkimese women at stake. Subsequently, the Cabinet approved the partial modification to Notification No.66/Home/95, dated 22 Nov 1995; which denied the provision of COI to non-local women married to Sikkimese. Several Sikkimese women filed a petition in the High Court challenging the Sikkim Succession Act of 2008 to be unjust, discriminatory and gender-biased. Now what may happen if article 371F is abrogated, one can find resolve through clause (m) that bars all courts from hearing any dispute arising out of any pre-merger treaty, agreement, engagement or other similar instrument relating to Sikkim. Under such circumstances, Vivan Eyben writes: "However, in the absence of an Instrument of Accession, coupled with the fact that Sikkim and India had a relationship governed by a treaty, the abrogation of Article 371F would in law revert Sikkim back to its

status as a protectorate."<sup>25</sup> Either way women in Sikkim will continue to be defined by laws that are inherently patriarchal in nature.

## Conclusion

From 1967 when his Highness Chogyal Thondup Namgyal sent two women delegates Gayatri Devi Gurung and Chum Dorji Wangmo to an international conference in Manila to seek recognition for Sikkimese identity to the present times, the status of women in Sikkim has witnessed an arduous journey. The state's intervention since the 1990s has no doubt contributed to the betterment of women's empowerment through increase in female literacy, employment ratio, political participation and dissemination of social and economic welfare measures like MGNREGA and various Self-Help Groups which has promoted micro-enterprises activities and rapid development. However, these measures have empowered women economically and socially but unless attention is paid to the serious revision of property and inheritance rights, gender parity will still be a far cry. Harping on the time-worn diktat of 'Sikkim for Sikkimese' the basic tenets of the equality clause enshrined in Article 14-18 of the Indian Constitution may seem breached. Such keepers of the law have felt that through the provision of restricting property rights one would actually be restricting the passing of immovable property in the hands of non-Sikkimese. Such faith is protected by Article 371F which manifests that whenever there is a conflict between the old laws governing Sikkim and the Indian Constitution; the former shall prevail. The abrogation of Article 370 conferring special status to Jammu and Kashmir has created a sense of distrust among the Sikkim people of meeting a similar fate with Article 371F. The constant assurance by the State Government to its populace is indicative of its sustenance dependent upon the continued reign of Article 371F. The publication of the new National Register of Citizens in July 2018 and the amendment to the Citizenship Act in December 2019 resulted in a lot of anxiety around citizenship issues in Sikkim. Interestingly, the news of Narendra Modi Government asking the Law Commission to examine the feasibility of bringing about a Uniform Civil Code (UCC) is welcomed by the Women's rights wing in other parts of India. When Indian women are challenging the traditional domains restricted to men by forcefully entering restricted temples or mosques, there is an urgent need to look into the case of Sikkimese women who are still subject to laws that are warped in bygone times. In patrilineal societies where men have well-defined identities, it is time that the identities of women too should be spelt out clearly. Since identity is a construct that has been rendered inviolable

by historical and cultural practices to retain property rights, the woman question can be perplexing. Although the Sikkim Succession Act of 2008 allowed equal property rights to daughters yet what would be her identity if she marries a non-Sikkimese and the offspring born out of such union is not clear. On an equal note, the citizenship issue of the daughters-in-law of Sikkim is still fuzzy in nature. Non-transferable property rights leading to difficulty in acquiring citizenship rights have been a means of containment for womenfolk of state with poor gender ratio. At the same time, serious concerns were raised by scholars like Rosden Tshering Bhutia, "One crucial fact in this regard remains that if Sikkimese women married into equally protective regimes like Jammu and Kashmir or for that matter daughter from such societies married into Sikkim-they will end up belonging to neither place and would have no career or livelihood prospects at either address. Nevertheless, there has been some relief for the Sikkimese women considering that the Sikkim Succession Bill has not been enforced or its date of enforcement has not been notified till date."<sup>26</sup> Given the complex nature of patriarchy which is rooted in historical antecedents, the need for smart legislative reforms will be most welcome to provide relief to Sikkimese women. The magnanimity which can be displayed by the law framers by actually bringing Sikkimese women into the ambit of the slogan "Sikkim for Sikkimese" can go a long way in developing a gender-inclusive society.

## Notes

1. Mohanty, C. T., Russo, A., & Torres, L. (Eds.), *Third world women and the politics of feminism* (Vol. 632). Indiana University Press, Bloomington, 1991, p.56.
2. Vandenhelsken, Melanie. "The 1961 Sikkim Subject Regulation and 'indirect rule' in Sikkim: ancestry, land property and unequal citizenship." *Asian Ethnicity*, vol: 22, no. 2, 2021, pp. 254-271.
3. See, Sikkim Subject Regulation, 3 July 1961, p.7.
4. Risley, Herbert Hope. *The Gazetteer of Sikkim*. Bengal Secretariat Press, 1894.
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6. Subba, J.R. *History, Culture and Customs of Sikkim*. Delhi: Gyan Publishing House, New Delhi, 2008, p. 79.
7. Tran, Hong, "Chogyal's Sikkim: Tax, Land and Clan Politics" (2012). *Independent Survey Project (ISP) Collection*. 1446.
8. An ordinance of land endowment to a king's subject as a reward for his or her loyalty of service.
9. Namgyal, Thudob&Yeshay Dolma (1908) *History of Sikkim*. Translation by DawaSamdup. p. 65.
10. Agarwal, Bina (1994) *A Field of Own's Own: Gender and Land Rights in South Asia*. Cambridge University Press: Cambridge.

11. Nongbri, Tilput. 1998. 'Gender Issues and Tribal Development' in Dr. B. Janradhan Rao, TiplutNongbri and LiuinusTirkey: *Problems in Tribal Society: Some Aspects* RGICS, paper No. 47: 17-36.
12. Basnet, Lal Bahadur, *Sikkim: A Short Political History*, S.Chand and Company, New Delhi, 1974, p. 96.
13. Accessed from District Census Handbook of Sikkim, 2011, Part A.
14. R.C.Poudyal vs. Union of India on 10 February 1993.
15. The Citizenship Amendment Bill 2019 seeks to grant citizenship to persecuted minority groups like Hindus, Jains, Sikhs, Buddhists, Christians and Parsis from countries like Pakistan, Bangladesh and Afghanistan. It has met with serious dissent by countrymen fearing that such a Bill would open a 'floodgate' of illegal immigrants.
16. See, *The Hindu*, August 10, 2019.
17. See, *Sikkim Express*, August 5, 2020.
18. Lama, M.P. (Eds.), *Sikkim: Society, Polity, Economy and Environment*. Indus Publishing Company, New Delhi, 1994, p.38.
19. Lama, M.P. (Eds.) *Sikkim: Society, Polity, Economy and Environment*, 1994, p.30.
20. See, Hindu Succession Act of 1956
21. The Scheduled Tribe in India is an administrative and legal category whose classification is based upon the possession of certain criteria of primitive traits like geographical location, distinctive culture, shyness from community living, economic backwardness etc.
22. Lama, M.P. (Eds.) *Sikkim: Society, Polity, Economy and Environment*, 1994, p.30.
23. Daughters of Sikkim' is a group of Sikkimese women formed to look after the interests of Sikkimese women married to non-Sikkimese.
24. COIs are issued on the basis of a male ancestor's name being enumerated in the Sikkim Subject Register which contains a serial number and a volume number. Then there are those issued on the basis of land documents which do not have a serial number and volume number. The third category of COI holders is those who have rendered service to the Government of Sikkim during the Chogyal's rule under the condition that such citizenship can be passed only to two generations of the person rendering that service. Of late there has been a spate of instances where cases of fake COI holders have surfaced in Sikkim.
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