ABSTRACT

Is sixth schedule road map to Gorkhaland has created lots of speculation in the hills. This question has once again posed a serious deliberation, whether to stick on one point agenda that is gorkhaland or to go with tentative but constitutional guaranteed provision like Sixth Schedule. There are lots of speculations regarding Sixth Schedule status and its feasibility in the majority general population. Furthermore Gorkhaland Territorial Administration (GTA) which was created in 2011 after the second phase of mass Gorkhaland movement headed by Bimal Gurung is in existence though the leadership has changed after 105 days of uninterrupted movement. Gurung was accused for instigating violence, burning public properties. Since then he has been absconding and very seldom he sends his messages through social networking. Now the leadership has changed GJMM still claims to the dominant party in the hills under Binay Tamang who was the executive member and sabhasad under the Bimal Gurung lead GTA. The zero outcomes of 105 days strike and the central government lukewarm response to initiate tripartite dialogue, continuation of GTA, has made suspicion among the people. People sense that they were betrayed not only by the state government but by central Government as well. Now the fundamental question is can people afford to go for another mass movement with uncertainty or else settles for some constitutional arrangement like Sixth Schedule.

Keywords: Darjeeling, sixth schedule status

INTRODUCTION

The demand for the separate statehood in India has been even before India’s independence. Even after the state reorganization of 1956, there were demands from the various parts of the country for the creation of separate state. Linguistic, cultural, ethnic and economic distinction can be traced as the core reason behind these demands.

The demand for the gorkhaland is not an exception its origin can be traced back to 1907 when for the first time demand for the gorkhaland was submitted to Morley-Minto reforms panel. After that on several Occasions demands were made to the British government and then government of independent India for separation from Bengal.

As mentioned above, the demand for separate Gorkhaland state is not new and it took shape in 1980s. The protest was first started by Subhash Ghisingh led Gorkha National Liberation Front (GNLF). Initially, it was a peaceful protest but soon turned into violent agitation, killings, setting government properties on fire. It became a national issue and a major problem for West Bengal government. In 1988, a tripartite Darjeeling Gorkha Hill Council accord was signed by GNLF, West Bengal and Union Government. With this, the Darjeeling Gorkha Hill Council came into existence and GNLF shelved its demand for the separate state.

Again in october 7 2007 a new party was formed Gorkha Janmukti Morcha under Bimal Gurung as its party president. GJM resorted to bandhs, hunger strikes and nonpayment of utility bills to further their
demands. After three and half years of agitation for a state of Gorkhaland, the GJM reached an agreement for the formation of Gorkhaland Territorial Administration (GTA)

**LITERATURE REVIEW**

Ashlesha Rai (2015) in her dissertation “women in Gorkhaland Movement a Sociological study” has critically tried to study about the nature of participation of women in Gorkhaland Movement and its linkage with the women empowerment. She further addressed the growing role of women participation especially in the second phase of Gorkhaland Movement (2007) under Gorkha Janmukti Morcha banner. Furthermore she states that Gorkha National Women Organisation (GNWO) a frontal organization under GNLF party had been successful in mobilizing the women in the movement.

Barun Roy (2016) “Gorkhas and Gorkhaland” involves a study of multitude of tribes, castes and sub-castes residing in the hills including their social customs and practices. The book also discusses about the nomenclature Gorkha. It also mentions the role of Nar Badhur Bhandari in the in the Bhasa Andlon, the demand for the sixth Schedule status for Darjeeling Hills, the complication in the implementation of Sixth Schedule Status and efforts to implement the provision of Sixth Schedule.

Romit Bagchi (2012) “Gorkhaland the crises of Statehood” has nicely presented the chronology of Gorkhaland Movement right from 1907 to signing of GTA agreement on 18th July 2011. The book also describes the Nepal factors in Gorkhaland tangle, split in the CPI(M) in September 1996 and formation of Communist Party of Revolutionary Marxist CPRM by R.B Rai.

Saurav Chettri (2017) in his dissertation “Communist Party in Darjeeling and Gorkhaland Movement (1943-2011)” highlights the how State Re-organization Committee looked at the census of 1951 and completely distorted it in which the nepali speaking people in Darjeeling were shown as only 19.96%. In his Study he writes the CPI of Darjeeling and AIGL put forward the demand the demands for a separate state to the nepali speaking people to the SRC but were ignored.

**Historical events leading to the signing of Memorandum of Settlement (MOS on 06.12.2005 for creating an autonomous self governing Council under the Sixth Schedule to the Constitution for the hill areas of Darjeeling**

The provisions of the Sixth Schedule to the Constitution have evolved a separate scheme for the administration of the tribal areas in the States of Assam, Meghalaya, Mizoram and Tripura through the District Councils or Regional Councils. The Councils are vested with legislative powers on specified subjects and are allotted certain sources of taxation. They have also been given powers to set up and administer their system of justice and maintain administrative and welfare services in respect of land, revenue, forests, education, public health etc. So far, the application of the Sixth Schedule to the Constitution has not been extended to any other State of the Union, besides North-Eastern States. Two Memoranda of Settlement (came to be known as ‘Darjeeling Accord’) signed between the Government of India, Government of West Bengal and the Gorkha National Liberation Front (GNLF) on 22-23 August, 1988 had put an end to the violent agitation launched by the GNLF primarily demanding creation of a separate State of Gorkhaland, and paved the way for fulfillment of socio-economic and political aspirations of the hill people of Darjeeling district. An autonomous hill council, viz., Darjeeling Gorkha Hill Council (DGHC) was set up through the Darjeeling Gorkha Hill Council Act, 1988 enacted by the Government of West Bengal on 15.10.1988, with full executive control on certain subjects. The DGHC has a council of 42 members with 28 elected and 14 nominated members and with a term of five years. The Darjeeling Accord however, could not fulfill the aspirations of the hill people of Darjeeling and GNLF has been agitating for the past few years for conferring constitutional status on the Nepali dominated areas in the Darjeeling hill areas. A number of tripartite meetings between Government of India, Government of West Bengal and GNLF were held to resolve the issues and it emerged that the only solution lies in according Sixth Schedule status to certain areas of Darjeeling District within the State of West. As per the sample check carried out during 22—26 October, 2005 by the Registrar-General of India, the total ST population constituted about 31.4 per
cent of the total population of existing DGHC areas. An ‘In Principle’ Memorandum of Settlement (MOS) was signed on 06.12.2005 between the Government of India, Government of West Bengal and Administrator, Darjeeling Gorkha Hill Council (DGHC) for creating an autonomous self governing Council under the Sixth Schedule to the Constitution for the hill areas of Darjeeling District within the State of West Bengal following due consultative, legislative and constitutional processes by the State and Central Governments, so as to fulfill the economic, educational and linguistic aspirations, socio-cultural and ethnic identity of the hill people, duly protecting the rights of the non-tribals, and to speed up the infrastructure development in the hill areas of Darjeeling District. In terms of the MOS, the existing DGHC will be replaced by an autonomous self governing Council called Gorkha Hill Council, Darjeeling (GHC) in the State of West Bengal under the Sixth Schedule to the Constitution. The State Government, at an appropriate time, will dissolve the DGHC and repeal the Darjeeling Gorkha Hill Council Act, 1988 to pave the way for creation of GHC.

GNLF STAND ON SIXTH SCHEDULE STATUS IN HILLS

GNLF has always maintained that GTA is an unconstitutional body and does have constitutional guarantee. The GNLF spokesperson Neeraj Zimba while addressing a mammoth gathering in Darjeeling old supermarket presented few facts about sixth schedule which he did with gusto, crescendo of applause that followed his speech. In a strident voice he said GNLF has always supported Gorkhaland movement and it is their Supremo Subash Ghishing was the first person who initiated this movement in the 80s. Moreover he asserted that Ghishing gave up the movement looking at the national interest and negotiated in DGHC. However DGHC could not succeed in fulfilling the aspiration of Gorkhas and their leader (Apa) decided to sign memorandum of agreement on December 6, 2005, for including the hills within the Sixth Schedule. He further added that GNLF has always supported Gorkhaland Movement launched by GJMM whether it in 2007 or recently launched movement of 2017 keeping aside their personal differences. But now they have realized that Delhi is no longer in a mood to entertain their demand and thus sixth schedule is the best way to solve the issue of identity crises and paving the way for Gorkhaland.

GNLF has reiterated their claim of implementing Sixth Schedule Status after the long strike of 110 days. In fact it was GNLF party who break the freezing of ties between state Government and the hill parties by sending letter to have bilateral talks. The party has time and again maintained that the non tribal need not to be worried as there are separate clause to safeguard the general community. Sandeep Limbu one of the active members of GNLF Party in his press meet on February 2.2018 accused that the opposition parties are making rumor that Sixth Schedule will create a rift between tribal and nontribal but the fact is Sixth Schedule will solve the identity crises of the entire Gorkhas. He further added Darjeeling comes under partially excluded or excluded area and as per the constitution this is the primary prerequisite for the formation of sixth schedule and Darjeeling deserves to be in the same. And there is no question of tribal and non tribal as far as the sixth schedule is concerned. He stated that if sixth schedule gets implemented the workers working in cinchona and tea industry will get land documents. When asked about the non tribal people he made it clear that in the MOS it is clearly mention that the council has altogether 28 elected seats which consist 10 seats reserved for tribal and 15 are reserved for general and 3 seats are open seats which he said that they will accommodate for the for the schedule caste with minor amendment and 5 nominated seats.

In this juncture the main area of concern to the GNLF party is to prove that the party stands for the people. In many instances the party has been trolled as (B) team of state government for being soft to the state government. Mainly the acceptance of Hill Area Development Council conferred by the state government had created suspicion among the people however the party decided to step down from the HADC. Hence the party needs to talk with all the stakeholders, convince the people to gain political ground to revive the sixth schedule bill which has been already approved by the state government and Parliamentary Standing Committee. Again the GNLF party needs to understand the current mood of west Bengal government as it wants to make Gorkhaland Territorial Administration fully functional.
Now the challenge confronting GNLF party is to bring into consensus all the stakeholders into one dais to revive the sixth schedule status for Darjeeling otherwise it will remain a distant dream.

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