

The Gorkhaland Movement and Human Rights Violation in India

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Introduction

Academic interest in the field of human rights violation is rather recent and has begun mainly with the initiative from some western countries. The focus of such interest has mostly been on the state as the principal violator of human rights. The role of other actors in the violation of human rights has seldom received any attention of scholars till now. There is hardly any effort to look within the social, legal and political systems of various states for mechanisms to take care of such violations. The hope for various individuals and communities whose rights are being violated is often seen outside the boundaries of a state, in the international agencies that are trying to promote the cause of human rights all over the world. That is why the aggrieved prefer to contact the United Nations or Amnesty International rather than the local or national human rights groups, if there are any. There is also a strong tendency in the existing debates to polarize the collective and individual rights, women's rights, economic rights, human rights, etc.

The aforementioned issues reflect some of the main concerns of the human rights discourses that require further attention and the serious involvement of academicians. The academicians as responsible citizens cannot afford to turn a blind eye to what is happening around them in the name of cultural practices or sanctity of the state's authority. Of course, there are scholars who do not favour dovetailing academics with advocacy – and we need this breed of academicians, too. To blend the two is however quite natural for any scholar working in the field of human rights; this indeed may be a rewarding experience for him/her even academically.

In this paper, I have tried to fill in a small gap in the field of human rights studies by arguing that promotion of the collective rights of one can lead to the violation of the collective rights of others and the individual rights of many. I intend to do this with the case study of the movement for attainment of a separate statehood within India, called 'Gorkhaland', which took place in the mid-80s in the hills of Darjeeling and the sub-

Himalayan Dooars area of Jalpaiguri district in West Bengal, India. To a large extent, I shall draw here on personal experiences which escaped my attention while writing *Ethnicity, State and Development: A Case of Gorkhaland Movement in Darjeeling* (1992).

Historically, the area covered by the movement belonged to Sikkim until 1706 when the Dooars and Kalimpong areas were conquered by Bhutan and remained under it until 1865, when the British annexed them from the hands of Bhutan. The British annexed from Sikkim the remaining hill areas of Darjeeling in 1835 whereas the Siliguri subdivision was annexed as late as in 1850. By 1866, the entire region was brought under the administrative control of Bengal. Prior to the annexation by the British, the areas excluding Kalimpong and Dooars were briefly under Nepal, too.

Geographically speaking, most of the region is hilly terrain where terrace cultivation is practised. The major crops grown are paddy, maize, millet, and cereals. Cardamom is also grown in some places. The cultivation of flowers, particularly in the Kalimpong subdivision, has been a major source of cash income for the people there for the last couple of decades now. The Kurseong and Sadar subdivisions of the Darjeeling district are covered with over 100-year-old tea gardens, which nowadays give very low return. There are a few tea gardens even in Kalimpong, in areas adjoining Dooars. The rich timber and other forest resources of the region have been almost completely wiped out by the West Bengal Forest Development Corporation, established in November 1974. What little was left was plundered during the movement.

Its location in the periphery of many countries is perhaps responsible for the mixed composition of the people there. There are people belonging to many races, languages, and religions though the majority of them claim to be Hindus by religion and Nepali as an ethnic group. Today the 'Nepali' or 'Gorkha' identity is under threat of breaking down into many separate identities based on language, race, religion and culture, as the Nepali identity is more an *etic* and than *emic* one. First of all, the Nepali language is only the *lingua franca* of a large number of communities subsumed under this identity. The various communities like the Rai, Limbu, Mangar, Gurung, Tamang, and Sherpa, who have their own languages, religions, and cultures are also 'racially' different from the mainstream Nepalis known as Bahun, Thakuri, Chhetri, Kami, Sarki, Damai, etc. The former conglomeration of people today distances itself

from the 'Nepali' or 'Gorkha' identity. Besides them, there are Lepchas, Bhutias, Tibetans, Bengalis, Biharis, Marwaris, etc., living together in the region; some of them are often confused with the Nepalis.

A large number of people there belong to the working class and earn low wages in the tea gardens, agriculture or construction sites. The tea gardens belong to the people from the plains of India and so do other sources of employment like transport and hotels to a large extent. The armed forces of India and other countries were a major source of employment for the people of this region, but of late, there is increasing competition from communities belonging to other regions of India. Even the job of 'Gorkha' or security personnel in the cities has become scarce today. Bhutan, Sikkim and Nepal provided good opportunities for employment to the educated and skilled people of this region for many years, but now these avenues are closed. The employment opportunities within the state are extremely limited as the hill people can rarely compete with the Bengalis, who are educationally, demographically, and politically much more dominant than any other community in the state of West Bengal. The Nepalis, who are mostly first generation educated members, stand little chance of survival in one of the most advanced states in India in terms of higher education with about half a dozen universities, medical and engineering colleges within its boundaries.

The Gorkhaland Movement

The people of this region, particularly those who are now known as 'Nepalis', have risen up and demanded various forms of political autonomy from as early as 1907. The first ever demand made was for a separate 'administrative set-up' for the hill areas of Darjeeling and it was made by all the three major hill communities, namely the Lepcha, Bhutia, and the Nepali. Though some consider this development to be the consequence of the anti-partition wave in Bengal (see Chakrabarti 1988:4), 41 years (1866-1907) of their common experience under Bengali rule cannot be ignored. This experience was not quite pleasant as the Bengali officers, doctors, and engineers, who were brought to the hills by the British, not only exerted their sense of superiority on the hill peoples but also exploited them in various ways, even sexually.

The demand for a separate administrative set up was followed by the demand of the three hill communities for 'the creation of a separate unit' in 1917. This 'unit' comprised the district of Darjeeling and the Dooars area of Jalpaiguri district, which too had a sizeable Nepali speaking

population working mainly in the tea gardens and forests. The hill leaders also suggested an alternative to this – to create 'North Eastern Frontier Province' consisting of the present-day Darjeeling, Dooars, Assam, and Arunachal Pradesh.

The degree of autonomy as well as the geographical area demanded kept changing in subsequent decades but one common thread that ran through the demands made since 1907 was, secession from Bengal. This demand was most clearly articulated during the Gorkhaland movement that started in early 1980, with the birth of the Pranta Parishad in April and the Gorkha National Liberation Front (GNLF) in July that year. The demand for a separate state called Gorkhaland was to include the district of Darjeeling as well as the Dooars area of Jalpaiguri district. Such a demand was well within the framework of the Indian Constitution. However, the dominant view in West Bengal was highly negative. It was argued that the Gorkhas had no legitimate right to make such a demand because they were 'migrants'. It was also argued that such a small state would not be viable and would even endanger the security concerns of the country as the GNLF could finally demand a merger with Nepal. The dominant view in the state was also that they would not "allow" another "division of Bengal", the first having taken place during the Partition in 1947. Though the present demand can in no way be compared with the partition of the country in 1947, the slogan that "Bengal would not be allowed to be partitioned once again" had a tremendous psychological appeal to the majority community in West Bengal. A people known for harbouring and nurturing secular ideologies was suddenly found to have equally strong ethnic ideology vis-à-vis the Gorkhaland movement.

The intellectuals in this state provided every necessary support to the state government in denigrating the demand for a separate statehood as well as justifying or underplaying the much known excesses by the police personnel on the innocent public. Law and order being a state subject, the West Bengal government considered the movement merely as a law and order problem and came down heavily on everyone whom it considered to be guilty. More often than not, those who participated in the movement vanished before the police reached their villages. The latter therefore picked up and tortured innocent people hoping to elicit information about the activists. That the undivided Communist Party of India had proposed a sovereign territory called Gorkhasthan a few months before India gained independence (see Subba 1992:89-91) was also ignored. The Union government in New Delhi was a mute witness

to all that happened to the people of this region, whose only fault was to demand separation from a federal state of India, not the union of India. The latter would of course be considered as an unconstitutional demand. But even if it was unconstitutional, the state is not justified in violating human rights of the participants.

Despite various demands raised by the hill people for the last 80 years or so the hills were absolutely peaceful until the mid-80s. By then they were apparently tired of the democratic yet futile means of protest like plays, songs, leaflets, pamphlets, newspapers, etc.. Meanwhile, news of the Nepalis living in Meghalaya being truck-loaded and dumped at the Indo-Nepal border began to pour in. This worked as a catalyst to the otherwise peaceful movement. As a result there was violence all over the hills of Darjeeling and Dooars, during the day as well as night, between villages and supporters of the GNLFF and the Communist Party of India (Marxist) [CPI(M)], numerically the most important political party in the Left Front government in West Bengal led by Jyoti Basu. From the middle of 1986 the violence continued, with occasional periods of respite, till the tripartite accord on the Darjeeling Gorkha Hill Council (DGHC) was signed in August 1988 by the Union government, West Bengal government, and the GNLFF chief who spearheaded the movement, particularly during the most decisive phase of it.

The magnitude of violence that was unleashed in the hills of Darjeeling and Dooars was nightmarish. There were reports of persons beheaded, houses set on fire, people kidnapped or tortured, and women raped or molested almost every day. Incidentally, a major part of this violence was between the supporters of the GNLFF and the CPI(M), though there was a lot of violence also between the supporters of the GNLFF and the Gorkha Volunteer Force, which was originally the armed wing of the GNLFF but later turned into a counter force loyal to the state government. Finally, there was violence between the GNLFF activists and the para-military personnel. In other words, much of the violence was actually fratricidal. After such colossal loss of life, property, and employment the result was the creation of the Hill Council, which was described as 'bogus' by no less a person than the Chief Executive Councillor of the DGHC, Subhas Ghising. The DGHC is now fraught with problems for which the GNLFF chief blames the West Bengal government for not executing the terms of the tripartite agreement, whereas the latter blames the corrupt GNLFF councillors for improper utilisation of the development funds released by the Union government through the state government (see Subba

1998). The important question here is not the establishment of right or wrong, but whether there has been any significant result of the creation of the DGHC; obviously the answer is in the negative. The DGHC has extremely limited financial powers and virtually no sources of revenue except tourism. It may be recalled here that tea and timber are very much in the hands of the state government. Further, the DGHC has a large number of ex-activists, who are mostly school dropouts, to be obliged with petty contracts or employment. All this leaves the general public and the educated youths utterly frustrated.

Behind the various attempts to gain political autonomy during the last 80 years or so, is one very important issue that the Indian Nepalis have been confronted with from the beginning of the twentieth century: the question of their nationality. Like the Indians living in Nepal, the Nepalis in India have always suffered from a sense of insecurity despite the fact that more than 95 percent of their population here today are citizens of India by birth. In other words, an overwhelming majority of them are natural citizens. But whenever demands for political autonomy from Bengal or inclusion of their language in the Eighth Schedule of the Constitution of India were made, they were quickly branded as migrants from Nepal, having come to India only towards the latter half of the nineteenth century. Whenever there is any anti-Indian feeling in Nepal (read Kathmandu), aroused mainly at the behest of a particular political group active there, the Indian Nepalis wish the same had not happened. The fate of Nepalis in India and Indians in Nepal seems interlinked, and is vulnerable to any untoward incident, such as the recent events in Nepal protesting against an alleged anti-Nepal statement by the popular film star Hritik Roshan.

This sense of insecurity will have to be borne by these two categories of people with or without the Indo-Nepal Friendship Treaty of 1950, though this is one of the contributing factors to the same. Article VII of the Treaty, for instance, says:

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

The treaty actually weakens the nationality status of both the Nepalis

of Indian origin in India and that of Indians of Nepalese origin in Nepal because even when they are citizens of the countries they belong to, they are seen as nationals from across the border. No wonder then, that even the Indian Nepalis are stopped at the various check-posts in the Northeast, meant for 'foreigners', and subjected to various forms of extortion and humiliation. The more unfortunate part of the story is that the Nepalis are considered to be 'foreigners' by many local communities in the Northeast, who have agitated or demanded their ouster from their respective states since the late 1970s. It may be pointed out here that the Treaty mentioned above is neither known well nor implemented in this part of India. Obviously, most of the victims, who have come to work as menial workers or cattle-herders, are not aware of it.

The GNLF condemned the Treaty by publicly burning copies of it, despite many editorials and write-ups in national dailies from Calcutta and New Delhi sermonizing that the Treaty was more beneficial to the Nepalis in India than Indians in Nepal. The GNLF has also demanded the recognition of the word 'Gorkha' in lieu of 'Nepali' for referring to the community as well as their language. This is actually a manifestation of the same insecurity complex that has been discussed above; it emanates from the age-old concern of the Indian Nepalis to separate themselves from those who have recently come from Nepal or those who come to India as seasonal workers in the cardamom fields, or to carry oranges from one place to another, or even to sell aluminium and brass articles of household use.

This is an old issue that has not received the academic or political attention it duly deserves. With such a long porous border between India and Nepal the movement of people between the two countries will continue to take place and put the nationality of Indian Nepalis in India and Nepalese of Indian origin in Nepal in jeopardy. Even if the entire length of the Indo-Nepal border is fenced with barbed wire, as it is done in places on the Indo-Bangladesh border, human traffic across the border will not stop. The replacement of the word 'Nepali' with 'Gorkha' will certainly not solve the problem though it will have a tremendous symbolic value, except in places like Bombay or Calcutta where the word has a derogatory meaning. Similarly, the abrogation of the Treaty, which is a standing demand of the GNLF, will not erase the sense of insecurity mentioned earlier. However, this is a demand that deserves attention from both the countries.

The sense of insecurity that Indian Nepalis suffer from in India has deepened further by their forceful eviction from various parts of Northeast India since the late 60s. It may be recalled here that about 8000 of them were thrown out of Mizoram in 1967 (Lal 1968:346). More than ten thousand of them were forced to leave Assam during the All Assam Students Union's agitation in 1979 against the so-called foreigners. About 2000 of them were evicted from Manipur in 1980 (India Today 1980:15) and more than eleven thousand from Meghalaya between 1980 and 1986 (Misra 1986). The news of such evictions was not unknown in Darjeeling and Dooars. Through plays and folk songs, the leaders mobilized the people to think about a thalo and goth, which refer to a shed where goats and cows are safe at night; if animals could have these, it was argued, people certainly deserved such a safe place from where they could not be evicted.

The Movement and Human Rights Violation

Violation of human rights during a violent movement like the demand for Gorkhaland, is inevitable. The authority of a state government as the caretaker of law and order situation within its boundaries is temporarily suspended or challenged by the supporters of a movement and the law-enforcing agencies invariably first cause such a violation. Defiance of state authority is seldom tolerated and is normally responded to violently, without ascertaining whether the victims were the ones to defy the state authority. In my observation most of the victims are innocent people according to the law of the land. Those who throw petrol bombs at the police stations, blow up bridges and roads, and indulge in destructive activities are rarely arrested. Those who are arrested are the ones who do not run away from the policemen thinking that they had not done anything 'wrong'. However, from the point of view of the policemen, the arrested persons are the potential militants or suppliers of information about those who are actually involved in such violence.

One might not be able to appreciate the situation prevailing during a movement unless one has seen or lived through it closely. This happens because such a situation lends it to misleading interpretations from outsiders it may look much more or less dangerous than it actually is. I had the opportunity to experience the impact of the Gorkhaland movement from quite close quarters and would like to account here some of the details of what I saw, heard, read, and suffered.

When the movement caught momentum, the mode of operation by the

district administration was like this: Surround a village in the middle of the night or in the wee hours of the morning and arrest every man, old or young. One such incident took place in my village in Kalimpong, Darjeeling district, on May 28, 1988. Among the 32 men arrested by 0500 hours (IST) were two deaf and dumb persons and my father aged about 62 then. They were tied like cattle and taken to the Kalimpong police station. On the way, they were beaten with a rifle butt and asked to carry each other on their back. On reaching the police station, they were shown the photograph of the GNLF leader from our village, C K Pradhan, and asked to say if they recognised him and to give information about his whereabouts. When the villagers pleaded ignorance, they were beaten up, hung upside down with hands tied behind, and given electric shocks on fingertips.

One such victim was Ratna Kumar Rai, an employee of the Comprehensive Area Development Corporation (an undertaking of the West Bengal Government) and a resident of the village. He still complains of chest pain and shows the marks of bruises on his wrists due to the rope tied round them until the affected area was infected badly. Another person was Jiwan Subba, who cannot use his fingers properly to eke out a living from flower cultivation. But the worst was the case of the two deaf and dumb persons. They were considered 'hard core' militants, as they obviously could not reply to any of the questions asked by the policemen at the lock-up. They were tortured more than the other villagers were. They shrieked in pain and shed tears but the hardened or career-hungry policemen at the lock-up were not moved.

When my father was arrested, his torchlight, a diary and a 3 band radio were taken away by the Central Reserve Police Force (CRPF) personnel. They also looted a lot of green maize from our field. In return, my father was not only beaten with the butt of a rifle on his chest but also given electric shocks. The diary contained nothing but statement of day to day expenditure and income at home and he was released after 48 hours. My mother was not allowed to meet him during this period and came down to North Bengal University where I taught then, to narrate the whole story with tears and in a choking voice. I wanted to go to Kalimpong and do what little I thought I would be able to do but she would not allow me to do so for I was myself in the list of persons to be beheaded by the GNLF. Some of my CPI(M) relatives were actually assaulted or tortured by the GNLF cadres and one of them was even killed. This was done to create terror so that they would not dare to do

anything against the GNLF.

Such terror was not confined to my village. Almost every where, the supporters of the CPI (M) and the GNLF were burning each other's houses, killing and kidnapping each other, depending on which group was more powerful where. In many places the policemen even joined hands with the CPI(M) supporters in destroying the houses and property of the GNLF supporters. Each group wanted everyone else in the command area to support it; defiance would not at all be tolerated and would often mean physical assault or damage to property. But every such action of the GNLF was justified in the name of Gorkhaland and whosoever opposed it had no moral right to live in the region. To the CPI(M) cadres there was no such emotional force behind them but foiling the movement led by the GNLF was considered to be their sacred duty. The discipline among the CPI(M) cadres was one of the best and almost comparable to that of the Rastriya Swayam Sevaks.

Some of the worst victims of terror as well as violence were the members of non-Nepali communities like the Marwari, Bihari, Lepcha, Bhutia, and the Tibetan. They too suffered much during the movement. Some of these communities like the Bhutia and the Tibetans depended on the tourist industry but there was hardly any tourist visiting Darjeeling during those two and a half years of the movement. The hoteliers, the transport operators, and the vegetable sellers had a hard time, too. A few of the richer businessmen in the towns were even extorted. But one of the saddest incidents during the entire movement was the one that took place in Topkhana, Kalimpong. There was a Tibetan refugee family I knew personally during my college days. He had four daughters. When the CRPF personnel tried to rape one of his daughters he pounced upon them as expected of a Khampa hero but got killed and could not save his daughter from being raped. There was also the case of a house belonging to a Lepcha, which was set on fire by the CRPF personnel on the ground that the GNLF leader of Kalimpong, C K Pradhan, had taken shelter in it until they reached there. Then, there was a Bengali businessman who got killed in crossfire in front of his own pharmacy; such examples are numerous.

Of all the non-Nepali communities living in the Darjeeling hills, some of the Lepchas participated in the movement. Many of them were actually in favour of a separate statehood for Darjeeling and Dooars but they did not like the name "Gorkhaland". They thought that they would have

no future in a state that is meant only for a particular community. Many of them were ready to lend support if the name of the proposed state or the organisation fighting for it were more secular. But such voices were subdued in the aggressive and violent campaign for Gorkhaland by the GNLF. That the members of so many non-Nepali communities succumbed to the violent tactics of the GNLF and did not raise a word of dissent, is tantamount to violation of their collective rights. They suffered not only individually but also collectively. Though no untoward incident took place between the Nepalis and the non-Nepalis in the hills except at the beginning of the movement in 1980, the rights of the latter to dissent were denied in the same manner as the rights of many Nepalis elsewhere. Of them the Bengali community in Darjeeling was under the severest of all tensions for reasons, which are comparable with the situation of the Indians in Nepal and Nepalis in India. This was so, because they were a small minority in the hills but a huge majority in the plains where the Nepalis are in a small minority. If the Nepalis in the plains were assaulted, the Bengalis in the hills would certainly have to bear the impact of the majority's wrath. Thus they could not register their objection to the demand for a separate statehood called 'Gorkhaland' except in very private living rooms. There was this fear of being intimidated or assaulted if any non-Nepali (or Nepali, for that matter) was known to be against the demand for Gorkhaland.

The district administration was apparently given extra powers to contain the situation even when there was the possibility of misuse of their power. One of the Subdivision Officers of Kalimpong I knew personally, a young Indian Administrative Service Officer, boasted about what he could and would do if he could lay his hands on C. K. Pradhan. He was obviously not speaking like a responsible officer and was least aware of the fact that I was documenting for writing the book that was published in 1992. I also remember how the then Additional Superintendent of Police in Kalimpong told a lie to a much senior police officer of a different branch that my father was not tortured despite visible marks on my father's body and the medical treatment he underwent in Siliguri after being released from the police lock-up. Many of those who had gone to enquire about their relatives were themselves locked up and beaten. This was not unexpected when the district administration was clearly told by none other than Jyoti Basu, the then Chief Minister of West Bengal, to treat the GNLF cadres as "anti-socials". The Government of West Bengal even committed the heinous act of raising a counter-force known as Gorkha Volunteer Force and encouraged it to fight against the GNLF

cadres, leading to more fratricidal clashes and deaths.

Let me now dwell briefly on the violation of the rights of those who are normally blamed for human rights violations – the military or paramilitary personnel. This aspect of human rights violation has so far been rather ignored in the concerned literature as if they are not human beings or their rights are not violated at all. These are people who have to carry out the orders of the government even though they might themselves become instruments of the government for violating human rights. It is undeniable that some of them, due either to ignorance about human rights or under a state of inebriation, commit human rights violations even when it is not necessary for them to do so. They tear or trample the identity cards. They misbehave even with women and children. But very often members of their own family elsewhere undergo similar humiliation in the hands of other such personnel. The movement of many senior officers in police or paramilitary forces or their spouses is often restricted in insurgency-hit areas due to the fear of being shot at. This is one reason why some serving army, paramilitary and police loathe the subject of 'human rights'. Normally if an underground militant kills a policeman it is 'death in harness', but if the army or policemen kill an underground personnel it is regarded as violation of human rights. Any excess done by military or paramilitary personnel in the Northeast or in Jammu & Kashmir is a violation of human rights but when they are ambushed or killed by the underground outfits no human rights violation is mentioned. Such a view of human rights is state-centric and extremely narrow.

Before I conclude, let me dwell briefly on the violation of human rights due to bandhs called by the GNLF. Such bandhs were always successful in keeping the people indoors, shutters pulled down, and even keeping the porters away from their daily wage. The children could not go to school, play outside, or even buy sweets from the nearby shops. The men could not go out for fear of being arrested or shot at. The women would also have to remain indoors for they could be molested or raped if they dared to go outside. The porters, the hawkers, the daily wage earners, etc. were some of the worst victims of such bandhs as they could not earn anything but had to buy things at much higher prices due to post-bandh inflation.

Conclusion

The Gorkhaland movement created a situation that certainly looked

like a civil war as it left thousands of people homeless either because their houses were set on fire or they had to flee their villages for shelter and life. Siliguri was one such city located on the foothills of Darjeeling, where a large number of people from the hills of Darjeeling and those owing their allegiance to the CPI(M) had taken refuge. Many of them have continued to live there despite the return of peace in the hills. The sense of threat of being intimidated by the GNLf cadres has not yet been removed completely from the minds of such people. The GNLf supporters who had to flee their villages due to fear of intimidation by the CPI(M) supporters, on the other hand, took refuge in Sikkim and Bhutan; many of them never returned to their villages in Darjeeling or Dooars.

There were others who did not lose their houses but lost their limbs, which were either chopped off by the legendary Gorkha knife called khukuri, or by premature bursting of the hand-made grenades. A few of them also lost the use of their limbs due to third degree torture in police lock-up.

There was one loss that many in the hills suffered from but few could notice. That was the loss of freedom – the freedom to speak on the movement, the freedom to disagree, the freedom to have one's own priorities, the freedom to live with self-respect, etc. The word of the GNLf or the CPI(M), depending on where it was in brute majority, was the law and every living member of the society had to obey its commands. The people had to obey those who were considered as unworthy of anything until the movement broke out, for many of them were school drop-outs, petty contractors, hooligans, black marketeers, and the like. Once they held the guns they controlled everything and everybody except the other category of gun-wielders, who had the legitimacy to carry them – the police and the para-military personnel, who were equally blood-thirsty. And of course, no one talked about the loss of both collective and individual honour during the movement.

The situation might have been better if India had ratified certain instruments like the Convention against torture and other forms of corporal punishment (Roy Burman 1999:19). Even if they had not succeeded in restraining the warring factions in the hills, such UN conventions could at least have ensured that the state machinery protected a large number of people from losing their sources of livelihoods, their life and limbs, and their sense of honour.

The Gorkhaland movement can be seen as an assertion of collective rights that were denied for such a long time by a dominant community. This has been justified not only by the native leaders but also approved of by various UN covenants, particularly by Article 21 of the Universal Declaration of Human Rights in 1948. The Bengalis have no right to keep the Nepalis under their domination or retain Darjeeling as their colony, particularly when the latter never wished to be under them. Two equally important issues one can raise in the context of human rights-thinking are: must we always shed blood for the cause of collective rights? Is it impossible to have such rights without violence? Sadly, the answer to the first question seems yes and to the second, no.

Whereas the international mood is for restoration of the collective pride or assertion of collective rights, the insight that I derive from the Gorkhaland movement and its aftermath is not very encouraging for the champions of self-determination, which is always associated with collective rights. But what have been the gains of the Gorkhas, in the aftermath of this movement, as a collective and as individuals? As a collective, they have alienated themselves more from both the dominant community at the state level and from the minority communities within the region. What was opposed at the state level was perpetrated on the weaker communities within the region. And individuals? They of course certainly gain when the collective does.

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