



पी. एस. कृष्णन्  
P. S. KRISHNAN

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सदस्य-सचिव  
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार  
चिफ्ट-६, भीकानजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary  
National Commission for Backward Classes  
Government of India  
Bhikaji Cama Place, New Delhi 110 066

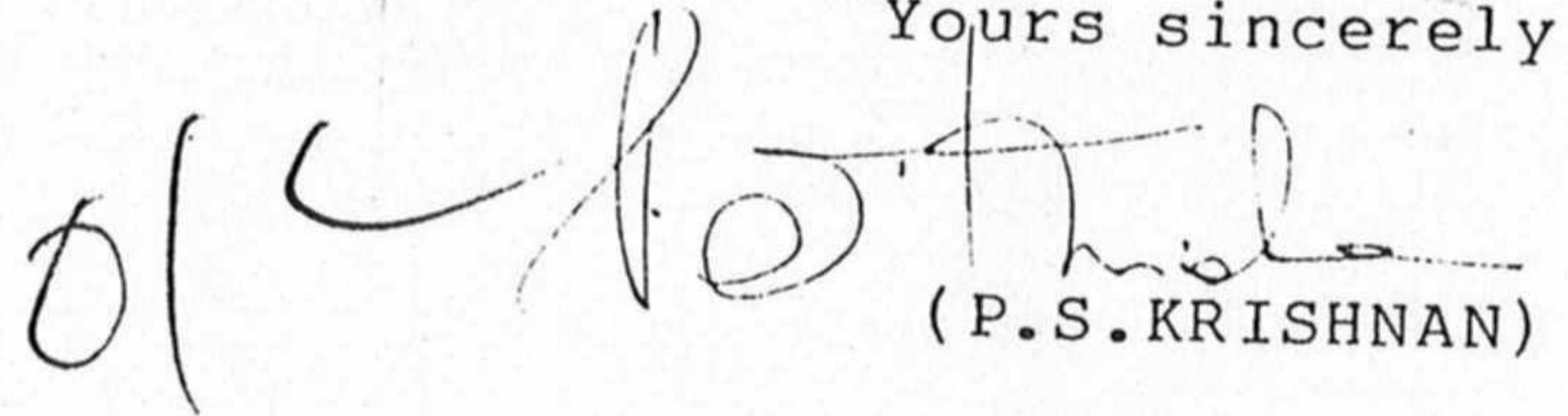
NCBC Advice No. Bihar 29/99

07.05.1999

Dear Smt. Das,

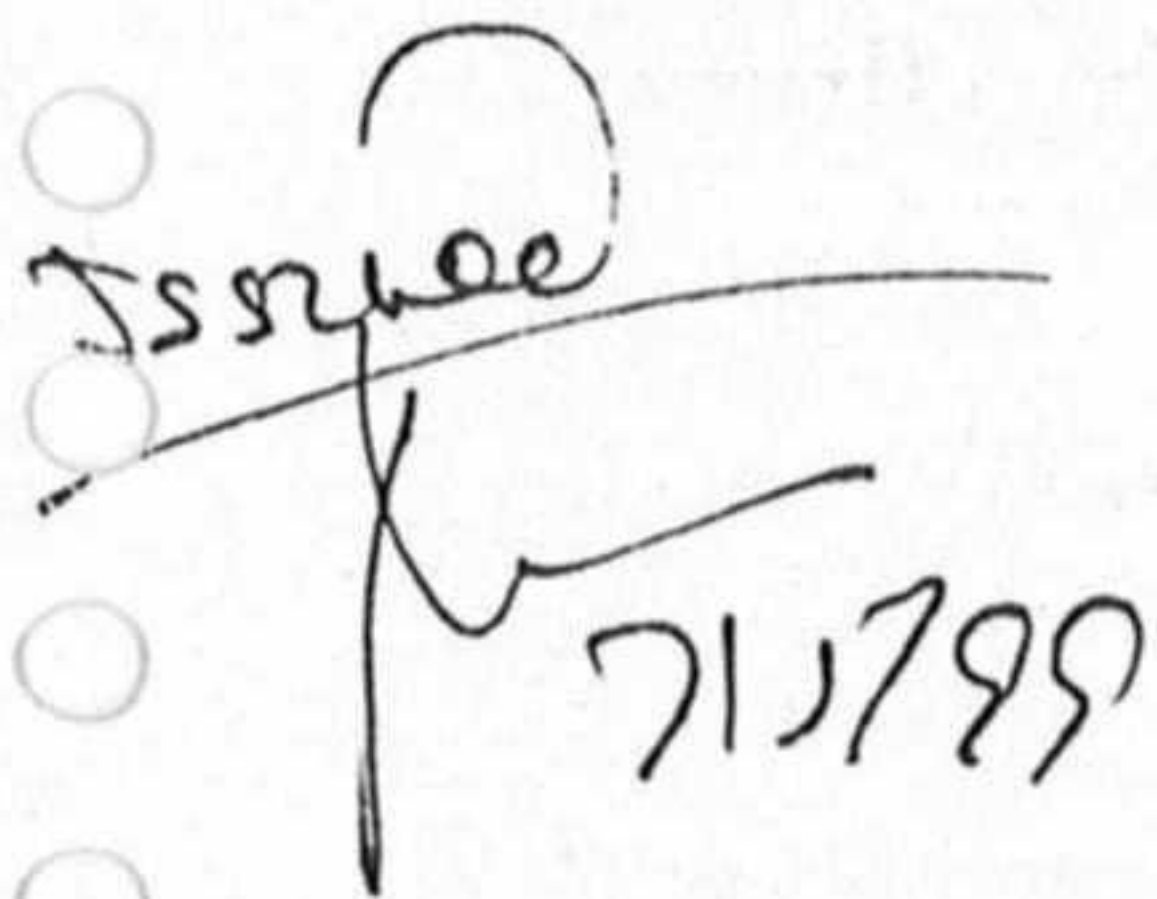
I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Rejection of the Request for Inclusion of "Newar(Christians)" community in the Central List of Backward Classes for Bihar, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

Yours sincerely

  
(P.S. KRISHNAN)

Encl: As stated.

Smt. Asha Das  
Secretary to Govt. of India  
Ministry of Social Justice & Empowerment  
Shastri Bhavan  
NEW DELHI

  
7/5/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

BIHAR BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

**Case:** Request for Inclusion of "Newar(Christians)" in the Central List of Backward Classes for Bihar

**I. Request**

This case arises from the Request made to this Commission by Shri Anthony A. Osta, General Secretary, The Christian Welfare Association, "A Bihar Govt. Regd. Organissation", "Magi Kutir", Plot No. 39, Road No. 1, New Pataliputra Colony, Patna, for the Inclusion of "Newar(Christians)" and "Musahar(Christians)" in the Central List of Backward Classes for Bihar. The present Findings/Advice pertains only to "Newar(Christians)" and the Request in so far as it relates to "Musahar(Christians)" is be dealt with spearately.

**II. Public Hearing**

2. The two-Member Bihar Bench of this Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Prof. Uday Pratap Singh, Hon'ble Member, NCBC held a Public Hearing in respect of this Request at Patna on 9. 01. 1998. At the Public Hearing the State Government was represented by Shri Harun Rashid, Deputy-Secretary, Deptt. of Personnel & Administrative Reforms and other officers. Prof. Rameshwar Prasad Singh, Hon'ble Member, Bihar State Commission for Backward Classes was also present during the Hearing and provided valuable information. Neither Shri Anthony A. Osta who made the Request on behalf of The Christian Welfare Association nor any other representative of this Association or any member from the community appeared before the Bench to give evidence, inspite of

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wide publicity about the Public Hearing through the media and also separate intimation to the Request-maker by the office of the NCBC, as usual.

### III. Facts

3. "Newar" caste/community is not included in the first-phase Central List of Backward Classes for Bihar prepared and notified by the Govt. of India in 1993 on the basis of the principle of commonality (ie., inclusion in the Central List for each State of castes/communities which were commonly found included both in the respective State Government's List of BCs and the Mandal Commission's List of BCs for that State) because it was not included both in the Mandal Commission's List for Bihar as well as the Bihar State Government's List of BCs that existed at that time. Even now Newars are not included in the State Government's List of Backward Classes.

4. According to the Request-maker, the people of Newar community "originally belonged to Bhutan and after conversion into Christianity, were driven out and settled by Bettiah Raj, in a village called Chuhari, P.S. Chanpatia, West Champaran of Bihar. They are like Tharu, a Paharia backward, having title as Bhaju, engaged in agriculture & various trades." The Request-maker has not furnished any other details or data/information regarding this community either by filling up the NCBC's Questionnaire or by appearing before the Bench during the Public Hearing. As mentioned earlier, no other representative or member of the community appeared before the Bench during the Public Hearing to give evidence.

5. Available ethnographic literature suggest that "Newars" are originally a community of Nepal and in India they are mainly concentrated in Sikkim State and the Darjeeling and Jaipalguri districts of West Bengal. Anthropological Survey of India's National Series Vol.VIII titled "Communities, Segments, Synonyms,

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Surnames and Titles" mentions the present distribution of Newars in India as follows:

"Sikkim: throughout the State, U.P: Dehradun, West Bengal: Calcutta, Darjeeling, Howrah, Jaipalguri"

In Bihar and Uttar Pradesh, Newars are apparently numerically a very small community. Perhaps for this reason, ethnographic works of W. Crooke (The Tribes and Castes of the North Western India, Cosmo Publications, Delhi, 1974, originally published in 1896 under the title 'The Tribes & Castes of the North Western Province & Oudh') and H.H. Risley (The Tribes and Castes of Bengal', Firma Mukhopadhyay, Calcutta, 1981, first edition 1891) ---- the Bengal at the time when Risley wrote included Bihar also ---- do not contain separate accounts of "Newars". The Request-maker in his letter of Request mentions the name of only one village where Newars are resident in Bihar.

6. Crooke however mentions of Newars under the head "Gurkha; Gorkha" which, as he writes, is "The name for an aggregate of various races who inhabit the numerous valleys interspersed through the mountains of Nepal." About the inhabitants of these tracts, Crooke quotes the Imperial Gazetteer, as follows: "The aboriginal inhabitants appear from their physiognomy to be of Tartar or Chinese origin, bearing no resemblance to the Hindu either in features, religion, or manners. The period when the mountainous regions were first invaded by the Hindus is uncertain; but according to the most authentic traditions, the date is supposed to have been about the 14th century. In the eastern part of the country the aboriginal tribes still remain; and, until the predominance of the Gurkhas, they enjoyed unmolested their customs and religion. But west of the Kali river the case is different, almost all the inhabitants claiming a descent from Hindu colonists.... East of the Kali the tribes which possessed the country were chiefly (1) Magars, who occupied the lower hills in the western parts, and are at present enlisted by the Gurkha sovereigns, composing a great majority of

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U. S. DEPARTMENT OF THE ARMY  
Medical Department  
General Hospital  
Camp [illegible]

association with the rulers of Nepal that they have assumed the surname 'Pradhan'(Chief). They have six tiers of occupational sub-groups,..... But, after immigration into Sikkim the Newars have done away with this traditional six-tier system. Now almost all the Newars call themselves Pradhans, thereby abolishing their social hierarchy which is retained in Nepal.

The differentiations are at the social, religious and occupational levels. The functions of the social sub-divisions are to regulate marriage alliances and to indicate social status besides descent. The Deva Brahman occupies the highest rank in the Newar social hierarchy. They serve as priests to those Newars only whose household religious ceremonies are not like those of the Nepali Brahmans. Those Deva Brahmans work as farmers like other non-Brahman castes and do not follow the profession of learning as such like other Brahmans. The Deva Brahman priests have now been mostly replaced by Nepali Brahmans whom the Newars call Parbatiya Brahmans.....

They are high caste groups, coming after the Brahmans and Chhettris. The community has surnames like Joshi, Pradhan, Shreshtha etc. They recognise the Varna system and locate themselves below the Brahmans and Chhettris.... The Newars invite Brahmans, Chhettris, Rais, Bhutias, Lepchas etc. to their social-religious functions and accept water and all types of food from Brahmans, Chhettris, Rais, Sunnuwars, etc. but do not accept water or pucca food from Damais, Kamis, Sarkis, Majhis etc. Newars accept siddha food from other communities but except the Shudras.... Brahmans and Chhettris do not accept water or pucca food from the Newars. Damais are employed by the Newars to provide music as naumati baja or panchai baja.... though they share wells and water resources with other communities, they do not share the crematorium....

Inter-community marriage is not permitted. Non-Newar woman is accepted only if she happens to be a Brahman. There are Buddhists as well as Hindus, among the Newars. But in Sikkim almost all the Newars are Hindus. Between Newar Hinduism and Newar Buddhism there

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has been mutual recognition and exchange of beliefs and rituals. They worship all the Hindu gods and goddesses.....

The primary occupation of the Newar community is trade, which is largely confined to the upper strata of the society. Government service follow in importance. Farmers (Jyapoos) constitute a bulk of the Newar population, and with agriculture as their primary occupation, come next only to the traders.....

Landlord-tenant relationship exists with Bhutias and Lepchas, and cultivator-labour relationship with Rais, Limbus, Damais, Sarkis etc. The community has several businessmen, scholars, teachers, administrators etc. A majority of the community holds white collar jobs. They have risen to political leadership at the village panchayat and regional levels....."

9. From the above accounts, it is seen that "Newars" are an advanced caste/community with commerce/trade as their primary occupation, both in Nepal, their original homeland, and in Sikkim. Moreover, they are also a community which has enjoyed long association with the rulers in Nepal as is indicated by their other name "Pradhan". In Sikkim, they have also been landlords. The fact that they consider themselves just below the Brahmans and Chhettris and that they accept a non-Newar woman in marriage only if she happens to be a Brahman, all indicate that Newars are a Socially advanced community. No wonder the Sikkim Backward Classes Commission which has examined the Request for the inclusion of "Newars" in the State List has found them not eligible for inclusion in the List of BCs. That Commission in its Report has specifically noted that there is no hierarchical divisions among the Newars in Sikkim as in Nepal, and that

"Whatever might be the situation or social status of Newars (Pradhan) in Nepal, the social status in Sikkim is altogether different. Some of them had been blue-eyed persons of British administrator Mr. White from a pretty long time, so much so they had the power of flogging the people called to work on the road for not obeying their order. Some of them owned large estates and were

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owning large estates in different parts of Sikkim. Some of them were lessees of mines with full power to excavate minerals for a number of years on payment of a meagre amount of Rs. 200/-. Some of them were minters of coins. Some of them occupied high positions in the State as that of Membership of Council, Magistracy and other civil posts. One of them had been the Advisor to the Maharaja and had gone with him to attend the Delhi Darbar. Many of them have been good traders, since 1876. It may be mentioned that though the Newars are socially considered lower in status to the Bauns and Chettris, their social status cannot be equated with Gurung, Limboo, Mangar, Tamang, Sunuwar, Rai & Bhujel already declared as OBC by the Central and State Governments. The Newars consider these castes lower in social status....."

From the above, the Sikkim State Backward Classes Commission concluded that "Newars in Sikkim had acquired higher position and status in social life from a pretty long time and they were and are in no way considered lower than the Vaishya community their counterparts in other parts of India".

10. Sikkim and West Bengal Benches of this Commission have examined Requests for inclusion of "Newar" in the Central Lists of BCs for Sikkim and West Bengal and have come to the Findings that the "Newar" caste/community is not eligible for inclusion in the List of BCs since it is primarily a trader caste/community and hence is not found to be socially backward in West Bengal and, in Sikkim, it is socially and educationally an advanced caste/community, which is also found to be well-represented in the services of the State Government. Accordingly, the Commission has already tendered its Advice to Govt. of India for the Rejection of the Request for Inclusion of "Newar" in the Central List of Backward Classes for West Bengal vide NCBC Advice No. West Bengal 46/98 dated 16.11.98. Advice for the Rejection of the Request for Inclusion of "Newar" in the Central List of BCs for Sikkim is being tendered separately. In the case of West Bengal, the Advice of the NCBC for the Rejection of the Request for Inclusion in the Central List of "Newar" is in spite

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of its inclusion in the State List of West Bengal which, this Bench strongly feels, is not in accord with the irresistible facts mentioned in the ethnographic accounts and the Sikkim State Backward Classes Commission's Report establishing the high social position of the "Newar" as a single community. Since the Sikkim and the Darjeeling and Jaipalguri districts of West Bengal form a contiguous region, the social position of Newars in Sikkim and the two districts of West Bengal can reasonably be assumed to be more or less similar. It is significant to note that while rejecting the Request for inclusion of Newars in the Sikkim State List of BCs, the Sikkim State Backward Classes Commission has also taken note of the inclusion of "Newar" in the West Bengal State List.

#### IV. Findings

11. From the above material and evidence, the Bench is of the Finding that "Newar" is a community primarily of traders, mainly concentrated in the State of Sikkim, where it enjoys a high position not only socially and educationally but also in other areas including representation in the top echelons of the Government services, and the Darjeeling and Jaipalguri districts of West Bengal where it is at any rate is not socially backward. Obviously such a community cannot in any way be socially backward in Bihar also, where it is apparently and admittedly a numerically miniscule community. This conclusion applies irrespective of religion, including Christian religion, professed by the members of the community. It is not normal for a community which is not socially backward to turn out to be socially backward on adoption of a different religion. No evidence whatsoever has been brought before the Bench by the Request-maker in support of the claimed social backwardness of Newar(Christians). All that has been stated by the General-Secretary of the Christian Welfare Association is that this community is "Paharia" like Tharu. By "Paharia", he probably meant "Pahari", which denotes all inhabitants of hill areas. Apparently, instead of "Pahari", the word "Paharia" is used in order to misguidingly chime with the surname of a well-known Scheduled Caste

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leader of North India, namely, Shri Jagannath Paharia, former Chief Minister of Rajasthan. While thus misguidingly describing the community as "Paharia", as illustration he has invoked the name of Tharu. There is a clear equivocation in this. Tharu is a Scheduled Tribe of Uttar Pradesh which has been scheduled as such in the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967. Tharus constitute only a miniscule population of the Hills of Uttar Pradesh. The Hill people include many other communities some of which are SCs, some are STs and some are BCs, and some are also Socially Advanced Classes like Brahmins and Rajputs. The SCs and STs have long back been included in the respective lists of SCs and STs by appropriate Presidential Orders. Most of the BCs are also included in the Central List of BCs and those which have been left out and which have made Requests for inclusion in the BC lists are being considered by this Commission under Section 9(1) of the NCBC Act. That, of all the hill communities, the Request-maker has singled out a miniscule Scheduled Tribe community of Uttar Pradesh is a clever act that gives the impression that the Newar(Christian) is comparable to the Tharu. There is absolutely no similarity or comparability between Newars, whether Christian or of any other religion, and Tharus. Being a Pahari is not a ground for the inclusion of a caste/community in the List of BCs, or for that matter in the list of SCs or STs. "Pahari" is not a social class at all, but an assortment of different social classes living in the same geographical territory as there are different social classes in all other geographical territories in India with the exception of limited territories which are wholly or almost wholly inhabited by the STs as in the case of Nagaland, Mizoram etc. Each social class of each geographical territory is to be examined whether it is actually socially backward or not. In the present case all the available evidence shows and the Bench concludes that Newars of Bihar, including Newar(Christians) are not socially backward and therefore the Request for Inclusion of "Newar (Christians)" in the Central List of Backward Classes for Bihar should be rejected.

*Madan Mohan*  
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*P. S. Krishnan*  
23.4.99

ATTESTED  
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Secretary  
Commission

V. Advice of the Commission

12. The Commission considered and agreed in full with the above Findings of the Bihar Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, for necessary action by the Central Government under Section 9(2) of the Act:-

Request for Inclusion of "Newar(Christians)" community in the Central List of Backward Classes for Bihar be rejected as it is not socially backward.

13. On account of the unfortuate demise of one of the Members, Shri Navtej Puadhi on 16.8.1998, this unanimous Advice of the Commission does not bear the signature of that Member. The validity of the Advice, notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act, 1993.

*Navtej Puadhi*  
3.5.99

*P. S. Krishnan*  
23.4.99

*K. Shyam*  
03.05.99

*P. S. Krishnan*  
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