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राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार
त्रिकूट-१, भीकाजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikool - 1, Bhikaiji Cama Place, New Delhi - 110 066

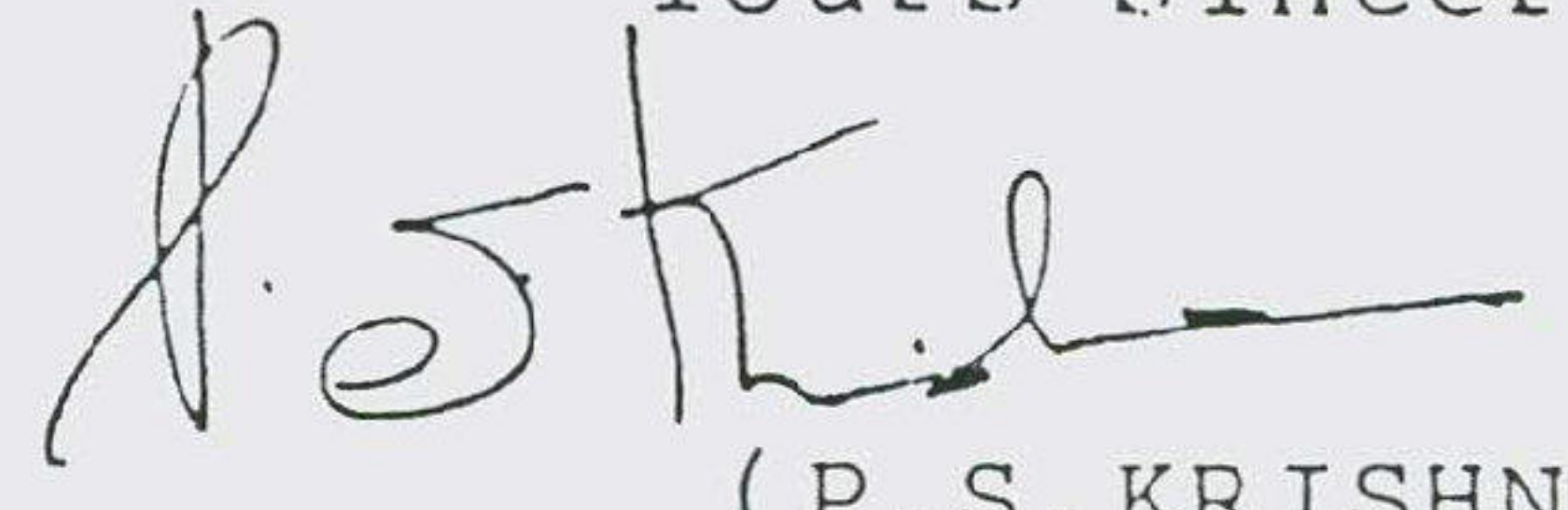
NCBC Advice No. West Bengal 46/98

16. 11. 1998

Dear Shri Manavalan,

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" caste/community in the Central List of Backward Classes for West Bengal, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

Shri D.K. Manavalan
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

o/c

NCBC Advice No. West Bengal 46/98

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL BENCH

FINDINGS

Per Shri U.P. Singh

Case : Request for inclusion of "Newar" caste/community in the Central List of Backward Classes for West Bengal.

I. Request

This case arises from the Requests received in this Commission from (I) The Secretary, Scheduled Castes & Tribes Welfare Department, Govt. of West Bengal, Calcutta vide letter No. 63-TW/EC/M-6/82(I) dated 18.1.1996, and (ii) Bharat Newar Sangathan, Darjeeling for inclusion of the "Newar" caste/community in the Central List of Backward Classes for West Bengal.

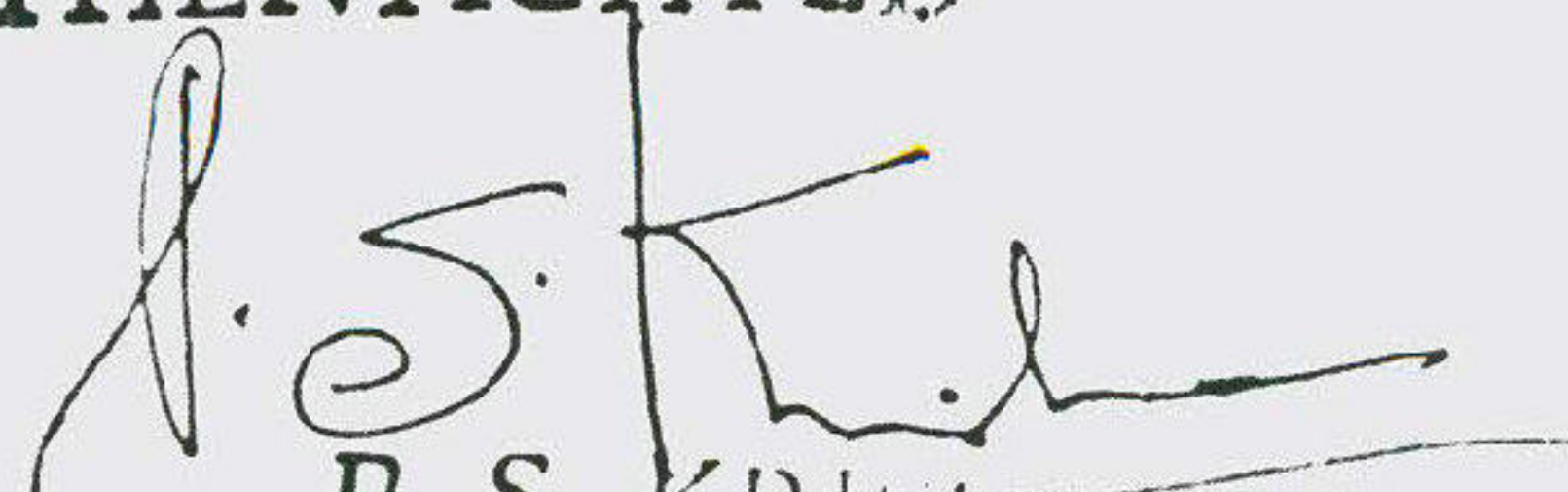
II. Public Hearing

2. The two-Member West Bengal Bench of the Commission consisting of Hon'ble Members, S/Shri U.P. Singh and Sahu Akshaya Bhai, held a Public Hearing at Darjeeling on 24.9.1997 in respect of this Request. At the Public Hearing the State Govt. was represented by Dr. M.K. Chaudhary, Director, Cultural Research Institute, Calcutta, Shri S.D. Sherpa, Project Officer & District Welfare Officer, Scheduled Castes & Tribes Welfare Department, Darjeeling and other officials of the State Govt. The community was represented by Shri D.N. Pradhan, Darjeeling Newar Sangathan, Darjeeling, West Bengal.

III. Facts

3. The State Govt. of West Bengal had no list of Backward Classes till after the Supreme Court Judgement in the Mandal case delivered on 16th November,

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1992. For this reason, the Expert Committee on Backward Classes could not, on the basis of principle of commonality, recommend a Central List of Backward Classes for West Bengal as it could do for 14 other States, which already had their respective lists of Backward Classes, and therefore, the Central Government also could not issue a Central List of Backward Classes for West Bengal in 1993. The Govt. of West Bengal issued its first list of Backward Classes by its Notification No. 346-TW/EC/M-6/82(I) dated 13th July, 1994 in the Calcutta Gazette of the same date, which consisted of 14 entries. The Government of India, Ministry of Welfare, by its Notification No. 163 dated 19.10.1994, published in the Gazette of India of 20.10.1994, issued a common list of OBCs for West Bengal which consisted of the same 14 castes/communities.

4. The Government of West Bengal issued its second instalment of Backward Classes consisting of 12 castes/communities by its Notification No. 705-TW/EC/M-6/82(I) dated 13th December, 1994 in the Calcutta Gazette of the same date and its third instalment of 3 castes/communities was issued by its Notification No. 370-TW/EC/M-6/82(I) dated 12th May, 1995, published in Calcutta Gazette of the same date. The State Government has also issued a fourth instalment of 9 Backward Classes by its Notification No. 1179-TW/EC/M-6/82(I) dated 1st December, 1995 published in the Calcutta Gazette of the same date including "Newar" at entry No. 2 which reads as follows:-

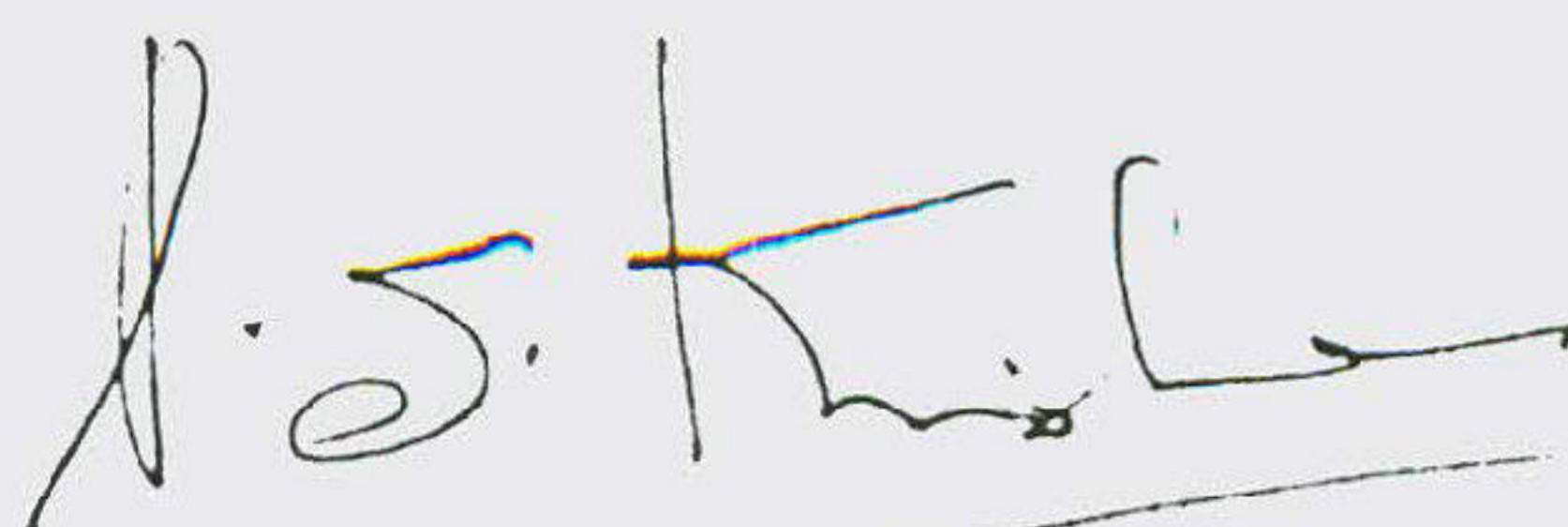
"2. Newar"

5. "Newar" is one of 9 castes/communities included in the fourth State List of Backward Classes issued on 1.12.1995, in respect of which the State Government's request was received on 18th January, 1996.

6. The corresponding entry in the Mandal Commission's List of Backward Classes for West Bengal is as follows:-

"148. Newar"

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7. The NCBC's Questionnaire supplied by the Darjeeling Newar Sangathan, Darjeeling shows that "Newar" is a main caste and also called by the name of "Pradhan" having approximate population of 2,65,000 largely concentrated in Darjeeling, Jalpaigudi, Cooch- Behar, Malda, West Dinajpur, Midnapore, Calcutta, Howrah, Hooghly and 24- Parganas Districts of West Bengal. The occupations on which the members of the caste/community mainly depend for livelihood are "manual labour, daily wage earners, coolies, masons, carpenters, durwans, foot-path sellers, pottery, utensils and ornament making, barbers, thelawala, agricultural labourers and tea estate labourers" etc. which mainly involve manual labour. About only 3 per cent are involved in agricultural activities on their own land and the rest render manual labour for wage. The women and children of the caste/community, as a general practice, are, for their own or for their family's livelihood or for supplementing their family's income, engaged in agricultural as well as other manual labour for wage. More than 93 per cent population of the caste/community (male, female and children taken together) are landless (both agricultural and non-agricultural) labourers. The caste/community, in terms of caste system, is identified/linked with the traditional craft of "pottery, ornament and utensil making".

8. 95 per cent of the families of the caste/community live in kachha houses which includes 15 per cent semi pucca houses and only 5 per cent live in pucca houses. The position with regard to employment/profession of the people of the caste/community is given as under:-

i)	Teachers	3(2 in colleges and one in University)
ii)	Doctors	4
iii)	Lawyers	10
iv)	Engineers & Architect	5

According to WBCC's note the caste/community has negligible representation in various professional technical posts. The people of

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caste/community has the following representation in different groups of posts of Central Govt. services:-

<u>Name of Group</u>	<u>Number</u>
Group A	3
Group B	5
Group C	34 (approx.)
Group D	87

9. It has been mentioned in the Questionnaire that during the last 20 years there has been no improvement in the condition of the caste/community.

10. Shri D.N. Pradhan, Darjeeling Newar Sangathan who appeared before the bench on behalf of the "Newar" caste/community submitted that the caste/community originally migrated from Nepal long ago. They are engaged in "Goldsmithy, ornament making and pottery making" like Kumbhars and Prajapatis. It was stated by him that the majority of population of the caste/community resides in tea gardens and work as tea garden labourers. At the age of 55 the labourer retires and his position is acquired by his son. They are concentrated in the Malda and Midnapore districts of West Bengal and are also employed as domestic servants, durbans, sepoy, etc. The people of the caste/community are also employed as 'Sais' who is a person to take care of horses and also called horse keeper which is considered unclean and stigmatised. He also stated that people of the caste/community used to open the laces of the officer who sits on the chair in front of them. Such was the social and educational backwardness of the caste/community that there was none to try to make representation for their inclusion with Scheduled Castes/Scheduled Tribes. However, they are now planning to represent for inclusion of their caste/community in the list of Scheduled Tribes.

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11. The existence of the Newar caste in the districts of West Bengal is available in Census of India 1931-Bengal and Sikkim (Part I Report) by A.E. Porter (Calcutta Central Publications Branch, 1933, P. 482). The Newars have a very complete and complicated caste organisation but no attempt was made to record their separate groups and in Nepal to which they are indigenous the conquering Gorkhas discourage any distinction of caste groups amongst these people and regard them more as a national or tribal entity. They are the original inhabitants of the Nepal valley. Figures were given in 1921 only for Darjeeling, Jalpaiguri and Sikkim. In Darjeeling they then numbered 8,751 and in Jalpaiguri 2,226; their numbers for these two districts are now 10, 235 and 2254, respectively. Their total number in the whole province is very little more than the aggregate of these two districts and amounts to 12,640. In Sikkim their numbers were 2,516 in 1921 and are now 3,811. The great majority of the tribes are Hindus; they returned "Buddhist" as their religion only in 83 cases in Bengal and 29 in Sikkim, and no more than 69 (all in Bengal) were returned under tribal religions."

12. Ethnographic literature about the "Newar" caste/community is available for Sikkim State which is geographically adjacent to Darjeeling. Therefore, the conditions of Newars are presumed to be similar of West Bengal and Sikkim. Sanchita Ghatak writes about Newars of Sikkim in the book "People of India-Sikkim", (Anthropological Survey of India 1993, Vol. XXXIX, pp. 131-141). According to her Newars are a trading community who because of the nature of their occupation prefer to live in the urban centres though some of them live in the villages for other occupations also..... From their history and traditions it is believed that the present newar population came to be formed from a number of ethnic groups, namely, the Abhiras, the Kirates, the Lichhawis, the Vaishya Thakuris and the Karnatakas..... According to Suniti Kumar Chatterji, the term Newar came into existence through the current practice in the Newari language of changing 'p' and 'i' to 'w' and thus Nepal became Newar. According to Babu Ram Acharya, the term Newar might have originated from the name of the

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Nepars, who might be the autochthones of the Kathmandu valley. According to him it is quite natural linguistically for Nepar to become Nebhar and then finally Newar. Again it is believed that the term Newar has come from the name of the Karnataka prince, Nanya Deo. There is yet another view that the original Newars were drawn from the Nayars who were Brahman-Kshatriyas. Further, according to Gorkha tradition, the Newars are the descendants of Kichaj, the minister general of Birat. Hamilton identified the Kirat as Kichak. Thus the Newars are a people of diverse origin. They live in the hill areas having high rainfall and cold climate..... Though they have their own Newari language belonging to the Tibeto-Burman group they use Nepali at home and with others in Sikkim, and their script is Devnagari.....

They have migrated to Sikkim from the West, i.e. from east of Nepal, and are settled in all the four districts of Sikkim. The Newar population in Sikkim is concentrated in the Nainthang, Pakyong, and Dugu areas. According to some informants, it is in order to commemorate their long association with the rulers of Nepal that they have assumed the surname 'Pradhan'(chief). They have six tiers of occupational subgroups of priestly castes, high castes, upper lower castes and lower castes. But after immigration into Sikkim they have done away with this traditional six-tier system and 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.....

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A wife from a lower sub-caste cannot perform rituals though her social position otherwise remains the same. She is also not allowed to enter the kitchen in the case of a joint kitchen or worship her husband's family deities... ..

They are high caste group, coming after the Brahmans and Chhettris. The community has surnames like Joshi, Pradhan, Shrestha. 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. But non-Newar woman is accepted only if she happens to belong to 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 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.....

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The Newar, a community with an urban disposition, is involved both in landowning and trading. The Newar traders are settled mainly in the towns obviously to be closer to the market.....

Women have no right to inherit property; but apart from trading they have their roles in agricultural activities, animal husbandry, collection of fuel, bringing water, and in the social, religious and political spheres. They contribute to the family income; control the family expenditure and are ranked equally with men. The term kala used for the wife etymologically means the goddess of wealth for the Newars. The identification of the wife with Lakshmi is consistent with the traditional view of the higher status of a woman.....

The Newars are artisans as a functional caste and also shopkeepers; non-Newars are absolutely dependent on them for all kinds of services.....

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..... An elected, multicomunity statutory panchayat has been formed only recently to plan and implement welfare and development activities. Disputes over land and water have been the main causes of conflicts and tensions..... Formal education is commended for both boys and girls, who generally both study up to the college level..... Most of the Villages have a primary school in the village itself. Modern medicare has an edge over indigenous traditional madicare..... There is a mid-day meal scheme for children..... They have a favourable attitude towards savings, and are usually not dependent on money lenders and shopkeepers.

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13. The State Govt. has given a copy of the note about the "Newar" caste/community alongwith the filled up NCBC's Questionnaire. The note contains that Newars are Non-Aryan group of people and belong to Tibeto-Burman group. They are inhabitants of Kathmandu Valley of Nepal and then migrated to the Darjeeling district and settled in the remote hilly region of the district. They are skilled craftsmen and traditionally engaged in "gold and silver crafts". They are mainly dependent on manual labour for their living. Majority of them eke out their existence as "tea garden labourers, agricultural labourers, service holders, small traders, domestic servants, artisans, etc."

14. Thus the ethnographic account about the caste does not substantiate the statements of Shri D.N. Pradhan who represented the caste/community and submitted the facts in favour of their inclusion in the Central List of OBCs for West Bengal. The facts submitted are contradictory and the totality of the ethnographic literature, both past and recent show that the caste/community is not a socially backward class.

IV Findings

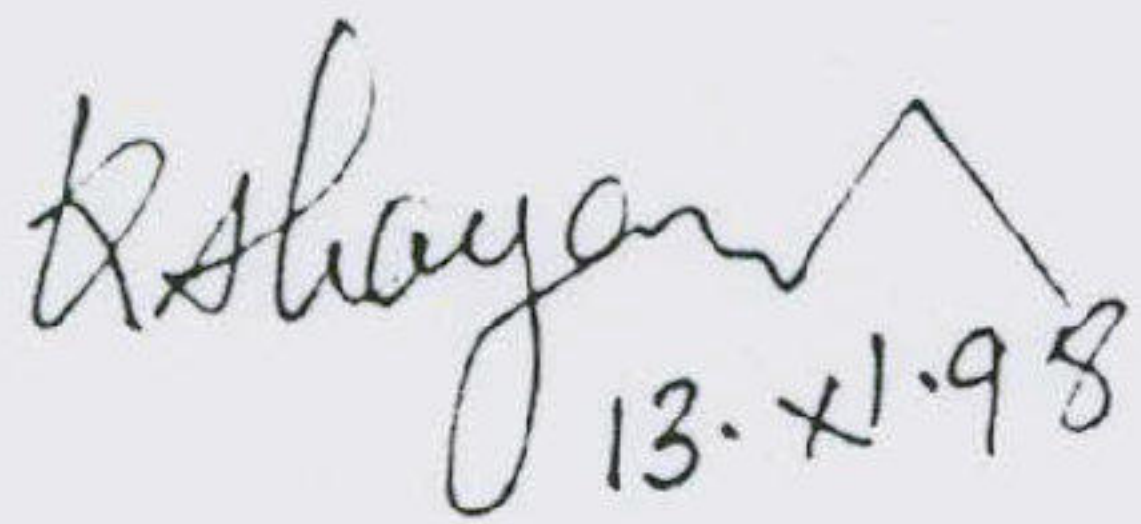
15. On the basis of above evidence, the Bench finds that the community is found engaged in trading occupations which is primarily of Vaishya Varna in Varna order. Vaishya group belongs to forward among Varna or caste system in Indian society. They are a high caste group coming after the Brahmans and Chhettris and they locate themselves below the Brahmans and Chhettris. This community also maintain social interaction with upper castes like Brahmans, Chhettris, Limbus, etc. They do not accept water or pucca food from Damais, Kamis, Sarkis and Majhis who are included in the list of Scheduled castes. They also do not accept siddha food from the Shudras. The primary occupation of the community is stated to be trade, which is largely confined to the upper strata of the society and non-

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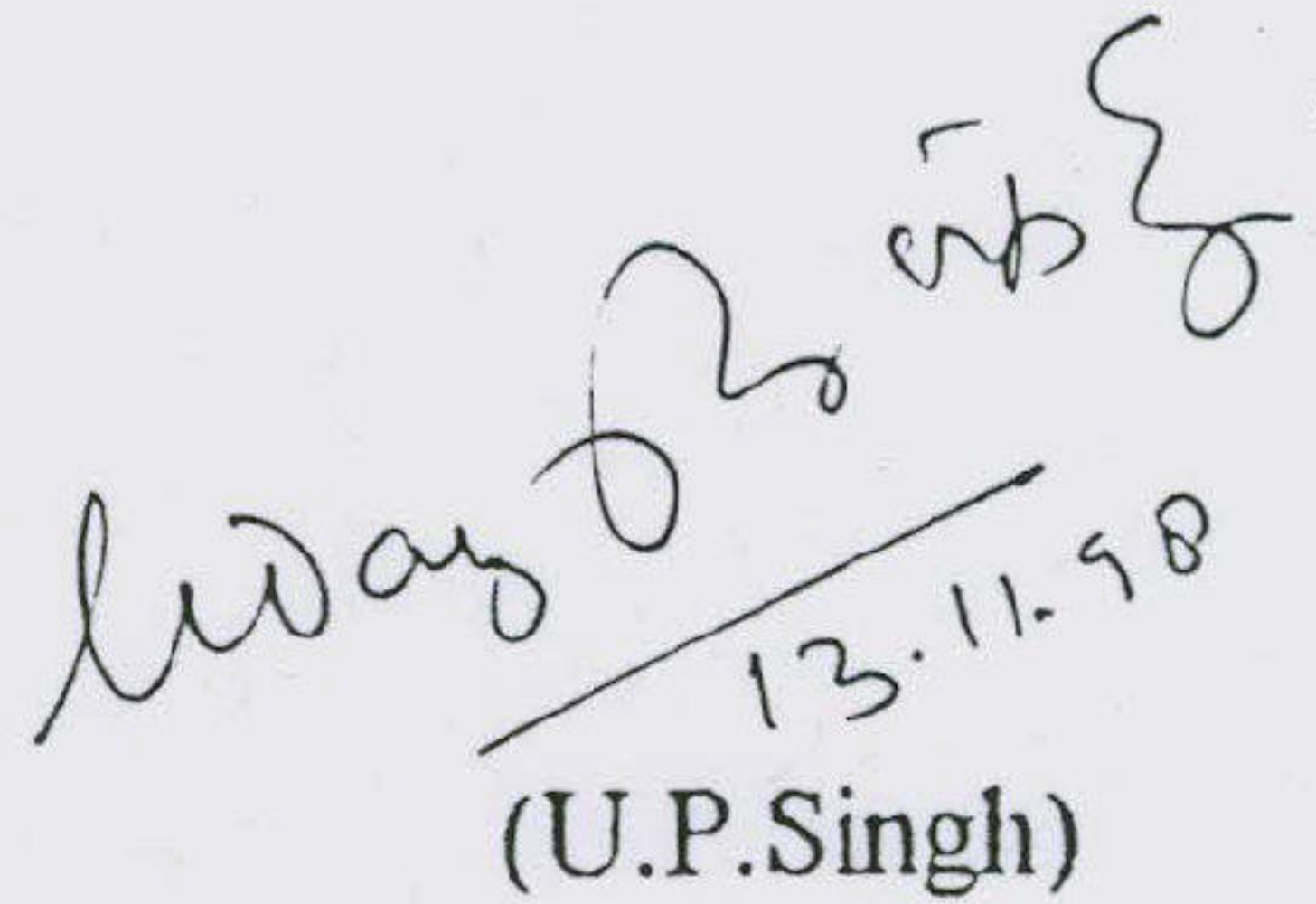


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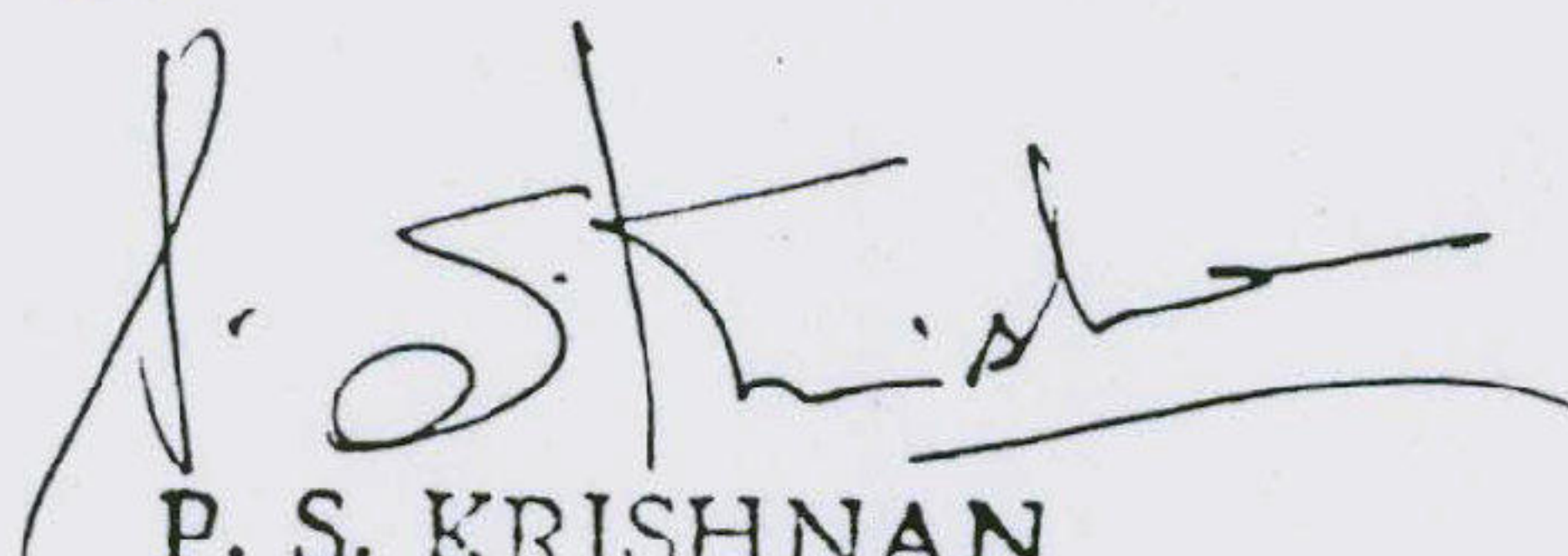
Newars are absolutely dependent on them for all kinds of services. The Newars have stated to assumed the surname 'Pradhan' (Chief) in order to commemorate their long association with the rulers of Nepal. Inter-community marriage with a non-Newar woman is permitted only if she happens to belong to a Brahman. An elected, multi-community statutory panchayat has been formed only recently to plan and implement welfare and development activities. These facts precisely refer to the higher social status of the community among the communities of Nepali origin and therefore, the Bench finds that ""Newar" caste is not Socially Backward. The Bench thus concluded that "Newar" caste/community is not Socially Backward and therefore their Request for inclusion in the Central List of Backward Classes for West Bengal be rejected.


13.11.98

(Sahu Akshaya Bhai)


13.11.98
(U.P. Singh)

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V. Advice of the commission

16. The commission considered and agreed in full with the above Findings of the Sikkim Bench and decided to tender the following Advice to the Central Government under section 9(1) of the NCBC Act, 1993, for action under section 9(2) of the Act:-

The Request for Inclusion of "Newar" caste/community in the Central List of Backward Classes for West Bengal be rejected as they are not Socially Backward .

On account of the unfortunate 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.

Kshayam
13.11.98

Navtej Puadhi
13.11.98

P. K. Sengupta
16.11.98

P. S. Krishnan
13.11.98

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