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P. S. KRISHNAN
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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग 39

भारत सरकार
ट्रिकूट-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

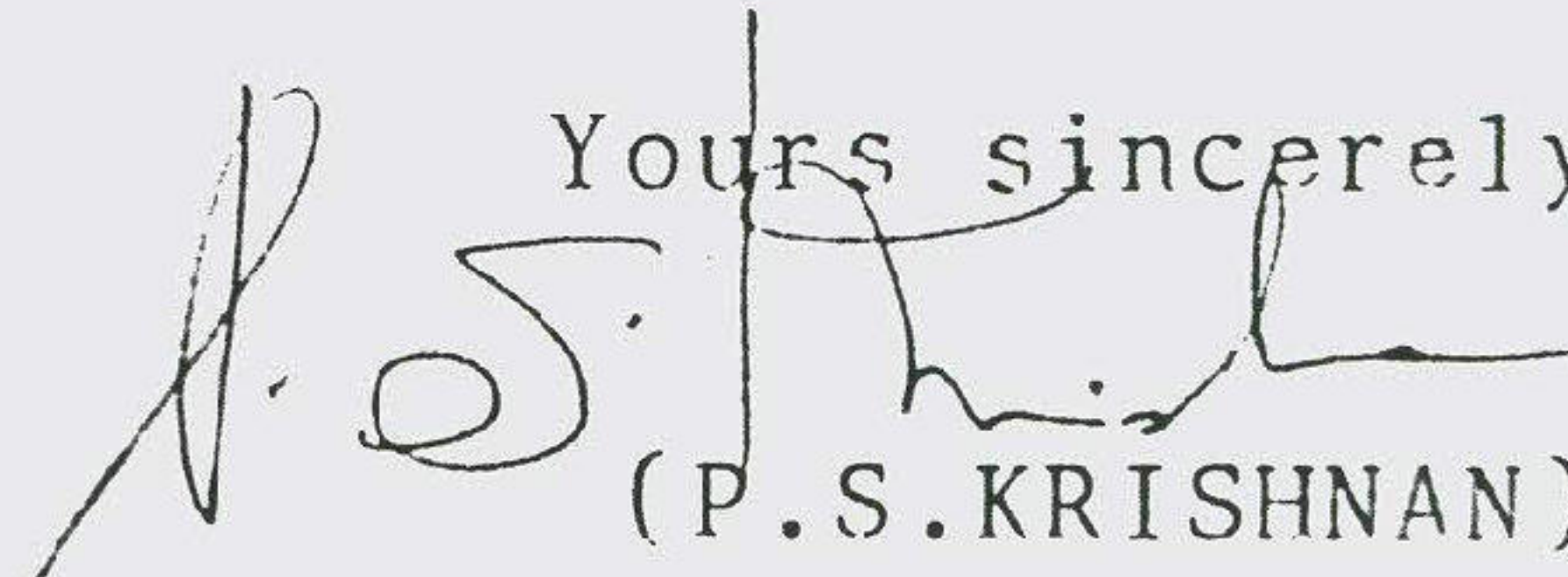
NCBC Advice No. West Bengal 55/90

17. 05. 1999

Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes (NCBC) under Section 9(1) of the NCBC Act for the Rejection of the Request for Inclusion of "Gorkha" 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.

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

issued
29/5/99

NCBC Advice No. West Bengal 55/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL

FINDINGS

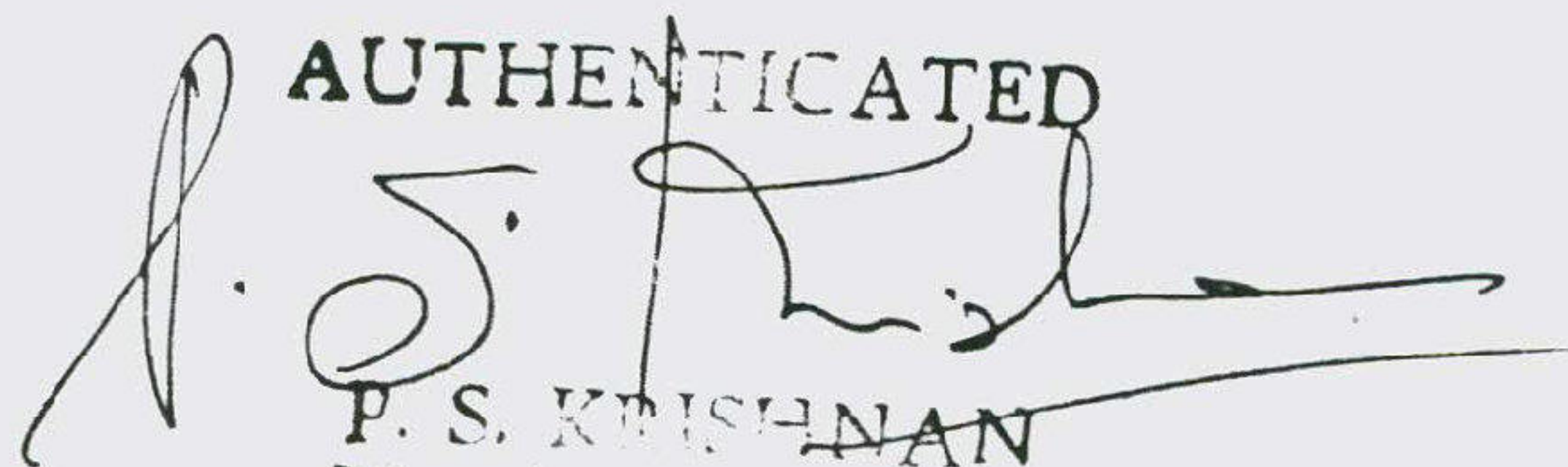
Case : Request for inclusion of "Gorkha" community in the Central List of Backward Classes for West Bengal.

Per Shri U.P. Singh, Member

This case arises from the Request received in this Commission from Shri Subash Ghisingh, Chairman and Chief Executive Councillor, Darjeeling Gorkha Hill Council, Darjeeling and Shri Dawa Tamang, President, Young Gorkha Front, Darjeeling for inclusion of "Gorkha" 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 Member, Shri U.P. Singh and Hon'ble Member, Shri Sahu Akshaya Bhai held a Public Hearing at Darjeeling on 25.9.1997 in respect of this Request. At the Public Hearing the State Govt. was represented by Dr. M.K. Chaudhari, Director, Cultural and Research Institute, Calcutta and Shri S.D. Sherpa and others from the Scheduled Castes & Tribes Welfare Department, Siliguri, West Bengal. Nobody appeared before the Bench to represent the community.

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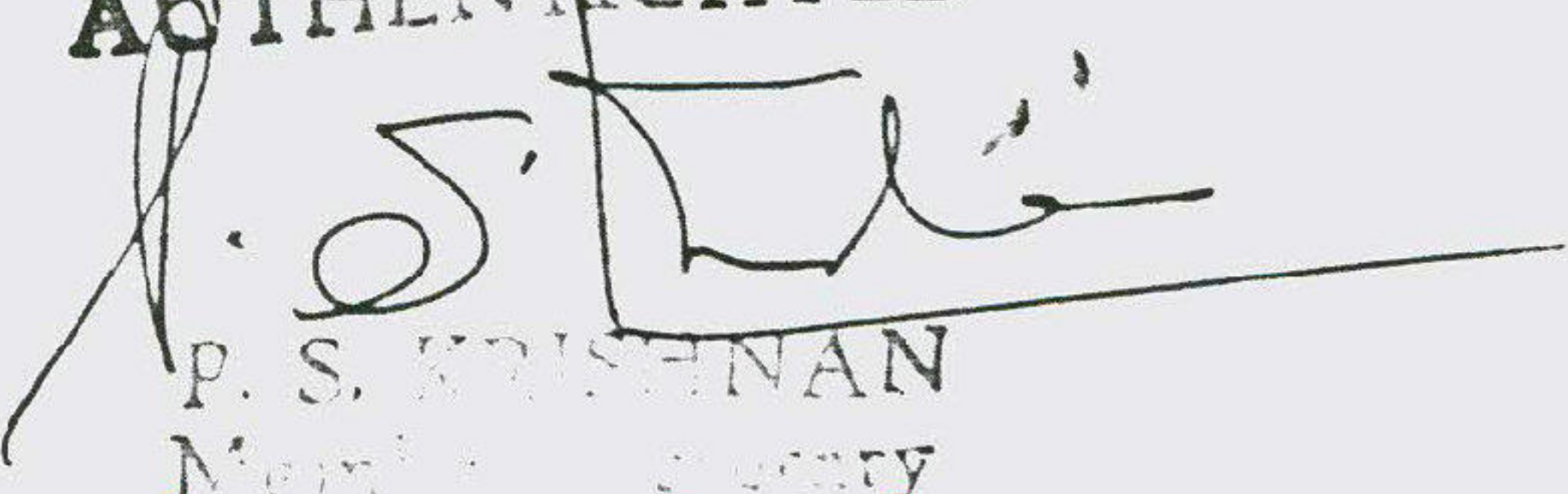
III. Facts

3. The relevant entries in respect of "Gorkha" community in different lists of West Bengal are reflected as follows

- i) Mandal List
"69.A. Gorkha"
- ii) State List
Not included
- iii) Central List
Not included

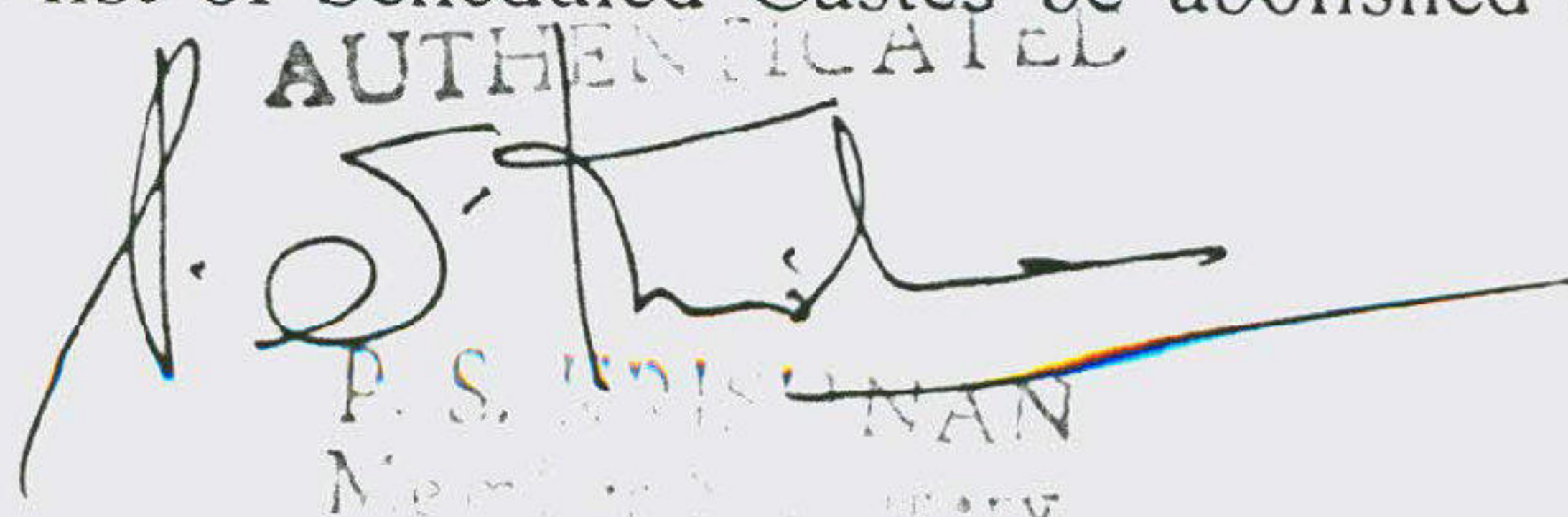
4. Shri Subash Ghisingh stated in his representation that the Darjeeling Gorkha Hill Council has been established as an autonomous council for economic, social, educational, cultural and other all round development of Gorkhas and other sections of people living in the hill areas comprised within the Darjeeling district of West Bengal. The area covers a population of 7.5 lakhs, of which Gorkhas constitute nearly 85% of the total and requested for inclusion of the entire Gorkha community in the Central List of OBCs for West Bengal. In this connection, a note on the community was attached with the Request which contains that hill areas of Darjeeling, which is the homeland of Gorkhas had been under different administrative setup during the British regime and they were engaged primarily for performing manual work and low paid, low skill support services. A good number of Gorkhas served in the British Army and later in the Indian Army and also in Para-military forces but mostly in junior, non-commissioned ranks. As the tea gardens were set up in the hill areas, most of the local people found employment in them and settled in forest villages to primarily work as forest workers. The habitation and the pattern of settlement also changed from place to place depending on the work in the forest and as new areas were opened up for setting up of tea gardens and related economic activities. However, the major source of employment

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for the people belonging to Gorkha community remained low paid ones. He listed the main reasons of backwardness of the community which include low level of education, lack of opportunities and limited access to the opportunities for education, high level of drop-out from schools, limited and less than proportionate representation in the civil services and Govt. services, low level of economic status, predominantly employed in the areas of low skill, low education, low wage such as agriculture. He also highlighted the backwardness and economic misery of the community which include low nutrition status, monetary indebtedness, continued dependence on low-yielding odd jobs and migratory jobs, little spare cash and difficult living conditions.

He further stated that the Kami, Damai and Sarki have been included in the list of Scheduled Castes and Bhutia, Lepcha, Sherpa, Dukpa and Yolmo (Kagatay) in the list of Scheduled Tribes, which are sub-castes/sub-communities of Gorkha, for the State of West Bengal. In the Mandal List Gorkha as a whole and Tamang and Thapa have been included separately. He has highlighted the issue of inclusion of Gorkha community as a whole in the Central List of OBCs rather than including only certain sub-castes/sub-communities. In this connection, he has stated that if the categorisation into Scheduled Castes and Scheduled Tribes is considered, there is a fit and cogent case for some other sub-castes and communities within the so called, relatively forward communities for inclusion within such list of Scheduled Castes e.g. within Pradhan community, the people belonging to Bara and Kusulay, within Chhetri community, sub-communities like Giri, Bhujel, Khawas and Narba within Tamang community which are just a few examples. Even the people of few Brahmin communities are also socially, educationally and economically backward. Such categorisation without any logical, consistent basis is likely to be misunderstood and confusing and in a way accentuate casteism which will impede the efforts of the Gorkha community to come out of social backwardness. He emphasised that the casteism has no basis for determining backwardness, when other rational, socio-economic and educational parameters are available and therefore, proposed that the list of Scheduled Castes be abolished and the entire

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He stated that there should be not any other categorisation into Scheduled Castes and all other communities comprised within Gorkha community and be included in the list of OBCs and such lists should be common for both the State Govt. and the Central Govt. In this connection, he cited the example of Kami, Darji (Damai), Khati which are S.C. for West Bengal but included in the List of OBCs for other States. He said that the basic thrust be in eliminating the casteist feelings while preparing the list of OBCs.

6. W. Crooke in his book "The Tribes And Castes of the North Western India" (Published by Cosmo Publications, Delhi, 1974, Reprint, 1st Edition, 1896, Vol. II, P. 468) describes the Gurkha; Gorkha (gau-raksha, "keepers of cows") , the name for an aggregate of various races who inhabit the numerous valleys interspersed through the mountains of Nepal. "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.

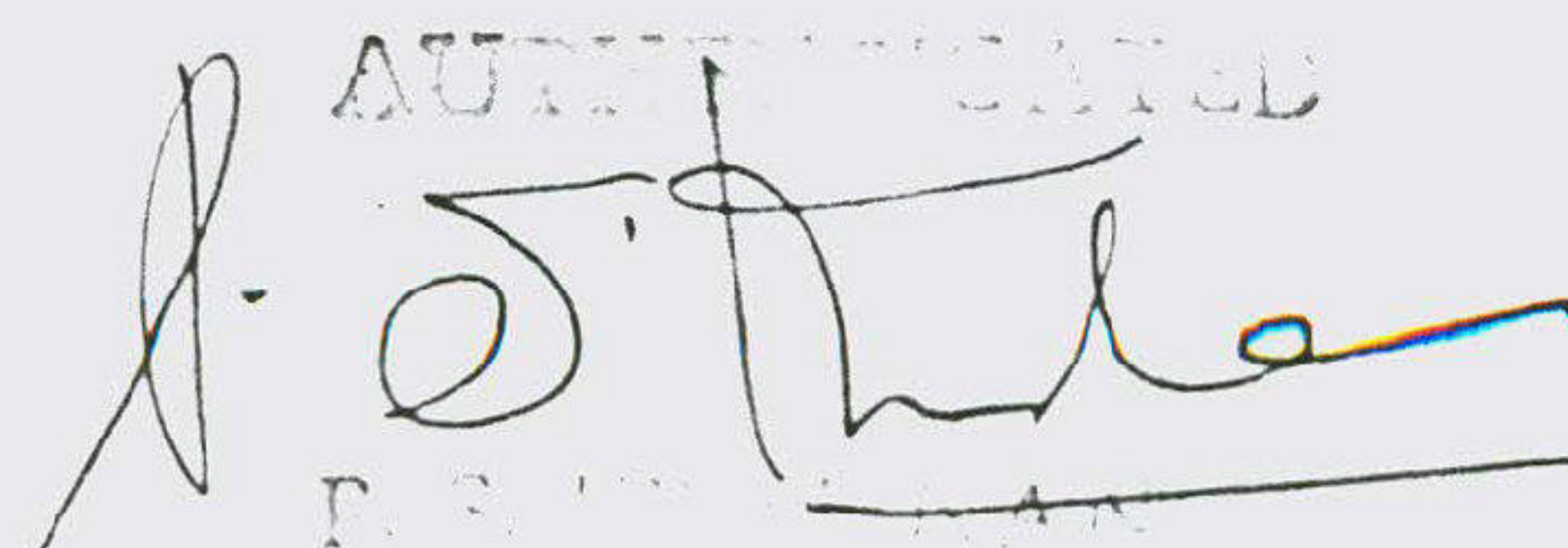
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But west of the Kali river the case is different, almost all the inhabitants claiming a descent from Hindu colonists. They accordingly consist chiefly of the two superior classes of Hindus, Brahmans, and Kshatriyas, with their various sub-divisions. 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 their troops; (2) the Gurungs, a pastoral tribe; (3) the Newars, an industrious people, following agriculture and commerce, and more advanced in the mechanical arts than the other mountain tribes; (4) the Dhenwars and Manjhis, the husbandmen and fishers of the western districts; (5) the Bhotiyas; (6) the Bhanras, a sept which branched off from the Newars; (7) the Jariyas."

7. The Gorkha or Nepali has been described by different authors in the book "People of India – General Editor K.S. Singh" for different States as follows:-

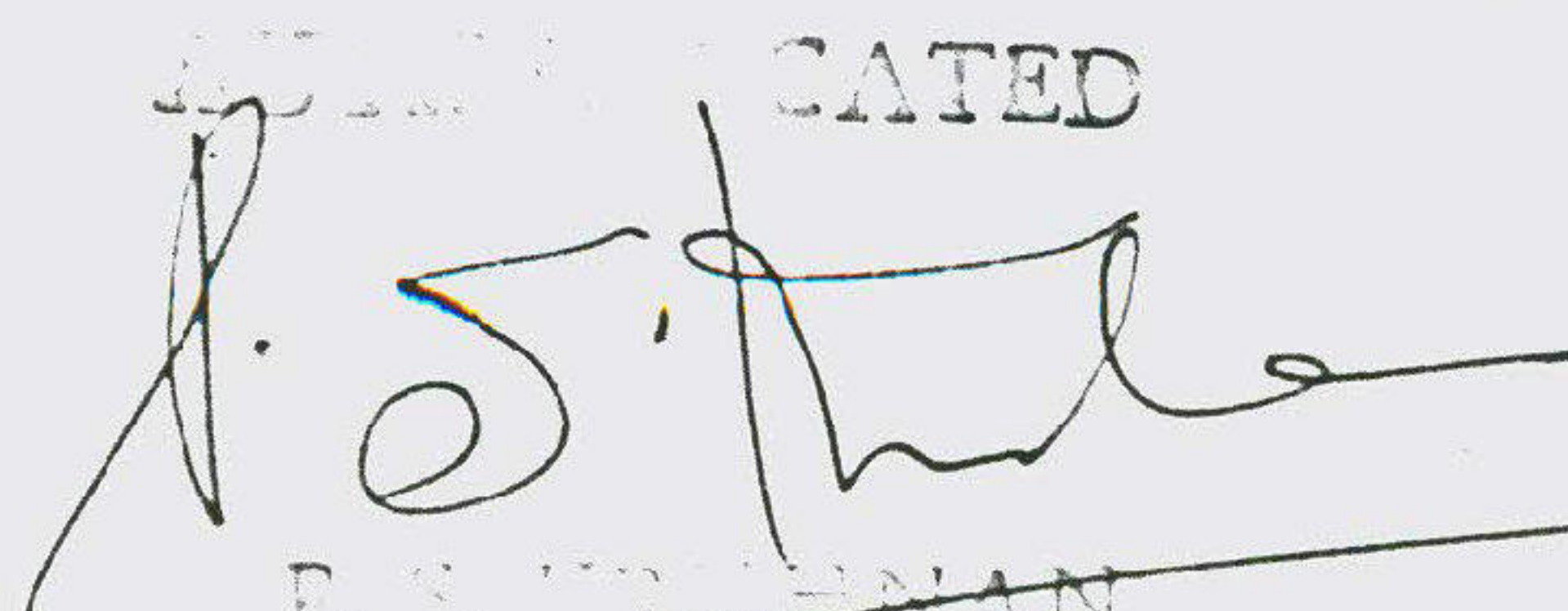
i) A.K. Bhatia writes in the book "People of India – Haryana" that the Gorkhas are also known as Nepali, Thapa or Bahadur in Haryana. They are called by these synonyms on account of their originally belonging to Nepal..... They are divided into seven sub-groups, namely, Barman, Chettri, Thakuri, Mangar, Neoar, Thokali and Jundi. They are said to be of royal or warrior class origin, but due to changed circumstances migrated to different parts of India and settled for various jobs. The Barman are most highly placed as they belong to the priest class. The Thakuri and Chettri are equivalent to the Kshatriya group. The function of the groups is to regulate marriage alliances, indicate social status and descent.

ii) N.N. Kundu describes "Gorkha" in the book "People of India – Mizoram". He writes that the Gorkha is the name of the community and it also has its synonyms e.g. Gorkhali and Nepali. Long ago these Gorkha people migrated to India from Nepal to serve in the Indian defence forces. The history of Gorkhas in

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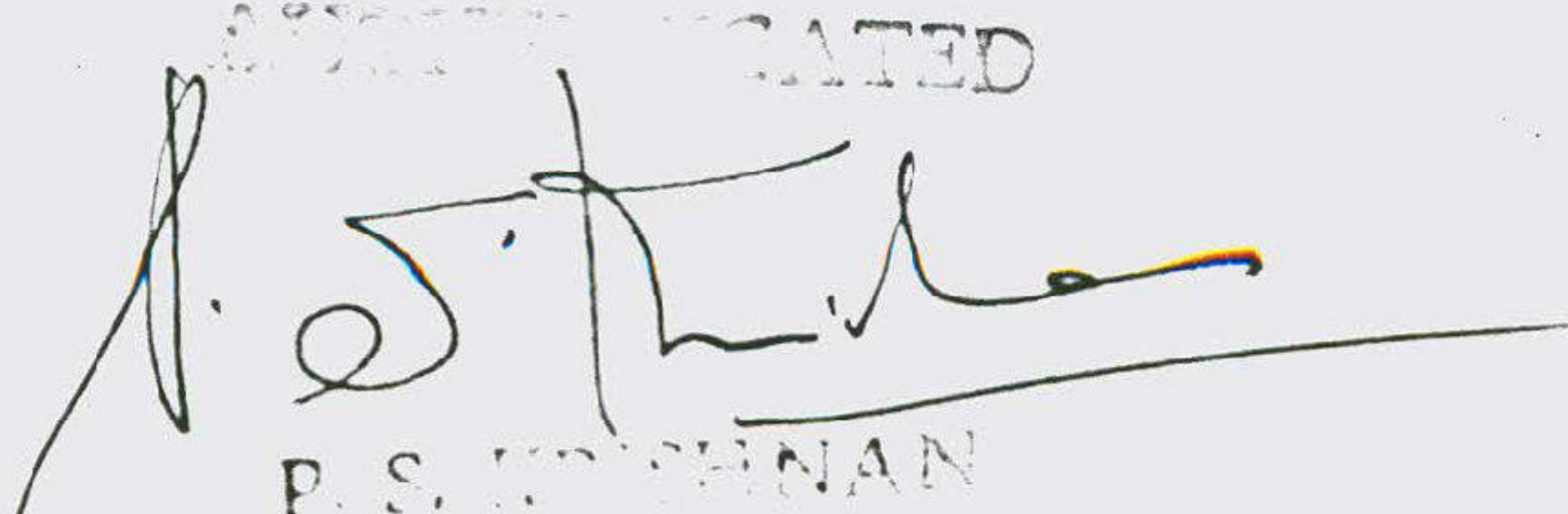
Mizoram began with the expeditions of the British in the later part of the 19th century..... The Gorkhas are mostly Hindu and they are a linguistic minority in Mizoram..... The Gorkhas are divided into different endogamous caste groups on the basis of varna system..... Among the Brahman, there are Upadhyaya, Bahun, and Jaishi caste groups having gotras like Arjel, Sikdal, Kashyap, Atreya, Bharadwaj etc. Chhetri and Sahim come under the Kshatriya. The word Chhetri is the corrupt form of the original word Kshatriya. Different caste groups like Gurung, Lama (Tamang), Thapa, Rai, Limbu, Pun, Pradhan and Gharti are Vaishyas and have their own gotras. Lohar (Kami), Sarki, Sunar (Kami), and Damai caste groups Sudras and have their own gotras.They had differentiation on the basis of social and religious levels. After having lived for at least three generations in Mizoram and being few in number, they stopped following the caste system rigidly.

iii) Asim Mitra writes in the book "People of India – Arunachal Pradesh" that the Nepali is a generic term subsuming 13 castes or sub-groups – Bhujal, Brahman, Chhetri, Damai, Gurung, Kami, Limboo, Magar, Pradhan, Rai, Sherpa, Sarki and Tamang. The Nepalis of the Vijaynagar circle identify themselves as Gorkha. They are all ex-army men settled in the Vijaynagar circle in the Changlang district by the Government of India..... A majority of them hail from the western part of the present kingdom of Nepal. The different castes or sub-groups referred to as jati have a hierarchical order. The Brahmans, the priestly group, occupy the highest position, while the Sarkis, the cobblers, are placed lowest. These positions are based on the traditional occupations. The Chhetris are traditionally the warrior group and the Pradhans are the businessmen. These are placed above the agricultural groups, such as the Magars, Rais, Limboos and Tamangs. The Sherpas (shepherds) and Damais (tailors) are placed just above the Sarkis. The Nepalis believe that the social hierarchy or the varna order has been created by god, and that it should not be discontinued. Generally they treat their neighbours as equals, but the Brahmans and Chhetris consider themselves superior to the others.

DECLARATION

 P. S. PRADHAN

iv) S Barua writes in the book "People of India – Meghalaya" under the head Nepali that the term 'Nepali' is a generic term. In Meghalaya all those who come originally from Nepal call themselves 'Nepali' and sometimes they also refer to themselves as 'Gurkhali' or 'Gurkhas'. All the groups coming from Nepal belong to the Nepali sub-civilisation within the greater Hindu civilisation. Nepali Hindu sub-civilisation has two religious folds: Hinduism and Buddhism. The Brahmans, the Thakuris, the Chhetris and the lower caste, the Sarkis, the Lohars and the Sonars are orthodox Hindus. The Newari Bajracharyas Gubhajus, Vanras and the Udas are orthodox Buddhists. The rest of the Nepalis, particularly those who are in the intermediate rank in Nepali Hindu caste hierarchy are flexible in religious matters, some closer to Hindu belief and some like the Tamang, Newaris and Gurung are closer to Buddhist beliefs..... The Nepali first migrated to Meghalaya more than a century ago along with the British Indian Army, as sepoy of Assam Rifles and Gorkha regiment. After they were released from the services, a number of them settled down in different places of Meghalaya.....The Nepalis are stratified into different endogamous caste strictly following the Hindu varna model. The Nepali Buddhist are also included within the Nepali Hindu Varna order. Their stratification is based on the concept of purity and pollution. In Nepali caste structure, the Brahmans occupy the highest position. Below the Brahmans are the Thakuris, who are believed to be descendants of the royal or the ruling caste. The kind of Nepal also belongs to this caste. Just below the Thakuris are the Chhetris (their name is a corrupt form of the word Kshatriya), then comes the Newaris, who are vertically divided into number of endogamous sub-castes.

8. It is important to note that before a section of people can claim to be a backward class, they must first establish that they are a social class. Being a social class is a condition anterior to being backward class. But it is clear that the whole of the population of Nepali community in Darjeeling district of West Bengal is not a single homogeneous social class at all. On the contrary, it consists of a number of social classes. Such social classes of Nepali community include, for example

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Scheduled Castes and Scheduled Tribes who have, on the basis of relevant criteria, found place in the respective Schedules of Scheduled Castes and Scheduled Tribes for West Bengal., which have been scheduled under the Presidential Orders of 1950. The population of Nepali community residing in Darjeeling district also includes a number of social classes which are backward classes, some of which, after thorough scrutiny by the National Commission for Backward Classes have already been recommended for inclusion in the Central List of Backward Classes for West Bengal, and Advices tendered to the Government of India, and shown at para 9 hereinafter, and some are pending with the NCBC which will be decided after careful examination. Moreover, if any other social classes, which can be established to be backward classes, have been left out, on the basis of facts and criteria, they can be considered for inclusion by this Commission as and when specific Requests are received as in the cases of Mangar (Thapa, Rana), Newar, Thami, Bhujel, Sampang, Bungchheng and Nembang all belonging to Nepali community and are mostly resident of Darjeeling district and surrounding areas. Apart from such social classes of Scheduled Castes, Scheduled Tribes and Backward Classes there are also some other castes/communities like Brahmins, Thakuris and Chettris, who are both Kshatriyas as categorised in the Varna system as in other parts of the country, are clearly socially advanced classes. This fact has been attested to by the ethnographic account quoted in the book "People of India Series" for different States, especially Sikkim State, which adjoins Darjeeling and in fact Darjeeling was part of the Sikkim State and was annexed by the British during the colonial period..

9. We have already tendered Advices to the Govt. of India for the Inclusion/Rejection of Requests for inclusion in the Central List of Backward Classes for West Bengal, received in this Commission from the people of Nepali community, as follows:-

S.No.	Name of the caste/community	Advice No.	Date
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1.	Bhujel	West Bengal 28/97	12.3.98
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P. S. BHATTACHARYA

2.	Nembang	West Bengal	32/98	12.3.98
3.	Mangar (Thapa, Rana)	West Bengal	35/98	26.3.98
4.	Thami	West Bengal	38/98	29.5.98
5.	Sampang	West Bengal	39/98	11.8.98
6.	Bungchheng	West Bengal	40/98	11.8.98
7.	Newar	West Bengal	46/98	16.11.98

From above, the Advices for rejection of Requests for inclusion of "Mangar (Thapa, Rana)" and "Newar" castes/communities in the Central List of Backward Classes for West Bengal have been tendered to the Govt. of India as it, on examination, was found that the former have superior social position regarded by other Nepali communities and military prowess, and the latter belongs to Vaishya Varna, and a trader caste with primary occupation as trade and are found to be socially advanced and dominant. Advices in respect of Bhujel, Nembang, Thami, Sampang and Bungchheng have tendered for inclusion in the Central List of Backward Classes for West Bengal as, on examination, these castes/communities of Nepali origin have been found to be socially backward.

10. In the neighboring State of Sikkim, where Nepalese form the bulk of population as compared to the original inhabitants, Lepchas and Bhutias, they have classified into different social classes apart from SCS, STs and Other Backward Classes. We have already tendered Advices for rejection of Requests for inclusion of Bahun, Chettri and Newar castes/communities of Nepalese origin on being found that Bahuns are Brahmans, Chettris are Kshatriyas, and command superior social position over other Nepali communities as Brahmans and Kshatriyas enjoy in other parts of the country and are also found to be educationally advanced, well-represented in the State Govt. services and have a say in the administration. Newars are found to be a community primarily of traders who enjoy high social position and high representation in the services including higher services.

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 Member Secretary
 Ministry of Social Justice
 Government of India

IV. Findings

8. From the above facts and evidence, the Bench finds that the "Gorkha" is a group of people who migrated from Nepal and settled in different parts of India and also have stratification of castes. They follow the Hindu varna model wherein Brahmin, a priestly caste, occupy the highest position, then comes the Thakuris and Chhetris (a corrupt form of Kshatirya), then the Pradhans, the businessmen and traders and at the bottom are Damais (tailors) and Sarkis who are listed in the List of Scheduled Castes. In the book "People of India – Sikkim" it has been stated that in the Nepali community, Bahuns who are Brahmans and Chhetris do not accept water from the hands of Scheduled Castes. Thus the Request of the representationist to abolish the Scheduled Castes List and include all the people of Gorkha community as a whole in the list of Backward Classes cannot be acceded to as they are stratified into vertical caste hierarchy at the bottom of which are untouchables. Moreover, it is not within the jurisdiction of this Commission to make any amendment or change in the Scheduled Castes List. The Bench also referred to the Central Lists of BCs for various States in which Gorkha community has been included. Gorkha has been included in the Central Lists of Haryana and Punjab and Nepali (with sub-castes) in the Central List of Assam at the time of preparation of the first phase Central List of Backward Classes, on the basis of mechanical or automatic principle of commonality i.e. entries common both in the Mandal List and the State List. Nepali (Limbo, Matwali, Rai) has also, in the same way, been included in the Central List of Tripura. However, in such cases, studies/inquiries were not made with regard to identification of their social backwardness and these were included in the Central Lists of these States on being found common in the Mandal List and the State List and therefore, it can not be taken as a ground for inclusion of the entire Gorkha community in the Central List of Backward Classes for West Bengal. **The Bench thus concludes that the "Gorkha as a whole" do not constitute a single homogenous social class, but contains a number of social classes including Scheduled Castes., Scheduled Tribes., Backward Classes and Socially Advanced Classes and therefore the Request for inclusion of**

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"Gorkha" in the Central List of Backward Classes for West Bengal should be rejected.

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(Sahu Akshaya Bhai)

U.P. Singh
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(U.P. Singh)

V. Advice of the Commission

9. The Commission considered and agreed in full with the above Findings of the West Bengal Bench and decided to tender the following advice to the Central Government under Section 9(1) of the National Commission for Backward Classes Act, 1993 for necessary action by the Central Government under Section 9(2) of the Act:-

The Request for inclusion of the "Gorkha" in the Central List of Backward Classes for West Bengal be rejected, as it is not a single homogenous social class and includes a number of classes, some Scheduled Castes, some Scheduled Tribes, some Backward Classes and some Advanced and Dominant Castes..

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.

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U.P. Singh
17.5.99

P. K. Sengupta
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