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भारत सरकार
नई दिल्ली-110 066
MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
NEW DELHI-110 066

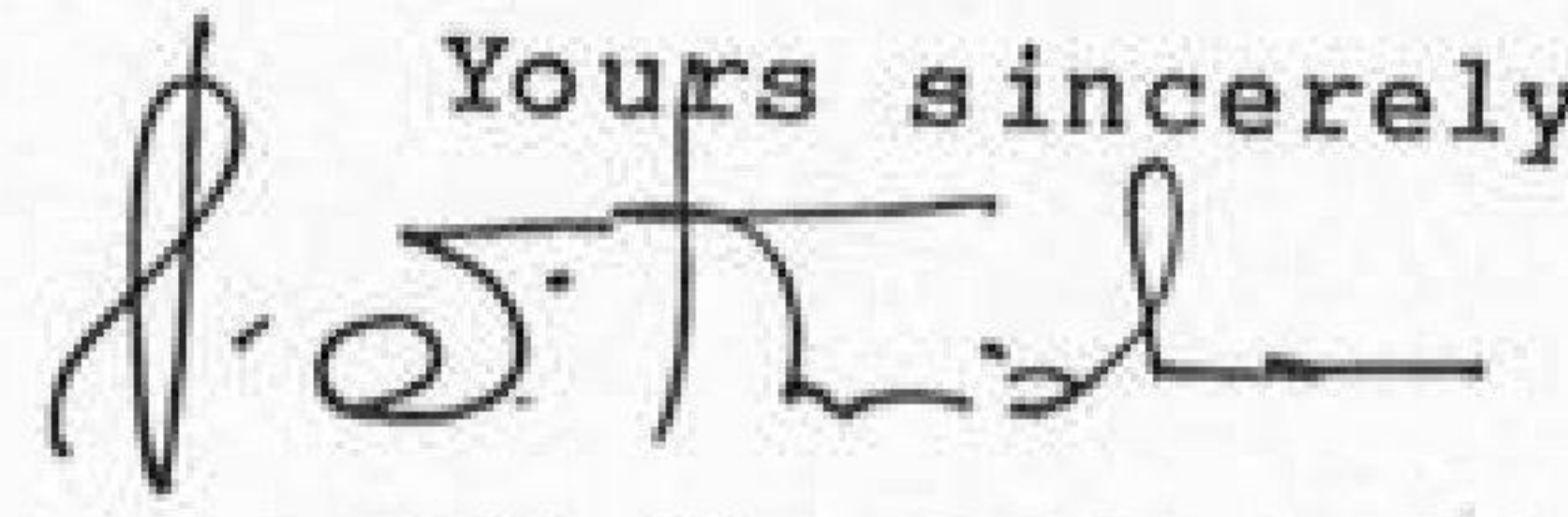
NCBC Advice No. West Bengal 59/99

28. 07. 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 Inclusion of "Tamang" 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.

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

O/c

28/7/99

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NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL

FINDINGS

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

Per Shri Justice P.K. Shyamsundar, Chairperson

This case arises from the Requests received in the National Commission for Backward Classes for inclusion of "Tamang" caste/community in the Central List of Backward Classes for West Bengal from the following:-

- (i) The Government of West Bengal, Scheduled Castes and Tribes Welfare Department, Calcutta vide No. 453-TW/EC/M-6/82 (I) dated 27th December, 1996.
- (ii) Shri D. Waiba
Secretary
Tamang Buddhist Association
Darjeeling, West Bengal.
- (iii) The General Secretary
Tamang Buddhist Gedun
Darjeeling, West Bengal.

II. Public Hearing

2. The three-Member Bench of the of the Commission consisting of Hon'ble Chairperson, Justice P.K. Shyamsundar, Hon'ble Members, S/Shri U.P. Singh and Sahu Akshaya Bhai held a Public Hearing at Darjeeling on 6.7.1999 to examine this Request for inclusion in the Central List of Backward Classes for West Bengal. At the Public

AUTHENTICATED

[Signature]
S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

Hearing, the State Govt. was represented by Dr. M.K. Chaudhari, Director, Cultural Research Institute, Calcutta, Shri S.D. Sherpa, Project Officer & District Welfare Officer, Scheduled Castes & Tribes Welfare Department, Siliguri, West Bengal and other officials. The caste/community was represented by the following:-

- i) Shri D. Waiba
 - ii) Smt. Hima G. Moktan
 - iii) Shri B.S. Boujon
 - iv) Shri P.S. Moktan
 - v) Shri P.P. Lama
- and others.

III. Facts

3. The State Government of West Bengal had no list of Backward Classes till after the Supreme Court Judgement in the Mandal Case delivered on 16th November, 1992. For this reason, the Expert Committee on Backward Classes could not, on the basis of the "Principle of Commonality", recommend a Central List of Backward Classes for West Bengal as it could do for 14 other States, and therefore the Central Government also could not issue a Central List of Backward Classes for West Bengal in 1993. The Government 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 19.10.94, 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. In the series of its further instalments of Backward Classes, the Government of West Bengal issued its fifth lists by its Notification No. 183-TW/EC/M-6/82 (I) dated 8th March, 1996, published in the Calcutta Gazette of the same date including "Tamang" at entry No. 4 as follows:-

"4. Tamang" (L-5)

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Member Secretary
National Commission
for Backward Classes

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

"167. Tamang"

5. The representatives of the caste/community who were present at the Public Hearing stated that they had requested the State Government for their inclusion in the List of Scheduled Tribes and the State Government had already recommended their case to the Government of India for inclusion in the List of Scheduled Tribes. The fact was also substantiated by the State Govt. representative. However, a section of the representatives opposed the Request for inclusion in the Central List of Backward Classes fearing that their case may not be considered favourably for inclusion in the S.T. List in case they are included in the List of Backward Classes. The Bench made it known to them that when they will try for inclusion in the S.T. List their inclusion in the List of Backward Classes will not in any case hamper their chances for inclusion in the S.T. List. If they are included in the S.T. List their caste will be deemed to thus have ceased to be mark of a Backward Class. Thereafter the representatives of the caste/community reiterated their request for inclusion in the List of Backward Classes for West Bengal. The representatives submitted that they are engaged as labourers, tea garden labourers, teachers, etc. They are Buddhist and are also known as Murmis. They further stated that in Nepal they were known as 'Pipa', carriers of dolies (palanquin) and workers in the field of rich farmers and 'Pakhure', landless bonded labourers.

6. The State Govt. with their Request for inclusion, inter alia, of "Tamang" caste/community in the Central List of Backward Classes for West Bengal vide letter No. No. 453-TW/EC/M-6/82 (I) dated 27th December, 1996, submitted the WBBCC's Note recommending the inclusion of "Tamang" in the State List of BCs which contains that the Tamang originated from a mongolian or semi-mongolian racial stock who claim to be one of the earliest settlers of Nepal. They have migrated from Tibet via Nepal. Now they are found in Mirik of Karseong sub-division, Soreen and Takling of Sadar sub-division of Darjeeling district, Kalchini of Jalpaiguri district, Assam and Sikkim. Traditionally Tamangs held land on a communal basis under what was known in Nepal as the Kipat form of land but at present they have lost their Kipat lands and engaged in the lower

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Member Secretary
National Commission
Backward Classes

supervisory grade in the tea-garden. They are also cultivators and some of them are engaged in different services. The note further contains that the Tamangs constitute the second largest group of people in the Darjeeling district next only to the Rais. There are 2,75,000 Tamangs in the district of Darjeeling and 1,75,000 in the district of Jaipalguri, most of them are tea garden workers and some possess land also. Most of them are beef eaters. They take the meat of oxen who die a natural death as they are not permitted to kill that sacred animal by their custom and religion.

The Note also mentions that the Tamangs are educationally very backward. About 20% of the males attend primary level of education, about 10% upto secondary level and about 5% upto the higher secondary and graduation level. So far as the women folk is concerned, the position is still worse. About 10% attend the primary level, about 5% upto secondary level and about 3% upto the higher secondary level and about 2% upto graduation level. There is hardly anybody in this class in any of the professional lines, viz. medicine, engineering, accounting or law and there is none with any post-graduate degree. There is hardly any one in this class in any respectable or responsible position either in Government service or in the Public Sector Undertaking. There are only two officers in the Forest Service and two in the State Civil Service. There is no member from the Tamangs either in the Parliament or in the Zilla Parishad, Panchayat Samity and Gram Panchayats. There are, however, 2 members in the West Bengal State Legislature. They mostly work as coolies, employees in tea gardens, agriculturists, army, paramilitary jawans, durbans and primary school teachers. About 66% of the people belonging to the class live below the poverty line.

7. H.H. Risley's account in the book "The Tribes And Castes of Bengal – Ethnographic Glossary" (Published by Firma Mukhopadhyay, Calcutta, India, 1981, Reprint, 1st Edition, Calcutta, 1891) describes "Tamang" as follows:-

- (i) "Tamang, a thar or sept of Murmis in Darjeeling. The term is sometimes used to denote the whole caste." (Vol. II, P.291)

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Member Secretary
National Commission
for Scheduled Caste

(ii) "Murmi, Tamang Bhotia, Ishang, Sain, a Mongolian or Semi-Mongolian caste, who claim to be among the earliest settlers in Nepal. The bulk of Murmis are cultivators and regard agriculture as their original and fitting occupation. Many of them serve in police and Lama Murmis are enlisted as recruits by the Ist Gorkhas..... A considerable number are employed as labourers on tea gardens near Darjiling. In the matter of diet they have few scruples; they eat beef, port, fowls, and frogs, and indulge freely in spirituous liquors. Notwithstanding this, their social status in the Himalayan region is respectable, and Nepalese Brahmans and Chattris will take water and sweetmeats from their hands." (Vol. II, P. 110-113)

8. "Tamang" caste/community has been included in the Central List of Backward Classes for Sikkim at entry No. 7.

9. During the Public Hearing the State Government representatives as well as those present from different sections of society did not object for inclusion of "Tamang" caste/community in the Central List of BCs for West Bengal rather supported it.

IV. Findings

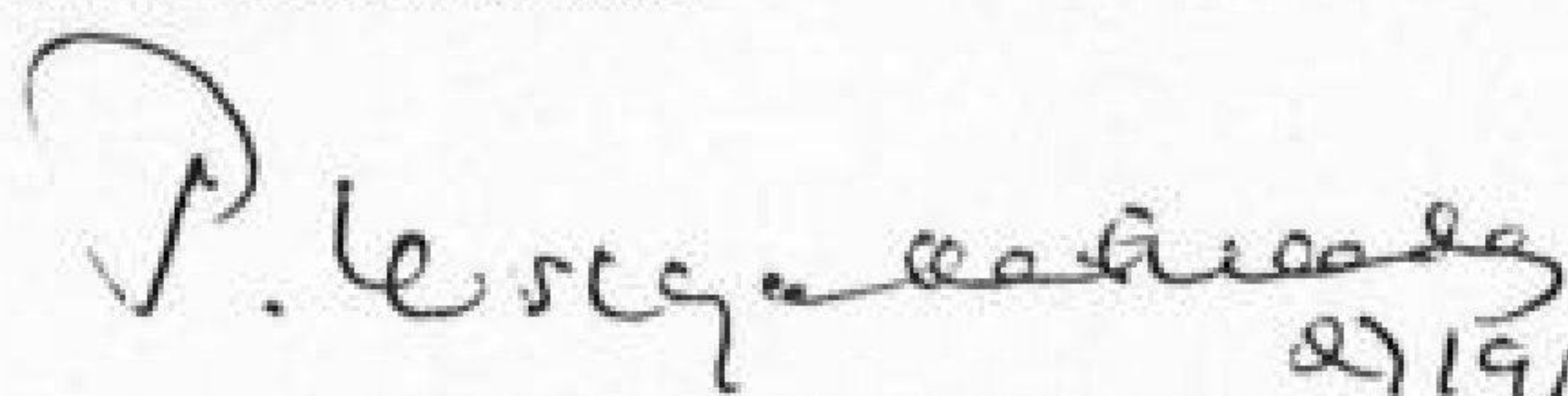
10. From the above evident material, the Bench finds that the "Tamang" caste/community is both a Socially and Educationally Backward Class and therefore merits acceptance of its inclusion in the Central List of Backward Classes for West Bengal. The case of the caste/community is pending with the Central Government for inclusion in the List of Scheduled Tribes. As a matter of fact, a section of the representatives were opposed for inclusion in the List of Backward Class apprehending fear of securing chances of their inclusion in the List of Scheduled Tribes and hence to ensure that this obviously very backward community is not deprived of necessary aid either as a Scheduled Tribe or Backward Class, the Bench concludes that until and unless

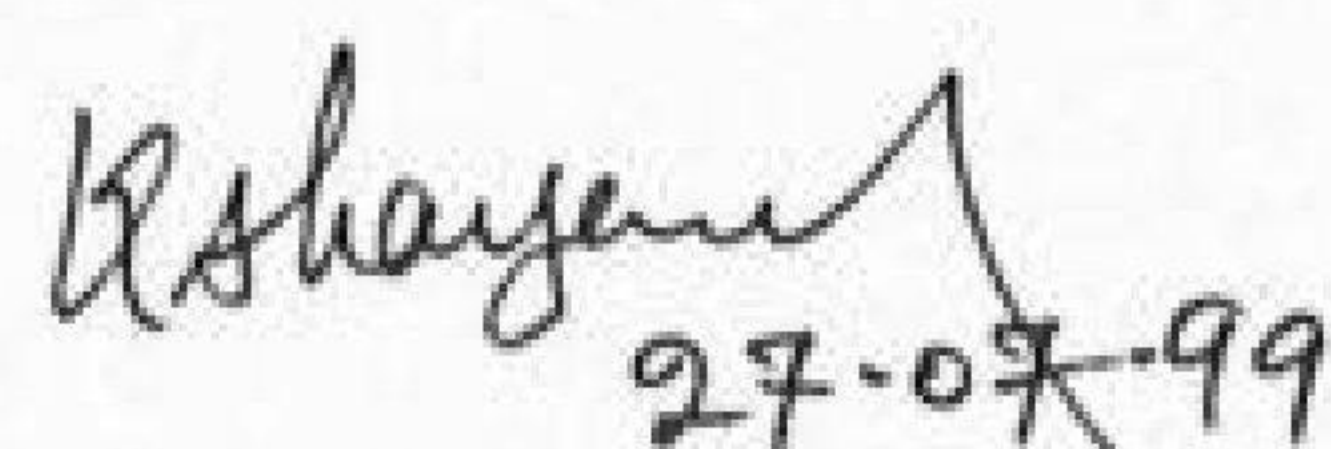
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Member Secretary
National Commission
for Backward Classes

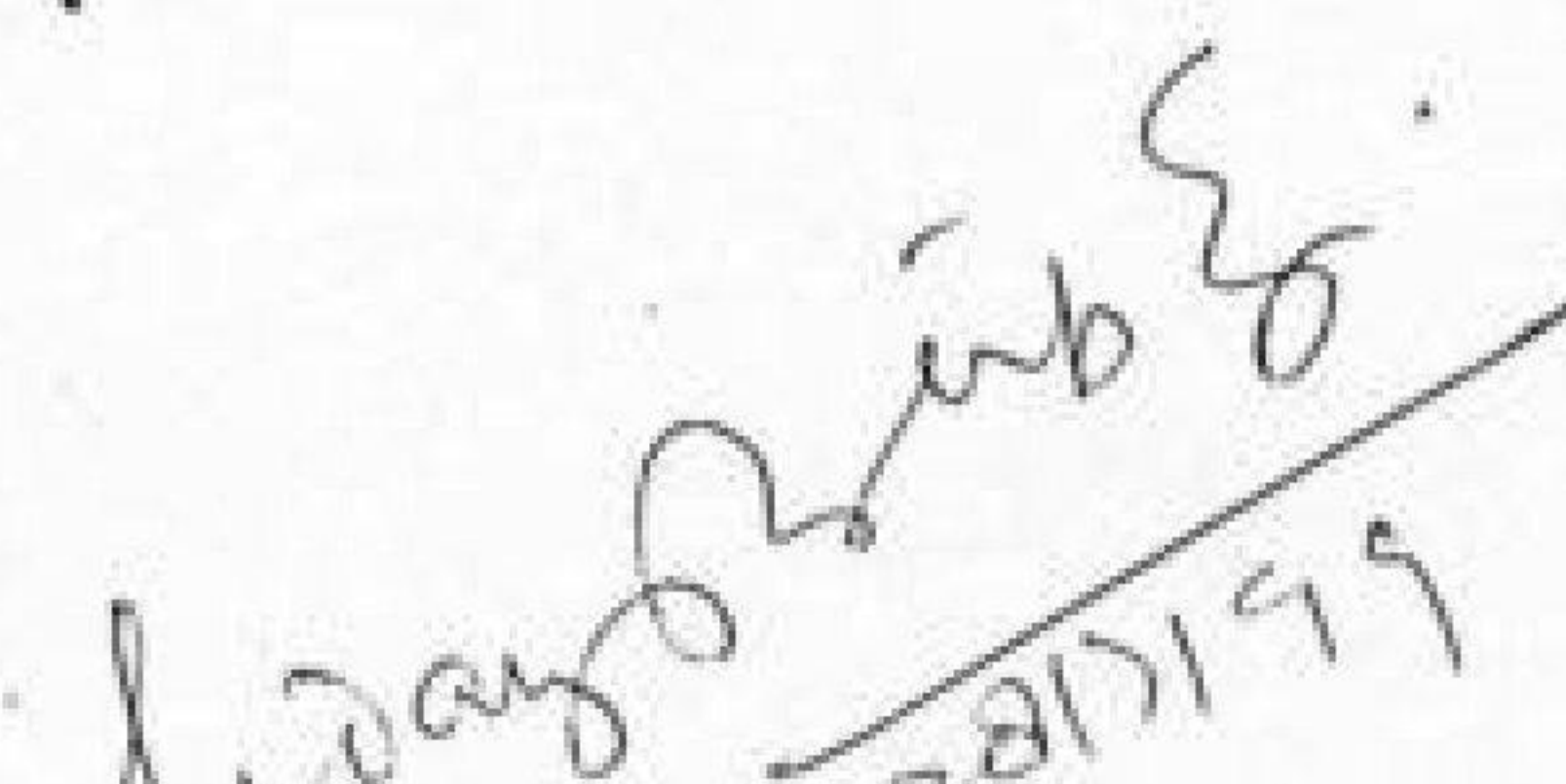
it is included in the List of Scheduled Tribes it should be included in the Central List of Backward Classes for West Bengal at entry No. 49 as follows:-

"49. Tamang"

Since no caste or community can be both in the Scheduled Tribes List as well as in the Backward Classes list, after the inclusion of "Tamang" in the List of Scheduled Tribes, they will automatically stand deleted from the list of Backward Classes. The Central Government is advised to take note of the same so that at the appropriate stage, in the event of their becoming eligible for getting a Scheduled Tribe certificate after inclusion in the list of Scheduled Tribes, the entry in the list of Backward Classes for West Bengal in respect of the caste/community shall stand deleted. This may also be conveyed by the Central Government to the Government of West Bengal so that action along these lines is taken at both ends.

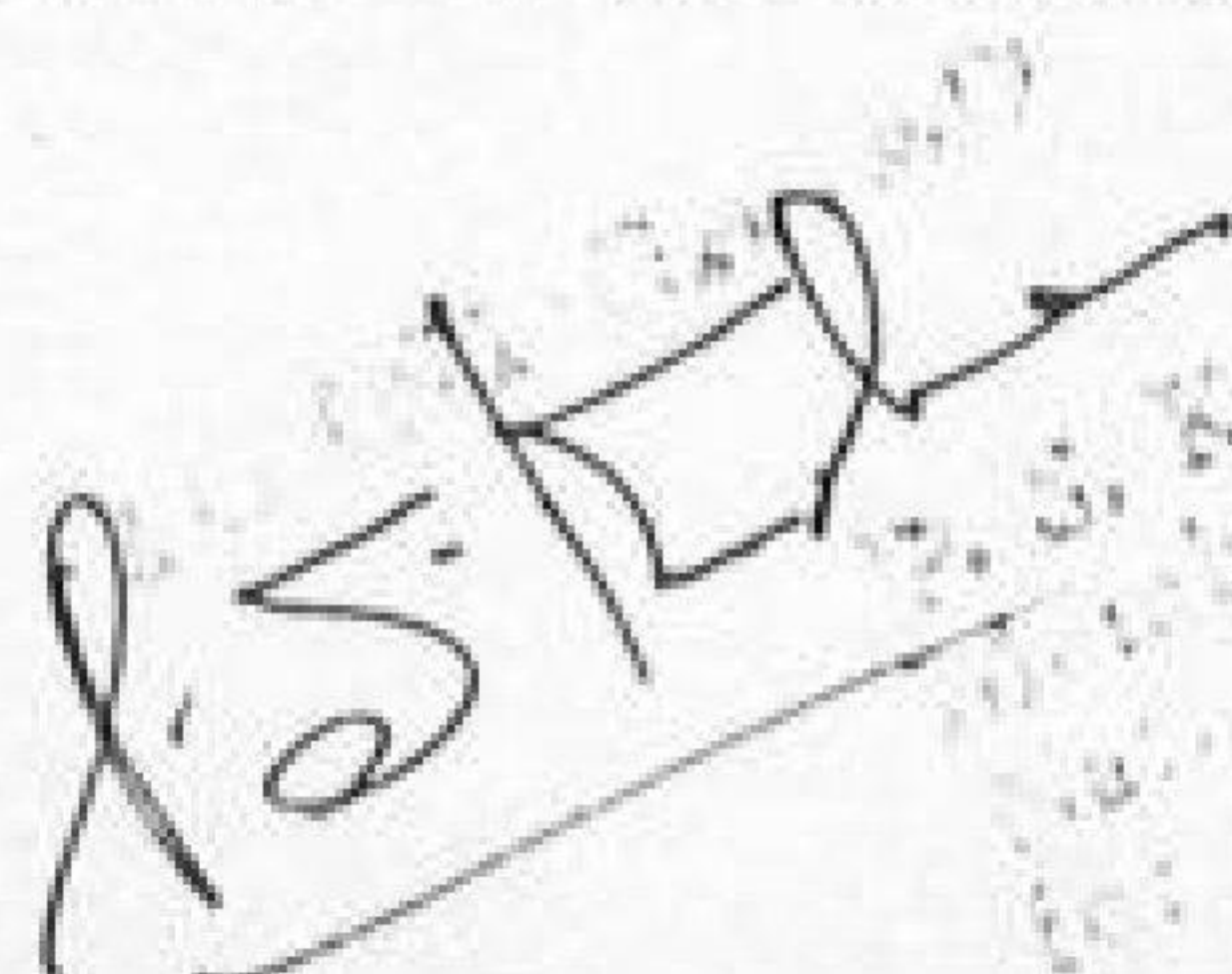

(Justice P.K. Shyamsundar)


27.07.99
(Sahu Akshya Bhai)


28/7/99
(U.P. Singh)

IV. Advice of the Commission

11. 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:-


P. S. KRISHNAM
Member Secretary
National Commission
for Backward Classes

"Tamang" caste/community be included in the Central List of Backward Classes for West Bengal at entry No. 49 as follows:-

"49. Tamang"

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P. K. Sengupta
27/7/99

Pradyumn Singh
28/7/99

Kshayan
27.07.99

Dr. S. K. Sengupta
28-7-99

J. S. Kishore
28.7.99

J. S. Kishore
Secretary
National Commission
for Backward Classes