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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

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

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

NCBC Advice No. Sikkim 3/99

03.05.1999

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 of "Newar" community for inclusion in the Central List of Backward Classes for Sikkim duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

2. With this, Advices on 609 (317 for Inclusion + 292 for rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 602 (311 for Inclusion + 292 for Rejection) are still pending with the Government for Notification.

Yours sincerely

O/C

(P.S. KRISHNAN)

Encl: As stated.

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

SIKKIM BENCH

FINDINGS

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

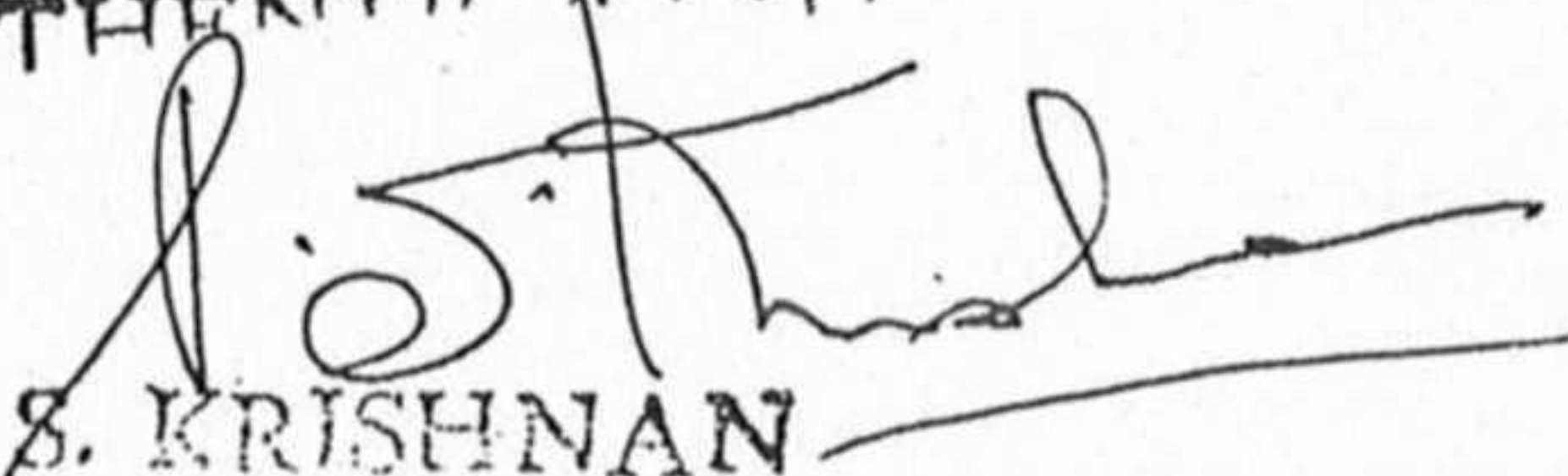
Per Shri U.P.Singh, Member

I. Request

This case arises from the Requests received in this Commission for inclusion inter alia of "Newar" caste community in the Central List of Backward Classes for Sikkim from the following:-

- (i) The President
Sikkim Newar Guthi
6th Mile, Tadong
Gangtok, Sikkim.
- (ii) Shir D.B. Bradifo
President
Temi Tarku Project Samittee
S. Sikkim
Sikkim.
- (iii) Dr. K. Bhandari
Bahun Chhetri Community
Baluwakhani
Gangtok.

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II. Public Hearing

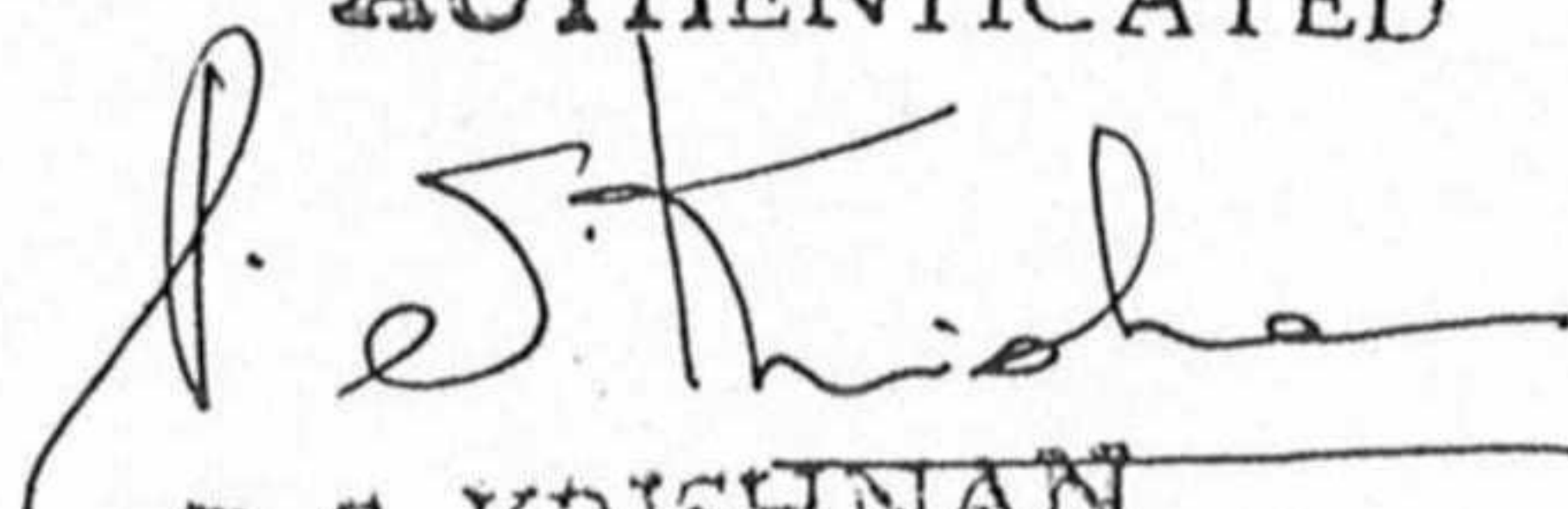
2. The three-Member Sikkim Bench of the Commission consisting of Hon'ble Members, S. Shri U.P. Singh, Navtej Puadhi and Sahu Akshaya Bhai held a Public Hearing at Gangtok on 9.12.97 in respect of this Request. At the Public Hearing the State Govt. was represented by Shri B.K. Pradhan, Joint Controller, State Backward Classes Commission Cum-Secretary, Food & Civil Supplies & C.A. Department and Shri Kuber Sharma, Deputy Secretary, Food & Civil Supplies, Govt. of Sikkim, Gangtok. The caste/community was represented by the following from Sikkim Newar Guthi, Gangtok and others:-

1. Shri K.C. Pradhan
2. Shri G.P. Pradhan
3. Mrs. Bindu Pradhan
4. Shri B.R. Pradhan
5. Shri D.K. Pradhan
6. Shri Kumar Pradhan

III. Facts

3. The caste community was not included in the Mandal List. At the time of preparation of the first phase Central List of Backward Classes on the basis of "Principle of Commonality" the State Govt. of Sikkim had no list of Backward Classes and therefore the Expert Committee on Backward Classes, for this reason could not recommend a Central List of BCs for the State. Govt. of Sikkim issued a list of Backward Classes, vide Govt. of Sikkim Notification No. 2/WD dated 2nd June, 1994. Govt. of India vide its Notification No. 88 dated 25th May, 1995, issued a Central List of Backward Classes in respect of Sikkim State on the basis of commonality i.e. castes/communities being in the State List and Mandal List. "Newar" caste/community could not find place in the Central List as it was neither in the State List nor in the Mandal List.

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4. Shri K.C. Pradhan, President, Sikkim Newar Guthi submitted during the Public Hearing that children of the caste community go to school and the State Govt. provide necessary facilities like exemption of fees, mid-day meals etc. to them. Quite a number of "Newar" families do not send their children to schools and instead involve them in labour work to supplement the family's living. The caste/community constitutes 4 per cent of the State population and there were only 2 MLAS out of 32 and no MP from amongst them. They are socially not different from other Backward Classes in the State and fully shared in the development of the State after its joining the Union of India.

5. Shri G.P. Pradhan, Vice President, Sikkim Newar Guthi stated that more than 70 per cent population of the State is covered by the Backward Classes. 50-100 years back they were agriculturists and there was no trade in Sikkim. This was with reference to the account cited by the Bench from the Book "People of India - Sikkim" that caste community was a trading one. He emphasised that the information was Nepal based and not relevant in the present context of the caste community. However, he concurred in that they call themselves "Pradhan" as cited in the book "People of India - Sikkim" (p.-133). He further submitted that there is no caste system in Newars and they are not being discriminated against on the grounds of caste system. The caste/community has the influence of Buddhist religion.

6. Mrs. Bindu Pradhan, Joint Secretary (Retd.), Information and Publicity, Sikkim, who also appeared before the Bench on behalf of the caste community stated that for self identity they called themselves 'Pradhan' which was common name. Pradhans were both Christians and Buddhists also. There was no discrimination on the grounds of religion. She also submitted that there were different castes in 'Newars' and Scheduled Castes were also from them. Their population was 20,000 and only 10 families were involved in business. According

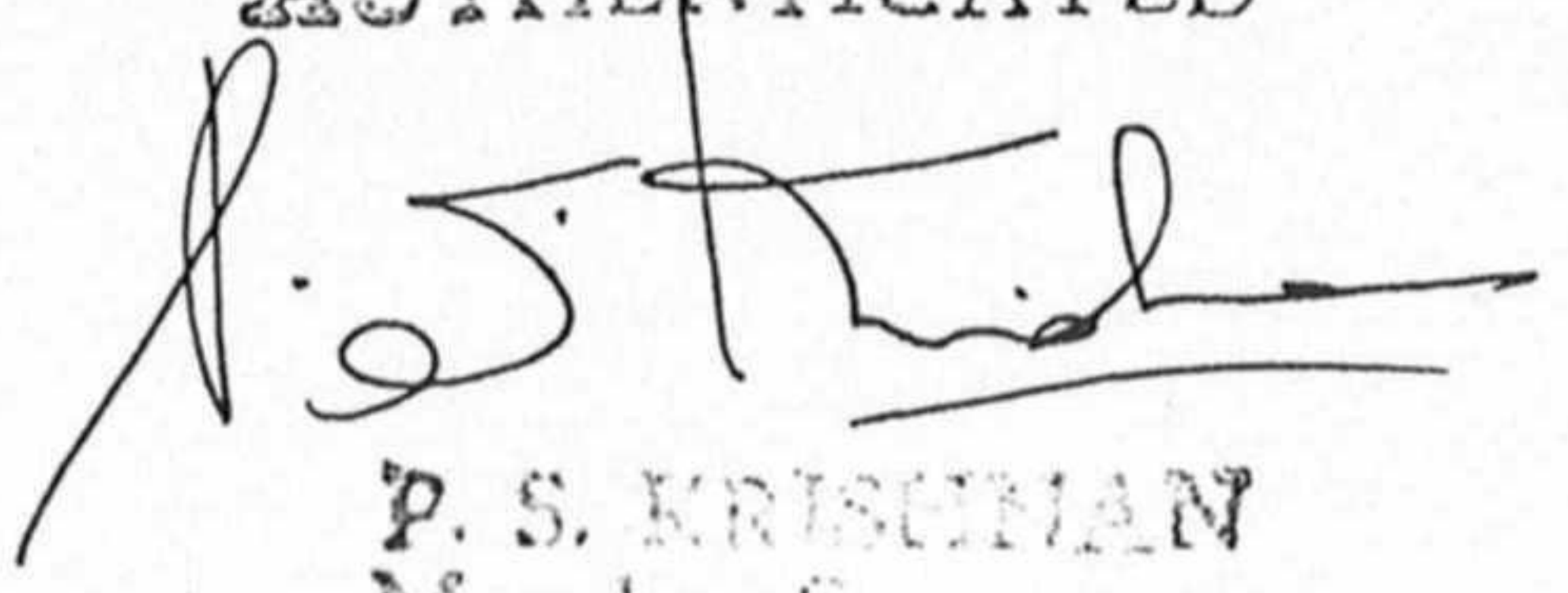
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to her, trading in Sikkim was done by Marwaris only. Newars have their own marriage system.

7. Shri G. P. Pradhan said that their representation for inclusion of 'Newar' caste/community in the State List of Backward Classes is pending with the State Backward Classes Commission for the last 4 years. The Sikkim Commission for Backward Classes has since advised the State Government against the Inclusion of "Newar" in the List of Backward Classes. The Commission after analysing the social and educational position of the community with regard to various indicators has come to the conclusion that, "though not admitting but for argument's sake even if it is held that the Pradhan community comes within the definition of Other Backward Classes then also the Newar/Pradhan community is not entitled to the benefit of reservation under the Article 16(4) of the Constitution" as there is "sufficient representation in the State Services" for the community.
8. In this connection, a delegation of Sikkimese people consisting of eminent persons including Shri K.N. Upreti, MLA, Shri P.K. Pradhan, former chief Secretary of Sikkim, Shri D.T. Bhutia, Former-Speaker, Shri R.B. Rubba, Advocate and others called on the Bench Members and submitted that Chogyal (the king) had given equal treatment to the three ethnic communities – Bhutias, Lepchas and Nepalese and they lived in peace and harmony. There was no discrimination on caste basis against one another. Even now all these are at the same social and economic level and belong to the sikkimese family. However, the Govt. has left 15 to 20 percent of population whereas others have been included in the lists of SCs/STs and OBCs. Thus depriving them from the benefits being accrued to others of the same status and creating differences and disharmony. They have further submitted that stratification of social system in the State is horizontal and totally different from that of the hierarchial social structure prevalent in other parts of the country and thus there is no differentiation on caste lines. Therefore, the left out castes of Nepali origin may be included in the Central List of Backward Classes for Sikkim.

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9. Shri K.C. Pradhan, President, Sikkim Newar Guthi has submitted duly filled up NCBC's Questionnaire alongwith the detailed note on the caste/community. It mentions that the population of the caste/community is 20,000 which comprises 5% of the State population and claims to be a section of Sikkimese of Nepali origin. The early settlers were sharecroppers in the villages of Sikkim. Their contention is that they were subjects of Sikkim governed by the king, the chogyal, who was from Bhutia community, who were definitely better placed and have been included in the list of Scheduled Tribes for Sikkim and therefore, "Newar" caste/community should be declared as backward in the Sikkim State.

10. The filled up NCBC's Questionnaire states that 'Newar is the group of Tibeto-Burman dialect speaking people, which has several castes and sub-castes within it, based either on occupation, clan or food habits. Most of them are now known as "Pradhans". The Newars of Sikkim and other parts of India are mainly of lower and middle castes viz. cultivators, traders, etc. who alongwith other Neapli communities came and settled making the land cultivable. The higher caste Newars in Sikkim are practically absent. The different castes of Newars are so mingled in Sikkim and in India as a whole that the rigidity of caste system within the community has vanished and has become a common caste with practically all known by the name of "Pradhan". The main occupation of the caste community is stated to be agriculture as appoximately 78% of their members depend on agriculture which involves manual labour for wage or on own land. Insignificant proportion of the members of the caste/community are landholders with holdings of more than 50% of the statutory ceiling limit for agricultural lands in the State. The members of the caste/community are also engaged for livelihood on the occupations like self employment, trading, service, etc. The women as well as the children of the caste/community, as a general practice, are, for their own or for their family's livelihood engaged both in agricultural and non-agricultural labour (labourers in construction, roads, buildings, houses, etc.) for wage. Gold, silver and bronze

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works, traditional form of Jewellery, statues and Buddhist religious items like prayer bell, prayer candle stand, prayer wheel etc. has been practically the exclusive traditional crafts of 'Newars' in Sikkim and are still considered the master craftsmen but now only a few families (insignificant) are engaged in the traditional craft and most of them switched over to other professions. However, the occupations on which adult members of caste/community are engaged are as follows:-

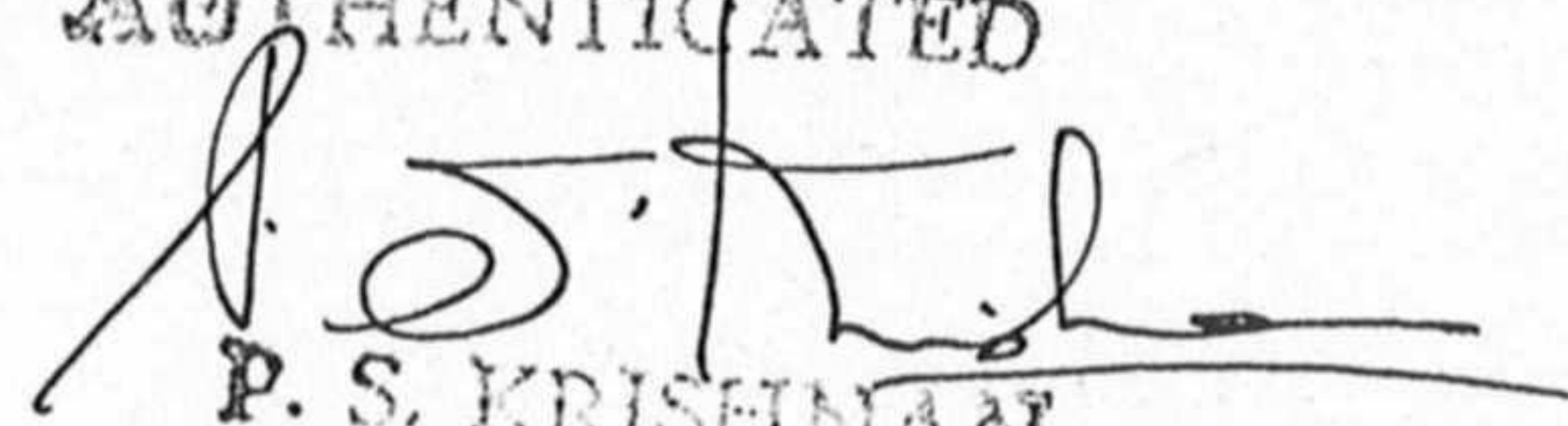
i)	Agricultural labour for wage	5%
ii)	Other manual labour for wage	7%
iii)	Cultivation of own land	73%
iv)	Other occupations	
	Business	6%
	Others	9%

In 1996, the number of members of the caste community holding posts in the services of State Govt. was 134 in class I & II and 705 in class III and IV respectively.

11. 85% families of the caste community are stated to be living in kuccha houses and only 15% in pucca houses.

12. The literacy rate of the caste community is shown 56.68% as against total literacy rate of the state i.e. 56.94 in 1995. The literacy rate of the caste community is virtually equal to the state literacy rate with variation of a few decimal points only and out of the total literates, female literates are shown as 24.31%. Further, the number of matriculates is given as 1110 in 1995 including 423 females, the proportion of matriculates of the caste community in the districts concerned to the total population of the caste community in the districts being 16.6%. The proportion of graduates of the caste community to the total population of the caste community in the state is given as 1.28% in 1995.

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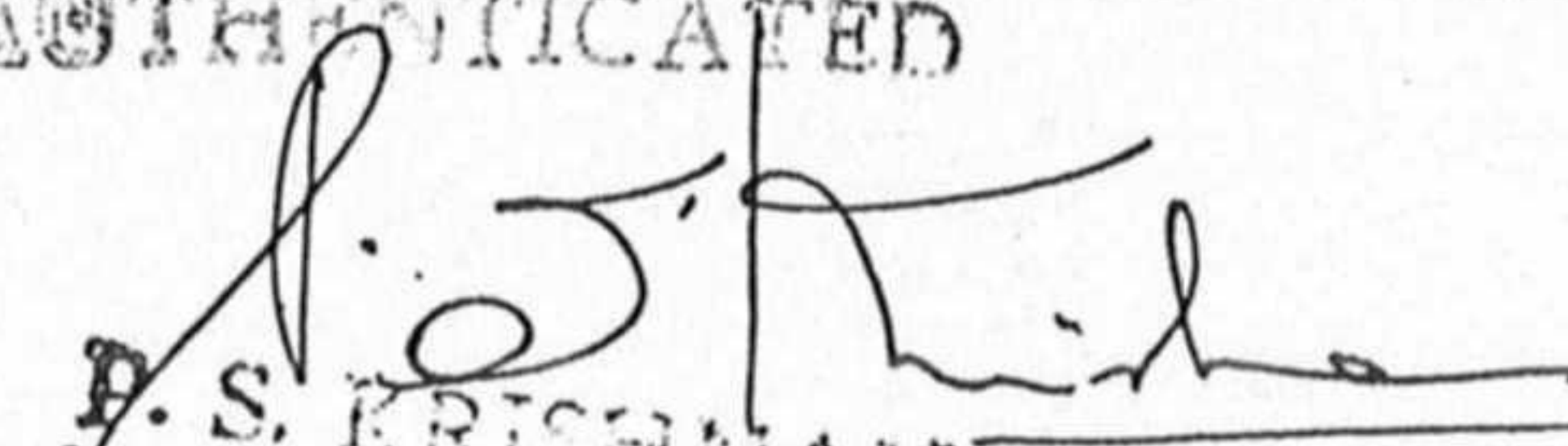

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13. It has been mentioned in the Questionnaire that there are 2 MLAs out of total strength of 32. The figures regarding members elected to elected bodies at district level are not available.

14. The Chief Secretary of the State Govt. expressed the view to the Bench when it called on him before the commencement of the Public Hearing that there was no disparity or inequality among the different castes/communities of the State on social, educational, economic and political grounds and people of the State were more or less at the same level in so far as economic development was concerned and land and shelter was available to all. He further stated that sikkim is a State different from other States of the country and historical wrongs committed against SCs/STs and OBCs do not exist there. In so far as education is concerned, he stated that every child goes to school as schools are accessible and available everywhere. There is no school fee, free uniform and textbooks upto primary level and mid-day meals scheme available in schools. Thus there is no question of educational backwardness of the people of state.

15. The existence of the Newar caste in the districts of Sikkim 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

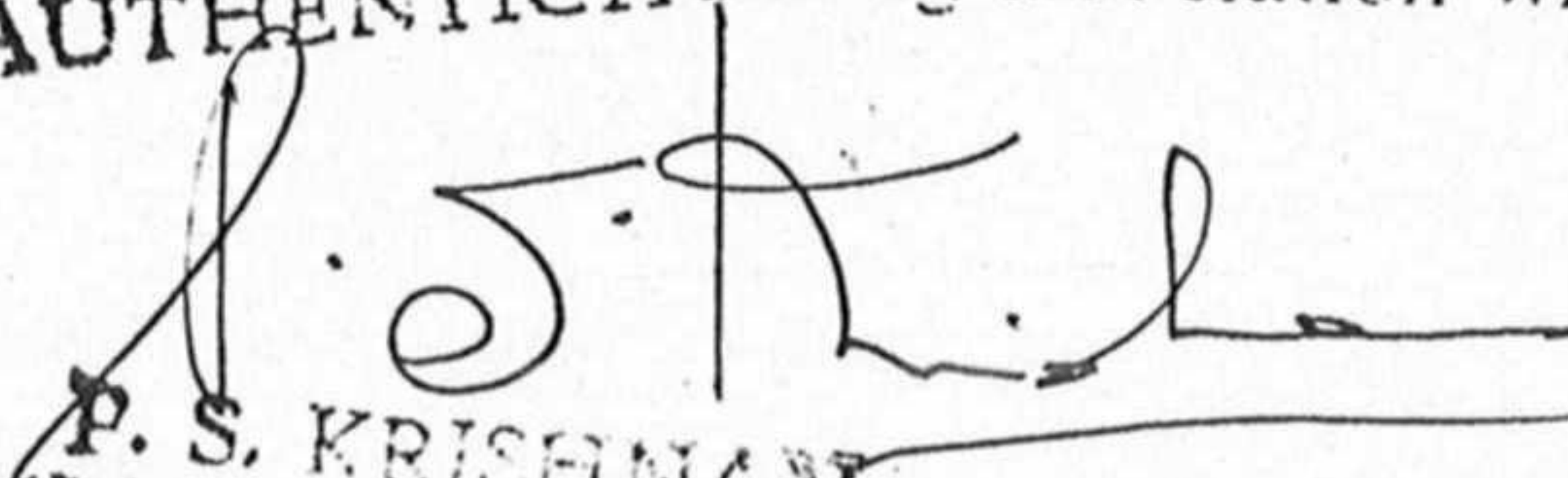
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their religion only in 83 cases in Bengal and 29 in Sikkim, and no more than 69 (all in Bengal) were returned under tribal religions."

16. 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 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. However, the Bench notes that classifying the Nayars, who belong to Kerala as Brahman-Kshatriyas is not correct. 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

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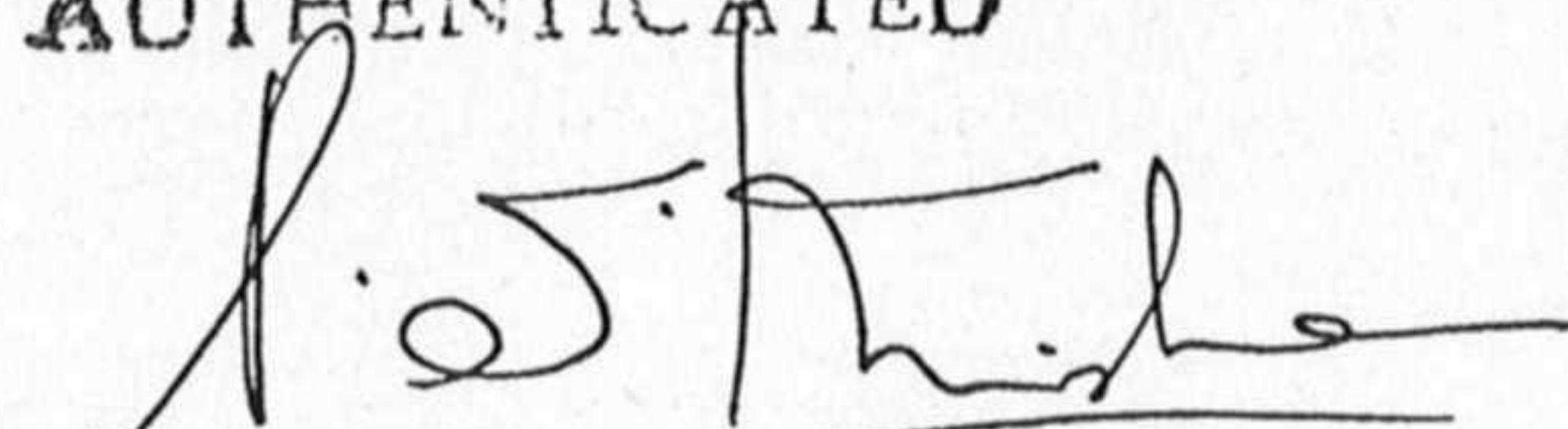
Nepal that they have assumed the surname 'Pradhan' (chief). They have six tiers of occupational subgroups of priestly castes, high castes, upper lower castes and lower castes. But after immigration into Sikkim they have done away with this traditional six-tier system and now almost all the Newars call 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.....

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

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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.....

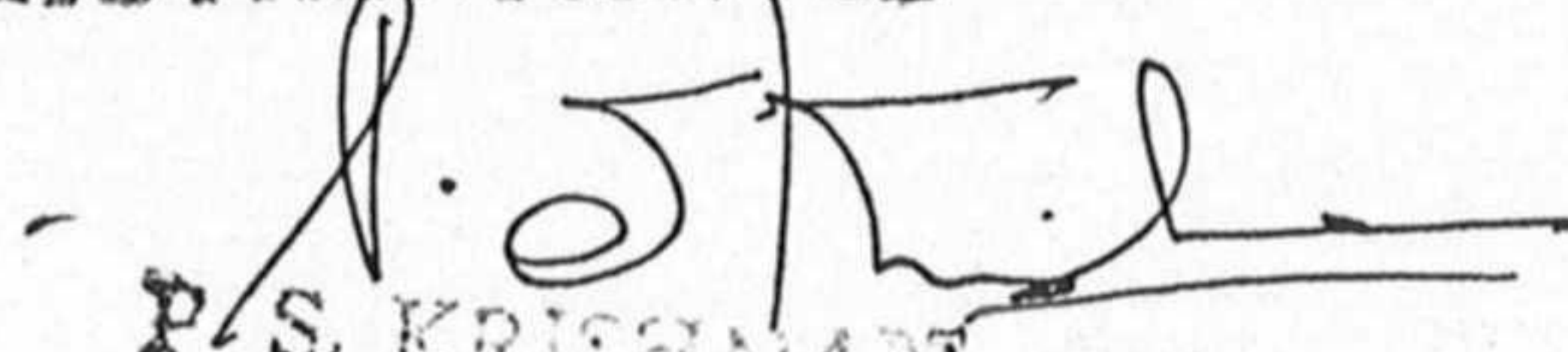
The primary occupation of the Newar community is trade, which is largely confined to the upper strata of the society. Government service follow in importance. Farmers (Jyapoos) constitute a bulk of the Newar population, and with agriculture as their primary occupation, come next only to the traders.....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

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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.

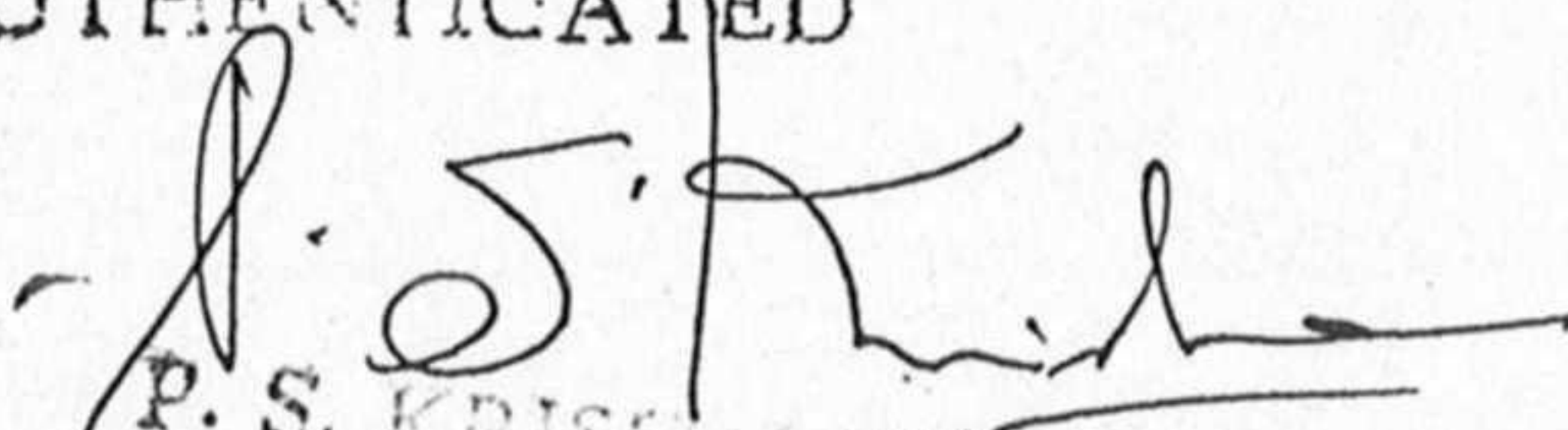
17. W. Crooke describes the Newars under the head "Gurkha, Gorkha", as "an industrious people, following agriculture and commerce, and more advanced in the mechanical arts than the other mountain tribes". (The Tribes And Castes of the North Western India, Published by Cosmo Publications, Delhi, 1974, Vol. II, p. 468).

18. N.N. Kundu describes "Pradhan" under the head 'Gorkha', as one of the caste groups of Vaishyas in the book "People of India – Mizoram" (Vol. XXXIII, General Editor, K.S. Singh, P. 56).

19. Asim Mitra writes that the 'Nepali' is a generic term subsuming 13 castes including Pradhan and the "Pradhans" are the businessmen. (People of India – Arunachal Pradesh, Vol. XIV, General Editor, K.S. Singh, P. 270-271).

20. The Report of the Sikkim Commission for Backward Classes, published in June, 1998, containing its recommendations for inclusion/exclusion of certain castes/communities in the State List, dealt with exhaustively with the Request for Inclusion of "Newar" in the State List and did not found it Socially, Educationally and Economically Backward. The SCBC observed that the community referred to herein is Socially and Educationally Advanced one and at par with other

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communities of the State in order of economic development. It further observed that the community have adequate representation in the State Government services and say in policy-making mechanism of the State Government. While determining the alleged social backwardness of the community, the SCBC relied upon and quoted ethnographic literatures including "People of India - Sikkim" (General Editor K.S. Singh) which has been described hereinabove. The extracts of the other ethnographic literatures quoted in the Report have been reproduced as under:-

i) N. Sengupta in the "State Government and the Politics, Sikkim" (Published by Sterling Publishers Pvt. Ltd, New Delhi, 1985, P. 60) while discussing social structure of Sikkim writes about the Newars that:-

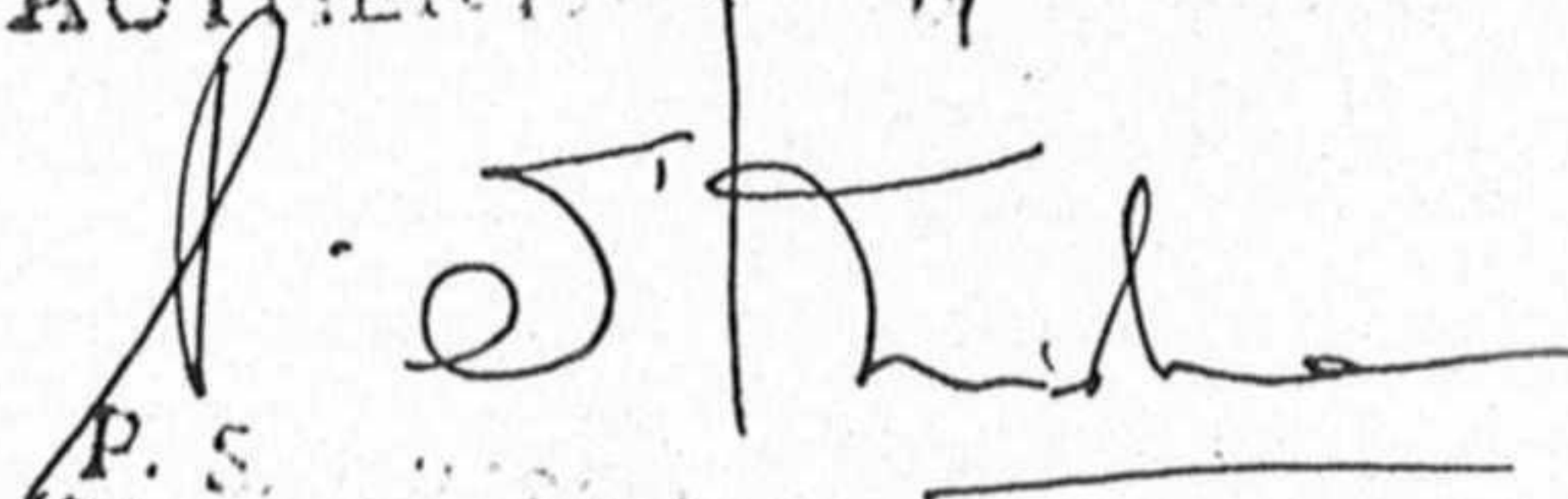
"The Newar are pre-dominantly traders. In Sikkim, the Newars have risen to a socio and economic prominence, particularly in the urban areas and were drawn into policy making and administrative channels during the Maharaja's time."

ii) In the Special Sikkim Issue of "Kanchanjunga of 1st January 1970" (Published by Kashi Raj Pradhan, Chapter Tucksari Chandravir Pradhan, P. 95), it has been mentioned that in 1911 Rai Sahib Laxmi Narayan Pradhan accompanied the Maharaja of Sikkim to attend Delhi Darbar. Kalu Ram and Laxmi Narayan were managing the Jamindari of villages like Regu, Temi, Pathing, Mathang (Pendarn). They were also excavating the minerals and thus served the State. They settled the market at Rangpo, Singtam, Pakyong and Rangli from their own purse for doing the business and later on surrendered the same to the State.

iii) Dr. P.K. Jha in his book "History of Sikkim" (1817-1904) has observed as under:-

"The family of Lambodar Pradhan helped the British in various ways and the British authorities in India honoured Lambodar Pradhan with the title of Rai Sahib

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for his services and loyalty to Britishers. Laxmi Das Pradhan became the owner of the largest landed property in Sikkim. Rai Sahib Hari Das Pradhan son of Laxmi Das Pradhan became the Inspector of Police in Darjeeling. Motichand Pradhan became the Chief Magistrate and Chief Executive Officer in Sikkim." (P. 130-132).....

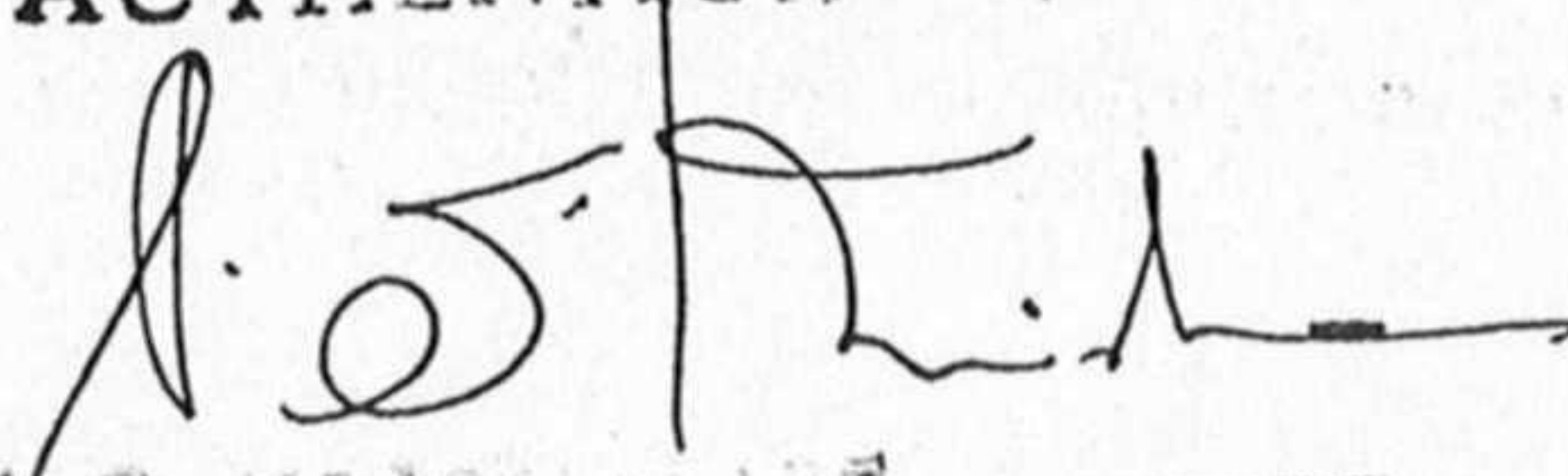
All the bustiwallas under Babu Lambodar Pradhan are hereby warned that if they failed to carry out order of Babu Lambodar Pradhan, when they are required to do so for State work, they will get severe punishment and 1 dozen of lashes with a cane for their behaviour. (P>136-137).....

"The Nepalese became the most important factor in Sikkim, as would be found in the later part of Sikkim history. Lambodar Pradhan became the biggest land lord in Sikkim. Nepali language became the Lingu Franca of Sikkim. And all these were the legacies of the British Policy.

Baburam Kailash Nath was another important person with great influence during Chogyal's regime. He had also built a palatial building, the remains of which still exist at Namthang, South Sikkim. Shri Kashi Raj Pradhan has mentioned in Sikkim issue of Kanchanjunga Journal published in January, 1970, that Chandra Bir Pradhan had been an important person of sikkim. He owned large Estates as early as in the year 1867.

Chogyal constituted Tribunals from time time. The first Tribunal was formed with Rai Bahadur. T.D. Densappa and Rai Sahib B.B. Pradhan as member. Justice Bijoyesh Mukerjee of Calcutta High Court presided over the Tribunal. Another Tribunal was formed under Justice D.M. Sen of Gauhati, High Court as Chairman. Mr. M.P. Pradhan and Tashi Choppel as Member. Last such Tribunal was set up with Justice D.M. Sen as the Chairman and Mr. Kashi Raj Pradhan and Mr. Sonam Tsering as Members."

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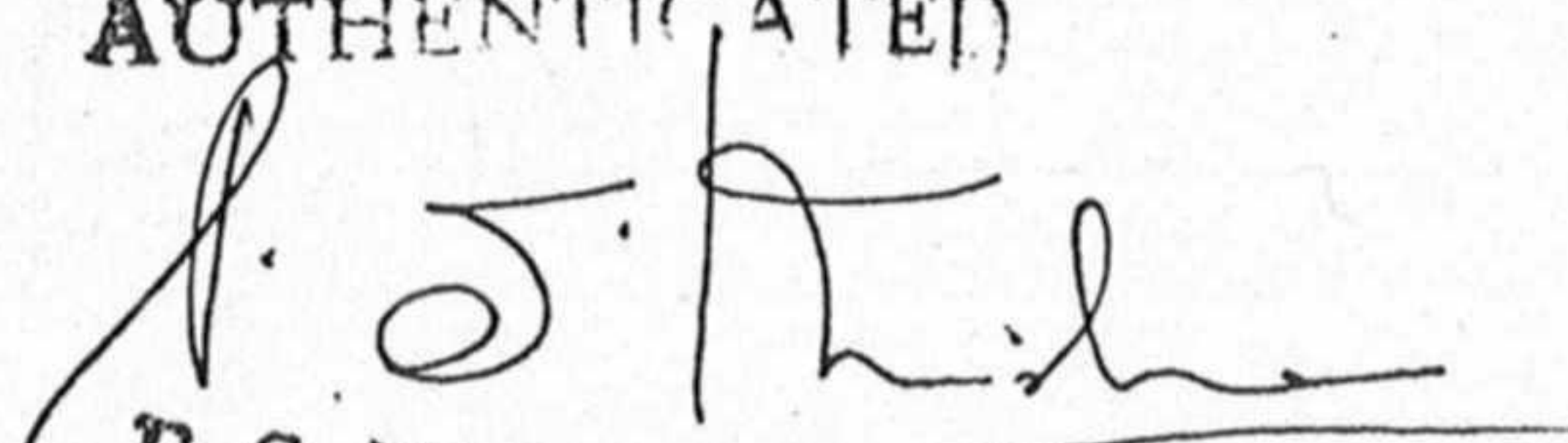
The book also contains handwritten notes of Mr. White in English and Hindi dated 8th December 1903 and signed by him which read as follows:- "All the bustiwallas under Babu Lambodar Pradhan are hereby warned that if they failed to carry out order of Babu Lambodar Pradhan, when they are required to do so for State work, they will get severe punishment and 1 dozen of lashes with a cane for their behaviour. (P.136-137)

The SCBC observed that from the list of former Jamindars from Pradhan, Chettri and Bahun communities, whose Jamindari has been abolished, that 8 of the 11 Jamindars belong to Pradhan community and observed that the the community has acquired very high position in the State much prior to the merger of the State to the Union of India. The Commission further observed that there have been 5 Chief Secretaries from the State of Sikkim, out of which 3 belonged to the Pradhan community. Similarly, out of the 6 Additional Chief Secretaries, 3 belonged to the Pradhan community. There are 67 officers of Grade I and 68 officers of Grade II from the Newar Pradhan community

It is thus observed by the SCBC that the Pradhans had acquired a dominant position and status in the society of Sikkim and they were and are in no way considered lower than the Vaishya community, their counter parts in other parts of India. The Finding of the SCBC in regard to the social position of the community in nutshell has been reproduced as follows:-

"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 owning Estate in different parts of Sikkim. Some of them were lessees of mines with full power to excavate mineral for a number of years on payment of meagre amount of Rs. 200 - Some of them were minter of coin. Some of them occupied high position in the

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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 here that though the Newars are socially considered lower in status to the Bahuns and Chettris, their social status can not be equated with Gurung, Limboo, Mangar, Tamang, Sunuwar, Rai & Bhujel already declared as OBC by the Central and State Government. The Newars consider these castes lower in social status."

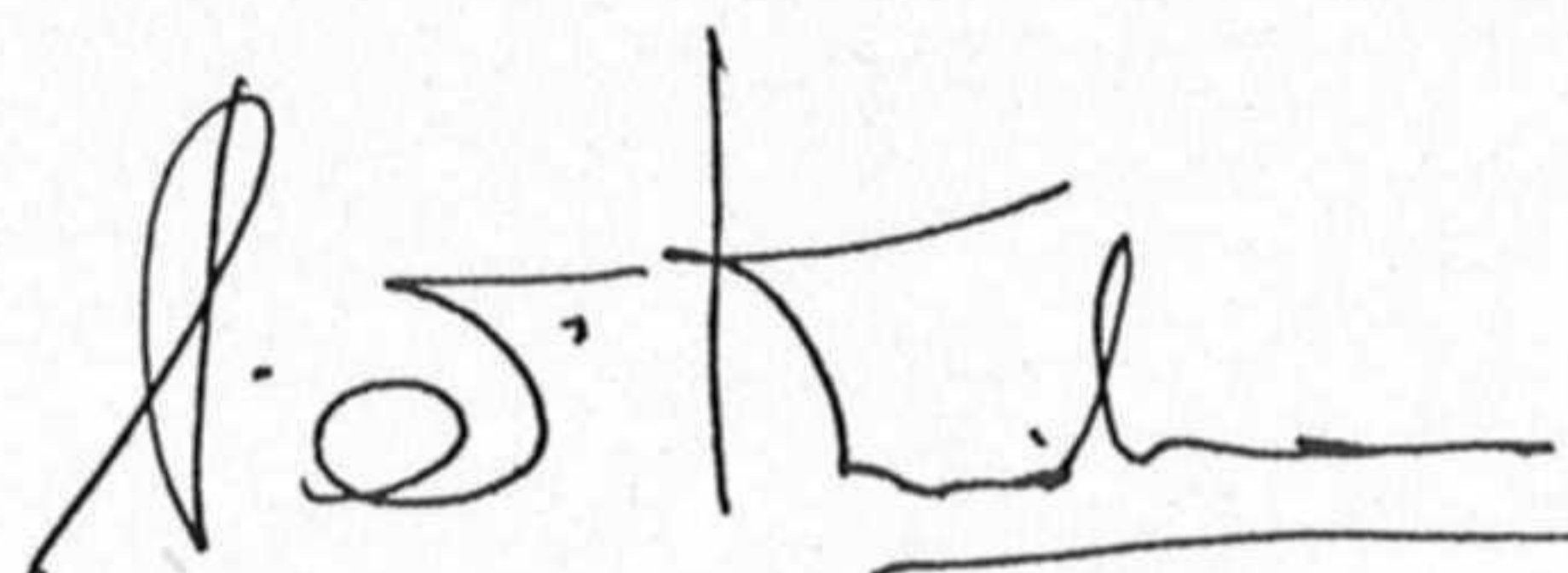
The State Commission also examined the different aspects of the alleged educational backwardness of the community and did not find this indicator in favour of them for inclusion in the State List. It has been mentioned that 90% population of the urban population and 72% of rural population is literate.

With regard to economic condition of the community, the Commission observed that the economic condition of the people in Sikkim has improved in between the year 1989 to 1997, may be due to liberal grant made by the Government of India and did not find this indicator in favour of them.

21. The NCBC has already tendered its Advice vide No. West Bengal 46/98 dated 16.11.98 for Rejection of Request for Inclusion of "Newar" community in the Central List of Backward Classes for West Bengal.

22. It is thus concluded that the ethnographic literature does not substantiate the statements of Shri K.C. Pradhan, President, Shri G.P. Pradhan, Vice-President and Mrs. Bindu Pradhan, Member, all from the Sikkim Newar Guthi, Gangtok regarding the social and educational backwardness of the community and rather incontrovertibility shows that the community is socially and educationally advanced and well-represented in the State Government services including its top echelons.

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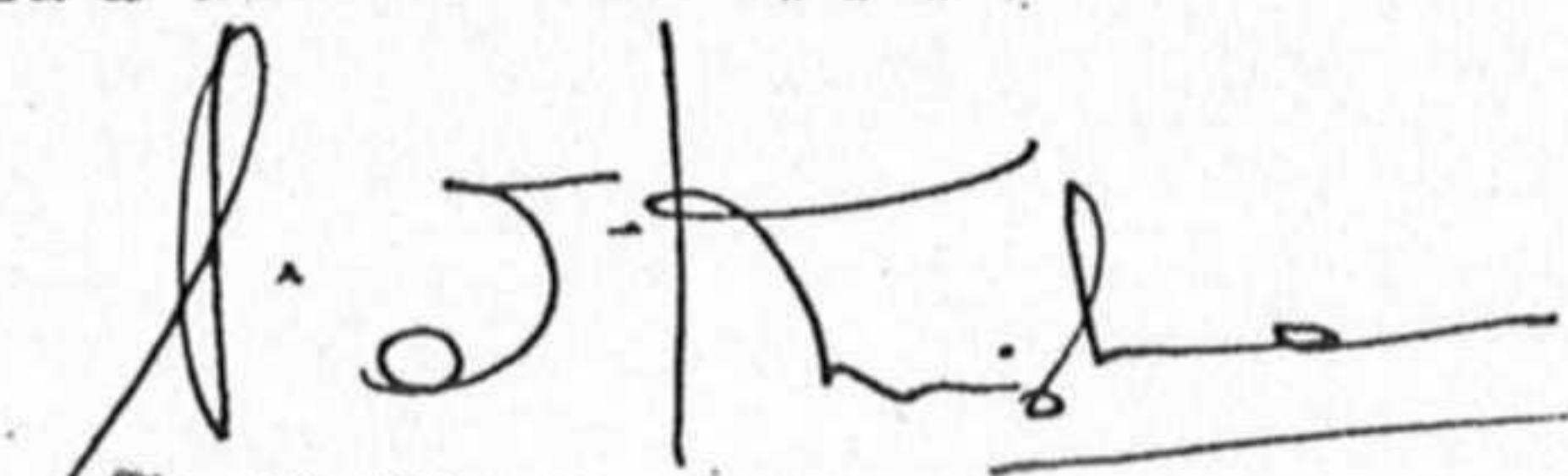
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III. Findings

23. From the foregoing factual material, it emerges that the "Newar" community is primarily a trading community. In Sikkim, apart from engaging in trade, they are also found well-entrenched in other spheres of the economy and polity as they are also land-owners and administrators and had enjoyed close connections with the rulers and local and even during British period. Obviously, such a community cannot in any way be socially backward. They locate themselves below the Brahmans and Chhettris, and 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 have been included in the list of Scheduled Castes, do not accept siddha food from the Shudras and accept non-Newar woman in marriage only if she happens to belong to a Brahman, all indicate the high social position of the community. The community is also advanced in the field of education and representation in the State Govt. services as is evident from the fact that the literacy rate of the community is virtually the same as the State literacy with the difference only of a few fraction of decimal points i.e. 56.68% as against 56.94%, State literacy rate in 1995. There have been 3 Chief Secretaries and 3 Additional Chief Secretaries from this community out of the total of 5 Chief Secretaries and 6 Additional Chief Secretaries in the State Government who hailed from within the State, and 67 officers of Grade I and 68 officers of Grade II. In view of these, it is the conclusion of the Bench that the "Newar" community of Sikkim is neither socially backward nor educationally backward, but is in fact a socially and educationally advanced community, and therefore, the Request for inclusion of "Newar" in the Central List of Backward Classes for Sikkim should be rejected.

As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away on 16.8.1998, subsequent to the Public Hearing, the findings are signed only by two members, one of them is also the Co-ordinating Member of the

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Bench, but the findings represent the conclusion jointly arrived at by all the three Members.

Ashayan
29.04.99
(Sahu Akshaya Bhai)

U.P. Singh
26.4.99
(U.P. Singh)

IV. Advice of the commission

24. 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" community in the Central List of Backward Classes for Sikkim be rejected as it is not Socially Backward, but is Socially Advanced and one of the dominant communities of Sikkim.

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.

Ashayan
29.04.99

U.P. Singh
26.4.99

Mr. S. K. ...
27.6.99

AUTHENTICATED

P. S. Krishnan

P. S. KRISHNAN
Member
National Commission
for Backward Classes

P. S. Krishnan
3.5.99