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सदस्य-सचिव
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. *Sikkim* 4-5/99

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 Requests for Inclusion of "Chettri" and "Bahun" castes/communities in the Central List of Backward Classes for Sikkim, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

[Signature]
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
24/5/99

1
NATIONAL COMMISSION FOR BACKWARD CLASSES
SIKKIM BENCH
FINDINGS

Case : Request for inclusion of "Chettri" and "Bahun" castes/communities in the Central List of Backward Classes for Sikkim.

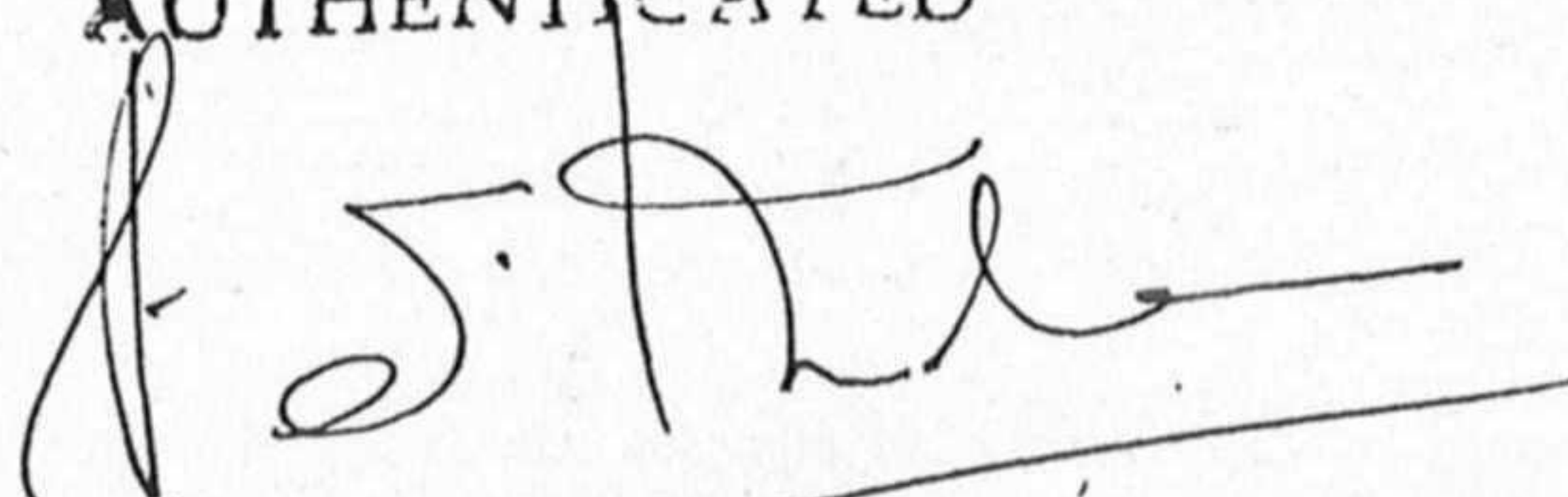
Per Shri U.P. Singh

I. Request

These cases arise from the Request received from Shri D.R. Thapa and others from Akhil Sikkim Chettri Bahun Kalyan Sangh, Gangtok, Sikkim for inclusion of "Chettri" and "Bahun" castes/communities in the Central List of Backward Classes for Sikkim and in this connection they have submitted filled up NCBC Questionnaire jointly for both the castes. The Requests for inclusion inter alia of "Chettri" and "Bahun" castes have also been received from the following:-

- i) Shri D.B. Bradifo
President
Temi Tarku Project Samittee
S. Sikkim
Sikkim.
- ii) Dr. K. Bhandari
Convenor
Bahun Chettri Community
Baluwakhani
Gangtok.
- iii) Shri Bhim P. Dahal, Ex. M.P.
Sikkim House
New Delhi.

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Member Secretary

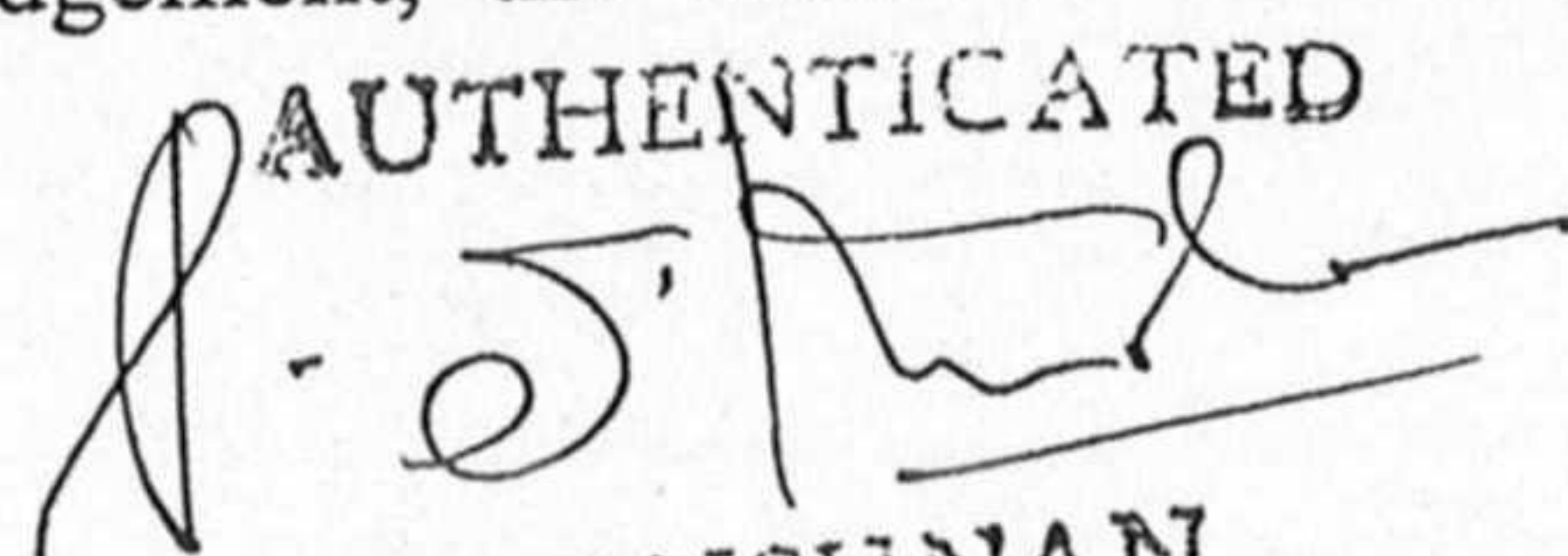
II. Public Hearing

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 9.12.1997 to examine the Requests for inclusion of the "Chettri" and "Bahun" castes/communities in the Central List of Backward Classes for Sikkim. At the Public Hearing the State Government 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 castes/communities were represented by the following office bearers of the Akhil Sikkim Chettri Bahun Kalyan Sangh, Gangtok and others:-

- i) Dr. Kumar Bhandari
- ii) Shri Dili Ram Thapa
- iii) Shri Hem Karki
- iv) Dr. B.S. Basnet
- v) Shri K.P. Kaushik
- vi) Shri Lovendra Basnet

III. Facts

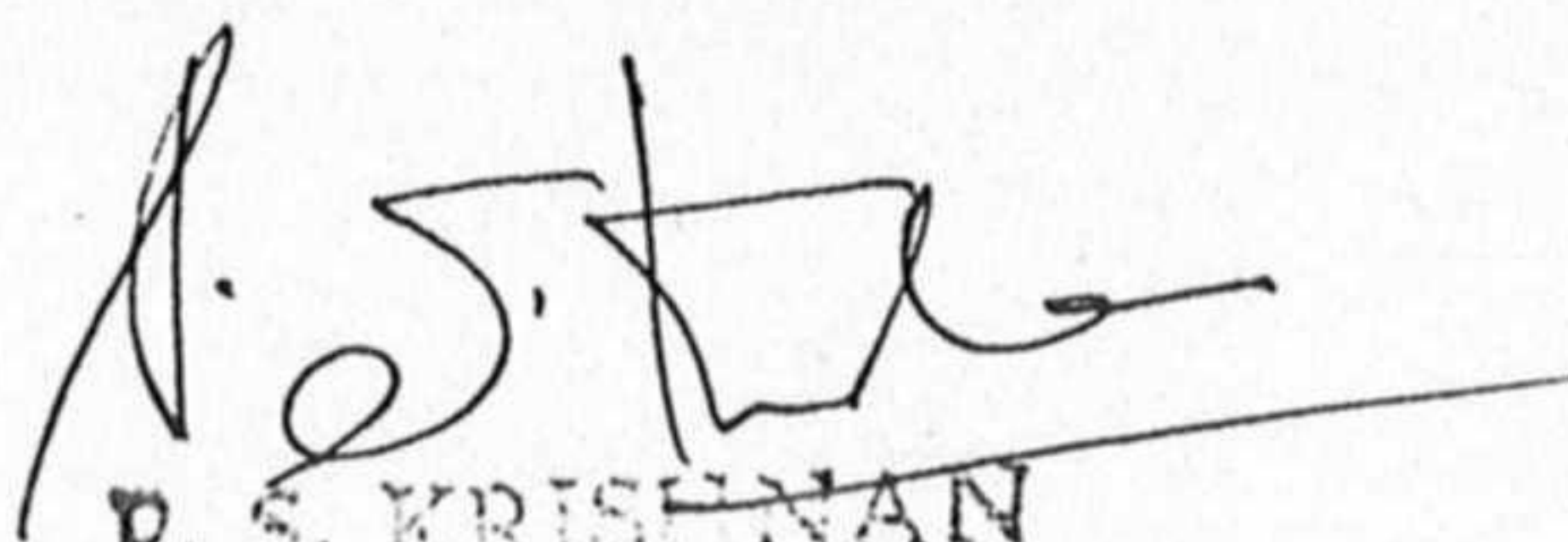
3. The castes/communities are not included in the Mandal List. At the time of preparation of the first phase Central List of Backward Classes, on the principle of commonality, (i.e., by inclusion in the Central List for each State of castes/communities which were found commonly included in the respective State Government's List of BCs that existed at that time and the Mandal Commission's List for that State), 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 Backward Classes for the State. In accordance with the directions of the Supreme Court in the Mandal Judgement, the State of Sikkim promulgated the Sikkim


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Backward Classes Commission Act 1993 and under this Act the State Govt. constituted the Sikkim Commission for Backward Classes on 2nd June, 1994 for the purpose of examining requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the State Government as it deems appropriate. Immediately after the appointment of the Chairman of the Commission, he brought to the notice of the Government that the question of inclusion or exclusion can only arise after issue of notification of the list of backward classes by the State Government. Accordingly the State Government, in accordance with the recommendations of the Mandal Commission, notified its list of Backward Classes on 2.6.1994. Thus the State List of Sikkim notified on 2.6.1994 is a copy of the Mandal List for Sikkim, though with some spelling variations and re-arrangements and explanations. After the notification of the State List by the Sikkim Govt., the Govt. of India vide Ministry of Welfare Resolution No. 12011/7/95-BCC dated 24th May 1995 issued a "Common (Central) List" of Backward Classes for Sikkim which contains 7 entries but covers all 10 entries in the Mandal Commission's List for Sikkim. The Chettri and Bahun castes/communities did not find place in the Central List of BCs as these were neither in the Mandal List nor in the State List and therefore, did not satisfy the criterion of commonality.

4. During the Public Hearing, Dr. B.S. Basnet, representing Chettri and Bahun castes/communities stated that their occupations are agricultural labour, milkmen and pastoral life. They cultivate somebody else's land on share cropping basis. He and others with him submitted that Chettris and Bahun belong to the same caste/community. Before 1950 they used to work under Jamindars and there was discrimination on the basis of Jamindars and kisans only. Jamindars who used to give land on tenure on 50 : 50 basis were of different castes i.e. Kazi-Bhutias. There was no Jamindar from Chettri and Bahun communities. He also added that these two castes did not migrate from any place and belonged to the hills only. Rajas made them Chettris.

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Their priest is from the caste itself and not a Brahman. System of 'Bali' (sacrifice) still prevailed. They celebrate Diwali and on that occasion they kill goats and drink fresh blood.

5. Dr. Kumar Bhandari, Convenor of Akhil Sikkim Chettri Bahun Kalyan Sangh stated that half of the people from his caste were Chettris and half Bahuns. The title or surname 'Basnet' can indicate both Bahun and Chettri. There is no specific division among Chettris and Bahuns and they should be treated as one community. As regards their social status, he submitted that there is horizontal system of castes in Sikkim instead of vertical caste hierarchy and therefore castes in Sikkim cannot be compared with castes in other states. Similarly, there is no differentiation on the basis of religion also. Only economic disparity or inequality is the discriminatory factor. There was no sweeper class from the time immemorial and anybody can do any work. There is no discrimination on the basis of work done. Dr. Bhandari also said that mention of 'Chettri' caste in the book "People of India - Sikkim" is extrapolation of data of Nepal and does not fit in the context of their caste people in Sikkim. He, however, said that Chettris were considered as good warriors and inter-clan marriages were acceptable among them.

6. Shri Bhim P. Dahal, Ex. M.P. who made the Request for inclusion inter alia of Chettri and Bahun castes/communities in the Central List of Backward Classes for Sikkim stated that religio-cultural domination or imposition does not exist although there is a caste-line.

7. During the Public Hearing Shri D.R. Thapa, President, Akhil Sikkim Chettri Bahun Kalyan Sangh submitted a detailed note in respect of Chettri, Bahun castes, making the castes look as if they are one and the same, alongwith a combined filled up NCBC's Questionnaire. The note contains that the castes are socially, educationally and economically backward due to the following reasons:-

- i) Chettris and Bahuns are a sub class of the larger Nepali community alongwith the Rai, Limboo, Mangar, Gurung, Newar and others who have been an oppressed class throughout history.

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- ii) As Sikkim has different historical and social economic background compared to other States of India the Chettris and Bahuns of Sikkimese origin cannot be compared to Brahmans and Kshatriyas of other States in India.
- iii) The Chettris Bahuns are primarily cultivators mostly as 'Kutiyars' and 'Adhiyars' (tenants) and agricultural labourers. A large section of Chettri Bahun community are Ghothalas (cowherds), manual labourers and household servants. A small percentage of the Chettri Bahun community are well educated and hold white collared jobs while a majority of the employees are in Class III & IV grade services. The establishment of political office in Gangtok (1889) encouraged the 'Thikadari'/Lease system of land. The British encouraged docile and hardworking Nepalese in cultivation of vast areas of uncultivated land for generating income for the employer. They had small land holding which did not suffice for meeting even the hand-to-mouth existence and therefore, they were compelled to resort to rearing animals to supplement their meagre income from land. Even today, most Chettris depend on their herds of cattle for livelihood. Out of the total Chettri Bahun population of 1,06,000, 47.05% are engaged in manual labour which includes cultivation, agriculture, mining and quarries, construction, domestic servants, etc.
- iv) In the Sikkimese Nepali community, including the Rai, Limbu, Mangar, Newar, Gurung, Chettri, etc. there is no system of separate menial classes like Sweeper, Dhobi, Barber, etc. In each household, irrespective of its caste, these duties are performed by the household members themselves.
- v) Among the Nepali community only the Scheduled Castes have been considered to be socially backward and the concept of socially backward and backward classes amongst the non-Scheduled Castes members of the Nepali community is an alien concept which was introduced into Sikkim through implementation of Mandal Commission Report.
- vi) Amongst the Nepalese each sect has got its ^{own} ~~own~~ priests who are not Brahmans such as Bijuwa in Rai, Phedangba (Yaba) in Limbu and Gaibring in

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Gurung, Lama in Tamang, etc. for their religious performance and rituals and hence, there is no question of their getting superior status in the society.

vii). Unlike the Kshatrias in other parts of the country, Chettris of Sikkim profess the Buddhist and Christian religion besides Hindu religion.

viii). From the very inception of the State effective sections of the society being buddhist, there was no caste prejudices in the Sikkimese society.

ix). The Chettris of Sikkim are not an exclusively military race, as members from other sections of the Nepali community are also introduced in the defence.

x). The king being of Bhutia origin had formed a Council called 'Ladhi-Medi' which included the members of the Aristocracy, mostly Bhutias and a few Lepchas, but no Nepali was included in the Council.

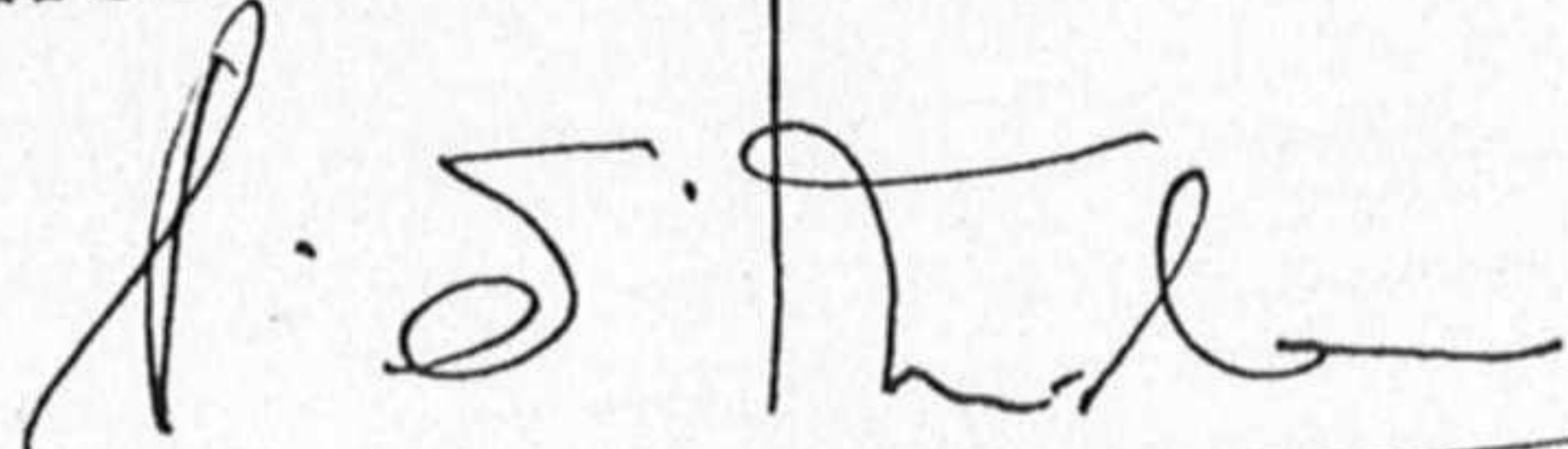
xi). During Namgyal rule, the Monastries formed the centre of learning. Each Bhutia, Lepcha household was required to send one male child to the Monastery. Each monastery possessed large estates and cultivation of most of them was done by Nepalese including Chettri-Bahun. They paid taxes to the monastery and the members of the monastery elite formed part of the aristocracy, whereas the Chettri being Hindu by faith, did not have access either in monastery nor they had their own educational institutions under State patronage which resulted in their deprivation in educational field.

xii) Chettris/Bahun including others in Nepali community were cultivators of land, they paid the land revenue, the 'Dhuri Khazana' (house tax) and were made to pay the 'Jharl' and 'Kurwa, Bethi and Thedis for the land rents they cultivated. During the period up to 1949 (when landlordism was abolished) all Nepali communities including Chettri Bahun were as good as landless labourers in the field of Kazi/Thikaders. When the cultivators failed to pay taxes they were evacuated forcibly resulting in acute poverty, hunger and destitution.

xiii) 48.17% families of Chettri Bahun live in Kuchha houses.

xiv). Out of the total Chettri Bahun population only 2.42% are matriculates which is far below the state average.

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xv). 27% of the Chettri Bahun children in the age group 5-15 have never attended schools because of abject poverty and illiteracy of parents despite free educational facilities for all in the State and this is because they believe that a child would earn the amount to sustain himself and that would be addition to the meagre earning of the family.

xvi). Almost 18.66% of the Chettri Bahun children in the age group of 5-15 years are drop-outs of schools as against 14.12% of State average.

xvii). Chettri Bahun have far less assets as compared to the State average.

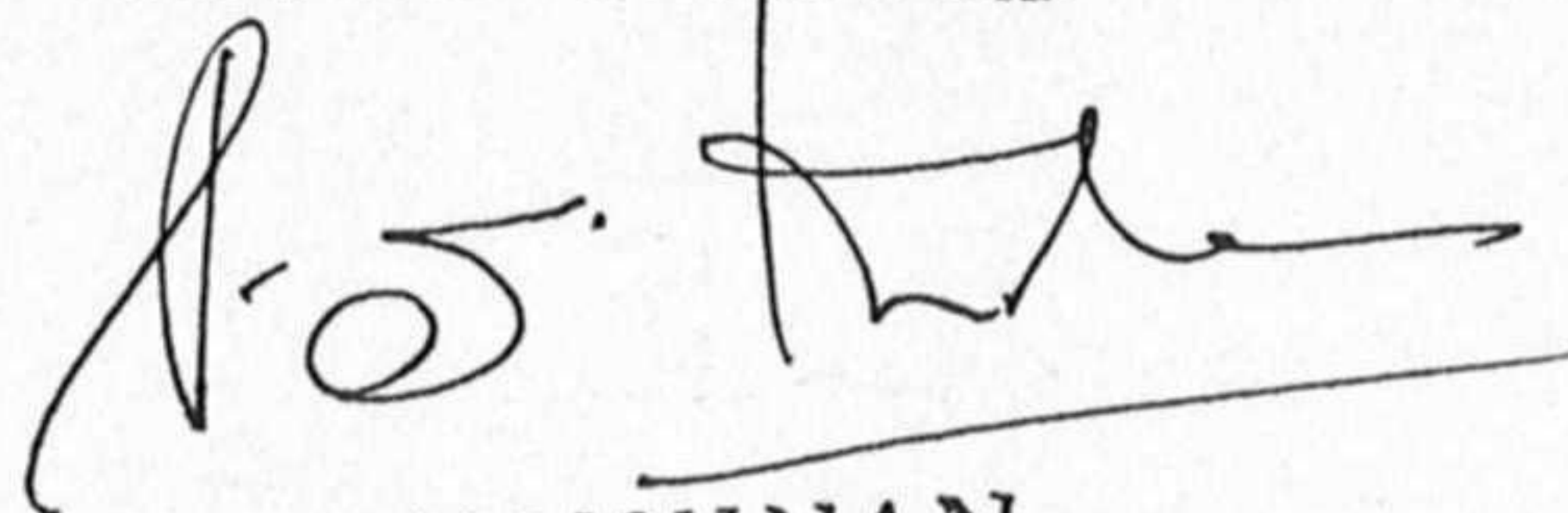
xviii). Gorkhas are said to be synonymous with Nepalese and Gorkhas without any sub-classification have been included as OBCs in a number of States like Bihar, Haryana, Punjab, Assam and Mizoram etc.

8. The NCBC's Questionnaire filled up in respect of "Chettri-Bahun" by Shri D.R.Thapa, President, Akhil Sikkim Chettri Bahun Kalyan Sangh mentions that "Chettri-Bahun" is the main caste having a number of sub-castes/sub-communities. As per 1991 census the population of the castes/communities is stated to be 1,06,000 which constitutes 26.08% of the total State population, spread all over the state and engaged in the occupation of agriculture which mainly involved manual labour for wage. A substantial number of members of the community depend on service for livelihood or for supplementing their family's low income and are also engaged in both agriculture and non-agricultural manual labour such as labourers in construction work, roads, factories, buildings etc., for wage. 61.7% population of the community is landless.

The literacy rate of the castes/communities in the State is reported to be 51% as against the state average of 56.94%. As per a 1993-94 Survey Report, the proportion of matriculates and graduates to the total population of the community in the State is said to be 2.42% and 1.34% respectively..

The number of MLAs from the community is shown 3 out of 32 i.e. the total strength of the Legislative Assembly, on the date of application. Further, the number of elected members from the castes/communities are shown as 11

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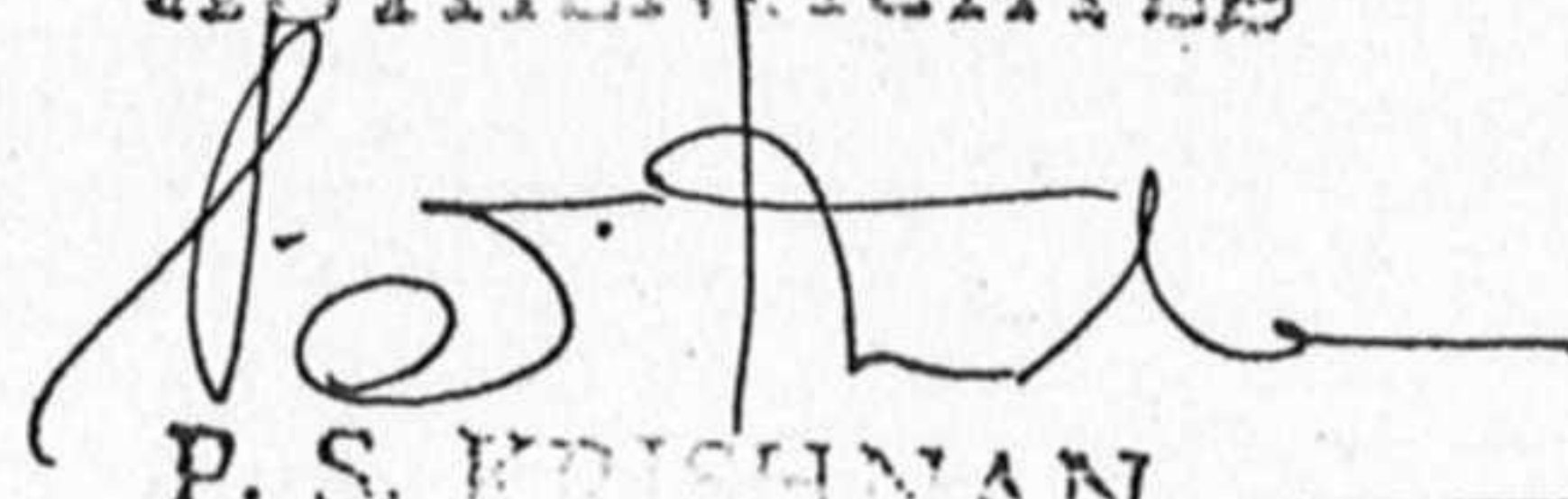
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out of 92 in Zilla Panchayat and one out of 4 in Zilla Parishad during the year 1997.

9. The book "People of India-Sikkim" (Volume XXXIX, published by Anthropological Survey of India, Calcutta, 1993) contains the following account about the "Bahun" community by Sudhansu Gangopadhyay :-

"The Sikkimese Brahman is locally known as Bahun. Sometime he is referred to as Bajey (literally 'grandfather'). The Brahmans are supposed to have migrated from Nepal at the time of British ascendancy in the nineteenth century, and it was the British who encouraged them to settle there. They are well distributed throughout Sikkim except in the North District. The East District has the major concentration of the Brahmans..... According to the 1891 Census, there were 914 of them. Amongst themselves and outsiders, they speak in Nepali, and the script used is Devnagari. Traditionally, the Brahmans are identified by the tika (the holy marking) on the forehead, in case of men and women..... They mostly habituated to a vegetarian diet, though sometime they take only mutton. Fish and egg are now part of their diet. The Upadhyay Brahmans do not take onion and garlic. One who performs a puja, would not eat garlic, tomato, brinjal, chilli, or salt on the day of puja The Brahmans have two endogamous divisions, viz. The Upadhyay and Jaishree. The former is higher in status than the latter. Within the division, however, there are several exogamous gotras like Bashishtha, Kashyapa, Attreyi, Parasara, Valmiki, Batsya, Bharadwaj etc. The Upadhyay is mainly responsible for conducting rites of worship. Those who are well conversant with the Puranas, are known as Pundits. The Brahmans have a feeling of superiority over all communities, who in their turn seem to concede to it, recognizing the varna order and placing them at the top..... The sacred thread (janai) ceremony is normally held between 7-12 years extendable upto the fifteenth year. The sacred thread is worn by boys only..... Land is the major resource, owned and controlled individually by the Brahmans, who are mainly a land owning

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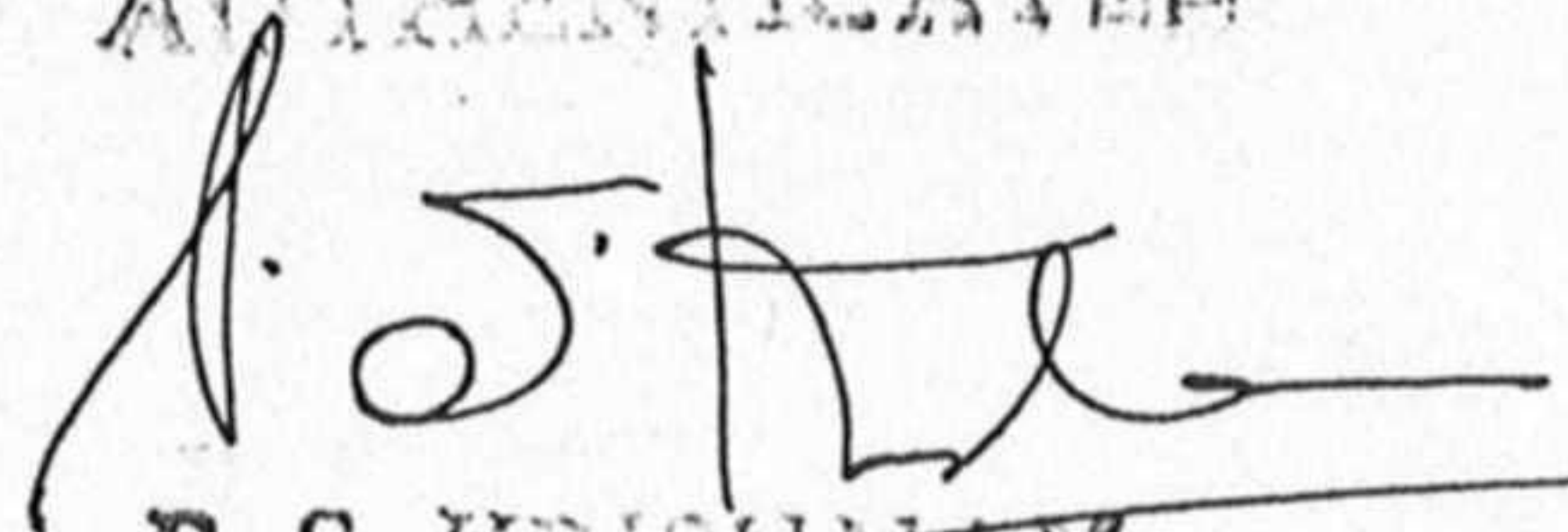


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community. Traditionally, they were entrusted with priesthood. Now their primary occupation is terrace cultivation and horticulture: plantation, selling milk, and miscellaneous services, etc. are subsidiary occupations..... The Brahmans being well versed in religious literatures and in the rites of worshipping Hindu gods and goddesses, their services are required by almost all other Hindu communities. The Damais serve them by supplying instruments. They invite the Kamis, Damais and Sarkis to their social functions. The help of communities other than the Kamis and Damais is sought for agricultural and other activities.....Brahmans have established ceremonial friendships with other communities like chhettris, Tamangs etc. Water and boiled food are exchanged between them and the others. They however do not accept water and boiled food from the Kamis, Damais, Sarkis and Majhis..... They share roads, schools, panchayatghars and sacred places with other communities, but not the crematorium. There are scholars, service holders, teachers, administrators, engineers, politicians, etc. among the Brahmans. They have landlord-cultivator-labour and such symbiotic relationships with other communities, and have a high literacy rate, with several of them in the higher educated bracket."

10. The account on "Chettri" caste/community by Samit Ghosal in the "People of India - Sikkim" is as follows:- "The word 'Chhettri' is a corrupt form of 'Kshatriya'. The Chhettris are considered descendants of the Khas tribe of Nepal (old field 1880)They came to Nepal from India, a few centuries back. They migrated to Sikkim in waves from their relatively infertile and over populated lands of Nepal, in the early part of this century. In Sikkim, they are found in the West, South and East districts. The Chhettri villages are situated on the hill slopes covered with the forests and at an average altitude 3000 ft to 6000 ft. experiencing a good monsoon rainfall and a severe winter. Accordingy to 1931 census there were 11,142 of them but their present population figures are not available. They speak Nepali both at home and with outsiders and use the Devnagari script.....The jat

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Chhettris are divided into a number of patrilineal thars, e.g. Bista, Subadi, Basnet, Adhikari, Nirula, Bhandari etc. having equal status. The thars are also used as surnames.....They are considered as a general caste in Sikkim..... The self-perception of the community is quite high. The Chhettris consider themselves only next to the Brahman, in local caste hierarchy. Other communities also corroborate the same..... The sacred thread (janai) is given to the male children at an age between seven to thirteen years. The janai is given by a Brahman through an elaborate ritual known as bratamantra. As a customary law, the wearing of sacred thread is compulsory for a Chhettri boy before marriage. If a married male has never had a janai, the old people will not accept pulse (dal) from him..... Land is their main resource and it is owned by individual proprietors. They are mainly a land-owning community but a few of them are landless. Terrace cultivation is their traditional as well as present occupation. They have been employed as mercenary soldiers. They also work as agricultural and construction labourers. Many of them are found to be engaged in different white collar jobs, in government service, as school teachers, bank employees, etc. They have a direct link with the markets and depend on them for their daily needs. Child labour is in practice in the community They are Hindu by religion and worship various Hindu gods and goddesses e.g. Pashupatinath Shiva, Kali, Durga, Lakshmi, Ganesh, etc. Satyanarayan is worshipped as the family deity. 'Kul' is another household deity Traditionally, the linkage between the Chhettris and Brahmans is very close. The Brahman priest presides over all their rituals and religious functions and accepts water and food from them. Where the Brahman is not available, a Chhettri can perform the kriya or death ritual for other communities. The Kamis serve them as blacksmiths. The Damais and Sarkis act as musicians cum tailors and cobblers respectively. They accept water from all other hill communities except from the "Scheduled Castes", like the Kamis, Damais, Sarkis, Bhujels, etc..... Intermarriage between the Chhettri and the Brahman is permitted and the girl is socially accepted into the Chhettri community without much fuss and also

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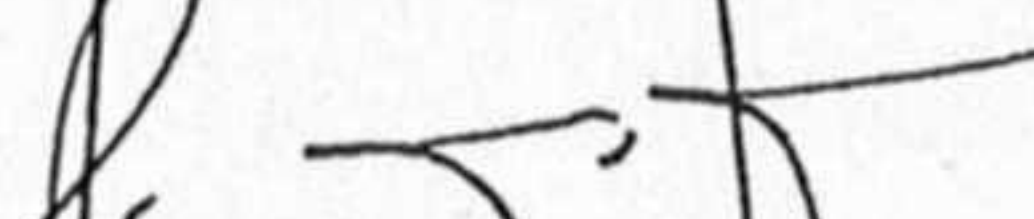

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11. An account on "Thakuri" by Tanka B. Subba in the "People of India – Sikkim" is as follows:- "The 'Thakuri' that the title 'Thakuri' is derived from the term 'Thakur'. The Thakuris are known to be of Rajput ancestry; and the local people often attach "Chhettri" to "thakuri" and call them "Chhettri-Thakuris", because they are believed to have a lot in common The Thakuris consider themselves superior to the Chhettris and are generally accepted to be so by other communities too. According to the Varna order, however, they belong to the Kshatriya category to which the Chhettris belong to."

12. H.H. Risley in his book "The Tribes and Castes of Bengal – Ethnographic Glossary" (Firma Mukhopadhyay, Calcutta, India, 1981, Reprint, 1st Edition, Calcutta, 1891 (Bengal Secretariat Press), Vol. I, p. 204) describes "Chhatri or Chhetri" as "a man of the second or regal and military caste; a synonym for Rajput".

13. The Chhetri and Bahun castes/communities have been described by different authors in the "People of India Series on different States as follows:-

i) Asim Mitra writes in the book "People of India – Arunachal Pradesh" that "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 - which is referred to as jati. The jatis have a hierarchical order. The Brahmans are priestly grup, occupy the highest

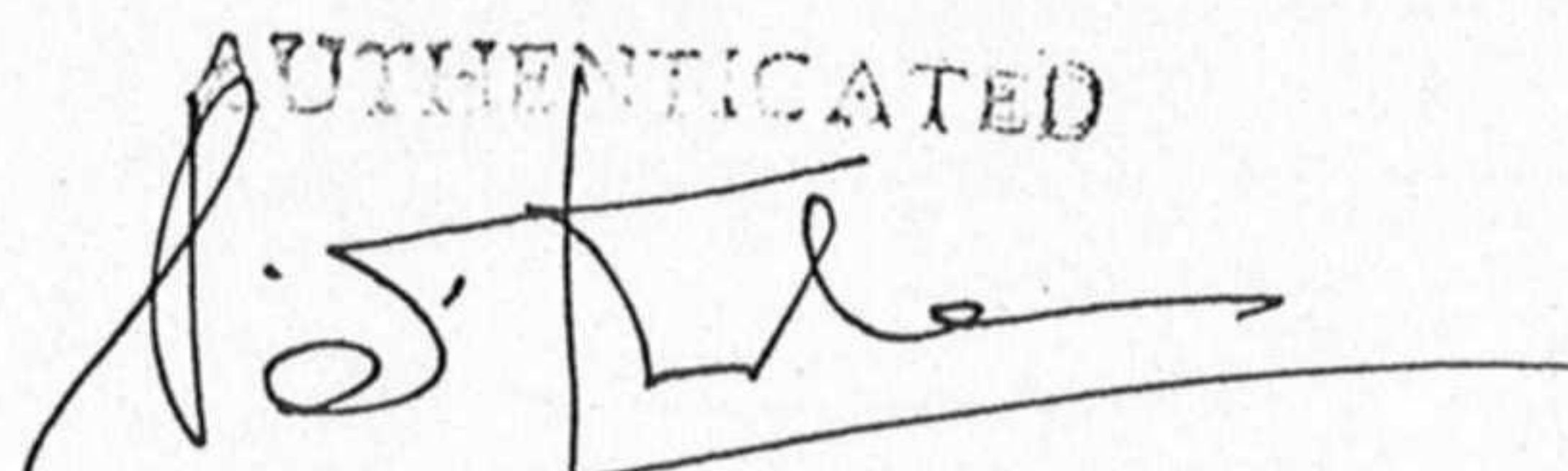
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position, while the Sarkis, the cobblers, are placed lowest. These positions are based on the traditional occupations. The Chhetris are traditionally the warrior group, and the Pradhans are the businessmen. These are placed above the agricultural groups, 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.

ii) S. Barua writes in the book "People of India – Meghalaya" that "the Nepali are stratified into different endogamous castes strictly following the Hindu Varna model. 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 king 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..... The Brahman, the Thakuris, the Chhetris and higher caste Newari are tagadhari or wearers of sacred thread and the rest are matwali those who are permitted to drink liquor."

iii) A.K. Bhatia writes in the book "People of India – Haryana" under the head "Gorkha" that the "Gorkhas are also called as Nepali..... They are divided into seven sub-groups, namely, Brahman, Chhetri, Thakuri, Mangar, Neoar, Thokali and Jundi..... The Brahman are most highly placed as they belong to the priest class. The Thakuri and Chhetri are equivalent to the Kshatriya group. The function of the groups is to regulate marriage alliances, indicate social status and descent.

14. The Sikkim Commission for Backward Classes after examining similar Requests for inclusion of Bahuns and Chhetris, on behalf of which they received combined representations, has come to the conclusion that these communities are not entitled to the benefit of reservation under Article

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16(4) of the Constitution. The State Commission in its Report of June 1988 dealt with at length different indicators of social, educational, economic criteria in judging the claim of backwardness of these communities. Under "Social" criteria, in order to determine the social status of Bahuns and Chhetris, the State Commission mainly relied upon the ethnographic literature quoted in the book "People of India - Sikkim", described at paras 9 & 10 hereinbefore. The State Commission also has quoted some other references which are reproduced as under:-

(a) Veena Bhasin in her book "Habitat, Habitation and Health in the Himalayas" has observed:- "Brahmins and Chhetris are at the top of the social order."

(b) Sengupta in his book "State Government and Politics in Sikkim" has observed:- "The Brahmins have the highest social standing. They are mainly agriculturists and are mostly orthodox Hindus and would not normally have any matrimonial relations with other lower castes. They would not even eat together with other non-Brahmin lower castes. But with the passage of time, rigidity of social attitude and behaviour is fast disappearing." (p. 60)

15. After referring to the above accounts, the Report of the State Commission observes that "in the light of standard books and prevalent customs very well known to the Public Representatives as Members to the Commission, it cannot be said that these communities/classes were never considered or are being considered as socially backward by others and (therefore) this criteria goes against them." The State Commission further observed that "from the careful scrutiny of the record, information received from Department of Personnel and opinion expressed in authoritative publications, it can be safely said that these communities are not mainly dependent on manual labour for their livelihood" and that therefore this indicator stands decided against them. In this context, the Report of the

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Commission specifically refers to data given in a Chart title "Occupation-wise distribution among various population groups of Sikkim State" in Veena Bhasin's book according to which "..... From the Bahuns 39.22% male and 1.82% female are in service, 9.80% male and 21.82% female are in teaching profession, 35.29% male and 10.90% female have been shown in farming occupation. In the same book at page 196, table 6.16 it has been shown that 19.60% Brahmin people are graduates."

16. Under Education criteria, the State Commission examined different indicators of educational backwardness of the communities and did not find them educationally backward. In this connection, the State Commission referred to information gathered from 218 schools and found that these communities do not satisfy the three indicators of (1) "children in the age group 5-15 years who never attended school is at least 25% above the State average", (2) "the rate of students drop-out in the age group of 5-15 years is at least 25% above the State average", and (3) "the proportion of matriculates is at least 25% below the State average".

17. The Report of the State Commission also brings out that according to the information compiled by Welfare Department "there are 5 persons from Bahun community in All India Services i.e. IAS, IPS, AND IFS and the same number is from Chettri community" and as per information given by Department of Personnel there are 53 Bahuns in Class I service and 94 in Class II service and from the Chettri community there are 48 persons in Class I and 65 in Class II. Compared to them there are only 7 persons in IAS (including IPS, IFS) from OBCs (seven communities declared so far). According to Gradewise distribution of Government employees in Sikkim prepared by Welfare Department of the State Govt. there were 1,645 persons in the State services in Grade III from Bahun community and 1,163 persons in Grade III from Chettri community and 5 persons in Grade III from Thakuri community, the total of which comes to 2,813. From these

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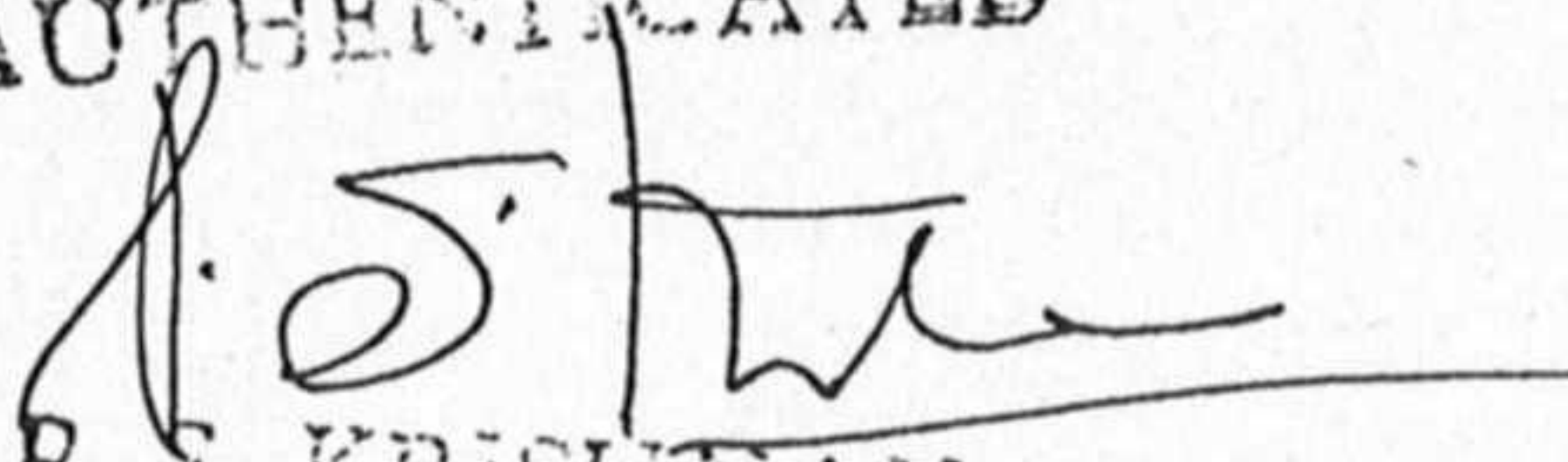
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figures, the State Commission observed that "the members of these communities have effective representation or effective voice in the administration of the State for adequate representation in the State." The State Commission finally concluded that "on the ground of sufficient representation in the State services also aforesaid communities are not entitled to the benefit of reservation under Article 16(4) of the Constitution".

IV. Findings

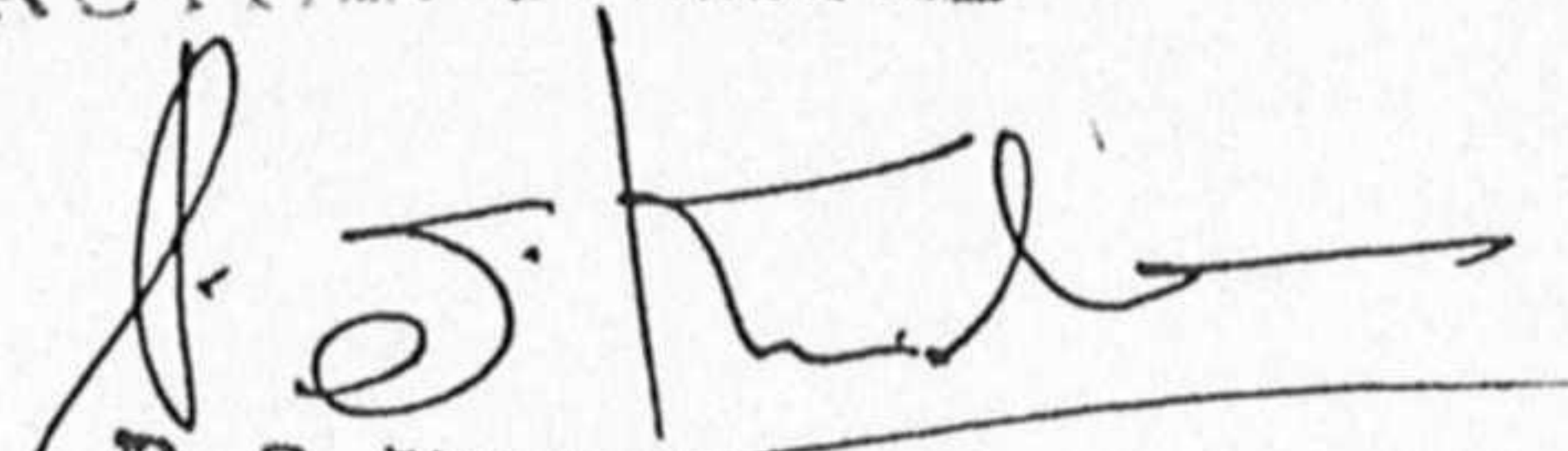
18. From the above material and evidence, the Bench arrives at the Findings that the Bahuns and Chettris are in fact Sikkimese counterparts of "Brahmans" and "Kshatriyas" of other parts of India which are not in any way be considered as socially backward but are considered to be socially advanced communities. As have been attested to in ethnographic accounts referred to above, the Bahuns and Chettris of Sikkim are two distinct castes/communities and are not a single caste/community as the Request-maker Akhil Sikkim Chettri Bahun Kalyan Sangh tried to project by giving the name of the community as "Chettri-Bahun". Though they apparently maintain closer social relationships including inter-caste/community marriages between them, their separate identity is obvious from the fact that while the Bahun belongs to the Brahmin Varna, the Chettris are of Kshatriya Varna. The claim of the request-makers that there is no vertical hierarchical division of castes in Sikkim is contrary to the evidence available in ethnographic accounts which clearly place the Bahuns at the top of the social hierarchy in Sikkim, the Thakuris and Chettris next to them and Scheduled Castes at the bottom. As has been brought out in the Report of the Sikkim State Backward Classes Commission, Bahuns and Chettris besides being Socially advanced castes/communities are also educationally

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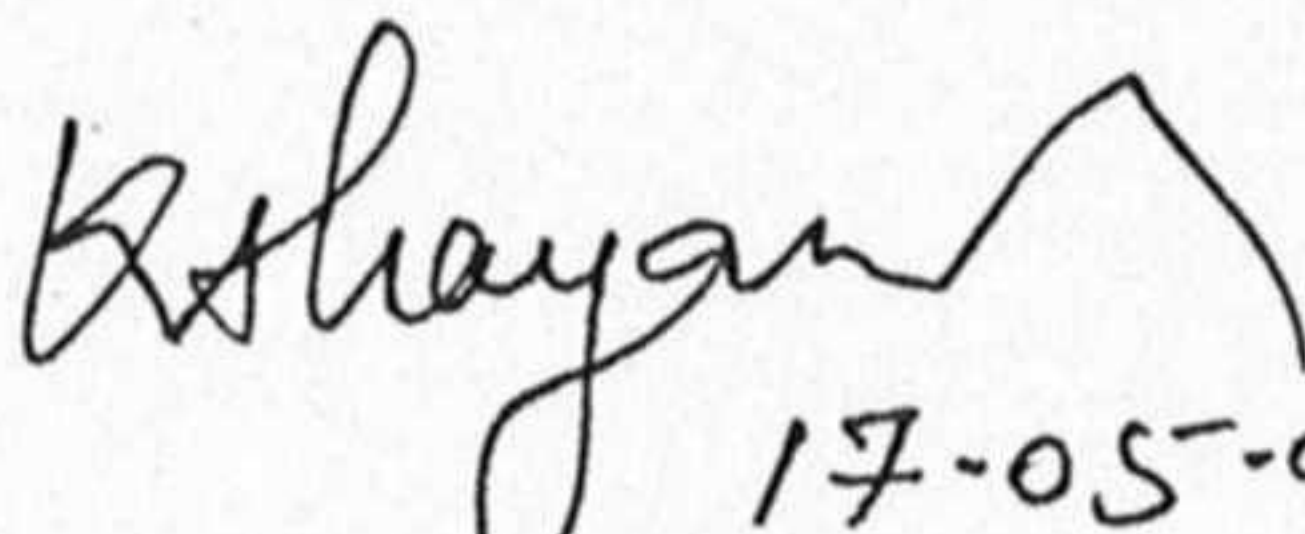
advanced and adequately represented in the services of the State Government. Considering the smallness of the Sikkim State, the fact that there are 5 each members from Bahuns and Chettris of Sikkim in the All India Services is a significant pointer to the educational advancement and adequacy of representation in the services of these communities. It also conform to the position in other States with regard to the predominancy of advanced castes/communities in the field of education and administration and it shows that the "different historical and social economic background" of Sikkim compared to other States referred to by the Request-maker has not had any significant bearing on the comparative advantages/disadvantages of castes/communities in the State which appears to be the same as in other States. In view of these facts, Bahuns and Chettris of Sikkim clearly do not deserve inclusion in the List of Backward Classes. The inclusion of the entire "Nepali" or "Gorkha" community without any sub-classification in the list of BCs in some States like Punjab, Haryana and Assam cannot be a ground, as supposed by the Request-makers, for the automatic inclusion of Bahuns and Chettris in the list of Backward Classes of Sikkim or any other State. The inclusion of "Gorkha" in the Central List of BCs for Punjab and Haryana and the inclusion of "Nepali" community including Chettri in the Central List of Backward Classes for Assam were, in fact, not based on any analysis of data/information but were based merely on the mechanical process of common-listing, i.e., inclusion in the Central Lists of castes/sub-castes/communities which were found included in both the Mandal Commission's List for each State and the respective State Government's List that existed at the time of the preparation of the first-phase Central Lists for each State. At this, in respect of castes/communities which are not included in the Central List of Backward Classes if they seek inclusion in the Central List of Backward Classes, it is the duty and responsibility of this Commission to ascertain the factum of backwardness or otherwise by analysing available facts and data in respect of them. In the present case of Chettris and Bahuns of Sikkim such available facts and data incontrovertibly

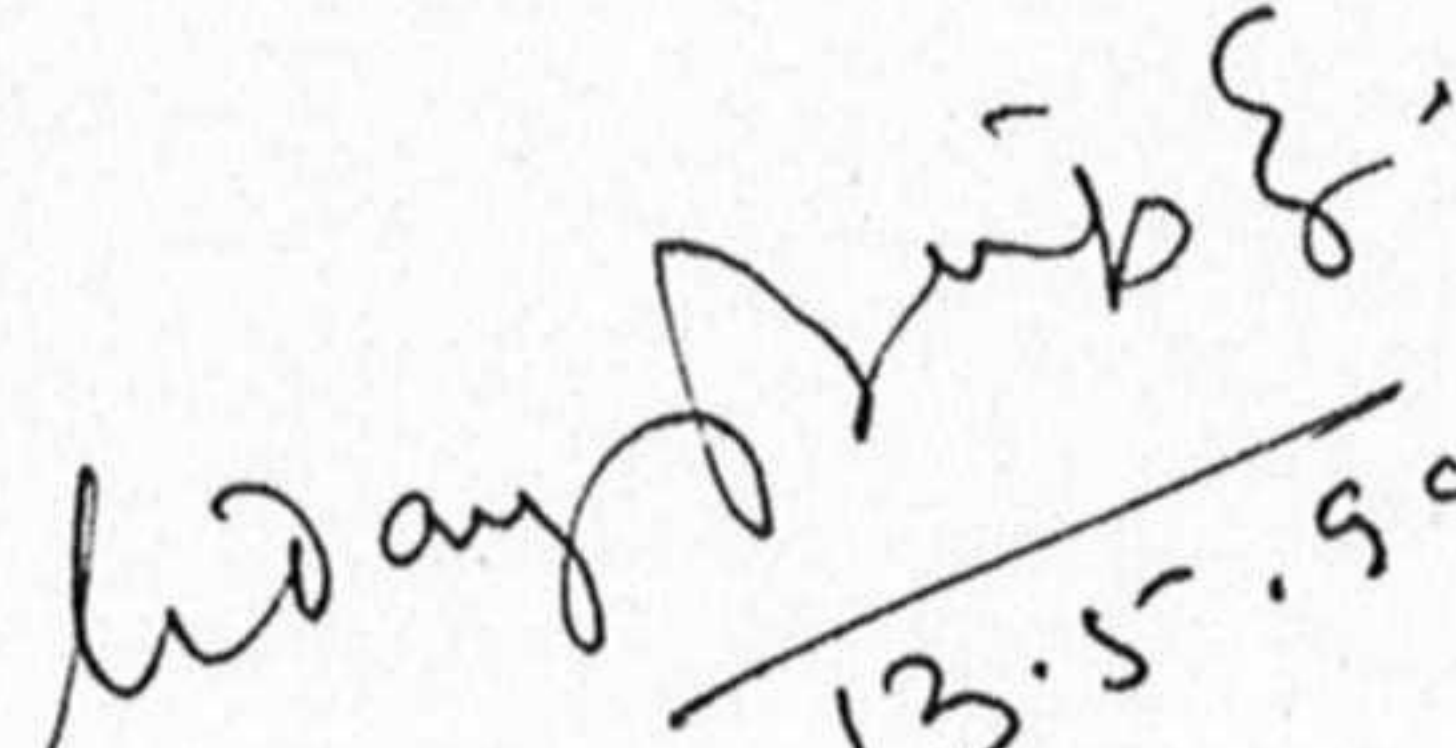
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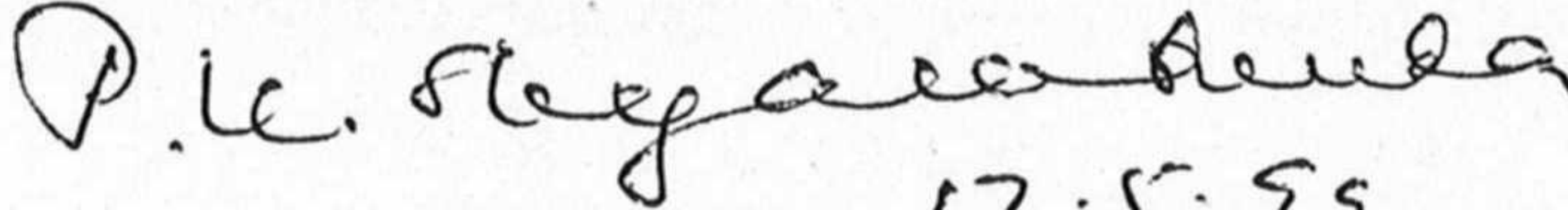

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establish that they are not socially and educationally backward but, on the contrary, are socially and educationally advanced castes/communities, well-represented in the services of the State. In view of this, **the Requests for Inclusion of Bahun and Chettri caste/communities in the Central List of Backward Classes for Sikkim should be rejected.**

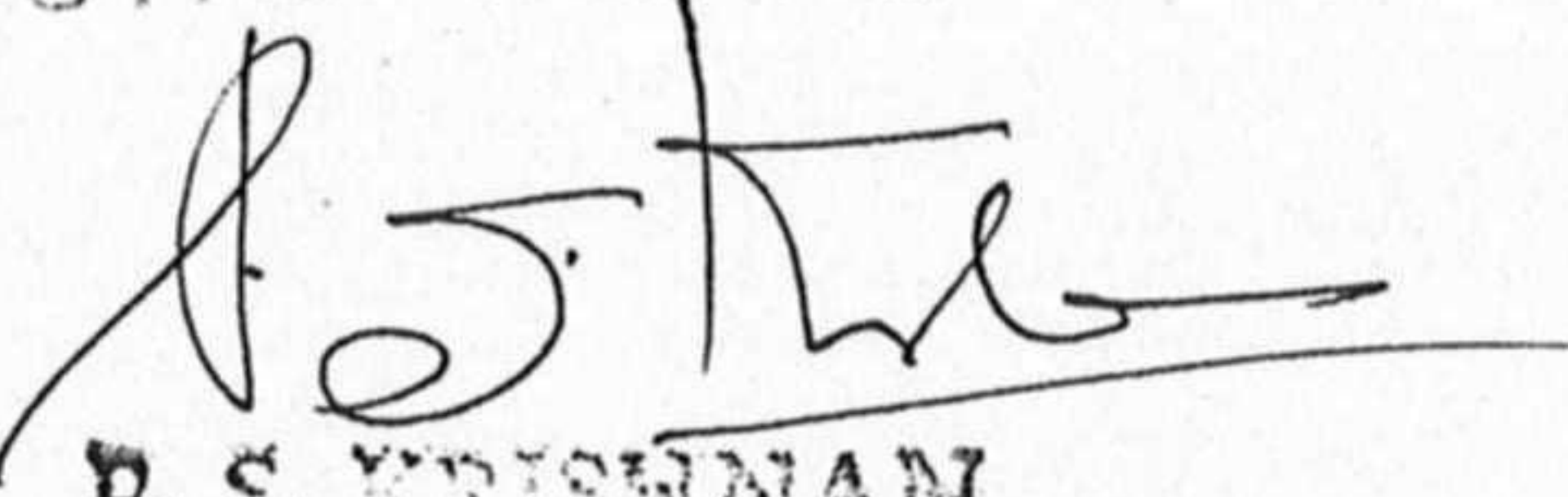
As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away on 16.8.1998, subsequent to the public hearing, the Findings are signed only by two Members, one of whom is also the Coordinating Member of the Bench, but the Findings represent the conclusion jointly arrived at by all the three Members.


17-05-99
(Sahu Akshaya Bhai)


13.5.99
(U.P. Singh)


17.5.99

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IV. Advice of the Commission

19. 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 "Chettri" and "Bahun" castes/communities in the Central List of Backward Classes for Sikkim be rejected as they are neither Socially nor Educationally Backward, but are Socially and Educationally Advanced castes/communities, well-represented in the services of the State.

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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P. S. Krishna
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