



No.LTS/1/2017/STGSK/DEOTH/RU-II  
Government of India  
(National Commission for Scheduled Tribes)

6<sup>th</sup> floor, Lok Nayak Bhawan,  
Khan Market, New Delhi  
Dated:-25.10.2018.

To

The Chief Secretary,  
Govt. of Sikkim,  
New Secretariat Development Areas,  
Gangtok-737101.

Sub:- Forwarding a copy of Minutes of the Sitting held on **28.09.2018 at 11.30 A.M.** under the Chairmanship of Shri Hari Krishna Damor, Hon'ble Member, NCST regarding (i) Protection of Land of Minority Tribal Sherpa Community in Sikkim and (ii) To make provision for the separate population census for the Sherpa Community in Sikkim.

I am directed to enclose herewith a copy of minutes of the Sitting held in the Commission on **28.09.2018 at 11.30 A.M** under the Chairmanship of Shri Hari Krishna Damor, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for information and necessary action. In this regard, the action taken report may also be submitted to the Commission at the earliest.

2. List of participants is attached.

Encl: As above

Yours faithfully,

(S.P. Meena)  
Assistant Director  
Tel:24645826

Copy to:-

1. The Commissioner-cum-Secretary, Land Revenue & Disaster Management Department, Government of Sikkim, New Secretariat Development Areas, Gangtok-737101.
2. Shri Lha Tshering Sherpa, President, Denzong Sherpa Association, H.A. -Sikkim, East Sikkim-737101.
3. SAS, NIC, NCST with the request to upload on the website of the Commission.

**Government of India**  
**National Commission for Scheduled Tribes**

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Sub:-Minutes of the Sitting held on 28.09.2018 at 11.30 A.M. under the Chairmanship of Shri Hari Krishna Damor, Hon'ble Member, NCST regarding (i) Protection of Land of Minority Tribal Sherpa Community in Sikkim and (ii) To make provision for the separate population census for the Sherpa Community in the State of Sikkim.

**LTS/1/2017/STGSK/DEOTH/RU-II**

**Dated: 28<sup>th</sup> September, 2018**

List of participants placed at Annexure 'A'

Representation dated 19.06.2017 received from Shri Lha Tshering Sherpa, President, Denzong Sherpa Association, H.A. -Sikkim, East Sikkim-737101 regarding (i) Protection of Land of Minority Tribal Sherpa Community in Sikkim and (ii) To make provision for the separate population census for the Sherpa Community in Sikkim.


The same was forwarded to the Chief Secretary, Government of Sikkim vide this Commission's letter of even no. dated 23.06.2017 to furnish the comments/information to this Commission. Despite reminder dated 23.08.2017, no information was received in the Commission from the State Government of Sikkim till 13.09.2018. A reply was received on 18.09.2018.

2. Shri H.K. Damor, Hon'ble Member, NCST has decided to call a sitting on **28.09.2018 at 11.30 A.M.** in the Commission for discussion in the matter.

Gist of discussion/advice

3. During the sitting the petitioner requested the commission for protection of following rights as under:-

- i. Informed that unfortunately, Sherpa community in Sikkim are alienated from their fundamental and constitutional rights even after the constitution of India recognized them as Tribal and defined them within the definition of Bhutia-Lepcha. To eliminate the very existence of Sherpa Community in Sikkim the feudal forces have always played against the interest of peace loving, sincere and hardworking Sherpa people.
- ii. Through Sherpa community is well defined within the definition of Bhutia-Lepcha by the Constitution of India yet they are kept aside from the land rights and protection on Sikkim. The recognition of Sherpa community as a sub-caste of Bhutia is not a new phenomenon post-merger but a historical fact which is clearly reflected in the Gazette of Sikkim 1891. While accumulating the first ever population census in Sikkim the Sherpa people are clearly been put under the population of Bhutia.

  
हरि कृष्ण डामोर / Hari Krishna Damor  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi


The practice of defining Sherpa as a sub-caste of Bhutia is thus a historical and documented fact. But sadly, the Sherpa community is totally alienated from the



land rights and protection in Sikkim. In one hand it is openly advocated that the Sherpa community doesn't fall under Revenue Order No. 1 (old laws of Sikkim) but in the other hand while showing the percentage of population, Sherpa automatically becomes a part of Bhutia-Lepcha. Such dual standard is not just an justice to Sherpa people but it is an open violation of the Constitution of India as well.

- iv. Further, the rampant transfers of Tribal Sherpa Land to general communities in Sikkim have put grave apprehensions in the minds of Sherpa people. Such blatant suppression to the Sherpa community is a proof enough that the very existence of Sherpa community is in danger in Sikkim. Thus under no canons of civilized, humanitarian, legal and democratic norms this dispensation can be justified.
  - v. Moreover, owing to the non-availability of separate population census of Sherpa Community they have been deprived of the Government schemes land benefits. The system of using Sherpa people as convenience have isolated and alienated them from Government jobs, scholarships, grants and developments.
  - vi. Therefore, to provide justice and ensure their political, social, economic and educational well-being, it is earnestly requested to initiate tangible action to provide Land Protection to Sherpa Community in Sikkim. It is also requested for making immediate provision for the separate population census of the Sherpa population census of the Sherpa community in Sikkim.
4. The Commissioner-Cum-Secretary (Land Revenue & Disaster Management Department) given the following reply on the demand of the petitioner given as under:-

- i. The demand for a separate census for the Sherpa Community in Sikkim, the State Government is of the view that this matter will have to be dealt with by the Office of the Census Commissioner of India, Government of India and The State will make an appropriate reference to it.
- ii. With reference to the demand for protection of land of Minority Sherpa community in Sikkim, the main contention is that Sherpas have claimed to be a sub-caste of Bhutia as historical fact from the time of the Namgyal Dynasty and are claiming for protection of their lands under Revenue Order No.1 of 1917. It is apparent that the Denzong Sherpa Association is not aware of the full facts and therefore has jumped to wrong conclusions. The State Government has also addressed the demand for land protection. As they do not fall within the purview of Revenue Order No.1 of 1917, the State Government has brought about a State Legislation. The State Government has amended the Sikkim Regulation of Transfer of Land Act, 2005(Act No. 18 of 2005) to give protection to land belonging to the Sherpa Community of Sikkim. The Sikkim Regulation of Transfer of Land (Second Amendment) Act, 2018 was notified vide Law Department's Notification No.18/LD/18 dated 18.07.2018 and published in the Sikkim Government Gazette Extraordinary No.361 on 18.07.2018.

  
हरि कृष्ण डामोर / Hari Krishna Damor  
सदस्य / Member  
राष्ट्रीय अनुसूचित जनजात आयोग  
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iii. The State government would like to submit that it has clearly been established that "Sherpas" do not come within the purview of Revenue Order No. 1 of 1917 as clearly spelt out in O.M. No.590/G.B of 12<sup>th</sup> May 1921. Both the Revenue Order No.1 of 17<sup>th</sup> May 1917 and the O.M. dated 12<sup>th</sup> May 1921 are 'old laws' protected under Article 371F(k) of the Constitution of India and same is still in force.

5. Detailed discussion was held on the subject with the Commissioner-Cum-Secretary (Land Revenue & Disaster Management Department) and the petitioner.

6. The petitioner was advised to pin points areas where Sherpa Community has been deprived of their rights under constitution and other laws. It was also advised to the State Government that they come up with policy to protect land of all tribes community of Sikkim. Further, it has also been advised by the Hon'ble Member that another sitting will be held under the chairmanship of Hon'ble Chairperson, NCST for discussion in the matter.



हरि कृष्ण डामोर / Hari Krishna Damor  
सदस्य / Member  
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