

NATIONAL COMMISSION FOR BACKWARD CLASSES

Uttar Pradesh Bench

FINDINGS

Case: Request for inclusion of '**Kurmi-sainthwar, Kurmi-Mall** as a sub caste of Kurmi' caste/community in the Central List of Backward Classes for Uttar Pradesh.

1. **Request**

This case arises from the request received in this Commission from Shri Kedar Nath Singh, Ex-MLA, Bunglow No.4, Park Road, Civil Lines, Golaghat, Gorakhpur, U.P., Shri Yadubans Singh, House 555-GA/121, Mohalla Subhash Nagar, P.O. Manasnagar, Lucknow-226023 and Shri Jokhu Prasad Singh, Village-Deogaon, Gouri Bazar, Deoria, U.P. inclusion of '**Kurmi-sainthwar, Kurmi-Mall** as a sub caste of Kurmi' in the Central list of Backward classes for Uttar Pradesh.

2. **Public Hearing**

Smt. Neera Shastri and Dr. B. Baburao Verma Hon'ble Members forming part of the U.P. Bench of the Commission held a public hearing in respect of this request at Lucknow on 16th December, 2004. Hon'ble Chairperson, Justice Ram Surat Singh, who was to Chair the Bench, refrained himself from this Public Hearing because he had previously heard this case as Chairman of U.P. State Backward Classes Commission, Lucknow. At the public hearing, the State

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Government was represented by Shri Jagganath Yadav, Hon'ble Chairman and Shri R.B. Mishra, Secretary, State Backward Classes Commission of Uttar Pradesh. The Kurmi-Sainthwar, Kurmi-Mall caste/community was represented by Shri Kedar Nath Singh, Ex-MLA, Gorakhpur, U.P., Shri Dev. Narayan Alias G.M. Singh, MLA, Sahajanwa, Gorakhpur, U.P., Shri Radheshyam Singh, Director, Sugarcane Seed Development Corporation, U.P. and others.

Facts

3. The entries with regard to this caste/community as reflected in different lists is as follows:-

Mandal List	- Entry No. 78. Kurmi
State List(UP)	- Entry No. 9.Kurmi, Chanau, Patel, Patanwar, Kurmi-Mall, Kurmi-Sainthwar
Central List	- Entry No. 9 .Kurmi

4. Shri Dev Narayan alias G.M. Singh, MLA, Sahajanwa, Gorakhpur stated that their caste is economically and educationally backward. The present position is that, Sainthwar resides only in places where Kurmi are not residing and vice-versa. This is not applicable for other castes/communities. They are residing together at one place. He further added that they are part of Kurmi and thus call themselves Kurmi-Sainthwar. Inter-caste marriages take place between them and also with the Kshatriya community. He stated that they are the brother of Kurmi and are feeling the pangs of detachment from the Kurmi. In 'Manusmriti', they are even called 'Shudra'. Historically they are related to Bhagwan Buddha from where they derived their name Sainthwar, i.e. from Santhagaar. Kurmi is also known by the name Kurmi -Patanwar, Kurmi -Mall, Vaishnawar, Sainthwar etc.

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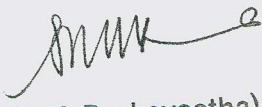
5. Shri G.C. Singh in his statement stated that their caste is in the records of Gorakhpur Gazetteer of 1905. After that he dwelt on the history and said that after the abolition of Santhagaar, 2400 years ago, a Parliament of Sainthwars was held at Kushinagar and after the decline of Sansthagaar, they again took to their main occupation, i.e. agriculture and become Sainthwar.

6. Vijay Pal Singh, Sainthwar, Advocate, Vill. Pali, Distt. Gorakhpur informed the Commission that Sainthwar is a sub-caste of Kurmi, which can be known from the probe. The caste 'Ahir' is in the State list of OBCs and now the 'Yadavs' are getting caste certificate issued by the State administration in the said name apart from 'Ahir', whereas everyone knows that 'Yadavs' is only a title. 'Kurmi' are issued Central caste certificate but if Sainthwar is appended with it, they are not issuing the same, whereas in Kurmi, there are sub-castes like Kurmi-Sainthwar, Kurmi-Mall, Patanwar etc; and all these have been included in the State List of OBCs. But their caste/community has not been included in the Central List of OBCs, whilst those castes/communities who are in the State List should automatically enter in the Central List.

7. Patel Jai Singh Sainthwar of Distt. Kushinagar started with a proverb prevalent in his area i.e. "बन ले मल्ल बिगड ले कुर्मी". He stated that besides Mall, Sainthwar, Jaiswar and Sankhwar are similar castes, because all these have social and cultural relations with each other. So, he requested the Commission to include their caste Kurmi-Sainthwar, Kurmi -Mall in the central list of OBCs.

8. Shri Kedar Nath Singh Sainthwar, Ex-MLA stated that they were exploited on social and political ground for many years. Misinformation has been spread by the Khastriya Sabha that they are altogether a separate caste and have nothing to do with the Kurmi, whereas 'Kurmi' is their brother and they involve them on

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every occasion. He asked, when Kurmis are not treating them separately, then why the Kshatriya Sabha is against them. He further stated that without their knowledge the Hon'ble Commission Member met some representatives of the said Sabha and informed that the survey done on their caste/community will be made public by 3rd January. He also met the Commission and put-forth his caste argument for inclusion in the Central List of OBCs. He stated that on their plea, the Hon'ble High Court had stopped the listing of all the castes for some time. So the judgement of the court also indicate that it was not against their caste only. After sometime due to pressure, this restriction was lifted and they applied again for the inclusion of their caste. Before this they went to the Hon'ble High Court thrice to get justice in favour of their caste but their plea was rejected and the Hon'ble Court asked them to move the Commission for reconsideration of their case. He stated that he has submitted in his affidavit enclosing documents in favour of his caste which proves that they are socially backward caste/community and their main occupation is agriculture. Only a few persons are against inclusion of their caste. So, he requested the Commission to include 'Kurmi Sainthwar', 'Kurmi Mall' in the Central List of OBCs for the State of U.P.

In his affidavit, Shri Kedarnath Singh Sainthwar has stated the following facts:-

- (i) That he belongs to the Kurmi Sainthwar caste
- (ii) That he sent a request letter on 7.1.2000 alongwith Notary to Justice Shyam Sunder, Hon'ble Chairperson, NCBC, for inclusion of the caste Kurmi Sainthwar, Kurmi-Mall, both of whom are the original inhabitant of UP, in the Central List of Backward Classes for UP after its inclusion in the State List of UP.

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(iii) That he appeared before the Commission with requisite documents/proofs for reconsideration in the light of the order of the Hon'ble Allahabad High Court in the writ petition 28885/95(Copy of the order enclosed) filed by the All India Maha Kshatriya against the order of the State Backward Classes Commission

(iv) That UP Bench of the Commission ,(Allahabad Bench) held a Public Hearing on 13.1.2001 at Allahabad on request of the caste Kurmi-Sainthwar,Kurmi-Mall for its inclusion in the Central List ,in which both the parties were given chance to submit evidence before the Commission. At that time he submitted the filled in questionnaire to NCBC (enclosed).

(v) In accordance with the Hon'ble High Court wish and UP Govt. Backward Class Welfare Department office order No.574/64-1-44/98, dt. 26/4/1999, Sh. Puranmal Bisaen and Sh.. Chandrakesh Singh appeared before the Commission with facts & evidence against Kurmi-Sainthwar,Kurmi-Mall on behalf of All India Kshatriya Mahasabha. State Commission after hearing both the parties decided to include the 'Kurmi-Sainthwar', 'Kurmi-Mall' in the State List of OBCs. So there opposition before the National Commission is baseless.

A. All India Kshatriya Sabha challenged the State Commission before Hon'ble Allahabad High Court requesting to reconsider the decision. Again they were asked to provide evidence to the National Commission for reconsideration.

B. As per National Commission requirement, first the caste in question should try for its inclusion in the State list and then after it will be easy for them to include it in the Central List.

C. The so called people of the India Kshatriya Mahasabha had stated before the State Commission that the 'Sainthwar' and 'Mall' Community is forward in

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the State, now these people are spreading misinformation by appending them with Kshatriya, which is not so.

D. Opposition has declared 'Sainthwar' independent and want to include themselves independently as 'Sainthwar'. For this they should first approach the State Commission. It is baseless for them to appear directly before the National Commission.

E. That, objection maker neither hail from 'Kurmi-Sainthwar' nor from 'Kurmi-Mall.' Their only aim is to harm this community.

F. To protect the interest of their caste, they have formed a registered society in the name of Kurmi -Sainthwar & Kurmi- Mall, Gorakhpur, which also looks after its developments. Their organisation President and Organising Secretary has submitted letter to the Commission whose photocopies are enclosed with the affidavit.

(a) In 1886's Khatauni, the ancestor of Shyama Charan has been mentioned as Kurmi.

(b) In 1901's separation deed Kanahiya Pirasan Bhagi has been mentioned as 'Sainthwar',

(c) Shri Parmeshwar has been named as the son of Shri Kanahiya. in family record

(d) In 1952's Khatauni, Parmeshwar, S/o Kahaniya has been mentioned as Kurmi.

(e) In farmer record Shyama Charan has been mentioned as the son of Parmeshwar.

(f) In Voter identity card Shyama charan has been mentioned as the son of Parmeshwar.

(g) In caste certificate issued to Sh. Vijay Singh ,S/O Sh. Shyama charan has been mentioned as Kurmi Sainthwar.

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So, the word Kshatriya has been mentioned nowhere, only 'Kurmi' or 'Sainthwar' has been mentioned in these records.

Further he has given the historical account of Sainthwar/Mall caste and has enclosed the following:-

- (i) District Gazetteers of United Provinces of Agra and Oudh (page 90 Sainthwars has been mentioned),
- (ii) Rajput Vanshawali by Thakur Ishwar Singh Madad ,which also speaks of Kurmi Sainthwar caste/community.
- (iii) Caste census of the caste Kurmi of United Provinces of Agra and Oudh for the period 1881(showing Sainthwar, as sub-caste),1901,1911 & 1921 by Baillie, I.C.S.
- (iv) Bhagwan Buddh aur Unka Dharma, written by Dr. Bhim Rao Ambedkar and translated by Bhadant Anand Kausalayayan, Siddarth Prakashan, fourth Edition, 1989 (pp.21-22) Encl-2, (pp.434-435) Encl-3, (pp.237-242) Encl-6.
- (v) 'Gorakhpur-Janpad aur Uski Kshatriya Jatiyon ka Itihas' Dr. Rajbali Pandey, Published by Thakur Mahatam Rao, Published aur Bookseller, Gorakhpur, Samvat 2003, Vikrami (pp.130-131) Encl-4, (pp.152-153) Encl-5, Encl-6.
- (vi) Gorakhpur – A Gazetteer, Volume XXXI, District Gazetteer of the United Province and Oudh, Allahabad, 1909, Encl-7
- (vii) Gorakhpur – Supplementary notes and statistics , Volume XXXII of the District Gazetteers of the United Provinces of Agra and Oudh, Allahabad, 1921 (pp.56-57) Encl-8
- (viii) Gorakhpur – A Gazetteer Volume XXXI of the District Gazetteers of the United Provinces of Agra and Oudh, Allahabad, 1921 (pp.94-95) Encl-9.

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- (ix) Uttar Pradesh District Gazetteers – Gorakhpur, Allahabad, 1987 (p.53) Encl-10.
- (x) Azamgarh gazetteer Volume XXXIII of the District Gazetteers of the United Provinces of Agra and Oudh, Allahabad, 1911, (88-89) Encl-11.
- (xi) Viswen Vansa Vatika – History of Pargana Salempur Majhauri and the Viswen Family of Majhauri by Lal Khadga Bahadur Malla, Bankipur, 1887 (pp.46-49, 65) Encl 13, 14
- (xii) Rajput Vanshawali by Dr. Thakur Ishwar Singh Madadh, Chetana Prakashan, New Delhi (pp.265-275).
- (xiii) Kshatriyamitra, 1 April, 1929 (pp.15-17) Encl-18
- (xiv) Letter No. 22/53/1982-ka-2 dated 4 August, 1989 circulating the list of Backward Classes in which Kurmi and Sainthwar are included at entry No.9. Encl-19.
- (xv) Letter No.22/53/83-ka-2 dated 2 November, 1989 by which Sainthwar caste deleted from the State list of BCs.
- (xvi) Advice of the U.P. State Backward Classes Commission regarding inclusion of Kurmi-Sainthwar, Kurmi-Mall in the State List of BCs.
- (xvii) Office Memorandum 574/64-1-44/98, dated 26th April, 1999 of UP State Backward Class Welfare Department reinstating the Caste Kurmi-Sainthwar, Kurmi-Mall at entry No. 9 in the State List of Backward Classes List of UP on the advice of the State Backward Classes Commission, Lucknow.

9. Radheshyam Singh Director, Sugarcane Seed Development Corporation, U.P. stated that their caste is mostly concentrated in the five eastern districts of UP and they deserve to be listed in the Backward Class List, because their other brothers (caste akin) are in the Central as well as the State List of OBCs.

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10. Ethnographic Literature

The Kurmi-Sainthwar/Kurmi-Mall caste/community is described and its relation with Kurmi is attested to in the ethnographic and other accounts as follows:-

(i) In the “**Tribes and Castes of North Western India**”, W. Crooke, Vol.I, Cosmos Publications, New Delhi, Reprint 1975, pp.347-357, Kurmi, Kunbi caste is described as below:-

“A very important cultivating caste widely distributed throughout the Province. Various derivations have been proposed for the name. Some take it to be derived from Sanskrit Kutumba, ‘family’, others from Sanskrit Krishi, ‘cultivation’,.....”

.....At the last Census the Kurmis were enumerated in eleven main endogamous bodies or sub-castes – Baiswar, Bardiha (“bullock-men” – bard, bardh, “an ox”);..... **Sainthwar or Saithwar, who appear to take their name from the Senth (Saccharum sara), a sort of reed grass from the stalks of which chairs and stools are made.....** In Gorakhpur are found the Patanwar; Saithwar, whom Dr. Buchanan identifies with the Ajudhiyas of Bihar, **who claim there to be of the highest dignity and the purest blood and are usually cultivators,.....** The sub-castes in Azamgarh are Audhiya; Dhilphora or Dhelphora, Jaiswar, Sankata, **Sainthwar and Mal, who consider themselves superior,** and regarding them it is said **Banal mal, bigaral Kunbi – “When the Mal thrives, the Kunbi fails.”.....**

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.....Their social status is respectable. They will not eat Kachchi even if cooked by a Brahman who is not their Guru. The same rule applies to Pakki. Some local Brahmans will eat Pakki from their hands, and the same is the case with respectable Kshatriyas.....” According to the Census 1891, the distribution of Sainthwar sub-caste of Kurmis was – 2 in Mathura, 98626 in Gorakhpur and 294 in Azamgarh districts.

(ii) Under the title ‘Teli’, W. Crooke, (ibid, vol.IV, pp. 371-379) has mention Sainthwar as below:-

(iii)

“Teli – A large caste of pressers of oil and traders in various commodities.....In Basti we find the Biahut, Jaunpuri, Kanaujiya, Turkiya, and **Saithwar**, which last is a Kurmi sub-caste.....”

(iii) In ‘Hindu Castes and Sects’ by Jogendra Nath Bhattacharya (Munshiram Manoharlal Publishers Pvt. Ltd. Reprint 1995, pp.216-219) Sainthwar has been given as one of the sub-division of Kurmis in Gorakhpur and Banares.

(iv) The Census of India, 1931, United Provinces of Agra and Oudh, Part I, Report, A.C. Turner, Usha Publication, New Delhi, Reprint, 1987 (pp.531 & 532) mentions that in the Census members of many castes claimed new name of their caste, ‘Kurmi’ and ‘Saithwar’ were also among them. Some members/associations claimed ‘Kurmi-Kshatriya’ and ‘Kairai’ as new caste name for Kurmi. Similarly ‘Chhattari’ was claimed as new

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caste-name for Sainthwar. At p.537 the following is written about the Kurmi:-

“The small increase of 0.5% in Kurmis cannot be ascribed to the increase in Sainthwaras, for an addition of 7000 (the increase in Sainthwars) would still leave the increase at only 1%. I think it is probable that some of them have gone under Rajputs, either having been returned as such without the name Kurmi added, or else having been overlooked in the process of abstraction.”

(v) In “People of India”, National Series Vol. IV, India’s Communities (pp.1923-24) Sainthwar or Saithwar under the caste “Kurmi” is mentioned as below:-

“Kurmi they are a numerically large and widely distributed community. The All India Kurmi Kshatriya mahasabha claims the Kurmi as a national community and includes in its fold all agricultural communities. Crooke (1896) described them as a very important and widely distributed cultivating caste, having eleven main endogamous divisions, namely Baiswar, Bardhiha, Gangapar, Gujarati, Jaiswari, Kanaujiya, Kharebind, Patariha or Patthariha, Rash, Sainthwar or Saithwar and Singraur.....”

(vi) In “People of India”, National Series Vol.VIII, Communities, Segments, Surnames and Titles, K.S. Singh, Anthropological Survey of India, Oxford University Press, Delhi. 1996, Sainthwar is mentioned as below:-

“Sainthwar – sub-caste of Kurmi, Census years : 1911, 1921, 1931; earlier distribution : United Provinces” (p.857)

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“Kurmi

Subcastes:

.....Sainthwar.....Sainthwar, Saithwar.....”(pp.1495-96)

11. The Bench observed that the caste/community in terms of caste system is identified/linked with traditional occupation of ‘Agriculture’. At present the caste/community is engaged in agriculture labour and other manual work. Many of them are landless and is a socially backward class. The Commission also took note of the fact that in the writ petition No.28885 of 1995 which was disposed of by the High Court, Allahabad, on 15-6-1998, it was held that notification dated 6-9-1995 by which Saithwara and Malls were included in the list of backward class cannot be interfered with. The Court dismissed the writ petition, with liberty to make fresh representation. The Court also mentioned that it is not open to the petitioners to challenge the same notification again, which had already been upheld by the court on 15-6-1008. It is also evident that the ‘Kurmi-Sainthwar/Kurmi-Mall’ caste/community is a sub-caste of ‘Kurmi’ They are socially and educationally backward.. As such the caste/community deserves to be included in the Central List of OBCs as a sub caste of ‘Kurmi’ for the state of Uttar Pradesh.

12. **Findings**

From the evidence and documents presented at the time of public hearing and also on a perusal of ethnographic literature by eminent authors, the Bench finds that the “Kurmi-Sainthwar,Kurmi-Mall” caste/community of Uttar Pradesh is akin to the Kurmi of Uttar Pradesh and is a socially backward class in Uttar Pradesh whose traditional occupation was agriculture. Therefore, the “Kurmi-Sainthwar,Kurmi-Mall” as a sub caste of Kurmi” be included in the Central List of

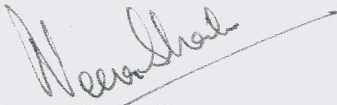
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Backward Classes for Uttar Pradesh at entry No.9 and after amendment the entry will be as follows:-

“9.Kurmi, Kurmi-Sainthwar/Kurmi-Mall as a sub caste of Kurmi”


(Neera Shastri)

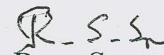

(Dr. B. Baburao Verma)

13. Advice of the Commission

The Commission considered and agreed in full with the above findings of the Uttar Pradesh Bench and decided to tender the following advice to the Central Government under section 9(i) of the NCBC Act, for necessary action by the Central Government under Section 9(2) of the Act :-

“Kurmi-Sainthwar/Kurmi-Mall as a sub caste of Kurmi” be included at entry No. 9. in the central list of backward classes for Uttar Pradesh and after amendment the entry will be follows:-

“9. Kurmi, Kurmi-Sainthwar/Kurmi-Mall as a sub caste of Kurmi”


(Justice Ram Surat Singh)

   
(M.S. Matharoo) (Neera Shastri) (Dr. B. Baburao Verma) (S.K. Purkayastha)

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