

RAJYA SABHA

Friday, 9th March 1956

The House met at eleven of the clock, MR. CHAIRMAN in the Chair.

PAPER LAID ON THE TABLE

MINISTRY OF FINANCE NOTIFICATION PUBLISHING THE COMPANIES (CENTRAL GOVERNMENT'S) GENERAL RULES AND FORMS 1956

THE MINISTER FOR REVENUE AND CIVIL EXPENDITURE (SHRI M. C. SHAH) : Sir, I beg to lay on the Table, under sub-section (3) of section 642 of the Companies Act, 1956, a copy of the Ministry of Finance (Department of Company Law Administration) Notification S.R.O. No. 432A, dated the 18th February, 1956, publishing the Companies (Central Government's) General Rules and Forms, 1956. • [Placed in the Library. See No. S-82/56.]

MR. CHAIRMAN: Bills to be introduced, Mr. Sekhar.

THE EMPLOYEES' PROVIDENT FUND (AMENDMENT) BILL, 1956

SHRI N. C. SEKHAR (Travancore-Cochin): I beg leave to introduce a Bill further to amend the Employees' Provident Funds Act, 1952.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Employees' Provident Funds Act, 1952."

The motion was adopted.

SHRI N. C. SEKHAR: Sir, I introduce the Bill.

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THE MOTOR VEHICLES (AMEND- MENT) BILL, 1956

SHRI S. N. MAZUMDAR (West Bengal): Sir, I beg leave to introduce a Bill further to amend the Motor Vehicles Act, 1939.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Motor Vehicles Act, 1939."

The motion was adopted.

SHRI S. N. MAZUMDAR: Sir, I introduce the Bill.

THE INDIAN REGISTRATION (AMENDMENT) BILL, 1955

SHRI P. T. LEUVA (Bombay): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Indian Registration Act, 1908 as passed by the Lok Sabha, be taken into consideration."

The present Bill seeks to amend section 2 of the Indian Registration Act. This is presumably a non-controversial measure, but looking through a wider perspective it has got great significance. For the present I will not refer to it just now. Now, I seek to delete certain portion from section 2 of the Indian Registration Act. The wording of section 2(1) is: —

" 'addition' means the place of residence, and the profession, trade rank and title (if any) of a person described, and in the case of an Indian, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name:"

My only amendment is that the words "his caste (if any) and" be deleted. With regard to this I would like to bring to the notice of the House that the word "addition" appears in two sections of the Indian Registration Act. The sections are 55 and 58,

[Shri P. T. Leuva.]

When any document is presented for registration, the registrar has to perform certain duties under section 55. He has to prepare an index and in that index he has to mention the name of the person and his addition. Index number one shall contain the names and additions of all persons executing and of all persons claiming under every document entered. Memorandum filed in Book No. 1.

Section 58 refers to the endorsement to be made on a document. There also the word 'addition' appears. Now, the registrar, in order to satisfy the identity of the person, can put questions to the person who presented the document for registration. Under section 34 (b) he has to satisfy himself that the person who is presenting the document for registration is the very person described in the document. If the person refuses to answer any question then the registrar is perfectly justified in refusing registration. Under section 17(1) of the Registration Act, certain documents are compulsorily registrable. If the documents are not registered—even though they are required to be registered—certain legal consequences follow. Therefore, my only amendment is that the registrar cannot refuse the registration on the ground that the person who presents the document for registration does not mention his caste in the document.

Now, Sir, looking from another point of view it is quite necessary that wherever we find the mention of caste it should be done away with, for this reason that our country has suffered because of this stratification of our society into various caste systems. From that point of view, I feel that the present amendment though it might be small in nature will set a trend in our thinking for the future and we may be in a position to do away* with this system of caste. I would, therefore, request the House to accept this Bill as passed by the Lok Sabha.

Mr. CHAIRMAN: Motion moved:

"That the Bill further to amend the Indian Registration Act, 1908 as passed by the Lok Sabha, be taken into consideration."

SHRI H. P. SAKSENA (Uttar Pradesh) : Mr. Chairman, if the object of this amending Bill is just to remove the disqualification which the hon. mover thinks occurs because of the use of the word 'caste' I submit that this amending Bill is unwarranted. I will give my reason why I think that it is not necessary. An extract from the Indian Registration Act shows that the words are:—

" 'addition' means the place of residence, and the profession, trade, rank and title (if any) of a person described, and in the case of an Indian, his caste (if any)."

Now, the addition of the words "if any" here precludes the necessity of supposing or presuming that the caste exists there. It does not and by reason of the fact that India has been declared to be a secular State the presumption itself is wrong. The assumption is wrong that there is any caste. We have already declared in our Constitution that India is a secular State. There are no castes and if anybody puts down the caste, it is his fault, not fault of the Constitution or the law. And, therefore, in my opinion this amending Bill is unwarranted and unnecessary.

श्री रामेश्वर अग्निहोत्र (मध्य प्रदेश) :
सभापति महोदय, श्री लेउवा ने जो अमेन्डिंग बिल पेश किया है, उसका मैं समर्थन करता हूँ। इसका कारण यह है कि केवल हिन्दू धर्म ही ऐसा है, जिसमें बहुत सी जातियाँ, वर्ण और उपजातियाँ हैं। जब कोई व्यक्ति चाहे वह क्रिश्चियन हो, मुसलमान हो या पारसी हो, रजिस्ट्रेशन के लिये जाता है तो मैं नहीं समझता कि वह अपनी जाति लिखता है। वह केवल अधिक से अधिक अपना नाम और धर्म लिखता है, क्योंकि उनमें जाति-पाति का कोई झगड़ा नहीं होता।

यदि एक क्रिश्चियन भाई अपना नाम पितामह के नाम के आगे क्रिश्चियन लिखकर आइडेंटिफाई किया जा सकता है, पहिचाना जा सकता है, यदि एक मुसलमान भाई अपने नाम के आगे मुसलमान लिखकर पहिचाना जा सकता है, यदि एक पारसी भाई अपने नाम के आगे पारसी लिखकर पहिचाना जा सकता है, तो मैं नहीं समझता कि जो हिन्दू जाति के लोग हैं, वे भी अपने धर्म अथवा अपने पिता के नाम से क्यों नहीं पहिचाने जा सकते हैं ?

वैसे सक्सेना जी ने कहा कि इसमें कोई आपत्ति नहीं है क्यों कि हमारा जो विधान है वह जाति पांति को किसी तरह का प्रोत्साहन नहीं देता है। मैं उनसे यह जानना चाहूंगा कि यदि हमारा विधान प्रोत्साहन नहीं देता तो फिर हम अपने कानूनों में इन जातियों को पहचान कर या उनको कानूनी संरक्षण देकर क्यों मजबूर करें कि कोई सरकारी दफ्तर में जाय तो उसके लिए अनिवार्य हो जाय कि उसे अपनी जाति बतानी ही पड़े। हमारे यहां कुछ ऐसे नियम हैं जो बहुत ही ज्यादा प्रचलित हैं। हमारे यहां कुछ ऐसी प्रथायें भी हैं, जिनमें पिता का नाम जो होता है वहीं उसके नाती का नाम होता है, उसके लड़के का नाम होता है। उदाहरण के लिए सदाशिव नारायण ले लीजिये। जो नारायण का लड़का होगा, उसका नाम सदाशिव रख दिया जाता है और जो सदाशिव का लड़का होगा, उसका नाम नारायण रख दिया जाता है। इस तरह का हमारे देश में, हमारे धर्म में नियम होता है "सदाशिव नारायण" "नारायण सदाशिव"। ऐसी स्थिति में व्यक्ति का नाम पहचाना जाना जरूर कठिन हो जाता है। इसके अलावा एक ही गांव में, एक ही शहर में बहुत से आदमी एक नाम के होते हैं परन्तु उनको पहचाने जाने के लिये उनकी उमर, उनका मुहल्ला, उनका घर आदि दूसरी बातें होती हैं। मैं यह भी कहूंगा कि यदि

जाति के स्थान पर धर्म लिखा जाय, तो उसकी भी कोई आवश्यकता नहीं है। हमारे देश में ऐसे नाम प्रचलित हैं कि उन नामों से ही पहचाना जा सकता है कि कोई हिन्दू है, मुसलमान है, ईसाई है या पारसी है। इस लिये धर्म का नाम लिखना आवश्यक नहीं है। अधिक से अधिक हम चाहें तो पितामह का नाम जाति के स्थान पर जोड़ दें। जैसे मेरा नाम रामेश्वर है और मेरे पिता का नाम उमराव है, यदि गांव या एक शहर में मेरे ही नाम के लोग हैं तो मेरे पितामह का नाम मेरे नाम के साथ लगाया जा सकता है। इस तरह से इस चीज की दिक्कत को हम कम कर सकते हैं।

वैसे जाति पांति नष्ट कर देने की चीज केवल इस लिये नहीं है कि हम उसे पसन्द नहीं करते, बल्कि जाति पांति के झगड़ों में सब से बड़ी बाधा, सबसे बड़ी खराबी यह है कि हम अपनी राष्ट्रीयता को कमजोर बनाते हैं। यदि जाति पांति का झगड़ा नहीं होता और यह भेदभाव नहीं होता तो जो हिन्दू समाज भूतकाल में इतना बलवान और प्रख्यात रहा, वह धीरे धीरे इस अवस्था को नहीं पहुंचता कि हिन्दुओं की संख्या तो कम होती ही जाती है और साथ ही साथ हिन्दू जाति राजनैतिक, धार्मिक, आर्थिक सभी क्षेत्रों में कमजोर भी होती गई। इसलिये मैं कहूंगा कि यह जातिपांति हिन्दू समाज के लिये रोग है, राष्ट्रीयता के लिये यक्ष्मा है, राजरोग है और जब तक यह यक्ष्मा या राजरोग ठीक नहीं किया जाता, तब तक न तो हिन्दू समाज स्वस्थ हो सकता है और न उसकी राष्ट्रीयता और एकता में ही हमको बल मिल सकता है। महात्मा गांधी ने तो जाति पांति को समाज का कोढ़ कह कर पुकारा था और उन्होंने यह भी कहा था कि यदि हिन्दू जाति को जीवित रहना है; तो उसके लिये यह आवश्यक है कि वह जाति पांति को तोड़ दे। मैं इस संशोधन के

[श्री रामेश्वर अग्निभोज]

सम्बन्ध में यह नहीं कहना चाहता कि मैं एक हिन्दू के नाते केवल हिन्दू धर्म की रक्षा चाहता हूँ, परन्तु मैं इस लिये यह कह रहा हूँ कि इस जाति पांति के झगड़े में स्वाभाविक ही ऊँच नीच का सवाल हमारे सामने आ जाता है, और जहाँ ऊँच नीच का सवाल आ जाता है, वहाँ वर्ण व्यवस्था का सवाल आ जाता है और जहाँ वर्ण व्यवस्था का सवाल आ जाता है, वहाँ पर हमारी राष्ट्रीय एकता, हमारे राष्ट्र का एकीकरण और हमारे राष्ट्र का पुस्तुपन सभी को आघात पहुँचता है ।

इस लिये लेउवा साहब के इस बिल का समर्थन करते हुये मैं माननीय सदस्यों से यह प्रार्थना करूँगा कि यदि वे इस जाति पांति के कलंक को कानून की किताबों से निकाल दें तो अच्छा है । साथ ही केन्द्रीय सरकार को ऐसे सरकुलर्स निकालना चाहिये कि स्कूल कालेजों में और नौकरियों में भी जाति को बताने वाले जो जो सिम्बल, साइन या चिन्ह हैं, उनको निकाल दिया जाय तो उत्तम होगा ।

इतना कह कर मैं इस बिल का समर्थन करता हूँ ।

श्रीमती सावित्री निगम (उत्तर प्रदेश) :
सभापति महोदय, मैं श्री लेउवा द्वारा प्रस्तावित इस बिल का हार्दिक समर्थन करने के लिये यहाँ खड़ी हुई हूँ ।

जमाना इतना तेज़ी से बढ़ रहा है और हम इतना आगे बढ़ चुके हैं कि जो भी ऐसी मान्यताएँ और ऐसे नियम समाज में प्रचलित हैं, जिनके द्वारा हमारा आपस में मतभेद, और संकीर्णता बढ़ती है, जो एक भेदभाव और एक हीनत्व की भावना हमारे हृदय में पैदा करते हैं, उन्हें हमें तुरन्त ही छोड़ देना चाहिये और विशेषरूप से उन्हें कानूनी किताबों से और कानूनी मिसलों से तो बिलकुल ही अलग कर देना चाहिये ।

श्रीमन्, अभी हमारे सामने ऐसे तर्क रखे गये जिनमें यह कहा गया कि हमारा कांस्टिट्यूशन तो स्वयं ही इस बात का समर्थन करता है और हमारी स्टेट एक सेक्यूलर स्टेट है । लेकिन यह सब होते हुये भी और कांस्टिट्यूशन के द्वारा पूरी सहमति मिलने के पश्चात् भी हमारी क्या स्थिति है यह हमें कभी नहीं भूलना चाहिये । आज केवल कास्ट, वर्ण और जाति की चौखटों के कारण हमारे मनो में कितनी भेदभाव, ईर्ष्या और द्वेष की भावनाएँ उत्पन्न हो सकती हैं और उनका कितना खराब नतीजा हो सकता है, इसका हमें बम्बई में अभी होने वाली हालत से भलीभाँति पता हो चुका है । अब वह युग आ गया है जब कि ऐसे स्थानों में जहाँ कि रजिस्ट्रेशन बगैरह होता है, हमें कोई भी जाति या वर्ण रखने की आवश्यकता नहीं होनी चाहिये । हमारी संस्कृति में सदैव हर स्थान में अपवाद की गुंजायश है । जाति पांति की चौखटों के द्वारा हम अपने उद्देश्य से, अपने ध्येय से कितनी दूर भटक जाते हैं, यह इस युग में हमारे ऋषि, मनीषी और विचारक अनेक प्रकार से बता चुके हैं । धर्म दो प्रकार के होते हैं, एक आपति धर्म और दूसरा अचल धर्म । इस लिये आपति धर्म की भाँति इस वर्ण व्यवस्था या जाति पांति का भी जन्म हुआ था । किन्तु अब ऐसा युग आ गया है, जब यह देखने की आवश्यकता है कि इस आपति धर्म ने हमें कितनी हानि पहुँचाई है । हमारे समाज में कुछ ऐसे नियम हैं जो कि शाश्वत रहते हैं जैसे कि अहिंसा, सत्य, प्रेम, एकता आदि । इनका हमारे समाज में बड़ा महत्वपूर्ण स्थान रहता है, किन्तु इनका स्थान जब इन आपति धर्म की भाँति प्रतिष्ठित होने वाले नियमों ने ले लिया है और हम आपस में आपति धर्म या अचल धर्म के नियमों का इस प्रकार दुरुपयोग करने लगे हैं कि भाई भाई को हीन समझने लगा है, मानव ने मानव का शोषण प्रारम्भ कर दिया है । इसलिये यह उप-

युक्त ही है कि हम सब पूरी सहमति के साथ लेउवा साहब के इस बिल का समर्थन करें और यह बात स्पष्ट कर दें कि हम सदा ब्रह्माने के साथ रहने वाले हैं और हमारा जो शाश्वत धर्म है, जो उसके अव्यय है, उनको चल धर्म के चंगुल से बचाकर मानव धर्म की प्रतिष्ठा करने वाले हैं। जब तक हम इस प्रकार के जो दोष समाज में हैं, उनको दूर न कर सकेंगे और जाति पांति की चौखटों को मिला न सकेंगे, तब तक हमारे देश में सर्वोदय समाज की रचना होना असम्भव सा हो जायगा। इन शब्दों के साथ मैं इस बिल का हार्दिक समर्थन करती हूँ।

SHRI AKBAR ALI KHAN (Hyderabad) : Mr. Chairman, Sir, I think that the amendment proposed is a necessary amendment; an amendment regarding which by no stretch of imagination I or anybody could think that there be any opposition, and anyhow as my hon. friend, Mr. Saksena, has opposed.....

SHRI H. P. SAKSENA: I did not oppose it. I simply said that it was unwarranted and unnecessary, and I gave reasons for it. I am sorry I am the victim of misunderstanding these days.

SHRI AKBAR ALI KHAN: My friend has naturally got excited, and is in an excitable mood. But the point is that he did say that it is not wanted. To that extent, he considered that this amendment was unnecessary. My submission is that it is imperative, extremely necessary, and it is high time that this amendment is made and the word 'caste' removed from any enactment. After the establishment of a secular State, there is question of our continuing this habit. We are now talking of the Parliament of man, and you yourself, Sir, in your speeches in India and outside are striving towards one human society with one Parliament. So, is it not high time that we removed this word from all our enactments?

It is not necessary that we should mention our religion, caste or sub-caste. It is very obvious.....

SHRI B. C. GHOSE (West Bengal): Why title also?

SHRI AKBAR ALI KHAN: I can justify titles but I think I will take some other opportunity to justify it. So far as this particular amendment is concerned, it is extremely necessary, because, if the requirement is there, people are inclined to write their castes. That is why we want that people should not be required to give their caste. This is the reason for this amendment. I would request the "hon. the Law Minister to go through all the enactments—I hope Mr. Pataskar will give his attention to me also—and to see that the word 'caste' or sub-caste is omitted, wherever they are mentioned.

DR. P. C. MITRA (Bihar): Then 'scheduled caste' also should go.

SHRI KISHEN CHAND (Hyderabad): I wholeheartedly support this Bill, but I think it is an incomplete Bill. We know that after their names, a large number of people add their caste or sub-caste, so that it becomes an integral part of their names. This Bill says that there will be no necessity or compulsion to state the caste, but if that is part, an integral part, of the name, it will automatically come in. The result will be that in the case of those persons whose name contains their caste, it will be there while in the case of other persons, that caste may not be there. I will go a step further and say to the hon. mover that in registration, the part indicating caste should be eliminated. There are endings signifying the four principal castes, Sharma, Verma, Gupta, representing three castes and Das representing the fourth caste, So, if these form an integral part of the name, they should not find a place in the registration deed. Only then, the picture will be complete. As an hon. Member has pointed out, some have prefixes like 'Pandit'. This not

[Shri Kishan Chand.] only signifies an honour paid to a learned man, but it also signifies a caste. Similarly the word 'Shastri'. All these prefixes and suffixes which have any relationship with caste should not find a place in any registration deed or title deed or in any document transferring property or for entering into any contract or agreement.

श्री रामेश्वर अग्निभोज : शस्त्री तो
उपाधि होती है। क्या आपको यह पता
नहीं है ?

SHRI KISHEN CHAND: These words 'Pandit' and 'Shastri' are used with two different meanings. They are qualifications or mark of respect as well as words denoting caste. In so far as they represent caste, they should not find any place. If they represent only honour, then they may continue. So, in supporting this Bill, I think that the hon. mover should accept an amendment—which you may kindly permit—that any suffixes or prefixes or part of a name which signify caste should be deleted from any document for registration. Then only will this Bill become complete.

Sir, there is a lot of provincialism these days. If you have the name 'Chatterjee' or 'Mookerjee' or 'Chattopadhyaya', you immediately come to know that the man concerned comes from a particular province; not only the province but you get to know the caste' also. So, I will go a step further and say that any suffixes which signify province should also be deleted. In the case of Muslims, there are such distinctions like Pa than or Sheik; these suffixes should also go. As it is, the Bill is not comprehensive enough. The deletion of 'caste' alone is not sufficient. I do hope that the hon. the mover of this Bill will accept this amendment of mine.

SHRI M. GOVINDA REDDY (Mysore): Sir, I am rising to answer the point made by Mr. Saksena,

which has not yet been replied to by any of the previous speakers. He considers that this Bill is unnecessary. By reading the definition as given in the principal Act, he has come to that conclusion. I request him to go through the definition again.

" 'addition' means the place of residence, and the profession, trade rank and title (if any) of a person described, and, in the case of an Indian, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name:"

Evidently, the object of the framers of the principal Act, in introducing this definition, is to get as many particulars for the identification of the individual as possible, and caste or sub-caste is a necessary part of the identification. As we know, at least amongst the Hindus in India, caste or sub-caste was found to be necessary. For instance, we are named after the Gods. We find people of the same name in different castes. For instance, my name is 'Govinda'. There are hundreds of people of that name in my part of the country. That is a very common name. Often I had received letters addressed to some other person and letters addressed to me have gone to other persons.

SHRI B. K. P. SINHA (Bihar): Has the experience of the hon. Member ever been pleasant in this respect?

SHRI M. GOVINDA REDDY: I had once a telephone call from a lady. The peon came and told me that there was a call for me. I went to answer it and at once I received upbraidings, "You have come to Bangalore. Why did you not come to my house? What is the meaning of this? and so on. I was terribly surprised. Later on, I made enquiries and found that it was meant for another person of my name. Such things happen 'Hanumantha' is a very common name in my part of the country. So also 'Ttama' or 'Anja-neya'. We are also in the habit of

giving the father's name, and often fathers' names also coincide. Therefore, it is out of experience probably that it was found necessary by the framers of the principal Act to get particulars of the caste or sub-caste. That was the object in adding- this definition.

DR. SHRIMATI SEETA PARMA-NAND (Madhya Pradesh): What happens in other Countries where castes are not prevailing?

SHRI M. GOVINDA REDDY: In other countries where castes are not prevailing, it is the name that counts but whereas here because we have common names—most of us—it was found to be necessary perhaps. Mr. Saksena thinks that the addition of the words 'if any' makes this Amending Bill unnecessary. That means, he considers that it is not obligatory on the part of a person who presents a document for registration, to mention his caste or sub-caste. That is why he says that this Amending Bill is unnecessary but according to what I said, before, it is necessary. It is obligatory on the part of the person who produces a document for registration to mention the caste or sub-caste. Supposing there is no Amending Bill of this sort and a person who considers it not necessary for him to mention his caste presents a document to the Registration Officer, if that officer rejects the document, he will be perfectly within his rights. Therefore it is necessary in the interests of the person who presents the document, to see that the identifying particulars regarding him are entered in the registration document. Supposing a Registration Officer registers a document and then later on there is another claimant coming and answering to the same identification without the sub-caste,—well such complications do arise—there will be difficulty. Therefore it was necessary for particulars to be given. Mr. Saksena now should see that this Amending Bill is necessary if we want documents to be registered without the mention of caste or sub-caste. If a Registration Officer

refuses to register a document, then without this Amending Bill a party has no claim on the Registration Officer. He cannot compel him to get the document registered because he will not have answered these particulars by omitting to enter his caste or sub-caste. Therefore it is very necessary, although I do believe that in spite of this Amending Bill people continue to register the documents giving their caste and sub-caste. As I said, it will be in their interests to see that full identifying particulars are to be given and as it is possible that persons of the same descriptions are usual to be found, in his own interest he may find it necessary to register the document by giving his sub-caste but my point was that Mr. Saksena is wrong in thinking that this is unnecessary. Until we take away from the Registration Officer his discretion to reject registration of a document if it does not contain the caste or sub-caste, this Amending Bill becomes necessary.

SHRI B. K. MUKERJEE (Uttar Pradesh): Mr. Chairman, Sir, I welcome this Amending Bill and we have got to congratulate the mover of this Amending Bill in the Lok Sabha because he has made an attempt to focus the attention of the nation to take action in the right direction. This, I am pretty sure, will have a psychological effect in the minds of the people not only for the purpose of registration of any document but for all other purposes where they at present are required to put their caste or sub-caste in any document for registration or for any other purpose but I think the mover should have gone a step further. I do not know whether any amendment, if proposed at present, will be acceptable or not but I feel that this clause, which is now to be amended, has got other words which ought to have been also removed because the incorporation or leaving these words in this clause, as they are today, reminds us of the colonial rule in this country which we had removed. Those words are—'and in the case of an Indian'.

[Shri B. K. Mukerjee.]

This law is meant for Indians and this law is meant for Indians only. But to cover any non-Indians we have got to incorporate special clause in this Act. Or the words should have been changed that 'In the case of non-Indians, we require these.' But the entire Act is meant for Indians and Indians only. As this Act was passed several years back when there used to be a class of people enjoying more rights therefore it was that they were excluded. Indians as they are today or they were then, were excluded and for them there were some more things to be done. It was not for everybody. For instance the Britishers were not required to do all these. Therefore I feel these words also 'and in the case of an Indian' should have been deleted but in the case of a non-Indian residing in India, if they require any document to be registered, we can impose conditions and that should be dealt with by a separate Bill. Therefore I feel that 'in the case of an Indian' should also be removed from this clause. This removing of the caste from a document to be registered is not all that is expected of the people or of the Government but this will give a psychological effect for other purposes wherever a caste is to be given. Unfortunately this system is found in many other legislations and it is hoped that the Government will take immediate steps to remove these deficiencies in the existing legislations. We are dealing with enactments and laws of the country but there are some rules also. There are many rules not only in private concerns but in the Government establishments also where a man is required to give his caste. For instance at the time of employment in many cases the candidates have to state their castes or sub-castes in a form provided by the Government depart-ment for recruiting employees. I hope this will be an incentive to the departments to remove all these discriminatory methods from their rules and from all forms they are using at

present where this caste is to be stated. There is no doubt that though we claim India to be a Secular State, yet that is to be proved by our action. Caste is a source for discriminating people "as in this House, some time back the Government had to admit that there were reservations of seats for employment under the Government and those seats were not filled up by the people for whom those seats were "reserved. What I mean is, there are reserved posts for the scheduled caste candidates. Therefore, in spite of the fact that there were scheduled caste candidates available for all the posts, the Government did not fill up those posts with them, because, they say, because these are scheduled caste candidates, their applications would be kept separate from the others. In this way they are not allowed to compete equally with the other candidates or get employment. The authorities say that because these are scheduled caste candidates, their applications would be considered for filling up the reserved posts only. I know it is not possible to remedy these things by means of legislation. We have to bring about a change in the minds of people and a change in the education of the people. We should bring about a change in the minds of the people who manage and conduct our affairs, the Government servants. Only then can we remove these disparities. I do hope that the Government will bear this in mind and not rest content with passing this measure, this amending Bill. I know this House will surely pass this amending Bill. But the Government must not stop with that. They should take courage in both hands and try to change the minds of their big officers or their employees wherever they try to discriminate on account of caste and sub-castes. Also I want the Government to remove from all their rules and from all the forms that they have for recruitment of staff, the provision for stating the caste and sub-caste. The candidates should not be required to enter their castes and sub-castes.

With these few words, Sir, I again congratulate the mover of this amending Bill in this House and request him, if he thinks fit, to move an amendment on the lines that I have suggested, for removing the words "and in the case of an Indian" from the particular clause in the original Act.

डा० पी० सी० मित्रा (बिहार) : सभापति महोदय, इस बिल को पास करने में बहुत सी दिक्कतें हैं। बिहार के छोटा नागपुर हिस्से में इस समय जो हालत है, इस बिल के पास होने के बाद वहां और भी खराब हो जायेगी। छोटा नागपुर में आदिवासियों में मुन्डा और अरोन नाम की दो जातियां हैं। इन आदिवासियों में कई किस्म के नाम हैं, जैसे भगवान, महादेव और शनिश्चर इत्यादि। बंगाली नामों से मिलते हुये भी बहुत से नाम वहां पर मौजूद हैं। अगर लोगों को किसी चीज के लिये रजिस्ट्रेशन करवाना होता है और वे सिर्फ "महादेव" लिखकर रजिस्ट्रेशन या लेन्ड ट्रांसफर करवाना चाहते हैं, तब तो उनका काम आसानी के साथ हो जाता है, लेकिन जब वे "महादेव" के साथ मुन्डा या अरोन भी लिख देते हैं तो रजिस्ट्रेशन करने वाले आफिसर कहते हैं कि Without the permission of the Deputy Commissioner हम ऐसा नहीं कर सकते हैं। इस से वहां पर लोगों को तरह तरह की दिक्कतों का सामना करना पड़ता है।

सरकार की तरफ से जितनी भी नौकरियों के लिये एडवर्टाइजमेंट निकलते हैं, उन में शेड्यूल्ड कास्ट के लिये खास रियायत दी जाती है। आप ने शेड्यूल्ड कास्ट की जो लिस्ट बनाई है उस में बहुत सी जातियों का नाम दिया हुआ है। अगर मैं किसी चीज के लिये अप्लाई करता हूं और अर्जी में सिर्फ अपना नाम "पूर्ण मित्र" ही लिखता हूं तो मुझे स्कालरशिप नहीं मिलेगी, जब तक

कि मैं पूर्ण मित्र के साथ साथ अपनी जाति नहीं लिखता। अगर कोई भी आदमी स्कालरशिप के लिये अप्लाई करता है और अपने नाम के आगे आप की बनाई हुई शेड्यूल्ड कास्ट की लिस्ट के नामों में से कोई नाम नहीं लिखता, तो उस को स्कालरशिप नहीं मिलता है। इस के साथ ही साथ एक और भी बात उस आदमी को यह करनी पड़ती है कि किसी गजटेटेड आफिसर, पार्लियामेंट के मेम्बर या असेम्बली के मेम्बर से सर्टिफाई कराना पड़ता है कि वह उस जाति का आदमी है, जिस का नाम भारत सरकार की शेड्यूल्ड कास्ट लिस्ट में है। जब वह इस तरह का सर्टिफिकेट लिख कर अपनी अर्जी के साथ भेजेगा तभी उस को स्कालरशिप मिल सकती है। जब आप के सरकारी कागजों में ही कास्ट का झगड़ा है, तो यह चीज किस तरह से दूर हो सकती है।

आज हम देखते हैं कि शेड्यूल्ड कास्ट वालों को तरह तरह का प्रिफरेंस दिया जाता है। जब इस तरह से सरकार उन को बढ़ावा देती है तो यह चीज अपने आप खत्म नहीं हो सकती है। शेड्यूल्ड कास्ट की आपने जो लिस्ट बना रखी है, उस में सैकड़ों नाम हैं। मद्रास, बम्बई, बिहार यानी सब प्रान्तों के लिये अलग अलग आप ने लिस्टें बना रखी हैं। आप ने शेड्यूल्ड कास्ट वालों के लिये और शेड्यूल्ड ट्राइब्स वालों के बच्चों के लिये अलग अलग स्कालरशिप रखे हैं। उन के बच्चों को यह लिख कर देना पड़ता है कि हम मेहतर के बच्चे हैं, हम घासी के बच्चे हैं। अगर वे इस तरह की बात नहीं लिखेंगे तो उन को किसी तरह का स्कालरशिप नहीं मिलेगा। इन स्कालरशिप के कागजों में खाली "इंडियन जाति" लिख देने से किसी को स्कालरशिप नहीं मिल सकता है, जब तक कि वे अपनी जाति का नाम नहीं लिखते। इसी तरह से अगर कोई सिर्फ "ट्राइब" का शब्द लिख दे तो उस को स्कालरशिप नहीं मिल सकता, तब

[डा० पी० सी० मित्रा]

तक कि वह जाति नहीं लिखता। अगर मैं पूर्ण मित्र लिख दूँ तो काम नहीं चलेगा, जब तक कि मैं जाति भी उस के आगे नहीं लिखूँ।

आज हम देखते हैं कि देश में कई तरह की जातियाँ मौजूद हैं। ब्राह्मणों में भी बहुत सी जातियाँ हैं। देश के अन्दर सभी तरफ डिस्टिक्शन बना हुआ है। जब हम एम० पी० का शब्द बोलते हैं तो इस से काम नहीं चलता जब तक कि उसके आगे राज्य सभा और लोक सभा का नाम नहीं लेते। खाली एम० पी० बोलने से काम नहीं चलता। यह भी एक तरह का कास्ट सिस्टम है। लोक सभा वाले एम० पी० कहते हैं कि हम तो हजारों रुपया खर्च करके एम० पी० बने हैं, जब कि राज्य सभा वालों को प्राविशियल लेजिस्लेचर्स चुनते हैं, जिसमें कुछ भी खर्च नहीं होता।

छोटी जाति के लोग ऊँचा उठना चाहते हैं। वह चाहते हैं कि हम ब्राह्मणों के साथ शादी करें।

श्रीमती सावित्री निगम : क्यों नहीं।

डा० पी० सी० मित्रा : मगर ऐसा कैसे हो सकता है, जब कि सरकार ही भेदभाव रखती है। सरकार के अन्दर तरह तरह के कास्ट बने हुये हैं—सेक्रेटरी, असिस्टेंट सेक्रेटरी, अन्डर सेक्रेटरी वगैरा। मुकर्जी सेक्रेटरी हैं, डिप्टी सेक्रेटरी और असिस्टेंट सेक्रेटरी जो हैं, वे सब एक तरह कास्ट ही तो हैं। प्रेजीडेंट और डिप्टी प्रेजीडेंट, वगैरा यह सब भी एक तरह के कास्ट हैं। इन सब चीजों को उठा दीजिये। इस देश में सब प्रेजीडेंट हैं, मेम्बर हैं, सेक्रेटरी हैं। मजूमदार क्या है, यह भी एक तरह की जाति है। इस तरह से हमारे देश में कई कास्ट हैं।

श्री सत्येन्द्रनारायण मजूमदार (पश्चिमी बंगाल) : मजूमदार सब कास्ट में है।

डा० पी० सी० मित्रा : नवाबों के समय में बंगाल में मजूमदार, दीवान जी और कई तरह की जातियाँ बनी थीं। अब आप लोगों की मेजोरिटी है, आप लोगों के हाथ में ला है, जो कुछ आप करना चाहेंगे वह पास हो जायेगा। लेकिन आप को इस तरह का काम करना चाहिये जिससे ये जातियाँ जो इस समय हमारे देश में हैं, खत्म हो जायें।

इलेक्शन में भी आपने भेदभाव रखा है। शेड्यूल्ड कास्ट के मेम्बरों को सिक्कुरेटी के लिये आधा रुपया देना पड़ता है, जब कि दूसरे लोगों को पूरा रुपया देना पड़ता है। इस तरह का भेदभाव आपने सब जगह रखा हुआ है। जब तक आप इस तरह के भेदभावों को नहीं मिटायेगे, तब तक इस देश के अन्दर से जाति या कास्ट की प्रथा नहीं मिटेगी।

शेड्यूल्ड कास्ट के मेम्बरों को हाफ देना है। तो रिटर्निंग आफिसर नामिनेशन ही रिजेक्ट कर देगा, क्योंकि कोई आकर यह बोलेगा कि वह शेड्यूल्ड कास्ट नहीं है। परसों उसने रजिस्ट्री किया है और उसमें यह नहीं दिया है कि कौन कास्ट है और आज बोलता है कि हम डोम हैं। इसी लिये मैं कहता हूँ कि इससे दिक्कत पड़ेगी। कास्ट की दरकार है। छुआछूत खाने पीने के लिये है, डाक्यूमेंट के वास्ते नहीं है। महात्मा जी यह नहीं बोले थे कि कास्ट उठा दो। वे यह बोले थे कि बेटी-रोटी छोड़कर बाकी सब कास्ट उठाओ। इसलिये कास्ट की दरकार है। वैसे आप चाहिये तो ला बनाइये, लेकिन पीछे दिक्कत उठाइयेगा।

SHRI N. D. M. PRASADARAO (Andhra): Mr. Chairman, I completely support this Bill and I could not understand the reasoning of Mr. Govinda Reddy when he spoke

against the Bill and said that it was necessary to retain the mention of castes and sub-castes. For purposes of identification today, there are several other methods. We do not require this identification in many cases but there is one occasion which is perhaps the most controversial and disputable occasion and that is at the time of elections and voting. Even here, we do not identify a person by his caste. That being so, I do not see why we require it for registration purposes. Shri Govinda Reddy himself, I think, does not understand that the people who belong to these castes do not like to be called by these caste names.

SHRI M. GOVINDA REDDY: I did not say that it should be retained. I only explained why it was there. I have supported the Bill.

SHRI N. D. M. PRASADARAO: I have misunderstood, I am sorry. Even the people who belong to these castes abhor the idea of being called by their caste names. There is a caste in Telugu which, when culture developed and educated persons sprang up from that caste, began feeling shy and changed its name. This also did not take away the odour from the name and they have once again changed the name to Nagpal or something like that. The names of certain castes carry such a bad odour that even the people coming from those castes refuse to be called by those names. That being the case, I do not see why they should continue to be called by such names, and why we should retain the mention of castes. At the same time, I do not want to go so far as my friend, Shri Akbar Ali Khan. He said that the names of all the castes should be deleted from all the records, from all the Acts and so on. Even our Constitution gives certain rights and guarantees, particularly to the Scheduled Castes and the Scheduled Tribes. So long as we do not take away those safeguards, the mention of the caste names should be there and only for that purpose, that is, for

the purpose of registration of documents. Of course, we hope that the day will come soon when all the names of the castes could be completely wiped out from all the documents.

SHRI P. S. RAJAGOPAL NAIDU (Madras): Make a beginning now.

SHRI N. D. M. PRASADARAO: Yes, of course and that is why, except in the case of the Scheduled Castes and the Scheduled Tribes, for whom special provisions are to be found in the Constitution, the names of the castes are to be removed from all documents intended for registration. I fully support this Bill.

SHRI P. S. RAJAGOPAL NAIDU: Mr. Chairman, I support this amending Bill but I support it not for the reasons that are stated in the Statement of Objects and Reasons that are given in the Bill but for reasons of my own which I am sure the House will appreciate. The word caste that is used in the Bill should not be taken in the loose sense in which it is used in ordinary parlance. We have to read carefully the words appearing before, namely, "in the case of an Indian, his caste, if any". Hon. Members perhaps thought that the word applied only to the Hindus. Under the word 'Indian', will come Muslims, Christians, Hindus, Sikhs, Parsis, Jains, and so on. citizens of this country. If, instead of the word 'Indian' we had found the word 'Hindu', then certainly these words shall not find a place. Probably, the framers of the parent Act meant this word "Caste" for religion, caste, sub-caste, community and all that. In the Telugu language, there are words like, "matam", "vamsam", "kulam", and so on. Probably this word, caste comprised all these things, religion, caste, community, etc. I would suggest that in the place of caste, if we have the word "religion", it would meet the point. We should at least know, in the case of a person who brings forward a document for registration, as to whether he is a

[Shri P. S. Rajagopal Naidu.] Hindu, Christian, Muhammadan, Sikh, Parsi or Jain and the deletion of the words "caste, if any" and the substitution of the word "religion" would enable us to know as to whether the person who registers a document is a Hindu, Christian, Muslim or Parsi.

While supporting the Bill, I would suggest that the words "caste, if any" should be replaced by the word "religion".

SHRI H. C. DASAPPA (Mysore): Mr. Chairman, I also warmly support the measure that Mr. Leuva has brought forward here. I have not the slightest doubt that there should be no place given in a document to be registered for the mention of castes, etc. Besides, this is a very innocuous thing. This is not going to do any harm to anybody at all. I may also say that this is a non-controversial measure but unfortunately, the arguments advanced by some hon. friends have made it a little controversial. My friend, Mr. Mukerjee, has said that the caste should find no place anywhere in the Government documents, and so on. But everybody knows that the 12th NOON. Constitution provides for certain special aids, or I may say, concessions to Scheduled Castes, Scheduled Tribes and Backward Classes. The idea is simply this that those who have lagged behind in the race of life do need a measure of special aid so that they may also come up in society. When that is the case I really cannot understand how that wholesome objective of the Constitution could be realised if, for instance, there is no mention at all about the Scheduled Castes, Scheduled Tribes and Backward Classes. As Mr. Mukerjee himself said, in the case of recruitment to services there are certain reservations for these Scheduled Castes, Scheduled Tribes and Backward Classes. If in the applications these facts are not mentioned, how is it possible to work this out?

J-iikewise, we all know that in the matter of admission to educational institutions some preference is, shown to the Backward Classes.

SHRI B. K. P. SINHA: May I know from the hon. Member the distinction between caste and class?

SHRI H. C. DASAPPA: I think all the States have been asked to mention who the Backward Classes are.

SHRI B. K. P. SINHA: That is a political interpretation.

SHRI H. C. DASAPPA: It is such a well known thing that I thought everybody knew it. For instance, the term 'Scheduled Caste' refers to those who generally are known as Harijans and certain other communities. Similarly, the term 'Scheduled Tribe' is also well denned. Backward Classes are those people belonging to other sections of society who are very backward primarily in education and economically also. The Constitution defines exactly who the Backward Classes are. Those who are educationally and economically backward are known as Backward Classes. It may be that in the highest caste in the scale of gradation or degradation in our society as they say, there may be the poorest man and a man who is least educated but generally speaking you include in Backward Classes certain sections of society who have lagged behind for various reasons. It may be because there was a social stigma attached to their particular calling, trade or profession. For instance, there are the fishermen. Somehow or other they have fallen back and they are supposed to be backward. There are *boyees* who are palanquin bearers. Then there are *vadders* who break stones. They are all backward. Likewise there are a large number of Backward Classes who need special aid. So what I say is that there is no need to make this innocuous Bill a controversial one by importing into it such considerations. I am sure that we all look forward

to the day when there will be no such thing as caste system. I for one will vote for it right now but the question is by merely eliminating these descriptions in governmental documents are we going to get rid of the wretched evils of this caste system?

DR. SHRIMATI SEETA PARMANAND: Yes.

SHRI H. C. DASAPPA: Much rather that we direct all our energies towards the elimination of this caste system in a practical way. Let us not be only talking about it. Let us work for it in every way; right from mixing, travelling, dining and even to the extent of marriages, let us demonstrate that there is *no* such idea as caste. That would be a surer way to 'the realisation of that happy consummation that we all devoutly wish for. Merely crying from house-top that we do not want it would not take us anywhere. When we talk about progress of the community, we say that the caste system should not be there but when we come to our particular social engagements, then of course the caste is very predominant. I think we are only deluding ourselves into a false belief that we are trying to be national in our outlook.

Sir, I would not have risen to take part in this debate because it is so welcome and so innocuous but only because there were some extravagant suggestions made by my hon. friends.

DR. P. V. KANE (Nominated): Mr. Chairman, Sir, this looks very innocuous no doubt but in the rush of legislation we may be creating new problems. That is how I feel about it. My point is that the same thing could have been effected in a better way. The thing is nobody thinks over these matters. Now, the word 'addition' means at the end the caste is omitted. The Registrar under sections 55 and 58 is bound to endorse on the document only the name etc. and the addition. Suppose a man wants that his caste should be mentioned and there is an enthusiastic

Registrar. He will say, 'Nothing doing. There is no longer any caste distinction'. And on that ground he will refuse to register the document. He is bound by sections 55 and 58 only to endorse the names of parties and the addition from which the caste has been omitted. I know the example of one gentleman who was called Govind Narain Vartak. Now, the same surname is prevalent among Brahmins as well as among various other castes. The Registrar will say that the caste should be omitted and the man presenting the document may be a Brahmin and since so many castes have the same name, he may want to have his caste specified. So I feel that you will be only creating trouble. It may be that a person may belong to a low caste and he may tell the Registrar, 'I have no caste; I do not belong to any caste'. Later on, he may *come* up with a claim that he is a Scheduled Caste. Then you cannot say, 'Look here, you yourself once said that you did not belong to any caste and now you cannot claim anything.' In order to avoid all these difficulties it would have been better if you had simply said that a person's refusal to state his caste will not entitle the Registrar to refuse registration of the document.

THE MINISTER FOR LEGAL AFFAIRS (SHRI H. V. PATASKAR): That is exactly what will happen. I think there is some misconception.

DR. P. V. KANE: No; no. At present he cannot state his caste. Even if a person wants to do it, he cannot put it. So I say, let it remain. People do not know what you are going to do. What you want is that there should be no distinction of caste but you cannot say on that ground that nothing should be put in. Suppose I make a will, I can put many things in the will and you have to register it. Suppose I say this is my self-acquired property. Who is going to say if it is self-acquired or not? You do not go into such things. In the first place the original section itself is

[Dr. P. V. Kane.]
contradictory It says, "in the case of Indians, the caste" There are thousands of Indians who have no caste. Probably the word "caste" is used only in the sense of class; otherwise I cannot understand how any Indian can think of caste.

SHRI H. V. PATASKAR: At the time when the Registration Act was passed, my friend knows that even Christians used to mention their caste.

DR. P. V. KANE: There are no Brahmin Christians and Sudra Christians. My point, however, is that there is no particular urgency for this. In this way you can go on multiplying any number of legislations. But if you feel that there is urgency, then this is not the way to do it. Some other way should be found out.

DR. SHRIMATI SEETA PARMA-NAND: Mr. Chairman, Sir, I had no intention at all to participate in this debate but the last one or two speeches have somewhat puzzled me. This Bill which I thought should have received wholehearted support being not only salutary but most welcome has given rise to a sort of mixed opinions. At least that is the impression created in the minds of those who listened to the speeches. So I thought I must say a few words on behalf of those reformers of the last fifty years who perhaps are not here in this House. Sir, the Bill in my opinion marks the fulfilment of a demand of a large number of reformists like "srrfa" TO ?ft?*P Jt^r" and other people who have not been believing in caste. Sir, the hon. Member from Mysore, Mr. Dasappa, said that this is not calculated to do away with caste system from the society altogether but it is certainly one of the measures which will contribute to it and every measure that will contribute to it should be welcomed. Every occasion when caste has to be mentioned or every occasion when people are reminded of it is going to perpetuate |

that system. And naturally such an important information by which no-mention of the caste system has to be made, will take it away from the minds of the people. So, from that point of view, with a view to unifying the country, this is absolutely necessary.

With regard to the points mentioned by some hon. Members like Dr. Mitra, I would rather give information by way of explanation. In countries where there is no caste system and where the names are common, there is no difficulty. As was questioned even by the hon. Member from Mysore, there seems to be some complex in Mysore. Mr. Govinda Reddy said where there are common names like John Michael or Michael John, whose father's name may be the same—they are called by two or three Christian names—more than one person may have the same name, they have been able to cast their votes without any confusion. India is the only country which has the caste system. For that reason it does not mean that no mention of caste system in our political elections and other things is going to cause any confusion. For that reason, I think....

SHRI P. S. RAJAGOPAL NAIDU: Roman Catholics, Protestants, so many people are there.

DR. SHRIMATI SEETA PARMA-NAND: Christians and other people do not have castes in other countries. They manage. In the same way we can manage here. So, what I say is Christians have no castes. Parsi, as was mentioned by the hon. Member—I was not quite able to catch his point—is a religion. The religion could be mentioned, but it is not at all necessary to mention it. We are all for removing casteism and, if anything, every step that will lead to that should be welcomed. If anything, this amending Bill will help to remove casteism from the country and we should support this move wholeheartedly.

Mr. CHAIRMAN: Mr. D. Narayan, you are the last speaker. I am going to ask Mr. Pataskar to speak next.

श्री देवकीनन्दन (मुम्बई) : सभापति महोदय, इस विधेयक का मैं हार्दिक स्वागत करता हूँ। मैं यह नहीं मानता कि इस विधेयक के पास होने से जातियां नष्ट हो जायेंगी या जातीयता नष्ट हो जायगी और मैं यह भी नहीं मानता कि कानून से ऐसी बातें हो सकती हैं। हाँ, कुछ मदद जरूर पहुँच सकती है और मदद पहुँचायी जानी चाहिये और इस लिहाज से ही मैं इसका स्वागत करता हूँ।

मैं जानता हूँ कि यह जातपाति की जो बीमारी है, वह बहुत पुरानी बीमारी है और जैसा कि महात्मा गान्धी ने एक जगह लिखा है, यह सहस्रमुखी रावण की भाँति है। इस जाति का एक मुख नहीं है इसके सहस्र मुख हैं, हाइड्रा हेडेड मोन्सटर कह कर इसका उन्होंने जिक्र किया है। आप इसके एक मुँह को काटते हैं तो वहाँ दूसरा मुख पैदा हो जाता है, ऐसा आज तक देखा गया है। जिस तरह से रावण के बारे में कहा जाता है कि उसका एक मुख गिर पड़ता था, तो उसकी जगह दूसरा आ जाता था, इसी तरह से इस जातीयता की या जातपाति की बीमारी भी है, और मैं आपसे कहना चाहूँगा कि यह बीमारी इतनी हमारे अपढ़ लोगों में नहीं है, यह बीमारी अगर विशेष रूप से कहीं है तो हमारे पढ़े लिखे, एजुकेटेड लोगों में है। मैं इस बात को खास कर इस संसद् के सामने कहना चाहता हूँ, क्योंकि यहाँ अधिकतर पढ़े लिखे लोग बैठे हुये हैं।

देखा गया है कि जहाँ कहीं स्वार्थ का सवाल आता है, तो जाति सबसे पहले याद आ जाती है। अपने जिले में मैंने यह देखा है कि जब कभी किसी जाति का कोई प्रथम वकील आता है, तो पहले यह जानने

की कोशिश करता है कि मेरी जाति के लोग शहर में कौन हैं और देहात में कहां हैं। कोई डाक्टर किसी जाति का आता है, तो पहले यह फिराक में रहता है कि मेरी जाति के कौन यहाँ पर हैं क्योंकि वह जानता है कि सबसे पहले मुझे जो ग्राहक मिलेंगे वे प्रथम मेरी जाति के मिलेंगे और वे ही मेरे खैर-स्वाह बनेंगे, इस तरह मैंने देखा है कि अक्सर हमारे पढ़े लिखे लोग अपने स्वार्थ के लिये अपनी जाति को सबसे ज्यादा आगे बढ़ाते हैं और आप देखेंगे कि शहरों में और देहातों में जातीय संगठन जो पैदा किया जाता है, वह भी हमारे पढ़े लिखे लोग ही स्वार्थवश करते हैं और अपनी मदद से करते हैं

एक माननीय सदस्य : राजनीतिज्ञ करते हैं।

श्री देवकीनन्दन : राजनीतिज्ञ तो अधिक करते हैं। आपने मुझे अच्छी बात याद दिला दी क्योंकि जब से स्वराज्य आया है और जब से पावर लोगों के हाथ में आई है, तब से जातीयता, जातपाति और बढ़ गई है क्योंकि उसमें अक्सर बातें सिर की गिनती से होती हैं। सिर गिने जाते हैं, एक, दो, तीन, चार, पांच। गिनती से जब चुनाव होते हैं तो सबसे पहले मुझे याद आती है अपनी जाति की, मुझमें अभिमान पैदा किया जाता है कि मेरी जाति में एक मिनिस्टर है, मेरी जाति में एक डाक्टर है, एक कलक्टर है और इस ढंग से वह जाति को एकत्रित करता है, बटोरता है। यहाँ तक है कि पढ़ने लिखने के मामले में, स्कूलों और कालिजों में, हर मामले में आपकी जाति को ही आगे रखा जाता है। मैं कालिज में पढ़ता था तो मेरे एक प्रोफेसर थे। वे कहा करते थे कि असंख्य (इन्ड्युमेरेबिल) की व्याख्या अगर कोई मुझ से पूछे तो मैं जवाब दूँ। हिन्दुस्तान में कितनी जातियाँ हैं, उसका पता कर लो तो असंख्य का पता लग जायगा।

[श्री देवकीनन्दन]

तो इस लिहाज से जातीयता की बीमारी सारे देश में, घर घर में, गांव गांव में फैली हुई है। देहातों में उतनी नहीं है जितनी शहरों में है, अनपढ़ों में उतनी नहीं है जितनी कि पढ़े लिखों में है। आप सर्विसेस को ले लीजियेगा। सर्विसेस में भी आपको यह बीमारी सब जगह मिलेगी। ऊपर का अफसर जिस जाति का होगा, वह अकसर अपने जातिवालों को इकट्ठा करने की कोशिश करेगा। मैं अनुभव की एक बात यहां कहना चाहूंगा, यद्यपि उसे कहने की आवश्यकता नहीं थी। जेल का किस्सा है, मैं एक दफा जेल में था—जेल तो मैं कई दफे गया हूँ—तो वहां जो कैदियों का हिस्ट्री टिकट होता है उसमें मेरी अपनी जाति लिखी हुई थी क्योंकि जेल के जो कैदी होते हैं उनकी "कास्ट" हिस्ट्री टिकट में लिखी जाती है। तो उस वक्त जेल के जो हेडक्वार्टर थे वे मेरी जाति के निकले, हालांकि वे मेरे प्रान्त के नहीं थे, मेरी भाषा बोलने वाले नहीं थे। उन्हें पता चल गया कि अपनी जाति का कोई आया है और उन्होंने फौरन मुझे बुलवा भेजा। वे यह समझे कि अपना ही है, उन्हें यह पता नहीं था कि अपना भाषाभाषी है या नहीं। मैं कैदी तो था ही लेकिन उन्होंने मुझे सामने खड़ा नहीं किया, अपने पास ही एक कुर्सी पर बिठा लिया और बाद में यह हुआ कि जेल का जो बगीचा था उसमें से मेरे लिये फल आने लगे और जेल की जो अच्छी अच्छी चीजें थीं वे सब मुझे मिलने लगीं। मैंने कहा, और जो कुछ हुआ यह तो फायदा हुआ जाति लिखने से। तो मैं यह कह रहा था कि जब जाति को आगे बढ़ाया जाता है तो उसके पीछे स्वार्थ भावना अक्सर होती है। आप जानते हैं, दारिद्र्य एक ऐसी चीज है जो जाति को नहीं पहचानती, गरीब आदमी जाति को नहीं पहचानता, भूखा कभी जाति को नहीं पहचानता। इसलिये जातीयता के पीछे जितनी बातें हैं, वे अधिकतर स्वार्थ

की, ईर्ष्या की, मत्सर की और लेने देने की हैं। मैं यह नहीं मानता कि इस कानून से ये सब बातें निकल जाने वाली हैं, परन्तु यह बात जरूर है कि हमें उसके लिये कोशिश करनी चाहिये और उसको हर प्रकार धीरे धीरे हर जगह से निकालना चाहिये।

स्कूलों में जिस वक्त नाम लिखाया जाता है, उसमें भी जाति लिखनी पड़ती है। हमारे यहां तो जाति जाति के नाम पर होस्टल्स हैं, बोर्डिंग हाऊसेज हैं, जाति के नाम से संस्थायें चलती हैं। तो आपको हर जगह यह कोशिश करनी चाहिये कि खतरनाक बातें दूर हों। अभी डा० मित्रा साहब ने कहा कि सेक्रेटरी साहब की भी एक जाति है, डिपुटी सेक्रेटरी की भी एक जाति है। मैं कहना चाहता हूँ कि वह जाति नहीं है। जाति तो उसका नाम है जो जन्म से मानी जाती है और गुणों से उसका कोई सम्बन्ध नहीं होता। मैं फलों मां बाप के घर में पैदा हुआ और उनकी जाति का बन गया। सेक्रेटरी का बेटा सेक्रेटरी या चेयरमैन का बेटा चेयरमैन थोड़े ही बनने वाला है। इसलिये हमें ये गलत बातें और गलतफहमियां नहीं पैदा करनी चाहियें, हमें ठीक तौर से मर्यादा में इसको देखना चाहिये। इस जाति ने, जातीयता ने काफी संकीर्णता और संकुचित विचार इस देश में पैदा कर दिये हैं और इतने दायरे पैदा कर दिये हैं कि सारा हिन्दुस्तान सैकड़ों टुकड़ों में बट गया है। आप जानते हैं कि उसका परिणाम छोटे मामलों से लेकर बड़े मामलों तक पहुंचा है। कुछ वर्ष हुए, आप जानते हैं, कि जटिस्तान बनाने की मांग कुछ लोगों ने की। कोई सिक्खिस्तान चाहता है, कोई द्राविडिस्तान चाहता है, तो ये भी उस कास्टीइज्म की ही बीमारी है, जितना जिसका छोटा बड़ा दायरा है उतना वह उसको बनाना चाहता है। मैं यह मानता हूँ कि कानून से ऐसी बातें बन्द नहीं हुआ करतीं, जब तक आप लोगों के दिलों

से ये बातें निकाल न दें। हृदय परिवर्तन से और समझा वृद्धा कर काम करने से ही ठीक परिणाम निकल सकता है और उसी से इस मुल्क से जातीयता और जातपाति दूर हो सकती है। अभी कहा गया कि जातपाति तोड़क मंडल कायम हुआ है। मैं कहता हूँ कि कांग्रेस ने खुद प्रस्ताव पास किया है कि हमें कास्ट और कम्यूनिटी की भावनाओं को मिटाना चाहिये। इसलिये हमारा यह फर्ज है कि हम सिर्फ इस कानून को पास करके चुप न बैठ जायें, बल्कि जहाँ जहाँ यह जातपाति या जातीयता हमें सिर झकड़ते हुये दिखाई दे या हमारे आड़े आती हुई दिखाई दे, तो अपनी सारी ताकत से, अपनी बुद्धि से, अपनी निष्ठा से हमको उसे निकालना चाहिये। खास कर के शिक्षा विभाग से पहले जाति को हटाना चाहिये। जाति के नाम से न जाने कितने होस्टल, बोर्डिंग हाऊसज और स्कूल चलते हैं, उन सबको बन्द करना चाहिये। मैंने बहुत सी जगहों में देखा कि ऐसी संस्थाओं को प्रांटें भी दी जाती हैं। कान्यकुब्ज कालेज, अग्रवाल कालेज, मराठी कालेज मराठी विद्वा मंदिर और न जाने क्या क्या जातिवाचक नाम हैं जिन नामों से वे चलते हैं। इस तरह से यदि हमें इस बुराई का सामना करना है तो मेरी मंत्री महोदय और सरकार से यह प्रार्थना है कि सबसे पहले इसका सामना शिक्षा विभाग में करना चाहिये और शिक्षा विभाग से इसको निकालना चाहिये। वहाँ से शुरू-आत करेंगे, तो आखिर में हम कामयाब हुये वगैर नहीं रहेंगे।

SHRI H. V. PATASKAR: Sir, this very innocent and innocuous Bill has raised a very lively debate. I will, therefore, first of all try to bring to the notice of all Members of this House the limited scope which the present Bill has got. As we know, under the Indian Registration Act which deals with the question of registration of documents, there is one section 58 which says that on

14 R.S.D.—2.

every document admitted to the registration other than a copy of decree or order or a copy signed by a Registering Officer, there should be endorsed the following particulars, namely, the signature and 'addition' of every person admitting the execution, etc. Here, the word 'addition' occurs and section 58 lays down that upon every document which is brought forward for registration, the signature and 'addition' must be there. Sub-section (b) says, "the signature and 'addition' of every person examined in reference to certain documents." The word 'addition' occurs in this section 58. Therefore, what is required is that in every document brought forward for registration, the 'addition' will be there and the word 'addition' is denned in section 2 which deals with 'Definitions.' " 'addition' means the place of residence"—naturally it must be there—".... and the profession, trade, rank and title (if any) of a person described, and, in the case of

an Indian " formerly the words were 'native of India' and they were subsequently changed to 'Indian'— "his caste (if any) and his father's name," so that the result is that, if the present provisions stand as they are, 'addition' must be there. Under section 58, if the 'addition' is not proper, the Sub-Registrar would be justified in rejecting the document and not registering it. That means that caste must be mentioned and if there is no mention of caste, naturally under section 58, there would not be proper 'addition' and the Sub-Registrar may be justified in refusing the document for registration. It is, therefore, thought necessary that in these days, apart from the general question of abolition of caste, it should not be made compulsory for an Indian that he must mention his caste. It is, therefore, on that account that the scope of the present Bill is that it wants to delete these words, so that after the passing of this Bill, it will not be necessary for a person, while complying with the provision for giving the details as required for the definition of 'addition', to mention

[Shri H. V. Pataskar.] his caste. That is the only effect of this provision and I really fail to understand how it will lead to any complication, because one argument ^{was}—probably it was hinted at—if caste is not mentioned, probably the description would not be proper. But there are other items and it is not, therefore, necessary that caste should be mentioned.

Now, I thought that *my* friend, Dr. Kane, said that probably it would create some complications. Well, so far as I can see, there will be no complications. If a man mentions, in spite of the Act, his caste, then it is something in 'addition'—in excess of what is required to be mentioned as an 'addition' and on that account, he should not be liable to rejection. But at any rate, if the present position continues as it is when caste must be mentioned, it is something in these days that we are trying to rectify for which this Bill has been brought forward. And I rightly accepted the principle of this measure in the other House and I have great pleasure in also accepting it here because, although this may not go the whole length, at any rate, it removes a hardship which may occur to a person, if he does not want to mention his caste. At least, to that extent, this measure has a limited nature and I think that it should not create any complications, so far as I can find.

Then, some Members suggested, "Why is it that this 'addition*' means the place of residence, and the profession, trade, rank and title of a person described?" I think that it is necessary to give the history of the measure. As is well known to the lawyer Members of the House, the first Registration Act was passed somewhere in 1871. At that time, probably those who were responsible thought that all Indians should provide their own caste and therefore, they put it that in the case of Indians, naturally the caste should be mentioned. That is the only idea underlying

it not that it is only for Hindus or for Mussalmans.

I myself remember what happened some 30 years ago. A friend who was a practising lawyer like me used to say that in regard to a declaration he made, he indicated 'By caste—Brahmin' and 'By religion—Christian.' I am not telling only a fairly tale. But I know him and I asked him. That was the state of things then. So, we need not go into the history of those things.

Therefore, when they put the word 'Indian', they thought that caste should also be mentioned.

So, that is how it began in the original Act of 1871. It continues even when the Act was amended largely in 1908. And I think that we have now come to a stage when we think that it is not consistent with the ideas which we have got; at any rate, it should not be made compulsory for any person that whenever he presents a document for registration, he must be in a position to mention that. That is the simple object of this measure. It will absolutely create no complications, so far as I can find. I think that the matter has not only been considered thoroughly but we have consulted the State Governments also. Because these things find a place in the Concurrent List, item 6, it was thought necessary, before the Bill was finally passed, that we should also consult the State Governments, since they have also got powers of legislation with respect to these matters of registration of documents. And I am glad to say that the Governments of Travancore-Cochin, Madhya Bharat, Hyderabad, Coorg, Kutch, Manipur, Tripura, Vindhya Pradesh and Madhya Pradesh have expressed their opinions. Others do not seem to take much interest.

Then, I would like here to say one thing, because that point has not been made out by anyone. The Madhya Pradesh Government have suggested

that they probably would find some difficulty because they say that in the case of persons who are governed by the Central Provinces Land Alienation Act, 1916, or section 152 of the Madhya Pradesh Land Revenue Code 1954, a Registering Officer is under a legal obligation to insist upon the mentioning of tribe or caste to which the parties belong in the document itself. There is no objection if clause 1 of section 2 of the Indian Registration Act is amended in such a manner as it would not contravene the provisions of the aforesaid special enactments. Naturally I do realise that, for the time being for certain purposes which are mentioned here, we do need the caste, the tribe, etc. to be mentioned. Therefore, they think probably that they may be affected. How-~~ever~~, I would like to make it clear that section 18 of the Central Provinces Land Alienation Act, 1916, states that notwithstanding anything In the Indian Registration Act, 1908, or in any rules made under section 69 of that Act, an instrument which Contravenes any provision of the local Act shall not be admitted to registration. That is the present position. The object of the Madhya Pradesh Act is to protect lands belonging to certain aboriginal tribes and from this point of view the mentioning of the name of the tribe to which a particular person belongs would be necessary. Presumably the rules made under the local Act require mentioning of castes or tribes, etc. Neither the local Act nor the rules made thereunder would, I may assure the House, in any way be affected by the amendment proposed in the present Bill. This subject finds a place in the Concurrent List, and this Bill will not in any way affect any provision made for a specific purpose.

So far as the general question is concerned, as hon. Members are aware in 1948 a Resolution was brought forward before the Constituent Assembly (Legislative) by the hon. Shri R. R. Diwakar that.—

"This Assembly is of opinion that for any purpose connected with the State or its services, the Government of India shall not recognise any caste, sub-caste, sect or religion and that in future it shall abolish the mention or entry of caste, sub-caste, sect or religion in any forms supplied by Government or in any records or registers kept by Government." At that time in 1948 Government said that they would appoint a Committee. On that assurance that Resolution was withdrawn. A Committee was appointed and it submitted its report in 1949. In the meantime, I must say that what we are trying to do now has already been done by only one Government and that is the Government of Uttar Pradesh. In 1949, when the Diwakar Committee was doing its work, the U.P. Government had issued orders and instructions that denominational terms indicative of caste or sub-caste should be omitted from all Government records. It was they who for the first time at that time brought it to the notice of the Government of India that the present Indian Registration Act should be amended in the way that is now suggested. But as the Government decided to take no action with respect to the whole of the report, that matter was not pursued. The difficulty so far as taking a decision with respect to the report of the Diwakar Committee was this. It appears to me that, so long as we have recognised for certain purposes certain castes, tribes, etc., there is some difficulty in taking immediate action that in all places wherever castes are mentioned, they should be deleted. If we try to do so, probably it may create complications which are not present to our minds now, and in view of the fact that a Law Commission has already been appointed and it will go into all pieces of legislation, in course of time we will no doubt get some guidance from them as to the line that should be taken and as to the proper time to do something ⁿ the matter. I wholeheartedly support

[Shri H. V. Pataskar.]

the measure which is now before the House.

[MR. DEPUTY CHAIRMAN in the Chair.]

SHRI P. T. LEUVA: Mr. Deputy Chairman, I am deeply grateful to the House for taking a lively interest in the problem of the evils of the caste system. As I observed in my opening remarks, this Bill is of a limited character but it has wider implications. The discussion that has taken place was very helpful indeed. My hon. friend, Mr. B. K. Mukerjee, uttered a profound truth when he said that the main purpose of this Bill is to create a psychological atmosphere in the country. This measure is no doubt a small attempt to create that necessary atmosphere in the country. I do agree with my friend, Mr. D. Narayan, that the evils of the caste system cannot be done away with by legislation alone, but he must also realise that certain steps are necessary which will lead to the creation of a proper atmosphere in this country and will mould public opinion in such a way that a person would be ashamed to call himself as belonging to any particular caste. It is no doubt true that we have to work for it, and by this amendment, it would be possible gradually to do away with the evils of the caste system. My friend, Mr. D. Narayan, said that after independence we have become more caste-conscious. I also feel the same way. After independence, because of the lust for power, everybody is becoming more caste-conscious. It is no doubt true that so long as we do not make an organised effort, it would not be possible to remedy this evil which is eating into the vitals of our society. In the course of the discussion, several members put forward many interesting suggestions. Mr. Kishen Chand, whose idealism sometimes runs riot, suggested that surnames like Sharma and Verma should also be done away with as they indicate the caste. The suggestion is no doubt idealistic, but if I accept the suggestion, I would

have to go one step further, because I find that even the names sometimes indicate the caste. For example, there is Dr. Raghubir Sinh, who sits behind me. From his very name, everybody would deduce that he must be a Rajput and a Kshatriya.

DR. RAGHUBIR SINH (Madhya Bharat): Not necessarily. Even now, very many non-Rajputs have assumed this name-ending. They are getting interested in this. We do offer it to whosoever wants it. We do not take any objection to that.

SHRI P. T. LEUVA: I am very happy that he shows a certain amount of self-sacrifice_____

DR. RAGHUBIR SINH: This is not a monopoly.

SHRI P. T. LEUVA: in permitting others to call themselves 'Singh' also. What I say is that, if we accept the suggestion of my friend, Mr. Kishen Chand, so many things will follow. Even the names that we have may indicate caste. The result would be that persons would have to be known by figures or by the alphabets. I don't think that it would be very desirable for us to complicate this matter to that extent.

I do hope that this small measure initiated by my friend, Shri Satish Chandra Samantha, in the other House, will do a certain amount of good to our country. I am deeply grateful to him for allowing me to associate myself with him in this regard. In this discussion the attitude that has been taken up by the Minister for Legal Affairs has been very helpful. He has lightened my burden by lucidly explaining the legal implications of this measure. I appeal to the House that this measure must be worked in the proper spirit. We should not rest content^passing this Bill. We should propagate the spirit that goes with this measure and see that the caste system which is corroding is eliminated at as early a date as possible.

I commend this Bill for the acceptance of the House.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Indian Registration Act, 1908 as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Clause 2. There is no amendment.

Clause 2 was added to the Bill.

Clause 1 (Short Title)

SHRI P. T. LEUVA: Sir, I move:

"That at page 1, line 4, for the figure '1955' the figure '1956' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

"That at page 1, line 4, for the figure '1955' the figure '1956' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted. Clause 1, as amended, was added to the Bill.

Enacting Formula

SHRI P. T. LEUVA: Sir, I move:

"That at page 1, line 1, for the words 'Sixth Year' the words 'Seventh Year' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

"That at page 1, line 1, for the words 'Sixth Year' the words 'Seventh Year' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The* question is:

That the Enacting Formula, as ended, stand part of the Bill The motion was adopted. The Enacting Formula, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That the Title stand part of the Bill." The motion was adopted. The Title was added to the Bill.

SHRI P. T. LEUVA: Sir, I move:

"That the Bill, as amended, be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed."

DR. SHRIMATI SEETA PARMANAND: Mr. Deputy Chairman, I rise to congratulate the Government and the Minister in charge of Legal Affairs who has been good enough to accept the Bill and especially I am rising to speak because this will be the first non-official Bill that has been accepted by the Government and passed in the House.

MR. DEPUTY CHAIRMAN: The second, I am told.

DR. SHRIMATI SEETA PARMANAND: Which was the first?

MR. DEPUTY CHAIRMAN: The Muslim Wakfs Act.

DR. SHRIMATI SEETA PARMANAND: Yes. But that could not be called so much of a controversial Bill but apart from that, this is the first Bill, in our opinion because that is an old story and I hope it will prove to be a precursor of many other Bills as the Government have changed its policy of accepting non-official Bills.

SHRI R. U. AGNIBHOJ (Madhya Pradesh): Sir, I whole-heartedly support the Bill, and want that it should be passed into law. Some difficulties have been indicated that the Scheduled Castes and Scheduled Tribes who have been given special rights by the Constitution might be affected but I assure you that by this amendment and by omitting the caste in educational and other institutions even, it will not affect them. I am for the abolition of the castes in the records as well as from the Hindu society and the Scheduled Castes and the Scheduled Tribes lists are only a temporary phase and after a few years they might be taken off according to the Constitution and the Government. I am for maintaining them until the caste distinctions and backwardness and depression and suppression—all these have been removed but all the same, the sooner they are abolished, the better it would be and therefore I am sure that we must proceed in that direction as quickly as possible and those constitutional necessities may remain there but still out of the constitutional necessities there are certain things which maintain the castes. Therefore before taking away the list from the Constitution, we should try our utmost to take away all other disabilities by legislations and by change of heart. This Act would surely change the mind of the Government officers, the registrars, the purchasers, the sellers and all these people concerned and I wish all success to this Act.

SHRI KISHEN CHAND: Sir, I just want to say one word. The hon. mover of this Bill said something about my idealism in trying to remove certain suffixes and surnames.....

MR. DEPUTY CHAIRMAN: It is not an occasion to reply to arguments advanced by Government. This is the third reading.

SHRI KISHEN CHAND: I simply suggested that any suffixes which represent castes or sub-castes should be removed. He quoted the example

of 'Singh'. I do not think it is part of the Christian name, as it is called or the principal name that should be altered, but any suffix which represents definitely a caste should be removed. I can quote any number of examples where people have, during recent times, removed those suffixes from their names. Certain people have removed 'Aggarwal' or 'Gupta' from their names; that is a different thing from the removal of an integral part of the name. I don't think there is any idea of idealism in it. It is a practical thing and it should be brought forward in the shape of a legislation or in the shape of public opinion. I do hope that with the passing of this law, it will be taken up.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Mr. Dhage is not here. His Bill is postponed.

We go to the Voluntary Surrender of Salaries (Exemption from Taxation) Amendment Bill, 1956.

**THE VOLUNTARY SURRENDER OF
SALARIES (EXEMPTION FROM
TAXATION) AMENDMENT BILL,
1956—continued.**

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta was speaking last. He is not here. Anybody else wants to speak?

SHRI KISHEN CHAND (Hyderabad) : Mr. Deputy Chairman, Sir, nobody can have any objection against this Bill. It is very good of any Government servant or person getting a salary or allowance to surrender part of it. The only thing that I