

SHAH) : Sir, I beg to lay on the Table a copy of each of the following papers under clause (1) of article 151 of the Constitution: —

(i) Appropriation Accounts of Railways in India for 1952-53. (Parts I & II). [Placed in the Library, see Nos. S-527/54 for Part I and S-528/ 54 for Part II.]

(if) Blocks Accounts including Capital Statements comprising the loan Accounts), Balance Sheets and Profit and Loss Accounts of Indian Government Railways, 1952-53. [Placed in the Library, see No. S-529/54.]

(iii) Balance Sheets and Review of Working of Railway Collieries and Statements of all-in-cost of Coal, etc. for 1952-53. [Placed in the Library, see No. S-530/54.]

(iv) Audit Report. Railways 1954. [Placed in the Library, see No. S-531 /54.]

THE IMPORTS AND EXPORTS (CONTROL) AMENDMENT BILL, 1954

THE MINISTER FOR COMMERCE (SHRI D. P. KARMARKAR): Sir, I move for leave to introduce a Bill further to amend the Imports and Exports (Control) Act, 1947.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Imports and Exports (Control) Act, 1947."

The motion was adopted.

SHRI D. P. KARMARKAR: Sir, I Introduce the Bill.

THE DELIMITATION COMMISSION AMENDMENT) BILL, 1954.

THE MINISTER IN THE MINISTRY Or LAW (SHRI H. V. PATASKAR): Sir, I beg to move;

"That the Bill further to amend the Delimitation Commission Act, 1952, as passed by the Lok Sabha, be taken into consideration." Sir, as is well-known, in 1952 when we passed the Delimitation Commission Act, the constituencies were formed on the basis of the census figures arrived at at the last census in 1951. The census authorities at this time worked in a manner which was slightly different from the way in which the work was carried out in 1941. At the time of the census of 1941, as we are aware,, all castes and sub-castes were mentioned in the census figures. But at the time of the census of 1951, naturally, in view of the change in our policy, v/hat they did was that they did not enumerate all the castes, but only enumerated such castes as were ordered to be enumerated generally as had to be given some special representation under the Orders issued by the President, under article 341. As we are aware, article 341 provides that in the present circumstances the President shall determine the Scheduled Castes and the Scheduled Tribes to whom for a period of ten years special representation has been given. And under subsection (2) of article 341, if at all there is to be any change in these in the list; then it is only Parliament that can make that change. At the present moment, the position: is that at the time of the census of 1951, there was an Order giving the lists of the Scheduled Castes and the Scheduled Tribes for whom, special representation was to be given. Therefore, at the time of the Census of 1951, they tried to collect information only about those cas^s which were* mentioned in that Order, for the purpose that they may be given the special representation on that basis. But it appears at the present moment, at the' time of the actual taking of the census information, certain people mentioned their castes a little incorrectly. For instance if a person belonged to the Valmikis or some sub-caste, at the time-of mentioning it to the enumerator, lie gave it as Harijan. Now, Harijan is neither a caste nor is it recognised. And so probably, at the time of the-census of 1951-52, such people were;

omitted, though they really belonged to the castes enumerated in the Order. Similarly there were certain synonyms of castes and in that case also, people of the same caste for whom the protection was intended, on account of their giving the wrong description to the enumerator in respect of the name to which they did not exactly belong, they were also excluded. Therefore, In the 1951 census register which was prepared on the basis of the information thus supplied, certain of the castes were omitted. After the passing of the Bill, as we are aware, under article 81 of the Constitution, the membership has to bear a certain proportion to the figures of population of the last census. It was, however, found as for instance in the case of Hyderabad though there is a general increase in the population as a whole, there was a decrease in the population of the Scheduled Castes and the Scheduled Tribes. This was so glaring that it was brought to the notice of the authorities concerned, and the census authorities there, from whatever information they had, corrected these figures because in respect of these they had certain slips or certain other papers giving the information from which they could get the correct figures. That could be corrected because the final Delimitation Orders were not passed at that time. So in respect of Hyderabad and Sau-rashtra where the final Order was not passed the census authorities corrected these figures and the Delimitation Commission took that into account and they did their work. But it was found in respect of certain other States also that such corrections were made. But the Delimitation Orders were not passed. Therefore, we first intended to bring forward or introduce a Bill in the Lok Sabha only in respect of those States where the Delimitation Commission had not passed its final Orders, with the provision that if the Census authority were to make a change in respect of the figures of population of the Scheduled Castes and Scheduled Tribes, then they could, in their final orders take these figures into consideration and delimit the constituencies on that basis.

However, when the Bill was introduced, it was brought to the notice of the Government that in many of the States, final orders had been actually passed by the Delimitation Authorities and it was therefore necessary in order that there should be uniformity in the principles followed in respect of this matter that there should be some provision brought in spite of the fact that final orders are passed by the Delimitation Commission, that could be reopened, but only for this limited purpose, wherever the census authorities had to correct these figures and place it on a proper basis. The Delimitation authority should in that case reopen that matter and determine the matter on the basis provided by the Census authorities. Therefore, the scope of the Bill to that extent was widened. And the Bill which is now before the House is in this form. So far as the delimitation of constituencies is concerned, whether it is Hyderabad or Sau-rashtra or whether in respect of other States, the Delimitation Commission will be authorised to reopen these matters if the Census authorities had to change the figures of population. Therefore, the Bill before the House is a very simple one to that extent. It only enables the Delimitation Commission to take into account the corrections in the figures which may be made by the Census authorities, it is primarily the Census authorities who are to do it.

Much of the criticism in the other House on this Bill was based on the work of the Census Commissioner. I might say here in order to obviate a longer discussion on this question, that the Census authorities as a matter of fact, did what they at that time thought the right thing to do, because they are primarily responsible for enumerating every individual. It is not as if they omitted to enumerate anybody, The trouble arose because the 1941 and the 1952 enumerations were carried out on different bases. As I said, in respect of the 1941 census, every little caste and sub-

[Shri H. V. Pataskar.] caste was enumerated. But naturally, when we attained independence our idea was to have a more or less casteless society and' so we did not say that the enumerators should take down all the castes and sub-castes. But for the purpose of enumeration, we had only those castes for which special representation had been given in the Constitution for a period of ten years. Therefore they looked into the lists of castes and authorised the enumerators to enumerate separately those persons who belonged to the castes mentioned in that Order.

It was on that account that the mistake occurred. More than that is the fact that what were regarded as the Scheduled Castes or Scheduled Tribes in 1941 are not exactly the same which were in vogue at the time of the census of 1951. At this time, there was the President's Order and the Census authorities could¹ take only those into consideration and whenever by mistake a person have some wrong description, for instance, Hari-*jan*—this is a term which includes so many castes of different people but somehow or other people gave wrongly as Harijans—the enumerators found that Harijan was not a caste included in the list and they omitted to include those numbers among the castes. Therefore, this Bill has been brought forward to enable the Delimitation Commission to take into account the figures for the purposes of determination of the members of Scheduled Castes and Scheduled Tribes which were grouped by the Census authorities because that is altogether a different matter.

As I said, this is a very simple measure and the scope of the Bill was limited' when it was introduced in the Lok Sabha because at that time the Idea was to give relief only where final Delimitation Order has not been passed but now. we have decided that even when such final Orders have been passed, it should be open to the Delimitation authorities to take such cases

into consideration provided" the Census authorities had grouped them. Naturally, some time had to be provided because this cannot go on indefinitely. We know that the next elections would take place after two or three years and the Delimitation work, but for this matter, has almost come to a close. It is from that point of view that a period of one year is provided in the Bill which has come before you. During that period, we hope that all these matters, so far as this small question is concerned will be rectified, so far as it could be, by Government.

I, therefore, commend this motion for the acceptance of this House.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Delimitation Commission Act, 1952, as passed by the Lok Sabha, be taken into consideration."

श्री आर० व्० अग्निभाज (मध्य प्रदेश) :
सभापति महोदय, अभी माननीय पाटस्कर साहब ने जो बिल पेश किया है उसका समर्थन करने के लिये मैं खड़ा हुआ हूँ। साथ ही इस बिल में मैं एक अमेंडमेंट भी पेश करना चाहता हूँ और यदि आप इजाजत दें तो मैं उसे अभी पढ़ दूँ। अमेंडमेंट यह है :

That at page 2, after line 29, the following clause be added, namely:—

"3. *Insertion of new section 9B in Act LXXXI of 1952.—In the Delimitation Commission Act, 1952, after section 9A the following section shall be inserted, namely:—*

'9B. Reservation of Seats for Scheduled Castes and Scheduled Tribes in the Rajya Sabha and Vidhan Parishads in the States on the basis of these Census figures.— In consonance with section 9A, the Delimitation Commission shall determine the number of seats to be reserved for the Scheduled Castes and Scheduled Tribes in

the Rajya Sabha and the Vidhan Parishads of the States in the same proportion as in the Lok Sabha and in the Vidhan Sabhas respectively."

सभापति महोदय, ला मिनिस्टर साहब को मैं वधाई तो अवश्य देता हूँ परन्तु संविधान में दश की गिरी हुई और पिछड़ी हुई जातियों की रक्षा के लिये, शेट्यूल्ड क्लासेज और बैकवर्ड क्लासेज की रक्षा के लिये विशेष संरक्षण दिया हुआ है और संविधान में यह बताया गया है कि उनकी जनसंख्या के आधार पर १५ वर्ष तक उनके लिये स्थान सुरक्षित रहेंगे, और हमें इस बात का दुःख है कि विधान के पास हो जाने के बाद जब मद्रासमारी ली गई तब चारों तरफ से यह पुकार आई कि उनकी मतगणना गलत तरीके से हुई है और जितनी उनकी दश में संख्या है उससे कम दिखाई गई है। अभी कानून मंत्री जी ने कहा कि ये बैकवर्ड क्लासेज के लोग और हरिजन लोग तो अज्ञान होते हैं इसीलिये उन्हें जा कर संसद के अधिकारियों को अपनी गलत जाति बता दी और कुछ लोगों ने अपने नाम के सामने हरिजन लिख दिया और मतगणना वालों ने कहा कि हरिजन तो कोई जाति नहीं होती इसीलिये उनका नाम हरिजनों में, शेट्यूल्ड कास्ट में, शरीक नहीं किया गया। मैं आपसे निवेदन करता हूँ कि मैं विश्वास करता हूँ कि क्लासलेस सोसाइटी में जाति पांत नहीं रहनी चाहिये, दश में जाति पांत की प्रथा टूट जाय, परन्तु मुझे दुःख इस बात से होता है कि क्या बैकवर्ड क्लासेज और शेट्यूल्ड क्लासेज के मसले को हम उस तरह से हल करना चाहते हैं जिस तरह से कि हमारे कुछ पड़ोसी दशों ने अपने दश की दूसरी जातियों और दूसरे धर्मों के लोगों की गरदन काट कर खत्म कर दीं या हम इस मसले को उस तरह से तय करना चाहते हैं कि मद्रासमारी में हरिजन, शेट्यूल्ड कास्ट और बैकवर्ड क्लासेज का नाम ही न रहे। क्या इस तरह से शेट्यूल्ड कास्ट और बैकवर्ड क्लासेज के मसले हल हो जायेंगे? जब कि हिन्दुस्तान की मद्रासमारी दिनों दिन लासों में नहीं बालक करोड़ों में बढ़ती है तब

उसी के साथ साथ हरिजनों की मद्रासमारी घटती जाती है। क्या सब हरिजनों के घरों में हिन्दुस्तान भर में प्लेग पड़ गया, क्या इन सब को कालरा हो गया, क्या इन सब को हैजा हो गया या हरिजन स्त्रियां बांध हो गई हैं, आखिर क्या हुआ कि जब दश में चारों तरफ आवादी बढ़ रही है तब हरिजनों की तादाद बैकवर्ड क्लासेज की तादाद कम क्यों होती जा रही है? आप कहते हैं कि लोगों ने अपनी जातियां गलत लिखाईं। नहीं साहब, ऐसी बात नहीं है। मैं अन्दर की थोड़ी बात जानता हूँ और मुझे जवान बन्द करनी पड़ती है, परन्तु मैं बहुत ही दुःख के साथ आपको बताता हूँ कि जिन लोगों ने अपनी जातियां बताई थीं, वे शेट्यूल्ड कास्ट और बैकवर्ड क्लासेज की होती थीं और यदि उसके अनुसार उनको सीट दे दी जाती तो जहाँ सौ सीट्स हैं वहाँ ५० सीट्स हरिजनों को, बैकवर्ड क्लासेज को और शेट्यूल्ड कास्ट को जातीं। जब मद्रासमारी के ये आंकड़े उनके पास आये तो जानबूझ कर यह सरकार निकाला गया कि उनके सामने जाति न लिखी जाय, उन सब जातियों को काटो और उनके सामने "एच" और "एम" लिखो। इस तरह के सरकारुलर्स राज्यों में हुये हैं, केंद्रीय और प्रान्तीय सरकारों के द्वारा हुये हैं और इस तरह से हरिजनों की रक्षा के नाम पर विधान के साथ यह फ्राड किया गया। विधान के साथ जो यह पाखंड किया गया, जो उसके साथ अन्याय किया गया, वह हमारे दश के शासन के लिये न केवल लज्जा की बात है परन्तु उसके साथ ही साथ पश्चाताप की बात भी है। मैं आपसे प्रार्थना करूंगा कि यदि आपको हरिजनों के मसले तय करने हैं और कास्टलेस सोसाइटी बनानी है तो उनको पूरे पूरे अधिकार देने होंगे, उनको ऊंचा उठाना होगा और उनकी जा कमियां हैं वे दूर करनी होंगी। मैं जाति पांत में विश्वास नहीं करता, मैं उसे तोड़ डालना चाहता हूँ, उसके टुकड़े टुकड़े कर डालना चाहता हूँ, परन्तु साथ ही साथ प्रौकियालिज्म भी नहीं चाहता, प्रान्तीयता भी नहीं चाहता परन्तु हमारे दश में आज पुकार

[श्री आर० यू० अग्निभाज]
 होती हैं कि दश के अंदर एक राष्ट्रियता हांणी चाहिये, हमारे जातिपात के भगड़ नष्ट होने चाहिये, हमको इन बातों को भुला देना चाहिये। सच बात है, भुला देना चाहिए। परन्तु इस भुला देने के मार्ग पर हम चलते हैं क्या ? हम देखते हैं कि रिजर्वेशन के लिए हरिजन लोग चाहते हैं कि अपनी अलग जाति पंदा करें—एसा अकसर कहा जाता है। परन्तु, सभापति महाशय, बहुत ही अर्ज के साथ, बहुत ही विनमता के साथ मैं कहूँ कि एक लोक सभा को ही ले लीजिए, कितना रिजर्वेशन है वहां पर हरिजनों के लिए। इसी भवन में जहां पर रिजर्वेशन नहीं है, २९६ सदस्यों में से केवल ६ सदस्य हरिजनों में से यहां मौजूद हैं—दो सैकड़ा आदमी भी इस विशाल और आदरणीय स्थान पर नहीं हैं और जां हैं, मरं सरीखे और ल्यूबा जी सरीखे, आप हमसे पूछिये कि हम कितनी मुश्किल और कीठनाई के साथ यहां आए हैं, हम कितनी परेशानी के बाद यहां आए हैं ? मैं कहता हूँ कि ल्यूबा जी, जां कि छः महीने पहले यहां आये, उनका नाम भी गया था या नहीं, यह आप पूछिये। हम यदि रिजर्वेशन के लिए लड़ते हैं तो हमको जातिवादी कहा जायगा, परन्तु यदि हम सरकार से और दश के नेताओं से, दश की राजनीतिक संस्थाओं से यह प्रार्थना करें, हम यदि रिजर्वेशन मांगें तो क्यों न मांगें ? हमको मांगना ही पड़ता है, क्योंकि हम ऊपर उठना चाहते हैं, हम स्वतंत्र दश और स्वतंत्र राष्ट्र के नागरिक हैं, हमने आजादी की लड़ाई लड़ी है। हमने अपने आप को ट्रस्टी के हाथों में सौंप देने के लिये नहीं रखा है, जिस ट्रस्टी के धार में हमारे सक्सेना साहब ने बैंकवर्ड क्लासिज कमीशन की रिपोर्ट की बहस के दम्यान यह कहा था कि

"JTou are fighting for the loaves and fishes".

SHRI H. P. SAKSENA (Uttar Pradesh): I do not remember, Sir, having «ven said that. If I am confronted

with the report of the proceedings, I shall bow to my friend; otherwise not.

श्री आर० यू० अग्निभाज : सर, मैं आपका नाम छोड़ देता हूँ। कुछ मित्रों ने एसा कहा था।

SHRI H. P. SAKSENA: That is a different story, then.

श्री आर० यू० अग्निभाज : परन्तु मैं आपसे कहूँ कि आप न सिर्फ लोव्स खा जाते हैं बल्कि फिशिज भी निगल जाते हैं। हरिजनों के लिये, बैंकवर्ड क्लासिज के लिए वह भी नहीं छोड़ा जाता। हम लोगों ने राष्ट्र की आजादी की लड़ाई लड़ी है, हम आजाद दश के नागरिक हैं, परन्तु इसका मतलब यह नहीं है, जैसा कि गत रिपोर्ट की बहस के समय होम मिनिस्टर साहब ने बताया था कि हम तुम्हारे ट्रस्टी हैं और तुम्हारा ट्रस्ट कायम किये हुये हैं, हम तुम्हारी रक्षा करते हैं। मैं कहता हूँ कि ट्रस्टी का जमाना चला गया, यदि दश में कौंपटीलिज्म खत्म हो रहा है, तो हम इन ट्रस्टी लोगों को भी खत्म कर देना चाहते हैं।

MR. CHAIRMAN: What about De-limitation Commission?

श्री आर० यू० अग्निभाज : येस, सर। संसद कमीशन और डिलीमिटेशन कमीशन को हमने अपना ट्रस्टी समझा, इसीलिए मैं ट्रस्टी की बात कह रहा हूँ। हमको दश के शासन में पूरा अधिकार मिलना चाहिए, बराबर हिस्सा मिलना चाहिए.....

डा० पी० सी० मित्रा (बिहार) : मिलता तो है।

श्री आर० यू० अग्निभाज : क्या मिला है, यह मैं आपको लिस्ट आफ मॉम्बर्स से बताऊँ। मैं अपने मित्र के इंटरफेरेंस पर उन्हें आह्वान करता हूँ और मुझे यह कहना पड़ता है, वद्यपि मैं कहना नहीं चाहता था, बहुत रोके हुए था—पर मुझे कहना पड़ रहा है कि हमारे दश के दो टुकड़े हुए—हिंदुस्तान और पाकिस्तान। हमारे पाकिस्तान चाहने वाले भाइयों को अलग

राष्ट्र मिल गया, और इसके बाद भी हिन्दुस्तान की हरिजन जातियों की अपेक्षा उन्हें यहां के हरिजनों और बैकवर्ड क्लासेज से ज्यादा हिस्सा मिला। आप क्या बात करते हैं? हमें आपने क्या अधिकार दिये हैं? आपने हमारी क्या रक्षा की है? पाकिस्तान मिल जाने के बाद भी यह मिनिस्ट्रों की लिस्ट हमारे पास है। आजादी मिलने के पहले दो फुल फुल्लेज क्वीनट मिनिस्टर हिन्दुस्तान की सरकार में हरिजनों में से थे, जो कि आज की सरकार में घट कर इंदू हो गए हैं—एक श्री जगजीवन राम और दूसरी डिप्युटी मिनिस्टर, यानी आधी मिनिस्टर। तां अध्यक्ष महोदय, she re half minister, and being lady, .she is a quarter.

SHRI B. K. P. SINHA (Bihar): She is better half, Mr. Chairman.

श्री आर० यू० अग्निभाज : तां आपसे यह प्रार्थना कर रहा था एक आजाद देश के आजाद नागरिक होते हुए यदि आप उन लोगों को प्रिविलेज न दें, वोटज न दें, तां कम से कम उनको मनुष्य संख्या के आधार पर राष्ट्र की सरकार चलाने के लिए, राष्ट्र में अधिकार कायम रखने के लिए, राष्ट्र के कानून की संस्था में भाग लेने के लिए उन्हें बराबर के और न्याय संगत स्थान तां दीजिए। मैं आपसे निवेदन करूँ कि बैकवर्ड क्लास और हरिजन क्लास, ये मुक हैं, इनमें शक्ति नहीं है। इनके पास बुद्धि नहीं है, इनके पास ज्ञान नहीं है, और सब कुछ होते हुए भी इनमें अपने भाइयों से युद्ध करने की ताकत नहीं है। यही वजह है कि आज यह स्थिति है कि संसद के फिगर्स में गलती कर के पार्लियामेंट के भवन में कानून बनने के लिए पेश किये गये। इससे बड़ी हमारे संसद के अधिकारियों की और डिजलिमिटेशन कमीशन की और क्या तारीफ हो सकती है?

तां इसलिए मैं प्रार्थना यह कर रहा था कि इन स्थितियों में हमारे देश के लोगों को यह करना चाहिए और संसद अधिकारियों का यह कर्त्तव्य है, कि इस कानून के पास हो जाने के बाद, सारे देश में एक कास्टलस सांसायटी

आप बना दीजिए। मैं उससे सहमत हूँ। परन्तु जब तक द्वितीय द्वितीय बना हुआ है, ठाकुर ठाकुर बना हुआ है, और ब्राह्मण ब्राह्मण बना हुआ है तब तक आप चाहे जितनी कास्टलस सांसायटी की शिक्षा दें कि हम कास्टलस सांसायटी में विश्वास रखते हैं, संसद की रिपोर्टों से तुम्हारी जातियां खत्म कर दी गईं, वह इसलिए कि तुम्हारे राजनीतिक अधिकार खत्म हो गए, मैं आपकी बात से सहमत नहीं हूँ।

श्री किशोरी राम (बिहार) : क्या फिर से आप संसद चाहते हैं ?

श्री आर० यू० अग्निभाज : इसलिए मैं पुनः आपसे प्रार्थना करता हूँ कि जिन स्थानों में विधान सभाएं, राज्य सभा या पार्लियामेंट जैसी संस्थाएं हैं। जहां पर सब चंद्र के, सब जाति के, और सब धर्म के लोग समान रूप से, एक भाव से एकत्र होकर देश की उन्नति और देश के लिए कानून बनाने के प्रश्नों पर विचार करते हैं, उनमें भी हरिजनों और आदिवासियों के लिए सुरक्षित स्थानों की व्यवस्था होनी चाहिये। इसलिए मंरा यह निवेदन है कि इस बिल के पास होने के साथ ही साथ मैंने जो एम्बेडमेंट पेश किया है वह भी स्वीकृत किया जाय और इसके मुआफिक डिजलिमिटेशन कमीशन को यह निश्चय करना चाहिये कि राज्य सभा और विधान परिषदों में कितने सदस्य बैकवर्ड क्लासेज और आदिवासियों के होने चाहिये। धन्यवाद।

SHRI KISHEN CHAND (Hyderabad): Mr. Chairman, I welcome this Bill. I agree that if there is any inaccuracy in the Census figures, it should be rectified but I would like to point out that the hon. Member who has spoken just now has tried to give the wrong impression that intentionally the figures of the Scheduled Tribes and Scheduled Castes have been kept down in order to deprive them of certain seats in this Parliament of India. In 1941 the Scheduled Tribes and Scheduled Castes were propagating the idea of separatism and they were try-

[Shri Kishen Chand.]

ing to impress upon the Harijans that they should assert themselves and get themselves separately counted in the Census so that if their number is increased they can thereby get increased privileges and increased rights. Sir, after the attainment of independence when the Congress Government have given them a fair share in the administration of the country and in the representatives, there is a growing feeling that they do not want to call themselves Harijans. There is a feeling that they should not try to assert particular rights by getting themselves enumerated as Scheduled Tribes and Scheduled Castes. I think it is a very good tendency because if you want to have a classless society, naturally everybody should feel in that direction and realise that there are no differences. If always in every matter you want to impress upon the public that a particular person is a member of the Scheduled Caste or Scheduled Tribe, naturally you are creating separatist tendencies. In the enumeration there should be no mention at all of the Harijan or the Scheduled Caste. Sir, we should give them privileges in the matter of education. We should certainly help them by scholarships, by greater facilities and by starting new educational institutions so that they get the fullest opportunity of proper education and for bettering their conditions of life. But if we continue on a large scale these special rights and privileges in the matter of appointments, I am sure the efficiency of our administrative services will go down because if people are going to be recruited on a percentage basis based on caste or class, naturally efficiency will not be a criterion, and the standards of the service will go down. Therefore the demand should be for better educational facilities, better social amenities, fullest freedom of worship and fullest freedom of religion, but if appointments are going to be made only on the basis, not of merit, but of caste or class, the standards cannot be maintained. Therefore I submit, Sir, that the Hari-

jan population may be increasing but when people do not want to call themselves Harijans, when they do not want special privileges under the name of certain tribe or caste, why should we go on trying to impress upon them that they belong to the Harijan class? They do not want themselves to be classed in that category. Therefore I do hope that the Delimitation Commission will take that the Census figures as they stand are right. There is nothing wrong in the Census figures; we should not adopt an arithmetical formula that if the population of the other class has gone up by 14 per cent, then the Harijan population also must be increased by 14 per cent.

The hon. Member who spoke before me said that the Harijans did not have a sudden epidemic so that their number had gone down. I maintain, Sir, that this reduction in the number of Harijans is not due to any epidemic but it is due to a desire on the part of the Harijans not to be classed as Harijans. If they themselves do not desire to be classed as Harijans, what right have you got to put them in that class simply by adopting an artificial method of enumeration and by arithmetical processes arriving at their numbers? After all, it is there only for a period of 15 years. After 15 years, there will be no privileges and if we do not gradually and slowly begin to forget it from now on how can we exactly after 14 years, 11 months and 29 days say, 'from tomorrow these privileges will disappear'? Let it be a gradual process; let it be a slow process and in the course of these 15 years these rights and privileges should be foregone by the Harijans themselves of their own accord, not by any imposition from the rest of the society. The hon. Member who spoke before me said that there were Thakurs, Kshatriyas and others but our Constitution does not give any privileges to any Thakur, Kshatriya or anybody else. They are all absolutely equal. In their own homes they may call themselves Brahmins*

Thakurs or anything; that is their own right inside their houses, but the Constitution and the society does not give any privileges to them. And as long as the society does not give any privileges, how does it matter or how does it affect the Delimitation Commission Bill, I cannot understand. It will be very unfair and an unhealthy thing if we introduce the class distinction in everything, when we are actually trying to remove such class distinctions. Therefore I fully support this Delimitation Commission (Amendment) Bill with this additional clause that artificially the numbers of the Census figures should not be increased on the basis of arithmetical formula, but it should be on the basis of the desire of the individual as to whether he likes to be classed as a Harijan or not.

SHRI H. P. SAKSENA: Mr. Chairman, while great philosophers and thinkers like your good and noble self have been making great spiritual efforts to project our fundamental values on the screen of international life, we here in this august Parliament are discussing a Bill which in the same breath says that there should be a classless society and that there should be provision for castes, which inevitably means that we are making every possible endeavour to keep the caste system alive. Sir, my revered friend. Prof. Ranga, once described my hon. friend Mr. Agnibhoj, as a fire-eater and that was a very apt description which he has amply justified this morning. Sir, I beg to inform my hon friend Mr. Agnibhoj that I am a true loyal, devoted and humble servant of the so-called Harijans or untouchables, Scheduled Castes and Scheduled Tribes and I throw a challenge to the so-called champions of the Harijans to come before me and show me their record of having served these unfortunate classes in practice more than I have. I throw an open challenge to them. What I find is that this caste system is going to be kept alive and permanent by these very advocates of Harijans who style themselves as the pioneers in the cause of the removal

of untouchability and as champions and watchmen of their rights and privileges.

Now, Sir, if I may be pardoned for saying so, I would say that this is again a question of the distribution of loaves and fishes. I had not said then, but I shall say it now on the floor of the House that all this battle royal is being waged simply for the sake of loaves and fishes, personal loaves and fishes, not even for the community and the cause which they claim to represent. Sir, with all my greatest reverence and regard for that great leader, an equal of whom this world has not produced for centuries, I believe it was a great mistake of the great Mahatma to have given a separate name as Harijans to these unfortunate and down-trodden people.

I may remind my hon. friend Mr. Agnibhoj of a very great champion and advocate of the rights and privileges of the untouchables in Uttar Pradesh known as the late Rai Saheb Ramcharan Mallah. I would not forget the day when the Simon Commission arrived in Lucknow. He with his flock of Harijans went to welcome the Simon Commission when we under the able and bold guidance of our Prime Minister, Shri Jawaharlal Nehru, went to the railway station to boycott the Commission shouting 'go back, go back'. It is those untouchable brethren of ours for whom I have the greatest regard and the greatest sympathy, those who were collected by the late Rai Saheb Ramcharan Mallah in order to welcome the Simon Commission. These are historical facts; they cannot be forgotten. But we are in no mood of making any grievance of it. Neither are we in a revengeful spirit. We are very, very sorry for the condition in which our poor brethren are being placed today. But if this Government cannot succeed in removing those disabilities and in bringing them at par with other so-called high castes, I don't think any other Government will ever succeed.

Now, Sir, there is another storm brewing in the atmosphere and I

[Shri H. P. Saksena.]

wonder what it may bring in its train and that is the Backward Classes Commission which is very soon going to submit its report. When we are expressing our grief at the division of Hindus into Harijans and non-Harijans, there is going to be established a third class known as the 'backward classes' and that will make confusion worse confounded. My only and very great regret is this, that having learnt no lesson from the partition of the country into Pakistan and Hindusthan we are, I am afraid, sowing the seeds - of another distribution and division of the country into Harijans and non-Harijans in future. That will be a very dark day for India, Sir, in its history, and I shudder to think of what it might bring. I, therefore, sound a humble note of warning that these fissiparous tendencies should be discouraged and should be nipped in the bud. Unfortunately, it is not a bud now. In some places, like this august House, it blossoms sometimes. But, then, there is yet time to make amends and to prepare against that sad day so that it might never appear.

Sir, this Delimitation Commission¹ (Amendment) Bill, which I have risen to support, is a measure which wants to rectify a mistake which had been left over during the census operations of 1951. Now, Sir, I never thought that anybody who had any knowledge of the privileges that accrue from being designated as a member of the scheduled caste or a scheduled tribe would ever miss the opportunity of getting himself or herself enumerated as belonging to that class. And yet when the Government has so generously accepted the contention of the advocates of untouchables and backward tribes and backward classes that some omissions have been made and it has come forward to rectify that mistake, I do not know what else could the Government have done? Therefore, Sir, in the Delimitation Commission (Amendment) Bill, I should be taken as a very good gesture on the part of the Government and should

have been accepted by the members and the representatives of the scheduled castes and tribes in a grateful spirit. Unfortunately, that spirit is not to be found here. At the same time, I am an inveterate enemy of this division of the society and of the country into castes and tribes and I would very much desire that this caste system should be once and for all abolished from the surface of our land. I have eaten with my scheduled caste brethren in the same dish; I have eaten food distributed by them and I have never practised any differentiation with them in any walk of life—social, political or otherwise and, therefore, for me there is no difference between a Harijan and a non-Harijan. I am ashamed to be called a person belonging to a high caste, but my friend Shri Agnibhoj thinks otherwise. That inferiority complex, I submit, should be removed and all untouchable brethren should look upon themselves as units of the great Hindu society known as Aryans.

SHRI R. U. AGNIBHOJ: Provided you bring them up honestly.

SHRI H. P. SAKSENA: Now, Sir, this process of bringing them up to the same level, my hon. friend should understand, is not so easy and cannot be done by a magic wand. It is not our fault that they have been neglected for so long a time and it will naturally take a sufficient period of time to bring them up to the same level. I invite my friend to come and prove that this process is not being carried on. I challenge him to prove that the Government is showing any neglect or for that matter members of the other so-called high class communities are showing any neglect towards the solution of this problem. If they are not, then I would humbly suggest to my friend to have some patience.

SHRI R. U. AGNIBHOJ: What is the purpose of bringing this Bill?

MR. CHAIRMAN: It is not a discussion on untouchability.

SHRI H. P. SAKSENA: As you know, I am not yielding, Sir. Now, coming finally to the question of the solution of the ills from which these friends are avowedly suffering. I say that they should look towards the picture of the entry of the so-called untouchables in temples in Devasthanans and in so many other places.....

SHRI R. U. AGNIBHOJ: In Viswa-nath temple.

SHRI H. P. SAKSENA: Don't talk of one temple. One swallow does not make a summer. If you have the courage, it is for you to get the Viswa-nath temple at Banaras opened for you; and if you so desire, I will humbly be in the team and the crowd that you take for entry into the temple.

[MR. DEPUTY CHAIRMAN in the Chair.]

Now, Sir, I have given you my impressions regarding the solution of this problem. The various scholarships, the bold steps taken towards the solution of the inferiority of the so-called untouchable classes, are there.....

MR. DEPUTY CHAIRMAN: It is not a general discussion on untouchability, where one can have a big debate.

SHRI H. P. SAKSENA: But the Bill is based on and centres round the question of untouchables.

MR. DEPUTY CHAIRMAN: The Bill as just to give power to the Delimitation Commission and make adjustments for the growth in census.

SHRI H. P. SAKSENA: I understand it, Sir. I have read the Bill quite care-fully and, therefore, I support it.

سید مظہر امام (بہار) : دینی
چیرمین صاحب ؎ میں اس بل پر
کوئی زیادہ وقت نہیں لینا چاہتا۔
میں صرف ایک بات عرض کرنا چاہتا
ہوں اور وہ یہ ہے کہ اس بل کو سپورٹ
کرتے ہوئے میں انریبل مینسٹر صاحب
کا اٹینشن ایکسپلینیشن کے سب کلاز
(۳) کی طرف درا کرنا چاہتا ہوں۔
اس میں لکھا ہے :-

"(3) As soon as may be after the publication in the Gazette of India, every order under clause (b) or clause (d) of subsection (1) shall be laid before the House of the People."

تو میں یہ عرض کرنا چاہتا ہوں کہ
اس کو دونوں ہاؤسز میں ان کو پیش
کرنا چاہیئے اس لئے کہ تمام اس طرح
کی چیزوں کا بھی کنویشن رہا ہے -
اس لئے میڈے خیال میں اس کا اگر
وہ خود امانت کر دیں تو بہتر
ہوگا -

صرف ایک منٹ میں میں ایک
بات اور عرض کرنا چاہتا ہوں اور وہ
یہ ہے کہ ہمارے دوست مینسٹر سکسینہ
نے ابھی تمام باتیں شیڈولڈ کلاسٹ کے
متعلق کہیں - میں ان سے یہ کہا
چاہتا ہوں کہ اس ہاؤس میں اس
وقت بھی میجسٹری جو ہے وہ اپر کلاس
کے لوگوں کی ہے اس لئے اس کا کوئی
سوال پیدا نہیں ہوتا ہے کہ ان پر ہم
اعتراض کریں - اگر ہم اعتراض کرتے
ہیں تو اس کا یہ مطالب ہوتا ہے کہ
جو فیصلہ ہم نے خون سمجھہ بوجھہ کر
کہا ہے آپ اس فیصلہ کے خلاف ہم بول
رہے ہیں اور جو چیز ہم نے پاس کی
ہے وہ دل سے نہیں پاس کی ہے - ہم
نے ہندوستان کے تمام شیڈولڈ کلاسٹ اور
شیڈولڈ ٹرائس کے لوگوں کے لئے
ریزرویشن اس لئے رکھا تھا کیونکہ ہم
نے یہ سمجھا تھا کہ اس کی ان کو
ضرورت ہے - جب تمام لوگ یہ
سمجھیں گے کہ اس کی ضرورت نہیں
دہی اور ایکویٹی کے حساب سے سب
لوگ چل رہے ہیں تب ایسا ریزرویشن
رکھنے کی ایسی کوئی ضرورت نہیں
ہوگی - اس لئے میں اس اوپینین کے
ساتھ نہیں ہوں جس کو انہوں نے
پیش کیا ہے -

(Transliteration in Devanagari script of the above.)

सँयद मजहर इमाम (बिहार) : डिप्टी चैयरमैन साहब, में इस बिल पर कोई ज्यादा बक्त नहीं लेना चाहता। में सिर्फ एक बात अर्ज करना चाहता हूँ और वह यह है कि इस बिल को सपोर्ट करते हुये में आनरेबिल मिनिस्टर साहब का अटर्नशन एक्सप्लेनेशन के सब क्लाज (३) की तरह झा कराना चाहता हूँ। उस में लिखा है :—

"(3) As soon as may be after the publication in the Gazette of India, every order under clause (b) or clause (d) of subsection (1) shall be laid before the House of the People."

तो में यह अर्ज करना चाहता हूँ कि इसका जोना हाउसज में उनको पेश करना चाहिये। इसलिये कि तमाम इस तरह की चीजों का यही कनवेंशन रहा है। इस लिये मरें स्थाल में इसका अगर वह खुद अमेंडमेंट कर दें तो बेहतर हांगा।

सिर्फ एक मिनट में में एक बात और अर्ज करना चाहता हूँ और वह यह है कि हमारे दोस्त मिस्टर सक्सेना ने अभी तमाम बातें शिड्यूल कास्ट के मुताल्लिक कहीं। में उन से यह कहना चाहता हूँ कि इस हाउस में इस बक्त भी मेजरिटी जो है वह अपर क्लास के लोगों की है इसलिये इसका कोई सवाल पैदा नहीं होता है कि उन पर हम एतराज करें। अगर हम एतराज करते हैं तो इसका वह मतलब होता है कि जो फँसला हम ने खुद समझ बूझ कर किया है, अपने उसी फँसले के खिलाफ हम बाल रहे हैं और जो चीज हमने पास की है वह दिल से नहीं की है। हमने हिन्दुस्तान से तमाम शिड्यूल कास्ट और शिड्यूल ट्राइब्स के लोगों के लिये रिजर्वेशन इस लिये रखा था क्योंकि हमने यह समझा था कि इसकी उन को जरूरत है। जब तमाम लोग यह समझेंगे कि इसकी जरूरत नहीं रही और इक्वैलिटी के हिसाब से सब लोग चल रहे हैं तब एसा रिजर्वेशन रखने की एसी कोई

जरूरत नहीं हांगी। इस लिये में इस ऑपिनियन के साथ नहीं हूँ जिसका उन्होंने पेश किया है।

SHRI S. N. MAZUMDAR (West Bengal): Mr. Deputy Chairman, I am supporting this Bill. This is not a general discussion on untouchability or about the conditions of the Scheduled Castes or the Scheduled Tribes. So I do not propose to.....

MR. DEPUTY CHAIRMAN: It is a most innocuous Bill.

SHRI S. N. MAZUMDAR: Yes, but still Mr. Saksena has made certain observations which are quite astounding. In spite of whatever he said, there is no denying the fact that these people, the Scheduled Castes and the Scheduled Tribes, are in a backward state. And that is due to the social conditions obtaining in our country. Now, it is true that simply by reservation of seats or a certain percentage of seats the whole problem of the Scheduled Castes and the Scheduled Tribes will not be solved, but still it is a part of the total approach which you are making towards the upliftment of those sections of our people who have been downtrodden, exploited and neglected for so long. Along with other measures the Constitution has found it necessary to make some provision for the reservation of seats for them for a certain time to come, and it is also found, particularly about the Scheduled Tribes, in other countries also, where they are in large numbers, that they are provided with certain special privileges or safeguards in the Constitution due to their special circumstances or their special conditions. That is why, Sir, while supporting the Bill, I like to tell my hon. friend, Mr. Saksena, that his approach to the problem about which he is so anxious that the society should not be divided into Scheduled Castes and Scheduled Tribes is a wrong approach. He is approaching the problem from a wrong angle. If he opposes a Bill of this nature, he will be helping in perpetuating the division and he will be helping in perpetuating the injustice

which has been done to these people for so long.

SHRI H. P. SAKSENA: I never opposed the Bill.

SHRI H. V. PATASKAR: Sir, I very much regret that there was a certain *bona fide* mistake in the matter of enumeration at the time of the census of 1951, on account of which I have had to bring forward this innocuous Bill. I regret it for this reason that this gave rise to an exhibition of feelings of suspicion on the one side and displeasure on the other. Sir, as I explained in the beginning, till the year 1941, when the census prior to that of 1951 was held, the policy of that foreign Government was to have as many divisions on grounds of castes, religions etc. as possible. And as I submitted very rightly, when the Constitution was passed, our objective was very clear. We knew by experience the troubles and the difficulties which we had to face in the attainment of our freedom on account of the division of the Indian society into so many communities, castes and what not. Therefore it was, Sir, that the 1941 census proceeded entirely on a different basis, so far as this question of castes, communities etc. was concerned. In the census of 1951 the idea was—and it was made clear to the authorities—that we should try not to continue this practice of enumerating every little caste in the census figures. That was consistent with the ideals which we have got. And I think even my friend Shri Agnibhoj has no quarrel with it. What happened then was that having laid stress on that fact, we also wanted to abide by whatever has been provided in the Constitution, just as the first part of it is that we want to eliminate all considerations of caste, religion etc. in our administration and other matters regarding the governance of the country. The Constitution itself gave, for a period of ten years, a certain kind of reserved representation for certain backward communities and castes. That Order, Sir, as I explained, under article 341 was to be passed by

the President. The President did decide as to which were those castes on the information which he could gather. It was, therefore, a different matter altogether as to what the President decided. In the Constitution we said that for the purpose of representation the last census shall be taken into account. However, as the Order was there, in view of our policy, we had to make some provision for those castes for which special reservation was given under the Constitution. Now, Sir, in a country like India, with its vast population, with so many names, synonyms etc. there did happen some discrepancy. Now, Sir, it is quite wrong—I do not know what grounds there are—for my friend, Mr. Agnibhoj, to say that anybody was deliberately interested in committing a fraud on the Constitution. Now, Sir, to my mind, I am not aware of any such thing.

SHRI R. U. AGNIBHOJ: I am.

SHRI H. V. PATASKAR: May be. But so far as my information goes, it may be due either to incorrect information or to that unfortunate feeling of suspicion.....

SHRI R. U. AGNIBHOJ: The hon. Minister can find it in the previous report.....

SHRI H. V. PATASKAR: Therefore, I would categorically say that so far as my information goes, nothing was done deliberately by any one, and I do not think that any one had any desire to do anything inconsistent with our Constitution or commit a fraud on our Constitution. And therefore it is that as soon as it was brought to our notice that there was some justification that on account of some mistake in respect of synonyms etc.....

SHRI R. U. AGNIBHOJ: I would just enlighten the hon. Minister. He may kindly see the census report; against the persons, against the names, there was a column for caste, and then, subsequently, orders were passed that instead of the caste write 'H' for Hari-jans, and 'M' for Muslims, and so on and so forth. And in that a vast difference was made.

SHRI H. V. PATASKAR: Well, Sir, as I said—and I still maintain that— whatever those orders were nothing was deliberately done, either by the census authorities themselves, or at the instance or anybody, to exclude any of those categories of persons who could be included in all those castes which are recognised as Scheduled Castes or Scheduled Tribes in the Order of the President. What happened was this. Whenever an enumerator went to a person, he asked him, "What is your caste"? The only thing with which he was at that stage concerned was whether the man belonged to a Scheduled Caste. If not, there was a general class for those who did not belong to the Scheduled Castes. Supposing there is a man who belongs to that caste, but he describes himself as a Harijan or an *Achhut*, then it was a *bona fide* mistake, it was not included. And I am aware that they did include in certain States even certain other castes. Therefore, Sir, I do not know what orders were passed, but the primary thing is that it would be wrong to say that anybody wanted to do anything deliberately against any of the provisions of the Constitution, much less as my hon. friend said that it was an attempt to commit a fraud on the Constitution.

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Sir, I do not want to dilate upon this. I am really sorry that this kind of impression should have been created, when this Bill is only an attempt to correct an honest and *bona fide* mistake which happened in the census operations, in the interests of the Scheduled Castes and Scheduled Tribes, and this should have provided an occasion for reopening a matter which all of us would, at the earliest possible moment, wish to disappear in the history of our country. Therefore, Sir, I will not dwell upon that point.

My hon. friend, Mr. Agnibhoj, has moved an amendment saying that there should be reservation of seats for the Scheduled Castes and Scheduled Tribes in the Rajya Sabha and the Vidhan Parishads. He will find that

the Constitution has given special representation under article 330 and article 332. Article 330 says:

"Seats shall be reserved in the House of the People for

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes.....

Article 332 says:

"Seats shall be reserved for the Scheduled Castesin the Legislative Assembly of every State

Therefore, there is no reservation of seats so far as the Rajya Sabha is concerned, and consistently with our Constitution, I think it cannot be done. We have all sworn by this Constitution, and this Constitution does not make any provision for the reservation of seats for the Scheduled Castes and Scheduled Tribes either in this House or in the Vidhan Parishads.

SHRI R. U. AGNIBHOJ: Amend the Constitution.

SHRI H. V. PATASKAR: This Bill is not a Bill to amend the Constitution.

SHRI R. U. AGNIBHOJ: The Constitution does not prohibit it.

SHRI H. V. PATASKAR: Another objection to that which I would like the hon. Member to seriously consider is this: What does this Bill seek to do? This is only an amending Bill. The parent Act was to provide "for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies". Consistent with the provisions of articles 330 and 332 of the Constitution, the parent Act was enacted in order to provide for the delimitation of constituencies in the House of the People and in the Legislative Assemblies of the States. This Bill is only for the limited purpose of amending the parent Act. I really have sympathy for my hon. friend, but I think that in this particular matter he will realise, that the

scope of this Bill would not admit of any amendment of the Constitution. Therefore, I am sure he will withdraw his amendment, after this explanation from me.

Similarly, it was brought to my notice that at the end of this Bill, there is a provision in sub-clause (3):

"As soon as may be after the publication in the Gazette of India, every order made under clause (b), or clause (d) of subsection (1) shall be laid before the House of the People."

I was asked that this should be laid on the Table of this House also. I have absolutely no objection, but I may bring to the notice of the hon. Members here that the Act itself says in section 9:

"As soon as may be after such publication, every such order shall be laid before the House of the People."

evidently because it dealt with representation only in the House of the People. However, if my assurance will carry any weight, I will see that such orders are placed on the Table of this House also.

Sir, this is an urgent matter for the purpose of giving relief as quickly as possible. The Delimitation Commission has almost finished its labours, except for a little which is expected to be completed by the 15th of January or at the most by the end of February, and therefore I hope that—my assurance also is there that these orders will also be placed on the Table of this House—the Bill will be accepted without any amendment.

SHRI R. U. AGNIBHOJ: In view of the assurance given by the hon. Minister, I beg to withdraw my amendment.

MR. DEPUTY CHAIRMAN: It is out of order, but I will come to that later on.

The question is:

"That the Bill further to amend the Delimitation Commission Act, 1952, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill. There is no amendment to clause 2.

Clause 2 was added to the Bill

MR. DEPUTY CHAIRMAN: Mr. Agnibhoj's amendment is out of order. He will have no chance to withdraw it. The question is:

"That clause 1, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Enacting Formula were added to the Bill.

SHRI H. V. PATASKAR: Sir, I move: "That the Bill be passed."

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

**TIME LIMIT FOR SPEECHES ON
MOTION RE THE PROGRESS RE-
PORT OF THE FIVE YEAR PLAN FOR
THE YEAR 1953-54.**

MR. DEPUTY CHAIRMAN: I have to inform hon. Members that I have got 22 names of Members who want to take part in this discussion. So, hon. Members will confine themselves to about ten minutes each. That will come to 220 minutes. We will sit through the lunch hour. Otherwise, some Members will have to be dropped out. If you leave the discretion to me, I will call such Members as have not had any chance to speak. If you leave the discretion to me, I will call leaders