

THE UNTOUCHABILITY  
(OFFENCES) BILL, 1954

THE MINISTER FOR HOME AFFAIRS AND STATES (DR. K. N. KATJU): Sir, I beg to move:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to prescribe punishment for the practice of untouchability or the enforcement of any disability arising therefrom and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

Shrimati Lilavati Munshi,  
Shrimati Bedavati Buragohain,  
Shri A. S. Raju,  
Dr. N. S. Hardiker,  
Shri V. M. Surendra Ram,  
Shri Kishori Ram,  
Shri R. P. Tamta,  
Shri B. P. Singh,  
Shri T. D. Pustake,  
Shri Jagannath Das,  
Shri N. Bhatt,  
Dr. B. R. Ambedkar,  
Shri M. Satyanarayana,  
Shri S. N. Dwivedy,  
Shri N. C. Sekhar,  
Shri N. B. Deshmukh."

Sir, I consider it an auspicious sign that this motion should be made immediately after the conclusion of the big debate on the Bill to prevent food adulteration. We have decided to banish adulteration, I hope throughout the length and breadth of India, and I do hope that this equally auspicious adventure on our part to banish untouchability will now take complete shape.

My task, Sir, is very much lightened because we have had, if I may say so, a very full and very comprehensive and detailed discussion on the various problems of the Scheduled Castes last week.

The object of the Bill on which I ask the House to sit on a select committee is a very limited one. The House is aware that by one of the articles of the Constitution untouchability as such has been abolished and Parliament has been directed to make untouchability punishable. That means that steps should be taken by law to make it quite clear as to what should be the offences and how they should be punished. It is a purely coercive measure. When this motion was under discussion in the other House, the discussion naturally spread over a very wide field. Everybody recognises—there is no difference of opinion on that—that in many matters in public sectors untouchability should be effectively abolished by making various actions criminal or offensive, but there was a tendency throughout the debate in the other House for hon. speakers to travel over the wider field and it was said, over and over again, that this will not serve our purpose at all, that if you send to jail a barber who refuses to shave or cut the hair of a scheduled caste man in his saloon, that does not necessarily make the condition of the scheduled caste people better or more cheerful and, over and over again, it was pointed out that there must be other steps taken, economic measures adopted, to remove the various—not disabilities but—grievances, economic difficulties particularly, from which the members of the scheduled castes are now suffering. That was all a relevant piece of discussion though it was not quite connected with the Bill. That particular ground has been covered in this House in the previous debate and I do hope that hon. Members will not surrender to any tendency or any desire to cover the same ground again.

Now, what is the scope of this Bill, putting it very shortly? In the first place, it refers to what I would call the public sector, nothing to do with the private sector. I think there is a fundamental right given to every citizen to behave as he likes in his private life, live as he likes, wear

what he likes, eat with whom he desires to eat, admit anyone to his society as he likes. You cannot make one thing criminal or the other thing criminal. That would be a strictly regimented life, quite contrary to the spirit of our Constitution. This deals with the public sector. Law guarantees complete equality and this equality includes complete right of equal use to all the sections of the community of everything that is made public. Take for instance schools. There can be no restriction about admissions. If anybody wishes to put that restriction, if any school authority says that it will not admit boys of the scheduled castes in that school because of this untouchability, well that is an offence. Similarly about the public wells. No one can restrict any member of the scheduled castes from going and using a public well for drawing water. That is also made an offence. Similarly I can go on multiplying instances. For example, hotels, restaurants and every other thing comes under it; One cannot interfere with this right of equality. Then comes the other big question about entry into public temples. —I use the word 'public'—where every Hindu has got a right to enter, and if any restriction is put there is the punishment and that sort of thing must be stopped. So we ensure complete equality in this way but it is all coercive action and I must say, over and over again, that that does not finish the job. I can never forget one particular instance which came to my notice and which made a great impression upon me. I was talking to a lady and very casually she said that she was in the habit of going every morning to a particular temple for worship; she liked the place and she was a devotee of the Goddess installed there but then she added that she had given up going there. My curiosity was rather aroused and I asked her as to why she was not going there and she said that she had dropped going there. I asked for the reason and she said that the temple had now become *bhrasht*. That rather startled me and I asked her how it had become so—that is to say,

desecrated. She said that the Government had opened all the public temples to everybody and that everyone went there, which made her drop going there. She added that she was not going to worship that Deity any more. If that lady goes there, she likes to go there in a certain environment and if that environment is disturbed she says that she will not go there. I have always thought over this matter as to what our brethren of this particular community—scheduled caste, hateful word—require. They do not want to go into a particular temple for worshipping there. What is at the back of their mind is that they should go there—as I say that they should always go there—as members of one great community, the Hindus, rubbing shoulders with one another, and have the opportunity of worshipping in an equal manner, something that you see every day in the Lakshmi Narain Temple in Delhi. That is what they want. If they were told that if they went into this temple then the result of that would be that the Hindus of the so-called high castes would drop going there, they would not be happy. They do not want to worship that particular image by themselves. What they want is equality in worship, identity, coming close together. Now, that cannot be brought about by any piece of legislation. That requires, as I say and what I have been calling, a great persuasive work of the communities. Take, for instance, wells. I know and you know, Sir, that in many places, in many districts, in many parts of India, there is tremendous scarcity of drinking water supply. You go into a village and you find that there are just two public wells and there is some difficulty put in the way of the scheduled caste people. You go there and say, "Very well, I see there is this difficulty. Here is Rs. 3000 or Rs. 5000. Let them sink a well in their own area" and that particular difficulty may be removed. That will not be everything. What they want is the same well and the right of drawing of water from the same well along with everybody else. That action, I say, requires a great

[Dr. K. N. Katju.]

change of heart to create goodwill and recognition that ours is a casteless society, that we refuse to recognise any of these great distinctions in these social matters and all that. So I say again and again that the Legislature can only enact laws and a law is always coercive in character. Parliament can punish by statutes.

SHRI V. K. DHAGE: It is time to adjourn, Sir.

MR. DEPUTY CHAIRMAN: You are finishing, I think.

DR. K. N. KATJU: I won't be able to finish. I would require just a little time, five to ten minutes at least.

MR. DEPUTY CHAIRMAN: So you will resume the next day. As already notified, tomorrow the Constitution (Amendment) Bill—Motion for a Select Committee—will be taken up first and this will be continued after that motion is finished.

The House stands adjourned till 11 tomorrow morning.

The House adjourned at five of the clock till eleven of the clock on Wednesday, the 15th September, 1954.