

[Shri Abid Ali] economies in the expenses of banking companies;

(5) to consider and recommend what special modifications, if any are necessary in the Decision in order to encourage the spread of banking facilities in the Class IV areas of Part 'B' States and Part 'C'. States other than Delhi, Ajmer and Coorg.

SHRI S. N. DWIVEDY (Orissa): What about the appointment of a Tripartite Committee for the purpose?

SHRI ABID ALI: The present position has just been explained.

THE UNTOUCHABILITY (OFFENCES) BILL, 1954—continued

श्री के० बी० लाल (बिहार): चेयरमैन साहब, कल जब मैं बोल रहा था तो यह बतला रहा था कि इस कानून में अनटचेबिलिटी को डेफिनिशन दे दी जाती ताकि अनटचेबिलिटी शब्द का क्या अभिप्राय है यह जाहिर हो जाता, तो ज्यादा अच्छा होता। इस बिल में जगह जगह पर अनटचेबल लिखा गया है, जो हम में से बहुतों को अच्छा नहीं मालूम होता है। कई एक दोस्त पहले कह भी चुके हैं कि बार बार अनटचेबल लिख देने से ऐसा मालूम होता है कि उन लोगों को ही प्रधानता देना है और यह नहीं मालूम होता है कि उनकी मुसीबत को दूर करना है, या अनटचेबिलिटी को हटाना है या अनटचेबिलिटी को बिल्कुल खत्म करना है। ऐसा मालूम होता है कि अनटचेबल को हम कायम रखना चाहें हैं। उसको रिकग्नाइज करना चाहें हैं। और उसकी परवरिश करना चाहते हैं। इस बिल में ऐसा अभिप्राय और ऐसी चेष्टा मालूम होती है कि जहां कंस्टीट्यूशन में, विधान में, अनटचेबिलिटी को उठाने की बात आई है वहां इसमें यह

प्रक गौरव भरने की बात रखी गई है कि अगर कोई अपने को अनटचेबल न भी कहना चाहे तो उसे भी नहीं माना जायगा यानी कि वह अनटचेबल ही रहेगा। जहाँ डेफिनिशंस दी गई हैं, उसके सेक्शन २ में एक्सप्लेनशन में ऐसा लिखा है कि :

"A member of a Scheduled Caste shall not cease to be such member if he resides in a locality other than the locality specified in relation to him in any public notification issued or any law made by Parliament under article 314 of the Constitution".

बावजूद इसके कि कंस्टीट्यूशन के आर्टिकल ३४१ में कहा गया है कि :

"Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

मतलब यह होता है कि इस आर्टिकल के जरिये से पार्लिमेंट को कानून बनाने का हक है कि किसी समय प किसी भी शिड्यूल्ड कास्ट के लोगों को वह एक्सक्लूड कर सकते हैं। लेकिन यह जो कानून हम बनाने जा रहे हैं, बावजूद इसके कि संविधान में दिया हुआ है कि हम उनको एक्सक्लूड कर सकते हैं, हम उसमें यह

"He will not cease to be such a member"

यानी शिड्यूल्ड कास्ट का मेम्बर वह रहेगा, अनटचेबल बना रहेगा। "हैं विल नोट सीज टु बी दी मेम्बर आफ ए शिड्यूल्ड कास्ट" क माने होते हैं कि वह व्यक्ति अनटचेबल रहेगा। ऐसा भाव इससे व्यक्त होता है कि इस एक्सप्लेनशन के जरिये अनटचेबिलिटी को

बाबर कायम रहने देने, अंतर्चेबिलिटी को परिवर्तित करने की मंशा है, और अनटचेबिलिटी को मिटाने की कोई भावना इससे मालूम नहीं होती है। इसी तरह से यह जो दूसरा एक्सप्लेनशन दिया गया है कि :

"A member of a Scheduled Caste who has been converted from the Hindu religion to any other religion shall, notwithstanding such conversion, be deemed to be an untouchable for the purposes of this Act."

इससे भी यही मालूम होता है कि अगर कोई व्यक्ति अपना रिलीजन बदल कर के भी अनटचेबिलिटी से अपनी जान छुड़ाना चाहे तब भी हम उस की जान नहीं छोड़ेंगे क्योंकि तब भी वह अनटचेबल ही रहेगा। अगर मैं इसका यह मतलब ठीक से अंग्रेजी में नहीं समझ सका हूँ तो मेरे दोस्तों में से कोई मुझे उसे समझा दें। मेरी समझ में तो यही मतलब आया है कि बावजूद इसके कि कोई अपना धर्म बदल कर अनटचेबिलिटी से भागना चाहे, फिर भी हम उसका पीछा करेंगे, हम उसे पकड़ करेंगे कि नहीं तुम अनटचेबल रहोगे।

श्री टी० पांडे (उत्तर प्रदेश) : मेरे माननीय मित्र जिन भावों को व्यक्त करत हैं वे, जिन धाराओं की उन्होंने व्याख्या की है, उनके ठीक विपरीत हैं, यह मेरा निवेदन है।

MR. CHAIRMAN: Have you finished?

श्री के० बी० लाल : मैंने तो पहले ही कह दिया है कि मेरे भाई जो अर्थ इसका समझे हों मुझे बतला दें क्योंकि मैंने अपने सारे दिमाग से यही समझा

है जो कह रहा हूँ। इसके अलावा कानून के अंदर विचार छिपे होते हैं। तो मेरा यह कहना है कि मैं किसी कम्यूनलिज्म का पक्षपाती नहीं हूँ। मैं समझता हूँ कि यदि कोई अनटचेबल अपना धर्म बदल कर अछूतपन से अपना पिंड छुड़ाना चाहता है तो वह ऐसा जरूर कर सकता है। लेकिन अगर कोई ऐसा समझे कि नहीं साहब, वह अनटचेबल होने के नाते हिंदू रिलीजन में रहे और दूसरे धर्म को स्वीकार करके भी अस्पृश्य कहलाए तो यह अशुचित है। और मामलों में तो हममें और डा० अम्बेडकर में कुछ मतभेद हैं पर इस मानी में उनका ज्यादा विरोध मालूम नहीं होता। उनके मनोवृत्ति उसी प्रकार की है जिस प्रकार के पहले मुसलिम लीग की थी यात एक अलग कौम कायम करने की, एक अलग कम्यूनिटी या नेशन कायम करने की। इसलिए वे तो अंतर्चेबल रह कर के भी शायद एक कम्यूनिटी कायम रखे रहना चाहेंगे क्योंकि यदि अंतर्चेबल के एक कौम रहेगी या कम्यूनिटी रहेगी तो उनके ख्याल में एक अलग नेशन उनकी बन सकेगी। उनका तो कहना है कि अंतर्चेबल कम्यूनिटी का एक सर्कल बना रहे क्योंकि वे हिंदू धर्म में, हिंदू सिविलिजेशन में विश्वास नहीं करते हैं। वे तो कहते हैं कि हम एक अलग नेशन हैं। उनका वह जवान है जो जिन्ना साहब की एक जमाने में थी। लेकिन हम उनके पक्षपाती नहीं हैं। मैं समझता हूँ कि यह एक भयंकर बात है कि एक आदम के अनटचेबिलिटी से निकलने के बाद भी हम उस को अनटचेबल कहते रहें। इसका अभिप्राय मेरी समझ में नहीं आता है। इसको तो हम डा० अम्बेडकर वाली मनोवृत्ति या जिन्ना मनोवृत्ति ही कह सकते हैं।

[श्री को० बी० लाल]

में समझता हूँ कि मेरे आगे बोलने वाले भाई इस पर रोशनी डालेंगे।

इसलिए मेरा कहना यह है कि अन्टचेबिलिटी की व्याख्या बिल में साफ़ तौर से कर दी जाय। इस सम्बन्ध में मैं यह सुझाव सिलेक्ट कमेटी के सामने रखता हूँ कि मोटा तौर पर जो मैं अन्टचेबिलिटी शब्द का व्याख्या दे रहा हूँ उसको वह कुछ हेरफेर या परिवर्तन के स्वीकार कर ले। मैंने जो अन्टचेबिलिटी का व्याख्या की है वह इस प्रकार है :

"Untouchability is a practice by which--

(a) a person regards another •* as unworthy of touch and believes that if touched by such a person, the person so touched sets polluted,

(b) a person debars another person from entering any premises in the belief that by such entry the premises so entered gets polluted, and

(c) a person believes that anything touched by another person gets polluted".

मेरे दिमाग में तीन तरह का अन्टचेबिलिटी का रूप मालूम पड़ता है, इसलिए अन्टचेबिलिटी के यह व्याख्या दिखाई देती है कि इसमें जहाँ कहीं भी "untouchable" शब्द आया हो उसको अलग कर दिया जाय। मेरा सुझाव यह है कि हमें इसमें instead of "No

untouchable shall on the ground only that he is untouchable....." we should say "No person on the ground of the evil practice of untouchability....." अगर हमने इस तरह के

शब्द उसमें रख दिये तो हमारा काम बहुत सरल हो जायेगा। फिर भी सैक्शन K # instead of "Prohibition against refusal to admit untouchables to hospitals, etc." we should say "Prohibition against refusal to admit on the

ground of untouchability....." or we should say "No person shall refuse admission on the ground of untouchability to any person to any hospital, dispensary....."

इस के साथ हमें यह भी कर देना चाहिये,

j We should also say "No person shall refuse to sell any goods or refuse to render any service in the ordinary course of business on the ground of untouchability."

लेकिन इस बिल में जितने भी क्लोज़ हैं हमने इस डेफिनिशन को बिठाकर देख लिया है, उसका मतलब ठीक निकल आता है और हम 'Untouchable' शब्द व्यवहार करने से बच जाते हैं। आप एक आदमी जो कि untouchability प्रैक्टिस करता है उसको अन्टचेबल कह कर पुकारते हैं और साथ ही साथ उसको सुरक्षित करते हैं। इस तरह की भावना से तो समाज में अच्छा असर नहीं पड़ेगा। मेरा कहना है कि जिस अन्टचेबल को आपने अन्टचेबल कह कर पुकारा है वह भी अन्टचेबिलिटी का प्रैक्टिस करता है।

श्री किशोरी राम (बिहार) : यह गलत है।

श्री कै० बी० लाल : मैं आपको इस सम्बन्ध में उदाहरण देता हूँ ।

मैं जब कभी खाने के लिए अपनी रसोई में बैठता हूँ तो अपनी दाईं से, जो कि घर के काम काज करती है, घी देने के लिए कहता हूँ । वह घी देने से इन्कार करती है और उसका कहना यह है कि अगर मैं चौके में आ जाऊँगा तो चौका छू जायेगा, इस तरह से उसने मुझे कभी घी नहीं दिया ।

श्री टी० पांडे : कोई और कारण होगा ।

श्री कै० बी० लाल : और कोई कारण नहीं है बल्कि हमारे समाज में कुछ लोग अस्पृश्यता को धर्म के रूप में पालन करते हैं । मैं अब आपको दूसरा उदाहरण देता हूँ । आप में से बहुत से लोगों को गांव में घरी मानी लोगों की दावतों में जाने का मौका मिला होगा । जहाँ कहीं गांवों में दो हजार या इससे ज्यादा लोगों को भोज दिया जाता है वहाँ पर बहुत सा खाना जूठन के रूप में बच जाता है । गांव के जो डोम और चमार होते हैं वे इस तरह के अवसरों में इकट्ठा हो जाते हैं और जितनी भी इस तरह की जूठन बची रहती है वे ले जाते हैं । आपने यह बात भी देखी होगी कि जहाँ पर इस्तेमाल किये हुए पत्ते बिखरे पड़े रहते हैं, जूठन पड़ी रहती है, वहाँ पर कुत्ते भी आ जाते हैं । मेरा यह स्वयं का अनुभव है और मैंने अपनी आंखों से देखा है कि जब कभी इस तरह के अवसरों में डोम चमार को छू देता है तो उन लोगों में आपस में लड़ाई होने लगती है । अगर उनमें से कृत्ता किसी को छू दे तो वे लोग छूत नहीं मानते हैं, इस तरह की प्रवृत्ति उन लोगों

के दिमागों में बरकरार गई है । ऐसे उदाहरण एक दो नहीं हैं, कई हैं और रोज हमारे नैतिक जीवन के सामने आते ही रहते हैं । इस तरह के रीति रिवाज आज हम उन लोगों में पाएंगे जिनको आप अनटचेबल कह कर पुकारते हैं । इसीलिए मेरा ख्याल है कि अनटचेबिलिटी को "बैन" कर देना चाहिये ।

आज हम यह देख रहे हैं कि बहुत से ऐसे लोग हैं जो कि अपने को अनटचेबल कहने में गर्व समझते हैं । हमने कानून द्वारा सेइमूल्ड कास्ट के लोगों को बहुत सी सहूलियतें दे रखी हैं, इस कानून में इस तरह के लूप होल्स हैं जिनसे लोगों को बढ़ावा मिलता है कि वे "अनटचेबल" बने रहें । हमने इस तरह के लूप होल्स रखकर अनटचेबिलिटी को कम नहीं किया बल्कि और बढ़ाया ही है । अगर हम अनटचेबलों को उठाना चाहते हैं, उनके कण्ट को दूर करना चाहते हैं तो मैंने जो सुझाव दिये हैं उन्हें कबूल किया जाना चाहिये । आप को सब के लिए एक सा कानून बनाना चाहिये, जिस तरह से सूर्य चमकता है और सबको समान रूप से लाभ पहुंचाता है, उसी तरह से आपके कानून भी होने चाहियें । आपके कानूनों में इस तरह के लूप होल्स हैं जिससे अनटचेबिलिटी को बढ़ावा मिलता है । इसका कारण यह है कि आपने कुछ इस तरह की इन लोगों को सुविधा दे रखी है, जैसे सविनों में स्थान अलग से सुरक्षित रखना, अध्ययन के समय स्कालरशिप देना, इस तरह के लाभों को देख कर और लोगों के दिलों में भी यह भावना पैदा होगी है कि वे भी "अनटचेबल" बन जायें । इसका नतीजा यह हो रहा है कि बहुत सी जातियों के लोग अपने को

[श्री के० बी० लाल]

अनटचेबल की सूची में दर्ज करा रहे हैं। इस तरह से बहुत से लोग नजायज़ तौर पर, नौकरी और दूसरी सुविधाएं हासिल करने के लिए अपने को अनटचेबल कहलाना चाहते हैं। इस तरह की जो भावना आज हम देश में देख रहे हैं वह बहुत ही हानिकारक है, इसको हमें जल्द से जल्द रोकना चाहिये। इस तरह से आज "अनटचेबिलिटी" का शब्द एक प्रलीभन बन गया है। इसलिए आप इस शब्द को हटाने पर ज्यादा ध्यान दें। मेरा सुझाव

in the penalty clause it is said

"Whoever prevents an untouchable from exercising any right conferred by this

Act.....". Instead of that, we should say "Whoever prevents any person from exercising any right conferred by this Act on the ground of untouchability.....".

अगर आप इस तरह की व्यवस्था इस बिल में कर दें तो सब बातें इससे "कवर" हो जायेंगी। अगर आप "अन टचैबल ऑफ अनटचेबिलिटी" और "अनटचेबिलिटी" की व्याख्या करें, डिफाइन करें और उसको इसमें ले आवें, तो फिर आप समझ लें जिये कि कहीं गड़बड़ नहीं होगी।

इस अनटचेबिलिटी की समस्या को सुलझाने में दो तरह के लोग सम्बन्धित हैं। एक तो डाक्टर अम्बेडकर साहब हैं और दूसरे हमारे महात्मा गांधी जी थे। डाक्टर अम्बेडकर साहब ने इस समस्या को राजनैतिक रूप देकर उठाया और गांधी जी ने हृदय से अछूतों के उद्धार का

बीड़ा उठाया और उसी भावना को लेकर इस दिशा में बहुत कुछ काम किया। मगर गांधी जी की जो भावना थी उस का सही रूप में पालन नहीं किया जा रहा है। हम सब लोग मानते हैं कि अनटचेबिलिटी हमारे लिए एक स्टिग्मा है।

अनटचेबिलिटी एक स्टिग्मा है, एक कालिमा है, इसको हमें हटाना है। इसको हमें इस लिए नहीं हटाना है कि हम कोई फायदा उठाना चाहते हैं। पिछले दिन शेड्यूल्ड कास्ट कमिश्नर की रिपोर्ट पर बहस होते समय मैंने कहा था कि हमें ऐसा मालूम होता है कि अनटचेबिलिटी के उठाने की भावना से प्रेरित होकर नहीं बल्कि राजनैतिक संगठन की भावना से प्रेरित होकर कुछ लोग इसका लाभ उठाना चाहते हैं। ऐसे लोगों से मेरा यह निवेदन है कि वे कम से कम ऐसी भावना न रखें कि किसी का घर जले और हम अपना हाथ सेंकें। ऐसी भावना और विचार को हटाकर अनटचेबिलिटी के ऊपर हमारा कोई मतभेद नहीं होना चाहिये। इसमें किस को अपने दिल में कोई लुकी छिपी बात नहीं रखनी चाहिये। इसमें कोई शक नहीं है कि होम मिनिस्टर साहब जो बिल लाए हैं वह बहुत ही अच्छी भावना से प्रेरित हो कर लाए हैं और हमें उनकी भावना की सराहना करना चाहिये न कि विरोध करना चाहिये। अगर किस के मन में ऐसा होता है, अगर किस की ऐसी भावना है कि शायद इसमें कहीं अनटचेबिलिटी खत्म तो नहीं हो जायगी जिससे हमारे पैर के नचों से ज़मीन खिसक जाय, तो ऐसे लोगों से दस्त बस्ता, हाथ जोड़ कर मैं यह अर्ज करूंगा कि वे ऐसी भावना को अलग रखें और

राजनीतिक भावना से एक ऐसी नीति कायम न करें। जिस भावना से प्रेरित होकर सारा देश गांधी जी के कथनानुसार आगे बढ़ रहा है, जिस भावना से प्रेरित होकर लोग बिला किसी भेदभाव के आगे बढ़ रहे हैं और इस अनटचेबिलिटी की कालिमा को उठाने के लिए तैयार हैं, उसी भावना से जो विरोध करते हैं उनको भी शामिल होना चाहिये। इस में भेद भाव की कहीं गुंजाइश नहीं। स्वामस्वाह हमें गवर्नमेंट को क्रिटिसाइज करना है, इसलिए क्रिटिसाइज करेंगे चाहे कितना अच्छा काम हो, अगर यह भावना है तो दूसरा बात है। वैसे अभी तो हमारे यहां डिमोक्रेसी का बचपन है और ऐसी हालत में जो हमारे यहां विरोधी पार्टियां बें और उनका जो अपोजीशन का काम हो वह एक ही उद्देश्य से हो कि हमारा देश आगे बढ़े, हमारा देश सुसंगठित हो और जितनी बुराइयां हैं उनको हटा कर हम अच्छाइयां लायें। ऐसी बातों में हमारा सब का एक ही उद्देश्य होना चाहिये। कुछ ऐसी चीजें जरूर हो सकती हैं जिन में मतभेद हो सकता है। जैसे लैंड नेशनलाइजेशन होना चाहिये या नहीं होना चाहिये इसमें मतभेद हो सकता है, इसको दो दृष्टिकोण से लोग देख सकते हैं। एक दल कह सकता है कि नेशनलाइजेशन खराब चीज है, नेशनलाइजेशन नहीं होना चाहिये। दूसरा दल कह सकता है कि नेशनलाइजेशन होना चाहिये। इसमें मतभेद की गुंजाइश है। लेकिन अगर अनटचेबिलिटी के उठाने में मतभेद हो, इसमें हम गवर्नमेंट को क्रिटिसाइज करें, चूंकि एक खास पार्टी की ओर से एक चीज आती है, इसलिए हमें विरोध करें तो यह अपोजीशन पार्टी का फंक्शन ठीक तरह से

अदा करना नहीं हुआ। डाक्टर अम्बेदकर और उनके कुछ और मित्रों के मुंह से यह मालूम हुआ कि हम हिंदू कैसे, हम को हिन्दू इस लिए बना कर रखते हो कि तुम फायदा उठाओ। यह मोवृत्ति खराब है। जब हम चाहते हैं कि अछूतपन उठे, हम एक हो जायें और हम एक होकर आगे बढ़ें तब भी बिला इस लिहाज के कि हमारे देश में इस वक्त क्या हालत है आप इस बात पर बार बार जोर दें कि अगर आप सिसियर ह, अगर आप सच्चे हैं, अगर आप चाहते हैं कि जल्द से जल्द यह बात हो तो अनटचेबिलिटी का कानून तोड़ने वाले को फांसी दे दी जाय और यह नान कम्पाउंडेबल अफेंस बना दिया जाय, यह कहां तक उचित है। हम यह समझते हैं कि आपके इस उतावलेपन में कुछ तत्व है। आपके हृदय में जो घाव है, आप क हृदय में जो दाह है, वह समय में आ सकता है। लेकिन आप समझिये कि कोई काम करने के लिए.....

Mk. CHAIRMAN: Mr. Kailash Bihari Lall, wind up Please. You must impose a rule on yourself.

SHRI K. B. LALL: I was taken aback.

MR. CHAIRMAN: Why?

SHRI K. B. LALL: Because I thought the House was bound up so much by convention yesterday.

MR. CHAIRMAN: Don't bother I about it. Get on please.

SHRI K.B.LALL: I was labouring under the idea that there was n.it to be any time limit on speeches.

MR. CHAIRMAN: But so many people want to speak. If you don't put il Jimit on yourself, how can tn?y speak?

• SHRI K. B. LALL: I thought that convention could not be broken

MR. CHAIRMAN: Wind up. You have already spoken for forty minutes.

SHRI K. B. LALL: I will finish as quickly as possible since you have pulled me up. I was only saying that this House has become very rigid with regard to the breaking of its conventions.

MR. CHAIRMAN: Don't bother about it.

SHRI K. B. LALL: I will try to finish.

तो दो दृष्टिकोण काम कर रहे हैं। डाक्टर अम्बेदेकर साहब चाहते हैं कि यह चंज बन रहे और दूसरे लोग चाहते हैं कि यह चंज न बनी रहे। जहाँ तक इस काम को जल्द से जल्द खत्म करने का भावना का सम्बन्ध है, वह भावना तो समझ में आ सकती है। लेकिन जल्द खत्म करने के लिए हमको सोचना पड़ेगा कि जल्दी करने में कहीं हम ऐसे रास्ते पर न चले जायें कि हम डूब जायें। एक आदमी नदों के किनारे खड़ा था। उसको नदों पार करने थे। उसने सोचा कि मैं पानी का एवरेज निकाल लूँ। कहीं दो फिट पानी होगा, कहीं चार फिट होगा, कहीं आठ फिट होगा, इस तरह सब का एवरेज चार फिट होता है और जब वह नदों पार करने लगा तो डूब गया। उस तरह से कहीं हम भी न हिसाब लगा लें और आखिर में डूब जायें। आप को सोचना पड़ेगा कि हम जो भी काम करें उसको सहूलियत से करें जिससे हम वाकई अपना ध्येय पूरा कर सकें। अगर आप का मतलब सिद्ध नहीं होता है तो जल्दबाजी से क्या

फायदा है। जल्दबाजी में कड़े से कड़ा कानून बनाने से भी यह काम ठीक नहीं हो सकता है। जो समाज के अगुवा कानून बना रहे हैं अगर आप यह समझते हैं कि उनकी बातों में ईंसिस्टेंस है तो आप को पूरा अधिकार है कि उनको 'सिंसिस्टेंस' को आप चैलेंज करें। इसके अलावा जो ऊँच जाति के लोग हैं जिनके खून में यह चीज पैवस्त हो गई है, उन्हीं के अन्दर यह बुराई नहीं है, बल्कि जिनका आप उपकार करना चाहते हैं, उनके अन्दर यह बुराई और ज्यादा है क्योंकि वे ज्यादा अज्ञान हैं, वे ज्यादा मूर्ख हैं। इस लिए आप क्या करेंगे? अगर आप सब को फाँस पर चढ़ाना चाहेंगे, तो जिन का आप उपकार करते हैं वे खुद फाँस पर चढ़ जायेंगे। तो इसलिए आप समझ दूँ कि ऐसा करें कि जिसमें उपकार भी हो और इस देश से यह कालिमा भी हट जाय।

अब मैं जल्दी में अपने विचारों को आपके सामने रखना चाहता हूँ।

श्री एच० पी० सक्सेना (उत्तर प्रदेश): "यह चंज खून में पैवस्त है" इसका मतलब आप ठीक से समझा दें तो मेरी समझ में भी आ जाय। मैं इसका मतलब समझ नहीं पाया।

श्री के० बी० लाल : इसको अकेले में मिल कर समझायेंगे क्योंकि यह एक बड़ी मोटी बात है। इसके लिए लाबों में आप से बात कर लेंगे।

MR. CHAIRMAN: Two minutes more.

श्री के० बी० लाल : तो मैं यह सूझाव दे रहा था, हुआ, कि अगर हम सच्चे दिल से चाहते हैं कि अनटचबिलिटी

को उठाये तो उसके लिए कोई एक रास्ता निकालें। रास्ता निकालने के लिए हम गवर्नमेंट के ऊपर जोर दे सकते हैं क्योंकि जब गवर्नमेंट को, राज्य को, कोई काम करने का इरादा होता है तो फिर उसके लिए उतावली आती है वरना नहीं। जैसे कि रक्षा का पीटर दि ग्रेट था, उसने एक नियम बना दिया। रक्षा में एक ईस्टर्न कंट्री है और वहाँ भी पदों का रिवाज था, जो कि बहुत बुरी चीज थी। तो उसने एक नियम बनाया कि जो भी कौंसिल में आयेगा वह अपनी पदों के साथ आयेगा और जब वह ऐसा करेगा तभी उसका मेम्बरी जायज रहेगी।

श्री कन्हैयालाल डी० बच्च (मध्य भारत) : फूल डिमोक्रेसी थी।

श्री के० बी० लाल : डिमोक्रेसी के नाम के मुताबिक हो या न हो लेकिन उसने ऐसा किया। एक विनेवेलेंट मानक को अगर काम करने के लिए उतावली है तो उसके लिए एक तरफ का निकाल लेता है। मेरा अभिप्राय यह है कि अगर आप किसी काम को करने को उतावले हैं तो आप उसके लिये एक रास्ता निकाल सकते हैं। एक रास्ता यह है कि अंतरजातीय विवाह को इनकरेज कीजिये। गवर्नमेंट में ऐसा नियम करें, ऐसी अपॉर्त पालिस रखें कि अगर क्वालिफिकेशंस वर्ग में सब बराबर हों तो प्रिफरेंस उस नौजवान को दिया जायेगा जो कि जाति-पात में विश्वास नहीं करता है। आज तो आपका गवर्नमेंट सर्विस में कास्ट मांसटर्स भरे हुए हैं जो कि आपके मतलब को बिल्कुल रद्द कर देते हैं।.....

MR. CHAIRMAN: Sit down Mr. Kailash Behari Lall. Shri Dasappa.

SHRI K. B. LALL: Thmk you, Sir.

SHRI H. C. DASAPPA (Mysore): Mr. Chairman, I think this is a Bill on the principles of which there could be no objection whatever. Even the most radical or I may say rabid of the Opposition cannot take any exception to the principles underlying this Bill. It may be that there are differences in regard to the effectiveness of these provisions by themselves and the likely advantage that might actually accrue therefrom, but as regards the necessity and the justification for a Bill like this, I don't think there could be any exception whatever. In fact, this idea of the removal of untouchability which is enjoined on the whole of this Union by the Constitution itself was well anticipated by various States—both Part A and B—and today there is a measure which makes this law applicable to the entire Union except as it says to the State of Jammu and Kashmir—though for my part I don't see why it should not be made applicable to the State of Jammu and Kashmir also quite apart from the agreement that there may be between Kashmir and the rest of the Union of India. I don't think our Kashmir brethren would hesitate to have this made applicable to their State also.

In the first place I would like to answer certain of the points raised by Dr. Ambedkar because I feel that a wholly wrong turn has been given to this Bill by some of his utterances. I would refer to his rather unwarranted—I will not say irrelevant—remarks; with regard to the question of the repeal of various other measures in the States which are inconsistent with article 13 of the Constitution. I have nothing to say on the merits of the attitude that he has taken. But what exact relation that bears to this Bill which purports to achieve a specific result and implement a directive of the Constitution I have yet to understand. There are numerous such antiquated measures in certain parts of the country which need to be looked

LShri H. C. Dasappa.] into and this House may well appreciate his suggestion that the Home Ministry and the Law Ministry must look into it but I must enter a caveat when he says that there has been any kind of wanton neglect on the part of the Government in failing to ransack what those particular measures are which are inconsistent with this positive direction that the Constitution contains. My own reading of the Constitution is that whatever is inconsistent with the Constitution and its provisions is ineffective so far as the whole of the Union is concerned. But even if there are some of those Acts still in force, it is possible for anyone to have recourse to law courts and have such of the laws as are inconsistent with this rendered nugatory without much difficulty.

Secondly, he was saying that there was no doubt a negative advantage that was being secured in so far as the evil of untouchability is concerned and it was making it a punishable offence if anybody practised untouchability. He contend that the very administration of the provisions leads to what he characterised as social boycott in various parts of the Union—a deadly and potent weapon in the hands of the people to render the advantage of this Bill entirely infructuous. I am not going to dispute that fact. In fact, there is a great deal of truth in what he says, viz., the < other communities which generally form the majority are able to bring certain pressure on these minorities—the scheduled castes—so that such relief as they can obtain under this law and similar laws is made ineffective in practice.

That, of course, will lead us into a very big issue and it obviously needs a great deal more of thought than a casual observation like this may help us to have. As for this social boycott, even granting that we do provide against that, the question arises - as to the evidence that we can secure in order to bring home the offence to those who may be resorting to that

method of retaliation. It is a very imperceptible thing, a most intangible thing. Therefore, I think that in the first place, it is worth while that we confine ourselves to the implementation of this measure and see what the effect of it would be. If an effective implementation of the provisions of this Bill does lead to what he apprehends, namely, a large number of instances of social boycott, to render this Bill nugatory, then there would be time enough for us to consider what kind of a remedy we must prescribe against a contingency of that nature. In fact, as I said, the people, whatever their attitude might have been in the days of the freedom struggle, the generality of the people who are likely to be disinclined to give effect to this measure are people who are terribly and mortally afraid of imprisonment or jail. It is not the people who wanted to achieve freedom or those who resorted to direct action and *Satyagraha* who will ever go against the Bill and resort to things like social boycott. They will include only the illiterate, the superstitious and the more backward of the communities. They are not the people who would not be afraid of prison bars. Therefore, I feel that a few occasions of resorting to punitive provisions of this Bill would be quite ample to generate the necessary public opinion in favour of this measure and it would be totally wrong for us to think of or envisage any large-scale social boycott in the country.

Then, there was another matter to which he referred and which he called an omission in this Bill and that was the non-provision to make these offences non-compoundable. As I understand the law a bit—I am speaking subject to correction because I have been long away from the bar—my own understanding of the position is that unless we specifically make an offence compoundable, it remains non-compoundable. So I feel that the fears of an eminent jurist like Dr. Ambedkar are altogether unfounded. None of the offences here is compoundable and nobody can put in the

strange meaning that they are compoundable and that it will therefore be easy for the victim to be bought over by the offender.

The other very important matter to which Dr. Ambedkar referred at some length is that the sentences prescribed here are extremely light. I am sorry to say that it is wholly impossible for me to agree with him. His attack was two-fold. In the first instance, the sentences were very lenient—six months' imprisonment or a fine of Rs. 500 or both compared to the severity or rather the magnitude of the offence that was involved in such cases. I have actually answered that partly, when dealing with the earlier point. I must say that judging from the class of people to whom the provisions become practically applicable, the quantum of punishment is more than enough to have a salutary effect on the public at large. The other attack that he made was that instead of prescribing the maximum of punishment, with reference to both imprisonment and fine, he said we must have prescribed the minimum. Now, that is one of the strangest propositions of law expounded, I should say. The position is that prescribing the minimum for any offence is only limited to a very few cases involving terrible moral turpitude and it refers to things like dacoity and such other offences. To my mind, to make the principles underlying such offences applicable to breaches of the provisions of this law would be most astounding. Therefore, I think the existing provision is good enough.

I would, however, like to suggest to the hon. Minister that where there is repetition of the offence, the punishment must certainly be enhanced. The Select Committee may kindly look into that. Where there is persistent effort to harm a certain section of the people or individuals merely because they belong to the Scheduled Castes, then I think that must invite more deterrent punishment than what is provided for here. I hope the Select Committee will kindly consider this.

Then, another point which he referred to as an omission is the absence of any provision for what is known as binding over persons for good behaviour. I mean the provisions which we find in the Criminal Procedure Code from section 107 onwards. I have been at some pains in looking into this matter, but I can see nothing which can prevent the magistrate concerned to binding over people for good behaviour in case there is persistent default in connection with the provisions of this Bill. There is no specific mention in this Bill in regard to offences relating to breaches of public peace, tranquillity and so on. Surely the provisions of the Criminal Procedure Code relating to good behaviour could be invoked in this case. I may add that it is no use unnecessarily importing the provisions of the Criminal Procedure Code which are of the widest applicability here into a measure like this. After all, this is not the only measure, for there will be so many others where such situations may arise as for instance the measures relating to marriage. Even in regard to marriages, it may be that there will be a little of trouble in a certain village. That does not mean that we must import the provisions of the Criminal Procedure Code into that particular measure relating to law of marriage, divorce, etc.

[MR. DEPUTY CHAIRMAN *in the Chair.*]

Next, I would like to say a few words as to the necessity for wide propaganda in this matter. I agree with most of our friends here including the mover of the Bill, that the provisions of this Bill themselves are not going to work a miracle. That is absolutely certain. This is a matter where the entire nation must make up its mind to see that this malignant sore in the body politic is removed. : There is a great deal more to be done] in order to make this a success than there is in the Bill itself. How best it can be done is, of course, a matter to which we should direct our attention. I The special provisions of the Consti-I tution provide for the appointment of

LShri H. C. Dasappa, J a special Commissioner for Scheduled Castes and Scheduled Tribes. That will be a good organisation to look into this question. There are various suggestions thrown out by so many friends as to how the necessary psychology could be created. There can be no doubt that it is necessary to prepare a proper psychology among the masses. How many of our people are really literate and educated? Even the people who are so-called cultured and educated themselves are so often so reactionary. I remember, Sir, in our State when there was an order issued by the Government to the effect that all Government educational institutions and aided institutions should admit the scheduled caste candidates, certain educated elements started what are known as National Schools and prevented these people from entering into these institutions. We have had such strange instances but by and large I must say those days are gone. It is the more illiterate and ignorant rural people that cause trouble and put in obstacles in the way of the proper implementation of this particular measure. Therefore, there is a great deal of necessity for preparing a proper psychology in the nation in favour of this Bill.

The hon. Minister who moved the Bill was referring to the fact that this Bill does not apply in the least to the private sector, that nobody was advocating inter-marriage and inter-dining so far as individuals and private relationships went. I must differ from him to some extent. Mahatma Gandhi, if I remember correctly, did not want to divide a man's attitude towards this problem of untouchability into compartments. Any person who was against the 'evil must certainly so conduct himself wherever he may be and whatever he may be doing. He even suggested there should be inter-marriages. Of course, it was only Mahatma Gandhi who could have taken such a stand; it is not everyone of us who would be able to go so far. But what I say is that we may not go on persistently saying that it is not what is provided for in this Bill.

We need not lay emphasis on the point that the sector to which the Bill refers is different from the other sectors. I was thinking of another suggestion which I wanted to throw out for consideration of this House and of the people at large. If we really want to implement this and if we really want to remove this evil of untouchability, I think the suggestion that I am now putting forward may be helpful. Sir, there are about five crores of scheduled caste people which means that there would be about 1-3 crores of families and the infant children may not number more than 25 or 30 lakhs in all for the whole of India. I would suggest that each one of these children should be taken over and adopted by the other Hindus, if possible. I do not think it will be too difficult for this large population of about 30 crores of people, or about six crores of families, to adopt 20 or 30 lakhs of children, but even if a fraction of them are adopted into the so-called caste Hindu families when they are very young, I think it will have a most wonderful effect on the whole country and it will change the whole aspect altogether. Now, the reason why I am referring to infants is because we have had certain experience in regard to adopted children. I have seen < * good many families who have adopted children when, they are grown up; somehow there is a certain amount of separateness; it may be due to any reason and I am not going to dwell on that. But when one takes a little babe into the family, a certain feeling of oneness is generated among the parents and other members of the family and one begins to feel that the child is actually one's own. That can only be judged by experience; it is not a thing which I can describe. If this is tried, I think, Sir, it will lead to the generation of a tremendous psychological effect in favour of the removal of untouchability.

DR. D. H. VAP.IAVA (Saurashtra): May I ask one question? My friend says that we can adopt the 20 or 30-lakhs of children but will the parent

of these children allow the children to be adopted by others?

SHRI H. C. DASAPPA: A perfectly relevant question. I have no doubt about it. But, Sir, if they give, adopt them; if they do not, the fault is not yours. You will have demonstrated your earnestness, your sincerity in trying to give up this practice whether in the public sector or in the private sector. It is wrong to compartmentalise our attitude towards this grave problem and say: "I shall sit only in the railway compartments or in Parliament and such other public places along with members of the scheduled castes and not elsewhere." I quite see the point raised by my friend over there. It is only in cases where they are willing to part with their children that we need adopt them. That was one constructive idea that I wanted to place before the House.

Sir, this is a matter which we cannot leave entirely to the Government to implement and feel satisfied so that if the Bill does not become very effective, we will have a good stick to beat the Government with. That is an altogether wrong approach. This is a kind of a social revolution; of course, Gandhiji has created the necessary atmosphere and I do not mean to say that Dr. Ambedkar and other friends are not also working in that direction. What I do contend is that the better approach is the approach of Gandhiji which tries to harness the whole volume of the sympathy of other classes, their love and their affection in solving this problem rather than generate heat, hatred, ill-will and bitterness in achieving this end. There are these two ways and any day personally I would commend the more non-violent method of seeking the solution to this problem. The Bill is there to create a certain amount of fear in the psychology of people that any violation of the law would involve a punishment. That I think does fulfil its purpose and it has got to be implemented in a perfectly earnest way but the grander and more sublime way of bringing about

the reform is a change in the attitude whereby voluntarily we give up untouchability in any form.

There is only one remark before I conclude and that is with regard to the title of the Bill. This Bill repeals or rather purports to repeal so many laws or parts of laws which are inconsistent with this. We find that in Madras the title is, "Removal of Civil Disabilities Act"; in Mysore also, it is "Removal of Civil Disabilities Act". I think that would be better title to this Bill than the one given here. I have got a reason for it. Certain friends referred to various types of untouchability, that one untouchable is an untouchable so far as another untouchable is concerned. It is a fact, whatever others may say. We have actually seen that it is so. In Mysore State, we have got what are known as Right-handers and we have got what are known as Left-handers. So far as we are concerned, we treat them all alike but as between themselves there is a lot of friction. Now this does not provide for untouchability by an untouchable towards another untouchable. That is one thing. Secondly, quite apart from untouchables, there are non-untouchables who suffer from various degrees of untouchability even from among other classes in the hierarchy. The whole of the Hindu society is a society of gradations and degradations. So, if we changed the title and called this Bill, the Removal of Disabilities Bill, that would enable a fellow like me—who may be in the lower rungs of the hierarchy—to secure full rights. When I was a student I was kept out of a hotel simply because I did not belong to the community of the hotel proprietor. This may provide for the scheduled caste men to get into a certain hotel but there is nothing in this Bill to compel a hotel proprietor to take one who is not an untouchable. I am only illustrating the point and the real thing is the removal of civil disabilities. As I said, we need not go to America, to find a parallel. If we give a better title and widen its applications that would be meeting a lot

L. Shri H. C. Dasappa.] more of contingencies which the present Bill does not.

Therefore, Sir, while welcoming this Bill I hope the Select Committee will be able to consider some of these points.

12 NOON.

SHRI B. M. GUPTA (Bombay): Sir, I congratulate the hon. the Home Minister on bringing forward this Bill which is an improvement on the provincial legislation on the subject, but I feel that in one respect at least, the new feature, namely, the feature about extending the scope of the Bill to non-Hindus, is not certainly desirable. Of course, I have no quarrel if it is extended to non-Hindus, but my point is that by making that extension we should not make the position of the Hindu Harijans in any way inferior to what can obtain under the provincial legislation. I can take one example and in that way make my meaning clear. Now according to the wording that is used in clauses 3, 4 and 5, if we take a case where a temple is open only to Jains or there is a place the use of which is dedicated to Jains only, then naturally under this Bill the Harijan would not be able to go to the temple or will not be able to make use of that place, because the Harijan not being a Jain does not belong to the same religious denomination. The wording used in these clauses indicates that he must belong to that particular denomination. But according to the Bombay Act—coming from that State I am somewhat familiar with that Act—I think the case would be otherwise, that is, the Harijan would be able to go to the Jain temple or would be able to use the place, say, Dharamsala which is dedicated to the use of Jains. This is so because—I am, of course, speaking subject to correction because the text of the Bombay Act is not with me—in my opinion, that Act or those Acts are confined only to Hindus and the definition of Hindus is given as including Jains, as is generally given. But that kind of

definition is not given here, and therefore in my opinion it would not be permissible under this Bill for a Harijan to go into a Jain temple—these are only for Jains—or make use of any Jain Dharamsala. Thus what would be an offence under the Bombay Act would not be an offence under this Bill and I think this is not a desirable position. We are repealing those provincial Acts and after those Acts are repealed this Act will be enforced and therefore some persons who could be prosecuted and punished under those Acts would not be prosecuted under this Act. I therefore submit that because of the extension to non-Hindus, this Bill would be a retrograde measure as far as the Hindu Harijans in the Bombay State are concerned. As I said in the beginning, I have no objection to the extension but in my opinion it is not necessary because the problem of untouchability is confined only to Hindus. I do not think Christians or Muslims have that problem and therefore it is not necessary, but I will not quarrel if the Bill is extended to them. My point is only this, that as far as Hindu Harijans are concerned, merely because they are coupled with Harijans of other religions, their position should not deteriorate at least in the States where other Acts are enforced.

Then I wish to invite attention to another anomaly. As far as this clause 5 is concerned, I do not see why it should not be incorporated in clause 4 because if it is kept out, if it is kept separate, the result is that there is prohibition only against admission; there is no prohibition against discrimination and any discriminatory condition or any discriminatory restriction can be imposed under clause 5. Suppose there is a hospital and in that hospital higher fees are charged for the Harijans then that would not be banned under clause 5 as it stands, because the only prohibition is against refusal to admit untouchables. But if it were incorporated in clause 4 then no condition, no restriction, no disability could be imposed and the Harijans would be treated exactly in the

same way as others are. I therefore submit, Sir, that there is no reason why hospitals and dispensaries at least should not be transferred to clause 4 instead of having a separate clause for them.

Then, I would refer also to clause 12, "Act to override other laws.—Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law". I again am speaking subject to correction but I cannot understand the significance of the words "save as otherwise expressly provided for in this Act." This because I do not find it provided in the Bill anywhere that this Act shall be superseded by other legislation which is already in force; on the contrary, this legislation is superseding what is provided for in other Acts. These words are therefore unnecessary and create only confusion and therefore I submit, Sir, that they might be removed.

Finally, I would support the plea of Dr. Ambedkar for making provision against social boycott because in my opinion it is generally this trick that is followed by villagers in circumventing these laws. They use their power of social boycott in a village in order to bring assertive Harijans to submission, I mean, those Harijans who want to assert their rights under such Bills. I therefore submit, Sir, that the Select Committee may look into all these matters more closely and make suitable amendments.

SHRI P. T. LEUVA (Bombay): Sir, with respect to this Bill I would like to make one request to the Chair. This Bill is of such vast importance that full latitude must be given for a discussion of this particular measure. I would therefore request that a time limit should not be imposed on speakers who are specially affected by this measure. Fortunately or unfortunately

MR. DEPUTY CHAIRMAN: There is no time limit.

SHRI P. T. LEUVA: There is no time limit, but the Chairman said that every speaker should impose a certain time limit himself and that is the reason why, Sir, I am making this request in connection with this measure.

MR. DEPUTY CHAIRMAN: Then you have to follow the Chairman's instructions.

SHRI P. T. LEUVA: I shall try to follow them, but this measure is going to affect a large number of people and I am one of those persons who are most vitally interested in this Bill because I myself come from that community which is suffering from disabilities.

Now, Sir, Dr. Katju, while moving: this motion for reference to a Select Committee, stated that "we" want to make only provision regarding the-public sector. Whatever might be the reason for his making that remark, I would humbly submit, Sir, that the public conduct of a person is largely the reflection of his own personal and private beliefs. I would therefore submit that while considering the measure we should not look at it from that narrow point of view because you will find that this evil of untouchability has persisted in our society for centuries together. It has become a deep-rooted evil in our society. Therefore, if you want to eradicate this evil from the society you will have to devise such remedies which are commensurate with the evil. Sir, I do not wish to dwell on the origin or history of untouchability because it has remained in our society for centuries together. Whatever might be the past history, we cannot be benefited by finding fault with the past or by apportioning blame on anybody. We have only to rivet our attention on the present. What is the present state of the society? What is the problem of untouchability at present? Have the evils arising there--from been eliminated? In this connection I would invite your attention to one sentence which finds place *in*

[Shri P. T. Leuva.] the Report of the Scheduled Castes Commissioner which we had the opportunity of discussing earlier. He has stated in the Report: "Information collected from the State Governments shows that there has been no appreciable improvement with regard to the practice of untouchability." The evil of untouchability is still persisting in its old form. There is no appreciable change in it. I would therefore humbly submit that the remedy that we propose must be of such a nature that it will meet the situation. It is no use tinkering with this problem. I would therefore suggest, when I come to the question of punishment, as to what would be the proper type of punishment for such offences.

Before that I would like to take the opportunity of referring to certain points made by Dr. Ambedkar. It appears that Dr. Ambedkar's knowledge of law is becoming out of date. He has forgotten all that he has himself done in the past. He was the Chairman of the Drafting Committee. He said that this present Bill should reiterate whatever has been stated in the Constitution. He said that the Fundamental Rights should be mentioned in this Bill. My impression is that when he spoke in the House probably he had not studied the Bill at all. Had he studied the Bill carefully, he would have found that whatever Fundamental Rights are granted under the Constitution, are not in any way taken away by this Bill. There are certain rights which have been reiterated in this Bill and which form part of the Constitution. Sir, I would refer to articles 15 and 16 of the Constitution where certain Rights have

been mentioned. Article 15 says: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them; no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be

- subject to any disability, liability, restriction or conditions with regard to (a) access to shops, public restau-

rants, hotels and places of public en-

tertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. Nothing in this article shall prevent the State from making any special provision for women and children." Now, I would read out article 16: "There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State. Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under any State specified in the First Schedule or any local or other authority within its territory, as requirement as to residence within that State prior to such employment or appointment." Article 17 refers to abolition of untouchability and says that its practice in any form is forbidden. Now, these are the things that have been incorporated in clauses 4 and 5 of the Bill. Clause 4 says: "No untouchable shall on the ground only that he is an untouchable be ineligible for office under any authority constituted under any law, be subject to any disability, liability, restriction or condition with regard to access to any shop, public restaurant, hotel or any place of public entertainment....." etc., and clause 5, refers to hospital, dispensary, educational institution, hostel, etc. So whatever Fundamental Rights are enumerated in the Constitution have been incorporated in this present Bill and therefore the grievance of Dr. Ambedkar that there is an omission on the part of the Government to incorporate those Rights in the Bill has no ground whatsoever.

Now, another thing to which he made reference was regarding the question of compoundability. As I said earlier, Dr. Ambedkar has be-

come out of date in his law. Had he taken care to see the provisions of the Criminal Procedure Code he would have found that the offences under this Bill are not compoundable. I would invite his attention to Schedule II of the Criminal Procedure Code. In Schedule II you will find And there are various types of offences under other laws and different punishments have been prescribed in column 1; it has been stated that they are not compoundable. An offence under this Bill is punishable with six months imprisonment and under the provisions of the Criminal Procedure Code we find that it will not be compoundable. So there is no question of making the offences under this Bill not compoundable, since the Criminal Procedure Code applies to all of them. So far as the procedure is concerned, compoundability or non-compoundability is a question of objective law and not subjective law. Therefore, when the provision is in existence in the Criminal Procedure Code there is no necessity of making any specific provision in this Bill.

Sir, Dr. Ambedkar stated that the Law Minister and the Home Minister were lazy and that they were not taking sufficient interest in this matter. He referred to certain cases which belonged to the States' sphere and he expected the Home Minister or the Law Minister to legislate on matters which are beyond their competence. Sir, I would like him to refresh his own memory. He was himself a member of the Government for a very long time. If I remember aright he became a Member of the Viceroy's Executive Council in 1943 and continued to be in the Government till 1952. Nothing prevented him from legislating on questions which related to the social disabilities of the Scheduled Castes.

Then, he referred to the Bombay Hereditary Village Officers Act. Now, that Act has nothing to do with the Scheduled Castes as such. Whoever is a village servant, he is governed

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by the Act. There are different types of village servants and in villages services are to be rendered by particular class of persons on condition that they are given a piece of land in lieu of wages. Of course, in Bombay this Act is slowly being repealed but I would like to inform Dr. Ambedkar that when he is himself preaching here that the Bombay Hereditary Village Officers Act should be abolished, his own followers are against the abolition of this Act. I know at least of one instance where a suit was filed in the Civil Court of Bombay with regard to the rights of those village servants because they claimed that by virtue of their office they were entitled to certain privileges. I would not make a detailed reference to it here. He also referred to the Bombay Municipal Servants Act. That does not apply to Scheduled Castes only; it applies to all servants of the Bombay Municipality belonging to a particular category. He said that the Scheduled Castes were prevented from organising unions. Dr. Ambedkar himself was President of the Bombay Municipal Kamgar Union. It is a union of workers employed by the Bombay Municipality and, to my knowledge, that union went on strike not less than four times and as far as I remember no person was prosecuted under the provisions of that Act.

Now, Sir, I will come to the discussion of the various clauses in this Bill. As I see it, law must be of such a character that there is no ground for any evasion whatsoever. Unless and until you make the law as perfect as possible, make it difficult for evasion, no measure would be of any success whatsoever. If we want that this Bill should be successful, if we want that this Bill should not be reduced to a mere scrap of paper, we have to scrutinise each and every clause and find out for ourselves whether there are any loopholes which will make the measure nugatory.

Now, I will first take clause 3. This clause refers to the right of entry into a place of public worship. This clause

[Shri P. T. Leuva.] is similar to the clause in the Bombay Act—Harijan Temple Entry Act, 1947. If you carefully read this clause you will find that—no doubt it is true that an untouchable has been given the right of entry into a temple—there are certain conditions, certain limitations which have been imposed in this particular clause. Now, I will read it: "Every place of public worship shall be open to every untouchable for worship and for the performance of any religious service or for offering prayers therein in the same manner and to the same extent as it is open to any other person belonging to the same religious denomination"—I would ask the House to mark the words "religious denomination"—"or to the same section thereof as the untouchable, and every such untouchable shall be entitled to bathe in or use the waters of any sacred tank, well, spring or water-course in the same manner and to the same extent as other persons belonging to the same religious denomination or any section thereof as the untouchable are entitled to." Now, the effect of this provision is that no doubt the Harijans are entitled to enter a temple, but there is a limitation. If there is a temple which belongs to a particular sect of Hindu community, then the Harijan will not be entitled to enter the temple unless and until he belongs to the particular sect. This leaves a great room for the evasion of law. I have got at least two instances where the matter has gone to the High Court for adjudication. I think my hon. friend Mr. Datar, must be aware of the case of the Jain temple in Sholapur. For the sake of better appreciation, I shall read the particular section of the Bombay Act—in the Bombay Act more or less the same language has been used: "Notwithstanding anything contained in the terms of any instrument of trust, the terms of dedication, the terms of a *sanad* or a decree, or order of a competent court, or any custom, usage or law for the time being in force to the contrary, every temple shall be open to Harijans for worship in the same manner

and to the same extent as to any member of the Hindu community or any section thereof and Harijans shall be entitled to bathe in, or use the waters of, any sacred tank, well, spring or water-course in the same manner and to the same extent as any member of the Hindu community or any section thereof." Now, if there is any judicial decision on this section of the Bombay Act, it would be reasonable for the courts to expect that the same interpretation would apply while construing the present provisions of our Bill.

SHRI R. C. GUPTA (Uttar Pradesh): If the Harijan is a Jain, he can enter the temple.

SHRI P. T. LEUVA: My hon. friend just now intervened and said that if a Harijan is a Jain he can enter the temple. My question is not that a Harijan wants to enter a temple for the purpose of worship only. It is a question of social rights. I would like to give you a further instance. Do not Hindus who do not belong to the Jain community, go to Jain temples? Are they prevented from entering a Jain temple, whether they are Jains or not?

SHRI R. C. GUPTA: They cannot go there as a matter of right,

SHRI P. T. LEUVA: I did not say that they can enter as a matter of right. What I say is that this will keep open a loophole in order to evade legislation. Now, if Dr. Katju goes to a Jain temple, he will be received at the gate. He will be welcomed, he will be taken round and shown every corner of the temple. Nobody will ask him whether he is a Jain or not, even though everybody knows that Dr. Katju is not a Jain. But if a member of the Scheduled Castes goes there, what is the plea taken? The plea taken is that you become a Jain and then enter the temple. But the same test does not apply to Dr. Katju. Why do you allow him to enter the temple? Because Dr. Katju does not belong

to the hated community, because he belongs to a community where there is no evil attached to him, where there is no disgrace attached to him. But if a member of the Scheduled Castes goes to a Jain temple, he is not allowed to enter on the ground that he is not a Jain. If a member of the Scheduled Caste community has a genuine desire to become a Jain, is there any process, can you show me a way whereby he can become a Jain? Who will initiate him into Jainism, who will allow him to become a Jain?

There is another case from Ahmedabad. "Swaminarayan Panth" is a sect of Hinduism. There is a temple in Ahmedabad. Every Hindu goes there day and night. Nobody prevents him, but when the Harijans wanted to enter the temple, the doors were closed. It was locked. A civil suit was started. What is the plea taken? This temple is only open to the 'Satsangis' of the Swaminarayan Panth. Only Harijans have to become 'Satsangis' of Swaminarayan sect. What is this plea? This plea is taken under this very clause, clause 3, that "they do not belong to our section".

SHRIMATI SAVITRY NIGAM (Uttar Pradesh): Sir, on a point of order, I want to say that a few days back a case happened at Lucknow. A few Hindus wanted to enter a Jain temple, but they were forbidden.

MR. DEPUTY CHAIRMAN: What is the point of order? There is no point of order. You are giving some information which you can give in your speech.

SHRIMATI SAVITRY NIGAM: They were "savarna" Hindus, but they were forbidden to enter....

MR. DEPUTY CHAIRMAN: That is not a point of order.

SHRI P. T. LEUVA: You have no knowledge of the disabilities of Harijans. In order to appreciate their difficulties, you have to be born a Harijan. You cannot realise unless and un-

til you suffer at the hands of the Hindus.

Sir, I was developing the point that the "Swaminarayan" sect wants that the Harijan, in order that he may be entitled to enter their temple, has to become a 'Satsangi'. Now, who can make him a 'Satsangi'? The 'Mahant' of the temple, the head priest only can initiate a person into that particular sect. Why should he initiate me into that sect? He knows that I am an untouchable. Why should he condescend? Why should he be so generous as to admit me into this fold? Their idea is that Harijans as such are not to be allowed to enter the temple. So far as the Hindus are concerned, the question of "Satsangi" does not arise. Nobody questions it, but when it is a question of a Harijan entering a temple, all these pleas are taken—you do not belong to our sect, you do not belong to our religious denomination, why should I permit him to enter the temple? Now, is it possible that a religious priest will ever initiate a person into a particular fold? Can you expect any Vaishnav Maharaj to make a Harijan a Vaishnav? In all other respects a Harijan may be the most devout man going. He might be following all the precepts of Jainism or Vaishnavism or Shaivism, he might be a very good Jain or a very good Hindu, but his caste comes in his way. He belongs to an untouchable community and the right of initiation vests in the head priest. He will never be allowed to become a Hindu Vaishnavite even though he deserves in all respects, because this evil of untouchability has persisted under a false name, that it was a part of the Hindu religion. So far as my limited knowledge of Hindu Dharma is concerned, I refuse to believe that Hindu religion as such, Hindu Dharma as such has anything to do with this untouchability. It was a creation of the social structure; it was a creation of the caste system; it was a social practice. While discussing the question of Hindu

[Shri P. T. Leuva.]

Dharma we must always make a distinction between the secular part and the religious part of Hindu society. Never mix these two things together. No religion in this world has ever sanctioned that men are unequal, or that one man is entitled to worship God and another man is not entitled to worship God. That was never the idea of Hindu Dharma or Hindu Shas-tras. But people have got those notions about it, and still those notions continue. Sir, in the Vishwanath Temple of Kashi something happened, and you know that there is a suit filed in the court. And what is the plea? The plea is that if a Harijan enters the Vishwanath Temple, the temple would be defiled, God would become profane. What is this plea? Religion never sanctioned it. It is only the society which had created this plea for its own purposes, to suit its own convenience, in those days. Times have changed, but that mentality has not changed. People refuse to believe that every citizen of our country is entitled to equal rights. But even today, Sir, those persons who are fighting about such rights, are revered; they still continue to be Swamis; they still continue to be religious preachers, even though they deny the very essence of religion to a large section of the society in our country. Now, Sir, so long as this particular provision remains in this Bill, that a Harijan is entitled to enter a temple provided he belongs to a particular denomination or sect, it will change the position to what may be called the very negation of any right to a Harijan. Harijans will never be allowed to enter temples, if you continue this particular clause in the Bill in its present form. You have to make a distinction between a social right and a religious right. If I am entering a temple, I am doing so in the exercise of my social right. I may enter a temple not for the purpose of worship at all, I may not go to a temple for worship. Nobody prevents me from worshipping God at my residence. But the

question is that if other Hindus have got a social right to enter a temple, why should I be denied that right? Why should I not be allowed to enter that temple as a respectable member of the society? Why should I be denied that very fundamental and very elementary right? There is no question. I would submit, therefore, that we should accept this principle that temple entry is a question of social right. What I want is that you should accept this theory that every citizen has a social right to enter a temple. You give that right to us. You may not give us the right of offering worship or of conducting religious prayers in the temple if we do not belong to a particular sect. What I want is that if all the Hindus are entitled to this right, or have access to a temple, that right should be extended to us. We may not be allowed to have that particular form of worship; we do not mind that, because what we want is that our social right must be protected. I would therefore submit and suggest to the Select Committee that this particular clause requires to be amended in the form, as suggested by me.

Now, Sir, the second clause to which I would like to make a reference is clause 5. Clause 5 says that no person shall refuse admission to an untouchable, on the ground only that he is an untouchable, to any hospital, dispensary or educational institution, or any hostel attached to any educational institution, etc. Here *the* Bill gives the right to a Scheduled Caste man, a Harijan, of admission to a hospital, a dispensary, an educational institution, and so on and so forth. Now, the question that arises is regarding offence. Suppose, an *outrage* has been committed; the question then arises as to how to prove that offence. Suppose, a Harijan has been refused admission to a hospital, and an offence has been committed. When the case comes up before the court, the court

will naturally ask the prosecution, the complainant, to prove that offence, as mentioned in clause 5. And he will have to prove that he was refused admission on the ground of untouchability. Now, Sir, it is very difficult for anybody to know the intention of any person. As has been said in English, even the devil does not know the intent of man. Nobody knows the intention of man. If I go to a hospital and the man in charge refuses me admission, he might have done it on the ground that I was an untouchable. But I do not know what is passing in his mind. When the case comes up before the court, it will ask me: "You produce positive evidence and prove that you were refused admission to this hospital because you were an untouchable." Now, I do not know what was the intention of that man. And therefore I submit, Sir, that every person would take this plea. He might be guilty in all other respects; he might have refused admission on the ground of untouchability, but I will have no evidence and no material before me to prove that admission was refused on the ground of untouchability. I would therefore submit that in order to make this clause really useful, the moment a person establishes in the court that he is an untouchable, and he has been refused admission to a hospital, a dispensary or an educational institution, the moment he establishes these two facts that he is an untouchable and that he has been refused admission, the court must presume that the refusal of admission was on the ground of untouchability. I do not say that in every case admission is refused on the ground of untouchability. I would not make that general statement. But in order to guard against this possible evasion of law, unless and until you shift the burden of proof to the accused, there would be no sense in giving this right which becomes of no use to him. Now, people will say that the normal procedure in our criminal courts, the basic principle, is that the prosecution

has to prove the case. And they will naturally ask: "Why should we depart from this healthy principle?" I would, in this connection, invite the attention of the House to the fact that very recently we have passed some legislation where this principle has been departed from. I would draw the attention of the House to the Bill regarding the unlawful possession of Railway stores. When that Bill was under discussion, a point was raised that if a person was found in possession of Railway stores, why should we punish him? The prosecution must prove that the stores belonged to the Railway and a theft was committed. But, Sir, the House, in its wisdom, rejected that contention and accepted the principle that the burden of proof should be shifted to the accused. Now, here is a case which is a stronger one. It is not merely a question of theft; it is not merely a question of a few rupees. But here is a question of human dignity. You have to protect the human rights of people. There cannot be a greater crime against humanity than to deprive people of their legitimate rights. And we are going to legislate here for the benefit of those persons who are suffering. We have to show some sympathy to those persons who are suffering. We have not to show any sympathy to the guilty man the evildoer. I would therefore submit in all earnestness that unless and until you amend this clause, clause 5, in the manner I have suggested, it would be impossible for any person to prove an offence under this Bill.

Another thing to which reference was made by my hon. friend. Mr. Gupte, was regarding this inhuman treatment. Those persons who have to deal with such cases know very well how people behave. I have some experience of it in the Bombay City itself. It was in 1939 that the first Act was put on the Statute Book in the Bombay City regarding entry into hotels. But the hotel-keepers started having a separate compartment for

LShri P. T. Leuva.] scheduled castes. They provided them with separate tables, and by doing that they were satisfying the terms of the law. If a scheduled caste man enters a hotel, the hotel-keeper will no doubt serve him tea, but he will say, "Since you are a scheduled caste man, the utensils that you use, the cup and saucer that you use, will be no use to me in the future, as nobody would touch them. So I will charge you not one anna but four annas." In this way, the law used to be evaded. Technically the terms of the statute were being observed, but what about the spirit of it? When there was discriminatory treatment meted out to the scheduled castes, the law was 'elplless. If you retain this measure in this form and if you don't make the demand of discriminatory prices also an offence, I don't think the law will work at all.

Now, I come to clause 6. Clause 6 says:

"No person shall refuse to sell any goods or refuse to render any service in the ordinary course of business to any untouchable on the ground only that he is an untouchable."

The remarks that I made with regard to clause 5 apply to this clause also. I would like to make a few remarks about the rendering of services. In villages there are barbers, dhobies, village doctors, etc. Now, if a barber refuses to go to the house of any untouchable for the purpose of shaving, nobody can compel him to do so, because the law cannot impose any obligation on any person to do any particular job. He may refuse to follow his profession. Now, under this law he may go to an untouchable's house but he may charge Rs. 2. Do you expect a scheduled caste man, even though he might want to exercise his rights, to be in a position to afford this? Every now and then you

will find that, when there is a law, everywhere there is an attempt to evade it. I would therefore submit that in order to make it as foolproof as possible, you should devise the law in such a way that there is hardly any room for evasion. I would therefore submit that in clause 6, an amendment must be made in the way I am going to suggest now. The wording here is:

"No person shall, refuse to render any service in the ordinary course of business....."

I would suggest that an explanation may be added to this clause which can read as under:

"Any demand of discriminatory rates will amount to a refusal of service."

If a person in the course of his business demands discriminatory rates from a scheduled caste man, it should be assumed that he refuses to render service simply on the ground that he is a scheduled caste man. If you add an explanation in the manner I have suggested, I think there would not be any room for evasion.

Now, I come to the question of penalties. A law has to be administered in such a manner that the evil-doers do not continue their career of committing offences. The principle is that if you want to put an end to any evil you must provide for such a punishment that the persons concerned would not repeat that offence, or if any other person knows of that punishment, he will not think of committing such an offence. Unless and until you make punishment sufficiently deterrent, the law would be entirely valueless. In this connection, I will give you an instance which happened in the Bombay State. There was a case filed in a small town near Bombay city. The case related to the question of entry into a temple. Four persons were injured. The case was

filed before the court, the case went on for at least one year, and even though the persons concerned were convicted, what was the sentence they got? Each man was fined Rs. 40. Rs. 40 is a petty sum for committing an offence of such a character. Harijans were insulted; they were assaulted; their self-respect was, so to say, destroyed, but the court imposed a fine of Rs. 40. First of all, the police did not take up the case. With great difficulty the case came to court, and the result of it all was only a fine of Rs. 40. It was merely a flea-bite. On the contrary, it might encourage them to commit such offences. Now, if you want that this law must be of some value to the Scheduled Castes, if you want that their social status should be raised, if you want that the evildoers should be punished, if you want that nobody should be allowed to obstruct the exercise of their rights by the Scheduled Castes, then we have to provide such a punishment which will really deter such people from committing such offences. There is a well-known saying in the English law. A judge was giving punishment to a person who was convicted of stealing a horse. You know that larceny was punishable with death in England in the past. The Judge told the offender, 'I am sentencing you to death not because you have stolen a horse but because I want to see that others do not steal horses.' It is true that if sentences are severe, people would not think of committing such offences.

Sir, some argument has been raised about persuasion. "Let us persuade people into a change of heart. Let us change society by persuasion." Why do you try a murderer? Why not try to persuade him and bring about a change of heart in him? Why not persuade a thief? Why do you sentence him? Why not try to obtain a change of heart in him? Why do you send a man to jail even though he has stolen only a small amount? Everybody says that there should not be any bitterness in the

administration of this law. There is no question of bitterness when Harijans are insulted, when they are assaulted, when they are not allowed to enter temples, because these poor people are incapable of having any bitterness in their hearts. They think that these people are not human beings. They feel that they have no heart but if the question is you punish the evildoer, then we see this argument that 'let there be no bitterness.' I do agree that law cannot become successful unless and until there is public co-operation. I do see the force in that argument but when you see an instance where persons are not allowed to exercise their human rights, when you see a person being assaulted merely because he goes to a well to draw water for his family, then you expect that man to remain quiet. Sir, it is very easy to talk about this persuasion unless and until you have suffered it yourself. When I started my education in 1930 in an English school, my State used to be very progressive in those days. For years I used to sit outside the class and even the person who was employed by the Government to give water to the students never used to give water to me because that servant used to ask me: 'You bring a Muslim, then I will give water to you through that Muslim'. Those persons who have suffered under these handicaps, only they realise what is the meaning of the insults that are being heaped on them from day to day. When you go to them and talk about persuasion, they are naturally likely to be indignant because they have suffered and they know what is the practice of untouchability but those who have not suffered at least don't know what is the real meaning of untouchability and they are likely to raise this argument that let us have persuasion. I don't want to prevent the social reformers from doing this work of persuasion. Law will not prevent them but the law should strengthen their hands as well. Social reformers in this country have done their part in the past. If you read the course of history of our society,

[Shri P. T. Leuva.] you will find that right from Raja Ram Mohan Roy down to Mahatma Gandhi, they spent their lives in order to eradicate this evil of untouchability. Even with the work of Mahatma Gandhi lasting over 30 years he was not successful in removing this untouchability. You could not have found a person who was more equipped with a persuasive tongue than Mahatma Gandhi, but can you say that untouchability has been removed from this country? The Commissioner for Scheduled Castes himself admitted in 1953 that there has been no appreciable improvement in the practice of untouchability. We must learn through experience. The experience is that the laws which have been passed by the various State Governments have remained really scraps of paper. Unless and until the sentences are made severe enough to deter people from committing offences. I don't see any point in having such a type of legislation. There was a question raised regarding the minimum punishment. My hon. friend Mr. Dasappa said that there are very few cases in which this minimum punishment is imposed. Sir, I don't know the position in Mysore but so far as my State is concerned, at least I know of 3 or 4 Acts in which the minimum sentence is imposed. The first is the Bombay Prohibition Act. Possession of liquor in the State of Bombay is punishable with a minimum punishment of 3 months and a fine of Rs. 500. If a person is found in possession of even one ounce of alcohol, he is sent to jail for 3 months and fined Rs. 500. If the court wants to give any lesser punishment, the court has to give adequate and special reasons for it. I shall read the relevant section of the Bombay Prohibition Act. Section 66 says:

"Whoever, in contravention of the provisions of this Act. or any rule, regulation or order made or licence, permit or pass granted thereunder, imports, exports, transports, sells or

has in his possession mhowra flowers shall, on conviction be punished,—

(i) for a first offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than three months and fine shall not be less than five hundred rupees."

My hon. friend Mr. Dasappa said that that it is only in offences which involved moral turpitude, which are of a very grave nature, that the Indian Penal Code has provided minimum punishment. Sir, I don't wish to contest the position whether an offence committed under prohibition law involves moral turpitude or not. I don't wish to enter into that. But comparatively speaking, if a person is addicted to drinks, he is a menace to himself and to his own family. He might be doing harm to himself and to his family and he might ruin his family. But he does not do anything wrong to anybody else but when the question arises regarding practice of untouchability, he may not be doing any harm to himself but surely he is trampling upon the rights of others. He is depriving the citizens of this country from the exercise of their social and civic rights. Can you think of any more heinous offence than this that you permit a man to prevent a person from exercising his social rights, his fundamental rights which have been guaranteed in the Constitution? When you get an offence of this character, you say that

we can have this punishment of 3 months and a fine of Ks. 500 that is the minimum provided under this Act. A punishment of one day can be given or Re. 1 can be given. The court is not debarred even from discharging him but the court which has got to administer this law is not sufficiently enlightened to see the present social structure. Every person, who is in charge, who is in the administration of this law, has himself to change his own mentality. There will have to be a change in the whole aspect and approach. Unless and until the court sees and feels that it is a very heinous crime to insult a person to deprive a D arson of his social rights, unless and until the court is morally satisfied, unless and until the court is morally indignant against these offences, what punishment would be awarded? The punishment would be a fine generally of less than Rs. 500. Of course so far as repetition of the offence is concerned, the other provision of the I.P.C. may apply. I don't want to enter into that but my whole argument is that if you want this law should succeed to any extent, you have to make the provisions regarding sentence more stringent than they are today. Nobody is going to compel a court that in every case we must impose a minimum sentence—I don't insist upon that. There might be cases where the offence might have been committed through ignorance. I don't deny that position. It might be that the person might commit such offences under the so-called belief of the Hindu religion. I don't wish to punish them unnecessarily. I don't want them to be branded as criminals but what I want is that there must be an atmosphere created in this country that a person who commits an offence under this

Bill would not be let off 1 P.M. lightly. Therefore, Sir, until

and unless you make this Act stringent enough everywhere, its provisions would be evaded. I would, therefore, submit that so far as I am concerned, I would like to suggest that at least the sentence of.....

MR. DEPUTY CHAIRMAN: Are you likely to take more time, Mr. Leuva?

SHRI P. T. LEUVA: Yes, Sir.

MR. DEPUTY CHAIRMAN: Then you can resume your speech at 2-iO P.M. The House now stands adjourned to 2-30 in the afternoon.

The House adjourned for lunch at one of the clock.

The House re-assembled at half past two of the clock, Mr. DEPUTY CHAIRMAN in the Chair.

SHRI P. T. LEUVA: Mr. Deputy Chairman, I was referring to the question of punishments when the House adjourned for lunch. The reason that I advanced for minimum punishments was that the law should be sufficiently deterrent. There is another aspect to this problem and that is that, as the present provision stands, the punishment is imprisonment of six months and a fine of Rs. 500. As such, these offences would be triable by a second class magistrate. You will remember, Sir, that the report of the Joint Select Committee on the Criminal Procedure Code has been placed on the Table of the House and you will find from the recommendation that the powers of the second class magistrates have been increased. They can impose fines of Rs. 500 instead of Rs. 200. The ultimate result would be that the offences under this Bill would now be triable by a magistrate of the second class. You know, Sir, the level of the second class magistrates. There are magistrates and magistrates but a first class magistrate has got much more responsibility; he has a higher sense of integrity and his sense of duty is certainly higher than that of a magistrate of the second class. In many of the States you will find that

[.Shri P. T. Leuva.] the judiciary has not been separated from the executive and the second class magistrates are mostly drawn from the Revenue Department. You cannot expect them to do full justice to these problems. I would, therefore, submit, Sir, that in order that the offences may become triable by a first class magistrate, it is also necessary that the punishment should be increased from imprisonment for six months and a fine of Rs. 500—this is the present provision—to imprisonment at least for two years and a fine of Rs. 500.

I would submit another point for the consideration of the House and it is a very vital point which has to be decided by this House. I have come across instances, especially in Saurashtra, where in the village panchayats there is reservation for the Scheduled Castes. In practically every village panchayat, a seat has been reserved for the Scheduled Castes but innumerable instances have come to light where the other members of the village panchayat who belong to the so-called high classes have refused even to sit along with the members of the Scheduled Castes in a meeting of the panchayat. That is the position in our country that even though a person has been elected to the village panchayat, his colleagues refuse to sit with him on the ground that he belongs to a Scheduled Caste. What is the solution for this? The suggestion that I am going to make might appear to be revolutionary to some persons and also as a thing which may not have any precedent but if I remember aright there is a precedent in Uttar Pradesh. I have suggested and I am going to suggest now that if a person who has been elected to a village panchayat, municipal corporation, local body, State Legislature or Parliament is convicted for any offence under the present Bill, such offence should not only result in the punishment pro-

vided for under this Bill but there should be some more punishment also meted out to the person concerned. The reason is plain enough; a person who occupies an elective position who occupies a post of responsibility, who calls himself the leader of the community, who is elected to Parliament, State Assembly or a Municipal Corporation, should display a better standard and a higher standard of conduct than can be expected from any ordinary citizen. If a person in his position stoops so low as to commit any offence punishable under this Bill, I think, Sir, a higher penalty should be meted out to him and my suggestion is that if a person is convicted under this measure, then that conviction must result in the disqualification of the person concerned. This appears to be a suggestion which has no precedent in any other law but if I remember aright—I am speaking subject to correction—in the last session of the Uttar Pradesh Legislative Assembly. I presume there was a Bill in respect of the village panchayats in Uttar Pradesh in which there was a suggestion—I do not know whether it has been incorporated in the Bill or not—that if a member of the panchayat is convicted under the corresponding Act in Uttar Pradesh, then such a member shall be disqualified from becoming a member of the village panchayat. That is my impression; I may be wrong. But even if there is no precedent such a provision will still be necessary in order to create a sense of responsibility at least in those persons who claim to set an example of higher conduct. After all, Sir, if the leaders of the community do not make a good beginning, if they do not act and conduct themselves according to their own teachings, they are not fit to become members of such elective bodies. I would, therefore, submit that the Select Committee should examine this question because at least in Saurashtra, so far as I know, instances have come to light where the other members of the panchayat have refused to sit with the members

belonging to the Scheduled Castes.

Now, Sir, another thing which I like to point out is this. There should be one clause regarding the practice of untouchability which is not covered by the provisions in the Bill. There are various forms of untouchability and it is not possible to exhaust the full list. One instance that I would like to give you and which is not covered by this Bill is the question of accommodation in big cities like Bombay and Ahmedabad. In big cities all persons cannot hope to own houses. In the villages probably even the members of the Scheduled Castes may have got their own houses but when they go to cities and towns, difficulties arise in regard to accommodation. I have my own personal experience in the city of Bombay where I could not get a house in the city till 1940 merely because I belonged to a particular community. That is the position still in so many towns and cities.

The other thing that I want to mention is regarding employment. You will find that even today in the cities of Bombay and Ahmedabad, in the textile mills, no member of the Scheduled Castes is employed in the weaving department of the mills on the only ground of caste. The reason adduced is this. In the weaving department, the shuttle is required for the purpose of weaving and the shuttle is connected with the bobbin on which the thread is wound. In order to utilise the bobbin and the shuttle, a person has to suck the thread out the particular hole which is meant for the purpose. Because every now and then a person in the weaving department has to utilise this particular node, the members of the other communities object to a member of the Scheduled Castes operating this as in turn they might get the shuttle which was utilised by a member of the Scheduled Caste. This is the position still existing in the cities of Bombay and Ahmedabad and you will never find even one member of the Scheduled Castes employed in the weaving department. Nobody is ever allowed to join that particular department. This

is the harm of untouchability. This is very repugnant because it cuts at the very root of the right of a person to have a particular type of employment. Unless and until you make a provision for this purpose that offences which are not provided for elsewhere in this Bill can also be made punishable under a separate clause which can be added later on to this Bill, you will not be able to stop such harassment. Untouchability has taken several forms and unless and until you have such a provision as I have indicated before, you will never be able to control it. I would, therefore, submit that it is very essential that these types of offences are provided for in the Bill and that a suitable clause is added to the Bill to the effect that any other practice of untouchability which is not covered by the provisions elsewhere may be punished with a particular type of punishment. In this instance you may not have the same punishment; you can have a lighter punishment but it is quite essential that all the loopholes which might be open to persons who are evil minded must be covered as fully as possible.

Sir, the main thing about this Bill is that its success depends upon its enforcement. Largely, as the offences have now become cognisable, a duty would be cast upon the police officers to see that offences, if they are committed, are brought to light and that the guilty persons are brought to book. Now, as you know, Sir, especially in small towns and villages those persons who are in charge of the administration of the laws themselves are not very enthusiastic regarding such measures. They themselves are, in their heart of hearts, against such types of measures. They do not put in the same enthusiasm which we can find in a social reform Bill but the day-to-day administration and enforcement of this Act would ultimately remain in the hands of the police officers. I have therefore to suggest that in order to make this Bill really effective the Government of India should send dir-

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ectives to all the State Governments to have a special section in the police department, whose responsibility it would be to enforce the provisions of this Bill. Now, Sir, this argument may be countered by saying that it would entail heavy expenditure, so why have a separate section in the police department? When there have been special laws. Government have always instituted separate sections in the police department. Take the instance of the control laws in our country in the past. In every police department, in every State there used to be a special squad of police officers whose special responsibility was the enforcement of the particular laws. As you may know, Sir, there was not only a police section different from others but there used to be Government police prosecutors who were charged with the responsibility of the enforcement of the Act. Even at present, Sir, we have got it. Even in the Criminal Investigation Department we have got different branches. There is a political branch; there is a labour branch; there is a juvenile section; in a Bombay State we have got so many sections that one might forget to which section one is to go—there is the Pathan Section and formerly there was the Hindu Branch. I do not know how many branches there are but there are precedents, there are the special branches to deal with special situations. I say that there is a special section in the police department as such; it may not be a separate department. I do not say that there should be a special department. What I say is that in the present structure itself you can have certain police officers who can be charged with the special responsibility of the administration of this particular law. Even in the city of Bombay you will find a special squad to detect the offences under the Gaming Act. For enforcing the Prohibition Act you have got prohibition police, then we have got a special Assistant Commissioner of Police, that person who is in charge of the whole of the

city of Bombay. Sir, in order to make enforcement effective it is necessary that there should be persons who have got special aptitude or special qualifications for dealing with such types of offences if you can find such police officers. And I do not think that it would be impossible to find such police officers who will devote their special time and attention to these problems. Perhaps, if you give this responsibility to them, they will put in better work and harder work, and the problem would be nearer solution than it is today.

Then the question is that the problem cannot be solved by legislation only. I agree. I agree that no law can be successful, can be effective by only the Government administering it. Every law must receive public cooperation, and in this case it is much more essential, much more urgent because these offences are against the society itself. It is a question of changing the whole social conscience. We have to rouse the social conscience of the people against this problem of untouchability. Every man must realise that it is not an offence against the Scheduled Castes only; it is an offence against human conduct itself, against all persons, and if we do not rise in time, the process which is now going on might disintegrate society. After all, Sir, I am not one of those persons who believe that untouchables as a class should be maintained for all time to come. I am against this principle. I believe that the very fact that we have recognised this class of people in the Constitution is a disgrace to us. I do not believe that we have done anything noble by stating in our Constitution that untouchability has been abolished by the Constitution. The very fact that we had to admit that there is untouchability in this country shows that it is a disgraceful country where people numbering crores are treated as sub-human beings. I do not want that such an article should continue in our Constitution at all. I want that this Bill also should

become a dead letter in our history. But who can do it? It cannot be done by legislation only, not by Government officers or police officers. You know the history of the Child Marriage Restraint Act in our country. That Act was passed no doubt but it was observed more in breach than in observance because public opinion was not strong enough in favour of such legislation. It is therefore the duty of the public, the duty of all of us; it is not a question of one party or the other. It is a question of doing one's duty in a matter which is in the interests of the society at large and each and every citizen of this country who feels that his country should become a great country, a prosperous country, must exercise his full weight in putting down this evil of untouchability. After all, every Scheduled Caste person, whoever he might be, to whichever party he might belong never likes his being called a Scheduled Caste because it kills his self-respect. If a person introduces me to somebody else for some consideration as belonging to a Scheduled Caste I feel hurt because I feel that I am a sort of a weakling, a sort of a person who must be fitted. I do not want this type of treatment because I want to live as a proud citizen of this country. I do not want to live on the charities provided by others; I want to stand on my own legs. But when can I do it? Not until every citizen of this country, the whole society is revolting against this very principle of practice of untouchability. Opinions may differ regarding the punishment. Opinions may differ regarding the offences to be created, but on one thing we must have this common idea, one thing we must have common with each and every party that this practice of untouchability is not only a blot on the Scheduled Castes as such, it is not an insult to the Scheduled Castes as such but it is an insult to the society as such, it is an insult to our own genius, to the people who are talking about equality of opportunity. Our Constitution says that everybody has to be given the human dignity. Our Con-

stitution says it in the Preamble itself. I will read it out and after that, Sir, I will proceed. The Preamble says:

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, DO HEREBY ADOPT, ENACT AND GIVE TO 'OURSELVES THIS CONSTITUTION".

Sir, a noble sentiment has been expressed in this Preamble. It is one thing to have a noble sentiment, to have an ideal, but the ideal becomes an unreal thing unless and until we practise it, we translate it into action. Does this practice of untouchability assure the dignity of the individual and the dignity of the nation? Sir, we talk about justice, social, economic and political. Politically, all have become equal, but what about economic and social justice? Does this practice of untouchability in any way guarantee or grant social and economic justice to the Scheduled Castes who number over 5-crores of people of this country? Then comes equality of status and opportunity. No doubt status in law has been granted, that every citizen of India is equal. But has he got the means to call himself equal to others?" We say that everybody has equal

[Shri P. T. Leuva.] opportunity. What is the meaning of equal opportunity? In theory or in law everybody has equal opportunity; everybody in this House and outside the House has the opportunity to become the Prime Minister or the President of India. But, Sir, it is a question of capacity of the person. Is the person capable enough, has he got the capacity to avail himself of the opportunity which has been given by the Constitution? Now, if we desire that these sentiments which have been expressed by our people, by our country, should be real things, then it is my appeal not only to the people of this country who are not scheduled castes, but to the scheduled castes as well, that in the enforcement of the rights I do not want that the Scheduled Caste people should take upon themselves to antagonise anybody. I do not want that in the exercise of my right I should hurt anybody's feelings but we persons who have suffered for long are likely to be impatient. Impatience sometimes creates revolts. Sometimes they go astray into wrong channels. In order to guard against this it is the responsibility of this nation to see that at an early date this evil practice of untouchability is put an end to in this country. I want to see the day when this Bill becomes a dead letter, when this article 17 is removed from the Constitution of India. I want that in this country conditions should be created which would instil confidence in us that now we have reached such a level that we do not want to call ourselves scheduled castes or Harijans or anything. We want to be the proud citizens of India enjoying equal opportunities with everybody. Sir, we do not want to live as a separate community in this country because it is our aim and it is our desire that India should have a society which is not based on caste or class. We all of us should fight for the day when this country will have a casteless and classless society.

MR. DEPUTY CHAIRMAN: Before I call upon the next speaker, I have to remind hon. Members that we have got another Bill to go through during this week. If we cannot finish it today we will have to sit tomorrow. So I would request hon. Members to only make such observations as will help the improvement of the Bill. They need not dilate upon the general evils of untouchability.

श्रीमती सावित्री निगम : उपसभा-पति महोदय, सब से पहले मेरी इच्छा है कि मैं इस बिल का हार्दिक समर्थन करते हुये श्रीमन् होम मिनिस्टर महोदय को वांग्मन्वेष्ट करने वालों का पूरा पूरा साथ दूँ। यह बात बिल्कुल सत्य है कि दुनिया के सिर्फ देश में, किसी जाति में, शायद ही ऐसी अमानवीय प्रथा की मिसाल देखने को मिले कि इंसान इंसान के बीच छुआछूत की दीवारें खड़ी की गई हों और इस प्रकार सदियों तक एक जाति दूसरी जाति का शोषण करती आई हो। इसमें भी सन्देह नहीं, श्रीमन् कि यह छुआछूत का अध्यात्मवादी भारत के चन्द्र में एक बहुत बड़ा काला धब्बा है और कलंक है। मैं तो यह कहती हूँ कि हम जितना भी प्रायश्चित अपने इन सदियों के पापों को धोने के लिये करें उतना ही थोड़ा है।

प, श्रीमन्, हमें दो तीन बातों का ध्यान रखना ही होगा। प्रथम और सब से आवश्यक बात यह है कि हम अछूतोंद्वारा या अनटचेबिलिटी के रिमूवल को एक तहरीक या एक नारा बनाकर न लायें क्योंकि इससे अनेक हानियाँ होने की संभवना है। श्रीमन्, यह बहुत ही नाजुक मामला है। चाहे हम किसी प्रकार की कितनी ही सुविधाएँ हरिजन भाइयों को दें, लेकिन हमें इस बात का जरूर

ध्यान रखना चाहिये कि हम उनमें किसी प्रकार भी एक हीनत्व की भावना न आने दें और साथ ही साथ जो उनको फायदे दिये जाते हैं उनमें ऐसा आकर्षण न पैदा कर दें कि लोग बिला वजह आकर्षित होकर अपने को स्वयं यह साबित करने की कोशिश करें कि हम भी शेड्यूल्ड कास्ट में हैं और उन फायदों से बंजा और नाजायज फायदा उठा लें। श्रीमन्, इसी लिये यह बहुत ही अच्छा होगा कि यदि हम सरकार पर अधिक निर्भर न रह क इस कुरीति को, इस कुप्रथा को, बाहर से मिटाने के लिये सामाजिक संस्थाओं का पूरा पूरा आसरा लें और उन पर विश्वास करें। अच्छा होगा कि सरकार उन तमाम ऐसी संस्थाओं को, जिन्होंने इस दिशा में कुछ भी काम करना प्रारम्भ किया है, आर्थिक तथा नैतिक सहायता देकर और उन पर कंट्रोल रख कर उन को पूरे-पूरे मदद दें ताकि वे इस प्रथा को मिटाने में बहुत तेजी से काम कर सकें।

श्रीमन् मैं आप के सामने यह बात रखना चाहती हूँ कि हमारी कमजोरी और हमारे कमियों के कारण हरिजन बन्धुओं में एक ऐसी ज्यादा हीनत्व की भावना बहुत जा रहा है कि वे स्वयं अपने अधिकारों का उपयोग नहीं कर पाते हैं। वे अपने अधिकारों का उपयोग करना स्वयं ही भूल जाते हैं। चाहे उनको अधिकार मिले भी हों लेकिन वे समझ नहीं पाते हैं कि ये अधिकार उनको मिले हुये हैं।

अब थोड़े दिन की बात है जब मैं एक जलसे में जा रही थी। रास्ते में मुझे एक व्यक्ति सड़क पर रोता हुआ मिला। दो चार स्कूल के लड़के उसकी मदद करते जा रहे थे। वह बिल्ला चिल्ला कर

कह रहा था कि मैं गरीब हूँ मैं हरिजन हूँ, इस लिये लोग मुझे मार डाल रहे हैं। जब मैंने लोगों से पूछा कि क्या बात है तो लोगों ने कहा कि यह बुरा तरह से नशा में चूर है और यह समझ रहा है कि लोग हमें सता रहे हैं, हम चाहते हैं कि जो उसके गोद में बच्चा है, जो उसको देख कर रो रहा है, उसकी मदद करें। लेकिन वह बराब्र कह रहा था कि बापू नहीं हैं यानी गांधी जी नहीं हैं, अगर वे हों तो वे मुझे इस अन्याय से बचा लेंगे। मैं गरीब हूँ, मैं हरिजन हूँ, इसी लिये सब मुझे सता रहे हैं।

श्री जे० एस० विष्ट (उत्तर प्रदेश): यह आपने जांच की कि वह नशे में था ?

श्रीमती सावित्री निगम : जहाँ वह नशे में था। फिर मैंने उसे मोटर में डाल कर अस्पताल भिजवाया। उसने इतना ज्यादा नशा ले रखा था कि उसके सारे कपड़े ऊँ वगैरह से सने हुये थे।

इसी तरह से, श्रीमन्, एक हरिजन बस्ती है। उसका हमने सर्वे किया और सर्वे करने से मालूम हुआ कि उसमें जितने भाई बहन हैं वे अधिकतर म्युनिसिपैलिटी में काम करने वाले हैं 3 नम्बर आमदनी सौ और दो सौ रुपये के बीच में थी। पर वहाँ पर जो स्कूल गोंडंग बच्चे थे उनकी संख्या सिर्फ ७ फीसदी थी। मैंने कई बहनों से पूछा कि आप अपने बच्चों को स्कूल क्यों नहीं भेजती हैं। उन्होंने कहा कि स्कूल भेज कर उनके बच्चे बाबू बन जायेंगे और ज्यादा से ज्यादा सौ रुपये महीने कमायेंगे। लेकिन वैसे वे ज्यादा कमा लेंगे।

श्री किशोरी राम : वे कहाँ नौकर हैं ?

श्रीमती सावित्री निगम : म्युनिसिपैलिटी में । श्रीमन्, मैं डिस्टर्बेंस नहीं चाहती । अगर महाशय को कोई प्रश्न करने हों तो वे बाहर कर सकते हैं ।

तो श्रीमन्, उन्होंने कहा कि हमको बहुत रोटियां खाने के लिये मिल जाती हैं और कपड़ों पर भी कुछ नहीं खर्च करना पड़ता है और जो कुछ हमारी आय होती है वह गहना बनवाने में खर्च होती है या गोश्त शराब वर्गैरह में खर्च होती है । इस प्रकार बच्चों का पढ़ाने में अधिक हानि होगी । मैंने उनसे कहा कि इस रोटी के मांगने की प्रथा को अपने सम्मान पर चोट समझ कर बिल्कुल बन्द कर दो । मैंने यह भी उनसे कहा कि तुम अपने बच्चों से डलिया ढुलाने में कभी भी खुशो का अनुभव मत करो चाहे कितना ही लाभ क्यों न हो । बल्कि तुम्हें भी यह चाहिये कि तुम अपने मन में यह रखो कि तुम अपने बच्चे को पढ़ा लिखा कर एक क्लर्क या एक अच्छा व्यवसायी बनाओगी ।

इस लिये, श्रीमन्, यह काफी नहीं होगा कि उन्हें थोड़े से वजीफे दे दिये जायें । बल्कि हमारी सरकार का यह कर्त्तव्य होना चाहिये कि वह हरिजन वस्तियों में विद्यालय खोले, टेक्निकल स्कूल खोले, जिन में पुरुष ही नहीं, बच्चे ही नहीं बल्कि स्त्रियां भी कोई दूसरा व्यवसाय अपना सकें और अपने जीवनयापन का एक सम्मानित ढंग पस्तिया कर सकें ।

श्रीमन्, मैं आप से यह भी निवेदन करना चाहती हूं कि सरकार का यह फर्ज होना चाहिये कि वह इस काम को आगे बढ़ाने के लिये उन तमाम संस्थाओं को, जो इस दिशा में थोड़ा बहुत भी काम कर रही हैं ऐसे स्कूल खोलने में

या उन लोगों के बीच से हीनत्व की भावना दूर करने में, प्रोत्साहित करे और उनको पूरा पूरा सहयोग दे ।

यदि हम हरिजन भाइयों के बच्चों के लिये प्राथमिक शिक्षा या सेकेंड्री एजुकेशन अनिवार्य बना सकें तब भी हम बहुत हद तक अपने अन्दर पिछड़े हुये भाइयों को आगे लाने में कामयाबी हासिल कर सकते हैं । कुछ थोड़ी बहुत इधर उधर मदद देकर या इधर उधर दो चार स्कूलों में उनको दाखिल करवा कर या विदेशों में दो चार को भेज कर हम उनका कल्याण नहीं कर सकेंगे, इसमें कोई भी सन्देह नहीं है ।

श्रीमन्, एक और बड़ी ही अमानवीय प्रथा अब भी हमारे शहरों में चल रही है और देहातों में भी चल रही है और वह है सिरों पर टोकरी में मँला ढोना । यहां पर शहरों में मैंने देखा है कि किस बुरी तरह से बहनें अपने सिर पर टोकरी लेकर जाती हैं । एक बार मुझे गुडगांव जाने का मौका मिला । वहां मैं एक बहन को देख कर रो पड़ा । उसने अपनी टोकरी को इस बुरी तरह से भर लिया था कि वह चारों तरफ से बह रहा था और उस स्त्री की गर्दन झुकी जा रही थी । ऐसी दशा में लम्बी चौड़ी बातें करने से कोई लाभ नहीं होगा । हम सरकार से कहें कि वह यह कानून बना दे कि कोई अपने सिर पर मँला न ढोये और इसके लिये गाड़ियां दे दी जायें और शहरों में फ्लश सिस्टम शुरू कर दिया जाय ।

3 P.M.

यह हिन्दुस्तान के लिये बड़ी शर्मनाक बात है कि कोई भी व्यक्ति ऐसा धृष्टित कार्य करने के लिये मजबूर किया जाय । हमें शहरों में म्युनिसिपल बोर्डों

को और देहातों में डिस्ट्रिक्ट बोर्डों को मजबूर कर देना चाहिये कि वे लोहों की गाड़ियों का हर जगह प्रबन्ध करें। म्युनिसिपल बोर्ड्स और डिस्ट्रिक्ट बोर्ड्स को चाहिये कि जहां देहातों या शहरों में पलश सिस्टम नहीं हो सकता है वहां चलने फिरने वाली लैट्रिंस को— जो कि इधर से उधर हटाई जा सकती है और जिसे कि बापू ने प्रयोग किया— सस्ती कीमत में बेचें। डिस्ट्रिक्ट बोर्ड्स और म्युनिसिपल बोर्ड्स को चाहिये कि ऐसी लैट्रिंस थोड़ी थोड़ी दूर पर रखवा दें ताकि लोग इस्तेमाल कर सकें। इस डलिया दोने की प्रथा को एक क्षण के लिये भी नहीं रहने देना चाहिये और मुझे विश्वास है कि इस पर अवश्य ही कुछ न कुछ ध्यान दिया जायेगा।

श्रीमन्, कई स्पीकरों ने पहले भी कहा है कि हमें शेड्यूल्ड कास्ट को ऐसी आकर्षक वस्तु नहीं बनाना चाहिये कि उसके लिये हजारों सवर्ण लोग भी इच्छुक हो जाय और इच्छुक हो कर हरिजन भाईयों को मिलने वाले लाभ को जबरदस्ती हड़प लें। यह बात सच है।

श्री आर० यु० अग्निभोज (मध्य प्रदेश) : मेहतरों का काम क्या उतना ही आकर्षक है जैसा कि आप समझता हैं।

श्रीमती सावित्री निगम : काम आकर्षक नहीं है लेकिन जो लाभ दिये जाने वाले हैं उनसे लोग आकर्षित हो जाते हैं। मैं कई ऐसे केसेज आपको बता सकती हूँ। मेरे पास लोग आये और उन्होंने कहा कि आप मेरी सिफारिश कर दीजिये कि मैं शेड्यूल्ड कास्ट का माना जाऊँ और यहां जिस दफ्तर में रजिस्टर कराया जाता है वहां मेरा नाम रजिस्टर कर के

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मुझे फायदा पहुंचाया जाय। मैं झूठ नहीं कहती हूँ, सच कहती हूँ कि हजारों नवयुवक इस बात के लिये घूमते हैं कि उन्हें शेड्यूल्ड कास्ट में रजिस्टर कर लिया जाय ताकि वे उसका फायदा उठा सकें। मैं यह बात उन लोगों के हित में नहीं, बल्कि शेड्यूल्ड कास्ट के भाई बहनों के हितों की रक्षा की दृष्टि से, कहती हूँ। इसलिये मैं कहना चाहती हूँ कि क्लाज २ के एक्सप्लेनেশन नं० २ में जो यह लिखा गया है कि जो लोग धर्म बदल लेंगे उनको भी शेड्यूल्ड कास्ट के जो फायदे हैं वे मिलेंगे उनमें अवश्य सुधार होना चाहिये। इसका नतीजा यह होगा कि जो लोग धर्म बदल चुके हैं वे भी कहेंगे कि हमने शेड्यूल्ड कास्ट से धर्म बदला है और इस तरह हरिजन बंधुओं को जो लाभ मिलने वाला है उसमें जबरदस्ती हिस्सा बटा लेंगे और उससे नाजायज फायदा उठा लेंगे। मेरा निवेदन है कि यह बिल जब सेलेक्ट कमेटी से पास हो तब या आगे चल कर एक अमेंडमेंट ला कर इसमें अवश्य सुधार किया जाना चाहिये।

श्री आर० यु० अग्निभोज : यदि मेरी बहन मुझे क्षमा करें तो मैं कहूंगा कि धर्म परिवर्तन करने के बाद चाहे वे क्रिश्चियन हों, मुसलमान हों या किसी और धर्म में हों, वहां भी उनको अस्पृश्य ही समझा जाता है। तो मेरा ख्याल है कि ऐसे सब अस्पृश्यों को यह लाभ मिलना चाहिये।

श्रीमती सावित्री निगम : मैं कहती हूँ कि हमारे देश में जो क्रिश्चियन बंधु या मुसलमान बंधु हैं उनमें ऐसा नहीं होता कि वे अनटचैबलस समझे जायें। मैंने बड़े बड़े पंडितों को देखा है कि जब

[श्रीमती सावित्री निगम]

कोई हरिजन भाई आयेगा तो उससे छूत मानेंगे लेकिन एक क्रिश्चियन भाई आता है तो वे उसके लिये तुरंत कुर्सी रख देते हैं और हाथ में हाथ मिला कर बैठते हैं। हम लोग व्यावहारिक जगत में रहते हैं और देखते हैं कि क्रिश्चियन बंधुओं को, चाहे वे हरिजन ही क्यों न रहे हों, पूरा पूरा सम्मान देते हैं। मैं अपने बड़े बड़े पंडितों की बात कह रही हूँ।

श्री आर० यु० अग्निभोज : यह भी सत्य है।

श्रीमती सावित्री निगम : यह बड़े दुर्भाग्य की बात है कि इस बिल का नाम "The Untouchability (Offences) Bill"

शब्द का अनेकों बार इस्तेमाल किया गया है। मैं कहती हूँ कि इस शब्द को ही हटा दिया जाय। यह शब्द बड़ा ही डिग्रेड करने वाला है।

श्रीमन्, मैं सरकार को एक और सुझाव देना चाहती हूँ। इस बिल को ला कर के सरकार ने हरिजनों को मंदिर प्रवेश की सुविधा दी है। इस सुविधा को अगर सरकार पूरी तरह से इम्प्लीमेंट करना चाहती है और चाहती है कि हम हरिजन बंधुओं को ध्यात्मसात कर लें और वे हमारे परिवार के अंग बन जाय तो सरकार को चाहिये कि जगह जगह तुरंत ही हरिजनों के लिये संस्कृत पाठ-शालायें खोल दे जिसमें कि हमारे हरिजन बंधुओं को ज्योतिष और धर्मशास्त्र की उच्च शिक्षा दिलावे ताकि वे मंदिरों में प्रवेश ही न करें बल्कि पुजारी, पंडित और धर्मात्मा बन कर उन मंदिरों के स्वामी बन जायें। ऐसा होने पर ही

इस बिल का पूरी तरह से इम्प्लीमेंटेशन होगा।

श्री आर० यु० अग्निभोज : मेरी बहन को यह भी देखना है कि जो भूखा आदमी है जिसको कि खाने को नहीं मिलता है उसको यह चीज लड्डू देने के समान होगा।

श्रीमती सावित्री निगम : मैं तो यह चाहती हूँ कि लड्डू ही नहीं बल्कि सिर्फ मोहनभोग ही दिया जाय और इस पर भी जो पाप हमने इन भाइयों के साथ किया है उसका प्रायश्चित्त नहीं हो सकेगा।

श्रीमन्, मैं फिर एक बार जोरदार शब्दों में कहती हूँ कि समाज सेवा करने वाली संस्थाओं को, हरिजन सेवक संघ और भारत सेवक समाज आदि संस्थाओं को खुले दिल से मदद देनी चाहिये। हां यह मैं जरूर कहती हूँ कि सरकार को इन संस्थाओं के ऊपर पूरा कंट्रोल रखना चाहिये लेकिन अगर यह काम सरकार करेगी तो ऐसी सफलता उसे नहीं मिलेगी जैसी कि मिलनी चाहिये। और मामलों में सरकार करे लेकिन जहां प्रचार का मामला है, जहां हरिजनत्व की भावना दूर करने का मामला है और कानून के इम्प्लीमेंटेशन का मामला है वहां तो हमें इन समाजसेवी संस्थाओं की मदद लेनी ही होगी।

श्रीमन्, मैं एक बात और कहना चाहती हूँ। अपने तमाम हरिजन नेताओं से और संसद सदस्यों से भी जो कि हरिजनों के नेता समझ जाते हैं उनसे एक बात निवेदन करना चाहती हूँ। वह यह है कि अभी हमारे एक कुलीन ने कहा कि हरिजनों की कठिनाइयों को समझने के लिये एक व्यक्ति तभी अधि-

कारी हो सकता है और कठिनाइयों को समझने की सामर्थ्य रख सकता है जब कि वह हरिजन हो कर पैदा हो, यह कहना बहुत ही गलत और अनुचित है। उनका यह कहना सर्वथा भूल है और अन्याय है। राष्ट्रपिता महात्मा गांधी, स्वामी विवेकानन्द, स्वामी दयानन्द सरस्वती, श्री राममोहन राय जैसे महान नेताओं को हम बुरी तरह अपमानित करेंगे यदि हम यह कहेंगे कि सर्वर्ण व्यक्ति एक अवर्ण भाई के दुःख और दर्द को समझ ही नहीं सकता। श्रीमन्, क्या कोई भी हरिजन नेता इसका दावा कर सकता है कि उसने इन महान् व्यक्तियों से अधिक हरिजन बंधुओं के लिये काम किया है? कौन नहीं जानता कि इन महान् आत्माओं ने सर्वर्ण होते हुये भी वह कुछ कर दिखाया है जो कि आज दुनिया के सामने एक बहुत बड़ी मिसाल है। मैं यह कहूँगी कि उनको चाहिये कि वे सरकार से अपने सजातियों के लिये सुविधायें मांगने में ही अपनी शक्ति का उपयोग न करें क्योंकि यह कोई मनोबैज्ञानिक एप्रोच नहीं होगा। वहाँ पर हम लोग मौजूद हैं और हम लोग प्राण रखते हुये कोई ऐसा तरीका काम में लाने से उठा नहीं रखेंगे जिससे कि हमारे हरिजन बंधुओं को हमारी बराबरी का दर्जा मिले वरन् वे हमसे ऊपर उठ जायें। यदि अभी भी हमारे किसी काम में हमारे हरिजन नेता कोई बुराई देखें तो उन्हें चाहिये कि चुपके से पीछे आ कर हमें झझकोरें न कि यह कि कटु शब्द कहें और सरकार से झगड़ा करने में अपनी शक्ति का विनाश करें। उनके ऊपर बड़ी भारी जिम्मेदारी है क्योंकि वे जाग गये हैं इसलिये उन्हें अपनी सोई हुई जाति को जगाना है। उनका लक्ष्य यह

होना चाहिये कि वे घर घर जायें और अलख जगायें और हर एक के मन में यह मंत्र फूँक दें कि तुम ऊँचे हो, महान् हो। हर एक व्यक्ति को यह बता दें कि तुम्हारी संतान उलिया ढोने के लिये नहीं है, तुम्हारी संतान राज्य करने के लिये है, समाज का असुआ, समाज का नेता और समाज का बहुत ऊँचा अधिकारी बनने के लिये है। इसलिए वे उलिया ढोना छोड़ दें और झाड़ू लगाना बंद कर दें, और इंसान होने के नाते इंसान बन कर दिखा दें।

श्रीमन्, मैं आपसे यह भी निवेदन करना चाहती हूँ कि उन को चाहिए कि वे घर घर जा कर लोगों से कहें कि हम तुम्हारे हाथ का धुआ, तुम्हारे हाथ की रोटी तब तक नहीं खायेंगे जब तक कि तुम हमारे हाथ का बना हुआ भोजन न खाने लगे। उनको भीख मांग कर रोटी नहीं लेनी चाहिए भले ही उनको उसकी जगह यह मांग करनी पड़े कि उस रोटी के बजाय हमें रुपया देना चाहिए। जब तक हमारे हरिजन बन्धु इस दिशा में इस प्रकार समझदारी और सूझ बूझ के साथ काम नहीं करेंगे तब तक जिस तत्परता से हम लोग इस सामाजिक कलंक को धो डालना चाहते हैं हम उस शीघ्रता से उस कलंक को नहीं धो सकेंगे और तमाम प्रकार की गलत फहमी और कंट्रोवर्सी में देश को डाल कर, हम अपने इस काम को बहुत पीछे रख देंगे।

श्रीमन्, हरिजन बन्धुओं के हृदय में जो हीनत्व की भावना व्याप्त है उसको धोने के लिये हमें प्रयत्न करना चाहिए क्योंकि यदि वे सशक्त, सक्रिय और जाग्रत हो जायेंगे तो वे अपने अधिकारों को

[श्रीमती सावित्री निगम]
स्वयं ही मनवा लेंगे और उनको देने के लिए अधिकारी लोग अपने आप ही विवश हो जायेंगे। इसलिये मेरी सरकार से यह प्रार्थना और अनुरोध है कि वह इन दो जरूरी बातों की ओर ध्यान दे, एक तो हरिजनों के लिए उपयोगी पाठ-शालाएं खोलें और दूसरे ऐसे कानून बनावें जिन के जरिये से इस प्रथा का बिल्कुल विनाश हो जाय।

SHRI KISHEN CHAND (Hyderabad) : Mr. Deputy Chairman, I wholeheartedly welcome this Bill. It is a step in the right direction. Untouchability, as an institution, should not find any place in our country. But I disagree with what has been said by Dr. Ambedkar when he tried to show that this evil has spread to such an extent that this Bill will not be sufficient to wipe it out; and he has suggested more drastic measures.

Sir, I wish to point out for your consideration that in this vast country, with about 6 lakh villages and with a population of 36 crores, we sometimes hear isolated cases here and there, and we magnify them to such an extent as to say that this evil is rampant to a very great extent in our country. It was our great leader Mahatmaji, who focussed attention on this problem, and I think, by his great effort this evil has been mitigated to a very great extent. Our society which has survived for the last 2,500 years was built on sub-division of human labour into compartments. Other civilisations were built on slave labour. Greece and Rome rose to power after employing slave labour. Can you point out a single case in our country where there was slave labour? Sir, it was the mistake of our society to have relegated some sections of the people to the untouchable castes. But to say that all Scheduled Caste people are untouchables is absolutely incorrect. Only a

small portion of the Scheduled Castes consists of untouchables, and even among those untouchables there are gradations. It is very difficult to understand that in the untouchable class itself there are certain people who will not eat food touched by the others whom they consider to be lower than themselves. Will this Bill apply to discriminations made by the untouchables among themselves? That is my question to which I would like the hon. Minister to give a reply. In our households, the hon. Members know that a mother-in-law will not eat the food cooked by the daughter-in-law, because she thinks that the daughter-in-law does not keep herself as clean as she keeps herself; it is a fact, though I do not condone it. I am bringing it to your attention, Sir, that there are certain people who have got their own ideas of degrees of cleanliness, and who will only take the food cooked by themselves or by their wives. In the society where hygiene or sanitation has been made a goddess, where it has been raised to the level of almost a *dharma*, cleanliness is almost an essential feature of their everyday life. It is quite possible that this evil custom may have arisen from ideas of degrees of cleanliness. The hon. Member who just preceded me pointed out in a very graphic manner that very dirty work had to be performed perforce by certain sections of our society. And naturally, seeing them performing that dirty work, it is quite possible that some other sections of our society may not, out of wrong notions of cleanliness, like to eat the food touched by them, may not like to mix with them.

As the hon. mover has pointed out, this is a free and democratic country, and it is the inherent right of everybody to regulate his own individual life. In so far as this Bill relates to public places of worship, public restaurants and public places of entertainment, there should be no discrimina-

tion. But let us not go to the other extreme and insist that this will be effective even in the household affairs of any individual. Sir, in the definition clause, you will find that a 'place' has been defined even as a house, tent or anything. I would like to ask the hon. Minister whether this Bill will be applied inside the house of an individual. Supposing a person employs a *kahar*. Now *kahars* belong to the Scheduled Castes, but they are not treated as untouchables. They do all the household work, but they do not do the cooking. Suppose a *kahar* employed by an individual person says to the Government: "I am a household servant of this house, and yet the owner of the house will not eat the food cooked by me". In that case, will it be considered an offence? Can that person be hauled up before the law court and punished by fine or imprisonment? Sir, when this matter is being referred to the Select Committee, I would ask the hon. Minister piloting this Bill to be careful to define so that this Bill is restricted entirely to public places of worship, public places of entertainment, etc. and that this Bill is restricted to the iniquitous treatment meted out to the Scheduled Castes in the villages where they are deprived of the use of public wells or where they are deprived of the use of public tanks. In so far as every citizen of this country is equal in the eyes of the law, and that all public property should be shared equally by everyone; I have nothing to say about that. I welcome this Bill whole-heartedly, because all men are created equal in their personal life, in their use of public things; but we should not, in our speeches, try to make out that our country has all evils, that it is the most undemocratic country. As I have already pointed out, Sir, if we look back to the history of our nation, we have been the most democratic country, but this evil has somehow or the other crept in. And I am very glad that a Bill is being brought for this purpose, and I whole-heartedly support it.

SHRI MAHESH SARAN (Bihar): Mr. Deputy Chairman, I am sorry to find that there have been some speeches in which the real spirit that should there is lacking. What I feel is that no legislation can bring about the desired result unless there is a change of heart—and that change of heart between the touchables and the untouchables. I feel that unless we give a lot of thought to this problem, this legislation alone will not bring about the desired result. This legislation is necessary. There is no doubt about it, and I feel that it has come at the right time, but what I feel is that we should concentrate more on the people, spend more time with them, educate them, because it is a sort of social reform which we are aiming at, and we have to bring the people to a level of thinking which is a little higher than the one in which they are at present.

This untouchability is a long-standing evil in our society, and it was some social reformers who first brought about a change in this domain. The Arya Samaj did a lot of good so far as this aspect of the question was concerned. Mahatma Gandhi was the first person who gave serious consideration to this question, and as soon as the non-co-operation movement started, we had a Harijan Sevak Sangh established and we found that a lot of attention was being given to the backward people in the country—untouchables and even the *kisans*. We had Kisan Sabhas so that his whole attention was directed to the question that those who were oppressed should have our support and they too should slowly come to the level of the others and therefore we found that he devoted most of his time to this question. All of a sudden there was a change and people who were really very orthodox in the Congress—and I know of those days—sat and ate together with the untouchables. There was a feeling of affection for everyone in the Congress without any idea

[Shri Mahesh Saran.]

of east or creed. Differences ceased to exist for the time being and we all became a family where there was no caste or creed but only a band of workers whose one aim was to free their motherland. It was Gandhiji who brought about this change, this enormous change. I must say that in spite of the report of the Commissioner for the Scheduled Castes and Scheduled Tribes that nothing much has been done, we have really gone ahead. During the 150 years of the British rule nothing was done and their one aim was to separate the classes here and to see that there was a great gulf between the touchables and the untouchables. Slowly we are now making headway and the day is not far off when I think this gulf will be absolutely bridged and there will be only one family having full faith in each other and we shall march ahead together. Sir, I would very much like to appeal to my friends of the scheduled castes and scheduled tribes here that they have to make a great effort. Mere speeches in Parliament cannot do much good. This is a work which requires the full attention and the full energy of people. They have to move about. It requires a lot of devotion to duty, and if the many members here in both the Houses take to this work, I am sure this work will soon make good progress. I have had experience of Harijan work. I have moved about among people and I feel that this mentality of untouchability is there only in far off places which are not near railway stations. It is there that you find a great gulf. There, people do not know things. There the favoured castes do not have any fellow feeling. They do not have any affection. They do not care what happens to the Scheduled Castes or Scheduled Tribes. People are becoming Christians. Why are they becoming Christians? American missionaries and other missionaries who come from abroad, who do not know our language, who have nothing in common

with us, find favour with the Scheduled Castes and Scheduled Tribes. The higher caste people come forward and say that these missionaries must be turned out. If you like, you may turn them out, but the same condition will continue to prevail. Why is it that they become Christians? It is because you have no love for them, you despise them, you hate them, because you have nothing in common with them. But if you begin to feel that these people are a part and parcel of yourself, if you begin to feel that your duty is first to those who require it, then things will change. So, a lot of social work is necessary. Legislation is necessary no doubt to give severe punishment, but this method alone does not very much appeal to me. What I say is that the whole mentality has to change. Our old ideas about this must change. Gandhiji taught us all the time that those who are oppressed and need our support should be given our first support. So long as our old mentality remains, this untouchability will remain, and therefore great pioneers are needed who will devote their whole life to this work and the work of the regeneration of our motherland, and create conditions where everyone will have a feeling of affection for those who are in difficulties, those who are in trouble, those who are considered low, and those who are despised.

Therefore, Sir, my submission is that this is a good Bill, but let us not hope for very much from it alone. Punishment you may give as much as you like, but punishment alone will not do the work that is needed. It is the missionary spirit that is required. Hundreds of people are required to go about, talk to people, move about amongst those who are forgotten by the favoured ones. I have moved about amongst the Scheduled Castes and Scheduled Tribes. I have seen their pitiable conditions. I have seen the agony that there is amongst them. They feel that they are

alone in spite of the fact that the villages are full of people. They feel that they are a class by themselves, and that there is nobody to share their miseries or their sorrows. We cannot understand their feeling of helplessness when they feel that they are all alone, although there are people all around them. Therefore my submission is this. Let there be a band of people to go about and create the right spirit amongst people. It is a slur on India that a thing like this exists. In the international field, our reputation is high. Everybody talks about India, but when they will learn how we are treating our own people, what opinion will they have of India? They will say, "Of course in one respect they are all right, but look at the way in which they treat some of their own people. They are like barbarous people who mete out this kind of treatment to some of their own men."

Now, Sir, regarding this Bill. I have to make one or two suggestions. I feel that there should be a machinery which should see to the proper application of this Bill. There is no use passing a legislation like this unless you have a machinery to see that the laws are obeyed. Then, there is another point about the untouchables. They won't go to the police station. They have not got the courage to go there and make a complaint. So a band of people should be appointed by the Government to look to their interests and to bring to book the people who will all the time try to evade the law when this Bill is passed. In addition to this, there must be proper publicity. Our publicity machinery is slack and lacking. That is what I feel. All the things that are being done here are not known in the far corners of the country. So there should be publicity and everyone should know that laws like this have been passed, because the untouchables will not believe it for the time being. They are used to their sorrow. They will never believe if you tell them that they can go to the temple or that

they can draw water from the village well. They will say, "No, you are telling us a story." Publicity is therefore necessary so that people would know that things are not what they used to be and that the Government has come to their rescue and that all the old tyrannies cannot be repeated after the law is passed. These two aspects of the question are very essential and the Joint Committee should carefully go into this and see that it is properly considered.

Now, Sir, I do agree with my friend regarding one important change required in clause 3. I think he was right in saying that a change is necessary so far as clause 3 is concerned because I don't think it is very happily worded and as you have said that repetitions are not allowed, I would only commend this point to the Minister in charge so that he might look into it. Unless the wording is more appropriate, this will create difficulties in the future.

Sir, I have nearly done. I have only to add that article 17 of the Constitution has abolished untouchability but it is still there which is a great shame to us but I do feel that the Government alone is not responsible, that we have not been up and doing. We should try to propagate the abolition of untouchability all over the country and during our leisure time, when we go back from Parliament, we should see that this aspect of the question is explained to the people and untouchability is abolished at an early date.

سردار بدھ سنگھ (جموں ایفڈ
کشمیر): جناب دپٹی چیئرمین صاحب
ابھی میونسٹری لائق دوست نے فرمایا کہ
جب جموں اور کشمیر کا ایکسیشن
یہاں یونین کے ساتھ ہوا ہے تو وہاں

[سردار بدھ سنگھ]

بھی یہ قانون لاگو ہونا چاہئے۔ اس میں کوئی شک نہیں ہے کہ ایسے منفی قاتون کی ضرورت ہے۔ وہاں اسوقت کانستبل ٹھوہیٹ اسمبلی قائم ہے اور ہم اس وقت وہاں اپنا دھندلہ بنا رہے ہیں۔ وہاں بھی ہمیں چھوٹا چھوٹا کو اسی طرح غیر قانونی قرار دینا ہے جیسا کہ یہاں فنگڈا منٹل رائٹس میں لکھا ہے۔ اسے ہم نے تسلیم کیا ہے کہ ہم یہ دیکھ رہے تھے کہ ہندوستان میں مہاتما گاندھی جیسے مہاپرش اور بزرگ نے اور ان کے بڑے بڑے چیلوں نے ان کے شوق والوں نے اچھوتوں کو دور کرنے سے متعلق اور ہریجنوں کی اصلاح سے متعلق بہت کچھ کیا ہے، ایدیش دئے لہیں اور سماج میں اس کے لئے پارٹیاں سوشل سدھار وغیرہ کی بنائی ہیں۔ تو وہ کہاں تک قانوناً اس کو دور کر سکتے ہیں۔

بڑی خوشی کی بات ہے اور انتہائی خوشی ہے کہ یہ بل پیش کیا گیا ہے۔ حالانکہ یہ بل بہت پہلے پیش کیا جانا چاہئے تھا۔ مہاتما جی نے اپنی ساری زندگی میں جتنے کشت اٹھائے جتنے عذاب سہے جتنی تکلیفیں اٹھائیں جتنی مصیبتیں اٹھائیں اور جتنی قربانیاں کیں وہ خصوصیت سے ہریجنوں کو اوپر اٹھانے اور ہندو مسلم اتحاد کے لئے کی تھیں۔ انہوں نے کہا تھا کہ وہ ہندو دھرم اور وہ

کمونیٹی جس کے اندر انسان کو انسان سے نفرت و چھوٹ چھات ہے وہ ایک ایسی عظیم بیماری میں مبتلا ہے کہ اس کا علاج جلد کیا جائے اسے قطعی دور کیا جائے ورنہ نتھجہ سوائے اس کے کچھ ہے ہی نہیں کہ وہ کمونیٹی قطعی ختم ہو جائے۔

دو چار دوستوں نے یہ فرمایا کہ انتھیپلٹی لفظ نفرت آمیز ہے، حقارت آمیز ہے۔ اس میں کوئی شک نہیں ہے کہ اسکی بجائے مہاتما جی نے بڑی کوشش سے دل کی گہرائی سے اور بڑی مدد سے سے ان غریب بھائیوں کو ہریجنوں کا نام دیا۔ ہریجنوں کہتے ہیں ہری جن کو۔ یعنی خدا کے بندے کو۔ یہ بڑے بڑے مہاپرش لوگوں نے ہی لکھا ہے کہ یہ غریب بھی خدا کے بندے ہیں۔

گورو صاحب نے فرمایا کہ

ہری ہری جن دوڑ ایک ہوں
بیچار کچھ نائیں

جل نے اچھے ترنگ جھون جل
ہی بکھ سائیں
یعنی ہری پرمانما اور ہری جن خدا کا بندہ دونوں ایک ہی ہیں اس میں کوئی شک کی گنجائش نہیں ہے۔ جس طرح پانی کی لہریں اٹھتی ہیں اور پھر پانی ہی میں سما جاتی ہیں جذب ہو جاتی ہیں اسی طرح ہری جن بھی مہان آتما کا جزو ہے اور اسی میں آخر سما جاتا، جذب ہو جاتا ہے۔

ایک معزز ممبر نے یہ کہا ہے کہ سکھوں میں بھی یہ چیز ہے - مہرے خیال میں وہ سکھ نہیں ہے بلکہ بہروپیا ہے پاکہندی ہے جو چھو اچھوت کو مانتا ہے - گرو نانک جی نے ساڑھے چار سو برس پہلے ہریجنوں کو گلے لگایا - ان کے گھروں میں رہے اور ان کو ایسا بنایا جنکو نیچ کہا جاتا تھا - جنکو اچھوت کہہ کر دنیا نے الگ کر دیا تھا ان کو انہوں نے گلے لگایا اور یہ کہا کہ وہ خدا کے بندے ہیں - انہوں نے فرمایا کہ وہ میں تو ان نیچوں اچھوتوں سے پہاڑ کرنے، ان کو اوپر اٹھانے، انکو گلے لگانے آیا ہوں ان کے ساتھ محبت آمیز ہمدردانہ سلوک کرنے سے پرہیز کی خوشی و بخشش حاصل ہوتی ہے ۴۴ دیکھو شہد -

دنانک نیچوں کے سنگ ساتھ
بڑوں سے کیا دیس
جتنے نیچے سفالکے اوتھے نظر تیری
بخشش ۴۴

اور فرمایا کہ وہ جانو جوت نہ پوچھو جاتی آگے جات نہ ۴۴ کہا گیا ہے کہ وہ اول اللہ نور اویائی قدرت کے سب بندے - ایک نور تے سب جگ اویچھا کون بھلے کون مندے ۴۴ خدا کے نور سے سب پیدا ہوئے ہیں - خدا کا نور سب میں موجود ہے - جو مسجد ہے مندر ہے یا گورو دارا ہے خدا کی عبادت کی جگہ خدا کا گھر ہے اس میں جات پات کا

کوئی سوال ہی پیدا نہیں ہو سکتا ہے - خدا پرہیزا کے نزدیک سب انسان ایک جیسے ہیں اس کے سامنے تو کوئی جات ہے نہ پات ہے - جب کوئی بچہ پیدا ہوتا ہے تو لسکی کوئی ذات نہیں ہوتی ہے -

اب سوال یہ پیدا ہوتا ہے کہ اچھوت کسے کہتے ہیں برے کام کرنے والوں کو عوام کی خدمت کرنے والوں کو؟ دراصل جس کے اعمال بڑے ہیں وہ برا ہے - میں اپنے متعلق یہ کہتا ہوں کہ شروع میں میں یہ سوچا کرتا تھا کہ ایک انسان کو دوسرے سے کیوں نفرت ہے اور انسان کی مدد پریم اور ہمدردی کرنے میں اور آپس میں میل ملاپ تہذیب اخلاق قائم رکھنے میں کون سا امر مانع ہو رہا ہے تو یہ اچھوت پن کی بیماری معلوم ہوئی - میں ایک ہندو خاندان میں پیدا ہوا ہوں - مجھے عام ہندوؤں کے اندر چھوت چھات کا روگ بہت برا معلوم ہوتا تھا - میں نے اپنی ماں سے پوچھا کہ وہ کون سا مذہب ہے جس میں انسان کا انسان کے ساتھ پریم ہے - جس میں ہر انسان دوسرے انسان کی مدد کرنا اپنا فرض سمجھتا ہے اور انسان انسان کے ساتھ ہمدردی کرتا ہے تو انہوں نے کہا کہ وہ مذہب گورو نانک کا مذہب ہے - گورو نے فرمایا ہے کہ وہ جے تو ہے پریم کھیلن کا چا سر دھر تلے گلی میری آ ۴۴ یعنی اگر

[سردار بدھ سنگھ]

تمکو پریم کا کھیل کھیلنے کا شوق ہے عریضوں کا یا اچھوتوں کا سدھار کرنا مسکٹاجوں کی مدد کرنا ہے تو اس پریم کے کھیل میں سر ہتھیلی پر رکھ کر قدم رکھنا ہوگا - گورو کے لنگر میں یا گوردوارہ میں غرضیکہ کھانا کھاتے وقت اور عبادت پوجا پاتھ کے وقت جو لوگ بیٹھے ہوں ان میں نیچے اونچے چھوت چھات کا مطلقاً سوال نہیں ہے - اگر ایک بھنگی تنقی صاف کر کے آیا ہے اور ہاتھ منہ دھو کر وہاں بیٹھا ہوا ہے تو اس سے یہ مت پوچھو کہ تم کون ہو - اسے گوردوارہ میں اور کھانا کھانے والے تمام لوگوں میں بیٹھ کر کھانا کھانے کا حق حاصل ہے -

مجھے پہلے ہندو مذہب اچھا معلوم ہوتا تھا اور میں مسلمانوں کو دوسرے درجہ پر رکھتا تھا - لیکن جب میں نے سکھ عقیدہ اختیار کیا تو میرا یہ خیال ہو گیا کہ انسانی رشتہ و مساوات کے لحاظ سے پہلے سکھ ہے پھر مسلمان اور پھر ہندو ہے - مگر مجھے اس درجہ بندی کے وہم نے خاصہ پریشان رکھا - جوں ہی جات پات مذہب و ملت کی تفریق و تمیز سے بالاتر ہو کر انسانی رشتہ مقدم سمجھا تب مجھے اطمینان ہوا - مجھے ہندوؤں کی چھو اچھات کی بھماری و برائی سے نفرت ہو گئی تھی کہونکہ وہ کتے بلی کو تو گود میں رکھ سکتے ہیں جانوروں کی دیکھ بھال کر سکتے

ہیں ہر پامی ظالم بدچلن سے تو مل بیٹھ سکتے لیکن ایک ہری جن کو نہیں چھو سکتے ہیں - ہندوؤں میں سے اگر کوئی لوگ دنیا بھر کا وبھچار کرینگے قتل کرینگے تاکہ ڈالینگے چوری کرینگے سب کچھ کھا لینگے اور طرح طرح کے پاپ کرینگے جرائم کرینگے پھر بھی ہندو کے ہندو بنے رہینگے - مگر بہترین کام کرنے والے محنت کش طبقہ ہری جن سے نفرت کرینگے - اصل بات یہ ہے کہ صاف ستھرے کپڑے پہنکر یہ ہری جن لوگ چاہے جہاں چلے جائیں انہیں کوئی پوچھنے والا نہیں ہے کہ تم کون ہو - اگر کوئی شخص خصوصیت سے ہری جن کسی ہو تو اس سے سب پوچھینگے کہ تم کون ہو - جب تک وہ خود نہ بتائے کسی کو کیا معلوم کہ وہ کون ہے ظاہر ہے کہ وہ انسان ہے - کسی کی پیشانی پر اس کا مذہب دھرم ذات تو نہیں لکھا ہوا ہے - اکثر دیکھا گیا ہے کہ اگر کسی کے سوت صاف کپڑے ہوں تو اس سے کہینگے کہ آئے باپو صاحب کرسی پر بیٹھئے - اگر کوئی میلا ہے گندہ ہے تو اس کے لئے یہ پہلے سے سمجھ لیا جاتا ہے کہ وہ کوئی نیچے اچھوت ہوگا - چاہے آپ لاکھ قانون بنائیے لیکن یہ چیز اس وقت تک دور نہیں ہو سکتی جب تک کہ ہری جن کو صاف ستھرا دھننے کے لئے ضروری سامان، صابن - کپڑا وغیرہ

بچلا - سزا ہوا ہے - یہ ہے ان غریبوں کی دردناک حالت -

آپ ہونٹوں میں ریستورنٹوں میں پارٹیوں اور عمارتوں و دوسرے کاموں میں کروڑوں روپیہ خرچ کر رہے ہیں - کیوں نہیں بہت جلد ہری جنوں کا معیار زندگی اونچا کرتے اور کیوں انکو برابر کا درجہ نہیں دیتے - لیکن مہاتما گاندھی کے اس دیش میں رہتے ہوئے ابھی ہم سوچ رہے ہیں اور ہم یہ کہتے ہیں کہ قانون سے اچھوت پن دور ہو جائیگا - انٹیچیبلٹی کا سوال ہے یہ نفرت آمیز ہے اسے جلد دور کرنا مناسب ہے اس کے مقابلہ میں بجائے اچھوت کے ہری جن لفظ بڑا معقول ہے - لیکن یہاں شاید اس لئے وہ نہیں رکھا گیا کہ اچھوت پن کی اس بڑی عظیم بیماری کو دور کرنے کے لئے اس کا نام لینا ضروری سمجھا گیا ہے - غرض یہ ہے کہ یہ اچھوت لفظ ہمیشہ کھلئے ختم کر دیا جائے -

دیکھنا یہ ہے کہ ہری جنوں کی مالی حالت کیسے تھیک کی جائے کہ یہ صاف ستھرے اور سکھی رہیں - اگر ان کو صابن دیا جائے کپڑے ملے جائیں تعلیم دی جائے مذہب خوراک ملے اور زمین دی جائے اور کام دیا جائے کہ ان کو آسودگی و اطمینان ہو اور سروسز میں یعنی حکومت میں نمائندگی ملے تو وہ بہتر طریقے سے رہ سکتے ہیں جو تعلیم یافتہ آسودہ

مہیا نہیں کیا جاتا اور ان کی مالی حالت تب تک درست نہیں ہوتی ہے اور ان کی سوشل حالت درست نہیں ہوتی ہے جب تک ان کا معیار زندگی بلند نہیں کیا جاتا - میرے ایک دوست ایک دفعہ بھنگی بستی میں گئے اور وہاں سے واپس آکر کہنے لگے کہ وہاں کے لوگوں کے کپڑوں سے بدبو آ رہی تھی - میں نے ان سے کہا کہ ان کی یہ حالت افسوس ناک ہے آپ ان کو صابن کیوں نہیں دے آئے اگر آپ نئے کپڑے و صابن دیدیتے تو پھر کوئی وجہ نہیں ہے کہ وہ گندے کپڑے پہنیں - وہ صاحب اب ایسا ہی کرتے ہیں -

ایک بار ماتا کستوربا گاندھی جی سے کہنے لگیں کہ میں نے ایک عورت کو دیکھا کہ اس کے کپڑے بہت گندے تھے اور ان میں سے بدبو آ رہی ہے - میں نے اس عورت سے کہا کہ تم اسکو دھوتی کیوں نہیں دھو - اس پر اس نے کہا کہ میں اسکو دھووں کیسے میرے پاس تو یہ ایک ہی کپڑا ہے اسے دھونے کے بعد دوسرا کوئی کپڑا سازی یا دھوتی نہیں ہے - یہ سنکر مجھے بڑا دکھ ہوا - اس پر گاندھی جی نے ان سے کہا کہ تم ایک عورت کی بات کہہ رہی ہو یہاں تو ایک نہیں بلکہ لاکھوں ایسی عورتیں ہیں جن کے تن پر صرف ایک ہی کپڑا ہے اور وہ بھی

[سردار بدھ سنگھ]

اور اچھی پوزیشن میں ہو جاتے ہیں
ان کو کون اچھوت کہہ سکتا ہے ۔

میں تین برس سے پبلک فیلڈ
میں کلم کر رہا ہوں اور دیکھتا آیا ہوں
کہ ان کے اوپر بیتار کا ظلم اور تشدد ہوتا
رہا اور ان سے سب کام لیکر پھر حیوانوں
سے بدتر سلوک کیا جاتا رہا ہے ۔ اور
کوئی سزائی کرنے والا نہیں تھا ۔ انکا
گھر گھات ملکیت اثاثہ سہارا کچھ نہ
تھا ۔ میں نے ان سے کہا کہ اگر تم صاف
کھڑا پہنکر جاؤ تو دیکھیں کہ کون
شخص تم کو روکتا ہے اور پوچھتا ہے
کہ تم کون ہو ۔ لیکن جب میلا کھڑا
ہوتا ہے انتہائی غربت کی وجہ سے
رہن سہن غلیظ ہوتا ہے تو سب یہ
خیال کرتے ہیں کہ یہ کوئی اچھوت یا
نیچ ہے اور خاص کر متعصب تنگ
خیال لوگوں کو شک ہو جاتا ہے کہ نہ
معلوم یہ کون ہے اور اس سے پوچھتے
ہیں کہ تم کون ہو تو اسکو ہٹلانا پوتا
ہے کہ وہ کون ہے اور بھٹائے ہڈو
عیسائی وغیرہ کے جو مذہب رکھتا ہے
کہنے کے اچھوت کہتا ہے ۔ کیونکہ
اس کو تو ہوتا ہے کہ لوگ اس کو
سارینگے ۔ افسوس ہے آج تک ہریجن
انسان کی خودداری و حقوق پانے
کی حس ختم کی جاتی رہی ہے
اور وہ اپنے آپ کو کمترین انسان سمجھتا
رہا ہے اور اپنی خودداری و انسانی
حقوق و مساوات کی جد و جہد کو

برقرار نہیں رکھ پاتا ہے کہ بے کس و
غریب ہے صاف ستھرا دھلے کیلئے
سامان نہیں پا سکتا ۔

میں سمجھتا ہوں کہ جس ملک
نے اندر ایک انسان سے انسان کو نفرت ہو
اور جس قوم کے اندر پانچ چھ کروڑ انسانوں
کے ساتھ نفرت و حقارت آمیز سلوک
روا رکھا جائے اور یہ غریب انسان نہ
سمجھے جاتے ہوں جنکو کہ رو شپ کرنے
کیلئے اور عبادت کرنے کے لئے بی
موقع نہ دیا جاتا ہو اور انکی دلی
آزادی اور ہتک کی جاتی ہو اس قوم کو
زندہ دھلے کا کوئی حق نہیں ہے وہ
قوم زندہ نہیں رہ سکتی ۔ اسکا آزاد
رہنا ، ترقی کرنا ناممکن ہے جو کہ
اپنے انسانی بھائیوں سے نفرت کرتی ہے
چاہے عیسائی ہو مسلمان و یہودی
ہو پارسی ہو یا دنیا کی کوئی قوم ہو
جس میں کہ یہ چھو اچھوت
انسانوں کے ساتھ نفرت نہیں ہے جن
میں انسانی رشتہ افضل ہے مساوات ہے
وہ مبارک ہیں اور وہ زندہ ہیں ترقی
کر سکتے ہیں ۔ سب سے بڑی قومی
آزادی و اقتصادی ترقی کا راز اور
سب سے بڑا اخلاق و دھرم و مذہب یہی
ہے کہ انسان کو انسان سے محبت ہو ۔
ہمدردی ہو ۔ ہمدرد دال کے واسطے
پیدا کیا انسان کو
خدا پر ماتما کے درشن کھلئے تو کئی
لوگ سادھو سنت کے روپ میں پھرتے
ہیں تیر ہوں اور مندروں میں تلک

لگائے مالا لئے سنت سادھو بنے پھرتے
 ہمیں مگر ہری جنوں ۴ خدا کے بندوں
 سے نفرت کدے ہیں ۴
 اقبال نے کہا ہے کہ
 وہ خدا کے عاشق تو ہمیں ہزاروں
 بنوں میں پھرتے ہیں مارے مارے
 میں اس ۴ بندہ بنوں کا جسے
 خدا کے بندوں سے پیار ہوگا - ۴۴

خلق خدا سے پیار و ہمدردی کرنے میں
 مہانتا گاندھی نے کمال کیا - مہانتا
 گاندھی نے خصوصیت سے دو
 باتوں پر زور دیا ہے ایک یہ کہ ہم اپنے
 دیہی کی بنی ہوئی چیزیں کپڑا وغیرہ
 استعمال کریں اور دیہی میں سب
 چیزیں بنائیں اور دوسرے یہ کہ ان
 غریبوں و ہری جنوں سے پیار کریں
 انکو گلے لگائیں - وہ اتنا بڑا آدمی ہو
 کر بھی ہری جنوں میں اور بھنگیوں
 میں رہا اور ان کے ساتھ کھوما پھرا -
 ہری جنوں و بھنگیوں میں اور ہمارے
 میں کیا فرق ہے - بڑی ذات والوں
 میں کیا خاص بڑائی یا خوبی ہے -
 ہاں - مانس یعنی ہڈی اور گوشت کا
 بلا ایک جیسا جسم ہے سب کے اعضا
 ایک سے ہی ہیں - گورو نے فرمایا
 کہ دہائے آدمی تو کس پر کھمڈ
 کرتا ہے اس شیر پر اس جسم پر جس
 میں کہ وشٹا - پاخانہ - پیشاب اور
 غلیظات پھرا ہوا ہے - تو اس پر کھمڈ
 و ناز کرتا ہے - تم تو ہمیشہ ناپاک ہو
 ہاں اگو انسانیت ہے پریم ہے محبت ہے
 اور انسان کے ساتھ ہمدردی ہے روحانہ

پاکھڑی و ایکٹا ہے تب تو پانگ ہے
 ورنہ انسان کے جسم و گوشت پوست
 کی کوئی قیمت نہیں - ہر ایک
 چھوٹی سے چھوٹی چیز کی قیمت
 ہوتی ہے - جانور کے مرنے کے بعد
 اسکی کھال کی قیمت ہوتی ہے ہڈی
 کی قیمت ہوتی ہے اور گوہر کی قیمت
 ہو سکتی ہے لیکن اس انسان کے مردہ
 جسم کی کوئی قیمت نہیں ہوتی - ۴۴

آزادی ملنے پر اب پانچ سال بعد
 ہم یہاں اس ہاؤس میں اس لئے
 آئے ہیں اور کہتے ہیں کہ ایسے قانون
 بناؤ کہ جس سے نفرت - غریبی - ظلم
 زیادتی دور ہو - اگر مہانتا موجود
 ہوتا تو کبھی بھی ہمیں اب تک انتظار
 نہ کرنے دیتا وہ اس وقت تک یہاں
 آنے نہیں دیتا اور اس وقت تک
 منسقری نہیں بلانے دیتا جہتک کہ
 آپ یہ نہ کہتے اور اُسے یقین نہ ہوتا
 کہ اس ملک سے ایکدم غریبی بھکاری
 اور خالص اچھوتوں دور کر دیں گے
 غریبوں ہری جنوں کے لئے انسانی
 سوسائٹی لہندروں اور پھر پرماتما اور
 آخر قانون کا ہی سہارا ہے -

آج سے بہت پہلے بھگتوں عابدوں
 نے دردناک احتجہ میں خدا پرمانما
 کو کہا اور کہتے چلے آئے ہیں کہ تو
 رحیم ہے کریم ہے غریب نواز ہے سب کو
 دیتا ہے سب پر شفقت کی نظر رکھتا
 ہے مہربانی کرتا ہے - ہری جن
 بھگتوں نے کہا کہ ہمکو تیرے مندروں

[سردار بدھ سنگھ]

سے تھوکرین لگادی گئیں یا ہاتھ نکال دیا گیا۔ کہا تیرے اندر بھی تمیز و تفریق ہے اور ان الفاظ میں ان بیچاروں نے پرہیزگار خدا کو پکارا

دورحیمان کریمان اللہ تو غنی - دیوں لیو میں ایک تو دگر کو نہیں ہے۔ پھر کہا دغریب نواز کوسائیل میوے مانے

چھتر دھڑے

جان کی چھوت جگت کو لگے تان

پر تو ہی مرے

یہی اونچی ذات کہلانے والے لوگ ہم سے نہیں چھوتے نفرت کرتے ہیں مگر تو ایسا غریب نواز کوسائیل ہے کہ ہمکو گلے لگانا ہے اور نیچوں کو اونچا کرنے میں کسی سے نہیں ڈرتا - غرضیکہ یہ بیچارے تو ہزاروں برسوں سے اس کے لئے چلاتے آئے ہیں اور مہلتا نے پھر اسکی یاد دلائی اور اُسرنو اس کام کو شروع کیا -

آج راج ٹھات کے اوپر مہلتا جی کی سادھی پر دنیا کے لوگ پھول چڑھاتے ہیں - کہوں چڑھاتے ہیں؟ اس لئے کہ وہ ایک مکمل انسان تھا حقیقی غریب نواز تھا - اس کے اندر ہندو و مسلم اور چھوچھوت کی کوئی تمیز و تفریق نہیں تھی وہ ایک ٹھیک و پاک انسان تھا اور پورے پرہیزگار خدا کا پیارا تھا - مہلتا آتما تھا - میں تو دھتا ہوں کہ کانگریس کے ٹکٹ انکو نہ دئے جائیں اگر وہ خود اپنی فیملی میں رشتہ داروں میں اپنی پرائیویٹ

زندگی میں طرح طرح کی چھوت چھات کو تسلیم کرتے ہیں اور اچھوتوں سے گھرنا کرتے ہیں نفرت کرتے ہیں۔ تنگ خیال ، متعصب و فرقہ پرست ہیں بلیک مارکٹنگ کرتے ہیں یا رشوت لیتے ہیں اور غریب لوگوں کو ستاتے ہیں ان کو کوئی حق نہیں کانگریس یا قوم پرست کہلانے کا اور ٹکٹ لینے کا اور ووٹ لینے کا -

ہمارا تو یہ دھرم ہونا چاہئے کہ ہم اس برائی کو جلد دور کریں اور اس کو ختم کرنے کے لئے بڑی سے بڑی قربانی کرنے کو تیار ہو جائیں - لیکن وہ نفرت کرنے والے کرتے کیا ہیں ان بیچاروں کا سوشل بائیکاٹ کرنے کی ساز باز کرتے دھتے ہیں - دراتے دھمکتے دھتے ہیں - میں دیکھتا چلا آیا ہوں ہمارے ملک میں بھی ان کو مصیبتیں ہیں - واقعی اچھوت ہیں سے ان کے دل کو بڑی تکلیف ہوتی ہے - ابھی ایک ممبر صاحب نے کہا کہ وہاں کے لئے کہوں یہ قانون لاگو نہیں ہو رہا ہے - میں انکو یقین دلاتا ہوں کہ وہاں اس قانون کو اور سخت بنائینگے - کیوں کہ وہاں نہ تو کوئی ہریجن زمین خرید سکتا تھا نہ مکان بنا سکتا تھا نہ صاف ستھرا کپڑا پہن سکتا تھا نہ سامنے سے جوتا پہن کر گزر سکتا تھا - اگرچہ انکو کچھ زمین دی گئی ہے اور کچھ اصلاح ہوئی ہے مگر بہت کچھ کرنا باقی ہے - یہ

غریب نواز گھہ کر پکارتے رہے مگر لہنکری
انہیں جوتوں سے تھوکر لگاتے رہے -
وہاں کئی کہتے رہے ہیں کہ انکار
بائیٹکٹ کرو وغیرہ وغیرہ -

ہم چونکہ مہاتما گاندھی کے بھارت
میں رہتے ہیں اس لئے اسن و امن
کی حالت میں رہنے کا اصول رکھتے
ہیں - اتفاق و بھائی چارہ و انصاف
کی دنیا میں رہنے کی کوشش کرتے
ہیں اس لئے ہمیں جوابی بائیٹکٹ
کی حوصلہ افزائی کر کے اپنے ملک میں
اور دنیا میں تفویضات لڑائی جھگڑے کے
سامان نہیں پیدا کرنے چاہئیں - یہ
مسئلہ ہے کہ تمام چھوٹی سے چھوٹی
تعداد کی محضت کھس جماعتوں پر
ہماری زندگی کا دارومدار ہے - ان ہی کی
محضت سے ہم دن رات بے فکر بیٹھے
گذارہ کرتے ہیں ورنہ اگر بھنگی صفائی
کرنا چھوڑ دے - اگر چہار مردہ
جانوروں کی چمڑی، کھال اتارنا چھوڑ
دے - جوتے بنانا چھوڑ دے - جوالہ
کپڑا بنانا بند کر دیں کھیتی باڑی
محضت مزدوری کا کام چھوڑ دیں ہمارے
لئے ضروریات زندگی پیدا کرنا اور لانا
بند کر دیں تو ہماری موت چوبیس
گھنٹے کے اندر ہو جائے - یہی دراصل
جوابی بائیٹکٹ کا ہتھیار ہے جس سے
نفرت کرنے والے لوگوں کے عوش ٹھکانے
آ سکتے ہیں مگر ہم صلح و صفائی
سلوک سے اور قانونی طریقہ پر کوشش
کرنا فرض سمجھتے ہیں - آخر دیر

تک ایسی حالت کو کوئی برداشت
نہیں کر سکتا - بہتر صورت بائیٹکٹ
کے ساز و باز کو جرم قرار دیا جانا
چاہئے -

سوسائٹی کا لاہ کہ سب انسان
برابر ہیں - خدا نے انسان کو پیدا
کیا ہے اس لئے کہ وہ اس احساس اور
یقین سے زندہ رہے اور کام کرے کہ وہ
انسان ہے - خدا کے سامنے اور پرماٹما
کی قدرت کی نعمتوں سے فائدہ اٹھاتے
ہیں - ہم سب انسان ایک جیسا
حق رکھتے ہیں - لیکن ہم نے ان
ہری جنوں کے ساتھ کیسا برا سلوک کیا
ہے - کہا ہم نے انسان کو انسان مانا -
کنڈا پاپ ہے کہ ہم نے ہری جن انسان
کو اپنی طرح کا انسان نہیں مانا اور
اس لئے اب آخر میں قانون کا سہارا
لیئے کیلئے مجبور ہیں اور آج یہاں
آکر ان کے لئے پارلیمنٹ میں قانون
بنانے بیٹھے ہیں - واقعی قانون کی
ضرورت ہے اس سے عوام کو معلوم ہوگا
کہ اچھوت پن جرم ہے اور جب ان
ہری جنوں کو احساس ہوگا کہ ان کی
پشت پر ان کے ہمدرد لوگ اور
گورنمنٹ ہیں تو ان میں خودداری
پیدا ہو جائیگی اور احساس کمتری
دور ہو جائیگا - اور انہیں جب پتہ
لگیگا کہ وہ بھی ہندوستانی ہیں اور
ملک انکا ہے - انکے حقوق دوسروں کے
برابر ہیں غرضیکہ جب انکو اوپر
اٹھایا جائیگا انکے حقوق کی حفاظت

[سرदार بدھ سنگھ]

کی جانہکی تو خود بھڑو اچھوت ہیں
دور ہو جائیگا - اس ملک میں سے
نفاق نفرت دشمنی کی بیماری برائی
پاپ و ظلم کو دور کرنے کے لئے مہاتما
گاندھی نے عظیم مصائب و تکالیف
برداشت کیں، آخر جان دیدی -
اس لئے جان دی کہ انسان کو حقیقی
انسان بنائیں اور انسان کے ساتھ لڑائی
بلد کریں - اس لئے کہ تمام بھارت کے
لوگ حقیقی بھائی کی طرح اتفاق
و اتحاد سے - دھیم انہوں نے اپنی جان
کو بھیدت کر دیا -

لکر مہاتما دیر تک زندہ رہتا اور
مہاتما اپنی قدرتی موت مرنا تو مہاتما
کی اتنی عظمت قدر و منزلت نہ ہوتی
جتنی شہادت کے بعد ہوئی - آخر
وہ شہید ہوا - اور دشمنی نفرت کے
خلاف جد و جہد میں شہادت حاصل
کی - دراصل شہید کی موت قوم کی
حیات ہوتی ہے جیسے مہان پرش خدا
پرست کی ہستی تب ہی چمکتی
اور کشش رکھتی ہے جب وہ انتہائی
قربانی کرے اور اپنا خون دیکر دنیا
میں خونریزی بلد کرنے کی مثال قائم
کر جائے -

کسی شاعر نے کہا ہے کہ
”حسن کی خونریزیوں دنیا کو
زندہ کر گئیں
جی گئیں وہ بلبلیں جو شاخ گل
پہ مر گئیں“ -

†سرदार بدھ سنگھ (جम्मू آنڈ کاشمیر):
جناب ڈپٹی چیئرمین ساہب، امی میرے
لایک دوست نے فرمایا کہ جب جम्मू
اور کاشمیر کا ایکسپیشن یہاں یونین
کے ساتھ ہوا ہے تو وہاں بھی یہ قانون
لاگو ہونا چاہیے۔ اس میں کوئی شک نہیں
ہے کہ ایسے مفید قانون کی ضرورت ہے۔
وہاں اس وقت کانسٹیٹیوٹ اسیسمنٹ کا کام
ہے اور ہم اس وقت وہاں اپنا کام
کرتے ہیں۔ وہاں بھی ہم نے بڑا کام
کیا ہے۔ اسی طرح گورنمنٹ کو دینا ہے
جیسا کہ وہاں کانگریس رائڈس میں
لکھا ہے۔ اسے ہم نے تسلیم کیا ہے
کہ ہم یہ دیکھ رہے ہیں کہ ہندوستان
میں مہاتما گاندھی جیسے مہاپुरुष اور بھارت
نے اور ان کے بڑے-بڑے بھائیوں نے، ان کے
بھائیوں نے بھارت دھار کرنے سے متا-
لک اور ہرگز کی سلاہ سے متا-
لک بھارت کو کیا ہے، اپنا دیا
ہے اور سماج میں اس کے لئے پارٹیاں
سوشل سوشل بھارت کو بنائی ہیں۔ تو
بھارت کو تک قانون اس کو دھار کر
سکتے ہیں۔

بڑی بھائی کی بات ہے اور ہندوستان
بھائی ہے کہ یہ بھارت دیا گیا ہے۔
حالانکہ یہ بھارت بھارت دیا گیا
جانا چاہیے تھا۔ مہاتما جی نے اپنی
ساری زندگی میں جتنے کھڑے کھڑے، جتنے
بھارت دیا، جتنے تکلیفیں کھائی، جتنے
موسیبات کھائی اور جتنے کھڑے کھڑے
بھارت دیا سے ہرگز کو اظہار
کھائی اور ہندو مسلم اتحاد کے
لئے کی ہیں۔ انہوں نے کہا تھا کہ بھارت
ہندو دھرم اور بھارت کھڑے کھڑے
بھارت کو ہندوستان سے بھارت اور
بھارت ہے بھارت ایک ایسی بھارت
میں بھارت ہے کہ اس کا بھارت
بھارت دیا، اسے کھڑے کھڑے دیا
دیا

†Translation in Devanagari.

वरना नतीजा सिवाय इसके कुछ है ही नहीं कि वह कम्युनिटी कतई खतम हो जाय ।

दो चार दोस्तों ने यह फरमाया कि अन्टेचेविलिट लपज नफ़रत आमेज है, हिक्कारत आमेज है । इस में कोई शक नहीं है कि इसके वजाय महात्माजी ने बड़ी कोशिश से, दिल की गहराई से और बड़े हमदर्दी से इन गरीब भाइयों को हरिजन का नाम दिया । हरिजन कहते हैं हरि जन को यानं खुदा के बन्दे को । यह बड़े-बड़े महापुरुष लोगों ने भी कहा है कि यह गरब भं खुदा के बन्दे हैं । गुरु साहब ने फरमाया कि :

“हरि हरिजन दोउ एक हैं विचार कुछ नाई जल ते ऊंचे तरंग ज्यों जल है विखे समार्ई” यानं हरि परमात्मा और हरिजन खुदा का बन्दा दोनों एक हैं । इसमें कोई शक की गुंजायश नहीं है । जिस तरह पानों का लहरें उठते हैं और फिर पानों में ही समा जाते हैं, जज्व हो जाती हैं उसी तरह हरिजन भं महान् आत्मा का जुज्व है और उसी में आखिर समा जाता है, जज्व हो जाता है ।

एक मुअज्जिज मँभ्वर ने यह कहा है कि सिक्खों में भी यह चंज है । मेरे ख्याल में वह सिक्ख नहीं हैं बल्कि बहुरूपया हैं, पाखंड हैं जो छुआछूत को मानता है । गुरु नानक जी ने साढ़े चार सौ वर्ष पहले हरिजनों को गले लगाया, उनके घरों में रहे और उनको अपना बनाया जिनको नीच कहा जाता था, जिनको अछूत कह कर दुनिया ने अलग कर दिया था उनको उन्होंने गले लगाया । और यह कहा कि वह खुदा के बन्दे हैं । उन्होंने फरमाया कि “मैं तो इन नीचों

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अछूतों से प्यार करने, उनको ऊपर उठाने उनको गले लगाने आया हूँ । उनके साथ मूहब्बत आमेज हमदर्दीना सुलूक करने से परमात्मा का खुश व बख़्शिश हासिल होती है ।” देखो शब्द : “नानक न चों के संग साथ, बड़ों से क्या रीस, जित्थे नीच सम्भालिए, ओत्थे नजर तेरी बख़्शीश ।” और फरमाया कि “जानो जोत न पूछी जाति आगे जात ना ।” कहा गया है कि “अव्वल अल्लाह नूर उपाइया कुदरत के सब बन्दे, इक नूर ते सब जग उपजिया करन कौन भले कौन मंदे ।”

खुदा के नूर से सब पैदा हुए हैं, खुदा का नूर सब में मौजूद है । जो मसजिद है, मन्दिर है या गुरुद्वारा है, खुदा का इबादत का जगह, खुदा का घर है । उसमें जात पात का कोई सवाल है पैदा नहीं हो सकता है । खुदा परमात्मा के नजदीक सब इन्सान एक जैसे हैं । उसके सामने तो कोई जात है न पात है । जब कोई बच्चा पैदा होता है तो उसका कोई जात नहीं होती है ।

अब सवाल यह पैदा होता है कि अछूत किसे कहते हैं । बुरे काम करने वालों को या अवाम का खिदमत करने वाले को ? दरअसल जिसके आमाल बुरे हैं वह बुरा है । मैं अपने मृतालिक यह कहता हूँ कि शुरू में मैं यह सोचा करता था कि एक इंसान को दूसरे से क्यों नफ़रत है और इंसान की मदद प्रेम और हमदर्दी करने में और आपस में मेलमिलाप, तहजीब, खिल्लाक़ कायम रखने में कौन सा अम्र माने हो रहा है । तो यह अछूतपन का विमारां मालूम हुई । मैं एक हिंदू खानदान में पैदा हुआ हूँ मुझे आम हिन्दुओं के अन्दर छूत छात का रोग बहुत बुरा मालूम होता था ।

[सरदार बुद्धसिंह]

मैंने अपनी मां से पूछा कि वह कौन सा मजहब है जिसमें इंसान का इंसान के साथ प्रेम है, जिसमें हर इंसान दूसरे इंसान की मदद करना अपना फर्ज समझता है और इंसान इंसान के साथ हमदर्दी करता है। तो उन्होंने कहा कि वह मजहब गुरु नानक का मजहब है। गुरु ने फरमाया है कि "जे तोहे प्रेम खेलन का है चा सर धर तली गली मेरी आ" यानी अगर तुमको प्रेम का खेल खेलने का शौक है, गरीबों का या अछूतों का सुधार करना है, मुहताजों का मदद करना है तो इस प्रेम के खेल में सर हथेली पर रख कर कदम रखना होगा। गुरु के लंगर में या गुरुद्वारा में गरजे कि खाना खाते वक्त और इबादत, पूजा पाठ के वक्त जो लोग बैठते हैं उनमें नीच ऊंच, छूत छात का मुतलिकन सवाल नहीं है अगर एक भंग टट्टी साफ करके आया है और हाथमुंह धोकर वहां बैठा हुआ है तो उससे यह मत पूछो कि तुम कौन हो। उसे गुरुद्वारा में और खाना खाने वाले तमाम लोगों में बैठ कर खाना खाने का हक हासिल है।

मुझे पहले हिन्दू मजहब अच्छा मालूम होता था और मैं मुसलमानों को दूसरे दर्जा पर रखता था। लेकिन जब मैंने सिक्ख अक्कीदा अख्तियार किया तो मेरा यह ख्याल हो गया कि इंसानों रिश्ता व मसावात के लिहाज से पहले सिक्ख हैं फिर मुसलमान और फिर हिन्दू। मगर मुझे इस दर्जा बन्दी के ब्रह्म में खासा परेशान रखा। ज्यों ही जात पात मजहब व मिल्लत की तफरीक व तमीज से बालातर होकर इंसानों रिश्ता मुकद्दम समझा, तब मुझे इतमीनान हुआ। मुझे हिन्दुओं की छुआछूत का बमारी व

बुराई से घृणा नफरत हो गई थी। क्योंकि वह कुत्ते, बिल्ली को तो गोद में रख सकते हैं, जानवरों की देख भाल कर सकते हैं, हर पापी, जालिम, बदचलन से तो मिल बैठेंगे लेकिन एक हरिजन को नहीं छू सकते हैं। हिन्दुओं से अगर कोई लोग दुनिया भर का व्यवहार करेंगे, कल्ल करेंगे, डाका डालेंगे, चोर करेंगे, सब कुछ खा लेंगे और तरह तरह के पाप करेंगे, जुराइम करेंगे फिर भी हिन्दू के हिन्दू बने रहेंगे। मगर बेहतरीन काम करने वाले, मेहनतकश तबका हरिजन से नफरत करेंगे। असल बात यह है कि साक्र सुथरे कपड़े पहन कर यह हरिजन लोग चाहे जहां चले जाय इन्हें कोई पूछने वाला नहीं है कि तुम कौन हो। अगर कोई शक्स, खुसूसियत से हरिजन किसी होटल में, किसी मंदिर में, या किस जगह चला जाय तो उससे सब पूछेंगे कि तुम कौन हो। जब तक वह खुद न बताये किस को क्या मालूम कि वह कौन है। जाहिर है कि वह इंसान है। किसी के पेशान पर उसका मजहब, धर्म, जात तो नहीं लिखा हुआ है। अक्सर देखा गया है कि अगर किस के सूट साक्र कपड़े हों तो उससे कहेंगे कि आइये बाबू साहब कुर्सी पर बैठिये। अगर कोई मैला है, गन्दा है तो उसके लिए यह पहले से समझ लिया जाता है कि वह कोई नीच अछूत होगा। चाहे आप लाख कानून बनाइये लेकिन यह चीज उस वक्त तक दूर नहीं हो सकती जब तक कि हरिजन को साक्र सुथरा रहने के लिए जरूरी सामान, साबुन, कपड़ा वगैरह मुहयिया नहीं किया जाता और उनकी माल हालत तब तक दुस्त नहीं होती है और उनकी सोशल हालत दुस्त नहीं होती है जब तक कि उनका मियारे

जिन्दगी बुलन्द नहीं किया जाता। मेरे एक दोस्त एक दफा भंगी बस्ती में गये और वहाँ से वापस आकर कहने लगे कि वहाँ के लोगों के कपड़ों से बदबू आ रही थी। मैं ने उनसे कहा कि उनकी यह हालत अफ़सोसनाक है। आप उनको साबुन क्यों न दे आये। अगर आप नये कपड़े और साबुन दे दें तो फिर कोई बजह नहीं है कि वह गन्दे कपड़े पहनें। वह साहब अब ऐसा ही करते हैं।

एक बार माता कस्तूरबा गांधीजी से कहने लगीं कि मैंने एक औरत को देखा कि उसके कपड़े बहुत गन्दे हैं और उनमें से बदबू आ रहा है। मैंने उस औरत से कहा कि तुम इसको धोती क्यों नहीं हो। इस पर उसने कहा कि मैं इसको धोऊँ कैसे मेरे पास तो यह एक ही कपड़ा है। इसे धोने के बाद दूसरा कोई कपड़ा सारी या धोती नहीं है। यह सुन कर बड़ा दुख हुआ। इस पर गांधीजी ने उनसे कहा कि तुम एक औरत की बात कह रही हो यह तो एक नहीं बल्कि लाखों ऐसी औरतें हैं जिनके तन पर सिर्फ एक ही कपड़ा है और वह भी मैला, सड़ा हुआ है। यह है इन गरीबों का दर्दनाक हालत।

आप होटलों में, रेस्टोरेंटों में, पार्टियों और इमारतों और दूसरे कामों में करोड़ों रुपया खर्च कर रहे हैं। क्यों नहीं बहुत जल्द हरिजनों का मियारे जिन्दगी ऊँचा करते और क्यों उनको बराबर का दर्जा नहीं देते। लेकिन महात्मा गांधी के इस देश में रहते हुये अभी हम सोच रहे हैं और हम यह कहते हैं कि कानून से अछूतपन दूर हो जायगा। अन्टिबिलिटी का सवाल है। यह नफ़रत आमेज है। इसे जल्द दूर करना मुनासिब है। इसके

मुकाबला मैं बजाय अछूत के हरिजन लपज बड़ा माँकूल है। लेकिन यहाँ शायद इसलिए वह नहीं रखा गया कि अछूतपन को इस बड़ी अजंम बीमारी को दूर करने के लिए उसका नाम लेना जरूर समझा गया है। गरज यह है कि यह अछूत लपज हमेशा के लिए खत्म कर दिया जाय।

देखना यह है कि हरिजनों के माला हालत कैसे ठं क की जाय, यह साफ़ सुथरे और सुखी रहें। अगर इनको साबुन दिया जाय, कपड़े दिये जाय, तालूम दा जाय, मुनासिब खुराक मिले और जमीन दी जाय और काम दिया जाय कि उनको आसूदाग वे इतमीनान हो और सर्विसेज में यान हुकूमत में नृमाइन्दगी मिले तो वे बेहतर तरीके से रह सकते हैं। जो तालीमयाफ़ता, आसूदा और अच्छी पोषण में हो जाते हैं उनको कौन अछूत कह सकता है। मैं तीस वर्ष से पब्लिक फ़ाल्ड में काम कर रहा हूँ और देखता आया हूँ कि उनके ऊपर वेगा का जुल्म और तशद्द होता रहा और उनसे सब काम लेकर फिर हैवानों से बदतर मुलूक किया जाता रहा है और कोई मुनवाई करने वाला नहीं था। उनका घर घाट मिलिकयत, असासा, सहारा कुछ न था। मैंने उनसे कहा कि अगर तुम साफ़ कपड़ा पहिन कर जाओ तो देखे कि कौन शरश तुमको रोकता है और पूछता है कि तुम कौन हो। लेकिन जब मैला कपड़ा होता है इन्तहाई गुरबत की बजह से रहन सहन गलीज होता है तो सब यह ख्याल करते हैं कि यह कोई अछूत या नीच है। और खास कर मुतासिब तंग ख्याल लोगों को शक हो जाता है कि न मालूम यह कौन है। और उससे पूछते हैं कि तुम कौन हो

[सरदार बुद्धसिंह]

तो उसको बतलाना पड़ता है कि वह कौन है और बजाय हिन्दू, ईसाई वगैरह के, जो मजहब रखता है, कहने के अछूत कहता है क्योंकि उसको डर होता है कि लोग उसको मारेंगे। अफसोस है कि आज हरिजन इन्सान की खुददारी व हुक्क पाने के हिस खतम की जात रहे हैं और वह अपने आप को कमतरिन् इन्सान समझता रहा है और अपने खुदारी व इन्सान हुक्क व मसावात की जद्द-जहद को बरकरार नहीं रख पाता, कि बेकस व गरीब है, साफ सुधरा रहने के लिए सामान नहीं पा सकता।

मैं समझता हूँ कि जिस मूलक के अन्दर एक इन्सान से इन्सान को नफरत हो और जिस कौम के अन्दर पांच छः करोड़ इन्सानों के साथ, नफरत बहिकारत आमेज सलूक रखा जाय और यह गरीब इन्सान न समझे जाते हों जिनको कि बरशिष करने के लिए और इबादत करने के लिए भी मौका न दिया जाता हो और उनके दिल आजार और हतक की जाते हो उस कौम को जिन्दा रहने का कोई हक नहीं है। वह कौम जिन्दा नहीं रह सकता उसका आजाद रहना तरक्क करना नामुमकिन है जो कि अपने इन्सानी भाइयों से नफरत करता है। चाहे ईसाई हो मुसलमान हो यहूद हो पारस हो या दुनिया की कोई कौम हो जिसमें कि यह छुआछूत व इन्सान के साथ नफरत नहीं है जिनमें इन्सान रिश्ता अफजल है मुसावात है, वह मुबारक है और वह जिन्दा है, तरक्क कर सकते हैं। सब से बड़े कौम आजाद व इक्त-साद तरक्क का नाज और सब से बड़ा अखलाक व धर्म व मजहब यह है कि इन्सान को इन्सान से मुहब्बत हो, मिह

दर्दी हो—“दर्द दिल के वास्ते पैदा किया इन्सान को”—खुदा परमात्मा के दर्शन के लिए तो कई लोग साधु सन्त के रूप में फिरते हैं, तीर्थों और मंदिरों में तिलक लगाये, माला लिए, संत साधु बने फिरते हैं। मगर हरिजनों, खुदा के बन्दी से नफरत करते हैं। इकबाल ने कहा है कि : “खुदा के आशिक तो हैं हजारों बनों में फिरते हैं मारे मारे, मैं उसका बन्दा बनूंगा जिस को खुदा के बन्दे से प्यार होगा।

खल्के खुदा से प्यार व हमदर्दी करने में महात्मा गांधी ने कमाल किया। महात्मा गांधी ने खुसूसियत से दो बातों पर जोर दिया है। एक यह कि हम अपने देश का बन हुई चीजें कपड़ा वगैरह इस्तेमाल करें और देश में सब चीजें बनायें और दूसरे यह कि इन गरीबों व हरिजनों से प्यार करें, इनको गले लगायें। वह इतना बड़ा आदम हो क भी हरिजनों में और भंगियों में रहा और उनके साथ घूमा फिरा। हरिजनों व भंगियों में और हमारे में क्या फर्क है। बड़ी जात वालों में क्या खास बड़ाई या खूबी है। हाड़ मांस यानी हड्डी और गोश्त का बना एक जैसा जिस्म है। सब के आच्चा एक से ह हैं। गुरु ने फरमाया कि “ए आदम तू किस धर्म ड करता है इस शरर पर, इस जिस्म पर जिसमें कि बिष्टा, पाखाना, पेशाब और गल-जात भरा हुआ है। तू इस पर धर्म ड व नाज करता है। तुम तो हमेशा नापाक हो। हाँ, अगर इन्सानित है, प्रेम है, मुहब्बत है और इन्सान के साथ हमदर्दी है, रुहान पाक जग व एकता है तब तू पाक है वरना इन्सान के जिस्म व गोश्त

पोस्त की कोई कीमत नहीं। हर एक छोटी से छोटी चीज की कीमत होती है। जानवर के मरने के बाद उसकी खाल की कीमत होती है हड्डी की कीमत होती है और गोबर की कीमत हो सकती है लेकिन इस इन्सान के मुर्दा जिस्म की कोई कीमत नहीं होती।”

आजादी मिलने पर अब पांच साल बाद हम यहां इस हाउस में इसलिए आये हैं और कहते हैं कि ऐसे क़ानून बनाओ कि जिससे नफ़रत, गरीबी और जुल्म, ज्यादा दूर हो। अगर महात्मा मौजूद होता तो कभी भी हमें अब तक इन्तज़ार न करने देता। वह उस वक्त तक यहां आने नहीं देता और उस वक्त तक मिनिस्ट्री नहीं बनाने देता, जब तक कि आप यह न कहते और उसे यकीन न होता कि इस मुल्क से एकदम गरीबी, बेकारी और ख़ास कर अछूतपन दूर कर देंगे। गरीबों हरिजनों के लिए इन्सानों सुसाइटी लीडरों और फिर परमात्मा और आख़िर क़ानून का ही सहारा है।

आज से बहुत पहले भगतों आदिनों ने दर्दनाक लहजा में खुदा परमात्मा को कहा और कहते चले आये हैं : “तू रहीम है, करीम है, गरीब निवाज है, सब को देता है, सब पर शफ़क़त को नज़र रखता है, मेहरबानी करता है” हरिजन भक्तों ने कहा कि हमको तेरे मंदिरों से ठोकरें लगा दी गईं, बाहर निकाल दिया गया। क्या तेरे अन्दर भी तमीज व तफ़रीक़ है? और इन अलफ़ाज़ में उन बेचारों ने परमात्मा, खुदा को पुकारा

“रहीमा करीमा अल्ला तू ग़नी,
देवें लेवें एक तू दिगर को नहीं।”

फिर कहा “गरीब निवाज गुसाइयां, मेरे साथे छतर धरे, जांकां छूत जगत को

लागे तां पं तू हं मठे” यहीं उंचा जात कहलाने वाले लोग हमसे नहीं छूते, नफ़रत करते हैं। मगर तू ऐसा गरीब निवाज गुसाई है कि हम को गले लगाता है और नीचों को ऊंचा करने में किसी से नहीं डरता है। गरजे कि ये बिचारे तो हजारों वर्ष से इसके लिए चिल्लाते आये हैं और महात्मा ने फिर इसका याद दिलाई और अबसरे नौ इस काम को शुरू किया।

आज राजघाट के ऊपर महात्माजी को समाधी पर दुनिया के लोग फूल चढ़ाते हैं। क्यों चढ़ाते हैं? इसलिए कि वह एक मुकम्मल इन्सान था, हकीकी गरब निवाज था। उसके अन्दर हिन्दू, मुसलिम और छुआछूत की कोई तमीज व तफ़रीक़ नहीं थी वह एक नेक व पाक इन्सान था और पूर्ण पुरुष, खुदा का प्यारा था। महान् आत्मा था। मैं तो कहता हूँ कि कांग्रेस के टिकट उनको न दिय जाय अगर वह खुद अपनी फ़ेमिली में रिश्तेदारी में अपनी प्राइवेट जिन्दगी में तरह तरह का छूत छात को तसल्लम करते हैं, और अछूतों से घृणा करते हैं, नफ़रत करते हैं। तंग ब्याल मुतास्सिव व फ़िरकापरस्त हैं, बलेक मार्केटिंग करते हैं या रिश्वत लेते हैं और गरीब लोगों को सताते हैं। उनको कोई हक नहीं कांग्रेसी या क़ौम परस्त कहलाने का और टिकट लेने का और वोट लेने का।

हमारा तो यह धर्म होना चाहिए कि हम इस बुराई को जल्द दूर करें। और इसको ख़त्म करने के लिए बड़ों से बड़ों कुर्बानी करने को तैयार हो जाय। लेकिन वे नफ़रत करने वाले करते क्या हैं। इन बेचारों का सोशल बायकाट करने को साज़ बाज़ करते रहते हैं, डराते धमकाते

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रहते हैं। मैं देखता चला आया हूँ कि हमारे मुल्क में भी उनको भुसीवतें हैं। वाकई अछूतपन से इनके दिल को बड़ी तकलीफ होती है। अभी एक मेम्बर साहब ने कहा कि वहाँ के लिए क्यों यह कानून लागू नहीं हो रहा है। मैं उनको यकीन दिलाता हूँ कि वहाँ इस कानून को और सशक्त बनायेंगे। क्योंकि वहाँ न तो कोई हरिजन ज़मीन खरीद सकता था न मकान बना सकता था, न साफ़ सुथरा कपड़ा पहिन सकता था, न सामने से जूता पहन कर गुजर सकता था। अगरचे उनको कुछ ज़माना दंगाई है और कुछ इसलाह हुई है मगर बहुत कुछ करना बाक़ है। ये गरीब निवाज़ कह कर पुकारते रहे, मगर अहंकारी इन्हें जूतों से ठोकर लगाते रहे। वहाँ कई कहते रहे हैं कि इनका बायकाट करो, वगैरह वगैरह।

हम चूँकि महात्मा गांधी के भारत में रहते हैं इसलिए अमन व आमान का हालत में रहने का उमूल रखते हैं। इतिफ़ाक़ व भाई चारा व इन्साफ़ का दुनिया में रहने की कोशिश करते हैं। इसलिए हमें जवाबों बायकाट की हौसला अफजाई करके अपने मुल्क में और दुनिया में तफ़रकात, लड़ाई झगड़े के सामने, नहीं पैदा करने चाहिए। यह मुसल्लिमा है कि तमाम छोटी से छोटी तादाद का मेहनतकश जमातों पर हमारी ज़िन्दगी का दारोमदार है। उन्हीं का मेहनत से हम दिनरात बेफ़िक्र बैठे गुजारा करते हैं वरना अगर भंगी सफ़ाई करना छोड़ दे, अगर चमार मुर्दा जानवरों की चमड़ी खाल उतारना छोड़ दे, जूते बनाना छोड़ दें, जुलाहा कपड़ा बनाना बन्द कर दे, खेतों बाड़े मेहनत मजदूरों का काम छोड़ दे, हमारे लिए ज़रूरियतें ज़िन्दगी पैदा

करना और लाना बन्द कर दें तो हमारे मौत चौबीस घंटे के अन्दर हो जाय। यही दरअसली जवाबी बायकाट का हथियार है जिससे तफ़रक़ के ने वाले लोगों के होश ठिकाने आ सकते हैं। मगर हम सुलह व सफ़ाई सुलूक से और कानूनी तरिकों पर कोशिश करना फ़र्ज समझते हैं। आखिर देर तक ऐसी हालत को कोई बरदाश्त नहीं कर सकता। बहर सूरत बाइकाट के साज व वाज़ को जुर्म करार दिया जाना चाहिए।

सोसाइटी का ला है कि सब इन्सान बराबर है। खुदा ने इन्सान को पैदा किया इसलिए कि वह इस एहसास और यकीन से ज़िन्दा रहे और काम करे कि वह इन्सान है। खुदा के सामने और परमात्मा के क़ुदरत के नेमतों से फायदा उठाते हैं। हम सब इन्सान एक जैसा हक़ रखते हैं लेकिन हमने इन हक़ जनों के साथ कैसा बुरा सलूक किया है। क्या हमने इन्सान को इन्सान माना? कितना पाप है कि हमने हरिजन इन्सान को अपनी तरह का इन्सान नहीं माना और इसी लिए अब आखिर में क़ानून का सहारा लेने के लिए मजबूर हैं और आज यहाँ आकर इनके लिए पार्लियामेंट में क़ानून बनाने बैठे हैं। वाकई क़ानून का ज़रूरत है। इससे अवाम को मालूम होगा कि अछूतपन जुर्म है और जब इन हरिजनों को अहसास होगा कि उनकी पुश्त पर इनके हमदर्द लोग और गवर्नमेंट है तो इन में खुददारों पैदा हो जायगा। और अहसास कमतरा दूर हो जायगा। और उन्हें जब पता लगेगा कि वह भी हिन्दुस्तानी हैं और मुल्क उनका है, उनके हुक्क़ दूसरों के बराबर है। ग़ज़े कि जब उनको ऊपर उठाया जायगा,

उनके हुकूम की हिफाजत की जायगी तो खुद बखुद अछूतपन दूर हो जायगा। इस मुल्क में से निफ्राक, नफ़रत, दुश्मनी की बीमारी, बुराई, पाप व जुल्म को दूर करने के लिए महात्मा गांधी ने अजीम मसायब व तकालीफ़ बरदाश्त की, आखिर जान दे दी। इसलिए जान दी कि इन्सान को हकीकी इन्सान बनायें और इन्सान की इन्सान के साथ लड़ाई बन्द करें। इसलिए कि तमाम भारत के लोग हकीकी भाई की तरह इत्तफ़ाक़ व इत्तहाद से रहें। उन्होंने अपनी जान को भेंट कर दिया।

अगर महात्मा देर तक ज़िन्दा रहता और महात्मा अपनी कुदरती मौत मरता तो महात्मा की इतनी अज़मत, क़द्र व मंज़लिलत न होती जितनी शहादत के बाद हुई। आखिर वह शहीद हुआ। और दुश्मनी व नफ़रत के खिलाफ़ ज़होज़हद में शहादत हासिल की। दर असल शहीद का मौत कौम की हयात होती है। ऐसे महान् पुरुष खुदापरस्त की हस्ती तब ही चमकती और कशिश रखती है जब वह इन्तहाई कुर्बानी करे और अपना खून देकर दुनिया में खूरेज़ी बन्द करने की मिसाल कायम कर जाय।

किसी शायर ने कहा है :

“हुस्न की खूरेज़ियां दुनिया को
ज़िन्दा कर गईं,

जी गईं वो बुलबुलें जो शाखे
गुल पर मर गईं।”

are made cognizable and non-compoundable. But I would suggest one thing to the Select Committee and to the hon. Minister with regard to this Bill and that is that an insertion must be made to the effect that minimum punishment should be laid down. The minimum punishment must be provided in this Bill. Some of the speakers who preceded me questioned the advisability of laying down a minimum punishment. But I say that this question must be treated on a war footing and this measure must be deemed a war measure. The hon. the Minister for Planning has stated that the question of flood relief must be tackled on a war footing and I say that this is a most serious question which has been eating the very vitality of the whole nation for it does it concern the untouchables alone, it concerns the touchables also. Mahatma Gandhi, the Father of the Nation, has said that we suffer from slavery for hundreds of years or thousands of years and one of the major causes for that is untouchability and casteism. They must go, and if that cancer is to be wiped off, it must be tackled on a war footing. And if it is to be tackled on a war footing, we have to go out of the common way, the ordinary way. Whatever might be said for and against untouchability, untouchability exists in this, shall I call it, happy land? In this happy land untouchability exists. Not for hundreds of years, not after the British came but at least for a thousand years it has been existing in this so-called happy land. So this problem must be tackled on a war footing. You have to go out of the ordinary way.

Now, the Bill provides for those who commit offences; those who are brought to book are to be punished. What about the poor Harijans, the untouchables? Where are they to go? Where is the agency to work out the various details and also to explain to the people the various clauses? So, I suggest, Sir, that every year Government must spend at least Rs. 2 crores

SHRI K. C. KARUMBAYA (Ajmer and Coorg): Mr. Deputy Chairman, I congratulate the hon. the Home Minister on having brought in this Bill. I congratulate him because this Bill is an improvement on the previous Bill and most of the offences

[Shri K. C. Karumbaya.]
to work out an agency. We must recruit, for our five lakhs of villages, at least 10,000 or 12,000 extra police men who will carry a pay of Rs. 75 per month basic plus a permanent allowance of Rs. 25 per month. This comes to an expenditure of Rs. 100 per month per individual and we must programme to spend about ten lakhs of rupees per month. For a year it comes to a crore and odd rupees. We must be prepared to spend at least two crores of rupees. This special police force must be divided into many batches, each district having one batch consisting of 30 to 60 men according to the population. Even within the district, there should be ten or twelve batches and the untouchables must be made to know whom they should contact if their rights are infringed. There must at least be a batch of policemen for ten or twelve villages. If an agency is appointed and if we are prepared to spend, on a war footing, about two crores of rupees a year—and if we spend it for five years—I think this cancer, this disease which is eating into the marrow of the whole nation can be wiped out.

If you study the previous speeches you will find, Sir, that speaker after speaker was only pessimistic and it was said that this cancer could never be wiped out. If you admit that we cannot wipe out this untouchability, we must admit that we are a nation of, shall I say, mental bankrupts? We must admit that we are mental bankrupts but I do not agree that this country, which has given birth to Mahatma Gandhi and to so many other previous great men whose services the whole world appreciates and who are known as the greatest of men, has produced this generation which cannot find out an agency to eradicate, within the course of five or ten years, the evil of untouchability. If we cannot do that then the independence which we have won will be in danger. Those high class

people, as one of my predecessors was mentioning, do not feel the intensity of the sufferings that the untouchables are undergoing. We cannot measure their feeling. Speaker after speaker has been telling us that there must be persuasion, that we must wait for some time. Is there a greater man than Gandhiji who worked for thirty years and went on persuading the people? What is the result today? The result is what you see today. In some places, in some villages, this question of untouchability has become more intense. As the Harijans have begun to assert their rights, the reaction has become more intense. I am one of those who have been doing this Harijan work and I know the reaction. There are very many places, known and unknown, in the distant villages where the reaction against the assertion of their rights by the untouchables has been greater than it was thirty or forty years ago. So, we cannot wait for any more time; we cannot wait for persuasion. We cannot wait for anything else but must go forward on a war footing. The whole machinery must be geared up and worked up and we must spend a good lot of money. We must spend colossal sums to wipe out this disease, this cancer which has been eating into the vitals of the nation. Within the course of a few years, the word 'untouchable' must disappear from our Constitution. The responsibility is more on the high class Hindus; it is not as if the responsibility is on the untouchables alone. When there was slavery, when we were the slaves of the British, it was the higher class people who suffered most and who were very sensitive. Now, here also, it is the high class people who are working in innumerable numbers, spread over the country and the time has come when they find that the work has not paid much and they are frustrated. There is a feeling among the workers that they cannot do much and that they have done enough. Therefore, Government must come to their rescue. There must be an agency

in almost every village out of the five lakhs of villages. If that is not possible, at least for ten or twelve villages there must be one agency. There should be policemen posted in each district; each district, in turn, must be divided into so many sections. First of all, there must be a survey made of the whole country. The District Collector must be asked to complete such a survey within three months. He must mark out the public temples, the public wells and so on. The high class Hindu workers are themselves at a disadvantage as they do not know which are public places and which are not. Some say that a particular temple is a public one whereas a lawyer comes and says that it is not. One magistrate declares it to be a public temple while another one says that it is not. There is so much of confusion. The ordinary Harijan does not know the attitude of the Government. The Government's attitude must be definitely known. If there is an agency functioning, the attitude of Government will be known to every Harijan. At least those who are interested in the affair will know it that Government is awake, that it is working on a war footing and that this problem will be tackled. That word must be given the go-by very soon. Instead of asking whether untouchability exists or not—those days are gone because untouchability does exist in its worst form—you must tackle it on a war footing, you must create an agency and you must not stint to spend money. If necessary, a separate Ministry or department must be created or it must be made the special responsibility of the Collector. If it is a police force, then the Superintendent of Police of each District must be responsible. If the name 'police force' does not appeal to the people, you may call it a 'Welfare Force' or any other force that you may like; I do not mind. But what I want is that there must be an active agency. That agency must consist of young men and women of the country. One of

the conditions of recruitment to such a force must be that the candidates must not undertake untouchability in any form whatsoever. A batch consisting of four or five people must visit each village, out of the five lakhs of villages, at least once a month. They must explain to the people the attitude of the Government; they must also inspect the public temples and public wells. They must educate the people and they must also lead parties to such places after fixing up a prior programme. Whenever they go to any village, they must give prior notice to the villagers that they will enter all the public temples. They must make the Harijans draw water from all the public wells. They must visit all the centres to find out whether sufficient attempts have been made to help the Harijans. This batch of people must tour all the five lakhs of villages and see that untouchability is eradicated from India within the course of the next five or ten years and we must be able to call ourselves a nation which has not got untouchability, thus creating a classless and casteless society to the admiration of the whole world.

I have done. Sir. 4 P.

M.

श्रीमती शारदा भार्गव (राजस्थान) :

उपसभापति महोदय, मैं माननीय गृह मंत्री जी को इस विधेयक को लाने के लिए बधाई देना चाहती हूँ। बधाई उनको केवल इस विधेयक की भावना के ऊपर अधिक देना चाहती हूँ। बनिस्वत इसके कि इससे लाभ अधिक होगा।

मेरा ऐसा मानना है कि इस विधेयक के आ जाने के बाद और इसके पास हो जाने के बाद भी इससे जितना फायदा होना चाहिए उतना नहीं होगा। कारण यह है कि हमें विधेयक लाने के बजाय जनता में प्रचार कर के सद्बुद्धि, सद्भावना और सद्ज्ञान लाना सब से आव-

[श्रीमती शारदा भार्गव.]

शक्य है, और जब तक कि हम लोगों में आपस में सद्भावना और सद्ज्ञान नहीं होगा तब तक हम जितने भी सामाजिक सुधार के विधेयक चाहे ला कर पास कर दें, कोई विशेष लाभ नहीं होने वाला है। सरकार तो सब से बड़ा कार्य यह कर सकती है कि एक विधेयक ला कर अपन भावना बता दे कि हमारा पूरा सहयोग और सद्भावना है कि अछूतों को अछूत न समझा जाय। खैर यह भी एक बहुत बड़ी चीज है। पर इस कार्य में इतनी देर लगी इस पर मुझे आश्चर्य होता है। यदि सचमुच इस भावना को यहां लाना था और इस विधेयक को लाना था तो इतने दिन लगाने की क्या आवश्यकता थी? इसलिए मैं समझती हूं कि यदि यह बिल इससे जल्दी आता तो सरकार की भावना कुछ अधिक उपयोगी होती।

यह तो हम जानते हैं कि हमारे देश में अछूतों की कितनी दुर्दशा है, जरा जरा सी बात पर उनके साथ मार पीट की जाती है। जहां कहीं भी हरिजन मुंह ऊंचा करने का प्रयत्न करते हैं, ऊंची जात के लोग उनको ऐसा करने से रोक देते हैं और यही नहीं होता बल्कि उनके साथ अत्याचार होता है। और जब तक अत्याचार की सूचना पुलिस या सरकार तक पहुंचाई जाए उसे बीच ही में दबा दिया जाता है। कभी कभी उन से स्वयं से यह लिखवा और कहलवा लिया जाता है कि हमारे साथ कोई अन्याय नहीं हुआ। ऐसी दशा में हम कानूनों से कितना लाभ उठा सकेंगे, यह एक सोचने की बात है। हमें चाहिए कि हम कुछ ऐसे सामाजिक संस्थाएं स्थापित करें जिनके द्वारा हरिजनों में प्रचार हो और ऊंची जातियों को भी

समझाया जाय कि हरिजन लोग हमारे भाई हैं, उनके साथ हमारा कर्तव्य है कि हम सद्भावना और समानता के साथ व्यवहार करें।

हम लोग जब विदेशों में किसी सामाजिक प्रश्न पर बात करते हैं, या निग्रोज के बारे में बात करते हैं, तब भी हम लोगों को यह जवाब मिलता है कि आप के यहां भी तो मनुष्य मनुष्य में भेद भाव बरता जाता है आप के यहां भी तो हरिजनों के साथ बुरा व्यवहार किया जाता है। इस प्रकार जब हम दूसरे देशों में वहां की मनुष्य मनुष्य में भेद रखने वाली दूषित प्रथाओं के बारे में कोई आलोचना करते हैं तो हमको अपने यहां का कुप्रथा की वजह से मुंह नीचा करना पड़ता है और इस कारण से हम उन्हें कोई भी अच्छा सुझाव देने योग्य नहीं रह जाते।

हमारे यहां जो अछूतपन अथवा शूद्र जाति का आरम्भ हुआ अर्थात् जिस प्रकार से जाति भेद या वर्ण व्यवस्था चली वह कर्म के आधार पर थी न कि जन्म से। जो लोग बुरा या नीच कर्म करते थे उनको उनके कर्म के कारण उसी जाति का माना जाता था पर अब गन्दा काम करने वालों के बेटे पोतों और रिश्तेदारों से भी हम दूर रहते हैं। और घृणा करते हैं। इस चीज को हम तो क्या समस्त मानव जाति मानता है और जब तक मानव जाति रहेगा तब तक मानेगी कि अगर एक आदमी गन्दा काम करता है तो उस समय दूसरे आदमी को उसको छूने का इच्छा नहीं होगी। यह एक साधारण सी बात है। परन्तु हमारे देश में यह प्रथा है कि जो गन्दा काम या अपवित्र कार्य करते हैं उनको हम जन्म भर के लिए अपवित्र मानने लगते हैं। यह नहीं बल्कि पुराने

जमाने में जो मनुष्य शूद्र समझा जाता था उसके आज तक जो बेटे, पोते आदि चले आ रहे हैं उनको हम शूद्र और अछूत मानते जाते हैं। इस धारणा को दूर करना हमारा बड़ा भार कर्तव्य है।

अभी हाल में ही आपने देखा कि हमारे विनोबा भावे जी जब एक मंदिर में हरिजनों का प्रवेश कराने के लिए ले जाने लगे तो उनके साथ किस प्रकार दुर्व्यवहार किया गया। जिस व्यक्ति को हम पूज्य मानते हैं और देश की एक बड़ी संस्था के लोग यह अनुभव करते हैं कि वे देश के लिए कितने लाभ का कार्य कर रहे हैं, उनको भी मारपीट से छोड़ा नहीं गया और उनके खिलाफ यही भावना रही कि वे हमारे हिंदू धर्म में हस्ताक्षेप कर रहे हैं और हमारे साथ अनर्थ कर रहे हैं, यहां तक कि मंदिरों के पुजारियों ने उनको भी पीटने से नहीं छोड़ा। तो मतलब यह है कि हम लोगों के दिलों में इस प्रकार की भावना भरी हुई है कि ये जो अछूत हैं जिनको हम हमेशा से अछूत मानते आए हैं, अब भी उन्हें अछूत मानते रहें। इस भावना को निकालने का हमारा सब से बड़ा कर्तव्य होना चाहिए, और यह तभी हो सकता है जब हम इस बिल की उपयोगिता के बारे में प्रचार करें।

मैं तो यहां तक मानती हूं कि जिनको हम अछूत मानते हैं, वे ही सब से ज्यादा सफाई का कार्य करते हैं। यदि वे अपना कार्य करना बन्द कर दें तो हम सब अछूत से भी गंदे हो जायेंगे। तब फिर कौन हम से प्रेम करेगा यह समझ में नहीं आता। वे लोग तो हमारा घर साफ करते हैं, हमारा काम करते हैं, हमारी असली सेवा करते हैं, और फिर

उस सेवक को अगर हम यह समझें कि वह धृणित है और धर्म के नाम पर उसको अछूत कहें तो यह हमारे लिए बड़ी शर्म की चीज हो जाती है।

हमारे पूज्य महात्मा गांधी जी का नाम कई सदस्यों ने लिया है, महात्मा गांधी जी तो यहां तक कहते थे कि जब भारत-वर्ष की प्रेसीडेंट कोई भंगिन महिला होगी तो मुझे बहुत प्रसन्नता होगी। वह कहते थे कि इस शोषित वर्ग को हमें जल्द से जल्द इतना ऊंचा उठाना है कि उन में और हम में कोई भेद न रहे।

यह ठीक है कि हमने राजनैतिक स्वतंत्रता हासिल कर ली है किन्तु सामाजिक और आर्थिक स्वतंत्रता में बहुत पीछे पड़ गये हैं। अगर हमें अपने देश में सामाजिक एकता और बन्धुत्व की भावना फैलाना है तो हमें ऊंच नीच का भावना को अपने देश से जल्द से जल्द निकाल देना होगा। अगर हमने यह बात कर ली तो हम सारे देश में सामाजिक एकता कायम कर सकते हैं और इसी से हम आर्थिक समता तक पहुँच सकते हैं। जो बिल सदन के सामने है वह इस कार्य को पूरा करने की ओर एक कदम है और हम सब लोगों को इसे सफल बनाने में अधिक से अधिक सहयोग देना चाहिए।

यह तो सिद्धान्त का बात थी, अब मैं थोड़ा सा बिल की तरफ आती हूँ। पहले मैं बिल के टाइटल के बारे में कहना चाहती हूँ, जिसका जिक्र यहां पर और भी कई माननीय सदस्यों ने किया है। जैसे ही हम बिल की ओर देखते हैं तो हमारा ध्यान टाइटल की तरफ जाता है "दी अनटचेबिलिटी बिल" जिसका अर्थ यह हुआ "छुआछूत का बिल"

[श्रीमती शारदा भागव.]

इसमें "बैकेट" में "आफेन्सेस" का शब्द भी लिखा हुआ है। जिसके कारण आफेन्सेस शब्द गौण हो जाता है और इस पर ध्यान ही नहीं जाता अतः मेरे विचार में जो टाइटल इस समय बिल का है यानी "अनटचेबिलिटी बिल" यह अजीब सा मालूम देता है, मेरी राय यह है कि इसके जगह "प्रिवेंशन आफ अनटचेबिलिटी" हो जाता तो अच्छा मालूम देता। मेरा सुझाव यह है कि सिलेक्ट कमेटी को इस बिल के टाइटल के बारे में पुनः विचार करना चाहिए और इस तरह का नाम रखना चाहिए जिसका अर्थ यह हो "अनटचेबिलिटी मिटाना", वह ज्यादा अच्छा होगा। आशा है सिलेक्ट कमेटी के सदस्य मेरे इस सुझाव की ओर अवश्य ध्यान देंगे।

दूसरी बात जो मुझे कहनी है वह यह है कि इस बिल में "अछूत" शब्द का प्रयोग बार बार किया गया है, इसके सम्बन्ध में यहां पर और भी माननीय सदस्यों ने ध्यान दिलाया है। मेरा सुझाव यह है कि बिल में जहां पर भी "अनटचेबल" का शब्द आया है, उसके स्थान पर "सो काल्ड अनटचेबल" रख देना चाहिए।

इस बिल के सम्बन्ध में जो अन्तिम बात मुझे कहनी है वह यह है कि इस बिल में यह व्यवस्था की गई है कि जो अपराध करेगा उसको पांच सौ रुपया जुर्माना या कारावास होगा या दोनों हो सकते हैं। मेरा सुझाव यह है कि हमारे देश में बहुत बड़े बड़े लोग हैं, वे इतना रुपया आसानी से दे सकते हैं, अतः प्रथम तो वे इस बात की कोशिश करेंगे कि अपराध सिद्ध ही न हो, और

अगर सिद्ध हो भी जायेगा तो पांच सौ रुपया जुर्माना दे दिया जायेगा और अपनी बात भी पूरी हो जायेगी। मेरा सुझाव यह है कि इस बिल में कारावास और जुर्माने की जो व्यवस्था है वह दोनों कम-लसरी कर दी जानी चाहियें अन्यथा बहुत से अपराधी इससे बच जायेंगे। मुझे पूर्ण आशा है कि जो सुझाव मैंने सदन के सम्मुख रखे हैं उन पर सिलेक्ट कमेटी विचार करेगी और उन्हें कार्यरूप में परिणत करेगी।

DR. D. H. VARIAVA: Mr. Deputy Chairman, I rise to support this Bill and all its clauses but I must say that punishment for removal of untouchability itself is not enough. All the Members have said that we must just rouse public conscience. These are all general things, but I want to refer to certain specific things here.

First of all I think in the report it was said that a certain amount of money even from the Five-Year Plan was left for the elevation of untouchables and that special institutions like colleges, hostels and schools were to be erected for them. Now, my contention is that if we want to remove untouchability, then to create an institution exclusively for untouchables I think, is absolutely opposed to our efforts to remove untouchability. My contention is that, whenever such money is given for the uplift of untouchables or for the scheduled castes, these institutions should be erected, but they should be general institutions. They should never be named as institutions for untouchables. This should be an institution or a college just as any other institution or college and untouchables should be admitted there along with some students who are of other castes. Not only that. From some other colleges which are already in existence certain students should be removed to these colleges and untouchable students should be admitted—I am sorry to use this word

'untouchable'—rather the Scheduled Caste students should be admitted to those colleges. So that there is not that stigma that this is a college for Scheduled Castes or that this hostel is for them.

Another thing is that the Scheduled Caste people themselves should not ask for anything exclusively for them. Whenever any money is set apart, I think it must be utilised both for them and for other people who are on the same economic level so that the stigma of untouchability and being of Scheduled Castes must go. I would appeal to the leaders of the Scheduled Castes that they must not regard themselves as such; they must regard themselves as citizens of India, like any other citizen of India, and they must try to do away with this designation 'Scheduled Castes'. I must say that after these ten years are over, when the Scheduled Castes are given certain privileges, the designation 'Scheduled Castes' should be abolished by law from our Constitution.

Now, this is a special kind of penal law and so great publicity should be given to this law because it is for the poor people that this law has been promulgated. Scheduled Castes with higher economic standing and higher standard of living, I think, are not so much now troubled with this, but it is the people in the villages who are treated very badly. So in every village by beat of drum you should proclaim that this law has been passed. This law must be explained to every Harijan and every Scheduled Caste and they should be made to go to the Police or the village authorities whenever any act of discrimination is made against them.

Thirdly, I would say that separate colonies for Harijans or Scheduled Castes should not be maintained. If such colonies are there, then other people of the same economic level should live there and those Harijans should be transferred to other colonies where people of other communities live so that they can mix freely with

the other communities and this idea of inferiority and untouchability can go. Now, in Saurashtra there is a practice that every year, I think, an Untouchable Day or a Harijan Day is observed and on that day every officer is asked to invite some Harijans to come and eat with him and he invites his other friends also to eat with them. Well, that is a good thing but I think it brings into prominence the position of the Scheduled Castes much more. I would say, invite them to every party—public or thrown by the Government—and I think that would be much more appropriate than doing this just once a year.

Finally, I would say that it is the duty of the leaders of the Scheduled Castes that they should not encourage their brethren to demand special rights. Let them demand the right which has been given to all other people under the Constitution. They should not ask for any special separate rights because by doing so they will be separating themselves from the other people and perpetuating the very thing which we are anxious to do away with.

Now, temple entry is already there and I think many temples have already been thrown open to them. It is a question of the social right of entering a temple. Here I am reminded of a story of a Negro who moved to a place where there was a Church. He belonged to that denomination but that Church was attended by very very rich people and no Negroes were admitted there. He applied to the vicar asking for admission to the Church and the vicar said, 'I will admit you next week'. He applied next week and again he was told that he would be admitted next week, and six months passed like this. Then one day he went to the vicar and told him that he did not want admission. The vicar asked him, 'why'? He said, 'I had a dream last night in which God said that God too tried to get admission but could not get it. So now I do not want to come there.' Of course, the vicar

[Dr. D. H. Variava.] realised that he had been given a very good slap in the face. In the same way, Harijans should not try to force "themselves into temples where people do not want to allow them, but where the temples are public and supported by the Government, then of course they have every right to enter.

With these words, I support the Bill. The only thing that I want to say is that hospitals, dispensaries and educational institutions, etc., if they are open for these Scheduled Castes, well and good, but there should be a ban on such charities if they are not open for all, people of the same economic level, as to Harijans also. Only then would we be able to remove untouchability easily.

SHRIMATI MONA HENSMAN (Mad-jras): Mr. Deputy Chairman, I would like to make a few general remarks on this Bill. As the time has not yet come to deal with clauses, I want just to make a few observations. Sir, this has been before us in the women's organisations for years ever since 1927 when it came before the public for the first time and I must now congratulate the hon. Minister on bringing forward this Bill in its present form and trying to place it on the Statute Book.

Sir, I will begin with a quotation from a great thinker. He says; "Any religion, State or Government that exercises discrimination deserves to fall and to be discriminated against." "Discrimination", Sir, is the best word to use for this matter of untouchability. It is a matter of discrimination of the mind, a matter of discrimination perhaps of the body, but certainly it is a matter of discrimination dealing with those tenets, those doctrines in any religion that all of us hold, that keep anybody at arm's length, as has been illustrated by the story just now told by the hon. Member who proceeded me, that keeps off any human being because of an accident of birth just because

we hold that every human being has got in him a spark of the Divine.

Now, Sir, caste is chiefly seen in a religion where caste itself has made the network of the social fabric or society which was formed before modern sanitation was invented, before the time of electricity, before the time of the great powers of earth and air that we are now learning to harness as the powers of Nature for human satisfaction. Today, Sir, we are building great dams. The Five-Year Plan has brought water to thirsty villages; we have got the Grow More Food campaign; we have got a variety of things that are going to feed the land and the people of the land. And it was perhaps thought to be right that there was discrimination of people who had to do work that other people would not do, who perhaps of their own volition—because in the beginning they did not know that all were equal—hid themselves and kept away. And now that has become a difficult problem for the nation.

Sir, I have been in a district in South India. I was there during my childhood where this problem of untouchability was a very real thing. In the villages there were wells that were set apart for those who were untouchables. When those untouchables became attached to some other religion, when they got themselves converted to Christianity or to the Muslim religion or to some other religion which had no visible caste system, then they had no well to draw water from. Today, mention has been made by an hon. Member of the unnecessary wording of a clause, that people who have been untouchables but converted to another religion are still being given privileges. Yes, Sir, they must be given privileges because such people have been denied the right to draw water from the wells that have been set apart for the untouchable Hindus and cannot get water from those other wells also which were dug and maintained by and for persons who are not untouchables

As one hon. Member has pointed out, I think, it is absolutely true that this is an economic problem and not a matter of religious scruple. It is unfortunately a law to be placed on the Statute Book because some money has been set apart from the coffers of the State for a particular set of people to set them up and educate them, as it were, apart, as a separate unit of the nation. We should tackle the problem on the economic level. Now, it is not difficult to maintain that certain persons or groups should be permitted to have certain privileges. This is done in education without any trouble at all. Anybody who has got an income of less than Rs. 1,500 a year is permitted to have a half freeship by our Government. For example Rs. 25, a term if the fees are Rs. 50. or Rs. 30. if the fee, are Rs. 60, as in some colleges. The other half is paid by Government. Our Government believes in a very progressive policy, unlike the Government of a neighbouring country, where rich people who can well afford to pay for their children's education are permitted to have engineering studies free, medical studies free and agricultural studies free, at the cost of the nation. All these professions are open to them freely and the country pays for it. We have here and now in education a scheme which I would like to see put through where by nobody need be too poor.....

MR. DEPUTY CHAIRMAN: I would like to point out, Madam, that all these remarks are not valid to the Bill in question. If you have got anything to say about the Bill you may please speak.

SHRIMATI MONA HENSMAN: Sir, I stand corrected. I pass on to the next point, which deals with 'discrimination'.

Discrimination is not a feature of this country only for it is existing in many other parts of the world. We have already heard of some other countries where a great number of people are made to work for the enrichment

of a handful of superior officers. Why do we object to discrimination against ourselves in other countries of the globe when we ourselves have been discriminating here and now? It is for this reason that we are now opening all the windows of our minds and we are now letting in fresh air and we are not going to discriminate any longer. When some of us were in Canada to attend a conference of the Y.W.C.A., one of the big world conferences, we were not allowed to choose any hotel, to meet in. We made sure first that there was no discrimination of race or colour in the place we chose. In 1938 when I was in Germany, there were places in that country where certain sects like the Jews were not allowed to enter. And in China there was discrimination against the white foreigner, and even in Britain, Sir, there were places where those of us who perhaps were coloured were told: 'There is no room in a boarding house or hotel.' All must have seen how our students have been treated because they were not of a particular race. Law alone cannot change these things.

One of the Members has said that there should be an amendment so that enhanced charges for certain tribes and castes are not made. How are you going to prove it? From your experience or from my experience I may say that the barber has charged more, but he gives me no bill. How can you prove it, I repeat? I believe even the police is not a solution for this problem. The whole thing is going to depend on our attitude, not only here but right through the country. It is the mental attitude that counts, and this mental attitude of opening our eyes to the brotherhood and to the oneness of our nation will remain not only in the Constitution but in the spirit of the country if we.....

MR. DEPUTY CHAIRMAN: We cannot provide for that mental attitude in the Bill. That is the difficulty.

SHRIMATI MONA HENSMAN: But we can do it in the education of our

[Shrimati Mona Hensman.] students for life. I feel that those Members who have spoken today would have certainly felt that the right mental attitude should be spread in the villages and right through the country. And, Sir, if our Constitution does not enter into the mentality of the nation it is not going to stand even on the Statute Book. And I do not agree with the view that we are not to hope, that we have to wait for five or ten years before the spirit of the Bill comes into the lives of our people, but I think that we should expect this Bill to be implemented in life now and in the coming days.

THE DEPUTY MINISTER FOR HOME AFFAIRS (SHRI B. N. DATAR): Mr. Deputy Chairman, I am happy to note that yesterday and today we had a fairly long and exhaustive discussion not only on the provisions of the Bill but also generally on the disabilities from which the untouchables have been suffering. They have been highly instructive and when this matter goes to the Joint Select Committee, I am quite confident that they will take into account the numerous suggestions, as also the comments made by the hon. Members during the debate yesterday and today.

SHRI R. U. AGNIBHOJ: Sir, on a point of information, I would like to ask about the position regarding Dr. Ambedkar. The point was made that if he wanted to speak on the floor of the House, he would not be taken on the Select Committee; and if his name was included in the Select Committee, he would not be allowed to speak in the House. The Chair has given a ruling that he can choose either to speak in the House or be on the Select Committee. What is the attitude of the Government on that point?

SHRI B. N. DATAR: Sir, the attitude of the Government is to obey the Chair. The Chair has yesterday stated that the convention has to be followed and therefore, I am going to propose an amendment in one of the names. Dr.

B. R. Ambedkar's name occurred in the list that was read out to this House by the hon. the Home Minister. I am going to substitute in his place, with your consent, the name of Kaka Saheb Kalelkar. Shall I proceed, Sir?

MR. DEPUTY CHAIRMAN: Yes.

SHRI B. N. DATAR: As I have just now stated, all these points will receive due and respectful attention from the Joint Select Committee of the two Houses of Parliament. It is not necessary, at this stage, for me to go into the various remarks made by hon. Members, but all the same it would be advisable on my part to refer to, or to meet, some of these remarks, because I desire that there ought to be before the Members of this House a clear picture about what the policy of the Government is and what the Government have done so far as this Bill is concerned. I would take the first point raised by an hon. lady Member that there has been inordinate delay on the part of the Government in bringing forward this Bill. I would point out, in this connection, that on the 26th of January 1950 the Constitution came into force and in Article 17 it has been provided that as soon as it may be possible, Government should undertake legislation so far as making it an offence in respect of details of untouchability is concerned. So you will find that as soon as the present Constitution came into force—in February 1950—we issued a long circular letter to the various State Governments, because you will agree that the State Governments are quite closely in touch with the various forms of this disability and, therefore, we called for information. An Act or a Bill can only be framed or drafted on the basis of the existing conditions in the different parts of India. Therefore, in February 1950 we asked the State Governments to give information on the following points to enable the Government of India to frame a central law relating to untouchability: (1) Whether untouchability in any form and in any community in the State is

practised; and, if so, in what manner; (2) Whether disability in any form arising out of untouchability is enforced by any person or community in the State; and if so, in what manner and in respect of what disabilities; (3) What punishment, if any, is prescribed by the State laws for the enforcement of any disability arising out of untouchability?

Now, as I said, this was addressed to the various State Governments in February 1950. We have nearly 26 or 27 States and the replies that we received from them naturally took time, because the State Governments had also to find out, especially in the rural areas, as to the kind of untouchability that was being practised there. And all the replies were received about the middle of 1953. Then, after all these replies had been received and analysed, we prepared the draft of a Bill which we again submitted to the State Governments, and I might also add, to certain all-India organisations dealing with the welfare of the Scheduled Castes, including the Scheduled Castes Federation of which Dr. Ambedkar is an eminent member. Now, this Bill was circulated and the various suggestions were received. In December, 1953, We had the final form of the Bill duly published in the Central Government Gazette of 26th December, 1953. One of the objects of the Government was that the specific provisions that the Government desired to legislate should be before the public. So, after this publication, we received further suggestions also from the public. Then, during the last Budget session, the present Bill was introduced in Parliament, and now we are on the way to the establishment of a Joint Select Committee for considering the various details in this Bill. So, if you take all these things into account, you will find that at least in this sphere Government cannot be blamed of any delay, much less inordinate delay.

Then, Sir, the next point that was made out by Dr. Ambedkar was that so far as this Bill was concerned, certain matters had not been taken into

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account. First, he stated that there were a number of Central laws, as also State laws, which had to be adapted or amended with a view to bringing them in conformity with the provisions of the Constitution, especially those relating to fundamental laws. Now, so far as that is concerned, I might point out to this House that that work has been done to a certain extent, because according to the very article to which he made a reference, namely, article 372, the adaptation had to be made by the President within three years from the commencement of the Constitution. To a certain extent, that was done, and to that extent, it might be pointed out that the Government have taken whatever steps were necessary so far as the adaptation or the amendment of the various Acts was concerned. Then, in respect of the State laws, I might point out to this House that most of the State Governments have been taking necessary steps, and they are not idle, nor is the Central Government idle or lazy, as we were blamed yesterday by the hon. Member, Dr. Ambedkar.

Then, Sir, he raised a very controversial point. He stated that so far as the passing of this Bill was concerned, the Government of India should not rest satisfied after the Bill was passed and became law. He, however, contended that the Government of India should undertake the implementation of the Act on its own shoulders. In other words, he stated that the executive machinery of the Central Government should extend also to seeing that the terms of this Act were duly implemented. Some other Members also made a similar suggestion, though not specifically the very point that was raised by Dr. Ambedkar. Now, we have to understand the realities of the present position. It is true that under the provisions of the Constitution, if Parliament so desires, as an exceptional measure, it is open to the Government of India to extend its executive authority to the implementation of the provisions in respect of the Acts passed by Parliament. But, as I stated to

[Shri B. N. Datar.]

you, we have to take into account the question whether the Central Government has any machinery, so far as the large country that we are having is concerned. Now, we have got the various States, and the States have got the executive machinery, and so far as the major work for the uplift of the Harijans or the Scheduled Castes is concerned, that work is carried on by the State Governments more or less in a satisfactory manner. And it is also to be understood very clearly that this is a penal measure; it is a measure which tries to enforce certain rights at the point of the sword, to put it in a figurative manner. Now certain rights have been conferred on all the members of the Indian community by the Constitution. We have got Part III of the Constitution where Fundamental Rights have been duly stated, and it is the duty of the Governments to carry out these Fundamental Rights. But the question that now arises is whether it would be possible for the Central Government or whether it would be feasible for the Central Government to undertake the implementation of the present penal provision on its own shoulders, as I stated, because we have got the Indian Penal Code, and we have got the various criminal laws, and all these laws are duly administered and their provisions enforced by the State Governments. And therefore, Sir, there is no reason to suspect that the various State Governments would not carry out the provisions in the spirit in which they have to be duly carried out. We have got various penal laws, and I am quite confident, Sir, that this House need not mistrust the various State Governments. They will give due importance to the provisions of this measure, because, though it is a penal measure, still it has got certain very important provisions which have to be duly given effect to. And therefore, I would assure this House that all proper steps would be taken, and after this Bill becomes law, we would issue certain directions or certain advice to the various State Governments as to

how best the provisions of this measure can be carried into operation.

Certain suggestions were made, and one of the very important suggestions that have been placed before us is by Mr. Leuva. So far as Mr. Leuva's speech is concerned, we have to take into account the way in which he effectively put the case, so far as his personal lot was concerned, and I would point out to you that I was personally moved by the way in which he pointed the disabilities from which even a Member of Parliament is suffering. Therefore, it is not open to us to shut our eyes to the fact that untouchability has been prohibited by the Constitution. So far as the law is concerned, untouchability has been prohibited. But so far as the actual—*de facto*—prohibition is concerned, there, Government and the people have to co-operate with each other, as the hon. lady Member pointed out just now. Now, this is the work which cannot be effectively carried on only by Government, say either by having legislation or by making some grants. The conscience of the public has to be properly roused, and therefore, so long as the conscience is not roused, we should not fight shy of the expression 'untouchability.' A number of hon. Members stated that the word 'untouchability' was used about 22 times. They stated that the word 'untouchability' was highly offensive. But we have to take into account the very fact, of which we ought to be ashamed, that untouchability is a factor which has to be reckoned with, and we have to carry out effective measures for removing untouchability from the face of India and not only from the Act itself. Untouchability is there, and you would also agree with me, Sir, that untouchability is such a hard matter, such an obstinate matter, that it is carried across even religion. There are certain cases where if an untouchable becomes a Christian or a Muslim, the curse of untouchability pursues him. That is the very reason, Sir, why here we have not used the words 'Scheduled Castes', but we have used the word 'untouch-

ability' because untouchability is a fact, I and untouchability pursues a man even across a new religion. It has been made very clear in the new Bill that 'untouchable' means a member of the Scheduled Castes and includes any other person who, by custom or usage, is regarded as untouchable by any j community or section thereof. And

[MR. VICE-CHAIRMAN (SHRI R. C. GUPTA) in the Chair.]

therefore you will kindly understand it very clearly that here we are not dealing with Scheduled Castes as such but that we are also dealing with those members of the Scheduled Castes who have gone into a new religion but who are still suffering from the same disabilities. That is the reason why the word 'untouchability' has been maintained here and why it was not possible to insert the words 'Scheduled Castes'. The words 'Scheduled Castes' in the Constitution or the President's Order signify only those communities amongst the Hindus who are recognised as such by the President. Then I would also point out to the hon. Member who raised an objection in this connection that, so far as the enumeration of the Scheduled Castes is concerned, the criterion that the Government had before them, the criterion that the President had before him was the fact as to whether the members of certain communities suffered from disabilities due to social status.

SHRI H. P. SAKSENA: What are your grounds for presuming that untouchability pursues a man even when he changes his religion from Hinduism to Christianity or Islam? My knowledge and experience of the matter goes to tell me that a member of the Scheduled Castes, who is despised and treated as an untouchable so long as he is a Hindu, the moment he changes his religion and becomes a Muslim or a Christian, is welcomed as a Khan Saheb and is allowed to sit in the same room as the high class Hindus.

SHRI B. N. DATAR: That is not so. I will give an instance. Certain people in the South who were originally untouchables amongst the Hindus, became Christians, and you will be surprised to know that in one of the Churches in the South barricades were placed beyond which alone these people could sit and they were called untouchable Christians. They were given seats which were not occupied by others. Ordinarily speaking, what the hon. Member says is true, but untouchability is such a subtle evil and it does persist. Therefore, we have made use of the word 'untouchable' here. It has a wider meaning than merely a community which has got the curse of untouchability attached to it amongst the Hindus. We have purposely used it.

Then, the next objection was to the title of the Bill—The Untouchability (*Offences*) Bill. A number of friends, including my hon. friend, Shri K. B. Lall, took objection to this. I am afraid he entirely misunderstood the provisions of this law. The word—'untouchability' has been purposely kept, because it is the offence of untouchability that is provided for, or rather provided against. This was the new wording that we subsequently accepted. In the first draft of the Bill, the wording was 'Abolition of Untouchability Bill' but it was pointed out to us by the Law Ministry that untouchability in law had been abolished by article 17 of the Constitution and therefore we had to change it. It may be said, 'What is there in a name?', but a name ought to be as significant as possible, and the provisions which are made in the Bill make the practice of untouchability an offence. That is why we have made use of the term 'untouchability' here, though, as pointed out by certain hon. Members, it is a shame, yet our task lies not in shutting out that expression but in entirely removing this curse of untouchability. It is a malady which we have to understand as a malady which requires surgical operation. We have

[Shri B. N. Datar.] t? be extremely careiul to see that in fact untouchability disappears as early as possible.

SHRI K. B. LALL: There can be no two opinions about it, but why this love for the word 'untouchable'?

SHRI B. N. DATAR: May I point out to the hon. Member that I hate the expression 'untouchability', but it is there. It is a curse which is following us and the sooner we get rid of that curse the better for India and for every one of us.

Then, there were different approaches with regard to the provisions of the Bill. Some members said that the provisions were not as stringent as they ought to be. Now, we have to take into account certain factors with a sense of realism. We have to understand that the Scheduled Castes and the other Members of society are living in the same village, in the same locality. It is true that the Caste Hindus commit this offence, but after all, as Gandhiji said, we should love the offender but hate his offence. Therefore the various classes of society have to be slowly brought together. They have to be welded together and the process of welding will not be softened by any other approach. After all, the casteless society that we propose to build up must be, a harmonious society whose members will have love towards each other and where the disabilities from which certain persons are suffering will have been completely eliminated. In what way can we do it? It can be done by the force of law. The force of law or the sanction of law has certain influence, be- j cause after all the provisions of the Indian Penal Code for example have] a certain restraining influence, but it cannot by itself eradicate these evils. Here we have got on the *one* hand a society the conscience of which has been roused by Gandhiji to a certain extent, and I was extremely happy to learn from the hon. lady Member from Travancore-Cochin that, though ' once upon a time in that State untouchability and unapproachability were

practised in the most extreme forms, some of the members of the Caste Hindus have taken upon themselves the task of eradicating this untouchability. That is how we have got to do it. Therefore, as far as this curse is concerned, the deliverers should be born in the family of the tyrant himself. That is why Prahlada was born in the family of Hiranyakashyapu. A friend the other day, when he was discussing this Bill, said that it was not an Untouchability (Offences) Bill but the Savarna Hindus Prayachitta Bill.

AN HON. MEMBER: Is that a compliment?

SHRI B. N. DATAR: We have to view the question in this way. It was considered that, if, for example, all the Caste Hindus were purposely exasperated to an extent beyond what was necessary, then perhaps it would recoil upon the social reformers themselves and that the very object we have in bringing forward this Bill would be defeated. Therefore, we have to follow what is known as the middle of the road policy. On the one hand, we have to be very strict so far as the provisions of the law are concerned and at the same time we have also to take into account its possible reactions upon other members of the society. That is the reason why we have introduced certain measures. They are fairly effective. Dr. Ambedkar stated that rigorous imprisonment was not provided. He will kindly note that the word we have used is imprisonment; whether it is to be simple or rigorous is a matter which is to be left entirely to the judicial discretion of the magistrate. Therefore our approach in this case has been on the lines that I have pointed out.

Then, certain hon. Members stated that there were certain omissions and that there were certain defects so far as the procedure was concerned. I would point out to the House that in respect of those omissions, we tried to take into account all the suggestions that have been made to us, either

by the State Governments or by the various associations concerned in this affair, and we have tried to bring into the Bill as many measures, as many steps or details as it is possible for us. It is certainly open for consideration. Shri Leuva made some suggestions which deserve consideration at least. He stated that there ought to be a further penalty of disqualification when an elected Member practises in a subtle way the evil of untouchability. Now, you will find that we have done it in one case. Here, in addition to prescribing penalties for certain acts of untouchability, we have also stated that there should be another form of punishment, viz., the taking away or the removal of certain licences. If, for example, certain public shops and others take some licences and if they practise untouchability, then the most effective method would be to take away the licence. Thereby they would come to their senses. That we have introduced. The Joint Select Committee will consider other measures also and therefore I would point out to you that so far as the omissions are concerned we have tried to make the Bill as effective as possible. Then it was stated that we had not made the offence non-compoundable. My friend has already pointed out that non-compoundability is the ordinary nature of an offence. It is only when they are sought to be made compoundable that they should be specifically mentioned as such. I would invite the attention of the House to Section 345 of the Criminal Procedure Code. It points out which offences are compoundable—compoundable *suo motu* with the consent of the parties and which offences are compoundable with the permission of the court and that clearly means, along with Schedule 2 of the Criminal Procedure Code that offences are non-compoundable by nature. They have to be made compoundable by provision of law and therefore I would point out to this House that all the offences are non-compoundable and secondly, they are cognizable. This is a point which has to be understood very clearly.

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It was stated that the Harijan! were absolutely in a depressed condition—they were helpless and they might not approach the police at all. Now, it is not necessary that an actual Harijan or the person aggrieved must ask the police officers. A police officer can act in a cognizable matter on his own information or on the information of any hon. Member or even on information from a social worker. Therefore, the field of work in this respect is extremely wide. Then, it was contended as to whether there ought to be a separate Ministry or a separate Department.

PANDIT S. S. N. TANKHA (Uttar Pradesh): What are we to understand? Are offences under the Bill cognizable offences or non-cognizable ones?

SHRI B. N. DATAR: All the offences are cognizable. I would invite the hon. Member's attention to clause 13 which says:

"Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), all offences under this Act shall be cognisable."

You cannot have more effective words.

Then, some other Members raised certain questions but I would not like to deal with them except two or three. I will finish in two minutes. Now, it was contended with some force that untouchability was practised among the untouchables and some Members asked whether that also would be affected. We have to understand one point here very clearly. It is we who are the authors of untouchability and if the other party follows us, then we are responsible and not necessarily they.

SHRI R. U. AGNIBHOJ:

महाजनो येन गतः स पंथः ।

SHRI B. N. DATAR: I don't know whether we are *Mahajana*. If you remove the word "Maha" and put some thing.....

SHRI R. U. AGNIBHOJ: "Durjan"?

SHRI B. N. DAT AR: So I would point out to the House that we have indeed stated various acts which constitute an offence. It was also suggested that untouchability has not been defined properly. Now, it has purposely not been defined. We have left it as it is for this reason that there might be certain circumstances where an act would constitute an offence against untouchability but would not technically come within the four corners of any of these sections. Therefore, judicial discretion has been left to the judge and he can find out whether even apart from the actual provisions of the Constitution there are certain acts which constitute an offence and if he comes to the conclusion that it does because untouchability itself is an offence, then the accused would be convicted on the strength of that. That is the reason why the expression has been left purposely vague. Then, it was stated that something should be done by way of publicity. I would point out to the lady Member that so far as this aspect of the case is concerned, Government have already started work so far as propaganda in connection with the eradication of untouchability is concerned. For the year 1953-54 the Government of India made a grant of Rs. 50 lakhs to the various States as also to certain All-India Associations. Now, during this year we have increased the grant to Rs. 60 lakhs. We have actually given some portion of the grant and the other amount will be made as soon as we find proper schemes. So, you will find that the Government are fully alive to the problem. It is not merely by placing Certain Bills or Acts on the Statute Book that Government considers that their duty is over. Government's duty is not merely in so far as the payment of the grant is concerned or in making the laws. Therefore, I would submit in all humility that Government have been very alive so far as this problem is concerned. The State Governments also are carrying out their work very well and therefore with the help of all the hon. Members, I am quite confident that not merely J

will the law be on the Statute Book but that in the course of the next few years—perhaps earlier than you and I imagine—untouchability will disappear from India.

THE VICE-CHAIRMAN: SHRI R. C. GUPTA): The House is aware that Dr. Ambedkar has withdrawn his name from serving on the Select Committee and the hon. Minister has suggested the name of Kakasaheb Kalelkar in his place. I hope the House agrees to this.

HON. MEMBERS: Yes.

THE VICE-CHAIRMAN (SHRI R. C. GUPTA): The question is:

"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:

1. Shrimati Lilavati Munshi
2. Shrimati Bedavati Buragohain
3. Shri Alluri Satyanarayana Raju
4. Dr. N. S. Hardiker
5. Shri Surendra Ram
6. Shri Kishori Ram
7. Shri Ram Prasad Tamta
8. Thakur Bhanu Pratap Singh
9. Shri T. D. Pustake
10. Shri Jagannath Das
11. Shri Nanabhai Bhatt
12. Kakasaheb Kalelkar
13. Shri M. Satyanarayana
14. Shri Surendranath Dwivedy
15. Shri N. C. Sekhar, and
16. Shri Narsingrao B. Deshmukh."

The motion was adopted.

The House stands adjourned till II A.M. on Monday, the 20th September 1954.

The House then adjourned at five of the clock till eleven of the clock on Monday, the 20th September 1954.