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*** REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL**

*** The Minister of Law (Dr. Ambedkar):** I beg to move:

“That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration.”

This is a very short Bill and it seeks to amend the Representation of the People Act, 1950 which was passed by this House some time ago. The object of the Bill is to provide for the representation in the House of the People for the Scheduled Castes and the Scheduled Tribes in Part C States. As the House will remember under Articles 313 and 332, there is provision made by the Constitution itself for the representation of the Scheduled Castes and the Scheduled Tribes in Part A and Part B states. So far as Part C States are concerned, the matter has been left to Parliament and to the President. Article 82 of the Constitution says that so far as the representation of the people in Part C States is concerned, it shall be dealt with by Parliament and so far as the administration of Part C States is concerned, that is a matter which is left to be dealt with by Article 239. When the People's Representation Bill was before the House, it should have, as a matter of propriety also contained the provisions which are now included in this present Bill. But unfortunately, Government at that time had not got sufficient information as to the number of seats that were going to be allotted to Part C States in the House of the People, nor were they in possession of the tribes and the castes which were to be included in the provisions relating to Part C States. Consequently, these provisions had to be held back and they are now brought forth before this House.

* P. D., Vol. 10., Part II, 18th April 1951, pp. 7021-39.

There are really two points which require, I believe, some explanation. As the House knows, there are altogether ten Part C States. It has not been possible for Government to provide representation for the Scheduled Castes and the Scheduled Tribes in all the ten Part C States and the reason is this. We have had to consider two different propositions. One was whether the Part C States in which a provision was to be made for the representation of the Scheduled Castes and the Scheduled Tribes had sufficient number of seats, so that if a seat was reserved for the Scheduled Caste or for the Scheduled Tribe, the result would not be the complete disenfranchisement of the general population. Obviously, there are some States which are included in Part C States where the total representation given to that particular State is only one seat in the House of the People. For instance, Bilaspur is one such State. Coorg is one such State where one that is given. Obviously, it is not possible to apply the principle of reservation in cases of that sort, where a seat could be allotted to the Scheduled Castes, the result of which would be total negation of the representation of the general population. Therefore, in providing representation for the Scheduled Castes and Scheduled Tribes in Part C States, we have had to select only those States where there is room for both to be represented in the Lower House.

The second principle that we have had to take into consideration was the totality of the population of the Scheduled Castes and Scheduled Tribes in any particular Part C State. Where the population was very small, we have not thought it proper to give any representation. But, where the population is considerable having regard to the total population, we have thought that a seat might be given in those areas. Consequently, what the Bill does is this. It reserves seats for the Scheduled Castes in Delhi, Himachal Pradesh and Vindhya Pradesh, one seat in each of these three Part C States. Here, the House will see that there is no great resulting injustice for the simple reason that Delhi has four seats, Himachal Pradesh has three seats and Vindhya Pradesh has six seats. We have felt that these States could well afford to allow one seat to be given to the Scheduled Castes.

With regard to the Scheduled Tribes, we have selected Manipur and Vindhya Pradesh. There again, it does not seem that the reservation of seats to the Scheduled Tribes would cause any injustice to the general population. Manipur has got two seats. It is proposed in this Bill to reserve one to the Scheduled Tribes as you know the population of Scheduled Tribes in Manipur is very large. Secondly, we propose to give one seat to the Scheduled Tribes in Vindhya Pradesh which has got six seats. The rest of the States will have no representation either for the Scheduled Castes or Scheduled Tribes.

Now, I come to the question of the Schedule of Scheduled Castes and Scheduled Tribes. I might say that in this matter I have really no opinion of my own. These castes have been supplied to us by the Home Department and the Census Commissioner who has made a most recent investigation into the matter.

[SHRIMATI DURGABAI *in the Chair*]

I hope that the list that is given in the Bill is an exhaustive one and that no important community which can be included either in the Scheduled Castes or in the Scheduled Tribes has been omitted. If any hon. Member draws my attention to any omission or to any addition of a community which ought not to be there, I have an open mind and I shall certainly consider any suggestion made to me on that account. I do not think that there is anything more that requires explanation. With these words, Madam, I commend my motion to the House.

Mr. Chairman: Motion moved :

“That the Bill further to amend the Representation of the People Act, 1950 be taken into consideration.”

Shri J. R. Kapoor (Uttar Pradesh): I have listened to the speech just made by the Hon. Law Minister with attention. I have also carefully read the Statement of Objects and Reasons of this Bill, and I have also carefully perused the various clauses of this Bill, But I must confess that I have not been able to appreciate the necessity of this Bill.

Shri Sonavane (Bombay): You will never.

Shri J. R. Kapoor: To me, the Bill appears to be an absolutely unnecessary one. I am afraid, the valuable time that will be spent in the consideration of this Bill could have been more appropriately devoted to the consideration of the many other important Bills that are pending before us. I will just explain why I say so and I hope I will be able easily to bring conviction to my hon. friend who has somewhat impatiently interrupted me. We are hard-pressed for time and I consider it not only unfair but improper that we should be called upon to indulge in this sort of luxury legislation, if I may say so.

What is it, after all, that this Bill seeks to provide? It seeks to provide, firstly, reservation of seats for Scheduled Castes and Scheduled Tribes on the House of the People. Secondly, it seeks to provide for specification of Scheduled Castes and Scheduled Tribes. If I draw the attention of the House to Article 330 of the Constitution, it will be apparent that the Constitution itself specifically provides for reservation of seats for the Scheduled Castes and Scheduled Tribes. Article 330 states :

“(1) Seats shall be reserved in the House of the People for—

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and
- (c) the Scheduled Tribes in the autonomous districts of Assam.”

Para. (2) of Article 330 runs as follows :—

“(2) The number of seats reserved in any State”—

Not in a Part A State or Part B State, but in any State which obviously includes Part C States also—

“for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State...”

I need not read the rest. My contention is that this article 330 specifically provides that seats for Scheduled Castes and Scheduled Tribes shall be reserved in the House of the People in respect of any State. This word ‘State’ has been defined in Article 1 of the Constitution which reads thus :

“1. (1) India, that is, Bharat, shall be a Union of States.

- (2) The States and the territories thereof shall be the States and their territories specified in Parts A, B and C of the First Schedule.”

Therefore, Madam, it should be obvious that Article 330 read with Article 1 does specifically provide for reservation of seats in the House of the People for Part C States also.

Mr. Chairman: For the hon. Member’s guidance, Article 330 covers only Part A and Part B States. The Constitution does not provide specifically for the Part C States.

Shri J. R. Kapoor: My contention is that Article 330 is not confined to Parts A and B States, but it extends its provisions to any State and according to the definition of ‘State’ in article 1, a Part C State is also covered. Therefore, my contention is that Article 330 is obviously wide enough to cover all States, Parts A, B and C.

Therefore, Madam, there is absolutely no necessity for bringing forward a Bill specifically again providing for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in respect of the Part C States.

And then, Madam, I find from the Bill that it seeks not only to make this unnecessary provision for the reservation of seats in respect of the Part C States, but it goes further and even fixes the number of members who should be elected to fill up the reserved seats. According to clause 2 of the Bill we are asked to agree to a new section, section 3A which runs thus :

“Of the seats in the House of the People allotted under section 3 to each of the States of Delhi, Himachal Pradesh and Vindhya Pradesh, one shall be reserved for the Scheduled Castes; and of the seats so allotted to each of the States of Manipur and Vindhya Pradesh, one shall be reserved for the Scheduled Tribes.”

Now, that means that we are called upon to commit ourselves for all times, unless of course amending legislation is brought forward before the House to give one seat and no more and no less than one—of course there cannot be less, than one—to the Scheduled Castes and the Scheduled Tribes of Part C States. In respect of Part A and the Part B States we may remember we have not specified either in the Constitution or in any Bills we have passed so far in respect

of the representation or election of Members to the House of the People, as to how many seats shall be allotted to the Scheduled Tribes and how many to the Scheduled Castes. No doubt sub-clause (2) of Article 330 gives us the formula for the reservation of the seats, that it shall be in accordance with the population of the Scheduled Castes and Tribes in that State. That is reasonable, logical and understandable. But here it is sought to specifically fix the number. Obviously, in the case of Parts A and B States this calculation is presumably left to be done by the Election Commissioner. But here the Hon. Law Minister wants to arrogate to himself or to this House this function which normally, in the case of the Part A and Part B States has been vested in the Election Commissioner. I do not grudge the arrogating to this House of this right. But I feel that this is a wrong way of legislation. Suppose five years later, the number of the Scheduled Tribes and the Scheduled Castes increases in all these Part C States it becomes very much more than their present strength and they require according to Article 330 much more than the one or two seats that you are now providing here, what will happen? They will then be entitled to more seats but the present Bill will stand in the way. Therefore, I submit that this is an ill-conceived clause which is being incorporated here, which first of all unnecessarily asks us to reserve the seats and then makes us commit ourselves to a specific number of seats.

The second thing that this Bill seeks to provide for is to specify the Scheduled Castes and the Scheduled Tribes who should be taken into consideration for the purpose of determining how many reserved seats should be provided for. Here also, I must submit that ample provision is made in the Constitution itself whereby merely by a notification of the President this thing could well be done. Article 341 provides that:

“The President may, after consultation with the Governor or *Rajpramukh* of a state, by public notification, specify the Castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.”

Similarly article 342 relates to a notification in respect of Scheduled Tribes. Of course, it might be said that in Part C States you have neither a *Rajpramukh* nor a Governor to be

consulted by the President. But to that my reply is that, visualising some such difficulty in the working of the Constitution, a specific article—Article 392—has already been incorporated in the Constitution itself which says :

“The President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution, by order direct that this Constitution shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient:”

Therefore all the words, “addition”, “omission” and “modification” are there. Therefore, I say that immediately any such difficulty is experienced, the President may be requested to issue a notification under article 341 adapted or modified by article 392, saying that for the purpose of reservation of seats for Scheduled Tribes and the Scheduled Castes, the following castes shall be considered as Scheduled Castes and the following tribes shall be considered as Scheduled Tribes. Therefore, I submit that this Bill is unnecessary. The provision relating to reservation of seats is already there and the specification of the Scheduled Tribes and the Scheduled Castes could be done by a notification by the President. I therefore, submit that this Bill may very well be withdrawn and no more time need be spent over its consideration.

The question, however, may arise as to why the Law Minister, an intelligent man that he is and an eminent jurist as he is should have taken to this unnecessary course of coming forward with an absolutely unnecessary piece of legislation.

An Hon. Member: *Teek hai* (It is true).

Shri J. R. Kapoor : I am obliged to my hon. Friend for giving me such encouragement and support. I have been at pains to find out what could be the reason for the Law Minister to come before us with such an unnecessary piece of legislation. I could find very easily the reason. About two days ago I read in the papers a speech which he delivered while laying the foundation stone of a building. He had the boldness, indeed very great boldness to...

Dr. Deshmukh: I wonder whether this is all relevant.

Dr. Ambedkar: This Bill was introduced long before the speech was made.

Shri J. R. Kapoor : I would not indulge in any irrelevant remarks. I am trying to bring home to hon. Members of this House that this Bill is absolutely unnecessary. The question obviously would arise in the minds of hon. Members as to why an eminent jurist and an eminent lawyer like Dr. Ambedkar should ask us to enact an unnecessary piece of legislation. I have to prove that it is not the necessity or the propriety of this legislation (Interruption) that has made him to come before us but it is some extraneous considerations which are actuating him to come before us...

Mr. Chairman : Is it the contention of the hon. Member that this Bill exclusively belongs to Dr. Ambedkar? it is a Government Bill.

Shri J. R. Kapoor: Technically speaking, it belongs to the Government but I wonder whether Government or his other colleagues have really applied their minds to this Bill. (*Several hon. Members : Oh! Oh!*) I am paying a tribute to Dr. Ambedkar that he can easily persuade his colleagues to believe that something like this is necessary and he may persuade them to think—as he must be enjoying their confidence—that they need not so meticulously enter into every little detail of the Bill and they may well depend upon his ability and his prudence.

Mr. Chairman : Is not the hon. Member one of those who consented to the introduction of this Bill in the Parliament?

Shri J. R. Kapoor: I suppose the convention in this House has always been that no Member should stand to oppose the introduction of a Bill. I for one would be happy if hereafter that convention is to be broken and it will be open to hon. Members of this House to oppose even the introduction of a Bill. Anyway, I hope, Madam, it is not your intention to stop me from proceeding further with my speech merely on the ground that since at that time I had not opposed the introduction of the Bill I cannot speak now to oppose it.

My submission is that this Bill is merely an election stunt of which the Hon. Dr. Ambedkar wants to take the fullest advantage. He would like us and the world outside to believe that he and he alone has the interest of the Scheduled Castes and Tribes at hearts, so much so that even the Constitution-makers were not wide awake at that time and other hon. Members of this House who represent the Scheduled Castes and Tribes had never thought of it and that he has now come forward before the House as the saviour of the Scheduled Castes and Tribes with this legislation: and he would wish the world to believe that for the first time the interests of the Scheduled Castes and Scheduled Tribes in Part C States are going to be protected. He has in that speech to which I referred earlier, accused the hon. Scheduled Caste Members of this House of not being vigilant enough to protect the interests of the Scheduled Castes and he would like to arrogate to himself all the credit. I submit, Madam, these are the considerations..... (*Interruptions.*)

Shri Sonavane : Madam, on a point of order, I would like to know how the reference to the Scheduled Caste members of this House has any relation to the Bill that is before the House. Will not references made outside be out of order?

Shri J. R. Kapoor: I am trying to prove what is the motive behind the Bill. Whether there is any propriety or necessity.....

Shri Ethirajulu Naidu (Mysore): Can an hon. Member attribute motive to the hon. Minister that he has been moved by extraneous considerations other than the subject matter of the Bill—that is what he said and was dilating upon—Madam you may consider whether personal motives can be attributed to any Member.

Shri J. R. Kapoor : I would not dilate very much on it but I feel.....

Shri Ethirajulu Naidu: Would you give a ruling on the point of order raised by me?

Mr. Chairman: Order, order. The hon. Member wants a ruling on the subject. I would like to say that the hon. member's attention has been drawn to that position. If only

he is given a few more minutes to make his statement, then other hon. Members may also make their statements.

Shri J. R. Kapoor: Madam, I may not have used the word motive. I would ask what are the reasons behind the Bill? The reasons are not the necessity or the propriety of it but the reason is that the Hon. Law Minister wants to make capital out of this Bill for election purposes...

Mr. Chairman: Without dilating upon the motives behind this Bill I would beg of the hon. Member to speak on the merits of the Bill as it is.

Shri J. R. Kapoor: I have already spoken on the merits or the absence of merits of this Bill. I could only speak of the demerits of this Bill.

Sardar B. S. Man (Punjab): On a point of order, Madam, you have ruled that motives could not be discussed. May I ask whether motives, intentions or merits can be divested from each other?

Mr. Chairman: The ruling will be that only motives need not be always dilated upon.

Sardar B. S. Man: It depends upon the emphasis that one wishes to make.

Mr. Chairman: It is a matter of opinion.

Shri J. R. Kapoor: If you wish me not to rub the point too much I will not rub it any further.

Dr. Ambedkar: You can do it: I have borne all this for 25 years.

Shri J. R. Kapoor: I think the Hon. Law Minister is bold enough, audacious enough and he can go even to the length of condemning his colleagues in the Government: he has that boldness and audacity. I would very much like to know whether it is in the propriety of things that one Cabinet Minister should outside the House condemn other Cabinet Ministers. (*An Hon. Member:* All irrelevant) I should think it is not irrelevant. Sitting in the Parliament we are anxious to see that democracy is properly worked and on every

occasion hon. Members in this House must be on the watch to see that nothing which is contrary to democratic principles of Government is allowed to go on and I do submit, Madam, that at the earliest opportunity we should express ourselves that we are very apprehensive of this sort of thing going on between one Cabinet Minister and his other colleagues.

In conclusion I would only submit that every Member of this House is as much interested as and perhaps more interested than the Hon. Law Minister in protecting and safeguarding the rights and privileges of the Scheduled Castes and Scheduled Tribes. They are absolutely equal to us and I would even say they are flesh of our flesh and bone of our bone. We want to treat them absolutely on an equal footing and I would even be prepared to give them more privileges that they may be entitled to not on the basis of their population alone and I would not grudge to give them any amount of representation. But my submission is that there was no necessity for this Bill to be brought before us for reasons which I have already submitted. I have done.

Shri Raj Bahadur (Rajasthan): Why should the hon. Member be so upset? it is only his first election speech.

Shri Chandrika Ram (Bihar): I was very sorry to hear the speech of my hon. friend Mr. Kapoor regarding the Scheduled Castes. The Scheduled Castes have been neglected, no doubt, throughout the length and breadth of the country for the last so many centuries, but since the Government of India many years back took over the responsibility for the Centrally Administered Areas, the conditions which were very bad indeed there were made deplorable. Whereas in the other States—Part A and Part B States as they are called in the Constitution—they have got legislatures and other elected bodies, in the Centrally Administered Areas there are local advisory councils presided over by the Chief Commissioner who never cared for anybody. In the Constituent Assembly we moved an amendment for the inclusion of Chief Commissioners also in article 341 which says :

“The President may, after consultation with the Governor or Rajpramukh of a State, by public notification specify the castes, races

or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.”

At that time the learned Law Minister said that as these Part C States are governed by the President himself according to article 239 of the Legislative Constitution, there is no need for the inclusion of Chief Commissioners in article 341. The entire difficulty arose that way and the need for the introduction of this Bill today is that in that article Chief Commissioners are not included and the President could not consult anybody for purposes of issuing notifications for Part C States.

Shri J. R. Kapoor: What I said was that under article 392 the President could make the necessary adaptation and additions in article 341, under which the Scheduled Castes could be specified even in respect of Part C States.

Shri Chandrika Ram : But the difficulty is this. If you read clause (2) of article 341 you will find it reads :

“(2) 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.”

Therefore, under this article the President is not in a position to issue another notification. Only Parliament is competent to do it.

Shri J. R. Kapoor: The question of another notification does not arise because the President has not so far issued any notification for any Part C States.

Shri Chandrika Ram: This matter was also raised with the Law Ministry, the Home Ministry and the States Ministry. We, who represent the Scheduled Castes in this House ran from one Ministry to another and consulted one Minister after another. Every one of them said that as there was no constitutional provision, notifications could not be issued regarding Part C States. When the original Bill was moved here, I moved an amendment in this House but it was not accepted on that very ground. The different organisations

belonging to the Scheduled Castes, especially the Bharatiya Depressed Classes League, of which I am the General Secretary, submitted a long memorandum to the President, to the Prime Minister, to the Law Minister and to the hon. Shri Jagjivan Ram in this matter. After great consideration this proposal has been brought before this House. Madam, let me inform the House that justice has not been done to these unfortunate people in these centrally Administered Areas of the country. We speak very much against the State Governments of the various States but what about the Part C States? In my own State of Bihar there are all kinds of facilities for *Harijans* for reading, writing and in the services. But what do we see in the Centrally Administered Areas? Even education for the *Harijans* is not free. There are no arrangements for scholarship and other facilities. The Government of India have appointed a Board to deal with these matters. Last year they received about 100 applications from the students reading in colleges, but only five to seven could get scholarships. And in many of the other States, in my State of Bihar for instance, all the students reading in colleges get a stipend of Rs. 35 a month. So, the condition of these people in the Centrally Administered Areas is very bad indeed. As regards the representation of these people, there is no representative of theirs in this House. They have always been neglected by the Central Government.

The responsibility for the administration of the Part C States is that of the Central Cabinet where the learned Law Minister is also a Member. May I ask what he has done for these people for the last three or four years he has been in the Cabinet? I have seen that the Law Minister who calls himself the saviour of the Scheduled Castes was silent on this issue in the Constituent Assembly and even on the last occasion when a Bill was moved for Part C States representation. Therefore, if he comes with a Bill for the representation of these people now, it should not be opposed by any Member of the House. As we know, the number of Scheduled Castes in these Centrally Administered Areas is something like fifteen to twenty lakhs. I have moved an amendment that where they do not have representation, as

for instance in Coorg, Ajmer, Tripura, they should be given representation. The Scheduled Castes in those places have not even been listed as Scheduled Castes. I do not know whether the Law Minister will be able to accept my amendment and list these people as Scheduled Castes. I do not say that wherever these people are, they must be given representation in the Councils, Assemblies and Parliament. That is not my demand. If the population of these people does not warrant representation, do not give it to them. If on the other hand, their number warrants, please give them representation and if you want to give them a fair deal and justice, at least include them in the list of Scheduled Castes so that facilities in education, services, representation in local bodies, and facilities even for drinking water can be given to these people. That is my only argument. I must say that in my opinion the Central Government has not done justice to these people and the larger share of the responsibility for that falls upon the two *Harijan* Ministers in our Cabinet, especially upon Dr. Ambedkar who has been making public speeches that people in Parliament belonging to Scheduled Castes and Scheduled Tribes are doing nothing. I do not think this attitude of Dr. Ambedkar is fair, justified or warranted. Therefore, when we are working under a democracy and have laid down adult franchise in the Constitution for everybody, if these unfortunate people in the Centrally Administered Areas get adult franchise and get representation, there should be no grudge and nothing should be said against this. If any hon. Member gets up and opposes it, I shall say that he is acting against the principle laid down by the Father of the Nation—Mahatma Gandhi.

Regarding the representation of these people in this House—and this is the only House in which they can be represented because there is no other House going to be established in the Centrally Administered Areas,—I should say that their representation is not fair. Delhi with a population of 15 lakhs will have three representatives in this House, but the number of these people in the Centrally Administered Areas is about 20 lakhs and yet they will have only three representatives, that is to say, one representative

less calculating on the basis of one representative for every five lakhs. And yet people say that this Bill has been introduced to give representation to these people who are less in number in the Centrally Administered Areas.

In the end, I shall only say that there are other castes and communities which are Scheduled Castes and which have been recognised as Scheduled Castes by the Government of India in the Ministry of Education. As soon as the President declared a Scheduled Caste list a schedule was published and this list was published in respect of Scheduled Castes and Scheduled Tribes for purposes of scholarships only. I would request the Hon. Law Minister to accept this list, so that those who are included in it may get the facilities that Scheduled Castes in other states are getting. With these words, I would request the Hon. Minister to accept any amendment when I move it at the proper time.

Sardar Hukam Singh (Punjab): There cannot be any objection to the Bill under discussion. I feel that it was essential and has come in good time. I cannot persuade myself to agree with my hon. friend Mr. Kapoor when he said that there was no necessity for this Bill or when he questioned its propriety. Article 341 gives power to the President to specify the classes which may be included in the list of Scheduled Castes, but obviously if we read that article the intention was that it might be confined to Parts A and B States. That article did not concern Part C States. Therefore it was that it was mentioned that it would be done with the consultation of the *Rajpramukhs* or the Governors of those States. The other provisions in that Chapter also relate to only Parts A and B States. Therefore, there cannot be any doubt that Part C States were not provided for so far as the specification of Scheduled Castes was concerned. Again, it has been mentioned that Article 392 could be availed of for the removal of difficulties by the President, but that article does not apply, if we look at that Article closely. It reads like this :

“The President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution, by order direct..... etc..... etc..... ”

Therefore, these two articles could not be availed of and there was necessity for this Bill. Then, it has been said that 341 (2) gives powers to the Parliament when an order by the President has been made. The Parliament is authorised to add to or subtract from or omit any caste from that schedule, but this is the general power, I Suppose, that is vested in the Parliament that is being exercised in enacting the Bill now before us.

As I have said, the Bill was essential and it has been brought at the right moment before the elections which are so near at hand. There is a separate list for every State and I feel that some Members who spoke were right when they pointed out that some castes which are specified as Scheduled Castes in one State may not be specified as such in the adjoining States. There are certain entries in the lists before us which to my mind give rise to some doubts, and I want the Hon. Minister to kindly clear the position. So far as Delhi is concerned, there are two castes included in Nos. 5 and 6: Banjaras and Bawarias. But these people are not included in the list under Himachal Pradesh. These Banjaras and Bawarias are to be found in Himachal Pradesh as well in good numbers.

Dr. Ambedkar: If my hon. Friend will see entry No. 6 under Himachal Pradesh, he will see Bhanjra there.

Sardar Hukam Singh: I am referring to Banjara and not Bhanjra.

Dr. Ambedkar: So it is a question of pronunciation.

Sardar Hukam Singh: No. They are different castes altogether. A Banjara is a different tribesman from a Bhanjra. Then again, Mazhabis entered as item 16 under Himachal Pradesh has not been entered under Delhi. These people are included in the list of Punjab and PEPSU and after the partition a good number of them have migrated to the adjoining States and some have come to Delhi too, apart from a good number who have gone to Himachal Pradesh. When the local authorities in those States collected the figures, they may have thought that their number was very small, but then

it would be a handicap for them if they are not included. As we know, these are either landless workers or labourers. The Banjaras move from one State to an adjoining State in search of employment and they eke out their livelihood. It would be a difficulty for them if they are deprived of their representation and the other concessions which they may otherwise be entitled to enjoy. Then there are one or two other entries. One such is No. 19 under Delhi—Julaha (Weaver). Then under No. 14 under Himachal Pradesh it is given as Kabirpanthi or Julaha or Keer. These Kabirpanthis and the Julahas are two different castes. They are not one and the same.

Dr. Ambedkar: Sometimes, it is one caste with two names.

Sardar Hukam Singh : That is not so here. These are two distinct and separate castes. Therefore difficulty would arise. Then again, there is entry No. 23 under Himachal Pradesh—Ramdasi or Ravidasi but under Delhi entry No. 32 reads Ram Dasia. I would like to know from the Hon. Minister whether Ramdasi and Ravidasi are two different castes and if they are—as in my opinion they certainly are—then why should that be omitted from Himachal Pradesh? In entry No. 33 under Delhi it is given as Ravidasi or Raidasi but under Himachal Pradesh against entry No. 23 it is given only as Ramdasi or Ravidasi. So, there is a confusion. I am not aware of the actual denominations by which they may be called, but there is certainly some confusion and those castes have not been included in Himachal Pradesh under those two separate heads. My only point is that these provinces, Punjab, PEPSU, Himachal Pradesh and Delhi are contiguous areas and people keep on moving from one State to another in search of livelihood. Therefore if these poor classes are not included in the lists of all the States, they would be deprived of a concession which the Constitution wanted to give them and the whole object of ours would be frustrated. Therefore, I want to draw the special attention of the Hon. Minister to this matter. I had sent an amendment on this point this morning, copy of which he would by now have received. I would request him to give it his earnest attention.

With these few words, Sir, I support this motion.

Shri Sonavane: I rise to support this Bill and to congratulate the Government on bringing this measure before this August House. I was, therefore, surprised to see why the mind of Mr. Kapoor was so confused today. As is usual with Mr. Kapoor to speak on every Bill, he did today without any justification.

A cursory reading of article 332(1) and article 341(2) would have made it clear to Mr. Kapoor that this measure was necessary. My hon. friend simply relied too much on article 330 (2), caught hold of words "in the State" and went on arguing with that, oblivious of the fact that there are other articles. I would draw his attention to article 332(1) which conditions and qualifies article 330(2). Article 332(1) reads thus:

"Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam in the Legislative Assembly of every State specified in Part A or Part B of the First Schedule."

Shri J. R. Kapoor: We are not dealing with the State Assemblies; we are dealing with the House of the People.

Shri Sonavane: I would also draw the attention of the hon. Member to Article 341 (2) which reads :

"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."

In view of these provisions in Part XVI I think the measure that has been brought forward is absolutely essential and Mr. Kapoor should not have raised his voice against it.

I would now come to another aspect of this question to which the Hon. and learned Law Minister should pay attention. The measure specifies certain castes in the Sixth Schedule. But there are other Scheduled Castes in other States. These Scheduled Castes when they go over to other States, are not recognised as such and would not enjoy the rights given to

them by the Constitution and so would not get reservations. He would remain an untouchable, suffering all the disabilities and disadvantages, with none of the rights and other benefits that would have accrued to him if he had remained in his original State. Therefore my point is this. A Scheduled Caste man in one State even if he migrates to another State should be equally entitled to all the benefits under the Constitution. I would request the Hon. the Law Minister to embody a provision to this effect. By excluding the Scheduled Castes from the enjoyment of such privileges, when they move from one State to another there has been a restriction on their movement from one State to another. Therefore, I would earnestly request the Hon. Minister to consider the insertion of a proviso to section 3A by which all persons who are Scheduled Castes in their States should get automatically all the rights and benefits if they migrate to States other than their own.

The third point that I would like to bring to the notice of the Hon. Minister is that the Scheduled Caste lists are defective and many castes which are untouchables in the different States are omitted and no efforts are being made to see that these castes are included in the Union List as also in the list of those States. The Hon. Minister said that this list is exhaustive and no caste has been omitted. But I think he has failed in his duty to see that all the Scheduled Castes were brought on the Provincial Scheduled Caste List as also on the Union Caste List. Many representations have been sent to the Home Minister and to the Law Minister about those untouchable castes.

Mr. Chairman : Is the hon. Member likely to take a long time?

Shri Sonavane : Yes, Madam.

Mr. Chairman: Then he may continue his speech tomorrow.

The House then adjourned till a Quarter to Eleven of the Clock on Thursday, the 19th April, 1951.

*REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL—*contd.*

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by the Hon. Dr. Ambedkar on the 18th instant:

“That the Bill further to amend the Representation of the People Act, 1950, be taken into consideration.”

Shri Sonavane (Bombay): When the House adjourned yesterday I was speaking on how the movement of the Scheduled Castes and Scheduled Tribes from one State to another would be restricted by the failure of the Ministry of Law to safeguard the interests of these people by seeing that they are not omitted from the lists of the States and the Union. I would like to illustrate my point by giving a concrete instance. In Bombay, there is a caste known as Mahar. Persons belonging to this caste come over to Delhi, but this caste is not included in the Delhi Scheduled Castes list. Thus, these people would not get any of the benefits under the Constitution only because of the fact that their caste has not been included in the Scheduled Castes list of the Delhi State. In other words, had they remained in Bombay, they would have enjoyed all the privileges and benefits. Therefore, my point is that even if the Scheduled Castes migrate from one State to another, they should get the privileges and benefits under the Constitution. That is not the case today. This omission of the recognition of all Scheduled Castes in the different States has had a restrictive effect on their movement. Therefore, I would urge the Hon. the Law Minister to see to this and make an all-embracing list so that the restriction on their movement would be removed.

Another instance of this omission is that certain castes from Bombay State have gone over to Madhya Bharat and they have not been included in the list there. There are three or four castes of that type. Though they are untouchables, the benefits under the Constitution are denied to them. While replying to a supplementary question of mine, the Hon. the

* P. D., Vol. 10, Part II, 19th April 1951, pp. 7042-7125.