Law Minister had said that the criterion of the Scheduled Caste list was untouchability. Therefore, I would like to ask him what he has done to see that all the untouchables are brought on the State as well as the Union lists. He has failed to do his duty towards the untouchables being in authority here, and I would suggest that an earnest effort should be made by him to rectify the mistake before the coming elections.

Now, I would go to another point. The Scheduled Castes in certain States like Ajmer, Bhopal, Cutch and Tripura, who get not more than one seat, would not get any representation at all. I think it would have been wise and advisable for the Law Ministry to have evolved a formula by which the Scheduled Castes and Scheduled Tribes could have been given joint representation, going in rotation. As it is, these people, the Scheduled Castes and Scheduled Tribes would have no representation at all even though they are in substantial number in those States. I would, therefore, request the Hon. Law Minister to evolve a system of joint representation for these people by rotation.

The last point I want to make is that under the Constitution only such of the untouchables or Scheduled Tribes who are listed as such are recognised by the States and the Union and would get the benefits under the Constitution. Such lists have not been prepared by the States of Bilaspur, Coorg and the Andaman and Nicobar. In the absence of such lists of Scheduled Castes and Scheduled Tribes, those people residing in those States would not get the benefits for their education and upliftment in the services. Therefore, I would request that such a list may be prepared so that these persons may get all the benefits under the Constitution.

Once more I would thank the Government for bringing forward this measure and request the Hon. the Law Minister that the suggestions which I have made are embodied in the Bill.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh)**:** It is needless to emphasise the fact that this House is very keen to safeguard the interests of the Scheduled Castes and Scheduled Tribes, because our Congress Government, and the

members of this House who are mostly Congressmen working under the guidance of Mahatma Gandhi, have all along been taking keen interest in the cause that was so dear to Gandhiji. I do not think that on that point it is at all necessary that an assurance need be given to this House or to the people outside that we are very praticular of safeguarding the interests of the Scheduled Castes and Scheduled Tribes, in so far as the question of representation of these castes is concerned in the House of the People as also in State Legislatures. But it appears that there have been certain facts in the knowledge of hon. Members on account of which they had to make certain remarks yesterday.

So far as the spirit of this Bill goes, it is a laudable and welcome measure, providing for the representation of the Scheduled Castes and Scheduled Tribes in the House of the People as well as State Legislatures. But this provision need have been made only if there is no provision for it in the law as it exists at present.

12-00 NOON

Reading the Constitution, I find that there is already a provision for the representation of Scheduled Castes and Scheduled Tribes in this House and also in other Legislatures. Article 330 is very clear on this point. Clause (2) of article 330 says :

> "The number of seats reserved in any State 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 in the House of the People as the population of the Scheduled Castes in the State, or of the Scheduled Tribes in the State or part of the State, as the case may be in respect of which seats are so reserved, bears to the total population of the State."

So, my submission is that this provision applies to all the States. It does not apply only to Part a States, or Part B States, or any particular state. Probably the confusion arises on account of reference to article 332, where provision is made for representation in the State Assemblies. I think this Bill is only a repetition of the provision in the Constitution. If it is argued that there is no provision in article 330 of the Constitution for the representation of Scheduled Castes and Scheduled Tribes in the House of the People, I do not think

there is any other provision, and if there is no other provision, I do not think even this Bill could be brought before this House. So this Bill is either *ultra vires* or it is superfluous. In case it is accepted that a provision already exists, it is not necessary to bring this Bill. From that point of view this Bill is superfluous. In case there is no provision in the Constitution, this Bill is *ultra vires*.

Another point for which provision has been made in this Bill is declaration of certain castes as Scheduled Castes and Scheduled Tribes. For that also there is provision in articles 341 and 342. According to article 342 (2):

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

My submission is that if this House has any right to make any alteration it is under clause (2) of article 342. Under that provision the scope of that modification is limited. The scope is limited to the fact that if there be any list prepared by the President under clause (1) it is only to that list that any modification can be made by an Act of Parliament. Otherwise there is no independent provision for making such modification or change in the list or to provide for the fact that certain castes should or should not be included in the Scheduled Castes or the Scheduled Tribes. So, as regards that provision also, I do not think that this Bill can take us any further, because there is no such list prepared by the President to which this modification might be directed. Therefore, my submission is that in all cases either this Bill is superfluous or it is *ultra vires* in respect of both the points that have been attempted to be covered by this Bill. The provision already being present in article 330 of the Constitution for the representation of the Scheduled Tribes and the Scheduled Castes in this House, it is absolutely unnecessary to have this Bill or to make any law in this House.

Mr. Speaker: Mr. Muldas Vaishya.

The Minister of Law (Dr. Ambedkar): I would like to make one request. I do not know whether the argument that has been advanced by Pandit Munishwar Datt Upadhyay is likely to be repeated by other members, as it was done yesterday. If that is so, with your permission, I would like to explain what exactly is the constitutional position. But I leave it to you. Otherwise I will take up the matter in my own turn when it comes.

Mr. Speaker: I think that will be better. I myself have not been able to catch his objection.

Dr. Ambedkar : They have missed a particular point. That is why they are raising this sort of objection.

Shri Bharati (Madras)**:** That was also raised yesterday.

Mr. Speaker: Then that argument should not be repeated and the Law Minister will reply to that point at the end.

Shri Sidhva (Madhya Pradesh)**:** Let him reply now.

Mr. Speaker: I shall not allow that argument on the ground of repetition .

Shri Ethirajulu Naidu (Mysore)**:** I would request you not to rule out a discussion of the Constitutional position, because there may be other aspects of it which will have to be presented.

Mr. Speaker: Anything can be argued under different aspects. But the words of the Constitution are there and there is the Bill before the House, and I think that Members would trust the intelligence of the Members that they can grasp all the aspects if they are explained once or twice. What is the good of repeating them?

Shri Dwivedi (Vindhya Pradesh)**:** Although the Bill . relates to Part C States, no Member from these States has so far been allowed to speak. I would like to know if you will not allow the Members from Part C States to say something.

Mr. Speaker: I do not know why hon. Members should think that they have not been allowed. Every Member is allowed. But certainly every person cannot get an opportunity. And I believe the Bill is restricted in its operations only to

certain Part C States. I think I am right when I say that. (*Hon. Members:* Yes, yes). The utmost that could be claimed by any. Member is that Members coming from that State to which the Bill relates should also be given an opportunity.

Capt. A. P. Singh (Vindhya Pradesh) **:** We come from Vindhya Pradesh.

Mr. Speaker: It will not be a desirable practice to urge that because the words "Part C" are there, therefore every Member coming from Part C States should be entitled to speak on it. But I need not go into that aspect. I am just keeping a watch over the thing and I shall follow what I think to be the proper and the best method.

Shri Dwivedi: May I request you to allow those Members who come from Part C States and whose case is involved here?

Mr. Speaker: Let them plead. But at least the Hon. Member does not come from one such.

Shri Dwivedi: Sir, I come from Vindhya Pradesh.

Mr. Speaker : I am so sorry. Yes, Vindhya Pradesh is there. But I want to give preference first to people who themselves belong to the Scheduled Castes, and hon. Members who do not belong to the Scheduled Castes will kindly forbear for sometime and allow those who belong to that caste to have the fullest opportunity. And I am giving an opportunity to the hon. Member Mr. Muldas because he comes from that class. I have got a list and I have got in my mind as to who come from that community and who should be given preference. Let us not argue that point any further.

Shri M. B. Vaishya (Bombay)**:** (*English translation of the Hindi speech*) Sir, I deem myself to be fortunate for having been permitted by you to speak on this bill. After listening to the debate on the Bill introduced by Hon. Dr. Ambedkar, I also wish to express my ideas. He is a great scholar of law and must have introduced the present Bill as a result of the same. It was only after the coming of Mahatma Gandhi, who was our saviour, we began to realize that we also are human beings. At many places Hon. Dr. Ambedkar has stated that the Scheduled Class people were happier under the British

rule, and now under the Nehru Government they are unhappy. I received this statement as a great shock. Our country has been famous for truth. Prahlad, a boy of five, had courage enough to utter truth and nothing but truth before his father. For us *Harijans* Mahatma Gandhi did so much and even the present Congress Government also are doing much but this is certain that our condition has been deteriorating since so long that a greater amount of our difficulties is a result of that unhappy position. Our poverty cannot be removed so easily. A lot will have to be done for us. But when I see our leaders minimizing the efforts that are being made for us, I feel extremely pained. Obstacles should not be placed in the way of a smoothly running cart. It is not proper for us to do so. The path of service has always been acclaimed in India to be a path of *Yogis* and we have ever been following the same from times immemorial and we have served the society in every possible way. During the days of Swaraj Movement, I can say of at least my own province of Gujarat, if not of others, that our people had worked shoulder to shoulder with our other friends and that is why we do not like to beg anything from them like beggars. Today we demand our legitimate rights from them on the basis of equality and brotherhood. Today we have our own Government, and it is the duty of the Parliament and the Members thereof to do justice to us. In spite of all these things there are still many places in India where our bridegrooms cannot ride a horse, where Harjians cannot sit in motor buses, and there are some places even where our women folk cannot put on costly garments and ornaments. There are no doubt some such places in India even today but it does not mean that condition is the same everywhere. There is no doubt that though much is being done for us, a lot more still remains to be done. But I do not like to be ungrateful as to say that, in spite of so much being done for our uplift, nothing is being done for us and that we were happier under the British rule. There is no doubt that due to their policy of 'divide and rule', the Britishers had picked out some educated persons among us, treated them as their equals and tried to benefit them in every possible manner. These people can thus say that they were happier under the British

rule. But today the Harijan Community as a whole is being benefited and our representatives who occupy the seats on Treasury Benches, as Shri Sonavane has stated, by exercising their pressure upon the Government can get many things done for us. But putting the Government in disrepute and working against the Government would not, except bringing ruin to us, in any way prove beneficial to us. Dr. Ambedkar is a great scholar. I pray God to give him wisdom so that he may not utter such words as may prove our community to be ungrateful. He has played so many stunts in his life that I suppose this also to be one of them. Who knows this may also be an act of trickery as Bhagwan Shree Krishna used to show! God save us from these *lilas* of trickeries. We cannot turn ungrateful towards the country in which we have taken birth and whom we have served to the best of our ability. There was a time when we were asked to change our religion. But thousands and lacs of us showed to the world that even at the cost of our own heads we will not go against the land, where we have been born and give up the religion which we have adopted. We can sacrifice our lives but we cannot give up our *dharma*. In the end I have only to say.....

Mr. Speaker: Order, order. I can appreciate the hon. Member's keenness to speak out his heart, but then, I am afraid, we are trying to introduce, on the floor of the House, some other subject which will be discussed better outside. At present, we are concerned with this Bill. A few preliminary remarks is something different, just to impress upon the House, if at all any such thing is necessary, the fact that the Scheduled Castes should be given special consideration. But beyond that, let us not enter into any political or other controversies which may or may not have been started outside the House; let them be carried on outside the House. I earnestly request every Member in the House not to go beyond the strict scope of the Bill. I did not want to interfere with the hon. Member's speech, nor do I want to put his enthusiasm and his feelings at a lesser value. He will confine himself now to the merits of the case. I was just watching when he was really coming to the merits of the case.

Shri. M. B. Vaishya: The ruling that you have kindly given in this regard is certainly valuable and we have but to follow it. But I have to say a few words to Hon. Dr. Ambedkar. The Bill that he has introduced has been moved on behalf of the Government and as it must have been very a necessary one, therefore, we, Harijans will surely lend our support to the same. But what I had to say I have submitted in brief. I hope that he will excuse me for what I have said here, and you Sir, will also excuse me.

(*Translation concluded)*

[SRHIMATI DURGABAI *in the Chair*].

Dr. Deshmukh (Madhya Pradesh) **:** My friend the Hon. Minister is in a great hurry, but I have some very important points to urge. It is not with regard to one particular caste or another, but I must say, that the whole way in which this matter of representation of the people, election rules and regulations are being dealt with is extremely unsatisfactory. We have had one Bill in 1950, which is now Act No. XLIII of 1950. We know the way in which it was introduced, the struggle that this House had to put in for the sake of getting the provisions amended and the number of seats increased. Then very soon after we had an amending Bill which is Act No. XXIII of 1950 by which we provided for representation of Part C States in the Council of States. Then we have not had any Bill for some time although two are now pending before the House, but we had two notifications under the signature of the President. It is perfectly legal and constitutional to do so. Those are the notifications dated 10th of August 1950 and 6th of September 1950 specifying the Scheduled Castes and Scheduled Tribes under articles 341 and 342 of the Constitution. My first complaint refers to action of Government under these two articles 341 and 342. Under the second part of article 341 Parliament alone has the authority to modify, add to or substract from the list that has been notified under the signature of the President. It was quite proper and constitutional to notify these lists but I wish the Hon. Minister had given this House an opportunity of looking into and scrutinizing the lists that have been given in these notifications.

I do not know whether the Hon. Law Minister had seen the representations, but I have had many letters from many communities, who have a grievance that they have not been included in these lists. It would have been quite proper if, instead of bringing another small Bill confined to one particular class of States—I do not object to the Bill on the other hand, I am in favour of the Bill—some sort of procedure was available to the Members of this House in the case of these two lists, so that it would have been possible for us to scrutinize them and the people would also know how far their rights have been protected. The long discussion and the anxiety of the Members of this House are, I believe, really based on this fact. If everything else was in order, if there was proper investigation as was absolutely necessary in this case, so far as the Parts A and B States are concerned—this is a supplementary list of Scheduled Castes with reference to Part C States—the debate in the House would probably have been much shorter. The keenness of Members would have been less and we would not have had much occasion to complain. But the way in-which the whole thing is being done is really strange and I hope and pray that this sort of thing is not done.

We should have one consolidated enactment in which all these things should be provided for. There will then be no need to have amending Bills month after month to add or subtract and all the various things. My first and very earnest request to the Hon. Minister is that the lists given under these notifications are not exhaustive. The people belonging to many castes feel that they have been unjustly omitted and if we really compare these lists with the lists which formed the basis of the Order in Council under the 1935 Act we will find that many castes have certainly been omitted. If it is contended that these castes which have been omitted have really ceased to be untouchables or there has been a certain change in their social status, that is another matter. We do not know whether the House will accept it or not; whether the people will accept it or not. When we had these lists prepared as schedules to the 1935 Act, there was a great deal of investigation, then the people were informed and they came to know what their rights were and what they should fight

for. Nothing of this sort has been done on the present occasion. I do not know who prepared these lists which have been published under the signature of the President. I do not know what investigation has been made so far as these lists in the present Bill are concerned. These are matters which really create a lot of anxiety and feeling in the minds of the people and I would therefore like that the Government do really have some system, some method in approaching this question a method which will give satisfaction to the largest number of people.

Then so far as this particular Bill is concerned, I think it is necessary so long as it is proposed to give representation to some of the Part C States. I think the lists have got to be prepared and whether they were prepared at one time as part of one whole or another is a different question. But I do not think this is absolutely superfluous. It does not appear to me beyond doubt that there is any definite provision in the Constitution according to which we are enacting this measure. So far as I can see the only justification or the only authority for bringing in this Bill appears to be that wherever there are Scheduled Castes people, some seats are proposed to be reserved for them. But this is merely because there is a provision for reservation for Scheduled Castes—I do not know if there is any specific provision in the Constitution according to which we can make this provision, apart from articles 341 and 342 which do not apply to Part C States. This is merely a technical objection. I really want that seats in Part C States should be reserved and Scheduled Castes should be enumerated. There cannot be any difference of opinion so far as the desirability of enumerating the Scheduled Castes or making provision for them so far as Part C States are concerned. But, what I wish to find out from my hon. friend when he replies is, where exactly is the provision in the Constitution according to which this representation is being sought to be given, according to which this Bill is perfectly in order?

So far as the lists are concerned, I wish a little more time was available to all the people to know how far their rights

are going to be affected. I have received representations from various communities which desire that their names should be included. It is quite likely that many backward people have not yet come to know that anything is being done which would affect their rights. It may very well be that backward as these people are, their rights are probably jeopardised, simply because we are doing this in great hurry. From that point of view, I would not be surprised if there are many castes which happen to be omitted and which have a grievance against what we are doing. If we compare the lists that are in vogue, for instance, so far as the present situation is concerned, the Order in Council prepared in 1930 and 1931 and which formed part of the Act of 1935, with the present list, we find that there are great many omissions. I have another notification by the Public Service Commission. Here in Delhi, you will be pleased to find that the list of Scheduled Castes contains no less than 64 numbers. As against that, in this schedule, you find only 39. What steps have been taken to find out and what justification there is to omit the different castes, I do not know. I am prepared to wait till the Hon. Minister replies. But, I am sure, this is a somewhat drastic reduction. I do not know on what basis it has been made. Even if it is slightly late, I would request my hon. friend not to be in a hurry, for my hon. friend is in a great hurry to get this Bill through. That is the only anxiety of the Cabinet Ministers; they are in a hurry and want things to be done in five minutes or ten minutes, as if they are the only persons who understand things, and the other people merely waste their breath and spend the time of the House and do not contribute anything specially or directly although they represent the people. That sort of attitude I do not very much like. I hope that Dr. Ambedkar would give us a patient hearing and I would urge on him, on behalf of large number of people who have no voice and who do not understand their rights or what is going on in this House, that there should be no hurry in this matter. I should like the consideration of this Bill to be positioned and the whole subject taken up and settled once for all.

As Mr. Sonavane rightly remarked, nowadays, many people are leaving their homes and there is a large transfer of

population. A lot of people from Madhya Pradesh have come and settled more or less permanently in Delhi. If you do not include, for instance, the *Mahars,* and some other Scheduled Castes who have come here permanently they will lose their rights. All these questions will have to be investigated because it is not a temporary thing. This is something which is going to be embodied in the Constitution; this is more or less a permanent thing which we expect to last for a long number of years. In these circumstances, spending a few more days on consideration of this Bill is not waste of time; it would be time well utilised, Therefore, I submit there should be no hurry in passing this measure. By merely passing this Bill, we are not going to go ahead much.

There are many difficulties. I am really doubtful whether we would be in a position to hold the elections in November or December next, because the delimitation work is going to be a great headache. There are great differences between what the Election Commissioner is going to do and what the Delimitation Committees have decided. You cannot rush such things in this House over the shoulders and decisions of the Delimitation Committees and have elections anyhow. There are many more difficulties which are going to take time. If that is going to happen, there should be no undue haste in passing this Bill and shutting out representation to people who would like to be included in the schedules to this Bill. I have been able to table an amendment in the case of two castes; but I am sure there are many more who would like to be heard and represented. I urge that the whole thing should not be done in a piecemeal fashion in which it has been done. It would be much better to have a consolidated measure so that the kinds of objections that have been raised here will not come forward hereafter. I shall move my amendment, and I hope the Hon. Minister would accept the same.

Shri R. Velayudhan (Travancore-Cochin)**:** It was not my desire to speak on this Bill because I thought there was no scope for any controversy over it. I am very glad that the hon. Speaker who presided before gave the ruling that matters that have happened outside this House have no proper place in the discussion on the Bill now before the House. I wish, however,

to confine myself to one or two points to which some hon. Members have already referred, because I think this is the only proper occasion to ventilate some feelings regarding Scheduled Castes as the same was done by others.

Not only this House, but the whole country is abundantly interested in the problems of the Scheduled Castes. Many of us who represent these classes in this House would not have been here but for the great work done under the leadership of the Father of the Nation, Mahatma Gandhi. At the same time, I must not omit to mention the great services that have been rendered by our great leader Dr. Ambedkar. I think Mahatma Gandhi, Mr. Jinnah and Dr. Ambedkar are the three personalities who have commanded the greatest admiration...

Shri Sonavane : And have divided the country.

Shri R. Velayudhan : ...and respect of the people and who have been able to shape the destinies and thoughts of people in this century.

Shri Sonavane : On a point of order, is all this relevant to the Bill?

Shri R. Velayudhan: Yes.

Mr. Chairman: The hon. Member who raised the point was heard uninterrupted. I think he would extend the same privilege to other Members also.

Shri Sonavane : My point of order has not been decided.

Mr. Chairman: The hon. Member may go on.

Shri R. Velayudhan: I am not going to enter into any controversial point. But, I must say that the Hon. Dr. Ambedkar who has brought this Bill as well as the greatest of political saints Gandhiji, who have done the greatest service to the down-trodden millions, the Scheduled Caste people, have got their respective places in the hearts of many in the country. Therefore, I think it was not proper on the part of some hon. Members to take this opportunity to fling a little mud on a leader who has got the greatest following among the Scheduled Castes even at this time.

As regards the origin of this Bill I must say that the provision for the representation of Scheduled Castes in the Part C States was contemplated long, long ago. Even though the Constitution was framed by the greatest jurists and lawyers including the Hon. Law Minister, it is a matter of surprise that they completely forgot to include representation for the Scheduled Castes in the Part C States at the proper stage.

There was a lot of heart-searching and there were lot of constitutional difficulties to overcome with regard to the formulation of this Bill which seeks to give representation to the Scheduled Castes of the Part C States. There was controversy as to whether this Bill was a proper measure or not and an hon. Member even spoke yesterday in this House sounding a discordant note to the effect that there should not be any reservation of seats for the Scheduled Castes in Part C States. As for myself, I have believed and used to say even from my school days that the reservation of seats and other kinds of reservations are no panacea to the ills under which the Scheduled Castes are labouring. On that point I had my own differences with Dr. Ambedkar also. But at the same time, when you have given reservation in the Parts A and B States, it would be unjust to deny it to those in Part C States,—people who are not represented in Parliament or in the respective local bodies.

As Dr. Deshmukh has said, there is a lot of omission and there are many mistakes in the formulation of these lists of Scheduled Castes and Scheduled Tribes, not only in the Bill that is before us, but also in the order of the President for Parts A and B States. I looked into the proceedings of the Constituent Assembly touching on this point and I find that it was stated then that the list already fromulated in the 1935 Act would be accepted when it comes to the question of elections under the new Constitution. But when the President's order came out, so many castes included in that Act were excluded and we have now only a few of these Scheduled Castes and Tribes in almost all the Parts A and B States. I feel that this was not done without a purpose. This I think, was done deliberately. I mean this omission or reduction in the number of names in the list, because if they had included

all those Scheduled Castes and Scheduled Tribes that were in the Act of 1935, then the number of reserved seats would become very large. In some of the States, for instance in the Uttar Pradesh where there are 13 lakhs of *Khatiks,* they have been completely ignored in the President's list. If they are included, I think nearly 40 per cent of the seats in U. P. would go to the Scheduled Castes alone. And that is not a small thing that they should get this much in a Part A State and be able to influence the destinies and the politics of the State. Therefore, intentionally and specially and deliberately they have been excluded so as to minimise the representation of the Scheduled Castes in the State. That is the case not only in the U. P. but in some other States also. But in most of the South Indian States they have drawn up the list according to the 1935 Act. Therefore, the whole list has to be re-formulated and the promise given by the late Sardar Patel in the Constituent Assembly that the list of 1935 Act would be accepted in Parliament for the coming election, must be kept, injustice to the departed leader and also to the Father of the Nation and also to the millions of Scheduled Castes and Scheduled Tribes who have been enjoying certain privileges on the basis of caste or community.

According to the present arrangement alone can do that. For instance, I am from Madras, cannot go and contest a seat in any other State, say in Bombay. Therefore, there is this constitutional difficulty also which has to be removed by Parliament as Parliament alone can do that. For instance, I belong to the Travancore-Cochin State and so I cannot go to Bombay and contest a seat there, and that is a discrimination against my community, because non-Scheduled Castes can freely contest any seat anywhere in India according to party basis or on any other basis. Therefore it is my request not only to the Government but also to Parliament to rectify these constitutional anomalies as soon as possible. My submission is that most of the castes dropped from the former list will have to be included and a fair list drawn up so that the reservation given to the Scheduled Castes and Tribes may be on a just and fair basis. Otherwise let us drop the thing altogether and we will fight our battles on equal footing with

the rest. I have got great hope for the future and I believe in a bright future for my community. They are the down-trodden and the future is for the under-dog. Therefore, I am not hopeless. I am not without hope. Dr. Ambedkar might feel pessimistic, but as far as I am concerned, and as far as the youths of the Scheduled Castes are concerned, we have courage enough to fight on equal footing our battle of liberation.

Mr. Chairman: Order, order. Is the hon. Member opposing the Bill or supporting it?

Shri R. Velayudhan: I am not opposing this Bill at all, but only requesting that the list drawn up should be changed where necessary after verification with actual facts. With this request, I support the Bill.

Shri Deshbandhu Gupta (Delhi)**:** I rise to support this Bill. The Bill merely seeks to ensure representation of Harijans in the House of the People from the Part C States and there can be no objection to this from any part of the House. But I would like to point out that the reason given by Dr. Ambedkar the Mover of this Bill that this was not defined when the Representation of the People Bill was before this House does not seem to be quite correct. This reservation is after all a temporary reservation for a period of ten years and perhaps it was thought desirable to leave out some areas without this reservation so as to see whether Harijans could be returned to the House of the People without reservation. (*An Hon. member:* Very doubtful.) My friend says very doubtful. I am not prepared to have a bet with him on that. But I can say that so far as Delhi is concerned I would like the Mover of the Bill and other friends to realise that Delhi and Ajmer were the only two places, even under the old regime, which enjoyed joint electorates, whereas throughout the country there were separate electorates and reservations of seats on that basis. I need hardly remind the hon. Mover and other friends who feel like him that Delhi had returned to the Central Assembly through joint electorate, the candidate belonging to the minority community and that too in the teeth of opposition from reactionary elements. Although opposition

forces from all parts of India were concentrated in Delhi to oppose the Muslim candidate put up by the Congress, Delhi was able to uphold the principle of joint electorates and had returned the minority community candidate. I would have considered it a privilege if Delhi and other Part C states were allowed the opportunity to return Harijan candidates without reserving seats for them. That would have given us also an idea as to what will happen after ten years when all such reservations will go. But my friend the Mover of the Bill, who unfortunately has always held a different view, has thought it fit to bring this Bill. Now that the Bill has been brought forward I support the Bill, for there can be no opposition either in principle or in substance so far as this Bill is concerned.

I would however like to make one or two observations. Reference has already been made by more than one Member to the speech which was delivered by the Hon. Minister the other day. I do not wish to make any comments on that but for his information I would like to point out that delhi was the headquarters of the All-India Dalitodhar Sabha, even before the congress had included the removal of disabilities of the depressed classes in its programme in 1921. This Sabha was founded by the late Revered Swami Shraddhanand. It was he who had moved the resolution in 1920 in Calcutta Session of the Congress to include the removal of disabilities of Harijans in the Congress programme. Even earlier in his address as Chairman of the reception committee of the Indian National Congress session held at Amritsar after the Jallianwala Bagh tragedy, he had raised the question of the disabilities of the Harijans and had persuaded the Congress to recognise its importance. It would have been in the fitness of things if the Hon. Minister who undoubtedly has worked for the uplift of Harijans and holds a very high place as a Harijan leader, had recognised this fact. But unfortunately his policy and his angle of vision have been quite different. If I were to refer to the history of the struggle for the uplift of the Harijans in Delhi.....

Mr. Chairman : I would invite the attention of the hon. Member to the fact that, when the hon. Speaker was in the

Chair, he gave us a ruling that references regarding the speech of Dr. Ambedker need not be made here *in extenso* except by way of a few preliminary remarks. Therefore, I would request the hon. Member to speak on the merits of the Bill.

Shri Deshbandhu Gupta: I have practically made no reference to that. I was only trying to make out that even without the proposed reservation of a seat Delhi would have returned a Harijan candidate. My hon. friend has made an unfortunate speech at a time when this Bill was coming before Parliament but I have purposely avoided making reference to it. I only wish to tell him that coming as he does from Bombay very probably he does not know the conditions prevailing in Delhi. All that he has done is that he has tried to treat the entire population of Delhi as Harijans. That is the contribution that he has made to the Constitutional advancement of Delhi. On that my friend can certainly congratulate himself, as that is one way of equalising. Instead of raising the status of Harijans he has tried to lower the status of non-Harijans and brought them both on the same political level. I want him to realise that in 1921 and even earlier in Delhi, the foreign Government, of which he is so much enamoured today, was using and exploiting the Harijans against the best interests of the country. A big all-India depressed classes conference was held in September 1921 in the People's Park to mobilise support to welcome the Prince of Wales in those days, when the whole country was against it. In spite of this attitude of the depressed classes leaders the movement for the uplift of Harijans which was started by the late Swami Shraddhanand continued as they felt that the removal of disabilities of the Harijans was a matter of duty with them and not a question of doing any favour to the Harijans. Swami Shraddhanand in Delhi was attacked by the supporters of the old British Government—in which camp most of the people who were following the lead of my hon. friend were then—while he was leading a procession to have temples and use of wells thrown opened to Harijans. All that is part of history and should not be forgotten. Therefore, I would have thought a privilege, if at least Delhi had been left out of this Bill and given an opportunity to return Harijan without there being any

reservation. That would have also proved that after ten years there would be no difficulty in returning Harijan Candidates when there will be no reservations. With these words I support the Bill. I assure my hon. friend, whether this Bill is there or not, that Harijans in Delhi enjoy an equal status. Most of the disabilities about which he has been complaining may be in existence in his part of the country. So far as these areas are concerned there is no political motive behind the social work done by social reformers like Swami Shradhanand, and late Lala Lajpat Rai and other Aryasamaj leaders. They had dedicated their lives to it and this fact should be recognised while passing this Bill.

Shri Dwivedi: (*English translation of the Hindi speech*). So far as the principles of this Bill are concerned. I support it because for more than once I have made suggestions in this House to provide for the representation in Part C States of the Scheduled Castes and the Scheduled Tribes. What I wish to say is that so far as the administration and development of Part C states are concerned, that issue should have been brought in this House even before this Bill was moved. But not realising the significance of that Bill, the Government hurriedly brought forth the present Bill. That goes to show that the Government are not so much keen about the representation of the people and the introduction of necessary reforms for establishing a democratic type of Government, as about this Bill. Anyway, I would support the present measure; but, all the same. I would like to explain a couple of things to the House. In the first place, I would like to say, as the previous speaker Shri Deshbandhu Gupta said in regard to Delhi, that we would have elected Harijan representatives even without this Bill. Then alone could it have been said how generously we treated the Harijans. In Vindhya Pradesh the Congress and the public workers have been treating the Harijans and the caste Hindus alike, and, as Shri Deshbandhu Gupta said, in Delhi they had already got opportunities of representation. In view of the fact that in Vindhya Pradesh untouchability has long been removed from the schools as also in the day-to-day intercourse and that Harijans there are loved by all alike and get due representation, there is no

reason why a separate legislation should now be enacted for them. Now that such a Bill has come before us, I welcome it, but, all the same, I wish to mention a couple of things in this connection. Firstly, out of the six seats in the House of the People allotted to Vindhya Pradesh, one third have been reserved for the untouchables—Scheduled Tribes and Scheduled Castes. But unfortunately the people of Vindhya Pradesh are so illiterate and backward that only a limited number of such persons will be available as may be able to discharge their duties and represent their people properly in Parliament. Such is not the case with the Harijans alone; even Caste Hindus suffer from illiteracy. Shri Thakkar Bapa had once remarked that mass literacy should have preceded adult franchise. We did never raise any question in regard to education. While in Delhi new schools have been opened and arrangements made for their education and educational facilities extended to rural areas too, but no steps have been taken in this regard in Vindhya Pradesh. One of the speakers who spoke before me, Shri Sonavane, strongly supported this Bill. I also agree with him. May I ask whether in his speech he at all referred to the absence of any arrangements for the education of the people of the Scheduled Castes and Scheduled Tribes? Today they are devoid of even the prime necessities and comforts of the modern life. In places like Kherua, a poor labourer is paid at the rate of only four annas per day, while contractors get contracts at nearly double the rate. The better course, therefore would have been that the hon. Members, who are supporters of the cause of Harijans should have personally visited those places, taken some positive steps to improve their conditions and approached the Education Department of the Government for providing them with educational facilities. As a matter of fact they are only keen about their own interests—that they should be elected here as their representatives—and do not care for the interest of the Harijans. Unless they do some material work for the uplift of the Harijans, I would not approve of mere idle talk as it can do no good to the country. We should promote education among our brethren—the people of the Scheduled Castes—whom we consider to be our own, so that after being elected to Parliament they may be

able to discharge their duties properly; otherwise, there is no use in electing them.

Mr. Chairman: Does the hon. Member propose to take a long time?

Shri Dwivedi : Yes Sir.

The House then adjourned for Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Shri Dwivedi: Sir, you might have heard whatever few observations I made before the House. What I particularly mean to say is that the Government have classified the States into various Parts in the manner in which the entire society has been broken up into many categories, *viz., Savarna, Avarna,* Scheduled Caste, Scheduled Tribe and so on.

Shri Amolakh Chand (Uttar Pradesh)**:** The Hon. Minister is not here.

Mr. Chairman: He will come soon.

An Hon. Member: Let somebody deputise for him.

Mr. Chairman: He will be coming in a minute or so. Let the hon. member proceed.

Shri Dwivedi : What I was going to say is that States too have been classified into various parts in the manner in which people have been divided into Scheduled Castes or Scheduled Tribes etc. I want to ask the Hon. Minister why does he not contemplate to bring a legislation in respect of the various Parts referred to in the present Bill in the manner in which he has presented the Bill regarding the Scheduled Castes and the Scheduled Tribes.

Shri Sivan Pillay (Travancore-Cochin)**:** On a point of order, Sir. The treasury Benches are vacant.

Mr. Chairman... The Hon. Minister is likely to come very soon.

Shri Dwivedi: I think I can continue.

Mr. Chairman: Yes.

Shri Goenka (Madras)**:** Who will listen?

Shri Dwivedi: I suppose what I say will be noted in the proceedings. As for example cerain portions of Vindhya Pradesh have been merged into other States as enclaves. Rampur, Tehri Garhwal and certain other States have been given due protection in the Legislative Assemblies of the States concerned as also in Parliament, but no attention has so far been paid to those enclaves of Vindhya Pradesh which have been referred to in this Bill.

Shri Goenka: They have been complaining that there is no one on the Treasury Benches.

Dr. Ambedkar: The Treasury Bench is quite unnecessary for the House.

Shri Dwivedi: Since a legislation has already been brought forth for the Scheduled Castes, Scheduled Tribes etc., it should have been our first concern not to treat those merged enclaves like some packages that can be placed according to ones wishes. These enclaves should also get due representation in the States Legislative Assemblies.

Now, Sir, I wish to divert your attention to a very important legal issue. In clause 2 of Article 330 of the Constitution, it is stated:

> "(2) The number of seats reserved in any State 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 in the House of the People as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or Part of the State, as the Case may be, in respect of which seats are so reserved, bears to the total population of the State."

What I want to say in this connection is that since there has been a clear mention regarding the allotment of seats, including those of Part C States, in the Act XLIII of 1950 and since clause 2 of article 330 of the Constitution clearly states that the seats will be allotted in proportion to the population,

there seems to be little reason why this legislation should be brought forth. Article 341 of the Constitution specifically mentions that:

> "(1) 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 a provision has been made in article 342 with regard to the Scheduled Caste. I want to know what is the necessity of introducing such a measure when the President is empowered, *vide* article 341 and 342, to do so by a public Notification. If article 330 provides for any such legislation for the Scheduled Castes then that legislation has already been enacted and in case it does not provide for one, the Constitution does not indicate any necessity of enacting such a legislation. Therefore as the hon. Member speaking before me said, this Bill is superfluous. That is why I would like the Hon. Minister to pay his attention to this legal intricacy so that it may not give rise to any legal clash later on in the Supreme Court. The Hon. Minister is an eminent legal expert and as such is in a better position to study the situation, that this legislation does involve legal complexities. I hope he will throw light upon the subject and, if necessary, either amend the Bill accordingly or withdraw it after its consideration because, as Shri Deshbandhu Gupta said and the representative of Vindhya Pradesh also supported him there seems to be no such condition that the Scheduled Castes and the Scheduled Tribes will get representation only by enacting such a legislation. Representation will be provided to them even in the absence of any such measure. It is my duty to draw the attention of the House to the legal intricacies involved in the present Bill.

The second thing is that the Hon. Minister may take recourse to article 82 of the Constitution. It states :

> "Notwithstanding anything in clause (1) of article 81, Parliament may by law provide for the representation in the House of the People of any State specified in Part C of the First Scheduled or of any territories comprised within the territory of India but not included within any State on a basis or in a manner other than that provided in that clause."

Parliament have the power to enact such legislation under the above article and they have already enacted one Clause 2 of article 330 clearly states that the number of seats allotted by the President to the Scheduled Castes and Scheduled Tribes will be in proportion to the population, Under such circumstances, I think there was no necessity of any Bill like this one. What is needed now is that this intricacy should be removed. As far as I could understand, the Hon. Minister has not stated anything to that effect and, therefore, I have drawn the attention of the House to this issue.

Besides this, I would also invite the attention of the Hon. Minister to the fact that when the Peoples Representation. Bill was moved here, the population of Vindhya Pradesh was nearly 33 lacs. Then a population of about two and a half lacs to three lacs was included within the bordering territories in accordance with the Enclaves Merger Act. At that time six seats were agreed upon to be allotted to Vindhya Pradesh. Now that the census has taken place. I am told the population of Vindhya Pradesh has increased by five lacs. Under these circumstances, I believe Vindhya Pradesh has every right to claim for more seats to be allotted to it. I will therefore, make a couple of important suggestions. Firstly, it should be considered, if possible, as to how these two seats should be allotted. It would be better that decision in this respect may be taken after having consultation with the Delimitation Committee for Vindhya Pradesh. In view of the fact that the population of Vindhya Pradesh has increased by five lacs, the number of seats allotted to it should also be increased by one by bringing an amendment to the Peoples Representation Bill.

With these words I support this Bill.

(*Translation concluded*)

Dr. Parmar (Himachal Pradesh)**:** I rise not only to support this Bill but also to congratulate the Government for giving representation to the scheduled castes and tribes in Part C States. It has been said in this House that this Bill has been brought by the Law Minister unnecessarily and for certain other extraneous reasons. I must, however, contradict this and say that what the Law Minister and the Government of India