

TWENTY-SEVENTH REPORT

**Shri Altekar:** I beg to move:

"That this House agrees with the Twenty-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd April, 1955."

This Report is in connection with leave which was sought for a Bill to be introduced in this House. In view of the Agarwal Committee's report which is yet to come, the Committee have recommended that leave should not be granted at this time. That is what is stated in this Report. And I recommend that the House do agree with that Report.

**Mr. Chairman:** The question is:

"That this House agrees with the Twenty-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd April, 1955".

*The motion was adopted.*

INDIAN ADOPTION OF CHILDREN BILL

**Shrimati Jayashri** (Bombay-Suburban): I beg to move for leave to introduce a Bill to provide an adoption procedure to safeguard the interests of adopted children and the rights of their natural and adoptive parents.

**Mr. Chairman:** The question is:

"That leave be granted to introduce a Bill to provide an adoption procedure to safeguard the interests of adopted children and the rights of their natural and adoptive parents."

*The motion was adopted.*

**Shrimati Jayashri:** I introduce the Bill.

CASTE DISTINCTIONS REMOVAL BILL

**Mr. Chairman:** The House will resume further consideration of the following motion moved by Shri Dabhi on the 15th April, 1955, namely:

Three amendments have been recognition of caste distinction among Hindus be taken into consideration."

Three amendments have been moved to this, two for circulation of the Bill by Shri Keshavaingar and Shri Sadhan Gupta, and the third one for reference of the Bill to a Select Committee by Shri S. C. Samanta.

Out of the total time of 3 hours allotted for discussion of this Bill, 2 hours and 29 minutes were taken up on the 15th April 1955, and the balance of the time left for its further discussion today is 31 minutes. I understand that the hon. Minister wants that time. So, he will reply now.

**The Deputy Minister of Home Affairs (Shri Datar):** This is an interesting piece of legislation. When it was taken up for consideration on the last occasion, opinions were expressed which were entirely either in favour of it or against it.

Though it is possible to appreciate the motives underlying this Bill, yet it would be found that there are certain difficulties which have to be taken into account. And these difficulties are so far as the Constitution is concerned, so far as the practicability of this Bill is concerned, so far as the backwardness of the people is concerned, and so far as the long-cherished notions of the people are concerned. It is on account of these three considerations that I have to oppose the circulation of this Bill or the submission of this Bill to a Select Committee. Moreover, as I shall endeavour to point out, it is very difficult to accept for immediate implementation the provisions of this Bill which are of an extremely wide nature, and which in certain respects are also vague.

This Bill has been introduced now. But some years ago this question had been taken up. While the Constituent Assembly was in session, there was a similar resolution before the Constituent Assembly in August 1948. Shri Diwakar, who was then a Member of the Constituent Assembly, and who is at present the Governor of Bihar State, had brought forward before the Constituent Assembly a Resolution which was almost in identical terms as the provisions of this Bill. He moved in August 1948 the following Resolution:

"That this Assembly is of opinion that for any purposes connected with the State or its services the Government of India shall not recognise any caste, sub-caste, sect or religion, and that in future it shall abolish the mention or entry of caste, sub-caste, sect or religion in any forms supplied by Government or in any records or registers kept by Government."

In respect of that Resolution there was a discussion on 11th August 1948. It was pointed out then by the then Home Minister of India, the late Sardar Vallabhbhai Patel that though the object of the Mover of that Resolution was not only understandable but also praiseworthy to a certain extent, the whole question required a complete scrutiny in the light of the conditions, especially the backward condition, and also the feelings of the people so far as the eradication of what can be called the emblems or indications of caste were concerned. He also pointed out to the Constituent Assembly that he would have a committee duly appointed to consider what steps, if any can be taken for the purpose of implementing the object which the sponsor of that Resolution as also a large number of Members of the Constituent Assembly had in view.

On this assurance, Shri Diwakar withdrew the Resolution. Immediately thereafter, the Government of India appointed a committee consisting of Shri Diwakar himself as the chairman and a number of other hon. Members

of this House. They went into the whole question. They considered whether the time had come for the complete eradication of caste consciousness, and especially for the purpose of excluding the mention of castes or sub-castes or religion in one way or the other. They found that the problem was best with numerous difficulties, and this is what they have actually stated. All that they have desired is that this feeling of Casteism which is naturally at the root of the present backwardness, and—we can almost call it—the craze for division that India has, has got to go one day or the other, the sooner the better. But they ultimately accepted the position that it might not be possible to have an immediate implementation of the provisions for the purpose of removing caste distinctions. That is how they felt. Therefore, they made certain recommendations which were entirely of a guarded nature. I would like to read to the House a summary of the recommendations where they admit that apart from the attempt at governmental level or to a certain extent at public level to remove all caste distinctions there were difficulties in the way and there were also other fields or avenues where the work has to be started as early as possible. Therefore, they stated in the course of the recommendations:

"The Committee recognise that caste and communal distinctions cannot vanish without social change and economic progress."

And then they said: "Government can early help this process". But they feel that the Government ought to see what it can do in the matter of discouraging caste and communal consciousness, caste and communal organisations and caste and communal conflicts. It might also be pointed out in this respect that Dr. P. S. Deshmukh was also a Member of this Committee. He did not agree even with the modest recommendations that the Committee had made and he stated, rightly or wrongly—and what he has

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stated has to be understood realistically because, unfortunately the facts are as they have been stated by Dr. P. S. Deshmukh in the course of his dissenting note:

"In the course of our investigation it became apparent that there are many difficulties in the way of even a progressive elimination of the mention of names of caste and much more so of the religion of the people."

Then he points out the numerous occasions where a caste has to be mentioned or a caste has to be taken into account, rightly or wrongly, in view of the present conditions. For example, in respect of recruitment to government services, it is found that there are certain castes which are extremely backward in their nature and it is one of the objects of the Constitution—it has been mentioned in a number of articles of the Constitution—that the backward classes of the community should be lifted up. Sometimes they are expressed in the Constitution as the "weaker sections". Some of them are called Scheduled Castes; some are Scheduled Tribes and in one of the articles of the Constitution they have used the expression "backward classes". Now the word 'classes' is an expression which is more or less of a generic nature. But, unfortunately in India 'classes' include 'castes' to a very large extent. Therefore it is that so long as we have to take into account, for the purpose of bringing all the castes and communities, members of the different sects and communities, to a common level, it is necessary that some mention of the caste will have to be allowed to be made so far as certain purposes that the Government have in view are concerned. Therefore, it is stated in this dissenting note and it has been stated in the main report also, where it has been admitted that there are occasions when it would be necessary for Government to know the Caste of the person. Because, caste you will find is an organised unit. It was organised

for certain good or bad purposes—it is entirely immaterial. My hon. friend the Mover pointed out to us the origin of caste. Whatever it is, you have to accept it as a fact, as an inevitable fact, that caste constituted an organisation—and it continues also to a large extent—which it is our duty to demolish as early as possible.

The question is whether you can demolish it today and in doing so whether we shall be doing any injustice to the persons of the organisations who go either by the names of such castes or by the names of certain groups or divisions. That purpose also has to be taken into account. Therefore, as I pointed out, as it has been our objective, as it undoubtedly is under a number of articles of the Constitution including I believe 16 and 335,—that the members of all classes should be brought to a common level the word 'classes' has been purposely used. But you and I have to understand that the word includes 'castes' also and therefore, members of certain organisations and members of certain sections. In article 335 they have specifically mentioned Scheduled Castes, and Scheduled Tribes naturally. So, if, for example the expression 'caste' has been mentioned as a fact from a realistic approach by the framers of the Constitution, I would point out to this House that there are a very large number of sections where the castes have been mentioned and the castes have got to be mentioned. When we had the advent of power, then naturally as it has been mentioned in the Constitution, we had to establish a society which has equal opportunities. But, the unfortunate fact remained and at present also remains to a very large extent that our people are in varying degrees of what can be stated backwardness and not forwardness. Therefore, all the backward sections have to be brought together.

In respect of services, as this House is aware, oftentimes very strong criticism is made and, to a very large ex-

tent, we have to accept the substance of the criticism, that their number in the services is very low. Therefore, the Constitution has stated that consistently with the maintenance of new standards of efficiency, Government has to see that the members of different classes—that is, castes and others—are properly represented in Government services. Therefore, you will find that this matter of recruitment of services or proper representation for the members of different classes is one subject where Government have to call for information from the candidates concerned, and they also, as you are aware, act upon the fact that they belong to certain classes or castes. As the House knows, we have made reservations so far as the Scheduled Castes and the Scheduled Tribes are concerned. Therefore, that fact remains.

So, so far as the constitutional obligations are concerned, you require, at least for some years to come, the mention of castes. If in our desire naturally to end casteism as early as possible we do it just today, then certain results of a harmful nature are likely to arise which have also to be taken into account.

Then, we have also got another thing. The Government of India are giving stipends or scholarships to three categories of students. Some are Scheduled Castes; some are Scheduled Tribes and the others are known as Backward Classes. Now, "Backward Classes" is a term which we have accepted from the States. They submit certain lists to the Ministry of Education and those lists have been accepted. Scholarships are given to boys or girls of these three different categories. Therefore, you will find that this expression has got to be used. I need not point out other occasions in the course of the Constitution where a reference has been made, or has got to be made to castes.

Take, for example, the question of reservation of seats in Parliament as also in various Legislatures. Therefore,

in the present conditions, however good and however necessary it may be for us to emphasise that caste, so far as official and also public life is concerned has to go, the question whether we can try to increase the tempo or the pace of progress is a factor which we have to take into account.

Therefore, Dr. Deshmukh pointed out in the course of this that it is premature to proceed in the direction suggested in the report and that this matter is a part of a complicated and difficult socio-economic problem. He then pointed out that he was not the only person who was against the proposals, modest as they were, made by this Diwakar Committee. He stated that in view of the realities of the situation, the late Thakkar Bapa (Shri A. V. Thakkar, Member of Parliament) who has done so much for the Scheduled Tribes in the scheduled areas also was of the same opinion that it would be very difficult to have the pace hastened unless at the cost of the progress of these communities. He says, "In this approach of mine I am glad to say that a man like Shri A. V. Thakkar, M.P. shares my views completely". And he goes on to say that caste consciousness is a temporary phase which could be eliminated more easily by tackling the disease at the root rather than—and here comes the point which is very relevant—by superficial measures which do not take the realities of the situation into account; in the appalling ignorance and backwardness of these millions, caste is the only tie that unites them. Unfortunately this is true. This is not what we desire. But as a matter of fact this is what actually happens.

I would not take the time of the House by referring to other portions, but I would point out to this honourable House that there are certain difficulties in the way. What does the hon. Mover has in his view so far as the present Bill is concerned? He desires that for official and public purposes there ought to be no mention of the caste at all. As I pointed out just

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now, for official purposes we do require the mention of the caste. In fact, as you are aware, Sir, at the time when the Census operations of 1951 were settled, Government desired that it would be proper to eliminate enumeration of various facts regarding castes. But ultimately certain difficulties arose, and what was done was, as it was settled under the Constitution, Scheduled Castes was a factor to be taken into account, and therefore the enumeration proceeded on certain categories. One was Scheduled Castes; the other was Scheduled Tribes; and, so far as the third category was concerned, all the Backward Classes were grouped together in one lump category. Who were the Backward Classes? Naturally, the Government of India, so far as the Census was concerned, had to depend upon the enumeration or the recommendations of the various States. Therefore, what has been done is that we have got these three categories mentioned. One is Scheduled Castes, the other is Scheduled Tribes, and, thirdly, Backward Classes in general without necessarily mentioning the numerous backward castes or classes that we have in India.

That itself is a matter which has created some difficulties, because we did consider before the 1951 Census that this caste consciousness has got to go and therefore we did make an attempt then of grouping together a number of castes and classes under the general expression Backward Classes. But in Backward Classes *inter se* it would be found that there are different tiers of backwardness, and therefore it would not be proper to depend solely upon a general category of backwardness but we shall have to find the extent as also the degree of backwardness, not for the purpose of maintaining this classification, not for the purpose of maintaining this very harmful feeling of casteism in India, but only for the purpose of understanding the requirements of these socially and educationally backward classes.

And lastly, you are aware, Sir, that two years ago the Government of India appointed a Commission under article 340 of the Constitution. Article 340 of the Constitution enjoined upon Government to appoint a Commission for the purpose of finding out numerically also which are the various classes which are backward in their nature, and then it was the duty of the Commission to recommend remedies for removing this backwardness. The report of the Backward Classes Commission has also been received. That is receiving the attention of Government, and the time will come when this honourable House will have to consider the recommendations of the Backward Classes Commission. Government as also this House will have to consider the whole question. The point is in implementing the recommendations of the Backward Classes Commission or in putting it in a different way, in understanding what are the immediate steps that the Government have to take for the purpose of bringing all these communities on a common level of enlightenment, certain measures have got to be taken. And these measures are absolutely essential until we arrive at a common or equal condition so far as the different classes are concerned. It is only then that democracy would be on a trial. At present we find that in view of this backwardness, educational backwardness, of course economic backwardness, also social backwardness, there are certain difficulties of a very inherent nature which we have to face. It would be entirely wrong to fight shy of the realities of the situation. But I fully agree, and that is the reason why I should like to mention the fact with sympathy that we ought to have a reminder like the one that we have in the Bill, that after all the caste consciousness is entirely a wrong consciousness.

Even in the past period of the history of India, in so far as the so-called advantages of caste were considered, you will have to admit that it was an institution which was evolved only for the purpose of finding out or,

if you like, for democratizing the duties and obligations of certain classes of people. But those times have gone. We are now at a stage where all the people have to be considered as equal members of this country. Now there can be no difference in degree, there can be no differences so far as the concessions that have to be given or so far as the rights that are to be enjoyed by all the members of the society are concerned. Whatever might have been its origin, now we have to understand that this caste consciousness has cast its baneful shadow over the whole public life. In politics this caste system ought not to come. But it has come wherever we desired that it ought not to come.

It is for this purpose that we have to keep before our eyes the very high purpose that has got to be implemented, the ideal that we have to reach, namely that we have to reach a stage where, as the author says, so far as the public life of the country is concerned, so far as the official work is concerned, this caste idea has to go. I do not know, it is not necessary for me to understand, to what extent in private life caste might or might not remain. But in any case the caste consciousness should not be allowed to persuade or to entrench itself upon the public life of the country, upon the political life of the country. Therefore, this custom has to go and we have to establish a society, as it is stated, which is both casteless and which has nothing to do with religion, anyway so far as the constituted government is concerned.

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So, if secular government is our idea, as it undoubtedly is, we must establish a society based on equality. Therefore I desire to say that after all our work here is of a limited nature. It is outside and in the large public life that we have to create a consciousness. We have to reform ourselves in the first instance that this caste consciousness has got baneful aspects which have ruined India.

The other day certain persons pointed out from history what the evil

effects of the caste system were. Those of you who know Marathi language may kindly read the thought-provoking and informative book of the late Narsing Chintaman Kelkar, the Editor of *Kesari—Marate Ani Angrez—the Maharattas and the English*. Therein he has pointed out—Mr. Kelkar was not only a great literature but also a member of the then Legislative Assembly for some time and a very good thinker—he has pointed out the reasons that ultimately led to the downfall, not only of the Peshwas of Poona, but also of the Maharattas in the whole of India—he has pointed out in a very lurid way—that the ultimate cause was the caste consciousness. It is this casteism, this division between man and man, which was carried to excess everywhere that was responsible for the fall of the great Empire in India. Therefore, we have to keep before ourselves what untold evils this caste-consciousness has wrought. Taking the facts as they are and taking also the obligations laid upon the Government and the people by the Constitution, where we have been enjoined to improve the lot of the poor people and to put an end to social disabilities which are ultimately due to caste, we have to find out how we can go and what principles we have to follow. We have to go slowly and it would be wrong if we tried to hasten the pace because it will not be good in the highest interests of the nation and, perhaps, what we are giving to the poor people of different castes may be taken away altogether.

So far as this Bill is concerned, it is vague in its nature. The Mover says that caste name should be completely excluded not only from official records, from the numerous forms that we require for applications here and there but also from public life. The hon. Member has used words which are extremely vague in their nature and, therefore, we have to take into account the fact that it is not possible at this time to force the pace of progress, however laudable the object of the

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hon. Member may be. I request the hon. Member not to force this particular Bill to a division and not to ask us to refer it to a Select Committee nor to circulate it for eliciting public opinion. This Bill has not been properly drafted in spite of the laudable objects it has. No purpose would be served either by eliciting public opinion or by sending it to a Select Committee. Therefore, while sympathising with the objects of the Bill, I would request the hon. Mover not to press it, I would also request the movers of the various amendments not to press them because it would be against the interests of the persons in whose interests we are all moving. Therefore, I request the sponsor of the Bill and also the movers of the various amendments not to press the Bill or the amendments.

**Shri Dabhi (Kaira North):** I do not want to take much time but still I would like to say a few words by way of reply. Several hon. Members took part in this debate. But, the speeches of some of the hon. Members, especially of those belonging to the so-called Scheduled Castes, were fine example of how a person who thinks that his self-interest is in danger, real or imaginary, forgets his principles even, and ignores the higher interests and gives, sometimes, the go-by even to common sense. If that were not the case, how could a person who belongs to the so-called lower castes oppose a measure which seeks to do away with a system which treats him as untouchable and hence inferior even to animals. I can understand their anxiety because they fear that if they were to accept this Bill, then, perhaps, the constitutional guarantees will go. But I made a suggestion that so long as certain constitutional guarantees are there for the Scheduled Castes and Scheduled Tribes I have no objection to make the exception when the Bill goes to the Select Committee. So there was not much force in that argument.

But, I was surprised by the speech of the hon. Deputy Home Minister. In the first place, he referred to the reso-

lution which was brought forward in the Constituent Assembly in 1948. Not only that, he quoted Dr. P. S. Deshmukh and stated that even he at that time did not think that the caste names should be dropped.

**Shri Datar:** He did not put it in the way you have put it. I may point out to the hon. Member that the Government of India decided not to take any action on the Diwakar Committee Report.

**Shri Dabhi:** It is a fact that they did not agree with this modest recommendation of that Committee. I was just thinking that this is not 1948 but it is 1955 and that was the reason why I brought forward this Bill. At that time there was no Avadi resolution and no talk of establishing a socialistic pattern of society and there was not so much talk of crusade against casteism. So, I was greatly surprised and pained to see that the Government do not specify any time when these caste names could be eliminated. There may be practical difficulties now. It may go to the Select Committee. But, I am sorry that the hon. Deputy Minister in his speech said that he did not envisage any time when the caste names could be dropped and still we hope to establish a casteless society and a socialistic pattern of society.

**Shri Datar:** Kindly do not impute to me something that I never said. I never said that I did not envisage this possibility at any time.

**Shri Dabhi:** I do not want to impute motives. I say that in his speech there is nothing to show that he envisaged at any particular time that we will be able to eliminate the caste names. According to Government there does not seem to be any time when the caste names will be eliminated.

I do not want to take a long time. The sum and substance of the Government attitude is—whatever may happen in the future—for the present the caste names are to remain. There are several caste names and they would

continue everywhere in Government records and private life and still we hope that there will be an establishment of a socialistic pattern of society and casteism would go. I submit I cannot accept Government's view, with due deference to the question of principle. Though I am not going to ask for a division, I am not prepared to withdraw the Bill.

**Mr. Chairman:** There are two amendments for circulation. None of the Members is present in the House. So, I have to put them to the House. The first one stands in the name of Shri Keshavaingar.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1955."

*The motion was negatived.*

**Mr. Chairman:** The amendment of Shri Sadhan Gupta falls through. How about Shri Samanta's amendment?

**Shri S. C. Samanta (Tamiluk):** I beg to withdraw it.

*The amendment was, by leave, withdrawn.*

**Mr. Chairman:** The question is:

"That the Bill to remove official recognition of caste distinction among Hindus be taken into consideration."

*The motion was negatived.*

#### CHARTERED ACCOUNTANTS (AMENDMENT) BILL.

**Shri C. R. Narasimhan (Krishnagiri):** I beg to move:

"That the Bill further to amend the Chartered Accountants Act, 1949, be taken into consideration."

**Shri T. B. Vittal Rao (Khammam):** Is it according to the classification?

**Mr. Chairman:** Yes, according to the classification.

**Shri C. R. Narasimhan:** Sir, the Statement of Objects and Reasons contains the object of the Bill, but still I would like to read the first paragraph of it, so that the House may become familiar with it.

"The object of this Bill is to amend certain sections of the Chartered Accountant Act, 1949, with a view to remedy certain injustices, lacunae and confusions observed in the working of the Act since 1949 and ensure a smooth working of the law. None of the purposes of the Act nor the undertakings given by the Government will be affected by any of the clauses of this Bill."

The House and the world outside are all familiar with the profession of lawyers. We are also familiar with profession of doctors. But of late this profession of accountants and auditors is getting a steadily growing place in the public affairs of this country. Ever since the joint stock companies came into existence, the necessity for auditors arose and Government in the earlier years thought it necessary to this profession, train people properly for this profession and to help the industrial undertakings with the services of these personnel. They have been actually functioning as, what is generally described as, the watch-dog of joint stock undertakings. They have been looking after the interests of the shareholders against the company management which sometimes threaten to swindle public money. They look particularly after the interests of those shareholders who have generally no periodical access to the functioning of the company. They have to have someone to watch the whole thing on their behalf and that is how this profession of auditors came into existence.

Subsequently, however, the importance of the profession rose further from what it was originally. Now the professional services of the auditors are needed for a variety of tasks like liquidation, receivership of com-