

17.51 hrs.

**Title: Introduction and consideration of Scheduled Castes and the Scheduled Tribes (Reservation in Services) Bill, 2000 (Not concluded)**

**MR. CHAIRMAN:** Now, the House will take up the Scheduled Castes and the Scheduled Tribes (Reservation in Services) Bill. Shri Pravin Rashtrapal.

**SHRI PRAVIN RASHTRAPAL :** Sir, how much time is allotted for this Bill?

**MR. CHAIRMAN:** Two hours are allotted for discussion on this Bill.

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**SHRI PRAVIN RASHTRAPAL :** Sir, I beg to move:

"That the Bill to provide for reservation in services for the Scheduled Castes and the Scheduled Tribes in establishments under the Central and State Government and in private sector and for matters connected therewith or incidental thereto, be taken into consideration. "

Mr. Chairman Sir, thank you very much for allowing me to speak in favour of Bill No. 24 of 2000 introduced by me on 20.4.2000.

**श्री थावरचन्द गेहलोत (शाजापुर) :** गुजरात के सदस्य हैं तो गुजराती में बोलें या हिन्दी में बोलें।

**SHRI PRAVIN RASHTRAPAL (PATAN):** Since the Indian Constitution was written in English and then translated into Hindi, I have to speak in English.

Sir, this is a very important Bill as far as the issues concerning reservation in services for the Scheduled Castes and the Scheduled Tribes are concerned. The Constitution of India, which is being discussed in this august House many times - and today, again reference is made to the same Constitution - is one of the best written document in the world. The most important part of the Indian Constitution is the Preamble of the Constitution, the Chapter on Fundamental Rights, the Chapter on Directive Principles and various provisions where the Constitution of our great country has given protective discrimination, protective cover to the people belonging to the weaker sections of the society. The Constitution of India is not only taking care only of the people belonging to weaker sections of the society, in particular the Scheduled Castes and the Scheduled Tribes, but the Indian Constitution also takes care of children, women, people belonging to minorities and working class and all those who are exploited on account of the previous foreign rule. If we refer to the Preamble of the Constitution, the Preamble has assured the people of this country social and economic justice, equality of status and of opportunity to every citizen. It was within these parameters that the protective discrimination, which is discrimination as compared to other class, is enacted and accepted by everybody in the country. The Drafting Committee of the Constitution was headed by Dr. B.R. Ambedkar, and the Constituent Assembly was headed by great Dr. Rajendra Prasad. When the Constitution was enacted, the provisions of reservation were discussed in great details. We had stalwarts like Pt. Jawaharlal Nehru, Sardar Patel, Maulana Abul Kalam Azad and various legislators who were the leading luminaries not only in public life, but they were the best barristers in those days.

After taking into consideration all these aspects, the provisions regarding the Scheduled Castes and the Scheduled Tribes were incorporated, and the Constitution came into being with effect from 26<sup>th</sup> January, 1950. But the actual implementation part regarding reservations for the Scheduled Castes and the Scheduled Tribes has not taken one hundred per cent effect even to this day.

According to 1991 Census, the population of the Scheduled Castes is not less than 15 per cent, and the population of the Scheduled Tribes is not less than eight per cent. In fact, it is not a caste. The Supreme Court has gone on record that the 'Scheduled Caste' is not a 'caste'. There may be other castes, but the word 'Scheduled Caste' was coined by the Father of the Constitution by putting all these communities, which were suppressed, depressed, treated as untouchables, which were not having the fundamental rights, which were not having human rights, which were not allowed the dignity as human beings. They were not allowed to enter public places, they were not allowed to enter temples, and they were not allowed to go to schools.

I am aware of a place in Gujarat, which Dr. Ambedkar visited during the 1930s, where the students were not allowed to sit inside the class-room. It was Dr. Ambedkar who hired the premises in the city of Ahmedabad at a cost of Rs. 15 in those days, and he brought teachers belonging to other religions from other States because the then Hindu teachers were not prepared to teach the people belonging to the Scheduled Castes as they were untouchables. This was the position in 1930-35. A school was opened in a place known as Bawla; a school was also opened in a place which is known as Ahmedabad now. No doubt, there were other good Indian rulers in those

days, particularly the Maharaja of Baroda and the Maharaja of Bhavnagar, and also the Maharaja of Kolhapur in Maharashtra, who supported the social reforms started by both Mahatma Gandhi and Dr. Ambedkar, and slowly they started to provide education to these left out sections, these untouchables, and the most exploited section of the society.

When Dr. Ambedkar got the opportunity to head the Drafting Committee, it was he who took care and saw to it that not only these people belonging to the Scheduled Castes and the Scheduled Tribes are given the right to enter temples, the dignity of life, but also allowed them to participate in the democratic system of the country. This participation can take place only if they are allowed to join the Government service, only if they are allowed to join the Indian legislature, only if they are allowed to join the Indian Parliament, only if they are able to hold posts which, otherwise, they were not allowed to hold in those days. Earlier, only a particular section of the society had the right of education by birth. I am sorry to name them. The *Brahmins* had the right of education by birth; *Brahmins* had the right to read the scriptures; *Brahmins* had the right to perform *pujas*; and the *Brahmins* had the right to go to the temple and enter the *sanctum sanctorum* of the temple. This right was given to all communities and all sections of the society after 26<sup>th</sup> January, 1950. The most important right given to the Scheduled Castes and the Scheduled Tribes was to join every group and every class of Government service for which Dr. Ambedkar introduced article 335 in the Indian Constitution. This article came after the important articles 38 and 46 of the Indian Constitution. According to me, these two important articles should be remembered by everyone who is supporting reservation and also by those who are opposing reservation.

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Article 38 of the Constitution of India imposes a duty on the State. It says:

"The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life and shall in particular strive to minimise the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. "

MR. CHAIRMAN: Shri Rastrapal, you can continue your speech later on.

The House stands adjourned to meet again at 11 a.m. on Monday, the 30<sup>th</sup> July, 2001.

18. 01 hours

*The Lok Sabha then adjourned till Eleven of the Clock  
on Monday, July 30, 2001/Sravana 8, 1923 (Saka).*