

Members want to move suitable amendments, they can do so. It is for the House to accept or not to accept.

'Sir, I move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

SHRI HARIKESH BAHADUR: Sir, I introduce the Bill.

ABOLITION OF CAPITAL PUNISHMENT BILL*

PROF. P. G. MAVALANKAR (Gandhinagar): I move for leave to introduce a Bill to provide for abolition of capital punishment in India.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for abolition of capital punishment in India."

The motion was adopted

PROF. P. G. MAVALANKAR: Sir, I introduce the Bill. May I add one sentence?

Sir, I am happy to have the privilege for the first time, to introduce the Bill. My father, when he was Speaker of the First Lok Sabha, took a lot of interest in the movement of abolition of capital punishment. I hope I will be able to get the priority as also support of my hon. colleagues to get this Bill passed as early as possible.

16.04 hrs.

CONSTITUTION (AMENDMENT) BILL—contd.

(Substitution of article 16) by Shri Vinayak Prasad Yadav.

MR. CHAIRMAN: Now, we come to further consideration of the following motion moved by Shri Vinayak Prasad Yadav on the 4th May, 1979 namely:

"That the Bill further to amend the Constitution of India be taken into consideration."

Shri Mahi Lal was on his legs. He is not here. Now, the Minister.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Sir, this Constitution (Amendment) Bill had been discussed on the last occasion. The purpose of this Constitution (Amendment) Bill has been to highlight the need for proper reservations in Government services for the backward classes.

Now, Sir, lot of things have been said in support of this Bill and in opposition to this Bill. I would not seek to take too much time of the House because as is well known to the House the government has appointed a backward classes commission which will be going into this whole problem which in recent times has assumed the dimensions of a big problem. There has been a lot of controversy in certain parts of the country so far as reservation for so-called backward classes in government services is concerned. The atmosphere in certain parts of the country had become extremely serious. The disputes which had arisen were of the nature of sharp conflict which was not desirable for the country because this country is facing lots of problems and those problems can be adequately tackled only in a spirit of amity when people of all shades of opinion join their energies and use those energies for the upliftment of the country as a whole. Therefore, we have to view this problem in that background. Whatever solution has ultimately to be found it must inspire the acceptability of the country as a whole. Then only the solution will really achieve the purpose for which that solution might be found. But if on the other hand the energies of the people are wasted in

* Published in Gazette of India Extraordinary, Part II, section 2, dated 18-5-1979.

[Shri Shanti Bhushan]

unnecessary conflict then in that case no provision whichever might be made in the constitution would be able to achieve the objective which objective might be behind the proposed amendment of the Constitution.

Sir, so far as government services are concerned as is well known government services constitute a very small part of the employment potential in the country. A country where the unemployment problem is so huge merely by providing some reservation for so-called backward classes that step alone would not be quite enough in order to bring backward classes on par with the other so-called forward classes. What has to be ensured is that each and every citizen whether he belongs to the scheduled castes or scheduled tribes; whether he belongs to any other backward classes; whether the backward class is based on the ground of caste, educational backwardness, economic backwardness or social backwardness steps must be taken by the country as a whole so that no person will hereafter remain backward. Every person will take its due place in the society and everyone shall be equal in the eyes of law.

Sir, so many sentiments have been expressed by various hon'ble Members in this House who have criticised the caste system in the country which has prevailed over several centuries. Varna vyastha was to establish different vocations because every person has different kind of aptitude and expertise and, as such, he is suited for different kind of jobs. But this suitability does not depend merely on the family in which a person happens to take birth. It depends on the various faculties of mind. In fact, today the position in some families is that so many brothers who have been born in the same family the aptitude makes one suitable for one vocation and the aptitude makes the other suitable for a totally different vocation. So far as this caste system is concerned in various families it is breaking up because different members are taking to different vocations

but as an institution this caste system is still surviving and that is certainly something to be condemned. The continuance of this caste system which makes it absolutely obligatory on certain persons to remain backward—and of course, this was in its most extreme form experienced as far as Harijans were concerned—had made certain classes of society untouchable, that is, the other people will not deal with them. That condition spelt complete disaster for the members of those communities particularly when it got degenerated into caste system in which the birth was the criterion for his vocation in life and not the person's faculties or suitability for a particular vocation. Then the position was that a person who was born in a particular family stood condemned to certain low status of life and he always had the feeling that this country did not belong to him. Mahatma Gandhi waged a very valiant battle against that system of untouchability and today the position is that we are happy that the untouchables of that day, at the time when Dr. Ambedkar joined the legal profession or the government service the position was that the file was used to be thrown and not handed over to the members of the scheduled castes. Files were thrown at them even by an ordinary person. He would not like the file at the same time to be on the one side touched by the member of the so-called scheduled caste and on the other he would be touching the same file. That is why Dr. Ambedkar also revolted against the system and dedicated his life to the upliftment of the so-called untouchables and today we find that those untouchables of that period are now reaching the highest positions in every section of the society. I am very happy to say that only some time back....

श्री राय बिलास पासनाम (मजीपुर) :
चाप के बिभाग में क्या है ?

SHRI SHANTI BHUSHAN: They are occupying very important places even in my Ministry. Perhaps, the hon'ble Member is not aware so far as the reservation of scheduled castes is con-

cerned by and large the quota is complete.

श्री राम बिलास पासवान : हाई कोर्ट में क्या स्थिति है ?

SHRI SHANTI BHUSHAN: Of course if he is thinking of High Court judges the position is not as happy but so far as various other important places are concerned, viz., government services including Class I Service, Income-Tax Appellate Tribunals they are having their full quota. So far as High Court judges are concerned not only a beginning has been made but also....

AN HON. MEMBER: Are you seriously thinking that these few crumbs that you are throwing on the untouchables has really alleviated their position?

SHRI SHANTI BHUSHAN: I am not saying that as if all that has to be achieved has been achieved. What I wanted to point out was that let us contrast the position as it obtains today from the position as it obtained fifty years ago. Did anyone conceive that judgeship of the highest court, viz. Supreme Court would be offered to a Harijan? It was unthinkable fifty years ago. I am only paying compliments to the members of these communities that they have made such a valiant struggle against all this.

श्री आर० एल० कुरील (मांझलाल गंज) : 50 साल पहले सभी लोगों का यह हाल था, इस में कोर्ट नई बन नहीं है ; उस वक्त देश गुलाम था ।

श्री शान्ति भूषण : देश गुलाम था लेकिन फिर भी उच्च जातियों के लोग हाई कोर्ट, सुप्रीम कोर्ट और फेडरल कोर्ट में जज बना करते थे । फेडरल कोर्ट में, जो हायस्ट कोर्ट आफ दि नैड था, 1937 में उच्च जाति का जज था लेकिन आज यह अवस्था आ गई है कि एक हरिजन को सुप्रीम कोर्ट की जजगिरी आफर होती है और वह हरिजन कहता है कि मैं सुप्रीम कोर्ट का जज नहीं बनना चाहता हूं क्योंकि मेरे सामने अभी कुछ कठिनाई है ।

श्री आर० एल० कुरील : कितने और लोगों को आफर दिया गया है ?

श्री शान्ति भूषण : कितनों को सवाल नहीं, सुप्रीम कोर्ट में तो कोई जज ही होते हैं ।

Whatever should happen has already happened. The country has a long way still to go, in its quest for achieving real equality. What I wanted to say was this. What is more important is this...

SHRI D. D. DESAI (Kaira) If you are readily feeling that you are moving in a progressive direction, may I be permitted to say this much? I do admit, we did move in a particular direction during Mahatmaji's life time. But I must say that since then, we have started reversing the process. Today our situation is that casteism has gone to such an extent unfortunately that in some parts of the country, this has become a real menace.

SHRI SHANTI BHUSHAN: It has become a menace, because in politics casteism has been introduced to such an extent. Was it ever thought that elections would be fought on the basis of caste? But, caste has become such an important factor now! I would appeal to hon. Members to put their hand on the hearts and consider as to whether certain things had not been done in order to give further fillip to casteism. Instead of bringing it to an end, have we not done something to attach greater importance to casteism, so far as elections are concerned and our political life is concerned? That is the question. Have we not started thinking on these lines 'All right; if I adopt this particular programme and propagate it will I get support from members of this caste and that caste and so on? So, these are things which go to perpetuate the caste system, which we want to abolish.

So, I am not saying that there is no justification for reservation even for the backward classes. What all I say is only this. And what the hon. Member himself has said only goes to prove my point. Reservation has been made for Harijans since a long time ago. But still what is the position? The position of harijans has not become exactly what it should have become. This is the situation

SHRI R. L. KUREEL: Because you people think that they have come up. So there is no intention to do away with it.

श्री राम विलाम पासवान : एक मिनट के लिए मेरा कहना यह है कि जब अंग्रेज हिन्दुस्तान से जा रहे थे तो वे उस समय इंडियन को नालायक कहने थे । क्या अंग्रेजों के जाने के बाद सभी इंडियन लायक हो गए हैं ? अंग्रेजों के जमाने में जो लोग लायक नहीं थे वे उनके जाने के बाद सब लायक हो गए ।

सभापति महोदय: आप पहले उनका पूरा भाषण तो सुन लीजिए । You may please listen to him.

SHRI SHANTI BHUSHAN: All that I would like to say is this. This evil of caste is a very deep-rooted evil. It has got multi-dimensional forms. This has to be tackled on many fronts. A mere formula of reservation alone is not going to be the panacea for all evils. That alone is not going to solve this evil,—as reservation in the case of SC and ST has shown. So many things have got to be done. We must not lose sight of our ultimate objective to make our society a casteless society. Ultimately that has to be our objective. We must not do certain things which will perpetuate the problem. So a balanced approach is needed. A balanced approach to the solution of this problem is called for. Such a balanced approach alone will further promote amity between the different castes and enable people to forget their old castes and help them in these matters..

SHRI R. L. KUREEL: Are you going to abolish the caste system, the varna system and so on?

SHRI SHANTI BHUSHAN: Please listen to me. I am not opposing the reservation of backward classes. Somehow certain hon. members start imagining that a certain speaker would be opposing the reservation for backward classes and therefore they

start interrupting. But the point is this..

SHRI D. D. DESAI: We only need your help. Somehow or other, we honestly feel that the position has been reversed since Gandhiji's death. Today our position has become such that caste system is becoming more and more prevalent. There is constitutional provision in this regard. If politics or any other thing goes against this constitutional provision, let us straighten out these things and provide what should be done. Whatever is desirable should be enacted by the Government so that everybody conforms with the constitutional provisions and not allow things to get into any runaway manner as has happened today..

SHRI SHANTI BHUSHAN: Over-simplification of complex problem is not possible. A certain solution has certain merit and also demerit. While on this one side, it may solve the problem namely enable certain people, a very small segment of people, to take the rightful place, by making reservation for them, but if it also introduces certain other tendencies and conflicts between different castes, in that case, it becomes a question of judgement as to what is the proper solution because you cannot only see one side of the matter and forget the other side.

SHRI D. D. DESAI rose.

MR. CHAIRMAN: I allowed you once, twice; now to more.

SHRI SHANTI BHUSHAN: The fact is that it is a very complex question and it is that fact which has been responsible that even when these matters of reservation for backward classes have been considered by the Supreme Court, the Supreme Court has been constrained to say different things in the same judgement, namely something which points out in this direction and the other things which point out to the other direction. There are so many considerations which are relevant

when reservation has to be made in Government service. Firstly, the Government servants are the most important medium or instrument for translating the various policies laid down by the various elected representatives of the people. The country is backward in various ways; forget the various caste and other classes. Take the people as a whole: the country is very backward. More than 50 per cent people are living below extreme poverty line. If you give some jobs to some people, that is not going to solve the problem of poverty for crores of people in our country. There should be a definite programme; a vigorous programme which will create such conditions which will radically transform the economy of the country in such a way that every person would be able to find a job. Not only that, the job will provide him sufficient income so that he can live an honourable life and provide all the necessities and amenities to his family. These are the conditions which have to be created. In order to create those conditions what is required is a complement of very efficient Government servants. That is one reason why the Constitution provides that there shall be equality of opportunity in the matter of employment under the State. This is one cardinal principle which has been established. It is only by applying the principle of equality in respect of opportunities of employment under the State that you can ensure that the people who will be recruited to man various services will be the most competent available. Now, so much is said against the bureaucracy and Government servants; a lot with justification also. Unless you have a set of dedicated people, efficient people, competent people, who know their job it will never be possible to translate the various policies which might be evolved nor do good in order to see that the development of the country takes place in a manner so that every person would be able to get a job and sufficient income to live an honoured

life. That is one side of the story. The Constitution must see to it that the Government services are the most efficient that are possible and that is only if the principle of equality is applied namely open competition. But at the same time if completely open competition is applied, then those who historically have had certain advantages in regard to education etc., monopolise this. If you are properly educated, obviously you become smart, when you are moving in a particular kind of society, your general knowledge also increases, your effectiveness as a Government servant also increases and, therefore, obviously the chances of getting that kind of knowledge and ability also remain monopolised in certain section of the society. With the result, a compromise has to be found between the extremes. One extreme demands that efficiency alone should be the criterion for recruitment to Government service. At the same time, the long-term interests of the country should be taken care of. We have this division on the basis of caste. Of course, there are many divisions in the country—between regions, different areas, different vocations, persons having different backgrounds, religions and so on. But this caste is also a very important factor which tends to divide the people. And so long as there are factors which are responsible for dividing the people of the country, it goes to make for an inherent weakness in the whole country. The country can become strong, powerful and oriented towards development only if these various tendencies which tend to divide the people, are removed, and they can not be removed, unless people belonging to different classes—and that word includes castes also—have the confidence that they do not have any in-built handicap in taking their rightful place—this should be true of every section of the society. And so, that dictates that some kind and some extent of reservation is necessary. Certain classes have to be identified, viz., if they are backward and their backwardness would continue to generate backwardness so far as those classes are concerned, and

[Shri Shanti Bhushan]

thus would continue to perpetuate the system of castes, special efforts have to be made to see to it that those classes do not continue to suffer from those handicaps. And that brings in the concept of reservation; and that is why in Article 16, as it had been enacted earlier, it had been provided that while equality is one principle, at the same time reservation for backward classes, in order to enable them to take their rightful place, is also an important principle. And ultimately, if the total good of the country is to be ensured, a proper harmony will have to be found between these two principles. That is why, even the Supreme Court, when it gave its thought to this problem, has been trying to say things which will provide harmony among these competing principles; and above all, this harmony between different sections of society has to be ensured. If we keep on quarrelling what is the good of it? I may be right; another person may be right; but the whole point is that it is immaterial. God Almighty alone knows as to who is right and who is wrong, because there is so much to be said on so many issues—about the two sides of each of these issues. It is very difficult to say who is right and who is ultimately wrong. In fact, the concept of absolute rightness and absolute wrongness does not exist. These are all relative things.

Therefore, what is most important is this: if we are not to waste our energies in unnecessary conflicts, we have to find a harmony, because nothing will happen otherwise. In fact, Mahatma Gandhi has shown that the path of violence is not the path to progress; it is the path of non-violence, the path of tolerance, of compromise, of conciliation, of harmonization of different competing claims and principles that constitutes that path, so that there is a clash of principles, there is a clash of competing claims and so on; and a harmonized way, a middle course has to be found which will broadly satisfy all sections of the

society, because unless a solution broadly satisfying all the sections of the society is there, we will keep on wasting our energy in unnecessary conflicts, and everyone will remain backward. The whole country will remain backward.

I am reminded of this, when so many people in foreign countries say that India was, of course, the most leading country so many centuries back. It was the most leading country of the world. It has a right to be so, because it can boast of the most ancient and most refined culture that any country has produced. (Interruptions) No, no. It is not in the intermediate period. I am talking about the old concept, when the caste system was not there. That was a culture which has been evolved in this country. This country was the most prosperous country in the world. People in many countries wonder why is it, what does India lack on account of which it has now taken a back-seat among the various countries of the world. It has got a beautiful geography, such a good climate which is very productive, it has very fertile land, all the natural resources of every kind, mighty rivers, high mountains, all in abundance, has the potential for electric energy, irrigation, all kinds of minerals, a vast manpower, people who are peace loving, tolerant people who are even prepared to suffer, religious minded people. God has been very kind to this country, so far as various resources are concerned; and it is a matter of deep thought as to why this country is still retaining a back place, so far as the comity of nations is concerned. And one of the reasons is that well there must be some rishi who—apart from so many good things being given by God—must have been responsible for a curse that all right Indian people shall stand divided among various classes, the classes will have conflicts with each other so that 80 per cent of or 90 per cent of their energy will be wasted

only in pursuing those conflicts with each other, not realising that these conflicts spell a doom for all the sections. Somehow, if we could forget these various conflicts among different classes, whether based on the ground of religion, region or caste, and become a completely unified people thinking that all of us are members of the same family and we have all to strive together to better the lot of each one of us, then perhaps in a very short period, India could be a different India. But that is a question. A magician has to come here in order, somehow, to produce a formula.

(Interruptions) **

MR. CHAIRMAN: It would not go on record.

(Interruptions) **

SHRI SHANTI BHUSHAN: Let us hope that so far as this very vexed question of reservation is concerned, which has excited rightly or wrongly a very deep passion in a very important area of the country, which saps the energy of the people of this country, which takes the country backward and makes it more backward, somehow, after the constitution of this Backward Classes Commission and after we receive a report from the Backward Classes Commission of the various sections in the country, different classes of people would see light and would realise that the path of conflict can only lead to the doom of the whole country. It is the path of conciliation, it is the path of modernisation, it is the path of compromise which alone can lead to the betterment of every section of society.

Therefore what I beg to submit is that there is a need to identify backward classes, the reasons for their backwardness and a formula by which people of all shades of opinions can be convinced; and ultimately these solutions are acceptable to the people not in a spirit of enforcement but in

a spirit of mutual love and affection between different sections of the society. If there are people who want to make political capital out of these things, who might be trying to promote certain ideas not because it will really be good for the country as a whole, but because it might enable them to get votes of this section or that section, then I would appeal to them that they should put the country before self and should realise and think what injury they are causing to their own people which will come after that, their children, their grand children and their grand children. In order to pursue our very small objective, if we do not mind the real interest of the country and give rise to conflicts which might keep on living for a long time to come, then it will be very difficult for the country as a whole to make any progress. So far as politics in this country is concerned, of course, the democracy itself has done a lot of good to the people, but, at the same time, politics has also generated certain forces; in which people tend to forget their real interest. They concentrate more on their narrow interest. Vote politics also starts coming to the surface and people start thinking in a most strident way so that they will get more votes and forget in the process what they are doing to the country what they are doing to their own brethren, to the members of their own caste. This feeling of personal interest etc., must be subordinated. That is my earnest appeal. At the same time, Government is fully conscious of the fact that there are certain backward classes in this country who need to be properly identified; and some special efforts need to be made for them but in a manner that the real objective will not be missed. We shall not miss the aim, in order the means will not defeat the end. We have a certain end to establish a classless society, a prosperous society, a highly developed society in this country. All the conditions are ripe for that situation. We have to see that the problems of

[Shri Shanti Bhushan]

this country which it is facility are solved in the proper spirit. It is the spirit which is much more important than the actual formula, whether it is 20 per cent, 25 per cent, 15 per cent and so on. It is not this percentage which is going to matter very much. What is going to matter very much is the kind of spirit that we establish in the society. Of course, conditions vary from State to State. A lot has been done in different States also. A lot still remains to be done. This is a country in which conditions vary from region to region and therefore, just one formula cannot be suitable for every region and so on. Therefore, very close thought, very detailed thinking needs to be done on this subject, so that every section may feel that all right justice is being done. What is really needed is being done. A lot of propaganda has also to be done. People have to be convinced. Many people are ignorant and many sections of people are ignorant. They do not understand these things. It has to be explained. It has to be made acceptable to them. Unless certain solutions are made acceptable to the people as a whole, they will never serve the purpose, except serve the political propaganda enabling some people to get votes of this section and that section and so on. The more the politics of this country gets polarisation on the basis of caste, the more danger it will pose for the whole country. Therefore, I submit and I appeal to the hon. Mover of the Bill that a Backward Classes Commission having been appointed which will go into the whole gamut of various complexes, ideas and facts which are there. Let us all join and make our efforts in that direction—that something will emerge from this Backward Classes Commission by the spirit of amity, just as in the case of Harijans, etc., reservation was done. There has been no real conflict about that. It has been done. It has achieved a lot of result. All result has not yet been achieved but still we are on the road of solving the problem of untoucha-

bility and so on. Therefore, this problem of backwardness would be solved in due course. But it will be solved only by having amity among different sections of the people.

With these words I would appeal the hon. Mover of the Bill not to press his Bill, to withdraw the Bill so that the Backward Classes Commission can continue to do its work. After making a thorough study of the situation in different regions of the country, a proper formula can be made acceptable to the whole country. Then only the interests of the Backward Classes would really be furthered in a genuine way, not merely by means of political propaganda.

MR CHAIRMAN: Shri Vinayak Prasad Yadav.

श्री हुकम देव नारायण यादव (मधुबनी) : सभापति महोदय, क्या इस विधेयक पर और बहस नहीं चलेगी ? इस पर बहस जारी रहनी चाहिए ।

चौधरी बलबीर सिंह (होजियागपुर) : सभापति महोदय, और माननीय सदस्यों को बोलने का मौका दें ।

श्री आर० एल० कुरील : मैंने इस पर एमंडमेंट दिया है ।

सभापति महोदय : माननीय सदस्य पिछली बार की प्रोमिडिज्म को देखें । यह तर्क किया गया था कि पहले श्री महीनान को स्पीच होगी, उसके बाद मिनिस्टर साहब इन्टरवीन करेंगे और फिर मूवर साहब जवाब देंगे । पहले ही यह फैसला हो चुका है ।

श्री आर० एल० कुरील : मंत्री महोदय ने बड़ी डेकोरेटिव स्पीच दी है और गलत चीजों को डेकोरेट कर के पेश किया है । क्या हमें उनको कान्ट्राडिक्ट करने का अधिकार नहीं है ।

सभापति महोदय : यह अधिकार मूवर को है ।
—श्री यादव ।

श्री बिनायक प्रसाद यादव (महरमा) : सभापति महोदय, मंत्री महोदय ने जो भाषण दिया है, उसके बारे में मैं बाद में विवेदन करूंगा । जिन माननीय सदस्यों ने मेरे संविधान (संशोधन) विधेयक पर हुए वाद-विवाद में हिस्सा लिया है और बहुमूल्य सुझाव दिये हैं, उनके प्रति मैं आभारी हूँ ।

सब से पहले मेरा निवेदन यह है कि मेरा मकसद या आशय किन्हीं वर्गों या जातियों के प्रति

कोई दुर्भावना व्यक्त करने का नहीं था। मैंने अपने बिल के उद्देश्यों या अपने भाषण में जो कुछ कहा है, वह कोई दुर्भावना के दृष्टिकोण से नहीं कहा है, बल्कि भारतीय समाज और प्रशासन में जो कठोर सत्य है, उसका इजहार किया है। इसलिए मैं सब से पहले यह माफ कर देना चाहता हूँ—यदि किन्हीं माननीय सदस्य पर मेरे कथन का ऐसा प्रभाव पड़ा हो, तो मैं उस के लिए क्षमा प्रार्थी हूँ।

सभापति महोदय कुछ माननीय सदस्यों ने विधेयक पर अपने विचार रखते हुए यह कहा है कि बिल में सभी को राजगार देने की गारन्टी होनी चाहिए थी। इसमें कोई दो रायें नहीं हो सकती कि जिनने भी स्वस्थ लोग अपने देश में हैं और काम करना चाहते हैं—सभी को राजगार यानी काम पाने का मौलिक अधिकार होना चाहिए। सरकार का यह कर्तव्य होना चाहिए कि सभी को काम दे। लेकिन जहाँ तक मौजूदा विधेयक का नवाल है, इस का सम्बन्ध भारतीय समाज के उन वर्गों से है जो भारतीय समाज के विकास में सामाजिक और शैक्षणिक दृष्टि से हजारों वर्ष पीछे छोड़ दिए गए हैं, बल्कि यों कठिने धक्का दे कर पीछे कर दिए गए हैं। उन्हें पढ़ने-लिखने से महत्त्व रखा गया, ज्ञान की बातों से अवगत रखा गया। इसी लिए आजादी के 30 वर्षों के बाद भी उनका प्रतिनिधित्व सरकारी सेवाओं में नगण्य हो गया। इस का मुख्य राष्ट्र को बहुत बुरा चुकाना पड़ा है—जब विदेशियों ने इस देश पर आक्रमण किये तो मुट्टी भर आदमी उन का मुकाबला करने जाने थे और बकिरे आबादी चुनचाप तमाशा देखनी थी। उन को कहा गया था कि देश की रक्षा उन का काम नहीं है, वह तो क्षत्रिय का काम है, पढ़ना लिखना और राज चलाना उन का काम नहीं है, वह तो ब्राह्मणों का काम है। इसी का नतीजा था कि पार्लियामेंट की मुट्ठी में सिर्फ 1200 विदेशी फौज ने हिन्दुस्तान को हरा कर गुलाम बना दिया। इस के पहले भी जब सिकन्दर ने हिन्दुस्तान पर हमला किया था, तब भी भारतीय सैन्य भाग खड़ी हुई थी। ऐसे दर्जनों मिगाल हैं। जब इन ज्ञान व्यवस्था के चलते देश को विदेशियों के सामने घुटने टेकना पड़ा।

सभापति महोदय, वर्ण व्यवस्था ने अधिकांश आबादी को राज-काज की व्यवस्था से, इज्जत की जगहों से अलग कर दिया था, नतीजा यह हुआ कि देश दर्जनों बार गुलाम हुआ। मैं अभी माननीय शांति भूषण जी के भाषण को बड़े गौर के साथ सुन रहा था? हम को भाषण सुनने के वक्त ऐसा लगा—जब हम लोक सभा में आते हैं तो सेंट्रल हाल के प्रवेश द्वार पर लिखा हुआ है—

अयं निजः परावृत्ति गणाना लघुचेतनमम ।

उदार चरितानां तु वमुधेव कुटुम्बकम् ॥

ऐसा मालूम पड़ रहा था जैसे यह सूत्र इन्हीं का लिखा हुआ है।

सभापति महोदय, वास्तव में यह सूत्र जिसका है, मैं उन्हीं की लिखी हुई किताब से कुछ पढ़ कर सुनाना चाहता हूँ—यह किताब है—मनुस्मृति। अभी कानून मंत्री जी ने कहा कि जातिव्यवस्था और वर्णव्यवस्था कोई जन्म से नहीं है। माननीय कानून मंत्री जी मुझ से ज्यादा विद्वान हैं और जिन का लिखा हुआ यह सूत्र है—शायद उन को भी वे अपना पुरख मानते होंगे। उन्होंने लिखा है कि परमेश्वर ने अपने मुख, बाहु, पेट और पैर से चार वर्ण—ब्राह्मण, क्षत्रीय, वैश्य और शूद्र उत्पन्न किए। ब्राह्मणों के लिए पढ़ना-लिखना, यज्ञ करना, यज्ञ कराना, दान लेना, दान देना—ये 6 काम नियत किये गए हैं। क्षत्रिय के लिए प्रजा रक्षण, दान देना, यज्ञ करना, वेद पढ़ना, विषयों से दूर रहना—आदि क्रम नियत किए गए हैं। वैश्यों के लिए पशुपालन, दान देना, वेदाध्ययन, कृषि और व्यापार आदि विधान हैं। और शूद्रों के लिए इन तीन जानियों की सेवा करना माना है। यह मनु भगवान का लिखा हुआ है। मनु भगवान कहते हैं कि चारों चार जगहों से पैदा हो गए और मुख से ब्राह्मण पैदा हुआ और पैदा होते ही विद्वान बन गया और जो पैर से निकला उस के बारे में भगवान मनु कहते हैं कि उस को कमी ज्ञान मत सुनने दो और अगर सुन भी ले तो कान में गोशा डाल दो। हम कानून मंत्री जी से निवेदन करेंगे कि कानून की किताबें तो उन्होंने बहुत पढ़ी हैं, मनु भगवान का जो बनाया हुआ कानून है, उस को भी पढ़ ले, तो मालूम पड़ेगा कि यह जो रिजॉरेशन वाला मवाल है यह कैसे हल किया जाएगा और इस देश में कास्टलैम सोसाइटी कैसे कायम होगी? सिर्फ गांधी जी का नाम लेने और वर्णमन्त्र की बात करने से यह कष्ट खत्म होने का नहीं है।

सभापति महोदय, नौकरी में जो संरक्षण का प्रश्न है, वह बेरोजगारी मिटाने का नहीं है बल्कि आबादी के हर हिस्से को राज काज में साझादारी का है, उन्हें यह अहसास कराना है कि देश में प्रजातन्त्र है और राजतान में सभी की हिस्सेदारी है। यदि ऐसा नहीं होगा, तो फिर देश गुलाम बन सकता है, दर्जनों बार गुलाम बन सकता है। मुट्ठी भर आबादी जितु का मोनापली सरकारी नौकरियों में है, उन का जुल्म और अत्याचार चलता रहेगा इस देश की आबादी के बड़े हिस्से पर। अभी कानून मंत्री महोदय कर रहे थे कि हमारा मकसद होना चाहिए, इस देश में अल्टीमेट मकसद यह होना चाहिए कि कास्टलैम सोसाइटी कायम की जाए। हम लोगों ने मार्क्स को पढ़ा है। मार्क्स ने कहा था कि दुनिया में क्लासलैस सोसाइटी कायम करनी चाहिए और यह कैसे कायम होगी। इस के लिए मार्क्स और एंजिल्स ने लिखा था, मार्क्स ने कहा था कि क्लासलैस सोसाइटी बनाना चाहते हो, तो क्लास स्ट्रगल को तेज करो, खूब धंधादार स्ट्रगल करो और क्लास स्ट्रगल को तेज करने के बाद क्लासलैस सोसाइटी कायम होगी। मैं कानून मंत्री जी से

[श्री बिनायक प्रसाद यादव]

पूछना चाहता हूँ, उन का बहुत नोबिस घाइ-
दिया है, और कोई भी घाईमी जिल में बोड़ी सी
भी सँस होगी, वह कानून मंत्री जी की बात से
तफरका नहीं रख सकता कि क्वासलैस सोसाइटी
कायम होनी चाहिए लेकिन होगी कैसे, मैं पूछना चाहता
हूँ ? कास्ट कोलाबेशन से होगी ? अभी कोई जज
का सवाल आता है, तो किस का प्रमोशन होगा ।
किसी के स्वार्थ पर कुठाराघात होता है, तो फिर
लड़ाई होती है, सारी चीज होती हैं । घाब मुट्ठी
भर लोग इस देश में 90, 95 पर सेन्ट जगहों पर
दखल किए हुए हैं । मैं उन से पूछना चाहता हूँ
कि वे कैसे कास्टलैस सोसाइटी कायम करने के लिए
काम करेंगे ? इतने बड़े स्वार्थ की लड़ाई है । स्वार्थ
पर कुठाराघात करने के लिए निश्चित तौर पर थोड़ा
बहुत कास्ट स्टुगल हो सकता है, थोड़ी बहुत लड़ाई
हो सकती है और उस से यदि घबड़ाएंगे, तो इस देश में
जो मोनोपली है, वह कभी नहीं टूटेगी । इस देश में
हजारों वर्षों से जो लाखों हरिजनों को सरकारी
नौकरियों में दखल नहीं देने दिया गया है, वह
कभी भी बराबरी में नहीं आ सकते । मैं निम्नता
के साथ अपने कानून मंत्री जी से कहना चाहता
हूँ कि अभी उन्होंने कहा है कि रिजर्वेशन हरिजनों
के लिए हुआ लेकिन फिर भी उन को ज्यादा
तरफ़की नहीं हुई लेकिन जो भी थोड़े बहुत हरिजन
बड़े हैं, वे रिजर्वेशन के चलने ही बड़े हैं, यह
मैं मदन से निवेदन करना चाहता हूँ । मैं यह भी
कहूँगा कि अगर सरकार 30 साल तक ईमानदारी
से काम करती और रिजर्वेशन को मुस्ती से लागू
करती, और जो यह 15 परसेन्ट या 11 परसेन्ट
रिजर्वेशन दिया हुआ है, उसको एंफोर्स करती,
तो यह स्थिति नहीं होती । हमारे कानून मंत्री जी ने
कहा है कि बाबा अम्बेडकर माहब बहुत बड़े विद्वान
थे और उन्होंने यह भी बताया कि कालेज में उन
को पानी तक नहीं दिया जाना था और पानी फेंक
दिया जाता था, ऐसी स्थिति थी । पानी के लिए
यह स्थिति थी । ये कहते हैं कि देश बदल गया
है लेकिन मैं कानून मंत्री से पूछना चाहता हूँ कि
अम्बेडकर माहब पर गंटी का टुकड़ा फेंका जाता था
या पानी फेंका जाता था : लेकिन इस देश में जो
दूसरे सब से बड़े अम्बेडकर हैं, सब से बड़े नेता हैं
बाबू जगजीवन राम जी, उनके साथ बनारस में क्या
हुआ ? उनके पत्थर की मूर्ति छुने पर उसे 12
बार गंगा जल से धोया गया । इसलिए मैं सभापति
महोदय आपके जरिए से कानून मंत्री जी से कहना
चाहता हूँ कि गफ़जत में न रहे ? हिन्दुस्तान आज
भी जाति के मामले में, वर्ण के मामले में वही
पर है । जहाँ पाँच हजार वर्ष पहले था ।
यदि हम इस जाति-पाति को, जाति-पाति के
झगड़ों को खत्म करना चाहते हैं तो वास्तविकता
को हमें फेंस करना चाहिए । इसके नाम पर जो
झगड़े और मार-पीट होती है उसे भी फेंस करना
चाहिए । निश्चित तौर पर इससे समाज में सुधार
आयेगा । जब तक संघर्ष नहीं होगा, थोड़ी बहुत
लड़ाई नहीं होगी परिवर्तन का चक्का घागे बड़
नहीं सकेगा ।

अन्त में मैं एक बात कहना चाहता हूँ ।
एक माननीय सदस्य ने इस बिल पर अपने विचार
व्यक्त करते हुए कहा कि धार्मिक आधार काइ-
टेरिया होना चाहिए । मंत्री जी ने भी इस ओर
इशारा किया था । मैं नम्रता पूर्वक कहना चाहता
हूँ कि संविधान में इकोनॉमिक काइटेरिया कहीं
नहीं है । सभापति महोदय, मैं मनुस्मृति से उद्धृत
करना चाहता हूँ—मनुस्मृति में लिखा हुआ है—

“शूद्र को बुद्धि न दे और उसे उच्छिष्ट
तथा हविष्कृत नहीं देवे । शूद्र को धर्म का उपदेश
नहीं देवे और वत का भी आदेश नहीं करना
चाहिए । जो कोई शूद्र को धर्म की बात करता
है और वत का आदेश दिया करता है वह उस के
साथ असंवत् नाम वाले तम में डूब जाता है ।”

सभापति महोदय, इस के साथ ही मैं एक-
लप्य की कहानी आपको याद दिलाना चाहता
हूँ आप जानते हैं कि एक फिशरमेन, मल्लाह
का लड़का ट्रोणाचाय के पाम गया और कहा
कि मुझे बाण चलाने की शिक्षा दे दो । इस पर
उन्होंने कहा कि हम मल्लाह के लड़के को शिक्षा
नहीं दे सकते । वह मल्लाह का लड़का ट्रोणाचाय
की मिट्टी की मूर्ति बना कर जंगल में बैठ
गया और बाण विद्या सीखने लगा । वह कुछ
समय के पश्चात बाण विद्या में पाण्डवों से
भी तेज हो गया । जब वह बाण चलाने में
तेज हो गया तो ट्रोणाचाय के पाम गया और
कहा कि हम आपकी मूर्ति से बाण चलाना सीख
गये हैं । मृन्म से गुरु दक्षिणा लें । ट्रोणाचाय
ने यह सुना और उमसे कहा कि तुम अपना
अंगुठा काट कर दे दो । मल्लाह का लड़का
मूर्ख था । उमने अंगुठा काट कर दे दिया ।
उसके बाद वह ज़िन्दगी भर बाण नहीं चला
सका ।

इसलिये मैं कहना चाहता हूँ कि हम जो
संविधान संशोधन विधेयक लाये हैं वह इसी
उद्देश्य से लाये हैं कि अगर आप को इस देश
से जातिपाति का मिटाना है तो निश्चित तौर
पर आपको सरकारी नौकरियों में से ऊँची
जाति के लोगों को मोनोपली को खत्म करना
होगा । राजनीतिक पार्टियों की नेतागरी ऊँची
सरकारी नौकरी पन्टन की भफसरी, व्यापार
और सभी ऊँची और इज्जत की जगहों पर
दबे कुचले लोगों को उनकी आबादी के अनुपात
में जगह देनी होगी तभी इस देश में कास्टलैस
सोसायटी कायम होगी और राष्ट्र का सर्वांगीन
विकास होगा ।

मैं आपका अधिक वक्त लेना नहीं चाहता
हूँ । मैं कानून मंत्री से निवेदन करता हूँ कि
इसको मान करके वह इस देश से जातिपात
को मिटा दें ।

सभापति महोदय : क्या आप इसको वापिस
लेना चाहते हैं ?

श्री विनायक प्रसाद यादव : आपका मन देखते हुए मैं इसको वापिस लेता हूँ ।

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Bill further to amend the Constitution of India."

The motion was adopted.

श्री विनायक प्रसाद यादव : मैं इसको वापिस लेता हूँ ।

MR. CHAIRMAN: Now we take up item No. 8—Prohibition on Indication of Caste Bill by Shri D. D. Desai.

16.56 hrs.

PROHIBITION ON INDICATION OF CASTE BILL

SHRI D. D. DESAI (Kaira): Sir, I move:

"That the Bill to provide for prohibition on indication of caste, religion, community or region, etc. with the name, be taken into consideration."

Sir, India today is divided among itself and the hon. Minister made quite a few references about our glorious past and we may make certain statements in that respect at a later stage.

Sir, I had the opportunity to travel round the world several times. There is no country in the world where there are castes, religious names and that sort of things which divided our poor country. God created man. He did not stamp on him any cast nor did He give any particular name or anything to him. It is only a man-made affair and we should realise that whatever we have made, whether it is of any help or to what extent it has been damaging our society. Sir, the early *homo sapiens* were essentially hunters and they did not know even farming and at that time we all know

that the people were of one class. Subsequently, as the society developed, we have seen that certain tribes came up and those tribes also had their leaders and those leaders used to lead them into certain vocations or jobs or activities. At that time also there were no castes. The tribes were there, but unfortunately the tribes used to quarrel among themselves, but today we are not that much worried about that part of it. Thereafter, certain features of human beings developed to be agreed or accepted or recognised as, let us say, Dravidians Aryans and like that.

श्री महीलाल (बिजनौर) देमाई जाति सूचक है या नहीं ?

SHRI D. D. DESAI: 'Desai' is a title. 'Des' means country, 'ai' means 'revenue' We should discontinue "Desai" also if it comes to that.

17 hrs.

The Aryan race did not have any caste; nor did they have any of these names which we are presently prefixing. If proof is required, I might point out that it is not in India alone that the Aryans live. There are Aryans in Iran and other countries too, and we see that none of these Aryans have the caste system like this God-forsaken country India.

Here also we did not have caste during the Vedic times, and subsequently our eminence grew with the result that India gained dominance or predominance in the international world to an extent which surprised everybody. Prof. Parkinson relates the very interesting story of the east and the west wherein he says that between 250 B.C. and 850 A.D, for 1100 years, India ruled the world, which no other country has been able to do. He says that the Soviet Union has been aspiring to rule the world for 150 years, America has been aspiring to rule the world for 150 years, the United Kingdom had the opportunity to rule the world for 250 years, but there is no country in the world which has ruled