

**LOK SABHA**

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**THE UNTOUCHABILITY (OFFENCES) BILL,  
1954**

**(Report of the Joint Committee)**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*December, 1954*

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# THE UNTOUCHABILITY (OFFENCES) BILL, 1954

## Composition of the Joint Committee

### LOK SABHA

1. Shri Upendranath Barman—*Chairman*.
2. Shri Narayan Sadoba Kajrolkar.
3. Shri T. Sanganna.
4. Shri Pannalall Barupal.
5. Shri Naval Prabhakar.
6. Shri Ajit Singh.
7. Shri Ganeshi Lal Chaudhary.
8. Shri Bahadurbhai Kunthabhai Patel.
9. Shrimati Minimata.
10. Shri Motilal Malviya.
11. Shri Dodda Thimmaiah.
12. Shri Rameshwar Sahu.
13. Shri M. R. Krishna.
14. Shri Ram Dass.
15. Shri Nemi Saran Jain.
16. Pandit Algu Rai Shastri.
17. Shri Shree Narayan Das.
18. Shri S. V. Ramaswamy.
19. Shri Resham Lal Jangde.
20. Shri Balwant Nagesh Datar.
21. Shri P. T. Punnoose.
22. Shri Mangalagiri Nanadas.
23. Shri P. N. Rajabhoj.
24. Rt. Rev. John Richardson.
25. Shri A. Jayaraman.
26. Shri V. G. Deshpande.
27. Shri B. S. Murthy.
28. Shri Vijneshwar Missir.
29. Shri R. Velayudhan.
30. Shri N. M. Lingam.
31. Shri Mohanlal Saksena.
32. Shri N. C. Chatterjee.
33. Dr. Kailas Nath Katju.

RAJYA SABHA

34. Shrimati Lilavati Munshi.
35. Shrimati Bedavati Buragohain.
36. Shri Alluri Satyanarayana Raju.
37. Dr. N. S. Hardiker.
38. Shri V. M. Surendra Ram.
39. Shri Kishori Ram.
40. Shri Ram Prasad Tamta.
41. Thakur Bhanu Pratap Singh.
42. Shri Trimbak Damodar Pustake.
43. Shri Jagannath Das.
44. Shri Nanabhai Bhatt.
45. Kakasaheb Kalelkar.
46. Shri M. Satyanarayana.
47. Shri Surendranath Dwivedy.
48. Shri N. C. Sekhar.
49. Shri Narsingrao Balbhimrao Deshmukh.

DRAFTSMAN

Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri M. Sundar Raj, *Deputy Secretary.*  
Shri P. K. Patnaik, *Under Secretary.*

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## Report of the Joint Committee

[ the Chairman of the Joint Committee to which the \*Bill to prescribe punishment for the practice of untouchability or the enforcement of any disability arising therefrom was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 15th March, 1954. The motion for reference of the Bill to a Joint Committee of the Houses (*vide* Appendix I) was moved by Dr. Kailas Nath Katju on the 26th August, 1954, discussed in the House on the 26th, 27th, 30th and 31st August, 1954, and adopted on the 31st August, 1954.

3. The Rajya Sabha discussed the motion on the 14th, 16th and 17th September, 1954, and concurred in the said motion on the 17th September, 1954 (*vide* Appendix II).

4. The message from Rajya Sabha was read out to the Lok Sabha on the 20th September, 1954.

5. The Committee held nine sittings in all.

6. The first sitting of the Committee was held on the 29th September, 1954, to draw up a programme of work. The Committee, at this sitting, decided to invite memoranda from public bodies, associations or individuals desirous of presenting their suggestions or views in connection with the Bill, by the 21st October, 1954, and to hear their evidence if necessary. A Press communique was accordingly issued.

7. The Committee heard the evidence tendered by the representatives of the following associations on the 2nd November, 1954:—

(1) The Bharatiya Depressed Classes League, New Delhi.

(2) The Harijan Sevak Sangh, Delhi.

The Committee have decided to lay on the Table of the House a copy of the evidence tendered *in extenso*.

8. The Committee took up clause by clause consideration of the Bill on the 3rd November, 1954, which was continued at further sittings on the 4th and 5th November, 1954 and concluded on the 6th November, 1954.

9. A motion for extension of time for presentation of the report of the Committee upto the 4th December, 1954, was moved in the Lok Sabha on the 18th November, 1954, and adopted.

10. The Committee considered and adopted the report on the 27th November, 1954.

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\*Published in Part II—Section 2 of the *Gazette of India, Extraordinary*, dated the 15th March, 1954.

11. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

12. *Clause 1.*—The Committee consider that the provisions of the Bill should be extended to the State of Jammu and Kashmir also. The Constitution (Application to Jammu and Kashmir) Order, 1954, made on the 14th May, 1954, has provided for the application of Articles 17 and 35 of the Constitution to that State.

Sub-clause (2) has therefore been amended accordingly.

13. *Clause 2.*—The Committee have discussed at length as to whether the expression “untouchable” used in the Bill should be retained or substituted by any other appropriate word or words. On the one hand the legality and propriety of the use of the expression particularly in view of the abolition of “Untouchability” under Article 17 of the Constitution and on the other hand the apprehension that deletion of the word might leave loopholes and the purpose of the Bill might be defeated were considered. The Committee are of opinion that the deletion of the expression ‘untouchable’ would not stand in the way of attaining the object of the Bill.

The definition of “untouchable” along with the two “Explanations” thereto has been omitted.

14. *Clause 3.*—The Committee feel that in view of their decision not to use the expression ‘untouchable’, this clause needs suitable revision. Moreover, the language of the clause should conform to similar provisions used in penal statutes. It was also considered necessary to make it clear that both the right of entry to a place of public worship as well as the right to offer worship therein are secured.

The clause has therefore been redrafted accordingly.

An explanation has been added to the clause which is intended to provide that if a sectional temple is open to other Hindus then no person professing the same religion should be prevented from enjoying similar rights on the ground only of “untouchability”. This explanation has also been made applicable to clause 4.

15. *Clause 4.*—The Committee are of the view that sub-clause (a) should be omitted because the object of this sub-clause is already secured by Articles 15 and 16 of the Constitution.

The Committee also feel that the provisions of sub-clause (b) should be slightly amplified and certain other forms of the practice of “untouchability” added.

The clause has accordingly been revised.

16. *Clause 5.*—The Committee feel that a provision should be added in respect of discrimination after admission to any of the institutions mentioned in the clause.

The clause has accordingly been amended.

17. *Clause 6.*—The Committee considered the view point urged in the evidence tendered before them that although there may not be

complete refusal to sell goods or render services to a person on the ground only of "untouchability" there may be cases of refusal to sell goods or render services at the same time and place and on the same terms and conditions at or on which such goods are sold or services are rendered to other persons in the ordinary course of business.

The Committee feel that suitable provisions should also be made therefor.

The clause has therefore been suitably amended.

18. *Clause 7: (Original Clause 8).*—The Committee feel that clauses 3 to 6 should be made self-contained with the penalty specified in each clause, and that clause 7 should be suitably revised in the light of amendments to clauses 3 to 6.

The revised clause 7 provides for punishment for social and economic boycott as well as for preaching or propagating practice of "untouchability".

19. *Clause 8 (Original Clause 10).*—This clause corresponds to original clause 10 of the Bill. Only a minor drafting change has been done.

20. *Clause 9 (Original Clause 11).*—This clause corresponds to original clause 11 of the Bill.

21. *Clause 10 [Original Clause 8(3)].*—This clause corresponds to sub-clause (3) of the original clause 8 of the Bill. It has become necessary to make this a separate clause in view of the revised form of clauses 3 to 7.

22. *Clause 11 (New Clause).*—The Committee considered at length the question of sufficiency of the quantum of punishment provided for in the Bill. It was stressed before the Committee that this being a social legislation, provision for enhanced punishment might lead to disturbance of peace and harmony of the rural life. On the other hand it was feared that without provision for deterrent punishment, the object of the Bill might be defeated. Provision is therefore considered necessary for making it obligatory upon a court to impose a sentence of both imprisonment and fine in the case of a second or subsequent offence.

This has accordingly been provided in this clause.

23. *Clause 12 (New Clause).*—This is a new clause. It has been inserted with a view to shift the burden of proof from the prosecution to the accused where any act constituting an offence under this Bill is committed in relation to a member of a Scheduled Caste as defined in clause (42) of Article 366 of the Constitution.

24. *Clause 13 (Original Clause 7).*—The clause has been slightly modified in view of omission of the definition of 'untouchable'. Some drafting changes of minor character have also been made.

25. *Clause 14 (Original Clause 9).*—This clause corresponds to original clause 9 of the Bill.

26. *Clause 15 (Original Clause 13).*—The Committee discussed the question as to whether the offences under this legislation should be made compoundable or not. It was felt that if the provisions of the Bill are made strict, they may defeat the very object of the Bill. Therefore the Committee are of opinion that the offences under this Act should be made compoundable with the permission of the Court.

The clause has accordingly been amended.

27. *Clause 16 (Original Clause 12).*—This clause corresponds to original clause 12 of the Bill.

28. *Clause 17 (Original Clause 14).*—This clause has been slightly amended. For the sake of uniformity, the State enactments specified in the schedule have been repealed *in toto*.

29. *The Schedule.*—The Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1950, has been added to the Schedule. This was an omission in the original schedule.

30. It is the consensus of opinion of the Committee that when this legislation comes into force the Central Government and the State Governments should appoint Committees to look into the implementation of the Act.

31. The Committee would further like to recommend that adequate steps should be taken by the Central Government and the State Governments on the administration side of the Act to see that the spirit of the Act is fully implemented.

32. The Joint Committee recommend that the Bill as amended be passed.

UPENDRANATH BARMAN,  
*Chairman,*  
*Joint Committee.*

NEW DELHI;  
*The 30th November, 1954.*



## APPENDIX I

(Vide para. 2 of the Report)

### Motion in the Lok Sabha

“That the Bill to prescribe punishment for the practice of un-touchability or the enforcement of any disability arising therefrom, be referred to a Joint Committee of the Houses consisting of 49 members, 33 from this House, namely:—

1. Shri Upendranath Barman
2. Shri Narayan Sadoba Kajrolkar
3. Shri T. Sanganna
4. Shri Pannalall Barupal
5. Shri Naval Prabhakar
6. Shri Ajit Singh
7. Shri Ganeshi Lal Chaudhary
8. Shri Bahadurbhai Kunthabhai Patel
9. Shrimati Minimata
10. Shri Motilal Malviya
11. Shri Dodda Thimmaiah
12. Shri Rameshwar Sahu
13. Shri M. R. Krishna
14. Shri Ram Dass
15. Shri Nemi Saran Jain
16. Pandit Algu Rai Shastri
17. Shri Shree Narayan Das
18. Shri S. V. Ramaswamy
19. Shri Resham Lal Jangde
20. Shri Balwant Nagesh Datar
21. Shri P. T. Punnoose
22. Shri Mangalagiri Nanadas
23. Shri P. N. Rajabhoj
24. Rt. Rev. John Richardson
25. Shri A. Jayaraman
26. Shri V. G. Deshpande
27. Shri B. S. Murthy
28. Shri Vijneshwar Missir
29. Shri R. Velayudhan
30. Shri N. M. Lingam
31. Shri Mohanlal Saksena

32. Shri N. C. Chatterjee, and

33. Dr. Kailas Nath Katju.

and 16 members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next Session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by the Rajya Sabha to the Joint Committee."

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## APPENDIX II

(vide para. 3 of the Report)

### Motion in the Rajya Sabha

“That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to prescribe punishment for the practice of untouchability or the enforcement of any disability arising therefrom and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shrimati Lilavati Munshi
  2. Shrimati Bedavati Buragohain
  3. Shri Alluri Satyanarayana Raju
  4. Dr. N. S. Hardiker
  5. Shri V. M. Surendra Ram
  6. Shri Kishori Ram
  7. Shri Ram Prasad Tamta
  8. Thakur Bhanu Pratap Singh
  9. Shri Trimbak Damodar Pustake
  10. Shri Jagannath Das
  11. Shri Nanabhai Bhatt
  12. Kakasaheb Kalelkar
  13. Shri M. Satyanarayana
  14. Shri Surendranath Dwivedy
  15. Shri N. C. Sekhar
  16. Shri Narsingrao Balbhimrao Deshmukh.”
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### APPENDIX III

#### Minutes of the meetings of the Joint Committee on the untouchability (Offences) Bill, 1954.

#### I

#### First Meeting

The Committee met from 2-30 P.M. to 3-15 P.M. on Wednesday, the 29th September, 1954.

#### PRESENT

Shri Upendranath Barman—*Chairman*

#### MEMBERS

#### *Lok Sabha*

2. Shri Narayan Sadoba Kajrolkar
3. Shri Naval Prabhakar
4. Shri Ganeshi Lal Chaudhary
5. Shri Bahadurbhai Kunthabhai Patel
6. Shrimati Minimata
7. Shri Motilal Malviya
8. Shri Dodda Thimmaiah
9. Shri Ram Dass
10. Shri Nemi Saran Jain
11. Shri S. V. Ramaswamy
12. Shri Resham Lal Jangde
13. Shri Balwant Nagesh Datar
14. Shri Mangalagiri Nanadas
15. Shri P. N. Rajabhoj
16. Shri A. Jayaraman
17. Shri V. G. Deshpande
18. Shri B. S. Murthy
19. Shri Vijneshwar Missir
20. Shri R. Velayudhan
21. Shri N. M. Lingam
22. Shri Mohanlal Saksena
23. Shri N. C. Chatterjee
24. Dr. Kailas Nath Katju.

#### *Rajya Sabha*

25. Shrimati Lilavati Munshi
26. Shrimati Bedavati Buragohain

27. Shri V. M. Surendra Ram
28. Shri Kishori Ram
29. Shri Ram Prasad Tamta
30. Shri Jagannath Das
31. Kakasaheb Kalelkar
32. Shri Surendranath Dwivedy
33. Shri N. C. Sekhar
34. Shri Narsingrao Balbhimrao Deshmukh.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

- Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

- Shri M. Sundar Raj—*Deputy Secretary.*  
 Shri P. K. Patnaik—*Under Secretary.*

3. The Committee held a preliminary discussion on the programme to be adopted by them and the witnesses, if any, to be called before them in connection with the Bill.

4. It was decided that a Press Communique be issued advising public bodies, associations or individuals who are desirous of presenting their suggestions or views in connection with the Bill before the Committee to send memoranda thereon to the Lok Sabha Secretariat on or before the 21st October, 1954.

5. The Committee authorised the Chairman to decide after examining the memoranda which associations or individuals should be called to offer oral evidence before the Committee.

6. The Committee desired that a summary of the points contained in the various memoranda should be circulated to the Members, as also a summary of the essential points contained in the relevant sections especially the sections, prescribing punishments for the practice of untouchability in the various State Acts on the subject.

7. The Chairman suggested that notice of amendments to the clauses of the Bill that the members intended to move should be sent well in advance to the Lok Sabha Secretariat for circulation to the Members of the Committee.

8. It was decided that the Committee should meet again on the 1st November, 1954 and should hold continuous sittings thereafter.

9. The Committee then adjourned to meet again at 2-30 P.M. on Monday, the 1st November, 1954.

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## II

### Second Meeting

The Committee met from 2-30 P.M. to 2-45 P.M. on Monday, the 1st November, 1954.

#### PRESENT

Shri Upendranath Barman—*Chairman.*

#### MEMBERS

##### *Lok Sabha*

2. Shri Narayan Sadoba Kajrolkar
3. Shri T. Sanganna
4. Shri Pannalall Barupal
5. Shri Naval Prabhakar
6. Shri Ajit Singh
7. Shri Ganeshi Lal Chaudhary
8. Shri Bahadurbhai Kunthabhai Patel
9. Shrimati Minimata
10. Shri Motilal Malviya
11. Shri Dodda Thimmaiah
12. Shri Rameshwar Sahu
13. Shri Ram Dass
14. Shri Nemi Saran Jain
15. Pandit Algu Rai Shastri
16. Shri Shree Narayan Das
17. Shri Balwant Nagesh Datar
18. Shri Mangalagiri Nanadas
19. Shri P. N. Rajabhoj
20. Shri A. Jayaraman
21. Shri V. G. Deshpande
22. Shri B. S. Murthy
23. Shri Vijneshwar Missir
24. Shri R. Velayudhan
25. Shri N. M. Lingam
26. Shri Mohanlal Saksena
27. Shri N. C. Chatterjee.

##### *Rajya Sabha*

28. Shrimati Lilavati Munshi
29. Shrimati Bedavati Buragohain

30. Dr. N. S. Hardiker
31. Shri Kishori Ram
32. Shri Ram Prasad Tamta
33. Shri Trimbak Damodar Pustake
34. Shri Jagannath Das
35. Kakasaheb Kalelkar
36. Shri Surendranath Dwivedy
37. Shri N. C. Sekhar.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri Gajinder Singh, *Under Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*  
Shri P. K. Patnaik—*Under Secretary.*

2. After an obituary reference made by the Chairman, the Committee stood in silence for a minute as a mark of respect to the memory of the late Shri Rafi Ahmad Kidwai, Minister for Food and Agriculture and then decided to adjourn for the day.
  3. The Committee further decided to examine the witnesses at their next sitting.
  4. The Committee then adjourned to meet again at 2-30 p.m. on Tuesday, the 2nd November, 1954.
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### III

#### Third Meeting

The Committee met from 2-30 P.M. to 6-10 P.M. on Tuesday, the 2nd November, 1954.

#### PRESENT

Shri Upendranath Barman—*Chairman*.

#### MEMBERS

##### *Lok Sabha*

2. Shri Narayan Sadoba Kajrolkar
3. Shri T. Sanganna
4. Shri Pannalall Barupal
5. Shri Naval Prabhakar
6. Shri Ajit Singh
7. Shri Ganeshi Lal Chaudhary
8. Shri Bahadurbhai Kunthabhai Patel
9. Shrimati Minimata
10. Shri Motilal Malviya
11. Shri Dodda Thimmaiah
12. Shri Rameshwar Sahu
13. Shri Ram Dass
14. Shri Nemi Saran Jain
15. Pandit Algu Rai Shastri
16. Shri Balwant Nagesh Datar
17. Shri Shree Narayan Das
18. Shri Mangalagiri Nanadas
19. Shri A. Jayaraman
20. Shri V. G. Deshpande
21. Shri B. S. Murthy
22. Shri Vijneshwar Missir
23. Shri R. Velayudhan
24. Shri N. M. Lingam
25. Shri Mohanlal Saksena
26. Shri N. C. Chatterjee

##### *Rajya Sabha*

27. Shrimati Lilavati Munshi
28. Shrimati Bedavati Buragohain



29. Dr. N. S. Hardiker
30. Shri Kishori Ram
31. Shri Ram Prasad Tamta
32. Shri Trimbak Damodar Pustake
33. Shri Jagannath Das
34. Kakasaheb Kalelkar
35. Shri Surendranath Dwivedy
36. Shri N. C. Sekhar.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri Gajinder Singh, *Under Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*  
 Shri P. K. Patnaik—*Under Secretary.*

WITNESSES

I. *Bharatiya Depressed Classes League:*

1. Shri B. Parmeshwaram.
2. Shri Prithvi Singh Azad.
3. Shri Chandrika Ram.

II. *Harijan Sevak Sangh:*

1. Shri Viyogi Hari.
2. Shri K. S. Shivam.

2. The Committee heard the evidence tendered by the representatives of the following Associations:—

- (1) Bharatiya Depressed Classes League.
- (2) Harijan Sevak Sangh.

3. A verbatim record of the evidence tendered was taken down.

4. The Committee then adjourned to meet again at 2-30 P.M. on Wednesday, the 3rd November, 1954.

## IV

### Fourth Meeting

The Committee met from 2-30 P.M. to 6 P.M. on Wednesday, the 3rd November, 1954.

#### PRESENT

Shri Upendranath Barman—*Chairman*.

#### MEMBERS

##### *Lok Sabha*

2. Shri Narayan Sadoba Kajrolkar
3. Shri T. Sanganna
4. Shri Pannalall Barupal
5. Shri Naval Prabhakar
6. Shri Ajit Singh
7. Shri Ganeshi Lal Chaudhary
8. Shri Bahadurbhai Kunthabhai Patel
9. Shrimati Minimata
10. Shri Motilal Malviya
11. Shri Dodda Thimmaiah
12. Shri Rameshwar Sahu
13. Shri Ram Dass
14. Shri Nemi Saran Jain
15. Pandit Algu Rai Shastri
16. Shri Shree Narayan Das
17. Shri Balwant Negesh Datar
18. Shri Mangalagiri Nanadas
19. Shri A. Jayaraman
20. Shri V. G. Deshpande
21. Shri B. S. Murthy
22. Shri Vijneshwar Missir
23. Shri R. Velayudhan.
24. Shri N. M. Lingam
25. Shri Mohanlal Saksena
26. Shri N. C. Chatterjee
27. Dr. Kailas Nath Katju.

##### *Rajya Sabha*

28. Shrimati Lilavati Munshi
29. Shrimati Bedavati Buragohain

30. Dr. N. S. Hardiker
31. Shri Kishori Ram.
32. Shri Ram Prasad Tamta
33. Shri Trimbak Damodar Pustake.
34. Shri Jagannath Das
35. Kakasaheb Kalelkar
36. Shri Surendranath Dwivedy
37. Shri N. C. Sekhar.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiramandani, *Additional Draftsman, Ministry of Law.*
2. Shri Gajinder Singh, *Under Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee discussed the following points:—
  - (i) whether the word 'untouchable' used in the Bill should be retained or substituted by any other appropriate word or words; and
  - (ii) whether the scope of the Bill should be confined to Hindus only.
3. Incidentally the question of sufficiency of the quantum of punishment provided for in the penalty clauses of the Bill was also discussed.
4. Decisions on the points discussed were deferred to be taken at the next sitting of the Committee.
5. The Committee then adjourned to meet again at 2-30 P.M. on Thursday, the 4th November, 1954.

V

The Committee met from 2-30 P.M. to 4-55 P.M. on Thursday, the 4th November, 1954.

PRESENT.

Shri Upendranath Barman—*Chairman*.

MEMBERS

*Lok Sabha*

2. Shri Narayan Sadoba Kajrolkar
3. Shri T. Sanganna
4. Shri Pannalall Barupal
5. Shri Naval Prabhakar
6. Shri Ajit Singh
7. Shri Ganeshi Lal Chaudhary
8. Shri Bahadurbhai Kunthabhai Patel
9. Shrimati Minimata
10. Shri Motilal Malviya
11. Shri Dodda Thimmaiah
12. Shri Rameshwar Sahu
13. Shri M. R. Krishna
14. Shri Ram Dass
15. Shri Nemi Saran Jain
16. Pandit Algu Rai Shastri
17. Shri Shree Narayan Das
18. Shri Balwant Nagesh Datar
19. Shri Mangalagiri Nanadas
20. Shri A. Jayaraman
21. Shri V. G. Deshpande
22. Shri B. S. Murthy
23. Shri Vijneshwar Missir
24. Shri R. Velayudhan
25. Shri N. M. Lingam
26. Shri Mohanlal Saksena
27. Shri N. C. Chatterjee
28. Dr. Kailas Nath Katju.

*Rajya Sabha*

29. Shrimati Bedavati Buragohain
30. Dr. N. S. Hardiker

31. Shri Kishori Ram
32. Shri Ram Prasad Tamta
33. Shri Trimbak Damodar Pustake
34. Shri Jagannath Das
35. Kakasaheb Kalelkar
36. Shri M. Satyanarayana
37. Shri N. C. Sekhar
38. Shri Narsingrao Balbhimrao Deshmukh.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri Gajinder Singh, *Under Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*  
 Shri P. K. Patnaik—*Under Secretary.*

2. The Committee continued discussion on the first point mentioned in the Minutes of the meeting of the Committee held on 3rd November, 1954 as to whether the expression 'untouchable' used in the Bill should or should not be retained.

After considerable discussion the point was put to vote and it was decided by a large majority that the use of the expression 'untouchable' in the Bill in relation to any person, community or section thereof should be avoided.

3. The Committee then took up the second point mentioned in the said Minutes, namely, 'whether the scope of the Bill should be confined to Hindus only'. It was pointed out by the Draftsman that Article 17 of the Constitution would be infringed if any such discrimination was made. In view of this, it was decided that the scope of the Bill in this respect as at present framed should not be altered.

4. The Committee thereafter took up clause by clause consideration of the Bill.

5. *Clause 2.*—Sub-clauses (a) to (e) were passed without any amendment.

Sub-clause (f) was held over for the time being.

6. *Clause 3.*—This clause was also held over.

7. *Clause 4.*—This was taken up for consideration. Discussion was not concluded.

8. The Committee then adjourned to meet again at 2-30 P.M. on Friday, the 5th November, 1954.

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### Sixth Meeting

The Committee met from 2-30 P.M. to 4 P.M. on Friday, the 5th November, 1954.

#### PRESENT

Shri Upendranath Barman—*Chairman*.

#### MEMBERS

##### *Lok Sabha*

2. Shri Narayan Sadoba Kajrolkar
3. Shri T. Sanganna
4. Shri Naval Prabhakar
5. Shri Ajit Singh
6. Shri Ganeshi Lal Chaudhary
7. Shri Bahadurbhai Kunthabhai Patel
8. Shrimati Minimata
9. Shri Motilal Malviya
10. Shri Dodda Thimmaiah
11. Shri Rameshwar Sahu
12. Shri M. R. Krishna
13. Shri Ram Dass
14. Shri Nemi Saran Jain
15. Pandit Algu Rai Shastri
16. Shri Shree Narayan Das
17. Shri Resham Lal Jangde
18. Shri Balwant Nagesh Datar
19. Shri Mangalagiri Nanadas
20. Shri A. Jayaraman
21. Shri V. G. Deshpande
22. Shri Vijneshwar Missir
23. Shri R. Velayudhan
24. Shri N. M. Lingam
25. Shri Mohanlal Saksena
26. Shri N. C. Chatterjee
27. Dr. Kailas Nath Katju.

##### *Rajya Sabha*

28. Shrimati Bedavati Buragohain
29. Shri Kishori Ram
30. Shri Ram Prasad Tamta

31. Shri Trimbak Damodar Pustake
32. Shri Jagannath Das
33. Kakasaheb Kalelkar
34. Shri M. Satyanarayana
35. Shri N. C. Sekhar
36. Shri Narsingrao Balbhimrao Deshmukh.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

1. Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*
2. Shri Gajinder Singh, *Under Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. A Government amendment proposing insertion of a new clause (8A) as follows was placed before the Committee:—

“8A. *Presumption by court in certain cases.*—Where any act prohibited by this Act is committed in relation to a member of a Scheduled Caste as defined in clause (24) of article 366 of the Constitution, the court shall presume, unless the contrary is proved, that such act has been done on the ground of ‘Untouchability’ only.”

After discussion the amendment was accepted.

4. *Clause 2(f).*—The Committee decided to omit sub-clause (f) of clause 2. The clause as amended was adopted.

5. *Clause 3.*—The Committee after some discussion accepted the following revised clause in substitution of the original clause 3:—

(i) “3. *Right to enter places of public worship.*—No person shall be subject to any disability arising out of ‘Untouchability’ and denied access to or use of any place of public worship for the purpose of worship, performance of any religious service or offering prayers therein in the same manner and to the same extent as it is open to any other public belonging to the same religion or religious denomination or to the section thereof”

(ii) An Explanation was added to this revised clause as hereunder:—

“*Explanation.*—In the case of Hindu places of public worship the Sanatanaists, Arya Samajists, Brahmo Samajists, Jains, Sikhs, Buddhists, Animists and all those who profess the religion of Indian origin will be regarded as belonging to the same religious denomination”.

The Draftsman was directed to make any verbal amendments that may be necessary in the language of the clause as now revised.

6. *Clause 4.*—This clause was taken up for consideration. The discussion was not concluded.

7. The Committee then adjourned to meet again at 9-30 A.M. on Saturday, the 6th November, 1954.



## VII

### Seventh Meeting

The Committee met from 9-30 A.M. to 12-50 P.M. on Saturday, the 6th November, 1954.

#### PRESENT

Shri Upendranath Barman—*Chairman.*

#### MEMBERS

##### *Lok Sabha*

2. Shri Narayan Sadoba Kajrolkar
3. Shri T. Sanganna
4. Shri Naval Prabhakar
5. Shri Ajit Singh
6. Shri Ganeshi Lal Chaudhary
7. Shri Bahadurbhai Kunthabhai Patel
8. Shrimati Minimata
9. Shri Motilal Malviya
10. Shri Dodda Thimmaiah
11. Shri Rameshwar Sahu
12. Shri M. R. Krishna
13. Shri Nemi Saran Jain
14. Pandit Algu Rai Shastri
15. Shri Shree Narayan Das
16. Shri Resham Lal Jangde
17. Shri Balwant Nagesh Datar
18. Shri Mangalagiri Nanadas
19. Shri A. Jayaraman
20. Shri V. G. Deshpande
21. Shri Vijneshwar Missir
22. Shri R. Velayudhan
23. Shri Mohanlal Saksena
24. Shri N. C. Chatterjee
25. Dr. Kailas Nath Katju

##### *Rajya Sabha*

26. Shrimati Bedavati Buragohain
27. Shri Kishori Ram
28. Shri Ram Prasad Tamta
29. Shri Trimbak Damodar Pustake
30. Shri Jagannath Das.

31. Kakasaheb Kalelkar
32. Shri N. C. Sekhar
33. Shri Narsingrao Balbhimrao Deshmukh.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri S. K. Hiranandani, *Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 4.*—The Committee, after considerable discussion, accepted the revised clause as shown in Appendix A in substitution of the original clause (4).

4. *Clause 5.*—The Committee accepted the following revised clause in substitution of the original clause (5):—

“5. *Prohibition against refusal to admit persons to hospitals etc., on the ground of Untouchability.*—No person shall on the ground only of ‘Untouchability’—

- (a) be refused admission to any hospital, dispensary, educational institution or any hostel attached thereto if such hospital, dispensary, educational institution or hostel is established or maintained for the benefit of the general public or any section thereof;
- (b) be discriminated against after admission to any of the institutions aforesaid, in any manner, whatsoever”.

5. *Clause 6.*—The Committee accepted the following revised clause in substitution of the original clause (6):—

“6. *Prohibition against refusal to sell goods or render service to persons on the ground of Untouchability.*—No person shall on the ground only of ‘Untouchability’ refuse to sell any goods or refuse to render any service to any person at the same time and place and on the same terms and conditions at or on which such goods are sold or services are rendered to other persons in the ordinary course of business”.

6. *Clause 7.*—In sub-clause (2) for the word “untouchable” the word “person” and for the words “that he is an untouchable” the words “of untouchability” were substituted as consequential amendments.

The clause as amended was adopted.

7. *Clause 8.*—The Committee accepted the revised clause as shown in Appendix B as a substitute for the original clause.

The following further decisions were taken in regard to the above mentioned revised clause 8:—

- (i) The Draftsman was asked to examine whether the use of the word "conferred" in revised clause 8(1)(i) is correct or it should be substituted by any of the words like "described", "mentioned" or "specified".
- (ii) The Draftsman was asked to examine whether a person or an institution who preaches the practice of untouchability or works for prolonging or making permanent the practice of untouchability could be said to abet an offence under this Act. The Committee accepted the principle that such a person or institution should be punished. It was decided that in case the word "abet" does not cover such cases, the Draftsman should make suitable provision therefor in the appropriate place in the Bill.
- (iii) It was decided that in cases of second or subsequent offences the infliction of the punishment of imprisonment should be made obligatory. It was also decided that in such cases the term of imprisonment should be upto six months and in addition a fine up to five hundred rupees is to be levied. The Draftsman was asked to provide for this in the clause.

8. *Clauses 9 to 12.*—These clauses were adopted without any amendment.

9. *Clause 13.*—An amendment seeking to make the offences under this Act "compoundable with the permission of the Court" was moved and discussed. In the end it was put to vote and it was decided by a majority that the words "compoundable with the permission of the Court" should be added. Accordingly, the Draftsman was directed to add this in the appropriate place.

Subject to this amendment the clause was adopted.

10. *Clause 14.*—This clause was omitted.

11. *Schedule.*—This was omitted as a consequential amendment to the omission of clause 14.

12. *Clause 1.*—In sub-clause (2) the words "the State of Jammu and Kashmir" were deleted.

The clause as amended was adopted.

13. *Enacting formula.*—The Committee substituted the following enacting formula for the existing one:—

"Be it enacted by Parliament in the Fifth Year of the Republic of India as follows".

14. *General.*—The Committee decided to make mention of the following points in their report for the consideration of Government:—

- (1) It is the consensus of opinion of the Committee that Government should appoint a Central Committee to look into the implementation of the Act.

- (2) The Government should take adequate steps on the administration side of the Act to see that the spirit of the Act is fully implemented.
  15. The Committee decided that the evidence tendered before them should be laid on the Table of the House *in extenso*.
  16. The Committee decided to consider the Draft Report at their next meeting.
  17. The Chairman was authorised by the Committee to move in the House for extension of time for presentation of the Report.
  18. The Committee then adjourned to meet again at 2-30 P.M. on Friday, the 26th November, 1954.
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**VIII**  
**Eighth Meeting**

The Committee met from 2-30 P.M. to 2-45 P.M. on Friday, the 26th  
November, 1954.

**PRESENT**

Shri Upendranath Barman—*Chairman.*

**MEMBERS**

*Lok Sabha*

2. Shri Narayan Sadoba Kajrolkar
3. Shri T. Sanganna
4. Shri Pannalall Barupal
5. Shri Naval Prabhakar
6. Shri Ganeshi Lal Chaudhary
7. Shri Bahadurbhai Kunthabhai Patel
8. Shrimati Minimata
9. Shri Motilal Malviya
10. Shri M. R. Krishna
11. Shri Ram Dass
12. Pandit Algu Rai Shastri
13. Shri Resham Lal Jangde
14. Shri V. G. Deshpande
15. Shri B. S. Murthy
16. Shri R. Velayudhan
17. Shri N. M. Lingam
18. Shri Mohanlal Saksena
19. Shri N. C. Chatterjee
20. Dr. Kailas Nath Katju

*Rajya Sabha*

21. Shrimati Lilavati Munshi
22. Shrimati Bedavati Buragohain
23. Dr. N. S. Hardiker
24. Shri V. M. Surendra Ram
25. Shri Kishori Ram
26. Shri Ram Prasad Tamta
27. Shri Trimbak Damodar Pustake
28. Shri Jagannath Das
29. Shri Nanabhai Bhatt
30. Kakasaheb Kalelkar
31. Shri N. C. Sekhar.

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri S. K. Hiranandani—*Additional Draftsman, Ministry of Law.*

SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. The Committee decided to defer consideration of the draft Report to the following day to give some more time for members to study the draft.

3. The Committee then adjourned to meet again at 11-30 A.M. on Saturday, the 27th November 1954.

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## IX

### Ninth Meeting

The Committee met from 11-30 A.M. to 1 P.M. on Saturday, the 27th November 1954.

#### PRESENT

Shri Upendranath Barman—*Chairman*.

#### MEMBERS

##### *Lok Sabha*

2. Shri Narayan Sadoba Kajroikar
3. Shri T. Sanganna
4. Shri Pannalall Barupal
5. Shri Ganeshi Lal Chaudhary
6. Shri Bahadurbhai Kunthabhai Patel
7. Shrimati Minimata
8. Shri Motilal Malviya
9. Shri Dodda Thimmaiah
10. Shri M. R. Krishna
11. Shri Resham Lal Jangde
12. Shri Balwant Nagesh Datar
13. Shri V. G. Deshpande -
14. Shri B. S. Murthy
15. Shri R. Velayudhan
16. Shri Mohanlal Saksena
17. Shri N. C. Chatterjee
18. Dr. Kailas Nath Katju

##### *Rajya Sabha*

19. Shrimati Lilavati Munshi
20. Shrimati Bedavati Buragohain
21. Dr. N. S. Hardiker
22. Shri V. M. Surendra Ram
23. Shri Kishori Ram
24. Shri Ram Prasad Tamta
25. Shri Trimbak Damodar Pustake
26. Shri Jagannath Das
27. Shri Nanabhai Bhatt
28. Kakasaheb Kalelkar
29. Shri N. C. Sekhar.

## REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri S. K. Hiranandani—*Additional Draftsman, Ministry of Law.*

## SECRETARIAT

Shri M. Sundar Raj—*Deputy Secretary.*

Shri P. K. Patnaik—*Under Secretary.*

2. At the outset the Chairman explained the following drafting changes made in the Bill:—

- (a) Clauses 3, 4, 5 and 6 had been made self-contained with penalty provisions in each of them. It would appear that under article 17 of the Constitution "Untouchability" was abolished and its practice in any form forbidden. That article itself made the practice of "Untouchability" an offence. It was not, therefore, necessary that the Bill should create an offence. A law under article 17 read with article 35 of the Constitution was merely required to prescribe the punishment for the offences arising out of the practice of "Untouchability". Moreover, the language of all these clauses should conform to similar provisions used in penal statutes. This explained the form in which clauses 3—6 had been put in the redrafted Bill;
- (b) Clause 7 (original clause 8) had been redrafted in the light of amendment to clauses 3—6; and
- (c) Clause 17 (original clause 14) had been retained in a slightly different form. For the sake of uniformity, the State enactments specified in the Schedule had been repealed *in toto*.

3. The Committee considered the aforesaid drafting changes and accepted them. It was, however, felt that the Explanation under clause 3 should be made more comprehensive and should also be made applicable to clause 4. The Committee therefore adopted the following revised Explanation in substitution of the existing one:—

*Explanation.*—For the purposes of this section and section 4, persons professing the Hindu religion in any of its forms or developments including Sikhs, Jains, Buddhists, Virashaivas, Lingayats, Adivasis and followers of the Brahmo, Prarthana or Arya Samaj, shall be deemed to profess the same religion."

4. The Committee adopted the Bill as amended.

5. The Committee then considered the draft Report and adopted the same with certain minor changes.

6. The Committee authorised the Chairman to present the report on their behalf.

7. The Committee decided that Minutes of Dissent, if any, should be sent to the Lok Sabha Secretariat on or before Monday, the 29th November, 1954.

8. The Committee then adjourned at 1 P.M.



## APPENDIX A

(Vide para. 3 of Minutes of the Seventh Meeting)

**"4. Removal of certain disabilities arising out of 'untouchability'.**—No person shall on the ground only of "untouchability"—

(a) be subject to any disability with regard to—

- (i) bathing in or using the water, of any sacred tank, well, spring or watercourse;
- (ii) access to any shop, public restaurant, hotel or place of public entertainment;
- (iii) the use of any utensils and other articles kept for the use of the general public or any section thereof in any hotel, *dharmshala*, *sarai* or public restaurant;
- (iv) the practice of any profession or the carrying on of any occupation, trade or business;
- (v) the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort, which other members of the public or any section thereof have a right to use or have access to;
- (vi) the use or access to any place used for a charitable or a public purpose maintained wholly or partly out of State Funds or dedicated to the use of the general public or any section thereof;
- (vii) the enjoyment of any benefit under a charitable trust created for the benefit of the public generally or any section thereof;
- (viii) the use of, or access to, any public conveyance;
- (ix) the construction, acquisition, or occupation of any residential premises in any locality, whatsoever;
- (x) the use of any *dharmshala*, *sarai* or *musafirkhana* which is open to the public generally or any section thereof;

(b) be compelled by any person against his will to dig a grave, to remove a dead animal, to beat *pariah* drums and to convey news of the death of any person."

## APPENDIX B

(Vide para. 7 of Minutes of the Seventh Meeting)

### Clause 8

"8. **Penalties.**—(1) Whoever on the ground of 'Untouchability' only—

- (i) prevents any person from exercising any right conferred by this Act;
- (ii) molests, injures, annoys or obstructs or causes or attempts to cause obstruction to any person in the exercise of any such right, or molests, injures, annoys or boycotts any person by reason of having exercised any such right;
- (iii) subjects any person to any disability with regard to any of the matters specified in clause (b) of section 4, or
- (iv) contravenes any of the provisions of section 5 or section 6; shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

*Explanation.*—A person shall be deemed to boycott another who—

- (a) refuses to let or use or occupy any house or land or to deal with work for hire or do business with another person, or to render to him or receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or
  - (b) abstains from such social, professional or business relations as he would ordinarily maintain with such other person.
- (2) Whoever—

- (i) denies to any person belonging to his community or any class or section thereof, any right or privilege to which such person would be entitled as a member of such community, class or section; or
- (ii) takes any part in the ex-communication of, such person; on the ground that such person has refused to practise 'Untouchability' or that such person has done any act in furtherance of the objects of this Act shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.

(3) Whoever abets an offence under this section shall be punished with the punishment provided for the offence."