

ORIGINAL CIVIL

Before S. B. Kapoor, A. C. J.

SURAIN SINGH,—*Petitioner.*

versus

DR. BHAGAT SINGH, AND OTHERS,—*Respondents.*

Election Petition No. 12 of 1967

July 17, 1967.

Constitution of India (1950)—Art. 341—Constitution (Scheduled Castes) Order (1950) promulgated under—Ramdasia or Ravidasia—Whether synonymous with Ramdasi and Ravidasi.

Held, that in the Punjab Ramdasia, Ramdasi, Ravidasi or Ravidasia are synonymous terms and connote no distinction in fact. In item No. 9 in Part X of the Schedule to the Constitution (Scheduled Castes) Order, 1950, while Ramdasi and Ravidasi are mentioned and the words Ramdasia or Ravidasia are not used, the latter two words are just slang terms for the members of the Ramdasi or Ravidasi community. In the Order as originally promulgated the Scheduled Castes in the Punjab are specified in Part VII—Chamar at item No. 9, Kabirpanthi at No. 16 and Ramdasi or Ravidasi at No. 27. Clause 3 of the Order provided that “no person, who professed a religion different from the Hindu or the Sikh religion, shall be deemed to be a member of the Scheduled Caste provided that every member of the Ramdasi, Kabirpanthi, Muzhabhi or Sikligar caste resident in Punjab or the Patiala and East Punjab States Union shall, in relation to the State, be deemed to be a member of the Scheduled Castes whether he professes the Hindu or the Sikh religion.” By Act 63 of 1956 clause 3 was amended to provide that no person, who professes a religion different from the Hindu or the Sikh religion, shall be deemed to be a member of a Scheduled Caste. That meant that so far as persons belonging to Hindu and Sikh religions are concerned, the benefit of the constitutional provision would enure to the members of the castes mentioned in the Schedule to the Order and not merely to members of the Ramdasi, Kabirpanthi, Muzhabhi or Sikligar castes. In other words, conversion to the Sikh religion of a Hindu belonging to one of the Scheduled Castes would for this particular purpose be of no consequence. The fact that a person worshipped in Gurdwaras and had faith in Guru Granth Sahib and ten Sikh Gurus or had taken *pohl* would, therefore, be no evidence that he constituted a separate caste from Ravidasi or Ramdasi and the distinction sought to be made by the petitioner in this respect is baseless.

Petition under sections 80 and 81 of the Representation of People Act, 1951, challenging the Election of respondent No. 1, to Punjab Vidhan Sabha from Faridkot Assembly Constituency (Reserve S.C.) held in February, 1967, for the following reliefs:—

- (i) that the Election of Respondent No. 1 to Punjab Vidhan Sabha from Faridkot Assembly Constituency (Reserve) is void;
- (ii) that the petitioner be declared duly elected from the said Constituency;
- (iii) Costs of this petition be allowed.

C. L. LAKHANPAL AND I. S. VIMAL, ADVOCATES, for the Petitioner.

B. S. DHILLON AND SHRI B. S. SHANT, ADVOCATES, for the Respondents.

JUDGMENT

CAPOOR, A. C. J.—This is a petition under sections 80 and 81 of the Representation of the People Act, 1951 (Act No. 43 of 1951), by Surain Singh, one of the candidates at the last General Election held in February, 1967 for the seat in the Punjab Vidhan Sabha from Faridkot Assembly Constituency (Reserve). Dr. Bhagat Singh (respondent No. 1) was declared successful at this election as a result of the poll. The petitioner was one of the candidates contesting the election and so were respondents Nos. 2 to 8. Appearance has been put in only on behalf of respondent No. 1 and trial of the petition proceeded *ex parte* against the others. The principal ground on which the election was challenged is that appearing in paragraph 3(i) of the petition. This was that respondent No. 1 had in his nomination papers described his caste as Ramdasi, which was a misstatement. He belonged to Sikh religion and as such could not be Ramdasi. This objection was based on the fact that this was a reserved seat for members of "Scheduled Castes", the reservation having been made in accordance with the provisions of the Constitution of India. Article 341 of the Constitution empowers the President to specify by public notification the castes, races or tribes or parts of groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to a particular State. The order promulgated in this connection is the Constitution (Scheduled Castes)

Order, 1950. (C.O. 19 of the 10th August, 1950), as amended hereinafter to be referred to as the Order. So far as Punjab is concerned,—vide Part X of the Schedule to the Order, item No. 9, which is the relevant item, is as follows:—

“Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi or Ravidasi”.

It was submitted in the petition that Ramdasi or Ravidasi worship Guru Ravi Dass and are a separate sect of Chamars. Ramdasia was a different sect and they worshipped Guru Ram Dass, the fourth Guru of the Sikhs. Respondent No. 1 might not belong to Ramdasia caste, but according to the petitioner, he did not belong to Ramdasi sect. It was further averred that Ramdasis or Ravidasis could not be Sikhs. So respondent No. 1 could not legally stand for the election and the acceptance of the nomination papers was illegal which had materially affected the result of the election.

a. The other objection taken in the petition,—vide paragraph 3(iii) was that in the ballot papers printed the name of respondent No. 1 should have come at the 9th place according to the alphabetical order of the Punjabi script, but it was actually published at the 4th place. Dhanna Singh (respondent No. 4), whose name should have appeared at the 4th place, was given the 5th place. Most of the voters being illiterate put the stamp mark at the 4th place although they wanted to vote for Dhanna Singh and not for respondent No. 1.

These were the only objections on which ultimately issues were claimed. The objections were controverted in the written statement furnished on behalf of respondent No. 1 and it was maintained that the caste Ramdasi or Ravidasi, Ramdasia or Ravidasia are one and the same and it was false to claim that a Sikh could not be a Ramdasi, Ravidasi, Ramdasia or Ravidasia. The terms were synonymous and the difference was one of pronunciation only. It was also untrue to say that in Sikhs Ramdasias was a different sect, who worship Guru Ram Dass, the fourth Guru alone.

As regards the second objection, it was maintained that respondent No. 1 is popularly known as Dr. Bhagat Singh, as he is a qualified medical practitioner and so his name was correctly put on

the nomination papers at serial No. 4 according to the alphabetical order of the Punjabi language.

The issues which arose were as follows:—

- 1.(a) Is respondent No. 1 a Ramdasia by caste and not Ramdasi or Ravidasi ?
- (b) Is a person Ramdasia by caste not a member of the Scheduled Castes as per Constitution (Scheduled Castes) Order, 1950 (Part X) ?
- (c) If so, was his nomination paper not improperly accepted for the reserved seat ?
- 2(a) Is respondent No. 2 also a Ramdasia and not a member of the Scheduled Castes according to Constitution (Scheduled Castes) Order, 1950 (Part X) ?
- (b) If so, was his nomination paper not improperly accepted?
- (c) If so, has the result of the election been materially affected by the improper acceptance of his nomination paper ?
- 3(a) Was the name of respondent No. 1 printed at the wrong serial number on the ballot-paper ?
- (b) If so, has it materially affected the result of the election?
4. What is the effect of findings on issue Nos. 1 to 3 above and can the votes cast in favour of respondent No. 1 be treated as thrown away and is the petitioner entitled to a declaration under section 101 of the Representation of the People Act in view of the facts alleged in the petition and proved ?

The petitioner led evidence only on issues Nos. 1(a), (b) and 3(a) and (b). Issues Nos. 2(a), (b) and (c) are, therefore, found against him for lack of evidence.

Only two witnesses have been produced on behalf of the petitioner, P.W. 2 being the petitioner himself while P.W. 1 is S. Atma Singh, clerk of the Medical College, Amritsar, who produced in Court certain documents from the College record. Exhibit P.W. 1/1 is a form filed by respondent No. 1 when seeking admission to the Glancy Medical College, Amritsar. In this he has described his caste as Scheduled Caste Ramdasya. The admission form is dated

the 24th July, 1946, and it was supported by a certificate, dated the 17th July, 1946, granted by the Revenue Assistant, Gurdaspur District, on behalf of the Deputy Commissioner of that district, to the effect that Mr. Bhagat Singh, resident of Dera Baba Nanak, Tehsil Batala, Gurdaspur District, was a British Indian subject and belonged to the Scheduled Castes, his sub-caste being Ramdasya. The third document (Exhibit P.W. 1/3) is a certificate, dated the 21st October, 1954, signed by Dr. Whig, Principal of the Medical College, Amritsar, certifying that Dr. Bhagat Singh Bhag, M.B.B.S. belonged to Scheduled Castes (Ramdasia),—*vide* certificate, dated the 17th July, 1946, issued by the Deputy Commissioner, Gurdaspur. In the nomination papers submitted by the respondent for the election (Exhibits R. 1/1, R. 1/2 and R. 1/3) he has described his caste as Ramdasi; these nomination papers were produced by Shri Sant Ram, P.C.S. (R.W. 4). Apart from the respondent's own statement as R.W. 5 he produced in the witness box Shri Ishwar Das Pawar (R.W. 1), retired District and Sessions Judge, Shri Parkash Chand, I.P.S., Assistant D.I.G., C.I.D. Punjab, Chandigarh, (R.W. 2) and Shri B. R. Tanwar, Assistant Excise and Taxation Commissioner, Patiala (R.W. 3).

The petitioner reiterated the assertions made in paragraphs 3(i) and (iii). He elaborated his case by saying that Ravidasis and Ramdasis worship images of Bhagat Ravi Das in temples while Ramdasias worship in Gurdwaras and have faith in Guru Granth Sahib and the ten Sikh Gurus; and attach particular veneration to Guru Ram Das, viz., the fourth Guru. Ramdasias also take Sikh *pohl* while Ravidasis and Ramdasis do not. Ramdasias do not intermarry with Ravidasis or Ramdasis. So far as Ramdasias are concerned, marriages in their community were performed in front of Guru Granth Sahib by Anand Karaj while marriages amongst Ravidasis and Ramdasis were performed in temples according to the Hindu rites. In cross-examination he admitted that he attended only two marriages in Ravidasi families and these were performed at the homes of those people and not in temples, but Hindu priests were officiating at the ceremonies. He had attended only one marriage among Ramdasias. He admitted that the first time he came to know of there being difference between Ramdasias and Ramdasis was 4 or 5 days after the symbols had been allotted for the last general election and it was about that time that he learnt that respondent No. 1 was a Ramdasia.

R. W. 1 is at present the presiding officer of the Industrial Tribunal, Punjab. He declared that he belonged to the Chamar community, that members of Chamar caste were also sometimes known as Ramdasias or Ravidasias or Ravidasis and that there was no difference or distinction between these nomenclatures. Members of this community are followers of Guru Ravi Das, who is also known as Bhagat Ram Dass. He was not, however, one of the ten Gurus of Sikhs. The rites and ceremonies of Ramdasias were not distinct from those of Ravidasias. There were inter-marriages between Ravidasis and Sikhs. Persons of this community, who keep long hair like Sikhs, celebrate marriages according to Vedic rites or Arya Samaj or Sikh rites and even those among them who keep long hair and have taken *pohl* fully participate in the processions on the birthday of Guru Ravi Das. The witness met respondent No. 1 in 1947 and knew him as a Chamar belonging to his community.

Shri Parkash Chand (R. W. 2) belongs to Ad Dharmi caste. He claimed to know respondent No. 1, for the last 15 or 20 years and asserted that he belonged to that particular caste which was known alternatively as Ramdasia, Ramdasi, Ravidasia or Ravidasi. They are followers of Guru Ravi Das and so were Ad Dharmis. Some members of the community were followers of Sikh Gurus also and some of them may be worshipping Hindu images as well. Even if some members of the community took *pohl* they continued to be called Ramdasias, Ramdasias, Ravidasias or Ravidasis.

Shri B. R. Tanwar (R.W. 3), testified that he knew respondent No. 1 for the last 12 years and that this respondent belonged to a caste which may be termed alternatively as Ramdasia, Ramdasi, Ravidasia or Ravidasi, which were all synonymous terms.

Respondent No. 1, as his own witness, testified that he belonged to the Scheduled Caste known as Ramdasia, which was also alternatively called Ramdasi, Ravidasi or Ravidasia. These were all synonymous terms and there were free inter-marriages between the persons of this community. They were all followers of Guru Ravi Dass, who was also known as Bhagat Ram Das. He testified that he was popularly known as Dr. Bhagat Singh and his name was at serial No. 4 of the ballot paper, which was the correct position according to the alphabetical order of Gurmukhi script. In cross-examination he admitted that his scripture was Guru Granth Sahib which included the hymns of Guru Ravi Das, though these hymns constitute a very small proportion of Guru Granth Sahib.

This is all the evidence in the case. Issue No. 3 requires little discussion because it is conceded by the petitioner himself that according to the alphabetical order of the Punjabi language the name of Dr. Bhagat Singh should have been at serial No. 4. Dhana Singh was not produced as a witness and there is nothing whatever to show that any voter was misled by the supposed wrong placement of the petitioner's name in the ballot paper. Issue No. 3(a) and (b) is, therefore, found against the petitioner.

The crucial question involved in issues Nos. 1(a), (b) and (c) is whether, as alleged by the petitioner, in the Punjab Ramdasia was a separate caste from Ramdasi or Ravidasi or whether, as alleged by respondent No. 1, this particular caste is known as Ramdasia, Ramdasi, Ravidasi or Ravidasia, which terms are synonymous and connote no distinction in fact. On this point the weight of the evidence is in favour of respondent No. 1. In item No. 9 in Part X of the Schedule to the order while Ramdasi and Ravidasi are mentioned, the word Ramdasia is not used, but according to the respondent Ramdasia or Ravidasia are just slang terms for members of the Ramdasi or Ravidasi community. In the order as originally promulgated the Scheduled Castes in the Punjab are specified in Part VII-Chamar, at item No. 9, Kabirpanthi at No. 16 and Ramdasi or Ravidasi at No. 27. Clause 3 of the Order provided that no person, who professed a religion different from the Hindu or the Sikh religion, shall be deemed to be a member of the Scheduled Caste provided that every member of the Ramdasi, Kabirpanthi, Mazhabi or Sikligar caste resident in Punjab or the Patiala and East Punjab States Union shall, in relation to the State, be deemed to be a member of the Scheduled Castes whether he professes the Hindu or the Sikh religion. By Act 63 of 1956 clause 3 was amended to provide that no person, who professes a religion different from the Hindu or the Sikh religion, shall be deemed to be a member of a Scheduled Caste. That meant that so far as persons belonging to Hindu and Sikh religions are concerned, the benefit of the constitutional provision would enure to the members of the castes mentioned in the Schedule to the Order and not merely to members of the Ramdasi, Kabirpanthi, Mazhabi or Sikligar castes. In other words, conversion to the Sikh religion of a Hindu belonging to one of the Scheduled Castes would for this particular purpose be of no consequence. The fact that a person worshipped in Gurdwaras and had faith in Guru Granth Sahib and ten Sikh Gurus or had taken

pahl would, therefore, be no evidence that he constituted a separate caste from Ravidasi or Ramdasi and the distinction sought to be made by the petitioner in this respect is baseless. It is significant that no evidence whatever was put in to support him on this matter.

On the other hand R. Ws. 1 to 3, who are all persons of status, have categorically stated that the difference between Ramdasi or Ravidasi on the one hand and Ramdasia on the other is one of nomenclature only. They have testified from their long acquaintance with respondent No. 1 that he does belong to the Ramdasia caste of the Chamar community and I have no hesitation in accepting what they say. No doubt they were unable to cite any book in support of the position taken by them, but it was not to be expected that they would engage in any such research.

Mr. Lakhanpal, learned counsel for the petitioner, made a reference to Volume III of the Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province published in the year 1914. At page 307 it is mentioned that according to Ibbetson in the north and centre of the Eastern plains a very considerable number of Chamars have embraced the Sikh religion. These men are called Ramdasia after Guru Ram Das, though what connection they had with him the author was unable to discover. Many, perhaps most, of the Ramdasi Chamars had abandoned leatherwork for the loom; they do not eat carrion and they occupy a much higher position than the Hindu Chamars though they are not admitted to religious equality by the other Sikhs. The Ramdasi were often confused with the Ravidasi or Rabdasi Chamars. The former were true Sikhs and take the *pahul* while the latter were Hindu or, if Sikhs, only Nanakpanthi Sikhs and do not take the *pahul* and were followers of Bhagat Ravi Das or Rab Das, himself a Chamar. To some extent this passage goes against the petitioner because the author seems to have regarded Ramdasia as being the same as Ramdasi. Thus the passage cited does not support the petitioner's contention that Ramdasias are separate caste from Ramdasi. The distinction on the basis of the religion, which was made in the Glossary, is in our present constitutional set up absolutely immaterial. In Volume I of the Glossary (1919 edition) at page 398 it is said that in the Punjab plains the Hindu weavers were also called Ramdasias, or followers of Guru Ram Das, but this term appeared to be restricted to the Chamars, who lived by weaving. It is clear, therefore, that Ramdasias are the followers of Guru Ravi Das, who was also known as Ram Das and

he is, therefore, a different person from the fourth Guru of the Sikhs. I have no hesitation in rejecting the petitioner's contention that Ramdasias are so called because they attach particular veneration to Guru Ram Das of the Sikhs.

Mr. Lakhanpal also referred to Caste Index for the Punjab as given in Volume XXI of the Census of India 1891 published under the supervision of the Superintendent of Government Printing, India, in the year 1892, and compiled by E.D. Maclagen. At page 62(i) of the index under the general term "Chamars" are given as separate items Ramdas (h), Ramdasi (H), Ramdasia (H), Ram Dasia Hindu (H.S.) and Ramdasi Chauhan (H). According to the explanatory note at page 2 of the index H refers to Hindu, S to Sikh and M to Musulman and the numerals indicate various districts of the Punjab as it then was. Respondent No. 1 belongs to district Gurdaspur the numeral of which is 18. So, it would appear that there was no Ramdasi or Ramdasia Hindu in Gurdaspur District. It appears to me that the index was not prepared with a view to emphasise any distinction in fact and cannot be used to show that Ramdasia was a separate caste from Ramdasi or Ravidasi. It appears to have been more a matter of particular nomenclature used for the same caste in various districts of the Punjab.

Mr. Lakhanpal then sought to derive some support for his position from the fact that in item No. 16 of Part XI of the Schedule to the Order viz., that pertaining to Rajasthan Ramdasia was separately mentioned. The entry reads as follows:—

"Chamar, Bhambhi, Jatav, Jatia, Mochi, Raidass, Raigar or Ramdasia."

Similarly in the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951, Ramdasia is separately mentioned in entry No. 10 which pertains to Delhi and in entry No. 14 which relates to Himachal Pradesh. The learned counsel contended that if Ramdasia was in Punjab also a separate group, in entry No. 9 the framers of the Order would have included it also. In this connection he relied upon an observation in *S. Gurmukh Singh v. Union of India and others* (1) to the effect that the President has been given

(1) A.I.R. 1952 Punj. 143 at P. 144 (F.B.).

the power to choose a caste or even a group within the caste for a special treatment and further cited *B. Basavalingappa v. D. Munichinappa and others* (2), for the proposition that it is not open to make any modification in the Constitution (Scheduled Castes) order, 1950, by producing evidence to show (for example) that though caste A alone is mentioned in the Order, caste B is also a part of caste A and, therefore, must be deemed included in caste A. Their Lordships were also pleased to observe that it may also be accepted that whenever one caste has another name it has been mentioned in brackets after it in the Order. The argument advanced by the counsel is not of any real help if the position taken on behalf of the respondent is correct, viz., that in the locality to which the respondent belongs Ramdasia is just a slang or colloquial name for Ramdasi or Ravidasi. It would hardly be correct to postulate that the framers of the Schedule were aware of every such colloquial terms which may be prevalent in all the various localities of India.

On behalf of the respondent besides reference to Ibbetson, already mentioned reliance has been placed on two dictionaries published by the Language Department of the Punjab—(1) English-Punjabi compiled and edited by Bhai Maya Singh (March, 1961 edition). At page 952 Ramdasi, Ramdasia and Ramdasni are bracketted as synonymous terms and meaning a disciple of Ramdas, a title of respect given to persons of Chamar caste and (2) Punjabi-English compiled by Lal Singh also in March, 1961, according to which also (*vide* page 396) the three terms are synonymous with the same meaning as above. This is of some support to the respondent's contention that Ramdasi and Ramdasia are synonymous terms for the same caste, which is one of the castes mentioned in item No. 9 of Part X of the Schedule to the Order.

Apart from the evidence the learned counsel for the respondent has placed strong reliance on an unreported Bench decision of this Court in *Didar Singh Cheeda v. Sohan Singh and others* (3). Didar Singh, the appellant in that case, was the returned candidate in the General Election of 1962 to one of the reserved constituencies for the Punjab Legislative Assembly. One of the challenges to the election

(2) A.I.R. 1965 S.C. 1269 at P. 1271.

(3) F.A.O., No. 10-E of 1964 decided on the 23rd April, 1965.

was that he had in his nomination papers filed for the purpose of election represented himself to be a Ramdasi or Ramdasia. In the election petition by Sohan Singh, Didar Singh's election was challenged on the ground that he made a wrong statement and that he actually belonged to Rehtia caste which had not been declared to be a Scheduled Caste. Dua J., who delivered the judgment of the Bench, after discussing the evidence as well as some of the dictionaries and books, which have been cited before us also, observed that no cogent material had been placed for holding that Rehtia was a distinct and separate caste from Ramdasi in the sense that it was not possible to conceive of a Ramdasi being also called a Rehtia. He went on to observe that in this part of the country, the position, regarding the backward classes like Chamars, etc., some of whom, not infrequently take to weaving and who may choose to take *amrit* in order to elevate their social status, seems to have been traditionally in a fluid state in so far as their description goes. The expressions Ramdasi, Ramdasia or Ravidasia also do not seem to possess or convey any clear-cut or crystallised distinctive characteristics. The result of the researches apparently made by various authors did not seem to justify the submission that these expressions respectively carry precise, exact and distinctive meanings excluding the possibility of some individuals ultimately using any one of these epithets interchangeably. The distinction seems to me to have recently assumed importance in the eyes of the politically conscious individuals as a result of the special representations given to some castes under Article 341 of the Constitution. The publications to which reference has been made at the bar are accordingly of little assistance to the respondent, indeed, they only serve to fortify the view that the position has all along been somewhat confused and unprecise.

Mr. Lakhanpal maintained that these observations were *obiter* but I am not inclined to agree with him, because they were necessary for the decision of the point before the Bench. With respect I agree with these observations.

In the result issues Nos. 1(a) and (b) are found against the petitioner and in favour of respondent No. 1 and issue No. 1(c) does not in consequence arise. The election petition is dismissed with costs. Counsel fee Rs. 200.