

Shri Biswanath Das : I contested the election of 1937 after signing the Congress pledge to break the Constitution of the 1935 Act. After the elections we were called upon to play the role of iconoclasts. The second stage came when we came into the Provincial Ministries with the object of breaking the Constitution framed under the Act of 1935. It is a painful surprise to me to see that today we are too much wedded to that Act. Nay, as if all that was not enough, we are happy to have the partially excluded areas that we had under the 1935 Act. Therefore, this comes to me as a very unhappy brooding whether the step we had taken was unwise. The present step, with repetitions of vast portions of the 1935 Act, I shall leave to future generations for judgment. I must frankly state that I am not at all happy for the way in which we have been proceeding, copying in most cases important portions of the Act of 1935. With the greatest difficulty, after a fight of forty years, we have been able to remove the communal virus introduced into the body politic of India, officially and statutorily after the Act of 1909, known as the Morley-Minto Reforms as also of the Acts of 1919 and 1935. We had to fight against that but not without difficulty and not without serious loss to India and ourselves. That was the partition of India into Pakistan and India.

What are we doing now ? We are creating another virus, a racial virus, by bringing, in Tribes Councils, Scheduled areas and the rest. Sir, whom does this benefit? We have tried our best to meet the situation as far as possible. We have tried to stand for our ideals to the best of our capacity. The Congress has been said to be the greatest anti-imperialist institution in the world. It is the greatest institution that is fighting against the colour bar in the world.

The Negroes in America, after more than a hundred years of fighting have not yet been fully enfranchised to the extent that a citizen in America is today, what to speak of other States wherein they are undergoing immense sufferings! We have declared at the top of our voice that every person in India, be he male or female, irrespective of class, creed or community or race, shall be equal and shall have equal citizenship rights. Not being satisfied with what we have done, we have enfranchised quickly millions nay crores of people who never thought that they would be enfranchised. Sir, we have conferred franchise on all the tribes and peoples of India by a system of universal suffrage. We have not only done this but have also proceeded further in safeguarding the minimum rights and privileges, essential and necessary for human beings in the Constitution by what is known as Fundamental Rights. After having done all this, are we, I appeal to you, justified in creating cleavage and gaps with partially excluded areas and Tribes Councils and the rest ? Though it has been thought wisdom for over a hundred years or more by British Imperialists to keep these tribal people and these Scheduled areas as museums for purposes of demonstration and exhibition before the world to justify their existence in India, what is the purpose today, to perpetuate this evil ? There is absolutely no purpose. We are committed to a programme of social regeneration. We are committed to a programme of civilising and uplifting and raising up the standard of life of all people, including the tribes. Where then is the justification for these tribal areas, Tribes Councils and the rest? I plead for reason.

My honourable Friend, Mr. Jaipal Singh, has spoken of conferences behind his back. There has been nothing of the kind. I appeal to him to shed this attitude of distrust of people who least deserve to be distrusted. Sir, they were trying their best how to satisfy all interests concerned, and at the same time they will have something which would be acceptable to one and all in this House and that explains why today my honourable Friend congratulates the Drafting Committee as well as Thakkar Bapa than whom I cannot find a more devoted man to the cause of the tribal people. Comparisons are odious, but no option is left. I would not compare my Friend Mr. Jaipal Singh with Shri Thakkar Bapa. It would be ridiculous for me, and for the matter of that for anyone, to be taken anyone, howsoever great he may be, as the sole representative of the hill tribes. A person, from his residence in the second or third floor of the Hotel Imperial, ill compares himself with a person like Thakkar Bapa.

Shri Biswanath Das : I know and I will not do so. But I must record my sense of resentment decrying Thakkar Bapa.

Sir, I may say that I would not very much congratulate the Drafting Committee for all that they have placed before us. But I must also recognise the serious difficulties, inconveniences and the hardships to which the Members of the Committee had been put to when they had to approach and satisfy persons, interests and classes from dawn to dusk and dance attendance on them and find agreements agreeable to them.

Sir, I am not satisfied that we are doing materially enough for the tribals under these Schedules. More benefits should be available to these people. I recollect the happenings in Orissa, in 1940, the fituri which was caused by the differences between the Savaras and the Panas who are recognised here as Adibasis. This trouble led to a loss of hundreds of lives at a time when we were all clapped in jail and the Government of Orissa was carried on under section 93 of the Government of India Act. The result was that the converted classes (Panas) and the tribal people (Savaras) fought among themselves. The latter believed that the converted people were their exploiters who deprived them of their belongings, lands and wealth. This fight ultimately led to the imprisonment of thousands of Savaras. Are you going to confer benefits on all these people indiscriminately ? The provision, that you have made, makes it very convenient for all sorts of people to claim themselves as Adibasis. A few days back a gentleman from Bihar approached me with a complaint against the registering (election) officer of his areas saying that he did not record him as an Adibasi.

Shri Biswanath Das : From this instance the House can see how the bait is thrown. The way is left open for such claims by non-Adibasis to be enrolled as Adibasis. My friend need not worry himself. What I am submitting is that the provision made here makes it possible for others than Adibasis to prefer claims to be treated as Adibasis.

My Honourable Friend Mr. Jaipal Singh referred to history six thousand years ago. I have not come here to discuss history with him. But is it far wrong to suggest, knowing as we do also history and Puranas that he talks of theories long exploded. But we should not leave this question of Adibasis and non-Adibasis for exploitation of politicians. Sir, there are a class of Brahmins in Orissa who call themselves Aranyas, meaning jungle Brahmins. Are you going to treat them as Adibasis or as non Adibasis ? Sir, why not save the country from the troubles arising from the distinctions between Adibasis and non-Adibasis ? I have pleaded with Shri Thakkar Bapa, to save the country from this unfortunate expression 'Adibasis'. As long as you recognise such terms you keep on fanning differences and find very many people like the Aranyas or Jungle Brahmins seeking to come under this category. I am therefore pleading with Mr. Jaipal Singh and Shri Thakkar Bapa not to perpetuate these distinctions tending to encourage separatist tendencies in our land. It is this curse that has kept India divided so long.

Sir, myself I claim to be an Adibasi and an original inhabitant of the country as Mr. Jaipal Singh. If you want lands, by all means have them. Ask for it. Let those who want lands have them. If you want development schemes, have money from the Government of India. I would appeal to the Government to sanction any sum that is required for the development of the depressed and oppressed classes. That is no reason why, we should go on harping upon oppression, past or present, and at the same time perpetuate this separateness. I would appeal to Mr. Jaipal Singh and all those who think with him to utilise their influence for the good of the country and save her from this separatist tendency .

One point more, Sir. Having said so much in support of the provisions contained in the Schedule, I now come to offer a few comments on it. We have today got not only Governors nominated by the Centre, but also Rajpramukhs, hereditary and irremovable governors or heads of States. By virtue of their wealth and position, by virtue of their lifelong existence as irremovable rulers, they enjoy a prestige and influence which cannot be ignored. With these powerful agents you are leaving very important powers. You give them an opportunity to add to their influence by collaboration with the Adibasis. When I say this, I am not casting any aspersion on any Rajpramukh. I am only speaking from my own experience in my own province of Orissa. Some of them have tried to combine with the

Adibasis and create a platform against the Government and the Congress, by exploiting the situation and by exploiting their racial and communal feelings. Therefore the powers which you give now to the Rajpramukhs are capable of immense mischief. You might say that there is the approval of the President; as such no harm can be expected on that score. Having secured the approval of the Tribal Council, it will be difficult, if not impossible, for the President to undo the recommendations. Under these circumstances I feel that it is not fair to leave such important weapons in the hands of the Rajpramukhs.

Sir, now I know in my own province, they have made the existing law very stringent for non-aboriginals with regard to the transfer of lands. That being so, *viz.*, the Ministers who are the representatives of the people having taken definite and important steps with regard not only the transfer of land but also regarding the ownership of lands in the interests of the protection of the hill tribes, why provide in the body of the Constitution a clause to interfere even with the existing Acts? Why should you do it? I plead again with the Drafting Committee that this is unnecessary, undesirable and uncalled for. Under these circumstances, Sir, I have no other option but to oppose the motion, however much I may sympathise with certain portions.