

[Dr. P.S. Deshmukh]

the Schedule Castes also were considered a minority. Now the term is sought to be applied to even small castes and communities amongst the Hindus themselves. The Hindu community as a whole is exploited from day to day by some of these minor Hindu castes and if there is a strong feeling against these castes, it is not based on communal feelings at all. It is based on the dislike of the exploitation of the masses which that caste has been carrying on. It is this exploitation that a State may well want to put a stop to, and a provision like this should not be allowed to come in the way of any State acting in this direction.

**Prof. K.T. Shah :** In view of the arguments advanced, I would request the House to give me permission to withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

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**Mr. President :** Then we come to article 171.

**Shri T.T. Krishnamachari :** Since the provisions following the Chapter which begins with article 171 are more or less similar to the provisions which earlier the House has not yet decided relating to financial matters as well as the Supreme Court, we can now go back to those provisions and take up 109 again. Once we pass the financial provisions and the Supreme Court provisions, the provisions following the chapter which begins with article 171 will be easy to deal with as *mutatis mutandis* they are much the same.

**Mr. Naziruddin Ahmad :** We have not had notice that article 109 will be taken up today.

**The Honourable Dr. B.R. Ambedkar :** What does it matter?

**Mr. President :** Articles 171 and 172 relate only to procedure.

**Shri T.T. Krishnamachari :** Article 172 relates to joint sittings and unless the composition of the Upper House is decided, we will not be able to decide on the question of joint sittings. The articles following article 172 are much the same as those we have held over. But it is entirely left to the Chair to do what the Chair thinks fit.

**Mr. President :** There is notice, Mr. Naziruddin Ahmad, if you look at the Orders of the Day. Item No. 2 there refers to the remaining articles of Chapters II and IV of Part V and Part VI. So there is notice that article 109 may be taken up today. Shall we go back to article 109?

**Honourable Members :** Yes.

**Mr. President :** We shall take up article 109.

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### Article 109

**The Honourable Dr. B.R. Ambedkar :** Mr. President, Sir, I move:

“That in article 109, for the words ‘if in so far as’ the words ‘if and in so far as’ be substituted.”

(Amendments Nos. 1896 and 1897 were not moved.)

**Shri T.T. Krishnamachari :** Mr. President, Sir, I move amendment No. 1898 standing in my name, and in amendment thereof, I move amendment No. 147 of List III, Third Week, which reads as follows:

“That with reference to amendment No. 1898 of the List of Amendments for the proviso of article 109, the following be substituted :—

‘Provided that the said jurisdiction shall not extend to a dispute to which any State is a party, if the dispute arises out of any provision of a treaty, agreement, engagement, sanad or other similar instrument which provides that the said jurisdiction shall not extend to such dispute.’ ”