

Article 300

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

“That with reference to amendment No. 3186 of the List of Amendments in clause (1) of article 300 after the word figure ‘Part I’ the words and figures ‘and Part III’ be inserted.”

Shri A. V. Thakkar (Saurashtra) : Sir, I am very glad that this amendment extends the benefits of welfare work for the tribal people of all the States where they live at present. These tribal people come into the picture for the first time now in this Constitution. It would have been a half measure if it had been confined to tribal people in provinces only but not extended to those in Indian States. But as now amended it is in the interest of all backward tribal people. The same benefit to all backward people applies to article 301 and therefore there is greater reason that the same extension is given in article 300.

Prof. Shibban Lal Saksena : Sir, I support this article whole-heartedly. I shall draw attention to the problem confronting us in the tribal areas. They are some of the most backward people in the country. The British Government tried to keep them secluded and attempts were sometimes made by missionaries to convert them. I have visited many of these people and can say that they live a kind of sub-human and miserable existence. This article is intended to devise ways and means for bringing them to the normal level. But we should not rest on our oars by merely passing this provision but should do our utmost to bring them up to the normal level. The consciousness about them came first in 1931 when the British Government tried to give them separate representation. Reforming bodies and people like our revered Shri Thakkar Bapa have worked among them but much still remains to be done and we should see that these people are made to take their rightful place in society.

Shri Mahavir Tyagi : Sir, this article is very halting from the point of view of helping the scheduled areas. It only says that a Commission may be appointed from time to time or whenever the President so likes to enquire into and report on the conditions of these areas, and “the executive power of the Union shall extend to the giving of directions to such a State as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the scheduled tribes in the State”. I wonder whether there is anything constitutional about it. Why should we encumber a Constitution with the mention of scheduled areas? They are backward and not much of improvement has been effected in those areas. Half of my constituency is partially excluded area, known as the Jaunsar Bawer. I know the conditions that obtain in that area. Years ago when Committees had been appointed they looked into the conditions. But looking into the conditions is not much of a job. Real job is to improve the conditions. This article does not go far in improving their conditions. It does not even give a ray of hope as to what will be done. To know what the conditions are a Commission will be appointed. That is not enough. It would be better if the article had been taken away from the Constitution because it does not help the scheduled areas at all. There is nothing positive about the article. Commissions can be appointed even without the Union being authorised to appoint the Commissions. What is there to prevent it from appointing Commissions or Committees or from making enquiries? So I think the article is not at all positive. If there be anything important or if any hope is hidden within these words or lines, I would like the Chairman of the Drafting Committee to expose it to air so that the people residing in those areas might also know what good future lies for them in

between these lines. I do not see any hope for them. It is with this view, just to provoke Dr. Ambedkar or anyone on his behalf to give us an idea as to what is the meaning of bringing in the scheduled areas here and what hope it offers, that I have raised this point. If there is nothing and if only their mention is meant, then I would rather prefer that the article is taken away.

Mr. President : Dr. Ambedkar, do you wish to say anything?

The Honourable Dr. B. R. Ambedkar : No, Sir.

Mr. President : The question is:

“That with reference to amendment No. 3186 of the List of Amendments, in clause (1) of article 300, after the word and figure ‘Part I’ the words and figures ‘and Part III’ be inserted.”

The amendment was adopted.

Mr. President : The question is:

“That article 300, as amended, stand part of the Constitution.”

The motion was adopted.

Article 300, as amended, was added to the Constitution.

Article 301

(Amendment Nos. 3189 and 3190 were not moved.)

Shri H. V. Kamath : Mr. President, Sir, I move amendment Nos. 3191, 3195, 3196, 3197, 3198 and 3200 standing in my name.

I move:

“That in clause (1) of article 301, the words ‘consisting of such persons as he thinks fit be deleted.’”

In my judgment these words are wholly superfluous. I may even go to the length of saying that they cast a reflection upon the wisdom of the President. The President when he appoints certain persons, certainly appoints such persons as he thinks fit for the job with the commission of which those persons are charged. It is absolutely pointless and purposeless to say here that he may “appoint a Commission consisting of such persons as he thinks fit.” It may stop after “appoint a Commission”. This adequately and sufficiently conveys the meaning intended in this portion of the article.

Then I move:

“That in clause (1) of article 301, for the word ‘difficulties’ the word ‘disabilities’ be substituted.”

Bearing in mind what we have already adopted in this House I think the word “disabilities” conveys the idea far better than the word “difficulties”. If we turn to the Chapter on Fundamental Rights we find that the second part of article 9 refers to “any disability, liability, restriction, condition” etc. The word “difficulty” nowhere occurs in that very important article which seeks to abolish discrimination on grounds of religion, race, caste or sex. We have passed that article. The word “difficulty” is to my mind hardly a constitutional term. I have read several constitutions of the world, but I find that it finds no place in constitutional terminology or parlance. The word ‘disability’ is a far more appropriate word than the word “difficulty”. I am sure Dr. Ambedkar, steeped as he is in constitutional lore and constitutional learning will have no difficulty in accepting this amendment.