

nowhere even suggested that all safeguards will go or that the minorities are not to be treated as minorities. The only decision that was agreed to was :

“That the system of reservation for minorities other than Scheduled Castes in legislatures be abolished,”

That was the only decision agreed to by these minorities. But it was not the only safeguard. What Dr. Ambedkar read out related to reservation in the legislature. The claims of all minorities had to be considered under article 296 when making appointments to junior posts other than those to be recruited by the Federal Public Services Commission. So I am afraid the minorities would think that it is a breach of faith and a violation of gentlemen's agreement. If Sardar Patel were here I think he would not agree to this because what we agreed to was only about reservation of seats in the legislature. Therefore I think this proposal should be withdrawn. The original draft was a much better provision and only two articles, 266 and 299, are left for the safety of the minorities; and they are only wishful thinking. They are not fundamental, they are not even directive principles, they are not justiciable. The only comfort of minorities is that in some respects their interests will be cared for; if that is also taken away it will be a violation of a gentlemen's agreement.

**Mr. President :** I am afraid in view of the stand taken by some Members of the minority communities it would be necessary to let this matter stand over for reconsideration, when of course all points of view will be taken into account.

**An Honourable Member :** We can accommodate them and decide it here.

**Mr. President :** In matters relating to minorities we have always proceeded with their consent. And now when there is difference of opinion it is better that they should be ironed out in private discussion. That is why I suggest that it may stand over. We shall now take up the next article.

### Article 299

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

“That for article 299, the following article be substituted :—

‘299. (1) There shall be a Special Officer for minorities to be appointed by the Special Officer, Officer, Special officer or President. minorities.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for minorities under this Constitution and to report to the President upon the working of the safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.’ ”

The original article provided that there should be a minority officer both in the Centre and in each of the provinces. It is now felt that, as the number of minorities has been considerably reduced, it is not desirable to have a cumbrous provision like that for having an officer in each province. The purpose of the original article will be carried out if the Centre appoints an officer and makes him report to the President.

**Dr. Monmohan Das** (West Bengal: General): I rise to a point of Order. It has not yet been settled as to who these minority communities are. Minorities have been grouped for the provision of safeguards in respect of two matters; one is in respect of safeguards by means if reservation of seats in the legislatures and another is by means of reservation of posts in the services. Who these minorities are has not yet been settled.

**Mr. President :** This article, I understand, will not touch those points at all. Whatever the minorities are, the Special Officer will deal with all of them. Whether they are two minorities or more than two, they will all be dealt with by this officer who will be appointed.

**Sardar Hukum Singh :** If article 296 is to remain as it is drafted now, then there will be no other safeguard for any other minority except the Scheduled Castes. That being so, why not we wait and take up this article side by side with the other article which deals with Scheduled Castes, scheduled tribes, etc. ?

**Mr. President :** Here there is no mention of particular minorities. The expression used here is 'minorities'. It will cover all minorities whatever their communities are.

**Sardar Hukum Singh :** But if article 296 is to remain as it is, and if any other Scheduled Castes and tribes are to be treated as minorities, there will be no other safeguard for them. Why should here in article 299 the word 'minorities' occur ? It is illusory and will mean, that there is no other safeguard.

**Shri T. T. Krishnamachari:** There are minority castes, tribes and so on. This comprises all the minorities.

**Mr. President :** So far as this article is concerned, it covers all minorities whether contemplated under article 296 or not. There is no difficulty therefore in taking it up. This article does not mention particular minorities.

**Mr. Naziruddin Ahmad :** If the new article 296 is carried, this article will be meaningless.

**Mr. President :** It will not be meaningless, because there are more than two minorities there. For the Anglo-Indians also there is the same provision.

**Mr. Naziruddin Ahmad :** But the safeguards already provided are taken away here.

**Mr. President :** Whatever safeguards are provided for the minorities and whatever the minorities, this Special Officer will deal with them all.

**Mr. Naziruddin Ahmad :** But there will be no safeguards for other minorities. This therefore would be inapplicable.

**Mr. President :** I am leaving over article 296 for reconsideration. You proceed upon the assumption that it relates only to two minorities. We have not yet decided that it should stand in the form in which it is proposed.

**Shri M. Ananthasayanam Ayyangar (Madras: General):** Why not allow this also to stand over?

**Mr. President :** No. It would not make any difference if this is passed.

**Shri M. Ananthasayanam Ayyangar :** The word 'minorities' is so general that it might apply to linguistic minorities and to minorities based on religion, caste, etc. When we know that the Special Officer is to be appointed for two or three minorities, why not we say here, 'Anglo-Indians, Scheduled Castes' and so on? There is no definition of 'Minorities' in the whole of the Draft Constitution. Therefore let us specify the names of the minorities here. That is my suggestion to the Drafting Committee. We may say that the Scheduled Castes, scheduled tribes and the Anglo-Indians are the three minorities for whom we are making provision here. There are other minorities also. Let us not leave its interpretation to the jurisdiction of courts. Let us here decide what the minorities are. Otherwise any minority can come forward and ask for this or that right.

**Mr. President :** The safeguards are specified, and whatever the minorities are which enjoy these safeguards will have the protection of this Special Officer.

**Shri M. Ananthasayanam Ayyangar :** It is not stated anywhere who the minorities are. No community has been classified as a minority. There is no definition of 'minority'. If there is one, we can say this article will apply to such and such minorities. We use, the word 'minority' here and do not say that this applies to this or that minority. It may be that we are contemplating to have a general officer for them all. But the Constitution is for the future. We should therefore clear up this matter and include only those minorities for whom we intend making provision.

**Mr. President :** Personally I thought it is not necessary to put this off. But if Members think that we take article 296 and 299 together in order that they may specify the minorities here I have no objection.

**Shri T. T. Krishnamachari :** It is entirely left to you. But I think your original stand was the right one.

**Mr. President :** But if the House wants to put off the consideration of this article I have no objection. Personally I thought this could go through without affecting the decision that may be taken in regard to article 296.

**Shri T. T. Krishnamachari :** I hope the House will adopt that course. That is the proper course. We have very little work before us otherwise.

**Mr. President :** Mr. Ananthasayanam Ayyangar takes a different view.

**Mr. Naziruddin Ahmad :** In that case, we may proceed with the consideration of the article.

**Mr. President :** I think we had better proceed with article 299. It does not create any difficulty. If we, later decide that there are certain other minorities than those mentioned in article 296, they will be covered by article 299.

**Pandit Hirday Nath Kunzru :** (United Provinces: General): I understood you to say that we may proceed, with the discussion of article 299, because our decision about it will not affect our decision in respect of article 296. But our decision as regards article 296 will affect our decision about article 299. The two are inter connected. I cannot see really how the two can be discussed separately. The words 'minority communities' are used in both these articles. If the argument is that, as the Anglo-Indian community is to be treated as a minority in respect of the services for ten years, therefore the words 'minority communities' can be justifiably used in article 299, then the same argument applies to article 296. And so it is all the more necessary that this article also should be postponed. As you have decided that the discussion on article 296 should be postponed, I think it logically follows that the discussion on article 299 also should be postponed.

**Mr. President :** Dr. Kunzru, may I point out that in article 296 two particular minorities are mentioned. Therefore that article can refer only to those two particular minorities, whereas article 299 does not mention any particular minorities. It mentions the word "minorities" generally and whatever the minorities may be, they will be covered by article 299. Only the question of what communities will constitute, minorities is left over. That is Article 296.

**Pandit Hirday Nath Kunzru :** Is it agreed that if in the light of our decision on article 296 we find it necessary to revise any conclusion that we may now reach about article 299, the reconsideration of article 299 will be allowed ?

**Shri T. T. Krishnamachari :** Very unlikely.

**Pandit Hriday Nath Kunzru:** My Friend Mr. Krishnamachari says it is very unlikely. That means it is a possibility, and it is the possibility that must be taken into consideration now.

**Mr. President :** If it has to be reconsidered, let it not be taken into consideration today at all. Let it be considered once rather than twice. Article 299 stands over. We will now proceed to the next article 302. There, are certain amendments of which notice had been given, which are printed in the second volume of the printed amendments.

It is pointed out to me that there is some difficulty about article 302 also. Dr. Ambedkar has just now been telling me that there is some consideration to be given to one of the provisos in this article. He would like this article to be held over. In that case, the only thing left is Schedule III. Is there any objection to Schedule III also?

**Mr. Naziruddin Ahmad :** No, Sir, there is no objection.

### Third Schedule

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

“That in the Third Schedule, in Form I of the Declarations, for the words and brackets ‘solemnly affirm (or swear)’, the following be substituted:—

‘Solemnly affirm  
swear in the name of God.’ ”

Sir, I also move:

“That in the Third Schedule, in Form II of the Declarations, for the words and brackets ‘solemnly affirm (or swear)’, the following be substituted :—

‘solemnly affirm  
swear in the name of God.’ ”

“That in the Third Schedule, in Form III of the Declarations,—

- (a) for the word ‘declaration’ the words ‘affirmation or oath’ be substituted;
- (b) for the words ‘solemnly and sincerely promise and declare’ the following be substituted :—

‘solemnly affirm  
swear in the name of God.’ ”

“That in the Third Schedule, in Form IV of the Declarations,—

- (a) for the word ‘declaration’ the words ‘affirmation or oath’ be substituted;
- (b) for the words ‘solemnly and sincerely promise and declare’ the following be substituted :—

‘solemnly affirm  
swear in the name of God.’ ”

“That in the Third Schedule, in Form V of the Declarations,—

- (a) the words and figure ‘for the time being specified in Part I of the First Schedule’ be omitted;
- (b) for the words and brackets ‘solemnly affirm (or swear)’ the following be substituted :—

‘solemnly affirm  
in the name of God.’ ”