

The amendment was adopted.

Mr. President : The question is:

That sub-clauses (s), (t) and (u) of clause (1) of article 303 be omitted”

The amendment was adopted.

Shri T. T. Krishnamachari : There is no amendment to (v).

Mr. President : The question is:

“That sub-clause (v) stand part of article 303(1).”

The motion was adopted.

Shri T.T. Krishnamachari : Sir, will you take up amendments 203 and 204 together?

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

“That with reference to amendment No. 147 of List IV (Eighth Week), for sub-clause (w) of clause (1) of article 303, the following sub-clause be substituted:—

‘(w) ‘Schedule Castes’ means such castes, races or tribes or parts or groups within such castes, races or tribes as are deemed under article 300 A of this Constitution- to be Scheduled Castes for the purposes of this Constitution.’ ”

The only change is, the word ‘specified’ has been changed to ‘deemed’, Sir, I move :

“That with reference to amendment No. 148 of List IV (Eighth Week), for sub-clause (x) of clause (1) of article 303, the following sub-clause be substituted :—

‘(x) ‘scheduled tribes’ means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 300 B of this Constitution to be scheduled tribes for the purposes of this Constitution.’ ”

I am incorporating the other amendment which has also been tabled.

Shall we take up, the two other articles also at the same time?

Mr. President : Yes.

New articles 300 A and 300 B

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

“That after article 300, the following articles be inserted :—

300 A (1) The President may, after consultation with the Governor or Ruler of a State, by public notification specify the castes, races or tribes or Scheduled Castes parts of or groups within castes, races or tribes, which shall for purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued by the President under clause (1) of this article any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

300 B. (1) The President may after consultation with the Governor or Ruler of a State, by public notification specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for purposes of this Constitution be deemed to be scheduled tribes in relation to that State.

(2) Parliament may by law include in or exclude from the list of scheduled tribes specified in a notification issued by the President under clause (1) of this article any Tribe or Tribal community or part of or group within any Tribe or Tribal community but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”

The object of these two articles, as I stated, was to eliminate the necessity of burdening the Constitution with long lists of Scheduled Castes and Scheduled Tribes. It is now proposed that the President, in consultation with the Governor or Ruler of a State should have, the power to issue a general notification in the Gazette specifying all the Castes and tribes or groups thereof deemed to be Scheduled Castes and Scheduled Tribes for the purposes of the privileges which have been defined for them in the Constitution. The only limitation that has been imposed is this : that once a notification has been issued by the President, which, undoubtedly, he will be issuing in consultation with and on the advice of the Government of each State, thereafter, if any elimination was to be made from the List so notified or any addition was to be made, that must be made by Parliament and not by the President. The object is to eliminate any kind of political factors having a play in the matter of the disturbance in the Schedule so published by the President.

Mr. President : 218A.

Shri T. T. Krishnamachari : In reading it he has included that.

Mr. President : 224.

Pandit Thakur Das Bhargava : Sir, I move:

“That in amendment No. 201 of List V (Eighth Week) in clause (2) of the proposed new article 300 A the following be added at the end :—

‘for a period of ten years from the commencement of this Constitution.’”

I also move :

“That in amendment No. 201 of List V (Eighth Week) in clause (2) of the proposed new article 300 B the following be added at the end :—

‘for a period of ten years from the commencement of this Constitution’.”

I agree with the principle that for ten years to come no variation of the notification originally made by the President should be possible. Because now that special privileges of reservation, etc., have been given to the Scheduled Castes, I do not like the idea that the Executive, President or Governor or any other person may be able to tamper with that right, but after a period of ten years, when this privilege will no longer be available to the Scheduled Castes, there will be no difference between the Scheduled Castes and other backward classes which will be declared under article 301 of the Constitution. At that time there will be no meaning in taking away this power from the President in consultation with the Governor. Therefore my humble submission is that the proposed amendment be accepted to make the point absolutely clear and free from ambiguity. Unless we add these words for a period of ten years from the commencement of this Constitution, you will be taking away the power of the President to include or exclude proper classes from the purview of the notification which will be issued under 300 A and B. After the first ten years the privileges which will be open to these classes are probably under article 10 and under articles 296 and 299. I do not know of any other privileges which have been specifically given to these Scheduled Castes. Whereas I am, very insistent and conscious that these provisions should not be tampered with, I do like that these castes may not become stereo-typed and may not lose the capacity of travelling out of the schedule when the right occasion demands it. I, therefore, submit that if you put these words you will be making the whole thing elastic and the President will have the power of including or excluding after the lapse of ten years such tribes or castes within the notification.

Mr. President : Mr. Chaliha—you have two amendments. One is 205 and the other is 225. I do not know if 205 arises now.

Shri Kuladhar Chaliha (Assam: General) : Mr. President, I move;

“That in amendment No. 201 of List V (Eighth Week) in clause (2) of the proposed new article 300 B after the words ‘Parliament may’ the words ‘and subject to its decision the State Legislature’ be inserted.”

I have always been fighting that the Governor should have power to safeguard the rights of the Tribes. I am glad in some measure this has been conceded. Yet I find certain amount of suspicion in that the State Legislature is neglected. The Drafting Committee has not allowed the State Legislature to have a voice. In order to fill up that lacuna I have said that Parliament may and subject to its decision the State Legislature.

Shri. T.T. Krishnamachari : Then what is left to the State Legislature?

Shri Kuladhar Chaliha : Somehow or other I feel you have neglected it. In these you have covered a good deal which you had objected to in the past. The Governor has been given power I am glad to say. The only thing is provincial assemblies have no voice in this. Whatever Parliament says they are bound by it; but if there is anything which consistently with the orders of the Parliament they can do anything, they should be allowed to have the power. That is why I have moved this. However I am thankful this time that the Drafting Committee has assimilated good ideas and only provincial assemblies have been neglected. However, the Governor is there—that is an improvement—Parliament, is there and the President is there. Therefore, I Thank the Drafting Committee for this.

Mr. President : Mr. Sidhwa.

The Honourable Dr. B. R. Ambedkar : It is already covered.

Shri Brajeshwar Prasad (Bihar : General). There are some amendments seeking to add some more clauses.

Mr. President : That is a separate matter. These were all the amendments.

Shri V. I. Muniswami Pillai : Mr. President, I come to support the amendments that have been moved by the Honourable Dr. Ambedkar. These amendments deal with the definition of Scheduled Castes. As far as I can see he has made it clear that, according to the second part of it, the President on the 26th January 1950 will publish a list of such communities that come under the category of Scheduled Castes. But I would like to inform this House of the background which brought out the special name of Scheduled Castes. It was the intouchability, the social evil that has been practised by the Hindu Community for ages, that was responsible for the Government and the people to know the section of people coming under the category of Hindus and who were kept at the outskirts of the Hindu society. Going backwards to 1916 it was in that year when Government found that something had to be done for the untouchable classes, (when they said untouchable classes, they were always understood to be Hindus,) and they had to be recognised. In Madras there were six communities that came under this classification. During the Montagu Chelmsford reforms they were made ten. In 1930 when the great epoch-making fast of Mahatma Gandhi came about, then only the country saw who were the real untouchable classes. And in the 1935 Act, the Government thoroughly examined the whole thing and as far as the Province of Madras is concerned they brought 86 communities into this list or category, though there were some touchable classes also. Now, after further examination the Provincial Governments have drawn up a list and I think according to the amendment mover's suggestions, all those communities that come under the category of untouchables and those who profess Hinduism will be the Scheduled Castes, because I want

to emphasise about the religion. I emphasise this because of late there have been some movements here and there; there are people who have left Scheduled Castes and Hinduism and joined other religions and they also are claiming to be scheduled Castes. Such convert cannot come under the scope of this definition. While I have no objection to Government granting any concessions to these converts, I feel strongly that they should not be clubbed along with Scheduled Castes.

Sir, I am grateful to the Drafting Committee and also to the Chairman of that Committee for making the second portion of it very clear, that in future, after the declaration by the President as to who will be the Scheduled Castes, and when there is need for including any other class or to exclude, anybody or any community from the list of Scheduled Castes that must be by the word of Parliament. I feel grateful to him for bringing in this clause, because I know, as a matter of fact, when Harijans behave independently or asserting their right on some matters, the Ministers in some Provinces not only take note and action against those members, but they bring the community to which that particular individual belongs; and thereby not only the individual, but also the community that comes under that category of Scheduled Castes are harassed. By this provision, I think the danger is removed.

I strongly oppose the amendment moved by Pandit Bhargava. The reason is that he wants to have the ten years period for observing these amendments. But he has entirely forgotten that under another article that we have already passed, or will pass the Constitution provides for the appointment of a Special officer at the Centre and also various officers in all the Provinces to go into the various disabilities of these communities and to submit a report to the President who will then be able to know whether the Scheduled Castes have reached a stage when the facilities now given to them could be withdrawn. I do not think that the reasons that he has advanced are fair and square for the uplift of the Harijans.

With these few words, I support the amendment.

Mr. President : Does anyone else wish to speak? Do you wish to say any thing Dr. Ambedkar?

The Honourable Dr. B. R. Ambedkar : I do not accept the amendment of Pandit Thakur Das Bhargaava.

Mr. President : Then I put the amendments. The first is the one with reference to amendment 147.

The question is :

“That with reference to amendment No. 147 of List IV (Eighth Week), for sub-clause (w) of clause (1) of article 303, the following sub-clause be substituted :—

‘(w) ‘Scheduled Castes’ means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 300 A of this Constitution to be Scheduled Castes for the purposes of this Constitution;”

The amendment was adopted.

Mr. President : Then the amendment regarding (x).

The question is

“That with reference to amendment No. 148 of List IV (Eighth Week), for sub-clause (x) of clause (1) of article 303, the following sub-clause be substituted :—

‘(x) ‘Scheduled tribes’ means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 300 B of this Constitution to Scheduled Tribes for the purposes of this Constitution;”

The amendment was adopted.

Mr. President: Then I put the two new articles 300-A and 300-B, But I first put the amendment No. 224 of Pandit Thakur Das Bhargava.

The question is :

“That in amendment No. 201 of List V (Eighth Week), in clause (2) of the proposed new article 300-A, the following be added at the end:—

‘for a period of ten years from the commencement of this Constitution.’”

The amendment was negatived.

Mr. President : There is no other amendment.

I then put No. 201. The question is :

“that after article 300, the proposed new article 300-A stand part of the Constitution.”

The motion was adopted.

Article 300-A was added to the Constitution.

Mr. President : Then 300-B and the amendment moved by Mr. Sidhva or Mr. Krishnamachari about adding the word “tribal”. But then there is another amendment, that of Mr. Chaliha.

The question is:

“That in amendment No. 201 of List V (Eighth Week), in clause (2) of the proposed new article 300-B, after the words ‘Parliament may’ the words ‘and subject to its decision the State Legislature’ be inserted.”

The amendment was negatived.

Mr. President : Then I put No. 227 of Pandit Thakur Das Bhargava.

The question is :

“That in amendment No. 201 of List V (Eighth Week) in clause (2) of the proposed new article 300-B, the following be added at the end :—

‘for a period of ten years from the commencement of this constitution.’ ”

The amendment was negatived.

Mr. President : Then I put Mr. Krishnamachari’s amendment which has really been accepted by Dr. Ambedkar—218-A.

The question is:

“That in amendment No. 201 of List V (Eighth Week), in the proposed new article 300-B—

- (a) in clause (1), for the word ‘communities’ in the two places where it occurs, the words ‘tribal communities’ be substituted;
- (b) in clause (2), for the word ‘community’, in the two places where it occurs, the words ‘tribal community’ be substituted.”

The amendment was adopted.

Mr. President : Then I put article 300-B as proposed by Dr. Ambedkar.

The question is :

“That proposed article 300-B be adopted.”

The motion was adopted.

Article 300-B was added to the Constitution.

EIGHTH SCHEDULE

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

“That the Eighth Schedule be deleted.”

Mr. President : There are certain amendments to the Eighth Schedule. They would not arise now.

The Honourable Dr. B. R. Ambedkar : No, Sir, they would not arise.

Mr. President : The question is :

“That the Eighth Schedule be deleted.”

The motion was adopted.

Schedule Eighth was deleted from the Constitution.