

**Article 294**

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

“That for article 294, the following be substituted :—

‘294 (1) Seats shall be reserved for the Scheduled Castes and the scheduled tribes, except the scheduled tribes in the tribal areas of Assam in the Legislative Assembly of every State minorities in the Legislative Assembly of the states. for the time being specified in Part I or Part III of the First Schedule.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the scheduled tribes in the Legislative Assembly of any State under clause (1) of this article shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the scheduled tribes in the State or-part of the, State, as the case may be, in respect of which seats are so reserved bears to the total population of the State.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of the State of Assam shall not comprise any area outside that district except in the case of the constituency comprising the cantonment and the municipality of Shillong.

(6) No person who is not a member of a scheduled tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district except from the constituency comprising the cantonment and municipality of Shillong.”

This article is exactly the same as the original article as it stood in the Draft Constitution. The only amendment is that the provision for the reservation of seats for the Muslims and the Christians has been omitted from clause (1) of article 294. That is in accordance with the decision taken by this Assembly on that matter.

(Amendments Nos. 34, 35, 36 and 39 were not moved.)

**Shri Brajeshwar Prasad :** Mr. President, Sir, I rise to give my qualified support to the article, Sir, I am convinced in my own mind that the Scheduled Castes do not form a minority in this country. They are not distinct or separate in any way whatsoever from the rest of the people of this country. Numerically they form a considerable section of the population. Moreover, I am convinced that the problems confronting the Scheduled Castes are in no way of a political character. The problems are primarily educational and of an economic character. They are of a cultural character. We want to raise the cultural level of these down-trodden and oppressed people. I do not see how their representation in the legislatures will in any way alter the material and the moral level of these people. Representations here and there will provide opportunities for a handful of leaders but it will not in any way materially alter their economic or their educational level. Better lay down in the Constitution that a fixed percentage in the budget, both Central and Provincial, shall be exclusively devoted for their welfare. I am a lover of those people who have been suffering and my whole attempt is to somehow liquidate their backwardness. I do not want by any back-door method to suppress or to deprive them of their just rights. If you want to give them representation, by all means give them. I am not opposed to their representation as such but I feel that this will be inadequate it will not solve their problems. I want that for the tribals and for the Scheduled Castes provision must be made in the Constitution, not in the directive Principles. It should be laid down clearly in express terms that educational and free education shall be imparted to them. There is only one country in the world where free education is imparted up to the university stage and that is Ceylon. I hope in the future with the growth and development of our economic

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resources it will be possible for us to provide the same facilities to our citizens. I want that for the tribals and for the Harijans provision must be made in the Constitution that free agricultural lands should be given to them. If we cannot give any one, of these, I am quite clear in my own mind that by giving them a few seats here and there, their economic condition and their educational level will in no way be improved.

A friend of mine, an honourable Member of this House, has said that there are people who are opposed to the reservation of seats on the ground that it promotes fissiparous tendencies. I have very great regard and very great respect for that honourable gentleman. I know that he is a representative of the tribal people. I think he will realize that it promotes fissiparous tendencies and weakens the foundation of the State. I am a great friend of these people, I want to help them. I am prepared to incur the displeasure of those who are closely associated with me on this question. May I ask how 50 persons in a legislature where there will be 200 or 300 non-tribals, achieve anything substantial for the tribals ? They will raise a terrible hue and cry but nothing substantial will be achieved. All those things that we consider to be necessary and desirable for the economic advancement and the moral uplift of the tribals should be decided here and now and laid down in the Constitution.

I would like at this stage to raise the point which I had raised a few days back. We have not decided the constitution of the tribal people. Now to say here that seats shall be reserved for the tribal people in the legislature is rather premature. It is quite possible that when we discuss the Schedules relating to the tribal areas, we evolve a Constitution entirely different from what has been proposed.

Lastly, I would say that I am opposed to the introduction of the principle of elections in the tribal areas. This will disrupt the life of the tribal people. It is a fissiparous tendency and they have got a system of society which is entirely different from ours. It is more or less a corporate society which emphasises group consciousness. The principle of elections emphasises individualism and the principle of competition. The tribal people being ignorant, being backward, being down-trodden, will be exploited by powerful groups during the times of election. I hold that the principle of election is not at all suitable to these people. With these words, I support the article. Mr. Naziruddin Ahmad: Mr. President, Sir, I had no desire to intervene in this debate; but a few of the remarks made by my honourable Friend who has just preceded me calls for a reply.

**Mr. President :** You need not worry about his remarks.

**Mr. Naziruddin Ahmad :** Sir, I bow down to your wisdom.

**Mr. President :** You can confine yourself to the article.

**Mr. Naziruddin Ahmad :** In fact, if the honourable Member's speech was relevant a reply would also be relevant; but if you think that they are absolutely irrelevant, then I have nothing to say at all. They only point I wanted to submit was that a few of the sentiments given expression to in this House should be objected to. I must make my position perfectly clear. I was a member of a minority community. I have now shaken off that minority feeling and I speak as a perfectly independent man having no axe to grind. I feel that the Scheduled Castes and the scheduled tribes some times require protection My honourable Friend Mr. Brajeshwar, Prasad remarked that a few members selected in the legislative assemblies will not improve their lot. I seriously contest this proposition. Their is a life of

misery and exploitation. They are exploited on account of their ignorance and backwardness. If a few members are selected by them, they will ventilate their grievances, will focus public attention on their grievances and difficulties and that would lead to their redress. If a few seats given to the Scheduled castes will not improve their lot, I ask how can a large number of members coming from the non-scheduled classes be of any service to them? That argument should be of no avail. I believe this representation means representation of the weak. It is for their protection. My honourable Friend's contention that the benefits of democracy cannot be given the Scheduled Castes, I should think, must also be contested. Democracy is a blessing. Democracy alone can lift these unfortunate Scheduled Castes and scheduled tribes from their miserable lot.

I do not desire to say anything more. I fully support the article. But, my honourable Friend who preceded me while trying to support the article actually advanced arguments which went against it.

**Shri Kishorimohan Tripathi** (C. P. & Berar States) : Mr. President, Sir, I have just come to seek clarification from Dr. Ambedkar.

The proposed article 294 says in clause (1):

"Seats shall be reserved for the Scheduled Castes and the scheduled tribes except the scheduled tribes in the tribal areas of Assam, in the Legislative Assembly of every State for the time being specified in Part I or Part III of the First Schedule."

When I look at Part III of the First Schedule in division B, it is stated, "All other Indian State which were within the Dominion of India immediately before the commencement of this Constitution." Most of these States have now either formed into Unions or have merged into the provinces. Among the latter category come some of the States which I represent here. These States taken together and known as the Chattisgarh States, have a tribal population of roughly 50 per cent., that is, about 14 lakhs out of the total population of nearly 30 lakhs. I want to know from Dr. Ambedkar as to how reservation of seats, will apply to these States which have now merged in the province of C.P. I will quote, for example, the State of Bastar; it has a tribal population of 4,78,970 out of a total population of 6,33,888. The State of Udaipur which forms part of the newly formed district of Raigarh contains 72 per cent. of tribals out of its total population. The State of Jashpur contains 73 per cent. of tribals out of its total population. These States have got tribal population in contiguous areas. Each State by itself can claim reservation for itself. I would therefore like to know from Dr. Ambedkar as to how these States are to be treated in respect of reservation of seats as also other advantages accruing to tribals under this Constitution.

**The Honourable Rev. J. J.M. Nichols-Roy** : Mr. President, I rise to support this article as moved by Dr. Ambedkar. I had given notice of an amendment; but that amendment has been included in this amendment which, has been moved by Dr. Ambedkar. I am very glad that that has been incorporated here.

I just want to make a statement in regard to the statement made by Mr. Brajeshwar Prasad regarding tribal people. There are different kinds of tribal people. In Assam, we have got tribals who are very democratic. These democratic institutions which we have here in this Constitution will suit them very well. They are used to this kind of democratic institutions. There may be some other tribals who may not be used to such democratic institutions; I do not know where they are. Wherever I have known, the tribal people are very very democratic-minded. There may be Scheduled Castes and scheduled tribes in some other Parts of India where the people are very down-trodden and not looked after, and democratic institutions may not suit them. As far as

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the tribals are concerned, as Mr. Jaipal Singh has already stated, they are very democratic, and in Assam they are so. For that reason I believe that this right and privilege given to them of sharing in the democratic institutions in the whole of India is a very good thing indeed.

**Shri H. J. Khandekar** (C. P. & Berar : General) : \*[Mr. President, I stand to support article 294 moved by Dr. Ambedkar. This article provides for reservation of seats for the Scheduled Castes and scheduled tribes. As a member of Scheduled Castes, I would like to submit that the reservation which is being provided for us is no favour to us. The members of the Scheduled Castes have, for thousands of years, suffered cruelties and oppression in various forms at the hands of their brethren belonging to castes other than their own. Now reservation is being provided for us as a compensation for the atrocities we have suffered, and therefore I do not deem this provision as any great favour to us. The article that was originally drafted to provide for reservation, contained provisions for the reservation of seats to Muslims also, on the basis of their population. But for some reasons this provision has now been dropped. I think reservation ought to have been provided for Muslims well. Though, I do not belong to the Muslim Community, I would like to say that from the political point of view..... ]

**Mr. President** : \*[I think, you should not take up this question because it has already been discussed.]

**Shri H. J. Khandekar** : \*I would like to say only one sentence in this connection.]

**Mr. President** : \*[Even one sentence will re-open the matter.]

**Shri H. J. Khandekar**: \*[I hold that politically it was a mistake. However, I shall not touch that question as I do not belong to the community concerned. To resume my point, reservation is being provided to Harijans only for ten years. But from the experience that I have of the Scheduled Castes and other communities of the country, I feel certain that the condition of the Harijan cannot improve within the next ten years. Continuously from 1927 to the time of his death Mahatma Gandhi made every effort physically, mentally and financially, for the uplift of the Harijans, but even within a period of twenty or thirty years no appreciable improvement as was expected, could be brought about in their conditions. I am unable, therefore, to accept that within a period of ten years for which reservation is being provided for them, a complete reform or change can be brought about in their condition.

I therefore, think that if, along with reservation in respect of Legislatures, a similar reservation is provided in respect of Local bodies-Municipalities, and District Boards too, it will help much to improve their lot. But no mention of such a provision has been made here. If you look at the conditions obtaining in each and every province of the country, you will find that politically their condition, even today, is very deplorable. If any Harijan Stands for election to any local body and tries to secure the votes of the Caste Hindus, I have myself been witness to it, he is never able to get their votes and is unable therefore to get elected. As for the future, I am sure no candidate belonging to Scheduled Castes or scheduled tribes would ever be returned to these bodies in elections. This is the state of affairs obtaining in our country today, and it is in view of this state of affairs that you have accepted our demand for the reservation of seats. I think if you provide reservation in respect of local bodies also, Harijans will be able to benefit considerably.

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\*[ ] Translation of Hindustani speeches.

Secondly, if any one thinks that the provision of reservation would cause an all-round improvement among the Harijans, I would say, he is sadly mistaken there are many avenues in which Harijans will have to make improvement They have to make much progress and require much help to be able to come on a par with other communities of the country. Reservation of seats alone will not do much we were exploited in the past; and we are being exploited today and even in future, after the Constitution is passed we should be exploited by members of the other castes. Divisions will be created amongst us. In a constituency where caste Hindu voters have a majority over Harijans if one section of the Scheduled Castes, say for example *chamars* have a majority over the other Scheduled Castes, our caste Hindu friends will not enter into an alliance with the *chamars* but they will support the minorities of the Scheduled Castes in the constituency and thus suppress the majority section of the Scheduled Castes. This will be the ultimate outcome of this provision of reservation. This is bound to happen because the Harijan voters are not in majority in any constituency.

What I mean to say is this, that this provision of reservation will be helpful to Harijans only when they are given reserved, seats in constituencies where they are in a majority. Otherwise in the name of Harijans, show boys only would be returned to Legislatures as is the case today in the Central and Provincial Legislatures. So by this provision, I am afraid you are not going to do any good to Harijans; rather you would be doing them harm.

I want to tell you one thing more, and it is, that you should provide for the same type of reservation in the Cabinet as you have provided in the Provincial legislatures so as to enable the Harijans to promote their advancement. However, I have seen it and you might have also seen it, and it is a matter of regret that whenever the interest of a caste Hindu and that of a Scheduled Caste man clashes, it is the scheduled caste man who suffers. This is the situation in the country and no sensible man can deny it. To give an instance, if you look at the cabinet of a province where twenty-four to twenty-five per cent. of the people are Harijans you will find that there is only one Harijan in the cabinet. But it is a matter of regret that in a province where the caste Hindus, that is to say the Brahmins, are in a minority and in such a small minority as two, per cent. of the population, ten ministers out of twelve are Brahmins. Would you not consider this an injustice?]

**Pandit Balkrishna Sharma** (United Provinces : General) : Down with the Brahmins !

**Shri H. J. Khandekar** : That you can say that non-Brahmins can say. Very well, they can be downed.

\*[I mean to say that if you had provided for reservation for Harijans in the cabinet it would have prevented the injustice that is being perpetrated on the Harijans and scheduled tribes. It is a matter of regret that that article is no longer under discussion. Some people have remarked that barring the seats reserved for Harijans, they should not be allowed to contest the election for other general seats. But I want to tell you that if you do not allow the Harijans to contest the elections for general seats, you will never be able to bridge the gulf that has been created between the Harijans and the caste Hindus.]

**Mr. President** : \*[As you were not present in the House you could not listen to the previous debate. Had you listened to it, you would not have said such things.]

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\*[ ] Translation of Hindustani speech.

**Shri H. J. Khandekar:** \*[I was not present and I did not listen to it. But I want to say that if we have to level the breach between us and the caste Hindus, the same treatment should be meted out to us as is asked for by us. However, the treatment that is meted out to us is one that suits people blinded with self-interest. If I cite examples where self-interest was sought to be promoted, it will take the whole of the day and even tomorrow. I do not want to threaten anybody but I want to tell the caste Hindus in this House and outside that they should remember one thing. It is that if you want to atone for the atrocities perpetrated by you on the Harijans, you should bring them up to your level by granting them whatever they ask for. If you do not do this, the Harijans will intensify the movements they have launched for their progress, which you do not desire they should make, and through these movements they shall effect an improvement in their lot though I cannot predict what may happen in the country as a result thereof. I am not holding out any threat. Members of parties seeking to, exploit the situation for their own benefit move about amongst the Harijans of India and propagate such views as might go against the interests of this country. I warn you of this situation and urge you to grant to Harijans whatever facilities they ask for to come to your level.

I shall place before you one-more example. Hundreds of Harijans applied recently for Indian Administrative Service and Indian Police Service and they were interviewed. But it is to be regretted that none of them was selected for the posts. The reason stated is that none of them was fit for the posts. You are responsible for our being unfit today. We were suppressed for thousands of years. You engaged us in your service to serve your own ends and suppressed us to such an extent that neither our minds nor our bodies and nor even our hearts work, nor are we able to march forward. This is the position. You have reduced us to such a position and then you say that we are not fit and that we have not secured the requisite marks. How can we secure them ?

You just look at the position in which we are placed. The condition of our village boys is very bad today. They do not get the facilities enjoyed by the sons of well-placed men. How can you then expect our boys to compete with those who enjoy all sorts of facilities. You do not know under what conditions our students receive education in schools. The Government does not show any consideration to them. I know of a Harijan boy of C.P. who lives in Delhi. He studies in the Pusa Institute. He is a poor boy and his parents are dead. He is in such circumstances that for the last one month he has had no money to pay his fees. His monthly expenses amount to Rs. 105/-, including the sum of Rs. 75/- which he has to pay towards fees etc. every month. A week back he received a notice that he should deposit his fees for being permitted to prosecute his studies. The only recourse for this poor boy, who has no money to meet the expenses of food, clothes and fees, is either to beg or to steal. He has no other remedy. The other alternative before him is to leave the school but then he would be ruined completely. Yet it did not strike the mind of any government official that either he should be exempted from paying fee or some other kind of help might be given to him. This boy submitted many applications to the government, but as yet nobody has replied to him. Under such troubles and hardships how can that boy compete with the other boys who have all facilities available to them?

You have given us privileges for ten years. After that period you will tell us that you helped us in all respects. I would then ask you, in what respect you helped us. Will you prepare some scheme for the uplift of Harijans in

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\*[ ] Translation of Hindustani speech.

these ten years ? Have you prepared any scheme for education of Harijans up to this day? Have provincial governments earmarked some money for the uplift of the Harijans ?]

**Mr. President :** \*[A period of ten years has been provided in this article. Other things are covered by other articles. You can say these things then. At present, I shall not allow you to take up this issue.]

**Shri H. J. Khandekar :** \*[I mean that our students do not get those facilities which other students get and hence they cannot stand in competition with others. The government has never thought of our uplift. Very often we have requested that to safeguard our interests there should be at least one Harijan Minister appointed in every province and one at the Centre also who should work for the uplift of the Harijans. Had such ministers been appointed in every province and Centre, who could have thought over the difficulties of the Harijans, there would have been a lot of improvement by this time. In every province such resolutions were passed and were sent to the government by the Harijans from all the places requesting that these resolutions should be given effect to, but it is very painful to note that those persons have not as yet received a written acknowledgment of the receipt of their resolutions. This is the value and importance attached to the uplift of the Harijans. Such an attitude reveals that you want to please them with sweet words. In India there are many who talk sweetly and the Harijans are very easily taken in. They serve their selfish purpose. Except Mahatma Gandhi and ten or twenty other persons there is none to think of the uplift of the Harijans in the true sense.]

**Mr. President :** \*[You are talking of the provinces.]

**Shri H. J. Khandekar :** \*[I am talking of many provinces, and whatever I say is based on my personal experience. I have got an experience of about twenty or twenty-five years. I have been witnessing even up to this day that nothing good has been done for the Harijans. You have appointed Harijan ministers in the provinces but they are all your men. Then article about reservation provided by you is not going to safeguard our interests. In this way all the problems of Harijans would not be solved.]

**Mr. President :** \*[It appears that you have been continuously absent.]

**Shri H. J. Khandekar :** \*[I was not absent from this Assembly for a day, I was present all along even if someone marks me absent. I was here in my seat all the while.]

**Mr. President :** \*[But I would like to tell you that you can speak on the question which is under consideration. You cannot be permitted to discuss the question of all the Harijans. Nothing would be gained by that. If you are a member of any provincial assembly you can raise this question there. Others also, who get an opportunity of speaking here, should restrict themselves to this article only. It is useless to talk of other things here.]

**Shri H. J. Khandekar :** \*[I am speaking on this article. I want to submit that I do not believe that the reservation that has been provided will do any good to the Harijans. I say that this reservation can bring no good to the Harijans. But the painful aspect of the problem is that those, who believe in the uplift of the Harijans and also know that they suffer in many ways, are in favour of this article. But I feel that this article of reservation provides no scope for the uplift of the Harijans.]

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\*[ ] Translation of Hindustani speech.

[Shri H. J. Khandekar]

There are differences amongst our sub-castes. This article provides scope for creating all kinds of differences amongst the sub-castes of the Harijans. It has got a scope for ousting the Harijans who are in majority in a province. Every community will have some percentage. You know that there is one community in majority in Bombay. None has paid any attention to it. There are ten or twelve persons who can enter the legislature of Bombay Province through reservation. Those members of the minority community who, come from that fold will be ousted. Up to this present day there are only two or three men of the minority community in the Bombay Legislature. Even now there are members of such minority Communities who are not even two per cent of the Harijans. I submit that when this article is implemented the Harijans would move still more backward rather than forward. I submit to you, Sir, that it would neither be beneficial to the country nor the Congress government nor even to the Harijans.

That is what I mean and after explaining it I support the article and resume my seat.

**Shri Mahavir Tyagi** (United Provinces: General) : \*[Mr. President, I rise to lend my support to this article. I would like to submit that the question of reservation for the Scheduled Castes was raised in this land during the British regime in pursuit of a Policy which was then followed by them. By raising the same question in respect of Muslims the Britishers created a division between the Hindus and Muslims of the country—a policy which ultimately culminated in the creation of Pakistan. ‘Divide and rule’ was the policy of the alien rulers in India in those days. It was in pursuit of this policy that in the Round Table Conference the English politicians made attempts for the first time to establish the system of separate representation for the Scheduled Castes by creating a division between them and the caste Hindus. At this, Mahatma Gandhi declared his resolve to fast unto death if attempts were made to create another party of Scheduled Castes in India. As a result of this, they could not be separated from the Hindus and the system of separate electorates could not be adopted for them as was done for the Muslims. But seats were reserved for them on the basis of their population. Mahatma Gandhi settled this question with Dr. Ambedkar and gave an award which offered the Scheduled Castes more seats than what were given to them by the Round Table Conference. It was then felt that justice must be done to the Scheduled Castes.

The statement made by my Friend Mr. Khandekar that prior to this award no representative of the Scheduled Castes was ever elected, is a fact. According to the agreement reached between Mahatmaji and Dr. Ambedkar in regard to this question, representatives of the Scheduled Castes were to be elected by a common electorate but a certain number of seats were reserved for them and the number of seats so reserved was greater than what was given to them in the Round Table Conference. This agreement, has since then been in operation.

Now when after fourteen years we are again going to decide that seats will be reserved for them, we must not lose sight of the experience gained in the past in this respect. I would like to draw the attention of the House to the past experience with regard to this question. The reservation of seats has benefited us in many ways. Firstly, it has created an awakening among the Scheduled Castes; it has brought among them a spirit of self-Progress: it has made others to realise that the members of the Scheduled Castes are citizens,

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\*[ ] Translation of Hindustani Speech.



equal to them and that they too should be entitled to all the rights that a citizen should have. It has also developed amongst us a habit to sit together and decide the future of the country and to discuss the important and grave problems of the country mutually. This helps a lot in our affairs.

But we have to see what will in fact be the advantage of such a reservation. My Friend Mr. Khandekar has just now complained that the majority community does not allow minority community to send its representatives. This is a fact. In this respect I too belong to a minority community. The strength of my community in my district consists of myself, my daughters and a policeman. They are all five in number. Still, whenever there is an election in my district, I am returned. But this is not the general rule. Those who are not elected on the basis of service to the country, are returned on the strength of their relations. Whoever has a large number of relations, is returned. In the district of Meerut, where the Jats are in a majority, only a Jat candidate can come out successful. A Brahmin cannot be elected there. Therefore this is not a question of Scheduled Castes only but is so in the case of other Castes also. This, of course, is very unfortunate for this country. Even if we confine our attention to the Scheduled Castes alone we find that they also suffer from the same malady. Twenty seats have been reserved for the Scheduled Castes in our province and there are perhaps eight seats for them in the Punjab. If we undertake a study of the caste composition of the members filling the seats and if Shriyut Khandekar does the same in regard to the seats reserved for the Scheduled Castes all over India it will be found that excepting two or three Mahars, including my Friends Mr. Khandekar and Dr. Ambedkar, the majority of seats have gone to *Chamars* because among the Scheduled Castes they have a majority. If you look at the Ministers also, you will see that excepting Dr. Ambedkar there is no Scheduled Caste Minister who is a *non-Chamar*.]

**Some Honourable Members :** \*[In Bihar, there are.]

**Shri Mahavir Tyagi :** \*[Yes, excepting Bihar, in all other places these people alone are ministers. May I ask whether the four hundred communities are taking advantage of the Scheduled Caste seats? Out of these four hundred communities only two or three communities are taking advantage of the seats reserved for Scheduled Castes. In Bombay the Mahars are in a majority but owing to joint elections some other members of the community have been returned and this has given cause to Mr. Khandekar to complain. I am opposed to this type of mentality. The scheduled castes have been formed by combining together four to five hundred communities but if a majority section and a minority section are found among them, it would mean that the seats reserved for Scheduled Castes would go to the majority section. Even if we reserve a number of seats in India for the *Chamars* the result would be the same as we have achieved by reserving seats for Scheduled Castes cause in our province the *Chamars* are in a majority and they alone get the majority of votes. Every party too puts forward a candidate on the consideration whether he has a large number of relations, so that matters may be facilitated. Therefore all the Scheduled Caste people do not benefit by reservation. There are five hundred to six hundred Scheduled Castes and we are not familiar even with their names. Indeed, it will never be possible for them to get representation in the Assembly.

This means that we provide seats for Scheduled Castes to benefit those who have a large number of relations. The advantage of joint elections, to which my Friend Mr. Khandekar objects, would be that caste Hindus would be able

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\*[ ] Translation of Hindustani Speech.

[Shri Mahavir Tyagi]

to extend justice to those Scheduled Castes people who are in a minority. They would realise that the *Chamars* have a majority in the district and that those people who are in a minority have no chance of winning an election, although their candidates are well qualified for being returned to the Legislative Assembly. They would help these candidates and make up the deficiency of votes in their favour. What I mean to say is this, that the advantage of other caste people participating in the elections for Scheduled Caste seats would be that besides those who are in a majority among the Scheduled Castes, even those who are in a minority among them would be able to fight elections and win them. This is my reply to the objection that has been raised. We should keep in view the interests of all the Scheduled Castes specified in the schedule and not only of those which are in a majority.

I would like to draw the attention of the House to another aspect of this problem. The reservation that has been provided for the Scheduled Castes up till now, is producing, the effect; among others, of the formation of a separate kind of group of the Scheduled Castes. And if this practice is continued for some time more the leader of the Scheduled Castes will act in the same way as the Muslim leaguers did. They can become ministers and members of the Assembly as long as the reservation of their seats is continued. Under such circumstances the separatist tendency cannot be brought to an end in this country. I, therefore, feel that there should be no kind of reservation.

In my province of U.P., the Panchayat Election has just been held. It may be a surprise to the House that the election of Sarpanch of these Panchayats was a joint one. In our eastern districts more than half of the Panchayats are such wherein the members of the Scheduled Castes have been elected as Sarpanch. This is the result of the Gram Panchayat election held through the government and the members of the Scheduled Castes were elected as Sarpanch. It is wrong to think that the minorities are not enjoying the privileges in the political spheres. Had I been a leader of a minority community I could have very easily demonstrated to you that in a House consisting of one hundred members I could form a ministry with the backing of my twenty followers in the legislature. I hold this belief because I am confident that the remaining eighty members of the House would be divided into a number of parties and I could, therefore lend my support to one of these parties and thereby enable it to be dominant in the Legislature. By this bargain I could easily obtain the premiership for myself. The fact is that all the world over the ministers enter into such bargains and are thereby able to secure their ends. There are different groups in the majority, and the minority always secures advantages for itself by favouring one, group or the other. It is therefore wrong to say that the minority group does not secure advantage for itself. In the same way the minority pushes its candidate in general elections too and it is a clear misunderstanding that the minorities cannot take part in elections.

My own idea was that there should be no reservation. On the other hand, the provision of reservation makes me feel that there has been a little of in-justice to the Sikhs. They have been living separate for many years and this right of reservation has been denied to them. Similarly Christians have also been denied this right. All the other minorities generously accepted to give up this right. I therefore fail to see why this reservation should be kept. I believe that even without reservation the members of the Scheduled Castes can gain seats in proportion to their population. You will see after ten years that they will gain seats in a greater proportion. I would like to repeat it

again that in election importance should be attached to the capabilities of the candidate and not to the caste of the candidate. It should be considered as to who has served the country in a better way and who can represent the country in a better way. Unfortunately people having good knowledge of English gain success. It is a misfortune that nobody thinks for those Brahmans who are even poorer than the members of the Scheduled Castes. Similarly there are Kashtriyas, Rajputs and some persons and families among all the other castes, who do not get any opportunity to gain education and wealth. There is no provision for them in this Constitution. They are poor and illiterate and can neither become representatives nor ministers.. Unfortunately the conditions are such that those, who have English education and have adopted English methods, are the representatives of India. Only such persons can gain representation. It pains me greatly that there is no scope in this country for the illiterates. I say that until the rein of administration is held by non-English-knowing illiterate persons and until a majority of illiterate persons comes in Government Service, India would not be able to feel the glow of freedom. The educated persons are demoralised. And in the present regime the administration of India is in the hands of those who are devoted to English culture and language and are demoralised. Just as with other castes, in Scheduled Castes also there is no opportunity for their real representatives even after the removal of the British regime. Persons like Dr. Ambedkar, who are capable in all respects, will come forward from the Scheduled Castes. To what Scheduled Castes does Dr. Ambedkar belong to, who is the Pandit of the Pandits ? He only takes advantage of the Scheduled Castes. At the same time Dr. Ambedkar can come into the Legislature from any part of the country by virtue of his own merits.

I therefore, see no advantage, as I have already stated, in reservation. The true representatives do not enter the Legislatures even through reservation. This may be attained only when we change our mentality and elect persons according to our old Indian custom based on honesty, ability, conscientiousness, service to humanity and intelligence. We have been so much entangled in the English language that one who has attained even an alphabetical knowledge of this language attains the right of being the representative of the country. Even after saying so much I feel that this provision is good. They will get opportunities for ten years more and after that period it will automatically come to an end and there would be joint elections.

**Mr. President :** This is one of those articles which represent the decisions arrived at a previous session and I do not think much discussion is necessary. However, I have not stood in the way of members speaking.

The question is:

“That for article 294, the following be substituted:—

‘294(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the scheduled Reservation of seats for tribes in the tribal areas of Assam, in the Legislative Assembly of every State minorities in the Legislative for the time being specified in Part I or Part III of the First Schedule. Assemblies of the States.

(2) Seats shall reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the scheduled tribes in the Legislative Assembly of any State under clause (1) of this article shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved bears to the total population of the State.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the district bears to the total population of the State.

[Mr. President]

(5) The constituencies for the seats reserved for any autonomous district of the State of Assam shall not comprise any area outside that district except in the case of the constituency comprising the cantonment and the municipality of Shillong.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district except from the constituency comprising the cantonment and municipality of Shillong."

The motion was adopted.

Article 294, as amended, was added to the Constitution.

### Article 295

**Mr. President :** This is a non-controversial article.

The question is :

"That article 295 stand part of the Constitution."

The motion was adopted.

Article 295 was added to the Constitution.

### New Article 295-A

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

"That after article 295, the following new article be inserted :—

'295-A. Notwithstanding anything contained in the foregoing provisions of this Part, the provisions of this Constitution relating to the reservation of seats for the Scheduled Castes and Reservation of seats for Scheduled Castes and Scheduled Tribes to cease the Scheduled Tribes either in House of the People or in the Legislative to be in force after the expiration of Assembly of a State shall cease to have effect on the expiration of a period ten years from the commencement of ten years from the commencement of this Constitution.' "

This is also in accordance with the decision of the House. I do not think any explanation is necessary.

**Mr. President :** There are certain amendments to this. Amendment No. 39 has been given notice of by three Members.

**Shri Yudhisthir Mishra (Orissa States) :** Sir, I move:

"That in amendment No. 38 above, in the proposed new article 295-A, the words 'and the Scheduled Tribes' be deleted."

The effect of my amendment will be that the provision of this Constitution regarding reservation of seats for the Scheduled Tribes both in the Centre and in the Provinces shall not cease to have effect even after the lapse of ten years from the commencement of this Constitution. The purpose of this new article 295-A is not to allow reservation of seats to Scheduled Castes and Tribes after a period of ten years from the date of the commencement of this Constitution. My amendment seeks to provide that the reservation of seats for the tribes should not be limited to ten years only.

We decided in the last session of the Constituent Assembly, in a motion tabled by the Honourable Sardar Patel, that the system of reservation of seats for minorities other than the Scheduled Castes in the legislatures be abolished and that the reservation of seats for the Scheduled Castes shall be limited to ten years only. The communities referred to in this resolution are Muslims, Sikhs, Scheduled Castes and Indian Christians. It was held that in the context of a free and independent India, and according to the present conditions, there should not be tiny reservation of seats for religious communities. Therefore, it did not affect the reservation of seats for the scheduled tribes.