

CONSTITUENT ASSEMBLY OF INDIA

Wednesday, the 24th August 1949

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Nine of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

DRAFT CONSTITUTION—(Contd.)

Article 292—(Contd.)

Mr. President : Prof. Laskar will continue his speech.

Prof. N. C. Laskar (Assam: General): Mr. President, Sir, yesterday I was speaking about the gradual decrease of the Scheduled Castes since 1921. I would like to draw the attention of the House today to the Census Report of 1921, Vol. III, Part I ; and in page 154 of that report a table was given with the variation in caste, tribe, etc., since 1881 and from this table I shall give certain instances of gradual decrease of the depressed classes. Patni population in 1911 was 1,11,000.

Patni population in 1921 was 45,000.

Nandiyal population in 1911 was 68,000.

Nandiyal population in 1921 was 18,000.

Rajbansi population (they are considered as Scheduled Caste in Bengal) in 1911 was, 133,000.

Rajbansi population (they are considered as Scheduled Caste in Bengal) in 1921 was, 92,000.

Now I would like to draw the attention of the House to the Census Report of 1931, Vol. III, Part 1, page 219, wherein it is stated :—

“The total for the exterior castes, *i.e.*, Scheduled Caste-of Sylhet is therefore 392,000 at a minimum. and for Cachar 80,000 and the total for the whole of the Surma Valley is 472,000 at a minimum. For the Assam and Surma Valley together the total is 655,000 and for the whole province is 657,000.”

The Census Superintendent made certain remarks also with regard to the Patni community in that page of that Report. He said “the Census figures give 9,000 only in the District of Cachar and the correct figures are at least 40,000. In Sylhet the figure for the Patni community is given as 43,000 only and there are at least 70,000. The total population for the depressed classes for the whole Province is 6,57,000.”

In 1921, the strength of the Scheduled Castes was 12 lakhs. Then, there is a big gap in 1931. Because the garden labourers were considered as depressed classes in 1921 but in 1931 they were separated from the depressed classes and considered as a single caste, that is the garden cooly caste. That is why, in the census of 1931, their strength came down from twelve lakhs to six and a half lakhs. In article 155 of that Report dealing with the difficulties of return of caste, the Census Superintendent said : “When it comes to castes like the Kayasths, Mahisyas, and Patnis, I confess that the figures appear to me to be worthless and not worth the trouble of collecting.” In the same page, he again said : “When we came to castes like the Patnis in the Surma Valley, we find that at each successive census their numbers have been melting

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away in a most mysterious fashion.” That shows that the 1931 census could not give the accurate or correct figures of the Scheduled Castes people, and also indicated a gradual decrease in the number of the Scheduled Castes.

Now, Sir, what were the causes of this decrease ? There were two causes. The first is that, between 1911 and 1931, the Scheduled Castes could not get scent of the divide and rule policy of the British Government, the award of the Simon Commission and the provisions of the Government of India Act, 1935. Therefore there was a tendency to raise the social status by removing the caste designation. The second reason is, that there was a tendency to raise their social status by changing their caste names and the Scheduled Castes took the help of certain leaders who did not belong to their own Communities or of the Puranas or the Shastras. These leaders made them Caste Hindus only in name; but they could not make them free from untouchability. This accounts for the gradual decrease in the Scheduled Castes people.

Then, I would like to draw the attention of the House to the position of the garden labourers. The 1911 census figures show that the strength of the garden labourers was 5,07,058. They mostly belonged to the depressed classes. I refer to article 73, page 57 of the Census report of 1921, Vol. III, part 1, in which it is stated the total garden labour population is 9,22,000. Over 7,82,000 or 85 per cent are Hindus. (*vide* 1931 census, Report, Vol. III, Part 1, Page 222) : “these garden labourers were considered as garden cooly castes and their total population given in the report was 14 lakhs in which the number of Hindus was 13,16,000.” According to the 1941 census, these garden cooly castes changed their status and they were considered as garden tribes. They were included in the Scheduled Tribes and thus increased the population of Scheduled Tribes from 16 lakhs to 28 lakhs. Thus, the status of the garden labourers has been changed gradually. Up to 1921 they belonged to the depressed classes; then they were promoted to garden cooly caste in 1931, then they were considered as garden Tribes in 1941.

Now, fortunately nine lakhs of them are going to be recognised as general, *i.e.*, Caste Hindus. If we consider that out of 11,34,000 (*vide* 1941 census report) of the garden labourers 80 per cent (of this population) are belonging to the Hindu Community, then, the strength of the garden labourers comes to a total of about 10 lakhs Hindus. I strongly feel that 80 per cent of these Hindus garden coolies belong to the Scheduled Castes; thus we get about 8 lakhs of Scheduled Castes from the garden labourers. If we add these with the total population of Scheduled Caste of 1941 census then, I can claim rightfully that the Scheduled Castes population is sure to be about 11 lakhs even according to 1941 census. Therefore, if a real census is taken before the election, I can assure the House that we shall get about 11 to 12 lakhs of Scheduled Castes in the province of Assam.

Before the partition, one seat was allotted in the Constituent Assembly to the Scheduled Castes from Assam. After the partition also, this community was treated with exceptional generosity by the members of the Assam Legislative Assembly and one seat was allotted to them in the Constituent Assembly.

Mr. President : Is it your argument that because they happen to be eleven lakhs, there should not be any reservation of seats ?

Prof. N. C. Laskar : There should be, but I have some doubts in my mind; therefore I want some clarifications.

Mr. President : What are you driving at? Is it because they happen to be eleven or twelve lakhs in the province they should not have reservation of seats ?

Prof. N. C. Laskar : I would like to say that according to the 1941 census their numbers are about four lakhs. I have great doubts in my mind whether this population can claim any seat in the House of the People. Therefore, by my amendment I want some exception to be made for the Scheduled Castes of Assam so that they get representation in the House of the People.

Mr. President : Whatever their population may be, reservation of seats will be in proportion to their number.

Prof. N. C. Laskar : I have already proved before the House that the census figure of 1941 is not correct. I demand a regular census before election and if not, some exceptions to be made for this community before elections. I would like to say that for granting one seat in the Constituent Assembly even after the partition, I am very much grateful to the Honourable Premier of Assam and the Congress Parliamentary Party of the Assam Legislative Assembly. I feel that they realised the real strength of the Scheduled Castes in Assam and therefore granted one seat in the Constituent Assembly.

Then, Sir, in the amendment of Dr. Ambedkar, it is stated that:

“The Scheduled Castes or the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State..... as the population of the Scheduled Castes in that State or of the Scheduled Tribes in that State....”

The insertion of the words “as nearly as may be” cannot remove my doubts, the meaning of the words “as nearly as may be” seems to be vague. The Election Commission may make out a common formula such as, “no seat should be allotted to a community having a population of less than 4,50,000.” Thereby we cannot claim any seat in the House of the People. Therefore I want some exception in the provision of this article.

The language that has been used in my amendment is not my language. It is the language of the Drafting Committee. Mine is not a “solitary example”. Exceptions have already been given to other communities also. By the provision of article 293 some exceptions are being made for the Anglo Indian community, and again by article 149 some exceptions are being made for the people of the tribal areas and Shillong constituencies of Assam. In Clause (3) of article 149 it is stated :

“The representation of each territorial constituency in the Legislative Assembly of a State shall be, on the basis of the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published and shall, save in the case of the autonomous districts of Assam and the constituency comprising the cantonment and municipality of Shillong be on a scale of not more than one representative for every seventy-five thousand of the population.”

The Shillong constituency contains a population of about 12,000. Exception is also being made for that Shillong constituency under the provisions of this Constitution, and therefore I think my demand in my amendment is legitimate.

I cannot check temptation in giving some facts about the present situation of the Cachar districts in Assam which contain about one-third of the Scheduled Caste population, of Assam, which narrowly escaped from the grip of Pakistan by Radcliffe award and which district I belong to. After the partition, the total population of this district is 10,24,581. Of these, Scheduled Castes are 1,17,205, Hindus are, 2,82,646, and Muslims 4,34,205. There are also refugees who have come from Eastern Pakistan to Assam. Their total population will be about 55,000. The Muslim influx in this district is not less than that.

I shall now deal with the present position of the major communities of Cachar district. First of all, I shall take up the case of Hindus. About fifty per cent of these caste Hindus are untouchables. They are mainly belonging to Manipuries, Naths communities. There are some communist elements in my district. In the last Assembly election the Communist candidate from

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this district polled the largest number of votes amongst the Communist candidates in the whole of India, and therefore I cannot say that the Communist movement has been checked in my district. Some reactionaries of the Muslim community created also some troubles in my district. On the twelfth day after the assassination of Mahatmaji, small children started a silent procession and it was intercepted with lathi charge by some Muslims and the offenders were convicted in the court. Again in my district, I can quote another instance after partition. A cow was slaughtered on the land of the Hindus just in front of a Kali temple. The offenders were caught hold and the case tried in the Law Court and the offenders were convicted. Therefore you can imagine, Sir, that there are some Muslim disruptive elements also in my district. As regards the Scheduled Castes there are some followers of Mr. J. N. Mandal also. After Partition, the President of the Assam Scheduled Caste Federation appeared before the Boundary Commission with a memorandum to get Cachar included in Pakistan. Then just before the referendum, Mr. J. N. Mandal of Sylhet District, the Honourable Minister of Pakistan Government, was invited by the Scheduled Caste Federation and Mr. Mandal in a meeting requested the Scheduled Castes to vote for Pakistan.

But in the last election all the Scheduled Caste seats were captured by the Congress in Assam. Each seat was contested by the Scheduled Castes Federation but was badly defeated by the Congress. I do not know, if the Honourable Dr. Ambedkar has in his mind any prejudice against the Scheduled Castes of Assam. I hope he will kindly wash it off from his mind. Because I believe that he loves Scheduled Castes more than I do. He did much for the Scheduled Caste and I hope he will do much more. Therefore I request him to accept my amendment. If any privileges are not given to Scheduled Castes people of Assam, then these poor innocent people of Assam may be handled by some other reactionary groups. Therefore in consideration of the geographical position and political and strategic condition of Assam, I appeal to the House to accept my amendment. With these words, Sir, I move.

Shri Jaspal Roy Kapoor (United Provinces : General): Mr. President, Sir, I beg to move :

“That in amendment No. 22 above, at the end of the proposed article 292. the following proviso be added:—

‘Provided that the constituencies for the seats reserved for the Scheduled Castes or Scheduled Tribes shall comprise, so far as possible such contiguous areas where they are comparatively more numerous than in other areas.’ ”

If this is not acceptable to the House, I move alternatively that the following proviso be added :—

“Provided that reserved seats shall be allotted to such constituencies as contain comparatively larger number of Scheduled Castes or Scheduled Tribes members than in other constituencies.

Sir, I am sure that everyone of us here today is very happy at the amendment which has been moved by the Honourable Dr. Ambedkar. By his amendment he is replacing the old draft of article 292. This is one of those few amendments which is going to have a far reaching consequence for the great good of the country. It is based on the agreement which has been arrived at in the Minorities Committee, between the major and the different minority communities of this country. By that agreement our Muslim friends and our Christian friends as also our Sikh brethren have agreed to give up reservation of seats in the different legislatures. I would like to take this opportunity to congratulate them all for this wise and bold decision that they have taken in the larger interest of the country. I would particularly like to congratulate

my Muslim brethren because for so many years past they have had separate electorates and separate representation any they had begun to think that therein only lay their salvation and that without separate electorate and separate representation it would not be possible for them to safeguard their interests. We know they were grossly mistaken but then all the same because of the clever tactics of the British Government, this thing had been instilled in their minds and they always felt convinced about the propriety of this separate representation. It is a very fortunate day for us and for this country that they have now come to realise that such a system is certainly not in their interest. I congratulate them once again for this wise and bold decision. They have now thrown the responsibility of safeguarding their interests on the major community and it is now for the major community to show by their conduct, by their actions, by their dealings towards the Muslim brethren to convince them that they were in the wrong in the past and that they are right now, that their interests are safe when they forget to think themselves as a separate community and that their interest is the same as the interest of the major community or rather that the interest of every community and every citizen of the country lies in the interest of the country as a whole.

The major community has already begun to realise what a tremendous responsibility has been thrown on its shoulders. I know of several places where members of the majority community have realised their responsibility. I would hereafter very much prefer not to refer to any community as major or minor community and I am sure after the adoption of this article and the coming into being of this Constitution we should forget the sting of communities as major and minor communities. Because the more we talk in this way the more we remind the people that we are not one Nation and that they are different communities with different interests. I have often felt that when we address meetings and say Hindu and Muslim “Bhaiyon” and when we appeal to them that the Hindus, Muslims and Christians should come together—I have always felt that we remind them by that appeal that they are so many different communities who need being brought together. It is much better that we do not refer them as Hindus, Muslims and Christians in our meetings and publications. The members of the majority community have already begun to realise that a heavy responsibility has been cast on them by their Muslim brethren. They have now thrown themselves at our mercy—if I could put it like that and therefore, we now owe it to our Muslim brethren and we owe it more to ourselves to prove by our conduct and actions that the trust that they have reposed in us will not be betrayed, that this step has not been a wrong one and that they have everything to gain thereby. The majority community is out to make specific efforts to see that in the elections-municipal and otherwise, that are to take place shortly in some places the Muslims may be elected not only in proportion to their number but even more, if possible.

Of course the task is not an easy one. It would have been easier before partition. It has been made more difficult by partition, because partition has been brought about because of the existence of separate electorates and separate representation. That canker in our political system leading to the partition of the country and the consequent tragedy thereafter has left behind bitter memories, and it will take sometime before these bitter memories are wiped out but all responsible members of the major community are keenly alive to the responsibility that has now been cast on their shoulders, and they have already begun to take active steps to see that in the elections that will take place hereafter their Muslim brethren’s interests are amply safeguarded.

I would also like to congratulate our Christian friends who have also given up their contention of separate representation and reservation of seats. In the past the Christians had hardly ever demanded separate representation.

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They have all along been nationalists to their core, but somehow when this Draft Constitution was under preparation some of them thought that since Muslims, Scheduled Castes and even Sikhs and probably even Parsees were thinking of having separate seats reserved they might as well take advantage of this and claim a few seats in the legislatures. Happily they gave it up, which of course, I know was hardly ever put with any seriousness. The credit in a great measure for this must go to my honourable and reverend Friend Dr. H. C. Mookherjee who adorned this Chair in your absence, Sir. I have developed very great regard and affection for Dr. H.C. Mookherjee. I have known how hard he worked to persuade his own community and how still harder he worked to persuade the other communities to give up claiming reservation of seats, and if he has not succeeded in persuading the Scheduled Castes Members to give up this claim, the fault is not surely his.

As I am thinking of Dr. Mookherjee I cannot forget to mention my Friend Mr. Sidhva over there. He was perhaps thinking why, I am forgetting him but I had not forgotten him. I was thinking that at the end I would congratulate him and not only him but the great Parsee Community to which he belongs, not only for giving up the claim of reservation but for something more and that is for never having thought of it at all. Their is an example worth emulating. The Parsee community is neither a majority community nor a minority community. It is, if I may say so, a baby community, and though, a baby may well always claim special treatment and special nursing, this baby community has never thought of any special protection. What is the result? We find Parsees being represented not only represented but even overwhelmingly represented, looking to their small number, in this country, not only in the legislature but in every walk of life, be it social, industrial, commercial banking or any others. They have always been patriots whose example is worth emulating. On this occasion I cannot forget mentioning the sacred names of Dadhabhoy Naoraji of reverend memory, the late Sir Pherozeshah Mehta, the late Shri Dinshaw Wacha whose names go down in history as the makers of modern India, as the harbingers of freedom in this country and to their sacred memory I bow my head in reverence. I congratulate and express my great appreciation for the patriotic attitude which this baby community has always adopted in this country.

Last of all, Sir, I would like to refer to my Sikh brethren. They also deserve our congratulations for having fallen in line with the other minority communities. As a matter of fact our Sikh brethren should never have thought of being a minority community. They have always been part and parcel of the Hindu community. Only for a few loaves and fishes of office or seats in the legislatures they allowed themselves to be tempted to claim separate representation. I say they are always a part and parcel of the Hindu community, in spite of what any Sikh friend of mine might say to the contrary. There has always been inter-dining; there has always been inter-marriages between the Hindus and Sikhs, though these inter-marriages have become less common now ever since our Sikh brothers have begun to say that they are entirely separate from the Hindus. I hope there will be a change in their attitude also and we shall have occasion hereafter to welcome this changed attitude on their part. Our Sikh brethren have always been not only part and parcel of the Hindu community, but they have always been the sword-arm of the Hindus and of the country as a whole. Here after we are going to forget thinking in terms of Hindus. Muslims and Sikhs as such and they shall continue to be the sword arm of India. To them we shall look up for the defence of the country and for keeping our enemies out of our boundaries.

But, Sir, I wish I could similarly congratulate my Scheduled Caste friends, but then, unfortunately today there is no such occasion. They still think that they cannot safely fall in with other minority communities in this country. As I said about the Sikhs, so also the Scheduled Castes people are not a minority community which have a separate entity from the Hindus; they are blood of our blood and flesh of our flesh. Why should they think that they are in any way separate from the rest of the Hindus community ? We do not wish to impose on them our judgment and our views. We will leave it to them to realize in course of time that they are not in the right when they demand reservation of seats; and the other communities of this country in as short a time as possible by their conduct must convince the members of the Scheduled Castes that their interest are as safe in the hands of the rest of India as in their own hands. The rest of India must, therefore, make specific efforts to remove this apprehension in the minds of the Scheduled Castes, so that even before the period of ten years they may themselves come forward with the suggestion that they do not want any reservation of seats. My amendment is in that direction. Now that they have demanded reservation of seats, let us give it to them. Let us not only give it to them but let us make such provisions which may ensure a representation of theirs to their satisfaction. My amendment suggests that constituencies which are reserved for the Scheduled Caste members should be such as contain a larger number of Scheduled Caste voters than in other constituencies so that it may be easier for the Scheduled Castes to send to the legislatures such persons as are of their confidence. The larger the number of the members of the Scheduled Castes in a constituency the easier will it be for them to elect member of their choice. Their choice if it not be actually the determining and deciding factor, at least it should have a great voice, a very influential voice in the selection or the election of candidates. This is my object in moving this amendment.

Again I say, it is for the Scheduled Castes themselves to see whether this amendment of mine is to their advantage or not. My intention is to suggest to them that they might accept it for I consider it to be in their interest, and in whatever lies their interest, lies the interest of the rest of the communities of this country. Should they feel that they have nothing to gain by accepting this amendment, or that they have something to lose thereby, I shall readily with-draw this amendment, because I do not want to press any amendment which, though moved with a view to safeguard their interests, and to give them some thing more than what they have, for themselves, does not meet with their approval. With these words, Sir, I place this amendment of mine for the consideration of the House or I should rather say particularly for the consideration of my Scheduled Caste friends, but if they do not want it, it should not be there.

Mr. President : I may point out to honourable Members that the articles which we are now considering represent decisions which we have taken after two days' debate and it is not necessary to repeat that debate again. So Members might confine themselves to the amendments, or if they have any different views they might express them, but we need not go over the same ground that we covered during the debate which lasted two days.

The Honourable Dr. B. R. Ambedkar (Bombay: General): I was going to suggest, with regard to the amendment which stands in the name of Rev. Nichols Roy, that this is more relevant to the interpretation clause where the Scheduled Castes and the Tribal people will be defined. If my friend is keen on moving this amendment, I think it should properly stand over until we come to that part of the Constitution—article 303.

Mr. President : Have you followed Dr. Ambedkar ?

The Honourable Rev. J. J. M. Nichols-Roy (Assam: General): Yes, I have. My amendment was based on the amendment which was going to be moved by Mr. Thakkar, No. 3108, and I now find that the amendment (No. 28) which he is now going to move is in a different form. However, if Mr. Thakkar is not going to move this amendment, I also will not move my amendment now. But I reserve the right that I shall move my amendment at the time when this matter will be discussed under article 303.

The Honourable Dr. B.R. Ambedkar : I also suggest that the amendments which stand in the name of Mr. Thakkar should stand over and be taken at the same time when we are dealing with article 303.

The Honourable Rev. J. J. M. Nichols-Roy: If Mr. Thakkar agrees. I will agree.

Shri A.V. Thakkar (Saurashtra): I completely agree.

Mr. President : So both amendments stand over.

Sardar Hukum Singh (East Punjab: Sikh): Sir, I am not moving amendments Nos. 29 to 31. I beg to move :

“That in amendment No. 22 of List I (Fifth Week) of Amendments to Amendments, at the end of the proposed article 292, the following Explanation be added :

‘Explanation.—The members of the Scheduled Castes and the Scheduled Tribes mentioned in sub-clauses (a), (b) and (c) of clause (1) above shall have the right to contest unreserved seats as well.’ ”

At the outset, I might submit that the Explanation proposed in this amendment is not a new idea. It was already there in the recommendations of the Minorities Advisory Committee and that recommendation was also placed, and I am sure, agreed to, by this sovereign body on the 27th and 28th August 1947. In my opinion it was a wholesome provision. I do not know why it has been dropped in this draft. Of course things were different when the original was put before this Constituent Assembly and all religious minorities had been given.....

Shri S. Nagappa (Madras: General): I rise to a point of order. The amendment which my honourable Friend is moving is superfluous. It has been provided in the Constitution itself that Scheduled Castes and Scheduled Tribes can contest not only seats reserved for the Scheduled Castes but general seats as well. So my honourable Friend's amendment is superfluous. So I would request my honourable Friend, that as it is already provided for in the Constitution.....

Mr. President : That is not a point of order. After he has moved it you can ask him to withdraw it.

Shri S. Nagappa : I would recommend to my Friend not to move his, amendment as it would be superfluous.

Sardar Hukum Singh : I am thankful to my Friend for this counsel, and if I am convinced that certainly it is not required, I will have no hesitation to withdraw it subsequently. But I think it should be made clear here, as it was in the original draft that the Scheduled Castes and Scheduled Tribes shall have the additional right to contest the general seats as well.

I was submitting, Sir, that when the first draft was put before the House all religious minorities were given reservation of seats. They have now voluntarily agreed not to have them. My community is also one of those religious minorities. The Sikhs are not sorry for having come to that decision. They think that it is the right decision for the benefit of the minorities themselves.

But Mr. Kapoor has referred to one or two things to which, I must beg permission to reply. He has said that the minorities,—and he has given very good counsel,—should cease to think in terms of minorities and majorities and that we should all consider ourselves as one whole community. I do agree with him there and I can assure my honourable Friend that the—Sikhs do want to be and will try to be welded into one whole. I have also heard several times slogans here in this House and outside as well that there are no minorities now. I wish it were so. But my submission is that so far we have this question, the minorities are there. Mere wise counsels and slogans will not eliminate them. It is something else, something better, that is required to bring about the objective, the goal that we desire to reach. For that purpose, I cannot do better than read a passage from the introductory remarks of our-learned Friend Dr. Ambedkar when he introduced this Draft Constitution. He gave very sound counsel to the majority and the minorities and I think those words have much significance and they stand even today as the only solution of this problem.

He said then that the minorities have loyally accepted the rule of the majority which is basically a communal majority and not a political majority. It is for the majority to realise its duties not to discriminate against minorities. Whether minorities will continue or will vanish must depend upon the habit of the majority. The moment the majority loses the habit of discriminating against the minority the minorities can have no ground to exist. They will vanish, but that depends entirely upon the attitude of the majority.

I cannot improve upon it. My only submission to Mr. Kapoor is that this is the only solution and if the majority behaves and conducts itself in a manner that the minorities feel secure, then certainly they will vanish in a certain period of time. So far as the Sikhs are concerned—I cannot speak for the others—they have certain natural apprehensions and these slogans and these wise counsels will only increase those apprehensions. They feel that it is the future alone that could tell them whether their fears are well-founded or not.

Now I come to the merits of this amendment of mine. I think the original object was that, because we were taking a jump over from the separate electorates to unadulterated joint electorates, the Minorities Committee recommended that lest the minorities might feel apprehensive of the sudden change they must be assured some seats by reservation and a minimum number of seats should be secured to them. It could not be the object of the Minorities Committee or this Assembly that the maximum should be limited. If this additional right is not given then the only effect is that the maximum number is being limited and not that the minimum be secured.

My second point is that this feeling of separation should go. We are accepting this reservation of seats as an unavoidable evil for the present, though it is only for the Scheduled Castes and the Scheduled Tribes. I am not directly concerned with it, but I do feel that if we want this feeling of separatism to go then it is necessary that side by side with this reservation there should be a feeling in the minds of these classes as well that they are a part of the whole and that they have some part to play in other seats as well and that they can stand for those seats as anybody else. If after ten years suddenly we were to go to the other side, then this might not be accepted with equanimity and there might be certain bickerings.

The third point I want to submit is that this additional right would not materially affect the numerical strength of the majority. So far as I can make out it is only a psychological gesture; otherwise there is very little chance that the minority for whom these seats have been reserved shall secure additional

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seats to any considerable extent. But why should there be a feeling in their minds that a close preserve is being maintained by the majority for itself and it is to their benefit that such seats are being reserved ? In my humble submission there is no harm absolutely if that additional right which was contemplated in the beginning is given to them and they are allowed to contest the seats that are not reserved for them.

Shri V. I. Muniswamy Pillay (Madras: General): Mr. President, Sir, I rise to move the two amendments that I have given notice of. I move:

“That in amendment No. 22 of List I (Fifth Week) of Amendments to Amendments, in clause (2) of the proposed article 292, after the words ‘as the population’ the words ‘actually exists or known by a fresh census’ be inserted.”

I do not wish to take much of the time of the House since the reports of the Advisory Committees have been dealt with thread-bare in this House. I would, however, like to bring to the notice of the Drafting Committee certain factors which will go a long way to assure the Scheduled Castes of the seats that ought to be allotted to them under the scheme of reservation. The reason for my suggesting that the population must be taken as it exists today, or determined by a fresh census is because in the 1931 census the total population of Scheduled Castes was computed to be 50 millions, but in the census of 1941 it is shown as nearly 44 millions. I do not know how it is possible for a community like the Scheduled Castes to dwindle in the course of ten years. In August 1947 when the report of the Minorities Committee was considered in this august Assembly my honourable Friend, Mr. Khandekar, who happens to be the President of the Depressed Classes League of India, urged that a census should be taken before the allocation of seats, or that our numerical strength should be fixed on the basis of the 1931 census. We are prepared to accept representation either on the basis of the 1931 census or on a new census which will be taken in 1951. But the figures of the census of 1941 are utterly wrong so far as the Scheduled Castes are concerned. Any representation on that basis would be grossly unjust to us.

Secondly, due to the division of the country there has been a great influx of Harijans from the East Bengal to West Bengal and also from the West Punjab to East Punjab. It is a well known fact that lakhs of people of my community have had to emigrate to India due to the partition and various other causes. This matter should be taken note of by the Drafting Committee.

The third point I wish to make is that the 1935 Act and the orders thereon give power to the various Provincial Governments to include such of the communities as are considered to be backward and take them in the list of Scheduled Castes. From 1941, many communities have been taken on to the list of the Scheduled Castes, and as a matter of fact my Friend Shri Thakkar Bapa has given notice of a few communities that should be taken on the list. Taking these into consideration I feel that, the population of the Scheduled Castes will be, more than what it was in 1941. It will therefore be necessary that a census should be taken as early as possible for the purpose of computing the number of seats so that the Scheduled Castes may feel satisfied that they have secured their political rights.

Another thing which I would like to submit to this august Assembly is in regard to determining the seats for the Scheduled Castes on the population basis. This House has granted adult franchise. Those that were minors in 1941 would have become adults during these ten years, and unless a correct census is taken it cannot be said that the population of the Scheduled Castes has been

correctly computed. This is one of the important reasons, because the article clearly says :

“The same proportion to the total number of seats allotted to that State in the House of the people as the population of the Scheduled Castes in that State or of the Scheduled Tribes in that State or part of that State, as the case may be, in respect of which seats are so reserved bears to the total population of that State.”

All those who were minors in 1941 would have become adults at present and so it is imperative that they must be included in the population list. Hence a fresh census for this purpose is necessary.

The other day my honourable Friend Dr. Ambedkar said that there is no reservation in the Upper House. As I read the report I could not come to that conclusion at all. I feel strongly that a large number of Scheduled Castes must get into the Lower House, if there is no reservation in the Upper House, so that our position may be safer.

I would also like to state that by reservation which is envisaged in this article it should not be taken to perpetuate the seclusion of this community for all time. I know the real Gandhian spirit has been applied in this article, so that other communities may rise up to the occasion; and whether it be for ten more years the other communities must exhibit a very brotherly love towards this unfortunate community known as the Scheduled Castes, so that after this period they themselves may come forward and say that they require no reservation.

With regard to my second amendment, which I move “determining, constituencies where the Scheduled Castes are in largest numbers in each district”, my honourable Friend Mr. Jaspat Roy Kapoor has given us enough and more reasons why it is necessary that determining of seats or constituencies for the Scheduled Castes must be in contiguous areas, where the largest number of them inhabit. The reason is that in years past the seats were allotted in such places where the caste Hindus and other communities predominated and hence the Harijan was not given free scope to exercise his franchise as also to see that the best men of the community were returned. It is for this reason that I have given notice of this amendment as well. I hope that the Drafting Committee will either accept my amendment or that of Mr. Kapoor.

With these words I support the motion moved by Dr. Ambedkar.

(Amendment No. 96 was *not moved*.)

Mr. President : Mr. Sahay’s amendment will also have to stand over, Pandit Thakur Das Bhargava has expressed a desire to move some of his amendments. I would like to know which of them he proposes to move.

Pandit Thakur Das Bhargava (East Punjab: General): Sir, I wish to move amendments Nos. 237, 236 and 234 in the Consolidated List up to the 10th July 1949.

I beg to move :

“That in amendment No. 225 above at the end of the proposed article 292 the following proviso be added :

‘Provided that the members of the scheduled tribes in Assam will not have the right to contest general seats.’ ”

“That in amendment No. 225, above, after clause (2) of the proposed article 292, the following new clause be added :

‘(3) The reservation of seats shall, as far as possible, be secured by single member territorial constituencies.’ ”

“That in amendment No. 225, above, in clause (2) of the proposed article 292, but before the Explanation, the following proviso be inserted:

‘Provided that for the calculation the balance of the proportion is more than half of what it requires to obtain one seat, one seat shall be allotted and if it is less than half it shall be ignored.’ ”

[Pandit Thakur Das Bhargava]

I accept the interpretation which my Friend Mr. Nagappa just put on the general articles which we have passed already. According to the relevant article which the House has already passed every person has a right to stand for the general seats, which means that persons for whom seats are being reserved shall also have the right to contest general seats unless there is a provision to the contrary.

It is quite true that democracy means one person one vote. When the House agrees to reservation of seats for certain classes it really gives them a concession, an unavoidable concession under the circumstances in which we are placed. This is the right solution of the difficulty. I do not know whether any member of the Scheduled Castes wants that seats be reserved for them. All that he wants is that he should come up to the general standard of the other communities in this land and for this purpose there are other means in which this could be brought about. Since these classes think as also others that they will not be returned in the general constituencies it is best that we have agreed to reservation of seats for them. I have no doubt that if they are allowed to contest general seats we are certainly doing a wrong thing. We are departing from a principle but all the same I think that if this right is allowed to the Scheduled Castes no harm is being done. If psychologically they are happy over it, let them have that happiness. I do not think there will be a single seat in the whole of India from the general seats to which a member of the Scheduled Castes will be returned.

I will be happy if many of them are returned. I want that the members of the Scheduled Castes should enjoy the confidence of the other classes. I would be happy if many of them are returned defeating the other candidates. I do not grudge them this right. I am sure that after the lapse of ten years many of them will say : "We tried to see if other classes support us. We have not been supported. Therefore there is a case for the continuance of the reservation" Then this argument will not be open to them. As they have accepted the extreme limit of 10 years with open eyes.

In regard to the Scheduled Castes of Assam, the case is peculiar. In Assam, as I have been told, there are 20 per cent. Muslims, 32 per cent. Scheduled tribes and those who are not reserved form about 48 per cent of the population. If there is a big majority for those that are not reserved, I do not mind giving the persons who have seats reserved right to contest the general seats. But in relation to people whose numbers are less than half, this kind of right is certain to give valid ground for grouse.

Kazi Syed Karimuddin (C.P. & Berar: Muslim): Muslims and others for whom seats are not reserved will get more than 60 per cent.

Pandit Thakur Das Bhargava : My Friend's 60 per cent adds more weight to my argument. I submit that reservation of seats being not a desirable thing, reservation for classes is calculated to induce a feeling of separateness and exclusiveness and would stand against the amalgamation of classes. In this view also it will not be fair to give these classes who have been favoured with this undemocratic right the right to contest other seats thus reducing still further the strength of those who have not been given reserved seats. Sir, everyone has got a right to be represented by a person of his choice. By reserving seats to certain classes you are, depriving people of their right to be represented by persons of their choice. I can understand the argument that you are taking away the rights of others also. Those persons belonging to the Scheduled Classes may also choose to be represented in the legislatures by persons of their choice. And it may happen that they may place more faith on particular candidates from the unreserved classes. So reservation as a matter of fact

deprives all people of their right to choose. It should be therefore our endeavour to see that the evils of this reservation do not harm the interests and the legitimate rights of the others. Therefore I say that in the case of Assam, where the unreserved People are less than 50 per cent., it is but fair that you do not allow the reserved classes to infringe upon the rights of the unreserved, people.

Now I come to my second amendment 236:

“That in amendment No. 225 above, after clause (2) of the proposed article 292, the following new clause be added:

- (3) The reservation of seats shall, as far as possible, be secured by single-member territorial constituencies.”

If there are plural constituencies my humble submission is that the representation secured is not fair. Those candidates who have to stand for plural member constituencies will not fully represent those for whom they stand in the same effective manner in which those who represent single-member constituencies will represent those for whom they stand. In the case of the Scheduled Caste men those who will stand to represent them would be persons quite unknown except in their own neighbourhood. Therefore to ask them to stand for plural-member constituencies will mean that people who vote for them will be absolute strangers to them. This is also true of the other unreserved classes, because people are not generally known far beyond their immediate neighbourhood. As a matter of fact a person who is popular in his own district has no right to stand for another district. He may be unknown there. ‘Therefore representation by means of plural-member constituencies is no right at all.

Moreover, when you consider the question of expenditure for canvassing an electorate of 7,50,000 people spread over a vast area you will understand the difficulty and the trouble of the candidate. Similarly I submit that if there are single-member constituencies people living in the constituency will be deprived of their right to choose their particular candidate in so far as only persons from a particular tribe will be allowed to stand. If these are plural-member constituencies the trouble will be greater. Considering all these, neither in the interests of the classes for whom seats are reserved nor in the interests of the others there should be plural-member constituencies. I would appeal to the House to accept this suggestion of mine and make it a part of the Constitution that, as far as possible, this representation of the Scheduled Castes also should not be from plural-member constituencies, but from single member constituencies.

Now I come to my third amendment, *viz.*,

“That in amendment No. 225 above, after clause (2) of the proposed article 292. but before the Explanation, the following proviso be inserted :

‘Provided that for the calculation the balance of the proportion is more than half of what it requires to obtain one seat, one seat shall be allotted and if it is less than half it shall be ignored.’ ”

It is a rule of mathematics and an equitable rule too. I do not want to say anything further about it. This is a just proposition.

Mr. President : The amendments moved by Pandit Bhargava are, Nos. 234, 236 and 237 of the List of Amendments of 10th July 1949.

Shri Kuladhar Chaliha (Assam: General): Mr. President, I shall confine my remarks firstly to the motion moved by my Friend Professor Laskar. I feel deeply sympathetic to his case, but then we are faced with a difficult situation. If you take the figures of population of Assam his case will not stand scrutiny. First, we find that we have there 34 lakhs of tribal population and 17 lakhs of Muslims, leaving the general population in a sort of minority. According to the 1941 census the total population of Assam (Divided) was about 74 lakhs. As such, it is very difficult to give representation in the House of

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the People on the basis of population which is only $3\frac{1}{4}$ lakhs of Scheduled Castes. There are other communities in Assam such as Ahoms. They are three lakhs odd. The Ahoms were the ruling community and therefore they will have as much right to claim a seat. Then we have Matakas and Morans who are also $3\frac{1}{2}$ lakhs, Chutias about $1\frac{1}{4}$ lakhs, seats for them also to be created and carved out of the general community which, as I have said, is a minority. I feel that Mr. Laskar's community deserves our sympathy and I hope Mr. Laskar will have a seat in the House. But our position is such that it is impossible for us to concede his point. We have grown a convention in our part of the country to see that as far as possible all communities are represented. The Congress Committee has observed this for a very long time and they will make sure that in spite of the fact that the number of his community is small, there is a chance in the next five years for him to come into the House of the People.

Mr. Laskar has also found fault with the census figures. The Congress was, not in power in 1941. It is true that most of the figures for the tribals have been inflated. Some of the Scheduled Castes were said to have been converted to tribal religion because they were addicted to drink, and others were said to have been converted to Hinduism, and the increase is 184 per cent. But that is not the fault of the Congress. If there is an increase of the tribal population God alone is to be blamed and none else. I hope in the next census, such sort of things will not occur, and that things will be just and equitable.

As regards Pandit Thakur Das Bhargava's amendment, Sir, I agree with him. The general constituencies of Assam are in a minority. Those who claim reservation should not further transgress into the domain of the general population and should have no right to seek seats there. Fortunately in Assam we have been carrying on happily, making adjustments, and I am sure that the minorities will show us the tolerance which we expect of them and we will show them that tolerance which they expect of us as well.

With these words, Sir, I oppose Mr. Laskar's amendment and I give my qualified support for Pandit Thakur Das Bhargava's amendment. Also I am at one with Rev. Nichols Roy in his views, that the seats reserved for the tribals should not be deprived on one ground or another and the tribals should not be divided as proposed in another amendment.

Mr. President : Mr. Jaipal Singh.

Shri Mr. Ananthasayanam Ayyanagar (Madras: General): The question may now be put.

Mr. President : I have already called him.

Shri Jaipal Singh (Bihar: General): Mr. President, Sir, it is most unfortunate that this House has not had an opportunity to discuss the recommendations made by the two Tribal Sub-Committees. I know we had a debate of two days to consider the report of the Minorities Committee in regard to whether the Scheduled Castes and the Muslims were to get any reservation of seats or not. At that time all the discussion was confined to the Muslim problem only. When I raised the question of our reports, you were pleased to say, Sir, that this House would have an opportunity in the future to discuss the reports. However, if it is the wish of the House that without any discussion the articles which deal with the scheduled tribes will be taken up in this House. I have no personal quarrel except that it is very unfortunate that the two Chairmen of these two Sub-Committee should not have an opportunity to explain to the Members why their recommendations have taken a particular pattern.

Take for example the recommendations of the Sub-Committee of which I myself was a member and over which the venerable social reformer the honourable Mr. Thakur presided. In due course we will have to discuss certain provisions that have been recommended by this Sub-Committee. Why these recommendations have been made will have to be explained by someone. I should

have thought that it would be very much better if a discussion had taken place which would have put the Members wise as to the investigations that have been carried out, as to why the Sub-Committee had come to certain conclusions, as to why, for example, I had to submit a minority minute of dissent, as to why my Friend, Mr. Devendra Nath Samanta, had to agree with me in regard to my minute of dissent, etc. All these things would have been thrashed out in *extenso* in the discussion so that the Members would have appreciated the difficulties of the Sub-Committee on the tribal problems before they participated in the discussion and before they exercised their vote for or against any of the recommendations.

Having said that, Sir, I would like to congratulate Dr. Ambedkar for his new amendment which he has presented to us today. As I have said before, if there is any group of people who have got a right to rule over India, they are the Adivasis. They are first-rate Indians and all the others are second-rate, third-rate, fourth-rate, *n*th-rate Indians. I think that situation has to be appreciated when we take up questions like the reservation of seats. Sir, we are not begging anything. I do not come here to beg. It is for the majority community to atone for their sins of the last six thousand odd years. It is for them to see whether the original inhabitants of this country have been given a fair deal by the late rulers. But the future can be brightened up. What has happened in the past, let it be a matter of the past. Let us look forward to a glorious future, to a future where there shall be justice and equality of opportunity.

One honourable Member said that he was glad that the Muslims and the Christians had given up something, given up the reservation of seats. Sir, the Adivasis are not giving up anything because they never had anything. It seems very surprising that people should talk of democracy when their whole conduct has been anti-democratic in the past. What have the general community done for these backward people in the past ? Has there been anything in the statute to prevent them from putting up the Adivasis in more seats than were due to them according to their population ? Take Bihar. There are 5.1 million Adivasis in Bihar, but only 7 Adivasi M.L.As. Did the Congressmen put up a single Adivasi for a general seat ? No. Take the Central Provinces and Berar. There were before the merger of the States 2.9 million Adivasis; but there was only one seat for the Adivasis. After the merger, there would be an addition of something like 2.8 million more, a large majority of whom would be Adivasis. I can say the same thing about every province. Even in a province like Bombay, where without the merged States, there was an Adivasi population of 1.6 million, which would be added to on account of the merger by a figure that may double itself from out of the 4.4 million that have been put within the province, there is only one seat reserved. And also in a province where the Premier has been a very ardent worker amongst the Adivasis for many years. He was the President of the Adivasi Seva Mandal there and it was a privilege for me to see something of the work he did before he became the Premier. After he became the Premier, he could not devote so much time for that work.

Even in a province where you have such a sympathetic leader of the dominant party, you find no generosity whatever. People talk of democracy. Let them search their hearts. Is there anything that Prevented them from bringing out these people from their jungle fastnesses into the legislature ? How do they explain their niggardliness, in fact their apathy, hostility to bring these people to the legislature and other forums of public life? It is essential that these people should be compelled to come out of their jungle fastnesses. It is for that reason reservation is very very necessary. If you want unity in this country, we must all get together.

Sir, in this connection, I would like to quote something that you said about nine years ago when you were the Chairman of the Reception Committee of the

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53rd session of the Indian National Congress at Ramgarh. I am not quoting anything out of its proper context. I think what you said is very relevant to prove what I have been endeavouring to say. You said :

“That portion of Bihar where this great assemblage is meeting today has its own peculiarities. In beauty, it is matchless. Its history, too, is wonderful. These parts are inhabited very largely by those who are regarded as the original inhabitants of India. Their civilisation differs in many respects from the civilisation of other people. The discovery of old articles shows that this civilisation is very old. The Adivasis belong to a different stock (Austrick) from the Aryas and people of the same stock are spread toward the south-east of India in the many islands to a great distance. Their ancient culture is preserved in these parts to a considerable extent, perhaps more than elsewhere. It is not, however, as if the Aryas and the Adivasis never mingled with one another. As a matter of fact there have been considerable intermixture and exchange. Aryas have taken many things from them and they have taken many things from the Aryas. With all this, however, they have kept themselves apart. It is the opinion of experts that the colour and facial expression of the Biharis, the formation of their skulls and even their language exhibit clear unmistakable marks of their influence. Having, however, once cast their influence on the Biharis, the Adivasis have made much of our Culture and our speech their own.”

There has been this peculiarity. In certain parts of India, what is called inter-mixture and inter-mingling has been fairly considerable with the result that the process of absorption into the Hindu fold has been very great. On the other hand, in particular areas this has not been the case. There has however developed somehow a hostility between the ancient people and the new-comers. When the Aryan hordes came into this country, naturally they were unwelcome because they were intruders. But, they began to pour in streams one after another and pushed the people that were there, the aboriginals, the Adivasis, further and further away. The Arya—speaking people settled in the rich Gangetic valley and ousted the Adivasis who had to retreat to the jungle fastnesses because the Aryas found them inhospitable. That is roughly the history as to why the Adivasis are today found only in the mountainous tracts, because these tracts were inhospitable, were inclement to the Arya people.

Now, that, of course, is no longer the case. Nothing is isolated. We can get everywhere and therefore, intercourse on a fresh scale, on a much more intensive scale, will take place in the future. Another reason for the hostility and bitter feeling against the *dikus*, as we call the new-comers—*diku* means new-comer—has been the fact that the new-comer has always exploited the simple, ignorant Adivasi; he has looted him of his land; he has expropriated him of his many rights; he has taken away that jungle freedom from him. This the Adivasi rightly resents. All this hostility that has gone on for thousand and thousands of years must be done away with. I am very glad indeed that in the new Constitution there is not going to be anything like separate electorates. I welcome the fact that the Adivasis will be elected from the joint general electorates. I also welcome the fact that the House, as a whole, is unanimous that the Adivasis must be compelled to come into the Government of the provinces as well as at the Centre. The result of this article 292 will be, whereas in the past we had seven M.L.As. from Bihar, now we shall have something like 51. There must be 51 because there will be 51 seats reserved for them. There may be more if the political parties would be generous enough to give more seats than is due to the Adivasis according to their population figures. Like that, in the Central Provinces, where as there is only one Adivasi M.L.A., there may be as many as thirty. In Assam, according to the population, there are 2.4 million Adivasis; at present there are only nine seats, reserved for them. Well, I am not one who was ever an admirer of the census figures. Ever since the Hindu

Mahasabha became a militant political organisation, the census figures have never been reliable or accurate. We have yet to get to a stage where we want to get scientific facts in an honest way. Take for instance, the Central Provinces. You compare the figures of Adivasis there, say in 1941; take the censuses of 1921, 1931 and 1941. You find in between 1911 and 1941 the figure gets reduced by 18 lakhs. I know particularly that the Adivasis are not a dying race and yet somehow or other one minute the Gonds are enumerated as Hindus and the next minute they come back as Adivasis; and that type of cooking of figures and misenumeration has gone on at every census and the sooner this country becomes honest about it and tries to find out statistics in an honest way, without any religious bias, the better it will be. At the last Session of the Indian Science Congress, the scientists said—there are people who want to know and who are not moved by religious or political bias—that there were in this country not less than 30 million Adivasis. In 1941 census the figure is of course only 24.8 million. You may multiply that by 5 or not, but, the fact is that any section of our society that is economically and politically backward must have safeguards and provisions which will enable it to come up to the general level.

That is the only reason, Mr. President, why I do support the reservation of seats for Scheduled Castes and the scheduled tribes and for no other reason. I am not at all optimistic that in the short space of ten years, which means two general elections, Adivasis will have come to the level of the rest of India and therefore at the end of ten years reservation of seats should be done away with. I am not one who will be so bold as to believe in such a miracle. Things are not going to move as fast as we would like them to move. I would have preferred that this matter should have been reviewed at the end of ten years to find out whether Adivasis and Scheduled Castes in the two general elections that will take place during the ten years had made good, whether they had been able to assert themselves in the Councils and take their share in the national life of the country. When that had been made, then I think the Parliament could decide whether or not these reservations should be done away with or continued for a further period of say ten or fifteen or twenty-five years. I would have preferred it that way but if there is any suspicion in the minds of non-Scheduled Caste people or non-Adivasis, I would not insist on it. The generous thing would have been to give them ample scope to come into all the Councils in the provinces and at the Centre and not to limit them only to two general elections.

Some people harp on separatism being implied in reservation of seats. Some people have a kink and they like to explain everything away by attributing separatism to any difference of opinion. It has become the fashion in this country to call every rebel a Communist. Similarly, those of us who desire that the backward groups in our society should be compelled to come by the front door and not by backdoor and the front door is open reservation, are dubbed as separatists. It does not lie in the mouth of people to talk of separatism when 30 million Adivasis have been treated as political untouchables over centuries. It does not lie in the mouth of those people to tell Adivasis what democracy is. Adivasi society is the most democratic element in this country. Can the rest of India say the same thing? Can people who have for centuries been living under the Caste system honestly and genuinely say that they can have a democratic outlook? It takes time. In Adivasi society all are equal, rich or poor. Everyone has equal opportunities and I do not wish that people should get a way with the idea that by writing this Constitution and operating it we are trying to put a new idea into the Adivasi society. What we are actually doing is you are learning and taking something as you, Mr. President, said. Non-Adivasi society has learnt much and has still to learn a good deal. Adivasis are the most democratic people and they will not let

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India get smaller or weaker. It is not they who are responsible for the partition. Adivasis claim the whole of India. So I would like that Members should look at it from that generous angle and not be so condescending. You are clearing your own conscience, having expropriated them from their lands, having made laws whereby you have driven them out of their rights. What is the position today? Why are there about ten lakhs of people in Assam crimped away from Chhattisgarh, Orissa and Bihar and they are running from place to place with no sense of security? It is because non-Adivasis have taken away their lands, cheated them and they continue to cheat.

Now it is very necessary in the interest of this country, for its great future, that every element of India, be it backward or forward, should get together and pull in the same direction and for that we must see to it that the backward sections come up. Reservation is very necessary for the backward people whether they are Adivasis or whether they are Scheduled Castes, or Jains or Muslims. Once you acknowledge that something has got to be done, some fulcrum has to be pushed in to tilt them up to a higher level, then the question of separatism does not arise at all. Therefore I, as an Adivasi representative, am not ashamed to accept this principle of reservation. I regret it is there only for ten years, because I am convinced that India is not going to become heaven, that everybody is not going to become a graduate in ten years or that everybody will get politically educated. What is necessary is that the backward groups in our country should be enabled to stand on their own legs so that they can assert themselves. It is not the intention of this Constitution, nor do I desire it, that the advanced community should be carrying my people in their arms for the rest of eternity. All that we plead is that the wherewithal should be provided as has been provided in article 292, so that we will be able to stand on our own legs and regain the lost nerves and be useful citizens of India.

There is much more to be said, but, I understand that some of the amendments have been deferred to another occasion and, therefore, I would not say much at this stage. But I am sure and I may assure non-Adivasis that Adivasis will play a much bigger part than you imagine, if only you will be honest about your intentions and let them play a part they have a right to play.

Shri R. V. Dhulekar (United Provinces : General) : What does he exactly want?

Shri Jaipal Singh : I want Mr. Dhulekar to behave just as he used to when he was a student in St. Columba's College, Hazaribagh, when he mixed freely with the Adibasis and spoke of them as being the finest citizens in India. But at the present moment, the Adibasis have been put into a watertight compartment. I know there are people who will say that the British put them into zoos. We have now an Indian National Government. Is the zoo not still there? Popular ministries have been heard of in this country for the last twelve years; what have they done in any way to remove this stigma? Have they done anything? During the Sub-Committee's tour-whenever we went-Provincial Governments came out with elaborate reports of the heavenly things they were doing for the Adivasis to fight their poverty and the evil disease in their midst, and how all that was going to be removed. One Provincial Prime Minister told me that he had set aside Rs. 20 lakhs for ameliorative measures for the Adibasis in a particular district. I asked him how much he had spent in the last eight months. He said : "We still have out plans but we hope it will be ready on paper!" What happens is just paper and paper : all window dressing. We want concrete work among these people. Some people think that by opening a few schools and giving some scholarship they will be making a tremendous change among the Adivasis. It is economic betterment that the backward people need. Once they are economically better, they will be able to educate themselves.

I would like to, if I may, tell the provincial Prime Ministers who are here and in whose provinces there are large numbers of Adibasis, that no good will come out of the lakhs and lakhs that they profess to earmark for welfare and other work among the Adibasis and other backward people in their provinces, unless there is the missionary spirit behind it. I know in my own province of Bihar that all welfare work has a political background. In Bihar, unfortunately, there have been three conflicting militant groups, one pulling eastwards towards Bengal, one pulling southwards towards Jharkand, and one pulling northwards towards the Himalayas. Now, in order to kill the eastwards and southwards groups, lakhs and lakhs of rupees are being spent, all in the name of welfare among the backward people. Evidence is there, Mr. President, of leading Congressmen in Manbhum, in Palamau, in Ranchi, in Hazaribagh and other districts.....

Shri Biswanath Das (Orissa : General) : Are all these matters relevant to the subject-matter of the discussion?

Mr. Naziruddin Ahmad (West Bengal: Muslim) : Every truthful statement in this connection is certainly relevant.

Shri Jaipal Singh : Lakhs of rupees are being spent, not for the direct benefit of the people, but for the employment of armies of welfare workers and the money gets swallowed up in the payment of wages and salaries, and motor cars and propaganda vans. The actual result to the Adibasi is nil. It is very much like the Grow More Food campaign. If for the amount of money that we spend in this campaign, one more grain was grown, it would have been a success. But it seems to be the other way round.

The idea of the generosity of the Members as a whole in recognising the necessity of giving reservation of seats to the Scheduled Castes and the scheduled tribes was that these people who as you have said at Ramgarh have somehow or other kept apart, will now be compelled to come into the inner circle and do their best and contribute their share for the betterment of this country. I know there is fear in certain quarters. There is fear in Assam : there was fear in West Bengal. When Mr. Khaitan moved his amendment, or rather gave notice of his amendment—he is no longer in our midst—I discussed with him why he wanted no reservation of seats for the Scheduled Castes in West Bengal. He was quite honest about it. He said, if the Scheduled Castes combined with any minority group, then the upper class people were nowhere. Some such apprehension has been indicated from a Member from Assam. I know perfectly well that it is not a question that you have reserved so many seats for Adi basis therefore you should not give them any of the general seats. That is not the general issue. Let us be honest. What the upper classes in Assam fear is that if the Scheduled Castes and the Adivasis were to combine, and if these two groups were given the right to contest also the general seats, then the upper classes might not remain in power.

That is the truth of the matter as I see it and I deeply beg of every one not to think in terms of fear. Let us not be afraid of our fellow man because, if we do not trust him, we have no right that he should trust us. We have been living under different circumstances in the past. Now the destiny of our country is in our hands. Whatever has happened in the past has happened. It may have been due to our own fault or due to the mischief of alien rulers. Now everything is in our own hands. We are masters of the situation and if now and hereafter we go on thinking in terms of fear, if we refuse to relegate ourselves to the background and let others also have the chance, then we are thinking along the wrong lines.

I have great pleasure in supporting the amendment of Dr. Ambedkar to article 292.

Mr. President : There has been a closure motion.

(At this stage several Honourable Members rose to speak.)

Mr. President : I do not think it is necessary to enter into a discussion on all that Mr. Jaipal Singh has said.

The Honourable Shri Krishna Ballabh Sahay (Bihar: General) : He has made several observations which I would like to contradict.

Mr. President : You will have an opportunity somewhere else on another occasion.

Shri Brajeshwar Prasad (Bihar : General) : I would like to point out that editorial comments have been made in the *Statesman* that some vital articles are being rushed through and closure motions are being made. This is a very important article and only two or three speakers have taken part in the general discussion. More speakers should be allowed to speak. You have power either to admit the closure motion or not.

Mr. President : I do not think there is any justification for the remark that we are rushing any article through. So far as I am concerned, I have given the fullest opportunity and the fullest latitude to all Members, and if anything, I have been more generous in this respect than perhaps I should have been.

Mr. Naziruddin Ahmad : There is no suggestion like that from any section. But there is a desire to speak more.

Mr. President : So far as this particular article is concerned, we have already had two days discussion on this very question and any general remarks will only mean a repetition of what was stated there. It is therefore not necessary further to discuss this particular article.

So far as certain remarks which have been made by certain speakers are concerned, if any Members have to say anything with regard to them or to contradict those remarks, probably they will get another opportunity in connection with some other article and they might take advantage of it then.

The Honourable Rev. J. J. M. Nichols-Roy : Certain wrong information has been given to this House regarding the tribal people and this must be corrected now.

Mr. President : If it is only a question of correcting some information which has been wrongly given, I might allow him to make the correction, but no more than that.

Shri Jagat Narain Lal (Bihar: General) : Even if the closure motion is accepted, the President can certainly allow a speech or so and I think it is not right that what has been said with reference to this article should be sought to be contradicted or controverted in the course of a debate on another article. So, I would request you, Sir, to allow one speech with reference to what has been said by the previous speaker.

Mr. President : I do not think any useful purpose would be served by simply contradicting statements which have been made.

The Honourable Rev. J. J. M. Nichols-Roy : Sir, in Assam there are three classes of scheduled tribes, and all these together are calculated to be about 23 to 24 lakhs. Eight lakhs of them are in the plains area eight lakhs of them are in hills area and the remaining eight lakhs are in the tea gardens. The tribals in the tea gardens are included in the general population, with the result that the only people who will have reserved seats will be the eight lakhs

in the plains area and the eight lakhs in the hills area. As regards the eight lakhs of tribals living in the plains area the Working Committee of the Assam Provincial Congress Committee have agreed to allow them to stand as candidates from the general constituencies and my honourable Friend the Premier of Assam himself has said that he does not want that there should be any limitation on any tribals of the plains to stand for the general seats.

Therefore, Sir, I oppose Pandit Bhargava's amendment regarding preventing the tribals of Assam from standing as candidates from the general constituencies.

Sardar Bhopinder Singh Man (East Punjab: Sikh): As a number of amendments have been moved, it seems to me that some time be given to oppose those amendments.

Mr. President : As I said we have discussed this very proposition for two full days in this House, and every section of the House had full opportunity of expressing itself on the general principles. Now it is those very principles which are sought to be embodied in the resolution which has been placed before the House by Dr. Ambedkar. I do not think any further discussion will help the Members. I therefore call upon Dr. Ambedkar to speak.

The Honourable Dr. B. R. Ambedkar : Mr. President, Sir, a great many of the points which were raised in the course of the debate on this article and the various amendments are, in my judgment, quite irrelevant to the subject matter of this article. They might well be raised when we will come to the discussion of the electoral laws and the framing of the constituencies. I therefore, do not propose to deal with them at this stage.

There are just three points which, I think, for a reply. One point is the one which is raised by Mr. Laskar by his amendment. His amendment is to introduce the words "save in the case of the Scheduled Castes in Assam". I have completely failed to understand what he intends to do by the introduction of these words. If these words were introduced it would mean that the Scheduled Castes in Assam will not be entitled to get the representation which the article proposes to give them in the Lower House of the Central Parliament, because if the words stand as they are, "save in the case of the Scheduled Castes in Assam" unaccompanied by any other provision, I cannot see what other effect it would have except to deprive the Scheduled Castes of Assam of the right to representation which has been given to them. If I understand him correctly, I think the matter, which he has raised, legitimately refers to article 67B of the Constitution which 'has already been passed. In that article it has been provided that the ratio of representation in the Legislature should have a definite relation to certain population figures. It has been laid down that the representation in the Lower House at the Centre shall be not less than one representative for every 7,50,000 people, or not more than one representative for a population of 5,00,000. According to what he was saying—and I must confess that it was utterly impossible for me to hear anything that he was saying—but if I gathered the Purport of it, he seems to be under the impression that on account of the division of Sylhet district the population of the Scheduled Castes in Assam has been considerably reduced and that there may not be any such figure as we have laid down, namely, 7,50,000 or 5,00,000, with the result that he feels that the Scheduled Castes of Assam will not get any representation. But I should like to tell him that the provision in article 67 (5) (b) does not apply to the Scheduled Castes. It applies to the constituency. What it means is that if a constituency consists of 7,50,000 people, that constituency will have one seat. it may be that within that constituency the population of the Scheduled Castes is much smaller, but that would not prevent either the Delimitation

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Committee or Parliament from allotting a seat for the Scheduled Castes in that particular area. His fear, therefore, in my judgment, is utterly groundless.

Then I come to the amendment moved by Sardar Hukam Singh in which he suggests that provision ought to be made whereby the Scheduled Castes and the Scheduled Tribes would be entitled to contest seats which are generally reserved for the Scheduled Castes or the Scheduled Tribes. He said that the Drafting Committee has made a deliberate omission. I do not think that is correct. It is accepted that the Scheduled Castes and the scheduled tribes shall be entitled to contest seats which are not reserved seats, which are unreserved seats. That is contained in the report of the Advisory Committee which has already been accepted by the House. The reason why that particular provision has not been introduced in article 292 is because it is not germane at this place. This proposition will find its place in the law relating to election with which this Assembly or the Assembly in its legislative capacity will have to deal with. He therefore need have no fear on that ground.

With regard to the point raised by my Friend Mr. Pillai that the population according to which seats are to be reserved should be estimated by a fresh census, that matter has been agitated in this House on very many occasions. I then said that it was quite impossible for the Government to commit itself to taking a fresh census but the Government has kept its mind open. If it is feasible the Government may take a fresh census in order to estimate the population of the Scheduled Castes or the scheduled tribes in order to calculate the total representation that they would be entitled to in accordance with the provisions of Article 292. The Government is also suggesting that if in any case it is not possible to have a fresh census, they will estimate the population of these communities on the basis of the voters strength which may be calculated from them, in which case we might be able to arrive at what might be called a rough and ready estimate of the population. I do not think it is possible for me to go beyond that.

All the other amendments I oppose.

Prof. N. C. Laskar: Sir, I beg to withdraw my amendment No. 24.

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

Mr. President : The question is

“That in amendment No. 22 at the end of the proposed article 292 the following proviso be added:

‘Provided that the constituencies for the seats reserved for the Scheduled Castes or Scheduled Tribes shall comprise so far as possible, such contiguous areas where they are comparatively more numerous than in other areas’.”

The amendment was negatived.

Sardar Hukum Singh : Sir, if what I have suggested in my amendment (No. 77) is provided for elsewhere I do not press it.

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

Shri V. I. Muniswamy Pillay : Sir, in view of this lucid explanation of Honourable, Dr. Ambedkar, I beg to withdraw my amendment No. 94.

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

Mr. President : Amendment No. 95 is to the same effect as the one that the House has already rejected. The question is :

“That in Amendment No. 225 after clause (2) but before the Explanation, the following proviso be inserted :—

‘Provided that for the calculation the balance of the proportion is more than half of what it requires to obtain one seat, one seat shall be allotted and if it is less than half it shall be ignored’.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 225 after clause (2) the following new clause be added:

‘(3) The reservation of seats shall, as far as possible, be secured by single member territorial constituencies’.”

The amendment was negatived.

Mr. President : The question is:

“That in amendment No. 225 at the end the following proviso be added:

‘Provided that the members of the scheduled tribes in Assam will not have the right to contest general seats’.”

The amendment was negatived.

Mr. President : The question is:

“That proposed article 292 stand part of the Constitution.”

The motion was adopted.

Article 292, as amended, was added to the Constitution.

Article 293

(Amendments Nos. 3118 to 3121 were not moved.)

Mr. Mohd. Tahir (Bihar: Muslim): Sir, I beg to move:.....

Shri T. T. Krishnamachari (Madras : General) : Sir, on a point of order; this amendment is not really germane to the article before the House; it has nothing to do with the subject matter of article 293.

Mr. Mohd. Tahir : Article 292 refers to the matter of the reservation of seats. Article 293 says:

“Notwithstanding anything contained in article 67 of this Constitution, the President may, if he is of opinion that the Anglo Indian Community is not adequately represented in the House of the People, nominate not more than two members of the community to the House of the People.”

These are articles where representation is to be fixed and reservation is allowed to different communities. This is the only place where I want that minority communities which are given reservation of seats should also have a chance of getting themselves elected from the general constituencies. The amendment is quite relevant and this is the place where this subject can be introduced so that minorities might have the right to seek election in the general constituencies also.

Mr. President : I do not think this question arises under article 293 which relates especially to the representation of the Anglo-Indian community. I do not think you can bring in the right of members of the other communities for whom seats have been reserved to seek elections from the general constituencies in this article. The amendment is not in order.

Mr. Mohd. Tahir: I submit to your ruling, Sir.

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be dominated by members who are nominated. This article provides for an exception. The nomination of members of the Anglo-Indian community to the House of the People is an exception. I do not think it is intended to perpetuate this exception or enlarge the scope of this exception to other communities. The article says—

“Notwithstanding anything contained in article 67 of this Constitution, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of the community to the House of the People.”

In regard to the others, if there is any constituency where there are five lakhs of people, that constituency is entitled to elect one member to the House of the People. The other communities, the Muslim community, the Indian Christian, community or the Sikh Community of this country are not so small as would go unrepresented on this basis. It would not be so in the case of the Anglo-Indian community. Their whole population would not be even five lakhs for the whole of India. You cannot point out to any constituency where they will be in a majority. Therefore this exception has had to be made, because they may not come in through the process of election. Article 292 originally stated that there would be reservations for the Muslim community, for Indian Christians and others. But they have voluntarily given that up and reservation, is now only to be made for the Scheduled Castes, and scheduled tribes. The latter may not be able to come in normally in elections. Therefore some reservation is made for them. I would submit that the Anglo-Indian community stands on a special footing. The Anglo-Indians are highly advanced, but they are not numerous. They were once part-rulers of this country and therefore they should be shown some partiality for some time to come. Nomination has been provided for in the Upper House for certain interests but the Upper House has been made innocuous, and so far as the Lower House is concerned, there ought to be no nominations. The case of the Anglo-Indian community is an exception and there is no reason why it should be extended in favour of the other communities and why those communities should try to get by nomination what they have voluntarily given up. Not more than two is an insignificant figure in the Lower House. I oppose the amendment.

Mr. President : Dr. Ambedkar.

The Honourable Dr. B. R. Ambedkar : I do not think it is necessary to say anything.

Mr. President : The question is

“That with reference to amendment No. 3119 of the List of Amendments, for article 293, the following be substituted :—

‘293. Notwithstanding anything contained in article 67 of this Constitution the President may, if he is of opinion that any minority community is not adequately represented in the House of the People, nominate an adequate number of members of that community to the House of the People.’”

The amendment was negatived.

Mr. President : The question is :

“That article 293 stand part of the Constitution.”

The motion was adopted.

Article 293 was added to the Constitution.