

[The Honourable Dr. B. R. Ambedkar]

he is willing to be bound by it, and after he has made that declaration the law will bind him and his successors. It would be perfectly possible for Parliament to introduce a provision of that sort; so that the fear which my friends have expressed here will be altogether nullified. I therefore submit that there is no substance in these amendments and I oppose them.

Mr. Vice-President : The question is:

“That the following proviso be added to article 35:

‘Provided that any group, section or community or people shall not be obliged to give up its own personal law in case it has such a law.’ ”

The motion was negatived.

Mr. Vice-President : The question is:

“That to article 35, the following proviso be added, namely:

‘Provided that the personal law of any community which is guaranteed by the statute shall not be changed except with the previous approval of the community ascertained in such manner as the Union Legislature may determine by law.’ ”

The motion was negatived.

Mr. Vice-President : The question is:

“That Part IV of the Draft Constitution be deleted.”

The motion was negatived.

Mr. Vice-President : The question is:

“That article 35, stand part of the Constitution.”

The motion was adopted.

Article 35 was added to the Constitution.

Article 37

Sardar Hukum Singh (East Punjab: Sikh): Mr. Vice-President, I move:

“That in article 37, for the words ‘Scheduled Castes’ the words ‘Backward communities of whatever class or religion’ be substituted.”

Sir, “Scheduled Castes” has been defined in article 303(w) of this Draft Constitution as castes and races specified in the Government of India (Scheduled Castes) Order, 1936. In that Order, most of the tribes, castes and sub-castes are described and include Bawaria, Chamar, Chuhra, Balmiki, Od, Sansi, Sirviband and Ramdasis. It would be conceded that they have different faiths and beliefs. For instance, there are considerable numbers of Sikh, Ramdasis, Odes, Balmiki and Chamars. They are as the backward as their brethren of other beliefs. But, so far, these Sikh backward classes have been kept out of the benefits meant for Scheduled Castes. The result has been either conversion in large numbers or discontent.

I do realise that so far as election to legislatures was concerned, there could be some justification as the Sikhs had separate representation and the Scheduled Castes got their reservation out of General Seats. There is the famous case of S. Gopal Singh Khalsa who could not be allowed to contest a seat unless he declared that he was not a Sikh. Such cases have led to disappointment and discontent on account of a general belief that some sections were being discriminated against.

Now the underlying idea is the uplift of the backward section of the community so that they may be able to make equal contribution in the national activities. I fully support the idea. I may be confronted with an argument that at least there is the first part of the article which provides for promotion “of educational and economic interests of ‘weaker sections’ of the people”. So far it is quite good and it can apply to every class. But, as the “weaker sections” are not defined anywhere, the apprehension is that the whole attention would be directed to the latter part relating to ‘Scheduled Castes’ and ‘weaker sections’

would not mean anything at all. Even the article lays the whole stress on this latter portion by centralising attention through the words ‘in particular’ of the ‘Scheduled Castes’.

I may not be misunderstood in this respect. I do not grudge this special care of the State being directed towards “Scheduled Castes”. Rather, I would support even greater concessions being given and more attention being paid to backward classes. My only object is that there should be no discrimination. That is not the intention of the article either. But, as I have said, so far the “Scheduled Castes” have been understood by general masses to exclude the members of the same castes professing Sikh religion. We should be particular in guaranteeing against any misconstruction being placed or any discrimination being exercised by those who would be responsible for actual working of it. Under the present article, it is the “educational and economic interests” that are to be promoted and therefore it should be made clear that it is to be done for all backward classes, and not for persons professing this or that particular religion or belief. I commend this motion for the acceptance of the House.

Shri A. V. Thakkar (United States of Kathiawar : Saurashtra): Sir, I beg to move this amendment (983) which asks for the inclusion of the backward castes among Hindus and among Muslims.....

The Honourable Dr. B. R. Ambedkar : May I just make a statement? I believe both these amendments dealing with the backward classes, etc. would be more appropriate to the Schedule and could be better considered when we dealt with the Schedule. I would suggest that the consideration of these amendments may be postponed.

Shri A. V. Thakkar : My amendment seeks to lay down certain principles.....

Mr. Vice-President : Dr. Ambedkar proposes to give the fullest possible consideration to these in the Schedule.

Shri A. V. Thakkar : Does he agree to include all backward classes?

Mr. Vice-President : He can hardly agree to anything now. The matter is open to discussion later.

Shri A. V. Thakkar : Then I do not move my amendment now.

Mr. Naziruddin Ahmad : Sir, I am not moving my amendment No. 985. It merely seeks to use capital letters in the case of the Scheduled Castes. I would respectfully draw the attention of the Chairman of the Drafting Committee to article 303 (1), items (w) and (x) on page 147 of the Draft Constitution. We have there specified two definitions, ‘Scheduled Castes’ and ‘Scheduled Tribes’. ‘Scheduled Castes’ have everywhere been spelt with capital letters, but ‘Scheduled tribes’ have been spelt with small letters.

The Honourable Dr. B. R. Ambedkar : We shall consider that.

Sardar Hukam Singh : I beg leave to withdraw my amendment. The amendment was, by leave of the Assembly, withdrawn.

Mr. Vice-President : I shall now put article 37 to the vote of the House.

The question is:

“That article 37 do stand part of the Constitution.”

The motion was adopted.

Article 37 was added to the Constitution.

Article 38

Mr. Vice-President : The House will now take up article 38 for consideration.