

## CONSTITUENT ASSEMBLY OF INDIA

*Thursday, the 25th August, 1949*

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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.

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### DRAFT CONSTITUTION—(Contd.)

#### **New Article 295-A—(Contd.)**

**Mr. President :** We shall take up the amendments to article 295-A.

**Shri S. Nagappa** (Madras: General): Mr. President, Sir, I beg to move:

“That in amendment No. 38 above, at the end of the proposed new article 295-A, the following proviso be added:—

‘Provided the people for whom seats in the Legislatures have been reserved are brought to the level of other advanced classes of people educationally, socially and economically.’ ”

My intention in moving this amendment is not to extend the period of reservation, but to see that Government takes effective care that, within this ten years’ period, the people for whom seats have been reserved are brought to the level of other advanced classes. As it is, in the various provinces there are ministries which are in charge of Harijan uplift, but in the Centre, I do not find such a ministry and I would request the Government to create a Ministry of that sort and see that a Harijan is kept in charge of this Ministry and a plan is chalked out for ten years so that these people are brought to the level of other advanced classes, educationally, economically and socially. In order to achieve this object, I would request the Central Government to set apart 5 per cent. of its revenues in order to give grants to the Provincial Governments as they have been doing in the case of rural water supply or in the case of medical relief to the rural areas. So also, in order that these people are brought to the level of the other people we must have such definite, plans and schemes. Unless and until such schemes are chalked out and are worked out, I do not think it will be possible for us to bring these down-trodden people to the level of other advanced communities within the short period of ten years.

The Harijan movement was started in the year 1932 with the blessings and active co-operation of our revered leader Mahatmaji. All these days we did it and we have been doing it with the public co-operation and by constant propaganda in order to see that the Harijans are also treated equally along with others. No doubt, Sir, it has brought about some psychological change in the minds of people who are modern, who are civilized, who are educated, who can understand things, who can move with the times, but as regards people who are not educated, who are still orthodox type of people, who believe in the old theory, to those people especially in the rural areas, it has, not brought any change. Indeed I am thankful to the Central Government as well as to the various Provincial Governments for having been good enough to include an article in this Constitution and having brought suitable legislation in various provinces in order to see that untouchability is made an offence and that too

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a cognizable offence, but still, to my knowledge, it is not worked out in the same spirit with which it has been enacted. Well, Sir, the proof of the pudding is in the eating. We must see that what we have enacted, every word of it, every, letter of it, with all the spirit behind it must be transmitted into action, not in the cities, not in the towns, but in the villages. In order to achieve this object at least five per cent. of the Central revenues should be set apart; there should be a Ministry in charge of these people in the Centre to consolidate the work that is being done in the various provinces and States.

Another thing that would go a long way in bringing these people to the level of the other advanced classes is education. As it is, in our country illiteracy happens to be the highest. After all, the literate population may be 12 to 15 per cent. If you take the Harijans alone, I think it will be 1 per cent or 2 per cent. Every year we must watch what percentage is converted to literacy and we must give a great fillip to this movement for the spread of education. Education is the key of all-round development. Unless and until they are educated, you may not be in a position to bring them to the level of the other advanced people. I would request you to make elementary education compulsory to these people. I know that large tracts of waste land are available in this country. But, unfortunately, these people are not allowed to cultivate the land. I would request the Government to have a definite plan, especially the Ministry of Agriculture and Food. They must go on allotting these lands to these people in order to produce more food and in order to elevate the economic condition of these people.

In order to raise these people economically, multi-purpose co-operative societies must be organised all over the country and you should see that each society has a definite plan in order to see that a particular thing is done in a particular time. We see the strike mentality is spreading among the workers. There is a mentality of profit-making among the capitalists. As a result of the strike mentality of the labourers and as a result of the profit-making mentality among the capitalists, the country is suffering as production is going down. I would suggest a solution for this : that is, make the worker the owner of the factory. You may ask, how to make him the owner ? It is, a very simple thing. For instance, we may take it that a worker earns about Rs. 2 a day. Suppose, in a mill the investment is Rs. 40 lakhs and 4,000 people are working in that mill. If you go on deducting at the rate of two annas in the Rupee that every labourer earns, for every labourer you will be saving four annas a day, and for 4,000 people it means Rs. 1,000. In course of time, you will be, able to make up the capital invested in the factory. You may give that money to the capitalist and then you may say to the workers, "well, this is your own from today; go along and produce whatever you like". The capitalist will get back his money and he may invest it in some other industry. The country will be developed industrially. I would particularly request the Honourable Minister for Labour to bear this carefully and see that this is done at an early date. If the Honourable Minister for Labour takes it into his head, he can do it and the production could be increased to many more times its present output. He can make the country above want if he has a mind to do so. There is no use of this profit-sharing or any other sharing. You must make the worker feel that it is his own factory. If you bring about that consciousness, he will put his heart and soul into the task. By simply saying that you will get 50 per cent. of the profit and this and that, you cannot increase production.

**Mr. President :** I am sure you are making a good suggestion which will receive due consideration. But, these suggestions are out of place so far as this article is concerned.

**Shri S. Nagappa :** Certainly I think this is the best way in which we can bring the condition of these people to the level of the other people economically.

My amendment is that this reservation should last for ten years, provided the Government takes this actually into its head and sees that these people are brought to the level of the advanced class. I am not simply agitating, I want to give constructive suggestions and in order to give suggestions I have to express these things elaborately. You must have a definite scheme, You must at least take up 100 young men from this community and send them to foreign countries to make them experts technically, as was done under the Bevin Boys' Scheme or any other scheme. You must send them to foreign countries, and make them technical experts. There must be a definite quota or a definite scheme for each year. There is no use of saying that everything will be done and leaving it in the air that we will do this and that. You must start with a definite scheme. I come to understand that there is a Scholarship Board; but to my surprise, the amount that is set apart at its disposal is very limited, when the applications that have come for scholarship are taken into consideration. About 60 or 70 per cent. of the applications have had to be rejected because there are not enough funds at their disposal. I would request the Government to see that every application that is sent to this Scholarship Board is granted and every student that seeks Government help is given help and that too in time, and he should be allowed to make the best use of the good-will of the Government to his best ability.

When these people are equipped with all the qualifications necessary, it is again a problem for them to get themselves absorbed in responsible positions, because there are so many hurdles for them to cross. The Services Commission is one of the bottlenecks for these people. In order to see that the interests of these people are safeguarded, in every Provincial Service Commission there should be at least one member belonging to these people. In the Central Commission also, there should be one. Only then, will these people advance further.

Another most important thing is that these people are well-fitted for any military job. They have enough stamina; they can withstand any amount of physical strain. These people must be recruited in large numbers to the Military not merely as sepoys alone, but to responsible posts also. At the end of five years, you should appoint a commission to go round the country and take into consideration what advance these people have made during the last five years, and whether the advance is commensurate with the scheme that we have on hand and if the advance has not been sufficient, what suggestions could be made to go further.

Another most important thing is this. In the Constitution we have provided that equal opportunity should be given to all irrespective of caste, creed and colour, religion or race. Well, it sounds well, so far as we read it. But, we must see that it is translated into action. While making appointments to responsible jobs like Governors, Ambassadors, High Commissioners, Trade Commissioners and other like cases, you must take into consideration the claims of these people. We are an independent country for the last two years. I am surprised to find not a single Governor, not a single ambassador from these people.

**Sardar Hukum Singh** (East Punjab: Sikh): On a point of Order, Sir. Why should colour be emphasised now? Because all Indians are of one colour.

**Shri S. Nagappa :** So far as my honourable Friends from the North are concerned, they may have a uniform colour, but for us South Indians, who are nearer the Equator we have a different colour. Whether we are black or

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brown, we have an Indian colour. We are Indians irrespective of our Colour. You have been good enough to enact that we should give equal opportunity for one and all. It must be acted up to in the same spirit. Can you give one example of a Scheduled Caste man being a Governor in this country ? You are adding insult to injury. What opportunity you have provided for these people? Can you say, out of those whom you have selected either as Cabinet Ministers or other officers, have they failed ? They have been doing work more than others. Why do you brand them as inefficient ? Somehow or other you want to by-pass our claim. Do not utter it hereafter. The most important means by which you can bring in the rural population to an economic level at the earliest opportunity is by providing them facilities in order to encourage themselves commercially, provide them lands and give them licenses for controlled commodities and send them to countries which have advanced commercially.

Another thing is you are abolishing the zamindari system all over the country. It is a good sign of advancement but what is going to happen ? If the Zamindars are sent out, the chota Zamindars are created *i.e.*, those who are supposed to be the agriculturists. They do not till the land and it is the mazdoor who tills the land. You make them owners of the lands, give lands to these people or let it be given to co-operative societies and give them Government loans and modern machinery to cultivate the lands.....

**Shri L. Krishnaswami Bharathi** (Madras : General) : It is relevant ?

**Shri S. Nagappa** : It is relevant for the elevation of Harijans. So I would request the Government to bear in mind that we have agreed to the reservation.....

**An Honourable Member**: There is no Government.

**Shri S. Nagappa** : I am suggesting to the future Government as to how it should conduct its affairs. We are enacting a Constitution for our future Government. These are the implications that are implied in it. So I would request that the honourable Members would be good enough to accept my amendment. You must realise that greater responsibility is now laying on your shoulders. You have to bring us to that level by which we will be able to say that we do not want reservations. We cannot go on begging for a favour. As it is, we are making the Government to commit itself for the future advancement of this country and of this community. I would request the honourable Members to support this amendment. I would particularly request Dr. Ambedkar who belongs to the same community to accept this. Sir, I ,thank you very much.

(Amendment No. 98 was not moved.)

**Shri V. I. Muniswamy Pillay** (Madras: General): Mr. President, I beg to move:

“That in amendment No. 38 of List I (Fifth Week) of Amendments to Amendments, in the proposed new article 295-A after the words ‘ten years’ the words ‘or longer period if the Parliament so decides at a later date’ be inserted.”

My Friend, Mr. Nagappa moving his amendment has explained to the House the difficulties under which the, Scheduled Castes are labouring today. Now, my view or rather my request to this House is that the period of ten years that has been accepted on the report of the Advisory Committee is a

premature one. It is clearly seen in article 299 that the Drafting Committee has brought an article whereby it clearly says that :

“It shall be the duty of the Special Officer for the Union to investigate all matters relating to the safeguards provided for minorities under this Constitution in connection with the affairs of the Union and to report to the President upon the working of the safeguards .at such intervals as the President may direct, and the President shall cause all such reports to be laid before Parliament.”

Under this clause I feel that this House will do well to prolong the period of ten years until the Special Officers have investigated into the matters connected with the minorities and a report is made to the President. The President according to this article has to place this matter before Parliament. It is this that I wish, that after a period of ten years the Special Officers, report can go before the President who in turn can place it before Parliament. The Parliament can review the whole thing and see whether the Scheduled Castes have advanced so well that the reservation ought to be taken away. I think by this House accepting ten years will be putting the cart before the horse. We do not know what will be the position of the Scheduled Castes after this period of ten years. If there is real advancement among them, if they have progressed in all ways, then we need not have anything further, this reservation can go at the end of that period. But if their position is the same as it is now, or if it is worse, if they have made less progress than we expect, then it is highly necessary that this period should be prolonged.

Sir, I have got several other reasons also why it is necessary that this period should be extended. We may remember that in the year 1947, when the report of the Advisory Committee came up for discussion in this House and for its decisions, several recommendations were made. But I do not think either the Government of India at the Centre, or the Provincial Governments have taken the clue from the discussions that took place here on these recommendations and they have not done much by way of amelioration of the condition of the Scheduled Castes. Even in the Constituent Assembly (Legislative) a resolution was adopted and all Members who were sympathetic towards the Scheduled Castes took part in the discussion of that resolution and then an assurance was given that everything will be done for the welfare of the Scheduled Castes. May I know what steps have been taken ? I know, as a matter of fact, that only in the U.P. and in Madras in a less degree, they have taken steps to do something for the amelioration of the Scheduled Castes. In Madras they have set up a committee and after two years' labour, and after debating the subject in the Legislature, very lately, the Government has come to the rescue and they have started a department called the Harijan Uplift Department and only this year this Department started functioning, with a small amount—to start with.

What I would request is that if the Government or this House is definitely to have only this period of ten years for reservation, then they must have a dynamic plan for the uplift of the Harijans, and in this connection, I hope it will not be too much, if I suggest to the Government of India that they must have a separate Minister and a separate portfolio for Harijan Uplift, as has been done in the Province of Madras. Unless this is done, and unless the Government takes a keen interest and shows to the Harijans that their position will definitely be improved during the course of the next ten years, it is no use accepting this period of ten years now. In this House it has been possible to review the whole position and also to change things that have been adopted previously. Therefore, it will not be wrong if this House, after hearing us, decides that this period of ten years may be prolonged, as required in my amendment. With these few remarks I support the motion of the Honourable Dr. Ambedkar.

**Mr. President :** Dr. Monmohon Das.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): There is one amendment, No. 105.

**Mr. President** :Yes, but we are still on No. 100. We shall come to 105 after that.

**Dr. Monmohon Das** (West Bengal: General) : Mr. President, Sir, I move:

“That in amendment No. 38 of List I (Fifth Week) of Amendments to Amendments, at the end of the proposed new article 295-A the following be added :—

‘unless Parliament by law otherwise provides’.”

If My amendment is accepted, then the new article proposed will read as follows:—

“Notwithstanding anything contained in the foregoing provisions of this part, the provisions of this Constitution relating to the reservation of seats for the Scheduled Castes and the Scheduled Tribes either in the House of the People or in the Legislative Assembly of a State shall cease to have effect on the expiration of a period of ten years from the commencement of this Constitution, unless Parliament by law otherwise provides.”

The proposed new article of Dr. Ambedkar declares that the safeguards which have been granted to the Scheduled Castes and the Scheduled Tribes will come to an end at the expiration of ten years. But my amendment, proposes that these safeguards will come to an end at the end of ten years, but if the Parliament, after consideration of the situation then of the Scheduled Castes, and the Scheduled Tribes, thinks that these provisions for reservation of seats should be continued, for some further period, then these reservations of seats, these political concessions granted to the Scheduled Castes and the Scheduled Tribes will continue and not come to an end.

It is not very pleasant for a man to stand before his colleagues and friends and beg for concessions for himself or his community, especially when one knows that the majority in the House is not favourably disposed towards the grant of such concessions, especially when he knows that his pleadings and entreaties for concessions for a down-trodden community are sure to meet with unkind, unfriendly and unsympathetic criticisms. But in spite of all this, when I take into consideration the great magnitude and importance of this article, when I take into consideration the great bearing that this article will have upon the future political life of millions of the Scheduled Caste people and the Scheduled Tribes, I am inclined to think that I shall be greatly failing in my duty to these people whom I claim to represent here, if I do not place before you their grievances.

Sir, the problem of the Scheduled Castes and the Scheduled Tribes is not a new one. The British rulers, in the latter part of their regime, recognised this problem and made some provisions for it. It is true that they made those provisions not out of genuine love for the Scheduled Castes and the Scheduled Tribes, not for the welfare of those classes, but they did it for the benefits that they themselves hoped to acquire from them. The Indian National Congress, became conscious of this problem at the instance of Mahatma Gandhi. Mahatmajji found that millions of people in this country were groaning under inhuman oppression for thousands of years. The distinction between man and man, the distinction between one class and another did not escape the notice of Mahatma Gandhi. This diabolical contrivance to enslave humanity did not escape the discerning eye of Mahatmajji, and he declared to the people of India that emancipation of the country from a foreign yoke will be nothing but a mockery to the millions of down-trodden Scheduled Castes and Scheduled Tribes of this land, if we fail to tear away, if we fail to break down this diabolical contrivance for enslaving humanity.

Sir, so long as Mahatmaji was living, we the people of this land, we the oppressed and down-trodden people of this land found in him a court of appeal; not only we, but everyone who has aggrieved or oppressed or down-trodden, found in him a court of appeal. Whenever we thought that some injustice had been done to us, we knew that if we could approach him, we would get not only justice but more than justice. We knew that if we could convince him of the righteousness of our case, then we would get not only our due, but more than our due. Sir, that court of appeal is no longer amongst us, and to our great misfortune, today we find that after his departure, the attitude in this country towards the Scheduled Castes and the Scheduled Tribes is gradually becoming definitely stiffened. So long as he was here amidst us, we the Scheduled Castes and the Scheduled Tribes were treated with some sympathy, and with a touch of feeling, but now after his demise, we find that we are treated as rivals, political opponents, as co-sharers, as co-partners.

The Advisory Committee on Minorities in their report dated the 8th August, 1947, clearly stated that there will be reservation of seats for the Scheduled Castes and the scheduled tribes for a period of ten years. At the end of ten years this position was to be reconsidered. This formula was accepted by the Constituent Assembly during its session of August 1947. But in their subsequent meeting on 11th May 1949 the Advisory Committee on Minorities abolished the reservation of all other-minorities except the Scheduled Castes and the Scheduled Tribes. The reservation of seats for Scheduled Castes and Scheduled Tribes was retained for ten years as originally decided, but nothing was said about the reconsideration of the problem at the end of ten years. I beg to lay emphasis upon these words that nothing was said about the reconsideration of the question at the end of ten years. This silence on the part of the Advisory Committee on Minorities about the question of reconsideration of this problem has been construed to mean that the Advisory Committee is against reconsideration at the end of ten years. In their report the Minorities Committee say that they have given this political concession to the Scheduled Castes and the Scheduled Tribes because "the standards of education and material well-being of the Scheduled Castes, even on Indian standards, are extremely low and moreover they (the Scheduled Castes) suffer from grievous social disabilities". Therefore it is evident from the Report of the Minorities Committee that it is on account of the extremely low educational and economic conditions of the Scheduled Castes and the grievous social disabilities from which they suffer that the political safeguard of reservation of seats had been granted to them.

Now, I ask the honourable Members of this House, do they believe that in the next ten years the economic and educational conditions of the Scheduled Castes and the Scheduled Tribes are going to be improved to such an extent that there will be no necessity of these political safeguards for those communities ? I ask my honourable Friends do they really believe that the grievous social disabilities under which these classes of people have been suffering for thousands of years will be removed in the coming ten years ? I ask the honourable Members of this House are they prepared to give us a guarantee to that effect.

A very pertinent question has been raised by our esteemed Friend Mr. Brajeshwar Prasad in yesterday's meeting. My Friend Mr. Brajeshwar Prasad shed much tears. I should say over the pitiable conditions of the Scheduled Castes and the Scheduled Tribes. But he failed to see what part this reservation of seats would play towards the amelioration of the conditions of these classes. He thought that it will lead to the exploitation of these classes and it will give rise to fissiparous tendencies among them. If by "exploitation" he means economic exploitation, then I cannot understand how a few seats in the Central

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Legislature or in the Provincial Legislature will lead to the exploitation of the Scheduled Castes and the Scheduled Tribes. If he mean by “exploitation” political exploitation, then I must remind him that a leader who has more capacity to appeal to our sentiments and reasoning is more able, to exploit us. It is a matter of common knowledge with the Members of this House as to how many times we have been compelled to revise our decisions by the convincing and eloquent reasonings of Dr. Ambedkar or our Prime Minister. So, if by “exploitation” he means that the political leaders will bring these Scheduled Castes and Scheduled Tribes under their own influence, I will say to him that this is the case everywhere.

About the fissiparous tendencies, everyone of us knows that a hundred illiterate people come to a common conclusion more easily than a hundred educated, cultured men. It is common knowledge that in the present times, in a family consisting of father, mother and two sons we see the father is a Congressman, the mother is a Hindu Mahasabhaite, the older son is a Socialist and the younger son is a Communist. So, fissiparous tendencies are found more among the educated and cultured classes than among these classes.

I next come to the question, what part does reservation of seats play towards the amelioration of our grievances ? In the golden days of yore when civilization was not so advanced as it is now, physical strength was the only potent weapon for protection of life and property and protection from tyranny and oppression. With the advancement of civilisation and with the advancement of modern scientific instruments and weapons we find that physical prowess is of no avail towards these ends. It is political strength, it is political power, it is the part in the administration of the country, it is the influence you wield, it is the voice you have got in the administration of your State—it is these things that will give you protection of your life and property and protection from tyranny and oppression. Therefore, I think the view expressed by my Friend Mr. Brajeshwar Prasad is diametrically opposed to truth.

I appeal to the honourable Members of this House, why do you grudge a few seats in the Central or in the Provincial Legislature to the Scheduled Castes and Scheduled Tribes ? In this House containing more than three hundred members there may be at the maximum thirty to forty members belonging to the Scheduled Castes and the Scheduled Tribes. What have they done to you—what disadvantage have they created for you ? They simply come here and watch the proceedings of the House, practically taking no part in its proceeding except when their own interests are going to be trampled down by the decisions of this House. I appeal to you to take these Members into your confidence. Then you will see that they will strengthen your hands and not weaken them. I appeal to you to treat them as your younger brothers and you will find that they are with you and not against you.

My amendment proposes to reconsider the situation at the expiration of ten years. If at the end of ten years it is found that the conditions of the Scheduled Castes and the Scheduled Tribes have changed to such an extent that no safeguard is necessary, then the Parliament will do away with it. I fail to understand why there is this hurry, why there is this indecent haste to close all doors of reconsideration of the problem at the end of ten years. Let the future take its own course. After all, what is there to be afraid of for the majority community ? If you are in thumping majority today in the Indian Parliament you will be so tomorrow, the day after tomorrow and for all times to come. Whatever may be the form of Government, whatever political parties may come to power, the majority will always remain a majority and it will have the minority under its feet, at its mercy. So, what is there to be a raid of the Scheduled Castes?



In the Report of the Advisory Committee it has been said that “the Committee was always anxious that the representatives of the minorities should have adequate time to reflect fully so that a change, if effected, would be sought voluntarily by the minorities themselves and not be imposed upon by the majority community”. If that be the case, if that be the attitude of the Advisory Committee on Minorities, why then should this provision of consideration be deleted without the consent of the representatives of the Scheduled Castes and the Scheduled Tribes? I am sanguine that there is not a single Member from the Scheduled Castes or the Scheduled Tribes in this House who can give the consent to such a proposal of deleting this stipulation that there will be Consideration of their question at the end of ten years.

I feel, Sir, that justice has not been done in this case and the will of the majority is going to be imposed by force upon us—the minority—against our will. Therefore, I appeal to the honourable Members of this House that my amendment which proposes to reopen the whole question at the expiration of ten years, and which is in no way against the decision of the Advisory Committee, may be accepted by this House.

**Mr. President :** No. 105, Mr. Naziruddin Ahmad.

**Mr. Naziruddin Ahmad :** Mr. President, Sir, I beg to move:

“That in amendment No. 38 of List I (Fifth Week) of Amendment to Amendments, at the end of the proposed new article 295- A, the following be added:—

‘and a general election shall be held thereafter.’ ”

It seems to me that there is an ambiguity in the article. The article says that the reservations of seats for the Scheduled Castes and Scheduled Tribes in the House of the People at the Centre and in the Lower Houses in the States shall cease to have effect at the expiration of a period of ten years from the commencement of this Constitution. I think there is some amount of lurking ambiguity in the expression though the idea is quite clear. I submit a question which should be considered. At the next election I believe.....

**Shri T. T. Krishnamachari** (Madras : General) : Mr. President, if it will help to shorten my friend’s remarks, may I mention that the Drafting Committee has an amendment to fit into the contingency that he envisages?

**Mr. Naziruddin Ahmad :** Where is that amendment?

**Mr. President :** I was just going to point out amendment No. 114 which covers the point which the honourable Member has raised.

**Mr. Naziruddin Ahmad :** The idea must have been misappropriated or stolen from my amendment. I am very grateful for it—it is a great compliment paid to me.

The point is that the expiration of ten years from the commencement of the Constitution and the expiration of the House of the People or of the States Assemblies may not coincide. It may be that for various reasons the second election is held in the ninth year of the passing of the Constitution. Then there would remain only one year for the completion of ten years but there would be an unexpired period of four years for the Legislature to expire. What is ambiguous is that on the expiration of ten years the duration of the Assemblies might not have expired. The question would be whether on the expiration of ten years the elected Legislature would cease to function entirely and there would be a fresh election or whether there would be no more election but the body elected will continue for the unexpired period of its normal life. It is to clear tip that ambiguity that I have tabled the amendment. I am glad however that the error has been noticed. The difficulty of the Drafting Committee is that

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though in the usual number of cases they are prepared to accept good ideas, sometimes they do not like to admit their mistakes; it is on this account that many good amendments have not been accepted. But we shall look up to the Third Reading which, I hope, would be another elaborate Second Reading on account of the many efforts we have passed over.

**Pandit Thakur Das Bhargava** (East Punjab: General): Sir, I beg to move:

“That in amendment No. 38 of List I (Fifth Week) of Amendments to Amendments, in the proposed new article 295 A, after the word ‘Constitution’ the brackets and letter ‘(a)’ be inserted and after the word ‘State’, the following be inserted :—

‘(b) relating to the representation of the Anglo-Indian community either in the House of the People or in the Legislative Assemblies of the States through nomination.’ ”

In regard to this amendment, I would beg the House to consider that the present proposal contained in article 295 A only refers to the reservation for Scheduled Castes and the Scheduled Tribes. It does not refer to articles 293 or 295. When 293 and 295 were adopted and a decision was reached among the various members of the Minorities Committee, this nomination was given to the Anglo-Indian Community in place of reservation. The first proposal was that the Anglo-Indian Community will be given reservation like the Scheduled Castes and the Scheduled Tribes but as that involved weightage, ultimately it took the shape of nomination. It was absolutely clear from the very beginning that the Anglo-Indian community will get this reservation through nomination only for ten years. It was never agreed that they will get it for all time; and when we did not move our amendments to articles 293 and 295 it was under the belief that as a matter of fact this community also will get this reservation through nomination for ten years. Therefore, if only the agreement is to be implemented, then even ten years should be the time fixed for this nomination. If there is no such agreement, then I would place other reasons before the House. I was also a member of the Minorities Committee and I remember that when the decision was arrived as it was made absolutely clear that this will be only for ten years. I have consulted some of the prominent Members who took part in arriving at this decision and I am reliably informed that this was the intention when the agreement took place. Because we did not want to disturb the agreement among our leaders we refrained from moving amendments, it is therefore only fair that this reservation be extended for ten years only. If we look at the reasons why this reservation is given to the Anglo-Indian community, even on other grounds except agreement, these provisions for nomination should not inure for a period longer than ten years.

The Anglo-Indian community is one of those most advanced communities in India which can hold its own against other communities. I know that their number is small, but there are many other communities who have got smaller numbers. I am glad that our leaders considered the claims of this community and dealt with them in a generous way as admitted by Mr. Anthony himself. But all the same, I believe that in regard to the House of the People this is the only community which gets a seat through nomination. There is no other provision for any community through nomination and we do not want that our Constitution should be disfigured by a provision of this nature. The Anglo-Indian community has been to a great extent protected by the provisions of articles 297 and 298. In regard to those provisions also, instead of ten years they are getting twelve and more. I do not grudge any sort of provision for any community on fair and reasonable grounds; but all the same when the other communities come forward. When the Scheduled Castes and Scheduled Tribes come forward for our consideration, their claims are based on an entirely different footing; if they want much more representation, I can understand

their position and we should not grudge to give them what they want. But so far as an advanced community is concerned, there is absolutely no reason why this community should be favoured so unduly that these provisions may inure for all time. You may say that this is only a discretionary provision, but when a discretion is given, in particular circumstances, it becomes an obligation and a duty.

I, therefore, submit that there is no reason why we should agree to accept these provisions for a longer period than ten years, and I have no doubt in the matter that if the Anglo-Indian community behaves well and I know from my own experience they will do so—we know our Friend Mr. Anthony; he is a *persona grata* with most Members of the House—and there is no reason why he should not succeed in the General Elections if he stands after ten years. The whole complexion of India shall have changed by that time. Otherwise, I do not see why there is no great force in the amendments which have been moved by Members of the Scheduled Castes and Scheduled Tribes. After ten years we shall have a society in which the present distinctions shall cease or shall not have the same force as there is today. If we do not expect that, if we proceed on the basis that they will remain, then my humble submission is that there is no reason why we should not have to extend the period of ten years in the case of other communities also.

I am rather astonished at the amendments moved by some of my Friends belonging to the Scheduled Castes. On the day when the Minority Report was discussed in the House, I moved an amendment then that these reservations and nominations should be for ten years and the amendment was accepted. Along with that, there was an amendment by Mr. Nagappa himself and in those very terms. Now he comes forward and brings another proposition. I do not think he has the right to do so. He is estopped from doing so, as he himself and other Members agreed that this reservation will continue for ten years. As I submitted yesterday—I do not want to repeat the same arguments today—this reservation derogates from the enjoyment of the full electoral rights by the people in general. It is harmful to the general community and to the Scheduled Castes also.

Therefore, my humble submission is when we agree to deprive ourselves of the exercise of full electoral rights, it is just to placate our friends and at the same time to do them the justice which they fully deserve. We ourselves are guilty of having brought them to this level. It is upto us to see that they are not left in the lurch and they advance with the other communities. While this period of ten years is a challenge to the depressed classes to come up to the level of the other people, it casts an obligation upon the whole country and upon all the communities living in India, because now not only Hindus, but the Muslims and the Sikhs and all other communities are on the general list. Now it becomes our solemn duty that we should see that within these ten years, we behave in such a manner that these people of the Scheduled Castes and the Scheduled Tribes come up to our standard. What is the use of articles 301, 296, 299 and 10 if the community does not rise to the height to which it is expected to rise ? It will be our duty in future to see that our Central Government and the governments of the provinces do their duty by our brethren—the Members of the Scheduled Castes and the Scheduled Tribes.

Mr. Nagappa indicated some of the ways in which it should be done. This is not the occasion and I shall not take up the time of the House in giving some of those ways in which we should behave, but all the same I must say that apart from the Governments, it is the duty of everyone of us who have given our pledges and who support and swear by this Constitution to see that within the coming ten years, we bring all these classes up to our standard. If we do not do that, if we do not do our duty, I do not know with what face we can deny these very rights to them for another ten years; and that would be a most

[Pandit Thakur Das Bhargava]

serious thing, because it would deprive all of us including the Scheduled Castes of the elementary rights of the exercise of full electoral rights. Therefore, I would submit that from today we should resolve, after passing this that when we make it ten years we mean to make it ten years, but at the same time our duty becomes all the greater and therefore we should begin from today to discharge our duty in the right fashion. This duty will not be discharged by passing a resolution here or passing a resolution there. Unless the economic position is bettered, unless we are willing to make them feel like human beings, which they do not do today, our duty will not have been performed.

I would, in this connection, submit that all these Governments should pass a law in which they may be given full rights of ownership in their houses in the villages where they are not enjoying them today. Like all others, fundamental rights are open to them, but I know in many villages these Scheduled Castes are not enjoying fundamental rights. Therefore we should see that they enjoy fundamental rights. Similarly, I would submit that in 301 the Commission should be forthwith appointed as soon as the Constitution comes into force and when the Commission makes its report we should see that the Report is implemented. Therefore my humble submission to the House is that when we pass this clause it becomes our duty to see that this particular clause is backed up by the force of all our resolves and determination to do our duty by our Scheduled Castes and Scheduled Tribes brethren.

**Shri T. T. Krishnamachari :** Mr. President, Sir, I move:

“That in amendment No. 38 (List I) to the proposed article 285 A the following proviso be added:—

‘Provided that nothing in this article shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly as the case may be.’ ”

Sir, this amendment is self-explanatory and in moving it, I would like to say at once that the Drafting Committee does not claim any originality or copy-right for it. If the incentive for this amendment has been the amendment moved by Mr. Naziruddin Ahmad, we are prepared to give him full credit, but anyway it was felt by the Drafting Committee that there was a lacuna similar to the one pointed out by Mr. Naziruddin Ahmad, as, if it happens that a period of ten years falls at a time when the House has, just begun its life or it is half-way through its life or in any stages of its life, the representation in that House—the membership of that House—should not be affected by the wording of article 295 A moved by Dr. Ambedkar. The House will undoubtedly understand that this fits into the scheme in a better way than the amendment of Mr. Naziruddin Ahmad.

I would like to add one word in regard to the remarks made by Pandit Thakur Das Bhargava. He has attempted to be logical. I felt, as he was speaking, that he was trying to direct a heavy machine gun against a small mosquito. This provision of two nominated seats in the House of the People, if the President thinks it necessary to so nominate and a few seats in the Lower House of a State if the Governor so thinks fit, is merely a permissive provision. It is not an obligatory or mandatory provision. If the Anglo-Indian community is not given these seats by nomination they could not go to a court of law on the ground that the Constitution has provided for nominations, and that has been ignored by the Authorities. Full discretion to nominate or not is given to the President or to the Governor of the State concerned. Why therefore bring in all these arguments and all this logic against a purely permissive provision ?

So far as the Anglo-Indians are concerned, it is doubtless true that they are not large, in numbers. It is also true, as pointed out by Pandit Thakur Das Bhargava, that special provision has been made in articles 297 and 298 in regard to the services and in regard to the educational facilities of this community respectively. That being so, he asks why any provision should be made for the continuance of this political privilege. I would ask him not to exercise his mind on a small matter of this kind which is purely left to the discretion of the executive of the day both in the Centre and in the Provinces. I would also ask him to take note of one idea that, while the Scheduled Castes are members of the Hindu community and are part and parcel of ourselves, and only the economic level of their existence deters them from assuming a position of equality with the others—the Anglo-Indians happen to be a distinct community. Because of the fact that we are supposed, in the years to come, to go farther and farther from the European civilization to which we were subjected in the years of our slavery. The difference in the way of life of the Anglo-Indian community and in the way of life of the other communities of our country will be more and more glaring hereafter and the possibility of assimilation of the Anglo-Indian community in the body-politic will be difficult. It all depends on whether our standards of living approximate to the ideas obtaining in the West or whether we propose to go back on the level we have attained. All these are problems in regard to which we do not know which way they will ultimately take. It would be cruel to ask these people to completely merge themselves in the body-politic of our country, if the future standards of life are if even anything less than our present standards.

This concession, which has been generously made by the Minorities Committee on page 35 of the Appendix to their Report, says :

“In regard to the Anglo-Indians there should be no reservation of seats. But the President of the Union and the Governors of the Provinces shall have power to nominate representatives to the, Centre and the Provinces respectively if they fail to secure adequate representation in the Legislature as a result of the general election.”

Actually it will happen that if Mr. Anthony gets returned to the Central Legislature no other person will have perhaps any chance. The President has no chance for exercising his discretion so far as nomination is concerned and has to be guided by the views of the ministry. Similarly in the provinces, it is purely a permissive thing to fill a lacuna or a contingency in which the majority community might completely neglect the Anglo-Indian community. I think this concession need not be restricted for a period of ten years. It is not an obligatory provision, similar to the reservation provided for other communities.

I, therefore, suggest that my honourable Friend Pandit Thakur Das Bhargava will not press his amendment. This is a very small matter. There is nothing wrong in allowing the Anglo-Indian community of India this very doubtful privilege which is conferred *ex gratia* by the executive of the day for a period longer than ten years if it be necessary. I hope he will not press his amendment.

**Shri Chandrika Ram** (Bihar: General) : Mr. President, Sir, I am here to support the article as moved by Dr. Ambedkar as subsequently amended by Shri T. T. Krishnamachari. The only consideration for the Members of the Scheduled Castes in this House and outside is that this period of ten years is very small. This is a fact that within this short period the Scheduled Castes may not come up to the standard of other communities. This is based upon the fact that the provincial governments as well as the Central Government are not doing things as they should. We know from personal experience over the last twelve to fifteen years that when for the first time Congress Ministries came to power nothing practical or appreciable was done for the amelioration of the depressed classes which are backward economically, socially and educationally. This is a question of faith. We do not want even ten years. If

[Shri Chandrika Ram]

they like, the Central and provincial Governments can do a lot for these people within the next five years But the question of good faith is not there. That is the fear of the Scheduled Caste Members who have moved so many amendments for the extension of the period from ten to fifteen years and more.

We know so much about the work done by the Father of our Nation, Mahatma Gandhi and we are all followers of that great man. But when we look to the actual working in the provinces and in the Centre we find nothing done. It is all very good to say that there must be a separate portfolio for the backward classes and that there must be a Minister and Parliamentary Secretary from the backward classes. My feeling is that if you appoint some Ministers, and create some posts and give some portfolios to Scheduled Castes and Tribes you can improve the condition of those people. I know the working of the last Ministries in the provinces. In the province of Bombay there were no Ministers or parliamentary secretaries from the Scheduled Castes, but the welfare work done there was far more and better than that done in any other provinces in the Country. So that without having special Parliamentary Secretaries or Ministers or special officers a good deal can be done for the Scheduled Castes. We know that the Centre has two very important Ministers like Dr. Ambedkar and Mr. Jagjivan Ram. But we know, too, that in the Scheduled Castes Board there are 3,000 applicants, but only 625 scholarships. What is the use of having Ministers and Parliamentary Secretaries if you do not have money ? The whole question is that you must have money. If the provincial Ministers and the Central Ministers who are all followers of Mahatma Gandhi have sufficient funds at their disposal, without creating any posts or portfolios, they can do the work for the Scheduled Castes very well and raise them to the general level of society.

Therefore it is a question of faith, a question of confidence and a question of goodwill. I would like to say that if this work is not done during this period it may be that the scheduled classes will go against the Hindu society and against the general community. Therefore there may not be any general improvement which we envisage within ten years. I do not care much for the period; I care much for the work. I know that even in the last 25 or 30 years Mahatmaji and other people who have been working for this cause in this country, could not make much progress regarding removal of untouchability. You know in the rural areas, it is as bad today as it was before and I know among the educated classes in towns and the people with English education, there has been a change and it is this fact that has given us encouragement. And we know that the Provincial Governments are passing some enactments to remove this disability. It is a good thing for us, for the country and for this august Assembly that we have passed article 11 to remove untouchability for ever. But only passing a legislation for the purpose, or appointing ministers and allocating some portfolio will not do. If the whole amount of work has to be done, it is to be done by having funds at our disposal and my appeal to both Central and Provincial Governments is to allot enough funds, so that educationally they may be raised and economically their condition may be bettered. Regarding their social disability we know that in social matters, we should not hurry. In social matters it is all a matter of change of heart. I know that persons who are prepared to hang themselves for the cause of the country, they are not ready to remove this untouchability from their houses or from the members of their family, because it is a social custom, it is a social manner from time immemorial, it has come into the blood of these caste-Hindus and the Hindu society as a whole because these have been written in many books of Shastras, Vedas and all that.

Therefore regarding social matters we have to wait and both sides have to wait. There cannot be a social revolution at once because India is a vast country

and, vast numbers of people are living here having different ideas and different faiths. We know there are those faiths where this untouchability is a crime, like Sikhism, Buddhism and among the Muslims as well. Therefore, in a social matter we have to wait; we have to work and we have to go on slowly. Regarding their economic condition we have to do a little more. As yet, they have not done anything. As a matter of fact there is no programme before us as to what should be done first. Even in doing things we must have priority. For the Harijans we have no plan and no programme and no actual policy to work-. Therefore my suggestion was this that the Government of India should appoint a Commission or a Committee at once and that Commission or Committee should go into the entire matter of the social, educational and economic field of the Harijans and should suggest ways and means and make recommendations so, that the Governments in the Provinces or at the Centre just after the election start work on definite lines as suggested by the Commission in their report, That was my suggestion. The question of period is not very important to me.

As I said before, the question of funds at the disposal of the Government and the question of faith and good-will and good wishes are very important, Otherwise we, the Members representing the Scheduled Caste community, we do want that even this concession for ten years should go if our conditions are improved very much within this period. We shall be glad to remove this caste and communities, Scheduled Castes. Harijans, Achuths and all that if our social conditions are bettered within this period. We have faith in our leaders, we have faith in the future and even if our condition is not bettered during this period, we have hope and faith that after ten years the members of our community, the members of the Assembly and Council, the members of the Government, the Provinces and Centre will look to this matter and examine these questions and if another period is required they will give. Therefore, we are not very anxious about having the period but we are anxious to have the funds at our disposal and we are anxious to have the good will of the people belonging to the majority community, belonging to the Caste Hindus society.

**Shri Jagat Narain Lal** (Bihar: General): Mr. President, the principle of reservation generally is one which has done much harm to our country. I do not wish to dilate on it, and if we have accepted this principle of reservation in the case of the Scheduled Castes and the aboriginals, it is because there is a very strong case for them. If there is any case, the case is for these two classes of people in our country. The proposal that the period should terminate after ten years and there should be no reservation after that is certainly a desirable one. But at the same time, I wish to add my own humble voice to that of the previous speaker, and I wholeheartedly share the sentiments which he has expressed in this House. If we really want to raise the Scheduled Castes to that level in which the other communities in this country find themselves, we have to be very earnest about the matter. If the Provincial Governments or for the matter of that, the Central Government feel satisfied that they have set apart a certain sum, that they have appointed certain officers and that they have thereby discharged their duty and obligation, it would not be proper. We have seen speaker after speaker rising from among the Scheduled Castes, Members here—speakers who share our national feeling, who are equally patriotic, but who feel for their brethren and for the troubles and sufferings to which they are being put in the interior particularly. I, therefore, suggest that the Central Government and the Provincial Governments, if they are really serious that this period of ten years should not be extended and that within ten years we should sincerely and honestly discharge our obligations to these two classes of our countrymen who have remained very much backward so long, we should be really very earnest about the matter and I would suggest that the Government should whip up the Provincial Governments and if possible at the end of every year or every two years watch how much progress has been made in the matter. If, Sir,

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within these ten years by the combined efforts of the Governments, of the upper classes and of the Schedule Castes, we have not been able to raise them up to the level to which we would like all communities of this country, all classes of people of this country to be raised we cannot have any case for terminating that period of reservation. And therefore, while on the one hand, I support this proposal that during this period of ten years alone seats should be reserved and that no reservation should continue in this country after that, I very strongly support the plea made out by the previous speaker, Mr. Chandrika Ram and certain other speakers that every possible effort should be made both by Government, by the people, by various organization in this country to see that the Scheduled Castes and the aboriginal tribes also are raised to that level to, which we find all other communities in this country raised so far.

So far as the Anglo-Indian community is concerned, I feel, as Pandit Thakur Das Bhargava feels, that it is a most enlightened community, a most advanced community in this country. If there is to be any reservation for the it is because they are in a minority. On that ground, we can find so many other communities in this country which are in a very great minority. No community, however small in this country, should ever think of claiming representation or having representation in the legislatures or anywhere on the ground of being in a minority. Service and capacity alone should be the passport. I feel that if there are really members among the Anglo-Indian community advanced as they are, who are equally imbued with the spirit of service to this country, and to the people, they will continue to have representation and this country will not deny that representation to them. I would like them to depend upon their service and capacity and ability more than on any reservation being continued in the Constitution giving them representation in the legislature and here and there. These are the few words that I want to submit on this article.

**Shri Upendranath Barman** (West Bengal: General): Mr. President, Sir, Three Scheduled Caste MCAs in this House have moved separate amendments. From those amendments, it is quite clear to the, House that even at this stage, the Scheduled Castes are very much apprehensive of their future even after the 10th year of the coming into force of this Constitution. I do not like to comment either way on their proposals but I simply submit to this august House that this is a genuine apprehension in the mind of the Scheduled Castes, and therefore I appeal to the House to take stock of the whole position.

I myself have got different views in the matter. I know very well that if there is no real sympathy, if it be only lip sympathy, not only ten years but twenty years will be of no avail. So long as the advanced community in this country simply realise that they have done some wrong to their brethren, and that it is now their duty to give some help, I think we shall not get what we really want and what the country' really needs. I should appeal to them to think entirely in a different light. Who are the Scheduled Castes and scheduled tribes? Do not constitute 85 or 90 per cent of India's population? Many of my friends have times without number expressed concern for the rural people. To my mind, the term rural people is synonymous with the sum total of the Scheduled Castes and scheduled Tribes and the backward classes. You are leaving behind 85 or 90 per cent. of the total population in a backward condition. Unless you level up this 85 per cent. of the population, is it possible for India to advance a step further, that is expected of free India now ? I think not. This is not my personal view. I can cite one of the greatest men of India, our late revered poet, Rabindranath Tagore. In an exasperated mood, he cried aloud in his poem "My unfortunate country"; in fact the who theme of that poem



is this, that unless and until you level up this 90 per cent. of your population, you can never rise up, because what he says is, those you have left behind they are dragging you down. If you understand from that angle of vision that unless you level up the 80 or 90, or whatever that may be, per cent. of the population, you cannot rise up yourself; you cannot progress as you want to. I think it would be really action by which this unfortunate condition of this country could be improved.

That is one aspect of the matter which I would like to place before my honourable Friends who are advanced. My next appeal is to my Scheduled Caste brethren and it is this. We have seen that since 1932, these Scheduled Castes have been recognised as a separate community and certain advantages were being conceded to them by the then Government. After that, when the 1935 Act came, they were recognised as a different entity and several provisions have been made for our uplift in the Act, itself. But, from 1935 or 1937, up till now, it is now more than a decade that has passed, and I ask, how much have we really improved? Excepting a fraction of our community who had somehow got a chance of getting education, all the rest of our brethren remain in the same static condition. Under this process, even our present Government gave us some latitude, gave us some concessions in the way of scholarships and stipends, a Minister here or a Parliamentary Secretary there. But, I do not think that the whole lot of the Scheduled Castes has been greatly improved. I think there is a fund of sympathy in the mind of our advanced brethren because they understand more than we understand ourselves. And it is for us to drink deep unto that fountain and put our legitimate claims before the Government, before the public and also before our august Organisation. If, even after that, our legitimate claims and demands are not conceded, then it would be our duty to stand on our own legs and try our level best to get our just share.

After all, I want to consider our position in India as a family consisting of four brothers. The eldest brother somehow got the opportunity for education, public life and other kinds of experience and is far advanced. The other three brothers are left in the dark and they are lagging behind. Unless and until the other three brothers understand their equal rights along with the eldest I do not think that the eldest brother will really feel that it is his duty to do justice to his other brothers, because man is essentially selfish and what is true of a man is mostly true of a class also. So long as there are class distinctions in this country there is no solution and once the class distinctions go, all this trouble will go. I do not know when they will go. Even after two years of independence, I do not find either from the (Government or from the Congress Organisation itself any active and vigorous step to drive away this curse, which we every day admit to be a curse. So that hope is to be left out now. We have to assert our rights. We are, after all, children of the same soil and if our eldest brother is doing, some job we are also doing some other job and according to the law of the land we have equal rights to whatever assets our motherland has conferred upon us. So if we assert our right, then we shall see that right is conceded and if that is not conceded, then we can stand on our own legs. Revolt—I purposely use the word ‘revolt’ because when justice is not done, it is only by revolt that justice can be done and once we stand on our rights and are determined to get it, I know there will be no difficulty in getting that justice conceded, because after all, this Constitution of India as it is being framed by this Constituent Assembly has given us one fundamental right *viz.*, adult franchise. If we find that our interests are not being served by the intelligent section of this country, then what we have to do is to choose our own men and according to adult franchise, I have no doubt that we shall overwhelmingly preponderate in any assembly or council. We can therefore take the Government in our own hands and do justice to others and to ourselves.

[Shri Upendranath Barman]

So we should not be entirely crying for mercy and justice but we should not only ask for justice to ourselves but also strive to lever up our own condition. For that purpose if we find that certain communities are not co-operating, then our next duty would be to take the Government in our own hands. But that would be an unfortunate position. What I mean is this, that we should do our own duty and then accuse those who are at the helm of affairs for not doing full justice to us. In that context, I should submit that this ten years' limitation is perhaps right. So long as we think that the advanced community will do everything for us I think there would be some diffidence in our minds and out of that diffidence we shall not strive to attain what is justly due to us. But once it is fixed that ten years is the limit, then from tomorrow we shall have to think out how to do our part in the play. We have got adult franchise and the right to choose our men in Government. I think there will be no obstacle in our way. But if we fix a period indefinitely, much energy which is needed for the purpose will not be coming. Therefore I am for supporting the article that has been presented by Dr. Ambedkar as subsequently amended by him and would ask my Scheduled Caste brothers to co-operate with the advanced community and get justice from them in whatever direction we need, but failing which I would ask them to unite and snatch away the justice that is due to us.

**Shri Jadubans Sahay :** (Bihar: General): Mr. President, with your permission I shall devote myself to the analysis of the amendment moved by Shri Yudhisthir Mishra so far as it relates to scheduled tribes. So far as the Scheduled Castes are concerned, enough has been said and I should not take the time of the House by adding more to what has already been said. So far as the amendment of Shri Yudhisthir Mishra is concerned the effect of that will be that after even 10 years the reservation of seats to the scheduled tribes will continue. I say most respectfully that this approach is rather wrong, from the point of view of the tribes. Our approach to this problem should not be from the point of view of the backwardness of the tribes. We know that the tribes are backward and we know for centuries past they have been exploited. We know, also that economically and politically they are backward; but our approach should be not what the tribes would do for themselves, but what we should do for them. I have faith in myself and the Organisation to which I belong and I have faith in the present democratic set up of Government and I can say that within the course of ten years, if you are not able to elevate and to ameliorate the conditions of the tribes, then woe be to us, not the tribes. It was said by Dr. Kunzru once that this Constitution and the letters embodied and printed in the book of this Constitution will not avail much if there are not men honest enough to execute them.

**Shri Brajeshwar Prasad** (Bihar: General): Sir, may I say that Mr. Sahay should speak in the mike. He is not audible.

**Shri Jadubans Sahay :** I was saying that what is embodied in the Constitution will not bring relief by itself. The letters, the printed cold letters will not bring relief either to the tribal or to any part of the down-trodden citizens of this country. It requires a band of workers, a band of people imbibing in themselves the vigour, the spirit, the message as also the gospel of Mahatma Gandhi. We have, I confess, travelled a long way and have not been able to follow the gospel of Mahatma Gandhi. But we have still a spark left in us and I have no doubt that within the course of ten years we shall be able to do what we think we should achieve for the tribes. It is not a test for the tribes, really it is a test for us—this period of ten years and therefore I will appeal to my friends not to approach this problem from the view of tribes.

It was said yesterday—I will not take up the time of the House by following or analysing the criticisms made yesterday—I will not go into that because the time at my disposal is short but I must say that the irresponsible statements and baseless allegations which were made yesterday could not advance the cause of the aboriginals. We know, I confess, that for eight decades down to this decade charges have been levelled against us. We plead guilty and we are ready to do what we can, but simply by abusing us you will not help any one. It will throw a cold douche in the hearts, of those who are there to work for the tribes.

It was asked, what good the Bihar Government as well as other Governments have done to them? I will not try to convince those who refuse to be convinced; but given time. I will give you some figures. During the course of three years, you will be surprised to know, a grant of rupees one crore has been spent over the construction of irrigation bunds for the five districts of Chota Nagpur. Is that politics ? Bunds were constructed so that the aboriginals could irrigate their fields and thus grow two blades where they could only grow one. But yesterday Mr. Singh said that this is politics. If it is politics, then in spite of what Mr. Singh says, we would stick to that politics, the politics of constructing more bunds. As our Premier said only a few-days back, every village of the aboriginals should have a bund to irrigate their fields, because the problem of the aboriginals is their economic poverty. They cannot get industries and factories all at once. But if bunds are constructed for them, then they can get enough water to irrigate their lands. If we do this, then you will see that within ten years these people will be quite different from what they are. We do not claim to have done much for them, but for what we do in our province we claim that we are swiftly travelling towards the solution of this problem.

Not only have we constructed bunds, we have also taken steps for the removal of the money-lenders from among the aboriginals. We have also opened hostels—52 of them in three years, for the aboriginal boys. For irrigation bunds we have spent a crore of rupees though for the rest of Bihar we would have spent not more than fifty lakhs or less. Indeed this is a sort of complaint by the people there, though they do not mean it seriously, but they joke, that everything seems to be for the aboriginals, that the Finance Minister is loose with his money when the aboriginals are concerned, that our Revenue Minister is concerned much more with the uplift of the aboriginals than with other problems. We can only beseech you to give us some time, and we have laid down this period of ten years so that during this period we may go rapidly and not slacken our progress. Otherwise, we might think, that the aboriginals are going to get this reservation and so we need not go fast with our work of bringing them up to the level that we want them to reach. It was said yesterday that from the epic age, ever since the Aryans came to this land we have only neglected and done nothing for the aboriginals. I can only say that during the last fifty years, during the British rule, they did not achieve even as much as we have claimed to have progressed during the last three years. What was my friend doing, Sir, who was so vociferous yesterday in criticising us? What was he doing during the British rule? Recruiting soldiers, when we were fighting for the aboriginals. Even now if I.....

**Mr. President :** I will ask the honourable Member not to digress about this.

**Shri Jadubans Sahay :** I bow, Sir. Even now, without meaning any offence to anyone, I will simply say if the Government only proceeds rapidly, for a period of three years, we can work wonders with the aboriginals. Only the heart is required, and the money. Bihar is a poor province, but in spite of our poverty, in spite of the fact that Bihar is the poorest province in India,

[Shri Jadubans Sahay]

we can claim that we have done more than what was done under the British and even under our own rule under the 1937 regime. So I plead with my friends to give us these ten years. This period of ten years will be a period of test for us. It will not be a test for the tribals, for the oppressed people of Chota Nagpur or of the oppressed people of any other part of India, but it will be a test for the non-aboriginals. It is a challenge to us. It is a challenge to the social workers in India, and we accept that challenge. We only request you to give us this ten years' time.

**Shri B. L. Sondhi** (East Punjab : General) : The question may be put.

**Mr. President** : Closure has been moved.

The question is:

“That the question be now put.”

The motion was adopted.

**Mr. President** : Dr. Ambedkar.

**The Honourable Dr. B. R. Ambedkar** (Bombay: General): Mr. President, Sir, there are just four amendments about which I would like to say a few words. I will first take the amendment of my Friend Mr. Bhargava, and say that I am prepared to accept his amendment, because I find that although in the general body of the report that was made to this House, no mention as to time-limit was made to the proposal for allowing representation to Anglo-Indians by nomination, I find that in the subsequent debate which took place on that report, there is an amendment moved by my friend Pandit Bhargava which is very much in the same terms as the amendment which he has now moved, and I find that that amendment of his was accepted by the House. I, therefore, am bound to accept the amendment that he has moved now.

Next, with regard to the question raised by Mr. Naziruddin Ahmad, one part of it has been, I think, met by the amendment moved by my Friend Mr. Krishnamachari which I also accept. I am not at all clear in my own mind at the present stage whether the words in the clause mean that the time-limit should begin to operate from the commencement of the Constitution or whether from the date of the first election to the new Parliament. But all I can say at this stage is that that is matter which the Drafting Committee will consider and if it is necessary, they will bring about some amendment to carry out the intention that the period should be from the date of first meeting of the first Parliament.

With regard to the other arguments which have been used by my Friends Mr. Muniswami Pillai and Mr. Monomohon Das, I am sorry it is not possible to accept that amendment. Their proposal is that while they are prepared to leave the clause as it is, they propose to vest Parliament with the power to alter this clause by further extension of the period of ten years. Now first of all we have, as I said, introduced this matter in the Constitution itself, and I do not think that we should permit any change to be made in this, except by the amendment of the Constitution itself.

I would like to say one or two words on the remarks of Members of the Scheduled Castes who have spoken in somewhat passionate and vehement terms on the limitation imposed by this article. I have to say that they have really no cause for complaint, because the decision to limit the thing to ten years was really a decision which has been arrived at with their consent. I personally was prepared to press for a larger time, because I do feel that so far

as the Scheduled Castes are concerned, they are not treated on the same footing as the other minorities. For instance, so far as I know the special reservation for the Mussalmans started in the year 1892; so to say, the beginning was made then. Therefore, the Muslims had practically enjoyed these privileges for more or less sixty years. The Christians got this privilege under the Constitution of 1920 and they have enjoyed it for 28 years. The Scheduled Castes got this only in the Constitution of 1935. The commencement of this benefit of special reservation practically began in the year 1937 when that Act came into operation. Unfortunately for them, they had the benefit of this only for two years, for from 1939 practically up to the present moment, or up to 1946, the Constitution was suspended and the Scheduled Castes were not in a position to enjoy the benefits of the privileges which were given to them in the 1935 Act, and it would have been quite proper I think, and generous on the part of this House to have given the Scheduled Castes a longer term with regard to these reservations. But, as I said, it was all accepted by the House. It was accepted by Mr. Nagappa and Mr. Muniswamy Pillai, and all these Members, if I may say so I am not making any complaint—were acting on the other side, and I think it is not right now to go back on these provisions. If at the end of the ten years, the Scheduled Castes find that their position has not improved or that they want further extension of this period, it will not be beyond their capacity or their intelligence to invent new ways of getting the same protection which they are promised here.

**Shri A. V. Thakkar** (Saurashtra) : What about the scheduled tribes who are lower down in the scale ?

**The Honourable Dr. B. R. Ambedkar** : For the scheduled tribes I am prepared to give far longer time. But all those who have spoken about the reservations to the Scheduled Castes or to the scheduled tribes have been so metriculous that the thing should end by ten years. All I want to say to them, in the words of Edmund Burke, is “Large Empires and small minds go ill together”.

**Mr. President** : I shall now take up the amendments one by one, Amendment No. 39 (List I-Fifth Week).

**Shri Yudhisthir Mishra** (Orissa States) : Sir, I would like to withdraw my amendment.

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

**Mr. President** : Amendment No. 40 (List I—Fifth Week).

**Shri S. Nagappa** : In view of the explanation given by Dr. Ambedkar I do not wish to press my amendment.

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

**Mr. President** : Amendment No. 99 (List III—Fifth Week).

**Shri V. I. Muniswamy Pillai** : I was not present in the House on the 25th May when the second Report of the Minorities Committee was considered. However, in view of what Dr. Ambedkar has said I would like to withdraw my amendment.

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

**Mr. President** : Amendment No. 100 (List III—Fifth Week).

**Dr. Monmohon Das** : My amendment is just and right. I do not want to withdraw it. Let the will of the majority be imposed upon minority.

**Mr. President :** The question is :

“That in amendment No. 38 of List I (Fifth Week) of Amendments to Amendments, at the end of the proposed new article 295-A, the following be added:—

‘unless Parliament by law otherwise provides.’ ”

The amendment was negatived.

**Mr. President :** Amendment No. 105 (List IV—Fifth Week).

**Mr. Naziruddin Ahmad :** The principle of my amendment has been substantially accepted by Mr. T. T. Krishnamachari’s amendment. Therefore I wish to withdraw my amendment.

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

**Mr. President :** The next amendment is No. 113 by Pandit Thakur Das Bhargava. This has been accepted by Dr. Ambedkar.

The question is:

“That in amendment No. 38 of List I (Fifth Week) of Amendments to Amendments, in the proposed new article 295-A, after the word ‘Constitution’ the brackets and letter (a) be inserted and after the word ‘State’, the following be inserted :—

‘(b) relating to the representation of the Anglo-Indian community either in the House of the People or in the Legislative Assemblies of the States through nomination.’ ”

The amendment was adopted.

**Mr. President :** The next amendment is Drafting Committee’s amendment No. 114.

The question is:

“That in amendment No. 38 of List I (Fifth Week) of Amendments to Amendments to the proposed article 295-A, the following proviso be added:—

‘Provided that nothing in this article shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or the Assembly, as the case may be.’ ”

The amendment was adopted.

**Mr. President :** The question is :

“That article 295-A, as amended, stand part of the Constitution.”

The motion was adopted.

Article 295-A, as amended, was added to the Constitution.

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**Mr. President :** It has been suggested to me that the Drafting Committee should be given some time to deal with the other articles which are still outstanding and that it would be better if we shorten the sittings for a day or two. I therefore, suggest that we rise now and that the House should meet again tomorrow at 9 A.M.

**Mr. Naziruddin Ahmad :** I would like to submit that the Drafting Committee should be given enough and ample time so that they may give us a complete picture of the rest of the articles. Otherwise it is difficult for us to follow. If they give us a complete picture that would be convenient and will be much appreciated.