

[Mr. President]

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

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

The motion was adopted.

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

Article 295

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

The question is :

"That article 295 stand part of the Constitution."

The motion was adopted.

Article 295 was added to the Constitution.

New Article 295-A

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

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

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

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

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

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

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

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

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

Sir, in the report of the Advisory Committee dated 11th May 1949 submitted by Sardar Patel to this House on the subject of political safe-guards for minorities, it has been specifically stated that nothing contained in the resolution passed by the Minorities Advisory Committee shall effect the recommendations made by the North-East Frontier (Assam) Tribal and Excluded Areas Sub Committee and the Excluded and Partially Excluded Areas (other than Assam) Sub-Committee with regard to the tribals in the legislatures. It was also laid down that the resolution would not affect the special provision made for the representation of Anglo-Indians in the legislatures.

Now, Sir, in their report, the Advisory Committee for Tribal and Excluded Areas have suggested some protection for the tribes, and no limitation, as far as I remember, was fixed as regards the period for which such protection should be provided. It is of course surprising to me how the Drafting Committee in its recent amendment or in its new article 295-A has put in a time-limit. We have passed new article 215-B which provides for the administration and control of the tribal areas in any State, according to the provision of the Schedule V and Schedule VI of the Draft Constitution. This provision in 215-B is a permanent feature of the Constitution which will not cease to be operative even after a lapse of ten years.

Then again, in the Vth and VIth Schedules in the Draft Constitution, a Tribal Advisory Committee has been provided to advise the Government of the States in all matters pertaining to the administration of the Scheduled Tribes and the welfare of the tribal people in all States. Now, three-fourths of the Tribal Advisory Committee will consist of the elected representatives of the scheduled tribes in the legislature of the States. If there is no reservation for the tribes, how are you going to give effect to the provisions of this Constitution as far as the provisions laid down, in the Schedule V of the Draft Constitution are concerned ? So far as the tribal people are concerned, due to their social, educational and political backwardness, I am sure very few of them will be returned to the Assembly if reservation is abolished I feel that even after the lapse of ten years we shall not be able to remove the backwardness of the tribes. I hold that the standards of education and material well-being of the Scheduled Tribes are lower in most cases than even those of most of the Scheduled Castes. That is clear from the representation of the Scheduled Tribes in this House in comparison with the representation that the Scheduled Castes have been able to secure. Even the representative character of this House, as far as the interests of the Scheduled Tribes are concerned has been challenged by some people. I recently received some letters and telegrams from the tribal people of the Orissa States that the representatives in this House are not entitled to make any Constitution for them and that even if a Constitution is made, they are not bound by it. This is due to the apprehension in their minds that they will receive proper justice unless we go and try to understand their feelings as far as reservation of seats are concerned. Therefore we should think twice before abolishing reservation of seats for the tribal people after the lapse of ten years. I feel that the Scheduled Tribes will not be able to attain the same social standard as the other people within ten years. So I submit that the time-limit should be removed. I hope this amendment will receive due consideration at the hands of the Drafting Committee.

Mr. President : We shall take up the other amendments tomorrow.

Before we part, there is one matter which I would like to mention to the House, although it is not usual to do so. I have just received a resignation letter from Dr. S. Radhakrishnan who is going as our Ambassador to Moscow. I am sure this House appreciates the work which he has done here, We shall

[Mr. President]

be missing him very much in the future. But what is a loss here is going to be a gain to the country. He is going with a great reputation as a philosopher and writer of International fame and I hope and trust that his appointment to a country with which we wish to be on the best of terms will bear good fruit and will prove to be very helpful and useful to the country.

On my behalf and on behalf of this House I offer my best wishes to Dr. Radhakrishnan in his mission.

Prof. S. Radhakrishnan (United Provinces : General): Mr. President and fellow Members, I thank you very much, Sir, for the very kind sentiments which you just expressed. I regret that it has not been possible for me to attend the meetings of this Assembly and take any useful part in its discussions. It is due entirely to circumstances beyond my control. I hope the House will appreciate that fact.

We have laid down our objectives and if we implement them with speed and steadfastness, our political and economic future may be taken as assured. It all depends on the way in which we carry out those objectives. Politics, are more a result than a cause. Political upheavals occur the world over because there are unsatisfactory economic conditions. Wherever standards of life are all right, political stability is assured. Where you have economic instability, upheavals occur. I hope that our trusted leaders who are now running this Government will carry out all those obligations put down in our Draft Constitution and will not allow it to be said that we have delayed social justice and so denied social justice. We have just listened to an impassioned statement on Harijans, their rights, etc. Our aim is social democracy which transcends these distinctions of caste and out caste, of rich and poor. We will be judged in the world by the way in which we carry out these proclamations which we have inserted in our Constitution.

Sir, you have referred to my appointment in Moscow. We are working under the great leadership of Mahatma Gandhi. If there are political conflicts, there are two ways of overcoming them. One way is to give a knock-out blow to defeat, to destroy and establish your own supremacy. That is what is called power solution. There is another way. That is understanding why our opponent believes what he does, trying to appreciate his view and trying to bring about a reconciliation. That is what is called the knowledge solution. We in this country are wedded to the adoption of the knowledge solution, and in Soviet Russia it will be my purpose to interpret and understand their policies and also interpret and make them understand our policies. That will be my work towards reconciliation, and I am very much fortified by the fact that in my new assignment I carry the good wishes of you. Mr. President, and the other Members of the House.

Mr. President : The House stands adjourns till nine o'clock tomorrow morning.

The Assembly then adjourned till Nine of the Clock on Thursday, the 25th August 1949.
