

Mr. President : The question is :

“That in amendment No. 14 of List R (fifth Week) of Amendments to Amendments, for the proposed clause (3) of article 286, following be substituted:—

- ‘(3) The Union Public Service Commission with regard to All India Services and also in regard to other Services and posts in, connection with the affairs of the Union, and the State public Service Commission in regard to the State Services and also in regard to the services and posts in connection with affairs of the State shall be consulted in respect of all appointments, transfers and disciplinary matters relating to these Services.’”

The amendment was negatived.

Mr. President : I will now put article 286 as proposed by Dr. Ambedkar to vote.

The question is:

That proposed article 286 stand part of the Constitution.”

The motion was adopted.

Article 286 was added to the Constitution.

Mr. President : I will now take up article 287, as proposed by Dr. Ambedkar. There is one amendment to it by Mr. Naziruddin Ahmad. The question is :

“That in amendment No.16 of List I (Fifth Week) of Amendments to Amendments, in the proposed article 287 for the words ‘or other body corporate’ the words ‘or other body, corporate got being a company within the meaning of the Indian Companies Act, 1913 or banking companies within the meaning of the Banking Companies Act, 1949 be substituted.”

The amendment was negatived

Mr. President : The question is :

“That proposed article 287 stand part of the Constitution.”

The motion was adopted.

Article 287 was added to the Constitution.

Mr. President : There is no amendment to article 288 so I will put it to vote. The question is :

“That proposed article 288 stand part of the Constitution.”

The motion was adopted.

Article 288 was added to the Constitution.

Mr. President : The question is.:

“That the new article 285-A stand part of the Constitution.”

The motion was adopted.

Article 285-A. was added to the Constitution.

Article 292

Mr. President : We shall now take up article 292.

Pandit Thakur Das Bhargava (East Punjab : General) : But there is a new article 285-A proposed by me which may be taken up.

Mr. President : I think it is covered by another article.

Pandit Thakur Das Bhargava : But mine is more comprehensive.

Mr. President : You can move it as an amendment to 285-A. Is it not covered by 295A?

Pandit Thakur Das Bhargava : Yes, Sir, but 285-A does not deal with articles 293 and 295, which are covered by my amendment.

Shri T. T. Krishnamachari : The honourable Members' amendment is closely related to the proposed article 285-A. Article is restricted in its scope. The amendment of the honourable Member of article 285-A extends the scope of these articles. It would therefore be proper for the honourable Member to move his amendment as all amendment to article 285-A. I think the suggestion made by the President is appropriate. The honourable Member may move it as an amendment to 285-A.

Mr. President : That is what I was suggesting.

Pandit Thakur Das Bhargava : Just as, you please, Sir,

The Honourable Dr. B. R. Ambedkar : I move that for article 292, the following be substituted :

“292 (1) Seats shall be reserved in the House of the People for—

Reservation of seats for
Scheduled Castes and
Scheduled Tribes in the
House of the People.

(a) the Scheduled Castes;

(b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam;

(c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State for the Scheduled Castes or the Scheduled Tribes under clause (1) of this article shall save in the case of the Scheduled Castes in to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in that State or of the scheduled tribes in that State or part of that State as the case may be, in respect of which seats are so reserved bears to the total population of that State.”

This article 292 is an exact reproduction of the decisions of the Advisory Committee in this matter and I do not think any explanation is necessary.

Mr. President : This represents the decision which was taken at another session of this House when we considered the Advisory Committee's report. This puts in form the decision then taken. We have several amendments, to this here. I will take them now.

Prof. Nibaran Chandra Laskar (Assam : General): Mr. President, Sir, I shall move No. 24. I am not moving No. 23. I move :

“That in amendment No. 22 above in clause (2) of the proposed article 292, after the words, brackets and figure ‘under clause (1) of this article Shall’ the words ‘save in the case of the scheduled Castes in Assam’ be inserted.”

If my amendment is accepted, then clause (2) of the article 292 will read thus:—

“The number of seats reserved in any State for the Scheduled Castes or the scheduled tribes under clause (1) of this article shall save in the case of the Scheduled Castes in Assam, bear, as nearly as may be, the ‘same proportion to the total number’ of seats allotted to that State in the House of the People as the population of the Scheduled Castes in that State or of the Scheduled tribes in that State or part of that State, as the case may be, in respect of which seats are so reserved bears to the total population of that State.”

I wholeheartedly support the proposed amendment of Dr. Ambedkar with a very slight modification as mentioned in my amendment. During the last session of the Constituent Assembly, the historic decision was made to abolish the reservation of seats for minorities except in the case of Scheduled Castes and

[Prof. Nibaran Chandra Laskar]

scheduled tribes. I offer my heart felt thanks to the Members of the Constituent Assembly who were good enough to support the report of the Minorities Sub Committee and granted these privileges to the Scheduled Castes and scheduled tribes. I shall be failing in my duty if I do not say that the Scheduled Castes and scheduled tribes in the country will ever remain grateful to the Honourable Prime Minister and the Honourable Deputy Prime Minister, the Chairman of the Minorities Sub-Committee, who really felt the demands and grievances of the Scheduled Castes and scheduled tribes and who had to face strong opposition for their cause. It is through their grace the Scheduled Castes and tribes are getting these political rights.

I believe that any reservation will go against the principle of democracy, but the circumstances such as political unconsciousness, backwardness in education and the very poor economic condition of the Scheduled Castes compel them to demand for these privileges. If Dr. Ambedkar's amendment is accepted, then the Scheduled Castes or scheduled tribes will get reservation of seats. But it has been stated as a fundamental concept of the Constitution that the representation for the House of the People would be on the basis of one seat to at least 5 lakhs of people and it will be considered according to the preceding census just before the election. Therefore, I have great doubts in my mind whether the Scheduled Castes in Assam will get the benefit of this privilege. Unfortunately, the district of Sylhet which was a part of Assam has been annexed to Pakistan by referendum, and thereby about three lakhs of Scheduled Castes people went over to 'Pakistan and the population of the Scheduled Castes which was 6,76,566 before partition has come down after partition to 3,77,025 according to 1941 census, although I question the authenticity of the census figures of 1941. Now, I shall try to prove it. On the figure as given in 1941 census, the Scheduled Castes cannot claim as, of right any seat in the House of the People. Therefore, by my amendment I want to have an exception to be made to give scope to the Scheduled Castes to approach before the Election Commission or whatever that authority may be to place their legitimate demands. First of all, I shall show to the House that the figures of the 1941 census are incorrect, inaccurate and fallacious. In the whole of Assam the total population is only about one crore. I shall take only the major communities. In Vol. IX of the Census Report of 1941 the following figures are given about the variation of communities from 1931-41— Among Hindus there is a decrease of 12 per cent. and among Muslims there is an increase of 24 per cent. The Tribes have increased by 184 per cent. In the Brahmaputra valley there has been an, increase in the Tribals of 477 per cent. and in the Surma valley 2266 per cent. From these figures the House can see the inaccuracy of the census figures of 1941 : While there is a general increase of 18 per cent. in the province of Assam, among the Tribals there is an increase of 184 per cent. and among the Hindus there is a decrease of 12 per cent.

In the Minorities Sub-Committee Report, some 9 lakhs of garden labourers, considered as Tribals in the 1941 Census, have been shown a general population. If the Census figure is correct, then there is no justification for taking out 9 lakhs of garden labourers from the fold of the Tribals and showing them a general. By this the strength of the Scheduled Castes has been reduced. I shall prove that their number is more than 10 lakhs now. Leaving aside the gradual decrease of the number of the Scheduled Castes from 1911 to 1931, if we take the garden labourers numbering 9 lakhs who are included in general population, then we can easily get the number of Scheduled Castes. Then what Communities do the garden labourers belong to? I can prove from records that 90 per cent. of them are Hindus and 80 per cent. of these Hindus belong to Scheduled Castes.

Shri A.V. Thakur : We are unable to follow the Speaker.

Prof. Nibaran Chandra Laskar : There has been a tendency from 1911 onwards amongst the Scheduled Castes to change their communities, because they were very much afraid that the caste-name generally prohibited them from getting into any Government services. Therefore the community began to decrease gradually. In 1911 the strength of the Scheduled Castes was 13 lakhs, in 1921 it was 14 lakhs and in 1931 it came to about 6 lakhs and in 1941 it came to 4 lakhs. As for instance, the strength of the Scheduled Patni community in 1911 it was 1,11,000, but in 1921 the strength came down to 45,000. With regard to this Community the Census Superintendent in his report of 1921 Vol. III Part I page 154 says. "It was suggested by one of the Leaders (himself a Brahmin) that a caste which was looked down upon, could not hope to improve its status without a better name." This shows that Scheduled Castes were made to decrease by the leaders not belonging to their own communities.

Mr. President : Are you likely to take a long time ?

Prof. Nibaran Chandra Laskar : I will take sometime more.

Mr. President : Then we shall go on with this tomorrow. The House stands adjourned till nine of the clock on Wednesday.

The Assembly then adjourned till Nine of the Clock on Wednesday, the 24th August 1949.
