

Mr. President : Then we go to the other article 296.

Shri T. T. Krishnamachari : As articles 292 to 295 form part of a whole scheme and article 296 also goes along with them, we might take up article 297 and leave 296 over for the present.

Mr. President : Is that the idea that we should postpone discussion of article 296 also? Then we shall take up article 297.

Article 297

(Amendment No. 3169 was not moved.)

Shri H. V. Kamath : Mr. President, Sir, I move:

“That in clause (2) of article 297, for the words ‘if such members are found qualified for appointment on merit as compared with the members of other communities’, the words ‘provided that such appointment is made on ground only of merit as compared with the members of other communities’ be substituted.”

I think, Sir, that this is an amendment more or less a drafting nature and I leave it to the cumulative wisdom of the Drafting Committee to consider it at the appropriate stage.

The Honourable Dr. B. R. Ambedkar : I do not see that it is of a drafting nature. However, we shall consider it later on.

Mr. President : The question is:

“That article 297 stand part of the Constitution.”

The motion was adopted.

Article 297 was added to the Constitution.

Article 298

(Amendment No. 3172 was not moved.)

Mr. President : There is no amendment to this article No. 298 also.

Mr. Frank Anthony (C.P. & Berar: General) : Sir, I do not intend to make a speech. I had given notice of an amendment to article 298 seeking to make it applicable to the Mysore State, but after I had discussed my amendment with Dr. Ambedkar and Mr. Munshi, it was pointed out to me that even if they were prepared to accept my amendment, they were unable to do it at this stage because it has not yet been decided as to whether this Constituent Assembly is going to legislate for the Mysore State and because of that, Sir, I do not propose to ask for admission of this amendment at this stage. If and when the Assembly does legislate with regard to Mysore, then I feel that I may be given permission at that stage to reiterate this amendment. In this connection, I only wish to say a few words and to thank all those Members, who in spite of the fact that they have given notice of several amendments, have once more shown their generosity by withdrawing those amendments *en masse*.

Pandit Thakur Das Bhargava : Sir, when I gave notice of certain amendments to articles 297 and 298, I did not do so in any spirit of niggardliness

[Pandit Thakur Das Bhargava]

or disregard for honouring the words of our leaders who had given some sort of assurance to the Anglo-Indian community, but I must state in fairness to myself that, as a matter of fact, it was a different standpoint from which I gave these notices of amendments. When these concessions were given to the Anglo-Indian community, it was in 1947 and ten years' time was regarded as sufficient. Ordinarily these ten years would have been finished by 1957. Now the Constitution will commence in 1950. So I thought that the concessions should have been given only for ten years. I do not grudge any sort of concessions to this community or that community but we must realise that the basis of concessions given to the suppressed classes and depressed classes is of a different nature. We want that these concessions may be implemented. Apart from reservation of seats which is only for ten years, other concessions like educational facilities etc., to be provided under article 301 may have to be given for more than ten years. But here in this case this community is not a suppressed community. This community has to a certain extent been given this concession because its standard of life was different from the rest of the Indian community and it was higher. So I gave amendments in the view that when Mr. Anthony said on the last occasion when he spoke on the question of minorities that the Committee had shown unique generosity I thought that his community would respond by showing unique fairness in saying that they would only want these concessions for ten years because I know that for every boy of the Anglo-Indian community to whom this concession is granted, we have to grant these very concessions to the upper classes also because in these schools to which these grants are made, 40 per cent or so are Anglo-Indian boys and the remaining 60 per cent. belong to the upper classes. So if we grant these concessions, we should grant them not only to the Anglo-Indians but also to the upper classes. After all our means are limited, and we cannot make one rupee into seventeen annas and if you grant these concessions for very long periods to people whose standard of life is better and who are more affluent, you would have to deny even ordinary rights to the rest of the people. So that, for educating these persons, you starve the boys of other communities. I think my honourable Friend Mr. Anthony will not misunderstand me for giving notice of this amendment. I gave notice of these amendments in the hope that in his patriotism, in his recognition of the principle of fair treatment to all, he will agree that only ten years will be available of and not more.

Prof. Shibban Lal Saksena : Mr. President, Sir, these two articles 297 and 298, one of which we have already passed, give certain concessions to the Anglo-Indian community. I may say at the very outset that I am not opposed to any concession which these people may want. I may also say that I would wish them to make the best use of the concessions. But, I would like to utter a word or warning. I feel that these concessions are based on a principle which has not been followed anywhere else in the constitutions. We have given separate representation to people who are backward. But, in this case the position is different. The Anglo-Indian community has up till now lived a different kind of life from the rest of the people. They probably feel some difficulty in accommodating themselves to the new change and therefore they want these concessions. I only want the representatives of the community who are present here who are very distinguished members and who are my very good friends, to consider coolly whether these concessions will really benefit the community. My feeling is that during the last so many years, this community has been kept aloof from the rest of the population and the British people who kept us under subjection tried to make them also completely isolated. They gave them a different kind of education, different habits etc. I am only surprised that they still want to keep to their old methods of education. I only hope that although these concessions are given, the boys of that community will try to

take advantage of the common education given to all Indian boys, and that they shall not continue any further their separation which was imposed by the British people for their own purposes. I have known these friends through my contacts with labour on railways and in the posts and telegraphs and in other places. They are very active people; they form a virile element in the nation and I know they do not need any crutches. Like the Parsis, they will get more than their due even in the general electorate and in the normal course of general competition. I therefore think that these two articles are based on the apprehension that they may not get their legitimate share in the circumstances. I wish to give this friendly advice, if it is of any worth. I do wish this community to become one with the rest of the people and to remove all those barriers of separation which the British Rulers had raised between this community and the rest of the people, so that when the time comes, at least after ten years, there is no need for them to demand all these concessions, I hope they will realise that it is better that they merge themselves in the general population. We all wish to feel that they are one with us. I also know that they realise that the British had made up pawns in their game. I hope that they will very soon give up those old habits and traditions. I hope that these articles which we all approve unanimously will not be supposed to be something intended to perpetuate the old separation, but intended to help them to assimilate themselves with the rest of the population.

Shri Mahavir Tyagi : (United Provinces: General) : Mr. President, Sir, I rise to oppose the article as it is. I know I will incur the displeasure of my very great Friend Mr. Anthony. He is so charming that nobody in the House would like to annoy him: but then, I want to give him an advice.

He has seen many minorities claiming special rights in India; he has also seen their fate. Suppose we agree to this article. I do not know whether Mr. Anthony agrees to it. If he is a party to this article, I am afraid he is doing a disservice to his community. As it is mentioned in this article, we cannot give more grants than we are giving them today. I do not know how we can agree to this. After all, it is a progressive community; it is a privileged community. It has the affection of both India and England. They are a bright community; wherever they are, they fare very well; they are the least communal. They are a very intelligent and bright people. In India they need have no fear; they have to thrive. I ask why should they not deserve more grants or more help from the State if they really deserve it. The article says during the first three years after the commencement of this Constitution, the same grants if any, shall be made by the Union and by each State. I ask, why not more grants? If their students deserve more grants, why should we make the same grants? I do not know whether you call it sympathy; it is a wrong-placed sympathy. I do not know now my honourable and intelligent Friend Mr. Anthony would agree to the same grants. The prices may go on rising, but the boys in the school will get the same grants. Why not more? This is neither help nor any protection. I do not want to waste the time of the House by reading the article further which says that every third year there will be a reduction of ten per cent. Why should we envisage a reduction at all? My view is this. Such a small community if you go on identifying it as a community, as a minority, I assure you that that community will ultimately lose. Let them merge their identity into the whole nation and belong to the nation without any distinction whatsoever. Their distinction of beauty and colour is enough to distinguish them from us; that is a good distinction. Let them stand on their own colour and on their beauty and on their intelligence. Why should they take to the adjective 'minorities' and all that. That is a slur on that community. That is a community which can stand on its own legs and stand boldly. From the friendly manner in which the members of this community are behaving, I think it is an insult to their attitude to say that these people at all need any protection.

[Shri Mahavir Tyagi]

They need nothing. Their attitude is their own protection. I think it is better we leave them to their natural protection God has given them. Then again when we have one decided that we do not encourage any minorities or communities, then, in the face of that, should only one small community be recognised? Well, they will become the target of jealousy from all the rest of the communities. It is only a little money that is being guaranteed, but for this little privilege why should they become the target of hatred, jealousy and envy of all other small communities? I think they will not fare well if they get this too small a privilege, the losses entailed with it being much greater. And if communities are to be considered I would suggest consideration of that community which is only newly created—it is the community of displaced persons. Why do you not protect these refugees who are homeless? Let us guarantee that for 10 years they will get such and such privileges and they are the real minority community deserving the help. In the provinces today nobody has ever thought of giving them special privileges or help because they are Hindus but in spite of their being Hindus or belonging to a religious majority community, they are a deplorable small minority today in India. It is pity that it is now a year gone and little has been done for them; and now the time has come when their protection should have been our first thought and we should have protected their rights of education, their accommodation and other things. If communities are to be considered here in this Constitution, the most miserable community that should be considered first is that of the refugees, but the refugees are not considered even as a community. And why should we always take communities be religious distinctions or by distinctions of their blood? Communities are a group of people being affected in one common manner either adversely or in better circumstances. Whatever the conditions, those who are affected together similarly in similar circumstance become a community; and as such, if there is any community which requires safeguards and protection, it is that of the refugees. But they have never come forward for any special grant before us. I would suggest that we do not allow this article to remain in this Constitution. It will contain the germs of communalism. Why not purge the whole Constitution of this disease altogether and why keep germs? They might develop and again we might have to face another big problem of communalism and the same old history of the Muslim League days might repeat itself. I would suggest with emphasis that either the consideration of this article be also postponed or, if the House or you are not pleased to postpone it for further consideration, I would appeal to the House to reject the article here and now, and not care for your private decisions of groups. Let us take liberty of our groups and say that it being a dangerous article, if we allow it to remain, we shall allow this body politic to remain diseased for ever. With these words I oppose the article.

Shri K. M. Munshi : Mr. President, Sir, I am sure that on a matter of this importance we should appreciate all that happened in the past and not reopen the discussion which has passed through several stages. The two sections which are under discussion are the result of very long discussions and suggested by a Special Committee appointed for this purpose, accepted by the Advisory Committee and ultimately accepted by the House. Now after all that has been said and done, it serves no useful purpose to repeat the arguments that were advanced by certain sections of the House at different stages. The House has always accepted that the Minorities Commissions decisions as more or less conclusive. We must realise the importance of the two points dealt with by my Friend Mr. Tyagi. When this decision was arrived at by the House, the one point which it had to consider was that this small community had been under the protecting wings of the old Government in such a manner that it was impossible for it to stand on its legs unless it were spoon-fed by some kind of concession for a small period of time. Over 60 per cent. of its adults

are in certain services. We need not go into the various causes of this situation, but a sudden change would throw this community immediately on the streets. The second point was that certain special grants were given to their educational institutions. Those educational institutions as now being attested to by our own educational authorities in various provinces have attained a high standard of educational school and now that the schools take students from other communities the policy of some provincial Governments is that that standard should be maintained for all schools. In Bombay, for instance in the Anglo-Indian schools, 70 per cent. of the students are not Anglo-Indians but members belonging to other communities. Therefore these articles have been considered from every point of view. They are only for a limited period of time. My appeal therefore to the House is that a decision which has been come to after considerable deliberation should not be disturbed, apart from a vote, even by a discussion, which may not create a right impression in the country. I hope Members will realise that any discussion or criticism would perhaps take away from the generous gesture which the majority community made to this small minority community.

Shri Krishna Chandra Sharma (United Provinces: General): Mr. President, I very much appreciate the spirit of compromise and reconciliation and would not grudge any help to any section of the people whatsoever, but my only trouble is that article 9 in the Fundamental Rights says that the States Shall not discriminate against any citizen on grounds only of religion, race, caste or sex, etc. Now the State Funds are meant for education for all citizens. Because A belongs to Muslim Community, B belongs to Hindu community and C belongs to Parsee or Anglo-Indian community, therefore *per capita* they will have different sums of money for their education and training, one differing from the other simply because their religion or community differs, I beg to submit, is against the spirit of this article. My second point is that the grant is meant to be given to the institution. This money can be given on the ground that the institution has a better standard of education, it is more expensive or situated at a place where ordinary grants would not suffice, etc. That may be the basis for greater grants to an institution like the Muslim University at Aligarh or an Anglo-Indian institution at Naini Tal. I do not grudge the grant but there should be a rational basis.

A further objection is that these are minute details which should be left to the Education Department and the University, and not laid down by Parliament in the Constitution. I do not find this in any other constitution in the world and I do not think it would be advisable to do it here.

Honourable Members : The question may now be put.

Mr. President : I may point out that these articles have been brought in pursuance of decisions arrived at by the Advisory Committee on Minorities and by some sort of agreement between the parties. So I do not think there is any occasion to reopen what was then decided. It was also placed before a previous session of the Assembly and accepted. So I do not think the question need be reopened.

The question is:

“That the question be now put.”

The motion was adopted.

Mr. President : The question is:

“That article 298 stand part of the Constitution.”

The motion was adopted.

Article 298 was added to the Constitution.

Mr. President : Article 299 is held over.