

between these lines. I do not see any hope for them. It is with this view, just to provoke Dr. Ambedkar or anyone on his behalf to give us an idea as to what is the meaning of bringing in the scheduled areas here and what hope it offers, that I have raised this point. If there is nothing and if only their mention is meant, then I would rather prefer that the article is taken away.

Mr. President : Dr. Ambedkar, do you wish to say anything?

The Honourable Dr. B. R. Ambedkar : No, Sir.

Mr. President : The question is:

“That with reference to amendment No. 3186 of the List of Amendments, in clause (1) of article 300, after the word and figure ‘Part I’ the words and figures ‘and Part III’ be inserted.”

The amendment was adopted.

Mr. President : The question is:

“That article 300, as amended, stand part of the Constitution.”

The motion was adopted.

Article 300, as amended, was added to the Constitution.

Article 301

(Amendment Nos. 3189 and 3190 were not moved.)

Shri H. V. Kamath : Mr. President, Sir, I move amendment Nos. 3191, 3195, 3196, 3197, 3198 and 3200 standing in my name.

I move:

“That in clause (1) of article 301, the words ‘consisting of such persons as he thinks fit be deleted.’”

In my judgment these words are wholly superfluous. I may even go to the length of saying that they cast a reflection upon the wisdom of the President. The President when he appoints certain persons, certainly appoints such persons as he thinks fit for the job with the commission of which those persons are charged. It is absolutely pointless and purposeless to say here that he may “appoint a Commission consisting of such persons as he thinks fit.” It may stop after “appoint a Commission”. This adequately and sufficiently conveys the meaning intended in this portion of the article.

Then I move:

“That in clause (1) of article 301, for the word ‘difficulties’ the word ‘disabilities’ be substituted.”

Bearing in mind what we have already adopted in this House I think the word “disabilities” conveys the idea far better than the word “difficulties”. If we turn to the Chapter on Fundamental Rights we find that the second part of article 9 refers to “any disability, liability, restriction, condition” etc. The word “difficulty” nowhere occurs in that very important article which seeks to abolish discrimination on grounds of religion, race, caste or sex. We have passed that article. The word “difficulty” is to my mind hardly a constitutional term. I have read several constitutions of the world, but I find that it finds no place in constitutional terminology or parlance. The word ‘disability’ is a far more appropriate word than the word “difficulty”. I am sure Dr. Ambedkar, steeped as he is in constitutional lore and constitutional learning will have no difficulty in accepting this amendment.

[Shri H. V. Kamath]

I move my next amendment.

“That in clause (1) of article 301, for the words ‘grants should be given’ the words ‘grants should be made’ be substituted.”

This is purely verbal amendment. I do not wish to press it home, but I leave it to the collective wisdom of the Drafting Committee which I am sure will come into play at the appropriate time.

Then I move:

“That in clause (1) of article 301, for the word ‘and’ (in line 10) the words ‘as well as’ be substituted.”

That portion of the article reads thus as it has been moved before the House:

“The President may by order appoint a Commission to remove such difficulties and to improve their condition and as to the grants that should be given for the purpose by the Union or any State and the conditions subject to which such grants should be given...”

I think the meaning would be more exactly expressed by the phrase “as well as” than by the single word ‘and’ here. That also I leave to the wisdom of the team of wisemen which this House has appointed to draft the Constitution.

I next move amendment No. 3198—

“That in clause (2) of article 301, for the words ‘a report setting out the facts as found by them and’ the words ‘a report thereon’ be substituted.”

The clause as it stands reads thus :

“A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.”

If my amendment is accepted by the House the clause will read as follows :

“A Commission so appointed shall investigate the matters referred to them and present to the President a report thereon making such recommendations as they think proper.”

This is only with a view to avoid cumbersome language and style and secure brevity and precision, but not at the sacrifice of any substantial meaning.

Lastly, I move my amendment No. 3200 which runs thus :

“That in clause (3) of article 301, the words ‘together with a memorandum explaining the action taken thereon’ be deleted and the following words be added at the end:—

‘for such further action as may be necessary.’

“This clause of the article as it now stands runs thus:

“The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before Parliament.”

My amendment seeks to modify it in this regard and if it is accepted by the House, the clause will read as follows:

“The President shall cause a copy of the report so presented to be laid before Parliament for such further action as may be necessary.”

This is a drafting amendment, plus an amendment of substance. There are two parts to it. The first relates to the manner in which the President shall cause a copy of this report to be laid before both the Houses of Parliament. The clause, as it is now, makes it incumbent upon the President to affix a memorandum to the copy of the report to be laid before Parliament. It does not seem to be wise to lay down the manner in which the report should be presented to Parliament by the President. If the President deems it necessary to submit a memorandum along with the report he will certainly do so. The President will be a wise man. I am sure we will not have as President a man who is not wise or who is incompetent to do this duties in the interests of the nation. If the President thinks it necessary to affix a memorandum to the report he will do so. Why should we lay down in the Constitution things in such minute detail? It is just a tremendous trifle to say that he must add a memorandum to the report. That is the first aspect of my amendment.

The second part of my amendment relates to the sequel to the submission to Parliament by the President of this report by the Commission. I think, Sir, that the House is agreed on this point that Parliament, our sovereign Parliament of Free India, shall have a definite say, a substantial voice in whatever policy is going to be adopted or action taken with regard to the welfare of the socially and educationally backward classes in our country. This article has relation to the conditions of socially and educationally backward classes in the Indian Union. Parliament, I am sure, will be entitled to ask that any action taken with regard to the welfare of its backward people must be in conformity with the policy that will be formulated by it. Therefore I am anxious that with a view to having this implemented, when the report comes before Parliament, further action should be taken by Parliament and not by the President. The President will if need be, communicate to Parliament his own reactions to the report, but should not be the final authority to take action thereon. Parliament must have the last word on the action to be taken on that report. Therefore, this last amendment of mine seeks to make that quite clear, absolutely fool-proof and knave-proof, as Dr. Ambedkar might say, and make it impossible for the President to divest Parliament of this inherent right to take action on the report of the Commission submitted by the President to Parliament. Therefore I have suggested the addition of the words "for such further action as may be necessary". It may be that within the next ten years there may be no socially or educationally backward classes in our country. I look forward to that day even before the expiry of ten years. We have the example of Soviet Russia before us. Russia abolished illiteracy and brought even the lowest state of the population to a fairly decent level in ten or fifteen years. Can we not, with our ancient heritage and our background of cultural and spiritual genius aspire to something better and to bring all these backward classes within less than ten years to a socially and educationally higher level? I hope, Sir, that within ten years we will have advanced a good deal towards redeeming these fallen and so-called backward people and we shall have no occasion to appoint a Commission for the submission of a report. I shall be very happy if that day comes in less than ten years. But, as it is, the Constitution provides for the appointment of a Commission. Then let Parliament consider and deliberate on the report submitted by the Commission to the President and let Parliament take such action as it deems fit or necessary in this matter, so that within the ten-year period, when a Commission has been appointed and its report comes before Parliament, Parliament may chalk but a programme for the uplift and redemption of these educationally backward classes, and carry it out. I trust that after the first ten-year period has expired, there will be no need for the President again to appoint a Commission of this nature to enquire into the conditions of the backward classes in our country. Sir, I move these various amendments and commend them for the acceptance of the House.

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

"That in clause (3) of article 301, for the word 'Parliament' the words 'each House of Parliament' be substituted."

Mr. President : There are two amendments of which notice has been given by Pandit Thakur Das Bhargava, Nos. 180 and 181 of the First List.

Pandit Thakur Das Bhargava : I do not wish to move the amendments but I wish to speak on the article.

(Amendment Nos. 3192, 3193, 3194, 3199 and No. 181 of the First List were not moved.)

Mr. President : The article and the amendments are now open to discussion.

Pandit Thakur Das Bhargava : Sir, I consider that article 301 is one of the most important articles of this Constitution. Left to myself, I would call it the soul of the Constitution. So far as the Depressed Classes are concerned, we have only reserved some seats for them. The rest we have not done, and this article 301 seeks to complete the process of bringing them up to normal standards. This article places upon the entire nation the obligation of seeing that all the disabilities and difficulties of the Depressed Classes are removed and therefore it is really a charter of the liberties of the backward classes and in a sense this is an oath taken by the House, an oath to see that within the coming years we will provide all the facilities which can be provided by the nation for expiating our past sins. Now, Sir, in this country there are backward classes some of whom have had reservation given to them so far as representation is concerned, but the other classes have not been given such reservations but they are equally backward. I would therefore have liked a register to be made of all the backward classes including the present Depressed Classes, and after the Commission had found out what their difficulties and disabilities were and a programme chalked providing facilities to every member of these backward classes. If a particular class was economically very backward, provision could be made that with regard to their houses in the villages, they were given not only the residential rights but rights of disposal of their properties. If we chalk out a programme after the Commission has investigated their disabilities, we will be taking a great step towards the removal of those disabilities. There are many disabilities pertaining to them which the House fully knows and I need not go into them at this stage. What I want to say is that so far as these classes are concerned, we should see to it that these classes do not continue in the category of backward classes after they have come up to normal standards so that their backwardness is not crystallized or perpetuated. After they have reached normal standards, they should be taken away from this category. If any community continues in backwardness, socially, culturally or educationally, then it should not be a question of ten years or fifteen years but up to the time they are brought up to normal standards, facilities should be given and continued for them.

My next submission is that the article says "The President may by order appoint, etc." I have given notice of an amendment in this regard for substituting the word 'shall' for 'may' and even if the word 'may' is used in the article, I think it should be the obligation of the President to appoint such a Commission. Even though the word 'may' has been used, it must be construed as 'shall'. Therefore I have no doubt that the President shall appoint such a Commission and the Commission after making investigation into the conditions of these classes, shall have to suggest in what particular manner the steps suggested should be implemented. The article here simply says that he shall cause a copy of the Report to be placed before Parliament. The obligations of the Parliament are not given in article 301. I understand there is provision for them in 299 which has been held over. I do not want to speak now on that article, but what I want to submit is this: Now the safeguards for minorities have been taken away, for instance for the Muslims and the Sikhs. The only responsibility of the Parliament are the Scheduled Castes and the backward classes. In regard to these classes, special officers are to be appointed to see whether the fundamental rights which have been given to them under this Constitution and the special facilities which are sought to be provided for them after the investigation of the Commission are enjoyed by these people or not. These classes are not only the responsibility of the Central Parliament but of the State Legislature as well. But I submit they are the special obligation of the Central Legislature. This article 301 is only the material form of the Objectives Resolution. This article only gives the mechanism by which the Objectives Resolution is carried out. We should provide in this article that it

shall apply not only to the communities for whom reservation has been made but also to those for whom no reservation has been made but who are all the same backward.

Sir, I feel great happiness in supporting article 301.

Prof. Shibban Lal Saksena : Mr. President, Sir, I whole-heartedly support this article. I only wish to point out two things in this regard. The first thing is according to the scheme of the Constitution, this Commission will be appointed at the very outset of the commencement of the Constitution. That means that as soon as our Constitution comes into existence, the President shall appoint the Commission to investigate into the conditions of the socially, educationally and culturally backward classes and then make its report on how to remove their backwardness. We are using the expression 'the backward classes' in several places in the Constitution, but we have not defined them anywhere in the whole Constitution. I hope this Commission which will specially investigate the conditions of the backward classes all over the country will be able to tell us what is meant by the term "backward classes". When the Commission reports to the Parliament, I hope they will define the terms "backward classes" and "depressed classes" in their report.

I also support the amendment of Mr. Kamath for the addition of the words "for such further action as may be necessary". That means that when the report is made, the House must consider the ways and means of removing the backwardness of these people. I think therefore that this amendment is necessary.

The Honourable Shri Satyanarayan Sinha : Sir, the question be now put.

Mr. President : The question is:

"That the question be now put."

The motion was adopted.

Mr. President : I have to put the various amendments to vote now.

The Honourable Shri Satyanarayan Sinha : If there is no other work then the House should be adjourned.

Mr. President : The question is:

"That in clause (1) of article 301, the words 'consisting of such persons as he thinks fit be deleted.'"

The amendment was negatived.

Mr. President : The question is:

"That in clause (1) of article 301, for the word 'difficulties' the word 'disabilities' be substituted."

The amendment was negatived.

Mr. President : Amendment Nos. 3196 and 3197, I think, are of a drafting nature. We had better leave them. The question is:

"That in clause (2) of article 301, for the words 'a report setting out the facts as found by them and' the words 'a report thereon' be substituted."

The amendment was negatived.

Mr. President : The question is:

“That in clause (3) of article 301, the words ‘together with a memorandum explaining the action taken thereon’ be deleted and the following words be added at the end:—

‘for such further action as may be necessary.’”

The amendment was negatived.

Mr. President : The question is:

“That in clause (3) of article 301, for the word ‘Parliament’ the words ‘each House of Parliament’ be substituted.”

The amendment was adopted.

Mr. President : The question is :

“That article 301, as amended, stand part of the Constitution.”

The motion was adopted.

Article 301, as amended, was added to the Constitution.

Mr. President : This brings us to the end of these articles which we have set down for consideration today. One article which we passed over, article 289, remains to be considered. There were certain amendments and certain Members said that they were taken by surprise and that they would like to have time to consider it. If the House so desires, we might have an afternoon session, so that we may not have to sit tomorrow.

An Honourable Member : We are prepared to discuss it now.

Mr. President : At 6 o'clock.

Shri K. M. Munshi : The sittings should not be fixed for tomorrows as many Members, I know, have booked their accommodation.

Mr. President : It is therefore why I am suggesting six o'clock.

The Honourable Shri Satyanarayan Sinha : Either we can hold it over or you have a meeting in the evening and finish it.

Mr. President : I think some Members feel that they would like to have time to consider the amendments and therefore it is much better to give them time, and if you all agree, I would like to have an afternoon session in the evening, say at six o'clock.

Honourable Members : 6 p.m.

Mr. President : So the House stands adjourned till six o'clock this evening.

The Assembly then adjourned till Six of the Clock in the afternoon.

The Constituent Assembly re-assembled at Six of the Clock in the afternoon, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

DRAFT CONSTITUTION—(Contd.)

Article 289—(Contd.)

Mr. President : We shall take up the amendment moved by Dr. Ambedkar in the morning. I think that is the only amendment now to the original article which was moved by Dr. Ambedkar.