

Wednesday, 27th August, 1947

Volume V



14-8-1947
to
30-8-1947

CONSTITUENT ASSEMBLY DEBATES

OFFICIAL REPORT

REPRINTED BY LOK SABHA SECRETARIAT, NEW DELHI
SIXTH REPRINT 2014

Printed at JAINCO ART INDIA, New Delhi

CONSTITUENT ASSEMBLY OF INDIA

President:

THE HONOURABLE DR. RAJENDRA PRASAD.

Vice-President:

DR. H.C. MOOKHERJEE.

Constitutional Adviser:

SIR B.N. RAU, C.I.E.

Secretary:

SHRI H.V.R. IENGAR, C.I.E., I.C.S.

Joint Secretary:

SHRI S.N. MUKERJEE.

Deputy Secretary:

SHRI JUGAL KISHORE KHANNA.

Under Secretary:

SHRI K.V. PADMANABHAN

Marshal:

SUBEDAR MAJOR HARBANS RAI JAIDKA.

CONTENTS

Volume V—14th August to 30th August 1947

	PAGES		PAGES
Thursday, 14th August 1947—		Friday, 22nd August 1947—	
Singing of Vande Mataram	1	Members taking the Pledge	105
President's Address	1—3	Report of the Union Powers Committee— <i>contd.</i>	105—33
Motion <i>re.</i> Pledge by Members	3—10	Monday, 25th August 1947—	
Intimation to the Viceroy about the assumption of power by the Constituent Assembly and the Assembly's endorsement of Lord Mountbatten's appointment as Governor-General of India	10	Signing of the Register	135
Presentation of the National Flag	10—11	Taking of the Pledge	135
Singing of National Song	11	Announcements by the President	135—36
Friday, 15th August 1947—		Incidents in West Punjab	136—38
Messages	13—15	Report of the Union Powers Committee— <i>contd.</i>	138—66
Address of H.E. the Governor-General	15—18	Tuesday, 26th August 1947—	
Address of the Honourable the President	19—23	Taking of the Pledge	167—68
Hoisting of the National Flag	23	Union Powers Committee Report— <i>contd.</i>	168—96
Wednesday, 20th August 1947—		Wednesday, 27th August 1947—	
Presentation of Credentials and Signing of the Register	25	Report on Minority Rights	197—251
Taking the Pledge	25	Thursday, 28th August 1947—	
Incidents connected with the Flag Hoisting Ceremony in certain parts of India	26—34	Members taking Pledge	253
Report of the Union Powers Committee— <i>contd.</i>	34—57	Report on Minority Rights	253—85
Announcement <i>re.</i> personnel of Committee to consider the Independence Act, Adaptation Rules, etc.	57	Presentation and Unveiling of the Portrait of Mahatma Gandhi	285—88
Appendix	58—68	Appendix	289—91
Thursday, 21st August 1947—		Friday, 29th August 1947—	
Presentation of Credentials and Signing of the Register	69	Member taking Pledge	293
Report of the Union Powers Committee— <i>contd.</i>	69—103	Election of Members to the House Committee	293
		Committee to Scrutinise Draft Constitution	293—310
		Report of the Constituent Assembly Functions Committee — <i>contd.</i>	310—32
		Saturday, 30th August 1947—	
		Supplementary Report on Fundamental Rights— <i>contd.</i>	333—74
		Appendix A	375—76

THE CONSTITUENT ASSEMBLY OF INDIA

Wednesday, the 27th August 1947

The Constituent Assembly of India met in the Constitution Hall, New Delhi at Ten of the Clock, Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

REPORT ON MINORITY RIGHTS

Mr. President: I propose that the House should now take up the Report of the Advisory Committee on Minorities.

With regard to the procedure that I propose to follow, it is this: A motion will be made for consideration of the Report and in that connection I find there are certain resolutions in the form of amendments that the consideration of the Report be postponed either until the next Session or until the consideration of the other Report, that is, the items which they have been considering, has been completed. I shall take those amendments along with the general discussion of the motion for consideration of the Report. When that has been disposed of I propose to go to the Appendix and take the items one by one with the relative amendments to those items, because that will then dispose of many of the amendments which are relevant to the general body of the Report which only summarises the recommendations contained in the Appendix. I think that will be the proper course and the most convenient way of dealing with the matter.

Mr. H. V. Kamath (C. P. and Berar: General): The loud speaker must be out of order because we have not heard a word over here.

Mr. President: In that case I shall have to repeat. What I have said is that the most convenient way of dealing with today's agenda is this: I propose to take up the consideration of the Report of the Advisory Committee on Minorities. A motion will be made for taking it into consideration. In that connection there are certain other motions of which I have notice that the consideration of the Report be postponed until the next Session or until we have disposed of the items on the List which we were considering yesterday. After this, I propose to go on the Appendix of the Report and take up each item. The relevant amendments to those items will be moved and disposed of, and when we have discussed the Appendix we may come to the general body of the Report which is nothing but a summary of what is contained in the Appendix.

I will now request Sardar Vallabhbhai Patel to move the consideration of the Report.

B. Pocker Sahib Bahadur (Madras: Muslim): The procedure prescribed by you is that all the matters in the Appendix may be taken up item by item. But I would submit that even as regards the amendments in each of the items in the Appendix, there are very many subjects each of which is of a different character. Therefore I would request you to dispose of the amendments of one and the same character on each item separately so that all the amendments of the same character on the same item could be taken up together and disposed of. Otherwise, if all are jumbled together, it would lead to difficulties.

Mr. President: That is what I have been thinking of doing—to take each item in the Appendix and all the relevant amendments thereto.

B. Pocker Sahib Bahadur: In disposing of the amendments, the character of the amendments might be taken into consideration, and each of the amendments of a particular character on each item might be disposed of before other amendments of another character on the same item are disposed of.

Mr. President: I do not understand what the Honourable Member mean by the character of the amendments. All relevant amendments will be taken into consideration in connection with each item.

The Honourable Sardar Vallabhbhai J. Patel (Bombay: General): Sir, on behalf of the Advisory Committee I beg leave to place this Report* on Minority Rights before the House. It has been drafted after considering the report of the Minority Committee and after considering all the points raised with regard to the safeguards for different minorities in this country. You all know that the question of safeguards for minorities has been discussed several times and considered in various committees, and there is no new point to be discussed. In one committee or other for several years past this question has been discussed, sometimes very minutely, sometimes generally. Sometimes its discussion has taken an acute form and sometimes it has resulted in a bitter controversy. But I am happy to say that this report has been the result of a general consensus of opinion between the minorities themselves and the majority. Therefore, although it is not possible to satisfy all, you will see that this report has been the result of agreement on many points; and wherever there has been disagreement the recommendations have been carried by a very large majority, so that except perhaps on one point the report is practically an agreed report. It may be that there are some who are not satisfied on some points, but we have to take into consideration all points of view and feelings and sentiments of the minorities, big and small. We have tried as far as possible to meet the wishes of all the minorities. The minorities among themselves are also divided; there are conflicting interests among them. We have not tried to take advantage of these differences among the minorities themselves; we have tried to see that the minorities also instead of being divided among themselves try to present a united front in order to safeguard their interests. But there are certain points on which the minorities cannot be united because there are minorities within minorities. So it is a difficult proposition. We have tried to solve this difficult problem without any bitterness and without any controversy which would create any ill-feeling or hitch; and I hope that this House also will be able to dispose of this question in a friendly spirit and in an atmosphere of goodwill. Let us hope that we will leave the legacy of bitterness behind and forget the past and begin with a clean slate. There is much that is happening round us which requires us to dispose of our business as quickly as possible; and we should do nothing in this House which will add to our difficulties or to the difficulties of our neighbours who are at present involved in bitter strife and when our hearts are bleeding with the wounds that are being inflicted on one of our best provinces in India. Therefore I trust that in this House in considering this question which affects all the minorities we will introduce no heat or argument which may lead to such controversy as would have a repercussion outside. I hope that we shall be able to dispose of this matter quickly and in a friendly spirit.

You will remember that we passed the Fundamental Rights Committee's Report which was sent by the Advisory Committee; the major part of those rights has been disposed of and accepted by this House. They cover a very wide range of the rights of minorities which give them ample protection; and yet there are certain political safeguards which have got to be specifically considered. An attempt has been made in this report to enumerate those safeguards which are matters of common knowledge, such as representation in legislatures, that is, joint *versus*

*See Appendix.

separate electorates. This is the question which has raised controversy for almost a decade and we have suffered and paid heavily for it. But fortunately we have been able to deal with this question in such a manner that there has been unanimity on the point that there should be no more separate electorates and we should have joint electorates hereafter. So that is a great gain.

Then again on the question of weightage we have agreed that there should be no weightage and with joint electorates the communities should be represented according to the proportion of their population. Then we have thought fit to agree to reservation in proportion to the population of the minorities. Some of the minorities gladly surrendered that right, and said that they wanted neither weightage nor separate electorates but in the general upheaval that is taking place they want to merge themselves in the nation and stand on their own legs. I congratulate those who have taken that stand but I also sympathise with those who still want some help to come up to the standard which we all expect of the nation. We have now also decided that in the public services a certain amount of reservation for certain communities is necessary—particularly the Anglo-Indian community and the Scheduled Castes in certain respects deserve special consideration. We have made recommendations in this respect I am glad to say that in this matter also there is unanimity between us and the communities whose interests are affected.

Then we have also provided for some sort of administrative machinery to see that whatever safeguards are provided are given effect to, so that it may not be felt by the communities concerned that these are paper safeguards. There should be continuous vigilance and watch kept over the safeguards that have been provided in the working of the Government machinery in different provinces, and it shall be the business of the officer or administrative machinery concerned to bring to the notice of the legislatures or the Government; the defects or drawbacks in the protection of the rights of minority communities.

We have divided the minorities according to their strength or according to their population. In the Schedule the three parts are set out and dealt with separately because they require separate consideration in proportion to their strength.

The Anglo-Indians have special rights or rather special privileges or special concessions which they have been enjoying in certain types of services, such as the railways and some one or two other services. Now, suddenly to withdraw these concessions and to ask them to abandon these claims or these concessions and to stand with the general standard would put them perhaps in a difficult position. They may not be prepared for that at present and it is better that we give them time for adjustment. They now know that they have to prepare themselves for this. They have ample notice and I am glad to say that they have agreed that they take this notice. The gradual reduction of these concessions has been agreed to by them. Similar concessions have been given to them in the matter of education. In certain educational institutions they get special grants. These educational institutions are open also to students of other communities, but they are generally meant for the Anglo-Indian community and they get certain concessions in the matter of financial assistance. It is proposed to continue this assistance for some time and by a process of gradual reduction to prepare them for a stage when they can be prepared to come to the general level of the other communities and to share the financial burdens, obligations and difficulties. So there also we have solved this problem by agreement.

Then about representation in the Legislatures. In their case it is difficult. It is a small community of a lakh of people or more, but very substantially small, spread all over India and not located in a particular Province. It is difficult for them, to get seats in a general election. Therefore, if they fail in getting representation by, the normal process of election

[The Honourable Sardar Vallabhbhai J. Patel]

in some Provinces or in the Centre, provision has been made for their being nominated, if they are not properly or adequately represented, and that power of nomination is given to the Governor or the Governor General as the case may be.

Then in other cases, that of the Parsis, they have themselves voluntarily abandoned any concessions that may be given to them and wisely they have done so. Besides, it is well-known that though small, it is a very powerful community and perhaps very wise. They know that any concessions that they may get would perhaps do more harm to them than any good, because they can make their way anywhere, and make their way in such a manner that they would get more than they would get by any reservation or by any separate process of elections. Either in the legislature or in the services, they stand so high in the general standard of the nation that they have disclaimed any concessions and I congratulate them on their decision.

Then comes the Christian community. This community is more populous in two or three Provinces; and in other Provinces they are not so located as to have any direct representation by the process of election. Still they have agreed to have reservation according to their population and to abandon the claim for separate electorate; there is no other safeguard that they have claimed.

We have, so far as the Cabinet representation is concerned also adopted the formula that exists today in the 1935 Act which is considered constitutionally proper and, therefore, it has also been accepted unanimously.

Then comes representation in the services. The general standard that we have accepted is that ordinarily competitive posts must go by merit and if we are to depart from this, the general administration would suffer immensely. It is well-known that since this departure has been introduced in the matter of services our administration has suffered considerably. Now that we begin a fresh, we must see that where we have to fill some administrative posts of a higher level, these posts have to be filled by competition, *i.e.* by competitive examination and competitive tests. We have made some concessions in the matter of certain communities which require a little help.

On the whole, this report is the result of careful shifting of facts on both sides.

One thing I wish to point out. Apart from representation in the Legislature and the reservation of seats according to population, a provision has been made allowing the minorities to contest any general seat also. There was much controversy about it, both in the Advisory Committee and in the Minorities Committee; but it has been passed by a majority. There was also another point which was a matter of controversy, and that was on behalf of the Muslim League and a section of the Scheduled Castes. The point was raised that a certain percentage of votes should be considered necessary for a successful candidate. This was a matter of controversy and amongst the Scheduled Castes themselves a very large majority sent me a representation yesterday saying they were against this. But in the Advisory Committee it was discussed and it was thrown out by a large majority.

Now, this is in substance the Report. But it is possible that when we take the Schedule item by item, it may be necessary to modify the Report as and when the items are considered and passed. Therefore, as the President has urged, we may take the Schedule item by item and the Report may be modified accordingly as and when the items are passed.

Mr. President: There are two motions, of which I have notice, which are for adjourning the discussion of this Resolution. I would ask those Honourable members to move their motions.

Mahboob Ali Baig Sahib Bahadur (Madras: Muslim): Not moving.

Mr. Naziruddin Ahmad (East Bengal: Muslim): Also not moving.

Mr. President: Then the general motion that the report be taken into consideration is open for discussion.

Dr. P. S. Deshmukh (C. P. & Berar: General): Mr. President, Sir, the worthy and able Chairman of the Advisory Committee on Minorities and the members of this Committee deserve our sincere thanks for the highly satisfactory report that they have produced on the question of the rights and representation of the minorities in India. In my opinion, there is no more monstrous word in the history of Indian politics than the word "minority". Even since India emerged out of its political infancy, the demon of the interests of minorities and their protection stood before us and appeared to bar the progress of the country. It is a matter of history that this was a creation of the British policy, but it succeeded so well that it is, in my view, essentially the work of the Satan of minority that our beloved country united for over a century has been divided into more parts than one. That this monster should at long last have been shorn of its terrors is an achievement worthy of note. I believe, Sir, that the Members of the Advisory Committee have in this respect a great achievement to their credit. I therefore offer them my hearty congratulations.

First and foremost, they have discontinued separate electorates. Secondly the none too just system of weightages has been given up. The composition of Cabinets is not going to be hampered by insurmountable difficulties of taking minority representatives as of legal and constitutional right nor are our percentages of recruitment going to be worked up to the second decimal as would certainly have been the case had the various representatives of the minorities insisted upon reservation in those spheres also. I believe I voice the feeling of a large section of this House when I say that the representatives of these minorities have taken a long and nationalistic view of the whole matter and provided they do not do anything to spoil the good effect, I would like to assure them on behalf of us all that they will never have any occasion to repent what they have conceded. It should always be remembered that we are, speaking the bare truth, a highly charitable and liberal-minded people. Some of our Muslim friends, mostly as a result of the British policy, painted us as tyrants and majority-made oppressors. I have never found any justification for such an accusation, but an unjust and untrue charge was repeated *ad nauseum* and somehow sustained throughout the last so many years. It is upon those false foundations that Pakistan was demanded and conceded. Very few showed patience to analyse the facts. Rather than tyrannize the minorities, the fact was that in most places the minorities tyrannized the majority. The Muslims have almost everywhere enjoyed privileges far in excess of what may be called just or fair. In my own curious Province, Muslims still enjoy a position which is even today denied to over 60 per cent of the peasants and workers by our own Hindu rulers.

This is not an occasion on which I would like to go further into the matter than this. I am content that no minority is going to try any more to deprive others of what legitimately belongs to them. For many years past, it was the majority that has been tyrannized. Unfortunately, the so-called majority is dumb and deaf and although many of us try always to speak in their name, I have no hesitation in stating that we have completely failed in translating our words into action. May I ask, Sir, what place has been given to the millions of Jats, million, of Ahirs, Gujars, Kurmis, Kunbis, the Adibasis and millions of others. Have we not been a little too engrossed in our own exploits and have given inadequate thought to the thousands of these poor people who have sacrificed their lives to give us the present freedom. What place have we assigned to them except to visualize that they will as heretofore blindly, meekly and religiously vote for any one we will choose for them. From this point of view, the situation is gloomy even today. It is up to our present rulers to examine

[Dr. P. S. Deshmukh]

and consider, if they are so inclined and to understand all that I mean. If they do not do this, nothing but trouble and destruction will lie ahead. I therefore urge that at least when the minorities are content to have only their fair share of power in the, Cabinets and a reasonable proportion in Government services, our rulers will pay some attention to the oppressed and neglected rural population which has even under the sacred name of the Congress been more undone than assisted. Pressed by political considerations, microscopic minority interests have been advocated by the greatest of democrats. They enjoyed posts and privileges which they had no right to enjoy. It is self-evident that if anybody enjoys more than he deserves, he must of necessity deprive someone else of his legitimate share. Let this be borne in mind in distributing power and posts among the various Hindu communities and let the policy of the Devil take the hindmost cease, at least from now.

Shri V. I. Muniswami Pillai (Madras: General): Mr. President, Sir, I feel today is a red letter day for the welfare of the minority communities that inhabit this great land. Before I proceed, I have to congratulate the Honourable Sardar Vallabhbhai Patel for this great tact and ability in bringing a report to the satisfaction of the majority and minority communities of this land. The document that has been produced by the Advisory Committee, I consider to be the Magna Charta for the welfare of the Harijans of this land. Sir, as has been previously said by my friend, it was due to the third man residing in this country that brought out several minority communities. I do admit that, but, Sir, it was given to Mahatma Gandhi as a great *Avathar* to find the disabilities of a section of the Hindus, namely, depressed classes known by various names, to come to their rescue and to take that great epoch-making fast which evoked all the Caste Hindus in the whole realm of India to think what is 'Untouchables', what is 'Depressed Classes', what is, 'Scheduled Castes' and what should be done for them. It was that Poona Pact to which you yourself have been a signatory along with me and Dr. Ambedkar, that produced a great awakening in this country. Then, Sir, one question was in the mind of everybody, whether the Poona Pact will show signs of a change of heart by caste Hindus in this country. Today I may assure you, Sir, that that change has come, though not full 100 per cent, at least more than 50 per cent. I may give you instances here. The very inclusion of Dr. Ambedkar in the present Dominion Cabinet is a change of heart of the Caste Hindus that the Harijans are not any more to be neglected. In my own Province, Sir, I may tell you the former Premier, Mr. Prakasam, has made a provision of a crore of rupees for the amelioration of the condition of the Depressed Classes (*Hear, hear*) and the present Premier Mr. Omandur Ramaswami Reddiar has set up a big Committee to investigate and bring a 5-year plan to ameliorate the condition of the Depressed Classes.

Now, Sir, coming to the very proposition of the consideration of this Report, I may say that any constitution that is made for the 300 millions of this country must have proper safeguards. Some may be thinking in their hearts whether they are not a minority of this land. Specially, Sir, the Untouchables who form one-sixth of the population of this subcontinent are a minority community, because their social, political and educational advancement is in a very low state. Sir, after Poona Pact we are coming to the second stage. Actually this is the second stage because the untouchables, the Scheduled Castes are given certain facilities according to this report that has been presented in this House. One great point, Sir, which I would like to tell this House is, that we got rid of the harmful mode of election by separate electorates. It has been buried seven fathom deep, never more to rise in our country. The conditions that were obtaining in the various provinces were the real cause for introducing the system of separate electorates. The Poona Pact gave

us both the separate and joint electorates but now we have advised according to this report that has been presented here that the Depressed Classes are doing to enjoy joint electorates. It is hoped, Sir, that, in the great Union that we are all envisaging that this country will become in the years to come,—joint electorates will give equal opportunity for the Caste Hindus and the Minority communities to come together and work together and produce a better India. Sir, now there is a reservation of seats on population basis. This is a rightful claim, Sir, of the Depressed Classes who form the tillers of the soil and hewers of wood that they must have equal voice in the administration of the land. Moreover, due to their economic condition it is not possible for them to contest the unreserved seats and it is a good augury on the part of the Advisory Committee to come with this important recommendation that all the minority communities besides their having the reservation in the various provincial legislatures, will also have the right to contest seats in the unreserved seats. This forms a very good augury that hereafter both the Caste Hindus and the Harijans, that is the Scheduled Castes will go hand in hand so that whatever reform that may be brought to this land or in the Acts that may be brought before the Assembly and for the welfare of the country will be one accepted by all communities. Moreover this clause, allowing the minorities to contest the unreserved seats, shows the goodwill the majority communities are having towards the minority communities.

Much has been said about the representation of minorities in the Cabinet. I am one of those, Sir, who believe in political power for the elevation of the weaker sections of our land. It is by holding offices that these people are bound to come in contact with these unfortunate minority communities and see for themselves what should be done to elevate them. If I plead that there ought to be proper representation of these minorities in the Cabinet, I do not mean, Sir, that the Cabinets will become polluted or it will become inefficient but equal opportunity must be given. Once you give reservation on population basis, I also claim, Sir, that representation in the Cabinet also must be in that proportion. Sir, events have shown in this country that the members that have been drawn from Scheduled Castes to various offices as Ministers and Speakers of the Assembly have proved equally good in the discharge of their duties. Let there be nothing in the minds of the majority communities that those who were chosen from these communities for high offices will not be efficient. I feel that a convention has to be created according to the 1935 Act, as recommended in the Report. I am sure that the goodwill of the majority communities will always be there to see that those weaklings,—the minority communities, are well represented in the Cabinets. Sir, in the matter of services, I earnestly request that everything must be done to these minority communities so that they may have their quota in the services of this great land. Often it is said though the Depressed Classes have the required qualification, under some pretext or other they are not given chances in the services. I wish, Sir, after this report has been accepted by the Constituent Assembly, those majority communities who will have the ruling say in the matter will see that the claims of the Scheduled Castes will not be forgotten. I know—as a matter of fact to start with, the present Dominion Cabinet have already issued an executive order setting aside 12½ per cent and 16½ per cent for the Scheduled Castes both in the competitive and non-competitive services. This is a very good augury and I am sure the change of heart will be followed further and proper quota for the representation of the Scheduled Castes in the services will be maintained.

Coming to the conclusion, Sir, the report envisages creation of a Statutory Commission and also Officers in the provinces to investigate and see what are the real things that are keeping these people backward in all the social, economic and educational spheres and I welcome this because this will go a long way for this Commission and also the Officers to know for themselves what are the difficulties of the Scheduled Castes and during the next 10 years do such things, so that after the 10th year we, the Scheduled Castes may not ask for reservations either in the provincial legislatures or in any of these things. It is up to the majority community to see that justice is done so that these minorities may rise

[Shri V.L. Muniswami Pillai]

in the educational and social sphere so that they may take equal share in the administration of this great land. Sir, there is a fear in the minds of some of my friends, especially the Scheduled Castes, that the Hindus are getting into power and that Hindu Raj is coming into force and they may introduce the Varnashrama that was obtaining years back, again to harass the Harijans. I may tell such friends, as we see things, the Varnashrama Dharma may be applied in a different sense—not in a sense that was obtaining years before—and I am sure this report will be accepted unanimously in this House and any amendments that may be brought may not disfigure the very good report that has been produced by my Honourable friend Sardar Vallabhbhai Patelji.

Mr. F. R. Anthony (C. P. & Berar: General): Mr. President, Sir, I feel that as a Member of the Minority Sub-Committee and also of the Advisory Committee I should say a few words on the Report. I might tell you that some of the issues were of a highly controversial character. Some of them involved argument and counter argument not only for hours but sometimes for days. But all the deliberations were conducted in the best traditions of generosity on both sides. It was not always an easy matter to cross words successfully with an able and almost incredibly tenacious lawyer like Mr. Munshi. There were many points of view. Some people were guided quite understandingly from their points of view by unalloyed principles. Others were fortunately more realistic and more statesmanlike in their approach. So far as the interest of my community are concerned, I feel that I have to offer a special word of appreciation and thanks to those members who approached our problems in an attitude of realism, particularly to Sardar Patel. We from our side did everything we possibly could to come to an agreed solution which I am glad to say, we did arrive at ultimately. I feel I must express—the appreciation and the thanks of my Community to those who realised the special needs of the Anglo-Indian community, and ultimately gave them shape in the report of the Advisory Committee. This report, Sir, represents a happy augury for the future. I have always been one of those who felt that we must modify our principles to suit realities. The path of statesmanship is the path of compromise. I am glad that statesmanship and a sense of realism were brought to bear on our proceedings and were infused into them by Sardar Patel. By being generous—that is what the majority community was in fact—by adopting an attitude of magnanimity to the minorities, you have helped to efface the fear that the needs and the points of view of the minorities would not be considered. By that act of statesmanship you have helped to harness completely the loyalty of the minorities to the tasks of nation-building which face us.

I believe that today the conditions are a challenge to the minorities. Every wise minority will look forward to the time, sooner or later, when it will take its place not under any communal label or designation, but as part and parcel of the whole Indian community. (*Hear, hear*) I believe that the conditions today are a challenge, because of the background of events, to some members also of the majority community. I say to them: “Let us all march forward inspired by this spirit. Let us work up for this goal, that we shall sooner than later shed all communal labels and be bound together by the all-compelling sense of belonging to one Indian community (*Applause*).

Sriyut Rohini Kumar Chaudhury (Assam: General): I would like to take this opportunity of speaking on this motion to give expression to some of my feelings. In fact this is the first time that I rise to speak on any motion after we achieved our independence. I do not know, Sir, if I have correctly followed the course of this debate or understood what the implications of the report on the Rights of Minorities are. But it seems to me,—I hope to be excused for—saying so, but it seems to me that there are two kinds of minorities at present. One of them belongs to the India which was once ours and which had been decimated practically

and is now being protected by God in heaven and in His place, because that is the place, that is the sanctuary for all religious men and saints. Unlimited numbers of seats are being reserved for them in heaven from 16th August 1947 up till now. In spite of the great rush for seats in heaven, there seems to be no want of accommodation. We are not concerned with their goal. We are Members of the Constitution making body. We have nothing to do with their woes and miseries. We shall frame certain rules till Friday and after that we shall disperse on Saturday and go to the different Provincial Assemblies and Councils. We shall then enjoy the Dusserah vacation and Durga Pooja. We shall come again to give the finishing touches to this Constitution. Then there will be time enough for us to think of the unfortunate victims of our division of India. I am sure, Sir, the interests of these unfortunate people will be kept alive by adjourning this House for a few minutes or by observing silence for a minute or two and things like that. We thus pay homage in silence to those who have died fighting. We have established this convention now to observe silence for those who have died. This convention, I am afraid, will have to be followed for a very long time yet in this unfortunate country of ours.

Sir, there is another type of minority with which we are not immediately concerned. For that minority I am glad to observe ample provision has been made. There have been seats reserved for them for a period of 10 years. They will have an opportunity of contesting the unreserved seats. With the reserved seats they will continue in their own communal party and secure also the unreserved seats through the benevolence of the Congress party. I believe that it will not take ten years, by this means, to make the minority community a majority community. From that time onwards there will be no minority communities. That is all as it should be because we have adopted this policy and have divided our duty and our responsibility.

In the area which is known as Pakistan, the Government of that country would look after the interests of the majority and, in the area which is known as India we shall devote ourselves to the protection of the minority. We have been doing so and we will go on merrily doing so.

Sir, while, thinking of the minorities in the different provinces of this country, let not this House forget certain provinces which are absolutely backward, *e.g.*, Assam and Orissa, where not a single man can be found to fill up a seat in the Indian Government, where not a single man has been found to fill up the position of a Governor, where not a single man has been found fit to hold the high offices in the Railways or Posts and Telegraphs or even in the Imperial Secretariat which still retains its imperial character.

It is easy to call the Province a Cinderella province after keeping dust and ashes there and it is very easy to call in that way the people of a province who are suffering from an inferiority complex after having done all that you could possibly do to deny them the opportunity given to the people of other provinces. Sir, I notice that there are some frowns on the faces of certain Honourable Members of this House and I think for the sake of safety I must run back to my seat now.

Shri S. Nagappa (Madras: General) : Mr. President, Sir, really it is a very important day in the annals of Indian History. Now, Sir, as my friend has already said the Committee deserves congratulations for having submitted an agreed report. I have to bring to your notice, that these minorities stood in our way of being free long long ago. The Britisher pleaded with these minorities all these days in order to delay to give us independence. It is only on the 15th of August we got independence and today it is only the 27th and within 12 days these minorities have come to an agreement. So, Sir, you can see how much unity there is in India. There was a kind of pose. They began to play with us, so that we seemed to be disunited for all times to come. Now within a few months we have come to understand each other and

[Shri S. Nagappa]

are able to present a Minority Committee Report, and that too an agreed report, though these were all—the majority of the members—from the minority communities. Does this not show the hollowness of our friends' sincerity when they pleaded to set apart our independence question all these days? But anyhow I do not want to go into the past. Now, I am glad today we have been able to undo the mischief that was done 15 years ago by Ramsay Macdonald. It is he who was responsible for the destruction of today. He is the man who is responsible for the loss of life and loss of property in this country. If I have any power, I would have called him to answer these questions. It is he who sowed the seed of disunity and destruction about 15 years ago by giving the communal award.

Now, Sir, it is a very good and auspicious day that all the minorities have come together and are able to understand that the country's Welfare is more important than that of an individual or a particular community.

Now, I particularly congratulate the Sardar for having been able to allow all the minorities to contest even the unreserved seats. It is a great thing. We have also to congratulate the Sardar for having been stiff when there was need, to be so. It is statesmanship having sat tight in places where he ought to be. He has not conceded some of the demands, especially the percentage of votes. The qualities of statesmanship require generosity where generosity is to be shown and stiffness where it is needed.

Under the instrument of Instruction of the 1935 Act there is a provision for inclusion in the Cabinets. But it would have been better if there is an assurance for a minority community Member to be included in the Cabinet, and it would have been more satisfactory if there had been a statutory provision. For instance I want to quote my own province. It is a province of 215 members. There are about 30 Harijans. They form one seventh of the Legislature and their population is 1/5th. They are 8 millions out of total of 49 millions. They form 1/5th of the population, they form 1/7th of the legislature, but what is their share in this Cabinet? According to the strength of the Members they would have been two because they are 1/7th and when the whole Cabinet is 14 or 13 it should have been two, but when the question came up, they have abolished a Harijan post. They have made it 13 and have not given one. I say that the Harijans are not going to elect ministers it is left to the Premier to select. The quota must be statutorily reserved. I feel that we should not be at the beck and call of the Premier. Let the Premier select the Ministers according to his choice. Why should we think that he has done us a great favour? It is our due share. We are not asking for anything gratis. So, Sir, this is how injustice will be done. Today we see with our naked eyes that injustice was done and therefore, it would have been better if an assurance is given to these minorities regarding their position in the Cabinet.

Now, Sir, it is not possible to make minority communities the Premiers, because the Premier is expected to command the confidence of the majority party. So is no good to expect rotation to be applied for the Premiership. But there is every provision, every possibility, every probability to choose the Governors of the Provinces by rotation from among the various communities. It would have been easy if this had been included in the Report.

Again, Sir, it is not possible to make a minority community man to be the Dominion Premier but at the same time it is easy to make, say, for instance, out of 12 times, six will go to the general community and 3 times will go to the Scheduled Castes, 2 times will go to Muslims and 1 to other smaller minorities and out of a rotation of 12 one will be the share of the Dominion Presidentship, Governorship and Deputy Governorship, Deputy Presidentship etc. These things would have gone a long way to assure minority communities that the majority is in favour of the

minorities, and sincere towards minorities. As regards services I am glad very recently the Dominion Government has come out with its policy. I congratulate there also the Dominion Government. It has done justice to some communities and it has done more than justice, especially to the Christian Community or some such community. It has been fair there. I would suggest that it would have been better if it has been provided in the Report itself, for instance, a particular community will have its share according to its population. I do not want to rob Peter to pay Paul. It is very bad policy. I want my due share; though I am innocent, ignorant dumb, yet I want you to recognise my claim. Do not take advantage of my being dumb. Do not take advantage of my being innocent. I only want my due share and I do not want anything more. I do not want, like others, weightage or a separate state. Nobody has a better claim than us for a separate state. We are the aboriginals of this country.

Now, Sir, so far as the services are concerned, I congratulate the Dominion Government. It would have been better if a provision in this report had been made such that the Provinces also can copy. Even now it is not difficult for the Dominion Government to give instructions to Provincial Governments to copy that. Now, as regards the population, Sir, according to 1931 Census we are about 7 crores. We see that there had been an increase of 14 per cent. average increase. As poverty breeds population our minority might have increased by not less than 20 per cent.

This is the theory given by Malthus; I am not saying that. Because a rich man has a different standard of life and he would like to marry only when he attains some position or some power or property whereas if you go to the poor man's quarters, you will see a number of children, moving about, and if you go to the rich man, he will be praying to God to give him children. There is no surprise when Malthus says that poverty breeds population. If we were more than six crores in 1931, Sir, how is it that we have been reduced to five and half crores in 1941? There is something behind it. Especially in Bihar and the Punjab, I am sorry, in Bengal, some mischief has been done by somebody. There was controversy between Hindus and Muslims. Both these people thought it safe to fall upon these poor and Innocent Harijans and these people were converted or were added to the Hindu population as our people happen to be Hindu. Instead of increasing to seven, we have come down to five and a half crores. Therefore, I would request that in order to give seats to the Harijans, you should take the 1931 Census. That Census was not prepared by the Harijans. It was prepared by the Government machinery and we had no hand in it. There is not even a single Harijan that can do any mischief. After all, it is a Government record. You know there is a general increase in the population. You give us the average representation! I do not want any special provision. According to that Census, please work it out. I am afraid because future representation is assured on the population basis. If that is the case, in course of time,—within 10 years, two crores have been diminished; if it is left at this rate, within ten or twenty years, I am afraid there may not be a Harijan at all, Harijan in the real sense. As the honourable, Premier of Bombay says, I would even prefer one seat if I am economically as good, if not better, at least equal, on a par with him. It is left to the constitution. It remains to be seen how much speed you will put in the matter of this community.

As a whole, on this report deserves to be congratulated, not only Sardar Patel, but each and every member of the Advisory Committee and Minorities Committee for having cooperated with him, for having been able to come up with such an agreed report. Sir, I recommend this report for the consideration of this House.

Dr. H. C. Mookherjee (West Bengal: General): Mr. President, I must say at the beginning, that I am not one of those who believe that the greatness of a country is increased by increasing the greatness or the economic or political importance of a particular group which is inside it.

[Dr. H.C. Mookherjee]

On the other hand, I have always advocated the placing of national interests above group interests. At the same time, my experience as Chairman of the Minorities Sub-Committee has convinced me that it was necessary for the sake of peace, for the sake of the future progress of our country, that every attempt should be made to meet the wishes of the minorities. I am a member of a minority community myself and I feel proud that the community of which I am a member has decided to give up all special privileges, and first of all I must thank my colleagues of my community who are members and who are present here today. Along with that it was realised that the several groups had distrust of the majority. Of course, personally speaking, I noticed that this was true of a majority among them and I have exhorted them and I am still exhorting them, again and again, to have some measure of trust. If they demand safeguard, those safeguards can be implemented only if the majority community can be trusted. But till this distrust is removed, I do recognise that something has to be done to meet their wishes. It is here that I must compliment Mr. Munshi, who in the Minorities Sub-Committee did so much running from one group to another, in order to find their minimum demands, then pressing their case on the attention of the Minorities Committee and who got them carried in the Advisory Committee. I must bear witness to the goodwill and generosity that was shown to us by Sardar Patel. I therefore recommend the findings of the Advisory Committee to the House. At the same time, personally speaking, I must make it clear once more that I stand for trust of the majority and that I feel that some among us who stood for a more radical policy, have a kind of grievance against Sardar Patel because he has not allowed us freedom to carry it out though, I also admit that we were defeated by a majority of the members.

Mr. President: We have had a long discussion on this motion. Although I do not wish to stop speakers, I would expect them to conclude discussion on this within the next ten minutes. There are two or three speakers still to speak and I would request members to confine their speeches to three minutes each. Mr. Sidhwa.

Mr. R. K. Sidhwa: (C. P. & Berar: General) : Sir, I shall not take up much of the time of the House. From my boyhood I have always believed that to serve humanity without any distinction of caste or creed is a very noble religious duty and with that end in view, I have always inculcated and advocated that view to my community. I am proud to state that my community have all along, notwithstanding the opposition of a section of my community, never advocated separate electorate or separate or special representation either in the legislature or in the services. I am also proud to state, I am glad to state that while we have not advocated any special representation, we have been really happy with joint electorate and non-reservation of seats in the legislature. Sardar Patel has rightly stated that we have taken part in politics, in education, in social and in all walks of life and we have made our view point felt amongst the majority in such a way that it was for them to realise and feel that they cannot ignore a community which has been really taking part in all these spheres of public life.

Sir, in the Minorities Sub-Committee, my friend and colleague Sir Homi Mody was in favour of special representation in the legislature and it was I who advocated very strongly against it. But I had only three votes against nearly 22, not because the members felt that I was not right, but the members felt that I was taking rather a rational view point and a more advanced view point. Let me tell you, the following day, without my approaching Sir Homi Mody, he realised that what I had said on the previous day was right, absolutely right and he himself changed his view point and on the following day, he said that he was not asking for any special representation for the Parsi community because he felt that if he did so, it was harmful to the community itself. From this point of

view, you can see, as Sardar Patel said, that we have to adjust among ourselves. Without my approaching Sir Homi Mody privately or openly, he had to change his view. I would only impress upon the other minorities that if they really assimilated their view points now onwards with the majority view point, I can assure them, that in the period of ten years that has been given to them, they will have no grievance, they will have no complaint to make against the majority community. It is only the heart that is wanted on behalf of the minority to adjust themselves. I am of opinion that the ten years that have been given to them is a sufficiently long period. Within that period, I would appeal to the small minorities to adjust themselves so that at the end of ten years, they should not have to go to the majority and say "give this or give that", they must, on the contrary demand that we are entitled to this. They must carry it out just as our community have been doing.

With these words, I congratulate the committee for the generosity they have shown; some of the minorities did not deserve what they have got. I really give credit to the majority community for what they have done. I was opposing so many things; I had not a majority in the committee; but I was impressed all along by their noble and generous heart to accommodate the small minorities.

I only wish, Sir, that the phrase "minorities" should be wiped out from the history. The ten years that have been given to them is a sufficiently long period and I hope that when we meet in the shortest period within ten years, these minorities will come and say "we are happy, we do not want anything".

Mr. Jaipal Singh (Bihar: General) : Mr. President, I myself am a member of the advisory Committee. So I would not like to congratulate myself and my colleagues. But I have come to say a few words on behalf of the Adi-Vasis of India in so far as they are affected by the recommendations of the Minorities Sub-Committee. I do felicitate some of the smaller and, if I may say so in comparison with our own numbers, the infinitesimal minority groups like the Anglo-Indians and the Parsis, on their success. So far as the Anglo-Indian are concerned, they certainly have received more than their desserts. I do not grudge them that: let them have that, and good luck to them in the future. Our attitude has not been on grounds of being a numerical minority at all. Our position has nothing whatever to do with whether we are less than the Hindus or Muslims or more than the Parsis. Our stand point is that there is a tremendous disparity in our social, economic and educational standards, and it is only by some statutory compulsion that we can come up to the general population level. I do not consider the Adibasis are a minority. I have always held that a group of people who are the original owners of this country, even if they are only a few, can never be considered a minority. They have prescriptive rights which no one can deny. We are not however asking for those prescriptive rights. We want to be treated like anybody else. In the past, thanks to the major political parties, thanks to the British Government and thanks to every enlightened Indian citizen, we have been isolated and kept, as it were, in a zoo. That has been the attitude of all people in the past. Our point now is that you have got to mix with us. We are willing to mix with you, and it is for that reason, because we shall compel you to come near us, because we must get near you, that we have insisted on a reservation of seats as far as the Legislatures are concerned. We have not asked and, in fact, we have never had separate electorates; only a small portion of the Adibasis, that part of it which was converted to various religious and particularly to the Christian religions of the West, had a separate electorate but the vast majority, wherever it was enfranchised, was on a general electorate with reservation of seats. So, as far as the Adibasis are concerned there is no change whatever. But numerically there is a very big change. Under the 1935 Act, throughout the Legislatures in

[Mr. Jaipal Singh]

India, there were altogether only 24 Adibasi M. L. As. out of a total of 1,585, as far as the Provincial Legislatures were concerned and not a single representative at the Centre. Now in this adult franchise system of one member for one lakh population you can see the big jump. It will be ten times that figure. When I speak of Indian India may I also make my appeal to Princely India. In Princely India nowhere have Adibasis found any representation. I hope the spirit of Indian India will duly permeate there.

Mr. M. S. Aney (Deccan States) : There is no non-Indian India now.

Mr. Jaipal Singh: I would explain to Mr. Aney that I was using a new phrase instead of 'British India' by calling it Indian India and calling the States Princely India. He may use some other expression if he so likes, but what I mean by Indian India is non-Princely India. I hope this spirit of trying to give a push to the most backward section of Indian society will permeate Indian States also.

Sir, a good deal has been said by my friends, the Scheduled Castes leaders in gratitude in regard to the reservation that has been made for appointments. Only a few days ago the Government of India made announcement that a certain policy would be followed so that the Scheduled Castes would find a place in the Central Government. I deeply regret that the most needy, the most deserving group of Adibasis has been completely left out of the picture. I do hope that what I say here 'will reach the Government of India and that they will pay some attention to this particular item. We do not want reservation on any unequal terms. We desire that so long as we come up to the standards which are required for appointment we should not be kept out of the picture at all.

There is much more that one could say on the subject of Adibasis, but, as the House will have an opportunity to discuss that particular problem when the Reports of the two Tribal Sub-Committees come up before this Assembly, I need say no more now. But I commend that the recommendations of the Advisory Committee in regard to the minorities may receive the favourable considerations of this Assembly.

Mr. President: I think, I should now close the discussion. We have had enough of discussion on this point unless the House otherwise wishes. Member will get another opportunity when we come to the clauses.

The Honourable Sardar Vallabhbhai J. Patel: Sir, on behalf of the Advisory Committee I am grateful to all the Members of the Minorities Committee to all the Members of the Advisory Committee who have helped and co-operated in bringing out a report which is almost unanimous, a report which was expected to be very controversial and a report which has given general satisfaction as is evidenced from the speeches that have been made on the floor of the House. Therefore I move that the Report with its enclosure relating to Anglo-Indians of which I also made mention in my preliminary remarks, be taken into consideration. Then we can proceed clause by clause.

Mr. President: The question is:

"That the Report (with its Annexure relating to Anglo Indians) be taken into consideration".

The motion was adopted.

Mr. President: We shall now take up the items in the Appendix to the Report.

The Honourable Sardar Vallabhbhai J. Patel: The first item refers to electorates. It reads:

"All elections to the Central and Provincial Legislatures will be held on the basis of joint electorates."

I assume that the House is unanimous on this point and therefore I do not propose to make any speech Sir, I move.

Mr. President : Is there any amendment to this?

B. Pocker Sahib Bahadur: Mr. President, Sir, I must congratulate the Hon'ble the Mover of the motion for the spirit in which he moved it and for appealing to the House to forget the past and to carry on the discussion in a friendly spirit I very much welcome that spirit and I shall certainly conform to the wishes of the Hon'ble the Mover. You know, Sir, that we are in very critical times, and every word that is said here will go very far either way, either to cementing the friendly relationship or creating dissensions among the people. Therefore, Sir, I have this in my mind when I have to propose my amendments in which I may have to differ from the Hon'ble the Mover and the recommendations of the committee. With these remarks, Sir, I shall move my first amendment which is on the agenda. My amendment runs as follows:—

“That on a consideration of the report of the Advisory Committee on minorities, fundamental right etc., on minority rights this meeting of the Constituent Assembly resolves that all elections to the Central and Provincial Legislatures should, as far as Muslims are concerned, be held on the basis of separate electorates.”

In making this motion, Sir, I am fully aware that there is a very strong section who feel differently from me and who not only feel that separate electorates are not desirable, but who also feel that it is the separate electorates that have been responsible for so many ills which have attacked this country and which are responsible for so much of misunderstanding that has caused so much harm to the country. Now, Sir, I would submit that in considering this question Honourable Members of his House should comply with the request of the Honourable the Mover and forget the past and begin with a clean slate. They ought not to apply their minds to this question with any pre-conceived notions which they might have entertained during recent years. They should forget all that has happened in the past and look at the question only with the view as to how far this provision which I am proposing will be useful in developing a better understanding between the communities and how far it will contribute to the happiness of all the communities concerned. I would request them to divest themselves of all ideas of past incidents and look at the question entirely from the point of view as to how far it is necessary and advisable to cement friendly relationship hereafter and to see that all the communities in the land are contented and whether this provision will not lead to the happiness of all the communities concerned. I will request you to begin with the premise that it is our primary and fundamental duty to make the constitution in such a way that it will satisfy all communities and be conducive to contentment among all communities I hope, Sir, that the House will agree with me in saying that if important communities are left discontented and if they are left to get on with the feeling that they have not got an adequate voice in the governance of the country, that is an evil which we will have to avoid at any cost. The contentment and satisfaction of all communities in the land is the *sine qua non* of a good constitution which it is our religious duty to make here.

In some of the speeches I found that regret was expressed about the existence of what are called the minorities or perhaps minority communities. As a matter of fact there is no use in our going against human nature and having before us ideologies which are impossible or realisation Human nature being what it is, there are bound to be minorities and minority communities in every land; and particularly in such a vast sub continents as India they are bound to exist and it is humanly impossible to erase them entirely out of existence. What we can do is to minimize differences between them and to do things in such a way that all minorities are satisfied and feel they are contented. In this matter there are two principles which have to be kept in view. There must be a spirit of give and take on the part of various communities and particularly on the part of the majority community there must be a spirit of generosity. They should not measure things on an arithmetical or mathematical scale and try to argue of those points. When some minorities are working

[B. Pocker Sahib Bahadur]

under great disabilities and feel that they have not had their share in the governance of the country, adequate provision should be made so as to satisfy them. Even if the majority feel that any particular minority is not right in claiming a particular method of achieving their end, even there I would say there must be a spirit of give and take and the majority community should be generous, and I appeal through you, Sir, to Hon'ble Members of this House to keep this particularly in view, and also remember that after all, if this generosity is exercised by the majority community, they are not going to suffer. The majority is a majority and the minorities are minorities. If by some special measure which may be proposed, some particular minority community gets a little more than what it deserves, according to their population or some such thing, even the majority community should act in a spirit of give and take and display a generous spirit. It is in this spirit that I appeal to the House to look at this question. I have to make these preliminary remarks because I know there is a strong feeling against separate electorates in a large section of the people. It is also found in the Report of the Minority Committee and that of the Advisory Committee. They feel that it is a very dangerous thing to have separate electorates, or to recognise the principle of having separate electorates.

Now I have to tell you that there are various communities in this land and various minorities, and it is impossible in the very nature of things to erase them out of existence. As I have already said, it is our duty, it is the duty of those who make the constitution to make it in such a way that there are provisions in it to keep all of them contented.

Then, the next thing is how to give full effect to these considerations. I submit, Sir, that so long as it is recognised that the minorities should be kept satisfied, that their views and their grievances should be given an effective voice in the deliberations of the Legislature, I do say that the only way is to get at that man in that community who really represents that community. On the other hand, if you say that community has no right to exist as a community, and that it should be effaced by one stroke of the pen, then, Sir, I am certainly out of court. But you have to recognise, and it, is absolutely necessary to recognise, that there are communities with vital differences among themselves, whether on grounds of religion or other differences. There are such communities, and it is our duty to provide for them constitutionally, that they are all adequately represented and the best and only effective way in which any particular community can be represented is by laying down a procedure by which the best man who can represent that community, who can voice forth the feelings of that community is elected to the legislature. That is the sole criterion on the basis of which we have to look at this question. The question now is whether in order to achieve that end, it is necessary to have separate electorates or not. That the interests of the communities should have a representation in the legislature is conceded even by the Report of the Committee. The only difference is, that they want to achieve that purpose by some other means and I say by that means the end will not be achieved at all. What the Minorities committee says is, "Reserve a certain number of seats to candidates belonging to that particular community but on the basis of the joint electorate". Then it is that person whom the majority community backs that will be elected. Perhaps that man may be a man liked by the majority under the guise of belonging to the minority community. There have been instances in which Muslims and Hindus joint together, in the old days of Non-Co-operation, and boycotted all legislatures, and simply for the sake of fun, some illiterate sweeper or scavenger, or some such person, was put up as a candidate as coming from a particular community in order to make a mockery of the whole show. If that could be done in those days, what I am asking is, whether such things will not reoccur. Of course it all depends on the spirit in which the question is

viewed, but I say the mere fact that a particular member belongs to a particular community is not a guarantee that his views represent the views of that particular community. That particular community if at all it is to be represented, has got to elect the right man from among the members of that community. That is my appeal to you. If a worthless man or a man who is not capable of even understanding the needs of the community is elected from a particular community, he cannot be expected to represent that community simply because he is labelled as one belonging to that community. I submit, Sir, this is the criterion which should decide whether this report has given effect to the principle which they have accepted, namely, that the minority communities should be represented on the legislature. If, on the other hand the existence of the minorities and their right for representation are denied, well, then I have nothing more to say. But I would request you to approach this question in a generous spirit. I would request the Hon'ble Members to remember the days in which in pursuance of the Lucknow Pact of 1916 separate electorates were recognised and the spirit in which both communities moved as brothers in the non-co-operation days of 1920. Now, Sir, if the communities were able to move as brothers and sisters in those days and they could lay the foundations for the achievement of independence which we have now gained, I do not see any reason why we cannot hereafter work on the same principle as brothers and sisters and work as members of the same family and make India one of the proudest nations in the comity of nations. It is up to us to make India the foremost nation in the world, provided we act in a spirit of cordiality and friendship. In view of the spirit in which we were working in 1920 in the non-co-operation days, I say it is possible for us to work in the same spirit hereafter also. And I submit to you Sir, that it is upto the Members of this House to set an example by divesting themselves of pre-conceived notions that all the ills of the country were due to this system of separate electorates. I do not want to enter into discussions as to the correctness or otherwise of this notion. My only appeal to you is to join the Hon'ble Mover in asking you to forget the past and to act in a friendly spirit in the future.

I have to emphasise one point. The legislature is intended to make laws for the whole country and for all communities, and it is necessary that in that legislature the needs of all communities should be ventilated. I would submit that as matters stand at present in this country, it will be very difficult for members of particular communities, say the non-Muslims to realise the actual needs and requirements of the Muslim community. I say that even if a non-Muslim does his best to do what he can for the Muslim community, to represent their views, he will find it impossible to do so because he is not in a position to realise, understand and appreciate the actual needs of the members of that particular community, so long as he does not belong to that community. They will find it practically impossible to know exactly what the needs are. There are ever so many questions, particularly hereafter, which the communities will require to be ventilated in the legislatures. There may be legislation concerning wakfs, marriage, divorce and so many other things of social importance, I request the House to consider this matter from the reverse point of view. How would the Hindus feel if the Muslims were to represent their grievances in the legislature and provide effective remedies as regards say, temple entry marriage customs etc. ? I do admit that there may be efficient men on either side possessing knowledge of the needs of both Hindus and Muslims, but they will not be many. Therefore it is that I say that the principle should be that the best man in the particular community should represent the views of that community and this purpose cannot be served except by means of separate electorates.

One more point I wish to place before you is this. This institution of separate electorates was being enjoyed by the Muslim Community from the first decade of this country, i.e., for over 40 years and now the moment

[B. Pocker Sahib Bahadur]

independence has been obtained it is being abolished. It would be a very sad thing, I submit, to give rise to the feeling among Muslims that at this critical stage they are being deprived of the benefit of this institution now and that they are being ignored and their voice stifled. I request Honourable Members to avoid such a contingency and the creation of such a feeling among the Muslim community of India.

One other point I would like to mention is this. The Muslim community is well-organised. It is very necessary in the interests of the country as a whole that each of the important communities should be well-organised, so that all and come together and arrive at an understanding for the future governance the country. At present the Muslims are strong and well-organised. Now, if they, are made to feel that their voice cannot even be heard in the Legislature, they will become desperate. I would request you not to create that contingency. You are fully aware that at present there is very little difference between the Congress and the Muslim League as regards their objectives. No doubt, till recently they had wide differences, but somehow or other, wisely, or unwisely, rightly or wrongly, they have been solved and an agreement has been reached between these two great organisations. The fundamental point on which they differed has been resolved and there is no difference really now. At this stage they must join hands and destroy the subversive elements in the country. I am sure you will agree with me that there are a large number of elements in the land which are subversive and which act against law and order. Provincial Governments have taken full power in their hands to pass Ordinances in order to put a stop to these elements. Now, I appeal to the Honourable gentlemen of this House, both Congressmen and Muslims and other communities, to join hands and act together so that these subversive elements which have raised their head at this critical juncture of the history of this great land may be put down, and in order to do that, I say in spite of the great difference of opinion that exists today, granting of separate electorates to the Muslims and allowing Muslims to have their voice heard in the Legislature so as to enable them to act hand in hand with the Congress will be the best method. Otherwise, these elements will be a very great danger to the safety of the people of the land, not only internally but also externally. I do not want to be more explicit on the point because I know that Hon'ble Members understand me when I say this. With these few words. Sir, I move my amendment.

There are, Mr. President, other amendments of which I have given notice. They come under one or other of the items in the Appendix and therefore, I reserve my right to move them.

Mr. President: The amendment and the motion are now open to discussion.

Shri M. Ananthasayanam Ayyangar (Madras: General) : Sir, I am extremely disappointed at the speech made by the previous speaker. I thought that after having obtained Pakistan my friends in India would change their attitude. I really wonder what more can be done. We are going too far and are trying to placate them in every possible way. I have got here the treaty entered into by Turkey regarding the protection of its minorities on 24th July 1923 at Geneva. I ask any of the protagonists of this amendment, to show me a single instance where in any part of the country, in any part of the world a political right has been conceded in the manner in which it has been conceded here. I ask the indulgence of the House to read article 39 of the Turkish treaty. It cannot be said that there is a greater nation in recent years standing for the rights of Muslims in the world than Turkey. Let us see what rights they have given to the other minorities in Turkey and what rights they have insisted upon for their nationals in other countries. I have got here the two

sides of the picture. There are the two agreements, printed in Constitutional Precedents No. III. I shall read article 39:

“Turkish nationals belonging to non-Muslim nations will enjoy the same civil and political rights as Muslims.”

These rights they do have. That only means that they are entitled to stand shoulder to shoulder with the rest of the community, to stand for any seat anywhere without being trammelled, without being ineligible for any particular post or office. By all means, let them win the confidence of the entire community. That is the only way in which they can come together. What is the other method, I ask the Honourable Member. The germs of his complaint were sold since 1916, not by us, but by the Britishers. Let me go back into the history of our land a little earlier, though it may take some time of the House. Hindus and Muslims fought shoulder to shoulder as early as 1857. Let us not forget that we wanted to reinstate in our country the rule by our own people, whether Hindus or Muslims, wherever they were, in various parts of the country. They joined in a strenuous fight for the release of this country and for its independence. By whatever names the western historians might call it, it was a battle for independence. Then the British Government wanted to play one community against the other. Sometimes they favoured the Hindus and sometimes the Muslims. It is no doubt true that some respectable and patriotic Europeans were the authors who put the idea of starting the Indian National Congress in our minds. It is no doubt true, but, what did their successors do? They found in a short time of fifteen years that the ideas of independence had come to stay in this country. It was dangerous for them and therefore in 1903 Lord Curzon wanted to separate the Hindus and Muslims in Bengal. No man or woman, not even a child, would sleep until the arrangement for partition of that province was annulled. Once again we came together and to-day on account of separate electorates we are separate again. I am told, Sir, that one day in 1916 European who was responsible for separate electorates in this country wrote to his friend in England that he had achieved one of the best things in the world. *viz.*, separating the Hindus and Muslims. There is no doubt that difference between the Hindus and Muslims do exist. One prays towards the East and the other toward the West. But there is also a common bond. Mohammad started his religion to bring the various warring elements together under a common banner. Religion in ancient days was an integrating power. There must be a common platform on which all could stand. I look forward to that day when humanity will be one, when all castes and creeds will disappear, (*Cheer*) when children are asked as to what religion they belonged,, they may-say, “I do not belong to any religion but I am an Indian and do take pride in being one.”. I look forward to the day when there will be no difference. Even a child knows that the sex of the mother is different from that of the father. Though one electric bulb may be white and the other red, the current that is running through is one and the same. A philosopher is necessary to come and say amidst all these happenings, ‘Let us bring millenium on earth’. In my part of the world, the Madras Presidency, though the Muslims are in a minority, they also joined in this move for separating the country. Have you a paralleled to this carriage that is going on in the Punjab whoever may be responsible for it ? It is a disgrace to our ancient religion and the religion of the Prophet. Neither the Seers nor Maharishis, if they will be looking on, will be satisfied with what is going on in the country. Is it not time for us wisely to consider what is responsible for this ? We are all brothers. Can it be said that Mr. Pocker is different from myself ? He speaks Tamil and I also speak Tamil. He cannot speak in Hindustani whereas I am able to understand and speak Hindustani in a smattering way. If tomorrow I become a Muslim do you think I will become less of a Madrasi ? Unfortunately the country has been cut up and those people who may be responsible for it may be proud of it. After all it is like a

[Shri M. Ananthasayanam Ayyangar]

fight between two brothers. I am a lawyer and I know of cases where a younger brother files a suit against the elder brother and where the elder brother says that the younger brother was not born to his father. After the case is over if there was marriage in elder brother's house the younger brother refuses to attend the same and the elder brother says It is no doubt true that we fought, but I am not going to celebrate the marriage if my younger brother does not attend it ? Similarly some day Pakistan also may come back to us. What will be the effect of my friend Mr. Pocker's amendment ? You go in the morning to the mosque and I go to the temple. But there will have to be a common platform where we have to join together on many matters. If there is famine we will all have to fight it. We expect if there is to be joint electorates, we will come together some time. Under the joint electorate system a Hindu can represent the Muslims and a Muslim the Hindus. I will represent much more than you do because I know I am not a Muslim and as such I will always have an inferiority complex and so look after your interests well. So why not take advantage of that ? My friend Mr. Pocker says "I want a good, honest representative". What is the definition of goodness ? Goodness does not come by being a Muslim or a Hindu. I believe he wants a man who effectively supports the Muslims cause. When there was carnage in Bengal, we did not bother to enquire how many were Hindus and how many were Muslims and we do not know even to this day. Unfortunately Hindus also sometimes feel "we are still human beings; when the country has been divided, why should they be protected still ? Let this business, be done away with". For Heaven sake avoid all this. Now he says that he is not the proper representatives of the Muslims who has not got their confidence. Even a Hindu or a Muslim Priest will run the show if India is to become a Religious State instead of a Secular State. Nothing more than that. Therefore these are not the things that will bring us together. I am a Hindu and if you allow me to represent you, I will come to you at least every 4 years. Similarly a Muslim can come to the Hindus. Ultimately we will come together. This is possible only if we have joint electorates. If I do not come on his vote, if I am not his representative, what on earth is there to bind me to him ? From the practical point of view, I ask my friend who moved this amendment if he is, one or five or twenty in a House of two hundred, what is it that he can do without the co-operation of the others ? Is he going to preach here Islam or read the Quran ? Will I be allowed to the Vedas here ? In this House, what is it one can do without the help of the majority ? I expect very soon a secular State will arise here. Are you going to stand between us and the establishment of a secular State ? Will you not profit by the events recorded history ? What was America 150 years ago ? Will you not take a leaf out of their history books ? 150 years ago, persons who were driven from their soil, sailed in S. S. May flower in search of other lands and reached "West India". That is the present America. Today they are the masters of the world in the economic field. They are the persons who today do this and that. They are teaching our people, who knew these things 5,000 years ago, how to clean our teeth and wash our faces. They do not know the fact that we do not take our food without first taking a bath. They come and tell us these things because, on account of the disintegrating forces working in our country, they have stolen a march over us. Did not the Italians, the Frenchmen, the Spaniards and others come together in the continent of America ? Therefore it is up to us to create a secular State. It would no be wrong for me to quote Mr. Jinnah in this connection, whatever, he might have said before Partition. He said: 'My idea is to have a secular State here'. Somebody asked : "Religious or secular ?" He said: 'Hindus and Muslim are alike to me. They must have equal opportunities. I am trying to make a common nation for

both of us. Why should our Muslim friends who owe allegiance to Mr. Jinnah and whom they revere as I do, think differently in this matter? I am not prepared to call a single individual a minority. I do not like the word 'minority' at all. Therefore I am saying that I am opposed to this amendment.

Mr. B. Das (Orissa: General) : Mr. President, may I ask whether we are to be allowed to discuss the things we have discussed for years again here on the floor of this House ?

Mr. President: I appreciate the point of order raised by Mr. B. Das. I expect Members to confine themselves to the subject matter of the motion which it is true is such that we can talk interminably on many points. I expect Members to have an eye on the clock also. Mr. Ayyangar has already taken more than 20 minutes.

Shri M. Ananthasayanam Ayyangar: Yes, Sir, but this is the first time I am speaking on this subject which is uppermost in our minds. It is not easy not to refer to certain happenings. In the Punjab, of the 165 civilian officers who were sent from here to Karachi by train, only two have returned. They have come back to India. That is the news in the "Hindustan Times" yesterday. What has become of the 163 civil servants, belonging to the Secretariat at Delhi ? Their fate is not yet known. I would spend not 20 minutes but even 20 years weeping and crying over happenings such as this I am trying to find a solution. I am trying to request my friend Mr. Pocker and appeal to him once again to develop a secular State. Ample provision for cultural, linguistic and educational matters has been made. And if there is any difficulty, let us sit together and surmount it. Let not the interest of any single community or Individual be sacrificed for the cause of the rest.

As regards political matters, let us sit together and solve our problems. We have patched up our differences : if now we can build up a secular State, we can rear up our heads as the foremost, nation in the world. We have nowadays been thinking of the culture of the West. The sun of wisdom that rose in the East has set in the West unfortunately. Let us revive that Sun. Let us make him rise gloriously in the East. With these few words I request my friend Mr. Pocker and the other gentleman who has joined him in tabling this amendment to withdraw it and stand unanimously for joint electorate. (*Cheers*)

Mr. President: I now call upon Mr. Mahavir Tyagi to speak I hope he will be short to the point and that he has heard my remarks made a few minutes ago.

Shri Mahavir Tyagi: (U.P. : General) : *[I am sorry the previous speaker has alarmed you, Sir. I have come here to oppose the amendment moved by Mr. Pocker. In compliance with your instruction I will not take much time, but before we proceed to the consideration of this question. I want to remind the House that our country has had a good deal of the experiment of separate electorates. Hindus and Muslims, who are here, are very familiar with it. This injection of deadly poison was given by the English who ruled over us.]*

B. Pocker Sahib Bahadur: On a point of order, Sir, I understand that the Honourable Member is very familiar with the English language. Anyway, I would be very grateful if the Honourable Member will speak in English so that I may be able to follow him.

Shri Mahavir Tyagi: I can speak in English. But English not being my tongue it is apt to be ungrammatical and un-idiomatic; if my friend is prepared to face this kind of English, I am quite willing to oblige him.

Sir, when they came to keep us under bondage, they successfully gave us that injection. They in fact sowed the Dragon's teeth in the country and it grew and made us all communally conscious as Hindus and Muslims. They

[] English translation of the Hindustani speech.

also made us irrigate this crop and we did it too willingly with our own blood instead of with water and the crop was well tended by them and today we are reaping that deadly crop. After that bitter experience of their diplomacy, if even today in this House we stand up and say, when we are building a new, when we are legislating for future generations for our peace and for our happiness, that we should start with that poisonous injection again, this is something to which I cannot agree. We have seen enough of it. Today, when, as I just now submitted, we are reaping that deadly harvest, when on the borders of our country there is bloodshed and the worst disorder which civilisation has ever witnessed, when places lying only a hundred miles from here are not safe, it is time that we realised that all this is the result of the separatist tendency injected into our veins by the Britons. Now that we have thrown, the British seven seas away from here it is surprising that we should again be asked to take up that separatist tendency and put that poison again into the Constitution which we are making today. I submit that the country as a whole is opposed to this. Personally I am a believer in unadulterated socialisation of both property and politics. I believe property should be socialised. I am also a believer in unadulterated democracy, which means a true representation of the people; true without any weightage, without any favour; without any disregard of the rightful privileges of any section of the people or any individual. Without depriving even the individual, of this rights, there must be a free representation of all, and the legislatures—Central or Provincial—must fully represent all the people and must represent in a free manner. If we put obstacles in the way of any or stop the passage of others or give privilege to others, that will mean that the democracy or the representation of the people will not be as true and pure as it ought to be in an unadulterated democracy. To give the right of suffrage to a section of people on religious basis is something which the world does not understand. After all, we do not come here to legislate about religions. We come here to legislate and make laws to see that peace is maintained in the country on a country-wide basis. It is not a question of one section being legislated against or legislated in favour it is not a question of one or the other section being considered. It is the whole country which has to be taken into consideration when we legislate. So the idea of getting representation from religious sections is simply ridiculous. We have had it till now, but we cannot continue it because the future constitution is not meant to be a constitution of religions. A State cannot be a confederation of so many religions or sects or groups. The laws and the administration of the country can only be entrusted to and can only be handled by those who command the biggest confidence in the country. The major political party will, as a rule, be in charge of the administration of a country. That is recognised everywhere. The minority must remain a minority. Now before a minority there is only one alternative: it is to be loyal to the majority and co-operate and gain the confidence of the majority. There are also other alternatives—which of course I do not advocate nor support—according to these alternatives minorities become extinct; and on the other side of the country this process of extinction is going on at present. Here Sir, I may be permitted to say that we belong to that part of the country which has guaranteed at the very outset safety of life and property to every one, to every individual in this country. We base our politics on love and truth and not on fear and hatred as is done by our neighbours on the west. We do not believe in discarding minorities or finishing them or killing them *en-masse*, because we are believers of conversion and we are confident of being able to convert them one and all to our side. We believe that minorities will in the long run be reduced to one entity and that entity would be one un-adulterated unity of people a democracy. We want to dissolve, minorities into the majority by 'justice'. We want to rule this country and to run its administration on

the basis of perfect justice. These minorities cannot be recognised because in a country whose administration is supposed to be run on the basis of justice alone, there is no question of minority or majority. All individuals are at par. We cannot recognise religion as far as the State is concerned. I wonder if my friends who have suggested separate electorate for minorities would appreciate the remarks of a great leader of India. It is Mr. Jinnah who in his address to the Pakistan Assembly says:—

“We are starting with this fundamental principle that we are all citizens and equal citizens of one State. We would keep that in front of us as our ideal and in course of time you will find that in the political sense the Hindus will cease to be Hindus and Muslims will cease to be Muslims because religion in the personal faith of each individual.” That is what the Governor-General of one of the parts of India says, Sir, he was known here to be the worst communalist, as it were, but even he, when he takes over the charge of a State, even he, when he takes up the reins of a communal State and the administration of a big country composed of Hindus and Muslims, he wags so. It is very well known that his State is a Mohammadan State and they are proud of its being Mohammadan and they proudly call it “Pakistan”; even in that State he says, religious will not be taken notice of by the State. Every individual will be an individual and Hindus will lose their Hinduship as far as their political rights and privileges are concerned. I submit Sir, that even they are believers of oneness of their people. Why should we introduce this separatist tendency into our politics? Sir, at another place the same very great leader says “you are free to go to your temples and places of worship in this State of Pakistan. You may belong to one religion or caste or creed, that has nothing to do with the business of the State.” I submit Sir, Constitution making is the business of the State Muhammadans as such have nothing to do with it. They are here because they are citizens of India. We are one nation which stands for justice. We will legislate in a manner that will be a guarantee against all injustice, and we shall not recognise any sections. Sir, this amendment is not in keeping with the high principles we last adopted and which we have passed as resolutions in the past.

Now with regard to the Report, I am glad to say that it is practically an unanimous one. Though I could not yet agree to the principle of reservation of seats, yet as we are just making some arrangement for minorities to be represented temporarily, I will not stand in the way. It is perhaps to satisfy their fears that some accommodation of their desires has been made. But I have failed to appreciate why they are allowed the liberty to stand for and contest general seats too. Every one knows that they cannot be successful from any extra seat after they have had their due share of seats reserved. Their failure will be quoted after ten years, as arguments against the removal of this reservation clause.

Suppose a candidate offers himself to stand for a general seat. To expect a Hindu to vote for a Mohammadan, especially in the Punjab side, is something which is terribly impossible. Nobody will vote. The circumstances have so changed. This again on account of this very separate electorate system of which we have practical experience. It will practically be a mockery to allow minority candidates to stand from the general seats as well. I submit, Sir, we should have only one electorate and that should be a joint one. The idea of accommodating the minorities for even ten years is not exactly in accord with our principles. I think, we have compromised and compromised enough. I am afraid even this compromise might also prove futile. Even this may have bad results. But in spite of this compromise. I submit that the report is very good and the members of the Committee are really to be congratulated for having produced practically a unanimous report which they have submitted to this House. We are proud of them and we shall also be proud of the joint electorate which they have recommended to the country. I hope we will accept their proposals as they are.

Shri T. Prakasam: (Madras: General) : Sir, many of the leaders of the so called minorities offered thanks and congratulations to the Honourable Members of the Committee and its Chairman, Sardar Vallabhbhai Patel for the generosity shown by the majority in this direction. I should

[Shri T. Prakasam]

say, Sir, they should be congratulated not for the generosity shown, but for discharging their duty as they have done now. There is nothing of generosity which has been shown by the members of the Committee or by you, Sir, as Chairman of the Committee. It is a duty that has been cast upon the majority which has not been discharged for such a long time. All these minorities have been allowed to be formed and developed to this stage, until we are choked with the poison of communalism that has been there for such a long time. All this could have been checked in the past. We have been paying now, Sir, for all the sins of omissions and commissions of the majority, itself. It was the duty of the majority, Sir, to see that all these separatist tendencies had not developed, separate communities had not been formed. Now they have been put together just as they had been at one time. This is a country, as every one knows, where in the beginning there was only one religion, one God and one form of worship. All these later things had come up gradually. Look into the sequence of dates of all these religions that have been started. Take the Christian religion and mark the period when it came into existence. Take the Muslim religion and mark the period when it came into existence. What was the state of affairs before these religions came into existence ? Before two thousand years and one thousand and three hundred years, there were no such things as these that prevail today.

But these religions are not and should not have been responsible for all the troubles that we witness today. I was present in Multan when the first Hindu-Muslim riot started and from there it is going on year after year, for such a long period, until at last it has reached this stage. It is a very unfortunate state of affairs which could have been checked earlier. What is the reason for all these things ? It is not the religion that is responsible. If today in the Punjab all these massacres and crimes are going on, it is not exclusively due to difference in religion. On the top of this so-called religion, what has come about is the desire, desire for profit, desire for office and desire for encroachment on others' properties. It is that thing that has come on the top of these things. I am very glad, Sir, that all these 27 years or 31 years of struggle; from the coming into this country of Mahatma Gandhi, though the whole thing developed into violence from the very first year or the second year, in spite of it the majority had been watching carefully to see that these things are bridged, until at last, it has come to the honour and credit of the national cause, of the National Congress for the way in which the result has been brought about. At last, the victory has been won and the British people have left this country. In the wake of their leaving the country, all these troubles have come up in so many ways. I must congratulate this Committee and Sardar Patel for the manner in which all these communities which had been statutorily separated for such a long time, have been brought together and made to feel as one and made to agree. That is the highest point that has been gained. Even among the Muslims, Sir, after the so-called Pakistan or partition, friends who are sitting here, who are from almost every province, they are all agreed on the 'need for joint electorates. We should have had joint electorates for the last 25 years and there would have been no trouble in this country at all. It is only the desire for office, the desire for profit, the desire for encroaching upon others' rights dislodging others and taking possession that has brought about ruin upon this country. It is that thing that this national movement and struggle started under Mahatma Gandhi has tried to harness, check and focus into one and I should like to congratulate Sardar Patel for the way in which he has managed to bring all these different minority communities together and made them agree.

Also it is to the honour of this Committee and the exclusive privilege of this Committee and I should say of the people of this country to have

secured this success and brought about a constitution like this which is being prepared. In that constitution, yesterday or day before yesterday, it was mentioned that one of the communities which was treated as a separate community should not be treated as a separate community. This is an occasion on which we are framing a constitution, a Union Constitution, to have all the people put together. Let them not disagree; let them be treated as part of the majority. That is the way in which things are being forged and I agree that these are things which have gone wrong for ages together and for centuries together and that they could not be brought together in one moment and made to go together: That is why this committee has made this report in this careful manner and it is to the credit and honour of this committee that this great result has been achieved. I therefore congratulate this Committee and its Chairman Sardar Patel.

I am proud of the fact that you and I and all of us who have part take in this great struggle have survived to see this result and the way in which this is being forged and we are now almost coming to the end of it. Within ten years it is stated all these things will disappear. I have no doubt they would disappear within ten years or even less than that. Every one of us in the country should bear in mind that this does not take away from us the duty that is cast upon us in serving the country to remove this desire for place desire for office and desire for others' properties.

We are reading in the press all that is going on in the Punjab today and all that is with a view to get hold of the properties and privileges of those who are on the top. It is the duty of the Governor-General of Pakistan and the Government there to see that things are not allowed to go on in the manner in which they are going on and I have no doubt that every step is being taken on this side, so far as our Government is concerned, and I hope that the Pakistan Governor-General and his Government, would also see that people from here are allowed to go into West Punjab and see things for themselves. I would like to go into West Punjab today, if I am allowed. Can I get the passage ? Will I get the facilities to go and see with my own eyes myself what is going on there just as I can go to East Punjab and see what is going on there? It is these things that have got to be secured and I am sure that our leaders will see that they are secured. I have therefore much pleasure congratulating the Committee and supporting the report.

Chaudhuri Khaliquzzaman (U.P.: Muslim) : Sir so much has been said in favour of and against joint electorates and separate electorates during the last three decades that I do not think it is possible for anyone to add any new argument for or against them. However, I feel that it is my duty to point out one very serious objection which was urged against separate electorates. The objection was that it has helped a third party. Fortunately for us all that third Party is no more here. Should we really visualise the situation as it stands today in its true perspective, much of the suspicion that hangs round this system of separate electorates will disappear. After all, if they are conceded to us, what will happen to this great majority ? Today there is no third party to whom we can appeal. We have been witnessing things here. If anything happens in East Punjab or if there is any untoward incident in Delhi itself we cannot go to the Governor-General or to any one else. We have to go to Sardar Patel, because he has become the final arbiter of the fate of the minorities. What use is then that people should cite history, which history is as dead as bones ? Surely, there were very serious objection. Rightly or wrongly the Muslims did not realise that separate electorates were the cause of dividing communities. But today those arguments do not hold good. If you conceded separate electorates, the Muslim community feels that they will help in returning their true representatives, representatives who will lay before you—not to any other power, not to any

[Chaudhuri Khaliqzaman]

other Government, not even to Pakistan—our grievances and our claims, therefore I beg of you and beg of this House to consider the new situation in which this question is being discussed.

I know and I am fully conscious that a great body of this House is opposed to separate electorates. Considering the short shrift that this demand received in the sub-committee and in the Advisory Committee on minorities, I had very little hope that we shall be listened to here but whether we are listened to or not, that is not the point. The question is: will the majority community here take into account the new situation in which this demand is made ? Cast away your suspicions. I know that there is a large body of opinion both outside and inside this House which is not prepared to cast away these suspicions which have been created in the past against the Muslims. I would beg of you to realise that when we here accepted the citizenship of this state, we meant to be honest, we meant to be sincere. We have got to live here as a minority but living as a minority and as a citizen does not mean that we have not got any rights to urge for our own community or we should desist from doing it. But if we do that, I hope the old suspicions will not be revived, because whatever happens, whatever the decision of the majority might be, take it from me that the Muslims will accept it. But it is up to you to see whether you should not consider this demand of the Muslims which they feel is likely to give them greater protection than otherwise, and see that, it is accepted by this House. Therefore without giving any other argument, because I have no arguments to advance, I only appeal to you to consider the situation in the light of the changed circumstances and believing that it is the majority alone on whom we are going to rely for our demand, I hope you will accept it.

The Honourable Pandit Govind Ballabh. Pant (U.P. - General) : Mr. President, I regret that the mover of the resolution should have considered it necessary to introduce this subject at this stage and in the existing circumstances. I had thought that we had outgrown the stage when sentiment instead of reason used to overpower us. My friend the leader of the Muslim League Party asked us to take note of the changed circumstances. That is exactly what I ask him to do. I regret very much that the magnitude of the great change that has come over this country has not been adequately appraised or appreciated. The mover does not seem to realise that since the 15th August the administration of this country has been made over lock stock and barrel to the People of this country. I may also assure him and those associated with him that I am trying to look at the question exclusively from the point of view of the minorities. I am one of those who feel that the success of democracy is to be measured by the amount of confidence that it generates in different sections of the community. I believe that every citizen in a free State should be treated in such a manner that not only his material wants but also his spiritual sense of self-respect may be fully satisfied. I also believe that the majority community should, while considering these questions, not only try to do justice, but throughout it should be informed and inspired by genuine feelings of regard for the minorities and all its decisions should be actuated by a real sense of understanding and sympathy. So when I am opposing this motion, it is because I am convinced that it would be suicidal for the minorities themselves if the system of separate electorates were countenanced and upheld now. In fact, we seem to forget the great change as I said which has come over the political status of our country. In the olden days, whatever be the name under which our Legislatures functioned, in reality they were no more than advisory bodies. The ultimate power was vested in the British and the British Parliament was the ultimate arbiter of our destiny. So long as the power was vested in the foreigners, I could understand the utility of separate electorates. Then perhaps the representatives of different communities could pose as the full-fledged advocates

of their respective communities, and as the decision did not rest with the people of the country they could satisfy themselves with that position. But it is not merely a question of advocacy now. It is a question of having an effective decisive voice in the affairs and in the deliberations of the Legislatures and the Parliament of this free country. Even if in an advisory capacity one were a very good advocate, he cannot be absolutely of any use whether to his clients or to himself if the Judge whom he has to address does not appreciate his arguments, sentiments or feelings, and there is no possibility of the Advocate ever becoming, a Judge. I want the Advocate to have also before him the prospect of becoming a Judge. In the new status that we have now secured, every citizen in this country should in my opinion be able to rise to the fullest stature and always have the opportunity of influencing the decisions effectively; so I believe separate electorates will be suicidal to the minorities and will do them tremendous harm. If they are isolated forever, they can never convert themselves into a majority and the feeling of frustration will cripple them even from the very beginning. What is it that you desire and what is our ultimate objective? Do the minorities always want to remain as minorities or do they ever expect to form an integral part of a great nation and as such to guide and control its destinies? If they do, can they ever achieve that aspiration and that ideal if they are isolated from the rest of the community? I think it would be extremely dangerous for them if they were segregated from the rest of the community and kept aloof in an air-tight compartment where they would have to rely on others even for the air they breathed. I want them to have a position in which their voice may cease to be discordant and shrill but may become powerful. The minorities if they are returned by separate electorates can never have any effective voice, and what have Mr. Jinnah, and other leaders of the Muslim League Party repeatedly declared? They had separate electorates and separate electorates with weightage and it was their definite pronouncement, after all the experience they had for the last three decades of separate electorates, combined with weightage, that it was an illusory safeguard and that it did not secure their rights and their interests. In spite of separate electorates and weightage which the Muslims and the Hindus enjoyed in the Provinces of Bengal, Bihar and the North-West Frontier what have we not been hearing all these days during the last many months? Has the system of separate electorates helped them? Have separate electorates even with weightage been of any real assistance to them in this pitiable predicament? It is really unfortunate that in spite of all this experience there should still be a demand for separate electorates today.

Then again what do the minorities desire? Do they want to have any share in the Government of the country and in its administration? I tell you, you cannot have a genuine seat in the Cabinet if you segregate yourself from the rest of the community, for the Cabinet can only act as a team in a harmonious manner and unless every member of the Cabinet is answerable to a common electorate the Cabinet cannot function in a fruitful manner. Are you prepared to give up your right of representation in the Government? And will you—be satisfied with the pitiable position of being no more than advocates—if advocates alone you wish to be—when your advocacy will be treated, if not with scorn and ridicule, but in any case with utter disregard and unconcern, which is bound to be the case when those who are judges are not in any way answerable to your electorate? Your safety lies in making yourselves an integral part of the organic whole which forms the real genuine State.

Further, what is your ultimate ideal? Do you want a real national secular State or a theocratic State? If the latter, then in this Union of India a theocratic State can be only a Hindu State. Will it be to your interest to isolate yourself in such a manner? Will this State care for those who have no share or voice in the election of the representatives who will have real control of the affairs of the State? Will anything be

[The Honourable Pandit Govind Ballabh Pant]

more dangerous than that? Then you have also to consider, if such a system is introduced, how it will react on you now and hereafter. If you have separate electorates for the minorities, the inevitable result is that the majority becomes isolated from the minorities, and being thus cut off from the minorities, it can ride rough-shod upon them.

So I ask you whether you want the majority to be cut off in such a way that the majority will not be answerable to anybody belonging to your community and no one in the majority will have to care for your sentiments or for the reactions of his acts on you and your associates? Nothing will be more harmful than that. And do you not see the signs today? Do you not see the upsurge of communal passions even in quarters which had remained uncontaminated in the past? I have no doubt that from whichever point of view you may look at it, it will be extremely detrimental to your interests if you now clamour for separate electorates. Apart from other things it is an obsolete anachronism today. In a free country nobody has ever heard of separate electorates. After all, what is the essence of democracy? For the success of democracy one must train himself in the art of self-discipline. In democracies one should care less for himself and more for others. There cannot be any divided loyalty. All loyalties must exclusively be centered round the State. If in a democracy, you create rival loyalties, or you create a system in which any individual or group, instead of suppressing his extravagance, cares nought for larger or other interests, then democracy is doomed. So, separate electorates are not only dangerous to the State and to society as a whole, but they are particularly harmful to the minorities. We all have had enough of this experience, and it is somewhat tragic to find that all that experience should be lost and still people should hug the exploded shibboleths and slogans. In the olden days one could have shouted like that; but now, especially these days when we are seeing all the orgies of violence before our very eyes when we are every hour hearing the harrowing tales of massacres, of rapine, of plunder, of rape and what not, which make everyone of us hang his head in shame if not to hang himself by the neck, then I say, does it not occur to you that we have paid amply for this abominable cult of separation and we must grow wise?

We are now going to be free and we have paid a price for this freedom; we have Pakistan on the one side and the Union of India or Hindustan on the other side. There has been too much talk of treating the Muslims as aliens in Hindustan or the Hindus as aliens in Pakistan. Will this institution of separate electorates encourage the disruptive tendencies or will it bring about that cohesion without which neither state can exist? Do you want the citizens of one State to look to their co-religionists in the other State for their protection, or do you want them to be treated as equal citizens of their own free sovereign State? I want all minorities to have an honourable place in this Union of India. I want them to have full opportunities for self-realisation and self-fulfilment. I want this synthesis of cultures to go on so that we may have a State in which all will live as brothers and enjoy the fruits of the sacrifices of those who gave their all for the achievement of this freedom, fully maintaining and observing and following the principles of equality, liberty and fraternity. (*Loud cheers*).

Mr. President: We shall rise now and meet again at 3 O'clock.

Some Members: The question may be put.

Mr. President: If that is the wish of the Assembly, I shall put the closure.

The question is : that the question be now put.

The motion was adopted.

Mr. President: I call upon the Honourable Sardar Patel to reply, if he wishes to say any thing.

The Honourable Sardar Vallabhbhai J. Patel: Sir, I will not take much time I was sorry to learn that this question was taken seriously

because when this question came before the Advisory Committee, there was not so much debate as I heard here today. My friends of the Muslim League here who moved this amendment and supported it took it for granted that they had a duty to perform in a sense. They had been pressing for separate electorates and enjoying it for a long time and felt that they should not leave it all of a sudden, but just move the motion and have the vote of the House. But when I heard the elaborate speeches I thought that I was living in the ages in which the communal question was first mooted. I had not the occasion to hear the speeches which were made in the initial stages when this question of communal electorates was introduced in the Congress; but there are many eminent Muslims who have recorded their views that the greatest evil in this country which has been brought to pass is the communal electorate. The introduction of the system of communal electorates is a poison which has entered into the body politic of our country. Many Englishmen who were responsible for this also admitted that. But today, after agreeing to the separation of the country as a result of this communal electorate, I never thought that that proposition was going to be moved seriously, and even if it was moved seriously, that it would be taken seriously. Well, when Pakistan was conceded, at least it was assumed that there would be one nation in the rest of India—the 80 per cent. India—and there would be no attempt to talk of two nations here also. It is no use saying that we ask for separate electorates, because it is good for us. We have heard it long enough. We have heard it for years, and as a result of this agitation we are now a separate nation. The agitation was that “we are a separate nation, we cannot have either separate electorates or weightage or any other concessions or consideration sufficient for our protection. Therefore, give us a separate State”. We said, “All right, take your separate State”. But in the rest of India, in the 80 per cent of India, do you agree that there shall be one nation ? Or do you still want the two-nations talk to be brought here also? I am against separate electorates. Can you show me one free country where there are separate electorates ? If so, I shall be prepared to accept it. But in this unfortunate country if this separate electorate is going to be persisted in, even after the division of the country, woe betide the country; it is not worth living in. Therefore, I say, it is not for my good alone, it is for your own good that I say it, “forget the past. One day, we may be ‘united. I wish well to Pakistan. Let it succeed. Let them build in their own way, let them prosper. Let us enter into a rivalry of prosperity, but let us not enter into that rivalry that is going on today in the land of Pakistan. You do not know that we are sitting in Delhi on a volcano. You do not know the strain that is being put on us because of what is happening near about. My friend the Mover of the amendment says the Muslim community today is a strong-knit community. Very good; I am glad to hear that, and therefore I say you have no business to ask for any props, (*Cheers*). Because there are other minorities who are not well-organised, and deserve special consideration and some safeguards, we want to be generous to them. But at the same time, as you have enjoyed this to a certain extent for a long time and you may not feel that there is discrimination, we agree to reservation according to population basis. Where is that kind of reservation in any other free country in the world? Will you show me? I ask you. You are a very well-organised community. Tell me, why do you behave like a lame man? Be a bold and a strong man, as you are well-organised and stand up. Think of the nation that is being built on this side. We have laid the foundation of a nation. From now, under this new constitution, Chaudhuri Khaliqzaman says the British element is gone, and therefore forget the suspicious. The British element is gone, but they have left the mischief behind. We do not want to perpetuate that mischief. (*Hear, hear*). When the British introduced this element they had not expected that they will

[The Honourable Sardar Vallabhbhai J. Patel]

have to go so soon. They wanted it for their easy administration. That is all right. But they have left the legacy behind. Are we to get out of it or not? Therefore I say, and appeal to you. "What are you doing"? Think about it. Do you expect any one man in this country outside the Muslim League who will say 'Let us now also agree to separate electorates'. Why do you do this? If you say "We want now to have loyalty" on this side to this nation", may I ask you "Is this loyalty?" Are you provoking response of loyalty from the other side ? I have no intention to speak on this, but when the Mover of this amendment talked such a long time and it was supported by the Leader, then I felt that there is something wrong again still is this land. Therefore, my dear friends, I ask you "Do you want now peace in this land? If so do away with it; you can do no harm either to Pakistan or India or anything, but only you will have all over the country what is happening in this country near about us; if you do want it, you can have it." But I appeal to you "Let us atleast on this side show that everything is forgotten" and if we want to foreget then let us forget what has been done in the past and also what is responsible for all that is happening today. Therefore, I once more appeal to you to withdraw the amendment and let us pass this unanimously. so that the world outside will also understand that we are united. (*Cheers*).

Honourable Members: Withdraw!

Mr. President: I have now to put the amendment first to vote. The amendment reads :

"That on a consideration of the report of the Advisory Committee on minorities, fundamental right etc. on minority rights this meeting of the Constituent Assembly resolves that a election to the Central and Provincial Legislatures should, as far as Muslims are concerned, be held on the basis of separate electorates."

The motion was negatived.

Mr. President: I now put the original motion to vote. It reads:

"All elections to the Central and Provincial Legislatures will be held on the basis of joint electorates."

The motion was adopted.

The House then adjourned till 3 of the Clock in the afternoon.

The Constituent Assembly of India re-assembled after Lunch at 3 p.m., Mr. President (The Honourable Dr. Rajendra Prasad) in the Chair.

Mr. President: We shall proceed with further discussion of the items, Sardar Patel.

The Honourable Sardar Vallabhbhai J. Patel: Sir, I move the proviso to the first item—

“Provided that as a general rule, there shall be reservation of seats for the minorities shown in the schedule in the various legislatures on the basis of their population:

Provided further that such reservation shall be for 10 years, the position to be reconsidered at the end of the period.”

I move this for the acceptance of the House.

Mr. President: There are some amendments. The first is by Pandit Thakurdas Bhargava.

Pandit Thakurdas Bhargava (East Punjab : General) : With your permission, Sir, I propose to move my amendment No. 19 in List I and not 18.

“That in the first Proviso to para. 1 for the word ‘seats’ the word ‘representation’ be substituted.”

I am apply to move this amendment as it affords an opportunity to Mr. Munshi to move another amendment which I consider is the right one. I am sorry to say that I am not inclined in the present circumstances to say anything in support of my amendment.

Shri K. M. Munshi: (Bombay : General) : Mr, President, Sir, I move the following amendment to the amendment of Pandit Bhargava :

“That in amendment No. 19 of List I, dated 25th August 1947, for the word ‘seats’ the word ‘representation’ be substituted”, the following words be substituted:—

“after the word ‘schedule’ the words ‘and the section of the Hindu Community referred to in paragraph 1A hereof’ be inserted.”

The words of the proviso are these—

“Provided that as a general rule, there shall be reservation of seats for the minorities shown in the schedule.”

and if my amendment was adopted it would read as follows:

“reservation of seats for the minorities shown in the schedule and the section of the Hindu Community referred to in paragraph 1A hereof.”

I have also moved an amendment to No. 85 whereby the item of Scheduled castes is going to be removed to a separate para. No. 1A and not included in the schedule.

The object of this amendment is to clarify the position of the so-called Scheduled Castes. The word ‘minorities’ so far as international treaties and international law is concerned, is only restricted to racial, linguistic and religious minorities. The Harijans, generally known as Scheduled Castes, are neither a racial minority nor a linguistic minority, not certainly a religious minority. Therefore in the interest of exact phraseology this amendment was found necessary. It was only, as members of the House will remember, when the Government of India Act was moved that the definition of ‘minorities’ was so extended by Sir Samuel Hoare as to include every minority which the Governor thought fit to consider as minority. This is a very-very mischievous extension of the term and my amendment seeks to clarify the position that so far as the Scheduled Castes are concerned, they are not minorities in the strict meaning of the term; that the Harijans are part and parcel of Hindu community, and the safeguards are given to them to protect their rights only till they are completely absorbed in the Hindu Community.

Another reason is this, and I might mention that that reason is based on the decisions which have already been taken by this House. The distinction between Hindu Community other than Scheduled Castes and the Scheduled Castes is the barrier of untouchability. Now, by the

[Shri K.M. Munshi]

Fundamental Rights which we have accepted, untouchability is prohibited by law and its practice is made a criminal offence under the law of the Federation. We have also accepted in the Fundamental Rights that no public place should be prohibited to anyone by reason of his birth. So far as the Federation is concerned, we have removed the artificial barrier between one section of the Hindu Community and the other.

In view of those facts, any safeguard as a minority, so far as the Scheduled Castes are Concerned, is illogical and will possibly prevent their complete absorption in the Hindu fold. I therefore submit that the amendment which I am moving clearly defines the position.

Mr. H. J. Khandekar (C. P. & Berar : General) : *[Mr. President my amendment is very simple, and it is:—

That in Appendix 5 wherever the word “population” has appeared in the proviso to para 1 at the end of para. 3(c), and in para. 5 the following words should be added after that word:—

“In the case of the Scheduled Castes according to 1931 census”. I want to tell the House my special reason for moving this amendment. India’s population is increasing day by day. If we review the period between the census of 1911 and that of 1941, we discover that India’s population has reached the figure of 40 crores. I want to place before you a fact which you all know that the Scheduled Castes belong to the lower strata which is in no way behind higher classes, in respect of increasing its numbers. If one child is born to a caste Hindu then four are born to a Scheduled Caste Hindu but it is very sad and surprising that the Population of Harijans has been decreasing since 1931. I do not know why it is so. When we sought the reason for it we discovered that in 1941 Census in the provinces of Bengal and Bihar, some of our Muslim brethren got the Scheduled Castes registered as Muslims on the one hand and Caste Hindus got them registered as Hindus on the other. And this is the reason why ever since the 1931 Census our population has been continuously declining and in 1941 Census the strength of Scheduled Castes was less than in the 1931 Census by 2 crores. Therefore I have to place this amendment before you, because the minorities are getting their rights in the provincial and Central Assemblies according to their numerical strength, and if we get our rights according to 1941 Census then our representation will be much less. The reason is that according to 1931 Census we are few but even that is tolerable as compared to the 1941 Census, When the latter was taken the war was on and it is possible that the census might not have been taken correctly, especially of the Scheduled Castes. Caste Hindus got Scheduled Castes registered as Hindus and the Muslims got them registered as Muslims. Therefore, I suspect that the 1941 Census is absolutely wrong. Not only I but the whole Harijan community throughout the country loudly proclaimed that our strength as shown in the 1941 Census was wrong and that our representation should not be based on that figure. Now there is no way out except that the mover of this resolution may give us an assurance that census will be taken again, in which case I will be prepared to withdraw my amendment. If the census had been taken fairly then our strength would have been much more, but as regards 1941 Census, I suspect that it is not a correct census so far as we are concerned. From this standpoint I put this amendment before you. I am aware that every member of this House has great sympathy for Scheduled Castes. I have heard many speeches. Many leaders sympathise with us, but that is of no use, if it is merely verbal. People say and I also affirm that we are a part and parcel of the Hindu community. If you oppose this amendment of mine, it will only mean that you are not prepared to give us anything more than what we are getting according to the 1941 Census. When you say that they are Hindus and that a few seats less or a few seats more

*[English translation of Hindustani Speech begins.

does not make much difference, then I will request that if under the 1931 census we get a few seats more, the House should not hesitate to give us those seats. Therefore, I request the Honourable Mover that he may accept my amendment and give to the Scheduled Castes rights according to 1931 census. With these words I hope the Honourable Mover will accept my amendment.]*

Shri V. I. Muniswami Pillai: Sir, my friend Mr. Munshi made it clear that the Scheduled Castes form a minority. Still they are not considered to be a minority in view of the fact that they do not come under the three categories of the minorities mentioned. I may tell this House, Sir, till the 16th of May the Scheduled Castes were considered to be a minority in this respect, but later on when the Cabinet Mission came, by an unknown process they have eliminated the Depressed Classes, I mean the Scheduled Castes, and have taken only the other communities into account. But my friend, Mr. Munshi made it clear that since there is the disability for Scheduled Castes, they will be given all the advantages as a minority and they will on no account be deprived of the facilities that are required by them. In that view, Sir, I think my amendment can be accepted. I move.

An Honourable Member: Mr. President, Sir, I would like to know how an amendment to an amendment could be moved unless the original amendment has been moved.

Mr. President: It is a consequential thing. Therefore I have allowed this opportunity of moving it now.

Shri S. Nagappa: Sir, Amendment No. 88. My friend Mr. Khandekar just now moved that the Census of 1931.....

Shri K. M. Munshi: I rise to a point of order. This is with reference to para 3. Now we are on para 1 in the schedule.

Shri S. Nagappa: That was moved.

Shri K. M. Munshi: That was an amendment to para. 1. The House is debating at the moment para. 1.

Shri S. Nagappa: I am saying it is a similar amendment.

Mr. President: When we come to that, you can move it.

Shri K. M. Munshi: Sir, I have got another amendment. My amendment No. 2 relates to para. 1. It simply carries out the scheme of the first amendment that I have moved.

Mr. President: That is consequential.

Shri K. M. Munshi: Yes, carrying out the same idea. if you will permit me, Sir, to move formally. The amendment which I move is this:

“That the words ‘7. Scheduled Castes’ be deleted from the schedule and the following para, be added after it:

‘1A The section of the Hindu community referred to as Scheduled Castes as defined in Schedule 1 to the Government of India Act, 1935 shall have the same rights and benefits which are herein provided for minorities specified in the Schedule to para 1.’”

This is consequential to Harijans being removed from the category of minorities and placed as an independent category as a section of the Hindus. I move the amendment.

* English translation of Hindustani Speech begins.

Mr. B. Das: Sir, I wish to move an amendment to the amendment moved by Mr. K. M. Munshi. He said, "The section of the Hindu community referred to as Scheduled Castes as defined in Schedule I to the Government of India Act, 1935". I wish to move this amendment: Instead of "defined in Schedule I to the Government of India Act, 1935", the words "to be defined in the Scheduled to the Union Constitution Act."

I do not wish the Government of India Act to be repeated. The Committee has gone into the Schedule of the Government of India Act which is referred to, and we can accept it as a Schedule of the Union Constitution Act. This is the amendment I move. The words "Government of India Act, 1935" be dropped and the words "to be defined in the Schedule of the Union Constitution Act" be inserted. That is the amendment I wish to move.

Shri K. Santhanam (Madras: General) : Sir, I may offer one remark with regard to the latest amendment moved by Mr. B. Das. If we had prepared a Schedule, then it would have been relevant. Without a Schedule, to refer a matter to a non-existent schedule, I do not think is quite regular. Reference to Government of India Act, 1935 is proper because it gives a concrete reference.

The points which I wanted to make are three. First, in this provision there is the word "legislatures". I want to know if it is meant that this reservation should be both for the Lower and the Upper Houses. Assume that the reservation is meant only for the Lower House, because, under the constitution which we have adopted, the Upper Houses in the case of the provinces are to be elected on the Irish model while in the case of the Federation, it is to be on the model of the American Senate, elected by the provincial legislatures. I do not think that reservation should have an application to the Upper Houses of the legislatures and I think it may be clarified by saying "various Assemblies".

Another point which I would like to point out is that this clause should not be made applicable to East Punjab and West Bengal. The conditions there are peculiar as a result of the partition. We do not know, exactly what is the distribution of population there today. Unless we know the distribution of population, any such principle as reservation of seats on the basis of population would have unpredictable effects and therefore, until we know exactly the distribution of population in these two provinces, I think this clause should not be made applicable. I think, as a general rule, these two provinces should be treated as exempted from the present Report.

Another point which I would like to impress upon the mover of this amendment is that if in a constituency, a minority community for which reservation is provided is in a majority, that constituency without any reservation should be treated as a reserved seat. Suppose for instance, in a District, Muslims, are in a majority and that is a constituency. There are one or two seats. There is no reason why there should be a reservation in that constituency. I think for all practical purposes it should be included. In the number of seats reserved. Unless it is done, it may lead to untoward consequences. Suppose in the whole District there is a Muslim majority and you have got three or five seats to that District. Are you reserving Muslim seats in a constituency where they are in a majority? I think it will be absurd. If you do not reserve, then their seats may not be counted in the reserved seats this contingency must be duly provided for especially when this principle is to be applied to West Bengal and East Punjab. This will also become very material in certain parts of Bihar and in certain parts of the United Provinces. Therefore, my simple suggestion is, if in any constituency the minority community for which any reservation is made is in a majority, that constituency must be treated as already reserved by the very fact of the majority of the electorate and then the number of seats allotted to that constituency should be deducted from the total reservation. I think this is a detail

which has to be worked out with reference to each province, but the point deserves to be remembered.

There are many other considerations which arise from the fact of reservation on the basis of population into which I need not go now, and I shall deal with them when dealing with other matters. I suggest that these three points, namely whether reservation is to be made applicable to the Upper Houses, whether this principle is applicable to West Bengal and East Punjab and how the constituencies where the minorities for which reservation is made are in a majority are to be dealt with, all these matters should be clarified or at least should be left over for future consideration and decision.

Prof. Shibban Lal Saksena (U.P.: General): Mr. Munshi moved an amendment to the schedule but the schedule has not yet been moved. I think his amendment can come only after my amendment has been moved.

Mr. President: What Mr. Munshi did was to move an amendment to the proviso in the first clause and he has not touched your amendment.

Rev. S. J. Jerome D'Souza (Madras: General): Mr. President, I should like to make a few very brief general observations on these provisos just presented to this House by Sardar Patel. Before doing so, let me also, though somewhat belatedly, express, my very great gratification at the way in which these minority questions have been handled, the skill and tact with which a consensus of opinion has been secured in this report and the great kindness and spirit of understanding shown by Sardar Patel in dealing with these questions here and elsewhere in discussions.

I know that this question of reservation is something which has troubled the minds of a good many among us here, now that separate, electorates have to be given up; and if there were doubts about giving them up, the extremely cogent and powerful exposition which we heard this morning should set all doubts at rest and should bring even the hesitators that there might be in general agreement with the thesis that separate electorates must go. But, on the other hand, it is not absolutely clear and many here are not convinced that reservation is the happiest substitute for them. This is a compromise and like all compromises there is bound to be an element of illogicality in it. I say this not because reservation itself is something wrong. There is an impression that reservation is anti-democratic and that it should somehow be got rid of in the course of the next ten or fewer years. I beg to say that I do not agree with this. Reservation in itself is one way of securing a satisfactory working of the electoral principle. Sir, after all we ourselves in this very House and in our Provincial circles are providing for upper Houses in which there will be functional representation. In its own way functional representation is nothing else than reservation of a very special kind. You reserve seats for particular interest. The misfortune here is that reservation is made on communal lines and secondly, the reservation being made, the elections to the reserved seat are not made exclusively by those on whose behalf the reservation is made, but by a general constituency by a mixture in the electorates. Therein comes the difficulty and I beg this House to understand that the few misgivings that may have been expressed on this head are due to this and not to any other consideration. Nevertheless I believe that his principle of reservation with general electorates is a bold experiment though fraught with some risks, nonetheless worth making at this juncture for the satisfaction of all. It cannot be given up, because, if I may venture to remind the majority party in this House, for years together the Congress party has been associated with the demand that there shall be joint electorates with reservation. At this stage to give up reservation as some of my friends wish to do would be in contradiction to the promises held out, if not tactly at least by implicit agreement. That is one reason why we cannot go back on this and I am most happy once again to say that the way in which the feelings of the minorities have been interpreted in this

[Rev. S.J. Jerome D'Souza]

matter by Sardar Patel have filled us with satisfaction and reassurance and our thanks are due to him. As I said, we should all be happy if a day would come when reservation could be taken away and I am sure if that other opening, which has been left before this House and before this country, namely that general seats might be contested by members of those classes for whom reservation has been made, if that yields a certain amount of satisfaction, if a certain number of prominent and accepted people are elected on that basis, I am sure that the minorities will be encouraged at the end of a certain period to give up this reservation. This would dispel whatever fears they may have that under present arrangements people might be chosen to represent them who do not really represent them or who would not interpret their minds as they wish them to be interpreted. I would therefore conclude by appealing to this House to make this great experiment a success by working it in such a way that it satisfies minorities on whose behalf it has been placed here, that the men chosen may be men who would have the courage of their convictions and that the expression of their courageous convictions may not offend or in any other way displease the majority communities and that they would be taken as courageous and sincere people. Such an attitude would provide a safe outlet for feelings which might otherwise be suppressed and go underground, and thus prove an effective safeguard for the working of democracy.

We know that, though democracy of the parliamentary type has succeeded and succeeded remarkably well in England, it has failed elsewhere and it has failed precisely because majority parties or groups have known how to master the machinery of elections, they have known how to dominate public opinion. Formidable reactions against such method developed in certain European countries, and the ugly monster of fascism reared its head. But even fascism, ugly as it was, sought to obviate the difficulty of possible suppression of individual or minority opinion by thinking of a scheme which really comes to functional representation, namely, the forming of what they called a corporative State, a device which has fallen into unmerited disrepute, because of its association with Fascism. If, Sir, these things are borne in mind and if a very fair trial is given to this scheme of joint electorates with reservation, it is possible that our country in making this innovation, this bold experiment, might save democracy from one of its obvious dangers and might perhaps set an example for a solution of minority problems which may be accepted elsewhere. I say this knowing well that the chances are not very abundant as to complete success in the sense that I indicated but I do hope that this will not be looked upon as an unpleasant and forced concession made to minorities but that will be worked in the spirit in which it is given in order to give to those minorities the satisfaction for which they have pleaded before You.

Pandit Chaturbhuji Pathak (C. I. States) : * [Mr. President, my colleague Mr. Khandekar has desired in his amendment that they (Scheduled Castes) should be given representation according to 1931 Census. In this connection I want to say a few words. If instead of 1941 census we give representation to the minorities on the basis of 1931 census, it will have its repercussions on other minorities as well. He has stated that there have been mistakes in the taking of Census because in some places they have been registered as Muslims and at other places they have been registered as Caste Hindus. Because the Muslims have increased their numbers, in this way, they would also like to increase their representation according to 1941 Census. And if the forthcoming census which will take place after 4 years is correct and according to it the strength of the Scheduled Castes increases, Mr. Khandekar will be tempted to suggest that they (Harijans) should be given representation not according to 1931 census, but according to 1951 census. I fail to see how this will be appropriate.]*

[] English translation of Hindustani speech.

Shri H. J. Khandekar: *[I only suggest that a Census should be taken before allocation of seats or the allocations should be deferred till the census of 1951, or that our numerical strength be fixed according to the 1931 census. For my community, I will accept representation on the basis of the 1951 census or on one that may be taken now. But the census of 1941 is utterly wrong. Any division on that basis would be grossly unjust to the Harijans].*

Pandit Chaturbhuj Pathak: *[Mr. Khandekar has said that the birthrate amongst Achchuts is high enough but at the census their number has not been recorded as high. The reason for this is that happily they have been enumerated amongst Caste Hindus. Mr. Khandekar has admitted this. It is good. The Caste Hindus themselves have pleaded for good treatment of Harijans and that they should be treated as Caste Hindus. Mr. Khandekar should have no objection to it.]*

Shri H. J. Khandekar: *[The Harijans have been counted amongst Caste Hindus only to increase the number of the Caste Hindus. This device has caused no change in the social life of Harijans. Those Harijans who have been classified amongst the Caste Hindus are still in the same deplorable state. Their standard is not the same as that of the Caste Hindus.]*

Shri Chaturbhuj Pathak: *[I do not think that when Achchuts are enumerated amongst the Caste Hindus they (at once) acquire the standard of Caste Hindus and they *ipso facto* get all the rights of Caste Hindus.

I have only to submit that I oppose Mr. Khandekar's resolution to adopt representation on the basis of the 1931 Census. Even in the report submitted no mention of number is made. It is written there; "On the basis of their population"; *i.e.*, they would get representation according to their population. I support this (the report)]*

The Honourable Sardar Vallabhbhai J. Patel: Some amendments have been moved to this. One is by Mr. Munshi in which after the word 'schedule' he wants to say 'and the section of the Hindu community referred to in paragraph 1A hereof'. It is only intended for clarity and it makes no substantial change and therefore I propose to accept, that amendment.

So far as Mr. Khandekar's amendment is concerned I do not think we can accept it because it would not be proper to make a special exception for the Scheduled Castes, that their reservation should be on the basis of one census and that reservation for other minority communities should be on the basis of another census. It would not be proper and it would be an invidious distinction. I do not understand why he wants to do that. Probably he wants to exclude some of those who have been included in the Scheduled Castes in 1931. I do not think it is proper to do so at this stage. In the resolution that I have moved, there is no mention of any census. We have simply said 'on the basis of their population'. Therefore it should be kept as it is. No injustice is being done to any community, and uniformity is also desirable and necessary.

Then Mr. Santhanam has moved an amendment and made two or three suggestions. One is about reservation of seats for the minorities in the various Legislatures. He says it should be 'various. Legislative Assemblies'. I have no objection to accepting that amendment.

He made another point that East Punjab should be excluded in Clause 3.

Shri K. Santhanam: And West Bengal also.

The Honourable Sardar Vallabhbhai J. Patel: I do not think it is necessary to accept that amendment as they are specifically excluded in clause 3.

— His third suggestion was that in a constituency where a minority
[] English translation of Hindustani speech.

[The Honourable Sardar Vallabhbhai J. Patel]

community are in a majority the seats must be from the reserved seats. I do not consider the suggestion a proper one. The seats are on the basis of population reserved as a whole and not on a particular constituency. Therefore I do not propose to accept it.

To sum up, I propose to accept Mr. Munshi's amendment and Mr. Santhanam's suggestion about putting the words 'Legislative Assemblies'. I commend the resolution for the acceptance of the House.

Mr. President: I will now put the first amendment, which has been accepted by Sardar Patel to vote.

The question is :

"That in amendment No. 19 of List 1, dated 25th August 1947 for the word 'seats' the word 'representation' be substituted". The following words be substituted:—

"after the word 'schedule' the words 'and the section of Hindu community referred to in the paragraph 1A hereof' be inserted."

The motion was adopted.

Mr. H. V. Kamath: What about Mr. B. Das's amendment to this ?

Mr. President: His amendment was that the words 'Government of India Act, 1935' be substituted by the words 'Union Constitution Act'. I think it is a verbal amendment and when the act is actually drafted they will take care to define it in the correct way. Does he press it ?

Mr. N. Gopalaswami Ayyangar (Madras: General) : You cannot say 'Union Constitution Act'. As it stands, there is no schedule. The correct description is what Mr. Munshi has given.

Mr. President: As the Member is not here I will have to put the amendment to the vote of the House.

The question is :

"That for the words 'defined in Schedule 1 to the Government of India Act, 1935' the words 'to be defined in the Schedule to the Union Constitution Act', be substituted."

The amendment was negatived.

Mr. President: The next is, Mr. Khandekar's amendment.

Mr. H. J. Khandekar: I withdraw my amendment.

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

Mr. President: The next is Mr. Munsiswami Pillai's amendment, that for 'ten years' the words '12 years' should be substituted.

Shri V. I. Muniswami Pillai: I withdraw it.

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

Mr. President: The question is:

"That the two Provisos as amended be adopted."

The motion was adopted.

Mr. President: We now take up the Schedule.

The Honourable Sardar Vallabhbhai J. Patel. I move for the acceptance of the House the Schedule that is put in under para 1. I shall in doing so first read it.

SCHEDULE

- GROUP: A—Population less than $\frac{1}{2}$ per cent. in the Indian Dominion omitting States.
1. Anglo-Indians.
 2. Parsees.
 3. Plains' tribesmen in Assam (other than Tea Gardens' tribesmen).
- B.—Population not more than $1\frac{1}{2}$ per cent.
4. Indian Christians.
 5. Sikhs.
- C.—Population exceeding $1\frac{1}{2}$ per cent.
6. Muslims.
 7. Scheduled castes.

This Schedule is based on the strength of the communities in order that the relevant provisions in the subsequent sections may fit in and therefore this is merely a formal matter. There is no controversy about it. I therefore move that this Schedule be accepted.

Mr. President: There is only one amendment to this and that is from Prof. Shibbanlal Saksena. Of course it is covered by the amendment which we have passed just now. But it has to be formally dropped, so he may move it.

Prof. Shibban Lal Saksena (United Provinces: General) : Mr. President Sir, my amendment is No. 85 and it says that the words "scheduled castes" be deleted from the schedule. The purpose of the amendment is that scheduled castes should not be classed as separate minority but should be treated as an integral part of the Hindu community. My amendment reads—

That from group C of the Schedule to para I, the words "7 Scheduled castes" be deleted.

I would like to draw the attention of the Assembly to one important declaration. It is this. It will be remembered that Mr. Jinnah has often tried to include the Scheduled castes in the minorities; and on June 26, 1946, in a letter from Maulana Abdul Kalam Azad to Lord Wavell, and the latter's reply thereto, Lord Wavell is reported to have said:

"..... if any vacancy occurs among the seats allotted to the minorities, I shall naturally consult both the main parties before filling it."

Mr. Jinnah has thus included the Scheduled Castes among the minorities. But so far as we are concerned, we consider the Scheduled Castes as belonging to Hindus, they are not a minority, they have also always formed part of us. I am glad Mr. Munshi has brought up his amendment, which meets my purpose and I therefore withdraw my amendment, in favour of his.

Shri K. M. Munshi (Bombay: General) : Sir, because amendment No. 85 has been moved by Prof. Shibban Lal Saksena I move the amendment standing in my name:-

"That in amendment No. 85 of List III, dated 26th August 1947, the words "7. Scheduled Castes"; be deleted and the following para. be added after para:—

"1-A. The section of the Hindu community referred to as Scheduled Castes as defined in Schedule I to the Government of India Act, 1935, shall have the same rights and benefits which are herein provided for minorities specified in the Schedule to para 1."

Shri Lakshminarayan Sahu (Orissa : General) : Sir, on this Schedule I want to say one thing about the aboriginals. I think there should be some provision here so that the aboriginals also may find a place in this Schedule. The fact is, there are two and a half crores of aboriginals in.....

The Honourable Sardar Vallabhbhai J. Patel: There is a separate Committee going into the question of the aboriginals and other tribes and its report will come up. The question will be considered when we consider that report.

Shri Lakshminarayan Sahu: But could we not make some provision here?

Mr. President: There is a separate committee appointed for the aboriginals and other tribes and if there is any such recommendation in that committee's report, then we can take it up for consideration when considering that report.

Mr. Jaipal Singh: Sir, I would like to know whether it was not the idea that item A. 3. "Plains tribesmen in Assam" should be left over till the final report of the committees was received? I thought it was decided in the Advisory Committee not to discuss item A. 3, but I find that item included here.

Mr. President: I am afraid I have not been able to follow what you said.

Mr. Jaipal Singh: The report of the Committee will be before us before tomorrow afternoon. Pending that, I suggest that this item A. 3 be left alone, that the wording be left untouched and not discussed now. Let us get on to it afterwards, say, tomorrow.

Mr. President: You therefore that A. 3. "Plains Tribesmen in Assam" be taken out from the list.

Mr. Jaipal Singh: Yes, taken out now, and the wording decided on tomorrow.

Mr. President: It will come up when the report of the Tribals Committee comes up. For the present it will be left alone.

The Honourable Shrijut Gopinath Bardoloi (Assam : General) : Sir, I am afraid Mr. Jaipal Singh is making a mistake. The question now is whether the Plains Tribals in Assam are to be recognised as a minority, and that has been decided by the Minority Committee, and that is what we are considering. But what concessions are to be given to them has been left over, for a joint report to be received from the Advisory Committee and that report will be coming before us tomorrow or sometime after.

Shrijut Omeo Kumar Das. (Assam : General): Sir, I have an amendment No. 57, saying—

"That in the Schedule to para. 1, for words 'Plains' tribesmen of 'Assam' the words 'Plain Tribesmen of Assam other than tea garden tribes' be substituted."

Have I to move it now? Or am I to understand that it has been already accepted.

The Honourable Sardar Vallabhbhai J. Patel: It has been accepted that the words "Plains Tribesmen of Assam other than tea garden tribes" be substituted for the words "Plains" tribesmen of Assam."

Mr. President: Yes, he has accepted that.

Shri Lakshminarayan Sahu: Once that is included, cannot I say that the aboriginals should also be included in the Schedule ? Sir, the hill tribes of Orissa number fifteen lakhs and form one-sixth of the population.

Mr. President: But you have not given notice of any such amendment. Probably everyone thought that this matter would, anyway, be coming up along with the report of the Sub-Committee which has been appointed. Therefore, no one has given notice of any amendment on this matter. I take it that when the recommendations of that sub-committee are received and if they go counter to what is decided here, it will to that extent act as an amendment.

The Honourable Sardar Vallabhbhai J. Patel: When the report of that Sub-Committee comes up, the safeguards for the tribes will be included according to that report. Here we have an enumeration of the different classes of minorities according to their strength. Therefore, so

far as the Schedule is concerned there is no reason to suspect or doubt anything. Whatever safeguards are recommended by that Sub-Committee will be provided for. There is no occasion for any doubt.

Mr. Jaipal Singh: On a point of order, Sir. May I know when we are discussing the question of minorities, whether this has been submitted by the Advisory Committee or the Minority committee only. If I remember aright, this particular item was held over and it was agreed that it was not to be brought up for discussion here till the reports of the two Tribal Committees had been presented.

Shri K. M. Munshi : May I say one word about this? There seems to be some amount of confusion on this point. If you will look at the Report itself, the position will be made clear. In para 8 of the Report, it is said: "The case of these tribesmen will be taken up after the report of the Excluded and Partially Excluded Areas Sub-Committee is received." But at the same time, look at para 5. It enumerates the minorities which will be entitled to some rights. So in Group A you find the Words "Plains tribesmen in Assam." Therefore, what was postponed was not the incorporation of the Plains tribesmen in the Schedule but the safeguards which may have to be extended or altered after the report of the Excluded Areas Committee is received by the House. What is sought to be done now is to complete the Schedule by incorporating 'Plains tribesmen in Assam. It is not at if it decides what the safeguards are going to be. That is the position and therefore there is nothing inconsistent.

The Honourable Rev. J. J. M. Nichols Roy (Assam : General) I want to ask one question for clarification. It is- stated in Group A, item 3 "Plains tribesmen in Assam other than garden tribes". I understand by the term "other than garden tribes". It is meant garden tribes working as a labour population in the gardens and not those tribes that have settled in Assam who have had land and property there. Is that the meaning.?

Mr. President: I think that is the meaning.

Dr. P. S. Deshmukh: There is an amendment in my name. It reads as follows:

"That in schedule to para. 1, the following be added:

'GROUP D.-Educationally advanced and wealthy minority castes and communities in the various Provinces.

NOTE 1.-It shall be provided that persons belonging to these minorities shall not have the right to contest unreserved seats.

NOTE 2.-A list of these minorities, shall be as determined by each legislature of the existing Provinces."

The main purpose of my amendment is to safeguard the interests of the very small minorities, who are bound to find it very difficult to maintain their own, once the adult franchise is introduced. I mean the highly educated castes and communities that own a very large portion of the wealth of the whole country. At the moment, they are both very powerful. 'The former monopolise Government services and higher appointments. They are masters of the platform, and the Press is a pretty-maid in their sole keeping. They appear to be the only people who matter and there is nothing that is not within the hollow of their hands if they will it. Education gave them unlimited opportunities of serving the British interests and discharge their duties so loyally and to such complete satisfaction of their erstwhile masters. The communities which have lived by money-lending and trade also supplied to the British rulers the sinews of war and all the requirements of peace. If these should now appear to be the only fortunate People in India, nobody need be surprised. The credit of maintaining and sustaining the British rule in India is after all theirs. It could not suit them to join the revolution of 1942 and risk their lives. Whilst some went to jail quietly, others who loved the British less sacrificed everything they had including their

[Dr. P. S. Deshmukh]

lives. Those who sacrificed in this way feel that their interests are not being protected and their sacrifices are not being recognised. There is, therefore, in their opinion, nothing better than mere lip sympathy. That being so, the highly educated and well-to-do are likely hereafter to be much disliked and possibly persecuted. It behoves us therefore to be prudent and protect their interest by a provision in the constitution. These communities may, for the time being, be very sure of scoring over everybody else either on the score of academic careers or wealth, but I would like to warn them that their calculations may prove to be wrong. They are, I know, likely to question even my motives, but let me tell them that I wish them well.

Mr. H. V. Kamath: May I request you to define the words “Highly educated and wealthy”?

Dr. P. S. Deshmukh: I will do it when the amendment is accepted by my Honourable friend. They are, I know, likely to question my motives, but the reason why they should not be permitted to contest other seats is that after all they belong to the worst parasitic castes and in a real democracy which we are aiming at, it would not be proper that they should have unrestricted and unrestrained right to override the claims of the other people. How else are you going to safeguard these people, in the words of my friend Mr. Tyagi, from annihilation? I think the only way is to give them reserved seats and at the same time keep them away from other unreserved seats. But, Sir, I know that the sentiments I express and the socialistic bias that I would like this constitution to have is not very popular with the House as it is constituted today. Under the circumstances, I merely wish to make these observations for the consideration of the framers of the constitution. I have no desire to move my amendment.

Mr. President: I never thought that Dr. Deshmukh would really move his amendment seriously. I think he does not deserve any protection himself, although he himself belongs to the wealthy and well educated class. I had by chance omitted to call him to move his amendment but I now find that what I considered to be a mistake by chance was really a correct thing for me to do. (Laughter.) However, these are all the amendments of which I have notice. Sardar Vallabhbhai Patel may say anything if he likes.

The Honourable Sardar Vallabhbhai J. Patel: I did not expect any debate on this; however, it has taken place. I have already accepted the amendment moved by Mr. Shibbanlal Saksena and I now commend the Schedule for the acceptance of the House.

Mr. President: I now put the amendment which has been accepted by Sardar Vallabhbhai Patel of Mr. Shibbanlal Saksena.

The amendment was adopted.

Mr. President: I now put Mr. Munshi's amendment to Mr. Shibbanlal Saksena's amendment.

The amendment was adopted.

Mr. President: I now put the Schedule as amended to vote.

The motion was adopted.

Mr. President: We now go to clause 2.

The Honourable Sardar Vallabhbhai J. Patel:

“Anglo-Indians: (a) There shall be no reservation of seats for the Anglo-Indians, but the President of the Union and the Governors of Provinces shall have power to nominate their representatives in the Centre and the Provinces respectively if they fail to secure adequate representation in the legislatures as a result of the general election.”

This is an agreed solution so far as the Anglo-Indian Community is concerned and I do not suppose anybody can move any amendment to this because as the community is satisfied with the proposal and as the Advisory Committee has accepted it unanimously I recommend this for the acceptance of the House.

Shri K. Santhanam: I have one or two doubts to be cleared. I suppose here 'Legislatures' will be 'Assemblies' Then does it mean that in every province the Governor would appoint representatives of Anglo-Indians?

The Honourable Sardar Vallabhbhai J. Patel: It means what is stated there.

Mr. President : I put this now to vote.

Clause 2 was adopted.

Mr. President: This reminds me. I made a mistake when I put the first clause I did not say 'Provincial Assembly'. I put Provincial Legislature. I take it the House accepts that.

We go to the next item.

The Honourable Sardar Vallabhbhai J. Patel: I move—

"Parsees—(b) : There shall be no statutory reservation in favour of the Parsee Community, but they would continue to remain on the list of recognised minorities :

Provided that if as a result of elections during the period prescribed in proviso 2 to para 1 above it was found that the Parsee Community had not secured proper representation their claims for reserved seats would be reconsidered and adequate representation provided should the separate representation of minorities continue to be a feature of the Constitution."

This is also an agreed thing between the Parsee Community and the Advisory Committee. Therefore I recommend that this should be accepted.

Mr. President: I take it that there is no discussion required on this.

The motion was adopted.

The Honourable Sardar Vallabhbhai J. Patel: I move—

"3. (a) Indian Christians—(a) There shall be reserved representation for Indian Christians in proportion to their population in the Central Legislature and in the Provincial Legislatures of Madras and Bombay. In other provinces, they will have the right to seek election from the general seats."

This is also an agreed thing between the Christian Community and the Advisory Committee. Therefore I recommend this for the acceptance of the House.

Sri B. Gopala Reddy: (Madras : General) : It includes Councils also I believe. In Madras we have 3 reserved seats in the Council.

Mr. President: Yes. I take it here it means the Legislative Assembly and Council. I put it to the House.

The motion was adopted.

The Honourable Sardar Vallabhbhai J. Patel: The Punjab question we propose to postpone till the conditions in the Punjab are properly ascertained and settled. The question is kept over and I suggest the House may agree to it.

Mr. President: The question of minority rights in Eastern Punjab will be considered separately. I think there is an amendment which says 'Western Bengal' also should be added to it. Should that also be included?

Shri K. M. Munshi: Amendment No. 24 by Pandit Thakurdas Bhargava relates to Eastern Punjab to which I have moved an amendment (No. 3) just to carry out the intention of the Honourable the Mover.

Mr. President: We take the amendment of Mr. Munshi at this stage.

Pandit Thakurdas Bhargava: My amendment is to (c) of para 3. I move it. It reads: That in sub-para. (c) of para 3 for the word "seats" the word "representation" be substituted.

Shri K. M. Munshi: Sir, I move the amendment which says:—

"That in amendment No. 2; of list I, dated 25th August 1947, for the words(c) of para 3 for the word 'Seats' the word 'representation' be substituted:—

(b) of para 3. Delete the words beginning with 'Sikhs (b)' etc., to the end and substitute the following:—

'East Punjab (b). In view of the special situation of East Punjab the whole question relating to it will be considered later.'

If my amendment is accepted, the clause will read as follows:—

"Sikhs—(b). In view of the special situation in Eastern Punjab the whole question relating to it will be considered later."

This will take the place of the present paragraph.

Mr. S. M. Rizwan Allah (U.P. : Muslim) : Sir, I beg to raise a point of order on this amendment. This is a Report of the Minorities Committee. Different provisions have been laid down in this report about various minorities. So far as the Sikhs are concerned, no decision has been arrived at in the Minorities Committee Report about them. It is stated in this Report that the matter about Sikhs will be decided later on. Now an amendment has been tabled to replace a Province instead of Sikhs and thus in place of a minority an issue about territory is brought in. This is a report for the minorities and has nothing to do with any Province and therefore the amendment is out of order.

Mr. President: I do not think the point of order really arises. As a matter of fact there are other minorities in that Province and the whole question of minorities is held over. So it is quite in order.

Now I put Mr. Munshi's amendment which is this:—

"(b) of para 3. delete the words beginning with 'Sikhs (b). The question of minority rights for the Sikhs will be considered separately, and substitute the following.—

'East Punjab (b). In view of the special situation of East Punjab the whole question relating to it will be considered later.'"

The amendment was adopted.

The Honourable Sardar Vallabhbhai J Patel:

"*Muslims and Scheduled Castes.*—(c) There shall be reservation of seats for the Muslims and Scheduled Castes in the Central and Provincial Legislatures on the basis of their population."

I move the above clause for the acceptance of the House.

Prof. Shibbanlal Saksena: Mr. President, Sir, as the amendments to Clause 1 by Mr. Munshi and myself have been accepted, it is necessary that in para. 3, the words "and Scheduled Castes" wherever they occur be deleted.

Mr. President: I take it that is a consequential amendment. We have already accepted the definition of Scheduled Caste elsewhere and the same thing will be introduced here.

The amendment was adopted.

Mr. President: I have put only the amendment to vote. The clause, as amended, is now put to vote.

The clause, as amended, was adopted.

The Honourable Sardar Vallabhbhai J. Patel:

“Additional right to minorities.—The members of a minority community who have reserved seats shall have the right to contest unreserved seats as well.”

This is an item which was hotly contested in the Minority and the Advisory Committee and after a prolonged debate this proposition was passed. As this proposition has been passed at two places, I do not think it will be wise to open another debate on this question. After all after having a prolonged debate on this question it would be better to pass it as it is. I move this proposition for the acceptance of the House.

Seth Govind Das (C. P. and Berar: General) : **[Mr. President, as Sardar Sahib has just stated there was a good deal of discussion between the minorities and Advisory Committees on clause 4. Afterwards there was a good deal of discussion among members themselves over this matter. So far as minorities are concerned, there are many minorities which in fact cannot be called as such. For instance take the case of Harijans. They are in fact Hindus; they are not a minority like the Muslims or the Christians. Therefore so far as Harijans are concerned they ought to be treated in one way and the other minorities should be treated in another way. Harijans have been very much suppressed. This is also a matter which is to be considered separately. In this connection, I want to say that if Sardar Sahib does not take the vote of the House today but postpones it for tomorrow, that will be more appropriate because even now there are many members who want to think over it and are discussing the matter amongst themselves. I desire that this matter be disposed of in such a manner as may give full satisfaction to all members of the House as well as to all minorities. And I do not think that it would be proper to put it to vote today. Therefore, I appeal to Sardar Sahib that he may postpone this matter till tomorrow. There are many other recommendations of this committee which can be considered today.]**

Mr. R. V. Dhulekar (U.P.: General) : **[Mr. President, I also beg to request that, as this is a very complex issue, it may be postponed so as to enable us to give fuller consideration to it.]**

Mr. President: A suggestion has been made that this item may be held over for consideration tomorrow.

The Honourable Sardar Vallabhbhai J. Patel: Sir, I have already told the House that this question was debated in the Minority Committee as well as in the Advisory Committee and we had a very full debate. In spite of this, if our friends desire to postpone this question I must resist it on the ground that I see no advantage. We had two full debates. I have said that after the debates the Resolution as is being moved was passed and no advantage is to be obtained by postponing this. I do not think that any debate would be useful. If I thought that there was any possibility of any advantage being gained, I would have agreed, but postponement would not help us at all. This has been passed in two committees not by a very narrow majority and therefore I do not see any advantage. I must say that postponement will simply mean waste of time. I therefore move that this be accepted.

Mr. President: In any case you have to rise at half past four. It automatically has to be postponed.

[] English translation of Hindustani speech.

The Honourable Sardar Vallabhbhai J. Patel: We shall abide by the desire of the House and the ruling of the Chair, but if this is to be put to vote, it will be carried immediately.

Mr. President : But as certain Members have expressed a desire that there should be further discussion, I would not like to disappoint them. They wish to speak about it. We have got a meeting of the Cabinet and some of us have to go there at 5 o'clock. The House stands adjourned till 10 o'clock tomorrow morning.

The Assembly then adjourned till Ten of the Clock on Thursday the 28th August, 1947.

No. CA/24/Com./47.

CONSTITUENT ASSEMBLY OF INDIA

COUNCIL HOUSE,
New Delhi, the 8th August, 1947.

FROM

THE HON'BLE SARDAR VALLABHBHAI PATEL,
CHAIRMAN, ADVISORY COMMITTEE ON MINORITIES
FUNDAMENTAL RIGHTS, ETC.

TO

THE PRESIDENT,
CONSTITUENT ASSEMBLY OF INDIA

DEAR SIR,

On behalf of the members of the Advisory Committee appointed by the Constituent Assembly on the 24th January 1947 and subsequently nominated by you. I have the honour to submit this report on minority rights. It should be treated as supplementary to the one forwarded to you with my letter No. CA/24/Com./47, dated the 23rd April, 1947 and dealt with by the Assembly during the April session. That report dealt with justiciable fundamental rights; these rights, whether applicable to all citizens generally or to members of minority communities in particular offer a most valuable safeguard for minorities over a comprehensive field of social life. The present report deals with what may broadly be described as political safeguards of minorities and covers the following points—

- (i) Representation in legislatures; joint *versus* separate electorates and weightage.
- (ii) Reservation of seats for minorities in Cabinets.
- (iii) Reservation for minorities in the Public Services.
- (iv) Administrative machinery to ensure protection of minority rights.

2. Our recommendations are based on exhaustive discussion both in the Sub-Committee on Minorities as well as in the main Advisory Committee. From the very nature of things, it was difficult to expect complete unanimity on all points. I have pleasure in informing you, however, that our recommendations, where they were not unanimous, were taken by very large majorities composed substantially of members belonging to minority communities themselves.

Joint versus separate electorates and weightage

3. The first question we tackled was that of separate electorates; we considered this as being of crucial importance both to the minorities themselves and to the political life of the country as a whole. By an overwhelming majority, we came to the conclusion that the system of separate electorates must be abolished in the new constitution. In our judgement, this system has in the past sharpened communal differences to a dangerous extent and has proved one of the main stumbling blocks to the development of a healthy national life. It seems specially necessary to avoid these dangers in the new political conditions that have developed in the country and from this point of view the arguments against separate electorates seem to us absolutely decisive.

4. We recommend accordingly that all elections to the Central and Provincial legislatures should be held on the basis of joint electorates.

In order that minorities may not feel apprehensive about the effect of a system of unrestricted joint electorates on the quantum of their representation in the legislature, we recommend as a general rule that seats for the different recognised minorities shall be reserved in the various legislatures on the basis of their population. This reservation should be initially for a period of 10 years, the position to be reconsidered at the end of that period. We recommend also that the members of a minority community who have reserved seats shall have the right to contest unreserved seats as well. As a matter of general principle, we are opposed to weightage for any minority community.

5. For two reasons the application of the above principles to specific minorities was considered in detail by the committee. In the first place, it was known to us that minorities are by no means unanimous as to the necessity, in their own interests, of statutory reservation of seats in the legislatures. Secondly, the strict application of the above principles to a microscopic minority like the Anglo-Indian seemed to require very careful examination. We accordingly classified minorities into three groups 'A' consisting of those with a population of less than 1/2 per cent. in the Indian Dominion excluding the States, group 'B' consisting of those with a population of more than 1/2 per cent. but not exceeding 1 1/2 per cent. and group 'C' consisting of minorities with a population exceeding 1 1/2 per cent. These three groups are as follows—

Group 'A'—

1. Anglo-Indians,
2. Parsees.
3. Plains' tribesmen in Assam.

Group 'B'—

4. Indian Christians.
5. Sikhs.

Group 'C'—

6. Muslims.
7. Scheduled Castes.

6. *Anglo-Indians.*—The population of the Anglo-Indian community excluding the States is just over a lakh, that is, .04 per cent. Mr. Anthony, on behalf of the Anglo-Indians, contended that the census figures were inaccurate but even admitting a larger figure than the one given in the census, this community is microscopic, and to deal with it on a strictly population basis would mean giving it no representation at all. The representatives of the Anglo-Indians on the committee asked originally that they should have the following representation in the legislatures:—

House of the People	3
West Bengal	3
Bombay	2
Madras	2
C.P. & Berar	1
Bihar	1
U.P.	1

Subsequently they asked that they should be guaranteed two seats in the House of the People and one in each province in which they have representation at present, that is, a total of 8 altogether. After very

considerable discussion, in the course of which the representatives of the Anglo-Indian community gave full expression to their views, the committee unanimously accepted the following formula, namely, that there shall be no reservation of seats for the Anglo-Indians but the President of the Union and the Governors of Provinces shall have power to nominate representatives of the Anglo-Indian community to the lower house in the Centre and in the Provinces respectively if they fail to secure representation in the legislatures as a result of the general election. We wish to congratulate the representatives of the Anglo-Indian community on the committee for not pressing their proposals which would not merely have introduced the principle of special weightage which was turned down as a general proposition by an overwhelming majority but would also have encouraged other small minorities to ask for representation wholly out of proportion to their numbers. We feel sure that by the operation of the formula recommended by us Anglo-Indians will find themselves given adequate opportunity effectively to represent in the legislatures the special interests of their community.

7. *Parsees*.—In the Minorities Sub-Committee, Sir, Homi Modi had urged that in view of the importance of the Parsee community and the contribution, it has been making to the political and economic advancement of the country. Parsees should have adequate representation in the Central and Provincial Legislatures. The Sub-Committee were of opinion that this claim should be conceded. In view, however, of the opinion expressed to him by several members that an advanced community like the Parsees would be adequately represented in any event and did not need specific reservation. Sir Homi had asked for time to consider the matter.

When the issue came before the Advisory Committee, Sir Homi stated that though the committee had already accepted the Parsee community as a recognised minority entitled to special consideration on the same basis as other minorities in Group 'A', he had decided to follow the traditions which the community had maintained in the past and to withdraw the claim for statutory reservation. He assumed that Parsees would remain on the list of recognised minorities and urged that if, during the period prescribed in the first instance for the special representation of the minorities it was found that the Parsee community had not secured proper representation, its claim would be reconsidered and adequate representation provided, if the separate representation of minorities continued to be a feature of the constitution. The Committee appreciated the stand taken by Sir Homi and agreed to his proposal.

8. *Plains' tribesmen in Assam*.—The case of these tribesmen will be taken up after the report of the Excluded and Partially Excluded Areas Sub-Committee is received.

9. *Indian Christians*.—The representatives of the Indian Christians stated that, so far as their community was concerned, they did not desire to stand in the way of nation building. They were willing to accept reservation proportionate to their population in the Central Legislature and the Provincial legislatures of Madras and Bombay. In the other provinces, they would have the liberty of seeking election from the general seat. They were against any weightage being given to any community, but made it plain that if weightage was given to any minority, in Groups 'B' and 'C'. They would demand similar weightage. As weightage is not being conceded to any community, this means that the Indian Christians are prepared to throw in their lot with the general community subject only to the reservation of certain seats for them on the population basis in the Central legislature and in Madras and Bombay.

10. *Sikhs*.—In view of the uncertainty of the position of the Sikhs at present, pending the award of the Boundary Commission in the Punjab, the committee decided that the whole question of the safeguards for the Sikh Community should be held over for the present.

11. *Group 'C'—Muslims and Scheduled Castes.*—The Committee came to the conclusion that there are no adequate grounds for departing from the general formula in the case either of the Muslims or of the Scheduled Castes. Accordingly it is recommended that seats be reserved for these communities in proportion to their population and that these seats shall be contested through joint electorates.

12. A proposal was made in the committee that a member of the minority community contesting a reserved seat should poll a minimum number of votes of his own community before he is declared elected. It was also suggested that cumulative voting should be permitted. The Committee was of the view that a combination of cumulative voting and a minimum percentage of votes to be polled in a community would have all the evil effects of separate electorates and that neither of these proposals should be accepted.

Representation of minorities in Cabinets

13. Some members of the committee proposed that there should be a Provision prescribing that minorities shall have reserved for them seats in Cabinets in proportion to their population. The committee came unhesitatingly to the conclusion that a constitutional provision of this character would give rise to serious difficulties. At the same time, the committee felt that the constitution should specifically draw the attention of the President of the Union and the Governors of Provinces to the desirability of including members of important minority communities in Cabinets as far as practicable. We recommend accordingly that a convention shall be provided in a schedule to the constitution on the lines of paragraph VII of the Instrument of Instructions issued to Governors under the Act of 1935 and reproduced below.

“VII. In making appointments to his Council of Ministers, our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgement is most likely to command a stable majority in the legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.”

Representations in Services

14. A proposal was made to us that there should be a constitutional guarantee of representation in the public services of the minority communities in proportion to their population. We are not aware of any other constitution in which such a guarantee exists and on merits, we consider, as a general proposition that any such guarantee would be a dangerous innovation. At the same time, it is clear to us that consistently with the need of efficiency in administration, it is necessary for the State to pay due regard to the claims of minorities in making appointments to public services. We recommend, therefore, that, as in the case of appointments to Cabinets, there should be in some part of the constitution or the schedule and exhortation to the Central and Provincial Governments to keep in view the claims of all the minorities in making appointments to public services consistently with the efficiency of administration.

The Anglo-Indian members of our committee have represented to us that owing to the complete dependence of the economy of their community on their position in certain services and their existing educational facilities, their case required special treatment. We have appointed a sub-committee to investigate this question and to report to us.

15. The minorities' representatives in the committee naturally attached importance to the provision of administrative machinery for ensuring that the guarantee and safeguards provided for the minorities both in the constitution and by executive orders are in fact implemented in practice. After considerable discussion, we have come to the conclusion that the best arrangement would be for the Centre and for each of the Provinces to appoint a special Minority Officer whose duty will be to enquire into cases in which it is alleged that rights and safeguards have been infringed and to submit a report to the appropriate legislature.

16. We have felt bound to reject some of the proposals placed before us partly because, as in the case of reservation of seats in Cabinets, we felt that a rigid constitutional provision would have made parliamentary democracy unworkable and partly because, as in the case of the electoral arrangements we considered it necessary to harmonise the special claims of minorities with the development of a healthy national life. We wish to make it clear, however, that our general approach to the whole problem of minorities is that the State should be so run that they should stop feeling oppressed by the mere fact that they are minorities and that, on the contrary, they should feel that they have as honourable a part to play in the national life as any other section of the community. In particular, we think it is a fundamental duty of the State to take special steps to bring up those minorities which are backward to the level of the general community. We recommend accordingly that a Statutory Commission should be set up to investigate into the conditions of socially and educationally backward classes, to study the difficulties under which they labour and to recommend to the Union or the Unit Government, as the case may be, steps that should be taken to eliminate their difficulties and suggest the financial grants that should be given and the conditions that should be prescribed for such grants.

17. A summary of our recommendations is attached in the Appendix.

The 8th August 1947.

Yours truly,
VALLABHBHAI PATEL,
Chairman.

APPENDIX A

REPRESENTATION IN LEGISLATURES

1. *Electorates*.—All elections to the Central and Provincial Legislatures will be held on the basis of joint electorates.

Provided that as a general rule, there shall be reservation of seats for the minorities shown in the schedule in the various legislatures on the basis of their population.

Provided further that such reservation shall be for 10 years, the position to be reconsidered at the end of the period.

SCHEDULE

Group: A.—Population less than 1/2 per cent. in the Indian Dominion, omitting States.

1. Anglo-Indians.
2. Parsees.
3. Plains' tribesmen in Assam.

B.—Population not more than 1½ per cent.

4. Indian Christians.
5. Sikhs.

C.—Population exceeding 1½ per cent.

6. Muslims.
7. Scheduled Castes.

2. *Anglo-Indians*.—(a) There shall be no reservation of seats for the Anglo-Indians, but the President of the Union and the Governors of Provinces shall have power to nominate their representatives in the Centre and the Provinces respectively if they fail to secure adequate representation in the legislatures as a result of the general election.

Parsees. (b) There shall be no statutory reservation in favour of the Parsee Community, but they would continue to remain on the list of recognized minorities:

Provided that if as a result of elections during the period prescribed in proviso 2 to para. 1 above it was found that the Parsee Community had not secured proper representation, their claim for reserved seats would be reconsidered and adequate representation provided should the separate representation of minorities continue to be a feature of the Constitution.

Note.—The above recommendations represent the view taken by the representatives of the Parsee Community.

3. *Indian Christians*.—(a) There shall be reserved representation for Indian Christians in proportion to their population in the Central Legislature and in the Provincial Legislatures of Madras and Bombay. In other provinces, they will have the right to seek election from the general seats.

Sikhs—(b) The question of minority rights for the Sikhs will be considered separately.

Muslims and Scheduled Castes.—(c) There shall be reservation of seats for the Muslims and Scheduled Castes in the Central and Provincial Legislatures on the basis of their population.

4. *Additional right to minorities*.—The members of a minority community who have reserved seats shall have the right to contest unreserved seats as well.

5. *No weightage.*—The minorities for whom representation has been reserved will be allotted seats on their population ratio, and there shall be no weightage for any community.

6. *No condition for a minimum number of votes of one's own community.*—There shall be no stipulation that a minority candidate standing for election for a reserved seat shall poll a minimum number of votes of his own community before he is declared elected.

7. *Method of voting.*—There may be plural member constituencies but cumulative voting shall not be permissible.

REPRESENTATION OF MINORITIES IN CABINETS

8. *No reservation for minorities.*—(a) There shall be no statutory reservation of seats for the minorities in Cabinets but a convention on the lines of paragraph **VII of the Instrument of Instructions issued to Governors under the Government of India Act, 1935 shall be provided in a Schedule to the Constitution.

**VII. In making appointments to his Council of Ministers our Governor shall use his best endeavours to select his Minister in the following manner, that is to say, to appoint in consultation with the person who in his judgment is most likely to command a stable majority in the legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.

RECRUITMENT IN SERVICES

9. *Due share to all minorities guaranteed.*—In the all-India and Provincial Services, the claims of all the minorities shall be kept in view in making appointments to these services consistently with the consideration of efficiency of administration.

(NOTE.—Appropriate provision shall be embodied in the Constitution or a schedule thereto to this effect.)

10. *Position of Anglo-Indian community.*—Owing to the complete dependence of the economy of the Anglo-Indian community on their position in certain services and their existing educational facilities, a sub-committee consisting of the following members has been appointed to submit a report:

1. Pandit G. B. Pant.
2. Mr. K. M. Munshi.
3. Mrs. Hansa Mehta.
4. Mr. S. H. Prater, and
5. Mr. F. R. Anthony.

WORKING OF SAFEGUARDS

11. *Officer to be appointed.*—An Officer shall be appointed by the President at the Centre and by the Governors in the Provinces to report to the Union and Provincial Legislatures respectively about the working of the safeguards provided for the minorities.

12. *Statutory Commission for backward classes.*—Provision shall also be made for the setting up of a Statutory Commission to investigate into the conditions of socially and educationally backward classes, to study the difficulties under which they labour and to recommend to the Union or the Unit-Government, as the case may be, the steps that should be taken to eliminate the difficulties and the financial grants that should be given and the conditions that should be prescribed for such grants.

APPENDIX 'B'

No. CA/60/Com./47.

COUNCIL HOUSE,
New Delhi, the 25th August, 1947.

FROM

THE HONOURABLE SARDAR VALLABHBHAI PATEL,
CHAIRMAN, ADVISORY COMMITTEE IN MINORITIES,
FUNDAMENTAL RIGHTS, ETC.

TO

THE PRESIDENT,
CONSTITUENT ASSEMBLY OF INDIA.

SIR,

I have the honour to refer to paragraph 14 of my letter No. CA/24/Com. 47, dated the 8th August and to submit this supplementary report on the position of Anglo-Indians in certain services and the grant of special educational facilities for them. This report is based on a consideration of the findings of a sub-committee appointed by us.

2. (a) Position of Anglo-Indians in certain services:

We find that, as a result of historical circumstances the whole economy of this community is at present dependent on finding employment in certain types of post in the Railways, the Post and Telegraphs and the Customs Departments. A recent survey conducted by the Provincial Board for Anglo-Indian Education in Bombay showed that 76 per cent of the employable section of the community there were dependent for their livelihood on these appointments. We believe that the position is almost the same all over India; the total number of Anglo-Indians at present employed in these three departments being about 15,000. The special reservation given to them in the Government of India Act, 1935 does not however extend to all the categories of posts in these departments, but only in those with which they have had long past associations. In view of this we feel that if the existing safeguards in this regard are not continued in some form for some years to come, the community will be subjected to a sudden economic strain which it may not be able to bear. We therefore recommend that:

- (i) The present basis of recruitment of Anglo-Indians in the Railways, the Posts and Telegraphs and the Customs Departments shall continue unchanged for a period of two years after the coming into operation of the Federal Constitution. After that, at intervals of every two years, the reserved vacancies shall be reduced each time by 10 per cent. This shall not however bar the recruitment of Anglo-Indians in the categories of posts in which at present they have reserved places *over and above* the prescribed quota of reserved appointments, if they are able to secure them on individual merit in open competition with other communities. It shall also in no way prejudice their recruitment on merit to posts in these departments, or any other in which they have not been given a reserved quota.
 - (ii) After a period of ten years from the date of the coming into operation of the Federal Constitution all such reservations shall cease.
 - (iii) In these services there shall be no reservation for any community after the lapse of 10 years.
- (b) Special educational facilities for Anglo-Indians.

There are at present about 500 Anglo-Indian Schools in India. The total Government grant to these schools is about Rs. 45 lakhs being approximately 24 per cent. of the expenditure incurred by the schools. We feel that a sudden reduction in the grant will seriously dislocate the economy of these schools; and that it would only be fair to bring them gradually into line with other similar educational institutions after giving them sufficient time and opportunity to adjust themselves to the altered conditions now prevailing in the country. We also feel that in this way these institutions might become a valuable educational asset which would cater to the growing educational needs of the whole nation and not only to those of the Anglo-Indian community. We accordingly recommend that:

- (i) the present grants to Anglo-Indian education made by the Central and Provincial Governments should be continued unchanged for three years after the coming into operation of the Federal Constitution.
- (ii) After the expiry of the first three years, the grants may be reduced by 10 per cent and by a further 10 per cent after the 6th year and again by a further 10 per cent after the ninth year. At the end of the period of 10 years, special concessions to Anglo-Indian schools shall cease.
- (iii) During this 10 years period, 40 per cent of the vacancies in all such state aided Anglo-Indian schools shall be made available to members of other communities.

The term 'Anglo-Indian' used in this Report has the meaning given to it in the Government of India Act, 1935.

Your sincerely,
VALLABHBHAI PATEL