

Thursday, 26th May, 1949

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# **CONSTITUENT ASSEMBLY DEBATES**

## **OFFICIAL REPORT**

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THE CONSTITUENT ASSEMBLY OF INDIA

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## CONSTITUENT ASSEMBLY OF INDIA

*Thursday, the 26th May, 1949*

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

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### REPORT OF ADVISORY COMMITTEE ON MINORITIES—(Contd.)

**Shri R. K. Sidhwa** (C.P & Berar: General): Mr. President. What a marvelous outlook and change in the meeting of the Minorities Committee of the 11th May 1949 as compared with the first meeting of the same Committee in 1947 ! It was asked here yesterday: what has happened since 1947 that has made this Committee revise its decision? I might inform the honourable House that at the first meeting it was not that the large majority of the Members were not opposed to any reservation of seats or that several of them—minus very few—were not for complete elimination of separate electorates and of reservation of seats also: but our leaders felt that if, just at the commencement of our freedom, we want the whole hog our position would be misunderstood and it might be said that the majority was going to trample down the rights of the minorities. Therefore, they stated that we have made a very good start by removing separate electorates. Let us work it for some time and give them a chance. Some of us did not share their view and we went into voting—though we were in a minority—for the abolition of the reservation of seats. We had to agree to the other view.

But what has happened since then? It was asked yesterday why a trial is not being given. But before we give a trial, what has occurred in the country? Communal incidents have played havoc in this country. I do not want to repeat what has happened. Everyone in this House knows what has happened. Due to that communal havoc, in our Parliament last year, we had to pass a resolution that no communal organization which has as its aims and objects the political rights and privileges of its members shall be recognised by Parliament. It was thirteen months ago that this resolution was passed and in my opinion this resolution should have been revised long ago but our leaders wanted the communal passions to subside. Thank God that somehow this Constitution was prolonged for its completion. Had it not been so, let me tell you that reservation of seats would have been a blot in our Constitution if it had remained. But thank God, Nature has played its part in the prolongation that has occurred and time has shown that reservations must go.

Now, if communal fracas has played such havoc. I do not understand why some want communal safeguards. How can there be any kind of communal safeguard now? It was present in the days when the British were here so that they could play their own game. Now they have gone there would be no cause for safeguard of anybody's rights. It has been our cherished desire for the last fifty years to see that this evil, that has played such havoc and which has been a kind of cancerous and poisonous element in our political life, should be done away with. Today it is a 'red letter' day and when this Constitution comes into law, it will be with pride that our nation will be remembered by

[Shri R. K. Sidhwa]

the nations of the world that in our Constitution we have kept no room for communalism and that we are in the true sense of the word a secular State.

My Friend, Mr. Muhammad Ismail, while arguing yesterday stated that without separate electorates the Muslims will not get justice and they will not get that representation which they desire. If my Friend, Mr. Muhammad Ismail even at this stage believes in the two-nation theory—communalism—then certainly he will have no place. But there are many persons like Mr. Lari, who told his co-religionists that “even at this stage you are talking of the two-nation theory and separate electorate: please forget all this.” Whatever other views Mr. Lari may hold, I can assure him that so long as there are Muslims like him, they will command confidence of the majority: but if there are persons like Mr. Muhammad Ismail they shall not have the support of the majority community and it is not surprising if he does not get it. In the Bombay Municipal elections, where they have joint electorates, with the support of the majority community many Muslims have come in. If the majority community had not supported the Muslim Candidates in Bombay the said candidates set up by the Congress would not have been elected. This is just an illustration. Dr. Mookherjee from his personal experience said that the majority community in the past has been generous. I say that in the case of my community there has not been any instance where we demanded any special political rights or privileges, we stand on our legs and on merits, we did not demand favours, and the major community of its own accord took good care of our work. Mr. Lari while making a beautiful speech stated that the majority community should be generous, fair and reasonable and Dr. Mookherjee stated that they had been. I can tell from my own personal experience as a member of the minority community that the majority community have been really generous. I am not exaggerating when I say that sometimes they have been more than generous. There is nothing to fear from the majority community if we are reasonable, if the minorities are reasonable in their demands and I can assure them that there will be no difficulty in getting a large majority of Muslims returned by the votes of the majority community.

Mr. Lari made a plea for the system of proportional representation. He said that that would safeguard the interests and the rights of the minorities and quoted some foreign countries like Belgium, Switzerland and even Ireland. I entirely agree with him that in a system of proportional representation the interests of the minorities are properly safeguarded. In our Congress Constitution for the purpose of electing the A.I.C.C. members the delegates have to use this system. But it must be remembered that the delegates from each province do not exceed 500. In a small group this system can be exercised. Besides, those who are acquainted with the system know that proportional representation is a cumbersome process and it has to be understood by an intelligent person. Mr. Lari wants to introduce this system in an electorate ranging from 50,000 to a lakh of voters. In Belgium and Switzerland there are hardly a few lakhs of population leave aside the small number of voters in their constituencies. In our country there are 40 crores of people and we have constituencies with voters numbering from 50,000 to a lakh. A system of proportional representation cannot work here. From the material supplied by the Constituent Assembly Office I find that in one country they experimented with this system and they had to revert to the majority ballot box system. In a general election this system can never work.

Mr. Ismail and Mr. Pocker who supported the resolution had very strong views regarding separate electorates. I might tell them that the Advisory

Committee has constantly changed from time to time. At the first meeting when we passed the resolution Mr. Khaliqzaman who was a member (he was also President of the Muslim League) supported it. Mr. Chundrigar was also a member of the Advisory Committee but they both have gone away to Pakistan. They were both parties to it, but believing in the two-nation theory they have gone away. How can you blame the majority community by saying that they had changed after making a decision which was acceptable to them? It is rather strange. Let them search their hearts and their conscience as to what they have done after having been a party to the resolution against the wishes of some of us. I was very much averse to reservation but I had to bow before our leaders and our Muslim friends. I said "give it a trial and you will soon give it up." The day has come and it is an auspicious day in the history of our constitution-making when we have to revise the former decision.

Syed Muhamed Saadullah yesterday stated that Dr. Mookherjee should not have made a reference to the Muslim community by saying that they were opposed to it. I wish Mr. Saadullah had said that to Mr. Ismail who in his amendment should not have stated that other minority communities should be given separate electorates. He has said that not only the Muslims but minorities should also be given separate electorates. What business had he to talk of other minorities in his amendment? If Mr. Mookherjee had no business to talk of the Muslims, what business had Mr. Ismail to tell me that I must have separate electorates, whereas my community is absolutely averse to separate electorates?

The proposition before us is of such a nature that every one, whatever community he may belong to, should welcome it and be proud of it. They should say that this resolution which is reversing the previous resolution which has created havoc in the country is going to play a predominant part in the history of the world by bringing everybody nearer for peace and goodwill. With these words, Sir, I support the resolution.

**Prof. Shibban Lal Saksena** (United Provinces: General): Sir, I want to oppose the amendments of Mr. Lari and Mr. Ismail. I do not think it is necessary to oppose Mr. Ismail's amendment in any great detail, because it belongs to an age which is past and I do not want to waste the time of the House over it.

Mr. Lari's amendment needs some attention. He has made out a plausible case and I have tried to work out the constituencies based on a system of proportional representation as well as on a system with cumulative voting as suggested in Mr. Lari's motion. The Muslim population is the largest in the U.P. and is 14 per cent. How can this system of cumulative voting secure for Mr. Lari and his community proper representation? There is no country in the world where this system prevails. Take for instance Gorakhpur. It has now a population of 24 lakhs and there will be three seats in it for the House of People in the new Parliament. The population of Muslims is 2 lakhs and they can pool their votes together for one candidate according to Mr. Lari's amendment. The two lacs of Muslims in the district will have one lakh Muslim voters and they can pool 3 lakh votes on one candidate and even then he will not win, because the remaining population of 21 lacs will have 11 lac voters and will be able to pool 33 lakh votes on the three rival candidates. Besides, a man having three votes, and giving them all to one person is an undemocratic principle which is not followed anywhere in the world. Besides, it will not secure the purpose which Mr. Lari has in mind. This system of cumulative voting is undemocratic, unscientific and gives one man the power to pool all his votes for one candidate, and even then cannot secure the purpose Mr. Lari has in view. Mr. Lari also wanted the country to give a trial to the system of

[Prof. Shibban Lal Saksena]

Proportional Representation. I myself believe in this System. It gives a fair representation to each group. But if we introduce it in our country just now, many difficulties arise in the way. To work this system properly, the electorate must be well educated, because the voter has to give his preferences and illiterate persons will not be able to understand the significance of the various preferences. They will have to say whom they prefer first, whom second and whom third. Even in small elections by our Constituent Assembly where the system has been adopted, it has been found that most of the members do not understand it. Only skillful experts can understand how it works. In Ireland and Switzerland where the system has been adopted the electorate is highly educated and no constituency exceeds 30,000 in Eire and 22,000 in Switzerland. Supposing we adopt this system in our country, what will happen? In the United Provinces, with a population of 560 lakhs, about ten Muslims should be elected to the House of People on the population basis. If under proportional representation, all Muslim give their first preference in equal numbers to ten selected Muslim Candidates and the whole province be one Single constituency, then alone these men can be elected. But a whole province with 560 lacs of population cannot be one constituency. At the most, the province can be divided into ten constituencies if Mr. Lari's purpose is not to be defeated. But then each of these ten constituencies each with 56 lac population should have an equal Muslim population which is impossible. If we do not increase the number of multi-member constituencies above ten, and all Muslims give their first preference to one particular Muslim Candidate in each constituency, then alone ten Muslim candidates will be returned, provided the Muslims are equally distributed in each constituency which cannot be the case. Mr. Lari's solution is a solution which cannot be realised in practice. Besides, such a delimitation of constituencies will give rise to many other complications, and you simply cannot form constituencies on that basis. Besides, no secrecy of ballot will remain. Illiterate people cannot fill their preferences and somebody must fill for them, thus destroying secrecy of ballot. I therefore think, that the system of proportional representation, however much it may have proved good in other small countries, will not achieve here the desired result, and is altogether impracticable. Mr. Lari comes from my district of Gorakhpur which had before partition a population of 40 lacs and only 4 lacs of them are Muslims. On this principle of proportional representation, the 2 lakhs of Muslim votes in Gorakhpur, will go to Mr. Lari. But if all Muslims vote for him that way, the others will not vote for him. That will be the natural tendency and communalism will come into play. Mr. Lari will not then be elected. I, therefore, think that this system will not secure what we want. It will give rise to communal feelings which we all want to destroy by the proposed arrangement.

Sir, this is a red letter day in the history of India, and the decision we are taking is a historic one. At last, we have been able to do away with this separate electorate system today after 43 years struggle. I hope hereafter the whole atmosphere in the country will change. The majority community is in honour bound to give proof of its sincerity by returning large numbers of Muslim Indian patriots at the polls. I am sure even larger numbers of Muslims will be elected if they come forward with public spirit and honesty and loyally serve the people and the country.

Mr. Lari told us yesterday that in the United Provinces the Socialists contested eleven seats and got about 30 per cent of the votes. I think his figure is incorrect. But let us assume it is correct. Under the arrangement



proposed by him if all the eleven constituencies were grouped in 4 constituencies and if for each constituency there were assigned four members, then the socialists would have had a chance. In Gorakhpur the population of the constituency was seven lakhs. So if four constituencies formed one multi-member constituency, the population of each would be about 28 lacs. Such huge constituencies would be extremely unwieldy and each would have about 15 lac votes. Only multi-millionaires and plutocrats would be able to contest from such huge constituencies and the common people would never be returned. Besides, the votes obtained by socialist candidates were not all for their socialist programme. Everyone angry with the Congress voted socialist. Under the system of proportional representation this result cannot be achieved.

On this great occasion I congratulate the Honourable Sardar Patel who has added another feather to his cap, by bringing about the abolition of reservations of seats except in one or two cases. His report will change the course of history in our country. Sir, the minority have agreed to this proposed and said that they do not want reservation of seats. I hope in ten years time even the Harijans will be in a position to rise to the occasion and give up this right of reservation. Then everybody will get proper representation without, distinction of caste or religion. At that time service, merit and ability will alone win votes, and all relics of our past slavery will have been buried deep.

**Sardar Hukam Singh** (East Punjab: Sikh): Sir, I extend my wholehearted support to the Resolution before the House. In doing so I have to make a few observations. The Resolution tries to do away with all reservations for religious minorities. It is agreed that it is the birth-right of every section of the population, numerical or political minority, to have proper representation and a proper voice in the administration of the country. Nobody denies this and much less in a Secular State. But the only dispute is about the method of securing such representation. We have tried one method and that is the method of separate electorates and fixed proportions. We have given it a sufficiently long trial. We might differ as to whether all the catastrophe that we have experienced was due solely to the system of separate electorates or whether certain other factors contributed to it. But this much is common ground that separate electorates did create a cleavage among the various communities. We have given it a trial and now we want to live as one Nation—a harmonious whole. For that it is desirable that we should look to some other method. One such method has been proposed by Mr. Lari—the method of having cumulative votes. That is a wholesome measure. It can give representation to minorities and various interests. There is one difficulty that I feel about it, that in a vast country like ours, where ninety percent of the population are illiterate, it would not be a practical possibility to work for the present. That is the only difficulty that I feel. Otherwise I would have welcomed it. The Minorities Advisory Committee felt that reservation of seats would also promote communalism, would keep the communities separate, and therefore they have advised in their report that every reservation should go. Of course, it was a very good jump, a great jump, from separate electorates to which we were accustomed for so long a time to unadulterated joint electorates and therefore it was that the intermediate step was taken that there should be reservation. Now everyone of us feels that we should proceed towards a compact nation, *i.e.*, not divided into different compartments, and that every sign of separatism should go. In my opinion there is no harm if we give a chance to this new experiment that is suggested for ten years. If we find that it works well, if the minorities feel satisfied, that they are secure, there will be no further demand for any safeguards. But if they feel that they have not been treated well, that there

[Sardar Hukam Singh]

has been some discrimination, I am sure the minorities would raise a louder voice for some other substitute and they will have a stronger case then. Therefore I think that we should give a fair chance to this new experiment that reservation for any religious minority should go. Everyone of us feels that we should contribute fully to the development of a compact nation, and the Sikhs—I assure everybody—want to contribute as best as they can towards this goal and therefore they are giving their full support to this Resolution.

I might submit here that by agreeing to this, the minorities are placing the majority to a severe test. A heavy responsibility would be cast on the majority to see that in fact the minorities feel secure. So far as I can make out, the only safety for the minorities lies in a secular State. It pays them to be nationalists in the true sense of the term. Rather it is the minorities who can work against any dilution of nationalism. But what we require is pure nationalism and not any counterfeit of it. The majority community should not boast of their national outlook. It is a privileged position that they have got. It is not their choice that they have that outlook. They should try to place themselves in the position of the minorities and try to appreciate their fears. All demands for safeguards and even the amendments that have been tabled here are the products of those fears that the minorities have in their minds, and I must submit here that the Sikhs have certain fears as regards their language, their script and also about the services. I hope that those fears can be removed easily by the executive government. The government should see that those fears are removed and there is a chance for the culture of every community to develop. Certain matters, so says the report of the Advisory Committee, can be left to conventions. This is correct. There need not be any mention of anything in the Draft Constitution. Personally I am in favour of deleting the whole Chapter on minorities' safeguards and I gave notice of an amendment to that effect long ago. Certain conventions have to grow and it will be the duty of the majority community to see that such wholesome conventions do take root to make the minorities feel secure during the transitional period.

Then, Sir, there is the second part of the resolution about the inclusion of four castes of Sikhs in the list of Scheduled Castes. The Honourable Sardar Vallabhbhai Patel has appealed to the House not to resent or to grudge this concession to the Sikhs. He was pleased further to remark—and he was very frank in saying that—“that religion was being used as a cloak for political purposes”, but in spite of it he appealed to the House that they should regard with tenderness the feelings of the Sikhs as they have suffered from various causes. The Sikh community is certainly grateful to the Sardar, to the Minorities Advisory Committee and to the House for all these concessions and for their sympathetic attitude. But I must be failing in my duty if I do not submit that I have a different view-point on this particular question. We were told that the Sikh religion does not acknowledge any discrimination on account of caste and that for securing certain political rights for the section, the Sikhs are sacrificing certain principles of their religion. I am afraid I think otherwise because, when we say that all safeguards for religious minorities should go, it would only be a natural corollary to that. If we give concession and certain privileges, certain rights to the Scheduled Castes simply because they are backward socially, economically and political and not because they are a religious minority, then other classes, whatever their religion, whatever the professions of their religion, who are equally backward socially, economically and politically, must also be included in the list. So my submission is that it ought to have been done long ago that these classes also, because they are backward, were

included in the list along with their other brethren of the Scheduled Castes, and it should not have been considered as a concession.

**Shri B. Das** (Orissa: General): Blame Sardar Ujjal Singh for it.

**Sardar Hukam Singh** : But in spite of it the Sikhs are not less grateful for it. If it is a concession, they are grateful for it. If they are entitled to it, then too they are grateful. They feel that one demand of theirs on which they were very serious has been met. They hope that other small things also would be considered favourably so that they could feel satisfied and could walk shoulder to shoulder with other progressive forces to the cherished goal that we have before us.

**Mr. Muhammad Ismail Khan** (United Provinces: Muslim): Sir, I give my unstinted support to the revised decision of the Advisory Committee which has done away with reservation of seats, which only kept alive communalism and did not constitute an effective safeguard. With the vast superiority of the majority community in the number of voters, they could have had no difficulty in using this device for their own ends by electing men of their own choice and I, therefore, congratulate them that they have not thought fit to take advantage of this device.

**Pandit Hirday Nath Kunzru** (United Provinces: General): Mr. President, Sir, we cannot hear the honourable Member distinctly. He is not at all distinct.

**Mr. Muhammad Ismail Khan** : Sir, as I seldom take part in the debates of this Assembly, probably I have not acquired the necessary aptitude of speaking through this microphone and so my voice does not adjust itself readily. I am very glad that this decision has been taken and I welcome it. Why? Because this reservation of seats would only keep alive Communalism and would be ineffectual as a safeguard for the Muslim minorities or for the matter of that for any other minorities. I congratulate the majority community, that they have not taken advantage of their superiority in numbers, by utilising this device for their own purposes. The Muslims have been thinking for some time that this reservation was wholly incompatible with responsible Government and I may say that when Provincial autonomy was introduced in the provinces for the first time the Muslims soon began to realize the separate representation was not going to be an effective safeguard for the protection of their interests. Not only did they realize it but even before that the Muslims were not their convinced of the adequacy of this safeguard. I think it will be recalled that when Mr. Jinnah put forward his famous fourteen points, he contemplated that if certain safeguards demanded were conceded elections in future would be by means of joint electorates. For some time the Muslims have been thinking that with the inauguration of responsible Government separate electorates would be out of place. I would like to point out to my friends from Madras who insist on separate electorates, the circumstances and conditions which gave birth to that system. At that time when separate electorates were claimed, there were no direct elections to the legislatures. The members were elected to the legislature by the members of the Municipal or District Boards. There were no statutory safeguards in the Constitution. A foreign Government was in power and had an official bloc in the legislatures and the Muslims were able to use the separate electorates for their own purposes, but as I said just now as soon as Provincial autonomy came, they very soon found that separate electorate was no safeguard for their interests and they were doomed to remain in Opposition which led to frustration. My honourable Friend Mr. Muhammad Saadulla has said that this reservation of seats had been given away by the

[Mr. Muhammad Ismail Khan]

solitary vote of Begum Aizaz Rasul. May I remind him in this connection of a meeting which was held ten or twelve months ago in which many Muslim members of this Constituent Assembly took part in which it was decided that we should take steps to do away with reservation. So Begum Aizaz Rasul in casting her vote was not casting a solitary vote, but she did so on behalf of those people who had taken part in that meeting. I do not say that Sir Sayed Saadullah agreed with it, but there were ten or twelve members present who agreed that they should take steps to have this reservation done away with.

Now I would like to point out to my friends who insist on separate electorates for the purpose of safeguarding their rights that, in the Constitution today, we have justiciable fundamental rights prescribed, in the Constitution. We can vindicate our rights in future not in the legislature, but in the Supreme Court and I say that that forum is much better from our point of view. In the legislatures party feelings run high and disinterested consideration is seldom given to such matters, but with the statutory safeguards provided for in the Constitution, we have nothing to fear and our cultural, religious and educational associations should keep a vigilant eye and see that those rights are not infringed or curtailed by appealing to the Supreme Court of judicature. In future I trust the Muslim members will be able to speak on behalf of their constituencies as authoritatively as the other members. That is why I want to do away with Communalism in the shape of separate electorates so that when they come here they can speak with the same authority as any other member and as a representative not only of the Muslims but also of the majority community. There is no half-way house between separate representation and territorial electorates. Reservation was an ineffective method for the protection of communal rights and I therefore give my unstinted support to this decision which does away with it. I wish to point out to my Madras friends that even twenty years back the Muslims were thinking of giving up separate electorates provided certain safeguards were provided and conceded, but in the Constitution that was framed, for instance, in the act of 1935, no safeguards were given. The responsibility for the protection of their rights was entrusted to the Governor of the provinces by the Instrument of Instructions, but today the conditions are different. Here we have got statutory safeguards. Why then do we want separate representation? How will it help us? Would it not do always keep us from joining other parties? After all, with communal electorates, you would have to have a communal organization to put up candidates and frame a programme and policy for their work in the legislatures which means that the present state of affairs would continue and keep alive communalism in its worst form. Would this lead to the establishment of harmonious relations? No. I therefore think that we should give up this system although many of us who have been nurtured in the old traditions find it hard to part with rights which we have so far enjoyed. We are doing all this not for ourselves, but for the future generations of Muslims in this country. The best thing is to trust the majority. Even if we have separate electorates or reservation of seats, how are we going to prevent the majority from imposing its own decision? Merely making speeches will not save you. You will have to join some party or other if you are not to be isolated and on conditions which that party may impose. Moreover we desire that our State should be non-communal and secular. Here is an opportunity and we should grasp it. Let us not stand in the way of the emergence of a really secular and non-communal State. I support the motion.

**Shri Rohini Kumar Chaudhari** (Assam: General): Mr. President, Sir, this resolution has my warmest support. The report to which the resolution refers

is the result of the supreme efforts made by our honourable, revered and beloved leader Sardar Vallabhbhai Patel. This is one of several achievements, the credit for which must go to him entirely during recent times.

Of course, there are some reasons to complain here and there. I have also a reason to complain. But, the sum total of this resolution is this: the moment this resolution is translated into action, we will be paving our way to realise the dream of building a secular State, a composite Indian Nation. These communal troubles which have disfigured the history of India during the last few years will, I am sure, be a thing of the past.

I do not know how far minorities play a part in other parts of the world, so far as politics is concerned. But, in India, the problem of minorities has played a considerable part since the British rule. There are two kinds of minorities, as you all know in India. There is one kind of minority which, on account of the tallness of the stature, of its people the tallness of these figures and of the fact that they can take care of themselves in any part of the world, generally inspires terror in the minds of other minorities and even in the minds of the majority. There is another kind of minority, which inspires pity in our minds who constantly remind us of the folly which we had committed in the past and the treatment which we have accorded to them in the past, for which they have lots of reason to complain. To that minority we have to make amends. I am glad to be able to say that this report has given its due consideration to the minority which really deserves pity and sympathy and encouragement and has not, for the time being, been given that attention for which the other kind of minority was clamouring for some time.

I wish in this connection to draw the attention of the House to the conditions prevailing in the province of Assam. There, the population figures stand thus. Caste Hindus form 39 per cent of the population ; Muslims form 23.6 per cent of the population; Tribals form 32.4 per cent of the population. I am not going to ask one question. When the population stands thus, is it necessary to reserve any seat for any community? I ask, when there is no majority community at all, when the difference between the so-called majority community, that is the Caste Hindus, and the Tribal community, as we find from the figures is only six per cent, is this reservation of seats necessary for any community there? I hope the House will consider this. Could you not make an experiment in that province where there is such a small difference between the different communities, of not having any reservation of seats at all? If ultimately it is your intention to do away with reservation, why not start that experiment in a province where the margin of difference between the different communities is so small? That is the point which I would ask the House to consider.

My honourable Friend Mr. Saadulla was complaining, as I could understand, that there was no reservation for Muslims in that province. If there was no necessity for reservation of seats for the Muslims in any province, certainly Assam is one such. Because, there, the percentage of the population of Muslims is as high as 24 per cent, as stated by him. I would, Sir, take this opportunity of denying that the Muslims of our province really demand any reservation of seat. On the other hand, there are several members of his own constituency of Muslims in the Assam Legislative Assembly, who certainly repudiate the suggestion for any reservation of seats. As the majority of Muslim members in this House do not agree to have any reservation of seats, I suppose it is idle for any one to talk of reservation of seats for Muslims in Assam.

I want to draw the attention of the House to a demand made by the Honourable Mr. Lari for multiple member constituencies and cumulative voting. That, Sir, I am afraid, will destroy the very object of this resolution. If the

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Muslims or any community knows that in the future they can have their own seat if they combine on the ground of religion or community, then, the evil of communalism will still linger. Wherever there is a multi-member constituency, the Muslims will combine themselves and they will secure a seat for themselves. Wherever there are lesser number of Hindus or any other community in any particular area, they will combine amongst themselves and the whole idea of unity will be destroyed by having multi-member constituencies and cumulative voting.

Another point to which I should draw the attention of the House is whether it would be desirable, in view of the population figures which have been given, to allow any community for whom seats have been reserved, to contest for the general seats. Let us examine the position for a moment. The Caste Hindus are only 39.6 per cent the tribals are 32.4 per cent. If, in addition to this, the people of the tribal areas are allowed to contest the general seats, then some of these general seats, at least will go to the tribal people. Is it desirable, I would ask the House to consider, to allow these tribal people to contest general seats? But I must be fair and say here that the figures of tribal people mentioned, i.e., 32.6 per cent, may not be quite correct. I am told that some of the population in the tea-gardens, which is covered or included in this figure are actually in the plains, and will come to the general seats. In that case, I will advocate that this figure ought to be changed, that is to say, if it is correct that a portion of this population of about ten lakhs are really not tribal population but have been wrongly included in the tribal figure, then the whole figure may have to be revised.

**Mr. President :** May I point out that we are not dealing with the question of tribals. We are concerned only with the others. Therefore the honourable Member should confine himself to the general question of reservation, leaving out the tribes. When the time comes, he may bring up his point, if necessary, but not at this stage. Otherwise I will have to allow others also to speak about the tribals which I do not want to.

**Shri Rohini Kumar Chaudhari :** I stand corrected, Sir, So I once more express my felicitations about the report and we are particularly very happy that the reserved seats have been kept for the members of the Scheduled Castes. We all hope that in no distant time—we need not wait even for ten years, but even before that—the so-called Scheduled Castes people will be progressing rapidly and that they will be equal to any other community in this country.

With these words, Sir, I support the Resolution.

**Mr. Frank Anthony (C.P. & Berar: General):** Sir, at the end of para 5 of the Report submitted by Sardar Patel to this house is a sentence which has specified that this Resolution does not affect the provisions granting representation to the Anglo-Indian community; and it is because of this, Sir, that I stand here to express my sense of gratitude to the Advisory Committee, guided by Sardar Patel, for this generous and understanding gesture. I should be shirking the truth if I did not admit that there were many occasions during the sessions of the Minorities Sub-Committee, and many occasions during the sessions of the Advisory Committee, when I was deeply and even unhappily anxious. I know, Sir, that autobiographical details not only savour of egotism, but they tend to irritate. But I have in representing my community, been inspired by what has been an article of faith, a belief that this community, whatever its past history, has its real home in India, That it can know no other home, that it can only find a home in all its connotations if it is accepted, and accepted cordially, by the peoples of this country. Sir, when discussions on minority rights were on the anvil, there were two questions that I asked myself. Would the leaders of India be able to forget and forgive the past? And the

second question was, if the leaders of India can forget, and forgive the past, will they go further and be prepared to recognise the special needs and difficulties of this small, but not unimportant minority? Sir, today, I am able to say, with a sense of inexpressible gratitude, that the leaders of India have shown that they were not only able to forget and forgive the past, but they were also able to recognise and accept the special needs and difficulties of the community which I have the privilege of leading. I believe that in making this gesture to this small community, the Advisory Committee has been uniquely generous. When we were discussing these problems, very often I felt that in the minds of the majority of the members of the Committee were questions, not put in so many words, but nevertheless there were questions which animated their attitude towards my request, and these questions took perhaps the uniform form, "Why should you on behalf of the Anglo-Indians ask even for equality of treatment? Can it not be said of your community that not only have you not given a single hostage to the cause of independence, but perhaps have joined with the reactionary forces intended to retard the cause of Indian independence?" Those were questions which were perhaps postulated behind the minds of the majority of the members, and I realised that this was a hurdle. Sometimes I felt that it was an insuperable hurdle. In spite of that, not only did my community receive recognition as one of the Indian minorities, but it was accorded further special treatment, and its special difficulties were recognised and catered for. Sir, in this connection, I wish to place on record my sense of gratitude—I find it impossible to express it adequately—to the attitude of the Chairman of the Advisory Committee, Sardar Patel. From some speeches in this House, the impression might have been gathered that the Advisory Committee was animated by motives of wresting from the minorities what the minorities wanted or thought was necessary. I am here to refute that suggestion. There were many people who argued with unerring logic, who argued with even an implacable sense of reasonableness, that the request put forward by the minorities should not be accepted in the larger interests of the country. When I listened to them, I often felt that the minority's requests would never be accepted, because on the basis of logic, on the basis even of reasonableness, on the basis of national integration, many of the request put forward by the minorities were not tenable. But fortunately, I say fortunately we had a person like the Sardar as the Chairman. I saw him brush aside, sometimes brusquely, arguments which were unanswerable on the basis of logic, arguments which were irrefutable on academic and theoretical grounds and he made it clear over and over again to us in the Advisory Committee that this attitude was inspired not by logic, not by strict reasonableness, not by academic theories, but by an attempt to understand the real feelings and psychology of the minority mind. He made it quite clear that the principle on which he was working was this. It is not necessary so much to measure what we do by the yardstick of theory or of academic perfection, but what is much more important is that whatever the requests of the minorities be, if they are not absolutely fantastic then that request should be met to the maximum extent; because if there is a fear, real or imagined, it is better in the larger interests ultimately of the country to assuage that fear, and to look at it from the point of view of minority psychology. And that is why we have these provisions granted to us, provisions perhaps which we had no right to ask for, on a strictly logical or academic basis.

Sir, as one who understands minority psychology and the difficulties of minorities for a long time, I have sometimes regarded it an impertinence for the representative of one minority to preach to another minority, to attempt to say to that minority "Such and such a thing is good or bad for you". So I will not attempt to say anything which may savour of preaching to my Muslim friends. But I do want to say this, that whatever decisions were reached in the Advisory Committee were reached so far as all the other minorities were concerned as a result of unanimous agreement.

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But what could the Advisory Committee do? There was nothing we could do when different Muslim representatives spoke with different voices. Even in this House there have been differences of opinion. The Advisory Committee was, therefore, left with no alternative but, in view of this confusion and medley of Muslim opinions, to come to a decision which was unanimously supported by all the other minorities and which also found support from many of the Muslim representatives. Sir, may I say this about the decisions of the Advisory Committee? They represent no imposed decisions; they represent decisions which have been arrived at as a result of friendly understanding, compromise and unanimous agreement. I believe in bringing these decisions to fruition Sardar Patel has helped—as perhaps none else in the past few years could have done—to bind the minorities with hoops of steel to the cause of national integration and progress.

Sir, some people still feel that no safeguard should have been incorporated in the Constitution even for the interim period. I feel otherwise. I feel that it was a good thing, that it was a salutary thing, that we have prescribed a limited number of years. I tell my friends who are anxious for complete integration immediately: “Ten years represent but a fractional moment in the history of a great nation.” We have not yet reached the goal of a secular democratic state. It is an ideal—I hope it is not a distant ideal. Our road to that goal may be marked by ups and downs; but if during our march to it we have given some safeguards to the minorities I feel that it is a salutary and a healthy thing in order to tide these minorities over this transition period.

Sir, there is a feeling, particularly among journalists from other countries, that today the minorities in India are being oppressed, that minority representative either do not, in fact, represent the minorities or they are petrified by a sense of fear and regimentation and do not speak of or express that fear which is in their hearts. I have never suffered from any sense of fear. I have never, in the expression of my views, been subjected to any regimentation. May I say this that minority representatives today are not stooges of any particular party? When we say that we genuinely feel that we have been generously treated we mean it and it is not the result of any regimentation or fear. At the same time, we are under no sense of illusion. We do not indulge in flattery. Well, I have heard the representatives of some minority communities say that everything in the Indian garden is not perfect; for the matter of that, what can be perfect in any garden? There are causes for misgivings, yes. Today I see in certain provinces precipitate policies being followed—policies which, I feel, are inspired by ill-concealed communal motives. I see in them the new communalisms linguistic and provincial, more dangerous, communalisms much more mischievous in their potential than the old dead religious communalism. I see in them communalism raising their many any their hydra-heads. I see those most ardently wedded to this new communalisms flogging the dead horse of religious communalism, stalking behind it while riding their own hobby-horses of linguistic and provincial communalisms. We see, Sir,—I say it without any offence—we see members of this great party who technically are members of the Congress, but spiritually are members of the R.S.S. and the Hindu Mahasabha. Unfortunately, I read speeches day in and day out by influential and respected leaders of the Congress Party, who say that Indian independence can mean only Hindu Raj, that Indian culture can only mean Hindu culture. These are causes for misgivings, yes. But which great nation in its path to greatness will not have ups and downs? The main point is this—that we have set our goal and are sailing in the right direction. We have set our goal as a secular and democratic State. And may I say this in passing. Let us not once again indulge in shibboleths and make shibboleths do for facts; let us not proclaim loudly that we are already a secular democratic State when this is an idea



which is yet to be achieved. But, as I have already said, we have set our sails in the right direction. As the Prime Minister said at a meeting the other day at which I was present, in accepting the abolition of reservations and limiting it for a period of ten years, the majority community and above all the leaders have expressed faith in themselves, to achieve what they believe. It is an act of faith on their part. It was not inspired by any intention to do away with anything which the minorities wanted. It was an act of faith made by the majority community in agreement with the minority communities. I believe that India can achieve her full stature only as a secular State. Any attempt to go back to the past, any attempt at revivalism must inevitably shrivel the potentialities and stunt the growth of this great country. And may I say this, that in our march towards the goal—it is still a goal—the minorities must be in the vanguard. Any minority which thinks that it can flourish on sectarianism is asking for ruin and death.

And, Sir, may I, before I end, refer in passing to another thing. Some people say, “Oh, Anthony, in spite of your grandiose opinions, of your grandiose sentiments, if you feel so strongly, why don’t you drop this prefix ‘Anglo’?” Well, I say “The word ‘Anglo-Indian’ may be good or bad, but rightly or wrongly it connotes to me many things which I hold dear.” But I go further and say to the same friends of mine “I will drop it readily, as soon as you drop your label, the day you drop your label of ‘Hindu’ .” The day you drop the label of “Hindu”, the day you forget that you are a Hindu, that day—no, two days before that—I will drop by deed poll, by beat of drum if necessary the prefix “anglo” because, believe me that when we all begin to drop these prefixes or labels, not only by paying lip-service to them, not only by making professions about them, but when we really feel them in our hearts, when we by our actions, not by our professions, equate these to our beliefs in a secular State, that day will be welcome first and foremost to the minorities of India, who by that time will have forgotten that they are minorities and that they are Indians first, last and always.

**The Honourable Shri Jawaharlal Nehru** (United Provinces: General): Sir, there has been such an abundance of goodwill shown towards this motion that it is hardly necessary for me to intervene in support of it. But I have felt the urge to do so because I wish to associate myself with this historic turn in our destiny: for, indeed, it is a historic motion that my colleague, the Deputy Prime Minister has put before this House. It is a motion which means not only discarding something that was evil, but turning back upon it and determining with all our strength that we shall pursue a path which we consider fundamentally good for every part of the nation.

Now, all of us here, I believe, are convinced that this business of separatism, whether it took the shape of separate electorates or other shapes has done a tremendous amount of evil to our country and to our people. We came to the conclusion some time back that we must get rid of separate electorates. That was the major evil. Reluctantly we agreed to carry on with some measure of reservation. Reluctantly we did so for two reasons: Reason No. 1 was that we felt that we could not remove that without the goodwill of the minorities concerned. It was for them to take the lead or to say that they did not want it. For a majority to force that down their throats would not be fair to the various assurances that we had given in the past and otherwise, too, it did not look the right thing to do. Secondly, because in our heart of hearts we were not sure about ourselves nor about our own people as to how they would function when all these reservations were removed, we agreed to that reservation, but always there was this doubt in our minds, namely, whether we had not shown weakness in dealing with a thing that was wrong. So when this matter came up in another context, and it was proposed that we do away with all reservations,

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except in the case of the Scheduled Castes, for my part I accepted that with alacrity and with a feeling of great relief, because I had been fighting in my own mind and heart against this business of keeping up some measure of separatism in our political domain: and the more I thought of it the more I felt that it was the right thing to do not only from the point of view of pure nationalism, which it is, but also from the separate and individual view-point of each group, if you like, majority or minority.

We call ourselves nationalists, but perhaps in the mind of each, the colour, the texture of nationalism that is present is somewhat different from what it is in the mind of the other. We call ourselves nationalists—and rightly so—and yet few of us are free from those separatist tendencies—whether they are communal, whether they are provincial or other: yet, because we have those tendencies, it does not necessarily follow that we should surrender to them all the time. It does follow that we should not take the cloak of nationalism to cover those bad tendencies.

So I thought about this matter and I came to the conclusion that if at this stage of our nation's history, when we are formulating this Constitution, which may not be a very permanent one because the world changes, nevertheless which we wish to be a fairly solid and lasting one, if at this stage we put things into it which are obviously wrong, and which, obviously make people look the wrong way, then it is an evil thing that we are doing to the nation. We decided some time ago in another connection that we should have no truck with communalism or separatism. It was rightly pointed out to us then that if that is so, why do you keep these reservations because this itself will make people think in terms of separate compartments in the political domain.

I would like you to consider this business, whether it is reservation or any other kind of safeguard for the minority, objectively. There is some point in having a safeguard of this type of any other type where there is autocratic rule or foreign rule. As soon as you get something that can be called political democracy, then this kind of reservation, instead of helping the party to be safeguarded and aided, is likely actually to turn against it. But where there is a third party, or where there is an autocratic monarch, or some other ruler, it is possible that these safeguards may be good. Perhaps the monarch may play one off against the other or the foreign ruler. But where you are up against a full-blooded democracy, if you seek to give safeguards to minority, and a relatively small minority, you isolate it. May be you protect it to a slight extent, but at what cost? At the cost of isolating it and keeping it away from the main current in which the majority is going,—I am talking on the political plane of course—at the cost of forfeiting that inner sympathy and fellow-feeling with the majority. Now, of course, if it is a democracy, in the long run or in the short run, it is the will of the majority that will prevail. Even if you are limited by various articles in the Constitution to protect the individual or the group, nevertheless, in the very nature of things in a democracy the will of the majority will ultimately prevail. It is a bad thing for any small group or minority to make it appear to the world and to the majority that “we wish to keep apart from you, that we do not trust you, that we look to ourselves and that therefore we want safeguards and other things”. The result is that they may get one anna in the rupee of protection at the cost of the remaining fifteen annas. That is not good enough looked at from the point of view of the majority either. It is all very well for the majority to feel that they are strong in numbers and in other ways and therefore they can afford to ride rough-shod over the wishes of the minority. If the majority feels that way, it is not only exceedingly

mistaken, but it has not learnt any lesson from history, because, however big the majority, if injustice is done to minorities, it rankles and it is a running sore and the majority ultimately suffers from it. So, ultimately the only way to proceed about it—whether from the point of view of the minority or from the point of view of the majority—is to remove every barrier which separates them in the political domain so that they may develop and we may all work together. That does not mean, of course, any kind of regimented working. They may have many ways of thinking; they may form groups; they may form parties, but not on the majority or minority or religious or social plane, but on other planes which will be mixed planes, thus developing the habit of looking at things in mixed groups and not in separate groups. At any time that is obviously a desirable thing to do. In a democracy it becomes an essential thing to do, because if you do not do it, then trouble follows—trouble both for the minority and for the majority, but far more for the minority.

In the present state of affairs, whether you take India or whether you take a larger world group, the one thing we have to develop is to think as much as possible in larger terms; otherwise we get cut off from reality. If we do not appreciate what is happening, the vast and enormous changes happening elsewhere which really are changing the shape of things, and cut off our future almost completely from the past as we found it, if we stick to certain ideas and suspicions of the past, we shall never understand the present, much less the future that is taking shape. Many of our discussions here are inevitably derived from the past. We cannot get rid of them. None of us can, because we are part of the past. But we ought to try to get ourselves in connected from the past if we are to mould the future gradually. Therefore, from every point of view, whether it is theoretical or ideological or national or whether it is in the interests of the minority or of the majority or whether it is in order to come to grips with the realities of today and of tomorrow which is so different from yesterday, I welcome this proposal.

Frankly I would like this proposal to go further and put an end to such reservations as there still remain. But again, speaking frankly, I realise that in the present state of affairs in India that would not be a desirable thing to do, that is to say, in regard to the Scheduled Castes. I try to look upon the problem not in the sense of a religious minority, but rather in the sense of helping backward groups in the country. I do not look at it from the religious point of view or the caste point of view, but from the point of view that a backward group ought to be helped and I am glad that this reservation also will be limited to ten years.

Now I would like you to think for a moment in a particular way just to realise how the present is different from the past. Think of, let us say, five years ago which is not a long time. Think of the problems that you and I and the country had to face then. Make a list of them and then make a list of the various problems that this honourable House has to consider from day to day. If you do this you will see an enormous difference between the lists. The questions that are before us demanding answer, demanding solution show how we have changed for good or for evil. The world is changing; India is changing, not alone politically. The real test of all change is, what are the problems that face us at a particular moment. The problems today are entirely different from the problems that five years ago faced us in any domain, political, economic or in regard to the States. If that is so we have to tackle problems in a different way, no doubt holding on to the basic ideals and the basic ideology that has moved us in the past, but nevertheless remembering that the other appurtenances of those ideologies of the past have perhaps no function today. One of the biggest things in regard to them is this one of separate electorates, reservation

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of seats and the rest. Therefore, I think that doing away with this reservation business is not only a good thing in itself—good for all concerned, and more especially for the minorities—but psychologically too it is a very good move for the nation and for the world. It shows that we are really sincere about this business of having a secular democracy. Now I use the words ‘secular democracy’ and many others use these words. But sometimes I have the feeling that these words are used today too much and by people who do not understand their significance. It is an ideal to be aimed at and every one of us whether we are Hindus or Muslims, Sikhs or Christians, whatever we are, none of us can say in his heart of hearts that he has no prejudice and no taint of communalism in his mind or heart. None or very few can say that, because we are all products of the past. I do not myself particularly enjoy any one of us trying to deliver sermons and homilies to the other as to how they should behave, or one group telling the other group whether of the majority or of the minority, how they should do this or that in order to earn goodwill. Of course something has to be done to gain goodwill. That is essential. But goodwill and all loyalty and all affection are hardly things which are obtained by sermonising. These develop because of certain circumstances, certain appeals of the minds and heart and a realisation of what is really good for everyone in the long analysis.

So now let me take this decision—a major decision—of this honourable House which is going to affect our future greatly. Let us be clear in our own minds over this question, that in order to proceed further we have, each one of us whether we belong to the majority or to a minority, to try to function in a way to gain the goodwill of the other group or individual. It is a trite saying, still I would like to say it, because this conviction has grown in my mind that whether any individual belongs to this or that group, in national or international dealings, ultimately the thing that counts is the generosity, the goodwill and the affection with which you approach the other party. If that is lacking, then your advice becomes hollow. If there, then it is bound to produce a like reaction on the other side. If there were something of that today in the international field, probably even the great international problems of today would be much easier of solution. If we in India approach our problems in that spirit, I am sure they will be far easier of solution. All of us have a blend of good and evil in us and it is so extremely easy for us to point to the evil in the other party. It is easy to do that, but it is not easy to pick out the evil in ourselves. Why not try this method of the great people, the great once of the earth, who have always tried to lay emphasis on the good of the other and thereby draw it out? How did the Father of the Nation function? How did he draw unto himself every type, every group and every individual and got the best from him? He always laid stress on the good of the man, knowing perhaps the evil too. He laid stress on the good of the individual or group and made him function to the best of his ability. That I think is the only way how to behave. I am quite convinced that ultimately this will be to our good. Nevertheless, as I said on another occasion, I would remind the House that this is an act of faith, an act of faith for all of us, and act of faith above all for the majority community because they will have to show after this that they can behave to others in a generous, fair and just way. Let us live up to that faith.

(Mr. Tajamul Husain came to speak).

**Shri Rohini Kumar Chaudhari :** On a point of order, Sir, you called Mr. Tamizudin Khan and not Mr. Tajamul Husain.

**Mr. Tajamul Husain (Bihar: Muslim):** Let the honourable Member better change his glasses. The Chair called Mr. Tajamul Husain and I am Mr. Tajamul Husain.

Mr. President, Sir, reservation of seats in any shape or form and for any community or group of people is, in my opinion, absolutely wrong in principle. Therefore I am strongly of opinion that there should be no reservation of seats for anyone and I, as a Muslim, speak for the Muslims. There should be no reservation of seats for the Muslim community. (*Hear, Hear*). I would like to tell you that in no civilised country where there is parliamentary system on democratic lines, there is any reservation of seats. Take the case of England. The House of Commons is the mother of parliaments. There is no reservation of seats for any community there. No doubt they had reservation of seats for the universities but even that has been abolished. What is reservation, Sir? Reservation is nothing but a concession, a safeguard a protection for the weak. We, Muslims do not want any concession. Do not want protection, do not want safeguards. We are not weak. This concession would do more harm than good to the Muslims. Reservation is forcing candidates on unwilling electorates. Whether the electorates wants us or not, we thrust ourselves on them. We do not want to thrust ourselves on unwilling electorates. The majority community will naturally think that we are encroaching upon their rights. We do not want them to think that. We must exert ourselves. Separate electorates have been curse to India, have done incalculable harm to this country. It was invented by the British. Reservation is the offspring of separate electorates. Do not bring in reservation in the place of separate electorates. Separate electorates have barred our progress. Separate electorates have gone for ever. We desire neither reservation nor separate electorates. We want to merge in the nation. We desire to stand on our own legs. We do not want the support of anyone. We are not weak. We are strong. We are Indians first and we are all Indians and will remain Indians. We shall fight for the honour and glory of India and we shall die for it. (*Applause*). We shall stand united. There will be no divisions amongst Indians. United we stand; divided we fall. Therefore we do not want reservation. It means division. I ask the members of the majority community who are present here today:— Will you allow us to stand on our legs? Will you allow us to be a part and partial of the nation? Will you allow us to be an equal partner with you? Will you allow us to march shoulder to shoulder with you? Will you allow us to share your sorrows grief and joy? If you do, then for God's sake keep your hands off reservation for the Muslim community. We do not want any statutory safeguard. As I said before, we must stand on our own legs. If we do that, we will have no inferiority complex. We are not inferior to you in any way, Do not make us feel inferior by giving us this concession. I say emphatically there is no difference between you and me. Because we worship the same God by different names, in a different way, that is no reason why we should be considered a minority. We are not a minority. The term 'minority' is a British creation. The British created minorities. The British have gone and minorities have gone with them. Remove the term 'minority' from your dictionary. (*Hear, Hear*). There is no minority in India. Only so long as there were separate electorates and reservation of seats there was a majority community and a minority community.

I ask the majority community not to distrust the minorities now. The minorities have adjusted themselves. I will give you a concrete example. You remember the Hyderabad incident; you remember that before you took police action against Hyderabad, what happened. The majority community were afraid that there would be rioting of the Muslims if action was taken against Hyderabad. I was first man to speak about it about a year and half ago in the Central Legislature. I criticised the Government of India. I am sorry Sardar Patel was not present at that time when I was dealing with his portfolio, but my honourable Friend Mr. Gadgil was in charge. I criticised the action of the Government; I told them that they were absolutely mistaken in thinking

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that the Muslims would rise; they would adjust themselves. I said to them: "You march an army against Hyderabad and within a couple of days, you would take the whole of Hyderabad." I made a long speech and after my speech was over, there was a reply by the Honourable Minister in charge, Mr. Gadgil. He never spoke a single word about it and he never replied to my criticism, but I asked him: "You have replied to everybody's criticism. Why not mine? I asked you to march an army against Hyderabad; you would take Hyderabad within a couple of days and there would be no rioting." Mr. Gadgil said: "You are perfectly right and we will do it."

I appeal to all minorities to join the majority in creating a secular State. In the new state of things, I want that every citizen in India should be able to rise to the fullest stature and that is why I say that reservation would be suicidal to the minority. I want the minorities to forget that they are minorities in politics. If they think they are minorities in politics, they will be isolated. If they are isolated, the feeling of frustration will cripple them. I do not want to remain a minority. Do the minorities, I ask, expect to form part of the great nation and have a hand in the control of its destinies. Can they achieve that aspiration if they are isolated from the rest of India? The minorities if they are returned as minorities, *i.e.*, by reservation of seats can never have an effective voice in the affairs of the country. They can never form a Government. Disraeli could never have formed a Government and could never have become the Prime Minister of England had there been reservation of seats for the Jews in England. I want the minorities to have an honourable place in the Union of India. National interests must always be placed over group interests. The minorities should look forward to the time when they could take their place not under communal or racial labels, but as part and parcel of the whole Indian community.

Now, Sir, with your permission, I want to say a few words with regard to the speeches made against the motion of Sardar Patel. I take first Mr. Muhammad Ismail of Madras. He wants separate electorate. I appeal to him not to ask for charity. Asking for separate electorates is nothing but asking for charity. I tell him that the consequences will be terrible. The majority community will never trust you then. You will never be able to exert yourself. You will be isolated, you will be treated as an alien and your position will be the same as that of the Scheduled Caste. You are not poor like the Scheduled Castes, you are not weak, you are not uneducated; you are not uncultured; you can always support yourself. You have produced brilliant men. So do not ask for protection or safeguard. You must have self-confidence in you. You must exert yourself you must get into the Assembly by open competition. The times have changed. Adjust yourself. You admitted yesterday in your speech that the atmosphere is better now. I entirely agree with you that the atmosphere is better now. I appeal to you, do not spoil that atmosphere. Improve it, but do not spoil it and if you insist on separate electorate, you will spoil atmosphere very badly. If you get separate electorates, it will again become as bad as before. Say to yourself, Mr. Ismail, that you are an Indian first and an Indian last. Then you will forget all about separate electorates. You will never think of it again.

I will tell you, Sir, that when I had sent in my amendment to clause 292 that it should be deleted, that there should be no reservation of seats, then several Muslim friends of mine, who were for reservation of seats asked me. "Do you realize that the mentality of the Hindus is such at present that if there were no reservation of seats for the Muslims, the Muslims can never succeed?" That honourable gentleman for whom I have got great esteem told me: "Look at us. We have always been with the Congress; we have been to jail and all

that. No doubt we will get a ticket from the Congress; many Muslims will get tickets from Socialists and Communists and from other organisations, but what about the electorates? They will never elect you and they will never elect us. So, if there is no reservation, no Muslims will get in because of the mentality of the Hindus." I told him, Sir, what I am telling you now. I said that I entirely agreed with him that the mentality of the Hindus is such at present. I say to Mr. Ismail also that as long as there is reservation of seats or separate electorate the mentality of the Hindus will never change. You do away with these two things and the mentality will automatically change. I do not want to go into the history of this mentality. I am not going to apportion blame as that will take a long time and you have allotted me a short time and I want to be brief and finish my speech within that time. You all know how the mentality of the Hindus became such, but we have to live in this country, we must change their mentality and it is our duty to change their mentality and the only way the mentality can be changed is to become a part and parcel of the Indian Union. You should say that they are no longer our enemies and then they will be like brothers to us.

Now, Sir, with regard to Mr. Lari, he does not want separate electorates; he does not want reservation of seats; he has condemned both the systems and he says that both the systems are dangerous. He has said that, and I entirely agree with him. He has always opposed separate electorates, reservation of seats and the partition of the country. He is right. But he wants cumulative voting, that is, proportional representation by means of a single transferable vote, or something like that. My honourable Friend, Mr. Saksena has told us that it is a very cumbrous system of mathematical calculations; I am not dealing with that now. The only thing I want to say is that Mr. Lari wants to get into the Assembly by the back door. For example suppose there is a constituency that has to elect four candidates for the House of the People, and there are five candidates. One will be defeated and four will be elected. Out of these five, four are Hindus and one is a Muslim. The votes of the Hindus will be divided among the Hindus and there will get elected. The Muslim will get in on the Muslim votes. Again separate electorates, again reservation of seats. I should like to say to my honourable Friend Mr. Lari if I may say so, that this is worse than separate electorate, as the method is not clean. It is not straightforward. I quite understand Mr. Mohamed Ismail's view when he asks for separate electorates. That is a straightforward method. What is this back-door method of Mr. Lari. I do not understand. I am sure the Muslims do not like these crooked methods; they want a straight, honourable fight. In spite of the fact that Mr. Lari has always openly opposed Pakistan, separate electorates and reservation of seats he still feels inferiority complex. I would ask him to shed this inferiority complex. The country will change for the better.

Last of all, I come to the speech of my honourable and esteemed friend, for whom I have very great regard, Sir Saadulla, the Ex-Premier of Assam. He complains before us that the majority of the Muslim members of the Advisory Committee on Minorities Fundamental Rights etc., did not support the resolution that there should be no reservation of seats for the Muslims. I have already told you, Sir, that I have very great esteem and regard for the Ex-premier of Assam, but I am afraid I must differ from him on this point. I sent my resolution to the Committee to the effect that there should be no reservation of seats. My resolution was discussed under the Chairmanship of the Honourable Sardar Patel. I spoke on my resolution. Begum Aizaz Rasul supported me. Maulana Azad was present there; he did not oppose me. The only person who opposed me was my honourable friend Jafar Imam, from Bihar. There too, I had a majority: Begum Aizaz Rasul. Maulana Azad and myself as against one. The meeting could not be finished and was adjourned

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*sine die*. Then it was held on the 11th of this month. I wanted to attend that meeting, particularly because my resolution was there. I wanted to move it again. But I never received notice of the meeting. The notice was lying in Delhi; it never reached me. If I had got notice of the meeting, I would have attended it. When I came to Delhi, I learnt that there was the meeting that day. I was happy to learn that the substance of my resolution had been accepted though I was absent. I sent a statement to the Press why I could not attend the meeting that day and it was published in all the papers. Sir Saadulla could not attend the meeting; I do not know why. That meeting was attended by four honourable members: Maulana Azad, Maulana Hifizur Rahman, Begum Aizaz Rasul and Mr. Jaffar Imam. Maulana Azad and Maulana Hifizur Rahman did not oppose my resolution that there should be no reservation of seats. Every member of this House does not speak. If he opposes, he opposes. If he does not speak, but says "I vote for it", then he is with it. Maulana Azad was present. If he wanted to oppose, he would have opposed. The two Maulanas did not oppose Begum Aizaz Rasul supported my resolution in substance. The resolution was moved by my honourable Friend Dr. Mookherjee. It was the same as my own. Begum Aizaz Rasul supported it. My honourable Friend Mr. Jaffar Imam opposed it. If the Maulanas were not with my resolution, they would have sided with Jafar Imam. They said nothing. Votes were taken. There was a clear majority. The Honourable Sardar Patel, I understand, declared that the Muslims were in favour of the motion in spite of the two Maulanas remaining silent. It means that they were with me: three to one voting: there was a majority.

I believe,—I do not remember exactly—there are seven Muslim members on the Committee. Only two are opposed to my resolution; five are with me. The two who are against me are my Hon'ble friends Sir Saadulla and Mr. Jafar Imam. The five who are in favour are, Maulana Azad, Maulana Hifizur Rahman, Begum Aizaz Rasul, Mr. Husseinboy Laljee and myself. Mr. Laljee's views are well known. He opposed Mr. Jinnah. I know his views. In fact, he wrote to me once, "For God's sake do something to remove reservations." Therefore, I had an overwhelming majority. There was another member Syed Ali Zaheer. He is now an Ambassador; I know his views. He is also of the same view as I am.

The next point of my esteemed Friend Sir Saadulla is this. He says, 'let us take the vote of the Muslim Members here.' That is a challenge thrown to us. I accept the challenge. I may remind my honourable Friend Sir Saadulla that when the Muslim members came here to Delhi for the first time there was a meeting of all the Muslim members in Western Court. All of them were present. I was the first man to have got up and said that there should be no reservation of seats. I sent my resolution to the Constituent Assembly when you, Sir, were presiding. I regret to say, except one, not a single member supported me. I found that the Muslims wanted reservation. So, I did not move my resolution. That was the first meeting in which the Muslims were against me. The next meeting was in the house of Nawab Muhammad Ismail, about which he also has told you, in 18, Windsor Place. There my view was accepted by an overwhelming majority. The same Muslim members who were present in the Western Court were present here also, and it was passed by an overwhelming majority that there should be no reservation of seats. See how the time had changed. The only member who opposed it was my honourable Friend Sir Saadulla. He is honestly of that opinion; I respect his view. I hope he will respect my view. He said, 'no there must be reservation of seats'. But, one thing he said: 'personally I am not in favour of reservation, but the Muslims want it'. Most humbly I wish to tell him that he is wrong. The Muslims do not want it. Sir Saadulla was the only opposing member. Then there was the Madras group.



They are a group by themselves, Sir, I understand their opinion. They have throughout been saying, "No reservation, but separate electorates; let us have separate electorates." At the Western Court, they said, "let us have separate electorate;" at Nawab Ismail Sahib's place also they asked for separate electorates and here also they ask for separate electorates. They are welcome to their opinion. But that there should be no reservation was passed by an overwhelming majority. All of us were present. And after that I sent in my amendment saying that the whole section be deleted or that there should be no reservation for Muslims.

**Mr. President :** Time is up.

**Mr. Tajamul Husain :** I will finish soon. My resolution was for pure and simple joint electorates. Sir Saadulla is of the opinion that, though he personally does not want it, the people want separate electorates. I am assure him that he is not correct. The people do not want it.

**Mr. President :** The Honourable Member will please look at the clock. He has taken much time.

**Mr. Tajamul Husain :** I have to say all this because the challenge has been thrown. I will finish in a minute. I have here a list of all the members. Briefly it shows that there are 31 members from the Provinces and 2 from the States, making a total of 33 Muslims. Out of these, 4 are from Madras and I must say that many of the members are permanently absent. As they have migrated to Pakistan, especially all the members from the Punjab, they have gone, and out of the 5 from Bengal 3 have migrated. Now, coming to the list, 4 from Madras are for separate electorates. There are only 23 members on the roll of the Constituent Assembly. As I said, 4 are of separate electorates, 4 for reservation of seats,— 2 from Bihar and 2 from Assam, 1 for cumulative votes, and the view of one member is not known *i.e.*, of Mr. Husain Imam. I had discussions with him, but I do not know his views. So we find that out of the 23 members on the roll of the constituent Assembly, 4 are for separate electorates, 4 for reservation of seats 1 for cumulative voting, 1 unknown and 13 entirely for joint electorate, with no reservation of seats. If you add those who are not with me, they will come to only 10 and we are 13, and if I add Mr. Lari who too is not for reservation of seats or separate electorates, our number would be 14. Actually today there are 15 members present. And of them, 4 are for reservation of seats, 3 for separate electorates and the rest 8 are with me. Even then I have a majority.

Sir, I am finishing now. I only want to add this, I would ask the majority community, not to thrust reservation on the Muslims. If you honestly and sincerely believe that it is a wrong thing, for god's sake, do not give us reservation. You knew that separate electorate was a wrong thing for the Muslims and for India, and you never consulted the Muslims. Sir Saadulla did not raise the objection that the Muslims were not consulted, and he accepted it, and why? Because honestly it was believed to be a bad thing for the country. We now say, "do not make us a minority community. Make us your equal partners, then there will be no majority or minority communities in India."

Now, finally I may be permitted to say one thing and that is a very serious thing which I have not spoken yet on the floor of this House. But I feel there are some people strongly and vehemently opposed to me, and therefore I must give a warning. As you know, Sir, among Muslims there are two sections, call them sub-communities if you like, they are Shias and Sunnis. Out of the 31 members from the Provinces, I have the honour to be the sole Shia in this House. Out of the 2 members from the States, it is fifty, fifty, as one comes from one State and he is Shia and the other is a Sunni. And I would like to tell you

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that throughout the Shias have been opposing separate electorates, and have been opposing reservation of seats. They have always been nationalists. I was president of the Bihar Provincial Shia Conference for ten years, and throughout we have consistently said that we want joint electorate, pure and simple. Recently on 31st December 1948, there was the All India Shia Conference, the 35th session in Muzaffarnagar in U.P. which was presided over by Sir Sultan Ahmed, whom everybody knows. And the resolution was unanimously passed there that there should be no separate electorates and no reservation of seats. I went from her to attend the conference, and I will read out just a portion from the Presidential Address :—

“The Draft Constitution provides that Reservation of Seats for Minorities will continue for ten years from now, by way of allowing handicap. It has been conceded in a kindly spirit of tolerance and fellow feeling and according to current principles of safeguarding the rights of minorities. From this point of view is it perfectly intelligible. But to my mind it appears that the disease of separation is thereby suffered to be prolonged and the germ will continue to be at work for these ten years, with all its after-effects, however mildly it may operate. This reservation in a sense is a measure of dealing softly with a long standing prejudice and curing a trouble as imperceptibly as possible and avoid creating any impression of lack of sympathy on the part of the majority legislators. Could we however not take courage in both hands and abolish even separation of seats along with its greater evil the separation of electorates? Let no separation linger in any form, however innocent. Let us grow into a full bloom of trustfulness and oneness, allowing no speak of, no suggestion whatever of separatism leaving no visible trace of the ways of alienation that made us unfriendly and uncompromising in the past. We should wake up once for all in the glowing dawn of a great living and the historic atmosphere of a new freedom and fellowship may well be expected to give us the boldness to accept a complete code of co-operative life.

There is another ground why this speck of separatism should not be perpetuated. Other minorities will also be encouraged to demand it. Minority within a minority must be logically entitled to it and thus, far from adding and aiding unity, it will only serve to promote separatism and create sectional strife, leading to untold religious, social and political complications. Reservation carries with it as a corollary the maintenance of a communal political organisation and this must be avoided at all costs.”

**Mr. President :** That will do please.

**Mr. Tajamul Husain :** Only one minute more. I have to say something very important.

**Mr. President :** No.

**Shri L. S. Bhatkar** (C.P. & Berar: General): \*[Mr. President, Sir, on this auspicious occasion I too want to place my views before this Assembly. I wholly accept and welcome the proposal moved in this House by the Honourable Sardar Vallabhabhai Patel yesterday in the form of a report. India is very fortunate in having respectable and dignified leaders like Sardar Patel. They have fully solved to their credit the great problems with which the country was confronted. Some days back everyone would have taken it as an impossibility that the method of communal and general representation would end in India.

Sardar Patel has, however, removed this impossibility and actually brought about the abolition of communal representation and for this all Indians ought to be extremely grateful to him.

This Constituent Assembly has declared time and again that India is a secular State. If in spite of this high ideal the communal representation had continued in the country the Constituent Assembly would not have been able

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\*[ ] Translation of Hindustani speech.

to fulfil its objective. This Constituent Assembly could not have absolved itself of this blame. It is only because of the confidence of Indians enjoyed by Sardar Patel that communal representation has been eradicated from the Constitution and seats have been reserved for ten years for the Scheduled Castes only.

I have no hesitation in saying that if we had removed even this provision from the Constitution, it would have been for the better. But because the Scheduled Castes are poor, uneducated and suffer because of their status in society and because of the prevailing social customs, it would have been unjust not to provide for them some special facility in the Constitution. It has been done because they are not capable of uplifting themselves. I hope that during the coming ten years the Scheduled Castes would be able to make progress with the co-operation of everyone amongst us and then it would be unnecessary to continue the special facilities we have granted them today. But the co-operation of other people is necessary to achieve this object. This proposal of Sardar Patel turns our thoughts to Mahatma Gandhi. The scheme envisaged in this proposal is in fact based upon the Poona Pact evolved by Mahatma Gandhi.

I know that we have very little time today and therefore I do not want to prolong my speech. I wanted to express my views about many things, but I would now say only this much that even now in no province the Scheduled Castes are receiving as much help as the Government of India wants to give them. It is necessary to make arrangements for their free education, for giving the financial aid for education and for providing government service to those who are educated among them. There are at present difficulties in making these arrangements and no heed is paid to them. This creates discontent among the people which in the long run takes a political form to the detriment of the country as a whole. But I am confident that Sardar Patel will soon remove these difficulties also.

In conclusion, I once more thank Sardar Patel and extend my full support to his motion.]

**Mr. President :** As will be seen by honourable Members I am allowing time to the speakers of minority communities to have their say.

**Shri Mahavir Tyagi** (United Provinces: General): Sir, what about those persons who have differences with the proposal? They must also have their chance.

**Mr. President :** I have given chances also to those who wanted to speak against the resolution.

**Sardar Sochet Singh** (Patiala & East Punjab States Union): Sir, I take this opportunity to extend unqualified support to the motion moved by the Honourable Sardar Vallabhbhai Patel. The inclusion of backward sections among the Sikhs in the category of scheduled classes for all political purposes is a happy decision over which the Minorities Advisory Committee deserves to be congratulated. It is a matter for regret that the Sikh society could not altogether succeed in eradicating class and sectional distinctions which it was meant to wipe out. The deep-rooted and age-long class consciousness prevailing among the sister communities had a great deal to do with the existence and prevalence of this unhappy state of affairs among the Sikhs, but taking things as they are, the Advisory Committee could not do better than to recommend and this House to accept the extension of the same rights and privileges to members of the scheduled classes regardless of whether they profess this religion or that. The recommendation is doubly welcome on account of the removal of discrimination which should not have been allowed to continue particularly on the basis of religion. I maintain that the Advisory Committee could not do otherwise, if

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as advance consistent with the establishment of a secular State had to be made. The Sikhs are not alien to the conception and experience of a secular State. The State of Maharaja Ranjit Singh, though not a democracy, was secular in concept and practice inasmuch as a large proportion of his ministers and high government functionaries were Hindus and Muslims. The court language too was Persian. Paradoxically enough, the Sikh Raj was not a theocratic Raj and reflected hundred per cent. secularity and cosmopolitanism of the times. The Sikhs are essentially a democratic people and will always feel more at home in a genuinely secular atmosphere.

I am happy that the undemocratic demands regarding special safeguards, reservations, weightages and protection have not been taken into account. The Sikhs are an enterprising, energetic and hard-working people who do not dread competition in the open market whether it is in a spheres political, economic or administrative. We can rub shoulders with our countrymen in every walk of life. We do not want to move, in tin shoes and breathe in heated or air conditioned chambers. We who have, by sheer dint of national deeds and services, earned the title of protectors of Indian culture, civilisation and social order against the tyranny of alien rulers of the times should not feel very happy at the prospect of placing ourselves in the position of soliciting protection. Apart from the point of self-respect and prestige which matter a very great deal where Sikhs are concerned, I venture to ask, against whom do we seek protection? Protection against our countrymen who have been our comrades-in-arms in the country's battle against foreign rule? Protection against democracy for which our faith has struggle and fought for centuries? Protection against Hindus for whose sake Guru Teg Bahadur willingly and cheerfully laid down his life in this very capital of India? The Sikh religion and society have fulfilled an important historical role in this country and are sure not only to hold their own but to serve the essential purpose for which these were created by the Gurus in all difficult times which the country may have to face in future. I do not agree with those of my co-religionists who think and feel that after the attainment of independence by our country, the Sikhs have outlived their usefulness and have now to be lodged and preserved in the sanctuary of safeguards, protection, reservation and weightages. I spurn that idea. The undemocratic and outmoded devices which were struck upon by the Britisher to prolong and stabilise his hold on the country should be courageously smashed and buried. Communal outlook and representation are the least suitable for minorities as they are calculated to perpetuate their unfavourable position in relation to the majority. Our religion is not vulnerable in any respect, and it is lack of appreciation and comprehension of its basic virtues and merits to suggest that it is in danger in it is in native land and atmosphere: As long as faith in one God, liberty, equality and brotherhood of man, courage to oppose tyranny and aggression against the poor and down-trodden, and the upholding of moral law at the risk of life are needed in this world, the Sikhs with their ideals of service and self-sacrifice and faith will have an honourable and honoured place in the scheme of human affairs. What the Sikhs wanted was social justice and proper understanding of their legitimate aspirations which happily they have received abundantly at the hands of the architects of India's destiny—I mean the Honourable Pandit Jawaharlal Nehru and the Honourable Sardar Vallabhbhai Patel. It is the statesmanship and large-hearted sympathies of these noble souls which have made it possible for the Sikhs to shed their isolationist and communalistic tendencies and enjoy an equal partnership with other communities in the prosperity of the country. The constitution of the country makes full provision for the equality of treatment that the Sikhs seek and they would therefore be prepared and determined to cast their lot

with their countrymen Hindus, Muslims, Christians, Parsees and others. They have got a fair field and no favour that they sought. The question of language and linguistic provinces and re-settlement of refugees will, I believe receive due consideration in the appropriate forums and the competitive system of recruitment to services will give us equal opportunity with our countrymen to attain the attainable on merit and fitness.

The Sikhs must feel rightly proud and happy that the Indian National Congress have been drawing freely upon the history and methods of the Gurus in its struggle against the British Raj. Under the inspiration, superior wisdom and guidance of the Father of the Nation, the Congress religiously observed and followed the principle and practice of non-violence taught and practised by the Sikh Gurus from the first to the ninth, and in the recent past employed the alternative method of "Police action in Hyderabad" and "resistance to aggression in Kashmir" on the lines indicated and pursued by Guru Gobind Singh who enunciated dictum.

meaning thereby that when all peaceful means fail it is legitimate to unsheath the sword. I am sure, with the establishment of more harmonious relationship among the faiths and communities in the new set-up of our country, there will be more and more opportunities to think alike and work together in the service of the country and its people. With these words, I commend the motion for the acceptance of the House.

**Maulana Hasrat Mohani** (United Provinces: Muslim): Sir, I have come forward today to give my entire support to the motion of Sardar Patel. I am really glad to do so, because recently I have had occasions to differ from him, though very reluctantly.

Sir, I opposed the principle of reservation of seats at a time when the Congress Party was in its favour. At that time the excuse put forward by the Congress Party was this, "We do not like this method of reservation of seats, but we have to show some concessions to the Muslims, and, therefore, we want to retain it for at least ten years." Even then I said—I am reading from the Official Report of the proceedings of the 4th January 1949, "We refuse to accept any concession. In case the majority party, or the Congress Party, accepts reservation of seats, its claim of creating a secular State and of putting an end to communalism would be falsified."

Now, while giving my entire support to this motion, I come to the amendments proposed by some of my Madras friends. My opposition is based on the fact that they want to revive the Muslim League. The Muslim League is no more. Mr. Mohammad Ismail is proclaiming the existence of the All-India Muslim League. I ask, "Where is that Muslim League?" Let us once and for all decide that we will not have any communal parties among us. If we are to establish a true democratic State, then there is no room for any religious or communal parties. As everybody knows, democracy means majority rule and therefore it follows that minorities will have to submit to the decisions of the majority. Now, sir, what is the reason for minorities submitting themselves to the decisions of the majority? They do so on the supposition that it would be possible for them at some future date, with the change of public

[Maulana Hasrat Mohani]

opinion in their favour they may occupy the seat of Government and in that case the erstwhile majority will become a minority and the minority will become the majority. So this democratic system can work only with political parties. If we have only communal parties or parties based on religion, the whole object of democracy will remain unfulfilled. If we have Muslim Parties, Christian Parties and Sikh Parties, then what will be the result? How can they expect to become the majority party under a democratic system of Government? When they cannot become the majority party, it is hopelessly absurd to allow the formation of parties on communal or religious basis. Therefore it is no use on the part of my friends from Madras or the Sikhs, Christians or Parsis to form communal parties. Under democratic Government they must form political parties. My advice to my Muslim friends has always been to discard communalism once for all. When there is no reservation of seats, they will be compelled either to form a distinct political party and work in coalition with other political parties or be annihilated. They will have no place in public life. I submit that the Muslims should form a distinct political party called the Independent or the Independent Socialist party. I would prefer to call it the Azadi party allied to the party organised by my Friend Shri Sarat Chandra Bose. They can form a coalition party with that left-wing party. In that case only my Muslim friends can expect to take part in democratic Government. Even if the Nationalist party is in the majority it will be possible for this coalition party to become the majority at some future date. In that case, the Congress or the Nationalist Party will become the minority. Unless and until we do that, there is no hope for any minority which does not want coalition with left-wing parties. No single party, socialist or communist or other if it wants to oppose and come forward and contest elections against the Nationalist Party, can succeed. We have the example of the Socialist Party's defeat in the United Provinces. Therefore it is necessary for political parties other than the Nationalist party to form a coalition if they want to become the majority party and run the administration. In that case, if we form political parties there will be the question of safeguarding the interests of political minorities. It is here I have to support my Friend Mr. Lari. His proposal for creating safeguards is not for any Communal Party but for a political party. The political party may be socialist or communist or Forward Bloc. If they do not allow even this concession of proportional representation, even a party like the Socialist Party who got 35 per cent. of votes in the elections in the United Provinces, could not get single seat. My position is quite different from that of Mr. Lari on one point. He seems to suggest that if this concession is granted, if the political parties are allowed proportional representation, he would not have any reservation of seats. If they do not allow even this concession then it seems that he will either change his opposition or become a neutral in this respect. He said so. My position is quite different. I say that even if they do not allow any proportional representation, I do not want reservation of seats for the reason that before long, if there is a coalition among the left-wing parties, the Nationalist party itself will ask for his proportional representation. The Nationalist Party will then cry for proportional representation. In case many of the left-wing parties unite, it will not be possible for the Nationalist Party to beat them at the polls. The coalition left-wing parties will be in a majority, though they may not be in a position to outvote the Nationalist. In that case I say we should not bother about that. But the time is coming when it will not be a coalition of Independent parties, but the Nationalist Party itself will be compelled to come forward and ask for this concession of proportional representation.

I am very much surprised to see Mr. Saadullah, with all his experience as Prime Minister of a Province, saying that the matter should be decided by the

votes of the Muslims in the House. I think that this proposition is ridiculously absurd. We have before the House the proposition of Sardar Patel and the House has got the right to vote on it. In the circumstances I am surprised to see Mr. Saadullah making a suggestion of that kind. I know that some of the Muslim Members of this House are for reservation of seats. I say it does not matter. I do not care if the majority is for or against it. But if we allow this question to be decided by the exclusive votes of the Muslims, then it will be on the face of it ridiculously absurd. It will mean that we are not going to make an end of this communalism. It will mean also that we will have to decide the other questions also by separate vote. This is surely absurd. I do not know how a man of his experience has managed the courage to propose such an absurd thing. With these few words I entirely support the motion of Sardar Patel.

**Shri Mahavir Tyagi :** Sir, I wish to put on record my appreciation of the proposal which has been made by our great leader, Sardar Vallabhbhai Patel, who is known for his firmness and resolve. After completing his work of political consolidation of India, he is now taking up communal consolidation. I think that the proposal put by him before the House today goes a long way to achieve that objective; but I would like Sardar Patel to throw some light on certain points. With that object I requested you, Sir, to give me a few minutes.

The first thing that I want to say before the House is that I am glad that the Mussalman friends here, practically all of them have supported the motion for the withdrawal of reservation, and for representation to be on unadulterated non-communal lines. It is fortunate, Sir, that they are of this opinion today. There is, however, one thing that the Muslims should note and it is this: When we are switching on to representation from communal to national lines, it cannot be absolutely ideal in the first one or two elections. There might be occasions when Muslims might lose seats because they are giving up their reservations. Let the Muslims know that it will be very difficult for them to get any seat as Muslim under the present conditions of the country. There must be set-backs for them, so long as the rest of India does not feel one with them. They will have to justify by their behaviour that they deserve retaining the seats that they now have. It will take time. In the achievement of this objective, even if the Parliament goes temporarily without any representation of Muslims, I would not be sorry for it, because after the next one or two elections, elections will be fought on the basis of merits and services and not of community. Therefore, when Muslims agree to do away with communal representation or reservation of seats, let them be conscious that they are going to suffer immediately and lose for the time being their representation in all the legislatures. It will not be easy for them to come in such numbers as they have been coming so far. I hope the learned members of that community are fully conscious of this fact when they support this motion.

Another point that I want to emphasise is about the Scheduled Castes. Sir, originally when the scheduled castes were given separate representation, Mahatma Gandhi had started his fast in protest. Now we have it seems, accepted the idea; but when it was first introduced, everybody was shocked. Nobody liked it and when Mahatma Gandhi gave his ultimatum of fast unto death the Prime Minister of England addressed a letter to Gandhiji dated September 8, 1933 in which he said:—

“Under the Government scheme the depressed classed will remain part of the Hindu community and will vote with the Hindu electorate on an equal footing but for the first twenty years, while still remaining electorally part of the Hindu community, they will receive through a limited number of special constituencies the means of safeguarding their rights and interests that, we are convinced, is necessary under present conditions.”

[Shri Mahavir Tyagi]

You will see, Sir, that when the idea of giving separate reservation to the scheduled castes was first introduced, the intention was that it should last only for twenty years. After that period they were expected to become absolutely one with the Hindus. It was in the year 1933 and now it is 1949. So it is only a few years less than twenty. According to the old scheme of the British Government reservation for the Scheduled Castes should go in 1952, why are we now giving it a further lease of ten years? Again, Sir, if we look at the list of Scheduled Castes, there are so many included in it. We have had the experience of separate reservation for Scheduled Castes. Fasts must be faced as they are. The term "Scheduled Castes" is a fiction. Factually there is no such thing as 'Scheduled Castes'. There are some castes who are depressed, some castes who are poor, some who are untouchables, some who are down-trodden. All their names were collected from the various provinces and put into one category "Scheduled Castes". In spite of the category being a fiction it has been there for so many years. Let us look at the way these castes are represented. There are hundreds of castes included in the List, but if you look at their representation in every province you will find that only one or two castes are represented. Those who have got predominance are mostly Chamars, I would say. In the U.P. it is the case. It is the case in the Punjab also. I want to know how the Koris or the Pernas or the Korwas or the Dumnas have benefited by reservation. It is all a fiction, Sir. How is Dr. Ambedkar a member of the Scheduled Castes? Is he illiterate? Is he ill-educated? Is he an untouchable? Is he lacking in anything? He is the finest of the fine intellectuals in India and still he is in the list of scheduled castes. Because he is in the list and because he is a genius, he will perpetually be member and also a Minister, he will always be their representative. Moreover, Sir, he has lately married a Brahmin wife. He is a Brahmin by profession and also because his in-laws are Brahmins. They are others like my Friend, Professor Yashwant Rai. What does he lack? There are thousands of Brahmins and Kshatriyas who are worse off than these friends belonging to the scheduled castes. So by the name of Scheduled Caste, persons who are living a cheerful life, and a selected few of these castes get benefit. This is no real representation. No caste ever gets benefit out of this reservation. It is the individual or the family which gets benefited. So, Sir, while we are doing away with representations and reservations, while we are doing away for good with this caste system, why should we allow it even for ten years? Does not our past experience show that out of the hundred and one scheduled castes only a few get any representation? Then why are so many castes linked with the chariot wheel of the Scheduled Castes? They are simply voters; they do not get any benefit, and even if any member of a caste in India comes up and gets elected how does the Community benefit, I do not understand. I could understand if instead of castes, classes were given reservations. To say that it should be a casteless society, I can understand. Society can be casteless, but society cannot be classless. So long as the country does not decide to make the society classless, classes must exist and therefore, classes must have their representation. Sir, to make the whole nation one party, I am afraid, will not be a practical idea. Minorities must exist and must be provided for. There will be no peace so long as minorities are not provided for. I do not believe in the minorities on community basis, but minorities must exist on economic basis, on political basis and on an ideological basis and those minorities must have protection. In this sort of a wholesale decision, the minorities will get little representation. I would suggest that in the place of the Scheduled Caste, the landless labourers, the cobblers or those persons who do similar jobs and who do not get enough to live, should be given special reservations. By allowing caste representations, let us not re-inject the poisonous virus which the Britisher has introduced into our body politic. I would suggest Sir, that instead of the so called Scheduled Caste, minorities be protected, if you like, on class basis. Let cobblers,



washermen and similar other classes send their representatives through reservations because they are the one who do not really get any representation. As a matter of fact even after passing the motion which Sardar Patel has put before us, I am afraid the tiller of the soil will not as the conditions are get any representation. The villager is nowhere in the picture. It is the urban citizen alone who gets the protection. It is not the toilers of the soil but the soilers of toil who are benefited. Persons who irrigate paper with black ink get the representation and not those who irrigate the land. These literate mediocres create fear and do nothing productive, but these tillers of the soil and producers of wealth are mostly those who are illiterate and therefore they are deprived of their due share of representation. Thus the nation is perpetually mis-represented by men of law, literature and letters. The 'Pen' rules over the 'Plough'. The creators of wealth are those who are without education and those persons will remain as such. They were slaves before and will remain slaves today and even after your passing this Constitution. If you want to help those down-trodden classes, then, Sir, the best thing would be to keep some safeguards for them. We should forge a law which would bring those illiterates into this House. As a matter of fact there is hardly a single Kisan member of the Constituent Assembly of the type of which 80 per cent of Kisans live in India. Unless those very Kisans come here as they are, India will not be properly represented. I therefore, submit, Sir, that the Scheduled Castes should now go and in place of Scheduled Caste, the words "Scheduled classes" be substituted so that we may not inadvertently perpetuate the communal slur on our Parliaments. In fact the Untouchables had only some social disabilities. Now all the Governments have passed enactments removing those social disabilities and among those persons who come here as the representatives, I fear, there is not one who has any social disability about him. The Scheduled Caste man can marry a Brahmin girl and there is no disability. I say, Sir, in the name of Scheduled Castes a few individuals are getting the benefit. Let the House dispassionately consider the situation as it is, take advantage of the experience that we have gained for the last so many years of what the 'Scheduled Castes' have actually meant. And then make up our mind as to whether or not we could substitute this communal representation by giving reservations to classes who would mostly be the same voters but with a better title and a healthier outlook.

**An Honourable Member :** Is the honourable Member moving his amendments?

**Shri Mahavir Tyagi :** Sir, I am not moving any amendment, because it is not the time to move one. I will move the amendments when the article comes up for consideration. This is only a general discussion. I will come out with my amendments when the occasion arises. This is not the occasion for amendments Sir, and I want to take two opportunities to discuss this issue. Sri, the method of representation as envisaged in this Draft Constitution is very good, because it does away with the communal virus altogether, but at the same time shall we take into account the fact that if the Muslims were not returned, what will be our position?

**Pandit Thakur Das Bhargava (East Punjab: General):** Why do you assume so?

**Shri Mahavir Tyagi :** Because I know; I do not live in the air; I am a man of the people and I know the Hindu mind and also the Muslim mind. Let the nation know it. The Muslims already know that they will not be returned for some time to come, so long as they do not rehabilitate themselves among

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the masses and assure the rest of the people that they are one with them. They have been separate in every matter for a long time past and in a day you can't switch over from Communalism to Nationalism. There is a class of Muslims who always went with power and that class can talk in any manner they like, but for the real Muslims it would take some time to switch their mentality from Communalism to Nationalism. This separation and isolation was of their own earning, they have enjoyed its fruits so long; now they should be ready to face set-backs. So the proposal put forward by Mr. Lari seems to me to warrant our consideration. He suggested that we can have cumulative system of votes in a plural constituency. There is no intricacy about it. As against this, the system of representation by the single transferable vote is extremely intricate. This cumulative vote is a very easy affair. Suppose there is a plural constituency of four seats. I have four votes and a Muslims friend has also four votes. I have the liberty either of distributing these four votes to four persons or give all the four votes to one candidate or three to one and one to another or two to one and two to another. I will either distribute or if I so choose I might give all the four votes to a candidate of my choice; and in that manner the minority can also have some say—not only the Muslim minority but even the socialist and the communist minority.

Suppose there are shopkeepers in an urban constituency and there the consumers decide to send their representative. So if the consumers choose to cast all their four votes to their representative, they can push their candidate up. This is a method which without any communal representation without any consideration of caste or class gives a sense of security to all types of minorities. Yet you still maintain the label—pure nationalism. In this way you can accommodate the minorities of today and the coming minorities of tomorrow. I will suggest that the House might consider whether the cumulative voting system will not do. In that case, we do not need to reserve any seats for any caste and, at the same time, we give them an opportunity to send up their candidates. This has been in practice in many other countries with success too. Therefore, I would commend strongly that this cumulative voting system be considered. Let this also be allowed for ten years. The reservation for the Scheduled Castes may therefore go; the Sikh representation may go; the Muslim representation may also go. We may have representation of all these people without bringing any slur on our Nationalism. This is a most practicable method.

This is all I have to say. Only a word more. I wish to congratulate my honourable friends here, Sikh representatives, Muslim representatives and the Christians representatives, who have readily come forward to accept the withdrawal of reservations. I hope the country will appreciate the great offer, historical offer that they have made. The electorate will always be considerate to the sporting offer that has been made and I am sure the country will feel grateful to the minority who have come forward under the influence of a patriotic spirit to give up their reservations.

With these words, I commend that there should be no reservation of any community or caste and the minorities may be given protection by the cumulative vote.

**Col. B. H. Zaidi** (Rampur-Banares State): Mr. President, I am grateful indeed for the opportunity you have granted me to make my first speech in this House during the course of this historic debate.

Sir, it has given me very great pleasure, and I know that this pleasure would be shared by every section of the House, that representatives of the minorities, and the representatives of the Muslims also, have given

proof as never before of a sane, sound, balanced, patriotic outlook. It augurs well for the future. I am sorry, Sir, that perhaps, the only exceptions are a few friends from the South. Old traditions take a long time to die out. For nearly forty years, the Muslims were used to the props and crutches provided to them by the British. We came to love these prop and crutches. Many a patient who has lost the use of his legs and is given crutches will stick to them and would like to lean on them even when some good surgeon has given him back the use of his legs. These generally wish to cling to their crutches. Crutches is not the right word; I should say, stilts because, stilts not only support you, but also give you artificial height. If we throw away these stilts, not only do we need to trust to the strength of our legs but also we are reduced in height. We were given some artificial importance in this country. It was an importance which was nothing more than an illusion. We wish to cling to that illusion, to the mere emptiness of it. I hope that in course of time, not in the distant future but in the very near future, even those friends will come to realise that their truest friend and not their ill wisher was a man like the Honourable Sardar Patel, and other leaders who are shaping the destinies of this country.

I will give the reasons. The best thing that the Sardar could do if he was not a friend of the Muslims would be to allow them to cling to their crutches. It would make them cripples for the rest of their lives. It would lead to degeneration and demoralisation out of which there would be no cure. What is he doing? It is not only for India that a right step has been taken—Even for the minorities, the best thing is being done. We are given the use of our legs. We are being taught the lesson of self-reliance. Would any person possessing any self-respect, any pride, any manliness in him, cling to artificial safeguards? Is it not against his grain, does it not go against his self respect to ask for, to plead for, and to cling to, artificial crops and safeguards? Are these really safeguards? Do they provide the safety? Do they serve the ends we have in view? After all, what would be the surest guarantee for a happy, prosperous and honourable future for the Muslims of this country? In my humble opinion, only two things will spell their salvation. The first and foremost is self-reliance, strength from within, self-respect, faith in themselves, in their destiny and their creator. The Second is faith and trust in their own brethren, the majority community. If, Sir, we could be given safeguards which would deprive us of that trust and the confidence of the majority community, if something we ask for is conceded by this Parliament, by the leaders, but the bulk of the majority community are given offence by that, if some suspicion lingers in their minds, if they are not pleased, what safeguards can stand us in good stead? What is the use of paper safeguards? The real safeguard is reliance on our own strength and trusting to the goodwill friendliness brotherly feeling, and justice even generosity, of our own brothers, who are really our own kith and kin.

If there is any suspicion in the minds of the members of my community or members of any minority community in our country in the good faith of the Hindus, it can only be based on two things: either the bitter experience of the present generation or the teachings of Indian history. So far as the present generation is concerned, when did any minority in this country leave their future and their interests in the safe keeping of the majority community? We never trusted ourselves, and never trusted our brothers. We trusted only a third party. Therefore, when was the occasion in the history of the last one hundred years when we can in fairness turn back and point to one single example when our interests have been betrayed by the majority in this country? The occasion never arose. There was no question of their

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feeling a responsibility for our future and our interests when we were really neither looking to them, nor looking to our own strength, when we were looking to a foreign power, which in its own interests was dividing us and making cripples of us.

Where the experience of the present century is no guide, we may turn to history. If the Hindus in this country have given proof of narrow mindedness, bigotry, persecution of minorities, then, certainly we shall be justified in entertaining some sort of fear about our future. What does a study of history reveal? So far as I know, there has been no occasion in the history of India when the Hindus have persecuted a minority. They have turned themselves from a minority into a majority on one occasion. When Buddhism was reigning supreme in this country, when the Hindus were in a minority, they gradually saw to it that from a minority they converted themselves into a majority. But as against the Buddhists there were the Jains who were a minority. There were the Syrian Christians, the Parsis, and many others. Indeed, India has given asylum and protection to a number of minorities, and the only example I can think of, the only unhappy episode in the history of India was the fate which Buddhism met in the land of its own birth, but it can hardly be called persecution of a minority. The present generation, I suppose is atoning for that, and we are now going back to Buddhist symbols and in our flag, in our national emblems we are giving a place of honour to something from which we ran away, something which we did not sufficiently honour at that time. So, whether in the light of history or in the light of the immediate experience of the present generation, I feel that the minorities have no grounds to fear that they will not get goodwill, friendliness and fair-mindedness on the part of the majority community.

What is our experience in this House? I am not a frequent comer to this House. But whenever I come, I am particularly struck by one thing—the great toleration, good-humour and friendly encouragement to members of every section of opinion and to the members of the minorities. Even in the minority there is a gentleman who is in a minority of one, ever since I have come here. There is my Friend Maulana Hasrat Mohani who is in a minority by himself. But even in his case I have found this House indulgent and full of friendliness and good-humour. So whether it is in this House or whether it is in the actions of the Congress Party, in the leadership of the country, we see no sign of any thing except breadth of outlook and toleration and broad-based democratic feeling underlying everything. But even if the majority community did not rise to the occasion, the safest thing for the minority community is to ask for no safeguards. I would rather wait till the conscience of the majority community was awakened. The only thing which can safeguard the future is reform of the inner spirit. Sir, this is not the only country in which there is the minority problem. In other countries and at other times there have been minorities and minority interests. Even in England, the treatment of the minority was not always what we might imagine it to be. As a student I had occasion to go to the Action Library one day and in that library, I saw a tablet with some words from Lord Morley, the friend of Action. I came to know from the tablet that Lord Action being a Roman Catholic was denied admission to the Cambridge University simply because he was a Roman Catholic, and later on in life, the same University asked Lord Action to do them the honour of accepting professorship of the same University. Things broaden down in course of time. What brought about the safeguarding of the interests of the Roman Catholics? They were not allowed admission to the universities, nor into the civil services. What were the forces which brought about this liberalisation in the British outlook? Certainly not agitation on the part of the Roman Catholics, not safeguards granted to them, but the conscience of England, the British conscience was pricked and they felt

sorry that they were not giving a square deal to their own Roman Catholic brethren. In recent history, what brought about the abolition of slavery? Was it agitation on the part of the slaves or any safeguards granted to them by anyone? No, it was the awakened conscience of the various countries where slavery was flourishing. Sir, I will leave the future of the minorities to the goodwill and fair-mindedness of the majority community, in which I fully believe. But even if it were not there, I would wait for the blossoming of this toleration and fair-mindedness. I would wait, whatever the cost, for the growing conscience among my own countrymen, for there can be no future for this country except on the basis of true democracy and fair opportunity for all. My Friend Mr. Tajamul Husain said, "Let there be no minority in this country." Well Sir, there is one minority in this country which has always been, and which is existing in every country, and will go on existing, and that is the minority of the good and the just, of the people who are humane and liberal-minded, and who work for the regeneration of mankind and for the progress of humanity. There is that minority today in this country, and to that minority Sardar Patel and the Prime Minister of India, and you Sir, who adorn the Chair, belong, and the Members of this House. I hope. That is the minority which stands for the establishment of unalloyed democracy and justice and a progressive and radical outlook in this country. If the minorities have any fears, let them go and join this glorious and eternal minority of the very best people in our country, who are the salt of the land, and in the hands of these people, not only the destiny of India but the destinies of the minorities are safe. Let us, if we are conscious of our own weakness, and if we are faint-hearted, join this minority and strengthen their hands and our future is assured. (*Cheers*)

**The Honourable Shri Satyanarayan Sinha** (Bihar: General): Sir, the question may now be put.

**Mr. President :** The question is:

"That the question be now put."

The motion was adopted.

**The Honourable Sardar Vallabhbhai J. Patel** (Bombay: General) : Sir, when I was first appointed Chairman of the Advisory Committee on Minorities, I was really trembling and I took up the jobs with a heavy heart, because I felt the task was immensely difficult, owing to the history of the past so many years of foreign rule. When I took up that job, I had to undertake it at a time when conditions in the country were extremely difficult and all classes of people were full of suspicion; there was hardly any trust amongst many sections of the people. Yet I can say that the moment power was transferred, a gradual transformation began to take place and it gave me considerable encouragement. I began to sense a feeling of gradual growth of trust and mutual confidence.

Now, Sir, the first time when in the Minorities Committee we came to the decisions giving certain political safeguards by way of reservations and when those proposals were put before the House, I had brought them with a very great degree of consent or concurrence of the minority communities. There was a difference of opinion from some progressive nationalist-minded leaders, such as Dr. Mookherjee who from the beginning opposed any kind of reservation or safeguards. I am sure he will be happy today to find that his ambition is being fulfilled.

Well, when I brought those proposals and place them before this House, there was another group of people who had found it difficult to get out of the mire in which they had gone very deep. Here a proposal was brought forward

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by one friend from Madras, for reservation and for communal electorates. Now when the separate communal electorate motion was moved, it was supported by the great Muslim leader, who swore loyalty to the Constitution in this House and immediately after packed off to Karachi. He is now carrying on the work of the Muslim League on that side. He has left a legacy here—a residuary legacy perhaps in Madras. Unfortunately, there is still a very large amount of funds belonging to the old Muslim League, which was the All-India Muslim League, which has yet to be settled, and some of our friends still claim that they might get some big chunk of those funds if they still persist in continuing the old League here. Even if the money, or a good portion of it, could be brought here, I doubt if it would do any good to those who get it. Those who claim that in this country there are two nations and that there is nothing common between the two, and “that we must have our homeland where we can breathe freely”, let them do so. I do not blame them. But those who still have that idea that they have worked of it, that they have got it and therefore they should follow the same path here, to them I respectfully appeal to go and enjoy the fruits of that freedom and to leave us in peace. There is no place here for those who claim separate representation. Separate representation, when it was introduced in this unfortunate country, was introduced not by the demand of those who claim to have made those demands, but as Maulana Muhammad Ali once said, it was a “command performance” that has fulfilled its task and we have all enjoyed the fruits of it. Let us now for the first time have a change of chapter in the history of this country and have a “consent performance”. I want the consent of this House and the consent of all the minorities to change the course of history. You have the privilege and the honour to do it. The future generation will record in golden letters the performance that you are doing today I hope the trust that the step that we are taking today is the step which will change the face, the history and the character of our country.

We have the first amendment—the main amendment which was then rejected in the August Session of 1947—moved by the same group. I do not know whether there has been any change in their attitude to bring forward such an amendment even now after all this long reflection and experience of what has happened in this country. But I know this that they have got a mandate from the Muslim League to move this amendment. I feel sorry for them. This is not a place today for acting on mandates. This is a place today to act on your conscience and to act of the good of the country. For a community to think that its interests are different from that of the country in which it lives, is a great mistake. Assuming that we agreed today to the reservation of seats, I would consider myself to be the greatest enemy of the Muslim community, because of the consequences of that step in a secular and democratic State. Assume that you have separate electorates on a communal basis. Will you ever find a place in any of the Ministers in the Provinces or in the Centre? You have a separate interest. Here is a Ministry or a Government based on joint responsibility, where people who do not trust us, or who do not trust the majority cannot obviously come into the Government itself. Accordingly, you will have no share in the Government. You will exclude yourselves and remain perpetually in a minority. Then, what advantage will you gain? You perhaps still think that there will be some third power who will use its influence to put the minority against the majority and compel the majority to take one or two Ministers according to the proportion of the population. It is a wrong idea. That conception in your mind which has worked for many years must be washed off altogether. Here we are a free

country: here we are a sovereign State: here we are a sovereign Assemble: here we are moulding our future according to our own free will. Therefore, please forget the past: try to forget it. If it is impossible, then the best place is where your thoughts and ideas suit you. I do not want to harm the poor common masses of Muslim who have suffered much, and whatever may be your claim or credit for having a separate State and a separate homeland—God bless you for what you have got—please do not forget what the Muslims have suffered—the poor Muslims. Leave them in peace to enjoy the fruits of their hard labour and sweat.

I remember that the gentleman who moved the motion here last time, in August 1947, when asking for separate electorates, I believe, said that the Muslims today were a very strong, well-knit and well-organised minority. Very good. A minority that could force the partition of the country is not a minority at all. Why do you think that you are a minority? If you are a strong, well-knit and well-organised minority, why do you want to claim safeguards, why do you want to claim privileges? It was all right when there was a third party: but that is all over. That dream is a mad dream and it should be forgotten altogether. Never think about that, do not imagine that anybody will come here to hold the scales and manipulate them continuously. All that is gone. So the future of a minority, any minority, is to trust the majority. If the majority misbehaves, it will suffer. It will be a misfortune, to this country if the majority does not realise its own responsibility. If I were a member of a minority community, I would forget that I belong to a minority community. Why should not a member of any community be the Prime Minister of this country? Why should not Mr. Nagappa who today challenges the Brahmin be so? I am glad to hear that the ownership of 20 acres of land does not entitle him to be a scheduled caste man. "That is my privilege" he said "because I am born a scheduled caste man. You have first to be born in the scheduled caste". It gladdened my heart immensely that that young man had the courage to come before the House and claim the privilege of being born in the Scheduled Caste. It is not a dishonour: he has an honourable place in this country. I want every scheduled caste man to feel that he is superior to a Brahmin or rather, let us say, I want every scheduled caste man and the Brahmin to forget that he is a scheduled caste man or a Brahmin respectively and that they are all equal and the same.

Now our Friend Mr. Saadulla from Assam claimed that he was not disclosing a secret when he said that they has met in December or in February to consider the question whether reservation were in the interests of a minority or not or whether they were in the interests of the Muslims or not. Now may I ask him: Did I suggest to him to consider the question? Why did they meet to consider the question, of there was not the imperceptible influence of the elimination of foreign rule in this land? How did they begin to think that reservations may or may not be better for them? Spontaneously the thought has been growing, it has been coming on the minds of people who previously were asking for the partition of the country. That is the first fruit of freedom. You have got a free mind to think now and therefore you begin to feel that what you have done in the past may perhaps not be right. And that fact was represented before the Minorities Committee. When Dr. Mookherjee moved his motion, it was Mr. Tajamul Husain from Bihar who stood up and moved an amendment that reservations must go. He was challenged in the Committee whether he had consulted the other members of the Muslim community, and he quoted chapter and verse from the representatives of the provinces whom he had consulted. Yet we did not want a snap vote. I said that I would advise the Advisory Committee to hold over the question and ask all members of the minority communities to consult their constituencies and find out what they really wanted. Nearly four months after that we me and unfortunately Mr. Saadulla was not present or he did not appear and so the opinions that he

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had gathered remained with him. He did not even communicate them to us. He said that there were only an attendance of four there of whom (I do not know whether he has consulted Maulana Azad or not) he says that Maulana Azad remained neutral. He claims to know Maulana Azad's mind more than I can do. But I can tell him that Maulana Azad is not a cipher: he has a conscience. If he felt that it was against the interests of his community he would have immediately said so and protested. But he did not do so, because he knew and felt that what was being done was right. Therefore if Mr. Saadulla interprets his silence as neutrality he is much mistaken, because Maulana Azad is a man who has stood up against the whole community all throughout his life and even in crises. He has not changed his clothes and I am sure if he has claimed or worked for partition and if he had ever believed that this is a country of two nations, after the Partition he would not have remained here: because he could not stay here if he believed that his nation was separate.

But there are some people who worked for separation, who claimed all throughout their lives that the two nations are different and yet claim to represent here the remaining "nation". I am surprised that Mr. Saadulla claims to represent the vast masses of Muslims in this country now. How can he? I am amazed that he makes the claim. On the other hand, I represent the Muslims better than he ever can. He can never do that by the methods that he has followed all his life. He must change them. He says that he is not enamoured of reservations: Assam does not want it. Then who wants it? Is it the Muslim of India? Is that the way that this House is to decide this question? He says that if in this House the votes of the minority or the Muslims are against his proposal then he will accept the verdict. Well, he has seen the opinion of the Muslims in this House. Then let him change his opinion.

We are playing with very high stakes and we are changing the course of history. It is a very heavy responsibility that is on us and therefore I appeal to every one of you to think before you vote, to search your conscience and to think what is going to happen in the future of this country. The future shape of this country as a free country is different from the future that was contemplated by those who worked for partition. Therefore I would ask those who have worked for that to note that the times have changed, the circumstances have changed and the world has changed and that therefore they must change if they want salvation. Now I need not waste any time on the question of separate electorates.

Our Friend Mr. Lari has put in another amendment. He says that the Committee's approach was right. I am glad he admits that. There is no point in a committee meeting with a wrong approach. The Committee left the question to the minority. We did not take the initiative. When I first drafted the proposals for reservation of seats for the minorities I tried to take the largest majority opinion of the minorities on the Committee with me. I did not want to disturb the susceptibilities of the minorities. My attempt as representative of this House has continuously been to see that the minority feels at ease. Even if today any concession is made it is with the sole object of easing the suspicions of even the smallest group in this House, because I think that a discontented minority is a burden and a danger and that we must not do anything to injure the feelings of any minority so long as it is not unreasonable. But when Mr. Lari says that we must introduce the system of proportional representation. I must tell him that it is not anything new. Its origin was in Ireland and it is now in vogue in Switzerland and some other countries.



I may point out to Mr. Lari that Ireland is not equal to one district of the United Provinces. Gorakhpur district alone is bigger than Ireland. Ours is a vast country with masses of people. We have introduced adult franchise here where there is so much illiteracy. Therefore even this simple system of direct vote is frightening. That being so, it is not easy to introduce complications of this nature. In this Constitution to introduce such complications is very dangerous. Therefore, if he is satisfied that reservation is bad then let him not try to bring it back by the backdoor. Leave it as it is. Trust us and see what happens. A month ago at the election to the Ahmedabad municipality I noticed that all the Muslims contested jointly under the system of joint electorates and, although they were opposed by people financed by the League, everyone of them got in and the Scheduled Castes got one more seat than their quota. Free and unfettered election has proved that any kind of impediment by way of reservation or other things is bad for us. If we leave the thing to be settled by the majority and the minority among themselves they will do so and it will bring credit to all. Why are you afraid? Yesterday you were saying, you are a big minority well organised. Why are you afraid? Make friends with others and create a change in the atmosphere. You will then get more than your quota, if you really feel for the country in the same manner as the other people. Now I do not think so far as the Muslim case is concerned, there is any other point remaining to be answered. Most of the able representatives of the Muslim community here have exposed the claims made by the other representatives. I need not therefore say more about this.

Now the other case is that of the Sikhs. I have always held the Sikh community with considerable respect, regard and admiration. I have been their friend even though sometimes they disclaimed me. On this occasion also I did advise them that if they insisted I will give it to them and induce the Committee to agree. But I do feel that this is not in their interests. It is for them to decide. I leave it to them to ask for this concession for the Scheduled Caste Sikhs does not reflect credit on the Sikh community. They quoted Ranjit Singh who gave such help to the Scheduled Castes. What empire did they hold, the Scheduled Castes? They have been the most down-trodden people, absolute dust with the dust. What is their position today in spite of all our tall talk? A few people may be bold and courageous. But 10,000 of them in three days were converted into Christians. Go to Bidar and see? Why, is it a change of religion? No, they were afraid that for their past association with the Razakars in their crimes they will be arrested. They have committed some offenses. They thought that they have the big Missions to protect them from arrest. This time conversions took place among the Scheduled Castes. But, apart from conversions, I ask you, have you ever gone and stayed for an hour in a scavenger's house? Have they any place which they can call their homelands, though Mr. Nagappa said: "India is mine?" It is very good. I am proud of it. But the poor people are oppressed continuously and have not been saved yet and given protection. We are trustees. We have given a pledge in Poona under the Poona Pact. Have fulfilled that pledge? We must confess we are guilty. And I may tell you for your information that thousands of them in other parts of the country want to come back, but are not allowed to. They cannot come back and, unfortunately, we are unable to help them. That is what the Scheduled Castes are. They are not people who keep *kirpans*. They are a different lot. But to keep a *kirpan* or a sword and to entertain fear is inconsistent. This may react detrimentally to your cause. I do not grudge this concession to the Sikhs. I will ask the Sikhs to take control of the country and rule. They may be able to rule because they have got the capacity, they have got the resources and they have got the courage. In any field, either in agriculture, in engineering or in the

army, in any walk of life you have proved your mettle. Why do you begin to think low of yourself? That is why I am asking the Scheduled Caste people also to forget that they are Scheduled Castes. Although it is difficult for them to forget it, it is not difficult for the Sikhs to do so. Therefore, when you acknowledge with gratefulness the concession that we have given, I am grateful to you. In this country we want the atmosphere of peace and harmony now, not of suspicion but of trust. We want to grow. India today is suffering from want of blood. It is completely anaemic. Unless you put blood into its veins, even if we quarrel about concessions of reservations, we will get nothing. We have to build up this country on solid foundations. As I told you, I was trembling on the day I was appointed as Chairman of this Committee but I felt proud and today also I feel proud—and I hope the House will feel proud—that we are able to bring about almost unanimity in removing the past blots in our Constitution (*hear, hear*) and to lay, with the grace of God and with the blessings of the Almighty, the foundations of a true secular democratic State, where everybody has equal chance. Let God give us the wisdom and the courage to do the right thing to all manner of people. (*Cheers*).

**Mr. President :** I will now put the amendments one by one to the vote. First, the amendment of Mr. Mohamed Ismail. The question is:

“(a) That sub-paragraph (i) of the second paragraph of the motion be deleted and sub-paragraph (ii) be re-numbered as sub-paragraph (i).

(b) That after sub-paragraph (i) so formed, the following sub-paragraphs be added:—

(ii) that the principle of reservation of seats on the population basis for the Muslims and other minority communities in the Central and Provincial legislatures of the country be confirmed and retained; and

(iii) that notwithstanding any decisions already taken by this Assembly in this behalf, the provisions of Part XIV and any other allied article of the Draft Constitution be so amended as to ensure that the seats reserved in accordance with sub-clause (i) above shall be filled by the members of the respective communities elected by constituencies of votes belonging to the said respective minorities.”

The amendment was negatived.

**Mr. President :** I will now put to vote the amendments of Mr. Lari paragraph by paragraph. The question is:

“That in sub-paragraph (i) of the second paragraph of the Motion, after the words ‘the provisions of’ the words ‘article 67 and’ be inserted”.

The amendment was negatived.

**Mr. President :** The question is:

“That in sub-paragraph (i) of the second paragraph of the Motion, after the words ‘in the said Report’ the words ‘with the addition that elections be held under the system of cumulative votes in multi-member constituencies and the modification that no seats be reserved for the Scheduled Castes’ be inserted.”

The amendment was negatived.

**Mr. President :** Then there is the amendment which was moved by Pandit Thakur Das Bhargava.

**Pandit Balkrishna Sharma** (United Provinces: General): I think the mover accepts the amendment.

**The Honourable Sardar Vallabhbhai J. Patel :** Yes, Sir, I accept the amendment.

**Mr. President :** The question is:

“That the following be added to the Motion:—

‘The provisions for reservation of seats and nominations will last for a period of ten years from the commencement of this Constitution.’ ”

The amendment was adopted.

**Mr. President :** The question is:

“That the original Motion as amended by Pandit Thakur Das Bhargava’s amendment which has been accepted be adopted.”

The motion, as amendment, was adopted.

**Mr. President :** The House stands adjourned till 8 O’clock, tomorrow morning.

The Constituent Assembly then adjourned till Eight of the Clock on Friday the 27th May, 1949.

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