

Wednesday, 25th May, 1949

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**to**

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# **CONSTITUENT ASSEMBLY DEBATES**

## **OFFICIAL REPORT**

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THE CONSTITUENT ASSEMBLY OF INDIA

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*Marshal:*

SUBEDAR MAJOR HARBANS LAL JAIDKA.

## CONTENTS

### VOLUME VIII—16th May to 16th June 1949

	PAGES		PAGES
<b>Monday, 16th May, 1949—</b>		<b>Thursday, 26th May 1949—</b>	
Taking the Pledge and Signing the Register .....	1	Report of Advisory Committee on Minorities—(Contd.) .....	317—355
Condolenc on the Death of Shrimati Sarojini Nadiu .....	1	<b>Friday, 27th May 1949—</b>	
Programme of Business .....	1—2	Addition of para 4-A to Constituent Assembly Rules (Schedule) .....	357—375
Resolution <i>re</i> Ratification of Commonwealth Decision .....	2—30	Draft Constitution—(Contd.) .....	375—399 [Articles 104 to 123 considered]
<b>Tuesday, 17th May 1949—</b>		<b>Monday, 30th May 1949—</b>	
Resolution <i>re</i> Ratification of Commonwealth Decision—(Contd.) .....	31—72	India Act, 1946 (Amendment) Bill ...	401—402
<b>Wednesday, 18th May 1949—</b>		Draft Constitution—(Contd.) .....	403—441 [Articles 124 to 131 considered]
Government of India Act (Amendment) Bill .....	73—77	<b>Tuesday, 31st May 1949—</b>	
Additions to Constituent Assembly Rules-38-A(3) and 61-A .....	77—80	Taking the Pledge and Signing the Register .....	443
Draft Constitution—(Contd.) .....	81—114 [New article 67-A, article 68, New Article 68A, article 69, New article 69-A, articles 70, 71 and 72 considered.]	Draft Constitution—(Contd.) .....	443—485 [Articles 131 to 136 considered]
<b>Thursday, 19th May 1949—</b>		<b>Wednesday, 1st June 1949—</b>	
Draft Constitution—(Contd.) .....	115—156 [New article 72-A, B & C, articles 73, 74, 75, New article 75-A, articles 76, 77, 78, New article 78-A, article 79, New article 79-A, articles 80, 81, 82, New article 82-A, articles 83, 84 and 85 considered]	Draft Constitution—(Contd.) .....	487—528 [Articles 137 to 145 considered]
<b>Friday, 20th May 1949—</b>		<b>Thursday, 2nd June 1949—</b>	
Draft Constitution—(Contd.) .....	157—196 [Articles 86, 87, 88, 89, 90, and 91 considered.]	Adjournment of the House .....	529—531
<b>Monday, 23rd May 1949—</b>		Draft Constitution—(Contd.) .....	531—575 [Articles 146 to 167 considered]
Draft Constitution—(Contd.) .....	197—227 [New article 67-A, articles 100, 101, 102 and New article 103-A considered]	<b>Friday, 3rd June 1949—</b>	
<b>Tuesday, 24th May 1949—</b>		Draft Constitution—(Contd.) .....	577—617 [Articles 168 to 171 and 109 to 111 considered]
Draft Constitution—(Contd.) .....	229—267 [Article 103 and New article 103-A considered]	<b>Monday, 6th June 1949—</b>	
<b>Wednesday, 25th May 1949—</b>		Draft Constitution—(Contd.) .....	619—659 [Articles 111 to 114, 119, 121 to 123 and 191 to 193 considered]
India (Central Government and Legislature) (Amendment) Bill .....	269	<b>Tuesday, 7th June 1949—</b>	
Report of Advisory Committee on Minorities etc. ....	269—315	Draft Constitution—(Contd.) .....	661—701 [Articles 193 to 204 considered]
		<b>Wednesday, 8th June 1949—</b>	
		Draft Constitution—(Contd.) .....	703—744 [Articles 204 to 206, 90 and 92 considered]

PAGES	PAGES
<b>Friday, 10th June 1949—</b>	
Hindi Numerals on Car Number Plates .....	745—746
Flying of Union Jack over Council House .....	746
Draft Constitution—( <i>Contd.</i> ) .....	747—791
[Articles 92 to 98 and 173 to 186 considered]	
<b>Monday, 13th June 1949—</b>	
Draft Constitution—( <i>Contd.</i> ) .....	793—836
[Articles 216 to 247 and New articles 111-A and 111-B considered]	
<b>Tuesday, 14th June 1949—</b>	
Draft Constitution—( <i>Contd.</i> ) .....	837—873
[New articles 111-A, 103A, article 164, New article 167-A, articles 171, 175, 187, 196, 203, 208, 209 and New article 209-A considered]	
<b>Wednesday, 15th June 1949—</b>	
Draft Constitution—( <i>Contd.</i> ) .....	875—913
[Articles 203, 270 to 274 and 289 considered]	
<b>Thursday, 16th June 1949—</b>	
Taking the Pledge and Signing the Register .....	915
Draft Constitution—( <i>Contd.</i> ) .....	915—960
[Articles 289 to 301 considered]	
Adjournment of the House .....	960—961

## CONSTITUENT ASSEMBLY OF INDIA

*Wednesday, the 25th 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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### INDIA (CENTRAL GOVERNMENT AND LEGISLATURE) (AMENDMENT) BILL

**The Honourable Dr. Syama Prasad Mookerjee** (West Bengal: General): Sir, I beg to move for leave to introduce a Bill to amend the India (Central Government and Legislature) Act, 1946.

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

“That leave be granted to introduce a Bill to amend the India (Central Government and Legislature) Act, 1946.”

The motion was adopted.

**The Honourable Dr. Syama Prasad Mookerjee :** Sir, I introduce the Bill.

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### REPORT OF ADVISORY COMMITTEE ON MINORITIES, ETC.

**The Honourable Sardar Vallabhbhai J. Patel** (Bombay: General): Sir, I have come before you to move for the consideration of the \*Report of the Advisory Committee which met during this month for the last time. The Committee has, after completion of its work, been dissolved. The House will remember that in August 1947, probably on the 8th of August, a report was submitted by the Advisory Committee, and the Minority Committee taking into consideration the Advisory Committee's report then submitted its proposals advising this House to adopt certain political safeguards for the minorities by way of reservations of seats in the legislatures on the basis of population and also certain other safeguards.

Now when this report was made, the House will remember that it was at a time when conditions were different and even the effect of partition was not fully comprehended or appreciated. At that time even when the report was passed suggesting the acceptance of reservation of seats in the Legislature on population basis, there was difference of opinion. Well, a group of people of highly nationalistic tendencies led by Dr. Mookerjee, Vice Chairman of this House, from the beginning opposed such reservations in the Constitution. Rajkumari Amrit Kaur also at that time stoutly opposed these reservations, but the minorities then were apprehensive of getting the quantum of their representation due to them on basis of population; and the Advisory Committee, in spite of the difference of opinion, thought it necessary to allay the apprehensions of the minorities at that time, which they considered might be regarded as reasonable. The House will also recall that the representative of the Muslims in South India, Mr. Pocker, the no-changer and confirmed Muslim Leaguer, then proposed an amendment in this House when the proposals were submitted to the House, for introducing or continuing the

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\*Appendix A

[The Honourable Sardar Vallabhbhai J. Patel]

separate electorates, the effects of which have been fully known and felt all over the country and perhaps, known outside too. My proposals as Chairman of the Advisory Committee were then accepted by the House practically unanimously and a general sense of appreciation was expressed by the minorities when these proposals were accepted. At a later stage we had to meet again because our proposals were incomplete in so far as the East Punjab and the West Bengal provinces were concerned, because when the House passed the proposals in the August Sessions of 1947, the effect of partition was not felt or known and the vast migrations that took place were at that time in a process of continuation and the position of the Sikhs was practically uncertain at that time. So also in Bengal the effect of the partition was not fully realized, and both the Provinces were desirous of postponing the question till the conditions were fully settled and the effects were fully realized. At a later stage in December a Committee was appointed to consider this question. A sub-committee of five persons was appointed by the Advisory Committee in which our revered President was also one of the members; Pandit Jawaharlal Nehru, myself, Mr. Munshi and Dr. Ambedkar were the members of this Committee. This Committee met and made its report in February. When this report was made the representatives of the Sikh community wanted time to consider the report and consult their community in this matter. Also when the report was put before the Advisory Committee, the Muslim representatives, some of them, had changed their opinions after full reflection for a long period since the passing of the principles of the Constitution in August Sessions of 1947; they put forward the plea that all these reservations must disappear and that it was in the interests of the minorities themselves that such reservations in the Legislature must go. It was strongly pressed by the representative from Bihar and supported by other representatives. There was then a little difference of opinion and I was anxious, and so was the Committee, that we should do nothing to take a snatch vote on a question of such vast importance. As the Sikh representatives wanted time to consider their position, we naturally adjourned and met again, during the early part of this month.

When we met this time, we found a considerable change in the attitude of the minorities themselves. Dr. Mookherjee moved a motion for the dropping of the clause on reservation of seats in the legislature on population basis. When this proposal was moved, Mr. Muniswamy Pillai, who was representing the Scheduled Castes, moved an amendment to the effect that the provision for reservation, so far as the Scheduled Castes are concerned, may be continued for a period of ten years. The general opinion in the Advisory Committee was, which was almost unanimous, that this reservation so far as the Scheduled Castes are concerned, should be continued for that period and that Mr. Muniswamy Pillai's amendment should be accepted. The Sikh representatives brought in a proposal which, to a certain extent, was an improvement on the previous position. Whatever may be the object of that proposal, the Advisory Committee thought it fit to give due consideration to the proposal of the Sikhs, because the members of the Committee always felt a sort of responsibility for the susceptibilities and sentiments of the Sikh community which has suffered vastly by the partition of the Punjab. After a full debate, the Committee came to the conclusion that the Sikh proposal to fall in line with the dropping of reservation clause was, although diluted by another proposal which, in effect, gave them a sort of reservation on certain conditions, a great improvement. The Committee considering the whole situation came to the conclusion that the time has come when the vast majority of the minority communities have themselves realised after great reflection the evil effects in the past of such reservation on the minorities themselves, and the reservations should be dropped.

In a House of about forty members of the Advisory Committee, there was only one solitary vote against the proposal. So we thought that although these proposals were accepted by this House in August 1947, it was due to us and to the House that we should advise this House to reconsider the position and put before the House a proposal which is consistent with the proclaimed principles of this House for the establishment of a genuine democratic State based purely on nationalistic principles. Therefore, when we found the changed atmosphere, we considered it our duty to come before this House to revise this former decision, which was provisional as has been laid down by this House in several cases. It is under these circumstances that these proposals have been brought before the House.

So far as the Sikh community is concerned, there is only one proposal which in effect, does not really differ from the principles that have been laid down by the Advisory Committee, because the Advisory Committee also has accepted the amendment of Mr. Muniswamy Pillai that the reservation for the Scheduled Castes must continue. The Sikhs themselves have thought that certain classes of people amongst them, who have been recent converts, and who were originally Scheduled, Caste Hindus, are suffering from the disabilities which the Scheduled Caste Hindus are suffering from for the fault of the Hindu community. The Sikhs are suffering for the fault of the Sikh community and nobody else. Really, as a matter of fact, these converts are not Scheduled Castes or ought not to be Scheduled Castes; because, in the Sikh religion, there is no such thing as untouchability or any classification or difference of classes. But, as unfortunately in this country the Hindu religion is suffering from the evil effects of certain customs and prejudices that have crept into the society, so also, the reformed community of the Hindus, called the Sikhs, have also in course of time suffered from degeneration to a certain extent. They are suffering from a complex which is called fear complex. They feel that if these Scheduled Castes who have been converted to Sikhism are not given the same benefits as the Scheduled Castes have been, there is a possibility of their reverting to the Hindu Scheduled Castes and merging along with them. So, the House will realise, and I do not propose to conceal anything from the House, that religion is only a cloak, a cover, for political purposes. It is not really the high-level Sikh religion which recognises this class distinction. The Sikhs, today it should be recognised, have suffered from various causes and we have to regard with considerable tenderness of feeling in taking into consideration their existing state of mind and provide as far as possible to meet with that situation. And so when these proposals were brought to us, in fact, I urged upon them strongly not to lower their religion to such a pitch as to really fall to a level where for a mess of pottage you really give up the substance of religion. But they did not agree. Therefore, the utmost that we can do is to advise those people in their community who were wanting these safeguards to go into the classification of Scheduled Castes. These people have now agreed to be lumped into the Scheduled Castes; not a very good thing for the Sikh community, but yet they want it, and we feel, for the time being, we would make that allowance for them. Theoretically the position is logically correct. They will be all Scheduled Castes, the Ramdasis, and three or four others whatever they are, they will all be called one Scheduled Caste. The Sikhs may call them Scheduled Caste Sikhs. After all, in the eye of religion, in the eye of God and in the eye of all sensible people they are one. These advantages are these reserved for a class of people, and therefore, although there was stout opposition from the Scheduled Castes people, who also naturally feared, and who had a justifiable fear complex that if they agreed to this, or if the House accepts this position, there is really a danger of forcible conversion from their class to the Scheduled Caste Sikhs, we have accepted it. Now our object is, or the object of this House should be, as soon as possible and as rapidly as possible to drop these classifications and differences

[The Honourable Sardar Vallabhbhai J. Patel]

and bring all to a level of equality. Therefore, although temporarily we may recognise this it is up to the majority community to create by its generosity sense of confidence in the minorities; and so also it will be the duty of the minority communities to forget the past and to reflect on what the country has suffered due to the sense of fairness which the foreigner thought was necessary to keep the balance between community and community. This has created class and communal divisions and sub-divisions, which in their sense of fairness, they thought fit to create, apart from attributing any motives. We on our part, taking this responsibility of laying the foundations of a free India which shall be and should be our endeavour both of the majority—largely of the majority—and also of the minority community, have to rise to the situation that is demanded from all of us, and create an atmosphere in which the sooner these classifications disappear the better. Therefore, I will appeal to the House, particularly to the Scheduled Castes, not to resent or grudge the concession that is made in the case of the Sikhs, and I concede that this is a concession. It is not a good thing, in the interest of the Sikhs themselves. But till the Sikhs are convinced that this is wrong, I would allow them the latitude, consistent with what we think to be our principles of just dealings. So far as the other communities are concerned, I feel that enough time was given when we met in February in the Advisory Committee when these proposals were brought forward on behalf of the minorities, particularly the Muslims, enough time was given to consult their own constituencies, their communities and also other minority communities. It is not our intention to commit the minorities to a particular position in a hurry. If they really have come honestly to the conclusion that in the changed conditions of this country, it is in the interest of all to lay down real and genuine foundations of a secular State, then nothing is better for the minorities than to trust the good-sense and sense of fairness of the majority, and to place confidence in them. So also it is far us who happen to be in a majority to think about what the minorities feel, and how we in their position would feel if we were treated in the manner in which they are treated. But in the long run, it would be in the interest of all to forget that there is anything like majority or minority in this country and that in India there is only one community (*hear, hear*). With these considerations, Sir, I move that the Report of the advisory Committee be taken into consideration, as under :—

“Resolved that the Constituent Assembly do proceed to take into consideration the Report dated the 11th May 1949 on the subject of certain political safeguards for Minorities submitted by the Advisory Committee appointed by the resolution of the Assembly of 24th January 1947.

Resolved further—

- (i) that notwithstanding any decisions already taken by the Constituent Assembly in this behalf, the provisions of Part XIV of the Draft Constitution of India be so amended as to give effect to the recommendations of the Advisory Committee contained in the said Report; and
- (ii) that the following classes in East Punjab, namely, Mazhabis, Ramdasis, Kabirpanthis and Sikligars be included in the list of Scheduled Castes for the province so that they would be entitled to the benefit to representation in the Legislatures gives to the Scheduled Castes.”

**Mr. President :** I have received notice of certain amendments. But I think those amendments will arise after we have dealt with this motion for consideration of the report. They will arise in connection with the second resolution which I think the Honourable Sardar Patel will move at a later stage. Is that the idea?

**Mr. Z. H. Lari** (United Provinces: Muslim): The second part is also part of the same motion. It is all one and the same. They have to be taken as a whole.



**Mr. President :** I take it that both the parts are moved and so we can take the amendments also at this stage.

**Shri Mahavir Tyagi :** (United Provinces: General): I would like to know, Sir, whether the motion for consider on of this report can be discussed generally, without taking up the amendments now. I want to know if we can have a general discussion on it.

**Mr. President :** There is only one motion, which is in two parts, and I have ruled that both be taken together. Therefore, the whole motion consisting of both the parts has been moved and we shall take the amendments, and then we can have discussion on the main proposition as also on the amendments.

**Mr. Muhammad Ismail Khan** (United Provinces: Muslim): Sir, before you call upon the movers of the amendments to move their motions, may I know whether the whole question as to how the minorities are to be represented in the legislature is open to discussion or merely the revision of the previous report on the subject of reservation of seats provided for the minorities.

**Pandit Lakshmi Kanta Maitra** (West Bengal: General): Sir, I do not think that this question of my honourable Friend Mr. Ismail suggests that the whole gamut of this subject will be brought under discussion. The whole history of the question is not before the House. In the course of his speech of course honourable Members might make incidentally references to the circumstances that led to the change. But certainly we sitting here are not going to discuss all that has happened since 1947 as a substantive motion.

**Shri Mahavir Tyagi :** Sir, on a point of order I do not know whether the House can proceed with the discussion of this motion. The motion worded as it is does not warrant the moving of any amendments. This motion as it is, is not an amendment to the Draft Constitution at all. The motion is drafted in a manner which cannot be incorporated in the constitution. It requests the Drafting Committee to redraft the clauses so as to accommodate certain changes. Taking both the parts of the resolution as it is, it warrants only a general discussion and we cannot move amendments as of it were part of the Draft Constitution.

**Mr. President :** It is not as a part of the Draft Constitution that this Motion has been brought before the House. There were certain decisions taken by the Advisory Committee and by the House at a previous stage. It was thought that the report which has recently been made by the Advisory Committee should be first placed before this House for its consideration. If that report is accepted by the House then the necessary amendments to the Draft Constitution will be introduced at a later stage. At this stage we are only considering the report of the Advisory Committee dated the 11th of this month. The question of amendments to the Draft Constitution will arise at a later stage. This is only a general consideration of that report and because that report makes certain changes in regard to the decisions previously taken, these changes are also indicated in the second part of the Resolution. If these changes are accepted then the draft will be amended accordingly.

**Shri Mahavir Tyagi :** I take it then that it will be a sort of general discussion that we will have.

**Mr. President :** We will have the amendments to the Resolution and then the general discussion will follow.

**Mr. Muhammad Ismail Khan :** Sir, the whole question was discussed at the last meeting of the Constitution Assembly. The decision was reached that only

[Mr. Muhammad Ismail Khan]

reservation of seats for the minorities will be made. If the suggestion is that the reservations be done away with, does this then reopen the whole question as to how the minorities are to be elected to the legislatures? Or is the discussion merely to be confined as to whether reservation should be retained or not?

**Mr. President :** The report of the Advisory Committee confines itself only to the question of reservation at the present moment and therefore at the present stage we can only take that up.

**Mr. Muhammad Ismail Khan :** I submit, Sir, that any amendments going beyond that will be out of order.

**Shri Jaspal Roy Kapoor** (United Provinces: General): Sir, any decision which has been previously arrived at can be reopened only in accordance with rule 32 of the Rules of Procedure. That rule lays down that no question which has been once decided by the Assembly shall be reopened except with the consent of at least one-fourth of the members present and voting. Therefore, Sir, I submit that only such question can be reopened to which one-fourth of the members present today agree. When we come to the amendments tabled by Mr. Ismail the question will arise as to which parts of it are such in regard to which reconsideration is being agreed to by at least one-fourth of the members present today.

**Mr. President :** I do not think that question will arise. I am quite sure that more than one-fourth, in fact the majority of the House, are in favour of the changes.

**Shri Jaspal Roy Kapoor :** That is true, Sir, so far as the question placed before the House by the Honourable Sardar Patel is concerned. There can be no doubt absolutely that almost the whole House will agree to the reconsideration as recommended by Sardar Patel. As regards the question raised by my honourable Friend Mr. Ismail as to whether any other matter not incorporated in the report can be taken into consideration, my submission is that it can be taken, up for consideration only when 25 percent of the Members present here will agree.

**Mr. President :** We shall consider that when that question arises.

**Mr. B. Pocker Sahib** (Madras: Muslim): Sir, on the point of order raised, I would like to mention this. Under the present motion it is sought to take away the reservation which was decided upon previously by the House, and that reservation is based upon the fact that the minorities must have some method of representing their grievances. It is for the same purpose that the question of separate representation was also urged. When this reservation goes, the only chance of the minorities having their representation in the legislature also goes. Therefore the question of separate representation automatically arises on the consideration of this report.

**Mr. Mohamed Ismail Sahib** (Madras: Muslim): Sir, I have to thank you first of all for giving me and my friends an opportunity to place before the House an important question in which the minorities, not only the Muslims but also the other minorities, are vitally interested. I shall first of all move the amendment that stands in my name and that of my friends.

Sir, I move:

(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 (ii) above shall be filled by the members of the respective communities elected by constituencies of voters belonging to the said respective minorities.”

**Shri Jaspal Roy Kapoor :** Sir, I had objected to the moving of clause (iii) of part (b) of this amendment in view of rule 32. We have on a previous occasion already taken a decision to the effect that there shall be joint electorates and there shall be no separate electorates at all. This decision can be reconsidered, I would submit, only when 25 per cent, of the members present today agree to it. I submit that rule 32 specifically stands in our way.

**Mr. Mohamed Ismail Sahib :** Sir, I submit that the whole question of the minorities has been reopened, as a matter of fact, by the report and the Resolution that are before us. Therefore, my amendment forms only a very legitimate part of that proposal which has opened the whole question. When that part of the decision of the Assembly which relates to the reservation of seats for the minorities is being reopened, the other part is also reopened. Therefore I do not think that there is any violation of any rule of the Assembly in this connection. Therefore I may now, Sir, with your permission go on with what I have to say on my amendment.

As I was saying, the Sub-Committee appointed to report on the minority problems affecting the East Punjab and West Bengal met and recommended on the 23rd November last year that the arrangements already approved by this Assembly in August 1947 for other provinces should be applied to those provinces as well and that no deviation was necessary. While considering this report the Advisory Committee reopened the whole question. The Advisory Committee thought that they could, with advantage, reconsider the question of reservation of seats for the minorities. Sir, I do not object to this action of the Committee at all. What I want is that the subject of minorities and of safeguards for them, including that of separate electorates which forms a very vital and natural part of this question, should also be reopened.

**Mr. President :** May I first dispose of this question of order which has been raised by Mr. Kapoor? Does any other Member wish to say anything on the point of order?

**Mr. Z. H. Lari :** Mr. President, the motion moved by the Honourable Sardar Patel seeks to re-open the question of representation of minorities and political safeguards for them. Once the question of representation of minorities in the Legislatures is re-opened, not only the question of removal of reservation, but also all cognate matters are necessarily re-opened. You cannot consider the question of removal of reservation of seats without considering in what manner the representation is going to be secured. Therefore, my submission is this that if the House agrees to take into consideration political safeguards for minorities, then it is open to any Member to move any amendment which relates to political safeguards and pertains to representation of minorities in the Legislatures. I, therefore, feel that all amendments given notice of are pertinent and should be allowed.

**Pandit Balkrishna Sharma** (United Provinces: General): May I have to your notice one fact, Sir? On the 27th August 1947, Mr. Pocker moved an amendment in the following form:

“That on a consideration of the Report of the Advisory Committee on Minorities, Fundamental Rights, etc., on minority rights, this meeting of the Constituent

[Pandit Balkrishna Sharma]

Assembly resolves that all elections to Central and Provincial Legislature should as far as Muslims are concerned, be held on the basis of separate electorate.”

This specific motion was defeated by the House. In view of that fact and in view of Rule 32 which regulates the proceedings of this House, I think that unless 25 per cent of the Member of the House give their consent, this amendment will be out of order.

**Shri Mahavir Tyagi :** Sir, on this point of order, I agree with what Mr. Lari has said. I feel, Sir, that by considering this report, we are going against the decisions which we have already taken. The point of order raised by my honourable Friend, Mr. Kapoor applies as much to the motion of Sardar Patel as it does to the amendment of Mr. Ismail. If a previous verdict of the Assembly can be revoked in the case of a motion, why should it not be revoked in regard to an amendment to the motion? Moreover, this is a very important subject and every opportunity should be given for reasonable amendments to be moved. On this vital matter I want a clear mandate from the representatives of the nation. Therefore, I submit, Sir, that such amendments must not only be allowed, but must be welcomed by the House.

**Prof. Shibban Lal Saksena** (United Provinces: General): Sir, the amendment just now moved is a complete negation of this motion and I want your ruling as to whether it can be moved as an amendment at all?

**Mr. Mohamed Ismail Sahib :** Sir, I submit that when the House gave permission for Honourable Sardar Patel to move his motion, it has, I think, given permission for my amendment as well, because Sardar Patel's motion reopens a question which has already been decided by the House. When it reopens an important portion of that decision, Sir, I think the other portion also is thereby automatically reopened.

**Mr. President :** Two points of order have been raised in connection with this motion. The first is that the question of separate electorates has already been decided once by this House and it cannot be reopened, unless one-fourth of the Members express their consent to its reopening. The second point, which has been raised by Professor Shibban Lal Saksena, is that the amendment which is sought to be moved is a negation of the original motion and, therefore, it cannot be taken as an amendment.

On the first point, my view is that what Mr. Pocker moved at that time was an amendment or something in the nature of an amendment to the motion which was then before the House and his amendment was rejected by the House and the motion was adopted. Today we are going to have a motion which was then adopted reopened. Therefore, any amendment or anything which is in the nature of an amendment to that original motion is also open to discussion. I therefore rule that the first point of order raised is not sustainable and the amendment is in order.

As regards the second point of order, I think it is not a negative one because in the amendment itself there is another method which is suggested and therefore it is not a negative one. I rule that the second point of order is also not sustainable.

**Mr. Mohamed Ismail Sahib :** Mr. President, Sir, I was saying that while the Advisory Committee was considering the recommendations of the Special Sub-Committee appointed to go into the question of West Bengal and East Punjab, they re-opened the whole question of minorities of all the provinces. As I said, I have no objection whatever to this action of the Committee. I only want that the whole question of minorities and the political safeguards for them may be placed before the House once again so that it may at present when it is engaged in the final stages of passing the Constitution give maturer re-consideration to the subject.

This is a subject which affects the minorities vitally and therefore it is only appropriate that the House reconsiders the matter at this stage. Sir, the report of the Advisory Committee says—and this has also been explained by the Honourable Sardar Patel—that conditions have vastly changed since August 1947 when the House came to its previous decision. The report also says that it is no longer appropriate that there should be statutory reservation of seats for minorities except the Scheduled Castes and the Tribals. I admit that the conditions have changed, and suspicions and doubts and prejudices that were entertained have been disproved by this time the atmosphere has been cleared. The Muslims have demonstrated that those suspicions were unjustified and unwarranted. They have proved that they are in fore front in the defence of the country and in upholding the honour of the motherland. So, Sir, this is the change that has taken place in the country, but this change is not in favour of abolishing even the niggardly safeguards that were given to the Muslims and other minorities. On the other hand the change is for giving them better and real safeguards. That is my opinion. The conditions now prevalent show that the Muslims are a frank and open-hearted people, that they mean what they say and that they have proved what they have all along been saying, *viz.*, that they are as much loyal citizens of the motherland as any other section of the people.

Sir, to say that the Honourable the Prime Minister and the Honourable Sardar Patel and you also, Mr. President, are imbued with a high sense of generosity and justice is one thing. All sections of the population have got the utmost reliance upon you. That is one thing. But to say that every part of the personal of the Government is imbued with the same sense of justice is another thing. As I said, the heads of Government are gentlemen with a sense of justice and generosity. But they cannot be everywhere. They cannot be in every place and always. Therefore things will happen in places which will give dissatisfaction and disappointment to certain sections of the people. Then, how are they to bring that to the notice of the Government? Can anybody say that things will go on in such a way that no section of the people will have anything to say about the affairs of the people as managed by every section of the personnel of the Government? Evidently no such claim can be made. Then, if anything happens, the people in a democratic State must have the opportunity and the right to make representations to the Head of the Government, and the Government generally.

Then, the report further on says that the Committee are satisfied that the minorities themselves feel that statutory reservation of seats should be abolished. I do not know how the Committee to be satisfied in that manner. So far as the Muslims are concerned, some members of this honourable House might have agreed to the abolition of reservation. I admit it, but then what is the nature of their agreement? What is the nature of any action of theirs with reference to the community which they seek to represent? Some of them have repudiated the ticket on which they were elected and on which they have come to the Assembly. Thereby they have demolished their representative character. Therefore, to take them as representing the views of the minorities of the Muslims, I think, is not fair. I know that there was canvassing for sometime past in connection with this question and now we have got the report before us.

Sir, I assert and say definitely that the Muslim, as a community, are not for giving up reservation. Not only that, they implore this House to retain separate electorates which alone will give them the right sort of representation in the legislatures. The Muslim League, which still is the representative organisation of the Muslim community, has more than once within this year not only expressed a definite view in favour of reservation of seats, but has also urged the retention of separate electorates. That is the position so far as the Muslim minority is concerned.

[Mr. Mohamed Ismail Sahib]

Now, if the majority community or the party in power wants to do away with any of these safeguards, that is one thing. But I submit that it is not fair to place the responsibility for doing away with such safeguards on the shoulders of the minority.

When we read the report and also other similar literature we got the impression that objection is being taken to the religious basis of the minorities. Indeed, in other countries, particularly of Europe, minorities are formed mainly on the basis of language and race, but here in our country the conditions are fundamentally different. Here one set of people differ from the other mainly on account of their religion. The difference in religion creates a difference in life and in outlook on matters and things connected with life. Man here in this country is measured in terms of his religion. Even the Scheduled Castes, I may say, are based only on religious beliefs. They have become a minority community on account of the religious beliefs that are current in this country. Sir, I do not think that there is any harm in basing the difference of one set of people from the others on religion. Anyway, that is the practice obtaining in this country and we cannot go away from it. When we say that one is a Hindu and when we say that another is a Mussalman, nobody can deny that there exists a difference between the two, but it does not mean that these two people must fly at each other's throat. This difference has to be adjusted and is capable of being adjusted. What we want is harmony not physical oneness or regimented uniformity. We do not want that the population of a country must be made up of the followers of only one religion or one set of beliefs. That is not the idea of the sponsors of unity. Unity really means harmony, the adjustment of things which are different with different groups of people not only in this country but also in other parts of the world. Harmony is possible only when all sections of people are satisfied, are contented. If in that way they find that they are having their rights, that they are not harassed, that they are being listened to and that they are being treated as human beings, harmony will come by itself. It is again and again said that separate electorates have been creating trouble and antagonism amongst people. Are separate electorates the cause of all these troubles, Sir? Now, elections have been going on for very many years in the past on the basis of separate electorates. If the mass of the people really resented this form of election, then there ought to have been trouble at the time of the elections more than at any other time. I want honourable Members of this House to tell me whether they have heard of such trouble or rioting or disturbance at the time of elections. The truth is that the mass of the people recognise that it is the right of these different sections of people to elect their own representatives. Therefore they do not resent it. I say that, because of this right of every section of the people to send their own representatives to the legislatures, people have been living on the whole happily together in the villages and elsewhere. It is not always, Sir, that people are flying at each other's throat. If it were so and if this system of separate electorates has been the cause of it, then it is at the time when that system is in operation, *i.e.*, during the election time that trouble should particularly arise. But then what is the cause of the trouble? It is the opposition, I should say, to any demand that the minority communities may make, and it is not, I think, the characteristic of the masses to oppose such demands but the characteristic of the political parties to do so because love of power is at the root of this attitude of the political parties. Sir, in other countries of Europe, special arrangements have been made for minorities, in countries like Poland, Yugoslavia, Bulgaria, Albania, Greece, Turkey and so on.

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Are there separate electorates anywhere in those countries?

**Mr. Mohamed Ismail Sahib** : In Albania they have agreed to some separate electoral arrangement for the minorities, in that small country, a country of only ten lakhs of people, a small country with a small population. Even there they were not afraid that separate electorates will divide the country into smaller bits. They thought that it was a natural thing to do for the minorities. In other countries, it is not a question of separate electorates, but the minorities had the safeguards that they wanted. That is the point. They were given the safeguards which they were in need of under the conditions prevailing in those countries. In our country, under the conditions prevalent here, it is separate electorates that will give contentment to the minorities and will place them on a footing of equality with other sections of the people. It is for that reason that in this country we have been urging for separate electorates and we have been agitating for the retention of it. When special arrangements were made in the West for minorities in such matters as personal law, religious instruction etc. and in the matter of even electoral affairs in the West, it was done under the supervision and auspices of the great statesman of the world who were assembled in the League of Nations. If it was wrong, would these great statesmen of the world have agreed, that too after the first World War, to such special arrangements? They thought that there was nothing wrong in those arrangements. So much so, they even agreed in the case of the Ruthenians in Poland that they might have local autonomy. That was the view of the great statesmen of the world just when they had emerged from one of the greatest catastrophies. I mean, the first World War. So, Sir, there is nothing wrong if we ask for separate electorates in this country. Just at present there is also this difference with reference to this question. Previously our country was under foreign rule. It was said and said freely that the system of separate electorates was a device invented by the Britishers to divide the people and perpetuate their rule over them. But at present the foreigner is not here. Now we are an independent nation. It is only when people have separate electorate, the real representatives of the people having that system, can go and represent their views before the Government or in the legislature or before the majority community. What they want is only the right of self-expression. What they want is the right of being heard. The question which they may be agitating about may be decided in any way, but what is meant by separate electorates is only the right of self-expression and allied with it, the right of association. What harm is there, Sir, even now for the Assembly to hear me and to listen to my views? They may decide in whatever way they please, but should they be denied even this right of being heard? It is said that this separate electorate creates a spirit of separatism and hard words are being said about it. Hard words are no argument, Sir, I submit. This separate electorate is not separatism at all; it means the recognition of differences between one group of people and another; it means that this difference should be recognised and wherever those differences come into play the real representatives of the group of people who are subject to that difference ought to be heard by the authorities; that is what it means. Therefore, it is not really a device of separating the communities. It is really a device of bringing together people. As I said, one section of the people will go to the other section of the people, the minority community will go through their representatives to the majority community and to the Government and to the Parliament. Therefore, it is really bringing the people together and not separating them. Supposing you want to do away even with this difference between people and people I first of all want to ask you whether it is necessary. As I said unity does not consist in the regimented uniformity of all the people. Even in the present minorities and their difference cease to exist there will

[Mr. Mohamed Ismail Sahib]

appear other differences and other minorities amongst the people. That is the nature of human beings. We have to face and meet such differences in the most suitable way and the most suitable way is one based upon giving contentment and satisfaction to the people concerned, of course, within legitimate bounds and limits. Therefore, I say it is not necessary to do away with such differences. It is neither right, because it will be a matter of dictation, if one group of people are asked to give up certain differences in their way of life.

Then, Sir, even supposing you persist in doing away with such differences, can you do it by ignoring them, because doing away with separate electorate means ignoring all the differences that exist between one group of people and another? Surely, Sir, ignoring them and trying to forget the differences is not the way to deal with them. It will create and breed a feeling of grievance, discontent and dissatisfaction amongst the people and this is not good to anybody or to anything.

Sir, the Schedule Castes have been given and rightly given the safeguard of the reservation of seats for them in the legislatures. They fully deserve it; they are a class of people who have been the victims of oppression, if I may say so, and so many difficulties for ages; and therefore, now when we are emerging into the world of freedom, it is only right that they should also be given the freedom of coming before the world and saying what they want to say. Therefore, Sir, this Committee has done the right thing in recommending the retention of the reservation of seats for the Scheduled castes. But when they according to the majority community form part of that latter community, they follow the same culture and same religion and when they are of the same race according to them, yet it was thought fit, Sir, that they should be given separate safeguard of the reservation of seats. When it is justified for them, Sir, is it not all the more justified in the case of other communities which are admittedly different from the majority community? Sir, this action may look like something like vindictiveness, but any arrangement based upon ill-will or vindictiveness cannot be a lasting one. I want the House to consider this aspect. The Muslims as well as the other communities want to contribute effectively and efficiently towards the harmony, prosperity and happiness of the country which is their motherland and for that purpose, they want to have equal opportunities with other people. They want to be an honourable section of the people of the land, as honourable as any other section; in the days of freedom they also want to have freedom of expressing their views. Sir, it may be said that they may express their views through the representatives elected by all the people put together. Supposing there is a difference of opinion between the minority community and the majority community, then will the representative of the majority community represent the different views of the minority, Sir? Such differences may not be many, but when there are such differences they are important and it is necessary and vital that the minority people should be satisfied on those matters.

Then, Sir, how are they to represent such matters if they do not have any representatives of their own? Then again it is said that the representatives elected by Muslims will represent only Muslim, it is communal electorate and therefore, the whole thing is tainted with communalism. I do not know what is exactly meant by Communalism itself. Even the report says that it is not always easy to define what is Communalism. If by Communalism you mean exclusiveness, fanaticism and such other things, of course, the Muslims are not for it. If to say that I am a Muslim or to say that I am a Christian is Communalism, then I do not know how to help it. How can a community help being a Muslim Community or a Christian Community? It is not a joke



for the minority communities always to be courting disfavour and criticism from the majority community. They also want to live as peacefully as any other section of the people, but then why do they insist upon this system of safeguards and the system of separate electorates and reservation of seats? Because they know it is only through this they can approach, make a real approach to the other people and thereby cement the harmony to which they are wedded. It is for that purpose the Muslims as well as the other minorities want this arrangement which I am pleading for and not for any other thing; and so, it is only reasonable that where their differences are concerned, they should be given an opportunity, a means of representing their views. Then it does not mean that in other matters, they cannot join hands with the other sections of the people. It is not so in actual practice. As a matter of fact every honourable Member of this House has been elected on a communal basis. For the Hindus the Muslims did not vote; for the Christians the Muslims did not vote and for the Muslims neither the Hindus nor the Christians voted, and so everybody has been elected on a communal basis. Does it mean that the honourable Members here are not able to speak for the whole people in most of the matters that come before this House? It has not warped their mind and it has not made any difference at all in dealing with matters of general import and therefore, it is not right, it is not logical to say that separate electorates really divide one people from the other. It is really this criticism, this assault on the cherished right of the people that creates this suspicion and discontent and dissatisfaction. If they are given this right, they are satisfied, they go the right way and they co-operate with the other people, and there is harmony in the land. This right they have been enjoying for a long time, from the time when features of parliamentary rule were introduced into this country. Therefore, I say that separate electorate instead of creating any trouble is really the means, the device of bringing about harmony amongst the people. It enables you, it enable the Government to know what the respective people have got in their mind and then enables you to cure those grievances and those troubles. If you do not listen to them, if you do not know what is really at the root of their discontent, you will not be able to apply the proper remedy in such a case. Therefore, it is really a means of cementing co-operation and unity among the people.

Another feature of the report is this: it says:

“Although the abolition of separate electorates had removed much of the poison from the body politic.....”

**Shri B. Das** (Orissa: General): Is there not any time-limit for the speeches? We must finish the debate today. If one Member is allowed to speak for more than half an hour, there are so many members who are very anxious to speak.

**Mr. President** : As this is the principle amendment, I have not interrupted the speaker. I hope Members will also keep their eye on the clock.

**Mr. Mohamed Ismail Sahib** : Perhaps this is the last time that I am pleading on behalf of the minorities over this important and vital matter. Therefore.....

**Shri R. K. Sidhwa** (C. P. & Berar: General): There are other Members who are anxious to speak. He has already taken too much time. (*Interruption*).

**An Honourable Member** : He must be given time to explain his position. (*Interruption*).

**Mr. President** : That is why I have given this time.....

**Mr. Mohamed Ismail Sahib** : I think you for the latitude you have given me. Even two hours will not be long for such a subject as that.

[Mr. Mohamed Ismail Sahib]

I am quoting another statement from the report :

“Although the abolition of separate electorates had removed much of the poison from the body politic, the reservation of seats for religious communities, it was felt, did lead to a certain degree of separatism.....”

Sir, separate electorates have not been abolished. We are still under separate electorates. As I said, we all Members here have been elected under separate electorates. Reservation of seats as adumbrated in the Draft Constitution has not yet come into being. I do not know how the report says that this has removed much of the poison and how the reservation of seats does lead to a certain degree of separatism. Evidently, what they mean is that the knowledge that separate electorates have been abolished has removed a little of the poison. Here again, these are hard words. As I said, these hard words do not carry conviction and cannot be substitutes for arguments. This is what I want to submit. As I have already made out, separate electorates in their very nature are creating harmony and contentment amongst the people and enable the people to make their best contribution towards the happiness, prosperity and unity of the country. This knowledge has been there amongst the people—the knowledge that separate electorate is being abolished. Even then the people have been patient and peaceful. Why? Because they have got confidence that this august Assembly will still reconsider this question and will do them justice. Whatever that may be, I agree with one important point contained in this statement that there is now an atmosphere of good-will in the country. But that atmosphere has not been brought about in the manner suggested by the report. As I said, the trouble is not due to separate electorate or any other safeguard. The good-will is consequent upon the contentment which the people get through respect shown for their views and feelings.

Sir, I do not want to raise any controversy over the matter. I am a man of peace, and have always been working for peace and harmony. That has been acknowledged from various quarters. In this matter, I only reflect the character of my community. My community wants peace, and prosperity in the country; it wants harmony in the land. It is with that view, Sir, that I am speaking and I ask on behalf of my community that they may be given this fundamental right of representing their views before the legislatures and the Government so that they may be in a position to contribute their utmost and their best for the happiness, strength and honour of the country which is their motherland as much as it is of anybody else.

Sir, I move.

**Mr. President :** Mr. Lari. I hope Mr. Lari will bear in mind the suggestion made by Members to be brief.

**Mr. Z. H. Lari :** I would, Sir.

Mr. President, I express my humble concurrence with the approach of the special sub-committee appointed by the Advisory Committee on Minorities. That Approach is—to use their own words—that “the Constitution should contain no provisions which would have the effect of isolating any section of the people from the main stream of public life.” I concede a minority must aspire to be an integral part of the nation.

**Mr. Tajamul Husain** (Bihar: Muslim): The honourable Member has not moved his amendment.

**Mr. Z. H. Lari :** I know parliamentary practice. I will move it. Have patience. The minority must claim only such safeguards as are consistent

with this aspiration and are calculated to give it an honoured place in the governance of the country, not as a separate indifferent entity, but as a welcome part of the organic whole. I am no longer satisfied with sending some Muslim Advocates of certain causes. It is my ambition that my representative, be he a Muslim or a Hindu, shall have an effective voice in the governance of the country. In that view of the matter, I am positively opposed to separate electorates, and I do not favour reservation of seats in the legislature. The first is positively dangerous and the other ineffectual and has the taint of separatism. But I am not content with a negative approach. It is not enough to say that reservation must cease, that it is vicious, that separate electorates is bad. These must be a positive approach to ensure due recognition of the political rights of the minorities. I want this honourable House to approach this question in the light of difficulties encountered by minorities in other secular democratic States, like Switzerland or Ireland and to consider solutions sought and found there. And this is the reason why I move, Sir, and Mr. Tajamul Husain will be satisfied now—

“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.

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.

That sub-paragraph (ii) of the second paragraph of the Motion, be deleted.”

My amendment merely means that there should be multi-member constituencies, of say two, three or four to be fixed by Parliament—resulting in allowing the minorities to group their votes. The solution—and I may say so with all respect, to disarm a section of the House, though it is a very meagre section—the solution that I have offered is not a Muslim League mixture, it is a solution which was made as far back as 1853 when it was advocated by Mr. Marshall in an open letter, “Minorities and Majorities, their relative rights” addressed to John Russell.

The Problem of minorities is not unique to India. In all lands and in all climes there have been minorities and they have had to suffer. A writer, adapting Shakespeare coined this epigram, “Minorities must suffer, it is the badge of all their tribe”. But I feel it is superficial. It is not a profound truth. To me it appears that justice to minorities is the bedrock of democracy. The reason is this. The twin principles of democracy are, one, that the majority must in the ultimate analysis govern, and second, it is the right of every individual to have some voice in sending his representative to a representative institution, and thereby have some share in selecting a government to which he owes and renders obedience. Those who have read the writings of Mill must have been impressed by his advocacy of fundamental principle of democracy, that every political opinion must be represented in an assembly in proportion to its strength in the country, and naturally so. Why is this Assembly here? The entire thirty crores of people cannot come and deliberate here. Therefore, there is the device of sending representatives. But if you adopt a method by which only 51 per cent of the people alone are represented in the legislature, it ceases to be the mirror of the nation. Now the question is, does the method of representation adopted by this House give effect to or rather does it implement the principle of democracy? At the very outset, with your permission, Sir, I will read to the House an observation of Lord Acton. He says,

“The one pervading evil of democracy is the tyranny of the majority, that succeeds by force or fraud in carrying elections. To break off that point, is to avert the danger. The common system of representation perpetuates the danger. Equal electorates give no representation to

[Mr. Z.H. Lari]

minorities. Thirty-five years ago it was pointed out that the remedy is proportionate representation. It is profoundly democratic, for it increases the influence of thousands who would otherwise have no voice in the governments and it brings men more near an equality by so contriving that no vote shall be wasted, and that any voter shall contribute to bring into Parliament a member of his own opinion."

Sir, it is this solution that I am advocating before this House. The House knows that at present in the countryside, there are three political parties—the Congress, the Socialists and the Communists. Two of them have already accepted this as the proper method of representation. On October 15th 1947, the National Executive of the Socialist Party adopted a resolution, in the course of which it says— I would again beg to be excused for quoting it—

"All elections should be by direct, secret, and adult suffrage, under a system of joint electorates. There should be multi-member constituencies, and voting should be according to the system of cumulative votes, thus providing for minority representation."

At about the same time, the *People's Age* contained an article about this representation, and the writer wrote thus:

"The establishment of adult franchise and joint electorates will be universally welcomed as laying the basis for a sound democratic solution. We should now appeal to the people on the basis of their common interests for a joint endeavour behind a common democratic programme. But the question still remains as to how to evolve a method of representation that would enable the minorities to elect the representatives in whom they have confidence and yet not breed separatism."

And then it says,

"The best, the most democratic and non-communal way of ensuring this is by proportionate representation, the electorate method that obtains in the new democracies like Yugoslavia and in many of the old ones. In this no communal reservation would be needed."

Now, Sir, I think the House has not forgotten the three series of Constitutional Precedents prepared by this Constituent Assembly under the able guidance of Mr. Rau. In these, this question of proper method of representation for the minorities was discussed. I hope the House has not forgotten those volumes. If you will kindly refer to Series I, on page 17, the author, or rather the compiler remarks:

"One of the best safeguards for minority rights and interests in the system of election by proportionate representation."

I hope one interrupter on those seats will be satisfied that he is not a Communist or Socialist. The matter is fully discussed in another volume, the third series, at the end of page 164. The compiler says:

"There is however general agreement among the critics of proportional representation that the application of the system is a necessity in the case of countries with self-conscious, racial or communal minorities."

There you find those who were charged with the duty of exploring the possible methods of representation of minorities in a non-partisan spirit and the two major political parties, one of them likely to come into power in the future, have accepted this principle of proportional representation.

If that is not enough, you may see what is the experience of other countries. We are not framing a constitution on an absolutely new slate. There have been constitutions before: there have been difficulties encountered before and there were minorities before. The most parallel instance is that of Ireland. May I ask the House to bear in mind that in Ireland there were two religions contending against each other—the Protestants and the Catholics. Ireland

too was divided as a result of agitation by the religious minorities with the result that there are two States in Ireland. At the outset both these countries adopted the system of proportional representation, Northern Ireland giving it up subsequently, where as it continues in Erie proper. What is the position there? A writer has summed up the position as follows:

“In Southern Ireland the religious question has ceased to be a dividing line in politics.”

In that part of Ireland where proportional representation exists the writer says that the religious question has ceased to be the dividing line in politics. The writer continues:

“The religious issue which used to be as bitter in the South of Ireland as in the North has ceased to be a feature in politics. There is no longer a Protestant Party and a Catholic Party. Far otherwise is it in Ulster. Proportional Representation was carrying out its beneficent work of appeasement there also. The Catholics and Nationalists were in a minority but were fairly represented and had no sense of grievance. The Catholics had some representation even in areas predominantly Protestant and *vice versa*. The abolition of proportional representation was followed by an outbreak of bitterness which is still to be found today.”

That is the actual experience of the working of proportional representation in one part of the country and absence of it in the other.

Those Members of the House who want to keep in touch with the politics of the day do, I believe, read the Round Table. In its issue of March 1948, while discussing the reasonableness or otherwise of proportional representation in Ireland the writer says:

“The proof of the pudding is in the eating and this system of election has not only enabled every substantial interest to retain representation, but has given us stable government. It has solved so far as solution is possible for us the crucial problem of reconciling justice to minorities and the right of the majority to govern.”

Here you have the instance of a country where similar circumstances prevailed, where agitation led to separation, where proportional representation has been tried in one part and give up in another. Is it not wise for us to take lesson from that experience which is similar to what prevails in our country?

**Pandit Lakshmi Kanta Maitra** : What is the population of Southern Ireland?

**Mr. Z. H. Lari** : Are you concerned with population or you concerned with the principle? You can easily consult the Year Book and find out the population.

**The Honourable Shri K. Santhanam** (Madras: General): Does he suggest that there is cumulative voting in Ireland now?

**Mr. Z. H. Lari** : Yes, there is proportional representation.

**The Honourable Shri K. Santhanam** : In the Irish constitution no voter may use more than one vote and the vote shall be by secret ballot.

**Mr. Z. H. Lari** : Which year do you refer to?

**The Honourable Shri K. Santhanam** : 1937.

**Mr. Z. H. Lari** : It is wrong. Read it again and you will find what I say. The issue is discussed fully in the Round Table. Please read it.

**The Honourable Shri K. Santhanam** : Please refer to the Constitutional Precedents supplied to you.

**Mr. Z. H. Lari** : The same thing happened in Switzerland. The House is aware that the canton was divided into three Constituencies one was mainly Protestant and the other mainly Catholic. The result was that in one part Catholics could not be represented and in the other the Protestants could not

[Mr. Z. H. Lari]

be represented. Proportional representation was introduced. Everybody knows that Switzerland is a happy family today, strong, democratic and secular.

The same thing has happened in Belgium. I may quote another writer again. He says:

“The non-representation of minorities in Belgium accentuated the racial, language and religious differences between Flanders and Wallony. Flanders were represented by Catholics only, the French speaking districts by Liberals and Socialists. With proportional representation members of all these parties are returned in both areas and this has brought in its train political consolidation of Belgium.”

According to the theory of democracy there should not be disenfranchisement of a minority, be it political, religious or social. If you look to logic you will find that where the election is by simple majority of 51 per cent, 49 per cent is left unrepresented. If you take realism into consideration you will see the necessity that election be so managed as to give representation to every section of the people and if you want to profit from experience you will find that in those countries where this problem arose the only solution they had was proportional representation. I would go further and say that the adoption of this method is in the national interest and that for three reasons.

1. Parliament must be the mirror of the national mind: otherwise it will not have the respect which is due to it. There are instance before where the minority has succeeded in electing the majority of the members of the House, where an election has led to the complete disenfranchisement of a section. I would point out the recent elections in United Provinces where the Socialists got about 35 per cent of the votes in 11 constituencies but not a single representative of theirs was selected. So far as the people are concerned it can be said with certainty that 35 per cent. were behind the Socialist Party but the system of election was such that that party went unrepresented absolutely. To that extent that House has fallen into disfavour and to that extent it ceases to be representative of the nation which it seeks to represent.

2. There will be no grievance for any minority. I am not one of those who believe that all the supposed or imagined grievances of a minority must be met. They must be reasonable. Their interests can be looked after so long as they are consistent with the national interest. The moment there is antagonism or conflict between their interest and the interest of the nation the minority must go to the wall. But where national interest is preserved or is not jeopardised or imperilled it is necessary to consult minority opinion. If you do that it necessarily leads to consolidation of the State. Therefore, the second advantage of proportional representation is that it will lead to the consolidation of the State.

3. If you have proportional representation you will have an opposition in the House. You will have a party not on a communal basis but based on large national issues. You will have a party which will co-operate with you so far as the integrity of the State is concerned, so far as the advancement of the prestige of the nation is concerned. It will at the same time correct you and keep you on the right path. As soon as you hold the elections you will have in the House an opposition conscious of the dignity of the nation, conscious of the necessity of defending the interests of nation and at the same time presenting a corrective to the majority in power. Therefore I say that the solution which I have offered— which is not my own as I have said, but which is age-old and which has been practised in so many countries—is the only sound one.

Now what is the criticism? Why don't you adopt it. As every Member of the House is aware proportional representation assumes different forms: there is the single transferable vote, there is the cumulative voting and there

is list system. I have suggested proportional representation by way of cumulative voting. Well, it may be said that it is only another form of separate electorate and that if you concede that, it amounts to conceding separate electorates. That was the criticism when I placed it before the U.P. Legislature. But you forget that conditions have changed from 1937. Take the case of the United Provinces where the Muslims are numerous. You are aware that in the U.P. there are 8 million Muslims, but their percentage is only 11 or 12 per cent. If you have three-member constituencies, nobody can be elected unless he gets 33 per cent. of the votes.

Therefore, this criticism that proportional representation is another form of separate electorate is, to say the least, very uncharitable. As a matter of fact, I have been elected by separate electorate here. What service do I do to my community? No doubt, I can come forward and air certain views, but does airing of certain views help my community? (*An Honourable Member*: It does) It does not. It only enables my Friends over there to make people bitter against me still further and to say that Mr. Lari has raised this question simply because it suits his community. But I want a representative, be he Sardar, in preference to Maulana Azad, provided I feel that in electing Sardar I have also a voice and that he is bound to respect my sentiments, because he has to come again for my votes.

But take the case of the U.P. The 10 per cent. of Muslims can easily be ignored. The test of a system is to be made at critical times, at a time when passions are running high—not when things are smooth. Therefore, my submission is that you should coolly consider the question whether apart from reservation of seats, apart from separate electorates, is there any democratic method which can ensure due rights to minorities—be it political, social or religious.

The spirit of accommodation has been the underlying tone of everything that has been done by us. Only the other day by endorsing the London decision you accepted the King as the link—a king whom you previously regarded as a symbol of Imperialism and oppression of our rights. That shows how accommodative you are. Should you not display that spirit of accommodation when you are dealing with a section of your own, whom you have agreed you cannot but have as an integral part of the nation? Why not try to console my feelings, if it is possible? As I have already said, national interests must reign supreme. If it can be pointed out that national interest cannot be served or it is in danger, I will be the first person to give it up.

**Shri H. V. Kamath** (C. P. & Berar: General): Why did you demand Pakistan?

**Mr. Z. H. Lari** : Well, if it is a personal question, I may tell my honourable Friend that I opposed the creation of Pakistan at the Delhi meeting of the Muslim League. But the question is this: is that question pertinent now? Are you not nursing old grievances? I am asking you in all fairness. You say you regard me as an integral part of the nation. But the moment you raise such criticisms you give away the whole show. You show that you do not regard me as a part of the whole, that you are still harbouring old suspicions. That is not in keeping with the spirit of accommodation displayed by you.

I am sure that in spite of all these interruptions of the kind over these, the heart of this House is very sound, at least the heart of the leaders of the country is very sound and that heart will see how the Muslim heart pulsates.

Mr. Ismail spoke of the Muslim League of Madras. Well, I am not here to enter into any controversy. But I must say that so far as the U.P.

[Mr. Z. H. Lari]

Muslim League is concerned, we have decided that the League will not take part in politics and the Madras Muslim League has ceased to be representative.

Now, Sir, if you concede that proportional representation has to be accepted, then my third amendment, namely reservation of seats for the Scheduled Castes should disappear is really consequential, because once you accept proportional representation there is no scope for any reservation for any community.

But may I pause here for a moment and say a few words in regard to this? If you take away the representation for the Muslims, but at the same time continue it for the Scheduled Castes, two questions arise: For an intelligent mind, possibly they may not be of value. But to sentimental minds they are of great importance. The Muslim man in the street will naturally say: "Well, the Scheduled Castes are a part of the Hindu community. There is no antagonism between the Hindus as such and the Scheduled Castes. Apparently you give representation to the Scheduled Castes, because you feel possibly that you will not be able to return sufficient number of Scheduled Castes to the Legislature. If the electorate is wide awake, if the electorate is conscious, if the electorate is aware of the necessity of having representation of every portion of that community then you cannot say that reservation is necessary. The reservation shows that you are not feeling strong on the point. There is a suspicion in some minds that possibly we will not be able to overcome prejudices of the Caste People and thereby ensure the quantum of representation of the Scheduled Castes." The Muslims will say "you have not got that confidence in regard to the Scheduled Castes who have always been part of you. What about the Muslims who are still regarded in certain places with suspicion"? And there was some ground for suspicion because as you rightly said Muslim India is tantamount to Muslim League India. That is true: I do not deny it. Why should you create the impression in the Muslim mind that while you are solicitous of the interests of the Scheduled Classes and are conceding representation to them, you do not care and you are not mindful of the interests of the Muslims and, although you say that the majority community will be generous and will consider it its duty to return Muslim representatives in enough numbers, you have not at all shown the same care and the same solicitude for the Muslims? It may be that the Muslims, you think, will be able to secure representation in spite of the majority.

That is the first consideration which must weigh with the Honourable Sardar Patel. He must consider it in the psychological background.

The second thing is this: If you concede the principle of representation by reservation of seats for Scheduled Castes, do you not accept that such reservation does not go against the national interests? If it goes, why accept it? If it does not, why do you say that the Scheduled Caste people have unanimously expressed the view that they want reservation? But was the Muslim view sounded on this question? I do not think the members of the Advisory Committee—I regret to say, it is another matter I would have expressed the same opinion in the Advisory Committee if I had been there, because I do not want reservation of seats—belonging to Muslim community have got any hold on the country and cannot possibly commit the Muslims to any line of action. If you want the true opinion of that community the proper thing to do would have been for Sardar Patel to convene a meeting of the Muslim Members under his Presidentship, place the facts before them and invite opinion. I personally do not think that any member of the house should go with the feeling that the vocal



members have their way and that they carry the day. I am a vocal member but other members are not vocal. I do not want that my colleagues should feel that I, without consulting them and under false pretence assured Sardar Patel that this is the position. Therefore I say there are two courses open. The first is not to give reservation of seats to anybody. That is in the national interest. But if you want to give it or take it away on the basis of the view of the minority concerned, then take appropriate steps to have the views of that minority ascertained. I say in fairness to my colleagues, who cannot express themselves as loudly as I do, that this course may be adopted. I proceed on the assumption that the past has been forgotten. Those who refuse to forget the past, I do not take notice of. I know that their number is small. If it were opinion of the majority it will be dangerous to ignore it. But knowing as I do, I proceed on the assumption that the past should be forgotten. I am here as an integral part of the Indian nation. In that capacity alone I advocate certain courses before this honourable House. It is for the majority to accept or reject what I say. History will judge who was right. Majority sometimes is in the wrong and minority need not necessarily be always in the right. But I have the satisfaction in my own conscience that what I say is proper and in the national interests of the community. I am satisfied that it is also in the wider national interest of the nation as a whole. On that basis I have made this motion before this honourable House. I appeal to the leadership of the country to consider the matter afresh. First you should consider whether it is not possible for them to adopt a method which has been practised by others and has been successful and has not endangered the stability of the State. That would I think solve the problem for all times to come. Let us have experience of this system for ten years. The Constitution can be changed any time. Why not accept if the minority say: 'Let us have proportional representation?' Why not have it for two elections? Are you going to bind the succeeding generations? You are not. Perhaps you will say, "Why not you try this?" It is a reasonable question. But I may point out that at that time possibly I may not be here. There is a great danger in that. But you try it for five years and if it works any danger to the integrity of the State, give it up. You formerly resolved to have reserved seats. Now you say, 'No'. What is there to prevent you from amending the Constitution six years hence? Therefore I say, be fair, be generous. (*Interruption*). If not generous, at least be fair. I appreciate the interruption. Generosity does not appeal to me also. It is the language of the weak and the imbecile. But fairness is the right of any citizen. Therefore I say, be fair. Let us consider the question and in doing so invite also neutral thinkers and politicians from Switzerland or other countries. Let us invite them to consider this question and, if they say that I am wrong, you may proceed as you like. But, for God's sake, do give a chance, not to me as a member of the Muslim community, but to me as a member of the Indian nation. Give them a chance to survive and to play their part in the larger interests of the country.

I have the very unpleasant task of opposing Mr. Mohamed Ismail Sahib so far as the question of separate electorate is concerned, because I have been feeling all along that my existence has been useless in this House. Having been returned on the separate electorate ticket I can say nothing more than that the Muslim community wants a particular thing. If I say anything which is in the interests of the nation as such, I am dubbed a communalist. Therefore I am now suggesting something which I have not tried, but which others have tried and given it a place.

**Prof. N. G. Ranga** (Madras: General): May I know, Sir, whether an argument is allowed to be repeated?

**Mr. Z. H. Lari :** My Friend is not aware of the art of speaking; otherwise he would not have said that things are not repeated. Things are repeated, but not *ad nauseum*. Therefore I said, be fair and consider the position as it is and then take a decision which will be conducive to the interests of all communities and to the nation and enhance the good name of the State to which we all belong.

**Shri M. Thirumala Rao** (Madras: General): I have got here a copy of the article on the Republic of Ireland. I do not find in it a single word of the quotation made by Mr. Lari.

**Mr. President :** If any Member wishes to quote that portion he may do so.

**Shri M. Thirumala Rao :** If I am called upon to speak I will do so.

**Mr. President :** The honourable Member may take his chance.

The next amendment, No. 5, is one of which notice has been given by several Members.

(Amendments Nos. 5, 6, 7 and 8 were not moved.)

**Mr. President :** Then there is another amendment of which I have got notice, by Shri Thakur Das Bhargava. There is notice of the same amendment by Mr. Nagappa and Mr. Khandekar.

(Both Mr. Nagappa and Pandit Thakur Das Bhargava rose to speak.)

**Mr. President :** I understand that the amendment of which Pandit Thakur Das Bhargava had given notice came first. Since his amendment came first, I will give him the opportunity to move it. (Addressing Mr. Nagappa) You can take your chance of speaking on it.

**Pandit Thakur Das Bhargava** (East Punjab: General): Sir, I beg to move:

“That the following be added to the Resolution:—

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

**Mr. President :** Is this an amendment to the original proposition?

**Pandit Thakur Das Bhargava :** This is an amendment to an amendment.

**An Honourable Member :** But no amendment has been moved.

**Pandit Thakur Das Bhargava :** This is an amendment to an amendment. The practice in the House has been that when notice of amendments has been given, all the amendments are taken to be moved. That was the ruling given in the previous session. According to that, I have given notice of this amendment.

**Mr. President :** Strictly speaking, this is not an amendment to any amendment. If it is an amendment, it is an amendment to an amendment which you have not moved.

**Pandit Thakur Das Bhargava :** The practice is that amendments to amendments are allowed even when it happens to be an amendment to one's own amendment. That was the ruling by the Vice-President.

**Mr. President :** In dealing with the Draft Constitution, I ruled that I would accept amendments to amendments but not amendments to the original article, even though they may be given under the pretext of being amendments to amendments, if they are not given in time. On that basis I have been going on all

these days. I was not informed of any previous decision by the Vice-President when he was presiding. Therefore I gave that ruling and I am following that ruling since then. I do not accept amendments out of time, amendments, which are strictly speaking not amendments to amendments but amendments to the original article.

**The Honourable Shri Ghanshyam Singh Gupta** (C. P. & Berar: General): Sir, this can be an amendment to an amendment, amendment No. 4, by Mr. Lari, that sub-paragraph (ii) of the second paragraph of the Motion be deleted. That means that he does not want to give reservation to certain classes of the Scheduled Castes. Pandit Bhargava wants that reservation should continue for ten years.

**Shri Jaspal Roy Kapoor** : May I submit.....

**The Honourable Shri Ghanshyam Singh Gupta** : I have not finished. Mr. Lari's amendment is that sub-paragraph (ii) of the second paragraph of the Motion be deleted. That means he does not want to have any reservation. Pandit Bhargava says that reservation should be there for ten years. So, this is an amendment to the other amendment. This is what I want to bring to your notice.

**Shri Jaspal Roy Kapoor** : I would respectfully submit that Mr. Bhargava's amendment be taken as perfectly in order because it is virtually an amendment to the other amendments which have already been moved by Mr. Mohamed Ismail Sahib and Mr. Lari. These amendments seek to amend the motion in a particular manner. All that Mr. Bhargava wants now is that the motion should be amended in a different manner. Both the previous amendments sought to amend the motion as placed before the House by the honourable Sardar Patel. Now Mr. Bhargava wants that the motion should not be amended in the manner which has been suggested in the two amendments which have been moved but in the manner in which he would not move it.

**Mr. President** : In that view and in the view which has been placed before the House by the Honourable Shri Ghanshyam Singh Gupta, I take it that it is an amendment to an amendment.

**Pandit Thakur Das Bhargava** : Sir, I move:

"That the following be added to the Motion:

"The provision for reservation of seats and nominations will last for a period of ten years from the commencement of the Constitution."

I only formally move this. If I catch your eye, I propose to speak later on the resolution.

**Mr. President** : The amendments and the original motion are now before the House for discussion.

**Shri S. Nagappa** (Madras: General): Mr. President, Sir, I congratulate the majority community and also the Minorities Advisory Committee that was appointed in order to go through the problem of the minorities in this country. Sir, there are three parties to this. Firstly, we have to congratulate the Honourable Sardar Patel on his wonderful achievement which could not be achieved by two centuries of British rule. He could do it within two years. Divisions were created by the Britishers in order to continue their rule over India perpetually. Now, that could not be done in two centuries has been done within two years. Now the minorities themselves come forward and say that they do not want any reservation. That is an achievement. The second party is the Minorities Advisory Committee and the third party is the minorities themselves. We have to congratulate all the three. Now, people

[Shri S. Nagappa]

may ask, "How is that you have not foregone your reservation?" I do not think we are getting reservation because we are religious minority. We are not a religious minority. We are an economic, political and social minority. We have got rid of two disabilities. Mahatmaji was kind enough to grant us two freedoms, social freedom and political freedom. Now, Sir, the majority community happens to be larger in number. You have seen where the Kauravas were hundred in number and Pandavas were five in number, they had an equal right to the kingdom. Though Lord Krishna failed in his last *avatar* to get independence or rather the due share in the administration of the country, yet in later generations Mahatma Gandhi achieved at the cost of his life the political freedom for Harijans; he not only achieved political freedom; but while we were hated, teased, tortured and ill-treated up to 1932, after 1932 the hatred was converted into affection. Some honourable Members have said that the Scheduled castes must have no reservation. Without asking us, this majority community has given us reservation. My honourable Friend Mr. Lari and other friends were saying: "Why should these Scheduled castes be given reservation?" We are not asking for reservation for our community. We are the people who have given protection to all the people. Three thousand years ago we gave you shelter. It is our community that gave protection to everybody. Our community does not seek protection. Well, Sir, the Britisher could not rule this country without us; the Muslims could not conquer this country without our cooperation and the Congress could not achieve freedom. It is only in 1942 that we joined the movement, and it is as a result of our joining it that we were able to drive out the Britishers. So, Sir, without our co-operation without our help no one in this country can exit. We are the right royal owners of the whole country and as the descendants of the oldest inhabitants of India, we have every right, but we are not so narrow-minded to drive others out. We have been giving protection; we have been tilling the soil; we have been toiling and mooling for the sake of others. Look at the sacrifice we have shown. We have been ill-treated for centuries and yet we have been sticking to our religion. There have been some scapegoats who have joined Sikhism and Christianity. But today seven crores of people continue to be in the Hindu religion and this only means the "suffering attitude", the sacrifice and toiling that denotes this community. So, Sir, I am not seeking protection of you, the majority community. I know you have 'one man, one vote'. After all, do you think that you are the majority community? I can convert you into a minority community. It is only a class question that comes into existence and not the casts question. When this is the case, I need not seek any protection. I am thankful to you for the protection given by you. When you are offering the hand of help, why should I reject it? We Scheduled Castes have not invaded this country from Arabia. We have not come here from outside and we do not have a separate state to go and live if we cannot absorb other people. We are not a separate nation; we are the blood and bone of the same religion, same culture, same custom; we are the true sons of the soil. How can we be treated differently? So let not my honourable Friend make use of us and our community to plead his cause. I would request them, if at all they have any affection for us, let us have reservation for our own sake. For our part we can safeguard our interests better than anybody else. Self-help is the best help; that is a slogan and it is true. They say: "Why should you require reservation?" Freedom is not complete unless and until it is full of the three aspects. The first is social, the second is political and the third is economic. That is most important and vital to independence. I know the whole country is lagging behind so far as the economic freedom is concerned, but much more is this particular community. Even today, here and now, I am prepared for the abolition of the reservation, provided every Harijan family gets ten acres of wet land, twenty acres of dry land and all the

children of Harijans are educated, free of cost, up to the University course and given one-fifth of the key posts either in the civilian departments or in the military departments. I throw a Challenge to the majority community that if they are prepared to give this much, I will forego the whole reservation. Let my Muslim friends know that we Harijan are not lagging behind in nationalism. It is we that have to fight more because it is our country. After all, you are the invaders, immigrants; you do not have as much interest as we have in this country and we are the people that produce the whole of the national wealth of country either by agricultural labour or by industrial labour. Unfortunately, just like the bees that gather honey, we work hard, but we are away from the honey; but the time will come and if you continue to be so selfish as you have been all these days, the same thing that was done to the Britisher will be repeated to you. What about you who have migrated from Central Asia, Mongolia and Manchuria? You will have to go back to your places. Even there you will be sent out. It is we that have a greater right than anybody else on the face of this country. So it is not a favour that you have done us, but you have rightly done it.

I have been telling you that the economic problem is the most important problem so far as this country is concerned. It is very easy question that can be solved if you make up your minds. You have been abolishing the zamindari all over the country. You have got lakhs and lakhs of acres of land. If you can give us, every Harijan family that is not possessing land; all the landless Harijans, at the rate of ten acres of wet land and twenty acres of dry land and educate the children to the University course, I am prepared to forgo the reservation. Here it is.

**Shri Mohan Lal Gautam** (United Provinces: General): Every Brahmin is prepared to become a Harijan if you give him ten acres of wet land and twenty acres of dry land.

**Shri S. Nagappa** : Even if the Brahmin is granted lands, then how to till? He has been having lands till now. He has to seek our protection; he has to employ us. It is something like entrusting *Rambha* to a *Napumsaka*. To my Brahmin friends I say; "What is the good of your asking for land? Land should be given to the tiller of the soil, he must be the owner of the soil. You do not want to own it for owning's sake. You must find utility for the property that you possess." It is no use my Brahmin friends saying: "I come forward and say I am prepared to be a Harijan." A Harijan cannot be converted, like a Christian or a Muslim. You must be a born Harijan, you must have birth as a Harijan; today you can become a Christian or a Muslim, the next day you can become a Sikh, if you grow a beard, but you cannot become a Harijan except by birth.

**An Honourable Member** : Very selfish !

**Shri S. Nagappa** : Do not think the Harijan community has been converting everybody. If you are prepared to take to the Harijan community, you must be prepared to scavenge and sweep. You do not want to do that and feel some dignity. You say "I am a Hindu and I cannot scavenge and sweep for others." You want to have the option: "I am for the heads, but not for the tails. If at all I lose, I must lose the tails and not the heads." Is this your principle?, I ask Mr. Mohan Lal Gautam who has been kind enough to offer to become a Harijan.

As regards my honourable Friend Mr. Lari's amendment, that the reservation for the Scheduled Castes should be abolished, I thank my honourable, Friend for giving this idea to the House. But, let it remain as an ideal; it cannot be put in action. After all is said and done today, let my honourable Friend Mr. Lari remember that once upon a time, if not today, some time ago, he was a Harijan. It is the Harijans that have contributed to all these communities.

**Mr. Z. H. Lari :** I would be glad to become a Harijan if I could get ten acres of wet land and twenty acres of dry land.

**Shri S. Nagappa :** If you can scavenge, you can become a Harijan. Nobody prevents you. Community has come according to duties; no one has been labelled that he is so and so. Only if you do the work of a teacher, you can be called a teacher. If you scavenge, you are a scavenger; if you sweep, you are a sweeper. If you are so fond of becoming a Harijan, the duties are also open to you. All the friends that are prepared to scavenge, sweep.....

**Mr. President :** Please confine yourself to the motion before the House. We all know the duties of the Harijans.

**Shri S. Nagappa :** Let me come to the point. My honorable Friends who have been jealous of my community, I hope will not be so for ever.

We have already abolished reservation. I ask where was reservation for this House. We were mixed with the Caste Hindus and they have elected us. We represent the Caste Hindus. I am today giving the law not to the Harijans alone, but to all the thirty crores of people. The Constitution is not made for my community alone. I have not been returned by my community alone. Therefore, in practice, we have abolished reservations. This Parliament, this Constituent Assembly, has been elected on the basis of joint electorates. This has been accepted in the case of Christians, Sikhs, Harijans and Hindus. Only my honorable Friends who were preaching the two-nation theory have been returned by their own people. I tell you, Sir, there are some short-comings. This good-will of the minority community has not been utilised by the majority community in a proper way. I can quote instances where they have gone back, where they have not been large-hearted. Take Madras where there are eighty lakhs of Harijans. According to the Cripps' proposal, for every million of the people, one representative should come. We are only seven. We would have been eight if there had been reservation according to the population. But it is a minor matter whether seven or eight are here; the work done is the same. Take Travancore. It is a State that is supposed to be the first and foremost so far as the Harijans are concerned. It is the first State that introduced Temple Entry. But, that State has failed to give representation to Harijans in the Constituent Assembly. Out of a population of sixty lakhs, thirteen lakhs are Harijans. These thirteen lakhs of Harijans have been ignored and four lakhs of Muslims have been given a seat. They have robbed Peter to pay Paul. That is why we want reservation. It may be stated that it is a State. Take the United Provinces. There are twelve millions of Harijans in the U.P. according to the Census of 1931. I find only six members from that province. What about Bengal? I am not in possession of the correct figures in Bengal. What about the Punjab? My honorable Friend Pandit Thakurdas Bhargava has been saying that there are eighteen lakhs of Harijans and four lakhs of Sikh Harijans, altogether making up a total of twenty-two lakhs. I find a solitary representative from the Punjab so far as the Harijans are concerned. According to the Cripps' proposal, there should have been two. Let us go to the States. What about Patiala State? Out of a population of thirty-six lakhs, nine lakhs are Harijans. There should have been at least one representative in this House. Take Madhya Bharat. Out of a population of seventy lakhs, seventeen lakhs are Harijans. When His Excellency the Governor-General visited that State, the Harijan represented to him, 'Sir, we are only three members in a House of seventy, though our population happens to be seventeen lakhs'. Look at the justice done by the majority community. We appeal to you, we do not claim, we appeal to their good sense, not only with folded hands, but also with bended knees, to do us justice. We crave for

mercy. After all, we are voiceless, our voice is feeble. In Madhya Bharat, there are only three members; in the Constituent Assembly, nil. Because of this selfishness of yours, you are compelling us to ask for reservation. This was your testing period. If you had been large-hearted, we would have been the first and foremost persons to come and say, 'we do not want any reservation'. The fault lies in you; not in us. That is why Mahatma Gandhi said, "for the sins committed against them in olden days by your fathers and forefathers, become Harijan sevaks to wipe off those sins". It is you who are on the wrong side. If there is a dispute between a *mandir* and a *masjid*, it is our throat that was offered at the altar. If there was any Hindu-Muslim riot, it is we that fought the battle. What is the reward we get? "All right, be toiling", this is the reward. "You were my watch dog; be my slave or serf", this is the reward. Are you justified in this? You could have done this all these days when we were ignorant. Mahatmaji has removed that ignorance. He has put enough patriotism, enough conscience into our minds. You may think that Mahatmaji is no more. But you must be aware that his spirit is everywhere; his soul is everywhere. We cannot see him today; but he is watching our doings. The Congressites who have been claiming to be the descendants of Mahatmaji know that he is watching this Assembly. I leave it to you. It is for you to abolish the reservation whenever you want. I have thrown the challenge. It is for you to accept.

As regards my honourable Friend, Pandit Thakurdas Bhargava, who claims the amendment to be his, namely, that the provisions regarding reservation of seats and nomination will last for a period of ten years, I would say this. We, almost all the Harijan Members of this House, sat together and the Honourable Pandit Nehru was kind enough to explain to us that in our own interests this will be the best thing. According to his advice we have come to a decision on this point. After all, this is a question that has to be reopened by Parliament. If, after ten years, our position happens to be the same as it is today, then, it is open to the Parliament either to renew it or abolish it. This does not prevent you from coming forward within the next five or ten years or even two years with an Act of Parliament saying "Harijans have been granted their demands, they are now on a par with others and they need not have this reservation of seats". It is open to you as it is worded today. Therefore, we accepted that the reservation should continue for ten years to come from the commencement of the Constitution.

I once again thank the honourable members of the Minorities Committee, the President of it, our Honourable Sardar Patel, who has taken so much trouble in order to safeguard our rights. I thank you, Sir, for the opportunity you have given me.

**Mr. President :** I would ask Members to confine their remarks to ten minutes.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Mr. President, Sir, the Resolution moved by Dr. Sardar Patel is an important land-mark in the constitutional history of our country, and will be referred to by future historians and constitutional writers with enthusiastic applause. Sir, at the very outset, I desire to declare that I am in complete and wholehearted agreement with the Resolution (*Hear, hear*). Sir, in the short time at my disposal, I should try to touch only the main points. The original Resolution and the two principal amendments differ as well as agree in certain respects. According to the original Resolution, the reservations to Muslims is to be abolished. With regard to the amendment moved by Mr. Ismail Sahib, Muslim reservations are to be retained. Mr. Lari wants all reservations to be abolished. So the original Resolution and Mr. Lari's amendment agree that Muslim reservation should be abolished, and this is opposed to Mr. Ismail's amendment.

[Mr. Naziruddin Ahmad]

Then with regard to the Scheduled Castes, the original Resolution and Mr. Ismail's amendment require them to be retained, while Mr. Lari wants them to be abolished. With regard to Sikhs of the backward classes, the position is similar. Thus, Mr. Ismail's amendment and that of Mr. Lari are in all respects directly opposed to each other.

Sir, I think that the occasion when the Muslims in India accepted reservation of seats should be recalled. That was a time when the communal situation was very unsatisfactory, and some reservations seemed at that time to be necessary. But now the situation has vastly improved and is daily improving and there is, for a long time, much harmony between the two communities. I think that reservations of any kind are against healthy political growth. They imply a kind of inferiority. They arise out of a kind of fear-complex, and its effect would be really to reduce the Muslims into a statutory minority. Then, again, Muslim reservation is psychologically linked up with separate electorates, which led to so many disasters. Therefore I should submit that to carry on reservation would only serve to perpetuate the unpleasant memory of those separate electorates and all the embitterments, that accompanied them. I submit that it will be bad even for ten years.

Then, Sir, I believe that reservation of Muslim seats, specially now, would be really harmful to the Muslims themselves. In fact, if we accept reservation and go to the polls, the relation between Hindus and Muslims which now exists will deteriorate. The great improvement in the situation that has been achieved will be lost. The Hindu-Muslim relation of the immediate past will be recalled and feelings will be embittered. There will be dissensions between Hindus and Muslims—a thing which is highly undesirable, even if we consider it even from the purely Muslim point of view. This would again create divisions amongst the Muslims themselves. In fact, if seats are reserved, one candidate may be set up by Hindus and another by Muslims. Muslims will divide. They will flock to one candidate, or the other and this will lead to division among the Muslims themselves on a false issue. I therefore submit that reservation for Muslims would be undesirable. In the present context, when we have improved relations and with the abolition of separate electorates, it is illogical and an anachronism, and it is positively injurious to the Muslims and to the entire body politic.

Sir, reservation is a kind of protection which always has a crippling effect upon the object protected. So for all these reasons, I should strongly oppose any reservation for Muslims. Now, Mr. Lari's amendment is to the same effect, that there should be no reservations for Muslims, and I welcome it so far as Muslims are concerned. His amendment, however, is hedged in with the conditions that there should be cumulative votes. His argument was based mainly upon continental considerations. In Ireland, the fight between the two sections is everlasting. It dates-back from the very dawn of history and it is not going to end. But so far as Hindu-Muslim relation is concerned, there was only a temporary break in the cordiality between the two communities, and happily the old amity which had existed in the country from time immemorial, has again been established; it has again improved. The system of cumulative voting is not necessary, and it is extremely difficult to work. I do not think it is needed in the conditions present in India, especially among hundreds of millions of illiterate voters. I therefore submit that any kind of cumulative voting, or other intellectual abstractions of refinements of the kind are unnecessary. From the Muslim point of view alone, we do not want any reservation whatsoever.

Then, again reservation of seats to the communities was inevitably connected with separate electorates. With the removal of separate electorates,



reservation of seats would be absolutely illogical. If we contest seats, not reserved seats, the result would be that Hindus and Muslims would be brought nearer to each other. Although we are a minority—and that is a fact which has been very much stressed by Mr. Lari—I think it will be impossible for any Hindu candidate to ignore the Muslims. In fact, for one seat there will be at least two Hindu candidates, and in case of a contest, the Muslims will have an important role to play, and they may well be able to tip the scale, by playing the part of an intelligent minority, suitably aligning themselves with one side or the other. They will have a decisive voice in the elections. It may be that an apparently huge majority may at the end of the elections find itself defeated by a single vote. So no man who contests an election, however promising his prospects may be, can ignore Muslim votes. Therefore, the safety of the Muslims lies in intelligently playing their part and mixing themselves with the Hindus in public affairs. This will be a great advantage to both the communities, and without any reservations at the next election, Hindus and Muslims will freely associate with one another in the elections and in public affairs for the service of our motherland.

Those of my honourable friends who think that there should be reservations, have their eyes on the past. They are looking behind. But our eyes, the eyes of the Indian Muslims, should be facing the future. We should have a progressive outlook. Now, Indian politics contain a large number of subjects, none of which I can think of as having communal implications. In the Provinces there are the principal subjects—education, sanitation and local self-government. These subjects do not affect any community in particular or as such. Hindus and Muslims will have to stand side by side and work these subjects for the common welfare of our motherland.

In the Central sphere there are the industrial problems, irrigation schemes, the question of defence and external affairs and also the common problems of peace and order. There is nothing communal in these matters and every one is equally interested in them irrespective of his community or religion. I feel very strongly that religion should have nothing to do with politics; not that religion is to be ignored; but religion is a private matter and in public life we should cease to think in terms of communities. Whether in this Assembly or in public life outside, we are neither Hindus nor Muslims. In private life we should be devout Hindus or Muslims. So if we distinguish our outlook as between private and public life, there will be no trouble. The State should interfere as little as possible with the religious feelings of its citizens. They should be left untouched. If Muslims play their part well and intelligently, if they play their part faithfully and patriotically, their position will be respected.

With regard to other minorities I submit our position ought to be made very clear. There are the Scheduled Castes and the new Scheduled Castes among the Sikhs, there are the frontier areas, the Excluded and Partially Excluded Areas, and there is also the Anglo-Indian community. They would all be protected. The amendment of Mr. Mohamed Ismail Sahib will protect them all. But Mr. Lari would abolish them also. But the position of these minorities must be respected. It is a question of confidence in the electorate and in the system of government. If any of these minorities feels that it would not be protected unless it has been given reservation of seats, by all means let them have it. So far as the Scheduled Castes are concerned I think we have no grievance. It is a question of satisfying them. If they feel that they would be satisfied with reservation, let them have it, and in this respect Mr. Lari's amendment goes a bit too far and is an encroachment on the rights of other minorities. So also is the case with the Sikh Scheduled Castes. It is for them to say whether they would have the reservation of

[Mr. Naziruddin Ahmad]

seats or not : it is not for us to speak for them. It is not a question of logic or argument but it is a question really of creating in each sect or community a feeling of confidence and security that by a particular scheme, it would be treated justly and fairly.

So far as the Muslims are concerned we have had a debate in the West Bengal Legislature, where I find that the Muslim opinion against reservation of seats was overwhelming. For the election to the Union Boards etc., already the system of reserving seats has been abolished and Hindus and Muslims vote side by side as friends. What is more important is that the Hindus have to seek Muslim votes. This is a very potent and a welcome factor. The Muslims should be realists as they are expected to be and they must not have their eyes on the past. They should try as quickly as possible to adjust themselves to their new environments. If they show faith in the great Hindu community, I am sure they will treat them with fairness and justice.

**Dr. H. C. Mookherjee** (West Bengal: General): Sir, in considering whether the House should accept the recommendations of the Advisory Committee and the resolution placed before it by Sardar Patel there are two questions which, it seems to me, the House should ask itself. The first is: are we really honest when we say that we are seeking to establish a secular state? And the second is, whether we intend to have one nation. If our idea is to have a secular state it follows inevitably that we cannot afford to recognise minorities based upon religion. This to my mind is the strongest possible argument why reservation of seats for religious groups should be abolished and that immediately. So far as the idea of building up one nation is concerned I do admit that there are certain economically backward groups in every community and for them provision has been made in the directive principles adopted in December last.

Sir, I intend to place all my cards on the table and to say that personally I have the greatest possible objection to reservation for backward groups in the political sphere. I do admit that they deserve our sympathy and that they require economic safeguards but I do not see any reason why they should demand political safeguards. I do not see why a person belonging to a backward community should feel that his grievances cannot be placed before the legislatures unless he elects somebody in whom he has faith. Such an attitude to my mind shows that he has not as yet, as a member of a minority community, made up his mind to become a part and parcel of the nation. Still I do submit to the wisdom of our leaders and I support the Resolution, only because I hope the House will accept the amendment moved by Pandit Thakur Das Bhargava, to the effect that these reservations should have a definite time limit, that once for all we shall see their end at the end of ten years from the time that the Constitution comes into operation.

Sir, when the Constituent Assembly was dissolved in January last, though I had very urgent business in my own home. I intentionally stayed on here, because I wanted to find out the feelings of the country with regard to this question of the abolition of reservation. It was the dream of my life ever since my mother made it clear to me that I had two duties to perform. These two duties I promised to perform after touching her feet. One was to carry on the campaign against drink and drugs so long as there was life in me, and the other was to see the end of the communal business. Though she was not an educated woman in the ordinary sense of the term, she had witnessed the results of the cleavage introduced into the national life by the

Minto-Morley Reforms, under which the non-Muslims were separated from our Muslim brethren. She made me promise that if I ever entered public or political life I should devote myself heart and soul to the abolition of this communal electorates business. I am thankful that God has spared my life so that like the Prophet mentioned in the New Testament I can sing:

*Nunc Dimittis* "Lord, now lettest Thy servant depart in peace for my eyes have seen Thy salvation."

Sir, I tried to find out the views of the country. I may tell the House that it has taken ten years of unremitting hard work on the part of the Nationalist Christians all over India. I sent out a questionnaire and 42 letters were addressed to my people and replies were received from 35 of them. I have consolidated the replies and I find that the enquiries were made, among other sections of the people, by Nationalist Christians who were friendly with Hindus, Muslims, Sikhs and Scheduled Castes. Their replies consolidated show the following results.

So far as the masses are concerned my friends are united in saying that the masses do not want reservations. They say that they are interested in three or four things only. They want food, clothing, a shelter over their heads, medical aid and good roads. These are their demands. When they were specifically asked whether they wanted reservation, the reply in every case was as follows: "We know that we shall never enter the Legislatures; reservations do not concern or interest us." There all sections of the people were at one. Then came queries addressed to the lower middle classes, people who depend upon service to earn their living. Their reaction was that if there was any kind of reservation they would like to have reservation in jobs. This reservation business, Sir, to my mind, comes from the upper middle classes— people who have political ambitions. Then I sent forward a second set of questions in which I asked what were the motives for this demand for reservation. Two motives were assigned. The first and the foremost, in the view of my friends, was that most people have political ambitions—self-seekers after power, self-seekers after position and in fact people who want to take advantage of their positions in the different legislatures for their own selfish purposes. Such people, I say, Sir, are not wanted in free India. But at the same time it was admitted that there are certain people who really feel alarmed over the future of their communities. Such people want to come to the Legislatures, because they think that they can safeguard the interests of the groups to which they belong. These are people for whom I have respect. But when we have passed the different Fundamental Rights which guarantee religious, cultural and educational safeguards, safeguards which are justiciable, safeguards which can be decided in a court of law, I feel that the presence of people belonging to certain groups is not necessary. Then again, when I think of the directive principle that justice should be done to the classes which are backward socially and economically, I feel and I have every confidence that justice will be done to them. In my view the Scheduled Castes again do not require representation. But, as I have said, I bow to the wisdom of my leaders and I am, therefore, prepared to support this motion.

Now, the question is: Can the majority community be trusted? The majority community has been very generous to every one of the minority communities. That is my firm belief. I may tell the House, Sir, with your permission that when for about two months I had the honour to occupy the Chair which you are occupying today, I deliberately tested it for myself, whether we could trust the majority community. My Muslim, my Sikh and my Scheduled Caste friends will agree with me when I say that every opportunity was given to them by me so that they might voice forth their feelings and this was done with the permission, with the silent permission of the majority community. I may further tell the House that during these two months almost

[Dr. H. C. Mookherjee]

every day foreign observers came and some of them were free-lance journalists and others were people interested in religious and educational work and everyday they would come to my House and ask me: "Are you perfectly confident that the majority community is going to be fair?" I said, "Well, of course I think so; but I want you to watch for yourself and draw your own conclusions." There was a free-lance American journalist who quoted to me lines from the speech of Mr. Winston Churchill made at Manchester in which he talked about Brahmins mouthing Mill and Bentham and then denying freedom to their Scheduled Caste brethren in India. I told him that every Scheduled Caste member had a chance to voice his grievances. On that particular day Mr. Nagappa and Mr. Kakkan narrated their grievances to the House and there was not a single caste Hindu who denied the existence of certain grievances. At the end of that day's proceedings, two or three Caste Hindus stood up admitting all the charges and promising that every effort should be made to remove these social disabilities.

Sir, these things undoubtedly show that the minorities have nothing to fear from the majority community. I am firmly convinced from my own experience that it is the path of wisdom for the minorities to trust the majority community that if they want to live in peace and honour in this country, they must win its good-will. Our attitude in the past has not been very helpful. I do not want to go into details, but everybody will admit that the attitude of the minorities has not been at all helpful. Let us recollect how many times we used back-door influence in order to sabotage our nationalist movement. I shall not go beyond that. To the majority I say: "Once for all we are placing the responsibility of looking after us fairly and squarely on your shoulders." This is an opportunity which Providence has given to the majority community to prove by actual work, to prove by actual example that the protestations made so far are genuine and personally I have every reason to believe that they will not be found wanting.

**Mr. President :** I may say that I have again received a number of slips from Members who wish to speak. But I am not going to use the slips; I shall use my eyes.

**Begum Aizaz Rasul (United Provinces: Muslim) :** Sir, I come to give my whole-hearted support to the resolution moved by the Honourable Sardar Patel regarding the representation of the minority communities. Sir, I am sorry that I have to oppose the amendment moved by Mr. Ismail from Madras. The basis of his amendment is the retention of separate electorates. For my part I have from the beginning felt that in a secular state separate electorates have no place. Therefore the principle of joint electorates having once been accepted, the reservation of seats for minorities to me seems meaningless and useless. The candidate returned on the joint votes of the Hindus and Muslims in the very nature of things cannot represent the point of view of the Muslims only and therefore this reservation is entirely unsubstantial. To my mind reservation is a self-destructive weapon which separates the minorities from the majority for all time. It gives no chance to the minorities to win the good-will of the majority. It keeps up the spirit of separatism and communalism alive which should be done away once and for all. This reservation was for ten years only and to my mind these first ten years are the most crucial in the life of our country and every effort should be made to bring the communities together.

Sir, this is one ground on which I support the motion of the Honourable Sardar Patel.

The second ground on which I support it is that there is still a feeling of separatism prevalent amongst the communities in India today. That must go. I feel that it is in the interests of the minorities to try to merge themselves into

the majority community. It is not going to be harmful to the minorities I can assure them, because in the long run it will be in their interests to win the goodwill of the majority. To my mind it is very necessary that the Muslim living in this country should throw themselves entirely upon the good-will of the majority community, should give up separatist tendencies and throw their full weight in building up a truly secular state.

Sir, I will not go into the history of the events of the last two years. It is a very sad history and no one can deny that the Muslims living in this country have been the greatest sufferers as a result of the events that have taken place. Not only have their lives and property been in danger and full of insecurity, but their very honour has been at stake and their loyalties have been questioned. This caused great sense of frustration and mental depression. We want to finish with the past and we want that a new page should be turned over in which all communities living in this country would feel happy and secure. There is some fear in the minds of the Muslims that by doing away with reservations they will not be returned to the legislature according to the members of their population. This fear to my mind is baseless because I feel that when we put the majority community on its honour, it will be up to it to retain its prestige and honour and return members of the minority community not only in numbers to which they are entitled on a population basis but perhaps in greater numbers. I do not visualise any political party in the future putting up candidates for election ignoring the Muslims. The Muslims comprise a large part of the population in this country. I do not think any political party can ever ignore them, much less the Indian National Congress which has stood for the protection of minorities. Sir, I feel that we Muslims should pave the way for not only the introduction but the strengthening of a secular democratic State in this country. The only way in which we can do it is by giving up reservations that are meant for us and by showing to the majority that we have entire confidence in them. Then only I feel that the majority will realise its responsibility.

Sir, I would like my Muslim friends to visualise this position : If reservation of seats for Muslims remains, it would be tantamount to an act of charity on the majority community. They will say : 'Let us give them so many seats.' We will get the seats, but there will not be much good-will on the part of the majority in giving that. The idea of separatism will remain—but if we agree to have no reservation, the honour and prestige of the community as well as of the party that will be contesting the elections will be on test and I do not think that any party can ignore or can afford to ignore the minorities, especially the Muslims. In that event I visualise the Hindus going about not only to the Muslim but to their own brethren asking them to vote for the Muslims and return the Muslim candidate set up in this or that constituency. Which would be better, I would like to know : this reservation of seats which keeps up a division between the two communities or to be returned by the majority of Hindu votes, not because a seat is reserved for us but because our Hindu brethren went about asking the Hindus to return Muslims? I therefore feel that it is in the interests of both the communities that this should happen and this is the only way in which good-will and friendship can be created between the two communities. Trust begets trust and when we place a sacred trust in the hands of the majority—it is sure to realise its responsibility.

Sir, I come from the United Provinces where the Muslims are largest in numbers in any one province in India today. Having worked amongst the Muslim masses, men and women for ten years, I can claim to know something of the working of their minds. Muslims are backward educationally and economically, but as far as political consciousness is concerned they are very much alive today and have been so for sometime. I can say that the Muslims in the

[Begum Aizaz Rasul]

United provinces understand the state of affairs very well. They have realised that the changed conditions demand a change in attitude on their part. Therefore I feel that I am not in any way betraying the confidence of my electorate when I say that this attitude that I am taking today is absolutely in their interests and I know that the majority of Muslims of the United Provinces are behind me in this matter.

Sir, a friend remarked to me yesterday that Muslims are realists. I entirely agree. I think that they are a very realistic people. They are not a static people and they have no static ideas. They have always advanced with the times as Muslims history will show. Therefore, if today we demand the abolition of reservation of seats for the Muslim community I feel that we are entirely on the right path and want to proceed according to changed conditions.

Sir, those Muslims who wanted to go to Pakistan have done so. Those who decided to stay here wish to be on friendly and amicable terms with the majority community and realise that they must develop their lives according to the environments and circumstances existing here. I do not say that they have to change except in accordance with the aspirations of the other people living in this country. Sir, we do not want any special privileges accorded to us as Muslims but we also do not want that any discrimination should be made against us as such. That is why I say that as nationals of this great country we share the aspirations and the hopes of the people living here hoping at the same time that we be treated in a manner consistent with honour and justice.

Sir, sometimes the loyalty of the Muslims has been challenged. I am sorry to bring this up here, but I feel that this is the right moment to mention it. I do not understand why loyalty and religion go together. I think that those persons who work against the interests of the State and take part in subversive activities are disloyal, be they Hindus or Muslims or members of any other community. So far as that matter is concerned, I feel that I am a greater loyalist than many Hindus because many of them are indulging in subversive activities, but I have the interest of my country foremost at heart. I think I can say that of all the Muslims who have decided to live here. They only want to avoid struggle and strife, want security, want their mental attitude to develop that way. Sir, it is for the majority to infuse into the minds of the minority communities a feeling of confidence, good-will and security. Then only can loyalty accrue, because it is the condition of people's minds that creates loyalty. It is not the asking for it that makes for it. Therefore I feel, Sir, that in introducing this Resolution Sardar Patel has done the right thing, because he is giving the various communities the chance of getting together.

Another point, Sir. There are some Hindus and some Muslims also who think and are exercised over the fact that some seats may be lost to them by the abolition of reservation for minorities. I am sorry that they should think on those lines. The advantages of this abolition of reservation far outweigh the disadvantages of the loss of a few seats. I do not myself visualise any loss of seats because, as I have said, the parties, out of concern for their honour and prestige, will put up more candidates than are warranted on the population basis in order to ensure that the right number is returned. Today everything is moulded by public opinion, the India with its declared objective of a secular democratic state cannot afford to have any complaints against it on these grounds. Therefore I feel that the minorities, especially the Muslims, do not stand to lose in any way. Our Hindu friends might think that they might lose a few seats on that ground. I feel that they are thinking on the wrong lines. It is true that a much greater responsibility is now thrown upon

the majority because now it is up to them to see that the Muslims and the other minorities are returned according to their quota, but the majority must bear this responsibility. I feel that this will work so much towards harmony and good-will between the communities that this risk should be taken. For those Muslims who think that this is going to be harmful to them, I say that it is not going to be harmful because it will create better relationship between the two communities. Even if a few seats are lost to the Muslims, I feel that sacrifice is worth while if we can gain the good-will of the majority in that way.

In spite of the great and able advocacy of Mr. Lari of the principle of proportional representation, I was not impressed by it. He quoted the example of other countries. Those countries are highly advanced, politically and educationally. They are much smaller in area and in number, and to compare India with those countries is, to my mind, not a very feasible proposition. In India the principle of proportional representation and single transferable vote is understood by very few people. Even in the legislatures it cannot work properly because there are very few people who know how to work that out. Where there are lakhs and lakhs of voter, the principle of cumulative votes cannot work successfully because the electorate is so big and illiterate that it will be impossible to work that system out. The only solution to my mind is joint electorates without any reservation of seats. I feel that this is the only way in which we can get along together. We must once and for all give up all ideas of separatism and to my mind even this proposition of Mr. Lari keeps up that spirit alive. I feel, Sir, that there are so many evil forces at work in the world and in the world of Asia especially that these small things regarding reservations of seats will be very soon forgotten by us, because after all in the larger context of world affairs today, we have to see how India can retain its position of leadership in Asia as well as save itself from aggression and other subversive forces. We do not want our country to go the way China has done or the way Burma is threatened. Therefore we have to develop all our resources, material and moral, in order to make India a prosperous and strong country. Therefore to my mind these are matters which should be relegated to the background. We should now harness all our energies in order to make India prosperous and strong.

**Syed Muhammad Saadulla** (Assam : Muslim) : Mr. President, Sir, I will be giving out no official secret when I say that this vital question whether the Muslims will be benefiting by reservation of seats or by swimming in the general stream of no reservation was discussed informally by many Muslim Members of this House in December last. We could not come to any decision at the time and a suggestion of mine that we should consult our electorates was accepted. I do not know whether my other friends consulted their electorates but, I wrote to all the Muslim members of my party in the Assam legislature and they gave me the unanimous mandate of claiming reservation for the Muslims.

**Mr. B. Pocker Sahib** : The honourable Member says that all the Muslim Members of this House considered the question in December last. It is not a statement of fact.

**Syed Muhammad Saadulla** : I cannot help Mr. Pocker Bahadur. Perhaps he was absent from Delhi at the time when we held this meeting. Sir, the sorry spectacle I have witnessed today that even on this vital matter the handful of Muslim members could not come to any decision and that they were giving contradictory opinions on the floor of this House, makes me sad. The Minorities Advisory Committee in its sitting on the 11th May came to a momentous conclusion—I am afraid according to me, on very insufficient

[Syed Muhammad Saadulla]

material or data. The report which the Honourable President of the Minorities Advisory Committee has submitted to the Constituent Assembly is full of very sound maximum of politics. And I can personally testify, as I am a member of the Minorities Committee and have attended many of its sittings, although on account of a domestic trouble, I could not attend on the 11th of this month he has struck the right path and has often declared that as the Constituent Assembly has already decided to give reservation to as the Constituent Assembly has already decided to give reservation to different minorities in the open session of the House, it is up to the members of those minorities to declare unequivocally if they do not want that reservation. I think, Sir, this is a very correct attitude to take. I remember that on two previous occasions, the Honourable Sardar propounded this dictum. Unfortunately I find, Sir, that on the meeting of 11th May, when there were only four members from the Muslim minority present, only one supported the resolution moved by my honourable Friend, Dr. H.C. Mookherjee by speech another opposed by vote, thus canceling the support of one against the other, while one honourable member of the Cabinet-I refer to the Honourable Maulana Abul Kalam Azad took the very right stand of being neutral; and seeing that one Maulana was neutral the other Maulana, Maulana Hifzur Rahman, another member also remained neutral. Sir, if we are to push the dictum of the venerable Sardar Patel to its logical conclusion, he should have left this matter whether the Muslims wanted reservation or not to the Muslim members only. We only a handful and as has been already suggested by Mr. Lari, he could very well have asked the few members to meet him and express our opinion. The resolution that was moved in the Advisory Committee is by a non-Muslim. I have got great regard for Dr. H.C. Mookherjee, who has very many sacrifices to his credit. He is a super-patriot and is doing wonderful work for the abolition of alcohol and drugs as he himself has told us. He is also the Honourable Vice-President of this august Assembly, but I never knew him to represent the Muslims, and, therefore, he had no right whatsoever to move in the committee that even a short reservation of ten years that was accorded by the House to Muslims should be taken away, and I am sorry to find that although in the report, Honourable Sardar Patel said :

“At that meeting I pointed out that if the members of a particular community genuinely felt that their interests were better served by the abolition of reserved seats, their views must naturally be given due weight and the matter allowed to be reopened.”

He should have taken the logical course of consulting the Muslim members only, but without waiting to do that, on the solitary support of Begum Aizaz Rasul, he has thought fit to recommend to this House that reservation of seats for the Muslims should go. Personally I am not enamoured of reservation and so far as Assam is concerned, there is no necessity for reservation, but if we take India as a whole, we cannot but concede that the Muslim Minority can legitimately claim and it deserves reservation at least for a limited period. Let us take the population percentages. Orissa has got 1.5 per cent of Muslims; C.P. has got 5 per cent; Madras 7 per cent.; Bihar 11 percent.; the United Provinces 14 per cent.; Assam 24 per cent. It may be very well said : “What will reservation do in Orissa where there are 1.5 percent?” For the matter of that, reservation in any of the provinces will not jeopardize the majority community to any extent, for, even if all the Muslims combine, they cannot change the will, in the House, of the majority community, but the question of psychology comes in. We know an accomplished fact like the partition of Bengal was unsettled by psychology, by sentiment and persistence. Free India attained freedom very recently



and it still needs consolidation. She should try to pacify the distrust and remove the suspicion of every community, great or small. As has been said by very many speakers, we stand on the mercy of the majority community. I am at one with the Honourable Sardar Patel when he said that the majority community must comport themselves in such a way that the minority may feel no necessity for constitutional safeguards. Similarly, I request every Muslim friend of mine, who is now domiciled in the Dominion of India to give his unswerving loyalty and unstinted co-operation in the interests of the nation and the country. We have been nurtured under the system of separate electorate from 1906. For good or evil, we have been accustomed to that system (*Interruption*). There is an interruption from some colleague, who himself is a product of separate electorate. That honourable interrupter forgets that Members of this House have been returned on the system of separate electorate. I was elected to this House by the Muslim members only of the Assam Legislature. Similarly, my honourable friends, my colleagues, the Prime Minister and other Ministers from Assam were all elected by the votes of the Hindu members only. If this is not separate electorate, what else is it? But as has been said, times have changed. We must start give and take. I will request my Madras friends to give up their strong plea of separate electorates. I will request on the other hand, the majority community to rise to the occasion and give reservation to Muslim minority for a limited period. The previous speaker, my honourable Friend Begum Aizaz Rasul, said that reservation will not benefit the community in any way. I quite agree with her that without the help of the majority community's votes, the Muslims will not be able to return any one in whom they have confidence; the candidate must enjoy the confidence of both the Hindus and Muslims, yet reservation will have tremendous psychological effect upon the Muslim community. They at least will secure that one of them is in the Legislature to speak on their behalf, to safeguard their interests. Why deny this little bit of charity to the Muslims? Rise up to the occasion and show mercy; as the great English poet said "Mercy is twice blessed".

Sir, the question of reservation is implicit in the report itself. You admit reservation for the Scheduled Castes whose number is twice that of the Muslim minority community in India. You admit at least in two provinces the right of the Indian Christians for political safeguards or reservation. You admit it for the Anglo-Indian community. The only part where the recent report and the present resolution differs from the previous decision of the House is as regards the Muslims. I appeal to the House that they should not deny this safeguard when it is wanted by the minority concerned. If it is said that many members have said that they do not want it, let us take the majority view of the Muslim Members present here. If the Majority of the members say that they do not want it, I will be the first person to bow to the opinion of the majority.

One word more, and I shall finish. We say that we want to build up a strong democratic state. Democracy presupposes that every part of the population of the Dominion must feel that they have got a direct interest in the administration of the country. Administration of the country is divided into two parts. One is the legislature which selects the Cabinet and the other is the executive which consists of the Government servants. Unless you safeguard the interests of the minorities in some way or other, whether by reservation, or as suggested by Mr. Lari by way of multiple constituencies with cumulative votes, or in any other way, democracy will dwindle into oligarchy. That will be a sad day if India is converted into an oligarchy from the start of our existence as a free country.

**Honourable Members :** Closure, Sir.

**Mr. President :** We have only twenty minutes to twelve. I have already got a large number of names on slips; but as I have said, I am going to ignore the slips and I am going to use my eyes. Even when I try to use my eyes, I find about a dozen gentlemen standing in their places. One member has expressed his grievance that he does not catch my eye. I think that grievance is shared by many other members and his slip will not in any way influence me. So, I would like to know the wish of the House if they would like to have this discussion continued till tomorrow.

**Many Honourable Members :** Yes.

**Mr. President :** It seems that there are many Members who wish the discussion to be continued. The subject is important and I am inclined to agree with them. We can now go on with the discussion. Tomorrow, I think it will not take much time.

**Honourable Members :** The whole of tomorrow, Sir.

**Mr. President :** Why is it necessary? We have got other work, and important work too, to get through. Therefore, I think of limiting this discussion to some time, so that we may take up the next motion and after that we may take up the Draft Constitution. However, we shall consider that tomorrow; today, we propose to go on further.

**Rev. Jerome D'Souza (Madras : General) :** Mr. President, I am sure honourable Members of this House will agree with me that we are face to face with a decision of very grave importance, the ending of an experiment fraught with the gravest consequences to our country.

Sir, in Mr. Lari's very vigorous exposition of his case, one could understand one point clearly and that was that in working out democracy, some method should be found by which the minorities should not be ignored or swamped. It may be that this preoccupation was in the minds of those who introduced the principle of communal representation in our country. It is not for us to enter into their mind and pass judgment on them; but it is absolutely clear now that in trying to save democracy from some of those pit-falls, a very grave and a very serious deviation in political matters was made when political privileges were attached to minorities based on religious distinctions. The consequences of this are written large in the history of India during the last few years. It has ended, in the opinion of most observers in this country, in the division of our land. So, the country as a whole now realise that whatever be the immediate inconveniences or the number of dissentient voices that there may be, it is necessary to turn our path resolutely away from this deviation and set ourselves along lines which will bring no longer into the political life of our country distinctions based merely on religion.

Sir, the nationalists in India have always opposed the principle of separate electorates and I believe it was only in a spirit of compromise that they agreed at a certain stage to allow at least reservation with joint electorates. I am sure, Sir, that if the conditions at the time when this proviso was accepted were the same as they are now, there would have been far greater hesitation and much less unanimity in keeping this little vestige of the old arrangement. But, as many speakers before me have clearly brought out, the evolution of events and opinion in our country makes it necessary that this vestige too should be given up. One aspect of that evolution has been indicated by Dr. Mookherjee and that was the completeness, the generosity, the thoroughness with which individual rights have been safeguarded in the section of our Constitution devoted to Fundamental Rights, the way in which these Fundamental Rights are placed under the power and jurisdiction of the Supreme Judicature and the spirit in

which those provisions were passed by this House. That, and the multiple signs of goodwill on the part of the majority community which we have introduced have reassured minorities to such an extent that today very substantial majorities are secured for the proposition placed before us by the Honourable Sardar Patel. I do not deny that there are dissentient voices. But we have been in touch with our people up and down the country and I think I can say with certainty that as far as the Christian community is concerned, in the light of letters received and the public expression of opinion which we have heard, India as a whole is behind Dr. Mookherjee in his decision that there should be no reservation of seats.

Sir, I will not enter now into considerations of the evolution of a healthy nationalism in India in support of this proposition. Those are obvious grounds. The tragic developments in our country make it necessary that we should very resolutely turn from the path of communal separatisms. But, even from the practical point of view, there was something illogical and contradictory in this last vestige which we, at an earlier stage, sought to perpetuate. We were asked to secure representation for certain religious minorities and interests by reservation of seats for members professing that faith, but the representatives were to be elected in constituencies where probably the majority of the electorate would not belong to that faith. Now, Sir, either you accept the principle of representation for religious interests of minorities and ask those men to chose their own representatives or you give up the entire principle of representation on the basis of religion and not put us in the equivocal position of sometimes getting the professed representatives of a particular interest chosen by members who do not belong to that interest. That is the contradiction, that is the illogicality at the heart of this reservation which we wish to remove, and which the House is in a position to declare must disappear. This being so, it remains for me to make once again a most earnest appeal to this House to consider henceforth all kinds of special safeguards special reservation, special assistance to be given to backward groups, to be no longer on the basis of religion, but on the basis of individual merit, on consideration of individual deficiencies and need, bearing, no doubt in mind the social background, but essentially on the merits of the individual case. A man is to be assisted because he is poor, because his birth and upbringing have not given him the opportunity to make progress, socially, politically and educationally. Therefore, it should not matter whether he be a Christian, or a Muslim or a Hindu or a Brahmin or non Brahmin, or a Scheduled Caste member. Government like a truly democratic government with a paternal attitude towards all backward classes, will come to his help on the basis of his individual needs, and not on the basis of a communal or religious classification. Along this line, we have every hope that the democracy of new India will evolve in the way that it should evolve; and evolving this, it will give to others who have perhaps not succeeded well in applying the principle of democracy, an example which will be of profit not only to ourselves, but for social and international peace throughout the world.

Sir, I know that in thus giving up what seems to be last vestige of a safeguard on which the Christians and other minorities had counted—safeguards which were promised and which were considered to be certain to fall to their share until recently, I say, in giving up this, it is not we who are taking a risk. I venture to say that the national leaders and the majority community are undertaking a responsibility the gravity of which I hope they fully realise. In very grave and solemn words Sardar Patel has emphasised the responsibility of the majority community. From this day, it is up to them to see that men of all communities, provided they have personal worth, provided they are socially and politically progressive and acceptable to their association or to their organisation, receive a fair chance in the selection of candidates, and are given a fair deal in the course of election. This responsibility now, therefore of getting elected, if I may say so, passes

[Rev. Jerome D'Souza]

away from the shoulders of the minority and devolves upon the heads and shoulders of the majority. They are willing to accept it, if I can judge from the attitude of this House. We are willing and glad to accept their assurance, that to the best of their ability, they will stand faithful to the spirit of this pledge, and to the spirit of this compromise, so that we and they may join together today in celebrating the end of a political experiment which has meant so much unhappiness for our people and which is, at last, being ended by the free and willing vote of the elected representatives of Indian democracy. (*Cheers*).

I shall not say anything more than this. I hope and pray that the spirit which has inspired the utterance of Sardar Patel and the reactions of this House will continue to animate the political leaders and the majority organisations and the public of our country; and that along the lines of secular democracy, wisely and firmly traced out by our great leaders, this country, without distinction of caste and creed, will bring to the service of the motherland all the treasures of character and strength which each community possesses by virtue of its traditions. In this way Muslims and Christians, Hindus and Parsis and Anglo-Indians, will stand shoulder to shoulder and work out the prosperity and happiness of all our people, and lead the new Democracy of India to the glorious triumphs which Providence assuredly has in store for her.

**Shri Jagat Narain Lal** (Bihar : General) : Mr. President, Sir, I have come to support the motion and to oppose the amendments moved by Mr. Ismail and Mr. Lari. In fact, after the speeches of so many of the Muslims friends who have themselves opposed the amendments, and of my predecessor who has just spoken, it was not very necessary that I should come forward to oppose it, but I have only come to express one sentiment and that is, that after the bitter experience of the partition of India, there should be left any member in this House or anyone in this country who should think of separate electorates and should come forward and advocate them. It is a feeling of pain and of surprise which I could not help expressing here. After all the assurances of the past and of what is being done in the neighbouring country, that this State is going to be a Secular State, and will guarantee freedom of faith, worship and of thought, and that it is not going to recognise any religious distinctions for the purpose of conferring political rights, it does not seem proper, and it does not seem to be good for any community, for any minority community to come forward and advocate any sort of reservation whatever.

Mr. Lari came forward and talked of cumulative votes. He talked of the Third Series of Constitutional Precedents. But he could have seen from the same Constitutional Presidents—time is short, otherwise I would have read out the portions—how the U.S.S.R. by article 123, Switzerland by article 49, Germany by article 136, Yugoslavia, Finland and so on, have all declared that religion or religious distinction will have nothing to do with political rights whatsoever. Sir, the bitter fruits of separate electorates ever since they were advocated in 1906, all through the subsequent years, during the Round Table Conference, and now ending with the partition are all too well known to be recounted. I therefore humbly beg to oppose the amendments and also to say that after the assurances that have been given, that there is to be a secular State, there should not be any advocacy for reservation whatsoever. So far as the Scheduled Castes are concerned, repeated references have been made and specially by one of the previous speakers who asked, "When they have got it, why not we?" But let me point out once again that the Scheduled Castes have been given reservation not on grounds of religion at all; they form part and parcel of the Hindu Community, and they have given reservation apparently and clearly on grounds of their economic, social, educational backwardness.

Therefore, that analogy does not apply here. With these words, I beg to oppose the amendments and support the motion.

**Mr. President :** It is twelve o'clock. The House will adjourn till Eight o'clock tomorrow morning.

The Constituent Assembly then adjourned till Eight of the Clock on Thursday, the 26th May, 1949.

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[Enclosure I]

APPENDIX A.

CONSTITUENT ASSEMBLY OF INDIA

COUNCIL HOUSE,

*New Delhi, the 11th May, 1949.*

From

The Hon'ble Sardar VALLABHBHAI PATEL

Chairman, Advisory Committee on Minorities,  
Fundamental Rights, etc.

To

The PRESIDENT,

Constituent Assembly of India.

DEAR SIR,

The Advisory Committee on Minorities, Fundamental Rights, etc., in their report dated the 8th of August, 1947, had recommended certain political safeguards for Minorities. These were accepted by the Constituent Assembly during the August, 1947 session, and have been embodied in Part XIV of the Draft Constitution. According to these recommendations, all elections to the Central and Provincial Legislatures were to be held on the basis of joint electorates with reservation of seats for certain specified minorities on their population basis. This reservation was to be for a period of ten years at the end of which the position was to be reconsidered. There was to be no weightage, but members of the minority communities for whom seats were reserved were to have the right to contest general seats. The communities for whom seats were to be reserved were Muslims, Scheduled Castes and Indian Christians, the latter only so far as the Central Legislature and the Provincial Legislatures of Madras and Bombay are concerned.

2. I would recall to your mind at this stage that the Committee had observed in their report that minorities were "by no means unanimous as to the necessity, in their own interests of statutory reservation of seats in the legislatures". Nevertheless, the Committee has recommended reservation of seats "in order that minorities may not feel apprehensive about the effect of a system of unrestricted joint electorates on the quantum of their representation in the legislature."

3. When the above recommendations were being considered by the Assembly, events were taking place, following the partition of the country, which made it impossible to consider the question of minority rights in East Punjab, particularly in so far as the Sikhs were concerned. This question of East Punjab was accordingly postponed; and also the question whether the right to contest unreserved seats should be given to minorities in West Bengal.

4. The Advisory Committee in their meeting held on the 24th February, 1948, appointed a special sub-Committee consisting of myself as Chairman and the—

Hon'ble Pandit Jawaharlal Nehru,

Hon'ble Dr. Rajendra Prasad,

Shri K.M. Munshi, and the  
Hon'ble Dr. B.R. Ambedkar,

as members to report on these minority problems affecting East Punjab and West Bengal. This special sub-committee met on the 23rd November 1948 and presented a report to the advisory Committee. A copy of the report is attached as an Appendix.\*

5. This report came up for consideration before the Advisory Committee at their meeting held on the 30th December, 1948. Some members of the Committee felt that, conditions having vastly changed since the Advisory Committee made their recommendations in 1947, it was no longer appropriate in the context of free India and of present conditions that there should be reservation of seats for Muslims, Christians, Sikhs or any other religious minority. Although the abolition of separate electorates had removed much of the poison from the body politic, the reservation of seats for religious communities, it was felt, did lead to a certain degree of separatism and was to that extent contrary to the conception of secular democratic State. Dr. H.C. Mookerjee, Mr. Tajmul Husain, Shri Lakshmi Kanta Maitra and certain other members gave notices of resolutions seeking to recommend to the Constituent Assembly that there should be no reservation of seats in the Legislatures for any community in India. Shri V.I. Muniswami Pillai gave notice of an amendment to the said resolutions seeking to exclude the Scheduled Castes from the purview of the said resolutions. At that meeting I pointed out that if the members of a particular community genuinely felt that their interests were better served by the abolition of reserved seats, their views must naturally be given due weight and the matter allowed to be reopened. At the same time I was anxious that the representatives of the minorities on the Committee should have adequate time both to gauge public opinion among their people and to reflect fully on the amendments that had been proposed, so that a change, if effected, would be one sought voluntarily by the minorities themselves and not imposed on them by the majority community. Accordingly, the Committee adjourned without taking any decision and we met again on the 11th of May, 1949. At this meeting, the resolution of Dr. H.C. Mookherjee found wholehearted support of an over-whelming majority of the members of the Advisory Committee. It was recognised, however, that the peculiar position of the Scheduled Castes would make it necessary to give them reservation for a period of ten years as originally decided. Accordingly the Advisory Committee, with one dissenting voice, passed the said resolution as amended by Shri V.I. Muniswami Pillai in the following form:—

“That the system of reservation for minorities other than Scheduled Castes in Legislatures be abolished.”

It was further decided that nothing contained in the said resolution shall affect the recommendations made by the North East Frontier (Assam) Tribal and Excluded Areas Sub-Committee and Excluded and Partially Excluded Areas (other than Assam Sub-Committee) with regard to representation of tribals in the Legislatures. The Committee also decided that the resolution should not affect the special provision made for the representation of Anglo-Indians in the legislature.

6. The Committee also accepted the unanimous proposal made by the Sikh representatives that the following classes in East Punjab, namely, Mazhabis, Ramdasis, Kabirpanthis and Sikligars, who suffer the same disabilities as other members of the Scheduled Castes, should be included in the list of Scheduled Castes so that they would get the benefit of representation given to the Scheduled Castes. Subject to this change and to the above mentioned resolution, the report of the special sub-committee appointed by the Advisory Committee was approved.

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\* Appendix B

7. As a result of the above decisions, the resolutions seeking to do away with rights of minorities to contest general seats in addition to reserved seats in Assam and West Bengal, of which notices had been given by some members of the Committee, were withdrawn.

8. The Committee are fully alive to the fact that decisions once reached should not be changed lightly. Conditions have, however, vastly changed since August 1947 and the Committee are satisfied that the minorities themselves feel that in their own interests, no less than in the interests of the country as a whole, the statutory reservation of seats for religious minorities should be abolished. The Committee accordingly recommend that the provisions of Part XIV of the Draft Constitution should be amended in the light of the decisions now taken.

Yours truly,  
VALLABHBHAI PATEL,  
*Chairman.*



[Enclosure II]

## APPENDIX B

### *Report of the Special Sub-Committee referred to in paragraph 4 of the Advisory Committee's Report.*

At a meeting held on the 24th February 1948 the Advisory Committee on minorities, Fundamental Rights etc. appointed a Sub-Committee consisting of Sardar Vallabhbhai Patel, as Chairman, and Pandit Jawaharlal Nehru, Dr. Rajendra Prasad, Dr. Ambedkar and Mr. Munshi as Members, to report on certain minority problems affecting East Punjab and West Bengal. We met on the 23rd November and herewith present our report. We much regret that on account of his illness Dr. Rajendra Prasad was unable to be present during our deliberations and to give us the benefit of his counsel, but we understand from him that he is in complete accord with the conclusions which we have reached.

2. The Advisory Committee will recall that at a session held in August 1947 the Constituent Assembly considered the problem of what may broadly be described as political safeguards for minorities and came to the following conclusion:—

- (i) That all elections to the Central and Provincial Legislatures will be held on the basis of joint electorates with reservation of seats for certain specified minorities on their population ratio. This reservation shall be for a period of ten years at the end of which the position is to be reconsidered. There shall be no weightage. But members of the minority communities for whom seats are reserved shall have the right to contest general seats;
- (ii) That there shall be no statutory reservation of seats for the minorities in Cabinets, but a convention on the lines of paragraph VII of the Instrument of Instructions issued to Governors under the Government of India Act, 1935, shall be provided in a Schedule to the Constitution;
- (iii) That in the All-India and Provincial Services the claims of minorities shall be kept in view in making appointments to these services consistently with consideration of efficiency of administration; and
- (iv) That to ensure protection of minority rights an Officer shall be appointed by the President at the Centre and the Governors in the Provinces to report to the Union and Provincial Legislatures respectively about the working of the safeguards.

These decisions were reached at a time when the effect of the Radcliffe Award on the population structure of the East Punjab and the West Bengal Provinces was not accurately known, and a tragic and immense migration of populations was taking place across the frontiers of the East and West Punjab. The Assembly accordingly decided to postpone consideration of the whole question of minority rights in the political field to be provided in the Constitution for Sikhs and other minorities in the East Punjab. They also agreed, at the suggestion of the representatives of West Bengal, to postpone consideration of the question as to whether minorities in that Province should have the right to contest general seats in addition to having seats reserved for them according to population strength.

3. The most important problem referred to us is the problem of the Sikhs. We have examined carefully the demands put forward on their behalf by different organisations and individuals; these vary from suggestions that no special constitutional safeguards are necessary to the very forthright demands of the Shromani Akali Dal. In the main these demands are—

- (i) that the Sikhs should have the right to elect representatives to the Legislature through a purely communal electorate;
- (ii) that in the Provincial Legislature of East Punjab 50 per cent of the seats and the Central Legislature 5 per cent should be reserved for the Sikhs;
- (iii) that seats should be reserved for them in the U.P. and Delhi;
- (iv) that Scheduled Caste Sikhs should have the same privileges as other Scheduled Castes; and
- (v) that there should be a statutory reservation of a certain proportion of places in the Army.

It will be noticed that these suggestions are a fundamental departure from the decisions taken by the Assembly in respect of every other community including the Scheduled Castes.

4. It seems scarcely necessary for us to say that in dealing with this problem we are acutely aware of the tragic sufferings which the Sikh community suffered both before and after the partition of the Punjab. The holocaust in West Punjab has deprived them of many valuable lives and great material wealth; moreover, while in these respects, the Hindus suffered equally with the Sikhs, the special tragedy of the Sikhs was that they had also to abandon many places particularly sacred to their religion. But while we fully understand the emotional and physical strain to which they have been subjected, we are clear in our minds that the question remitted to us for consideration must be settled on different grounds.

5. The Sikhs are a minority from the point of view of numbers, but they do not suffer from any of the other handicaps which affect the other communities dealt with by the Advisory Committee. They are a highly educated and virile community with great gifts not merely as soldiers but as farmers and artisans, and with a most remarkable spirit of enterprise. There is, in fact, no field of activity in which they need fear comparison with any other community in the country, and we have every confidence that, with the talents they possess, they will soon reach a level of prosperity which will be the envy of other communities. Moreover, while, in the undivided Punjab, they were only 14 per cent of the population, they form nearly 30 per cent of the population in East Punjab, a strength which gives them, in the public life of the Province, a position of considerable authority.

6. We have come to the conclusion that we cannot recommend either communal electorates or weightage in the Legislature which are the main demands of the Shromani Akali Dal. In the first place they are not necessary for the well-being of the Sikhs themselves for the reasons we have stated above. Indeed it seems to us that under a system of joint electorates with reserved seats and with the right to contest additional seats the Sikhs are likely to get greater representation than is strictly warranted on the population basis where as on a system of communal electorates, their representation will be limited. The only way in which this representation could be increased beyond the population basis is to give weightage which means trenching compulsorily on what other communities legitimately regard as their right. In the second place, communal electorates and weightage are definitely retrograde from the point of view of the general interests of the country. The demands of the Dal are,

in principle, precisely those which the Muslim League demanded for the Muslims and which led to the tragic consequences with which the country is all too familiar. We feel convinced that if we are to build a strong State which will hold together in times of peace and war, of prosperity and adversity, the Constitution should contain no provision which would have the effect of isolating any section of the people from the main stream of public life. In this connection we would recall the following resolution passed by the Constituent Assembly at its meeting on the 3rd April, 1948 :—

“Whereas it is essential for the proper functioning of democracy and the growth of national unity and solidarity that communalism should be eliminated from Indian life, this Assembly is of opinion that no communal organisation which by its constitution or by the exercise of discretionary power vested in any of its officers or organs, admits to or excludes from its membership persons on grounds of religion, race and caste, or any of them, should be permitted to engage in any activities other than those essential for the bona fide religious, cultural, social and educational needs of the community, and that all steps, legislative and administrative, necessary to prevent such activities should be taken.”

It is not always easy to define communalism, but there could be little doubt that separate electorates are both a cause and an aggravated manifestation of this spirit. The demands of the Dal are thus wholly at variance with the considered judgment of the Assembly.

If the Constitution guaranteed special safeguards such as communal electorates, and weightage to the Sikhs we fear that it would be impossible to justify denying the same privilege to certain other communities. The detailed arguments may vary but the main approach will be similar. We would mention in this connection only the Scheduled Castes whose standards of education and material well-being are, even on Indian standards, extremely low and who, moreover, suffer from grievous social disabilities. They have contented themselves with the Provisions approved by the Assembly and referred to in paragraph 2 above. We cannot conceive of any valid argument which would justify the inclusion in the Constitution of safeguards for the Sikhs which are not available to the Scheduled Castes. The case of the Scheduled Caste is merely illustrative. We feel convinced that to accede to the demands of the Shromani Akali Dal will lead, by an inevitable extension of similar privileges to other communities, to a disrupting of the whole conception of the Secular State which is to be the basis of our new Constitution.

7. We recommend accordingly that no special provision should be provided for the Sikhs other than the general provisions already approved by the Assembly for certain minorities and summarized in paragraph 2.

8. The only reason why the Assembly postponed consideration of the question of giving to minorities in West Bengal the right to contest unreserved seats was that it was pointed out by the West Bengal representatives that the population structure of that Province was not known at that time. Although, on account of the recent exodus from East Bengal, any accurate estimate of the number of different communities in West Bengal is a matter of some conjecture, the broad picture is known clearly enough and we do not think there are any reasons why the arrangements already approved by the Assembly for other Provinces should not be applied to West Bengal.

VALLABHBHAI PATEL