



# CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Saturday, the 19th April, 1952

## OFFICIAL REPORT

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## CONSTITUENT ASSEMBLY OF PAKISTAN

*Saturday, the 19th April, 1952.*

The Constituent Assembly of Pakistan met in the Assembly Chamber Karachi, at Ten of the Clock, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

### THE GOVERNMENT OF INDIA (THIRD AMENDMENT) BILL— *concl'd.*

**Mr. President :** We were still discussing the amendment of Mr. Prem Hari Barma. Pirzada was on his legs.

**The Honourable Pirzada Abdus Sattar Abdur Rahman** (Sind : Muslim) : Sir, I was dealing with the point that some of the Honourable Members from the Congress Benches had tried to create a misunderstanding between the Muslims of East Pakistan and West Pakistan and I had quoted from the speech of the Honourable Member, Mr. B. K. Dutta, but there is still one more person, who has also followed the same line which suggests that it was very deliberate and one Member raised the question and another tried to follow it. I am referring to the speech of Mr. Nandy, who has said, Sir, about the same point. I quote him :

"I say 'imaginary' deliberately because I believe that such an arrangement will ultimately prove injurious for the Muslims of Bengal, though they are lacking boldness of imagination to realise it now and protest against it."

This is on the same lines as Mr. B. K. Dutta had said. He also wants to arouse the Muslim Members from East Bengal and tell them that if separate electorates are given to the Hindus and they are separated from them, then they should beware. They are not bold enough to resist the Muslims of West Pakistan. Now they must beware that something evil will fall on them.

**Mr. Bhupendra Kumar Dutta** (East Bengal : General) : Sir, may I point out to the Honourable speaker that he is taking a sentence out of the context and laying an undue stress on a sentence that sentence does not deserve. For instance, the sentence . . .

**Mr. President :** Mr. B. K. Dutta ! if you have been misrepresented, then you can say something by way of personal explanation, but you have no right to reply.

**Mr. Bhupendra Kumar Dutta :** I am not replying. By way of personal explanation, I just quote the sentence following the sentence which he has quoted. That sentence was : "Such discrimination is unjust in itself and, therefore, disruptive in tendency . . ." Now, he does not lay any stress on this sentence. He lays stress on the next sentence. That means that he is taking them out of the context and laying undue stress on it.

**The Honourable Mr. Fazlur Rahman** (East Bengal : Muslim) : You need not reply to that.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** The Honourable Member has got up after all, I called upon him yesterday

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twice that if I was saying anything wrong about him, he had better get up and correct me. He did not accept that at that time. Probably better counsel, more heads have assembled last night and now he has got up to explain away what he said. I do not see any doubt at all about what he has said. I have quoted him verbatim. It is very clear and I do not see any room of doubt in that at all. May I read it to him what he has said :

"Let me warn my East Bengal friends. It is very likely that the permanent constitution which has to be framed by this House will imitate in this particular direction the Indian Constitution and allot one representative at the Centre for every five or six representatives in the Provincial House and this reduces the majority into a hopeless minority."

Is there any doubt about that, that you are frightening them that their majority will be reduced by imaginary and wrong and incorrect basis. Is there any doubt about it. It needed no explanation and, again, when he talked of "cow-dung smiling when the cow-dung cake burns", there was no other meaning, except to incite them against the people of West Pakistan. I do not think the protest or the weak explanation that my Honourable friend has just got up to give is going to be of much avail to him. I am justified in stating that it was a deliberate attempt on their part to incite and excite the people of East Pakistan against the people of West Pakistan and this hardly rights a group like the Congress group. I think I have said enough about this and my case is absolutely clear on that point.

Sir, the next point raised by my Honourable friends was about their demand for a joint electorate generally, independently of the question whether the Scheduled Castes or the Hindus should or should not have separate electorates. It is on this issue that they have used very violent language, made very bold and exaggerated statements without there being any substance or basis or justification for these statements. They are very high-sounding and frightening words that they have used. I do not know, Sir, what the purpose of using such a language was. I shall be presently stating what they actually said. One purpose really could be to defame Pakistan. I would not use a harsher word than that. Defame Pakistan not only within the country, but outside ; not within this sub-continent but all over the world perhaps. Whether this is the object or to be more generous, its violent language is the result of what they have called frustration. Frustration again not for the reasons that my Honourable members have given, the honourable members of the Congress Group have given that they are not getting joint electorates, that they are not being treated as proper citizens, or as full citizens, but frustration on account of another thing. Frustration on account of their realisation that their hold over the Scheduled Castes was strong and that they will no more be able to utilise the numerical strength of that community in order to augment their power and influence. It may be the result of that frustration, I can admit, but I think even with that justification, the language that they have used can hardly be justified and explained.

Referring to the speech of my friend Mr. B. K. Dutta, he says and I quote him, Sir :

"By getting up separate electoral rolls for us, the minorities, are you not relegating us to the position of eternal slaves, perpetual hangers-on, obnoxious persons."

These are the words that he has used for not being given joint electorates, for giving separate electorates to the Scheduled Castes, they are being relegated to the position of hangers-on, slaves and obnoxious people.

**Mr. Bhupendra Kumar Dutta :** Again out of context : Here I referred to joint electorate with the Muslims.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** And, again, Sir, my friend says : 'it is out of context'. I have read the whole thing and I think that is a poor explanation. My friend may be clever and astute as I have already admitted in explaining away these things. He is trying to explain away these things but the words in English Language can have only one meaning. Words used by him have been boldly and clearly said and I have stated them.

**Mr. Bhupendra Kumar Dutta :** That was concerning joint electoral rolls :

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** I am talking of the general demand for joint electorate at present and I have said that these statements of yours are in that connection. I have made it very clear that the fact that joint electorates are not being given to you, according to you, it reduces you to the position of slaves and obnoxious persons. That is what I have said. I will not mis-explain my friends may rest assured. Again, Sir, he says that by this act of not giving them joint electorates, we are dividing the population into two classes of patricians and plebeians. It is same thing, same language ; in one case he has used slaves and in the other case he wants to say patricians and plebeians.

Again, Sir, he says :

"He treats you...."

He is referring to a Minister before whom he goes for some work to be done by him.

"He treats you so because separate electorates conferred on you subservient citizenship."

So, they are slaves, they are subservient citizens, they are obnoxious people, they are plebeians ; according to them they have been relegated to that position.

Again, Sir, my friend Prof. Raj Kumar Chakraverty has said :

"I stand here today under the shadow of great calamity for the minorities in Pakistan.....It is a calamity of the political slavery of the minorities ; it is a calamity of the total extinction of their political rights in Pakistan."

Again, Sir, he called himself as "hewers of wood" and "drawers of water". I will not, Sir, burden the House with further examples of the language that these Honourable gentlemen have been pleased to use.

Mr. D. N. Dutta has gone even to the length of saying "you are denying us political rights—Nay", he says, "I will go further and say, you are denying us human rights", which are given to the citizens of every country. Now, a mere thought devoted to the question of joint electorates, which has been in existence in the case of Musalmans from 1909, then repeated in 1919 by the Montague-Chelmsford Act, again repeated in 1935, they were asked for and demanded by the Sikhs in 1919 and they were given to them. They were demanded by the Schedules from 1920-21, when Mahatma Gandhi started anti-touchability

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campaign from that time they have been asking it. Now, have the Muslims by asking for separate electorates in 1909—and let me assure you the people who asked for it in 1909 were the biggest people and the most respected persons in the sub-continent of India at that time; the deputation was led by His Highness the Agha Khan—now does that mean that all these people were inviting slavery on themselves? Did it adversely affect the interests of Muslims by getting separate electorates? Were they inviting slavery and obnoxious position and all sorts of imaginary calamities like denial of human rights. Did they not know what their interests were? Certainly, Sir, let me assert and say that it was the separate electorates granted to the Muslims in 1909 and continued uptil now that has made a nation of us and got us this independence and freedom and has brought us this status. So, I am really surprised to see that such a beneficent system be ascribed and called by the words like slavery and others is beyond my comprehension.

Again, Sir, did Sikhs become slaves by getting separate electorates in 1919? From all this, Sir, I am compelled to say that the purpose of the Honourable Members is no other but to malign Pakistan. They want to show, as I would presently prove, from one of the passages out of the speech of Mr. Nandy, that their intention is to malign and propagate to the world by right methods or wrong methods, by fair or foul means, propagate it to the world that the minorities in Pakistan are unhappy, not only unhappy but they are being made slaves; they are being treated as obnoxious persons; they are being treated as hewers of wood and drawers of water in Pakistan. There is no other purpose otherwise than that to bring in such ideas into the question of joint or separate electorates being granted to them. This is the reason which confirms my views and it is from their own mouths that further confirmation comes. This is what Mr. Nandy says:

“Sir, if they really make any pretext to set aside the Poona Pact and disintegrate the Hindu community, it will be a fit case for the highest Courts of Pakistan, if not also for the International Courts, to take up the case on behalf of the Minorities. Sir, I make very bold protest on this issue because I feel it as an illegal encroachment on our civic rights in matters of our religion and community which we can never pass by silently.”

So this is the purpose of making these speeches, to malign us with these motives and object behind it. Whether this is a prelude to something else or not, I am not in a position to say, but it is not without any significance that these words have been deliberately said and with some purpose behind them.

**Prof. Raj Kumar Chakraverty** (East Bengal: General): You are forgetting that there are ‘ifs and buts’. That was the trend of the speech. If this happens, that will happen. You are forgetting these ‘ifs and buts’.

**The Honourable Pirzada Abdus Sattar Abdur Rahman**: I admit that it is as clever a way of putting the things as Mr. Nurul Amin did when he said that “if I am permitted to use the word ‘liar’, I would do so”. (Laughter). My friends have also adopted the same tactics. I give them credit for putting things very cleverly with “ifs” and “buts” and under all sorts of covers. But you would admit this at least that no members of a minority community in Pakistan who are being treated as “slaves” and “hewers of wood” and “drawers of water” will dare make such open statements and such fierce statements. That proves you have got the full liberty of saying whatever you like and it is unfair

that you accuse us of making you slaves. (Cheers.) I wonder if such fierce statements could be made in any other House than this. May I, Sir, as an example quote what the Honourable Members have been saying and how fierce they have been? This is again Mr. Nandy: I quote him:

"Sir I will most emphatically point out here that Muslim members who were returned on purely Muslim votes have nothing to poke their nose in this matter and they cannot claim to interfere by making a decision on a matter that relates to the set-up of the Hindu community and Hindu social order."

"To poke their nose", this is the language that they have been using against the majority community of whom they are afraid, by whom they have been treated as slaves and under whom they allege, they have got no freedom, they have got no rights, no political rights, no human rights even to live in Pakistan. So they are self-contradictory and as I have submitted the only purpose seems to be one of . . . ? And no other. Sir, in this game of maligning, my friends have gone to the utmost limit. Mr. D. N. Dutta, a responsible member again and Mr. Majumdar, who was a seconder of that idea, have brought in the question of racial segregation laws in South Africa and compare the present Bill with the Legislation and laws brought in by Dr. Malan in South Africa. What a perverting of facts! If my Honourable friend is challenging what he said, then I had better fix him up first of all before he withdraws from that position. He says, Sir, I quote from the speech of Mr. D. N. Dutta:

"It is a peculiar thing, unheard of in the world and when the history of our nation is written, this will be the blackest measure ever put forward in a legislature. It can only be compared with the legislation in South Africa, it can be compared with that legislation enacted in South Africa by Dr. Malan and that nothing less than that. What is the present position, Sir, of Dr. Malan's legislation. The coloured nations objected to their names being withdrawn from the common electorate; there should not be a separate electorate for the coloured nations. There are coloured nations living in East Bengal, Sir, and I feel that Dr. Malan's conduct is being copied by the administration. They can be compared only with Dr. Malan and the proposed legislation is the blackest measure ever put on a Statute Book."

Now, let me explain, Sir, this is a measure which grants separate electorates to the Bhuddists and to the Scheduled Castes. Originally before 1909 they were all General electorates. Muslims, they were given separate electorates and they separated from the Hindus in 1909. Again, Sir, they were further reduced in their number—the General—when the Sikhs in 1919 separated from them. There was no protest from the Hindus at that time, no agitation at that time. Why? Because the number of the Sikhs was insignificant. If they went out of the Hindu community, it did not matter very much to them. It is all a political game. It is a political problem. There is no other question. The trend of the mind of the Hindus has got to be noticed. When Sikhs went out, it did not matter very much and it was allowed to pass. Then, Sir, came the question of the Scheduled Castes. I will come presently to it, that what attitude was taken by the Hindus on that question and with what result. But I must pursue the other points of separation of each community from the Generals slowly and slowly. The Sikhs went out. Then by the Communal Award, the Schedules went off and they were reinstated in a limited sense again by the Poona Pact. Then again, Sir, the Bhuddists have asked for separation and the Schedules are being given separation with the result that the General seats are reduced almost to the Caste Hindus. Now this is the racial segregation to which a reference has been made. By a process of elimination, by the choice of different communities of Indo-Pakistan, they have gone off slowly

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with the result that now nobody likes to be with my friends and they have been left by themselves practically as separate electorate. Now can you call this racial segregation legislation and compare it with the laws existing in South Africa? I think it is beyond my imagination. Let me give a gist now of what laws exist in South Africa with which these laws are being compared by my friends. In the Union of South Africa, Sir, the population is sub-divided into certain categories and I will give them. The Europeans, first of all, then coloured people and natives and South-Africans of Indian or Pakistani origin. The natives in certain specified areas have a full communal electorate all right. South-Africans of Indian or Pakistani origin have no franchise at all under the Union constitution. All the Senators and members of Legislative Assembly must be Union Nationals of the European descent. No one whether possessing franchise or not, belonging to any other racial group is allowed to sit in the two Houses of the Legislature even though a few coloured and Asiatics in the few progressive colonies are allowed to vote..... but they too are debarred from being returned as representatives. So far as electoral roll is concerned, the question of being forced into communal or separate electorate, is based in their case on the ground of social and economic discrimination from which they fear would follow their exclusion from the electoral roll altogether. Now that is the position. There only a European and a white person can be elected as a member. The Indians and Pakistanis over there have no right of franchise even. Some limited coloured people who have settled there in the Cape Colony for a long time have a right of vote but they have no right to stand for election; that means that they are getting no representation at all. The Indians or Pakistanis have no right even to elect anybody. Here, my friends have every right not only to elect—not only to vote but to elect anybody they like. They are sitting with us today; they are participating in these debates and they will be doing so even after this Legislation, and still to misguide the people, to misrepresent Pakistan deliberately and say that we were enacting laws similar to those enacted in South Africa by Dr. Malan, is, I think, if no other stronger word should be used, a plain defamation.

Sir, this game has been carried to the utmost limits. Probably this suggests that my friends have made up their minds on a particular course of action and these are only preludes and preparations for taking such action. Whether that action is confined to within the country, or outside the country, is best known to them, but such remarks—I would not use any stronger word—such remarks against a Government which they claim to be their own and to which they think they will be loyal up to the end and they will not leave Pakistan, such remarks on the mere question of separate electorates being given to them and the principle of joint electorate not being conceded to them are hardly justifiable and can have no other meaning except the one that I have given.

Then, Sir, let us examine the point further. How will my friends be slaves under separate electorates? May I remind them that under the 1935 Act, Sind was a separate Province? Separate electorates were given to the Hindus who were in a minority which had exactly the same percentage as they have in East Bengal now—25 per cent. were Hindus in Sind and 75 per cent. were Muslims. The strength of the Legislature was 60 and 21 out of them were Hindus, 35 Muslims, some Europeans and other special seats.

I will describe to you presently the position which the Hindus occupied in Sind on account of separate electorates. In 1937 we formed our first Ministry under the 1935 Act with Sir Ghulam Hussain Hidayatullah as the Prime Minister. On the very first Budget in January 1938, all the 21 Hindus combined—some of Congress, some of Independent Hindu groups combined—and to them joined some of the Mussalmans as they were not organised in regular party there—22 plus 8—and the Ministry was defeated by one vote 30 against 29. After that Mr. Nichaldas Vazirani became one of the Ministers in the Sind Cabinet and he is the gentleman who is supposed to have said on a number of occasions "I am Sind Government". I might tell the House a very interesting story to relieve the tense atmosphere. That gentleman is supposed to have gone to the Giddu Lunatic Asylum,—he was Minister of Health at that time— and he was supposed to visit the Hyderabad Civil Hospital thereafter. He used to be very rash and very bold. He himself telephoned to the Civil Hospital, Hyderabad, that he wanted to come and visit the Hospital. So a nurse took up the receiver and said : "May I please know who is talking" ? He said "Sind Government talking. Sind Government talking". The poor girl was astonished and asked : "From where" ? He said : "From the Lunatic Asylum". She said "I thought so" and laid down the receiver. (Laughter.).

So, Sir, that is the sort of slave that separate electorate to Hindus in Sind created. Let me carry this story further, Sir ? This Ministry did not last very long and again in 1940 the Hindus did not like the Manzalgah question ; they wanted it to be decided in a particular way, and therefore again all the 21 combined together and the Ministry was defeated. In 1940, again the division was 30 against 29 : all Hindus on one side with a few Muslims with them, again defeated the Ministry and the new set-up that came again gave Hindus the same dictatorial position. The same Mr. Vazirani was on the top and if I were to show you the Muslim newspapers of those days you would find what they had said about their rule in Sind.

I need not carry the story further because the same thing happened in 1941, and again in 1945 when the Ministry of Sir Ghulam Hussain Hidayatullah was defeated by one vote on the Supplementary Demands for Grants. All the Hindus had joined together and defeated him.

**Mr. M. H. Gazder** (Sind : Muslim) : Hindus Ministers crossing the floor.

**The Honourable Pirzada Abdus Sattar Abdur Rahman** : Hindu Ministers crossing the floor. So they did whatever they liked and by that balance of power they were able to do whatever they liked in those days. My friends form a group of highly intelligent people. If they play their cards properly, I am certain, Sir, not only will they have a share in the Administration but with their cleverness behind them, which they seem to utilize properly as shown by their method of Opposition to this Bill—although we can understand what the real motive behind the Opposition to this Bill is—there will be, if they are active and if this propaganda which I have been describing here continues and their talents are exercised properly, with the divisions in the Mussalmans unfortunately, not only is there a possibility which they ask for, of their share in the administration, but an effective share in the Ministry could be had by them. I cannot see how by being members of a particular group like Congress they say that they are just an Opposition and

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will remain an Opposition. There is certainly, if they combine—in view of what happened in Sind, it is a possibility, and that is what they have asked for—a possibility for the Opposition to be converted into a ruling group. By combining with Mussalmans, they can certainly come to power, but in fact even this is not the point of issue. The point really is: Are they going to be slaves by any means, which they have been saying all along? Does separate electorate really make them slaves? Sir, we are being challenged, we are being told “You are a majority party, why do you bother to have separate electorates for yourselves”? We, Sir, from 1909 fought for separate electorates for ourselves and I must say we have benefited—and my friends will admit that we have benefited—and here when we are in power and want to do justice to another community, are we not justified in feeling that whatever has done good to us will do them good also. After all the responsibility is ours. So why challenge our *bona fides*. When we say separate electorates are necessary and they should be provided; we have done in our own case; we are doing the same in the case of others.

**Shri Dharendra Nath Dutta** (East Bengal: General): May God save us from such friends!

**The Honourable Pirzada Abdus Sattar Abdur Rahman:** I think that is what a patient says when he goes to a doctor who wants to operate upon him, for his own good, against his own wishes. I would not, Sir, devote any further time to any other point which has been raised by my Honourable friends with regard to fundamental rights and Objectives Resolution because my friend, Sardar Abdur Rab Nishtar, has touched that particular point and has given a convincing reply. I assure my Honourable friends that their apprehensions that they will be mere show-boys, that is the word which Prof. Raj Kumar Chakraverty used, is not justified. They will have their due share of power, if they really want to co-operate with the majority party and not come out with stunts like this. If they have really accepted Pakistan, and there is no idea or thought of ever uniting East and West Bengal and if they have reconciled themselves to Pakistan, I do not see any difficulty why the Muslims should not co-operate with them and give them a share of power. You know what happened to the sharing of power in the Centre when Mr. Mandal deserted us. You have to be sure that the persons concerned are sincere and loyal and want to co-operate with the Muslims. I tell you that Muslims would give you their sincere co-operation and they will have you amongst their fold and there will be no difficulty about this supposed segregation of yours from them due to separate electorates, as that definitely is not going to come in our way. I will now, Sir, come to the third and the most important point, the one raised by Honourable Member with regard to the separate electorates for the Scheduled Castes. My friends have followed the same line of propaganda in this respect also. They have described this measure of separating Scheduled Castes as interference with their religion and with the internal working of their society. If interference in religion means that the position that the Scheduled Castes have admittedly occupied in the Hindu society should be perpetuated, and it should be left to the sweet will of the Caste Hindus, whether they should be brought up to their normal human level or not that too should be left to the Hindu community, the Caste Hindus, certainly then it will be an interference. But on the other hand if it is to be admitted that here is a down-trodden race, a community who have been kept on hopes from time to time,

whose untouchability and degraded position has existed, according to my honourable friends, at least from 5,000 years ago that is what was said when my Honourable friend, Chaudhri Zafrulla Khan, quoted from some scripts and I am not going to refer to that again—then Sir, it is certainly not an interference but a human gesture to a down trodden people. But I was just developing my point that admittedly this thing existed from 5,000 years ago and in 1920-21 Mahatma Gandhi, started his campaign against untouchability, for reasons which I will presently explain may be human, I do not doubt that and I do not want to offend my friends on that issue, because untouchability is inhuman, therefore every human being will be moved against it. But there is the other explanation also, which I have already given, that out of the total population of India 25 per cent. were Muslims, out of the Hindu population 30 per cent. were Scheduled Castes, with the result that Muslims 25 per cent. and 30 per cent. of Scheduled Castes of 70 or 75 per cent. of Hindus, comes to something like 22 per cent. of the total population and that added together makes a total between 45 to 47 per cent. of the whole population and with the rest that is to say Parsis and other communities, Christians, etc., the total population of Hindus, taking out all these special interests, Sikhs and others, was coming hardly to 50 or 51 per cent. Now in a sub-continent like India where Hindus claim that it is Hindustan and Hindus have a right to rule, it would be a very difficult position if the Scheduled Castes also separated and became a distinct community by themselves and Hindus were left with a majority of 50 to 51 per cent. Then obviously it will be very difficult position for them. Therefore, Sir, may be due to human considerations, may be that due to bigger consideration, according to me, of the strength of Hindus and their future prospects of having power to rule India, which I think was more important, Mr. Gandhi started his movement against untouchability. As you find in the case of Sikhs when they seceded from the Hindu society, although they are a part and parcel, the limb, of the Hindu religious society, they profess almost the same religion, no agitation was started, no objection was taken. But when these Scheduled Castes started agitation for separating, Mahatma Gandhi came out with an all-out campaign against untouchability in 1920-21. The reasons, may be, were human, but they were more political in my view. Then, Sir, what was the result of all that. He did his best. A number of resolutions were passed. So many things were done; temple entry was left open to them. I remember in those days the sweepers were collected and made to feed with the Caste Hindus and a number of things were done but the ultimate result was that when in 1927 the Simon Commission came and examined the Scheduled Castes' position the report of that Commission shows that almost all the Scheduled Caste Associations asked for separate electorates. I think, Sir, my Honourable friends may doubt my statement because it is such a stupefying statement and they may not believe it. I will just, therefore, quote the exact words from the report of the Simon Commission :

"Scheduled Castes should they have separate electorates....."

this is volume 2, page 65, article 79,

".....most of the depressed classes associations which appeared before us favoured separate electorates with seats allocated on the basis of population, though one or two still wish to retain nomination."

No question of joint electorate by any association was raised before the Simon Commission in 1947. And the condition of the Scheduled Castes at that time as summarised from the evidence that

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was adduced before the Simon Commission is, and they have given a preliminary survey of the then existing conditions in volume one of their report and this is the condition of the Scheduled Castes that existed at that time. I want to show this to bring out what progress the campaign of Mr. Gandhi made, which was started in 1920-21. This was, Sir, the condition of the Scheduled Castes at that time. The Commission talk first of all of the conception of the Caste Hindus. I read, Sir, from page 34, volume one, article 48.

"Caste has been described as the foundation of the Indian social fabric .....

This is based on the evidence and these quotations are based on the evidence ; these are not their own remarks.

"Caste has been described as the foundation of the Indian social fabric. At any rate so far as Hindu society is concerned every Hindu necessarily belongs to the caste of his parents and in that caste he invariably remains. No accumulation of wealth and no exercises of talents can alter his caste status."

Then, Sir, talking of the Scheduled Castes, the depressed classes, they say :

"Depressed classes these comprise some 25 per cent. of the total population of British India and some 30 per cent. of the Hindu population."

"They constitute the lowest castes recognised as being within the Hindu religious and social system. In origin these castes seem to be partly 'functional', comprising those who followed occupations held to be unclean or degrading, such as scavenging or leather working, and partly 'tribal', ..... Their essential characteristic is that, according to the tenets of Orthodox Hinduism, they are thought within the Hindu system, 'untouchable,'—that is to say, that for all other Hindus they cause pollution by touch and defile food or water. They are denied access to the interior of an ordinary Hindu temples. .... In the villages they are normally segregated in a separate quarter and not infrequently eat food which would not be touched by any other section or the community. .... We believe it is not uncommon for a particular shed in a factory to be reserved for depressed class works, though such separation cannot always be observed."

Then, Sir, they have quoted from the report of some census officer. No, Sir, this is in answer to their question. They have addressed questions to the Depressed Classes whether after 1920-21—after the campaign of Mr. Gandhi—any improvement had taken place in their lot. The Simon Commission had addressed a question and this is the reply.

"Questions on this point addressed to Depressed Class representatives rarely produced an admission of any material advance".

Sir, this was the position of the Scheduled Castes in 1927. Therefore, the Scheduled Castes naturally started with a demand for separate electorate. Coming to the political side, although in some provinces they existed in large numbers (might be due to restricted electorate ; because they were poor ; they did not have the property or other qualifications) they did not get even three per cent. of their due representation in the legislature. That was their political condition. Therefore, Sir, would you blame a man like Dr. Ambedkar, who has been called as a bargainer, to rise and ask for separate electorate. And if they asked for separate electorate, I do not see how it becomes an interference in the religion of the Hindu community. Let me quote my Honourable friend Mr. D. N. Dutta. He himself has admitted the existence of this untouchability even at the present time. This is what he says ; He is referring to us :

" .... They remind us of the curse of untouchability and of the vicious caste system prevailing in the Hindu society. They remind us of all these things. Sir, it is useless to remind us about these ; we know there is the curse of untouchability. We want to remove untouchability. The curse is there."

So, Sir, in spite of these efforts of my Honourable friends, the wishes of all of them, the question remains that untouchability has remained over there. Their political backwardness, which is the other cause for giving them separate electorate, is also admitted. My friends—not one—but all have admitted that the Scheduled Castes are backward. The question is only of the means, the method of giving them protection and safeguards. My friends have suggested that they should have reservation of seats, while I am suggesting that they should have separate electorates. Reservation of seats: Is it going to secure proper representation and proper benefit to them? First of all, the Communal Award gave them clear separate electorate; then the Poona Pact gave them modified separate electorates with the primary elections in which four of them were to be elected by their own community. Why were these four persons introduced? My friends have said that this was a concession to the Scheduled Castes. No! This was a concession to the Caste Hindus because the position was that Communal Award had given them separate electorates, which meant that 100 per cent. votes of their community must be had before they got elected. By the Poona Pact they had to put in four candidates. Out of them one was to be elected. Those who got 25 per cent. of the Scheduled Castes votes, could be elected with the votes of the Caste Hindus. That was a concession to the Caste Hindus as aptly and correctly described by Dr. Ambedkar. What are you suggesting: that this 25 per cent. security which existed, should also be done away with so that a person, even though he may not get a single vote of the Scheduled Castes, still by the votes of the Caste Hindus (if they are in a majority), can be elected as a member of the Assembly. Is this a concession to the Scheduled Castes that you are suggesting? It is not a safeguard. The best safeguard is that which I have suggested that they should have full separate electorates so that they should have their own representatives and nobody else.

Sir, a lot has been said about the Poona Pact. My friend Mr. B. C. Mandal has said: This was accepted on account of respect for Mahatma Gandhi who was the biggest person—the most respected person in India at that time, and it should not be lightly interfered with.

I admit, Sir, that Mahatma Gandhi was the most influential and most respected person in India at that time and it is for that very reason that I say that the Poona Pact should not be relied upon as voluntary as at that time, when a person like that, starts observing a fast unto death signifying that unless joint electorate between Scheduled Castes and Hindus are accepted, I am going to die, what are people like Mr. Birat Chandra Mandal to do. Man who still thinks, and rightly thinks, that he was the Mahatma of the time, and other Scheduled Castes who are hardly literate, who thought the same and when they thought that a Mahatma was going to die, a sin, a calamity, was going to fall on their shoulders if they did not accept all this. They, therefore, accepted what

he suggested to them. Can that be a voluntary act of the  
11 A. M. Scheduled Castes, as it has been described, a bargain by Dr. Ambedkar, to take more seats here and there for giving up his demand for separate electorates for the Scheduled Castes? Sir, it will be very relevant to give you the inside description of what happened in that meeting at Poona on the 14th September, 1932, when the Poona Pact was signed. It will make the position very clear to you. It is not my story. It is the story in official documents and given by some of the Scheduled Castes who happened to be present at the meeting

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as to what happened and how and under what circumstances they were compelled to agree to this arrangement. I am reading, Sir, from the Report of the Indian Delimitation Committee, Volume III, page 50, which gives the substance of the evidence recorded by them. This is by Mr. J. Shiva Shanmugham Pillai of Madras, who was present at the time when the Poona Pact was being negotiated. He was one of the Scheduled Castes and he was present there. This is what he said :

"The representatives of the Caste Hindus and the depressed classes met at Poona and arrived at a settlement. There was much higgling and haggling about the seats. Even after two days' deliberations, no compromise was arrived at. On the second day at about 8 P.M. Mr. Devdas Gandhi rushed to the room where the representatives were sitting and made a scene. In the presence of the representatives he began to weep. Mr. Rajagopalachari and others comforted him. Then he stood up and, with tears in his eyes, addressed Dr. Ambedkar as follows: 'Oh, Doctor, is your heart made of stone? My father is in a precarious condition. He is vomiting and his head is shaking. You do not know what he is going to do for your community. He is going to have another fast for the sake of depressed classes. Please save his life!' There was not a soul in that hall which was not moved by his passionate speech. On the next day the Pact was concluded."

These were the circumstances. These were the passionate effects which the members had made. They spoke for two days, fully realising that Mahatma Gandhi was under fast unto death. Still they were not yielding. Still they were pressing their claim and it was necessary for Mr. Devdas Gandhi to go in and burst into the meeting and weep and cry and appeal to Dr. Ambedkar to save the life of his father, who was vomiting and was dying. Nobody dare say 'No' at that time and this is what my Honourable friend has called an astute bargain of Dr. Ambedkar and a voluntary action by the Scheduled Castes—I am surprised. I said all these things because some misapprehensions were being created in the minds of the Members of this House. It is very clear, Sir, that the Poona Pact was agreed to and even the Government of India and the British Government about whom my Honourable friends have said much accepted it under compulsion. They said that the Poona Pact was accepted by the British Government, but these people are not going to accept that. It was because the Indian Government and the British Government at that time had no other alternative but to accept it. Either they had to see Mahatma Gandhi dying and face the consequences or they had to accept it. They were set to that point, and I do not blame them for accepting it. So, it is no use relying so much on the Poona Pact, on the voluntary character of the Poona Pact, on the voluntary acceptance of the Government of India and the British Government of the Poona Pact at that time and accusing us of going against the Poona Pact in this manner.

Now, Sir, all this result having been achieved, bringing in the Scheduled Caste back into the fold of the Hindus, with the promise of Mr. Gandhi to remove untouchability and free entry into the temples, a number of promises having been made by the members present at the Poona Pact to remove untouchability, what progress had actually been made, has been aptly described by the same person in the same report? I quote him :

"The leaders of the Caste Hindus had assured the depressed classes at Poona that on their part they would do all that was possible to remove untouchability. I think one of the Honourable signatories to the Pact said that the depressed classes should enjoy all the primary rights, such as walking on public roads, taking water from public tanks like the other Caste Hindus."

It shows that most of these things did exist as they formed part of the Poona Pact. He further says :

"I wish to know whether the Caste Hindus on their part kept the spirit of the Pact by giving to the depressed classes the above-mentioned primary rights two years after the Poona Pact was concluded."

This evidence was two years after the Poona Pact was concluded. I quote him further :

"and I wish to know whether the position of the depressed classes has improved by a hair's breadth. How many temples were thrown open to them? What has become of Mr. Gandhi's second fast for temple entry? Has the second fast any effect on the Caste Hindus, may I know? I shall say that the social and political position of the depressed classes had become worse than it was before the conclusion of the Poona Pact. Almost everybody we read in papers about some aggrandisement and high-handed action of the Caste Hindus."

This was, Sir, the condition of the Scheduled Castes two years after the first fast of Mr. Gandhi and sometime after his second fast.

I do not blame my Honourable friends. They have themselves admitted that the Caste System is there. They must realise that they should not think only of their party and leadership of the Scheduled Castes. They may say that they were not being allowed freedom, but the fact remains that if 55 lakhs of the Scheduled Castes go away out of a total of 95 lakhs of Hindus in East Bengal, their political power is going to decrease. Why do they not admit straightway that this is the reason? Why are they opposing the separate electorates? But they must realise that against that there is the demand and claim of the Scheduled Castes also that they should have fair and proper representation. You may say that that is not their demand. I will presently deal with that too, but let me remind you that you have been accusing Mr. Barori, Mr. Kaljuganand, Mr. Dass and Barman and others as stooges and show-boys, as persons who have been getting free trips; getting of licences, permits, excise contracts and all sorts of things have been alleged against them. But might I remind the Honourable Members of one thing? It is very difficult to accept facts against themselves. But they must realise that the persons whose support they have got are out of that set which has been called in the Poona Pact and in all the official enquiries held thereafter, as the Pro-Congress group in the Scheduled Castes. What is this Pro-Congress group? It has been officially admitted at the time of the Poona Pact that there was a tie between the Pro-Congress group and the depressed classes headed by Dr. Ambedkar. There was higgling and haggling going on among them. These gentlemen were asking for more reservation of seats so that with the assistance of your Caste Hindus they would get elected. The other party asked for separate electorates for them. You succeeded. You brought in the Poona Pact, with the result that if somebody got 25 per cent. of votes of Schedules, then he was elected. Again, Sir, you fought even against this 25 per cent. before the Indian Delimitation Committee. The East Bengal Caste Hindus said: No four is the minimum. More than four persons should be set up, ten persons should be set up, 20 persons should be set up, so that the result is that the effect of the votes of the Scheduled Castes is further diluted or 'watered down', as Dr. Ambedkar has described it. Now, Sir, it is these few Congress people who have come through this watered-down representation on whom they are relying. Mr. Prem Hari Barma is one of those, Mr. B. Mandal is one of those people and they have supported you at the Comilla Conference. Let me tell you the other side of the picture also, if you call others show-boys. These are also, if not anything else, show-boys of the Congress. So, you cannot blame one party altogether and that is the reason that I gave at the very outset that there is no question of sending back this Bill for public opinion. Both parties are trying, Mr. Barori is trying and you are also trying. They say that their opinion should be

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accepted; you say your opinion should be accepted. You are trying to arrange Comilla Conference under the guise of Minorities Conferences in which almost all the Caste Hindus were present and there they have passed a resolution which they say envisages correct position. Therefore, you must at least accept facts against yourself that all these people are with pro-Congress views who have been encouraged from time to time and who expect to get benefits from you hereafter also because they expect to gain more now that requirement of 25 per cent. will be released, if your amendment is accepted, if your view is accepted, then with all your votes of Caste Hindus exercised in their favour with reservation of a seat for the Scheduled Castes, they will definitely be returned. In that way, they are likely to gain more and, therefore, they will support you. Therefore, it is very wrong relying on this opinion and to accept it.

My friend Mr. D. N. Dutta has laid great emphasis on a point that untouchability is gone, although in the very same breath he has admitted that untouchability is there and we are trying to remove it, but he has said it has gone because of the passing of Article 16 of the Fundamental Rights of this country. It is true, Sir, that Article 16 of the Fundamental Rights says that untouchability shall be declared to be illegal and unlawful. But let them honestly tell me have these declarations any effect on the Caste Hindus? When the campaign of Mr. Gandhi of 1920-21, his two fasts, had no effect on them—if it had any effect, it was very little—can a legislation, can a provision in the Fundamental Rights have any effect on them and straightway you can say the matter is dead and gone. That is what they have said. "You are exhuming the dead body"; that is what he says and "untouchability is gone by the passing of Article 16 of the Fundamental Rights. It does not exist and therefore, by introducing separate electorates, you are going to revive it". May I tell him, Sir, that no resolutions, no legislations, no laws, no constitutional provisions, are going to get over the prejudice of the Caste Hindus for which men like Mahatma Gandhi, men like Tagore, men like Swami Vivekanand, they tried their level best, but the prejudice did not go and therefore, Sir, it is no use saying that the passing of an Article or the passing of a resolution will remove it. It will remain and therefore, the interest of Schedules have got to be safeguarded. May I, Sir, give you the views of the depressed classes on this question. Whether it is possible at any time that this Caste system, this untouchability will ever die and what they felt about it when they gave their evidence before the Simon Commission. Again, I am quoting, Sir, from Volume I, page 36. The page is 36 and Article is 51.

**Shri Dharendra Nath Dutta :** Of which year ?

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** Simon Commission, you know when it came. I am illustrating to you Mr. Dutta the existence of untouchability in 1927 is a relevant point, but here I am weighing the possibility of removal of untouchability and the effect from 1920 to 1927, on the people, on the Caste Hindus of India at that time and what effect, therefore, it is likely to have at present. You have said untouchability is dead and gone.

"Mr. Gandhi in 1920-21 placed the removal of untouchability in the forefront of his programme"

These are quotations from Simon Commission Report based on the evidence of the Scheduled Castes.

"Some of his followers have gone even further and advocated the total abolition of the Caste System. The passing of resolutions at public conferences is very

different thing from translating them into practice. We are not, of course presuming today more than record our impressions of present conditions as these affect the constitutional problem. For this purpose, criticism and prophesy are equally out of place. The spiritual and social sub-division of India operating in a land where there is a deep respect for religion and supported by ancient traditions the canons of orthodoxy are not likely to suffer sudden or violent alterations."

So, it is very clear that by the passing of an Article in the Fundamental Rights, the behaviour of my friends towards the Scheduled Castes is not going to be changed, in any manner.

My friend, Mr. Dharendra Nath Dutta, has referred, I am glad, to the warning of Mr. Rabindra Nath Tagore. He has said all these bitter words because he was conscious of the exact facts. He was not optimistic like Mr. Dutta. He knew that the Caste Hindus will not improve and, therefore, he gave them a warning that unless and until you do this, your community will sink and die and my friends have accepted the curse when two of them have said "curse is on us and we are suffering because of that". You have not behaved well to the Scheduled Castes, there can be no doubt about it. I do not say by you, Mr. Dharendra Nath Dutta, or Bhupendra Kumar Dutta or Prof. Raj Kumar Chakraverty or anybody; there might be some good people in the Caste Hindus who may be genuinely trying to do away with it, but the fact remains that the position of the Scheduled Castes remains the same. They have admitted that. The position is the same as it was and will remain for a very very long time to come and, therefore, Sir, for all these reasons, due to the condition whether political or social or religious, of the Scheduled Castes, it is very necessary that there should be separate electorates for them.

Finally, Sir, I come to some of the other minor points which need a reply and which have been raised by Mr. Kamini Kumar Dutta and which are also relevant to the question of this separate electorates. He has said, for instance, that the Scheduled Castes are in a majority as compared with the Hindus. Therefore, why do they need separate electorates. They admit themselves that they are backward, that they need some sort of protection. But when they are in a majority there, then why have reservation of seats for them? Why is it that Mr. Prem Hari Burma and Mr. Birat Chandra are asking for reservation if they are in a majority? Obviously when they are in a majority, they will get their votes and then why suggest reservation of seats? They admit by asking reservation of seats that they are backward, they will be swamped over, they will be controlled by the Caste Hindus and therefore, they need some protection and that is the reason why we are giving them separate electorates.

Then, Sir, Mr. Kamini Kumar Dutta has made a grievance that even when a bad thing like the Communal Award was thrust, and they gave separate electorates to the Scheduled Castes, they also fixed a period of twenty years, up to which the separate electorates were to last. But in this measure just now, I have not provided any such temporary clause and he has said that this forecasts the framing of the new constitution. May I remind him, Sir, that the time to raise this question is not this one. I have not provided that this measure will be a permanent one. This is an amendment to the Government of India Act which itself is to last only up to the time the new constitution is made and this very question of joint electorate and separate electorate will be one of the points on which the Constituent Assembly at the time of framing the constitution will take a decision. Well, that will be the right time to move such a proposal whether these separate electorates are to last for ever or to last for a particular time. He must remember that even at that time it was a long period of 20 years which had been recommended but all

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the same the proper time to raise this question will be at the time of the framing the constitution. So when new constitution is being framed by this Honourable House and if a decision with regard to separate electorate at that time is taken and he raises this point of the temporary or permanent character, I am sure the Honourable House will consider whatever his suggestions are. It is no use complaining just now and saying that we are making a permanent measure against even the temporary character that was given to the Communal Award. I hope, Sir, I have been able to cover almost all the points raised by my Honourable friends. They have made very long speeches covering from one hour to two hours each one of them and it would be realized that it would be difficult for me to answer each and every point raised by the Honourable members in the time that was available to me. Sir, I feel I have touched all the points raised by them and given answer to each one of the points and explained as to why I have proposed separate electorate. I have not proposed these separate electorates out of any ill-will for the Caste Hindus, to segregate them or to interfere with their Caste arrangements or with their internal religious arrangements. I have done it, I might assure them, out of a sincere belief that every community is entitled to safeguard its own interest and they can be safeguarded in this particular manner. The Honourable Mr. Chattopadhyaya accused me yesterday that I have not brought this measure because I sincerely believed in it. He said I have brought this measure at the suggestion of Mr. Nurul Amin, of whom they probably seem to be very much afraid. I do not know really the reason why they are afraid of him, all the time. Let me assure them that I consulted Mr. Nurul Amin as I consulted Mr. Khuhro in case of Sind and I consulted the Chief Minister of N.-W.F.P., or the Governor in case of Punjab, when these reforms were introduced. It was my duty to do so. But it is far from this, that I have done this because Mr. Nurul Amin wanted it. I did not bring in this measure in November last year because I wanted to be sure about the public opinion. I had sent a letter to Mr. Nurul Amin asking him to let me know what the public opinion was and let me be fair to him that the first reply that he has made to me, it is on record and I have got it here and I can read it. He said that he was still not in a position to make a reply about this because he was investigating and holding enquiries into this matter and he would send the final reply later on. Then three months after that he sent to me a reply that, according to him, (you may doubt it, of course), the concensus of opinion or the majority of the opinion was in favour of separate electorate for Scheduled Castes and therefore that was his view. I considered this carefully, went through the past history of separate electorates, applied that to my own case, to Musalmans that how we have benefited from it, and how it was good for us. I weighed the conditions of the Scheduled Castes and thought whether it will be good for them or not and came to the conclusion that this was the only way to protect their interests and brought in this measure. It is very wrong to accuse Mr. Nurul Amin that it has been instigated by him or that I brought it according to his wishes. I considered it to be in the real interests of the Scheduled Castes, although it may reduce the political importance, the political power of the Caste Hindus. But they should concede it in good grace. You should give that power to the Scheduled Castes which is their due, although it takes away or reduces your power. With these words, I oppose the amendment of Mr. Prem Hari Barma and commend the motion for the consideration of the Bill in the House.

**Mr. President :** Two matters are before the House. One is the original motion of Honourable Pirzada that his Bill further to amend the Government of India Act, 1935, be taken into consideration. The other is an amendment of Mr. Prem Hari Barma that the Bill be circulated for eliciting public opinion. I am putting the amendment to vote first.

(After a pause).

The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1952."

The motion was negatived.

(After a pause).

**Mr. President :** Then I am putting the original motion to vote.

The question is :

"That the Bill further to amend the Government of India Act, 1935, (Amendment of Fifth and Sixth Schedules), be taken into consideration."

**Mr. President :** The "Ayes" have it.

**Opposition Benches :** "Noes" have it.

**Mr. President :** Then "Ayes" to my right ; "Noes" to my left. The House then divided.

#### AYES—36

Mr. Abdulla-al Mahmood.  
Maulana Md. Abdullah al-Baqi.  
Maulana Md. Akram Khan.  
Moulavi Ebrahim Khan.  
The Hon'ble Mr. Fazlur Rahman.  
Mr. Ghayasuddin Pathan.  
Mr. Shahoodul Huque.  
The Hon'ble Dr. Ishtiaq Husain Qureshi.  
The Hon'ble Mr. Mafizuddin Ahmad.  
The Hon'ble Dr. Mahmud Husain.  
The Hon'ble Dr. A. M. Malik.  
The Hon'ble Mr. Md. Habibullah Bahar.  
Mr. Nur Ahmed.  
The Hon'ble Mr. Nurul Amin.  
The Hon'ble Khwaja Nazimuddin.  
Mr. Asadullah.  
H. E. Khwaja Shahabuddin.  
Syed A. B. M. Husain.  
Mr. Abdul Monem Khan.

H. E. Malik Md. Firoz Khan Noon.  
The Hon'ble Mr. Mohamad Ali.  
Sardar Shaukat Hyat Khan.  
The Hon'ble Sir Muhammad Zafrulla Khan.  
The Hon'ble Sardar Abdur Rab Khan Nishtar.  
Syed Khalilur Rahman.  
Sardar Amir Azam Khan.  
Shaiikh Sadiq Hasan.  
Syed Ghulam Bhik Nairang.  
Malik Shaukat Ali.  
The Hon'ble Khan Sardar Bahadur Khan.  
The Hon'ble Pirzada Abdus Sattar Abdur Rahman.  
Mr. M. H. Gazder.  
Mr. M. A. Khuhro.  
Mr. M. H. Kizilbash.  
The Hon'ble Mr. M. A. Gurmani.  
Mr. P. D. Bhandara.

#### NOES—10

Mr. Prem Hari Barma.  
Shri Dharendra Nath Dutta.  
Shri Kamini Kumar Dutta.  
Prof. Raj Kumar Chakraverty.  
Shri Sris Chandra Chattopadhyaya.

Mr. Bhupendra Kumar Datta.  
Mr. Jnanendra Chandra Majumdar.  
Mr. Birat Chandra Mandal.  
Mr. Bhabesh Chandra Nandy.  
Seth Sukhdev.

The motion was adopted.

**Mr. President :** We will take up the Bill clause by clause now.

**Shri Kamini Kumar Dutta (East Bengal : General) :** \*I have to submit a matter, Sir. Sir, the amendment to be moved by my friend, Mr. Dharendra Nath Dutta, is an all-comprehensive amendment. It would appear, Sir, that I have also got several amendments—not, Sir, one but several—but they are practically comprised in the amendment of my Honourable friend, and the result of the voting on one would determine the effect of the other amendments also. Would it be necessary, Sir, for me to put my amendment also before the House or only one

\* Speech not corrected by the Honourable Member.

[Shri Kamini Kumar Dutta.]

amendment is moved and he and I both speak in support of the amendment? I also speak in support of his amendment. If his amendment is accepted it would practically amount to the acceptance of my amendment as both have the same purpose in view, and if rejected then my amendment would automatically fall. I only wanted to know whether it would be necessary to move my amendment after my friend's amendment is moved.

**Mr. President :** The position is that if you insist on your amendment also being put to vote in the event of the first one being defeated, you may exercise your right of moving your amendment.

**Shri Kamini Kumar Dutta :** I agree with this. \*I will abide by the result of the vote on the amendment of Mr. D. N. Dutta. I do not think it will be necessary for me to move my amendment also and then there will be voting on both the amendments.

**Mr. President :** That is not necessary.

**Shri Kamini Kumar Dutta :** I do not insist on a particular procedure because I understand the effect of the vote on his amendment will be the same in regard to my amendments.

**Mr. President :** I shall call out the name and if any Member wants to move any of his amendments he can do so.

**Shri Dharendra Nath Dutta (East Bengal : General) :** Mr. President, I move :

“That for clause 2 of the Bill the following be substituted.....”

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** Before he moves his amendment, I beg to submit that this amendment of Mr. D. N. Dutta practically amounts to having joint electorates and there is no other purpose. The whole length of this amendment shows only that it wants to provide for joint electorates. But since that question has been definitely raised and rejected by the House at the time of consideration of the Bill, does Mr. Dutta think it advisable to move this amendment now?

**Shri Dharendra Nath Dutta :** It has not been rejected. What has been rejected is that the bill be taken into consideration.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** All these points were raised.

**Shri Dharendra Nath Dutta :** Points may have been raised but what has been rejected is the consideration of the Bill.

**The Honourable Dr. Mahmud Husain (East Bengal : Muslim) :** Point of Order. The point is that whether an amendment can be moved which is the negation of the principle that has been accepted; that is really the point at issue.

**Mr. Abdulla-al Mahmood (East Bengal : Muslim) :** This fact has already been taken into consideration and the House has given its verdict

**Mr. President :** There is considerable force in the objection that has been taken but I think.....

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** This is the one point that was considered at the time of consideration and it was the question of joint or separate electorates. There was no other point

and the House rejected that point. They opposed the consideration of this Bill on that point otherwise they supported all the other provisions of the Bill. They had advocated joint electorates and now this amendment is on the same point. Consideration was passed on that point and now this amendment also amounts to the same thing.

**Mr. President :** I was going to say that there is considerable force in the objection that has been taken but I have some doubt about the fact whether that was the only question under consideration.

**Prof. Raj Kumar Chakraverty :** Yes. Other matters were also discussed.

**Mr. President :** Therefore in fairness I should allow the amendment to be moved.

**Shri Dharendra Nath Dutta :** Mr. President, Sir, I move :

"That for clause 2 of the Bill, the following be substituted :—

'2. In the Fifth Schedule to the Government of India Act, 1935, hereinafter referred to as the Act,—

(a) in clause (a) of paragraph 1, for the words 'British Subject' the words 'Citizen of Pakistan' shall be substituted ;

(b) in paragraph 4,—

(i) after the words 'each Province' occurring in the first line, the words 'other than East Bengal' shall be inserted ;

(c) after paragraph 4 the following new paragraph shall be inserted, namely :—

'4A. In the Legislative Assembly of East Bengal specified in the first Column of the Table of Seats No. I, there shall be the number of seats specified in the second column opposite to that Province and of those seats—

(i) the numbers specified in the third column shall be general seats of which the numbers specified in fourth, fifth and sixth columns, shall be reserved for members of the Scheduled Castes, for Pakistani Christian and for Budhists respectively ;

(ii) the numbers specified in the seventh column, shall be general seats for women of which the numbers specified in the eighth column, shall be reserved for the Scheduled Castes ;

(iii) general seats means in East Bengal general seats for men of all communities and general seats for women of all communities ;

(d) paragraphs 5 and 6 shall be omitted ; and

(e) for the table of seats so far as East Bengal is concerned Table of Seats No. I shall be substituted'."

TABLE OF SEATS NO. I

| Province    | Total Seats | General Seats | Reserved for scheduled castes out of General Seats | Reserved for Pakistani Christians out of General Seats | Reserved for Budhists out of General Seats | Seats for women |                               |
|-------------|-------------|---------------|----------------------------------------------------|--------------------------------------------------------|--------------------------------------------|-----------------|-------------------------------|
|             |             |               |                                                    |                                                        |                                            | General         | Reserved for Scheduled castes |
| 1           | 2           | 3             | 4                                                  | 5                                                      | 6                                          | 7               | 8                             |
| East Bengal | 309         | 297           | 36                                                 | 1                                                      | 2                                          | 12              | 2                             |

**Shri Dharendra Nath Dutta :** Mr. President, Sir, I have given a table also. The total seats are 309 ; general seats 297, reserved for the Scheduled Castes 36 ; reserved for Pakistani Christians out of general seats 1 ; reserved for Buddhists out of general seats 2 ; seats for women, general 12, reserved for the Scheduled castes 2. Sir, the sum total of the amendment that has been moved before this Assembly is this. That there should be one common electorate out of which 297 seats should be general seats, general seats for men that is common electorate seats belonging to all the communities, Muslims, Hindus, Buddhists, Christians and other communities, if there are any in East Bengal. For them the electorate shall be joint. Out of this certain seats shall be reserved. I do not want to have seats reserved only for Scheduled Castes but after reserving 36 seats for Scheduled Castes one shall be reserved for the Christians, two seats for the Buddhists and for women there will be one general register, common register, common electorate and out of this 12 seats and 2 shall be reserved for the Scheduled Castes. So my contention before this House is that there will be only one common electorate so far as East Bengal is concerned, electorate belonging to all communities. Mr. President, Sir, of course I shall not repeat the arguments that have been advanced by me and other Members. I shall not take much time of the House because it is useless to do so because I know I shall not be able to convince those who refuse to be convinced. Sir, I know that I am not appealing before jurors take much of its time. I shall only quote one figure. It seems to me that in East Bengal out of 4,19,32,329, the number of Muslims is 3,22,26,639. So, Sir, the number of non-Muslims will be about 97,00,000 out of which the Caste Hindus are 41,87,359 and the Scheduled Castes are 50,52,250 ; others 4,66,000. Really, Sir, I have heard with rapt attention the original motion whether the Bill should be taken into consideration or not and the arguments advanced by my esteemed friend Mr. Pirzada on that motion and those by Sir Zafrulla Khan and my friends, Mr. Nurul Amin and the Honourable Mr. Nishtar. Really, Sir, they are going to introduce separate electorates not only one or two as at present but Sir, five separate electorates, Muslims, Caste Hindus, Scheduled Castes, Christians and Buddhists. It seems to me, Sir, after patient hearing of the arguments that were advanced I can say without fear of contradiction that so far as Caste Hindus are concerned there is no difference of opinion that we want to be included in the common electorate. But I contend that so far as Scheduled Castes are concerned there is an overwhelming majority in favour of joint electorates in general or with Caste Hindus. If you take a referendum and it is a vital matter so far as we are concerned, 97 per cent. of the Scheduled Castes shall demand to be included in the common electorate with their Muslim brethren. They do not want to be separated. I fail to understand, Sir, that how in the circumstances, when twenty per cent. of the population want to be included in the common electorate, how it can be objected to ? My friend has been saying that the question of separate electorate is a question which has been agitating since the year 1909. I know. But, Sir, it has been contended that the Britishers acceded to the demand of the Muslims in undivided India. Their position was just similar to the present position of the Hindus in Eastern Bengal. They represented 20 per cent. of the population of undivided India. Sir, as I said before and I may repeat it here with your permission, the Britishers made it clear that in a Province or a country where the Muslims are in a majority, really separate electorates shall not be created. Separate electorates were created for the Muslims because they were in a minority and they demanded it. But, here we are in a minority and we demand joint electorate. So, Sir, on

the force of reasoning, being a minority of only 20 per cent.—and if the Scheduled Castes be taken away ; being a minority of 10 per cent.—we demand to be included in the common electorate. Is there any argument which can be advanced against it from the other side ? The Britishers acceded to separate electorates. They did not—they made it clear that there was a demand of the minority. Here there is a demand of the minority to be included in the joint electorate. So, Sir, that argument that had been advanced that since 1909 to 1947 this question has been agitating ; that argument has got no application.

Sir, I listened with rapt attention to the speech of Sardar Abdur Rab Nishtar. Really, Sir, Sardar Abdur Rab Nishtar had to admit what we said by force of our arguments, and he was really converted to our view. After his speech the Government has got no case. He had admitted that the joint electorate is the only goal that can be desired. He has said that the present arrangement is a stop-gap, and, therefore, for the time being let there be a separate electorate for the purpose of maintaining peace in the country. He has admitted our case. He has given up the cause of the Government ; he has been converted to our view of things. His speech is a speech on behalf of the Congress Party. He is compelled to admit our argument ; he has been converted and I am glad of that. Government should have been converted to our view of thinking. But the only thing that he has said is that these separate electorates are provided for safeguarding the interests of the minorities. Though he is convinced that in a country joint electorates are good for healthy growth of a nation, separate electorate are provided as a stop-gap arrangement.

**Mr. President :** Mr. Dutta ! May I remind you that we have already discussed all these things threadbare during the discussion on the original motion. You should not be giving a reply to points raised during the general discussion.

**Shri Dhirendra Nath Dutta :** I am giving a reply.

**Mr. President :** You are not entitled to a reply. In this case you can say something in support of the motion. Do not repeat what has already been said. It is no use repeating.

**Shri Dhirendra Nath Dutta :** Sir, I shall not repeat ; my health is not good also. I do not want to detain the House for a long period.

You say this is for safeguarding the interests of the minorities. Take courage now. Sir, I may be permitted to read a portion of Quaid-i-Azam's speech. He has not said that we shall have a stop-gap arrangement. On the 14th August, 1947 Quaid-i-Azam said :

"We are starting the State with no discrimination. No distinction between one community and another, between one case and another creed. We are starting with this fundamental principle that we are citizens and equal citizens of one State. We should keep that in front of us as our ideal and we will find that in course of time Hindus will cease to be Hindus, Muslims will cease to be Muslims—not in the religious sense ; because that is a personal faith of each individual—but in the political sense, as the citizens of the nation."

He wanted that ; we must start immediately. I appeal—of course, I know, my appeal will go in vain—to the members of the other side that really they must be courageous and have one electorate. Have one electorate at once ; without any delay. If there is delay, there is a likelihood of perpetuating the strife. We want to end the strife immediately. We want to bring peace immediately. We do not want stop-gap arrangements. Five years had already passed.

[Shri Dharendra Nath Dutta.]

Then, Sir, it has been said by my friend Pirzada Abdus Sattar and also by Mr. Nishtar that we complain that we used some language which are not palatable. We complained that political rights had been denied to us; human rights are denied to us. We have tried to explain this.

2 Noon.

We shall not repeat them. I am sorry to say that the reply has been given mostly by those Members of the Government side who do not know the real conditions of Bengal. Mr. Nishtar has referred to undivided Bengal in replying to our complaint that we shall have no share in the administration. What was the position in the year 1937? The Muslim League Party was in a minority and the Krishak Proja Party was the majority party. Mr. Fazlul Huq was the leader of that party. Khwaja Nazimuddin was defeated by the Krishak Proja Party and Mr. A. K. Fazlul Huq, as the leader of the Krishak Proja Party, wanted to form a coalition with the Congress Party, with late Mr. S. C. Bose as the leader of the Congress Party. Sir, you are fully aware of all these things, but the Congress Party did not allow this coalition to be formed. Therefore, Mr. Fazlul Huq formed the coalition with the Muslim League Party, and you are also aware that a large number of the Members of the Krishak Proja Party did not join with the coalition. That was the position. On that state of things the Ministry failed. Then Hindus were taken on. So, Sir, if the political party is based on religion and eighty per cent. of the population are Muslims, can you conceive that Hindus belonging to the minority community will ever have a share in the administration of the country? We are pained and it is regrettable the Members on the other side do not understand it. Our hearts are really paining because you do not sincerely want to solve the minority problem. but you can solve it by creating a common electorate. We do not like to be returned to the House. I believe in the fact that if Mr. Habibullah Bahar is elected on my vote, I believe in him. Sir, the other day, on the floor of this House, my friend Mr. Nurul Amin was complaining that if we talked to the Muslim youths and called them our youths, we wanted to create a division among the Muslims. He objected to our talking to them. But, Sir, if calling the Muslim Youths as our youths is an offence, then I am guilty of that offence.

Sir, if I call the Muslim Members of East Bengal as my brothers and if that is an offence, then I am guilty of that offence.

**Mr. President :** These are general matters. These you have already discussed.

**Shri Dharendra Nath Dutta :** So, Sir, it was not fair for Mr. Nurul Amin to have said that. We do not really believe that the people of Eastern Bengal are Hindus and Muslims. We recognise Muslims as our brothers and when I say this believe me, am speaking from my heart. I do not really make any distinction between the Hindus and the Muslims. We have not been trained in this manner. For the last fifty years that I have been in the politics, I have not been trained in that way. We have been trained to look upon Muslims as our brothers. I do not know if the same feelings are prevalent in other parts of India, but I know the conditions prevalent in Eastern Bengal. The youths there are looked upon as our youths. If this is an offence to call them our youths, then I am guilty of it. Therefore, I said that we wanted joint electorate. Of course, you do not like that, and I do not want to go into the details of the matter.

Now, Sir, my friend, Mr. Nishtar, was telling us that we did not understand our interests. He has referred to a certain Iranian quotation. Although I do not know Persian, yet I have understood what he means by

it. He said : " I want to save your interests. You do not understand your interests." Sir, we do not understand our interests, this is what he has said. We have fought the battles of freedom. We have been nurtured in Politics. We are really proud that we have fought the battle of freedom and nurtured in the Politics and today we are told by Mr. Nishtar that we do not understand our interests. I want to say that it is in the interest of the State to include the Hindus in the joint electorate. We do know our own interests—not only our interests but your interests also. If it had been in our interests only to have joint electorate, I would not have pressed for it so much, but I know, Sir, that it is in the interests of Pakistan as a whole. I know that the interests of Pakistan demand that there should be a joint electorate. Once for all. Begin it today. The earlier you do so, the better for you. It is the only thing that is desired at the present juncture in Pakistan, which will bring friendship, amity and love, so very necessary in the world today. Friendship, amity and love will naturally grow from it. There will be better understanding towards each other then.

Sir we do not believe that political party be based on religion. I say it should be based on ideology and economic considerations. If the political party is not based on these two things, the country cannot develop. Therefore, I feel—and feel strongly—that there should be a joint electorate. If there is joint electorate, immediately the political parties will be based on ideology and economic considerations. Really it is in the interest of Pakistan that we demand joint electorate, not for our own interests, for the interests of 40 or 97 lakhs of people inhabiting East Bengal, but for all the Pakistanis.

I am compelled to refer to certain observations of my friend, Mr. Pirzada, whose speech I have heard and heard with rapt attention. He had rightly said that we would be converted into slaves, because we had been denied political rights. It is a fact that if we are denied the political rights to share in the administration of the country, then virtually we shall be reduced to slaves. I know the conditions of East Bengal. At present you want to have political party based on religion. We are surprised at it. If we Pakistanis want to have respect in the comity of nations joint electorate should be declared, we cannot have that when it is declared to the world that 20 per cent. of the people wanted to be included in a common electorate, but they were denied that by the 80 per cent. of the population. So, Sir, we do not want this to be known to the world. We wanted to avoid it, but you do not like to avoid it. I give you an opportunity today. Enter us in the common register. We want to be included in the common register. So this is the position. My friend was just considering one thing. So far as the Scheduled Castes are concerned, it is very regrettable to say—I really do not find words as to what I should say—so I do not use the words.

Referring to the writings five thousand years back, referring to the evidence in the years 1921 and 1937, Mr. Nishtar and Mr. Pirzada had tried to show the hold of Caste Hindus over the Scheduled Castes.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** Your own admissions I have referred.

**Shri Dharendra Nath Dutta :** You have referred to Dr. Ambedkar. What is the position of Dr. Ambedkar after the attainment of independence of India ? He was the Chairman of the Drafting Committee of the Indian Constitution. It was he who drafted the Indian Constitution and it was he who piloted the Constitution Bill in the Assembly. It was he who provided joint electorate for all.

**The Honourable Dr. Mahmud Husain :** And then he had to resign and go away.

**Shri Dharendra Nath Dutta :** He provided joint electorate with reservation of seats for the Scheduled Caste. As a matter of fact Dr. Ambedkar did not resign on that point, he resigned because the Hindu Code Bill was not allowed to be passed. We know the history and it is useless to repeat it again. It is regrettable that my Honourable friend, Mr. Nurul Amin, referred to false and baseless allegations of Dr. Ambedkar long before partition.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** Sir, I am compelled to raise the point of order, again, although the ruling was in my favour. You exercised your indulgence in allowing the Honourable member to move his amendment and he should not have taken advantage of opening the debate on every question. If it goes on like this and the whole debate starts on points on which decision has already been taken, I think we will be going on for days and days without any end. The point is very clear and the ruling is also very clear that when decision on a particular point has been taken by the House, he should not have been allowed to open it, but you have exercised your indulgence and allowed to him to do so. He is taking undue advantage of that and I would again beg of you to give a proper and correct ruling. You did not give the ruling, but simply allowed him to go on. I would request you, Sir, that Mr. Dutta should not be allowed to take advantage of the favour that you have shown to him. I would insist, Sir, that a proper ruling on this issue should be given and further waste of time of this House stopped.

**Mr. President :** I think, Mr. Pirzada is quite right that if the whole thing is reopened in this way there will be no end of the matter at all. When I say that it is not desirable to use arguments that have already been advanced in connection with the main motion, I have the support of some very good authority. I did not cite that at that time but I will read out the relevant portion :

"When the question is proposed on an amendment, debate should, the strictly, be relevant to that amendment and not refer to other amendments, but the Chairman sometimes, for the convenience and with the assent of the Committee,

(This was a matter which arose when the whole House was in a Committee stage).

"Allows debate to range over several amendments which raise different aspects of the question raised by the amendment actually under consideration on the understanding usually, that, when these later amendments are called, they may be divided on if desired but not discussed."

'Not discussed' are the important words.

"In this matter and the regulation of the debate generally the Chairman is assisted by his power under Standing Order so and so to select amendments."

I, therefore, warn Mr. Dutta that although I allowed him to move his amendment and I thought it right to allow him to do so, I requested him that by taking advantage of his amendment he cannot now exercise the right of giving a reply to all those points that were raised during the discussion on the main motion. That is what I said. Really he might state his reasons for the amendment although strictly speaking all the reasons that could have been advanced in support of his amendment, were advanced in the course of the general discussion. But still he might briefly state his points. But as he is going into details, I think it will not be proper for him to do so and I rule that he should not enter into the details already discussed.

**Shri Dharendra Nath Dutta :** Sir, I bow down to your ruling. As a matter of fact the question of joint electorate is under consideration and the reference to Dr. Ambedkar is also relevant in that way. It is the question of separate electorate for the Scheduled Castes and, therefore, I was just referring to Dr. Ambedkar. But, Sir, I bow down to your ruling.

I just telling that really so far as the Scheduled Castes are concerned, my friends do not know the real position though they may have great love for the Scheduled Castes. They do not know the real condition of Scheduled Castes in Eastern Bengal. The Scheduled Castes of East Bengal are not fools. They have got majority in East Bengal amongst the Hindus. They are 50 lakhs and 52 thousand whereas the Caste Hindus number 41 lakhs and 87 thousand. If there is a proposal for the reservation of seats for the Scheduled Caste in a joint electorate, they may get more seats than have been allotted to them. The members who have spoken on this Bill do not know the real condition of Scheduled Caste. They have talked about untouchability and all that, prevalent in East Bengal. I ask are the Scheduled Castes down-trodden in East Bengal, as they are in Madras and other parts of India? There the Scheduled Castes have got high commonsense, they are in a majority in East Bengal. Hence they have a good chance of sending larger number of representatives if joint electorates are given to them with reservation of seats. You know, Sir, and you are fully aware that out of 16 Districts of East Bengal, the nine Districts, namely, Bakarganj, Dacca, Faridpur, Bogra, Dinajpur, Jessore, Khulna, Rajshahi & Rangpur, have got entire majority and in the four districts, their number can be said to be equal. Therefore, I fail to understand how the Caste Hindus will be able to influence the decision of the Scheduled Caste. Mr. Burman has been characterised as the show-boy of Congress. Does he not know that Mr. Burman was returned to the Assembly not on the Congress ticket, but as an independent candidate in the year 1937? In the year 1946, in his own district of Dinajpur, a Congress nominee was defeated by an independent candidate of the Scheduled Castes. Does he know the conditions that prevail in Northern Bengal? They are the cultivating class there, they are the tillers of the soil. My friends have been characterised as show-boys of the Congress. Mr. Burman was not returned on Congress ticket, he is not a show-boy of Congress. He represents five lakhs of Scheduled Castes. Therefore, Sir, it is not just and right to call him a show-boy.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** Is this bowing down to the ruling of the Chair? Does the Honourable Member think that he is bowing down to the ruling?

**Mr. President :** Mr. Dutta, will you kindly not go into the details.

**Shri Dharendra Nath Dutta :** These are points which I have not said before. I have got points, I wish to say.

**Mr. President :** Mr. Dutta, I see your difficulty. It is really very difficult to find new points. Actually there are no new points. Everything has been discussed.

**Shri Dharendra Nath Dutta :** These are not point I said before.

**Mr. President :** All the points have already been stated.

**Shri Dharendra Nath Dutta :** But, Sir, . . .

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** You may not have said. Others have said all these points.

**Shri Dharendra Nath Dutta :** I know you will not like to hear me because you have got no legs to stand upon and I know that my arguments will break into pieces the arguments that have been advanced by you and Mr. Nishtar. I know I can break them into pieces. Anyway I shall bow to the ruling of the Chair. I have been in Parliament for a long time and I know. But I will convince the people and the whole world that you are going to do this *zabardasti* upon the Hindus of Eastern Bengal. I know by this you are not safeguarding the interests of the minorities. You safeguard your own interest, the communalist interest. I say the present ruling party will not be returned if joint electorate be granted. So you do not want to run the risk of losing your seats. You do not care for the solidarity of the State. You care for yourself and you are not safeguarding the interests of the Hindus, the Caste Hindus or the Scheduled Castes but you propose to safeguard your seats. You say that there should not be a common electorate. Why? I know what are your reasons. Your reasons are palpable to me. But your reasons will be made palpable to others also. Now before I take my seat, I want to give you this warning. We want to develop Pakistan. We want to live in Pakistan and we shall carry on our agitation. I know our amendments will be defeated by the brute majority, but we shall carry on this constitutional agitation. We shall go on. We shall bring home to all the people of Pakistan, specially the people of Eastern Bengal, that really what you intend to do is to do for yourself, for your own interest and not for the interest of Pakistan. With these few words, I move the amendment for the acceptance of the House.

**Mr. President :** Amendment moved :

“That for clause 2 of the Bill, the following be substituted :—

‘2. In the Fifth Schedule to the Government of India Act, 1935, hereinafter referred to as the Act,—

(a) in clause (a) of paragraph 1, for the words ‘British Subject’ the words ‘Citizen of Pakistan’ shall be substituted ;

(b) in paragraph 4,—

(i) after the words ‘each Province’ occurring in the first line, the words ‘other than East Bengal’ shall be inserted ;

(c) after paragraph 4 the following new paragraph shall be inserted, namely :—

‘4A. In the Legislative Assembly of East Bengal specified in the first Column of the Table of Seats No. I, there shall be the number of seats specified in the second column opposite to that Province and of those seats—

(i) the numbers specified in the third column shall be general seats of which the numbers specified in fourth, fifth and sixth columns, shall be reserved for members of the Scheduled Castes, for Pakistani Christians and for Buddhists respectively ;

(ii) the numbers specified in the seventh column, shall be general seats for women of which the numbers specified in the eighth column, shall be reserved for the Scheduled Castes ;

(iii) general seats means in East Bengal general seats for men of all communities and general seats for women of all communities ;

(d) paragraphs 5 and 6 shall be omitted ; and

(e) for the table of seats so far as East Bengal is concerned Table of Seats No. I shall be substituted’.”

TABLE OF SEATS NO. II

| Province    | Total Seats | General Seats | Reserved for scheduled castes out of General Seats | Reserved for Pak-istani Christians out of General Seats | Reserved for Buddhists out of General Seats | Seats for women |                               |
|-------------|-------------|---------------|----------------------------------------------------|---------------------------------------------------------|---------------------------------------------|-----------------|-------------------------------|
|             |             |               |                                                    |                                                         |                                             | General         | Reserved for Scheduled castes |
| 1           | 2           | 3             | 4                                                  | 5                                                       | 6                                           | 7               | 8                             |
| East Bengal | 309         | 297           | 36                                                 | 1                                                       | 2                                           | 12              | 2                             |

**Shri Kamini Kumar Dutta** (East Bengal : General) : Sir, I also myself did give notice of several amendments to this clause. But I find that all my amendments are covered by these omnibus amendments. So I speak in support of these amendments. That will be practically placing my own amendments to the House. Really in one word I can give the gist of my amendments. In the definition of General Seat, I give the amendment that the General Seats should be defined thus :

"There shall be one General electoral role for every territorial constituency for election to the legislature and no person shall be ineligible for inclusion in any such role for any such constituency on grounds of religion, race, caste, sect or any of them."

Sir, I will not repeat any of the points which I have already covered in the general discussion about this. I have stayed for 15 years in legislature and I am lawyer of 48 years' standing. So I know the repetition of the same, argument does not carry conviction to anybody. So I will conform myself to the amendment and to the points which arise directly and are relevant to the amendment. Now, Sir, the amendment has proposed 5 electoral rolls—1 Muslim and 4 others—Caste Hindus, Schedules, Buddhists, Christian. A very important question I would like to put to the sponsors of this amendment that in all matters regarding constitution, particularly matters regarding the right of vote and right of election of the representatives to the legislature, a fundamental question always arises that there should be different groups with different ideologies. It cannot be expected in any country that there should be one group only with one ideology. The question would be, what is the loyalty, and devotion of that group to what ideology? May I, Sir, take it for a moment, if one would ask these 5 electoral constituencies, would all the Mohammadans, can it be expected, be one group only and that group would really owe allegiance and loyalty and devotion to one ideal only? Or, is the economic interest of all the Mohammadans the same? Is the feudal landlord or a rich capitalist Muslim all the same as a poor Muslim? Is the communalist Muslim all the same as a progressive Muslim in East Bengal? They have different ideals and I think for the betterment of the country and for a real future of Pakistan, there ought to be different groups. And will there be one group in Caste Hindus? Now if there is a Sanatani Hindu and on the other side I am a candidate, would I belong to that class? Certainly not. Or a Hindu from the group of Shyama Prasad Mukherjee and I will be the same? Certainly not. Can we both follow one ideal. So what would be the result? We have 5 electoral rolls and 5 electoral constituencies and in each there would be different groups having different ideals to follow, having their devotion and loyalty to different ideals and it may

[Shri Kamini Kumar Dutta.]

be that Muslim voters of a Muslim group may have the same ideals as some of the voters of a Hindu group but this devotion, Sir, would make them meet and would really cut the root of the whole thing. Sir, although being in one group, owing loyalty and allegiance to one ideal paretically, I would think that this division into five separate constituencies would create a very bad future for Pakistan itself. It would really cut at the root of the force of the Party in the country and if it is the object of those in power now to continue to retain their power by making the progressive forces weaker and inapt, I would say that they will have to repent for that, for something may come which perhaps they would not like to come. We hear, Sir, of the talk of the Red Menace. It is certainly on the frontier. India is afraid of it; Pakistan is afraid of it, but the best way to close the door is not to perpetuate the power and the rule of one group but to make the people feel that it is a democratic State and that really the State is progressing and has an objective in view, namely, the welfare of all the people.

Now, Sir, what is the amendment? The amendment says that the minorities want to have one electoral roll with the majority of Muslims. What objection can there be? It has been said and instances have been cited of what has happened in the election in India. I would not have referred to the election in India at all, but Sir, quotations have been given in support of the plea for separate electorate. I would say that separate electorate has been in existence for 43 years. Has this separate electorate taken us to the goal? I can say from the experience which we have got of a separate electoral roll, that the fruit which it has borne, is devastating. It ought to have given a good lesson to us. The separate electorate ought not to be tolerated for any more time at all when it is admitted that the joint electorate is the *summon bonum* and it is our goal. If so, Sir, the sooner we achieve, it is the better.

Sir, it has been said that the minority Muslims in India have not been fairly treated. I am not concerned with the election result in India but I think I can say that even if numerically the Muslims have lost, they have spiritually gained, they have economically gained; they have really gained in strength. Those few who have been returned even by defeating the Secretary of the Hindu Mahasabha provide a real gain to democracy; it is a real gain to the Muslims of India. Numerical strength is of no value. Fifty foxes do not make a lion but one lion is better than a thousand foxes. I therefore think that in India really the Muslims have not lost. If the intention is to give a decent burial to joint electorate by communal propaganda from time to time, I may be allowed to say that those in power are afraid of that prime factor that communal propaganda can no longer be tolerated by the Muslims; they will not themselves allow it.

Now, another hectic point has been raised about the Castesism. Dose Castesism make the Hindu, incompatible with a joint electorate? Is it in fact at all relevant for the purpose? Because there is Caste system in the Hindu society therefore the joint electorates are incompatible for them? I do not think there is any incompatibility there. Now, if there be a joint electorate with the Muslims the Scheduled Castes would have no apprehension at all. A few Caste Hindus cannot dominate the Schedules. Muslims would be their friends and all questions about the domination of the Scheduled Castes would vanish in the air. In case there is a joint electorate with the Muslims, the Schedules are safe. If anybody would be in jeopardy it would be not the Caste-Hindus, because they do ask for it and they believe, Sir, in the good sense and love of the

progressive Muslims of East Bengal. And I can give a challenge to my friends here, who are in power, to try it—experiment it—in East Bengal. I am sure they will find that the good Muslims of East Bengal will return good Caste-Hindus. Only you are afraid of the people and you are speaking of Caste-Hindus. The Caste system is there in India, but India is going to be one of the premier democratic countries in the East. I found in the morning papers of today a remark of Mrs. Roosevelt made at New York after her return from India on the 16th of April, 1952. Her words are these :

“She felt convinced India was determined to play an important part in the evolution of democratic ideals in the world.”

From this it would appear, Sir, that Castes-ism is not an impediment to the attainment of democratic rights and to the creation of a democratic tradition. India is creating a democratic tradition. And in East Bengal, Sir, fortunately the Caste system is vanishing altogether and as a result of the industrial evolution which is going to take place the Caste system will be given a decent burial. I will not speak about reactions to my friends, the Muslims. I think to them I can say this that with the coming industrial era you have to give a decent burial to Communalism for all time to come. You cannot escape from that. If you want to give it life it will mean very bad and worse for you. With these few words, I support the amendment.

**Mr. Bhabesh Chandra Nandy** (East Bengal : General) : I have a few words to say in support of the amendment moved by Mr. Dharendra Nath Dutta. Sir, I know the House must be tired already of hearing discussion on the same subject for such a long time and I can assure the House that I am not going to repeat the arguments, at least those arguments that have been discussed in detail. It is indeed very difficult to say what are the arguments that have been left out because we have covered such wide an area. So I shall try as much as possible not to repeat the same arguments and not to take much time of the House. Firstly I would like to place before the House the fact that this political separation caused by creation of politically separate electorates will end in dividing the Caste Hindus, the Scheduled Castes and the Muslims into separate compartments in social spheres also. With the independence of the country, people have become conscious political beings and their political set up and outlook will regulate and mould their social and cultural set up. So unconsciously as a result of this political separation into separate electorates the groups will be crystallized into separate units so much so that the differences will grow up in social life and cultural life as well. Sir, as it has been discussed in this House this intends to separate not only Scheduled Castes from Caste Hindus but also from all others. Sir, I have said many times during my last speech that Scheduled Castes and Castes Hindus are indivisible parts of one Hindu society which is one organic whole. As it has been quoted here from the Shastras about Hindus in those old days that the Brahmins came from the mouths and Shudras from the legs of Brahma for merely indicating thereby the organic theory of society. It indicates that the people are one organic whole and simply tries to explain the hierarchy in social order by indicating origin from different parts. If you separate them into separate political units they will think about their political interests separately and in course of time in all spheres of life a separatism will develop and this will make the community which, for so many thousands of years had been one organic whole, separated and split up. That is what is apprehended. Sir, it has been argued here, on the assumption that Scheduled Castes are very backward, as the Honourable Sardar Nishtar has pointed out, justifying the interference by Muslims in the matter that concerns exclusively Hindus

[Mr. Bhabesh Chandra Nandy.]

on the plea that Islamic ideal enjoins upon a man to help a blind man, just moving in the street, to move in the right path. But I should tell the House that the Scheduled Castes in East Bengal are not so blind either physically or intellectually or culturally as they think them to be, today. I say it is the Scheduled Castes themselves who have got serious and genuine apprehension where these benefactors will lead them too. Sir, if you believe me, the Scheduled Castes leaders in different districts of Bengal have already become apprehensive that if they are separated from the Caste Hindus in this way then in a decade or so, a huge portion of them, has the possibility of being converted. Rightly or wrongly such apprehension has crept into the minds of Scheduled Castes and the Members of this House must take serious note of this. Sir, what I am going to emphasize here is this. Politically to separate them in these days would mean separating them also socially and culturally and making the Scheduled Castes, that is, the comparatively backward classes all the more helpless and leading them into other difficulties and serious troubles and ultimately to their disintegration. Similarly this separate electorate, that is, separation from the Muslims as I have said the other day will be injurious to the interest of Muslims as well. I am not going into the details. Even in my last speech I did not deal with this point in detail. I repeat that here with all emphasis, in spite of the fact that the Honourable Pirzada Abdus Sattar has said it looks like mischievous or something like that. ....

**The Honourable Mr. Pirzada Abdus Sattar Abdur Rahman :** I have not used that word.

**Mr. Bhabesh Chandra Nandy :** You have not used that word exactly but you have expressed some sense like that.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** But I have not used such word.

**Shri Dharendra Nath Dutta :** You have used harsher words.

**Mr. Bhabesh Chandra Nandy :** I do not want to ascribe any expression to the Honourable Member that he had not actually used but I would only like to take the sense of what he said. I want to say that Muslims of East Bengal, whatever might be the position in other Provinces, are always, in social and cultural matters, moving with all other communities in co-operation and friendship and having good relations with other communities. In their political outlook they believe in integrity of the nation; they believe in the political compactness of the Province also. Sir, I believe I was perfectly right to say and I am in duty bound to repeat the view again that separate electorate will injure Muslim cause of Bengal. I request Honourable Pirzada to remember that I am a man who lives with the Muslims of East Bengal and who knows them not through certain official files only, but feeling in his blood the throbbings of their feelings, wishes and their aspirations. So, Sir, I claim to know them much better than what Mr. Pirzada may claim to know. Knowing full well their ideas, outlook, expression, I know what best is to their interests and that what I have said is quite right. Sir, there is no reason to try to give to the House the impression that by saying that separate electorate will be injurious to the interests of the Muslims, I tried to create a cleavage between Muslims and Muslims and create a certain dissension among them. I am not going to give a full detailed answer to what the Honourable Pirzada has said but reply on only one point is essential here. I am here as a representative of the people and I am not here to sing a song of lullaby to the people so that they

may sleep over their interests. I must suggest to them what is good and what is bad for them. It may not be to the interests of the Honourable Ministers. I am not here to play to the tune of the Honourable Ministers or say what may please them. I know what the interests of the Bengali Muslim are and I am speaking being fully conscious of that fact. I say it will be injurious to the interests of the Muslims as well to have separate electorate. They might not realise that just now. Sir, I wanted joint electorate and insisted for it because I believe that separate electorate will destroy the integrity of the nation. It will destroy the political integrity of the state.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** That argument has been advanced already a number of times that unity has been affected, integrity of the state has been affected and so on. It has been advanced already by a number of speakers.

**Mr. Bhabesh Chandra Nandy :** I am not repeating. I am saying that if there is no common or joint electorate, the Muslim Leaguers coming from the Muslim electorate will have to sit in the Muslim League meeting and will be bound to speak what his electorate will ask him to say. Similarly Caste Hindus coming from Caste Hindu electorates will be bound by the decision of communal electorate and similarly the scheduled castes, will side excessively with their own interests. So the whole outlook would be divided into compartments and this sort of compartmental patriotism would be dangerous for the state. This view I again repeat and you must not confuse it with provincialism. Sir, the relationship between the Federal State and the provinces is as between individual trees and the forests. There cannot be a forest without trees. There cannot be many trees in a place without being called a forest. It is not compartmental patriotism. It is rather inclusion of the many units into one whole. So, the Honourable Sardar Abdur Rab Nishtar wrongly explained my idea. He said that a unitary Government can only best remove this compartmental patriotism. I say it is not that. Even in a unitary Government there will be partition, cleavages and splits. The only way to remove this will be the right handling of the provinces and not to make a fetish of provincialism. Feeling for one's province is neither bad nor unnatural. I cannot forget that I belong to Bengal ; I cannot forget the interests of Bengal. If that is provincialism, I would like to be called a provincialist of the first water. The remedy is to improve and not to make a fetish of provincialism. See genuinely to the difficulties and complaints of the provinces.

Sir, I have not got much more to say because if I try to say more I may go back to the old arguments that have been cited. Simply I conclude by saying : Have joint electorates not only between the Caste Hindus and the Scheduled Castes but also between the Muslims and the rest. I strongly commend this to the House. This is in the interest of the State and the entire people.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** Sir, I will not take much time of this Honourable House because all the points mentioned by my friends have been fully and completely thrashed. I would only take two minutes in replying to one of the points raised by Mr. Dharendra Nath Dutta. He seems to suggest as if the separate electorates, give to us in 1909, were given to us as bad boys—it was a bad thing for us and the British Government thought that since they are asking—although it is not in their interest—let us give it to them...

**Shri Dharendra Nath Dutta :** No.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** I will read an extract of Lord Minto. He says :

"I am entirely in accord with that...."

This is in reply to the Muslim representation.

"Please do not misunderstand me. I make no attempt to indicate by what means representation of the communities can be obtained; but I am as firmly convinced as I believe you to be, that any electoral representation in India will be deemed to mischievous failure which aimed at granting personal enfranchisement, regardless of the beliefs and traditions of the communities composing the population of this continent."

So, it was a complete acceptance of our belief and ideals that the Viceroy had indicated at that time and be believed it to be a good thing and that is why it was granted. I still feel it is good.

**Shri Dharendra Nath Dutta :** Read his Memoirs.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** This is from the Memoirs of Lord Minto.

My friends will not be convinced and they want to talk and want to go on repeating the same thing endlessly and go on moving one amendment after another and express their anger and are bursting out and saying whatever is there in their mind. They should in fact burst out and say what they have in their minds. Therefore, I do not find fault with them when they want to talk, talk and talk.

With these words, I oppose this amendment.

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

"That for clause 2 of the Bill, the following be substituted :—

'2. In the Fifth Schedule to the Government of India Act, 1935, hereinafter referred to as the Act,—

(a) in clause (a) of paragraph 1, for the words 'British Subject' the words 'Citizen of Pakistan' shall be substituted;

(b) in paragraph 4,—

(i) after the words 'each Province' occurring in the first line, the words 'other than East Bengal' shall be inserted;

(c) after paragraph 4 the following new paragraph shall be inserted, namely :—

'4A. In the Legislative Assembly of East Bengal specified in the first Column of the Table of Seats No. I, there shall be the number of seats specified in the second column opposite to that Province and of those seats—

(i) the numbers specified in the third column shall be general seats of which the numbers specified in fourth, fifth and sixth columns, shall be reserved for members of the Scheduled Castes, for Pakistani Christian and for Budhists respectively;

(ii) the numbers specified in the seventh column, shall be general seats for women of which the numbers specified in the eighth column, shall be reserved for the Scheduled Castes;

(iii) general seats means in East Bengal general seats for men of all communities and general seats for women of all communities;

(d) paragraphs 5 and 6 shall be omitted; and

(e) for the table of seats so far as East Bengal is concerned Table of Seats No. I shall be substituted'."

TABLE OF SEATS NO. I

| Province    | Total Seats | General Seats | Reserved for scheduled castes out of General Seats | Reserved for Pak-istani Christians out of General Seats | Reserved for Bud-hists out of General Seats | Seats for women |                               |
|-------------|-------------|---------------|----------------------------------------------------|---------------------------------------------------------|---------------------------------------------|-----------------|-------------------------------|
|             |             |               |                                                    |                                                         |                                             | General         | Reserved for Scheduled castes |
| 1           | 2           | 3             | 4                                                  | 5                                                       | 6                                           | 7               | 8                             |
| East Bengal | 309         | 297           | 36                                                 | 1                                                       | 2                                           | 12              | 2                             |

**Mr. President :** Then "Ayes" to my right : "Noes" to my left. The House these divided.

## NOES—31

Mr. Abdulla-al-Mahmood.  
 Maulana Mohammad Abdullah al-Baqui.  
 Maulana Muhammad Akram Khan.  
 Maulavi Ebrahim Khan.  
 The Honourable Mr. Fazlur Rahman.  
 Mr. Ghayasuddin Pathan.  
 Mr. Shahoodul Huque.  
 The Honourable Dr. Ishtiaq Husain Qureshi.  
 The Honourable Mr. Mafizuddin Ahmad.  
 The Honourable Dr. Mahmud Husain.  
 The Honourable Dr. A. M. Malik.  
 The Honourable Mr. Muhammad Habibullah Bahar.  
 Mr. Nur Ahmed.  
 The Honourable Mr. Nurul Amin.  
 The Honourable Khwaja Nazimuddin.

Mr. Asadullah.  
 Syed A. B. M. Husain.  
 Mr. Abdul Monem Khan.  
 The Hon'ble Mr. Mohamad Ali.  
 Sardar Shaukat Hyat Khan.  
 The Honourable Sardar Abdur Rab Khan Nishtar.  
 Syed Khalilur Rahman.  
 Sardar Amir Azam Khan.  
 Syed Ghulam Bhik Nairang.  
 Malik Shaukat Ali.  
 The Honourable Khan Sardar Bahadur Khan.  
 The Honourable Pirzada Abdus Sattar Abdur Rahman.  
 Mr. M. H. Gazder.  
 Mr. M. H. Kizilbash.  
 The Honourable Mr. M. A. Gurmani.  
 Mr. P. D. Bhandara.

## AYES—10

Mr. Prem Hari Barma.  
 Shri Dharendra Nath Dutta.  
 Shri Kamini Kumar Dutta.  
 Prof. Raj Kumar Chakraverty.  
 Shri Sris Chandra Chattopadhyaya.

Mr. Bhupendra Kumar Dutta.  
 Mr. Jnanendra Chandra Majumdar.  
 Mr. Birat Chandra Mandal.  
 Mr. Bhabesh Chandra Nandy.  
 Seth Sukhdev.

The motion was negatived.

**Shri Dharendra Nath Dutta :** Sir, I beg to move :

"That for clause 2 of the Bill, the following be substituted :—

'2. In the Fifth Schedule to the Government of India Act, 1935, hereinafter referred to as the Act,—

(a) in clause (a) of paragraph 1, for the words 'British Subject' the words 'Citizen of Pakistan' shall be substituted ;

(b) in paragraph 4,—

(i) after the words 'each Province' occurring in the first line, the words 'other than East Bengal' shall be inserted ;

(c) after paragraph 4 of the following new paragraph shall be inserted, namely :—

'4A. In the Legislative Assembly of East Bengal—

(i) specified in the first Column of the Table of Seats No. II there shall be the number of seats specified in the second column opposite to that Province and of those seats the numbers

specified in the third column shall be general seats of which the numbers specified in the fifth, sixth and seventh columns, shall be reserved for Scheduled Castes, for Pakistani Christian and for Buddhists respectively ;

- (ii) the number specified in the fourth column shall be the number of seats to be filled by persons belonging to the Mohammadan community ;
- (iii) the number specified in eighth column shall be the general seat for women of which the number specified in the ninth column shall be reserved for the Scheduled Castes ;
- (iv) the number specified in the tenth column shall be the seats to be filled up by the women belonging to the Mohammadan community ;
- (v) general seats so far as East Bengal is concerned means a seat other than Muslim ;
- (d) paragraphs 5 and 6 of the Fifth Schedule shall be omitted ; and
- (e) for the table of seats so far as East Bengal is concerned Table of Seats No. II shall be substituted ;"

TABLE OF SEATS NO. II

| Province    | Total Seats | General Seats | Muslim Seats | Reserved for scheduled castes out of General Seats | Reserved for Pakistani Christians out of General Seats | Reserved for Buddhists out of General Seats | Seats for women |                               |        |
|-------------|-------------|---------------|--------------|----------------------------------------------------|--------------------------------------------------------|---------------------------------------------|-----------------|-------------------------------|--------|
|             |             |               |              |                                                    |                                                        |                                             | General         | Reserved for scheduled castes | Muslim |
| 1           | 2           | 3             | 4            | 5                                                  | 6                                                      | 7                                           | 8               | 9                             | 10     |
| East Bengal | 309         | 69            | 228          | 36                                                 | 1                                                      | 2                                           | 3               | 2                             | 9      |

Sir, you will see from Chart No. II that the number of the total seats is 309, made up of General Seats 69, Muslims Seats 228, reserved for the Scheduled Castes 36, reserved for Pakistani Christians 1, reserved for Buddhists out of General Seats 2, and out of seats for women, General 3, Scheduled Castes 2 and Muslim 9.

Sir, the second Amendment keeps the present Government of India Act intact. That is the second best. I do not call it second best. I want a common electorate. In this amendment there are two electorates—one for the Muslims and one for the Hindus, including the Scheduled Castes, with reservation of seats for the Scheduled Castes.

In this context much has been said regarding the untouchability and other things and also about Sudhras, Manus, etc. I would like to say this much that Hindus really want to remove untouchability and the Caste System. We have been trying to remove it for the last 500 years, as my friend, Mr. Chattopadhyaya, has already said, and we know that it has not been removed so far, but it has been very much loosened in East Bengal. Sir, you are already aware of it. As a matter of fact, we had inserted in the Fundamental Rights that untouchability and its practice in any form shall be declared an offence. Sir, I as a member of the Hindu Community introduced a Bill some time ago in this House, as well as in East Bengal, for removing the social disabilities in the Caste System.

So, you will see, we have been trying in this direction, and I hope we shall be successful. Unless it is removed, as has been said by one of our sages, the Hindu Society will be extinct. Not only untouchability, but the Caste system also should go and they are bound to go and it is clear from the attitude of ours. I have said that we want to remove it from Hindu Society but the Government want to restore untouchability. With these words I move this amendment for the acceptance of the House.

**Mr. President :** Amendment moved :

"That for clause 2 of the Bill, the following be substituted :—

'2. In the Fifth Schedule to the Government of India Act, 1935, hereinafter referred to as the Act,—

- (a) in clause (a) of paragraph 1, for the words 'British Subject' the words 'Citizen of Pakistan' shall be substituted ;
- (b) in paragraph 4,—
  - (i) after the words 'each Province' occurring in the first line, the words 'other than East Bengal' shall be inserted ;
- (c) after paragraph 4 the following new paragraph shall be inserted, namely :—

4-A. In the Legislative Assembly of East Bengal—

- (i) specified in the first Column of the Table of Seats No. II there shall be the number of seats specified in the second column opposite to that Province and of those seats the numbers specified in the third column shall be general seats of which the numbers specified in the fifth, sixth and seventh columns, shall be reserved for Scheduled Castes, for Pakistani Christian and for Buddhists respectively ;
  - (ii) the number specified in the fourth column shall be the number of seats to be filled by persons belonging to the Mohammadan community ;
  - (iii) the number specified in eighth column shall be the general seats for women of which the number specified in the ninth column shall be reserved for the Scheduled Castes ;
  - (iv) the number specified in the tenth column shall be the seats to be filled up by the women belonging to the Mohammadan community ;
  - (v) general seats so far as East Bengal is concerned means a seat other than Muslim ;
- (d) paragraphs 5 and 6 of the Fifth Schedule shall be omitted ; and
- (e) for the table of seats so far as East Bengal is concerned Table of Seats No. II shall be substituted '."

TABLE OF SEATS NO. II

| Province    | Total Seats | General Seats | Muslim Seats | Reserved for scheduled castes out of General Seats | Reserved for Pakistani Christians out of General Seats | Reserved for Buddhists out of General Seats | Seats for women |                               |        |
|-------------|-------------|---------------|--------------|----------------------------------------------------|--------------------------------------------------------|---------------------------------------------|-----------------|-------------------------------|--------|
|             |             |               |              |                                                    |                                                        |                                             | General         | Reserved for scheduled castes | Muslim |
| 1           | 2           | 3             | 4            | 5                                                  | 6                                                      | 7                                           | 8               | 9                             | 10     |
| East Bengal | 309         | 69            | 228          | 36                                                 | 1                                                      | 2                                           | 3               | 2                             | 9      |

**Shri Kamini Kumar Dutta :** On this item I have several amendments, Sir, but exactly as I said in respect of the earlier amendment, I think they are all covered by the amendment moved by my friend. So I need not move my amendments, because the result of this amendment will govern my amendments. It is not good to waste the time of the House.

Now, Sir, one thing I ought to mention here. I had my amendments on the earlier item and also on this item. I may tell the House that it would appear from the papers distributed to us that amendments similar to mine were also given by Mr. Akshay Kumar Das and also by Mr. Dhananjay Roy, the Scheduled Caste members, coming from East Bengal and belonging to the Muslim League Assembly Party. They also, it appears, tabled amendments exactly in the same spirit and in the same terms regarding joint electorates with the Muslims and also regarding joint electorate with the Caste Hindus should the proposal for joint electorate with the Muslims fail. So, it would appear, Sir, that in one matter at least, we agreed that two of the Scheduled Caste members, viz., Mr. Akshay Kumar Das and Mr. Dhananjay Roy and the Scheduled Caste members on this side of the House, they are all agreed unanimously in one respect that they do not want splitting up of the electorates between the Caste Hindus and the Schedules. There is not a single voice coming from the parties concerned, either the Caste Hindus or the Scheduled Castes in support of this amendment of the Government of India Act. This is a fact and it should be considered—though Mr. Akshay Kumar Das and Mr. Dhananjay Roy are not present in the House today—that in the last voting, they were not present in the House. It seems to me, apparently—I can only surmise—that they have been asked to observe party discipline in this matter. But their mind is there in the amendments of which they did give notice. So, Sir, I can say without any fear of contradiction that really the Caste Hindus and the Schedules are all agreed in one respect that is that they want joint electorate first of all with the Muslims and failing that they insist that the electorate and the constituencies must be kept joint between the Schedules and the Caste Hindus. This is a fact, not a very minor fact, but a very important fact which should not be lost sight of. In this connection, I wish Mr. Nurul Amin had been here, very unparliamentary remarks. I may say, were passed about one gentleman, Roshoraj Mandal who is still admittedly the Secretary of the Scheduled Caste Federation. Now, Sir, of course he is in bad days because his institution and his organisation and he himself are supporting the joint electorate with the Muslims and with the Caste Hindus, but he was, Sir, the favourite of Mr. Nurul Amin too and he is still a member of some of the Conferences and Committees. He is an educated gentleman, has a university education and a gentleman who is admittedly accredited leader occupying the position of the Secretary of the only Organisation of the Schedules of East Pakistan, namely, the Scheduled Caste Federation. Of course, we are here and we can call anybody in any way with impunity, but I think the parliamentary etiquette requires restraint on the part of all of us—I do not speak only of my friend the Chief Minister, but even of us. I think we have some experience of parliamentary etiquette and we must exercise good deal of restraint in using expression about others who are not here, Sir, in a position to defend themselves. I saw in papers a question raised in the Indian Parliament whether really any remarks about any officer ought to be allowed in Parliament.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** Is it relevant to the amendment ?

**Shri Kamini Kumar Dutta :** Where he is not in a position to defend himself. I am speaking only of Roshoraj because he is connected here. In this, I am not dealing with anybody else. Certainly an honourable member of the position of Mr. Nurul Amin who is personally known to me very much—practically he and I have the same domicile—I have all respect for him, but I did not expect this from him.

As to the amendment, I can only say that I have already said in the general discussion all the points I could. But our object is, I would repeat again in one sentence, that the existence of Caste system not only amongst the Caste Hindus, but amongst the Scheduled Castes exists and the Caste System does not conflict with political fusion, political union between them. It exists even in the Caste ridden India. In our sister country, real political unity exists between Hindus, and the Scheduled Castes and the Casteism can never by any impediment to any political union. The Caste system does not split them up.

With these few words, Sir, I support the amendment.

**Mr. Prem Hari Barma (East Bengal : General) :** Sir, I want to say a few words with regard to this amendment, as I have also got a similar amendment to keep the *status quo*, i.e., elections as they exist in the Government of India Act 1935.

Sir, I need not go into the details of the case as practically everything has been dealt with and discussed in this connection. I want to say this : it has been pointed out by my previous speaker that the Scheduled Castes opinion in this House is unanimous for joint electorate not only with the Caste Hindus, but also with the Muslims. But as the motion for joint electorates with Muslims has been defeated, I hope at least this amendment in which the joint electorates with reservation of seats for the Scheduled Caste is demanded, should be accepted. At least in this interim election, let there be such a provision. You can have another provision in the new Constitution which will be framed in the near future. So, I hope the House and the Honourable Minister in charge of the Bill will at least accept this amendment and maintain *status quo* as is maintained in the Government of India Act 1935.

With these few words, Sir, I support the amendment of my esteemed friend Mr. D. N. Dutta.

**Mr. P. D. Bhandara (Punjab : General) :** \*Sir, as a member of the minority community, I agree with what has been said by various speakers about the untouchability that is prevalent in the Hindu society. This untouchability cannot be removed by mere word of mouth; something practical should be done in this behalf.

Sir, the Honourable Mr. Dutta has made certain references to the famous utterings of the Quaid-i-Azam in relation to the minorities.

**Mr. President :** That was in connection with another motion.

**Mr. Prem Hari Barma :** May I ask him through you, Sir, is he a Scheduled Caste ?

**Mr. P. D. Bhandara :** I represent Scheduled Castes.

**Mr. Prem Hari Barma :** You do not belong to Scheduled Caste. You have no right to speak about Scheduled Castes here in this House.

**Mr. P. D. Bhandara :** \*Sir, in my opinion, the Quaid-i-Azam has extended every assurance to the minorities for the protection of their rights and this protection can only be conceded if weightage is granted to the Scheduled Castes. The Congress Party has conceded to that

\* Speech not corrected by the Honourable Member.

[Mr. P. D. Bhandara.]

principle. May I enquire from them now whether other than separate electorates and fixation of seats, this weightage could be conceded to? How can they say that the Scheduled Castes are part and parcel of the Caste Hindus? I, therefore, support the view that separate electorates should be granted to the Scheduled Castes.

**The Honourable Pirzada Abdus Sattar Abdur Rahman:** Sir, I have not very much to say in reply because I have replied to almost all the points raised. But I must say, because I was so happy to find that after all this heat has gone and a realistic touch has been given by Mr. D. N. Dutta to the whole episode which lasted for these four or five days. I think he has hit the right solution and let me, Sir, on the eve of passing of this measure, join with him in the hope and prayer that untouchability will be completely removed from Pakistan.

**Shri Dharendra Nath Dutta:** Not by you.

**The Honourable Pirzada Abdus Sattar Abdur Rahman:** By him. I give him the credit. I shall be more happy if he does it, because it is only correct that those who are responsible for it should also remove it. It does not fall on us. It falls on those more than anybody else who are responsible for it. He must take up the responsibility and he should do it. So I join him in the prayer and hope that this will be done. That is the real solution. Moving of these amendments and making speeches in this House is not the solution. The solution lies in removing untouchability from the Scheduled Castes so that Scheduled Castes will be no more Scheduled Castes and they will be only Hindus and then automatically there will be one electorate and one electoral roll.

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

"That for Clause 2 of the Bill, the following be substituted :—

'2. In the Fifth Schedule to the Government of India Act, 1935, hereinafter referred to as the Act,—

- (a) in clause (a) of paragraph 1, for the words "British Subject" the words "Citizen of Pakistan" shall be substituted ;
- (b) in paragraph 4,—
  - (i) after the words "each Province" occurring in the first line, the words "other than East Bengal" shall be inserted ;
- (c) after paragraph 4 the following new paragraph shall be inserted, namely :—

'4A. In the Legislative Assembly of East Bengal—

- (i) specified in the first column of the Table of Seats No. II, there shall be the number of seats specified in the second column opposite to that province and of those seats the number specified in the third column, shall be general seats of which the numbers specified in the fifth, sixth and seventh column shall be reserved for Scheduled Castes, for Pakistani Christian and for Buddhists respectively ;
- (ii) the number specified in the fourth column shall be the number of seats to be filled by persons belonging to the Mohammedan community ;
- (iii) the number specified in Eighth column shall be the general seats for women of which the number specified in the ninth column shall be reserved for the Scheduled Castes ;
- (iv) the number specified in the tenth column shall be the seats to be filled up by the women belonging to the Mohammedan community ;
- (v) general seats so far as East Bengal is concerned means a seat other than Muslim ;
- (d) Paragraphs 5 and 6 of the Fifth Schedule shall be omitted ; and
- (e) for the Table of Seats so far as East Bengal is concerned Table of Seats II. shall be substituted".

TABLE OF SEATS NO. II

| Province    | Total Seats | General Seats | Muslim Seats | Reserved for scheduled castes out of General Seats | Reserved for Pak-istani Christians out of General Seats | Reserved for Buddhists out of General Seats | Seats for women |                               |        |    |
|-------------|-------------|---------------|--------------|----------------------------------------------------|---------------------------------------------------------|---------------------------------------------|-----------------|-------------------------------|--------|----|
|             |             |               |              |                                                    |                                                         |                                             | General         | Reserved for scheduled castes | Muslim |    |
| 1           | 2           | 3             | 4            | 5                                                  | 6                                                       | 7                                           | 8               | 9                             | 10     |    |
| East Bengal | 309         | 69            | 2            | 2                                                  | 3                                                       | 2                                           | 9               | 2                             | 16     | 38 |

(The House then divided.)

**Mr. President :** Order, order. The House has divided :

## AYES—10

Mr. Prem Hari Barma.  
Shri Dharendra Nath Dutta.  
Shri Kamini Kumar Dutta.  
Prof. Raj Kumar Chakraverty.  
Shri Sris Chandra Chattopadhyaya.

Mr. Bhupendra Kumar Dutta.  
Mr. Jnanendra Chandra Majumdar.  
Mr. Birat Chandra Mandal.  
Mr. Bhabesh Chandra Nandy.  
Seth Sukhdev.

## NOES—30

Mr. Abdulla-al-Mahmood.  
Maulana Md. Abdullah al-Baqi.  
Maulana Md. Akram Khan.  
Moulavi Ebrahim Khan.  
The Hon'ble Mr. Fazlur Rahman.  
Mr. Ghayasuddin Pathan.  
Mr. Shahoodul Huque.  
The Hon'ble Dr. Ishtiaq Husain Qureshi.  
The Hon'ble Mr. Mafizuddin Ahmad.  
The Hon'ble Dr. Mahmud Husain.  
The Hon'ble Dr. A. M. Malik.  
The Hon'ble Mr. Md. Habibullah Bahar.  
Mr. Nur Ahmed.  
The Hon'ble Mr. Nurul Amin.  
The Hon'ble Khwaja Nazimuddin.  
Mr. Asadullah.

Syed A. B. M. Husain.  
Mr. Abdul Monem Khan.  
The Hon'ble Mr. Mohamad Ali.  
Sardar Shaukat Hyat Khan.  
The Hon'ble Sardar Abdur Rab Khan Nishtar.  
Syed Khalilur Rahman.  
Sardar Amir Azam Khan.  
Syed Ghulam Bhik Nairang.  
Malik Shaukat Ali.  
The Hon'ble Khan Sardar Bahadur Khan.  
The Hon'ble Pirzada Abdus Sattar Abdur Rahman.  
Mr. M. H. Kizilbash.  
The Hon'ble Mr. M. A. Gurmani.  
Mr. P. D. Bhandara.

The motion was negatived.

**Mr. Ghayasuddin Pathan** (East Bengal : Muslim) : Sir, I beg to move :

"That in part (e) of Clause 2 of the Bill, for the words "eleventh and twelfth" occurring in the first line, and for the words "ninth, tenth and eleventh" occurring in the second line, the words "eleven and twelve" and "nine, ten and eleven" respectively be substituted."

This is only a formal amendment, Sir.

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

"That in part (e) of Clause 2 of the Bill, for the words "eleventh and twelfth" occurring in the first line, and for the words "ninth, tenth and eleventh" occurring in the second line, the words "eleven and twelve" and "nine, ten and eleven" respectively be substituted."

The motion was adopted.

**Mr. Ghayasuddin Pathan :** Sir, I beg to move :

"That in the heading to Column 7 of the Table of Seats, for the words "Buddhists" the word "Buddhist" be substituted."

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

"That in the heading to Column 7 of the Table of Seats, for the words "Buddhists" the word "Buddhist" be substituted."

The motion was adopted.

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

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Pirzada Abdus Sattar Abdur Rahman :** Sir, I beg to move :

"That the Bill, as amended, be passed."

**Mr. President :** Motion moved :

"That the Bill, as amended, be passed."

**Prof. Raj Kumar Chakraverty :** Sir, I oppose the passing of this Bill in a few words. This Bill vitally affects the minorities of Pakistan, and let it be recorded that the Bill is being passed by the absolute majority of the members of the Muslim League in this House in the teeth of the opposition of all the members of the Hindu community... (*Interruption*)... and this Assembly is creating history in more than one sense.

With these words, Sir, I oppose the Bill.

**Shri Dharendra Nath Dutta :** Mr. President, Sir, I want to place it on record that this Bill is being passed in the teeth of the opposition of all the Hindu members of this House. It is a fact, Sir, that Mr. Akshay Kumar Das and Mr. Dhananjoy Roy, who belong to the Muslim League Party, tabled an amendment regarding joint electorate for all and joint electorate amongst the Hindus.

**The Honourable Dr. Mahmud Husain :** They did not move it.

**Shri Dharendra Nath Dutta :** They did not move it, Sir, but it is clear and it is patent that they have been compelled to remain absent, but, Sir, it should be noted that they have not voted against it ; so it can be contended that all the representatives of the Hindu community of East Bengal opposed the passing of this Bill. Not only that, Sir, I can even say that all the members from East Bengal, belonging to the Hindu community,—belonging to the Caste Hindus and the Scheduled Castes—are opposed to the passing of the Bill, all the Hindus and Mr. Sukhdev have opposed it. So, Sir, this Bill has been passed by the brute majority of this House and I can tell you that really this Opposition, Sir, has not been respected. You know, there is a convention—and a very healthy convention—that when a Bill affects a certain section of the people, it is the duty of the Government to consult the Opposition and the Leader of the Opposition when the Bill is introduced. We have not been consulted. Not only have we not been consulted, we have opposed it at every stage but, Sir, if the Opposition is not respected in this way what will it grow ? I know what it will grow. The growth will be a single Party administration and consequently a retaliation State. It is a very bad day for the country : it is a very bad day for Pakistan. I give this warning—and I hope this warning

will be taken—that when this Bill is being passed, the Opposition has not been respected and the minorities have not been consulted, and that it is being passed by brute majority in spite of the opposition of all the minorities living in East Bengal.

**The Honourable Mr. Nurul Amin** (East Bengal : Muslim) : No.

**Shri Dharendra Nath Datta** : I can say, Sir, it is nothing but a totalitarian State and it is not for the benefit of Pakistan. I hope they will take the warning that, as a matter of fact, if they want to respect democracy, they must respect the Opposition. They have not done it and they will repent for it.

With these few words, Sir, I oppose this motion.

**The Honourable Khwaja Nazimuddin** (East Bengal : Muslim) : I would like just to remind Honourable Members that at the time when the Primary Education Bill was passed in Bengal, the entire representatives of the Hindu community, with the exception of one Member—Mr. Mokando Bihari Mallick—opposed it and walked out of the House. So this is nothing new. If on primary education the entire body could walk out, I am not surprised that on this issue, where the majority of the Members on the opposite side belong to the Caste Hindu Community, although they have been able to persuade one of their representatives, who sits with them, also to side with them, they are opposed to separate electorates for the Scheduled Castes. But that does not mean that the Scheduled Castes, as a body, are opposed to this measure.

**The Honourable Pirzada Abdus Sattar Abdur Rahman** : Sir, I will not be long in reply because the point are all covered by my reply. Only I will deal with one or two specific points that have now been raised. It is said that all Hindus and the Members of the Scheduled Castes are with them in this opposition of this Bill. I want to remind them that two of the Scheduled Caste Members are no doubt with them but two have not voted with them, not while opposing this Bill but also on the amendments that the Honourable Members have moved. With regard to joint electorates generally and joint electorates with scheduled castes they have not supported them. Therefore they cannot say that all members of Scheduled Castes and Hindus are with them.

With regard to this being against the wishes of the Hindus, I might remind the Honourable Members of my remarks on this point at the time of the first reading, that this measure takes away powers from the hands of the Caste Hindus. They have at present been using their power and influence on the numerical strength of the Scheduled Castes, who were with them. Now more than half of them, 60 per cent. of their total number are being taken away from them and they will now be leaders of the Caste Hindus and not the leaders of the Scheduled Castes as well as the Hindus. This is a deprivation of power which they have resisted. This has naturally caused all these outbursts, and has caused them all this frustration. Therefore, naturally all the Hindus, I mean the Caste Hindus, will join together. I have just now shown that all the Scheduled Castes are not with them. All the Caste Hindus should have joined in opposing this Bill, that is not new thing at all.

So far as courtesy to the Opposition is concerned my friend Mr. Dharendra Nath Dutta has said we have not shown this to them. We have not given them latitude. We have not consulted them. Sir, We have been listening to the unrestrained speeches of my Honourable friends for the last several days. Each one of them has spoken at length and there is not a single Member who has not spoken. Mr. Birat Chandra Mandal who hardly speaks in this House, he too spoke on this

[The Honourable Pirzada Abdus Sattar Abdur Rahman.]

occasion and even Mr. Sukhdev, who hardly, according to him, understands East Bengal has spoken, of course he was given a written speech and he has delivered it. To what extent and in what free manner they have expressed their opinion and how they have attacked fully and what language they have used against the majority community will show our tolerance and full latitude that we have given to the Opposition. All this shows our tolerance and courtesy to the Opposition. Therefore I regret that my friend should have made this allegation. I now commend this motion for the acceptance of the House.

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

“That the Bill, as amended, be passed.”

(The House then divided)

AYES—29

Mr. Abdulla-al-Mahmood.  
Maulana Md. Abdullah al-Baqi.  
Maulana Md. Akram Khan.  
Moulavi Ebrahim Khan.  
The Hon'ble Mr. Fazlur Rahman.  
Mr. Ghayasuddin Pathan.  
Mr. Shahoodul Huque.  
The Hon'ble Dr. Ishtiaq Husain Qureshi.  
The Hon'ble Mr. Mafizuddin Ahmad.  
The Hon'ble Dr. Mahmud Husain.  
The Hon'ble Dr. A. M. Malik.  
The Hon'ble Mr. Md. Habibullah Bahar.  
Mr. Nur Ahmed.  
The Hon'ble Mr. Nurul Amin.  
The Hon'ble Khwaja Nazimuddin.

Mr. Asadullah.  
Syed A. B. M. Husain.  
Mr. Abdul Monem Khan.  
The Hon'ble Mr. Mohamad Ali.  
Sardar Shaukat Hyat Khan.  
The Hon'ble Sardar Abdur Rab Khan Nishtar.  
Syed Khalilur Rahman.  
Sardar Amir Azam Khan.  
Syed Ghulam Bhik Nairang.  
Malik Shaukat Ali.  
The Hon'ble Pirzada Abdus Sattar Abdur Rahman.  
Mr. M. H. Kizilbash.  
The Hon'ble Mr. M. A. Gurmani.  
Mr. P. D. Bhandara.

NOES—10

Mr. Prem Hari Barma.  
Shri Dharendra Nath Dutta.  
Shri Kamini Kumar Dutta.  
Prof. Raj Kumar Chakraverty.  
Shri Sris Chandra Chattopadhyaya.

Mr. Bhupendra Kumar Dutta.  
Mr. Jnanendra Chandra Majumdar.  
Mr. Birat Chandra Mandal.  
Mr. Bhabesh Chandra Nandy.  
Seth Sukhdev.

The motion was adopted.

**Mr. President :** The House stands adjourned sine die.

The Assembly then adjourned *sine die*.

