

STATES AND MINORITIES

What are Their Rights and How to
Secure them in the Constitution of Free India

Memorandum on the Safeguards for the Scheduled Castes submitted to the Constituent Assembly on behalf of the All India Scheduled Castes Federation

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Contents

[Preface](#)

[Constitution of the United States of India](#)

[Proposed Preamble](#)

[Proposed Article I: Detailed Analysis](#)

[Article I—Section I : Admission of Indian States into the Union](#)

[Article I—Section II](#)

[Proposed Article II: Detailed Analysis](#)

[Article II—Section I: Fundamental Rights of Citizens](#)

[Article II-Section II: Remedies against Invasion of Fundamental Rights](#)

[Article II— Section III: Provisions for the Protection of Minorities](#)

[Article II - Section IV: Safeguards for the Scheduled Castes](#)

[PART II—Special Responsibilities](#)

[PART III—Sanction for Safeguards and Amendment of Safeguards](#)

[PART IV— Protection of Scheduled Castes in the Indian States](#)

[PART V—Interpretation](#)

[Appendices](#)

PREFACE

Soon after it became definite that the framing of the future Constitution of India was to be entrusted to a Constituent Assembly, the Working Committee of the All-India Scheduled Castes Federation asked me to prepare a Memorandum on the Safeguards for the Scheduled Castes for being submitted to the Constituent Assembly on behalf of the Federation. I very gladly undertook the task. The results of my labour are contained in this brochure.

The Memorandum defines Fundamental Rights; Minority Rights and Safeguards for the Scheduled Castes. Those who hold the view that the

Scheduled Castes are not a minority might say that. in this matter I have gone beyond prescribed bounds. The view that the Scheduled Castes are not a minority is a new dispensation issued on behalf of the High and Mighty Hindu Majority which the Scheduled Castes are asked to submit to. The spokesmen of the Majority have not cared to define its scope and its meaning. Anyone with a fresh and free mind, reading it as a general proposition, would be justified in saying that it is capable of double interpretation. I interpret it to mean that the Scheduled Castes are more than a minority and that any protection given to the citizens and to the minorities will not be adequate for the Scheduled Castes. In other words it means that their social, economic and educational condition is so much worse than that of the citizens and other minorities that in addition to protection they would get as citizens and as minorities the Scheduled Castes would require special safeguards against the tyranny and discrimination of the majority. The other interpretation. is that the Scheduled Castes differ from a minority and therefore they are not entitled to the protection which can be claimed by a minority. This interpretation appears to be such unmitigated nonsense that no sane man need pay any attention to it. The Scheduled Castes must be excused if they ignore it. Those who accept my interpretation of the view that the Scheduled Castes are not a minority will, I am sure, agree with me that I am justified in demanding for the Scheduled Castes, all the benefit of the Fundamental Rights of citizens, all the benefit of the Provisions for the Protection of the minorities and in addition special Safeguards.

The memorandum was intended to be submitted to the Constituent Assembly. There was no intention to issue it to the public. But my caste Hindu friends who have had the opportunity to read the typescript have pressed me to give it a wider circulation. Although it is meant for members of the Constituent Assembly, I do not see any breach of decorum in making it available to the general public. I have therefore agreed to fall in line with their wishes.

Instead of setting out my ideas in general terms, I have drafted the Memorandum in the form of Articles of the Constitution. I am sure that for the sake of giving point and precision this method will be found to be more helpful. For the benefit of the Working Committee of the Scheduled Castes Federation, I had prepared certain explanatory notes and other statistical material. As the notes and the statistical material are likely to be useful to the general reader, I have thought it better to print them along with the Memorandum rather than keep them back.

Among the many problems the Constituent Assembly has to face, there are two which are admittedly most difficult. One is the problem of the Minorities and the other is the problem of the Indian. States. I have been a student of the problem, of the Indian States and I hold some very definite and distinct views on

the subject. It was my hope that the Constituent Assembly would elect me to the States Committee Evidently, it has found men of superior calibre for the work. It may also be because I am one of those who are outside the tabernacle and therefore undesirable. I am not sorry to find myself left out. My only regret is that I have lost an opportunity to which I was looking forward for placing my views for the consideration of the Committee. I have therefore chosen to do the next best thing—namely, to incorporate them in this brochure along with the Rights of Citizens, of Minorities and of the Scheduled Castes so that a wider public may know what they are, may value them for what they are worth and may make such use of them as it may deem fit.

"Raja Grahā"
Dadar, Bombay-14

B. R. AMBEDKAR
15-3-47

CONSTITUTION OF THE UNITED STATES OF INDIA

PROPOSED PREAMBLE

For explanation see Explanatory Notes

We the people of the territories of British India distributed into administrative units called Provinces and Centrally Administered Areas and of the territories of the Indian States with a view to form a more perfect union of these territories do- *ordain* that the Provinces and the Centrally Administered Areas (to be hereafter designated as States) and the Indian States shall be joined together into a Body Politic for Legislative, Executive and Administrative purposes under the style *The United States of India* and that the union so formed shall be indissoluble

and that with a view :

- (i) to secure the blessings both of self-government and good government throughout the united States of India to ourselves and to our posterity,
- (ii) to maintain the right of every subject to life, liberty and pursuit of happiness and to free speech and free exercise of religion,
- (iii) to remove social, political and economic inequality by providing better opportunities to the submerged classes,
- (iv) to make it possible for every subject to enjoy freedom from want and freedom from fear, and
- (v) to provide against internal disorder and external aggression, establish this Constitution for the United States of India.

PROPOSED ARTICLE I

DETAILED ANALYSIS

Article I, Section I—*Admission of Indian States into the Union* :

- Clause 1. Qualified Indian States and their admission into the Union.
- Clause 2. Relation of Qualified Indian States which have not entered the Union and of the Disqualified Indian States to the United States of India.
- Clause 3. Power of the United States of India to reorganise the territory of the Disqualified Indian States into suitable Administrative Units with a view to qualify them for admission into the Union as States of the Union.
- Clause 4. Formation of new States within the Union.

Article I, Section II—*United States of India and New Territory* :

- Clause 1. Incorporation of Foreign States into the Union.
- Clause 2. Acquisition of new territory by the United States of India and its retention as unincorporated territory of the Union.

ARTICLE I—Section I

ADMISSION OF INDIAN STATES INTO THE UNION

Clause I

For explanation see Explanatory Notes

The United States of India may, on application and on fulfilment of the terms prescribed by an Enabling Act of the Union Legislature laying down the form of the Constitution admit an Indian State into the Union provided the Indian State seeking admission is a Qualified State.

For the purposes of this clause a list of Qualified Indian States shall be drawn up. A State shall not be deemed to be a Qualified State unless it is proved that it is of a standard size prescribed by the Union Legislature and is endowed with natural resources capable of supporting a descent standard of living for its people and can, by reason of its revenues and population function as an autonomous State, protect itself against external aggression, maintain Law and Order against internal disturbance and guarantee to its subjects minimum standards of administration and welfare which are expected from a modern State.

Clause 2

The territory of an Indian State which is a Qualified State but which has not

entered the Union and the territory of the Indian States which are disqualified shall be treated as incorporated territories of the United States of India and shall at all times form integral parts thereof and shall be subject to such parts of the Constitution of the United States of India as may be prescribed by the Union Legislature.

Clause 3

The United States of India shall have power to reform, rearrange, redistribute and amalgamate the territories of Disqualified Indian States into suitable Administrative Units for admission into the Union as States of the Union.

Clause 4

After a State has been admitted into the Union as a State no new State shall be formed or created within its jurisdiction nor any new State shall be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned as well as of the Union Legislature.

ARTICLE I—Section II

Clause 1

For explanation see Explanator

The United States of India may admit into the Union any territory which forms a natural part of India or which is on the border of India on terms and conditions mutually agreed upon. Provided that the terms shall not be inconsistent with the Constitution of the United States (For explanation, see page 406) of India and the admission is recommended by the Legislatures of one half of the States comprising the United States of India in the form of a resolution.

Clause 2

The United States of India may acquire territory and may treat it as unincorporated territory. The provisions of the Constitution of the United States of India shall not apply to the unincorporated territory unless a provision to the contrary is made by the Legislature of the United States of India.

PROPOSED ARTICLE II

DETAILED ANALYSIS

Article II, Section I—*Fundamental Rights of Citizens.*

Article II, Section II—*Remedies against Invasion of Fundamental Rights:*

Clause 1. Judicial Protection.

Clause 2. Protection against Unequal Treatment.

Clause 3. Protection against Discrimination.

Clause 4. Protection against Economic Exploitation.

Article II, Section III—*Provisions for the Protection of Minorities:*

- Clause 1. Protection against Communal Executive.
- Clause 2. Protection against Social and Official Tyranny.
- Clause 3. Protection against Social Boycott.
- Clause 4. Authority and obligation of the Union and State Governments to spend money for public purposes including purposes beneficial to Minorities.

Article II, Section IV—Safeguards for the Scheduled Castes.

Part I—Guarantees :

- Clause 1. Right to Representation in the Legislature and in the Local Bodies,
- Clause 2. Right to Representation in the Executive. Clause 3. Right to Representation in Services.

Part II—Special Responsibilities:

- Clause 1. For Higher Education. Clause 2. For Separate Settlements.

Part III—Sanction for Safeguards and Amendment of Safeguards :

- Clause 1. Safeguards to be embodied in the Constitution. Clause 2. Amendment of Safeguards.

Part IV—Protection of Scheduled Castes in Indian States.

Part V—Interpretation.

ARTICLE II—Section I

FUNDAMENTAL RIGHTS OF CITIZENS

The Constitution of the United States of India shall recognize the following as Fundamental Rights of citizenship:

For explanation see Explanatory Notes

1. All persons born or naturalised within its territories are citizens of the United States of India and of the State wherein they reside. Any privilege or disability arising out of rank, birth, person, family, religion or religious usage and custom is abolished.
2. No State shall make or enforce any law or custom which shall abridge the privileges or immunities of citizens; nor shall any State, deprive any person of life, liberty and property without due process of law; nor deny to any person within its jurisdiction equal protection of law.
3. All citizens are equal before the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage or disability is imposed upon or any discrimination is made against any citizen shall, as from the day on which this

Constitution comes into operation, cease to have any effect.

4. Whoever denies to any person, except for reasons by law applicable to persons of all classes and regardless of their social status, the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public amusement, resort or convenience, whether they are dedicated to or maintained or licensed for the use of the public, shall be guilty of an offence.
5. All citizens shall have equal access to all institutions, conveniences and amenities maintained by or for the public.
6. No citizen shall be disqualified to hold any public office or exercise any trade or calling by reason of his or her religion, caste, creed, sex or social status.
7. (i) Every citizen has the right to reside in any part of India. No law shall be made abridging the right of a citizen to reside except for consideration of public order and morality.
(ii) Every citizen has the right to settle in any part of India, subject to the production of a certificate of citizenship from the State of his origin. The permission to settle shall not be refused or withdrawn except on grounds specified in sub-clause (iv) of this clause.
(iii) The State in which a citizen wishes to settle may not impose any special charge upon him in respect of such settlement other than the charge imposed upon its own inhabitants. The maximum fees chargeable in respect of permits for settlement shall be determined by laws made by the Union Legislature.
(iv) The permission to settle may be refused or withdrawn by a State from persons—
 - (a) (a) who have been habitual criminals;
 - (b) (b) whose intention to settle is to alter the communal balance of the State;
 - (c) who cannot prove to the satisfaction of the State in which they wish to settle that they have an assured means of subsistence and who are likely to become or have become a permanent burden upon public charity;
 - (d) whose State of origin refuses to provide adequate assistance for them when requested to do so,
(v) Permission to settle may be made conditional upon the applicant being capable of work and not having been a permanent charge upon public charity in the place of his origin, and able to give security against unemployment. (vi) Every expulsion must be confirmed by the Union Government.

(vii) Union Legislature shall define the difference between settlement and residence and at the same time, prescribe regulations governing the political and civil rights of persons during their residence.

8. The Union Government shall guarantee protection against persecution of a community as well as against internal disorder or violence arising in any part of India.
9. Subjecting a person to forced labour or to involuntary servitude shall be an offence.
10. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
11. The right of a citizen to vote shall not be denied or abridged on any account other than immaturity, imprisonment and insanity.
12. No law shall be made abridging the freedom of Speech, of the Press, of Association and of Assembly except for consideration of public order and morality.
13. No Bill of attainder or ex post facto law shall be passed.
14. The State shall guarantee to every Indian citizen liberty of conscience and the free exercise of his religion including the right to profess, to preach and to convert within limits compatible with public order and morality.
15. No person shall be compelled to become a member of any religious association, submit to any religious instruction or perform any act of religion. Subject to the foregoing provision, parents and guardians shall be entitled to determine the religious education of children up to the age of 16 years.
16. No person shall incur any penalties of any kind whatsoever by reason of his caste, creed or religion nor shall any person be permitted to refuse to fulfil any obligation of citizenship on the ground of caste, creed or religion.
17. The State shall not recognise any religion as State religion.
18. Persons following a religion shall be guaranteed freedom of association and shall have, if they so desire, the right to call upon the State to pass legislation in terms approved by them making them into a body corporate.
19. Every religious association shall be free to regulate and administer its affairs, within the limits of the laws applicable to all.
20. Religious associations shall be entitled to levy contributions on their members who are willing to pay them if their law of incorporation permits them to do so. No person may be compelled to pay taxes the proceeds of

which are specifically appropriated for the use of any religious community of which he is not a member.

21. All offences under this section shall be deemed to be cognizable offences. The Union Legislature shall make laws to give effect to such provisions as require legislation for that purpose and to prescribe punishment for those acts which are declared to be offences.

ARTICLE II-Section II

REMEDIES AGAINST INVASION OF FUNDAMENTAL RIGHTS

The United States of India shall provide :

Clause I

Judicial Protection against Executive tyranny

For explanation see Explanatory Notes

- (1) That the Judicial Power of India shall be vested in a Supreme Court.
- (2) The Supreme Court shall have the power of superintendence over all other Courts or officers exercising the powers of a Court, whether or not such Courts or officers are subject to its appellate or revisional jurisdiction.
- (3) The Supreme Court shall have the power on the application of an aggrieved party to issue what are called prerogative writs such as *Habeas Corpus*, *Quo Warranto Prohibition*, *Certiorari* and *Mandamus*, etc. For purposes of such writs the Supreme Court shall be a Court of general jurisdiction throughout India.
- (4) The right to apply for a writ shall not be abridged or suspended unless when in cases of rebellion or invasion the public safety may require it.

Clause 2

Protection against Unequal Treatment

For explanation see Explanatory Notes

That the Authority of the Legislature and the Executive of the Union as well as of every State throughout India shall be subject to the following limitations:

It shall not be competent for any Legislature or Executive in India to pass a law or issue an order, rule or regulation so as to violate the following rights of the subjects of the State :

- (1) to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property.
- (2) to be eligible for entry into the civil and military employ and to all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of all classes of the subjects of the State.

- (3) to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed.
- (4) to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion.
- (5) to claim full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by other subjects regardless of any usage or custom or usage or custom based on religion and be subject to like punishment, pains and penalties and to none other.

Clause 3

Protection against Discrimination.

For explanation see Explanatory Notes

- (1) Discrimination against citizens by Government officers in Public administration or by private employers in factories and (For explanation see page 408) commercial concerns on the ground of race or creed or social status shall be treated as an offence. The jurisdiction to try such cases shall be vested in a tribunal to be created for the purpose.
- (2) The Union Legislature shall have the right as well as the obligation to give effect to this provision by appropriate legislation.

Clause 4

Protection against Economic Exploitation.

For explanation see Explanatory Notes

The United States of India shall declare as a part of the law of its constitution—

- (1) That industries which are key industries or which may be declared to be key industries shall be owned and run by the State ;
- (2) 'That industries which are not key industries but which are basic industries shall be owned by the State and shall be run by the State or by Corporations established by the State ;
- (3) That Insurance shall be a monopoly of the State and that the State shall compel every adult citizen to take out a life insurance policy commensurate with his wages as may be prescribed by the Legislature;
- (4) That agriculture shall be State Industry;
- (5) That State shall acquire the subsisting rights in such industries, insurance and agricultural land held by private individuals, whether us owners, tenants or mortgagees and pay them compensation in the form of debenture equal to

the value of his or her right in the land. Provided that in reckoning the value of land, plant or security no account shall be taken of any rise therein due to emergency, of any potential or unearned value or any value for compulsory acquisition;

- (6) The State shall determine how and when the debenture holder shall be entitled to claim cash payment;
- (7) The debenture shall be transferable and inheritable property but neither the debenture holder nor the transferee from the original holder nor his heir shall be entitled to claim the return of the land or interest in any industrial concern acquired by the State or be entitled to deal with it in any way;
- (8) The debenture-holder shall be entitled to interest on his debenture at such rate as may be defined by law, to be paid by the State in cash or in kind as the State may deem fit;
- (9) Agricultural industry shall be organized on the following basis:
 - (i) The State shall divide the land acquired into farms of standard size and let out the farms for cultivation to residents of the village as tenants (made up of group of families) to cultivate on the following conditions:
 - (a) (a)The farm shall be cultivated as a collective farm ;
 - (b) (b)The farm shall be cultivated in accordance with rules and directions issued by Government;
 - (c) The tenants shall share among themselves in the manner prescribed the produce of the farm left after the payment of charges properly leviable on the farm;
 - (ii) The land shall be let out to villagers without distinction of caste or creed and in such manner that there will be no landlord, no tenant and no landless labourer ;
 - (iii) It shall be the obligation of the State to finance the cultivation of the collective farms by the supply of water, draft animals, implements, manure, seeds, etc.;
 - (iv) The State shall be entitled to—
 - (a) (a) to levy the following charges on the produce of the farm: (i) a portion for land revenue; (ii) a portion to pay the debenture-holders ; and (iii) a portion to pay for the use of capital goods supplied; and
 - (b) (b) to prescribe penalties against tenants who break the conditions of tenancy or wilfully neglect to make the best use of the means of cultivation offered by the State or otherwise act prejudicially to the scheme of collective farming;
- (10) The scheme shall be brought into operation as early as possible but in no

case shall the period extend beyond the tenth year from the date of the Constitution coming into operation.

ARTICLE II – Section III

PROVISIONS FOR THE PROTECTION OF MINORITIES

The Constitution of the United States of India shall provide:

Clause 1

Protection against Communal Executive.

For explanation see Explanatory Notes

- (1) That the Executive-Union or State—shall be non-parliamentary in the sense that it shall not be removable before the term of the Legislature.
- (2) Members of the Executive if they are not members of the Legislature shall have the right to sit in the Legislature, speak, vote and answer questions.
- (3) The Prime Minister shall be elected by the whole House by single transferable vote.
- (4) The representatives of the different minorities in the Cabinet shall be elected by members of each minority community in the Legislature by single transferable vote.
- (5) The representatives of the majority community in the Executive shall be elected by the whole House by single transferable vote.
- (6) A member of the Cabinet may resign his post on a censure motion or otherwise but shall not be liable to be removed except on impeachment by the House on the ground of corruption or treason.

Clause 2

Protection against social and official tyranny.

For explanation see Explanatory Notes

- (1) (1) That there shall be appointed an Officer to be called the Superintendent of Minority Affairs.
- (2) (2) His status shall be similar to that of the Auditor General appointed under section 166 of the Government of India Act of 1935 and removable in like manner and on the like grounds as a Judge of the Supreme Court,
- (3) it shall be the duty of the Superintendent to prepare an annual report on the treatment of minorities by the public, as well as by the Governments, Union and State and of any transgressions of safeguards or any miscarriage of justice due to communal bias by Governments or their Officers.
- (4) The Annual Report of the Superintendent shall be placed on the Table of

the Legislatures—Union and State, and the Governments—Union and State, shall be bound to provide time for the discussion of the Report.

Clause 3

Protection against social boycott.

For explanation see Explanatory Notes

That Social Boycott, Promoting or Instigating a Social Boycott or Threatening a Social Boycott as defined below shall be declared to be an offence :

(i) **Boycott Defined.**—A person shall be deemed to boycott another who—

- (a) refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive from him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business, or
- (b) abstains from such social, professional or business relations as he would, having regard to such existing customs in the community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution, ordinarily maintain with such person, or
- (c) in any way injures, annoys or interferes with such other person in the exercise of his lawful rights.

(ii) **Offence of Boycotting**—Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person, is interested, shall be guilty of offence of boycotting. Provided that no offence shall be deemed to have been committed under this Section, if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

(iii) **Offence of Instigating or Promoting a Boycott**—

Whoever—

- (a) (a) publicly makes or publishes or circulates a proposal for, or
- (b) (b) makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to cause, or
- (c) in any other way instigates or promotes the boycotting of any

person or class of persons, shall be guilty of the offence of instigating or promoting a boycott.

Explanation— An offence under this clause shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

(iv) Offence of Threatening a Boycott—Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do threatens to cause such person or any person in whom such person is interested, to be boycotted shall be guilty of the offence threatening a boycott.

Exception.—It is not boycott—

- (i) (i) to do any act in furtherance of a bona fide labour dispute ;
- (ii) (ii) to do any act in the ordinary course of business competition.

(2) All these offences shall be deemed to be cognizable offences. The Union Legislature shall make laws prescribing punishment for these offences.

Clause 4

Power of Governments to spend money for any purposes connected with Government of India including purposes beneficial to the Minorities

For explanation see Explanatory Notes

That the Power of the Central and Provincial Governments to make grants for any purpose, notwithstanding that the purpose is not one for which the Union or State Legislature as the case may be make laws, shall not be abridged taken away.

ARTICLE II - Section IV

SAFEGUARDS FOR THE SCHEDULED CASTES

PART I—Guarantees

Right to Representation in the Legislature.

For explanation see Explanatory Notes

The Constitution of the United States of India shall guarantee to the Scheduled Castes the following Rights :

Clause I

Right to Representation in the Legislature

(1) (1) Quantum of Representation.—

(a) (i) The Scheduled Castes shall have minimum representation in the Legislature—Union and State—and if there be a group Constitution then in the group Legislature equal to the ratio of their population to the total population. Provided that no other minority is allowed to claim more representation than what is due to it on the basis of its population.

(ii) The Scheduled Castes of Sind and N.W.F. Provinces shall be given their due share of representation.

(iii) Weightage where it becomes necessary to reduce a huge communal majority to reasonable dimensions shall come out of the share of the majority. In no case shall it be at the cost of another minority community.

(iv) Weightage carved out from the share of majority shall not be assigned to one community only. But the same shall be divided among all minority communities equally or in inverse proportion to their—

- (1) economic position,
- (2) social status, and
- (3) educational advance.

(b) There should be no representation to special interests. But if the same is allowed it must be taken out of the share of representation given to that community to which the special interest belongs.

(2) Method of Election—

(A) For Legislative Bodies

- (a) (a) The system of election introduced by the Poona Pact shall be abolished.
- (b) (b) In its place, the system of Separate Electorates shall be substituted.
- (c) (c) Franchise shall be adult franchise.
- (d) (d) The system of voting shall be cumulative.

(B) For Local Bodies

The principles for determining the quantum of representation and the Method of election for Municipalities and Local Boards shall be the same as that adopted for the Union and State Legislatures.

Clause 2

Right to Representation in the Executive.

For explanation see Explanatory Notes

(1) The Scheduled Castes shall have minimum representation in the Executive—Union and State—and if there be a group Constitution then in the group Executive equal to the ratio of their population that no minority community is allowed to claim more than its population ratio.

(2) Weightage where it becomes necessary to reduce a huge majority to reasonable dimensions shall come out of the share of the majority

community. In no case shall it be at the cost of another minority community.

(3) Weightage carved out from the share of the majority shall not be assigned to one community only. But the same shall be divided among all minorities equally or in inverse proportion to:

- (i) (i) their economic position.
- (ii) (ii) social status, and
- (iii) (iii) educational advance.

Clause 3

Right to Representation in the Services

For explanation see Explanatory Notes

(a) The quantum of representation of the Scheduled Castes in the Services shall be as follows :

- (i) In the Union Services.—In proportion to the ratio of their population to the total population in India or British India as the case may be.
- (ii) In the State and Group Services.—in proportion to their population in the State or Union.
- (iii.) In the Municipal and Local Board Services.—In proportion to their population in the Municipal and Local Boards areas :

Provided that no minority community is allowed to claim more than its population ratio of representation, in the Services.

(b) Their right to representation in the Services shall not be curtailed except by conditions relating to minimum qualifications, education, age, etc.

(c) The conditions prescribed for entry in Services shall not abrogate any of the concessions given to the Scheduled Castes by the Government of India in their Resolutions of 1942 and 1945.

(d) The method of filling up the vacancies shall conform to the rules prescribed in the Government of India Resolutions of 1942 and 1946.

(e) On every Public Services Commission or a. Committee constituted for filling vacancies, the Scheduled Castes shall have at least one representative.

PART II—SPECIAL RESPONSIBILITIES

Provisions for Higher Education

For explanation see Explanatory Notes

That the United States of India shall undertake the following special responsibilities for the betterment of the Scheduled Castes:

Clause I

(1) Governments—Union and State—shall be required to assume financial responsibility for the of the Scheduled Castes and shall be required to

make adequate provisions in their budgets. Such Provisions shall form the first charge on the Education Budget of the Union and State; Government.

- (2) The responsibility for finding money for secondary and college education of the Scheduled Castes in India shall be upon the State Governments and the different States shall make a provision in their annual budgets for the said purpose in proportion to the population of the Scheduled Castes to the total budget of the States.
- (3) The responsibility for finding money for foreign education of the Scheduled Castes shall be the responsibility of the Union Government and the Union Government shall make a provision of rupees 10 lakhs per year in its annual budget in that behalf.
- (4) These special grants shall be without prejudice to the right of the Scheduled Castes to share in the expenditure incurred by the State Government for the advancement of primary education for the people of the State,

Clause 2

provision for New Settlements.

For explanation see Explanatory Notes

- 1 The following provision shall be made in the Constitution of the Union Government :
 - (i) There shall be a Settlement Commission under the new Constitution to hold uncultivated lands belonging to the State in trust for Settlement of the Scheduled Castes in separate villages.
 - (ii) The Union Government shall set apart annually a fund of Rs. 5 crores for the purpose of promoting the scheme of settlement.
 - (iii) That the Commission shall have the power to purchase any land offered for sale and use it for the said purpose.
2. The Union Government shall from time to time pass such legislation as may be necessary for the Commission to carry out its functions.

PART III—Sanction for Safeguards and Amendment of Safeguards

Clause 1

Sanction for Safeguards

For explanation see Explanatory Notes

The Constitution of the United States shall provide that—

The United States of India undertakes to give the safeguards contained in Article II Section IV a place in the Constitution and make them a part of the Constitutional Law of India.

Clause 2

Mode of Amendment of safeguards

For explanation see Explanatory Notes

The provisions for the Scheduled Castes shall not be altered, amended or abrogated except in the following manner :

Any amendment or abrogation of Section IV of Article II or any part thereof relating to the Scheduled Castes shall only be made by a Resolution passed in the manner prescribed below by the more Popular Chamber of the Union Legislature :

- (i) (i) Any proposal for amendment or abrogation shall be initiated in the form of a Resolution in the more Popular Chamber of the Union Legislature.
- (ii) (ii) No such Resolution shall be moved—
 - (a) unless 25 years have elapsed after the Constitution has come into operation and has been worked; and
 - (b) unless six months' notice has been given to the House by the mover of his intention to move such a Resolution.
- (iii) On the passing of such a Resolution, the Legislature shall be dissolved and a new election held.
- (iv) The original Resolution in the form in which it was passed by the previous Legislature shall be moved afresh in the same House of the newly elected Union Legislature,
- (v) The Resolution shall not be deemed to have been carried unless it is passed by a majority of two-thirds of the members of the House and also two-thirds of members of the Scheduled Castes who have been returned through separate electorates.

PART IV— protection of scheduled castes in the Indian states

Safeguards for in Indian States.

For explanation see Explanatory Notes

The Constitution of the United States shall provide that the admission of the Indian States into the Union shall be subject to the Scheduled Castes following condition :

" All provisions relating to the Scheduled Castes contained in Section IV of Article II of the Constitution of the United States of India shall be extended to the Scheduled Castes in the Indian States. Such a provision in the Constitution of an Indian States shall be a condition precedent for its admission into the Union."

PART V—interpretation

Scheduled Castes a Minority

For explanation see Explanatory Notes

- I. For the purposes of Article II the Scheduled Castes, as defined in the Government of India Scheduled Caste Order, 1936, issued under the Government of India Act, 1935, shall be deemed to be a minority.

Scheduled Castes and change of Domicile.

For explanation see Explanatory Notes

- II. For the purposes of Article II a Caste which is a Scheduled Caste in one State shall be treated as Scheduled Caste in all States of the Union.

[Appendices](#)