

## FEATURES

# Dr. Ambedkar on Scheduled Tribes

by rti\_admin on September 24, 2016 1

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### Adv. Mahendra Jadhav

*This is a reply to Prof. M.L. Garasiya's post (dated 27.11.2015) 'Sanvidhan me Kyu nahi diya gaya "Adivasi" shabd ko Sthan/Mahatva?' (Why the word "Adivasi" was not given importance/place in the Constitution of India?)*

A few days ago, I received a Whatsapp message from one of my friends who stays in Mumbai. The subject of the message was 'Sanvidhan me Kyu nahi diya gaya "Adivasi" shabd ko Sthan/Mahatva?' (Why was the word "Adivasi" not given importance/place in the Constitution of India?). This article was written by one Prof. M.L. Garasiya. In this article, he alleges that Dr. Ambedkar did not place the word 'Adivasi' in the Constitution of India and did not even speak for the tribals' rights. Mr. Garasiya said that it was Mr. Jaipal Singh Munda who actually stressed the word 'Adivasi' in the Fifth Schedule and stood strongly for tribal rights.

Prof. M.L. Garasiya also alleges that Dr. Ambedkar did not speak about tribals since he was afraid that Dalits will have lesser rights as compared to tribals, which is why he did not include the word "Adivasi" in the Fifth Schedule of the Constitution of India.

As an Ambedkarite and a student of the Constitution of India, I felt it was necessary to answer these allegations. Before writing my views on this, I would like to convey my deep thanks to my friend who

felt that I could do justice to this subject and shared the article written by Prof. M.L. Garasiya. I have tried my best to do justice to the subject and reply to all the allegations made by Mr. Garasiya. In doing so, I have taken the statements of some eminent personalities who acknowledged the work of Dr. B.R. Ambedkar in speaking for tribal rights.

I leave it to the readers to judge the efforts that I put forth in replying to Mr. Garasiya's allegations. If there are any mistakes, I regret them and wish to have positive reviews from the readers. I also invite critiques in reply to this article. I do not claim that this reply is perfect, but I am certain that the critics must do their best homework to counter my points mentioned herein.

I am posting the full paragraph written by Prof. M.L. Garasiya which I received from my friend:

~ संविधान में क्यों नहीं दिया गया "आदिवासी" शब्द को स्थान/महत्त्व:

Adivasi Xplorer...

बाबा साहेब भीमराव अम्बेडकर ने जब संविधान सभा में आदिवासीयों के लिए एक भी शब्द नहीं बोले तो संविधान सभा में आदिवासी प्रतिनिधि के तौर पर आदिवासी नेता आदरणीय स्वर्गीय श्री जयपालसिंह मुंडा जी ने आदिवासीयों का पक्ष मजबूती के साथ रखा था | आदरणीय स्वर्गीय श्री जयपालसिंह मुंडा जी झारखण्ड के आदिवासी थे. जिन्होंने ने एमस्टर्डम 1928 के ग्रीष्मकालीन ओलिंपिक में स्वर्ण जीतने के लिए भारतीय हॉकी टीम की कप्तानी की थी. संविधान की 5 वी और 6 वी सूचि के लिए जयपालसिंह मुंडा ने ही देश की संविधान सभा के सदस्य के रूप में सक्रिय भूमिका निभाई थी, आंबेडकर ने नहीं. और उन्होंने संविधान सभा में आक्रोश के साथ कहा था की "मेरे आदिवासी लोग पिछले 6,000 वर्ष से उपेक्षित और कुचले गए हैं| यह मेरे आदिवासी समाज के लोग है वो अपमान भरा जिल्लत का जीवन जीने के लिए विवश किया गया है. मेरे समस्त आदिवासी समाज को गैर आदिवासियों द्वारा सदियों से प्रताडित किया गया हैं और उनका शोषण किया गया है. गैर आदिवासियों द्वारा आदिवासियों को प्राचीन काल से निर्वासित जीवन जीने के लिए विवश किया गया है." जयपालसिंह मुंडा ने संविधान में आंबेडकर के समक्ष आदिवासियों के लिए "आदिवासी" शब्द का प्रयोग किये जाने की भी मांग की थी परन्तु आंबेडकर के महारों और दलितों का महत्त्व आदिवासियों के मुकाबले कम होजाने का भय था इस कारण उन्होंने आदिवासियों के लिए "आदिवासी" शब्द की मांग को ठुकरा दिया. आज अगर हम भारतवर्ष के "आदिवासी" होने की गरिमा से संविधान में वंचित है तो उसके जिम्मेदार केवल और केवल आंबेडकर है. ~

*(While Babasaheb Bhimrao Ambedkar didn't utter a single word for the Adivasis in the Constituent Assembly, it was the honourable late Shri Jaipal Singh Munda who, as a leader of Adivasis, put forth the concerns of Adivasis with much force. Respectable Shri Jaipal Singh Munda was an Adivasi from Jharkhand, who was the captain of the Indian Hockey team that won a gold in the Winter Olympics in 1928 which were held in Amsterdam. As a member of the constituent assembly, it was Shri Jaipal Singh who played the most active role for the fifth and sixth schedules, and not Ambedkar. And he had expressed the following in the constituent*

*assembly with much rage: "My Adivasi people have been ignored and suppressed for 6000 years. My people have been forced to live a life of humiliation and discrimination. My Adivasi community has been ill-treated and exploited by the non-Adivasis for centuries. The non-Adivasis have forced the Adivasis to live a banished life since ancient times." Shri Jaipal Singh Munda had put forth the demand to Ambedkar, to include the word 'Adivasis' in the constitution, but Ambedkar refused this demand out of the fear that it might lessen the importance of Mahars and Dalits vis a vis the Adivasis. If today as the Adivasis of India we have been isolated in the Constitution of India, it is only because of Ambedkar.)\**

To begin with, my reply to the above allegations, they are misrepresented facts *supra*. *Prima facie* I see the malicious intent of Prof. M.L. Garasiya towards the father of the Indian Constitution. He must have either not read, or misread and misinterpreted the facts which he has written in the above article. It is well known that Dr. B.R. Ambedkar was the person who fought for the rights of SCs, STs, OBCs and Minorities. Right from his first agitation at Mahad for water till his last breath, he not only fought against the British but also the caste Hindus who enslaved the majority of the people under religious slavery.

To enter into the main subject, I would like to mention here that the First Amendment motion for the Fifth Schedule was moved by Mr. Naziruddin Ahmad of West Bengal. He moved amendment No.154 before the Constituent Assembly. Further, Amendments Nos. 156, 157, 158, 159 and 160 had also not been moved. After the said amendments were not put into motion and passed without much discussion, the members of the constituent assembly raised the query of moving the amendments after general discussion. Mr. Rajendra Prasad, the President of the Constituent Assembly, requested the members who wished to participate in general discussion on the Fifth Schedule to raise their hands. About twelve Members arose in their places and it was decided that all the amendments should be moved, followed by a general discussion.

As for the claim by Mr. M.L. Garasiya that Shri Jaipal Singh spoke about Adivasi rights and was the only person who stood for Adivasis, it should be brought to his notice that Shri Jaipal Singh represented the Constituent Assembly from Bihar and not Jharkhand. Jharkhand state, carved out of the southern part of Bihar, was formed on 15th November, 2000. Jharkhand was not even a recognized state in 1947. So to say that Mr. Jaipal Singh belongs to Jharkhand is an empty lie to mislead people.

Now let me draw your attention to the stand taken by Mr. Jaipal Singh in the Constituent Assembly.

While moving amendment No. 20 in paragraph 3 of the proposed Fifth Schedule, he stressed that a further clause be added, that the words 'and Scheduled Tribes' be inserted wherever the words 'Scheduled Areas' occur; and the words 'or whenever so required by the Government of India' be deleted."<sup>[1]</sup>

While putting forth the amendment, he says that the word 'Scheduled Tribes' has been left out in the Fifth Schedule. Himself an Adivasi, Mr. Jaipal Singh wanted the inclusion of the term 'Scheduled Tribe' along with 'Scheduled Areas'. To support his views, he moved five amendments for the proposed Fifth Schedule:

*1. 1. That in amendment No. 20 above, in paragraph 3 of the proposed Fifth Schedule, after the words 'scheduled areas' wherever they occur, the words 'and scheduled tribes' be inserted; and the words 'or whenever so required by the Government of India' be deleted. [2]*

He was of the opinion that though the title of the Fifth Schedule was 'Provisions As To The Administration And Control Of Scheduled Areas And Scheduled Tribes', in Para I and III, the word "Scheduled Tribes" had been left out intentionally, which is why this amendment was moved.

*1. 2. It shall be the duty of the Tribes Advisory Council generally to advise the Governor or Ruler of the State on all matters pertaining to the administration, advancement and welfare of the Scheduled Tribes of the State' (Move 33). [3]*

*1. 3. That in amendment No. 20 above, in subparagraph (1) of paragraph 5 of the proposed Fifth Schedule, after the words 'as the case may be', the words 'if so advised by the Tribes Advisory Council' be inserted." (move 47). [4]*

He was of the opinion that this new proposed Fifth Schedule had, somehow or the other, perhaps without meaning it, emasculated the Tribes Advisory Council.

*1. 4. That in amendment No. 20 supra, in subparagraph (2) of paragraph 5 of the proposed Fifth Schedule, the words 'in any such area' be deleted." (Move 50). [5]*

While moving the above motion, he wanted that any benefits that the Scheduled Tribes might want to confer on themselves should not be limited or circumscribed by the areas – they should extend to the entire State or wherever the Scheduled Tribes may be.

1. 5. That in amendment No. 20, in subparagraph (5) of paragraph 5 of the proposed Fifth Schedule, "for the word 'consulted' the words 'been so advised by' be substituted." (Move 52).

[6]

He argued while moving this amendment that the Tribes Advisory Council should be effective and have a real say in what is being done. It should not just be a body of higher degree without any performance.

Finally, while closing his address in the Constituent Assembly after his amendment motions, Mr. Jaipal Singh said "As I have already stated, there are only two principles involved in my five amendments: first, that the Scheduled Tribes, all of them, should be benefited by the provisions of the Fifth Schedule and, secondly, that the Tribes Advisory Council should be a reality and not a farce. Let us not give it a big name, without any powers to do things."

Mr. Jaipal Singh further accused the Drafting Committee of not consulting him before drafting the Fifth Schedule. He was of the opinion that, during the consultations and conferences held with respect to Fifth Schedule, he was not invited or informed about the developments taking place, and one fine day, the Drafting Committee proposed Fifth Schedule in the Constituent Assembly. He said, being an Adivasi, he wanted to be among the first to be consulted for the proposed changes.

Dr. Ambedkar, refuting the allegations made by Mr. Jaipal Singh, explained the importance of the Fifth Schedule (Articles 215A (a) and 215B (1)) saying, "I may mention that the Drafting Committee in putting forth this new Schedule had discussed the matter with the representatives of the provinces who are concerned with this particular matter; namely of Scheduled Areas and Scheduled Tribes. We had also taken into consideration the opinion of my honourable friend, Mr. Thakkar, who knows a great deal about this matter and I may say without contradiction that this new Schedule has the approval of all the parties who are concerned in this matter, and I hope that the House will have no difficulty in accepting the new Schedule in place of the old one." [7]

The above explanation evidently discards the empty allegations made by Prof. M.L. Garasiya that Mr. Jaipal Singh spoke for the Adivasis but not Dr. Ambedkar. It's not difficult to understand Mr. Garasiya's intentions behind degrading the immense contribution of Dr. Ambedkar who relentlessly spoke about the rights of SCs, STs, OBCs and Minorities.

Dr. Ambedkar not only advocated for the said classes but has given fundamental rights to each and

every citizen of this great nation. The intentions of Prof. M.L. Garasiya must be to create ideological differences and hatred for Dr. Ambedkar among the Scheduled Tribes!

PREVIOUS ARTICLE

NEXT ARTICLE

After the elaborate discussion on the Fifth Schedule by the members, Mr. K.M. Munshi on behalf of the Drafting Committee explained the significance of the Fifth Schedule. Rejecting the allegations made by Mr. Jaipal Singh that he was not invited for any discussion prior to drafting the Fifth Schedule or called for any meeting or conference, Mr. K.M. Munshi refutes his allegations thus, "Mr. President, Sir, I would not have intervened in this debate but for a couple of remarks of my friend Mr. Jaipal Singh. He complained that when some of us who are interested in this problem met at a conference, he was not consulted. He will agree that it is not a fair charge. Three times my friend, Mr. Jadubans Sahai from Bihar was sent to invite him. He said he was coming but did not come". [8]

The above passage reveals that with regard to the allegations made by Prof. M.L. Garasiya, (that it was not Ambedkar but Jaipal Singh who spoke about Adivasi rights) Mr. Jaipal Singh never attended a meeting before drafting the Fifth Schedule. Neither did he respond to the meeting calls made by the Drafting Committee. I do not understand on which basis Mr. Garasiya claims that Mr. Jaipal Singh spoke for the Adivasis. This shows the intention of Prof. M.L. Garasiya to blame Dr. B.R. Ambedkar without going through the correct history of the making of the Constitution. Fortunately, we have enough documentary evidence to disprove any allegations raised by any of the anti-constitutional and anti-Ambedkarite forces.

Further, Mr. K.M. Munshi also clarified all the doubts and concerns raised by Mr. Jaipal Singh. Speaking on Mr. Jaipal Singh's first motion supra (amendment 20), Mr. K.M. Munshi says "One of my honourable friend's amendment (amendment No. 20) says that after the words 'Scheduled Areas' wherever they occur, the words 'and Scheduled Tribes' be inserted. That would mean that any member of any Scheduled Tribe, even if he comes to a city and has been more or less absorbed in the life of the city, must still be regarded as a different individual from the rest of the community and must have a tribal committee to look after him. This will destroy the whole object which he says he has in view."

"The third set of amendments which my honourable Friend, Mr. Jaipal Singh, has moved (amendments Nos. 47 and 52) and Mr. Yudhishtir Mishra's amendment No. 46, are to the effect that the Tribes Advisory Council should be miniature senates with power to aid and advise the Governor in all matters falling within the purview of this schedule; there should be a kind of responsible Government with regard to these matters under which the Governor should accept the

advice of not of a ministry but an assembly. That is an utter absurdity.

Take the first case; an Act of the Parliament or an Act of the State would straightaway apply to the Scheduled area, but if the Governor thinks that in the interests of the tribals, certain sections of such an Act should not apply, he should be free so to decide. Is it possible for each Tribal Advisory Committee of a small tribe to come to a common conclusion with regard to an elaborate Act of Parliament as to what provisions of it should or should not apply? Under the draft as it stands, all that the Governor has to do is that they should be consulted with regard to regulations. In regard to notifications when he thinks that certain provisions of the Central Act or the Act of the State should not apply in the interests of the tribals, no previous consultation will be necessary because after all the sacred trust in respect of this step is placed on the Provincial Government.” [9]

Here, the point is to be noted that, the drafting committee was very clear and particular about the tribals and their rights. Mr. Munshi explained that the committee is indeed looking after the upliftment of scheduled tribes and all the necessary guidelines have been incorporated in the schedule. Mr. Munshi affirmed that the amendment proposed by Mr. Jaipal to include the word “Scheduled Tribes” in the said Para will ruin the very object of development.

Mr. Rajendra Prasad, the President of the Constituent Assembly proceeded further with the amendment No. 27 moved by Mr. Jaipal Singh. The amendment was “decided to be negative” and paragraph was 3 added to the Fifth Schedule AS IS proposed by Dr. B.R. Ambedkar!

The above explanations prove that Mr. Jaipal Singh’s amendments were not accepted by the Constituent Assembly. And therefore, Prof. M.L. Garasiya’s allegations have no life.

I would like to highlight some of the statements of the members of Constituent Assembly who acknowledged Dr. B.R. Ambedkar for raising the tribal rights issue in the assembly, as follows:

Shri A. V. Thakkar: “Mr. President, Sir, it gives me very great pleasure to support Dr. Ambedkar’s revised Schedule No. 5, because of two reasons. One is that it is very abridged. Abridgment does not take away anything from that except one or two small points, but it widens it in respect of inclusion of the tribals of the Indian States which have formed themselves into Unions as well as those that have merged in the provinces.”

He further adds before concluding his motion “...Sir, I have very great pleasure in saying that I

support amendment No. 20 of Dr. Ambedkar that has been put forward. Not only has it been abridged, but it has widened the scope of its application.” [10]

Shri Jadubans Sahay (Bihar, General): “Mr. President, Sir, I have taken my stand here in order to congratulate Dr. Ambedkar and those associated with him for having brought about this redrafted Schedule V. I congratulate them because Schedule V as originally drafted was too rigid as has been observed by Dr. Ambedkar.” [11]

Shri Muniswamy Pillay (Madras): “...I think great credit is also due to the Drafting Committee for so ably bringing forward this Fifth Schedule which goes a long way to improve the conditions of the tribal people.” [12]

Shri Biswanath Das (Bihar): “My honourable Friend, Mr. Jaipal Singh, has spoken of conferences behind his back. There has been nothing of the kind. I appeal to him to shed this attitude of distrust of people who least deserve to be distrusted.” [13]

The above statements are from the learned members who participated in the constitution making. They applauded Dr. B.R. Ambedkar for putting forth the Fifth Schedule which elaborately speaks on tribal rights.

T H P Chentharassery in his book ‘History of the Indigenous Indian’ writes, “When Dr. Ambedkar took a resolute stand and applied his sharp weapon of non-cooperation, Jawaharlal Nehru, Mukherjee and Patel realized the graveness and value of Ambedkar’s silent but meaningful protest. They made clear understanding on the problem with Ambedkar. As a result of their capitulation and the compromise, the chapter on Scheduled Castes and Scheduled Tribes was included in the draft constitution.” [14]

## **Conclusion**

Dr. B.R. Ambedkar always fought for the rights of all the suppressed classes of India during his lifetime. Today, we can find the extensive literature he wrote for annihilating the caste system and ways to solve the problems of the suppressed masses. In the book ‘Thoughts on Pakistan’ (1942), Dr. B.R. Ambedkar advocated for special arrangements to Bihar and Orissa, where the tribal population was higher.

In his other book ‘Communal Deadlock and Ways to Solve It’ (1945), he writes about the Aboriginal Tribes thus “...The Aboriginal Tribes have not as yet developed any political sense to make the best

use of their political opportunities and they may easily become mere instruments in the hands either of a majority or a minority and thereby disturb the balance without doing any good to themselves. In the present stage of their development it seems to me that the proper thing to do for these backward communities is to establish a Statutory Commission to administer what are now called the 'Excluded Areas', on the same basis as was done in the case of the South African Constitution. Every Province in which these excluded areas are situated should be compelled to make an annual contribution of a prescribed amount for the administration of these areas." [15]

We have to understand that Dr. Ambedkar was concerned about the conditions of the Scheduled Tribes, in that they may just become instruments in the hands of a majority (his prophecy has proved right in the present context). Therefore, he wanted to have a separate commission for the Scheduled Tribes to look after their conditions and propose developmental plans for them. That's the reason he enshrined Art. 342, especially for Scheduled Tribes. The Fifth and Sixth Schedule of the Constitution of India speak about the tribals. Apart from these articles, we have Fundamental Rights (Art.12-35) that apply to every citizen of the country. The Directive Principles of State Policy (Art.36-51) specify in the guidelines to the states that every possible act must be undertaken to improve the conditions of all the citizens, which includes the Scheduled Tribes (Adivasis).

From the above facts, it is clear as daylight, that the constitutional rights of the Scheduled Castes/Tribes and OBCs today, were obtained not merely by the generosity or magnanimity of anybody. They had been achieved by the relentless and unremitting labour of Dr. Ambedkar and his efforts. Had he not been there as the chairman of the Drafting Committee, the welfare of the Scheduled castes, Scheduled tribes, OBCs and all other weaker sections would have been a mere dream.

*\* The original post in Hindi by Prof. M. L Garasiya has been translated into English by RTI.*

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## **References**

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[4] Sri Jaipal Singh (Bihar) 5.9.1949 Constituent Assembly Debates (Proceedings) – Vol.IX

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[11] *ibid.*

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[13] *ibid.*

[14] THP Chentharassery – History of the Indigenous Indians

[15] Dr. B.R. Ambedkar – Communal Deadlock And Ways to Solve It – 1945 – Page 19

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