

PART I  
**Dr. Ambedkar  
in the  
Bombay Legislature**



# 1

## \*ON BUDGET : 1

†*Dr. B.R. Ambedkar* : Mr. President, the budget discussion has gone on for a long period, and I feel that all that could have been said has already been said. It would therefore have been better for a new member like me to keep silent But I feel that there is a point of view, which has not yet been placed before this House, and as I represent that point of view, I think it is my duty to give expression to it.

Mr. President, when one begins to criticise the budget, one is at the outset overcome with a feeling of helplessness. For the range of effective criticism is indeed very small. The total estimated expenditure as given in this budget is something like 36 per cent. The total estimated revenue of this presidency is 15½ crores, and out of this about 9½ crores is being levied by the Executive without the consent of this Council. I refer to the land revenue and excise revenue. So taking both the expenditure and revenue into consideration, I think it is fair to say that the criticism which one has to make is indeed very limited, because the Council can only deal with 64 per cent of the expenditure and 40 per cent of the revenue. But taking the things as they are, Mr. President, I proceed to offer such remarks as I am capable of making.

Commencing with the revenue side of the budget, I wish to deal with it, in the first place, from the standpoint of the Honourable the Finance Member, and secondly, from the standpoint of the taxpayers. The Honourable the Finance Member will agree with me when I say that the first and most essential requirement of a good revenue system is that it should be reliable. It does not matter whether that revenue system brings in large revenue or small revenue. But whatever it brings, it ought to be certain in its yield. Judging the revenue side from this standpoint, I find that the land revenue, which is the largest item in the budget, is capable of a variation of something like 50 lakhs. If you take "Excise", the second largest source of revenue, you find that since the inception of the Reforms, it has shown a variation of 73 lakhs. I, therefore, invite the attention of my friend, the Honourable the Finance Member, to consider the consequences

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\*B.L.C. Debates, Vol. XIX, pp. 164-68, dated 24th February 1927.

†Dr. Ambedkar was sworn in as a nominated Member of the Bombay Legislative Council on Friday the 18th February 1927.

that would follow if these two items in the revenue system varied in the same direction. If they did, then I think they will land him into a ditch of more than one crore. I do not know whether such a system of revenue is a system on which the Honourable the Finance Member should rely. But it is for him to see that and not for me, because he is in charge of the finances of this country.

Now, Mr. President, taking the same items of revenue into consideration and judging them from the standpoint of the taxpayers, I think the revenue system of this presidency is inequitable and undefensible. Take first of all the land revenue. Whatever may be the quibbles, whether it is tax or whether it is rent, I may say that there is no doubt that this land revenue is a tax on the profits of the businessman. If these two levies are the same, I want to know from the Honourable the Finance Member as to why there should be difference in the methods of levying the two. Every farmer, whatever may be his income, is brought under the levy of the land tax. But under the income-tax no person is called upon to pay the tax, if he has not earned any income during the year. That system does not exist as far as land revenue is concerned. Whether there is a failure of crop or abundance of crop, the poor agriculturist is called upon to pay the revenue. The income-tax is levied on the recognised principle of ability to pay. But under the land revenue system, a person is taxed at the same rate, whether he is a owner of one acre of land, or a jahagirdar or an inamdar. He has to pay the tax at the same rate. It is a proportionate tax and not a progressive tax as it ought to be. Again under the income-tax holders of income below a certain minimum are exempted from levy. But under the land revenue the tax is remorselessly collected from every one, be he rich or poor.

Take again the "Excise". This is an item from which a large revenue is derived. There can be no two opinions that this is public legal monopoly. This was not meant for the purpose of enabling the Government to raise revenue, but the monopoly was enacted because the Government would be in a better position to put a stop to demoralisation of the people by spread of the habit of drink. If collection of revenue is the only aim there is no necessity for a Government monopoly. How has this monopoly been managed by Government? If you take the figures as to how much the people of each Presidency spend in drinking, you will find that the Bombay Presidency stands first so far as the drinking habit is concerned. I find in Madras every individual spends Re. 1-3-7 (Re. 1.22), in Bengal Re. 0-7-1 (Re. 0.45), in United Provinces Re. 0-4-7 (Re. 0.28), in Punjab Re. 1-7-8 (Re. 1.48), in Burmah Re. 1-4-0 (Re. 1.25), Bihar and Orissa Re. 0-8-7 (Re. 0.58), in Central Provinces and Berar Re. 0-15-0 (Re. 0.94), in Assam Re. 0-13-3 (Re. 0.83), but in Bombay we have the appalling figure of each individual spending Rs. 2-2-9 (Rs. 2.18). I ask my honourable friend the Finance Member whether this is a defensible system. Mr. President, Government has accepted the policy of prohibition and has adopted certain measures for carrying out that policy to fruition. But they have not done so. The first

of such measures is rationing. Now, Sir, the quantity of country liquor rationed out by Government beyond which it was not to sell was fixed at 1,883,804 gallons. But the limit fixed was only an idle pretence at checking consumption. For the actual quantity consumed was only 1,405, 437 gallons, i.e., the actual quantity rationed was in excess of the actual quantity consumed by 478,367 gallons. I understand that a second measure adopted for carrying the policy of prohibition to fruition was the appointment of an advisory committee. But I have found that 40 per cent of the composition of this advisory committee is composed of anti-prohibitionists. I do not think, Mr. President, that the Government benches are treating this Council with respect which it is their due. Mr. President, while I am speaking about the financial system of this country, I think, it is fair to suggest to my honourable friend the Finance Member that the prosperity of the people is the greatest patrimony of the State. He should not demoralise them or he should not beggar them. A state that beggars its people ends in beggaring itself.

Mr. President, I now want to touch—I know my time is very brief and I hope you will be pleased to allow me a little more time if you can.

*The Honourable the President:* No, no.

*Dr. B. R. Ambedkar:* Coming to the other sources of revenue, I do not think that the Honourable the Finance Member is doing his best in husbanding the resources of this presidency to the best advantage. For instance, taking the forests as a source of revenue, in 1921-22 the forest revenue was Rs. 74.9 lakhs; in 1927-28 the forest revenue was only Rs. 74 lakhs. There is, you will see, therefore, a stagnation of the revenue. But if you take the expenditure that has been incurred on the forests, you will see that the expenditure has increased from Rs. 40 lakhs to Rs 48 lakhs ; so that, ultimately, when we come to speak about the net gain from forests, you find a loss of something like Rs. 4 lakhs.

Mr. President, I next want to speak of irrigation and civil works. I think I will be wasting my time in giving details. But I do want to say one thing, Mr. President, that when Government undertakes a certain industry or work, it does it primarily for revenue ; or it does it primarily for service though incidentally for revenue; or it may be that it does it primarily for service. I do not think that the Government has any defined or definite policy with regard to the services it has undertaken. For instance, I personally feel—there might be difference of opinion between me and the other honourable members of this House—but I do feel that the Irrigation Department is not giving us the full return that we are entitled to get from them. I think if my honourable friend refers to the Taxation Inquiry Committee's report, he will find that the water rate is very low. I think we on this side of the House are entitled to expect from him better husbanding of the resources of this presidency.

Mr. President, I now turn to the expenditure side of this budget. I know most members of this House are alarmed at the deficit. I may say I am not.

Deficit is not something which ought to alarm honourable members. What has disquieted me is this, that the deficit in the budget is not due to any inclusion in it of a large policy of social advancement. The deficit is due entirely to the increase in cost on the non-productive charges of the administration. Mr. President, the honourable member the Secretary of the Finance Department was yesterday very wise, I should say, in telling the House to be reasonable. He said that if the honourable members of this House desires that they should be taken seriously by the Government benches, they should be reasonable. Mr. President, I admit the force of that argument But I want to send the argument back to him and ask him whether the increase in expenditure that has taken place in this presidency is reasonable and can be justified on the ground of increase of the administrative quality.

Mr. President, when you compare the cost of administration in this presidency from the year 1910 to the year 1927-28—and I am taking only figures of such departments for the purpose of comparison as were wholly provincial then and as are wholly provincial now—I find under General Administration the charges in 1910-11 were only Rs. 17 lakhs. Today they are Rs. 126 lakhs. I ask my honourable friend the Finance Secretary whether that is reasonable . . . . .

*Mr. G. Willes:* If the honourable member will permit me, I would point out to him that I explained to the honourable member Rao Saheb Dadubhai Desai yesterday that the figures given in the statements in the budget should be used with great care. The classification of General Administration before the reforms is not the classification which is taken now. There was an item of expenditure on account of alienated lands which was then shown under another head and which is now included under the head of General Administration.

*Dr. B. R. Ambedkar:* Be that as it may, we are bound to take the statements as are given there, of course, subject to the correction as my honourable friend has said. But I do think that the cost of General Administration in this presidency has been very very heavy. In fact, it had no justification even from past history of this presidency. We have to-day, for instance, four Executive Councillors and three Ministers, and we have under them Secretaries and Deputy Secretaries numbering about 25 or so. I do not think that my honourable friend the Finance Secretary will say that that is something reasonable. The Honourable the Finance Member has tried to explain away this extravagant cost of administration in this presidency. I hope, Mr. President, you will give me some little time . . . . .

*The Honourable the President:* No. I am so hard pressed for time, the honourable member will understand. He has got only two minutes more.

*Dr. B. R. Ambedkar:* Mr. President of course, I will drop what I had to say, and I will now come to my conclusion. In this part of my speech, Mr. President, I want to make my position quite clear. We have been hearing from honourable members that there should be severe retrenchment. I have joined and I do join in that chorus with all earnestness, for

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I believe there is room for retrenchment But, Sir, I cannot disguise from myself the fact that this retrenchment will not take us very far. Taking retrenchment as its highest, I think it would quite probably give us a relief of a crore or two crores of rupees. But how far will it go? I know by that means we could perhaps balance the budget But is that the only ambition of this House that the budget should be balanced? I hope, and I hope I am right in saying, that this Council is really earnest in its desire for compulsory education, for medical relief, for freedom of the people from the habit of drink, and for providing all the amenities of life. Then, I want to remind this House that the good things of this earth do not fall from heaven. Every progress has its bill of costs and only those who pay for it will have that progress.

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### \*ON BUDGET : 2

*Dr. B. R. Ambedkar:* Sir, the budget is no doubt an unsatisfactory budget in so far as it is really a deficit budget. But if it was only unsatisfactory on account of the fact that it discloses a deficit, I do not think it would have been necessary for me to take any serious notice of it. The budget however is not merely unsatisfactory but it is, I think Sir, a deplorable budget and the state of affairs is indeed a very serious state of affairs.

You know, Sir, that we are practically coming to a close of the first decade of the Montagu-Chelmsford Reforms. That being so, it is certainly worth our while to take stock of the situation as from the year 1921 up to now. Now, Sir, these Reforms were introduced in order that the transferred subjects may receive greater consideration at the hands of the Government than the subjects which are called "Reserve". But, Sir, if you analyse the expenditure of this presidency from the year 1921 up to now, what do we find? We find that the hopes that were entertained, that under the new regime objects of expenditure which help progress will receive preference over subjects which merely help the maintenance of law and order, have failed to come true.

I shall now show how it is so. I have collected some figures of expenditure incurred in various provinces on the "transferred" and "reserved" departments and with your permission, Sir, I beg to present those figures to this House, so that the House may know how deplorable the situation is. The figures I am giving show the percentage increase or decrease of expenditure in 1925-26 as compared with the year 1921-22 over the transferred and reserved departments in the various provinces. These figures are as under : —

		Reserved Department		Transferred Department	
		Increase, per cent.	Decrease, per cent.	Increase, per cent.	Decrease, per cent.
Madras	...	1.21	...	14.26	...
Bombay	...	6.33	...	5.82	...
Bengal†	...	...	...	6.11	...

†Decrease of expenditure on Reserved Department.



	Reserved Department		Transferred Department	
	Increase, per cent.	Decrease, per cent.	Increase, per cent.	Decrease, per cent.
United Provinces* ...	...	...	12.57	...
Punjab ...	10.40	...	29.41	...
Burmah ...	34.36	...	6.44	...
Bihar and Orissa ...	5.89	...	44.66	...
Central Provinces ...	6.24	...	18.15	...
Assam ...	8.24	...	12.75	...

\*Decrease of expenditure on Reserved Department

Sir, if we look at these figures what do we find? I am sorry to find, and I am sure every one in this House will be sorry to find, that such an important province as Bombay should occupy the very lowest place in the order of its relative expenditure on the reserved and transferred departments. Even the province of Burmah, which appears to have been so badly managed, stands higher than Bombay in this respect. I, therefore, submit, Sir, that that is a grave scandal. Surely this is not the way in which the finances of an important presidency like the Bombay Presidency should be managed. I wish the Honourable the Finance Member had paid more attention to the "transferred" departments than he seems to have actually paid to them. From the figures it is evident that the reserved departments are systematically over-fed and the transferred departments are systematically starved. Sir, what good is an Indian Finance member if he is not to respond to the wishes of his countrymen. There is a general clamour for progress on all hands. The Honourable, the Finance Member knows how very insistent the clamour is. But unfortunately he has so far done nothing to lead us to hope for anything at his hands in the future.

Then, Sir, not only are the finances badly managed, but I submit, that the financial position of this presidency is indeed very serious. Sir, if you examine the financial position year by year from 1921-22 to the present day, you will find that every year there is a reduction of the surplus; so much so that instead of having surplus budgets we have exhausted our surpluses and we have now reached a period where the budget discloses a series of deficits. In 1922-23 there was a surplus of Rs. 64 lakhs. In 1923-24 the surplus came down to Rs. 29,38 lakhs. In the year 1925-26 the year was closed with a deficit of Rs. 91 lakhs; and we know what has been the state of affairs since then. You see, Sir, from these figures that the financial position of this presidency is deteriorating year by year, and I submit, Sir, that having regard to the commitments made by Government, the position in time to come is indeed going to be very serious. Sir, you know the loan arrangements will have soon to be paid off. Some arrangement shall have to be made for the repayment of that loan, that is bound to cast a heavy burden on the already exhausted finances of the presidency. Sir, this Council and the Government have been committed to universal compulsory

primary education. This Council and Government are also committed to the carrying out of the policy of prohibition. These three items, I do not think any honourable member of Government is going to deny, are going to make a very heavy call upon the finances of this presidency. And when our finances are deteriorating year by year even without these three items, I cannot quite imagine what will be the state of affairs when we begin to give these items a practical shape. Finding myself in this situation what surprises me most is that all this does not seem to trouble the Honourable the Finance Member at all. He does not disclose that he is aware of all these commitments. In the financial statement he has submitted he does not show that he is conscious of these obligations. He is merely, if I may say so, carrying through a hand-to-mouth policy, a policy for the day without any thought for the morrow. There is no outline of a general policy which will improve the future exigencies of the situation. After me the deluge seems to be his watchword. He is merely trying to meet the deficit of the budget. He is calculating upon what he might be able to gain out of the reduction in the famine insurance grant, and in the Meston contribution. But I ask him in all seriousness whether these small, paltry gains, as I call them, are going to really take us a long way in the financial stabilization of the presidency? I think, Sir, it would be a mistake to suppose that they can. Either the Honourable the Finance Member must assure us that there are sufficient possibilities of economy in the administration of this presidency which will carry us through, or he should tell us definitely that we shall not get what we want unless we have recourse to taxation. I respectfully refer to the speech made yesterday by His Excellency the Governor. In that speech His Excellency pointed out that the Legislative Council was entirely responsible for taxation, that it was within its powers to impose such taxation as was necessary I admit that the Legislative Council has the power of taxation. But I also submit that the initiation in the matter must come from Government. It is the Government that must suggest what taxation it wants. Has the Government done so? The Government on the contrary is absolutely sitting silent. It does not propose to tell us what it is going to do. It cannot be said that Government has not got the data to work out a plan. We all know that the Taxation Enquiry Committee has submitted a most exhaustive report, with endless recommendations which ought to suffice for the initiation of a new and adequate financial policy. These, I am sure, are lying on the table of the Honourable the Finance Member, but nothing seems to have been done in the matter at all. I say, Sir, that the situation is indeed very serious and it is high time the Honourable the Finance Member make up his mind to deal with it in a statesmanlike manner.

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#### \*ON BUDGET : 3

†*Dr. B. R. Ambedkar (Bombay City)*: Mr. Speaker, Sir, this is the second financial statement which has been presented by my honourable friend the Finance Minister. It would therefore be natural to expect this Budget to be subjected to greater scrutiny and closer examination. Before stating what I think of this Budget, I cannot forget the fact that this budget has been commended by all those members of this House who have so far taken part in the discussion. The Honourable the Finance Minister must have felt a certain amount of satisfaction that his work has secured praise from all those who have spoken. But I must confess that I am very much surprised that this budget should have been really commended in the way in which it has been commended by speakers who have preceded me. I have devoted a certain amount of time for the consideration of the financial statement which he has presented, and I have no hesitation in saying that this is not only the most paltriest budget that I have ever seen, but it is a hollow and insubstantial Budget. It discloses no vision of the future and no recognition of the problems with which this presidency is faced. This may appear somewhat extravagant, but I am presently going to substantiate what I am saying. There is, Sir, one item for which, perhaps, I may praise the Government, but that praise, unfortunately for my honourable friend, cannot go to him. It must go to the Honourable the Home Minister. I refer to item No. 45 in the new scheme. This item No. 45 is an item which provides an additional expenditure of Rs. 36,217 for the augmentation of the police force. Sir, the relationship that existed between the members who are sitting on the other side and the police force before they took office and became part of the Government is a well known thing. I myself well remember having witnessed the scene of a number of people clad in white pursuing the police from place to place shouting "*Pili topi, hai, hai*". That there should have been established this *camaraderi* between the police, who were at one time regarded as the instruments of tyranny and oppression upon the people, and the Congress

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\*B.L.A. Debates, Vol. 3, pp. 168-79, dated 2nd March 1938.

†Dr. Ambedkar was elected to the Bombay Legislative Assembly in 1937 and was sworn in on Monday, the 19th July 1937. as M.L.A.

party is certainly a matter, if one may say so, for congratulating the Honourable the Home Minister for demanding the money and the Honourable the Finance Minister for finding it. He certainly in my judgment needs the police force. He certainly needs their loyalty, for we all know now what he is engaged in doing with the police force, and we recently had an illustration of what use the police force is being made of. I refer to the firing that took place at Dharavi. I am sure that the present Government, which has, so far as I can see, shown very little sympathy for the advancement of the cause of labour, may have to indulge in greater use of the police force against the labouring classes. That the Congress Ministry should have come out in its true colour is a matter of congratulation. But with that I must stop, because in the rest of the budget there is nothing for which Government can take any credit.

The first thing, Sir, to which I would like to draw the attention of this House is what I regard certain examples of financial impropriety. There are before me here—I have called out from the financial statement which the Honourable the Finance Minister has presented—some 5 items, namely, item No. 53 which provides 24 lakhs for education, item No. 46 which provides Rs. 25,000 for what is called voluntary police force, item No. 105 which provides 4 lakhs for village panchayats, item No. 100 which provides 1 lakh for labour amenities, and item No. 67 which provides Rs. 80,000 for what is called the training of Unani Hakims. Now, Sir, when one looks at the Blue Book which has been circulated, one notices an admission on the part of the Government that for none of these items which are included in the financial proposal is there any scheme in existence. All these heads on which this expenditure is intended to be incurred are still in incubation. They themselves do not know what are the purposes on which this money is to be spent. The second thing is that this House has not passed any of the legislative measures on which this expenditure is supposed to follow. Sir, this expenditure which practically asks for a blank cheque from this House with the fullest liberty for the members of the Government to spend it on anything they like so long as it falls under the main heads such as education, police etc. amounts altogether to 31 lakhs of rupees. Now, if one takes into consideration the fact that the total amount of the new items which have been added by the Honourable the Finance Minister to the existing budget comes to about 1.16 lakhs, one can very easily realise the amount of money which this Government proposes merely to lift from the hands of the House and spend in the way it wants to spend. Sir, I cannot help saying that this Government has been constantly encroaching upon the privileges of this House. My honourable friend the Home Minister is unfortunately not here and I regret it because I do want to refer to one or two things for which he principally is responsible. I have noticed ever since the Congress Government has taken office that the Honourable the Home Minister has insisted that this House has no right to pass upon any rules that the Government might make under any

particular law that this House may have passed. Sir, I say that this is an encroachment upon the authority of this House. I say that there are rules and rules. There are rules which merely carry out what is called the administrative policy. There are rules which are nothing else but a part of the law, and I claim and I insist that wherever a rule is a part of the law, then this House has not only the right to pass upon the original legislation but it has the right to pass upon the rule as well, and I do not understand how any executive Government can appropriate this field to itself. But the Congress Government has. Time in and time out it encroached upon this privilege of the House. This lifting of money, this asking for a blank cheque is, I regard, another in-road and an encroachment upon the privileges of this House. Sir, I do not know what the situation now is but I was quite familiar with what is known as the Devolution Rules which were prepared under the old Government of India Act and I think my honourable friend the Finance Minister will bear me out that one section of the Devolution Rules included what is called the constitution of the Finance Department. It was one of the cardinal principles then recognised under the old Government of India Act that the Finance Department ought not to be a transferred department. The reason given was a very substantial reason for not treating the Finance Department as a transferred department. The Finance Department was intended to be the watchdog. The Finance Department was intended to scrutinise all expenditure that was put forth by any particular Minister in charge of any particular portfolio. It was intended that one of the principal functions of the Finance Department was not only to see whether the sum asked for any particular purpose was necessary and could be granted, having regard to the financial position of the province, but whether the grant asked was properly itemised.

I am sure that, although the old Government of India Act of 1919 has ceased and the Devolution Rules framed under that Act are probably no longer law, the principles enunciated in those Devolution Rules must be permanent, must be abiding for all time. Ever since finance came to be recognised as an important part of the machinery of control which the Legislature has forged over the Executive, it has always been accepted that no Minister shall place before the Legislature a demand for any lump sum without specifying the particular services, the particular items which are supposed to be included in that demand. The reason is two-fold. The House must know what are the details on which funds are being spent. Secondly, it is necessary for the Audit and Accounts Department to know how the money granted by the House has been spent. And I say, Sir, that it is something which is quite inexcusable, that this Government should have had the courage—I say, the audacity to come forward before this Legislature and merely say that they want Rs. 31 lakhs for spending on certain items, about the propriety of which the House has never decided and as to the details of which the Government itself has not made up its mind. I say it is audacity.

Now, coming to the budget itself, I do not propose to go into the details of the different items of which this budget is composed. That would take me too long; nor do I think the general discussion is the occasion on which one should go into the details of the expenditure. I propose to confine myself to the general aspects of the budget, the broad problems with which we are faced and the ways and means adopted by the Finance Minister to deal with those problems. The first thing to note is that the new items which have been added in this budget to the frame-work of the administration as it exists now, come up to a total sum of Rs. 1,16,67,000. The question is, does this show a real expansion of our activities? Now, Sir, I think we must make one deduction from this figure, and that is the deduction of Rs. 48,11,000. That part of the expenditure, as admitted by the Finance Minister, is non-recurring, that is to say, it is intended to cover temporary items which are the needs of the day. They are not intended to provide permanently for such deficiencies of the social services which it is the duty of the Government to make good. Therefore, deducting Rs. 48 lakhs out of a total of Rs. 1,16,00,000 you get a balance of Rs. 68,56,000 and therefore, I say that correctly estimated what the Government has come forward with' as a permanent addition of expenditure for meeting the social services of this Province is not what is alleged to be this big sum of Rs. 1,16,00,000 but the sum of Rs. 68,56,000. From that you have also to make a further deduction in my judgment, and that further deduction is Rs. 31,45,000 due to prohibition. That is merely a negative thing. It adds nothing positively to meeting the needs of the Province. It is merely the foregoing of an amount of revenue which was due to Government. Therefore, ultimately what one finds as the real budget providing for permanent expenditure is nothing more than Rs. 37,11,000. How this amount of Rs. 37,11,000 is distributed by the Government, many members of this House know. One conspicuous item is education, which takes up 29 lakhs; that is recurring. Minor irrigation is Rs. 3,50,000, which is also recurring. The rest is non-recurring; and the other items of expenditure are village panchayats, village open sites, water supply, medical relief, quinine, teaching of Ayurvedic medicine, and all that; they are all non-recurring; that is to say, they are merely intended as stopgaps for the year. Now, Sir, taking the budget in the way in which I submit, it ought to be taken, the question really that has to be asked is this; is this Government to be congratulated when, as a matter of fact, it comes before this House and demands nothing more than this paltry sum of Rs. 37,11,000? Sir, I have no hesitation in asking, having regard to the needs of this Province, having regard to the illiteracy, having regard to the poor health, having regard to malaria, having regard to gonorrhoea and syphilis and the other diseases that are prevalent in this Province, whether it connotes a sense of responsibility, whether it connotes a sense of adequacy on the part of this Government to come forward with nothing more than a paltry budget of Rs. 37,11,000. I see my honourable friend the Minister is laughing. Of course he must laugh. What else can he

do? He can do nothing else (Laughter.) (An Honourable Member : Should he cry?) I wish he did cry, and I would very much like to see him cry, because that would really show a certain amount of feeling and a certain amount of sympathy. A laugh carries us nowhere and is certainly not an argument.

Now, Sir, let me take another aspect of the question; it is this. Is there any chance of this expenditure provided for by the Government in this budget becoming permanent? Is there any chance of the Rs. 29 lakhs which the Government proposes to spend on education being available for the next year or the year after that? Is there any chance that the provision made by the Government for minor irrigation works and for many other things—is there any hope for us to feel that money for spending on all these items will be available to us next year or the year after? Can we depend upon it that these will be permanent items? Sir, I cannot give a positive answer. But it will be clear to all of us if we really ask one question, and it is this; how is this expenditure financed by the Government? What are the means adopted by it for the purpose?

I find that the Finance Minister, in making up his budget, has, in the first instance, depended upon a surplus of Rs. 10,50,000 from the current year's budget. Then he has drawn upon this year's balances to the extent of 63 lakhs; and thirdly, he hopes to have, by what he calls the additional yield from certain taxes which are levied now, a sum of Rs. 8 lakhs. These are the sources on which my honourable friend is depending for financing the new items which he has provided in the budget. But, Sir, the question that I ask is this: are these sources, these ways and means which have been devised by my honourable friend the Finance Minister permanent and lasting? Can they be depended upon to return from year to year? Let us analyse the figures. First of all, the increase in the current year's revenue which has given him Rs. 10,50,000 is principally due to the fact that by good luck he has been able to get additional income from two sources, namely, excise and stamps. According to his own figures, these two sources of revenue have given him Rs. 21,52,000. Then, the Government of India gave him as part of income-tax return a revenue of 27 lakhs. Now, on his own principle, prohibition, or rather the excise revenue, is tainted money. His whole show, if one may say so, is a tainted show, based on tainted money. Let us not talk about the past; we are faced with the present; and there is no question about it that this excise money will not come to him again. Not only is he not collecting more but he is giving up what he has. Stamps, I do not think, will yield him much. He does not expect much from that, and, therefore, so far as recurring years are concerned, these two items which swelled his balance must now be dismissed from our consideration. Income-tax may or may not come. That again is a contingent item. Therefore, all that one can see now, so far as the future is concerned, is this. For the new items of expenditure which he has shown in the Budget, the basis in the form of real assets is nothing else but the paltry sum of

8 lakhs of rupees which he proposes to derive from remodelling the system of tobacco taxation which prevails in this Province. For this additional expenditure of 37 lakhs of rupees, all the revenue we have is 8 lakhs of rupees on which we can depend. Therefore, I feel I am justified in saying even this petty show which has been presented to us in the form of a budget of 37 lakhs may not come again next year.

Now, Sir, let us look at this Budget from another point of view. I ask this question : What are the liabilities, responsibilities, which the Congress Government propose to take upon its shoulders ? Let us realise what our total liabilities are. Sir, it is a small matter whether these liabilities are such that we can meet them tomorrow, day after, or whether it will take a long time for us to meet these liabilities. That is altogether a different question. It is quite important; I say quite essential and in fact fundamental, that all of us—those who are sitting on this side and those who are sitting on the other—should know once for all what we propose to undertake with respect to the welfare of the people of this Province, so far as the welfare of the people of this Province is concerned. Therefore, it is very necessary that we should take stock of what the ultimate position is going to be apart from the question how we meet and how soon we shall meet it. Now, Sir, it is quite clear that, traditionally taking things as they stand in this Province up to this day, Governments have undertaken, although they have never fulfilled, their responsibilities and duties which certainly cover such fields as education, public health, medical relief, and one may say, to a certain extent water supply. These are admittedly the functions of Government. Now, I am glad to say that the Congress Ministry, when it came in office on the 17th August 1937, issued a statement which is called a statement on the “ Labour Policy of the Government.” I would like to remind my honourable friend of that statement, because he has altogether taken no note of what Government have stated in the Press Communique. Referring to that statement, I find that Government have unequivocally accepted the fact that these are not the only duties which this Government would look upon as their obligations. The Congress Government have accepted that over and above these, what are called the essential services— education, public health, medical relief, and water supply—there are, by common standards now prevailing in all modern countries, other duties which Government must undertake. These duties, I find, are unemployment benefit, sickness insurance, old-age pensions, maternity benefits and premature death benefits to dependents. Therefore, we have got to start with this position that my Government who claims to have the reins of office in its hands must look upon these duties as part of their functions. And the question, therefore, is what are going to be the total liabilities of Government, if Government were to decide upon discharging these obligations ? As I said, it matters nothing, it does not solve the problem, whether we are in a position to do this today or not. It is quite essential, quite necessary, that we ought to know what our duties are and what is the



liability in which we will be involved ultimately. Now, Sir, taking all these things into consideration, I would like, I would welcome, even at the closing of the debate, some kind of estimate from my honourable friend from his expert hand, to tell us what exactly would be the liability thrown on the revenues of this Province, if we are to undertake the discharge of those liabilities in their fullness. I have made some little calculation so far as I am able to do. My calculations cannot be exact. I have no information, I have no data, I have no expert assistance, but I have ventured to make some kind of estimate to find out exactly what would be the total financial liabilities of Government. Modestly speaking, the total liabilities of this Province will come to 24 crores of rupees. This is what a Government of this Province will have to bear in mind. I have no objection which Government comes in. Even this Government may perpetually carry on the administration of this Province. I have no quarrel so long as that Government is conscious of what their obligations are. The question, therefore, we have to bear in mind is, how are you going to raise this sum of 24 crores? It may be a little more or a little less; somewhere about that figure will be the liability of the Government in this Province to undertake. Sir, I ask: Is it within the competence of this Government, any Government for that matter, to raise this sum? Let us now turn to certain figures of revenue in other parts of the world and let us compare the position in other parts of the world with the position that we find in our own province. I have worked out some figures of per capita revenue in some countries. They are—

			£	s.	d.	
Canada	...	...	9	8	0	
South Australia	...	...	19	0	0	
New South Wales	...	...	13	0	0	
New Zealand	...	...	22	0	0	
Union of South Africa	...	...	4	0	0	(This does not include the revenue collected by the Provincial Governments.)
Australia	...	...	12	0	0	
Irish Free State	...	...	10	0	0	
Bombay	...	...	0	0	7	

Sir, this, I say, is a most staggering picture. It is a picture, it is a contrast, which is bound to make any Finance Minister who wants to take the responsibility of bringing welfare to the mass of the people of this province, shake in his shoes.

Now, the other thing which we have to notice with regard to the financial position in this province is that our revenues have been absolutely stagnant. I am quoting the Finance Minister himself. In the last year's budget speech, he gave us a very useful set of figures comparing the increase of revenue

in the different provinces of India between 1922 and 1935. The increases were : —

				Per cent.
Madras	...	...	...	26.7
The Punjab	...	...	...	28.6
The United Provinces	...	...	...	16.7
Assam	...	...	...	14.7
Bengal	...	...	...	11.9
Bombay	...	...	...	3

Even this 3 per cent has to be taken with a further deduction. This increase is found to be on the basis that you take into consideration all the additional taxation that was imposed from the year 1922. If you deduct all the additional taxes that were levied from 1922 to 1935, the revenues of the presidency of Bombay have decreased by 5½ per cent. We, therefore, find ourselves in this position, that our revenues are not increasing at all ; they are practically in a stagnant position. Now, add to that two new factors. The first is that this position is now going to be worse off by the prohibition policy which has been adopted by this Government. Secondly, we have to bear in mind that this Government has announced its policy of reducing the land revenue. Now, it is a fact that these two items of revenue together make up something like 7 crores of rupees. These 7 crores of rupees, having regard to the policy laid down by the Government, must now be regarded as the vanishing assets of the province. Therefore, the net revenue which you can calculate as a permanent basis for building up anything that could be permanent is only 5 crores of rupees. As against this, you have to set up, as I said, an ultimate liability of 24 crores of rupees.

Now, Sir, the question is : What are the ways of improving the financial resources of this province ? I am very sorry to say, but I must really say it, that looking at the financial statement and the budget speech which my honourable friend made, that this budget is a most retrograde budget. It is a budget which shows that the Government has gone back on its plighted word. Sir, the last budget speech which the Honourable, the Finance Minister made, I do say—and I think praise must be given where it is due—did contain an element of boldness, an element of radicalism, which gladdened the hearts of those of us who were sitting on this side of the House. I have compared the speech which he delivered on the last occasion, with the speech which he delivered the other day, and I noticed a very painful contrast between the two. Sir, last year ; my honourable friend—at any rate judging from the speech which he delivered—gave me the impression that he was conscious of one of the most difficult and one of the most important problems with which we are all faced, namely, the problem of finding money. He was not only aware of the fact that, that was our one supreme problem, but he gave us the promise that he would tackle it in such a way that not only would there be greater resources available for the benefit

of this province but that the burdens would be so equitably distributed that those who could not bear would be relieved and those who could would be taxed. I am going to read to him certain passages from the speech which he delivered last year. In paragraph 14, this is what my learned friend—

*An Honourable Member:* “Honourable friend”.

*Dr. B. R. Ambedkar:* I am used to the High Court where we call our friends “learned”. This is what my honourable friend said :

“Lastly, we come to new taxation as a source of the much needed additional finance. In this connection, our first object is to make the necessary adjustments in the incidence of the existing taxes. Take the land tax first. Our ultimate object is to cease taxing the uneconomic holdings in which our land is at present divided. To begin with, however, we think it necessary to introduce a graded tax on the larger agricultural incomes. Through a process of the expropriation of the actual cultivator, a considerable portion of the lands has passed into the hands of non-cultivating, rent-receiving, absentee landlord. Are their incomes, large or small, to be treated in respect of immunity from or reduction of taxation in the same way as the actual cultivator of the soil? Then there is a large class of income derived from alienated lands. These incomes are putting this province to an annual loss of nearly 70 lakhs of rupees. How are these incomes to be treated when we propose to tax the more well-to-do classes of our Khatedars? The views of the honourable members on every side of this House on questions like these would be of immense use in the formulation of definite proposals by Government. Such resources as will become available by the adoption of policy of higher taxation on landed incomes which could bear the burdens should, we think, be largely utilised for making the burden of land tax easily bearable by the actual tillers of the soil and for making their lives better. Enquiries regarding the result of a graded tax on higher and equitably taxable agricultural incomes have already been set afoot. Similarly the other taxes from which we are at present deriving our revenues require to be carefully re-examined and readjusted both in reference to their incidence as well as in reference to their effects on public interests. We are proceeding with this work as expeditiously as possible and Government have every hope that our definite conclusions could be announced to this House by the time the next budget is ready for submission to it.

“I hope that nothing that I have said this evening will countenance the belief that Government are not ready to propose new taxes for financing schemes of social utility. Such an impression would, I may say, be far from the truth. Although taxation in this province is very high, it is clear to us that most of this taxation is being borne by the poorer people in the province. The land tax, the excise tax, the stamps and court fees, the taxes on public conveyances, the tax on country grown tobacco—all these are being mostly paid by the poorer classes. The income-tax is the only tax paid by the rich and that at present is beyond the reach of the Provincial Government. Between the poorer classes who pay most of the provincial

taxes and the richer classes who pay the income-tax to the Central Government, there is a considerable body of people who ought to bear a portion of the financial responsibilities of their province. The wealthier classes whose contribution to Provincial Revenues is inadequate must also come forward to take their proper share in them. Pledged in as we are by numerous restrictions, it is no easy task to devise taxes which will affect only the taxable untaxed. Though today I am not in a position to anticipate the decisions of the future, I may state that we are exploring the possibilities of many proposals with a view to submit to this House proposals which may provide the necessary funds for not only recouping ourselves from the loss which a policy of prohibition may involve but will also enable us to undertake some expansion, though not all the expansion, that we desire in the many fields of social service, social service in the widest sense of the term.”

Then, Sir, he also made this observation :

“There is one other direction in which Government’s activities must be extended for the purpose of augmenting its resources. There are many public utility services which are at present being utilised for the benefit of a few at the cost of the community as a whole. There is no reason why the State should not nationalise these activities and appropriate the profits for the good of the community as a whole. The supply of electricity, for instance, to the public is carried on at present by private agencies under the protection which Government alone can give on behalf of the public. There is no valid reason why the profits of this public utility activity should not return to the pockets of the public as a whole through its accredited agency, the Government. Nothing has been hitherto done in this direction. Many other potential sources of income which could fairly be taken up by Government remain unutilised or are allowed to be exploited for the benefit of a few. There is a large field which we must explore, to which State activities could be extended, and Government will look forward with confidence to activities of this nature as possible sources of public benefit.”

Is there anything of this in the new Budget speech which my honourable friend has made ? He has eaten up his very words : there is not even a passing allusion to any of the statements which he made in the course of his last Budget speech. I ask him this question : Why has he eaten up his words ? Who has compelled him to do it ? (Honourable Members : “Vallabhbai!” “Shegaon !”). There must be somebody behind I will not go into that. But I do want to say one thing, and I want to say it with all the sincerity that I possess. My honourable friend has been congratulated, I think, on the ground that there has been no new taxation. I for myself have the greatest condemnation for the Government for not coming forward with taxation. This Budget, therefore, I say, is a rich man’s budget. It is not a poor man’s budget. The poor man wants more and more. The rich man can afford to be independent of the Government. A rich man needs no

school: he can keep a schoolmaster and give his son education up to B.A. or M.A. without sending him to school or college. A rich man needs no dispensary: he can call in a doctor, pay him Rs. 30 and get himself, his wife and his children examined if suffering from any disease. It is the poor man who wants Government to come to his succour; it is the poor man that needs more service. **No Government worthy of its name, no Government with any sincerity, can tell the poor classes that it cannot provide these amenities because it has not the courage to levy taxes.** The sooner such a Government abdicates the better for all.

*The Honourable Mr. Morarji R. Desai:* That is the rub.

*Dr. B. R. Ambedkar:* There is one other point to which I should like to refer. I do not know how many members of this House will agree with me in what I am saying, but I hold firmly to the view that the Governments in India, no matter what the province is, will never do any good if they confine their attention to what in European countries are merely called social services. I do maintain, and I state it emphatically, that one of the principal duties of this Government must be to tackle the problem of poverty. The Government must see that they do adopt ways and means whereby the national income of this province rises to some substantial level, whereby the majority of the people can live in amenities which rightly belong to all modern and civilised men. The system of social services which has so far prevailed in European countries, whereby the Government gives what are called doles or unemployment benefits, maternity benefits, and so on, presupposes one thing: it presupposes that a majority of the people are above want, are above the line of poverty, and that it is only those few who, either by the vagaries of the economic system or by any misfortune befalling them, fall below that line of poverty, that need, assistance from the Government. It is, therefore, perfectly possible, perfectly justifiable, for European governments not to bother with problems of general economic uplift of the people as a whole. But the problems with which we are faced in this country are of a totally different character. I have no hesitation in saying and I do not suppose there is anybody in this House who would quarrel with me if I state it, that we are all a nation of beggars and coolies. That is the description which one can give of all this mass of people. Therefore, no Government worthy of its name can sit silent and not take account of this grave problem.

Now, Sir, having regard to the Budget proposals which we have before us, is there anything to indicate that this Government is aware of this problem, that it does take cognisance of it, that, after all, the one supreme aim must be to see that the national income of this country rises, that the national dividend rises? I do not see anything. There seems to be one idea which is prevalent all over and which I really want to examine at this stage. The view is held by all that a large part of the poverty of the agriculturists arises out of what is called the heavy burden of land revenue. Therefore the view is held—and I have no doubt that that is the view of the Finance

Minister—that all that needs to be done in order that the people's income may increase would be to reduce that burden of land revenue. Now, Sir, I take the liberty of saying that nothing can be more fallacious than this view. That does not mean that I am opposed to the reduction of the land revenue : I am for it ; I will insist upon it, because I say that this Government has really no right to take what are called the profits of agriculture, as distinguished from mere rent for the use of land. But let me examine for the moment the idea that seems to be prevailing and the idea on which this Government seems to be proceeding, namely, that all that need be done for the relief of the poverty of the general mass of people is to remit the land revenue, to reduce it. Sir, let us examine and see what relief can be afforded by this process. The total land revenue which we collect is about  $3\frac{1}{2}$  crores and the total population of this Province is something like 2 crores, very nearly. Now, assuming for the sake of argument, and I am assuming it against myself, that this Government was generous enough and could afford to remit the whole of the land revenue, namely  $3\frac{1}{2}$  crores, let us distribute this precious sum of  $3\frac{1}{2}$  crores over the two crores of the population. Now, on a rough calculation I find that the total addition to the income of one individual, under these circumstances, would be 1 Rupee and eight annas. That is the highest. Converting it into a monthly allowance I find that the addition that would be made to the income of each man would be of  $2\frac{1}{2}$  annas. Now, I like to ask whether anybody would seriously contend that an addition of  $2\frac{1}{2}$  annas, which would be the result of the remission of the whole of the land revenue, would increase our economic welfare in such a way that the problem of poverty would be abolished from our midst. Sir, the problem needs different remedies—altogether different remedies. I do not want to go into that now ; I have probably wearied the House enough. But I do want to say that this is something which this Government does not seem to be aware of, and I do say that a Government which is not cognisant of this problem, a Government which has not the ways and the means of solving this problem, can bring no relief, can be a source of no happiness to the people of this Province ; and, therefore, I will say, in conclusion, that this is a budget which is a most disappointing budget, a budget which is designed to relieve the rich and to starve the millions. (Applause.)



## 4

### **\*ON BUDGET : 4**

*Dr. B. R. Ambedkar (Bombay City):* Mr. Speaker, Sir, this is now the third Budget which the Honourable the Finance Minister has submitted to this House. I think it would not be an exaggeration to say that the first two Budgets which he submitted to this House were not of a very satisfactory character. And probably there were sufficient excuses for the unsatisfactory character of the first two Budgets. The first Budget that was submitted by him was, as a matter of fact, not his Budget; it was probably the Budget prepared by the interim Ministry and undoubtedly the Finance Minister could not be held responsible for whatever blemishes the first Budget contained. The second Budget had the excuse of having been made in a hurry, without Government's having had sufficient time to prepare their plans and to digest the whole thing. But I am sure none of these excuses or extenuations could apply to the present Budget which has been presented to us. It must be said that this is a Budget which has been prepared after mature consideration. It undoubtedly embodies in it the full plan which the Ministry has with regard to the taxation and with regard to the proposals of expenditure which, from their point of view, are matters of urgency. I think that this Budget, therefore, needs to be more specifically scrutinised.

Every one is aware that this Budget has been a Budget which has caused a great deal of agitation. Those who were expectant have been disappointed, and those who have been hit have called this Budget a revolutionary Budget. Speaking for myself, when I refer to the revenue side of the Budget as well as its expenditure side, my own view is that the proper description of this Budget would be that on the revenue side it is a reckless Budget and on the expenditure side it is a senseless Budget. This is, of course, no occasion to discuss the merits or demerits of the proposals which have been embodied in the Finance Bill which is a part of this Budget; the detailed criticism of those proposals must wait till the Finance Bill is presented to this House for consideration. However, it would not be unwise to say, in a general way, what I think of the proposals of taxation which have been embodied by the Minister in the Finance Bill.

There are six different proposals in the Finance Bill. First of all, the Bill

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\*B.L.A. Debates, Vol. 5, Part I, pp. 903-16, dated 21st February 1939.

proposes to continue for a year more, the additions made to the stamp duties and the court-fees sanctioned by the Bombay Finance Act II of 1932. Secondly, it increases the duty on the consumption of electricity. Thirdly, it increases the stamp duties in certain cities and urban areas on conveyances of immovable property. Fourthly, it levies a tax on leases of immovable property. Fifthly, it imposes a tax of 10 per cent, on the annual letting value of buildings in Bombay, Bombay Suburban District, and Ahmedabad City. And Sixthly, it imposes a sales tax not exceeding  $6\frac{1}{4}$  per cent. on three items, namely, motor spirit or lubricants, manufactured cloth, and silk yarn. As I said, I do not propose to go into the details of these proposals of taxation. All that I am going to do now is to offer, in a summary way, certain criticisms which occur to me on general principles.

Now with regard to the continuation of stamp and court fees, I would like to remind the Honourable the Finance Minister that this was a tax which, if my memory serves me aright, has always been objected to by Congressmen in the old Legislative Council. Sir, I do not remember a single Budget Session, when Congressmen did not turn the Budget Session into a kind of hardy annual between the Finance Members on the one hand and the Congressmen on the other. A tax which was fought tooth and nail every year, and where Congressmen themselves were not prepared to give this tax a perpetual lease of life should have now been thought by Congress Ministers themselves as a tax which should be continued *ad infinitum*, year by year is, to say the least, a bit of the same policy which Congressmen have been following now that they have got office, namely, that the things which were then bad are now good, because they are run by Congressmen. Very many examples could be cited of that kind of turn of mind. We know Congressmen who use to fight tooth and nail because the Executive was not separated from the Judiciary. They thought that was a most oppressive system and we have now the same Congressmen supporting that that was the most ideal system. I will not say anything more than that, but I should certainly like to point out that this is certainly contrary to the declared faith of all Congressmen.

Coming to the duty on electricity, this is, to my mind, in principle, a bad tax. I am one of those who believe that the use of electricity ought to be encouraged more and more, because in the absence of electricity what people would do would be to burn kerosene oil which causes smoke which is injurious to health and that ought to be stopped in the best way possible. The only way to discourage the consumption of kerosene oil would be to make electricity as cheap as one can possibly make it. And therefore my submission is that, on general principles, this is a bad duty. My second comment on this part of the taxation proposal is that it is a tax which is badly distributed. One of the most extraordinary things that one notices about this electricity tax is that there is no increase in the tax on the energy used by cinemas and theatres. Sir, I should have thought that if there was any person or any individual tax, it was certainly the cinema and the



theatre. Because, if a tax was levied on the cinema or on the theatre it would certainly be passed on, if not borne by the consumer, upon the persons who go to the theatres and to the cinemas. That would be taxation on luxuries and I am sure, although, I cannot be absolutely accurate, that instead of spreading the tax as the Honourable the Finance Minister has done upon householders, if he had increased the rate upon cinema and on theatre he would have got all the revenue that he intended to get out of this duty. But as I said it is an extraordinary thing that the party which has got the broadest back to bear this is exempt, and what is done? What is done is this: that those persons who were hitherto consuming less than 12 units are now taxed, and those who consume more than 12 units, their taxation is increased from 9 pies to 15 pies. Sir, I do not understand the equity of the distribution of this taxation measure. Why is it that people who were hitherto exempt because they consumed less than 12 units are now taxed? Why is it that those who bore only 9 pies (5 Nps.) are now made to pay 15 pies (8 Nps.), while the theatres and the cinemas are exempted from the operation of this measure?

With regard to the third item of taxation which is, Stamp Duty on Conveyances, the increase, to my mind, is quite unjustified. In Bombay City, the Honourable the Finance Minister proposes to increase the tax from  $3\frac{1}{2}$  per cent. to 4 per cent. which is an increase of 20 per cent. on the present basis. In Poona and Ahmedabad he proposes a tax from  $2\frac{1}{4}$  per cent. to 3 per cent. which is also an increase of 20 per cent. In other towns, which are to be notified by the Government, the tax is to be raised from  $1\frac{1}{2}$  per cent. to 3 per cent. which is an increase of 50 per cent., and in the rest of the towns it is to be raised from  $1\frac{1}{2}$  per cent. to 2, which is  $33\frac{1}{2}$  per cent. Reading the Honourable Minister's Statement of Objects and Reasons which is attached to the Finance Bill, I do not find any explanation as to the justification for the increase of this taxation. All that the Honourable Minister chooses to say is this: that it is considered desirable that the stamp duty for conveyances should be higher in urban areas than in rural areas. Why is it desirable, why the urban areas are more sinful that they should be made to pay more than what they have been paying so far, we have had no answer from the Honourable Minister at all. It is a simple arbitrary act saying that the tax shall be increased without any rhyme or reason.

Then we come to the fifth proposal, that is the property tax. This of course, is the crux of the whole taxing proposal. Now this proposal, to my mind, is objectionable from the various points of view. My honourable friend Mr. Jamnadas Mehta has already pointed out one of the objections to this measure, and that objection is this: that this Government is now encroaching upon a basis of taxation which has hitherto been left for the Municipal governments. The Bombay City Municipality derives a large part of its revenue from taxation on property. Not only the Bombay Municipality derives its revenue from property tax, but similarly all the City

Municipalities are allowed to levy a tax upon property. Sir, this competition by Government into a field of taxation which is reserved for municipal bodies, I am sure, will prove greatly detrimental to the growth of local self-government. I will not say anything more on that point. But I will refer to certain other aspects of the proposal and the first aspect is this. The tenants of the Bombay City have been carrying on an agitation that the rents in the City of Bombay are abnormal and that they should be reduced. Now, Sir, if the Government as it is going to do by this measure of taxation, is going to take away 10 per cent. of the value of the property, it should not in the same breath say to the landlord that he shall also reduce the rent of the tenants who have been agitating against the present high pitch of rent. Therefore, what the Government is doing is really nothing more than defrauding the tenants of the Bombay City and similarly of Ahmedabad and Poona by taking away from them what was legitimately their due ; and I think that is certainly one of the most serious objections that can be urged to this measure.

Secondly, this property which is to be the subject-matter of taxation under the Government proposal cannot be said to be property which is not subject to taxation now nor can it be said that this is a property which has been lightly taxed and, therefore, can still bear a higher taxation. Let me take the case of Bombay City itself.

*The Honourable the Speaker:* I am afraid there is a misunderstanding ; Poona is not included in this taxation proposal.

*Dr. B. R. Ambedkar:* I am sorry—only Bombay and Ahmedabad. Now, with regard to the position in Bombay, what one finds is this. The Bombay Municipality levies on the whole 18½ per cent. on the rateable value of the property for its own use. In addition to that, the owner of the House has to pay, what is called, ground rent if the property is a leasehold property. In addition to that, he has to pay income tax to the Government of India on the income which he derives from the total rental of his property. Taken all together. I think all this burden would certainly come to about 22 to 23 per cent. (An Honourable Member : 50 per cent.). Well my honourable friend says it would come to 50 per cent.; he will probably explain it later on. What I point out is this that it cannot be said that this property is a lightly taxed property ; it is a property which is already heavily taxed and, therefore, it will be very unjust to impose upon it a further burden of 10 per cent.

The next thing that I should like to point out to the Honourable the Finance Minister is this. He seems to treat this tax as though it was just a rate and not a tax. Well, I have a quarrel with him on that point What he is levying is not a rate but it is a tax. The difference between a rate and a tax is this. A rate is something for which you get specific service. We pay rates to the municipality because in return for what we pay to the municipality we get direct service—we get water, we get conservancy, we get lighting, we get various other services. It is really a charge for the

services rendered, but in the case of what the Honourable Minister is doing there are no services. Therefore, it is a tax. And, I say, although the Minister chooses to call it a tax on property, it is a tax on income, because I do like to tell him that nowhere things pay anything. In all ultimate analysis, it is the man who pays; things do not pay. If men pay, they pay out of their income. Therefore, it is an income tax. Now, I would like to ask the Honourable Minister why the equitable principles which are always recognised to be the part of a general scheme of income tax are not made the part of this tax? Two things might be mentioned. One thing that needs to be mentioned is this that every scheme of income tax has in it a basis of exemption. Below a certain minimum you do not tax. In the present day income tax, the minimum, I think, is about Rs. 2,000. If this is an income tax, and I insist and say that it is an income tax, and nothing else, why is it that there is no exemption? It is no use lumping all landlords together. I live in Hindu Colony; there are many people who have drawn their gratuities from Government, there are many people who have received certain accumulations of provident fund. These people have built small houses. In a part of the house they live and in the remaining part of the house they have tenants. These people pay ground rent; they pay municipal taxes. Is there no consideration for them? Then, there are several people who have invested lakhs and lakhs of rupees in buildings and who are doing nothing else but living on the income derived from these properties. I say there is a distinction and a distinction ought to be made between a landlord of one type and a landlord of another type. Why is that distinction not made here?

Take another consideration. A number of these properties—I do not know how many but a great number of them—are certainly properties which belong to charitable organisations. Take for instance the Bombay City. Here, we have the Social Service League, the Servants of India Society and there are many other organisations which can be mentioned which are catering out of the income that they get for rendering assistance to poor widows, to orphan children, to people who have had no education and giving them medical aid. I cannot understand why a Government like this which has repudiated its responsibility—I am going to tell that later on—with regard to all social services and has thrown the burden upon the public to provide for such services out of charity, should not show any exemption for charitable organisations. Even the Income-tax Act, section 4, says that income derived from charities shall not be subject to taxation. I do not understand why none of these considerations have prevailed with the Honourable Minister for Finance. I am sure he will have something to say when we consider the Bill itself.

Coming to the Sales Tax, personally I do not like it. I know there are people who believe that it is a good tax and that it may be levied. I have a different opinion about it. To my mind, it certainly smacks of what we in India used to have imposed upon the Indian mills, and what was called

the excise duty on cotton manufactures, from the year 1894. It cannot be anything else except that. If it is shifted by the manufacturer or by the salesman, it is certainly going to affect the consumer ; it is certainly going to affect his standard of living. If it is not shifted, if it is borne by the manufacturer himself, then it is going to affect the industry on which it is placed. In either case, it is not a very satisfactory piece of taxation.

Now, Sir, I am one of those who have always held the view that good things of life do not fall from heaven like Mannat ; they have never done so anywhere. In fact, if you want the good things of life, you have got to pay for them. Unless you pay for them, you cannot get them. I am therefore, one of those who cannot have any conscientious objection to taxation, because I am certainly one of those who believe in having the good things of life and also believe in having to pay for them. The question, therefore, that we have to consider is this : What is all this taxation for ? What is the purpose ? What good the Government proposes to do by levying this taxation ? It is necessary to remember that the total revenue which the Finance Minister is proposing to raise by his scheme of taxation is 169 lakhs of rupees. Now, Sir, turning to the budget, one must first ask, what are the new items of expenditure which this budget includes ? Now, I have excluded from the budget certain items of expenditure which merely refer to administrative departments and do not result in direct benefit to what may be called the social welfare of the people. I have picked up from the budget such items of new expenditure which in my judgment may be said to be items which affect the public welfare of the people. I find that for irrigation the budget provides 7½ lakhs. For education it provides 16½ lakhs. Out of the 16½ lakhs, 5 lakhs are provided for the expansion of primary education, 5 lakhs are provided for buildings and 1.81 lakhs are provided for the introduction of what are called basic crafts. Then under public health there is nothing to report except an item of 5 lakhs for village water supply ; for agriculture there is nothing ; for co-operation there are 7 lakhs ; for rural development which of course means nothing more than the employment of 7,000 itinerant men who would be wandering all over the presidency carrying on some kind of propaganda which the Honourable Ministers think is going to be helpful to the people.

Secondly, there is a provision for 2 lakhs for debt redemption. One thing I would like to point out is this : apart from the question whether the expenditure that is provided for in the budget is adequate having regard to the needs of the province, the one thing that this House should realise is this that new taxation is not at all necessary for the new expenditure. As the Honourable the Finance Minister himself has said in his budget speech, out of a total taxation of 169 lakhs, only 44 lakhs are supposed to be necessary for two schemes, namely, one for expansion of rural education and one for economic rural development. The rest, practically 125 lakhs, are not wanted for the new expenditure that the Ministry has in contemplation 125 lakhs is wanted by the Ministry for no other purpose than to wipe

out a deficit arising from what they call their Prohibition Policy and therefore, the question that arises for consideration is a simple question. The issue is absolutely narrowed down and that issue is this: is drink a problem and if drink is a problem, is it an urgent problem? Unless this House is prepared to give an affirmative answer to both these questions, there will be no justification for voting taxation which has been proposed by the Finance Minister. Sir, let us make no mistake in analysing the position. There is no question that drinking is an evil and it does have very bad consequences, but to admit that drink is an evil is not to admit that drink is a problem; much less is it an admission that it is an urgent problem.

Now, Sir, let us look at the position in a comparative way. What is the position in the Bombay Presidency? We need not bother ourselves with the rest of India at all for the moment because we are dealing with the budget of the Bombay Ministry. What is the position in the Bombay Presidency and what is the position in other countries so far as the drink question is concerned? First of all, let me give some figures with regard to the total excise revenue that is derived in various countries because the revenue of a country from excise is some indication as to the magnitude of the problem which a country has to face. Now, I have taken these figures from the Blue Book issued by the League of Nations and the figures refer to 1931. Beginning with Great Britain the population is 44,937,444 and the excise revenue is 1,504,895,000. In Austria—which is now no more but still it was in 1937—the population is 6,760,233 and the total revenue derived from excise was 15.96 lacks and odd. In Canada the population is 1 crore while the excise revenue derived is 57.19 lakhs. The Irish Free State has a total population of 2,965,854 while the total revenue derived from excise is 665 lakhs. Then take Denmark. Its total population is 37 lakhs while the excise revenue derived is 5,34,80,000. France has a total population of 419 lakhs and odd while the total revenue derived from excise is 207,079,650. Take now the figures for Norway. Norway has a total population of 2,814,194 and its total revenue derived from excise is—it is a country where there is local option 1,66,72,600. Now, Sir, in the light of this compare the figures of our presidency. The Bombay Presidency has a population of 180 lakhs. The total revenue from excise is 325 lakhs. Can any one say that this consumption of liquor in the Bombay Presidency can be said to create a problem which the State must undertake immediately to meet? A man who said “Yes” and gave an affirmative answer would certainly be a man who has lost all his bearings. (Laughter) Take another test. Take the consumption of liquor and I take these figures from the report submitted by the Government of Bombay itself. What is the total amount of liquor that the people consume? Now, the Blue Book or the Administration Report issued by the Government of Bombay say that the average consumption for the whole presidency works out at the rate of 3 drams per head. I am told that it is less than an ounce, in fact  $\frac{1}{4}$  of an ounce, and my honourable

friends opposite call this a problem. In rural area consumption is 1.8 of a dram, and taking towns together, it is 8.2 drams not even an ounce. Take again the revenue basis of the Bombay Presidency, and I am taking here now the largest item of consumption, namely, the country spirit, which of course figures the largest in our excise. What is the revenue that this Presidency derives from country spirit? The report says that the total amount derived from country spirit is Rs. 1,54,43,750. That is the total for the whole Presidency. Now let us distribute this between the urban area and the rural area. According to the Administration Report, there are 33 towns in the Bombay Presidency. These 33 towns together total up in point of population about 29,00,000 of people. How much revenue is derived from these 33 towns from country liquor? The revenue that is derived is fully a crore of rupees from these 33 towns. That means that the balance of the population, which does not live in the towns but lives in the villages and that is according to my calculation 1,52,00,000—consumes not more than 54 lakhs worth of country spirit. Working that out per head, it means that every individual consumes no more liquor than worth 5 annas (31 Nps.) in a year. Let me analyse the total figures in the towns a little further. In the towns as I said, 29,00,000 of people consume liquor worth one crore of rupees. Is that correct? We all know that women in this country do not drink, and even the most habitual drunkard would not tolerate his wife sipping even a dram. Also children do not drink. Therefore, making an allowance for women and children, I think we would be justified in deducting about 75 per cent. of the population of the towns as a non-drinking population. If you deduct that, then it comes to this, that about 10,00,000 of people are the people who are affected by what is called the drink evil. Sir, with these figures before me I claim to say that with these figures before him nobody who is a fair minded person would be able to say that drink is such a problem in this country that it ought to be tackled forthwith.

Now, Sir, I know there are people who have the United States of America as their model, and who think that because the United States has carried out the policy of prohibition by amending the constitution of the United States in 1919, this country ought to follow that lead. But, Sir, it is necessary for us, before we run amok, if I may say so, to consider what the position was in the United States. I have here some figures of the problem as it existed, the magnitude on which it existed in the United States before the constitution was amended in 1919. What was the total consumption of liquor in the United States? According to the Book "Prohibition" by Feldman, the position was this. Between 1910 and 1914 the total per capita consumption of distilled spirits, wines and beer in gallons was 22.43 per. individual; between 1905 and 1910 it was 21; between 1900 and 1904 it was 18.77. It will be seen that the consumption per capita was rapidly growing. Between 1900 and 1901 it was 18, between 1905 and 1909 it was 19.46 and between 1910 and 1914 it was 22.43. Surely,

our conditions cannot be said to be in any way comparable with the position in the United States.

Take again another indication. Can we say that there is in this country such a thing as alcoholism? Can we say that there are people here who have died of sheer alcoholism, people who have died of liver trouble on account of the fact that they have been taking alcohol excessively? I have gone through the figures published in Public Health Reports of this Province and I have also searched the figures published by the Commissioner of Health appointed by the Government of India, and I want to say that neither have thought it necessary even to notice such a thing. The reason why they do not notice deaths from alcoholism or from liver trouble is because such a thing does not exist in India at all. On the other hand, see what has happened in the United States. In the United States, in 1917, 5 people out of 1,000 died of sheer alcoholism; in 1916, 5.8; in 1915, 5.2; in 1914, 4.9; in 1913, 5.10. Take again another indication namely, deaths due to what is called cirrhosis of the liver. In 1917, 11 persons out of 1,000; in 1916, 12; in 1915, 12.6; in 1914, 13; in 1913, 13.4. Such a phenomenon, I submit, does not exist in our part of the country at all. Therefore, my contention is that it is wrong on the part of the Ministry to say that this is a problem which we ought to deal with. My contention is that this really cannot be a problem in our part of the country, and for two very good reasons. One good reason is that all religions in India agree in imposing an injunction upon the people, that drink is a sin. Religion may have done many mischievous things, but certainly there can be no doubt that the one good thing that the Indian religions have done, both Hindu and Mahomedan and the Zoroastrian religion, is that they do impose such an injunction which has been so strictly obeyed by a large part of our people.

The second distinguishing feature which marks out our country from other countries, and which cannot create a problem so far as drink is concerned is just this, that the drink traffic is in the hands of the Government. It is not in the hands of private profiteers as it is in the case of America or as it is in the case of other European countries. The Government is a responsible body, is subject to public opinion, is subject to the opinion of this House, and therefore can never do the mischief which a private profiteer can do. As I said, looking at it from every point of view, I refuse to admit that it is a problem which needs to be tackled.

Then, Sir, the next question that I want to ask is this. Is this such an urgent problem that we must keep aside everything and deal with it first? In order to answer that question, it is necessary to bear in mind what the different needs are of the people of this Province. Are the other needs fully satisfied? Are they tolerably satisfied, so that because they are tolerably satisfied we ought to keep them aside for the moment and tackle this one and only question? Let me take a few illustrations. First of all take the question of education. With regard to adult education, the position in this Province is this. So far as males are concerned, only 14.3 per cent. of

the male population is literate. So far as the female population is concerned, only 2.4 per cent. of the female population is literate. That means that practically 86 per cent. of the male population and 98 per cent. of the female population needs still to be taught the rudiments of education, so that they may carry on the activities of their life without falling a prey to the machinations of other classes. We have had a committee appointed by the Government to report upon this matter. That committee has made its report. But I do not find any provision made in the present budget to carry out the proposals made by that committee. Take children's education. What is the position in this Province? In this Province, one thing which is absolutely undeniable is this, that this Government have repudiated their responsibility in regard to college education. I think there can be no doubt on the point. This Government do not regard giving higher education to the boys of this Province any business of theirs. That has been left by Government to private agencies. With regard to secondary education, the matter is more or less on the same footing. Government do not take responsibility on their shoulders but they supplement the monies collected by private agencies by small grants from public treasury. Therefore, we are really under a very limited field of activity so far as education is concerned. Then, primary education. What have Government done with regard to primary education? From the figures that I have been able to collect yesterday, I find the present position is this. The Primary Education Act applies to children who are between 6 and 11 years of age. The total number of children between 6 and 11 is 2,479,000. Of these children, I think 754,000 are in schools; and the rest of them are not in schools. This proportion works out in this way. Out of every three children, one is in school and two are still outside school. Examine the question from another point of view, from the point of view of facilities provided by Government for primary education. According to Government figures, there are in the towns of this Province, 184 primary schools. This is with regard to towns. What is the position with regard to villages? The total number of villages in this Province is 21,484. Out of these only 8,599 villages have got schools; and 12,885 villages have no schools at all. That is the position. Government do not even care to provide facilities for them, apart from the question of carrying out the provisions of the Primary Education Act. Now, Sir, one curious thing which strikes me at any rate, and I do not know whether it strikes the Honourable Finance Minister, is what would be the cost of making primary education compulsory. According to the figures worked out by the Primary Education Committee, what Bombay Government need to make primary education compulsory is 1.30 lakhs. Now, Sir, that is just the amount the Honourable the Finance Minister is raising by his taxation proposals. Apart from the question whether the taxation proposals are good or not, confining my attention to the question as to the best method, the proper purpose for which this money ought *to* be spent, the question that I should like to ask of the Honourable the Finance Minister is this. You are



raising practically 1,30 lakhs of rupees; is it necessary that you should spend this money on improving the lot of a drunkard or should you spend this money on educating children who do not get education? What is the choice that you make? That is really the whole question. Is the education of children more important? Is the education practically of 17 to 18 lakhs of children less important than the lot of 10 lakhs of city people who choose to drink? Sir, I do not believe in it. I am a teetotalter and I wish everybody was. But the problem is really this. If you give me an educated man who is also a sober man. I welcome him. But, if you tell me to take sober man who is a fool, who is a dud, who does not understand anything, I for myself would prefer a man who drinks but who knows something. That is my position, I think that is the position which ought to be considered by the Honourable the Finance Minister when distributing this colossal taxation which he is levying on the Province.

Take another alternative thing. I refer to public health. The total expenditure this Province incurs on public health is a paltry sum of Rs. 31,48,000. It works out at the rate of 2½ per cent. on our total expenditure. Now, Sir, village water supply is a crying need; there are hundreds of villages which have no water supply at all. Any one who goes to the villages will mark that every village in this Province is nothing else but a dung heap. It is a misnomer to call it a village, it is a misnomer to call it a place fit for human habitation. The improvement of the insanitary condition and the abomination that exist in villages is certainly the crying need of our Province. Hundreds of people are dying from malaria, are dying from all sorts of diseases. There are hardly any dispensaries. There is hardly any provision made for distribution of medicine or medical treatment. There is no water supply, as I said. Last year, a provision of 10 lakhs was made. We do not know how that money has been spent. This year, I find there is some provision made, about Rs. 8,55,000. What is all this having regard to the enormity of the want? Hundreds of people are dying by reason of the fact that there is no medical aid, no clear water to drink. The Finance Minister has chosen to spend this money in saving the souls to use a biblical expression—in curing the souls or in being the curate of 10 lakhs of drunkards in Bombay and Ahmedabad.

Then, Sir, take another point. The same point has been made, that we are taxing the city dwellers, we are taxing the urban population. Why are we taxing the urban population? The reason why we are taxing the urban population is because we want to improve the amenities of the village folk. Is there anything of the kind done in this budget? If the Honourable Minister was really doing the thing for which some friends of mine have given so much care and attention, I shall be very glad. On whom is it spent, this tax of 1.69 lakhs? He spends on the drunkard who lives in the town. The poor man in the village does not get any benefit out of it. Take for instance, one single item, namely, the land tax. The total of the land tax in this province is Rs. 3,38,63,000. Ten lakhs were remitted last year.

This of course is not a permanent reduction. It is indicated in the budget that there will be a total permanent reduction of something like 40 lakhs. That means that the rural population will still have to bear 3 crores of land revenue. The question I would ask the Finance Minister is this : if he is raising this tax of 1.69 lakhs from the city dwellers, why is he not wiping out the land revenue altogether ? Personally, I would be very glad indeed ; I will withdraw all my opposition to these taxation measures if he spends all this money on wiping out the land revenue. Is he doing that ? Why is he not doing that ?

Now, Sir, there are just one or two points which I should like to touch upon. In this budget, the Honourable the Finance Minister seems to take credit for two things. One is, that after all he is levying all these taxes from the urban areas. The second is, that taking things by their total, there is no additional burden imposed, because what is levied by way of a new tax is remitted by prohibition and, therefore, on the total the sums are equal. Now, with regard to the first question, I should like to draw attention to some important figures. It has been my view, and that view is confirmed by such study as I have been able to make of the conditions of this province, that, so far as our province is concerned, agriculture is the most congested occupation. I am going to cite a few figures in support of that proposition. The first thing to be noticed is that Bombay is a small province in point of area. The total area of this province is 76,735 square miles ; which is really just one-half of the Madras Presidency, two-third of the Punjab, of the United Provinces and of the Central Provinces, and just a little less than Bihar and Orissa. Now, bearing this in mind, compare the area that is actually sown for purposes of cultivation, for raising food-crops. In Bombay, the total area that is sown is 32,801,971 acres. Now, as I said, although our province is small in area, the area actually sown in our province is just the same as that in Madras, a province which is twice as big as Bombay, and that in the United Provinces. It exceeds the areas sown in Bihar and Orissa and in the Central Provinces by about 8 million acres, and what is sown in the Punjab by about 6 million acres. My contention is that that shows that agriculture is the most congested industry in this presidency, that almost every inch of area which can be utilised has already been utilised, and that, therefore, there is no use driving people to agriculture. Take again a further comparison, that of the cultivable waste lands. In the United Provinces the cultivable waste land is 10 million acres ; in Madras, 13 million acres ; in the Central Provinces, 14 million acres ; in the Punjab, 14 million acres ; and in Bombay it is only 6 million acres. Sir, that being the position, the view I take is—and I say this with full deliberation—that the salvation of this province and, if I may say so, the salvation of the whole of India lies in greater urbanisation : in reviving our towns, in building our industries, in removing as much population as we possibly can from our villages to the towns. What is there in villages ? After all, our village folks have no capital to run their agriculture in the

best way in which agriculture ought to be run. Population is increasing every decade, and land is being fragmented every time a man and heirs come on the spot. Everywhere the situation is as bad as one could conceive it. The only way by which you can increase the standard of living of the people in the villages is not to give them an antiquated machine like the charkha or to force them to weave cloth which they cannot sell in a competitive market. The way to increase the standard of living is not to destroy industries and other revenues of service in the towns and force them to go to villages. The way lies in the other direction, namely, in taking away as many people as you possibly can from the villages and bringing them to the towns, giving them employment in industries and establishing better ways of economic life. That is the way. Sir, I have no hesitation in saying that a man who is bent upon breaking up such little industry, such little urbanisation, as we possess is certainly no friend of the people; if I may say so, I look upon him as an enemy of the people.

Now, as regards the second point. My honourable friend says: "After all, what am I doing? Am I adding anything to the total? No. I am raising Rs. 1,69 lakhs, but I am also giving up 1,25 lakhs of the drink revenue and 40 lakhs of land revenue." I do not know whether he is serious in taking credit for this. If he is, I would remind him of the potter who was given a certain amount of potter's clay. Sir, if the potter instead of making a Ganapati made a monkey out of that clay, or instead of making a good elephant out of it made a donkey, would you say that the potter was a good potter, because he did not use more clay? I wonder what would be the answer. This is nothing else but making a monkey out of the thing; nothing else but that. Therefore, Sir, in my judgment, as I said at the opening of my speech, this budget so far as taxation is concerned, is a reckless thing, and so far as expenditure is concerned, is a senseless thing. Sir, we all ought to realise that this presidency is the most highly taxed presidency. The per capita taxation in the provinces of British India is—these are not my figures; they are figures that I have taken from the speech my honourable friend the Finance Minister delivered last year:—

				Rs.
Bihar and Orissa	...	...	...	1.29
Bengal	...	...	...	1.78
Assam	...	...	...	2.26
Central Provinces	...	...	...	2.72
United Provinces	...	...	...	2.29
Punjab	...	...	...	4.43
Madras	...	...	...	3.26
Sind	...	...	...	4.90
Bombay	...	...	...	6.00

This alone will show that we are a very heavily taxed people. As a matter of fact our expenditure also is so regulated that we have really very little

to spend. We have really, as a matter of fact, very little margin for the purposes of our expenditure. Practically the cost of collection in this Province makes up 15 per cent. of our revenue; Superannuation is 10 per cent.; Interest takes away 10½ per cent; Law and Order including Justice, Police and Jails takes away 18 per cent of our revenue; and what little remains is spent on the other subjects which may be said to be subjects of public welfare. This is the position. In fact, it is a very tight corner : so far as the revenue is concerned, our capacity is less, and so far as our appropriations are concerned, many items are such that they really do not give us anything by way of public welfare. In a situation like this, I think it was but necessary that the Honourable Minister for Finance ought to have been more cautious than he has been. I am sorry to say that he has not. (Applause.)



**\*ON THE FINANCE ACT AMENDMENT BILL**

*Dr. B. R. Ambedkar (Bombay City):* Mr. Speaker, Sir, having applied my mind to the Bill which has been moved by the Honourable the Finance Minister, I find that the Bill seeks to make three provisions. The first provision which the Bill seeks to make is to make the property tax a first charge; the second provision is with regard to the penalty in respect of the non-payment of the tax and the third is the retrospective character sought to be given to the penalty clause in this Bill. At the outset, I am glad to say that I find an occasion to congratulate the Honourable the Finance Minister on the declaration that he made in the course of his speech to which we have now listened, namely, that he would be prepared to accept an amendment in order to take away the retrospective character of the penalty. So far so good. With all that, it is not possible for me to pass from this point to other points in the Bill without expressing my sense of surprise that a Government which includes in it no less than five eminent lawyers should have thought it fit at the outset to bring in a Bill with a penalty which has got a retrospective character. I think it is a shocking thing. It should never have been brought in that form. However, dropping the matter aside, the two other provisions in the Bill which now call for attention are the two remaining ones, namely, whether the property tax should be made the first charge and whether there should be any penalty with regard to its non-payment.

I will take the second point first with regard to the question of penalty. I think it would be desirable if I draw the attention of the House to one or two points connected with that aspect of the Bill. My learned friend would have noticed—he perhaps has not paid sufficient attention to it—that the Municipal Act itself makes no provision for imposing any penalty for non-payment of the municipal part of the property tax. Section 200 of the City of Bombay Municipal Act provides that as soon as assessment is made, a bill shall be presented to the occupier who has to pay up the tax. Then section 202 provides that such a bill shall be met within 15 days from presentation. Then section 203 provides that if the bill is not paid within 15 days from the date of presentation, it shall be followed up with what is technically called notice of demand. Then section 203 says that if the amount due and mentioned in that notice of demand is not paid within 15 days, the municipality shall have certain rights for the recovery of the

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\*B.L.A. Debates, Vol. VI, pp. 1033-37, dated 28th August 1939.

amount due. Now, under the Municipal Act, there are only two provisions included in it in order to enable the municipality to recover the amount of property tax from the person who has defaulted. The first step is to levy a distress upon the property of the defaulted. The second method permitted to the municipality is to file a regular suit in the ordinary way. But, so far as penalty is concerned, there is none whatever in the Municipal Act itself. Then, coming to other financial measures I proceed to mention the provision in the Income Tax Act. My honourable friend must have noticed that there is a certain kind of penalty provided under the Income Tax Act that might be levied on the persons who are defaulters. That is done under section 45 of that Act. That is a big section and I do not want to go into it. I can mention the gist of it by saying that the scheme included under section 45 for the purpose for a continuing default. That is to say, if you make a default for one day, you will have to pay a certain penalty, if you default for two days then a further amount of penalty. That is penalty in a progressive manner. The maximum of penalty mentioned here is the amount of the tax itself. The provision contained here is not a continuing penalty for a continuing default. Then, I come to the Bombay Land Revenue Code. The penalty is mentioned in section 148. There, the provision is merely this. If there is a person who is a defaulter in the sense that he has not paid his instalment within the period fixed, then the Collector shall either levy a penalty, or interest on the amount due. According to the rules, there is one authorising Government to make a rule in that behalf. Having gone through the rules made by the Government of Bombay under the Land Revenue Code, I find that the Government have made no rules at all with regard to the levy of penalty or with regard to the charging of interest. There is a casual mention in the notice of demand itself which fixes the penalty at a maximum of one-fourth the amount due. Now, Sir, I readily admit that the principle of penalty is new but it is something which undoubtedly exists in many financial provisions. Now, the questions we have to consider are with regard to the manner in which it is prescribed and the amount of maximum penalty that is laid down.

With regard to the other provisions of the Bill, the Honourable Minister has told us that they were merely consequential. Speaking for myself, I should have thought that they are the most contentious part of the Bill. If there is any provision in this Bill which makes me oppose it, it is really section 24B which my honourable friend seeks to introduce. First of all, let me deal with the arguments that this is merely consequential. Is it consequential or is it making the most radical, or if I may say so, revolutionary—

*The Honourable Mr. A. B. Latthe:* I never said that it was consequential—

*Dr. B. R. Ambedkar:* I withdraw—

*The Honourable Mr. A. B. Latthe:* I said that it was for making the provision clear.

*Dr. B. R. Ambedkar:* By trying to make the position clear, I have no doubt my Honourable friend the Minister has placed the Municipal Corporation of Bombay City in the issue. What is the position at which we

are now? The position seems to be this, whether the amount due to the Bombay Municipal Corporation in respect of the urban property tax should be the first charge or not. You will recall one point of attack levelled against the Bill when it was first discussed in February was this, that the Government by taking the urban property as a basis for provincial taxation was really invading the domain which by tradition and by common consent had been reserved for the municipality for taxation. One of the points of criticism which was given expression to by many members on his side, and particularly by my honourable friend Mr. Jamnadas Mehta, was this, that by trespassing into the domain of their taxation Government had crippled the municipality. That is one point of criticism. Another point of criticism against this Bill was that it was very wrong on the part of this Government to use the Bombay Municipality as an agent for the collection of those taxes. One of the points made was, just as the Central Government use their own machinery for collecting such taxation as it levies—for instance, excise revenue, income-tax, salt duty, similarly the Government of Bombay should collect this levy by agencies belonging to itself. My honourable friend departed from that well established principle, from that most efficient practice, and utilised the services of the municipality for the purpose of collecting this revenue. Fortunately, he did not then add to the troubles of the municipality which he is now doing. He did not have the courage then to say that the tax collected by the municipality on behalf of the Government of Bombay under the urban property tax was to be the first charge. That he did not say. I have gone through the Bill. I do not find any provision to that effect at all. Therefore, I contend that this is a new ground we are travelling.

What was the position before this Bill? If one refers to section 212 of the City of Bombay Municipal Act, the position was this: according to that section, the land revenue was the first charge on the property situated in the City of Bombay and which is subject to the municipal tax leviable by the municipality. After the land revenue, the first thing that came in order of priority was the municipal claim. That was the position. What is going to be the position now? The position is going to be this. Land revenue will be the first charge; the urban property tax due to Government is the second charge; and the municipality which has an integral interest in this property tax is to come last. Sir, is that an enviable position from the point of view, of the Bombay Municipality which is to carry on its shoulders the burden of the welfare of practically 13 lakhs of people? Is it right and fair that we should consent to a Bill which places the municipality's claim last? My honourable friend is responsible for the levy of this urban tax. As he himself stated in the course of his opening remarks this measure is being opposed by the people—

*The Honourable Mr. A. B. Latthe:* I said, by a section—

*Dr. B. R. Ambedkar:* That is enough for me. (Laughter.) He said that there is opposition to this measure. If there is opposition to this measure, what kind of opposition is it? We must realise it. I do not think I am making a false statement or one which is not within the knowledge of the Honourable the Revenue Minister. And the statement is this—and I think my honourable friend the Leader of the Opposition will bear me out that

apart from the small sections of landowners opposing the Bill, the whole of the Mahomedan community is opposing it. I think there is not the slightest exaggeration in that. They are : rightly or wrongly, I do not care to examine at this stage. Therefore, it is not the case of a single recalcitrant individual not being prepared to pay; it is a whole community which is opposed to it. Now, Sir, what is the position that we are going to have as a result of this Bill ? The position is this. The municipality is called upon to recover both its own tax levied on properties and the tax levied by the Government of Bombay and to be collected by the municipality on behalf of the Government of Bombay. Now, my honourable friend will not find it agreeable if I state that like a robber he comes forward and pounces upon the money collected by the municipality irrespective of the fact whether the amount collected by the municipality is collected on his behalf or whether it is collected on behalf of the municipality itself. The moment he sees with his open eyes that the bank balance of the municipality is inflated, without examining what the debit side of the municipality is, he issues a warrant to the bank quite at home. The municipality is left high and dry. What is the municipality to do ? The municipality, according to the scheme of the Bill, is to proceed against the whole community and to collect the tax. Now, the point I am putting to my honourable friend is this. If he has the courage, let him collect the tax himself. How can the municipality collect this tax, if it has to come against organised resistance—resistance, let us all be aware of it, coming from the Muslim community, who observe purdah ? Who will have the courage to enter their houses and find out what trinkets they have and what jewels they have ? What is the municipality to do in this case ? It has not an army of police ? It has no material and no means of forcing people. After all, as he has to levy the tax, then let him come but and as a courageous man employ his own agency and hook it from those who do not want to pay Why put the municipality to any difficulty ? That is my point. The rest of the thing I do not care to discuss; I do not mind. But the point really is this : Should the Government of Bombay be allowed to put the municipality of Bombay in so difficult a position, for reasons for which the municipality is not responsible ? Why should you shirk your responsibility ? It is no exaggeration to say, and I have no hesitation in saying, that this is a most cowardly Bill. If you say your tax is popular, why are you shirking the responsibility of collecting it ? Why are you throwing the burden on the municipality ? Why are you employing their resources ? From that point of view, I certainly think this is a cowardly Bill which ought not to be supported.





## 6

### \*ON GRANTS FOR EDUCATION

*Dr. B. R. Ambedkar:* Mr. President, I do not wish to take much time because I know that the time that we have at our disposal is very short. All the same, I wish to present certain points for the consideration of the Honourable the Minister for Education.

The first point that I wish to bring to his attention is the fact that we are making indeed a very very slow progress in the matter of the education of our children. The recent report issued by the Government of India on the progress of education makes a very sad reading. It says that if the progress of education goes on at the rate at which it is going on today it will take 40 years for boys and 300 years for girls of school-going age to be brought under education. I beg to submit, Sir, that that is a very dark-prospect for this House to contemplate. The Honourable the Finance Member on the day on which he presented his budget told us that from the year 1921-22 to the present day, the expenditure on education had increased by something like 39 lakhs. Sir, taking into consideration the amount of increase of expenditure on education and the increase in the number of pupils in the schools, I find that the increase in the number of pupils is certainly not commensurate with the increase of expenditure on education. If we take the statistics from 1916-17 to 1922-23, we find that the expenditure on education has increased by something like 100 per cent. while the increase in the number of pupils during the same period is only 29 per cent., Sir, I know that there is a great financial stringency in this presidency, and that we are not at present situated in a position to ask for a rapid increase in education, but we can certainly plead for one thing. We have in this presidency two departments, which if I may say so are working at cross purposes. We have the Department of Education, the purpose of which is to moralise and socialise the people. We have on the other hand the Department of Excise which is working, if I may say so, in the reverse direction. Sir, I think that it is not asking too much if I plead that we should at least spend on education the same amount that we take from the people in the form of excise revenue. The amount of expenditure that we incur per individual in this presidency on education is only 14 annas, but

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\*B.L.C. Debates, Vol. XIX. pp. 971-76, dated 12th March 1927.

the amount of money that we recover in the form of excise revenue is Rs. 2-2-9 (Rs. 2.17), I think it is only fair that our educational expenditure should be so adjusted that we should spend on the education of the people as much as we take from them in the form of excise.

Another matter which is more or less analogous and to which I want to draw the attention of my honourable friend the Minister for education is that, at present the amount of money which we are spending on primary education is to a large extent really wasted. The object of primary education is to see that every child that enters the portals of a primary school does leave it only at a stage when it becomes literate and continues to be literate throughout the rest of his life. But if we take the statistics, we find that out of every hundred children that enter a primary school only eighteen reach the fourth standard; the rest of them, that is to say, 82 out of every 100, relapse into the state of illiteracy. What is the remedy for this state of affairs? Sir, the comments made by the Government of India in its report on the review of education, I think might, without much excuse be read to this House. The report says:—

“The wastage in educational effort is immense and most educationalists are of opinion that there is no solution to this problem of wastage in educational effort in India, but compulsion. The total wastage of educational effort and its concurrent dissipation of educational funds in the primary classes is about fifty per cent of the total energy put forth.”

I therefore request the Honourable the Education Minister to spend more money on primary education, if for nothing else at least for the purpose of seeing that what he spends bears some fruit ultimately. Sir, this argument is not very different from the argument that was urged from the official benches in the matter of Back Bay reclamation. We were urged to spend more money on Back Bay because we were told that if we do not spend more money on Back Bay what we have spent will be an utter loss. I think the same argument might be utilised in this case, as well, and we can say that unless we spend a sufficient amount of money, to see that every child that enters a school reaches the fourth standard, what we have already spent upon him is of no purpose whatsoever.

Sir, the third matter to which I wish to draw the attention of the Honourable Minister for Education is this. Going over the figures which give us information as to the manner by which we finance education in this presidency I find that out of the total expenditure which we incur on arts colleges, something like 36 per cent is financed from fees; out of the expenditure that we incur on high schools, something like 31 per cent. is financed from fees; out of the expenditure that we incur on middle schools, something like 26 per cent. is derived from fees. Now, Sir, I submit that this is commercialisation of education. Education is something which ought to be brought within the reach of every one. The Education Department is not a department which can be treated on the basis of *quid pro quo*. Education ought to be cheapened in all possible ways and to the greatest

possible extent. I urge this plea because I feel that we are arriving at a stage when the lower orders of society are just getting into the high schools, middle schools and colleges, and the policy of this department therefore ought to be to make higher education as cheap to the lower classes as it can possibly be made. I therefore wish to draw the attention of the Honourable Minister for Education to this rather glaring fact in the administration of education in this presidency.

Sir, the fourth point that I wish to bring to the attention of my honourable friend the Minister for Education is the great disparity in the comparative advancement in education of the different classes in this presidency. But before I go to that, I wish to explain one fact, namely, that the census report of this presidency has, for the purpose of comparing the advancement of the different communities in the matter of education, divided the total population into four different classes. The first class is called "advanced Hindus", the second class is called "intermediate Hindus" and it includes those people who for political purposes have now been designated as non-Brahmins i.e., Marathas and allied castes.

There is a third class called the backward classes which includes the depressed classes, Hill Tribes and the Criminal Tribes. Then, we have the fourth class which covers the Mahomedans. Bearing these divisions in mind, one sees a great disparity in the comparative advancement of these different communities in the matter of Education. Comparing these classes of people, according to the order in which they stand on the basis of population and according to the order in which they stand on the educational progress, what do we find? I find that the intermediate class, namely, non-Brahmins, who are first in order on the basis of population, are third in college education, third in secondary education and third in primary education. The Backward classes who are second in order of population are the fourth in the order of college education, fourth in order of secondary education and fourth in order of primary education. The Mahomedans who are third in order of population are second in the order of college education, second in the order of secondary education and second in order of primary education. The advanced Hindus who are fourth in order of population are the first in order of college education, first in order of secondary education and first in the order of primary education. Now, Sir, I have given an idea of the comparative disparity in the educational advancement of the different communities. But the figures do not give us the range of disparity in the advancement of the different communities in our presidency. I will, therefore, present the following figures to the Honourable the Minister for Education for his serious consideration. Taking first the primary education, we find there are—

Advanced Hindus	...	119 students per 1,000 of their population.
Mahomedans	...	92 students per 1,000 of their population.
Intermediate Class	...	38 students per 1,000 of their population.
Backward Class	...	18 students per 1,000 of their population.

That is the state of the primary education. Coming to the secondary education, we find—

Advanced Hindus	...	3,000 in one lakh of their population.
Mahomedans	...	500 in one lakh of their population.
Intermediate Class	...	140 in one lakh of their population.
Backward Class	...	14 in one lakh of their population.

That is the state of the secondary education. Now, coming to the college education we find—

Advanced Hindus	...	1,000 in two lakhs of their population.
Mahomedans	...	52 in two lakhs of their population.
Intermediate Class	...	14 in two lakhs of their population.
Backward Class	...	Nil (or nearly one if at all).

That is the state of the backward class, as far as the college education is concerned, when their total population is something like 37½ lakhs. Sir, these figures show two things conclusively : one, that the different communities are not on a par in the matter of education. They also show another thing to which I should like to draw the attention of the honourable House, namely that the Mahomedans have stolen an enormous march in the matter of education. Sir, this is not an imaginary statement. The statistics I have given to this honourable House are from the Report of the Director of Public Instruction for Bombay for 1923-24, and in support of this argument I may cite the opinion of no less a person than Sir Ibrahim Rahimtoola who made the same remark from the presidential chair of the Mahomedan Conference. It may be remembered that I am not making this statement in any carping spirit nor grudge the efforts that Government have made in the matter of the education of Mahomedans. I must here emphasise that this country is composed of different communities. All these communities are unequal in their status and progress. If they are to be brought to the level of equality then the only remedy is to adopt the principle of inequality and to give favoured treatment to those who are below the level. There are some I know who object to this and adhere to the principle of equality of treatment. But I say Government has done well in applying this principle to the Mahomedans. For I honestly believe that equality of treatment to people who are unequal is simply another name for indifferentism and neglect My only complaint is that Government has not yet thought fit to apply this principle to the backward classes. Economically speaking or socially speaking, backward classes are handicapped in a manner in which no other community is handicapped. I, therefore, think that the principle of favoured treatment must be adopted in their case. As I have shown, their position is worse than that of the Mahomedans and my only pleading is that if the most favoured treatment is to be given to those who deserve it and need it most, then the backward classes deserve more attention of Government than do the Mahomedans. That is the question which I prominently, wish to place before this House, and I urge upon the Honourable the Minister for Education that he should adopt the same

methods and principle towards the uplift of the backward classes as have been adopted towards the uplift of the Mahomedan community. Sir, I may refer the Honourable Minister to the instructions issued by the Government of India in 1885 on the Report of the Education Commission of 1882. There were several proposals put forward for improving the education of the Mahomedan community; the proposal on which the Government of India, however, laid stress was the appointment of a special inspecting staff to look to the educational wants of the Mahomedan community and to bring home to it the necessity of education. I think there is an equal urgency for special inspecting staff to look after the education of the depressed classes. I may mention, Sir, that the Primary Education Act is a great wrong. Perhaps honourable members may not agree with me, but I say it is a wrong, it is double wrong. It is wrong because the responsibility of education is transferred to the hands of those who are not enlightened enough to understand that education is a great necessity. If there are any people who realise the necessity for education they are not to be found in this Council. The members of the local boards are too uneducated to realize that education is a necessity. Therefore, I say this Council has done a great wrong in transferring the responsibility for education to the hands of those people who do not feel for education. Again, the transfer of education to local bodies is a wrong because the burden has thereby been transferred to shoulders less broad to bear it. Sir, education of the masses, we all realize, is a matter of great cost and if there is any body which can be said to be able to bear it, it is this Council with its revenue of 15½ crores and not the local bodies with their meagre revenues of a few lakhs. I feel, Sir, that this Council in transferring education to the local bodies has practically postponed the spread of education among the masses *sine die* and in doing so has gravely erred. But, Sir, this is only preliminary to, the point which I wish to make, namely that the people who are the greatest sufferers by this wrong are the depressed classes. With great respect to the Honourable the Minister for Local Self-Government, I am impelled to say that his local boards are conceived after the fashion of money houses in a museum where the aim of the curator is to make room for one individual of every species. Sir, there is only one representative of the depressed classes provided in each local body. What is the utility of having only one representative of these classes? I cannot understand. If, for instance, the representation of the depressed classes in a local board is intended to force upon the local board the policy which is in the interests of the depressed classes, it is futile. For, certainly, one man cannot count in a body of ten or twelve. I hear complaints from all parts of the presidency that, under the present regime, the depressed classes find themselves in a most helpless condition. They are surrounded by people who by no means share their aspirations or their desires for advancement and betterment. There is, therefore, all the greater necessity, I say that this Government should employ certain inspecting agency under their direct control which will see that the depressed classes are not neglected by the bodies to whose charge such an important subject like education has been entrusted.

The second thing that I wish to say about the depressed classes is that

I find a certain sum has been set aside in the budget for scholarships for the backward communities. Now, Sir, I cannot understand the connotation of the words "backward classes" as used in the budget. I would have very much wished that the Honourable Minister had adopted the same-phraseology which the Director of Public Instruction adopts in his report, and I should very much like to see that he allocates a separate and distinct sum to each of the different communities which he proposes to include in the term "backward classes." We would then be in a position to know how the intermediate Hindus, backward Hindus, and the Mahomedans progress year by year. Now-a-days we are lumped together, when, as a matter of fact, there is no reason to lump us all together, because we are certainly different from one another however much we might wish to say we are one.

And the third thing which I wish to point out and which I hope the Honourable Minister will give his best consideration to, is the method of giving scholarships to the boys of the depressed classes. Now scholarship as an aid is better than no aid at all. But my honourable friend the Minister for Education will take it from me that my enquiries and my experience show that the method of giving scholarships is really a waste of public money. The depressed class parents are too poor, too ignorant, to understand that the help given by Government is really the help for the education of the child. The scholarship is looked upon by the parent as a family aid to meet their expenses. It is certainly not made available for the education of the boy as such, which is the primary object of the scholarship. Secondly, Sir, with the scholarship I have found that the boy is never able to reach the goal. There are a variety of reasons for that. First of all, a boy of the depressed classes is growing up in an evil set of surroundings. ....

*An Honourable Member:* Who is responsible for that ?

*Dr. B. R. Ambedkar:* God knows. He is brought up in circumstances which are by no means desirable, and when a boy gets a scholarship, he is an easy prey to all sorts of evil influences. Without proper direction he succumbs and gives up his education and money spent upon him is lost. I would, therefore, put it to the Honourable Minister whether it will not be better for him to spend this money in promoting hostels which either Government may open of its own accord or which may be opened by private agency for the promotion of the education of the backward classes. Sir, it will be a double saving. A hostel, first of all, weans the boy from evil surroundings. It provides effective inspection. And when a hostel is managed by private agency, it will mean some saving of money to Government.

Sir, these are the three suggestions which I wish to make in the very short time that is at my disposal. I hope that my honourable friend the Minister of Education will carefully consider them and do the needful in the matter.

## **\*ON THE BOMBAY UNIVERSITY ACT AMENDMENT BILL: 1**

*Dr. B. R. Ambedkar:* Mr. President, I have listened with great interest to the speech which was delivered by my honourable friend the member for the University of Bombay. He has so exhaustively covered the subject in his speech which it took him an hour and twenty minutes to deliver that I fear very little is left for me to say. However, I think it fortunate that there is a point of view which has not been so far presented before this House either by my honourable friend the representative of the University or by my honourable friend Prof. Hamill who was specially called in to advise us on this important bill which we are discussing to-day. Sir, my honourable friend Mr. Munshi devoted a considerable part of his speech to the organization of the University of Bombay. He talked with a great deal of intimacy as regards the relations of the syndicate, the senate and the academic council as laid down in the Bill. I have not the good fortune to be a member of the University. I cannot therefore say with the same authority as to whether the provisions that have been incorporated in this particular bill will produce the results which we all desire that it should produce. But, Sir, I must say with due respect to my honourable friend the member for the University that even if we succeed in establishing the relations between the three bodies in the way in which my honourable friend wants that they should be, I am afraid that in the end we will be getting only the shadow but not the substance. Sir, the bill is primarily intended, if I understand the Honourable Minister for Education correctly, to organize the University of Bombay into a better teaching university. That I consider to be one of the principal objects of this Bill. Now, Sir, when I come to analyse the provisions that are incorporated in this bill must say that I felt that in this particular matter we are sure to be disappointed. One of the greatest defects from which this University has suffered ever since it was established was that it was primarily constituted as an examining body.

Sir, it must be realised that the University cannot succeed in promoting research or in promoting higher education, if it makes the examination

system the be-all and end all of its existence. This fact was recognised by the University Commission of 1902 and the bill which followed the report of that Commission recognised that the statute which brought the University into being must be altered so as to enable the University directly to undertake teaching besides its usual task of examining the scholars appearing at its examinations. Now, Sir, when that particular Act of 1904 came into operation, the University, of course, was blocked in its path of undertaking higher education by the existence of a certain number of colleges which were already existing at that time. Obviously, therefore, Sir the only thing that the University could do was to appropriate to itself the field of what is called post-graduate work, and since 1912 the University of Bombay has been following along that line and has established what is called a School of Sociology and Economics to deal particularly with those students who care to take up post-graduate work in that department. I understand, Sir, that the University is also desirous of establishing certain other post-graduate faculties in order to carry out the mission which has been entrusted to it by the Act of 1904. With due respect to those who have framed this bill. I must say, Sir, that they have not paid any attention to the results of this policy of bifurcation that has been adopted by the University in carrying on its function as a teaching university. Sir, I think my honourable friend Prof. Hamill and my honourable friend Mr. Munshi will bear me out when I say that this bifurcation was brought into being by the Act of 1904, by which the University has appropriated to itself the post-graduate work and has relegated to the colleges the under-graduate work has brought about a certain amount of rivalry—I may almost say a certain degree of enmity—between the two institutions. Although my experience of this is limited, yet I was a Professor for sometime in one of the colleges, and even though I am no longer a Professor, I still have the chance of meeting my old colleagues and they tell me that the relations between the University Professors and the Professors of the colleges are not as cordial as they ought to be. Surely, Sir, that must be so. When, for instance, a University sets up itself as something higher, as something superior to the other colleges which are already carrying along similar education in their own way, one is apt to feel jealous of the other. Now, I submit, Sir, where a college professoriate is not on amicable terms with the professoriate established by the University, I think no research, no promotion of knowledge, can be carried on with any benefit either to the colleges or to the University, or to the public at large.

Secondly, I submit, Sir, that unless the University undertakes undergraduate teaching, any amount of super-imposition of post-graduate work will not be of any avail whatsoever. Sir, what is the position of the different colleges that we have to take ? Apart from the Government colleges, I beg to submit, Sir, that most of the colleges are established as a result of private effort, and I do not mean any disrespect to those who are serving upon these colleges, when I take the liberty of stating that I do not think



that the colleges are able to cope satisfactorily with the training of the under-graduates. First of all they are inadequately staffed. Take, for instance the two subjects which were my special subjects, namely, history and political economy. I find that a college has generally two professors on its staff to deal with these subjects. Now, I think it would be absurd to believe that two professors in a college can adequately teach such a vast subjects as political economy or history. The result is and I think my honourable friend Prof. Hamill will bear me out when I say that every professor is obliged to lecture for something like thirteen hours in a week. I say that a professor who is made to work in that galley slave fashion can never be a teacher in the real sense of the word. He can only be a hack doing a task with the help of ready-made notes. We can expect no originality from him and he can give no inspiration to those who may have the misfortune to listen to him. The whole study is bound to be a merely mechanical process. Not only are the colleges under-staffed but they are generally staffed by men not because they have more to give to the colleges but because they are willing to accept less. With the help of the army of under-graduates, any adventurer can form a college and get the control of under-graduate to teaching. I say, Sir, if your under-graduate work is as bad as I have described it to be, a university which merely super-imposes postgraduate to work upon it cannot succeed in promoting real knowledge or real research. Thirdly, the present system involves absolute waste, and I think that by a better organization of the University and the colleges this waste could be easily avoided. Take, for instance, the question of teaching of political economy in the city of Bombay itself. There are, Sir, to my knowledge somewhere about six professors at the Sydenham College of Commerce who deal particularly with the subjects of history and political economy and commercial geography. There are two professors at the Wilson College who are also dealing with the same subjects. There are two at the Elphinstone ; there are two at the St. Xavier's. Altogether, Sir, in a city like Bombay we have, so to say, a faculty engaged in the teaching of history and political economy which is composed of twelve teachers. Surely, Sir, if these four colleges, with their twelve professors on them, could be organized in such a fashion that the lecturing system was pooled and the students in the different colleges were allowed to listen and attend to the lectures to be delivered in any one particular college, the professors who are lecturing would be easily released to do some other kind of special work. If that is done, I am absolutely certain that these twelve gentlemen, who are now lecturing on the same subjects in the different colleges, not only will be able to manage the under-graduate teaching, but also can manage the post-graduate teaching as well. So that the expenses which we now have to incur on the extension of the School of Sociology and Economics will certainly be saved for better utilisation on other subjects. Now, Sir, not only does this waste take place with regard to the post-graduate teaching of history and political economy; but I submit,

Sir, that this waste will take place with regard to any other subject that the University might appropriate to itself as a subject for post-graduate research, for the simple reason that our colleges are, so to say, pocket universities in themselves. Each college is teaching almost every conceivable subject, and it has upon its collegiate staff, professors who teach all subjects which are laid down for the University examinations. That being so if the University establishes separate professors for post-graduate work there is bound to be duplication and waste in addition to the several disadvantages which I have mentioned in the earlier part of my speech. I therefore submit, Sir, that if the object of the bill is to promote higher education and research, the best method would be not to separate the colleges from the University as has been done now but to make a synthesis in which the University and the colleges would be partners on terms of equality and would be participating in promoting together, both the undergraduate and the post-graduate studies. Sir, what I have stated I must say is really not mine. It is what was recommended by the Sadler Commission which analysed a similar problem which faced the University of Calcutta. There is no doubt about it that the Sadler Commission was one of the most expert Commissions that could possibly be had in this country. I do not personally understand how, for instance, this Government can strut about with a report brought about by men who were absolutely inexperienced in their job and pit it against the elaborate and considered judgment of experts who sat upon the Sadler Commission.

I have read with great care the report prepared by the University Committee for the reorganisation of the University of Bombay. But I have found nothing in it which can lead me to alter my opinion\* that the recommendations of the Sadler Commission will be far more effective and beneficial than the recommendations of the Bombay University Committee. I, therefore, think that it would be far better if my honourable friend the Minister for Education could still in some way, either by introducing provisions in this bill itself or by giving powers to the Senate in the matter of making regulations, allow the University to localise teaching by giving greater control over colleges which may be called "constituent colleges" situated in geographically compact centres. The committee has, I think, admitted that Poona is a place which is ripe for establishing a separate university. There is no doubt that Bombay itself is ripe to have a separate university for itself and I think that if the colleges located in these two centres were separated and grouped into a university, we would be solving the problem of the promotion of higher education and research. As regards mofussil colleges which are scattered about in the Presidency we can very easily deal with them by adopting the suggestion of the Sadler Commission which recommended the establishment of a "Mofussil Board." I say that

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\*Dr. Ambedkar's written evidence to the Bombay University Reforms Committee is printed as Appendix III.

the scheme suggested by the Sadler Commission is a hundred times better than the scheme recommended by this Reforms Committee, namely, the appointment of a Rector. This is all, Sir, that I have to say as regards the organisation of the University itself.

Now, I wish to turn to the question of the composition of the Senate. A great deal of heat was generated yesterday by the speech of my honourable friend Mr. Jadhav when he said that the statement of objects and reasons does, not recognise/the necessity of the representation of backward communities on the Senate of the University of Bombay. I was somewhat surprised to see that my honourable friend, the member for the Bombay University, flared up at once. But I should like to point out, Sir, that we always kick the ladder by which we rise, and that my honourable friend, the member for the University, who has violently disclaimed communalism in himself is no an exception. Sir, I should like to remind him that he himself had issued a manifesto to the graduates of the University to support him on the ground of Gujarat was for Gujaratis. I would like to ask him now if that is not communalism, what is communalism? I should like him to answer that . . . . .

*Mr. K. M. Munshi:* I am glad to say, Sir, that that statement is absolutely incorrect.

*Dr. B. R. Ambedkar:* It is not absolutely incorrect. I myself have read your manifesto. However, politicians are men with very short memories.

What I want to state on the floor of this House is this, that I do not think that the Hindus and Mahomedans, constituted as they are, can honestly say that they are non-communal in their attitude towards each other. No member in this House can say that he is non-communal in his attitude. I challenge any honourable member to deny it . . . . .

*Rao Bahadur R. R. Kale:* I challenge that statement.

*Honourable Members:* We challenge that statement too.

*The Honourable the President:* Order, order. No conversation across the table, please.

*Rao Bahadur R. R. Kale:* But the honourable member Dr. Ambedkar said that he would challenge any honourable member to deny his statement.

*Dr. B. R. Ambedkar:* There can be no gainsaying about this, that every Hindu and every Mahomedan is born in a certain caste or a community. There is no gainsaying that we are brought up and bred up in a communal environment. We share the aspirations and the ambitions of that community; we feel the disabilities of that community and consequently, there can be no doubt in my mind that every member in this House as well as outside is bound to look at every question consciously or unconsciously from a communal point of view.

*Honourable Members:* No, no.

*Dr. B. R. Ambedkar:* I refuse to believe in the "Noes" absolutely; I call it hypocrisy—It is absolutely hypocrisy to shout "No", Sir. I myself look at every question that comes up before this House—I honestly

admit—from a communal point of view and I ask myself whether it would be good for the depressed classes or not.

*Mr. K. F. Nariman:* Sorry.

*Dr. B. R. Ambedkar:* Those who say “sorry” are themselves not free from communalism. It is very easy to talk about non-communalism, because it is only talk. We know, Sir, that we are so minded that we cannot, for instance, associate with other communities on terms of equality, that whenever we want to marry our daughters we begin to ask whether the bridegroom to be is a man of our own caste or not (Laughter), when we want to invite guests for dinner we commence to enquire whether they are members of our own community. ....

*Mr. B. G. Pahalajani:* I challenge that.

*Dr. B. R. Ambedkar:* It is sheer hypocrisy to say that we do not do these things. I wish the honourable members to realise that this is a defect for which I do not accuse any one community. I say, Sir, that it is a blemish from which we all suffer. That being so, it ought to be recognised that no one community, however intellectually advanced it may be, can be the guardians of other communities. This has been recognised even by the legislators who framed the Reforms Act. If that was not so, we would not see in this Council separate representation for Mahomedans, separate representation for backward classes and separate representation for the depressed classes. It is because we are constitutionally unable to take a larger view of the situation and in order that the operative forces of communalism may be checked, that this counter-check has been provided and I think very wisely provided by these legislators. I should like to be honest, Sir, and I do hope honourable members will be honest on this point. There is no use talking one thing and doing another. That is the reason, I submit, why there is a necessity for the representation of communities, which are not intellectually advanced, on the Senate of the Bombay University. I submit Sir, that I do not wish to accuse the Senate of any conscious bias at all, yet I say that the policy of the Bombay University hitherto has not been very encouraging to the backward or the depressed classes. I will cite only one instance. Take the instance of the system of education that has been adopted by the University. There is no doubt about it in my mind and I do not think that those who represent the University will deny the fact, that our system of examination is the severest possible that exists in India to-day. This is no doubt justified by certain educationists in India who believe that the raising of the standard of examination is equivalent to the raising of the standard of education. I beg respectfully to differ from them. Examination is something quite different from education, but in the name of raising the standard of education, they are making the examinations so impossible and so severe that the backward communities which have hitherto not had the chance of entering the portals of the University are absolutely kept out. But I do not wish to speak of that; because that system applies to all communities alike.

But, Sir, just think of it. Has the University ever considered the effect of simultaneous examinations on the progress of education of the backward communities? I do not understand what virtue there is in demanding that a particular candidate who appears at an examination shall pass in all the papers at one shot. It may be a matter of indifference, for instance, for students whose parents are rich enough, who can spare time to attend the colleges during the day time and who can devote their whole time to education. But what about the poor, the poverty-stricken parent, who requires his son to earn in the day time to add to the family earnings in order to make both ends meet? What about the boy who finds very little during the 12 hours of the day to devote to university education? Surely, if the University was mindful of the economic condition of the backward communities, it certainly would not have persisted in a system of simultaneous examinations which in my opinion is absolutely unjustifiable and absurd. I will give you another instance which comes to my mind just now, because my honourable friend Mr. Munshi says that the University has been doing everything without showing any preference of any kind to anybody. One of my friends, who has been nominated to the University Senate, told me the other day he twice moved a resolution in the Senate that candidates belonging to the depressed classes who appear at University examinations should be shown some concession in the matter of fees. I understand from him that the proposition was twice turned down by the Senate.

*An Honourable Member:* There are poor people in all communities.

*The Honourable the President:* The honourable member should proceed without minding interruptions.

*Dr. B. R. Ambedkar:* It has been everywhere recognised, even by the Government, that there are communities which are economically poor and which do require certain special concessions from the Government, in order that they may come on the same level on which the other communities are. If this wise principle cannot be appreciated and understood by the Senate, then I submit such a Senate can never be the guardian of the interests of the backward classes at all.

My honourable friend Professor Hamill made certain remarks in the course of his speech, and I think it is necessary that I should deal with him, although I do not wish to take much of the time of the House. He said that the depressed classes and the backward classes could certainly get nomination on the Senate, if they can help the efficiency of the University. I think that was the line of argument that he adopted, that if the members of the depressed classes were experts in educational matters, they should certainly have a seat on the Senate of the University of Bombay. Now, I should like to say that my honourable friend Professor Hamill absolutely forgets, when he makes that statement, the true function of the Senate. The Senate is not an executive body of the University. No member from the backward classes has asked for any special representation on the

Syndicate or on the Academic Council. I recognise, and I realise fully as well as my honourable friend Professor Hamill does, that these two bodies are no doubt bodies which are to be manned by experts, who will run the show of the University. But I have to remind him that the Senate is entirely intended to be a legislative body, a body which has to put forth the needs of the backward communities and to suggest the facilities that are necessary for meeting them. The Senate in my opinion, corresponds exactly to our Legislative Council, and we have in this Legislative Council members from the depressed classes, who are appointed not because they desire to displace any honourable members who are sitting here on the Government side but their only business here is to point out to the Government what are the needs of the communities which are suffering under disabilities. That is all we are asking, and I think when my honourable friend makes the point he absolutely forgets what the Senate is intended to be.

Now, Sir, before I close, I wish to state one thing most emphatically, Sir, there is a demand from honourable members belonging to the Swaraj party that we must have provincial autonomy. Sir, it is a demand which is a welcome demand. But, Sir, I beg to submit that when three-fourths of the population is drenched in ignorance and does not know its rights and responsibilities there can be no hope of autonomy. If we do get self-government notwithstanding the fact that three-fourths of the population is drenched in ignorance, our representative system will be a sham, and there would be a rule of wealth against poverty, of power against weakness. That is really what it will be. I, therefore, say, Sir, that if we desire to have provincial autonomy, we must ensure two things. One thing is that every access must be given to every grade of modern education to the communities which are educationally backward, in order that they may realise their rights and liabilities of citizenship, and secondly, in order that every access may be given to these communities, it is absolutely necessary, under the present circumstances, that special representation should be provided for them.

Before I sit down, Sir, I do wish one matter cleared up. You, Sir, have given us a ruling yesterday about which I am not quite clear. I understand, Sir, from your ruling yesterday that the principle of communal representation has been ruled out. Now, by that I understand that the principle of communal representation in the ordinary sense of that word, namely, that the voters of a particular communities are to be grouped together to elect a member from that community is ruled out. That is my interpretation of your ruling. So that, we are debarred now from raising the question of communal representation on the various bodies of the University in that sense of the term. But I do not think that your ruling goes so far as to say that we shall have no say in the matter as to how the 40 seats which are reserved for nomination shall be distributed. I submit that that particular matter is still open for the honourable members of this House to discuss in the select committee or at the second reading. I should like to ask, therefore, my honourable friend the Minister of Education that in his concluding

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remarks he should make his position clear is regards that point; because, I want to say most emphatically that unless the representation to these backward communities is provided for on the Senate, the bill would be of no value to us whatsoever, and I for one will vote against it.

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## 8

### \*ON THE BOMBAY UNIVERSITY ACT AMENDMENT BILL: 2

*Dr. B. R. Ambedkar:* Sir, before I move my amendment to clause 3 I should like to correct a typist's error which has crept in the amendment as it stands on the paper. The amendment should read :

“An incorporated college is any institution founded and managed by the University itself for the study of a special group of subjects not provided in any adequate way in other colleges; and so on.”

Sir, this amendment which I propose to move is a consequential amendment which depends upon the passing of the main amendment to clause 25 of the bill which I shall be moving. If that amendment is not passed it will not become necessary for me to move this amendment. I therefore submit that I may be allowed to move this amendment after my main amendment to clause 25 is passed. If I move this amendment now and later on if my main amendment is lost, I shall be wasting the time of the House.

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#### RELATION OF COLLEGES TO THE UNIVERSITY

*Dr. B. R. Ambedkar:* Mr. President, the first part of my amendment to clause 7 is a consequential amendment depending upon the amendment to clause 25. I therefore request you, Sir, to hold it over till the amendment to clause 25 is disposed of.

*The Honourable the President:* I will hold it over.

*Dr. B. R. Ambedkar:* As regards my second amendment to clause 7. I understand the Honourable Minister desires to have some time to consider whether he can devise some amendment to my amendment to which both of us can agree.

*The Honourable the President:* Will the honourable member move his amendment.

*Dr. B. R. Ambedkar:* My second amendment to clause 7 runs thus :

Add the following clause to the bill :—

“7(b) For the purposes of grants-in-aid from Government Treasury the University alone shall be recognised by the Government and no grants-in-aid shall be given to any college except through the University.”

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\*B.L.C. Debates, Vol. XXI, pp. 250-53, dated 1st October 1927.



I should like to insert the word "except" after the word "college" in the amendment of which I have given notice. It had been left over through mistake of the typist.

Sir, my reasons for moving this amendment are these. Under the new Act the University has been charged with the responsibility of undertaking the work of education far more directly than it was ever done before. Now, although the responsibility for teaching has been placed upon the University by the provisions of this Act, it must be recognised that the colleges which will be affiliated to the University will be the primary bodies which will carry on the practical work of teaching under this University. Now, Sir, I submit that unless the University is allowed some control over the colleges to regulate the work of teaching that is carried on in the colleges, I think it would not be fair to hold the University responsible for maintaining the standard of education. It must be given power to control the colleges and to regulate their work of teaching if the University is to discharge this responsibility. Now, Sir, under the existing law, the only means of control which the University has over these colleges is that the University appoints, I understand, what is called a committee of inspection, which committee visits these colleges at certain stated intervals, makes inspections and finds out what are the defects in their organisation and equipment. That committee I understand. ....

*Mr. P. R. Chikodi:* I rise to a point of order. I should like to know what the exact wording of the amendment of the honourable member is.

*The Honourable the President:* It was read out, the word "except" has been added.

*Dr. B. R. Ambedkar:* Now, Sir, I find that the only means of control which the University has over these colleges, whereby it can enforce its regulations on the colleges, is through the report of this committee of inspection. I understand that this committee of inspection occasionally goes round on a visitorial tour, and makes reports on the defects in the college organisation, and that report, I understand, is submitted to the standing committee of the University; and the standing committee reports to the syndicate its opinion on the defects pointed out by the committee of inspection. That is all that is done today by way of enforcing the rules of discipline which the University has framed in the matter of controlling the colleges. Now, I submit that that is not sufficient, because if the colleges do not follow the directions given by the University on the basis of the report of this committee of inspection then the only effective power which the University has got over these colleges is the right to disaffiliate those colleges. Now, I submit, Sir, that that is a power which is too drastic; it is a power which is the power of annihilation. The University has really, as a matter of fact, no power to amend the ways of the colleges. In other words, under the existing system of control which the University has got over the colleges, the University today can only make or unmake a college, either by granting affiliation or by disaffiliating a college. The University,

under the present system, has now power, whereby it can enforce its discipline and compel obedience on the part of the colleges to these rules of discipline, without resort to this extreme penalty of disaffiliation. Now, Sir, my amendment is such that it gives the University the power to amend the ways of the colleges and to compel obedience on the part of the colleges to the directions given by the University, without resort to this extreme measure of disaffiliation. I submit, therefore, that if the University was recognised by the Government as a unit—and I submit that it ought to be—and if the grants given to the different colleges by the Government were distributed through the University or, if possible, on the recommendation of the University, then my submission is that the University will acquire a power which, it is very necessary for it to enable it to enforce its discipline on the colleges. I think there is no other power which the University can be given which can effect this object, and I say the most necessary object, of enabling the University to enforce its rules of discipline over a recalcitrant college. Now, Sir, this view, that the University should be given financial control over these colleges, is a view which has also been laid down by the Royal Commission on University Education in London. In paragraph 41 of their report, they say :

“The power of the purse is indeed the most important means of control which the University should possess, if it is to organise teaching, with which it is concerned. All the other modern Universities, except Wales and Scotland are masters in their own house in regard to the assignment of State and municipal grants, because the University is one unit and not a congeries of many units.”

In this report the Commissioners also recommended that the same principle should be applied in the case of the University of London and my amendment is based upon this important recommendation of the Royal Commission on University Education in London. I should also like to point out in this connection that the organization of the Bombay University in its inception was fundamentally based upon the organization of the University of London. I think we are also tending in this Bill to amalgamate, so to say, or assimilate the position of the colleges under the Bombay University to the same position which colleges under the London University have been made to assume under the reforms effected as a result of the Royal Commission. The situation in both cases is the same: and I think the rule prescribed for regulating the relations of the colleges under the University of London to that University should with equal advantage be applied for regulating the relations of the colleges under the University of Bombay to that University. There might be some objection on the ground that probably the University may misbehave in the matter of making recommendation for grants-in-aid. I think there is no justification at all for the supposition that the University will have any private grudge against any particular college. I do not think that a University under the new Act will be composed of such irresponsible persons that they would for their own

whims or private ends sacrifice the interests of a particular college. I therefore submit that on these grounds my amendment should be carried.

**\*Discussion resumed**

*Dr. B. R. Ambedkar:* Sir, although I do not know what is going to be the fate of this amendment, I am rather glad to find that there are so many honourable members who have recognised the principle embodied in this amendment. I do not think that I should waste the time of the House in dealing with every sort of objection that is raised against this amendment, but I should first of all like to point out that so far as I am able to construe the amendment as I have put it down, I do not think that it makes the University in any sense the sole arbitrator in the matter of distributing the grants.

All that I say is this: that the grant shall be distributed through the university. It does not take away the power of control of the Minister of pay grant. He is the final determining authority in the matter of making grants notwithstanding this amendment. I do not think that the Honourable Minister of Education will object to have any consultation with such an important body as the university in the matter of making grants. I am sure that those honourable members who have stood up for the mofussil colleges and feared that university authorities would manipulate affairs in such a way as to affect the interests of the mofussil colleges would agree with me when I say that it is as much their duty as the duty of every one in this House to see that Government money that is paid as grants-in-aid is properly expended by the colleges. I think there cannot be a better body than the university to advise the Minister whether the money which has been raised from taxation and handed over to the mofussil colleges as grants is well spent or not. I think the Honourable Minister should be the last man to reject the views of an important body of which he is going to be the father by the passing of this bill.

There was a point made by the honourable member Mr. Jairamdas which was greatly appreciated by the Government benches. He said that this amendment was going to reduce the control of this House over the Minister. I do not see how that can be the result of my amendment. As I said just now the only object of my amendment is to strengthen the hands of the Minister. If that object is not clear I am prepared to accept any amendment which the Honourable Minister may move in order to make that meaning clear. I do not see how it can at all curtail the power of this House over the Minister or the power of the Minister. Even under this amendment the Minister will be the final authority to make these grants. The only object of the amendment is that the university as an intermediary body should be consulted for making grants. I do not think there is any serious limitation either on the power of the Minister or on the control of the House over the

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\*B.L.C. Debates, Vol. XXI, pp. 264-65, dated 1st October 1927.

Minister. The House on the other hand will be in a much better position to judge whether the provision made by the Minister is properly spent. With these words I commend my amendment to the House.



## 9

# \*ON THE BOMBAY UNIVERSITY ACT AMENDMENT BILL : 3

### APPOINTMENT OF RECTOR IN THE UNIVERSITY

*Dr. B. R. Ambedkar:* Sir, I rise to support the amendment of my honourable friend Mr. Jadhav. It has been said by the honourable members who have preceded me that in the present financial circumstances of the University this office will be, an additional burden upon the meagre resources of the University. I think that argument is very cogent in itself, and in the few remarks that I wish to make, I should like to say that the office, administratively speaking, would be a superfluous one. Sir, I find that in 1914 the University of Bombay invited Sir Alfred Hopkinson, the Vice-Chancellor of the Manchester University, to advise the University upon a scheme of research proposed by the University, and I find, Sir, that officer making a report to the effect that this officer is not necessary. He is reported by the committee on University Reform, on page 9, to this effect :

“He was not in favour of a salaried administrative head of the University and proposed to solve the difficulty of getting the increasing work done by employing a full-time Registrar and a paid full-time Secretary to the Joint Matriculation Board and by making more use of the University and College Professors for University administrative work.”

If that was the opinion of such an expert as Sir Alfred Hopkinson in 1914, I do not see what new circumstances in the intervening period have arisen to compel us to force this officer upon the University. Further, I find that the office of the rector has no defined duties which he can perform. I find it stated on page 162 of the report of the University Reform Committee that the Vice-Chancellor is to exercise general supervision over the University, and to have the power to see that the act, statutes and ordinances are observed. Now, Sir, referring to the position of the rector, the University Reform Committee also states on the same page that he is to hold office for five years and to be eligible for re-appointment, to be the principal executive and academic officer of the University and it is to be his duty to see that the act, statutes and ordinances are faithfully observed, and he should have all the powers necessary for this purpose.

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\*B.L.C. Debates, Vol. XXI, pp. 286-87, dated 3rd October 1927.

I do not see what is the difference between the duties attached to the office of the Vice-Chancellor and the duties that are going to be attached to the position of the rector. If the position as stated in the report of the University Reform Committee is what I have just placed before the House, then I do not understand how this office differs from that of the Vice-Chancellor on the one hand and from the office of the Registrar of the University on the other because I find on page 163 of the report of the same Committee stated that in the absence of the rector the Registrar will carry on his duties. Obviously, therefore, I do not see that the office of the rector is going to be in any sense distinct from that of the Vice-Chancellor and the Registrar, and therefore calling for the appointment of a distinct officer. It is superfluous and in the present circumstances a burden on the University. On these grounds, I support the amendment of my honourable friend Mr. Jadhav.

**\*Discussion resumed**

*Dr. B. R. Ambedkar:* I rise to support the amendment. I am not really in favour of principals of the different colleges coming into the University ; because I am one of those who hold the view that if the University, is to grow, the college organization must be subordinated to the faculty organization. It is my own feeling and I do not know how many honourable members share that view. If all the principals are allowed to enter they will carry into the University organization a spirit of the separatist and instead of integrating the University into one whole they will make University a disintegrated body. But my honourable friend Mr. Hamill has advanced the view that a University must really contain the minimum strength of the academic element that is necessary for the University to function. He has also pointed out that the University as at present constituted does not contain the academic element in sufficient strength. Sir, I think that the point made out by the honourable member Mr. Hamill is worthy of consideration, for I think that while we are democratising the University we must not forget that the University should have a sufficient academic element to enable the University to function as a body entrusted with the educational affairs of this presidency. I do wish that while providing for the presence of this academic element into the University we could have avoided the entry of the principals for the reasons I have already given. But I find that is not now possible, because by the definition in clause 3 teachers include professors. The principals are professors and they could come in whether the honourable member Mr. Dastur's amendment is accepted or not. His amendment is only explanatory and does not introduce any new change. I therefore support it.

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\*B.L.C. Debates, Vol. XXI, pp. 326-27, dated 3rd October 1927. This speech was delivered in support of Mr. Hamili's amendment to introduce the academic element in the university.

# 10

## \*ON THE BOMBAY UNIVERSITY ACT AMENDMENT BILL : 4

*Dr. B. R. Ambedkar:* Sir, I rise to support this amendment. If I had agreed with the views which my honourable friend Mr. Munshi holds on university reforms and the functions of the university, I would certainly not have risen to support this amendment. But I find that both as a person who takes an interest in university reform and as one coming from the backward communities I am in fundamental disagreement with my honourable friend Mr. Munshi. Sir, my honourable friend Mr. Munshi seems to hold that the University is merely a body for the purpose of making statutes and regulations, that it is a body which is merely concerned with holding examinations, and with providing post-graduate courses in University Departments of Education to be started under this Bill. Sir, I think that that is a very narrow view of the University. One of the fundamental functions of the University, as I understand it, is to provide facilities for bringing the highest education to the doors of the needy and the poor. I do not think that any University in any civilised country can justify its existence if it merely deals with the problems of examinations and the granting of degrees. Now, if it is the duty of a modern university to provide facilities for the highest education to the backward communities, I think it will be accepted as a corollary that the backward communities should have some control in the University affairs. Sir, I look upon the University primarily as a machinery, whereby educational facilities are provided to all those who are intellectually capable of using those facilities to the best advantage, but who cannot avail themselves of those facilities for want of funds or for other handicaps in life. Now, Sir, it is said that the University is primarily a concern of the intelligentsia and of the educated classes, and that as the University is to function properly it is necessary that it should be controlled by what are called the educated classes. I would accept that principle, if the educated classes who are going to control the University possessed what we called social virtues. If they, for instance, sympathised with the aspirations of the lower classes, if they

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\*B.L.C. Debates, Vol. XXI, pp. 414-16, dated 5th October 1927. This speech was in support of the amendment to the Bombay University Bill moved by Mr. Noor Mohmed to raise the number of nominated senators from 40 to 50.

recognised that the lower classes had rights, if they recognised that those rights must be respected, then probably we, coming from the backward communities, might well entrust our destinies to what are called the advance communities. But, Sir, for centuries we have had the bitterest experience of the rule of what are called the higher and the educated classes, Sir, I think it is hardly to the credit of the advanced classes that there should exist in this country a large part of the population which is known as the criminal tribes. It is certainly not to their credit that there should exist in this country a population which is regarded untouchable. Surely, they could have raised the status of the depressed classes, they could have raised the status of the criminal classes. They could have brought their culture to us and made us equal to them, if they had only the desire to do so. But they have never done so in the past and do not mean to do anything in that direction in future. By their callous neglect of us and by their active hostility to our progress they have convinced us that they are really our enemies. There is no doubt that it is their desire to keep us where we are. I do not wish to refer to the debate that has gone on for the last few days. But there is not the slightest doubt about the fact that the opposition benches which looked upon Government as their enemy sided with it now with the sole object of defeating us on this vital question. There is no other excuse for their conduct except that they wanted to defeat the claims of the backward communities for representation through nomination. It is for that reason that they have joined Government whom they opposed in season and out of season. Sir, can we have any trust in an intelligentsia so narrow, so illiberal in its views.

My honourable friend, Mr. Munshi said that if it had been a question of division of any material benefits he would probably consent to the introduction of communal representation on the Senate. But I wish to remind him that the backward classes have come to realise that after all education is the greatest material benefit for which they can fight. We may forego material benefits, we may forego material benefits of civilization, but we cannot forego our right and opportunity to reap the benefit of the highest education to the fullest extent. That is the importance of this question from the point of view of the backward classes who have just realized that without education their existence is not safe. It is for this reason that the fight for increase of seats is being made.

There is another point to which I wish to refer. It has been stated several times that since the principals in the different colleges have been given separate representation it will not be necessary to increase the number of nominated seats, because, if the principals had not been given direct representation on the University, Government would have been obliged to use at least 10 seats to make for them. And that as separate provision has now been made for them the whole number of 40 seats will go to the backward classes. Now, Sir, I submit that it is for that very reason that the number of the nominated seats should be increased for ensuring adequate



representation of the backward classes. It can never be guaranteed to us that the principals of different colleges who have got direct representation as a result of the amendment of the honourable member Mr. Hamill would necessarily be friends of the backward communities. I have had sufficient experience of these principals, and I am sure that those who will be elected to the Senate will be from the upper classes and they will never come to the rescue of the backward classes who are clamouring for education. If the Honourable Minister had added 10 seats more to the strength of the upper classes in the Senate he should come to the rescue of the backward communities and equalize the balance. That can be done only by adding 10 more seats to the seats that have already been provided in the bill. Sir, we have expressed our fears and our doubts. I think it is only fair that in a matter like this, where the feelings of the backward communities are so high and where they think that their interest will not be safeguarded unless they get representation on the Senate, Government should consider whether it is proper that Government should use its official force to put the backward classes at the mercy of the upper classes. I think it would be wise and I appeal to the Honourable the Leader of the House to leave this question to the free vote of this House. Let the House decide in any way it likes best. With these remarks I support the amendment.

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**\*ON THE BOMBAY PRIMARY EDUCATION ACT  
AMENDMENT BILL: 1**

*Dr. B. R. Ambedkar* : I find it very difficult to follow this section ; if I heard him correctly with reference to what he said that we should not think of a democratic constitution for the board contemplated under section 2A, I agree with him on the point. This board is intended to be a body of experts. Those members who are supposed to be elected by the school boards on the provincial board ex-hypothesi may be persons who will merely express the views of the general public. They could not bring to the work of this board expert mind. Obviously by their constitution, they could not. The other six members are to be appointed by Government. There is nothing in this section to suggest that Government bind themselves to appoint only persons who will be experts in education. The clause merely says that three shall be appointed by the Provincial Government. There is nothing to indicate that the three shall be experts on education. Therefore, analysing the whole constitution of the Provincial Board, beyond the three Government officers, who will be there, there is certainly no guarantee that the board as a majority will have experts on it. Therefore, my honourable friend should accept the principle suggested by the honourable member Mr. Bhole that this ought to be looked at as a democratic institution. From that point of view, the elective principle should prevail over nomination principle. If my honourable friend says that it ought not to be looked at as a democratic institution but as a body intended to give advice, he must provide for it by saying that the board shall consist of a majority of experts on education. I suggest to him whether he will accept some such amendment “three members to be appointed by the Provincial Government shall be appointed from people who are known as experts on education”. He should not leave the matter vague as it is. Government in its weaker moments—Government have weaker moments as Governments and we have our weaker moments—may appoint persons who may not be experts. It will frustrate the very object underlying this clause.

*The Honourable Mr. B. G. Kher* : I am much indebted to the honourable member Dr. Ambedkar for replying in effect to the amendment brought forward by a member of his own party. I confess, I myself could not have put forth more convincing arguments against the amendment.

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\*B.L.A. Debates, Vol. 3, pp. 2176-77, dated 21st April 1938.

# 12

## \*ON THE BOMBAY PRIMARY EDUCATION ACT AMENDMENT BILL: 2

(Clause by clause reading)

*The Honourable the Speaker:* We now proceed the Bill No. XV, the Primary Education Act Amending Bill. It was, I believe, on Tuesday last that the House was considering this Bill and, when it adjourned, amendment No. 91 in the consolidated list of amendments was under discussion. That amendment was moved by the honourable member Mr. Jamnadas Mehta and it runs as follows :

The sub-clause (2) of clause 12, omit the words “and shall be servant of”.

The clause, as sought to be amended, will then read as follows : —

“(2) The Administrative Officer shall be appointed by the Provincial Government. His pay, powers and duties shall be as prescribed.”

*Dr. B. R. Ambedkar:* May I rise to a point of order, Sir? I am unable to understand the amendment and the purport of it. Therefore, I am rising to ask for some information on this point. The amendment is to omit the words “and shall be the servant of the Provincial Government”. Am I right? Therefore, the purpose of the amendment seems to be this. ....

*The Honourable the Speaker:* The words to be omitted are “and shall be a servant of”. The words “the Provincial Government” are not sought to be omitted.

*Dr. B. R. Ambedkar:* Therefore, what I understand is that he is to be appointed by the Provincial Government but is not to be the servant of the Provincial Government. My submission is that in law, even if these words were omitted, namely, “and shall be a servant of”, he will continue to be the servant of the Provincial Government, by reason of the fact that he is allowed to be appointed by the Provincial Government. Therefore, it is rather difficult to make up one’s mind whether to vote for the amendment or against it. If the honourable mover of the amendment desires that he should continue to be appointed by the provincial Government, then the fact that he is a servant of the Provincial Government is merely the legal consequence of it, and the omission of these words would not come in the

way of his being regarded as a servant of the Provincial Government. I want some light on this point.

*The Honourable the Speaker*: I am not sure whether the honourable member was present when the amendment was moved.

*Dr. B. R. Ambedkar*: I was present.

*The Honourable the Speaker*: I am unable to agree about the legal consequences.

*Dr. B. R. Ambedkar*: The Honourable the Home Minister might clear up the point.

*The Honourable the Speaker*: I believe the contention was that if the way in which the officers are selected or appointed by the school boards is not an ideal one or a proper one, it should be left to the Government to make the appointments on the lines of the appointment of the Municipal Commissioner for Bombay, but so long as they continue to be in service, they will be the servants of the school board and therefore amenable to their jurisdiction, and liable to suspension or dismissal or to being dealt with in any other way like any other servants at the hands of the school board. That seems to be the idea; and I believe it was also suggested that Government may have a panel submitted to the school board for that body to make a selection, and that is how the appointment was to be made. There does not seem to be any conflict or inconsistency in it.

*Dr. B. R. Ambedkar*: If the object is that he shall be the servant of the school board, then that object will not be carried out by the omission of these words, "and shall be a servant of" because in law he will be the servant of the Provincial Government, simply by reason of the fact that the Provincial Government appoints him. To be a servant is one thing, to be under control is another. One may be the servant of another, and yet may be under the control of a third party. I submit there is great distinction between the two.

*The Honourable the Speaker*: It does not necessarily follow that because an appointment is made by one party he cannot be the servant of another party. A person may be appointed by one party and yet may be the servant of another party. I expect the honourable member will clarify it in his reply.

*Mr. Jamnadas M. Mehta*: So far as I am concerned, I do not look upon it as a point of order.

*Dr. B. R. Ambedkar*: It is a point of information, if not a point of order. I would like to understand the position in order to decide whether to vote one way or the other.

*The Honourable the Speaker*: I will leave it to the honourable member the mover of the motion to reply, so far as the point of information is concerned.

# 13

## \*ON THE BOMBAY PRIMARY EDUCATION ACT AMENDMENT BILL: 3

*Dr. B. R. Ambedkar:* Sir, I lost my opportunity of speaking on this amendment, but there is a question which I should like to ask the Prime Minister, if you permit me, just for information's sake.

*The Honourable the Speaker:* Do not be too long.

*Dr. B. R. Ambedkar:* He wanted to speak on the point, but I think he forgot. I should like to ask the Prime Minister whether the school board administrative officer would be under the disciplinary control of the school board or not. I can quite understand from the clause that he is a servant of the Provincial Government. But while he is in the school board, would he or would he not be under the disciplinary control of the school board?

*The Honourable Mr. B. G. Kher:* How do you mean? We have provided for this by saying that his pay, powers and duties shall be prescribed by rules. The powers of the school board are already defined. The honourable member was not present when I went into them in detail and put before the House the powers and duties of the school boards. These will now be prescribed by rules, as to what exactly will be the powers and duties of the administrative officers. I do not think, therefore, that the question of the school board's wishes in important matters being overridden by the administrative officer is such an imminent danger.

*The Honourable the Speaker:* It is not a question of danger. The point of the enquiry has been as to whether he will be subject to the disciplinary control of the school board.

*The Honourable Mr. B. G. Kher:* Well, he will not be removable by them.

*Dr. B. R. Ambedkar:* I will cite an example. There is an officer working in the Secretariat. An order is issued by the Minister, and the officer disobeys the Minister. The Minister has a right to punish him in the four or five different ways mentioned in the Civil Service Regulations. Of course, the officer has a right of appeal under certain circumstances. What I want to know is whether the relations of the administrative officer and the school board in the matter of disciplinary control would be exactly the same

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\*B.L.A. Debates, Vol. 3, pp. 2672-73, dated 30th April 1938.

as the relations of the Minister and any other superior administrative officer.

*The Honourable Mr. B. G. Kher:* No. I am afraid not.

**\*Discussion resumed**

*Dr. B. R. Ambedkar (Bombay City):* Sir I want to move an amendment to the amendment of the honourable member Mr. More.

*The Honourable the Speaker:* Is it a different one ?

*Dr. B. R. Ambedkar:* Yes, it is a different one. My amendment is this :

“For the words ‘removable from his office as such administrative officer’ substitute the following : —

‘under the disciplinary control of the school board and shall be liable to such punishment for breach of discipline at the hands of the school board by a resolution duly passed, subject to a right of appeal by the administrative officer, as may be provided for by rules.’

So that the whole of the amendment with my amendment will read thus—

“The administrative officer shall be under the disciplinary control of the school board and shall be liable to such punishment for breach of discipline at the hands of the school board by a resolution duly passed subject to a right of appeal by the administrative officer, as may be provided for by rules.”

*The Honourable the Speaker:* We should add “by the school board” after the word “passed” and change “provided for” into “prescribed”.

The amendment will then read—

Delete the words beginning from “removable from his office” and ending with the words “shall forthwith withdraw the administrative officer”, and substitute instead the following : —

“under the disciplinary control of the school board and shall be liable to such punishment for breach of discipline at the hands of the school board by a resolution duly passed by the school board, subject to a right of appeal by the administrative officer, as may be prescribed by rules.”

*Dr. B. R. Ambedkar (Bombay City):* Sir, the amendment which I am moving is totally different from the amendment which has been moved by my honourable friend Mr. More. Mr. More’s amendment provides that under certain circumstances, the school board shall have the right to remove from office the administrative officer who has been appointed by Government. My amendment is fundamentally different from the amendment of Mr. More. My amendment does not give the school board the power to remove or dismiss an administrative officer. All that the amendment seeks to do is this that during the period when an administrative officer is engaged in doing his service as an administrative officer under a particular school board, that school board shall have disciplinary control over him. Sir, it must be realised that clause 12 of the Bill is an anomalous

\*B.L.A. Debates, Vol. 3, pp. 2679-82, dated 30th April 1938.

clause in principle. It is an accepted principle that an officer must be subordinate to the authority whose servant he is. Now, by this clause 12, we have provided that the administrative officer shall be appointed by the Provincial Government and that he shall also be the servant of the Provincial Government. The evil effects of this anomaly have been pointed out by various members of the House who have spoken on the amendment which was tabled by my honourable friend Mr. Jamnadas Mehta. Therefore, I do not wish to take the time of the House in repeating what has been stated. What would be the result of enacting clause 12? I have my sympathy with the Honourable the Prime Minister in the procedure which he has adopted, namely, the administrative officers should be appointed by the Provincial Government and should be the servant of the Provincial Government and for two reasons. One reason why I sympathise with the view he has taken is this. If the local boards or the school boards continue to appoint the administrative officers, the one result will be that the administrative officers will have to spend all his life in one place which is undoubtedly a bad thing in principle, because, when an officer remains in service in one particular place all his life, he does undoubtedly create a party for himself, secures friendship and, therefore, provides for himself opportunities and occasions for exercising his administrative power in a partial way. Therefore, it is very desirable that these administrative officers should be moved from place to place just as the practice of moving important officers, like the Collector or the District Judge, from district to district. The second reason why I felt a certain amount of sympathy for the procedure adopted by the Honourable the Prime Minister is this. Unless Government appoint the administrative officers, it is not possible to provide a cadre with a regular service, with prospects of promotion and so on. I fully sympathise with that view. But, Sir, I do not understand why it should be difficult for Government to place these officers under the school boards for the purpose at least of disciplinary control. I do not understand how the smooth working of the local board machinery as contemplated in this Bill can be secured unless the amendment which I am suggesting is given effect to.

I should like to illustrate what I have to say by reference to what has happened under the Government of India Act. I would take for illustration the position of the members of the Indian Civil Service. The members of the Indian Civil Service are appointed by the Secretary of State. At the time when the Montagu-Chelmsford Report was made, I think those who have read it will realise that one of the greatest difficulties that was felt at the time in transferring effective control to ministers was just the opposition of the members of the Indian Civil Service. The contention of the members of the Indian Civil Service was that, as they were appointed by the Secretary of State and not by the ministers who were going to take office under the then contemplated reforms, they protested that they could

not subject themselves to any control by ministers. On the other hand, those who were upholding the cause of transferring effective power to Indian ministers decided that there could be no effective transfer of power to the Indian ministers unless the Indian ministers had effective power of controlling the Indian Civil Service members who were the instrumentality of the administration. For a long time this tussle was going on, and as a matter of compromise it was decided, if I remember correctly, as a result of the report of the Lee Commission, that the via media should be the via media which I am suggesting by my amendment. The via media that was suggested between the point of view that was taken by the members of the Indian Civil Service and the point of view that was taken by Indian politicians, namely, that the I.C.S. men should be under the entire control of the Ministers, and that those I.C.S. men who were working in the Transferred Departments under the dyarchical system should be under the disciplinary control of the Ministers. And by the Classification Rules it was provided that five different kinds of punishments might be levied by the Ministers against a recalcitrant I.C.S. man who refused to obey the orders of the Ministers. The punishments that were prescribed and which the Indian Ministers could exercise under those rules were censure, reduction, stopping of promotion, transfer and dismissal. The civil servant at the same time was given a right of appeal if he felt that a punishment had been inflicted upon him by the Minister which was not proper, which was unjust, or which was based upon racial antagonism. The civil servant would take his appeal to the Governor and finally to the Secretary of State and challenge the order of punishment passed by the Minister. In this way the two contending points of view, namely, no control, and absolute control, were brought so to say, to a common meeting point; the formula that was devised was that the civil servants should remain servants of the Secretary of State, liable to be dismissed by the authority who appointed them, but during the period that they were working as servants in the department, they should be subject to the disciplinary control of the Minister in charge of the department. Sir, the amendment which I have tabled merely gives effect to that formula. It does not take away the right of the Minister to appoint; it does not take away the right of the Minister to dismiss an administrative officer; nor does the amendment say that during the period that the administrative officer is serving under a school board he shall be regarded as the servant of the school board. The amendment is of a very limited character; it merely says that during the period that he is working as the administrative officer of the school board, the school board shall have disciplinary control. Further, what kind of punishment the school board shall levy, and what is the nature of the appeal that the administrative officer is to have, are still matters which by my amendment are left to the Government to prescribe by rules, I do not say that this or that kind of punishment may be inflicted upon the administrative officer by the school



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board ; I do not say that this or that alone should be the right of appeal. The nature of punishment, the extent of appeal—all that is left to the discretion of the Government to provide for by rules. All that the amendment does is to ensure that during the period that he is working ; he shall feel that the school board has control over him. If we do not give even this little power to the school board, I do not quite understand how and administrative officer will feel, by the necessities of the case, that he is really the servant of the school board. I ask the Honourable the Prime Minister; supposing he himself had no such power over the civil servant that was working under him, if he could not punish him for any disobedience on his part, what would be the state of his own department ? I submit that in the interest of smooth working this much at least must be given to the school board in order that the administrative officer shall feel that he is bound to carry out the just and lawful order of the school board. With these words, I commend my amendment to the House.

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# 14

## BILL No. XII OF 1928 TO AMEND THE BOMBAY HEREDITARY OFFICES ACT

The following Bill\*, for the introduction of which leave was granted to Dr. B. R. Ambedkar, M.L.C., at the meeting of the Legislative Council of the Governor of Bombay on the 19th March 1928, is published under rule 20 of the Bombay Legislative Council Rules : —

BILL No. XII OF 1928

*A Bill further to amend the Bombay Hereditary Offices Act, 1874*  
(*Bom. III of 1874*)

WHEREAS it is expedient to amend the Bombay Hereditary Offices Act in a manner hereinafter appearing; And whereas the previous sanction of His Excellency the Governor under section 80C of the Government of India Act has been obtained, it is hereby enacted as follows : —

1. This Act may be called Bombay Hereditary Offices (Amendment) Act, 1928.

2. *Amendment of section 9 of Bom. III of 1874.*—In section 9, clause (1), for the words “whether assigned as remuneration of an officiator or not”, substitute the following : —

“not assigned as remuneration of an Officiator”.

3. *Insertion of new section 9A in Bom. III of 1874.*—After section 9, add the following : —

“9-A. (1) Whenever any watan or part thereof assigned as remuneration of an officiator has or have before the date of the Bombay Hereditary Offices Act, 1874 (Bom. III of 1874), coming into force passed otherwise than by virtue of, or in execution of a decree or order of any British Court, and without the consent of the Collector and transfer of ownership in the revenue records, into the ownership, or beneficial possession of any person, not a watandar of the same watan, the Collector shall declare such alienation to be null and void, and order that such watan or any part thereof, or any profits thereof, shall from the date of such order belong to the watandar previously entitled thereto, and shall recover and pay to such watandar any profits thereof accordingly.

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\*This is the text of the Bill to amend the Bombay Hereditary Offices Act of 1874 as published in *Bombay Government Gazette*, Part V, dated April 16, 1928. Speech delivered by Dr. Ambedkar while moving this Bill is printed at pages 75-87.

(2) If such part of the watan be land the Collector shall order its transfer to the watandar.”

4. *Amendment of section 15 of Bom. III of 1874.*—Add the following proviso to section 15, clause 1 : —

“Provided that the whole body of representative watandars or a majority of them holding a hereditary office within the meaning of section 63 of the Act having in their possession watan lands shall have the option, if the same be expressed by a written application to the Collector, to be relieved of their obligation to perform such services in perpetuity and shall be entitled to retain possession of the lands held by them if they agree to pay full survey assessment on such lands.”

5. *Amendment of section 19 of Bom. III of 1874.*—Delete the following from section 19, “and to decide whether the payment shall be made in kind or money”.

6. *Insertion of new sections 19A, 19B, 19C and 19D in Bom. III of 1874.*—After section 19, add the following sections : —

19A. When the whole body of representative watandars or a majority of them whose watan property consists of a right to a levy in kind apply to the Collector to convert such right into money cess the Collector shall then convert the same into an equivalent money cess.

19B. When such a right to a levy in kind has been converted into an equivalent money cess the whole body of representative watandars or a majority of them concerned may apply to the Collector to recover the same from those who are liable to pay. The Collector shall then recover the same along with and as part of the land revenue and shall direct that the same be paid from Government treasury to those watandars entitled to the same.

19C. In case where such a right to levy in kind be deemed a joint return for services to both the ryots and the Government the whole body of representative watandars or a majority of them whose right to a levy in kind has been converted into a money cess may apply to the Collector to decide how much of the money cess is due to them for services to Government and how much for services to the ryots. The Collector shall then give such a decision, which decision shall be deemed to be final.

19D. That the whole body of representative watandars or a majority of them who have asked for such a decision as is referred to in section 19C, shall have the option to refuse to render any services to the ryots provided they inform the Collector in writing of their decision in this behalf. In case such option is exercised the watandars exercising such option shall forfeit that portion of the money cess due to them for services to the ryots.

7. *Amendment of section 21 of Bom. III of 1874.*—In section 21 for the words “such periods” substitute the following : —

“a period not exceeding ten years”.

8. *Amendment of section 83 of Bom. III of 1874.*—This section shall be substituted in place of section 83—

83. After the passing of the Act, Government shall make rules, except as is otherwise provided for in section 18. Laying down the duties that are to appertain to any hereditary office :

Provided that the rules so made shall not come into operation until the same are previously published in the *Bombay Government Gazette* for one month previous to the next session of the Bombay Legislative Council and shall be liable to be rescinded or modified by a resolution of the said Council tabled at the next session thereof.

### Statement of Objects and Reasons

The objects of this bill are : —

1. To make better provision for the remuneration of the officiating watandars.
2. To allow commutation of watans of inferior hereditary village servants.
3. To provide for the conversion of Baluta into money cess.
4. To allow the holder of inferior watan to free himself from the obligations to serve the ryots.
5. To define the duties of officiating watandars.

(Signed) B. R. AMBEDKAR

G. S. RAJADHYAKSHA,  
Acting Secretary to the Legislative Council  
of the Governor of Bombay.

Bombay, 13th April, 1928

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# 15

## \*ON THE HEREDITARY OFFICES ACT AMENDMENT BILL: 1

*Dr. B. R. Ambedkar:* Sir, I rise to move that Bill No. XII of 1928 (A Bill further to amend the Bombay Hereditary Offices Act, 1874) be read for the first time. This bill is not concerned with the Patel or the Kulkarni. The hereditary officers referred to in this bill are known under the Hereditary Offices Act as the inferior officers. At the present moment, such inferior hereditary officers cover the Mahars in the Deccan, the Vethias or the Varthanias in Gujarat, the Ramoshis or the Juglias and the Holiyas in Karnatak. A large part of these inferior holders are Mahars, and in the course of the remarks that I propose to offer this House, I shall largely speak of the Mahars as representative of the inferior officers.

Sir, in order to understand the provisions of this bill, I think it is very necessary that the House should know the wrongs and the grievances which have led me to bring forth this Bill. Now, the wrongs are very many, but I do not wish to spend the time of this House in giving a lucid description of what actually takes place. I will speak in general of the system and the nature of that oppressive system. First, Sir, it will be remembered that these inferior holders of watan are Government servants according to the Watan Act. But, Sir, the duties of these Government servants are not defined anywhere. It is not known, in fact nobody as a matter of fact can say, to what particular department these watandar Mahars belong. As a matter of fact, every department claims their services. They can be called upon to render service to the Irrigation Department; they can be called upon to render service to the Revenue Department; they can be called upon to render service to the Vaccination Department; they can be called upon to render service to the Education Department; they can be called upon to render service to the Local Self-government Department, and I think they can also be called upon to render service to the Police Department. They can also be called upon to render service even to the Excise Department. That I submit is an extraordinary system. Every Government servant knows and knows definitely to which department he belongs and the services that are expected of him. No department I understand employs

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\*B.L.C. Debates, Vol. XXIII, pp. 708-21, dated 3rd August 1928.

any individual as servant who can be called upon as the maid of all work but Mahars for all practical purposes are and are treated as maid of all work of all the Government departments. Further he may be called upon to render service at any hour of day or night. Every other Government servant, however humble his position between particular hours ; every peon in the Collector's office or any other office knows that he has to go to his duties at definite hours and return at definite hours. But that is never the case with these Mahars. They can be called upon to render service not only during the day not even between sunset and sunrise but they can be called upon to render service at night. If an officer calls upon the Mahar to render service during night, whether it is raining or there is lightning or any other difficulty, he dare not refuse to do so.

The third grievance is this. In the case of Mahars the officiator is the person whose name is entered in what is called the service register and he is not the only one person who is liable to render service to Government, but his whole family is liable to render service to Government. In case the officiator whose name is entered and who is liable to render service has gone out on service, if the officiator is absent on any Government duty and if there is no one to answer the call, his father may be called upon to render service. If his father is absent his grandfather may be called upon to render service but the names of the father and grandfather may not appear in the register. Not only the male member but, I submit that in their absence the female members also are impressed into Government service. If the officiator is absent his wife may be called upon ; if the wife is absent his mother may be called upon and if the mother is absent the young female members of the family are required to render service in the absence of the officiator. Imagine for one moment a situation like this; a young female Mahar of 18 years called upon by a police officer of 18 years to carry his bigar with him for a distance of five or six miles !! Imagine the dangers to which she is exposed under a situation like this !! Sir, there is no escape out of the system as it exists today. Under the system as it operates not only the officiator is obliged to render service but the whole family is obliged to render the service. I submit that this is a most oppressive system not obtainable in any other department of Government service.

Coming to the question of remuneration, what is the remuneration that these poor people get for their hard and arduous labour that they do for all the 24 hours? This House will be surprised if I tell them that the Government practically pays nothing from their treasury directly for the services it exacts from these people. I have before me the figures given by the Government themselves. In Thana district the amount paid by Government directly to the Mahar officiator comes to Rs. 1-8-0 per month; the amount paid in the Ahmednagar district comes to Rs. 1-8-0 per month ; the amount paid in East Khandesh comes to Rs. 1-12-0 per month ; the amount paid in West Khandesh comes to 9 as. 4 pies per month ; in the Nasik district the amount comes to Re. 0-13-4 per month ; the amount paid in the Poona

district is Rs. 1-1-4 per month ; the amount paid in the Satara district comes to Re. 0-2-1 ; the amount paid in a Sholapur district comes to Re. 0-3-3 per month; and in the Bombay surburban district the amount varies between Rs. 9-8-0 and 5 as. per month. There is no salary paid by Government from their treasury in Belgaum. The figures for Ratnagiri and Kolaba are not given by Government in answer to the question put in March session of 1925. This House can see what a paltry pittance the Government pays for the services they exact from them. There is practically no remuneration whatsoever which Government gives to these poor Mahars for the services it exacts from them. The sources of income for these people, the watandar Mahars, are two. The first source is the inam land and the second source is what is called the baluta or the collection of grain made by the watandar Mahars from the villagers. These inam lands were not given by British Government but they were given to these Mahars by the ancient Emperors of this country. The Mahar watan is the most ancient watan that we have in this country and all the lands have been given to them in ancient times. I do not know, at least I am not aware, that the British Government has ever increased the extent of land that has been once given to these people in ancient times. Prices have increased, the standard of living has gone up and every Government servant has been given an increase—I do not know how many times—since the establishment of British Government. But the British Government has never paid a moment's attention to the remuneration of these people. They have left these poor people with such land as the ancient Rajas were pleased to give them. The Mahar population has increased enormously and the land assigned to the Mahars is divided and sub-divided to such an extent that the income these people get from the inam lands is absolutely not worthy of being taken into consideration. The main part of the remuneration which these people get comes largely from the second source, namely, the baluta. Now, Sir, the peculiarity of this mode of payment is really worthy of notice by this honourable House. Again I will repeat that the Mahars are Government servants ; but the Government does not take upon itself the responsibility of paying the remuneration to the person whom the Government employs. In every other case Government takes upon itself the responsibility of paying the peon, the clerk, the officer and employers but in the case of Mahars, so far as baluta is concerned, there is no way by which Government takes upon itself the responsibility that the remuneration shall be paid to them. The reason is that under the Watan Act with regard to the payment of the baluta. the Mahar is left entirely to the sweet will of the ryots. If the ryots are pleased to pay a Mahar he can get it. If the ryots are not pleased to pay the Mahars at the end of 12 months after exacting service from him, the Mahar will find that he has rendered service for nothing.

That, I submit, Sir, is an atrocious system, a system which has no justice in it whatsoever. If the Government desires that these people should work

for them, it is absolutely necessary that the Government should take upon its shoulders the responsibility of paying these Mahars; they ought not vicariously to throw off this burden in a most careless way upon a third party, namely the ryot, but that is exactly what is happening under the present system.

Then, Sir, is there any security that the watan will be continued? Is there any security that the Mahar watan will not be suspended or resumed? Sir, there is no guarantee whatsoever. The reason is obvious and very simple. In every case of course, the tenure of service of a subordinate depends entirely upon the goodwill of the immediate officers under whom he works. Here, Sir, the patil, the kulkarni and the mamlatdar are the immediate officers under whom the Mahar has to work. The Mahar, cannot expect that his watan will be safe unless, besides rendering services to the Government—I mean the legitimate services which are expected of him as a Government servant—he also renders willingly, and without remuneration, private services to his immediate superiors, namely the patil, the kulkarni and the mamlatdar. Unless he ingratiates himself into their favours—and those favours are not easily given; they are earned at the cost of services rendered without remuneration—there is no security that the patil or the kulkarni will not make a report that the Mahar is not discharging his duty—an absolutely false and concocted report. There have been innumerable cases where such reports have been made by patils and kulkarnis and acted upon by the mamlatdar and the Mahars have had their watans suspended or resumed. In my own experience, which I admit does not extend over a very large number of years, I have come across innumerable cases where Mahar watans have been suspended or resumed. I have myself tried my level best to get the superior officers, the District Deputy Collectors, the Assistant Collectors, the Collectors and even the Commissioners to reverse the orders passed by the mamlatdars, but, Sir, I have never succeeded in any single case. The result is that the subordinate officers are always certain that their decision, whether it is right or wrong, whether it is founded on legitimate grounds or not, whether, it is based on concocted evidence or not, will be upheld by their superiors. Grounded in that feeling of security there is no limit to the oppression or tyranny these people exercise over these unfortunate class of people. That, I submit, is another evil which is inherent in this system.

Now, Sir, if the evils of the system affected only the officiating Mahars and did not affect the rest of the depressed class community, probably I would not have made so much of the matter. The trouble is that the evils of this system are so wide in their scope and extent, so all-pervading, that they affect not merely the officiating class of Mahar but they affect the whole population of the depressed classes. Sir, the House will not probably believe it when I say that as a result of the watan system it is not open to the Mahar population in villages to claim the benefit of Dr. Paranjpye's circular that their children should be made to sit along with the children



of the other classes ; although this Council has passed a resolution that the depressed classes should be allowed the use of dharamshalas and all public places, it is not open to the depressed classes to ask for these privileges that this Council has been pleased to give them. This Council, as I say, will not believe in this, that the watan system is responsible for a situation like this ; but, Sir, that is the only explanation that I can offer why the Mahar population is not able to progress. The reason is simple. Whenever, for instance, any Mahar community in any particular village desires to make progress in any particular direction and that direction is not liked by the ryot, the one immediate step that the ryot takes is to stop the baluta and to proclaim a social boycott. I have known of a case where the villagers have stopped the baluta and declared a social boycott because the relative of a certain Mahar went into the village with socks and boots, an act which the villagers did not like. I have known of a case where the villagers have stopped the baluta and declared a social boycott against the Mahar population because one Mahar in the village had the daring to put tiles on his house. Sir, such a system which enslaves the whole population, which smothers the spirit of progress, which blocks the way for furtherance, is a system which, I think, no right-minded person, no man with any feelings, will sustain or will justify. Sir, no wonder that the whole of the Mahar population is absolutely tired of this watan system. My honourable friend the Revenue Member will take it from me that the whole of the Mahar population—I say that without fear of challenge—is absolutely tired of the system and is desirous of getting rid of it as soon as possibly can. With these few preliminary remarks I will now proceed to explain the provisions of the bill which is before this House today.

Now, Sir, for the consideration of my bill it is necessary to bear in mind that I propose to make two divisions of the watandar Mahar population. The first division is one which is absolutely tired of and would have nothing to do with the watan at all, a class which would like to be immediately relieved of the obligation to serve. Their only condition is that if they choose to give up their watan, that is to say their right to serve hereditary, they should not be deprived of the lands which they have in their possession. In order to carry out that object I have provided by clause 4 to add a proviso to section 15(1) of the existing Watan Act. By that proviso I propose that if a representative body of watandar Mahars or a majority of them represent to the Collector in writing that they do not want to serve and that they are willing to pay the full rate of assessment on their lands, the Collector should relieve them of their obligation to serve. That is the meaning of the proviso. Now, the first thing I should like to point out is that the principle of this proviso is not new. The principle enacted in this proviso is a very old principle, a principle with which the Government is familiar and a principle which Government have accepted and acted upon on various occasions. Sir, this House or at least the majority of honourable members in this House will know that before the introduction

of British Government in this country we had in the villages twelve different village servants known as Balutedars. When the British Government began the administration of this country they classified these 12 officers into three groups : Those whose services were necessary for the purpose of Government, those whose services were necessary only for the purposes of ryot and those whose services were necessary for both. In the case of those village servants whose services were only necessary for the purpose of the ryot, Government by what are known as the Gordon settlements, commuted their watans, that is to say they allowed them to retain full possession of the lands on their consenting to pay full revenue assessment. Sir, the proviso of my bill is nothing else than the principle embodied in the Gordon settlement.

The second example that I would like to give in support of my proposition that the principle of the bill is not new is that I find in 1923 Government issued a resolution with respect to the Shetsanadi watans. In that resolution No. 9319, dated the 13th October, Government have laid down that these Shetsanadi watandars who do not render services may be relieved of their obligations to serve provided they are willing to pay full revenue assessment.

Then, Sir, I should like to remind the House of the more recent example, I mean the Joshi Bill. When the Joshi Bill came up for discussion on the floor of this House it was pointed out that those Joshis who do not want to serve should be allowed to keep their land. Government, on that occasion, introduced of their own accord, I understand, a proviso in the bill allowing the village Joshis to retain the land provided they were willing to pay full revenue assessment. The proviso of my bill is not something different from the proviso introduced in the Joshi Bill.

Then, Sir, I should like to argue this point also from the legal point of view. Suppose, now, there was not this proviso and supposing a watandar Mahar wanted to be relieved of his obligation to serve and suppose, further, that Government wanted to exercise their powers of resumption of the watan, what would Government resume ? I submit, Sir, that Government would be entitled to resume only the land revenue and nothing more. The High Court of Bombay in a series of decisions which it has given has held that in the case of inam in this Presidency there is always the presumption that the grant is of land-revenue only and not of the land. That has been the view of the Bombay High Court. That being so, I submit, Sir, that ordinarily and without the enactment of this proviso the utmost that Government can do in the case of Mahars who do not wish to render services would be to ask for full revenue assessment on their lands because the inam merely consists in nothing else than freedom from land revenue. The grant does not include the land. I am aware. ....

*Sardar G. N. Mujumdar:* Even in the case of Mahars ?

*Dr. B. R. Ambedkar:* Yes, even in the case of Mahars.

I am aware, Sir, that there are two decisions of the Privy Council wherein

Their Lordships have stated that there is no justification for starting with a presumption of this sort. But then, Sir, there is also a decision of the Bombay High Court after those judgments were delivered. I refer to 22 Bombay Law Reporter, page 275 where the High Court has held, even after the decision of the Privy Council that that presumption holds good and the reason they have given is very important. That reason is this. Government in 1854 after the passing of the Act of 1852 for inquiring into the titles of revenue free estates passed a resolution defining the meaning of the word "resumption". I refer to resolution No. 2449 of the year 1854. The resolution expressly states that resumption means not taking away the land but the levying of full revenue assessment. The Bombay High Court says that having regard to that resolution its ruling that in the case of crown grant the resumption is of land revenue and not of land will not be unjustifiable. I, therefore, submit, Sir, that even on legal grounds what Government can resume in the case of Mahar watans would be land revenue only and not land.

The Government may perhaps object to this proviso on the financial grounds. Government have stated in the course of the debate which has preceded this bill that if watans were commuted, that is to say, if the Mahars were allowed to retain their watan lands on the payment of the land revenue, Government in that case would be obliged to employ a paid agency and that the cost of remunerating this paid agency would be an additional burden on their treasury. Now, Sir, my first submission is this: I do not think there would be any additional burden on the treasury, and for these reasons. Even if Mahar watans are commuted and even if Mahars are liberated from rendering services that they render and even if Government employ a paid agency the Government will have at its disposal a fund from which they would be in a position to pay the new agency employed. First of all they would have a fund derived from the assessment levied on the lands of the Mahars. In addition to that Government will also have the right to levy baluta because according to the ruling of Government the village population is liable to pay, the cost of the watch and ward. I submit, Sir, that these two things together will form a sufficient fund for the maintenance of the new paid agency. The one reason which terrified Government at the thought of commutation of the Maharki watan is that they think they shall have to employ the same number of people as they at present employ. I understand—I have not the exact figures—that Government are employing about 64,000 Mahars in the Bombay Presidency. I submit, Sir, under the new system they will not have to employ such a large number of people. They are employed by Government now because they can vicariously do so at the cost of the ryot. In some villages there are 16 Mahars employed. In other villages for instance in Nagar District there are 32 Mahars employed in one village. I submit, Sir, that the number of Mahars employed at the present moment is most extravagant which certainly can be greatly reduced and if the reduction comes about as I expect it is

bound to come, one-third of the present number will be sufficient and the land revenue and the baluta will constitute a sufficient remuneration without any additional burden on the treasury. I ask in all seriousness why should not the Government undertake to bear that burden? Why should not the Government pay the cost of the services? In the case of every other Government employee, Government has made itself bold to come before this Council to ask for additional money. Sir, in the year 1921 Government agreed to increase the salaries of village teachers. In the same year Government brought forward proposals to increase the salaries of the subordinate services. Apart from this, Government brought forward proposals to increase the salaries of the talatis. If, Sir, the Government have got the nerve, the courage and the sympathy for these classes to bring forward financial measures to remunerate other services, why should not Government have the same nerve, the same courage and the same sympathy in the case of these Mahars? I do not understand, Sir, why for instance Government should continue or be a party to a system which enthrals and enslaves a class of His Majesty's subjects. I submit, Sir, that either on the legal ground or the moral ground, and I say on financial ground, the principle I have enunciated in section 4 of my bill is just and equitable.

I now come, Sir, to the other class of watandar Mahars, those who care to carry on with the watan, those who are prepared to render services provided their grievances are remedied. These Mahars I have provided for in clause 6 of my bill. The provision in this section which is sought to be enacted in the interests of that part of the Mahar population, which cares to carry on the village duties, mainly consists in the re-organization. I use the word advisedly—mainly consist in the re-organization of the baluta system. If honourable members will go through the clauses which are enacted therein, they will find that there is, first of all, a provision made for the conversion of the baluta into a money cess. Secondly, provision is made for the recovery of the money cess along with the land revenue. Thirdly provision is made for the division of that cess into two parts, one for services rendered to the ryot and another for services rendered to the Government; so that that part of the cess which will be apportioned for services to the Government will be obligatory, while that part of the cess which will be apportioned for private services to the ryot will be optional. Those ryots who care to employ the services of the Mahar for their private service will be obliged to pay only that part of the cess which will have been assigned for private service. The Mahars, on the other hand, if, they do not want to render service to the ryot but want to render service only to the Government shall forfeit that part of the money cess which will have been assigned for private services.

Now, Sir, the House is likely to think that I am making some novel proposals; I wish however to emphasise that none of these provisions are new. They already exist in the Watan Act. There is only a change in the existing system and a re-organization. The first provision that baluta shall

be converted into a money cess will be found already existing in section 19 of the Watan Act. That is not, therefore, a new thing. Under the existing Watan Act the Collector is given the power to convert, whenever he thinks fit, the baluta into a money cess. The second provision that the collection of the money cess shall be made along with the land revenue, I submit again is not a new proposal. It already exists in the Watan Act. Reference to section 81 of the Watan Act will show that the Collector has, under the existing Act, the power to collect all haks, all remunerations, all emoluments, as if they were arrears of land revenue. Therefore, what I submit, Sir, is that there is nothing that is new in section 6 of the bill. All that is new in section 6 of my bill is that the discretion instead of being given to the Collector is given to the parties themselves. The existing law recognizes that circumstances will arise when provisions such as those contemplated by section 6 of my bill will be necessary. Otherwise those provisions would not have found any place in the existing law. What I feel is that although the Collector may have the discretion, he may not know, he may not be aware, and may not be cognisant of the fact that circumstances have arisen which require that his discretion should be exercised. All I say is that the Collector should be guided by the parties themselves in the matter of the exercise of the discretion, so that, if the parties desire that the baluta should be collected along with the land revenue, the Collector will know that the occasion has arisen for him to use his discretion. There is nothing new in this, except the transfer of the discretionary power from the Collector to the ryots and to the Mahars.

Then, Sir, the third provision as regards the partition of the baluta between two specific shares, one for private service and the other for Government service, is no doubt new. But I submit that circumstances have rendered it very necessary. According to the view of Government the baluta is a joint payment for services to the ryots and for services to Government. The Government on the 3rd of May 1899 passed a resolution No. 3074 wherein they have expressly laid down that baluta is a joint remuneration for services both to the ryots and to the Government. I need not go so far back in order to give support to this view. Even as late as 1919, the Government in the papers that they laid before this House, in reply to a question on this point relied upon the order passed by the Assistant Secretary to Government in which the proposition has been expressly emphasized, that the baluta is not paid for merely private services, but is also paid for services to Government. Now, Sir, what I submit is that the Mahars, some of them, are willing to render services to the Government, but they are not willing to render services to the ryots. There are also certain ryots, I know of, who do not want to employ an agency which is forced upon them as the Mahars are by the present law. They would like to employ on their own initiative at their own will, any one whom they would care to employ. In the same way there are some Mahars who do not want to render services to the ryot. They would like to have their freedom

to serve or not to serve. But under the existing law this freedom is denied to them. They are forced to serve whether they wish it or not. This is due to the fact that the baluta is a joint remuneration and there is no way of finding out how much of the remuneration in the form of baluta is due for Government services and how much of it is due for private services. In these days of rivalry in social advancement the tension between the ryots and the Mahar has become great and will continue to grow in intensity unless freedom to employ and freedom to serve is provided for. To achieve this purpose it is necessary to define the quota of baluta due from the ryot on account of private services to the ryots and that due for the services rendered to Government. What happens under the present circumstances is this, that if a Mahar does not render service to the ryot, all the same, there being no partition of the baluta, the ryot is obliged to pay the whole and the Mahar gets an advantage over the ryot.

On the other hand it happens that if the Mahar did not render service to the ryot but rendered services only to Government, he loses the whole of the baluta, for the reason that the ryot has no idea how much of the baluta is due from him for Government services. Not knowing this he withholds the whole and thereby causes a wrongful loss to the Mahars. It is therefore very essential, I think, in the interest of better administration and in the interests of peace in the villages that this partition of the baluta should take place. I submit it is absolutely contrary to the principle of law that the services of one class of people should be forced upon other classes of people. It would be atrocious to uphold a system under which a particular barber should alone shave us to the exclusion of any other barber. But the watan system is such an atrocious and barbarous system. I am sure the lawyer members of this House are aware that we had in the High Court a case in which one of the barbans had brought a suit that the Yajmans (the ryots) in a particular village were not entitled to employ the services of an outside barber, that whether or not that particular barber was efficient or not, whether he knew how to crop the hair or to pare the beard, he was entitled to render service to the ryots all the same. The same thing happens in the case of Mahars. What my bill aims at is freedom of contract; if the ryots do not want to employ the Mahars, they ought to have perfect liberty not to employ them, and if the Mahars do not want to serve, the Mahars should have perfect liberty not to serve. But under the present system, under the system of joint remuneration, this liberty of contract is negated and is not obtainable. My scheme provides for that freedom of contract, and I think at least in this century when every society has advanced from status to contract we ought not for instance to block the progress of Indian society by refusing the Mahars and the ryots the liberty of contract.

One thing I would like to say is that the system which I have outlined here in this bill is not altogether my own. It is a system which I have copied from the Berars. In the Central Provinces and the Berars, similar feuds and troubles were going on between ryots and the Mahars. A great agitation

was carried on, on the part of both the sides and Government there appointed a committee to investigate into the matter and to make their proposals. In 1920, the committee made its proposals and the Government introduced the system which I have essentially reproduced in the provisions of this bill. I submit that if the provisions of this bill, which are the result of the recommendations of the Berar Committee, are good for the Berars, I think they cannot be bad for the Bombay Presidency, because the Berar system was a replica of the Bombay system ; so much so that the whole of the Berar Committee's report is based upon the resolutions of the Bombay Government. These are the main provisions of the bill.

There is a provision in the bill, however, which probably requires a little explanation and that provision is the provision which introduces certain changes in section 9 of the Watan Act. I mean clauses 2 and 3 of my bill. Under the provisions of the Watan Act, it is laid down that watan lands shall not be alienated to any one outside the watan family. There is also a provision under section 9, which empowers the Collector to resume the land of a watandar which has been transferred to a non-watandar. But under section 9 whether or not to declare the alienation null and void and to resume such alienated land is left entirely to the discretion of the Collector. The Collector does not always choose to exercise the discretion vested in him under section 9 in favour of the watandar. This may cause no particular hardship when the land so alienated although it is watan land is not assigned as remuneration to an officiating watandar. But I submit, Sir, that if an officiator is required to render services to Government on the express understanding that his watan land has been assigned to him in remuneration for his work shall always remain in his possession, I think Government ought to resume those watan lands which have gone out of the hands of the officiator. The sections which I have introduced make the declaration of alienation as null and void obligatory upon the Collector in the case of such watan lands as are assigned as remuneration of an officiator. In introducing these sections I adopt as my basis the well-known division of watan lands into two classes, those assigned as remuneration and those not assigned as remuneration. In the case of lands not assigned as remuneration the Collector may well not exercise his discretion because of the fact that the land is not necessary immediately for the purpose of the remuneration of the officiator. In that case if the Collector does not exercise his discretion in favour of the watandar and declare the alienation null and void there is not much case for complaint. But when the land is expressly reserved and assigned as remuneration. I think the Collector ought to have no discretion whatever in the matter but in every such case, the declaration should be given that the alienation is null and void.

I admit, Sir, that there are two defects in the bill as I have drafted it, and I like to make this admission because I want to be very, very just. I do not want to throw any additional burden on the ryot in the interests of the Mahars. The simple reason is that I am an enemy of the watan system.

I have striven all along to destroy the Maharaki watan system, although I know that in the immediate future the Mahars will suffer a great loss. But I am convinced that these shackles of the watan system are the principal causes which are keeping them backward. I am taking a long view of the matter and it is this that leads me to be indifferent to the immediate benefits to the Mahars from their watans. I cannot therefore be particularly striving to steel an advantage over the ryots, not particularly striving for benefitting the Mahars at the cost of the ryot. Honourable members of this House will see that the baluta system is, as I have organised it in my bill, not going to impose any additional burden upon the ryot. I use expressly the word "equivalent". That means no additional burden shall be levied upon the ryots for the remuneration of the Mahars. That will show how just I mean to be. That leads me to admit that there are two defects in the bill. One is that in altering section 9 (alongwith clauses 2 and 3 of the bill) so as to make it obligatory upon the collector to resume the land, there ought to be a provision allowing the Collector to pay compensation to the dispossessed non-watandar. I readily admit that the lands may have been transferred to any one in faith and for full consideration. It stands to reason that when such a transferee is deprived of it, he ought to be paid compensation. When I had first drafted this bill, I had provided that the Collector should have power to compensate the non-watandar, but on the advice of certain official members, I withdrew that, but I am prepared to make that amendment in the select committee. Secondly, I ought to have provided that just as the Mahars should have option not to serve the ryot, the ryot ought to have the option not to employ the Mahars. I am prepared also to make that amendment in the bill in the select committee to which it may be referred. These are all the things, I think, in the bill which call for explanation.

Before I bring my remarks to a close I think I ought to make it very clear to the Honourable the Revenue Member that this bill has the support of the entire Mahar population. There is no division of opinion on that point at all. In fact there cannot be a division of opinion on this bill and for very good reason. The bill is not an obligatory bill. It is purely a discretionary bill. Unless the watandar Mahars desire that the provisions of this bill should be brought into operation, they will not be brought into operation. Things will continue as they are now. A change will come only when the Mahars will feel the necessity for it. It will not be forced upon them against their will.

*Mr. P. R. Chikodi:* This is an unilateral arrangement. It ought to be bilateral.

*Dr. B. R. Ambedkar:* I know I ought to make that amendment which has been omitted but which will be made in the select committee.

I say there cannot be any opposition to this bill on the part of the Mahars themselves because the bill is not an obligatory one and it does not compel them to take advantage of it. It only makes certain provisions in their interest if they want to avail themselves of them. The Mahars have not



therefore objected to this bill. Indeed there cannot be any objection on their part. Not only have they not opposed the bill, but they have whole heartedly welcomed it. Since the time I have been at this bill I have never kept anything secret from the Mahar population. I have placed the principles and the provisions of this bill before the whole Mahar population at several meetings to enable them to express their opinion on this bill and I am glad to say that the whole of the bill and the principles embodied in it have been unanimously accepted by them. In order that the Government may not have any occasion to say that these meetings were engineered by me for the purpose of obtaining support for the bill. I have, for the most part abstained myself from attending these meetings, which have been held under the chairmanship of members of other communities. My honourable friend Mr. Bole, sitting just by my side, will corroborate me when I say that in the city of Bombay a meeting of over 5,000 watandar Mahars was held under his presidentship. Of course some people tried to fool the Mahars that the bill is going to do them harm, but I think that the honourable member will corroborate me whether or not the Mahars supported the bill unanimously without a single dissenting voice. In the same manner, I would refer to my honourable friend Mr. Rajma Lakhichand. A meeting was held of the watandar Mahars of Khandesh at Jalgaon under his presidentship, where I addressed them on the provisions and the principles of this bill. Conservatively estimated, that meeting again was attended by something like 3,000 Mahars ; the theatre was full to its capacity, and when the resolution was moved, there was not a single Mahar who opposed it. I think my honourable friend Mr. Thorat will corroborate me that a similar meeting was held in the Ahmadnagar district, where also the bill was unanimously supported. I need not of course refer to the minor meetings held at different places. I can assure the House that the Mahar people are absolutely determined to have the bill, and I may tell my honourable friends that if the Government refuse to liberate these people on grounds of finance, on grounds of convenience, or on any other grounds, that it will be a war between the Revenue Department and the Mahars. If this bill does not pass, I for myself am not going to be in the Council; I am going to spend the rest of my time in seeing that the Mahars organise a general strike, and bring the Honourable the Revenue Member to feel that the principles of this bill are absolutely essential for the welfare of the Mahar people. I am speaking from the bottom of my heart; I do not want to keep anything behind. I want to say in all seriousness that that is our aim. Sir, I have been labouring in the cause of the depressed classes for the last three years as far as I possibly can. I have come across many difficulties in my way, and I have come definitely to know that the watan is probably the greatest difficulty that I have to face, in order to carry the Mahar population further. I am happy to find that the Mahars as well are convinced that these watans stand in the way of their advancement. I therefore hope that this Council will unanimously pass this bill. With these words, I move the first reading of the bill.

Question proposed.

# 16

## \*ON THE HEREDITARY OFFICES ACT AMENDMENT BILL: 2

*(Discussion on Bill No. XII of 1928, a Bill further to amend the  
Bombay Hereditary Offices Act, 1874, resumed)*

*Dr. B. R. Ambedkar:* Sir, I am very much thankful, indeed to the non-official members of this House for the very warm and whole-hearted support which they have given to this measure. Sir, the debate has not disclosed that the opponents of this bill have made out any case against it and I do not think, therefore, that it is necessary on my part at this stage to enter into any details in reply to the objections that they have registered, All that they have done is to raise and place before this House certain matters, what we call "matters of prejudice", something which does not touch the intrinsic merits of the bill itself. Sir, I have admitted in my opening speech that the bill has no doubt probably certain defects, as is pointed out by a few of the honourable members opposite, and I made it plain in my opening speech that I leave an open door to the select committee to make such amendments that they may desire to make. I make no objections on that score. ....

*An Honourable Member:* Amendments even of principle ?

*Dr. B. R. Ambedkar:* Such amendments that the select Committee may want to make, even of principle; I have no objection at all. Any amendments that the select committee may desire to make. ....

*Sardar G. N. Mujumdar:* Even of principle ?

*Dr. B. R. Ambedkar:* Yes, I would much rather leave this bill in the hands of the select committee made up of non-official members of this House than leave it to the tender mercies of the officials. That I am prepared to do. Let the fate of the bill be what it may, but I leave it to the non-official members of the select committee of this House. Sir, I do not think that this procedure is going to inconvenience the Honourable the Revenue Member. Sir, I do not wish to incorporate into this bill any allegations or accusations against the official members. But I am constrained to say this, that they have certainly not treated this subject with the same urgency and with the same importance or with the same concern with which the

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\*B.L.C. Debates, Vol. XXIII, pp. 791-93, dated 4th August 1928.

depressed classes have viewed this bill. I remember a resolution was placed before this House in February 1923 discussing specifically some part of the provisions of this bill. The whole of that resolution was looked upon with the utmost favour by the non-official members of that House. The Honourable the Revenue Member then induced the member in charge of the resolution to withdraw it on the express understanding that he would institute immediate enquiries into the matter. Sir, four or five years have elapsed since that date, but no enquiry has been made at all. Sir, again a resolution was moved by my predecessor in the year 1925 raising the same issue which this bill raises. Then again, the honourable mover of the resolution was induced, to withdraw the resolution by the Government on the specific understanding that they would make enquiries into this matter. But nothing has been done. I do not think that it can lie in the mouth of my honourable friend the Revenue Member, that this bill is in any way a surprise sprung upon him. The provisions of this bill, that is, the demands that the depressed classes are making in the matter of their watan, are before him for a long time. If he really wanted to arm himself with facts and figures, if he really wanted to formulate his own proposals in substitution of the proposal which I have made, I submit, Sir, that he has sufficient time on his hands to do so. He has not availed himself of that opportunity which he had. All the same, I am prepared to offer him another opportunity and I say this, that if the bill goes to the select committee, I am prepared to move that the select committee shall make this report some time in June next; so that my honourable friend will have practically nine or ten months in between to make enquiries, to appoint any separate committee he wants to do of persons whom he regards as experts. He may thereby be in a position to formulate his own proposals and come before the select committee and move them by way of amendments. I have no objection to that, and if my honourable friend accepts that, I am perfectly willing to adopt that course. It is for him to say. But, as I said at the very beginning I am prepared to leave this measure in the hands of the select committee constituted of this House. I am not prepared to leave this measure to the official side. That is, Sir, what I want to say in reply.

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## \*BILL No. XXIII OF 1937 TO AMEND THE BOMBAY HEREDITARY OFFICES ACT

The following Bill for the introduction of which leave was granted to Dr. B. R. Ambedkar, M.L.A., at the meeting of the Bombay Legislative Assembly on the 17th September 1937 is published under rule 20 of the Bombay Legislative Assembly Rules : —

BILL No. XXIII OF 1937

*A Bill to amend the Bombay Hereditary Offices Act HI of 1874.*

Whereas it is expedient further to amend the Bombay Hereditary Offices Act, 1874 (Bom. in of 1874) in manner hereinafter appearing; It is hereby enacted as follows : —

1. *Short title.*—This Act may be called the Bombay Hereditary Offices (Amendment) Act, 1937.

2. *Amendment of section 15 of Bom. III of 1874.*—For section 15, clause 1, the following shall be substituted: —

15. *Clause 1.*—When the holder of a watan or any member of a watan family having an interest in the watan applies to the Collector in writing to relieve him in perpetuity of liability to perform services, the Collector shall so relieve him on being satisfied that the application is genuine.

*Clause 2.*—From the date when he is relieved from liability to serve he shall cease to be the holder of a watan and shall not be entitled to any rights existing from his watan except as is provided for in clause 3 hereof.

*Clause 3.*—On his agreeing to pay full assessment every holder of a watan who is relieved from the liability to serve under clauses 1 and 2 of this section shall be allowed to retain the land which he was entitled as the holder of the watan and shall be deemed to be an occupant of it within the meaning of section 3(16) of the Bombay Land Revenue Code.

*Clause 4.*—It shall be lawful for the Collector to apportion the land to the applicant who is relieved from service if it is held jointly by more than one watandar or watan families.

*Clause 5.*—The land which is allowed to be retained by such applicant who is relieved from service shall cease to be regarded as watan land assigned as remuneration of an officiator.

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\**Bombay Government Gazette*, Part V, pp. 101-05, dated October 21, 1937.

3. Clause 2 shall be renumbered as clause 6.

4. Clause 3 shall be renumbered as clause 7.

5. In clause 4 after the words “the whole number of joint owners” the words “or one or some of such joint owners” shall be added. Clause 4 shall be renumbered as clause 8.

6. *Amendment of section 16 of Bom. III of 1874.*—In section 16 for the word “originally”, the word “primarily” shall be substituted.

7. *Amendment of section 19 of Bom. III of 1874.*—In section 19 the words “and to decide whether the payment shall be made in kind or money” shall be deleted.

8. *Insertion of new sections 19A, 19B, 19C and 19D, after section 19 of Bom. III of 1874.*—After section 19, the following new sections shall be added : —

“19A. *Conversion of a right to a levy in kind into an equivalent money cess, by the Collector.*—When the whole body of representative watandars or a majority of them whose watan property consists of a right to a levy in kind apply to the Collector to convert such right into a money cess, the Collector shall then convert the same into an equivalent money cess.

“19B. *Recovery and payment of money cess by the Collector.*—When such a right to a levy in kind has been converted into an equivalent money cess the whole body of representative watandars or a majority of them concerned may apply to the Collector to recover the same from those who are liable to pay. The Collector shall then recover the same along with and as part of the land revenue and shall direct that the same be paid from Government Treasury to those watandars entitled to the same.

“19C. *The Collector to decide on application from watandars how much money cess is due to them for services to Government and how much for services to ryots.*—In case where such a right to a levy in kind be deemed a joint return for services to both the ryots and the Government, the whole body of representative watandars or a majority of them whose right to a levy in kind has been converted into a money cess may apply to the Collector to decide how much of the money cess is due to them for services to Government and how much for services to the ryots. The Collector shall then give such a decision, which decision shall be deemed to be final.

“19D. *Option to the watandars to refuse to render any service to the ryots.*—The whole body of representative watandars or a majority of them who have asked for such a decision as is referred to in section 19C, shall have the option to refuse to render any service to the ryots provided they inform the Collector in writing of their decision in this behalf. In case such option is exercised, the watandars exercising such option shall forfeit that portion of the money cess due to them for services to the ryots.”

9. *Amendment of section 21 of Bom. HI of 1874.*—In section 21 for the words “such periods” the words “a period of 10 years” shall be substituted.

10. *Amendment of section 83 of Bom. III of 1874.*—For section 83, the following shall be substituted : —

“83. Except as is otherwise provided for in section 18, Government shall have power to make rules laying down the duties that are to appertain to any hereditary office. Provided that the rules made under this section shall be laid on the table of the Legislature for not less than one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the Legislature. If any rule is modified or rescinded, Government shall accept the modification and republish the rule accordingly or shall rescind the rule.”

### **Statement for Objects and Reasons**

Three purposes underly the Bill. First is to permit commutation of the watan at the option of the holder, second to provide better security for the payment of the remuneration of certain classes of watandars and the third purpose is to provide for specification by rules of the duties to be performed by the watandars.

Sections 2-6 are designed to give effect to the first of these purposes. Sections 7-9 are intended to carry out the second purpose and section 10 is to meet the third purpose of the Bill,—

(i) Section 2 allows a watandar who wishes to do so to free himself from the liability to serve as a watandar without involving a loss to his right to the land which formed part of his watan. While it allows such a watandar to retain the land it does not involve any loss to Government because Government will be entitled to recover from him full survey assessment.

(ii) Sections 3 and 4 are formal.

(iii) Section 5 makes it possible for one or some of the joint owners of the watan to apply for being relieved from service.

(iv) Section 6 is intended to define more accurately who shall be liable for service to the community by the use of the word “primarily”.

(v) Section 7 provides that there shall be no discretion left to the Collector in determining whether the collection shall be made in kind or in money.

(vi) *Section 8 adds four new sections to the Act.*—Section 19A gives the right to watandars to apply to the Collector to convert payment in kind into payment in money and requires the Collector to convert the same in its money equivalent.

Section 19B places an obligation on the Collector to collect the money cess as part of the land revenue if required to do so by the watandars. Section 19C gives the Collector the power in cases where the remuneration of the watandar is a joint payment for services to Government as

well as to the ryots to decide how much of it is for services to Government and how much is for services to the ryots.

Section 19D gives an option to the watandar to free himself from the liability to serve the ryots subject to his foregoing any claim to that part of the remuneration fixed by the Collector under section 19C as being due for services rendered to the ryots.

(*vii*) Section 9 fixes 10 years as the maximum period for any settlement made by the Collector under section 21 in respect of the profits of the watan.

(*viii*) Section 10 merely requires that the duties to be performed shall be laid down by rules.

(Signed) B. R. AMBEDKAR

H. K. CHAINANI,

Secretary to the Bombay Legislative Assembly.

Poona, 18th October 1937.

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# 18

## **\*ON THE HEREDITARY OFFICES ACT AMENDMENT BILL No. XXIII OF 1937**

*Dr. B. R. Ambedkar (Bombay City):* Sir, I rise to move for leave to introduce a Bill to amend the Bombay Hereditary Offices Act III of 1874.

Three purposes underlie the Bill. The first is to permit commutation of the watan at the option of the holder, the second to provide better security for the payment of the remuneration of certain classes of watandars, and the third purpose is to provide for specification by rules of the duties to be performed by the watandars.

Sections 2-6 are designed to give effect to the first of these purposes. Sections 7-9 are intended to carry out the second purpose and section 10 is to meet the third purpose of the Bill.

Section 2 allows a watandar who wishes to do so to free himself from the liability to serve as a watandar without involving a loss to his right to the land which formed part of his watan. While it allows such a watandar to retain the land, it does not involve any loss to Government because Government will be entitled to recover from him full survey assessment.

Sections 3 and 4 are formal.

Section 5 makes it possible for one or some of the joint owners of the watan to apply for being relieved from service.

Section 6 is intended to define more accurately who shall be liable for service to the community by the use of the word "primarily".

Section 7 provides that there shall be no discretion left to the Collector in determining whether the collection shall be made in kind or in money.

Section 8 adds four new sections to the Act

Section 19A gives the right to watandars to apply to the Collector to convert payment in kind into payment in money and requires the Collector to convert the same in its money equivalent

Section 19B places an obligation on the Collector to collect the money cess as part of the land revenue if required to do so by the watandars.

Section 19C gives the Collector the power in cases where the remuneration of the watandar is a joint payment for services to Government as well as to

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\*B.L.A. Debates, Vol. 1, pp 1091-92, dated 17th September 1937.

The Bill introduced by Dr. Ambedkar is reproduced at pages 90-93



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the ryots to decide how much of it is for services to Government and how much is for services to the ryots.

Question put, and leave granted.

*Dr. B. R. Ambedkar:* Sir, I introduce the Bill.

*The Honourable the Speaker:* The Bill is introduced.

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# 19

## \*BILL No. XX OF 1937 TO ABOLISH THE KHOTI SYSTEM

The following Bill for the introduction of which leave was granted to Dr. B. R. Ambedkar, M.L.A., at the meeting of the Bombay Legislative Assembly on the 17th September 1937 is published under rule 20 of the Bombay Legislative Assembly Rules : —

BILL No. XX OF 1937

*A Bill to abolish the Khoti System*

WHEREAS it is desirable and necessary to abolish the system of revenue farming known as the Khoti System and to extend the principles of the Rayatwari System as being more beneficial to the area where the Khoti System is in operation; It is hereby enacted as follows : —

1. *Short title and extent.*—This Act shall be called “The Khoti Abolition Act, 1937.” It shall extend to the whole of the Presidency of Bombay.

2. *Abolition of Khoti System.*—After the passing of this Act it shall be lawful for Government by notification in the *Government Gazette* to declare that the Khoti Rights of a particular khot or of khots in a particular area are abolished from such date as may be mentioned in the said notification.

3. *After notification Khot not entitled to act as Khot and Government not bound to employ or recognise him as Khot.*—From the date of any such notification so much of any law, custom or usage now in force which entitles the Khot to act as a Khot or which requires Government to employ or recognise a Khot or which confers upon him the rights of Khot shall cease to be enforced in any suit or proceedings in any Court.

4. *After notification Khot free from liability in respect of revenue.*—From the date of any such notification the Khot shall be free from any liability to Government relating to revenue becoming due after the date of the notification.

5. *Compensation to Khots.*—(i) It shall be lawful for Government to pay reasonable compensation to the Khot for the loss of his rights as a Khot suffered by him in consequence of the notification :

Provided that the compensation shall not exceed one per cent. of the assessment leviable under the Land Revenue Code in respect of the land held by him as Khot.

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\*The Bombay Government Gazette, Part V, dated October 21, 1937, pp. 88-94.

(ii) The decision of Government regarding the amount of compensation shall be final and conclusive.

(iii) It shall be lawful for Government to pay compensation due to a Khot in cash, bonds or annuity or in any other form and the decision of the Government as to the form and mode of payment shall be final and conclusive.

6. *Inferior holders of Khoti villages to be occupants.*—When the Khoti System in any area has been abolished under the provisions of this Act all persons in possession of the lands in that area whether under the management or beneficial enjoyment of the Khot shall be regarded as occupants of the lands in their possession within the meaning of section 3(16) of the Land Revenue Code, 1879, and shall have the same rights and be affected by the same responsibility in respect of lands in their possession as the occupants of the unalienated land have been or are affected by or under the provisions of the said Code and all the provisions of the said Code shall be applicable to them.

7. *Determination of disputes regarding claims to occupancy rights.*—In case there is a dispute as to who should be the occupants of a particular holding priority shall be granted to the claimant whose occupation of the land has been of greater duration during the 12 years preceding the notification.

8. *Rights to occupancy not lost by disturbance.*—Any disturbance caused to the rights of an inferior holder after the passing of the Act shall not prejudice the rights to which he may be entitled under section 6 of this Act.

9. *Inquiry into disputes as to rights to compensation by Khots and rights to occupancy by inferior holders.*—(i) It shall be lawful for Government to appoint an officer to enquire into and decide all disputes arising under this Act between persons, claiming to be interested as occupants of lands in the area in which the Khoti System has ceased to exist, and also disputes between persons laying a claim to the compensation payable under this Act.

(ii) For the purpose of enquiries under this Act the Officer shall have power to summon and enforce the attendance of witnesses including the parties interested or any of them and to compel the production of documents by the same means and so far as may be in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

(iii) The provisions of sections 9, 10, 11, 12, 13, 14 and 15 of the Land Acquisition Act, 1894, shall so far as may be apply to the proceedings held under this Act for the determination of the amount of compensation to be paid or of the right to be recognised as an occupant.

(iv) It shall be lawful for the officer to compel the Khot or the inferior holder to produce all documents, records and registers in his possession or power for the purpose of any enquiry that may be necessary for settling disputes regarding rights to the amount of compensation or regarding rights to occupancy.

(v) The Officer shall lodge his decision with the Collector and shall communicate in writing his decision regarding claims, to a right to occupancy in the land or claims to a right to the compensation to the persons making such claims.

(vi) If the Officer is unable to satisfy himself as to which of the different claimants was entitled to compensation he may suspend payment of compensation until a competent Civil Court has determined the rights of the persons who have claimed the compensation.

10. *Reference by inferior holders whose claim to occupancy has been rejected.*—(i) Any person who is aggrieved by reason of the fact that his claim for being registered as an occupant is rejected by an order passed by an Officer specially deputed by the Government in his behalf shall by a written application to the Collector require that the question of his claim be referred by the Collector for the determination of the District Court within whose local jurisdiction the whole or part of the land is situated or a Tribunal appointed by Government in this behalf.

(ii) The application shall state the grounds of his objections to the decision of the Officer and shall be submitted within 90 days from the date of the service of the order rejecting his claim.

(iii) The Collector shall refer the application to the District Court or the Tribunal as the case may be. The application shall be numbered and registered as a suit between the applicant as plaintiff and the person or persons who have been declared by the Officer to be entitled to occupancy as defendant.

(iv) On such application being registered the Court or the Tribunal shall direct notice thereof to be given to the defendant or defendants to appear and answer the claim on a date to be therein specified.

(v) The application shall be set down for hearing as a suit instituted in the ordinary manner under the provisions of the Code of Civil Procedure, 1908, shall apply to such suits so far as the same are applicable.

(vi) No appeal shall lie from any decision given or order passed in any such suit by the Court or by the Tribunal.

11. *Statements to be filed by Khots.*—(1) Within three months from the passing of this Act the Collector shall by notice in writing require every Khot to lodge with him on or before a day named by him in the notice (which day shall not be later than three months from the date of the notice) a statement signed by the Khot showing : —

(i) The survey numbers of all lands of which he is a superior holder as a Khot or otherwise ;

(ii) the persons who have been in occupation of each survey number for each year commencing from the year 1920 to the date of the passing of this Act; and

(iii) the title and the nature of the interest claimed by the Khot in each such survey numbers.

(2) The Khot shall report to the Collector from time to time in writing of any change that may subsequently occur in any of the particulars contained in the statement lodged under sub-section (i).

(3) *Liability to make statement.*—Every Khot required to make or deliver a statement under the preceding section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

12. *Statement to be evidence.*—The entries in the statement furnished by the Khot under section 11 shall be conclusive evidence as against the Khot of the facts contained therein in any suit or proceeding to which the Khot or his representative in interest is a party.

13. *Penalty for not furnishing statement.*—(i) Any Khot who in contravention of the provision contained in sub-sections (1) and (2) of section 11 refuse or neglects to lodge a statement when required to do so or refuses or neglects to report any change occurring subsequently in any of the particulars of the statement shall be punished for each such offence with fine which may extend to 100 rupees.

(ii) Any Khot neglecting to make a statement as required by sub-section (1) of section 11 within the prescribed period shall be liable at the discretion of the Collector to be charged a late fee not exceeding five rupees a day of every day of the delay which shall be leviable as an arrears of Land Revenue.

14. *Provision for obtaining certified copies.*—In all cases in which a statement is lodged by the Khot and in all cases in which in the course of an enquiry documents have been filed and decisions have been given authenticated copies of entries in the statement of documents and decisions shall be furnished to the parties and to those claiming under them on due application being made for the same subject to such charges for copying, etc., as may from time to time be prescribed by Government.

15. *Authority to Government to make rules.*—(1) It shall be lawful for the Government to make rules for giving effect to the provisions of this Act and in particular providing for—

(i) the form, contents, publication and service of the notification.

(ii) the determination of the amount of compensation, and the mode of payment,

(iii) the appointment of Tribunal to hear and decide references,

(iv) the fees and cost to be paid by claimants on applications, references and authenticated copies of documents, entries and decisions arising in any proceedings under the Act,

(v) the production of documents by parties and the maintenance of the documents produced or lodged.

(2) The power to make rules under this section shall be subject to the condition of previous publication in the *Bombay Government Gazette*.

(3) The rules made under this section shall be laid on the table of the Legislative Assembly for not less than one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Assembly. If any rule is modified or rescinded, Government shall accept the modification and republish the rule accordingly or shall rescind the rule.

### Statement of Objects and Reasons

1. The Khoti System is one of the minor land tenures in the Bombay Presidency. It is found mostly in the Ratnagiri District and in some parts of the Kolaba and Thana districts.

2. The terms of the Khoti Tenure are in some cases regulated by law, in some by custom and usage and in the rest by grant. In the Ratnagiri District the terms are regulated by Bombay Act I of 1880. In the Kolaba District the terms are regulated by custom and usage and in the Thana District by grant.

3. The Khoti Tenure differs from the ordinary Rayatwari Tenure inasmuch as in the latter the Government collects revenue directly from those who are in occupation of the land while in the former the Government is required to employ the services of the Khot for the purpose of collecting revenue.

4. The system of Khoti Tenure while it binds the Khot to pay revenue to the Government leaves him free to do what he likes to the inferior holders and this freedom has been so grossly abused by the Khots that the inferior holders are not only subjected to all kinds of exactions but they have been reduced to a state of abject slavery. In recent years the inferior holders have been carrying on a great agitation against Khots and have been demanding the abolition of the Khoti system. The relations between the khots and the inferior holders have been so strained that three Khots were murdered by them.

5. While the Khoti Tenure may have the advantage of facilitating the collection of revenue its disadvantages are so great that the Tenure cannot be allowed to continue hereafter without causing grave disturbance to the peace and tranouillity of the Presidency. It is therefore imperative to abolish the system.

6. The Bill aims (1) to abolish the Khoti System and to establish direct relationship between Government and those who are in possession or occupation of the land which is under the management or beneficial enjoyment of the Khot, (2) to make provision for the payment of reasonable compensation to the Khot for the loss of his rights and (3) to give those inferior holders who are in actual occupation of the land the status of occupants within the meaning of the Land Revenue Code and (4) to provide for other incidental purposes.

(Signed) B. R. AMBEDKAR.

H. K. CHAINANI,

Secretary to the Bombay Legislative Assembly.

Poona, 18th October, 1937.



## 20

### \*ON A BILL TO ABOLISH THE KHOTI SYSTEM

*Dr. B. R. Ambedkar (Bombay City, Byculla and Parel):* Sir, I rise to move for leave to introduce a Bill to abolish the Khoti system. The brief statement which you have directed us to make in support of the motion will, in my case, consist of nothing more than a reference to the statement of objects and reasons. And before I do so, I would point out, Mr. Speaker, that this is the shortest statement of objects and reasons ever drafted to a Bill which is so important as the abolition of the Khoti system.

The Khoti system is one of the minor land tenures in the Bombay Presidency. It is found mostly in the Ratnagiri district and in some parts of the Kolaba and Thana districts.

The terms of the Khoti tenure are in some cases regulated by law, in some by custom and usage and in the rest by grant. In the Ratnagiri district the terms are regulated by Bombay Act I of 1880, in the Kolaba district the terms are regulated by custom and usage, and in the Thana district by grant.

The Khoti tenure differs from the ordinary Rayatwari tenure inasmuch as in the latter the Government collects revenue directly from those who are in occupation of the land while in the former the Government is required to employ the services of the Khot for the purpose of collecting revenue.

The system of Khoti tenure, while it binds the Khot to pay revenue to the Government, leaves him free to do what he likes to the inferior holders, and this freedom has been so grossly abused by the Khots that the inferior holders are not only subjected to all kinds of exactions but they have been reduced to a state of abject slavery. In recent years, the inferior holders have been carrying on a great agitation against the Khots and have been demanding the abolition of the Khoti system. The relations between the Khots and the inferior holders have been so strained that three Khots were murdered by them.

While the Khoti tenure may have the advantage of facilitating the collection of revenue, its disadvantages are so great that the tenure cannot be allowed to continue hereafter without causing grave disturbance to the

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\*B.L.A. Debates, Vol. 1, pp. 1087-89, dated 17th September 1937.

The Bill introduced by Dr. Ambedkar is reproduced at pages 96-100.

peace and tranquillity of the Presidency. It is therefore imperative to abolish the system.

The Bill aims (1) to abolish the Khoti system and to establish direct relationship between Government and those who, are in possession or occupation of the land which is under the management or beneficial enjoyment of the Khot, (2) to make provision for the payment of reasonable compensation to the Khot for the loss of his rights, and (3) to give those inferior holders who are in actual occupation of the land the status of occupants within the meaning of the Land Revenue Code, and (4) to provide for other incidental purposes.

With these words, Sir, I beg leave of the House to introduce the Bill.

Question proposed.

*Mr. S. L. Karandikar (Ratnagiri North):* Mr. Speaker, Sir, I rise to oppose the introduction of this Bill. (Interruption.) I would not ordinarily have opposed the introduction, because it seems to be a formality in this House to allow introduction unopposed. But I think it my duty to oppose this Bill at its very introduction for one reason only.

When the land revenue question was being discussed in this House at the time of the demands for grants, it was made clear to us by the Honourable the Revenue Member, when he gave us an assurance, that the whole question of land revenue policy in the Presidency would be taken up some time in ensuing February, and therefore, we have to wait before we do anything. We should not accept any piecemeal legislation in regard to any item of land revenue. Therefore, even the members on the Treasury benches will agree with me when I say that this piecemeal legislation that is being proposed should not be allowed to be introduced in this House.

There are so many other remarks that I would have liked to oppose, because the introductory remarks were read out to the House ; but, I believe, there is sufficient time ahead when all these matters will have to be discussed and fought for. Therefore, I do not want to take up any more time of the House. But I think this is a matter of principle. Government have given us an assurance that the whole question of land revenue in this Presidency will be taken up for consideration and that legislation on a broad basis will be brought before this House some time in January or February. There is no reason why an exception should be made so far as this legislation relating to Kolaba and Ratnagiri is concerned. With these remarks I oppose the introduction.

*The Honourable the Speaker:* I do not think that any other member has a right to participate in this, treating it as a debate. The honourable member who begs leave to introduce the Bill has a right of reply ; and if he wants to reply, I will give him a chance.

*Dr. B. R. Ambedkar:* Sir, I do not think that any very detailed reply is called for by the observations made by my honourable friend Mr. Karandikar. He said that the Honourable the Revenue Minister has



given an assurance to the House that he is going to bring in legislation in order to overhaul the whole of the revenue system. Unfortunately, I was not present when this assurance was given; and I personally myself do not know exactly the extent and the scope of the assurance that he gave to the House. But, Sir, what I should like to submit to the House is this. The Khoti system is a system which stands by itself. It is not a system which comes under the Land Revenue Code and therefore can be said to be a part and parcel of the general land tenure of this Presidency. It is a separate item altogether. Therefore, I do not see any objection to a system which does not come under the general system being considered by itself.

My second submission to the House is that if the honourable members who occupy the Treasury Bench do in fact intend to carry out what they have assured the House they will, and if I find that the measures that they are bringing forth in order to deal with the subject with which this Bill deals are of such a nature that I should be content with the remedies which they propose, then I have no hesitation in saying that I will withdraw the Bill if I find that their legislation is superior to mine. I do not think anything more is necessary for me to say on this occasion.

Question put, and leave granted.

*Dr. B. R. Ambedkar:* Sir, I introduce the Bill.

*The Honourable the Speaker:* The Bill is introduced.

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# 21

## \*ON VILLAGE PANCHAYATS BILL : 1

*Dr. B. R. Ambedkar:* Mr. President, I have listened with very great interest to the speech delivered by the Honourable Minister in charge of this Bill. Sir, I must also say that I have listened to it with very grave concern. I am sure there can be no two opinions on the fact that this Bill deals with some very vital issues. It not only deals with the question of self-government in so far as it affects the civic amenities of the rural population of this Presidency, but it also affects the question of the life, liberty and property of the rural population. Having regard to these vital issues involved in this Bill, I am bound to say that the Honourable Minister, in justice to all the interests concerned, ought to have given a longer period for the consideration of the implications involved in this Bill. Sir, he has chosen to satisfy his conscience by barely complying with the requirements of the law by allowing seven days to pass before the Bill was brought for consideration. May I say that in my opinion not only seven days but seven months are necessary for the consideration of this Bill ? And I suggest that there would be nothing wrong even now in the Honourable Minister sending this Bill for circulation in order to elicit the opinion of the general public on the issues involved in this Bill. That course I would request him with all due respect to adopt, but if he does not, I would like to address to him two other considerations which, in my opinion, are very important considerations. Sir, I would like to say that, in my opinion, the present Government is not competent to undertake this piece of legislation. The Government is aware that the present system of administration is a discredited system. I am not using that in any carping sense. I am only trying to depict the facts as we all know them. Sir, no section of the population of this country is satisfied with the administration and the working of this Government. Indeed, if one wants to state facts as they are, there is a powerful section in this country which is not prepared to admit and to acknowledge the moral authority of this Government to rule. Sir, we also know that we are on the threshold of a new constitution. We know that the constitution of India for a government of the people, by the people and for the people is on the anvil. We all know and I think we are justified in hoping that this new constitution will be

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\*B.L.C. Debates, Vol. XXXV, pp. 1128-36, dated 6th October 1932.

forged within the short period of a year or two, and that a new government, supported fully by all sections of the community, will be installed. Sir, having regard to that consideration, I would like to point out to the Honourable Minister and to those honourable members who are occupying the Treasury Bench that they in their present position are no better than caretakers. Sir, by common consent a caretaker cannot undertake substantial alterations in the premises he is appointed to look after. At the most, during the interval before the real occupant comes to occupy his abode, he may undertake repairs in order to keep the building in working order.

I would also like to point out to the Honourable Minister the analogy of parliamentary life. In England where parliamentary system has been in operation for centuries now, when a Ministry is defeated and when the defeated Ministry does not resign outright and allow the reins to pass into the hands of the opposition but chooses to make its appeal to the electorate, it is an accepted convention of the constitution that the Ministry so situated must not undertake any legislation of any consequential importance. All that they can do is to look after the administration pending the decision of the electorate so that the new Government may not be embarrassed by anything that may be undertaken by such a Government. I ask the Honourable Minister whether he does not wish to abide by the conventions of the parliamentary constitution. I leave it to him to decide.

Sir, I do not find any reason why the Honourable Minister should rush with this measure with such terrific speed, if I may say so, with only seven days notice. I do not find that there is any very great urge, that there is any very great necessity and urgent call upon him by the people of this Presidency to introduce this measure. So far as I am aware, no political party in this country has made this measure a party cry. I do not know that the Liberals, the Responsivists or the Non-Brahmins or the Congress members who were in this House during the last Legislative Council had ever insisted that they looked upon the introduction of the village panchayats as a fundamental part of their programme. I know of no such thing. Not only that, but I do not find that the masses themselves are clamouring for this measure. If you read the report of the Committee made in 1925 on this question appointed to report upon the working of the Village Panchayat Act of 1920, what do you find? You find this. There are in this Presidency as many as 30,000 villages, on a rough calculation. The Act was passed in 1920 permitting the people to apply for the application of that Act voluntarily. What is the result? The result is that the Sind people set their face against the introduction of village panchayats, so that we do not find a single village panchayat instituted in the province of Sind. In the presidency proper, there is a paltry figure of 323 or something like that. I submit that it is a sad commentary on the civic spirit of the people. Apart from that, it is a proof positive that the people are not anxious for the introduction of village panchayats. I do not wish to go into the reasons of that at this stage, but I am certain that my honourable friend the Minister for Local Self-

Government will accept that that is a correct analysis of the situation. Not only that, but I would like to suggest that the reason why he has super-added the judicial functions to the village panchayats is to sweeten the pill so that it may be swallowed more readily. In view of these considerations, I think it would be advisable for the Honourable Minister to postpone the Bill *sine die* so that it may be considered in all its implications on its merits by a new Government which will be fully representative of the people of this Presidency.

Coming to the merits of the Bill itself, Sir, I find that the Bill has two parts. The first part deals with the functions of the panchayat as a body for local self-government. I should like to say at once that I have no objection in principle to the policy of devolution; if it is found that the local boards of this Presidency are overburdened by the functions which are placed upon them by the Local Board Act and if by reason of that they are unable to discharge their functions efficiently, then I say "by all means institute village panchayats so as to disburden the local boards." Sir, if the desire is to constitute panchayats for their own sake, then to my mind it is a reversion to a very dangerous system. Many have eulogised the ancient system of village panchayats. Some have called them "rural republics". Whatever be the merits of these rural republics, I have not the slightest hesitation in saying that they have been the bane of public life of India.

*Mr. Pestanshah N. Vakil:* Question.

*Dr. B. R. Ambedkar:* If India has not succeeded in producing nationalism, if India has not succeeded in building up a national spirit, the chief reason for that in my opinion is the existence of the village system. It made all people saturated with local particularism, with local patriotism. It left no room for larger civic spirit. None whatever. Under the ancient village panchayats, India, instead of being a country of a united people, became a loose conglomeration of village communities with no common tie except common allegiance to a common King. I am glad to say, Sir, that this is not my opinion alone. A member of the committee which was appointed in 1925 expressed himself in that same strain. I refer to the minute of my friend Mr. R. G. Pradhan. This is what he stated in that minute :

"The excessive village patriotism and village spirit which these communities fostered proved very fatal to the growth of a strong Indian nationality based on the realisation of the territorial unity of India as a whole or of the racial unity of each of our natural territorial divisions."

*Mr. Pestanshah N. Vakil:* Is Mr. R. G. Pradhan a historian ?

*Dr. B. R. Ambedkar:* I do not think that we need bring historians here ; we ought to be beware of historians. In these days when you are striving for bringing about a national spirit, in these days when you are striving for bringing about a common nationality and a common sense of Indian citizenship, in my opinion we ought to do nothing which will nullify and which will dilute that sense. I would like to leave this aspect of the matter at that so far as I am concerned.

My next objection is to the constitution of the panchayats themselves. The Bill, as the honourable member has pointed out, provides that the village panchayats shall be elected on the basis of adult suffrage both for males and females. I may at once state that, so far as I am concerned, I say "so far so good", but I should like to make it clear to the Honourable Minister that, speaking for the depressed classes, I have not the slightest hesitation in saying that adult suffrage is not sufficient for us. The Honourable Minister has forgotten that the depressed classes are in a minority in every village, a miserable minority, and assuming that he adopts adult suffrage, he will readily admit I am sure that adult suffrage cannot convert a minority into a majority. Consequentially I am bound to insist that if these village panchayats come, there shall be special representation for the minorities. At any rate, there shall be special representation for the depressed classes, and others of course will speak for themselves.

I know, Sir, that there is a section in this House who will at once jump and say that this is communalism. Now I agree that this is communalism. But I am also convinced that communalism must be my policy. I am not ashamed of it.

*Mr. J. B. Petit:* Is that compatible with nationalism ?

*Dr. B. R. Ambedkar:* Oh, yes. Why not ?

*Mr. J. B. Petit:* I am glad to hear that.

*Dr. B. R. Ambedkar :* I will say that India cannot proceed, in my opinion at any rate, on the path of political progress without communalism. Without communalism there can be no self-government for India. That is the proposition that I would assert without fear of challenge.

Speaking for the depressed classes, therefore, I can never accept the principle of self-government for India unless I am satisfied that every self-governing institution has provisions in it which give the depressed classes special representation in order to protect their rights, and until that is done, I am afraid it will not be possible for me to assent to the first part of the Bill.

Sir, in respect of this, I am glad to find that two members of the committee which was set up in 1925 to discuss this question supported the plea of the depressed classes for special representation. I refer to the minute of Mr. R. G. Pradhan. This is what he said :

"I am of opinion that provision should be made for the representation of the depressed classes on the village panchayats by nomination. The nomination should be made either by the Collector or the President of the district local board, preferably the latter. It is eminently desirable in the interests of the proper representation of the depressed classes and much more with a view to raising their general status and making the other classes realise their communal identity with them that there should be at least one member of the depressed classes in every village panchayat. In cases, therefore, where no member of these classes has been able to get in by election, recourse should be had to nomination."

Sir, I should also like to refer to the minute of my honourable friend Mr. P. R. Chikodi. He also wrote a separate minute and this is what he said :

“I think it is necessary that some arrangements ought to be made to secure on panchayats the representation of the depressed classes by means of nomination or by the system of reserved seats in villages where there are at least 50 adult persons belonging to these classes. It is not likely at present that any representative of these stands a chance of being elected at an open election, the failure of such an attempt having come to my notice very lately.”

In this connection, I would also like to draw the attention of the Hindu members of this honourable House to the recent events that have happened. I refer to the Poona Pact between the Caste Hindus and the Depressed Classes that was signed on the 24th of last month. Many members, I am sure, must have read the terms of that Pact, but I should like to draw particular attention to one section of it. In that section it has been agreed that the right of the depressed classes to representation in all local bodies shall be accepted and an endeavour shall be made in order to give effect to that part of the agreement. Sir, I would like to draw the attention of the Hindu members to that part of the Pact and I am sure whatever may have been the opinions before 24th of last month, they will now loyally abide by the terms of that Pact.

Now, Sir, I come to what I call the second part of this Bill. I ought to have stated at the very start that when I read this Bill, I was inclined to say that this Bill was, like the curate's egg, bad in parts only. But after having read the whole Bill and gone through all the provisions of the Bill. I am obliged to revise my opinion. I now think that it is worse than the curate's egg. It is not only bad in some parts but it is rotten in others. I refer, Sir, to the judicial provisions of the Village Panchayats Bill. Sir, I do not know what is the view of the Honourable Minister for Local Self-Government as to the requisites of a proper judiciary which could be trusted to deal with civil and criminal justice. I was expecting to hear from him on that point in the course of the opening remarks which he addressed to this House, but he was silent on that point. I think it will be agreed that a judiciary before it could be entrusted with the duties of discharging civil and criminal justice, must have three requisites. It must be trained in law, it must be impartial in its outlook, and I submit, it must be independent in position. Let us apply these three requisites to the provisions of this Bill. What does the Honourable Minister provide in this Bill? He says, “We shall elect a panchayat based on adult suffrage, consisting of five or seven members; those gentlemen will hold office for three years. During the course of these three years they shall not only discharge the functions of a local self-governing body, but in addition to that they will also discharge the functions of trying certain criminal and civil cases.” That is, in substance, the provision of this Bill.

Now, the first question that I would like to ask the Honourable Minister is this : Does he expect that these five gentlemen who will be elected on the basis of adult suffrage will have sufficient judicial training to discharge the duties of judges ? Sir, I would like to submit that judicial decisions demand a developed judgment; they demand a vast amount of legal knowledge. (Laughter.) Let there be no laughter, because it is a serious matter. Just take this into consideration. We are all agog when members of the I.C.S. want to have certain places reserved for them in the High Court or in the judiciary. What is the reason for our objection ? If I have understood the objection correctly, it is this, that these gentlemen who have passed the I.C.S. examination have no judicial training, and not having judicial training, we cannot entrust them with judicial powers. That is the gravamen of the objection. They not only want justice, but they want judges who are competent to discharge their duties. Now, I ask the Honourable Minister whether he thinks that a population which is illiterate, which is steeped in ignorance, which is swallowed up in superstition, can produce five good men who can be entrusted to discharge the duties of judges.

*Mr. M. M. Karbhari:* Are we so bad as that ?

*Dr. B. R. Ambedkar:* I do not know we may have a difference of opinion on that. But that is my contention. And, supposing it may not be held necessary for these gentlemen to have the necessary legal training. I think we ought at least to expect this much, that they should have proper notions of right, of duty, of equity and good conscience. A population which is hidebound by caste, a population which is infected by ancient prejudices, a population which flouts equality of status and is dominated by notions of gradations in life, a population which thinks that some are high, that some are low—can it be expected to have the right notions even to discharge bare justice ? Sir, I deny that proposition, and I submit that it is not proper to expect us to submit our life and our liberty and our property to the hands of these panchas.

The next proposition that I would like to place before this House is this : Is it possible to expect this panchayat to be an impartial body of judges ? Let us consider the facts as they are. No honourable member of this House, I am sure, will deny that there are very few villages which are not rent by faction feuds. There are quarrels between the Brahmins and non-Brahmins .....

*Dewan Bahadur D. R. Patil:* They will remain for ever.

*Dr. B. R. Ambedkar:* So much the worse for you if they do. There are, I submit, Sir, factions between Brahmins and non-Brahmins, and I think I may as well cite a case, in view of the fact that the honourable member Rao Bahadur Kale is laughing at the suggestion, from what I know of his own district, namely, Satara. I remember at one time the feud between the Brahmins and non-Brahmins had gone to such an extent in a certain village in Satara District that a complete boycott of the Brahmins was proclaimed by

the non-Brahmins. They could not get a barber to shave them ; they could not get the village Baniya to sell them provisions ; they could not get people to do any service for them. The Brahmin had either to grow a beard or walk seven miles to Satara to have a shave. So, there are quarrels between the depressed classes and the non-Brahmins.

*An Honourable Member:* They are over.

*Dr. B. R. Ambedkar:* Unfortunately, far from being over, they have become the order of the day. Not only are there quarrels amongst the Hindus themselves, but there are quarrels between the Hindus and the Mahomedans, and these quarrels are of no ordinary importance, they are serious. I would like the Honourable Minister and the House to consider whether a panchayat elected in an atmosphere of this sort would be impartial enough to distribute justice between men of different castes and men of different creeds. That is a proposition, I submit, which the House and the Honourable Minister should consider seriously.

The next question I would like to ask is, does the Honourable Minister expect that the judiciary he is bringing into being will be an independent judiciary ? Sir, what is his proposition ? His proposition is that the judiciary shall be elected, because that is what the provisions for a panchayat means. The panchayat which will administer justice will be a panchayat elected by the adult population of the village. I would like to ask him whether he expects that a judge who has to submit himself to the suffrage of the masses will not think twice before doing justice, whether, while giving justice he is offending the sensibility of the voter. Suppose there was a Hindu-Mahomedan riot ; suppose a Mahomedan was brought up before a panchayat for an offence which is triable by the panchayat ; suppose one Hindu member of the panchayat thought that there was justice on the side of the Mahomedan. Does the Honourable Minister and does the House think that this gentleman, who may have to submit himself to an election within the course of a few months or a year, will think that he ought to do justice to the Mahomedan rather than keep his seat ? What will he do ?

*Dewan Bahadur D. R. Patil:* A riot case is not triable by a panchayat.

*Dr. B. R. Ambedkar:* I am giving it as an example ; it may be for some other offence.

Sir, I have never seen anywhere a judiciary that is elected. The only country where we know that the judiciary is elected is America, and you know that it has brought judges into disrepute in all the American Commonwealth and has small justice a by-word for corruption. I am sure my honourable friend does not want us to have that experiment tried on us. In view of this, I must say at once, as I do not wish to trespass too much upon the time of the House, that I cannot accept the principle embodied in the second part of the Bill, that judicial powers, both civil and criminal, should be handed over to a panchayat, which, in substance, is an elective judiciary. Sir, I am bound to say, watching as I have been the affairs that are going on in this presidency and especially what is happening to the depressed



classes, that so far as we are concerned we can never consent to judicial affairs being administered by a panchayat. Ours is a very peculiar and, if I may say so, a very pitiable position. We are a small body of people, occupying a corner of a village. We are never looked upon as part and parcel of the village community. Although living in the village, we are all the same an alien body, whose progress is looked upon with great jealousy by the rest of the community. My honourable friend Mr. Kamat shakes his head, and therefore I think I must read to him from the report of the State Committee, which I did not want to do. In paragraph 102 of that Committee's report, the condition of the depressed classes in the village is described at great length. This is what the Committee say :

“Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities, we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

“The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with a bridegroom on the horse through the public street.”

That Sir, is our position. We are a besieged people, so to say, and I cannot

allow, and I cannot consent to so much judicial power, both civil and criminal to be handed over to a people who are perpetually in an organised conspiracy to defect our aims and objects.

*An Honourable Member:* No, no.

*Dr. B. R. Ambedkar:* I perfectly sympathise with the Honourable Minister's underlying purpose. If I have understood him correctly, all that he wants is that the villagers should get justice cheaply, and it should be more easily accessible to them. I believe that is the underlying motive he has for the judicial provisions he has made in his Bill. If that is so, then I think that there is a better method of doing that. It is not necessary to give the judicial powers to the village panchayats. We have already in existence what are called honorary bench magistrates in towns. It should be perfectly possible to extend that system whereby we can divide each district into judicial circles extending over an area of two or three miles suited to convenience, and for Government to nominate—I emphasise the word “nominate”—three or more persons to discharge the judicial functions in that circle. These three gentlemen would on one day sit as magistrates to deal with criminal cases and on another day they will sit as civil judges to try civil cases. By this method, you will secure cheap justice, easy justice, at the same time you will secure a judiciary that will be independent of local influence, a judiciary that will be free from the disadvantages of an elective system. I think, Sir, this ought to satisfy the requirements of the case. At any rate, I have to make it plain that, if the Honourable Minister insists that the Bill be put through as it is with all the provisions in it, especially those provisions which he regards as matters of principles, I must say that I shall oppose this Bill. (Applause.)



## \*ON VILLAGE PANCHAYATS BILL : 2

## NOMINATION OF DEPRESSED CLASSES ON PANCHAYAT

*Dr. B. R. Ambedkar:* Mr. President, I must congratulate the Honourable Minister in charge of this Bill for having brought this amendment, belated as it is, which seeks to do some justice to the two great minorities of this province. Grateful as I am to the Minister I feel I must support the amendment of my honourable friend Mr. Mitha. I do not know what has passed on the floor of this House before I came in between the Honourable Minister for Local Self-Government and my honourable friends who are sitting on the front opposition bench. But I understand that they have no objection to the amendment as worded by the Honourable Minister for Local Self-Government that if the amendment stood in the terms in which he had proposed it, the opposition, without much lament would accept it.

Now Sir, if that is the position, then I do not understand what difficulty can the honourable members of the opposition have in order to accept the amendment proposed by my honourable friend Mr. Mitha. Sir, as I understand the position of the Honourable Minister and my friend Mr. Mitha the difference seems to me to be of a very minor character. The Honourable Minister for Local Self-Government has stated his amendment in general terms. He wants to impose an obligation upon the Collector in the matter of exercising his discretion in making provision for the appointment to the village bench of members of minority communities. That obligation he chooses to state in the general terms in the name of minorities whoever they may be. My honourable friend Mr. Mitha has gone a step further and stated that in doing so, the Collector should specifically bear in mind the

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\*B.L.C. Debates, Vol. XXXVII, pp. 323-24, dated 10th February 1933.

Honourable Sir Rustom J. Vakil moved an amendment to clause 37(2) of the Village Panchayats Act, seeking just and proper representation of minority communities in the village on a village bench.

To this amendment, Mr. Mahomed Suleman Cassum Mitha moved another amendment which reads as under :—

“Provided that when any such class consists of Mahomedans or members of the depressed classes the Collector shall appoint at least one Mahomedan or one member of the depressed classes, as the case may be, a member of the village bench.”.

Dr. Ambedkar rose to support this amendment of Mr. Mitha.

Mahomedans and the Depressed Classes. Sir, I do not understand why the Honourable members who accept the amendment in general terms should object to the particularisation of that amendment. Do they think or do they not think there are minorities in this province, and the Honourable Minister's proviso is intended to safeguard the interests of these minorities? If the minorities are there, then what is the harm if those minorities are specifically named in a clause? If the general amendment is accepted that the minorities ought to be protected and if we, by our common knowledge of affairs in this Presidency, know that in every village if there are no other minorities, there are certainly the depressed classes and the Mahomedans. I do not quite understand what objection there can be if these particular minorities were mentioned in the clause itself. Either let us be honest and say that we do not see why any such clause giving special rights and special protection is necessary, or admit that there are communities which need special protection, and, if we mean business, let us specify the community that needs protection.

*Rao Bahadur G. K. Chitale:* What is that protection?

*Dr. B. R. Ambedkar:* There ought to be no half-way halting house if we are honest in meeting the situation as it is.

Sir, the last speaker, honourable member Rao Bahadur Chitale, urged two propositions. First of all, he said that in accepting the amendment proposed by my honourable friend Mr. Mitha we shall be disfiguring the statute. Well, Sir, I would like to remind my honourable friend that this is a cry which is too late. We shall have a constitution not for this province, nor for that province, but a constitution for every province, a constitution for the whole of India, which will have recognised this principle in as clear terms as we can think of.

*Honourable Members:* "Hear!"

*Dr. B. R. Ambedkar:* It is too late. The plea which has been urged by my honourable friend in this House is a plea which has been urged by many stalwarts in the Round Table Conference, and we know, Sir, that they all came to grief, not only they came to grief but they almost ended in wrecking the constitution. If I may speak from personal experience, if there is anything that brought disaster on the Round Table Conference, it is the academic attitude of these stalwarts.

Sir, India is not Europe. England is not India. England does not know caste system. We do. Consequently the political arrangement that may suit England can never suit us. Let us recognise that fact And I would go one step further, Sir in saying that, whatever other students of Indian politics may say, I maintain the proposition that if there is any good in the Indian Constitution that is going to come, it is the recognition of the principle of communal representation.

*Honourable Members:* "Hear, hear!"

*Dr. B. R. Ambedkar:* I am not ashamed of what I am saying. I know, and I am saying, that it is going to be one of the best parts of the Indian

Constitution. We do not want, I do not want, the mere right to go to the ballot box and not knowing who is my representative, or if there is going to be any representative to represent me at all. I want a system in which not only I will have a right to go to the ballot box, but I will have a right to have a body of people belonging to my own class who will be inside the House, not only discuss matters but take part in deciding issues. I say, therefore, that communal representation is not a vicious thing, it is not a poison, it is the best arrangement that can be made for the safety and security of the different classes in this country. I do not call it a disfiguring of the constitution. I call it.....

*Dr. M. K. Dixit:* Decoration.

*Dr. B. R. Ambedkar:* Yes, decoration of the constitution. Then my honourable friend asks, should we admit this principle in the judiciary? Well, if my honourable friend can assure me that the existing judiciary is not without its communal bias, that, the Brahmin judge, when he sits to adjudicate upon issues between a Brahmin defendant and a Brahmin plaintiff, he decides as a mere judge I perhaps would be inclined to consider his proposition favourably. But I know what sort of judiciary we have. If my honourable friend and if this House had the patience, I could reel off heaps of stories where I know to my knowledge that the judiciary has abused and prostituted its position.

*(Honourable Members Oh ! Oh!)*

It is because we are not certain that what they call the village folk, the folk who are bound together by ties of blood, by ties of kith and kin, will not make a conspiracy to utilise the political and judicial power that they will get to put down the other classes that we want this provision. Sir, I have no doubt at all that this is one of the best provisions that we can have in the constitution, and I whole heartedly support the amendment of my honourable friend Mr. Mitha.

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†*Rao Bahadur R. R. Kale:* ..... Then Sir, I do object to the remarks of my honourable friend Dr. Ambedkar with regard to the judiciary of this presidency. It pained me certainly to hear him say that he questioned the *bona fides* and straightforwardness of our judiciary, which has been proclaimed even by the Privy Council to be second to none, when matters went to that Tribunal ..... It has been held by the highest tribunal in the land, namely, the Privy Council in its judgments from time to time, as being the best judiciary in the whole of the World.

*An Honourable Member:* In the whole world ?

*Rao Bahadur R. R. Kale:* Yes, in the whole world. My point is that it is certainly a serious slander to say that the judiciary is influenced by communal considerations. It pained me very much when I heard my

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†B.L.C. Debates, Vol. XXXVII, pp. 326-27, dated 10th February 1933.

honourable friend Dr. Ambedkar say “I know what sort of a judiciary we have, they are guided by communal considerations in disposing of cases.

*Moulavi Sir Rafiuddin Ahmed:* By whom is it uttered ?

*Rao Bahadur R. R. Kale:* By the Honourable member Dr. Ambedkar.

*Moulavi Sir Rafiuddin Ahmed:* Your brother-in-law, and a Hindu.

*Rao Bahadur R. R. Kale:* What do you mean by “brother-in-law” ? He may be even my father or my son. I certainly would detest such an accusation coming from any one in this House. He may be my brother-in-law, or my father, or my son. I say I do not care. I do really feel for such an aspersion being thrown on the whole body of the judiciary in this privileged place, when they are not here to defend themselves. I do not know what judicial experience my honourable friend Dr. Ambedkar has. He may have some experience, but over 40 years’ experience stands to my credit, and I can and do say that from the lowest to the highest tribunal, including the High Court, including the sub-courts, I have not been able to come across any communal bias in the decision of a case when the case comes before a judge. Therefore, I do demur to the proposition put forward by my honourable friend. I can understand the mentality of men of Dr. Ambedkar’s persuasion—why they want even on the village bench a particulars community to be represented. That shows their mental attitude.

*Mr. L. R. Gokhale (Poona City):* The honourable member Dr. Ambedkar was here and I am sorry he has gone ..... I am surprised to find that the honourable members on the opposite benches who belong to the judiciary did not speak a word of protest when the sub-judges are maligned to their very face in this Honourable House.

*Mr. B. S. Kamat:* Before I come to his point, Sir, I must say that whether his services on this afternoon were requisitioned for a specific purpose for the occasion, or whether it was by a very happy coincidence that he came in this House,—I am not concerned which was the fact,—I do think that, taking Parliamentary practice as it is, it is not fair for a speaker to disappear from the House, to fit across like a comet from the horizon without listening to the other side of the House. This is entirely contrary to Parliamentary etiquette and unsportsman-like in spirit .....

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**Saturday, 11th February, 1933**

†*Rao Bahadur G. K. Chitale (Ahmadnagar District):* (While raising a point of order) Sir, ..... yesterday’s attack of my Honourable friend Dr. Ambedkar on the Brahmin judiciary as a class is an instance which I have not yet met within any of these Councils though they have been exercising those rights for about 12 years. Under these circumstances, if it is open to slander a class, I should think that this side—the other side may note—it will make it a point to launch an attack on individual officers coming out of the minorities. I should therefore think, Sir, that an authoritative ruling

†B.L.C. Debates, Vol. XXXVII, pp. 339-40, dated 11th February 1933.

is absolutely necessary in this respect because I was really pained to see the treasury benches or the Government benches, in whose hands the honour of their own servants is concerned, were mute absolutely.

*The Honourable Mr. R. D. Bell:* Sir, ..... Before therefore, the discussion goes any further, if there is to be any discussion, I think the House should know the exact words which the honourable member Dr. Ambedkar said.

*Moulavi Sir Rafiuddin Ahmed:* Sir, as this discussion will have a bearing on the presence of the honourable member Dr. Ambedkar, if this debate takes place when he is present here, that would be very relevant.

*The Honourable the President:* ..... The suggestion made by the honourable member Sir Rafiuddin Ahmed cannot be accepted and the House cannot wait till the honourable member Dr. Ambedkar is in the House, which is very uncertain factor. So that cannot be ; but in the meanwhile I think it would be preferable that we should go by the exact words of the speech and then the House will be in a better position to decide one way or the other.

Reads, 'what is reported to have said yesterday'.

*The Honourable Mr. R. D. Bell:* Mr. President, it must be the case that the Honourable Member Dr. Ambedkar has not yet seen the typescript of his speech and therefore fully share the regret expressed by the honourable member Mr. Kamat and yourself that he was present neither yesterday nor this morning in order to give himself, in fairness to himself the opportunity of explaining these words.

Then he defends how 'the Government have full and complete confidence in the Judiciary.'

*The Honourable the President:* I am glad that the Honourable the Home Member has made the statement. After the fullest statement made by the Honourable the Home Member the House has nothing further to take cognizance of.

I now add that it is certainly very objectionable and unparliamentary and unfair to any Department or service. I personally believe that honourable members who have the command of language, or believe that they have the gift of delivery may, in the flourish of the moment, go very much further than they should go, and regret afterwards at leisure. As the Honourable the Home Member pointed out evidently the honourable Member Dr. Ambedkar has not read the transcript of his statement yet. If he reads it, he would, I am sure feel, or ought to feel, as the whole House does. I myself would warn honourable members of this House that it is "highly unparliamentary to make a general condemnation, a wholesale of a highly respected service like the judiciary. I think the honourable member was wrong, and the point raised will be of considerable utility to the House for its guidance in future. I share the opinions expressed both on the Government side and the other side of the House (Applause).

**\*ON VILLAGE PANCHAYATS BILL : 3**

STATEMENT BY DR. AMBEDKAR RE : His SPEECH

*Dr. B. R. Ambedkar:* Mr. President, I crave your permission to offer my explanation with regard to the point of order that was raised by my Honourable friend Rao Bahadur Chitale on Saturday last as to the propriety of certain remarks that were alleged to have been made by me in the course of my speech on Friday last in connection with the amendment moved by my honourable friend Mr. Mitha. Sir, I was very anxious to offer this explanation on Saturday when the point was raised. But I could not obtain from the office, copies of the transcript of my speech and the statements made by honourable members in connection with the point of order. I was told by the office that it would not be possible for them to hand over the transcript to me before the Council rose. Consequently I was obliged to postpone my explanation till this hour.

I regret very much that this point of order should have been raised without first ascertaining whether I accepted the transcript as a correct record of what I said. It is one of the elementary principles of justice, I submit, Sir, in all humility, that no conclusion should be drawn, unless the facts on which it is going to be founded, are first ascertained. I am sorry I was not allowed the benefit of this rule. It was stated, on the basis of the argument urged by my honourable friend Mr. Kamat, that I was not entitled to this courtesy on the ground that my sudden departure on Friday, after making a speech, was a violation of the rules of Parliamentary etiquette. With regard to the rules of etiquette one must ever be ready to learn from the honourable member Mr. Kamat who as we all know belongs to that most ancient and honourable order of Indian politicians, the Liberals, and who has grown grey in Parliamentary life. In this particular case, I venture to say that the rule of etiquette relied upon cannot apply. If I have understood the rule correctly, it lays down that a member should not leave the House after his speech but should wait to hear the reply and it applies only when the member has in the course of his speech attacked another member of the House individually and personally. It does not extend in my opinion, to a case where a member has urged general arguments based on generally known facts.

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\*B.L.C. Debates, Vol. XXXVII, pp. 400-03, dated 13th February 1933.



So extended, I submit, Sir, that the rule would require that every member who has taken part in the debate must continue to be present at all times till the question is put and listen to every speech in the debate. I had not questioned the honourable member Mr. Kamat, or for the matter of that, any other honourable member of the House and as I had nothing to hear in reply I did not feel bound to sit, because I had an important engagement to fulfil. Another reason why I was not allowed the benefit of the rule of not condemning without hearing was that I was not a full-time member and that no body would be certain when I would be present. I bow to the opinion expressed therein. I must confess perhaps that I am more regular in my irregularity in attendance, although measured in terms of utility I do say that whatever work I have been able to do as a member of this House either inside or outside it will not fall below parity. Whether I am regular or irregular, that is not the point. The point is, in my opinion, why did not the honourable member raise the issue immediately while I was speaking? If I understand the procedure correctly for raising a point of order, the procedure must be that a member who wants to complain must draw the attention of the President at the moment when the alleged violation of the order occurs. It is therefore strange to my mind that the aggrieved party should do nothing at the moment, sleep over the night, give vent to his grievances the next morning without notice, and then complain that the delinquent is not present in the box. A fair and correct procedure for the honourable member was to have immediately raised the point of order just when I was speaking or in fairness he was bound to give notice.

With regard to the substance of the point of order, I must state at once that I do not accept the transcript as a correct record of what I said. The transcript as it stands reads as if I was accusing the whole judiciary wholesale, which certainly was not my intention nor my purpose. The transcript reads—

“The Brahmin Judge, when he sits to adjudicate upon issues between a Brahmin plaintiff and a Brahmin defendant, he decides as a mere Judge” etc.

This is incorrect, I was not referring to the case in which the Brahmins were parties to a dispute. I was referring to the cases in which the parties were Brahmins and non-Brahmins. Again the words “without a communal bias” after the words “decides as a mere judge” are left out Secondly, my important words of limitation have been left out from the sentence—

“The judiciary has abused and prostituted its position.”

What I said was that the judiciary has in such matters abused and prostituted its position. From these corrections it would be evident that I had no intention to pass any censure on the judiciary enbloc, nor did I intend to pass judgment on its conduct wholesale. Secondly I had no intention to pass any adverse remarks on Brahmins as such in the judicial service. Indeed, I go further and say that, when I referred to the Brahmin judiciary, it was not with a view to single them out for special condemnation. I was dealing with the issue generally and I used the Brahmins by way of illustration. That is evident from the fact that in the last of my speech, I speak of the judiciary in general without particularising any single

element in its composition. What is therefore important is for the purpose of the argument I was making, it was quite unnecessary for me to condemn the judiciary as a whole or to single out any particular element in it for special notice. I was replying to the point raised by the honourable member Rao Bahadur Chitale whether the judiciary has or has not communal bias. My reply to him was that as a consequence of the social system we were living under communal bias was a necessary consequence, I spoke of the Brahmin judge by way of illustration, because I was replying to an opponent who happened to be a Brahmin. If my opponent was a non-Brahmin or a Mahomedan, I would not have hesitated to refer to them. I do not know, Sir, whether you think that a statement alleging that the judiciary exhibits communal bias in communal cases is an unfair statement. I leave it to you and this House. All that I would say is that it is a premise which is recognised even by the Criminal Procedure Code. We have a section in the Criminal Procedure Code which permits parties to ask for a transfer on the ground that the judge has bias. We have a provision in the Criminal Procedure Code which prohibits a judge from entertaining a case in which he has interest. Secondly, this view, namely, that the judiciary has bias, may exhibit a communal bias in the issues of a communal character is recognised in the Bill itself. Most of the honourable members will remember that the Bill was originally based on the principle that the whole of the village bench should be the elected panchayat. It was in the course of the first reading I urged that it was not a proper principle to base the constitution of a judiciary and in response to that I believe a change was made in that part of the judiciary should be nominated. I regard that, Sir, as an evidence of the fact that communal bias is there. Lastly even the honourable member who raised the point of order seems to recognise what I am saying in his speech on the point of order. He threatened the Honourable the Home Member in these ominous words : "If the Honourable Home Member did not repudiate me," the honourable member would make it a point to launch an attack on individual officers coming out of the minority communities—a performance which he could not enact, unless he was certain of the existence of the facts I have referred to. The thing that pained my honourable friend is not the point I was making but the particular illustration I gave. If I had illustrated my point by citing a Mussalman or a non-Brahmin, the point of order would not have been raised. Probably I would have been lavishly praised. That is all I have to say.

After the statement on 13th February 1933 by Dr. Ambedkar, the Honourable the President explained the criticism in Ambedkar's speech, discussed etiquettes in the Council, the merits of the speech, and concluded : —

"I have nothing further to say. The explanation given by the honourable member must be accepted, that it was not a general condemnation of the whole of the judiciary that he meant, but that it was an attempt to point out that there were instances in which communal bias had appeared in judicial courts also."

**\*ON VILLAGE PANCHAYATS BILL : 4**

*Dr. B. R. Ambedkar:* Sir, may I have a word of explanation? I have not followed what you said. I understood you to say that at the third reading of a Bill an honourable member could not oppose the Bill on a point, if that point was not taken or if he was defeated on that point at the second reading. Am I correct? If a point was not taken at the second reading, or if on a particular issue, at the second reading, a particular member or a minority was defeated in this House, the same minority could not oppose the third reading of the Bill on the same point. Is that it, Sir?

*The Honourable the President:* No, no. The honourable member was not here when I gave my ruling when for the first time the occasion arose some days ago in this session. I shall repeat it for his benefit. The honourable member, as a constitutional lawyer, knows very well that there are three readings given to a Bill. There is the first stage of the Bill, namely, the first reading, when the principles of the Bill are discussed. After that, if the Bill is referred to a select committee, the House is in a position to criticise the Bill as it emerges out of the select committee, or if it is not referred to a select committee, at the second reading when the Bill is taken up clause by clause, changes are made. All those steps that honourable members have got to take they can take at the second reading. Now there may be other honourable members like the honourable member himself. He was not present perhaps throughout the second reading of this Bill. He now comes at the third reading. He can oppose the Bill if the features of the Bill as it passed from the first reading to the second reading have been changed at the clause by clause reading stage and he takes objection to it. Then he can oppose the third reading at the third stage, pointing to certain features which have come into existence at the second reading which are objectionable to him. That is all. Otherwise, the three stages would lose their significance. At the close of each stage, when the question is put, honourable members who are opposed to the measure can oppose it at every stage, provided they confine themselves at the first reading to the principles, at the second reading to the details, and at the third reading to the changes in the various aspects of the Bill which have been made since and which are objectionable. That is my ruling, I do not prevent any honourable member from opposing the third reading. For instance, there was the honourable member Rao Saheb Kulkarni. He had tabled several amendments which were defeated, and he

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\*B.L.C. Debates, Vol. XXXVII, pp. 2197-98, dated 24th March 1933.

has opposed the third reading on those very grounds again. He said that he opposed the Bill because it does not go far enough, that he had tabled amendments which were defeated or not taken into consideration, and that he now, at the third reading, opposed it because it is not quite satisfactory from his point of view. Similarly, any honourable member, whether he has tabled any amendments or not, can oppose it at the third reading, but he must confine himself to the changes made or not made in the second reading, and not go back to the first reading and evoke the same discussion over again as regards the general principles, for which the proper time was the first reading stage.

*Dr. B. R. Ambedkar:* I suppose, Sir, your remarks are confined to the use of the arguments, and not the points. I shall put it in a different manner. Suppose, for instance, I take my own case. I oppose the Bill on certain principles. I say that the principles on which this Bill is based are wrong, and that the House by a majority carried the Bill is against me and against those honourable members who share my views. Am I not entitled to oppose the third reading of this Bill because the Bill retains the principles which I opposed at the first reading ?

*The Honourable the President:* No, that is my ruling. The honourable member cannot do it, and he would not be within his rights to do it, because he had opportunity to do that before the third reading.

*Dr. B. R. Ambedkar:* Going a bit further, suppose I was also defeated at the second reading of the Bill, and the House still carried the Bill with the original principles embodied in it, would I not be entitled to oppose the third reading of the Bill, on the ground that the provisions to which I am opposed are still retained in the Bill ?

*The Honourable the President:* No, I will stick to my ruling. He cannot do it, because he had his views laid before the House and the majority decided against him. We are now at the stage of the third reading. Otherwise, the three stages would have no significance.

*Dr. B. R. Ambedkar:* After your ruling, Sir, the only thing for the minorities who have opposed the Bill at all stages is to vote against it. Otherwise, it would be that if the majority decided that it was a good thing and the minority opposed it, the minority would have no opportunity of recording its objection.

*The Honourable the President:* That is perfectly right. The minority is entitled to vote against the third reading of the Bill. They can go to a division and record their vote against it. But to raise a debate on matters which have been decided at the first reading would be wrong.

*Dr. B. R. Ambedkar:* Exactly, Sir. Your proposition does not lead to the conclusion that our rights are debarred.

*The Honourable the President:* No, that is right.

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### \*ON LOCAL BOARDS ACT AMENDMENT BILL : 1

*Dr. B. R. Ambedkar (Bombay City):* Mr. Speaker, having signed the Poona Pact, I am, of course, entirely out of court in discussing the subject of separate electorates. Therefore, I am not going into that part of the Bill which deals with the method of representation to be devised for the different minorities for which provision is made in this Bill. Perhaps, it will be justifiable for me if I mention from what angle of vision I look at this very thorny question of joint versus separate electorates. Sir, the way I look at it is this. What is to be the effect of joint electorates, supposing that it was introduced for the different minorities? What will happen, as I see, is this. One day in five years when the elections will come, a Hindu and a Mahomedian may go together to a common polling booth. I do not see what else can happen, as a result of joint electorates. (Interruption). Please allow me to go into the rest of the five years. When there are no elections, the Mahomedan community—I am taking that as an illustration—will believe in a separate life, a compartmental life to itself. I do not see that, as a result of joint electorates, the Mahomedans and the Hindus will come to live together in the same chawl. I do not see, as a result of joint electorates, that Mahomedans and Hindus will begin to inter-marry. I do not see, as a result of joint electorates, Hindus and Mahomedans will inter-dine. Sir, I take this opportunity to say deliberately that, if we want to build up unity, it is not by devising a day, however sacred that day may be, when both Hindus and Mahomedans will come to the same polling booth. If we want really to devise some means to build up unity, what we should do is to break up the social barrier. I say that in this matter the lead has to be taken up by the Hindu community, because they are a very exclusive community. If other communities live a separate life, it is because the Hindu community regards certain interests as its own interests and the fault is entirely due to the Hindu community. I say, therefore, deliberately that there is no use playing with this problem by putting forth a scheme which is ineffectual and which will have no operation except for one day which may come in the course of five years or three years. There is no use; and nothing will happen as a result of this. You may try it. I request my Mahomedan

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\*B.L.A. Debates, Vol. 2, pp. 326-29, dated 18th January 1938.

friends to grant them this opportunity and see if any particular protection will give an opportunity for the two communities not to remain apart. I cannot hold a brief for separate electorates having signed the Poona Pact.

I will turn now to the other aspects of the Bill and begin by saying that the Bill, so far as it goes, certainly marks a stage in advance from where we are standing. But there is nothing which I find in the Bill itself. It is an empty shell. It contains nothing. But for the speech of the Honourable Minister giving what be proposed to do with regard to the reorganisation of local bodies, we would certainly have known nothing from the Bill as it is. All that the Bill says is that the Government will be given the power to make rules for this and for that. Beyond that, what is there in the Bill? If the statement of objects and reasons was not attached to this Bill, we would not have even known what was the principle Government were going to adopt in providing for representation of the different minorities. I say it deliberately that the questions are constitutional questions. It is not a question of carrying ordinary legislation into effect where it has been the practice now, almost sanctified, that Government should be allowed to carry out the policy by rules. We are delegating part of our authority to Government to do something. We are delegating part of our taxing power to them. We are delegating to them the authority of making elective representation. I submit most deliberately that it is a constitutional question and as such ought to be settled in all its details in this House and ought not to be left to the sweet will of the executive. Take the example of the Government of India Act. What does this Bill deal with? This Bill deals with franchise, deals with the communities that are to get representation, deals with constituencies and deals with the method of voting. Look at the Government of India Act. What does it do? Has it left the number of seats to the minorities to the sweet will of the executive? Has it left the question of dividing constituencies to the sweet will of the executive? Has it left the method of voting to the sweet will of the executive? Nothing of the kind. All that has been done by Orders in Council which are as much part of the Government of India Act as the Government of India Act itself. It is necessary that we should do things in the way in which constitutional things are required to be done. This is my first submission with regard to this Bill.

As regards other matters, the first thing I should like to know from the Honourable Minister in charge of the Bill is this. He has very graciously said in the statement of objects and reasons that the principle which he wishes to follow in allotting seats for the different minorities is the principle of population. I am grateful to him for that. But I do want to ask him that, if that is the principle on which he proposes to allot seats for the different minorities, why he should not embody the principle in the section itself. What guarantee is there that we will get the benefit of the principle stated in the statement of objects and reasons? We do not want charity. We want our rights which we do not want to leave to the sweet will of the executive.

We want it to be definitely laid down by law. The second thing with which we are materially concerned is the question of system of constituency. I am most concerned about my honourable friend who could not come in as an M.L.A. I want to know what the system of constituency is in the matter of constitution of these boards. Is it to be a single member constituency or is it to be a plural member constituency? Nothing is stated even in the statement of objects and reasons. Why is that? If the executive wishes that hereafter they should adopt the system of single member constituency, then we ought to know, because that would decide whether we are to vote for this Bill or vote against it. That has not been done.

The third thing with which I am most concerned is the question of voting system. Is the voting system to be cumulative system of voting or is it to be distributive system of voting? That again has not been made clear. I like all these matters to be made clear and definite on the floor of the House. I hope the Honourable Minister will reply to all the querries I have made and embody those principles I have mentioned in the Bill itself, so that we may know what our rights are. In this Bill everything is sought. to be done by rules, but the Honourable Minister does not even propose to place these rules on the floor of the House, so that the House may know what exactly the executive has done. That is the least bit that can be done with regard to this Bill. I do not want to repeat what I have already stated. I regard it as solely and purely a constitutional question. It is a question of according a constitution for the local authority which is endowed with legal authority to do certain things, even to penalise the people by tax. Surely, before we can give these powers to the executive, the executive should agree to place on the floor of this House what they have done by way of using the powers which they ask us to confer upon them. I content myself with these remarks at this stage.

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### \*ON LOCAL BOARDS ACT AMENDMENT BILL : 2

*Dr. B. R. Ambedkar:* Sir, I would like to ask whether the mover of the amendment has voted in this division, if you can tell from the report that has been submitted to you ?

*The Honourable Mr. B. G. Kher:* May I know whether it is the right of any honourable member to know in what particular way a person has voted?

*Dr. B. R. Ambedkar:* The reason why divisions are called is because not only the House but the public at large should know how members have voted.

*The Honourable the Speaker:* I cannot be expected to read the list of all members who have voted, just for the information of one honourable member.

*Dr. B. R. Ambedkar:* This House is entitled to know on which side the honourable mover of the amendment has voted, because I think I may say that the House is entitled to know whether any particular member has abused the process of this House.

*The Honourable the Speaker:* I think that, in the light of what has fallen from the honourable member Dr. Ambedkar, before I give out the name, I must clarify the position and it is this ; that the mover of the amendment, Mr. Phadake, moved his amendment from the point of view of abolition of separate electorates for the Muhammadan community. The same amendment was tabled by the honourable member Mr. Chundrigar with the object of doing away with the option which the Bill proposes to give to the Muhammadan community keeping intact the separate electorates. So, in this particular instance what has happened is that though the amendments in form and wording, of both these honourable members have been the same, the object of each was different It was only an accident that the honourable member Mr. Phadake's amendment came to be taken up for discussion and therefore the honourable member Mr. Chundrigar was not able to move his amendment. If the honourable member Mr. Chundrigar's amendment had been moved, the honourable member Mr. Phadake's amendment would not have been moved, and perhaps the difficulty which

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\*B.L.A. Debates, Vol. 2, pp. 501-02, dated 22nd January 1938.



the honourable member Mr. Phadake might be deemed to have been placed in at present, might have been felt by the honourable member Mr. Chundrigar. So, with this explanation, I think I shall say, on referring to the division list, whether the honourable member Mr. Phadake has voted at all and, if so, whether he has voted for the Ayes or for the Noes.

*Mr. Ismail I. Chundrigar:* May I clear a possible misunderstanding, Sir? It is not correct to say that I did not move my amendment. As a matter of fact, Sir, you ruled that it was not necessary for me to move my amendment as an amendment in the same words was already moved by the honourable member Mr. Phadake.

*The Honourable the Speaker:* I did not intend to say that the honourable member Mr. Chundrigar declined to move or that he was not anxious to move his amendment. Not that. He was anxious to move; but it has been the practice in this House that when the same motion is moved by a number of members, only one moves it for the sake of convenience; not that Mr. Chundrigar declined to move it.

Now, I find that the honourable member Mr. Phadake, the mover of the amendment, I again repeat, with the object of the abolition of separate electorates, and having found that his first amendment was lost and that separate electorates do continue, has voted against the amendment.

*Dr. B. R. Ambedkar:* I would like to ask one more question and ask your ruling in the matter, whether it is open to a member of the House, who has moved an amendment, to vote against it.

*The Honourable the Speaker:* I think the point to my mind is obvious. It is always open to a person to change his mind up to the last (Laughter).

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†*Dr. B. R. Ambedkar (Bombay City):* I am very sorry, but I think I cannot help saying that this is a matter on which the wishes of this group ought to have prevailed with Government. Nobody would have been hurt, the interests of the country would not have been injured if the amendment moved by my honourable friend Mr. Gaikwad had been accepted. In view of the fact that Government wishes to use its majority in a tyrannical manner, I am afraid we must show our dissatisfaction by walking out in a body and not participating further in the day's proceedings.

*The Honourable Mr. B. G. Kher:* I hope the honourable member (Dr. Ambedkar) will give me an opportunity of saying a few words.

It is a very sad commentary that feeling in this country, where even the slightest question of caste or creed is concerned, is so very touchy. As the honourable the Leader of the Independent Labour Party knows, since a long time an attempt has been made to take away from currency in our language the words "Asprishya", because the very idea is a reminder of the most painful associations, of what has been universally now admitted to be a stain on Hinduism. I quite agree with the honourable member Mr. Gaikwad

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†B.L.A. Debates, Vol. 2, pp. 510-12, dated 22nd January 1938.

that by merely changing the name we will not achieve this object. The present section is an attempt in that direction. To remove the question of untouchability. We tried an alternative expression; we wanted to say "Parishishta Varga". But "Parishishta Varga" is the translation of the English expression "Scheduled class", and we thought that "Parishishta Varga" would be a very inappropriate expression to introduce into the Marathi language. If instead of using the English expression "Scheduled Classes", we wanted to have a synonym for that expression, we had to accept this expression "Parishishta Varga" as the only alternative to denote what class was meant. I can quite understand, feeling as they do, that they do not like any attempt to differentiate them from the rest of the Hindus, but even for the purpose of legislation, to achieve this result even for bettering the condition of this class, we have to designate them as apart from the other Hindus—we may call them Asprishya or by any other name, and the fewer the expressions we use to differentiate and classify as different such a large body of Hindus the better; but I know that since the last 4 or 5 years the word "Harijan" has now gained a currency in the whole if not in the whole of the country, at least in many parts of the country. This is an attempt to substitute a word for the expression "scheduled class" which ought to have met with the approval of the honourable member, the Leader of the Independent Labour Party. It is extremely unfortunate that he does not look at this question in that light, but if he suggests an alternative which is suitable for the expression "scheduled class", I do expect it will be possible to spare his feelings. In the alternative, I do appeal to him, at any rate, to read into this section no desire to hurt the feelings of a large class of people, who are unfortunately known as "untouchables", but merely a desire to recognise an expression which has, for such a long time, gained currency would appeal to him not to see in the word "Harijan" and in the definition, an attempt to cast any reflection on his community.

*Dr. B. R. Ambedkar:* Sir, as you have ruled that this is not an occasion for making speeches, I will not make any speech. All that I will say is this that I am not in a position to suggest any better name, but I must say that the name "Harijan" has now become practically equivalent to the term "Asprishya"; beyond that there is nothing remaining in that name, and I would think that if the Honourable the Prime Minister had felt in the same way in which we feel that the word "Harijan" has now become identical with the expression "scheduled class" then it was his duty, for the moment, to have withdrawn that word, and later on he could have discussed the matter with us with a view to find out some alternative term. His arguments, however, have not carried any conviction to us. I will, therefore, leave the Hall.

(Dr. B. R. Ambedkar and other members of the Independent Labour Party then walked out of the House.)

**\*ON SMALL HOLDERS' RELIEF BILL : 1**

*Dr. B. R. Ambedkar:* Sir, I am afraid whether I shall be able to finish all that I have to say on this bill within the ten minutes allotted to me by you. However I will try my best and will be very brief.

This bill proposes to solve the two problems which affect the agriculturists of this presidency. One is the problem of scattered farms and other is the problem of small farms. I do not think that any honourable member who has listened to the speech of my honourable friend the Settlement Commissioner will deny that the scattered farms are an evil and that that evil should be cured as far as possible. I agree with him that there are a great many disadvantages in having scattered farms and so far that part of the bill is concerned I agree that there should be consolidation. Coming to the question of small farms I must say that I differ from the honourable mover of the bill on the question that small farms are unprofitable. Sir, the honourable member Mr. Anderson loaded us almost with figures showing how small the existing farms were and what were the difficulties that were dependent upon the smallness of the farms. I admit there are difficulties in the existence of small farms but I do not admit that small farms are necessarily unprofitable or uneconomic. I do not understand what is the definition of the word "uneconomic" as it is used by the honourable mover of the bill or the honourable member the Settlement Commissioner. Sir, as I understand the term I should like to state that whether the farm is economic or uneconomic does not necessarily depend upon the size of the farm. It depends and in fact it varies with what we call in economics other factors of production. It varies with labour. It varies with capital. If a farmer has got for instance the means to employ increased labour and if he has not got any very large capital to invest then I submit that if this farm is small it would not be proper to call it uneconomic on that account. That being my position, Sir, I would have very much liked to hear from the mover of the bill and also, from the Settlement Commissioner that in our country we have a plethora of capital and that we had large agricultural equipment for a highly efficient sort of production. If they had shown that was the case then we could have agreed with them that the small farms made production

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\*B.L.C. Debates, Vol. XXI, pp. 607-10, dated 10th October 1927.

uneconomic in so far as they prevented the utilization of the equipment we had to the best advantage. But, Sir, I must confess that the honourable member the Settlement Commissioner has altogether omitted to touch that point. I should have liked to hear from him that the farmer had an enormous amount of capital, that they had ploughs and cattles in large numbers and that they could not employ all that because their farms were too small. So far as I have been able to work out the problem I find that instead of the capital available at the disposal of the farmer being very large and being for instance wasted because his holdings were small, the situation is just the opposite of what we are led to believe. I find, Sir, in the Madras Presidency we have for instance one plough for three acres ; in the Bombay Presidency we have one plough for 6 acres. In the Punjab there is one plough for every two acres. I am reading from the official figures. These are the figures regarding the capital equipment of the farmer and taking the position which I am taking namely that whether a particular farm is economic or uneconomic is dependent not upon the size of the farm but upon whether it is commensurate with the capital which the farmer possesses, I am inclined to think that under the present circumstances it is better to further reduce the farms. That will be my logical position and I am not afraid to face it. I do not therefore understand what is the use of enlarging the farms if, for instance, the farmer has not got the wherewithal to cultivate the land. I do not understand how the increasing of the area of the soil to add anything to any produce if he has not got the necessary labour and capital to cultivate the land.

Then we have also got to remember one fact that ours is an agricultural country and that our soil is exhausted. We have been cultivating it for thousands of years and no matter what efforts we may take we cannot raise the productivity of our soil to the same level as for instance in America where the soil is virgin. We must reckon with that fact. That being so, Sir, the salvation lies not in increasing the size of farms, but in having intensive cultivation that is employing more capital and more labour on the farms such as we have. I therefore think, Sir, that that part of the bill which deals with the enlargement of the farms is altogether uncalled for. But assuming that these two things are necessary namely that we must consolidate our holdings and that we must also enlarge our farms I think it is necessary to look into the methods that are proposed to be employed by this bill more carefully than has been done by the mover of the bill. Now, Sir, the methods which are chiefly employed in this bill are first, control of partition of the immovable property and, secondly, the sale of consolidated holdings. Now, Sir, I do not think that there can be any dispute on the point that if these two methods are adopted, a large part of our agricultural population will be landless, and I do not think that it is in the best interests of the country that the poorer classes should be further pauperised in this manner. Sir, I should like to point out that although the Hindu Law is very defective

in many ways yet the Hindu law of inheritance has been one great saviour of the people. Sir, the social and religious autocracy established by the Hindu Dharma has kept a large mass of the people in perpetual thralldom. If their lot is tolerable under this thralldom it is because the Hindu law of inheritance has prevented the creation of plutocracy. Sir, we do not wish to add economic slavery to social thralldom. Let men be economically free if they are not socially free. I am therefore totally opposed to the abrogation of that just and equitable system of inheritance. At this stage I should like to make one humble suggestion to the honourable mover of this bill. I am prepared to give my support to the first reading of this bill provided he is not wedded to the method of consolidation and enlargement of holding as provided in the Bill. I think, Sir, the better method is to introduce co-operative agriculture for standard areas and to compel owners of small strips included therein to join in cultivation without destroying private ownership. If this is done, if some provision for this is made in the bill, then I would certainly support the bill. (Mr. F. G. H. Anderson indicated dissent). The honourable member Mr. Anderson, the Settlement Commissioner shakes his head. But I can tell the honourable member, that the method which I am suggesting is not my own, but is a system which is prevalent in Italy, in France, and is being followed in parts of England with great advantage. In this connection, Sir, I would earnestly suggest to the Honourable the Leader of the House to give his most careful consideration to what Mr. Otta Rothfeld says in his book; "Impressions of the Co-operative Movement in France and Italy." I would quote a paragraph from it here:

"As a whole the movement is one with vast potentialities. It has been imitated in France since the war, with good results and in Rumania a similar type of co-operation is almost revolutionizing the husbandry of the country. It is possible that in co-operative cultivation in common, a solution might be discovered to those problems of Deccan poverty stricken unimproved cultivation which centre round the disputed issues of the "uneconomic holding" and "excessive sub-division of property."

Such a solution at any rate would avoid that revolutionary interference with traditional rights of succession that is so often recommended by light-hearted reformers of non-farming classes and would not bring in its train those consequences in the way of limitation of families which may be anticipated if legislation interferes to disinherit younger children.

So, it will be seen, Sir, that such a system has been actually tried elsewhere and with success. I would conclude by saying that, if the Honourable the Leader of the House is prepared to consider all these suggestions carefully and will not object to any amendments that may be suggested in the select committee on the ground that they are of principle, and is not wedded to the method of consolidation and enlargement of holdings as proposed in the bill, then I have no objection to supporting the first reading of the bill.

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## **\*ON SMALL HOLDERS' RELIEF BILL : 2 (Minute of Dissent)**

Proceedings of the Council of the Governor of Bombay  
BY THE SECRETARY TO THE LEGISLATIVE COUNCIL  
OF THE GOVERNOR OF BOMBAY  
LEGISLATIVE COUNCIL OFFICE  
Council Hall, Poona, 10th July 1928

No. 894.—With reference to the footnote to the Report of the Select Committee on Bill No. XVI of 1927 (An Act to prevent the excessive subdivision of agricultural land and to promote the consolidation of such land) published at pages 34-49 of the *Bombay Government Gazette*, Part V, dated the 30th June 1928, it is notified that Dr. B. R. Ambedkar, M.L.C. has signed the report of the Select Committee subject to a minute of dissent shown below :

(Minute of dissent by Dr. B. R. Ambedkar, M.L.C.)

1. Part I of this bill starts with the assumption that for the purposes of profitable cultivation it is necessary to have bigger farms than what we have now. I am not at all satisfied that this assumption is correct. But assuming that it is correct the main question every one shall be required to satisfy himself about before giving his assent to this part of the bill is “does the bill solve the problem of creating large farms out of the existing small farms in such manner that no serious objection can be raised to it?”

2. The mechanism employed by the bill to maintain the standard unit once it is laid down in two-fold. First it severely penalises the owners of farms smaller than the standard so that ownership of a small farm shall to him become a burden instead of a benefit. Secondly it prohibits the ownership of small farms in that it provides that in future small farms shall not come into existence at all. As an instance of the latter one may refer to the restrictions on partitions. It is therefore obvious that in the mechanism adopted by the bill the rights of ownership of people are at stake.

3. I object to this mechanism on three grounds. Firstly because it affects the rights of property. If the arrangement was state ownership and

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\**The Bombay Government Gazette*, Part V pp. 64-65, dated July 12, 1928.

state management of lands the invasion of rights of property would not be a matter of such anxious concern. But the arrangement is such that there will be the aggrandisement of some landlords at the cost of the rest. There is no doubt in my mind that the effect of the mechanism adopted in the bill will be to reduce some landowning farmers into landless labourers. Just how many will find themselves in this predicament it is difficult to imagine. Everything will depend upon how large the standard farm will be. If the standard be much above the actual it will affect a large class than will be the case if the standard approximated the actual. The magnitude of displacement that will take place is an unknown quantity and will become known only when the standard becomes defined. But as majority of farmers are owners of small farms the fear is general. The opposition to the bill mainly arises from this fear and I am not prepared to say that the opposition is groundless. I cannot view with equanimity a prospect of such a revolutionary change in the economic basis of society.

4. The second ground of my objection to the mechanism of the bill is that it will be infructuous and will largely leave things as they are. The neighbouring owners of a small farm are given the right of pre-emption the object of which is to bring about a combination of contiguous small farms. But this right of pre-emption will come into operation only when the owner wants to sell and only when the neighbour is willing to accept the terms of the owner. The occasion for pre-emption may not arise ; for owner of small farm (I am referring to old fragments) may continue to hold it. On the other hand the occasion for pre-emption may arise but it may fail because no neighbour is able to accept the terms of the owner. In either case the existing small farms will continue indefinitely in spite of the desire to bring about the combination of small farms at an early date.

5. Apart from all this I think that the mechanism of Part-I of the Bill overshoots the purpose which the bill has in view. The purpose of the bill is to have larger farms under single cultivation than is the case now. Now I feel that if we can combine small farms owned by different owners for cultivation we ought to stop there and not attempt to bring them under the ownership of a single individual unless it was proved that single ownership was necessary for combine cultivation. I am certain that the establishment of co-operative farms of standard size will give us all that we want under the bill and will save from destruction the small farm-owners. Under this scheme the ownership of a farmer will remain intact, except to the extent that he shall not be at liberty to cultivate it unless he agrees to combine it with a contiguous farm or farms so that the total area so cultivated shall be equal to or exceed the standard unit. Such a covenant if it were made to run with the land will do away entirely with the necessity for the restrictions which the bill seeks to impose on transfers and partitions. For, whoever acquires the fragment he will not be able to disturb the arrangement for the cultivation of the co-operative farm. By reason of the covenant the transferee

will be obliged to cultivate the farm in common. The co-operative farm will be like a shareholders' company in which the company remains even though the shareholders change. The scheme is simple in its operation and avoids the evils of the present bill.

6. I do not see what objection there can be to such a plan. As a matter of fact such a system is actually working in many European countries and particularly in Italy. But it is unnecessary to go so far afield to seek support for the scheme I have outlined above. I am fortunate enough to be able to say that the bill itself in part accept the plan I have sketched above. A reference to clause 19 of the original bill which corresponds to clause 21 of the bill as amended by the Select Committee will show that no new fragment shall be cultivated unless it is combined with another contiguous farm. This I submit is nothing but the co-operative plan which I have suggested above. The only difference between myself and the Select Committee is that it restricts the co-operative plan to the new fragments; while I propose to apply it to all fragments. As between us I think I am right, when I say that it is for the Select Committee to justify why the plan satisfies the case of the one and not of that of the other. I see nothing to justify this distinction between the old and the new fragments.

7. For the reasons given above I cannot support Part I of the bill although I am not opposed to its aims and objects. Regarding Part II, I have no objection to raise, now that it is confined purely to consolidation. I may however say this that under my scheme separate provision for consolidation would be unnecessary. A co-operative farm would be both a large and a consolidated holding.

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### \*ON SMALL HOLDERS' RELIEF BILL : 3

*Dr. B. R. Ambedkar (Bombay City):* Sir, I would like to ask one question, because I am finding some difficulty in understanding Rule 19. This is undoubtedly a matter which, in the first instance, has to be decided by the Speaker as to whether a particular amendment or a particular Bill needs previous sanction. Clause (2) says that, if in the opinion of the Speaker, the matter requires previous sanction, the Speaker "shall as soon as may be after the receipt of the notice, refer the Bill or the amendment to the Governor and the notice shall not be placed on the list of business unless the Governor has indicated to the Speaker that the previous sanction required has been granted." Clause (3) deliberately states :

"If any question arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction the question shall be referred to the authority which would have power to grant previous sanction if it were necessary, and the decision of that authority shall be final."

The question that is contemplated in clause (2) to arise is between the Speaker and the member who has given notice of an amendment or Bill. If the member who has given notice of an amendment or a Bill feels that his Bill or amendment does not require previous sanction clause (3) gives him the right to refer the matter to the final authority, the Governor. Therefore, it seems to me—I will frankly say, I have not moved any amendment and am not, therefore, directly concerned—that the matter is so important that, if you would not mind, it should be discussed on the floor of this House. Our rights to bring in Bills is so limited by the Government of India Act that, if we are not given the benefit of the few sections there are which give us the right essential to us, though little, this House will be very greatly handicapped in trying to do its bit in the matter of bringing legislation which is vital. Therefore, I would really like to know whether you are of opinion that under Rule 19, the Speaker is the final authority and that there is no right of appeal to the authority which is vested with the power of giving previous sanction.

If you permit me, I shall refer to section 299, sub-section (3) of the

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\*B.L.A. Debates, Vol. 2, pp. 617-19, dated 24th January 1938.

Government of India Act in the light of the Bill for which permission has been asked by my learned friend. If I understand this Bill, technically it can be spoken of as a remedial measure.

*The Honourable the Speaker:* Let us keep clear of two issues. One issue that has been raised by the honourable member Mr. Parulekar is in regard to the interpretation of Rule 19 as to whether, when a question arises as between a member and the Speaker, the Speaker is the final authority. That is one issue. I have stated what my interpretation of Rule 19 is. As regards the question whether a particular amendment tabled by the honourable member Mr. Parulekar does or does not require sanction under section 299(3), it is an independent question. I have already intimated to the honourable member that I do not propose to have any discussion in this House over the question of his amendment. I have already come to a conclusion on that. I am prepared to hear the honourable member, if he advances any argument on the interpretation of sub-rule (3) of Rule 19.

*Dr. B. R. Ambedkar:* Unless I am permitted to point out that the Bill cannot come within the purview of sub-section (3) of section 299 of the Government of India Act, it is futile for me to argue on the interpretation of Rule 19(3). If I am to convince you that Rule 19(3) does give a member aggrieved whose amendment has been rejected, the right of appeal to the Governor, then my submission is that section 299(3) will have to be considered. If you are not prepared to allow me to argue whether this Bill really does come within the mischief which is sought to be prevented by sub-section (3) of section 299 of the Government of India Act, it will be quite useless for me to argue. Reading sub-section (3) of section 299 of the Government of India Act, it seems to me that the Bill will have to be postponed until a member who is aggrieved has obtained the final sanction, because it has precluded the member from discussing the most important provisions of this Bill. It is shelving the whole question. If I am given the opportunity, I will show how. I have applied my mind to it. Neither this Bill nor the amendment tabled by my honourable friend Mr. Parulekar or members of my party can come within the proviso of sub-section (3) of section 299. If you permit me. I will do it in two minutes.

*The Honourable the Speaker:* So far as the individual amendments are concerned. I have already decided one way. Now, if, without any reference to any particular amendment, or any ruling I have already given in regard to it the honourable member wishes to say how the entire Bill is out of the scope of section 299, that will be a different question, and I am prepared to give him a hearing on that question.

*Dr. B. R. Ambedkar:* I am obliged to you, Sir.

Sir, as I was saying, this Bill is a Bill which might be called purely a remedial measure. A person may obtain a decree from a court. That decree means that he has got certain rights as against a certain person. All that this Bill says is that whatever rights that person may have acquired as

a result of a decree against a debtor or against any other person, those rights shall not be enforced until a certain date is reached, namely, 31st of March 1939. I understand that to be the gist of the Bill. Therefore, this measure deals with the enforcement of rights ; it has nothing to do with the extinguishment or modification of the rights. That is my first submission. I would make a distinction between extinguishment or modification of a right which a person has got and the delaying or suspension of the enforcement of that right.

Secondly, sub-clause (3) of section 299 is confined to the extinguishment or modification of rights in land. Now, this measure does not confine itself to the execution of rights in respect of land; it extends also to debts and the eviction of tenants.

The distinction that I am seeking to make is this : that the suspension of the enforcement of a right is something very different from the extinguishment or modification of that right. The object of the Bill being merely to suspend such rights as the parties may acquire through decrees given by the courts, it is not a Bill which can be said either to extinguish or modify rights in land. Consequently, I submit that both this Bill and amendments which do not extinguish or modify rights in land would not come within the mischief of section 299(3).

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†Dr. B. R. Ambedkar: Supposing His Excellency were to accord sanction to such of the amendments as have been submitted to him, would you postpone the consideration of the Bill? His Excellency may grant his sanction to the amendments just as he has done in the case of the Bill. In that event, what would happen?

*The Honourable the Speaker:* I will certainly be glad to see that every amendment tabled gets a full chance of being discussed on the floor of the House and that no amendment is shut off on the ground of want of sanction. That is why I referred to the difficulty experienced by me when members sent in amendments at 12 or 1 O'clock today, when the Bill was before them for a long time. That is the difficulty which I have been feeling. That is the reason why I said that amendments should be tabled as early as possible. There are three honourable members who have tabled amendments today. It is difficult to scrutinise them all and to decide whether any of them requires sanction. There might be scope for honest difference of opinion. So I do not know whether in respect of all the amendments tabled now, it would be possible for me to waive notice. But, so far as the previous amendments are concerned, I will certainly try and see that the members do get an opportunity to move them.

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### \*ON THE BOMBAY POLICE ACT AMENDMENT BILL : 1

*Dr. B. R. Ambedkar (Bombay City):* Sir, I beg to move the following amendment to the Bill placed before us:

After sub-section (2B) the following shall be inserted, namely :—

“(2C)(i) The Provincial Government may, if satisfied that the peace or public tranquility in the City of Bombay or in any part thereof is disturbed or is likely to be disturbed in consequence of a conflict between different communities or sections thereof or gangs or factions, declare, by proclamation (hereinafter referred to as “the proclamation of emergency”) in the *Official Gazette* that an emergency exists.

(ii) A proclamation of emergency—

- (a) may at any time be revoked by a subsequent proclamation, and
- (b) shall cease to operate at the expiration of one month, unless before the expiration of that period has been renewed.

(iii) After the Provincial Government has issued under clause (i) a proclamation of emergency, the Commissioner of Police, whenever it appears to him that the presence, movements or acts of any person in the City of Bombay is or are causing or calculated to cause danger or alarm, or that a reasonable suspicion exists that designs, calculated to disturb peace or public tranquility are entertained by such person, may by beat of drum or otherwise, as he thinks fit, direct such person so to conduct himself as he shall deem necessary in order to prevent the disturbance of the peace or remove himself to such place or places, by such route or routes, and within such time, as the Commissioner of Police shall prescribe

(iv) Any person aggrieved by an order made by the Commissioner of Police under clause (iii) may appeal to the Provincial Government within ten days from the date of such order.

(v) Subject to the appeal under clause (iv), an order made by the Commissioner of Police under clause (iii) shall be final.

(vi) Nothing hereinbefore contained in this section shall require any police officer to disclose to the person against whom an order is made under clause (iii) or to the Court the sources of his information or any fact

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\*B.L.A. Debates, Vol. 3, p. 2425, dated 27th April 19

the communication of which, might, in the opinion of the Commissioner of Police, lead to the disclosure of the identity or name of any informant.

(vii) Any order passed by the Commissioner of Police under clause (iii) or by the Provincial Government under clause (iv) shall not have any effect after the proclamation of emergency has ceased to operate.”

After sub-clause (2), the following sub-clause shall be added, namely: —

(3) In sub-section (3) for the words, brackets, figure and letter “or (2A)” the following shall be substituted, namely: —

“(2A) or (2C)”.

Question proposed.

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†*Dr. B. R. Ambedkar*: Sir, before I proceed to deal with the merits of the amendment which I have tabled, I think it would be desirable if I tried to show to the House the necessity of this amendment. The Honourable the Home Minister, in introducing the Bill, has stated that the City of Bombay and its citizens are a prey and a victim to certain undesirable characters who tyrannize and molest the weaker section of the community, and the weaker section of the community has neither the determination or the desire to go to a court of law and obtain a conviction and punishment of such dangerous characters; and consequently, he thinks that it is necessary to arm the Commissioner of Police in the very interests of the people who are being molested by these dangerous characters, so that he should take action against him. Sir, I readily agree with what he said, that the danger to which he has referred is a very real one.

If the House would allow me to say so, I am very familiar with the kind of evil to which he has referred. I have spent a very great part of my life in what I may call the underworld of Bombay City. I have lived from 1911 to 1933 in the Improvement Trust chawls among labourers and the lower classes, and I know perfectly well, more than the Commissioner of Police or the Honourable the Home Minister, how these poor people are molested by what are called mavalis and dadas, how utterly impossible it is for these victims of their to obtain any redress, because they themselves, for fear of further molestation, would not go to court of law and seek to get a conviction. I therefore think that the Bill that has been brought forward is thoroughly justified by the circumstances of the case. But I felt that there was another danger to which the citizens of this city were subjected and for which he had made no provision in this Bill. Sir, the necessity to which I refer is the necessity arising out of what are called communal riots. I have here some figures relating to the communal riots that have taken place in the City of Bombay. Between the year 1851 and 1938, there have been altogether 9 communal riots in the City of Bombay. The first riot took place on the 17th October 1851. That riot was between the Muslims and Parsis. The second riot took place in the year 1874; that was also between the

†B.L.A. Debates, Vol. 3, pp. 2430-33, dated 27th April 1938.

Muslims and the Parsis. The third riot took place in 1893 and it was between the Hindus and Muslims. The fourth was in 1929 that was also between the Hindus and Muslims. The fifth took place in 1932; the sixth in 1933; the seventh in 1936; the eighth in 1937; and the ninth on the 17th April 1938. All these were riots between the Hindus and Musalmans. In the riot of 1893, there were 80 persons killed, 60 temples were destroyed, 7 mosques were destroyed and 27 durgas were destroyed. I have not got the figures for the others. In the riot of 1929, 51 persons were killed; in the riot of 1932, 300 persons were killed and more than 300 were wounded. In 1936, 61 persons were killed and 550 were wounded. In the year 1938—I have not the exact figure—12 persons were killed and more than 120 were wounded. The rapidity with which these riots have taken place is also interesting and important which the House should bear in mind. As I told you, the first riot took place in 1851; the second riot took place within 23 years of the first riot; the third took place after 19 years of the second riot; the fourth riot took place 36 years after the third riot; the fifth riot took place within 3 years of the fourth; the sixth riot took place within one year of the fifth; the seventh riot took place within 3 years of the sixth; the eighth riot took place within one year of the seventh; and the ninth riot took place within less than one year of the eighth. Now, Sir, those of us who are conscious of these facts and who know the responsibility will agree that some remedy has to be found for this constant suspension of civilisation, the annual blood baths in which these two communities are indulging. I do not wish to enter into the reasons, the causes of these riots; whether they are political, whether they are religious or whether they are economic is a matter of no concern to us. The stark fact that a Muslim, without caring for anything goes and stabs a Hindu, and a Hindu, without caring for anything, stabs a Mahomedan is a calamity which we could never tolerate. I think the time has arrived when some measure ought to be forged whereby the authorities in the country will be able to deal with the menace effectively and expeditiously.

Referring to the merits of this amendment, the first thing I should like to draw the attention of the House to is that clause 3 of my amendment gives the Commissioner of Police the power to remove any person within the limits of the Bombay Presidency, if the Commissioner of Police has reasons to believe that the person is acting in such a manner that his presence, his movements, or his acts are responsible for the riot. That is the main aim of the Bill. Now, I fully agree that this clause in this Bill itself seems to impose a restriction upon the particular individual. But, Sir, I can say this. I come from a class which needs liberty more than any other class in society. I am by profession a lawyer and I understand the importance of liberty; but, with all that hankering for liberty, which is in me by reason of the interests of the class to which I belong and also by reason of the fact that I am by profession a lawyer, I cannot help saying that there are occasions when, in order to protect the liberty of the large mass

of the people, the liberty of the hooligans, the criminal sections in the society, can be suspended. I have no hesitation on the point. The only thing, therefore, which worries me and which ought to worry the members of this House is this. Are there any safeguards laid down in order to see that this arbitrary power which we are now giving to the Commissioner of Police will not be misused. That is the only question I submit with which this House, having regard to the necessity of the occasion, could be concerned.

Now, Sir, my submission to the House is that there are ample provisions of safeguard in this amendment. Therefore, I will briefly refer to those safeguards. The first safeguard is this. Under this amendment, the Police Commissioner could sever in practice, without the knowledge of the Legislature or the public at large, begin to exercise this arbitrary power. He can never do it, because, as honourable members will see, this power of the Police Commissioner will commence and will vest in him, so to say, only after the emergency proclamation is issued. Before the emergency proclamation is issued, or before the emergency has been declared, the Commissioner of Police will not be able to exercise this power. That is one thing we have got to bear in mind with regard to the provision contained in this amendment. These powers will become operative only after the emergency proclamation is issued and this has a certain advantage from the point of view of the Legislature. It is this. If the Government issued a proclamation of emergency without any justification, then this House will have an opportunity to move an adjournment motion and condemn Government for having wrongly issued the emergency proclamation. This, I submit, is a control which this amendment gives to the Legislature in order to see that this power is not abused. The second advantage which this amendment gives is this. It may be that Government issue the proclamation of emergency and refuse to cancel or revoke the proclamation of emergency so that the Commissioner of Police begins to use the powers and continues using them, notwithstanding the fact that the emergency has ceased to exist; as against this, there is a provision made in this to which I should like to call the attention of the House. By this very amendment, the proclamation will cease after one month, unless Government renew it, so that there is again an ample safeguard provided here that, after one month, the power shall cease to operate.

Another safeguard to which I should like to draw the attention of this House is sub-clause (vi). which is very important. Although this amendment gives the Commissioner of Police, the power to deport a person who, in his judgment, is causing communal riots, this order of deportation has a limitation to be appended, and that limitation is that as soon as the proclamation of emergency ceases to operate, the order automatically expires, so that a person who has been deported by the Commissioner of Police can return to Bombay. That again, I say, is a further safeguard.

Another safeguard to which I should like to draw the attention of the House is that as against the order of the Commissioner of Police there is

an appeal provided to the Provincial Government. I agree that there may not be much in this, but still, as far as it goes, there it is.

Now, with regard to the other amendments that have been moved, just one or two things I should like to say. I think my honourable friend the Home Minister will agree that yesterday, when we drafted clause (i) of this amendment, it was agreed on all sides that this section was not to be used for labour troubles or for any other troubles, except those arising out of disturbances caused by communities in the sense of religious communities, or sections of communities having religious differences, or factions. All this, in my judgment, was confined to purely communal riots. And I am perfectly prepared to be satisfied with the assurance given by the Honourable the Home Minister that it is intended not to be applied to any other. But if gentlemen in this House desire that there should be no lacuna left, no loophole left for the executive to use the provisions of this section for any other purpose than those for which it is intended, I am perfectly with them in order to make the meaning clear.

With regard to the word “presence”, I must say that I cannot support the amendment that the word “presence” should be omitted. The word “presence” must remain. I will give an illustration. A sadhu comes to Bombay; he is a persona grata with one community, he is not a persona grata with another community. A fakir comes to Bombay; one section venerates him, another section repudiates him. A communal riot starts on that account. Would it not be necessary that the very presence of this man should be removed from the City of Bombay in order that the riots may be quelled? This, no doubt, may be an extreme illustration, but an extreme illustration is the only way of testing the validity and the effect of the power we give. Therefore, I submit, Sir, that the word “presence” is very necessary and should be retained in the Bill.

With regard to the other amendments, I have an open mind, because our intention is that the Bill should not apply to any riots other than communal. With these words, I move my amendment, and I hope the House will accept it.

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†*Dr. B. R. Ambedkar (Bombay City)*: Sir, I am very glad to find that the amendment which I have moved has found support from many honourable members of the House who have spoken on the first reading of the Bill. I do not think the Honourable the Leader of the Opposition opposed my amendment although he had a great deal to say with regard to the Bill itself. My honourable friend, Rao Bahadur Chitale, has supported the amendment and the opposition of my friend Mr. Jamnadas Mehta, if I may say so, was not fundamental, but was tactical. In view of this, it is not necessary for me really to make any very lengthy reply to the comments that have been made, but there are only two matters to which

†B.L.A. Debates, Vol. 3, pp. 2471-73, dated 27th April 1938.



I would like to refer. This is admittedly an emergency measure and as an emergency measure, it does involve a considerable amount of restraint upon the liberty of the individual.

*Sir Ali Mahomed Khan Dehlavi:* I wish to correct the honourable member. I do not know what authority the honourable member has to say that this is an emergency measure, which is not admitted by the Honourable the Mover.

*Dr. B. R. Ambedkar:* I am only replying with respect to my amendment. My amendment is an emergency amendment and, as I have admitted in my speech, it does involve a restraint on the part of the individual. I would like to submit in connection with this that if those gentlemen who have spoken in regard to my amendment enlarging and emphasising the fact that it does involve restriction, I would respectfully invite their attention to refer to the Defence of the Realm Act that was passed in the time of war in England and to the Defence of India Act that was passed in India. Both of them were emergency measures and if any one of those gentlemen were to refer to the provisions of the Act, I am sure they will find that this amendment is a very mild amendment and let it be remembered further that this emergency legislation, for instance, the Defence of the Realm Act and the Defence of India Act lasted for over four years. The Defence of Realm Act in England was passed in 1914 and was not repealed till 1919 and the powers given to the police officers—I happened to be in England then as a student—were certainly much vaster than the powers that are given under this amendment. Therefore, having regard to the emergency, I submit that the powers that are given to the Police Commissioner cannot be said to be unduly wide.

Now, with regard to the other matters, namely, that this is a permanent measure, I would like to draw the attention of the House to the provisions contained in section 102 of the Government of India Act and which are very pertinent and very relevant on this occasion. Sir, section 102 of the Government of India Act is exactly what this amendment proposes to do. There too, the Governor-General has been given the power in his own discretion to issue a proclamation of emergency and during the period of that proclamation, the Governor-General is entitled to pass whatever law, by means of ordinances that may be necessary for the maintenance of peace and order .....

*Sir Ali Mahomed Khan Dehlavi:* Which the country does not approve of.

*Dr. B. R. Ambedkar:* Well, it is contained in the Government of India Act. Similarly, there is a provision in the same section that the emergency proclamation shall last for six months. I will read the relevant provisions :

“Notwithstanding anything in the preceding sections of this chapter, the Federal Legislature shall, if the Governor-General has in his discretion declared by Proclamation (in this Act referred to as a ‘Proclamation of Emergency’) that a grave emergency exists whereby the security of India is threatened, whether by war or internal disturbance, have power to

make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial Legislative List.”

Sub-clause (4) says :

“A law made by the Federal Legislature which that Legislature would not but for the issue of a Proclamation of Emergency have been competent to make shall cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respect to things done or omitted to be done before the expiration of the said period.”

Therefore, my submission to the House is that we are really not doing anything that is unusual having regard to the Defence of the Realm Act and the Defence of India Act and having regard to the provisions contained in section 102.

There was one comment which my honourable friend Mr. Jamnadas Mehta made that although my desire was to confine these emergency powers to communal conflicts and communal riots, the language used in this amendment is not such as would, in the end, confine the operation of this amendment to communal riots. His argument was that the word “community” does not necessarily mean religious community and that it is used as commercial community, industrial community and labour community and secondly, the Government will use its powers for the purpose of invoking this legislation even in labour disputes.

Now, my first submission on that point is this, that this part of the proclamation is certainly not going to be the subject of bearing the interpretation because it is a matter to be determined by the Government in its own discretion. It is not going to any court and the emergency proclamation is not going to be a question in a Court of Law as to whether it has been properly invoked or not, all that the court will be concerned in finding is whether a proclamation has been issued. Whether the proclamation has been properly issued or not would be a matter for Government and this Government would be amenable to this House if the Government uses its power to make a proclamation for purposes which are not intended either by Government or myself or any members of the Opposition.

The other thing that I would like to submit is this that I admit that the word “community” is used popularly in a wide sense, but before I came here I did refer to the Oxford Dictionary in order to satisfy myself, because I am myself more anxious than Mr. Jamnadas Mehta is, that this measure should not be extended to labour disputes.

*Mr. Jamnadas M. Mehta:* As anxious, not more.

*Dr. B. R. Ambedkar:* If you will allow me to say, I am more anxious. Therefore, I say that if you can suggest a better language I am perfectly prepared to accept any change that you propose, but so far as I am able to understand the word and so far as any help can be derived from a standard dictionary, I have no doubt in my mind that the word “community” does mean basically—apart from the extended use to which

every word becomes subject—I have not the least doubt in my mind that the word “community”, etymologically and basically is used only in the sense of religious community. The derivation seems to be those who are in communion. Communion is a religious word. A person ceases to be in communion when he is ex-communicated by a religious authority, he ceases to be inside the community. That is the origin of the word. I am perfectly satisfied that this is not a word which can be so used as to bring in labour or strike or other situation. As I say if my learned and honourable friend thinks that this is not enough and, that another word is necessary, I am perfectly prepared to help him in that matter.

With these words, I sit down.

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†*Dr. B. R. Ambedkar*: Sir, I find that my amendment as has been submitted does not contain a very material part which I intended to be a part of it, because I was proceeding on the draft that was given to us at the time of the conference. If you will allow me to supplement my amendment, it will be complete. The amendment is as follows:

In clause 2, sub-clause (1)(i). substitute the following for sub-clause (a) beginning with the words “that the presence”, etc. namely: —

“(a) that any person within the limits of the city of Bombay is by habit engaged in unlawful activities which are a menace to the residents of the city and who is so desperate and dangerous as to render his being at large in the City hazardous and who is habitually engaged in the commission of offences involving force or violence or any offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, and when in the opinion of the Commissioner witnesses are not willing to come forward to give evidence in public against such person ; or.”

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‡*Dr. B. R. Ambedkar*: Sir, before I say what I have to say in support of the amendment which I have moved, it is perhaps necessary for me to make two preliminary observations. The first observation that I would like to make is this. The reason why I support the Bill brought forward by my honourable friend the Home Member, seeking to amend section 27 of the Act, is this. Much has been said in the course of the debates yesterday that the amendment gave more powers to the Commissioner of Police than the original section 27 did. Now having applied the Bill as a whole, I have not the slightest doubt in my mind that the amended section 27 will be of a much milder character than the section 27 as it stands today.

Therefore, I agreed to the suspension of the orders and to help the Honourable the Home Minister in getting this legislation pass through.

†B.L.A. Debates, Vol. 3, p. 2497, dated 27th April 1938.

‡B.L.A. Debates, Vol. 3, pp. 2499-2501, dated 27th April 1938.

The second observation I should like to make is this. At the parties conference where we had a discussion with regard to this amendment, I did say that I would support the measure which was agreed to at the time when we discussed the various proposals. My honourable friend the Home Minister might say that, having taken that view at the time of the conference, it was not open to me to come forward with an amendment now. It is that which I would like to explain. Sir, when I agreed with the Honourable the Home Minister to support him, the amendment was confined to the principle underlying the Bill. The principle underlying the Bill, if I understand it correctly, is this. There are certain persons in the City of Bombay who are committing crimes and whose character is such that by reason of the terror they strike against their victims, the victims themselves do not come forward to give evidence in a court of law. Therefore, a regular trial could not be had. That is the principle, as I said, of this Bill. To that principle I stick. I am not deviating from that principle. All that I am seeking to do is to confine the category of persons against whom action can be taken by the Commissioner of Police without resorting to a regular trial by reason of the fact that the informants are not prepared to come before a Court of Law. Therefore, my view is that my amendment is an amendment of detail and not an amendment of principle.

Now, Sir, turning to the amendment, the first thing I should like to draw the attention of the House is this. The wording as it stands is that:

“that the presence, movements or acts of any person in the city of Bombay is or are causing or calculated to cause danger or alarm or a reasonable suspicion that unlawful designs are entertained by such person.”

It will be noticed that the language is of the mildest character. Secondly, it seems to me that the person who does a single unlawful act which has the consequence of causing danger or alarm or reasonable suspicion can be taken hold of by the Commissioner of Police and deported under the powers we are giving. I am sure that was not the intention of the Honourable the Home Member nor was it ever my intention. If I understand correctly the view point of the Honourable the Home Minister, he said in the opening speech that in seeking powers under the amendment he has proposed that his main object is to get hold of pucca mavalis, to use his own words. If I understand the words “pucca mavali” my feeling is that a pucca mavali is a person who habitually does something which is dangerous and desperate and who habitually indulges in unlawful activities. If that is the intention of the Honourable the Home Minister he should have no objection in seeking that the intention he professed on the floor of this House is embodied in specific terms in the law itself. It is, therefore, from that point of view I have sought to amend his language by emphasising that the person must be doing all these things by habit :

“that any person within the limits of the city of Bombay is by habit engaged in unlawful activities which are a menace to the residents of the

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city and who is so desperate and dangerous as to render his being at large in the city hazardous and who is habitually engaged .....

The rest of the amendment is like that of the honourable member Mr. Pataskar I take it the Honourable Minister has no objection to that amendment being an official one.

What I have sought to do is nothing new. I have taken the wording from section 110 of the Criminal Procedure Code. Section 110 of the Criminal Procedure Code gives power to the police to prosecute a man before a Presidency Magistrate or District Magistrate if he is by habit a robber. I have taken the wording from sub-section (a) of section 110 and sub-section (f) of section 110. It might be argued that under section 110 of the Criminal Procedure Code, even if a person is by habit a robber and even if a person is a desperate and dangerous character action cannot be taken against him without a trial. Why do you want to take action against him, because he is in the city of Bombay? That kind of argument may be used. My justification for that is that we are dealing with cases where persons are not prepared to come before a court of law to give evidence and that is the reason why I have consented to give the Commissioner of Police the power of an extra-judicial and extra-legal kind. In giving such powers it is necessary to restrict and define the category of persons against whom action can be taken. My submission is that the House will do well in defining the class by saying that the person must be doing unlawful acts by habit and not by accident. With these words, I commend my amendment to the House.

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## \*ON THE BOMBAY POLICE ACT AMENDMENT BILL : 2

*Dr. B. R. Ambedkar (Bombay City):* Sir, I am sorry to find that my amendment, as worded by me, has created a wrong impression, a totally different impression from what I wanted to have by my amendment I would like to say one thing at this stage. I do not think this is an occasion on which any one of us should really stand on dignity. And I would like to say this over again, because I think the occasion is a very important occasion. Sir, I also like to say this that the Honourable the Home Minister has not taken into consideration, in making his reply that we have already amply empowered him to deal with cases of emergency and the powers which we have given him by my amendment which is so wide in character that he can deal with persons who have merely entertained designs in their minds and I beg to remind him of that. Therefore, Sir, having armed him with the most extensive powers possible to deal with an emergency, it is perfectly proper for members on this side to adopt, if I may say so, a somewhat carping spirit in giving him powers for normal occasions. He has totally forgotten that the amendment with which we are dealing now is an amendment which gives powers for normal occasions. It does not deal with abnormal situations, and therefore I do not see any conceivable case in which the Police Commissioner exercising the power that we are giving him under my amendment would not be able to deal with the situation. I therefore submit that it would be in the interest of the public and in the interest of all sections concerned, that my amendment should be accepted. Sir, I do say that this is a very important occasion and the Bill deals with so important a subject, namely, the liberty of the citizen that I think it is one of the most eminent occasions on which, as far as possible, there should be agreement on all sides. I therefore appeal to the Honourable Home Minister not to stand on dignity, as I am not standing on dignity at all, and to accept this amendment.

Sir, I accept the amendment of my honourable friend Mr. Chundrigar and also the amendment of my honourable friend Mr. Bhole.

*The Honourable Mr. K. M. Munshi:* It is not a question of standing on dignity. We went into every word, considered the implications of every

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\*B.L.A. Debates, Vol. 3, pp. 2509-12, dated 28th April 1938.

suggestion. After that there was no question of a person habitually engaged.

*Dr. B. R. Ambedkar:* Better thoughts come again some times.

*The Honourable Mr. K. M. Munshi:* Sir, as I said, there is no question of dignity. The question is of difference of opinion, because if in every case we have to find out whether a man engaged is habitually engaged and not a man who is about to engage for the first time, he would escape. It would reduce the section to nullity and the Police Commissioner or the Government would also be reduced to a worse position than they are in under the existing section.

*Dr. B. R. Ambedkar:* My honourable friend must understand that no member on this side is opposed to taking powers to deal with gangs. In fact, the Opposition says : "Retain gangs". If you want to have an amendment to deal with gangs. I am prepared to support it; I have not the least objection. I remember that the Leader of the Opposition said that power should be given to deal with gangs. But you are wanting power to deal with individuals and, therefore, we are putting these restrictions. If we are to deal with gangs, by all means, let somebody bring in an amendment and I for myself would support it, provided it is a reasonable amendment. Here, you are dealing with individuals.

Sir, if you like, we might adjourn for a short time and have a discussion.

*Mr. S. H. Jhabvala:* Sir, you see this shows the utility of a select committee I proposed.

*The Honourable Mr. K. M. Munshi:* Sir, I am quite willing, but it is no use adjourning for such a thing. I am trying to convince the honourable mover of the amendment that by putting the word "habit" there, he has reduced the operation of this section practically to a nullity. I cannot consider it further, unless he is willing to drop the word "habit". If he wants to keep the word "habit" in the section, then the section becomes more or less useless. That is why, I say it is no use adjourning. There is no common ground.

*Sir Ali Mahomed Khan Dehlavi:* That describes the pucca mavali.

*The Honourable Mr. K. M. Munshi:* A pucca mavali is not necessarily a person engaged habitually in unlawful activities. He may be a mavali in the sense of a bully or a dada. Members are putting something in my mouth which I never said. When I said "pucca mavali" I did not say a person habitually engaged in unlawful activities. That is what you are attributing to me.

*Sir Ali Mahomed Khan Dehlavi:* Sir, I should like to say that when the Honourable Minister said "pucca mavali" we at once understood that there were a number of classifications of mavalis in his own mind.

*The Honourable Mr. K. M. Munshi:* That I agree ; there may be a series of mavalis.

*Dr. B. R. Ambedkar:* Surely, the Honourable Minister does not want to deal with the case of a man who has done once a certain thing.

*The Honourable Mr. K. M. Munshi:* I gave the honourable member the

instance of the gang which came down from Calcutta. There were 11 persons who had not committed an offence, but who were about to engage in certain unlawful activities. They had not been convicted in Calcutta in spite of the vigilance of the Police there. Some of them were persons who were—

*Dr. B. R. Ambedkar:* If the people have been committing offences in Calcutta, they would be habitual. It does not mean that one should habitually commit an offence in Bombay.

*The Honourable Mr. K. M. Munshi:* They were not convicted for carrying on unlawful activities.

*Dr. B. R. Ambedkar:* May I draw the attention of the Honourable Minister to the wording of my amendment? It is “; .....who is so desperate and dangerous as to render his being at large in the City hazardous .....” A member of a gang would come under this.

*The Honourable Mr. K. M. Munshi:* If the honourable member will have patience, I will tell him. The man may not be desperate as I gave you the Instance of the leader of the very coterie which I mentioned. He was perhaps moving there in Calcutta in a motor-car. He was a European and was accepted in good society in Bombay, but he was not a desperate character in the sense that he took a lathi and ran about in the streets.

*Dr. B. R. Ambedkar:* But the word dangerous is there.

*The Honourable Mr. K. M. Munshi:* Now, Sir, what is meant by the word “dangerous”—

*Dr. B. R. Ambedkar:* I have taken the words used in the section and I am sure they are perfectly intelligible words.

*The Honourable Mr. K. M. Munshi:* Sir, the words “dangerous and desperate” are intended for bullies who are running amok and threatening people or proving dangerous in the physical sense of the term. They would not apply to the head of a counterfeiting gang.

*Dr. B. R. Ambedkar:* But there is a separate chapter altogether which deals with that, namely, Chapter XVI of the Indian Penal Code, which I have omitted.

*The Honourable Mr. K. M. Munshi:* But you have stated “habitually engaged”.

*Dr. B. R. Ambedkar:* Sir, I may mention to the House that the words which I have now proposed will restrict the scope of the section only to the persons of a certain type and will not include the large number of cases of persons who would be included even by the present section as it stands.

*The Honourable Mr. K. M. Munshi:* Sir, as the honourable member himself has admitted that the words restrict the scope of the Bill, and if that is the case, there would be no meaning in having this Bill at all. If it is going to water down the section to such an extent, it becomes a useless weapon for the purpose for which it is designed. Therefore, it is not possible for me to accept the amendment.

*The Honourable the Speaker:* I have now to put the amendment and



the amendments to the amendment to the House. I will first take up the amendments to the amendment. So, I will first put Mr. Bhole's amendment to the amendment of Dr. Ambedkar. Need I read it? (Honourable Members : No). So, I will now put the question.

Question put.

*The Honourable the Speaker:* The Noes have it.

*Dr. B. R. Ambedkar:* Sir, it was only a question of expressing the intention. It is not an amendment of substance at all.

*The Honourable the Speaker:* It is not, and, after all, the amended amendment of the honourable member Dr. Ambedkar will have to be put to the House at the end. So, it makes really no difference either way. I shall take the voices again.

Amendment put, and agreed to.

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†*Dr. B. R. Ambedkar (Bombay City):* Sir, I rise to support the amendment which has been moved by my honourable friend Mr. Chundrigar. The amendment requires that, before the Police Commissioner takes any action on the material in his possession, he should produce the person, whom he wants to expel, before the Magistrate and place the material before him and shall not take any action, unless the Magistrate is satisfied. Obviously, that amendment is intended as a further safeguard in order to see that no arbitrary action is taken by the Commissioner of Police. Now, Sir, whether this amendment which is by way of a safeguard asks something which is more than due to those persons or whether it is something that is unnecessary, is a matter which I think can be better understood if one institutes a comparison. Now, I take the case of the revolutionary, those who indulge in revolutionary crime. It is obvious that these persons who are intended to be dealt with by the present amendment to the Bill are certainly not so great a source of danger as the revolutionary. Obviously, therefore, they certainly need a far greater safeguard, a far greater protection, than the revolutionary. Now, let us stop for a moment and ask what are the safeguards that did exist in the law of India as against revolutionary criminals? I do not want to go into the past history of the matter but I have before me the report of what is called Sedition Committee that was appointed by the Government of India in 1913. The terms of reference do say "to report upon the existence of revolutionary movement in India, to examine the difficulties that arise in dealing with criminal conspiracies and to suggest measures for bringing such offenders to book." It is unnecessary for me to go into the revolutionary crime in India which has been dealt with exhaustively by the Committee. What is relevant for the purpose is the safeguard that was suggested by the Sedition Committee.

The House might be interested in knowing the composition of this

†B.L.A. Debates, Vol. 3, pp. 2533-34, dated 28th April 1938.

Committee. Therefore, I may mention the names of the gentlemen who constituted this Committee : Mr. Justice Rowlatt, Judge of the King's Bench Division, Sir Basil Scott, Chief Justice of Bombay, Diwan Bahadur C. V. Kumaraswami Sastri, Judge of Madras High Court, Sir Verney Lovett, Member of the Board of Revenue, United Provinces and Mr. C. P. Mitter. The Committee consisted of a large number of persons who were judiciary minded. It is a fact that during all the period that Government of India wanted to deal with revolutionary crime, they have accepted the principle that the revolutionaries, before they are punished, must be tried by a tribunal. They were never dealt with by judicial action. The point was that the tribunal consisted of persons who were engaged in the executive of the Government of India. The Committee says in paragraph 182 :

“While, however, we recommend in substance the procedure established under the Defence of India Act, we think the constitution of the tribunals as provided by these Acts should be altered. It seems to us inadvisable that these tribunals should to any extent be composed of persons not already members of the judiciary but selected by the executive for the purpose of the specific case. Nothing that we have seen suggests that the special tribunals hitherto appointed have been unfair towards the accused, but we think the objections in principle cannot be overlooked. Moreover, as the right of appeal is taken away, the tribunals should be of the highest strength and authority.”

If this safeguard is necessary for the purpose of seeing that nothing that is harsh and nothing that is unjust is done to revolutionaries, I submit every man of common sense will think that a far greater safeguard is necessary for dealing with persons contemplated in this Bill. After all, what is it that the amendment asks ? The amendment does not ask that a tribunal consisting of Magistrates should be appointed in order to investigate the allegations made by the Police Commissioner against a person whom he wants to send out of the city. Nothing of the kind is asked for. Nor does the amendment demands that the material, when placed before the Magistrate, shall be investigated into as though it were a trial. The amendment does not require that the Police Commissioner, when he places the material before the Magistrate, shall disclose the name of the informants. Nothing of the kind is asked for. The amendment is of the mildest character. It does not require the Magistrate to sit in judgment over the material of the Police Commissioner. All that it says is this, that the Magistrate may look into it and give a certificate that it is a satisfactory case in which the Police Commissioner may, if he chooses, act. Now, Sir, by all standards, I am prepared to say that this is the mildest kind of safeguard that could be provided and ought to be provided. I submit, Sir, that in view of the fact that the amendment of the honourable member Mr. Pataskar has now been carried and the powers of the Police Commissioner are more unlimited than they would have been if my amendment had been carried, it

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becomes all the more incumbent upon the opposition as well as upon the whole House to see that this little safeguard—I call it a very little safeguard—is provided in this Bill, in order to see that the Police Commissioner does not act in an arbitrary way.

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**\*ON THE BOMBAY POLICE ACT  
AMENDMENT BILL : 3**

*Dr. B.R. Ambedkar:* What I would like to submit is this. What we have done by accepting the amendment of the honourable member Mr. Pataskar is this. We have laid down as a direction to the Commissioner of Police the cases in which he can exercise the power that are given to him. The direction is that he shall exercise his powers only in cases where in his opinion witnesses are not willing to come forward to give evidence in the public against the person. That is a direction given to him, that he has to exercise the power given to him only in cases where in his opinion witnesses for reasons of safety are not willing to come forward to give evidence. In sub-clause (2), the Bill lays down a certain procedure which the Commissioner has to follow, and it is this. Firstly, the Commissioner has to give particulars of the charge ; secondly, the Commissioner has to give an opportunity to the man to explain the charge ; and thirdly an opportunity has to be given to the man to bring his witnesses. This sub-clause (6) deals with the right of a criminal court to question the order passed by the Commissioner of Police. What does this section do ? This section merely says this : that the court shall have authority—I am putting it positively—to see whether the procedure prescribed under this Bill has been followed or not. The first thing that the Commissioner is asked to follow by way of procedure is, to present the particulars of the charge ; secondly, he must give an opportunity to the person to explain the charge ; thirdly—a matter which was omitted in the original, but which was part of the judgment of the High Court—that the Commissioner must have material before him. That has now been added by the amendment moved by the honourable member Mr. Pataskar. Now, my submission is that we have also added by the clause that we have passed that this power should be exercised only in those cases where witnesses for reasons of safety are not willing to come forward. What the honourable member Mr. Bhole's amendment seeks to do is to add one more ground on which the High Court quash the order. As the sub-clause is now worded, the High Court could quash the order if the particulars of the charge were not presented to the man, if an opportunity was not given to him to explain the allegations

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\*B.L.A. Debates, Vol. 3, pp. 2586-87, dated 29th April, 1938

against him or his witnesses were not examined, and lastly—according to Mr. Pataskar’s amendment—there was no material before the Commissioner of Police upon which he could have passed his order. What the honourable member Mr. Bhole seeks to add is that the condition that has been laid down in part (I) of the amendment of the honourable member Mr. Pataskar, namely, that witnesses are not willing to come forward to give evidence shall also be one of the grounds on which the magisterial court could quash the order. Therefore, it is not a limitation upon the authority of the Magistrate. There is a procedure prescribed, and all that the clause says is, that the High Court or the magisterial court shall see that all these kinds of procedure are followed by the Commissioner of Police. The honourable member Mr. Pataskar does not seek, nor does anybody here seek, that the High Court or the magisterial court shall sit in judgment over the question whether the material was reliable. All that is needed for it to see is that the Commissioner had material. Similarly what the honourable member Mr. Bhole seeks to do is that the court should see that the Commissioner of Police had really taken into consideration the fact whether witnesses were prepared to come. The honourable member Mr. Bhole’s amendment does not seek to give the High Court or the magisterial court the power to sit in judgment over the question as to why the witnesses were not prepared to come. The High Court or the magisterial court is not to sit in judgment over that question and say “These are grounds on which nobody ought to be satisfied”. The finality of judgment is with the Commissioner of Police. What the amendment of the honourable member Mr. Bhole seeks to do is to bring into this clause a condition which we have imposed by passing the amendment of the honourable member Mr. Pataskar, which is a procedural condition, so as to make the Bill a complete whole. There is no conflict between the amendment we have passed and the honourable member Mr. Bhole’s amendment. All that is necessary is to add the words “in the opinion of the Commissioner”, and I move it.

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†*Dr. B. R. Ambedkar*: May I explain, Sir? The position, briefly is this We have given certain powers to the court under renumbered sub-section (7); when a person is brought before a Magistrate for breaking the order of the Commissioner, the Magistrate has power to see that the proper procedure was followed. One of the things that the Presidency Magistrate has to see is whether the Commissioner had material before him. Now, this clause says that when the matter comes up before the Presidency Magistrate, the Commissioner or some other person will have to go into the witness box in order to inform the court that he had some material on which he could act. This clause says that in giving this evidence either the Police Commissioner or some other officer whom he may depute shall lead to the identity of a person or the identity of a property. I am explaining the place of sub-

clause (8); the place of sub-clause (8) is that it comes into operation when the order is being considered by the Magistrate to see whether it is proper or not, that is to say, whether it was passed according to the procedure. One of the things that the Magistrate has to see is whether there was material before the Commissioner, because that is one of the conditions; and in proving what the material was, the question may arise whether the Magistrate will have the right to compel the Commissioner of Police to disclose all information, including such as would lead to the identity of the person or property. This clause says that while giving evidence the Commissioner of Police may withhold such information as he may have and, which would lead to the identity of the person or property. That is the place of sub-section (8).

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†*Dr. B. R. Ambedkar*: Sir, I would like to move this amendment, namely : —

For the words “hereinafter appearing” the following words shall be substituted : —

“and for the purpose of dealing with habitually dangerous characters and for the purpose of preserving public peace and tranquillity during communal riots.”

That is the amendment which I wish to move.

*The Honourable the Speaker*: I was just referring to the amendment of the honourable member the learned Doctor in which he had moved for the application of this Act to habitual offenders. I am inclined to the view that even this part of the amendment will be out of order in view of the decisions taken by the House.

*Dr. B. R. Ambedkar*: Sir, I would like to submit that the Bill, which is now before the House, has two-fold purposes, namely, one purpose is to deal with communal riots and therefore I submit that that part of my amendment which refers to communal riots is perfectly in order. The Bill also deals with certain provisions which are intended or calculated to deal with what in the terms of the Honourable the Home Minister, are regarded as mavalis and which I submit is translated by the words “habitually dangerous characters”. My amendment is merely intended to make clear the two-fold purpose which this legislation has in view. One purpose is to deal with communal riots and the other purpose is to deal with what are called “mavalis”. I submit, therefore, that my amendment is in order. If, however, that is objectionable, I am prepared to use the words “for the purpose of controlling the activities of “mavalis”.

*The Honourable the Speaker*: The difficulty about that will be that the word “mavali” is not defined in the Act. It is not an expression which is defined in any Act

*Dr. B. R. Ambedkar*: Sir, my submission is that the preamble is not

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†B.L.A. Debates, Vol. 3, pp. 2630-34, dated 29th April 1938.

going to be the subject matter of judicial interpretation. The preamble merely contains a rule of guidance for the purpose for which we are to use this Act and I therefore submit that even though the word "mavali" has not been judicially interpreted, it is a term which is so well-known today to both the Honourable the Home Minister and the Commissioner of Police that I think there should be no difficulty about it

*The Honourable the Speaker:* The amendment is to be divided in two parts—one referring to habitual offenders, as the honourable member has stated, is the one which he is prepared, I understand, to drop.

*Dr. B. R. Ambedkar:* No, I am prepared to split it into one dealing with persons who are either dangerous characters or mavalis, and the other I submit is a direct reference to the amendment which gives the emergency powers.

*The Honourable the Speaker:* The other I can see. If divided into two parts, then about the first, I think that even the expression used "mavalis" will not .....

*Dr. B. R. Ambedkar:* Then my amendment will be this : —

"for dealing with persons who are dangerous characters". I am prepared to take away the word "habitually". The preamble is intended to make clear our intentions.

*Mr. Jamnadas M. Mehta:* I submit, Sir, that the learned Doctor's amendment should be held perfectly in order, because it is now realised that the whole Bill has two intentions; one to deal with an emergency and the other to deal with characters which are described in the Act. The preamble must express what the House has enacted; otherwise the preamble will be incomplete and will not express what the object of the Bill is.

*The Honourable the Speaker:* I am not considering any technical objection. I am only considering how the phraseology would express what has been stated in the Bill and what has been passed by the House.

*The Honourable Mr. B. G. Kher:* May I suggest to the honourable member that the word "dangerous" is vague? It must be "dangerous to society", "danger to the city" or something to that effect. We are accustomed to receive telegrams "so and so dangerous, start immediately". The word "dangerous" by itself is vague.

*Dr. B. R. Ambedkar:* I may suggest "for the purpose of dealing with persons who are a danger to the residents of the City of Bombay for preserving the peace and tranquillity during the riots".

*The Honourable Mr. K. M. Munshi:* You have left out "factions and gangs" during riots. The words of the section are "between communities, factions and gangs".

*Dr. B. R. Ambedkar:* We can put it this way: "for preventing disturbance of public peace and tranquillity by reason of conflicts between communities and sections thereof, and gangs and factions".

*The Honourable the Speaker:* This is what I have taken down: "for the purpose of dealing with persons who are a danger to the City of Bombay and for preventing disturbance of public peace and tranquillity by reason

of conflicts between communities and sections thereof, or gangs or factions.”

*The Honourable Mr. K. M. Munshi:* “And for other purposes hereinafter mentioned”.

*Dr. B. R. Ambedkar:* What other purposes ?

*The Honourable Mr. K. M. Munshi:* “And other purposes hereinafter mentioned”.

*Dr. B. R. Ambedkar:* What are the other purposes ?

*The Honourable Mr. K. M. Munshi:* There are various procedural purposes also.

*Dr. B. R. Ambedkar:* Then, I will make it clear by saying “and for prescribing the procedure for dealing with such cases”.

*The Honourable the Speaker:* Is that all necessary in the preamble ? We should not make it cumbersome.

*The Honourable Mr. K. M. Munshi:* There is the question of immigrants also in the Act. And so, “other purposes hereinafter mentioned” is necessary.

*Mr. Jamnadas M. Mehta:* “Hereinafter” is not necessary.

*Mr. S. V. Parulekar:* We may adjourn till tomorrow, so that we may arrive at an agreed wording.

*The Honourable the Speaker:* It seems there is agreement as to the substance, and now it is only a question of phraseology. The amendment now moved being accepted in substance, it may be incorporated in the Bill at this stage, and later on, at the third reading any verbal amendments necessary may be made.

*The Honourable Mr. K. M. Munshi:* Sir, may I have the final word ? I do not want to miss these immigrants.

*The Honourable the Speaker:* This is what is being proposed by the honourable member Dr. Ambedkar :

“Instead of the words ‘hereinafter appearing’ substitute :

‘for the purpose of dealing with persons who are a danger to the City of Bombay and for preventing disturbances of public peace and tranquillity by reason of conflict between communities and sections thereof or gangs or factions, and for certain other purposes hereinafter appearing.’”

*The Honourable Mr. K. M. Munshi:* I accept the amendment

*Dr. B. R. Ambedkar:* May I know what other purposes there are ?

*The Honourable Mr. K. M. Munshi:* For dealing with immigrants.

*Dr. B. R. Ambedkar:* The immigrant is an object and not a purpose.

*The Honourable Mr. B. G. Kher:* The question is that immigrants who come into the city with certain diseases have to be dealt with. It is not the object of the preamble to describe all purposes seriatim. “Certain other purposes hereinafter appearing” clearly means the purposes embodied in the Bill itself. No other purpose can be brought into the Bill.

*The Honourable the Speaker:* Are the words “for certain other purposes” to be taken out ?



*Sir Ali Mahomed Khan Dehlavi:* They must disappear, because we are dealing with section 27 only and not the Act as a whole.

*The Honourable Mr. B. G. Kher:* If you do not want it, we are willing to take it out.

*The Honourable the Speaker:* The consensus seems to be that the word "hereinafter" should remain. The amendment would then read : In place of the words "hereinafter appearing", substitute the following :

"of dealing with persons who are a danger to the City of Bombay and for preventing disturbance of public peace and tranquillity by reason of conflict between communities ....."

*The Honourable Mr. B. G. Kher:* May I suggest that the phrase should be "public peace or tranquillity" and not "public peace and tranquillity"? So also, "by reason of conflict between communities or sections."

*The Honourable the Speaker:* "..... disturbance of public peace or tranquillity by reason of conflict between communities or sections thereof or gangs or factions, and for certain other purposes hereinafter ....." "

*Sir Ali Mahomed Khan Dehlavi:* "Or for certain other purposes"; I think we agreed to that ?

*The Honourable Mr. K. M. Munshi:* I will agree to anything.

*Mr. R. A. Khedgikar:* Are we not to be given a chance to examine the wording ? We have not, fully understood it.

*The Honourable the Speaker:* I am now reading the final draft. It is open to correction, in case I have committed any mistake.

*Mr. S. V. Parulekar:* Will you give us an opportunity of studying the amendment before we make up our mind about it ? The amendment is very long, and we do not know the implications of it just now. So, we should be given an opportunity to study it. It may be taken up for discussion.

*The Honourable the Speaker:* As I stated, the preamble, after all, merely tries to give a summary, and a very general summary, of what is following,

*Dr. B. R. Ambedkar:* It is a direction to the executive authority.

*The Honourable Mr. B. G. Kher:* We are willing to accept anything that you propose.

*Mr. Jamnadas M. Mehta:* Anything that will shorten this discussion will be welcome ! (Laughter)

*The Honourable the Speaker:* It is therefore that I am suggesting the final wording as it seems to have been agreed to. I am reading the whole amendment again ; honourable members will please hear it patiently :

"In place of the words 'hereinafter appearing', substitute the following :

'of dealing with persons who are a danger to the City of Bombay and for preventing disturbance of public peace or tranquillity by reason of conflict between communities or sections thereof or gangs or factions and for the purposes hereinafter appearing'."

*Mr. Jamnadas M. Mehta:* "Other" must be there.

*The Honourable the Speaker:* “And for other purposes”.

*Dr. B. R. Ambedkar:* “Such as dealing with immigrants”.

*The Honourable the Speaker:* After all, lawyers know as to how a preamble is construed and what importance is attached to it so far as the construction of the sections is concerned. If I may be permitted to say so, I do not think this point is really such as to be such a debatable point as that.

*Mr. Jamnadas M. Mehta:* “Other” must be there, because those which are mentioned previously are also purposes.

*The Honourable the Speaker:* “And for other purposes hereinafter appearing”.

*Mr. Jamnadas M. Mehta:* That will do.

*The Honourable Mr. K. M. Munshi:* I accept the amendment.

*The Honourable the Speaker:* So then, I take it that this will be the wording. (Interruption). The phraseology is taken from the sections themselves.

*Dr. B. R. Ambedkar:* I accept it.

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## \*ON THE CITY OF BOMBAY MUNICIPAL ACT AMENDMENT BILL

*Dr. B. R. Ambedkar (Bombay City, Byculla and Parel):* Sir, I rise to support the amendment moved by the honourable member Mr. A. V. Chitre. Sir, the amendment is that in addition to the 4 councillors who are to be elected by the workers' delegates there should be two councillors elected by the municipal workers. Now, the reason why I think this amendment ought to be supported is this. There is no doubt about it that the municipal workers are directly interested in the administration of the Municipal Corporation. They are under the authority of the Municipal Commissioners, they are under the authority of the various officers employed by the municipality under whom they are working. Now, Sir, having regard to the municipal constitution, there is one thing which is clear and abundantly clear and that is that these municipal workers have no right of redress against any order that may be passed by their superior officers. Their position is certainly very much different from the position of the ordinary civil servant who is working under the Government of Bombay. For instance, any civil servant, whether he is employed in the provincial service or subordinate service, has a right of appeal given to him in the case of any order passed to his prejudice. There is no such provision in the Bombay Municipal Corporation. Any order may be passed by any officer against any municipal worker and that worker has no right of redress. One of the advantages this amendment will give to the municipal workers is that any order that may be passed by any officer under the Bombay Municipal Corporation, could be ventilated through their representatives on the floor of the Corporation and certainly this amendment will enable them to get some redress. They do not possess this advantage under the present constitution.

The Honourable Minister in charge said that we are now providing for adult franchise and, because we have provided for adult franchise, it is not necessary to provide any representation for organised labour. I am sure the Honourable Minister has not paid efficient attention to what provisions he has introduced in the Bill which is before us. What I would like to ask the Honourable Minister is this, whether in his opinion adult franchise is the

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\*B.L.A. Debates, Vol. 3, pp. 2807-08, dated 3rd May 1938.

sovereign remedy which the municipal workers can depend upon for obtaining sufficient representation. In that case, there is no necessity to provide for the representation of four councillors for labour. There is no need to provide for the representation of the Bombay Chamber of Commerce, the Indian Merchants' Chamber and the Millowners' Association, because they can find representation through the ordinary channels of election. If adult franchise is sufficient for securing representation to labour, obviously the provision that is made for the four councillors to be elected by the delegates is unnecessary. Therefore, it is open to argument that the reason why it is provided that four places should be elected by labour is due to the fact that he is conscious of the fact that labour will not secure representation through the ordinary channels of election, although there may be adult franchise. If there is a necessity of providing representation for labour through labour constituencies then I submit that it is for better reason for providing special representation for the municipal workers who are far more interested in the constitution and working of the municipality than labour in general. I submit on this ground that this amendment ought to be supported by this House.

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## \*ON PROHIBITION

*Dr. B. R. Ambedkar:* Sir, I realise that the feelings of this House on the matter of prohibition run very high ; not that I do not share those feelings, but for other reasons I do not wish to be harsh to the Honourable the Minister for Excise. I realise that he is a new man for the office. I realise also that it is a very wrong place for a man to be in. I congratulate him on the courage he has shown in accepting the place which another honourable member of this House thought it better to leave.

I rise to speak on this subject simply because I feel that what has fallen from the Honourable the Minister for Excise during the last two or three days has left the impression on me that he will fall into the bad old ways, which are the established ways of this department. In course of the interpellation that we had the other day, to my mind, he made somewhat an extraordinary statement. He stated that he opened a shop somewhere near the borders of the Nizam's Dominions because the Nizam had opened a shop in our territory. Sir, I do not think that is an argument which a Minister who has accepted the policy of prohibition ought to advance in this House. That argument amounts to something like this ; that because a dacoit has committed dacoity and carried away some booty which the Honourable the Minister for Excise could have done himself that he himself is entitled to commit the dacoity. Sir, a wrong committed by one does not justify another to commit a similar wrong. The best policy for my honourable friend the Minister for Excise to adopt was to remonstrate with His Exalted Highness the Nizam for having opened shops near our territories. Instead of doing that he has placed the interest of revenue over and above the interests of the people of this Presidency.

It seems to me that my honourable friend the Minister for Excise looks only to revenue exclusive of every other consideration. In the course of the debate on the budget he also made a statement which I think ought to be taken seriously into consideration. In reply to certain criticisms which I offered he said that in judging of the policy of the Excise Department we ought to take into consideration the amount of consumption of liquor in the presidency and not the amount of money that is raised by the Excise

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\*B.L.C. Debates, Vol. XIX, pp. 838-40, dated 10th March 1927.

Department. He gave us certain figures to show that the people of Bombay were not drinking as much as the people of the other provinces in India. I have not had the time to look into those figures, but I think we may accept the figures as they were given by the Honourable the Minister for Excise. But I think, Sir, that my honourable friend will admit that while people are drinking less of licit liquor, the manufacture of illicit liquor in this presidency has been on the increase. So, if we take into consideration the fact that although drinking of licit liquor is decreasing, drinking of illicit liquor is on the increase, the result that we get is that the consumption is not less. Of course we have not got the actual figures of illicit manufacture, but I believe the fact is admitted, I think the Honourable the Minister for Excise will be first to urge it, that illicit liquor is increasing. So, on the whole we are not gainers, because the only result is that people are drinking less of licit liquor and more of illicit liquor. The question that then arises is, why is the manufacture of illicit liquor increasing in this presidency? So far as I am aware, there has been no official reply to this question. But I venture to give a reply for it for what it is worth. I think, Sir, the increase in the manufacture of illicit liquor in this presidency is entirely due to the high tariff on country liquor. Now, it is an admitted principle of political economy, not only a principle which is embodied in text-books, but I believe it is also a principle which is acted upon and known to every housewife that when the price of a certain commodity rises, then, there is always a tendency on the part of the people to substitute another commodity in its place which is equally serviceable and which costs less. We all know, for instance, that when sugar rises in price people will substitute gul in place of sugar and if coffee was to rise in price people will consume more of tea. Applying the same principle to this case, I submit, Sir, that the increase of illicit drink in this presidency is entirely due to the high tariff on country liquor. My honourable friend the Minister for Excise will therefore pay a little more attention to this aspect of the question. If he is really a believer in prohibition he must regulate his tariff. If he does not regulate the tariff, I submit that although he may succeed in controlling the consumption of licit liquor, he will give a direct incentive to the increase in illicit liquor.

The other point that I wish to speak of is as regards the policy of prohibition. I was glad to hear from my honourable friend the Leader of the House in reply to certain arguments urged by my honourable friend Mr. Murzban, that prohibition is now the accepted policy of Government, and that Government under no circumstances would go back on the policy resolved upon by the Legislative Council. But, Sir, I was a little disappointed when, as I believe, he sidetracked us a little from the real issue before us. He told us that the issue before the House was, what method we should adopt in bringing about prohibition, whether we should adopt the method of rationing or whether we should adopt the method of local option. Sir, in my view the two methods, making allowance for minor details, are more

or less equally efficient. Whether you adopt the policy of rationing or whether you adopt the policy of local option, makes no difference in the situation whatsoever, because the effect of either is to control the supply of liquor that will be put on the market. Whether you do it by not supplying more to the shop-keepers or whether you do it by not opening shops at all, the result is the same. But, Sir, the question is how far we can go on in advancing the policy of prohibition and that question, I think, my honourable friend the Leader of the House has not taken into account. I feel, Sir, that the problem of prohibition, whether you will be able to carry it out to a successful issue or not, entirely depends upon the financial solution of the question, upon how we will manage to make good the losses we are bound to incur as a result of our new excise policy. I think we on this side of the House would have liked to hear a good deal from the Honourable the Leader of the House as to the kind and method of taxation that he has in contemplation. Sir, I think although there might be differences of opinion in this House, we at least on this side feel that we are not opposed to the additional taxation, provided of course the Government will use the taxes for nation-building proposes. We are certainly opposed to additional taxation if Government are going to use the taxes merely to maintain the Government, merely to govern. But if they are going to make life happy, and not merely try to make life possible, then, I think we on this side are certainly willing to support any tax. The honourable member the Leader of the House tried to repudiate the charge of insincerity that was made against Government. Sir, I think no Government ought to make any promise as regards carrying out a policy of prohibition unless it has made up its mind as to how it will make good the loss of revenue. Unless therefore my honourable friend has got the courage—that is far more important than mere conviction—unless he has the courage to tax the people who have not been taxed so far, people who have better capacity to bear the burden, I think it is no use his trying to incur the odium of making a promise and not carrying it out. The best thing for the Honourable the Leader of the House would have been to bring forward a proposal for taxation and to test the sincerity of this House as regards the policy which it has been asking him to pursue. I think the House understands as well as anybody that this policy is going to cost money, and it was the duty and interest of my honourable friend the Leader of the House to have obtained from the House an assurance that it was willing to meet the cost of the policy it was so strenuously enforcing upon him. With these remarks I beg to resume my seat.

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### \*ON MATERNITY BENEFIT BILL

*Dr. B. R. Ambedkar:* Sir, I rise to support the first reading of this bill. And in doing so I just wish to reply to a few points that have been raised in the course of this debate against this bill. The Honourable the General Member, in speaking against the bill, first of all, pointed out that this is not an accident—accident as we understand it under the Workmen's Compensation Act, and, therefore, the principle of the Workmen's Compensation Act cannot be extended to the women who would be entitled to get the benefit under this particular bill. I admit, Sir, that this is not an accident. But it does not follow from that, that women are not entitled to get the benefit which the proposed bill desire to confer upon them. The principle on which this bill is based is altogether biased. There is absolutely, I believe, unanimity on this proposition that the pre-natal conditions which affect the mother are an important factor in the bill and the subsequent bringing up of the child. I do not think anybody will controvert that proposition. And I believe, therefore, Sir, that it is in the interests of the nation that the mother ought to get a certain amount of rest during the pre-natal period and also subsequently, and the principle of the bill is based entirely on that principle. That being so, Sir, I am bound to admit that the burden of this ought to be largely borne by the Government. I am prepared to admit this fact because the conservation of the people's welfare is primarily the concern of the Government. And in every country, therefore, where the maternity benefit has been introduced, you will find that the Government has been subjected to a certain amount of charge with regard to maternity benefit. But that being so, Sir, I am not prepared to admit that the employer who employs a woman, under such circumstances, is altogether free from the liability of such benefit in the interests of the woman and the reason for this is this. There is no doubt that an employer employs women in certain industries because he finds that there is a greater profit to be gained by him by the employment of women than he would gain by the employment of men. He is able to get *pro rata* larger benefits out of women than he would get by employing men. That being so, it is absolutely reasonable to say that to a certain extent at least the employer will be liable for this kind of

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\*B.L.C. Debates, Vol. XXIII, pp. 381-82, dated 28th July 1928.



benefit when he gets a special benefit by employing women instead of men. I, therefore, say that although there ought to have been some liability imposed on the Government in the matter of maternity benefit, I think the bill is not altogether wrong if it seeks to impose the liability under the present circumstances on the employer. I, therefore, support the bill on that account

It is stated that this bill is applied only to factories and not to other industries or to the agricultural occupation. The reply to that is very simple. It is to those industries where the conditions are such that they particularly affect the health of a woman that this principle is extended. In agriculture and other occupations the women are not exposed to those dangers or to those factors which obtain in factories and which affect the health of the women working in those factories. That is the reason why, for instance, such legislation is usually confined only to factories. The same may be said, for instance, with regard to the Workmen's Compensation Act. That Act applies to accident which may arise in factories in the course of the employment of labour for this very reason, and you will find that legislation is confined only to factories and not to other occupations.

Now, in respect of the burden on industries, the Honourable the General Member said that it will result in the reduction of wages. I am not certain whether it will result in a reduction of wages. Even if it does, it will mean that the burden on the industries will to a certain extent be shifted elsewhere and the Honourable the General Member ought therefore to have no objection on that ground. If this bill is passed, my submission is that the burden will probably be shifted on to the consumer and if it is shifted on to the consumer, the society as such ought not to object to pay the larger price for the produce in order that the producers who produce it may be benefitted.

Then, it is said that it is unjust to confine this bill to the Bombay Presidency only and that it ought to be extended to the whole of India, and that other Presidencies and provinces in India ought to be put on a par with the Bombay Presidency. My submission to you, Sir, is this. Suppose that this bill is applied to the whole of British India, what is there to prevent somebody rising up and saying, "Why should this bill be confined to India only and not to other countries? India will be put at a disadvantage with respect to the other countries of the world and therefore let us wait till the whole world adopts the principle of this bill and then we may all be on a par with each other". I submit that there is no substance in this argument and I think, therefore, the benefits contemplated by this bill ought to be given by this Legislature to the poor women who toil in our factories in this Presidency.

**\*ON PUNISHMENT OF WHIPPING**

*Dr. B. R. Ambedkar:* Sir, after having heard my honourable friend the Honourable Mr. Bell, who is in charge of this Bill, and the honourable member the Remembrancer of Legal Affairs, I do not think that there remains any necessity for arguing a case for the necessity of this measure ; nor does there remain, in my opinion, any necessity for arguing the question whether whipping is a proper punishment. That we have had very serious riots in the city of Bombay and often in the mofussil, which have been a disgrace to Indian society and Indian civilization, no honourable member, I am sure, can dispute. That whipping as a method of punishment is on the Indian statute book is itself sufficient argument against those who say that we are making a new departure. Consequently, Sir, the only point that remains for discussion in my humble judgment, is whether the provisions of the Bill, as they are framed, go beyond the necessities of the occasion. That seems to me to be the only point that survives for discussion.

Sir, having read the Bill, having applied my mind to clause 2 of the Bill, which is the substantive clause, I find some difficulty in agreeing to the provisions as they are worded in clause 2. That clause as it stands says that the provisions of section 4 of the Whipping Act shall apply to every offence of rioting which may come within sections 146 and 148 of the Indian Penal Code. Now, Sir, I was under the impression that this measure was contrived and devised for the special purpose of dealing with what are called communal riots. Riots, Sir, may be of various sorts ; the purpose, the motive, the occasion may be different. We may have a riot arising out of an industrial strike in the city of Bombay; we may have a riot which is occasioned by a casual fracas between poor people who assemble together for asserting a certain right over certain properties which they may, however illegally but in their honest belief, think belong to them. Sir, this House ought to know that the offence of rioting really arises out of an offence of unlawful assembly. An unlawful assembly becomes a riot when that assembly uses force. That is the definition given in section 146 of rioting. Now, an unlawful assembly, although it may not be an offence which we can overlook, is certainly not such a serious offence as to invite such a terrible punishment

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\*B.L.C. Debates, Vol. XXXVII, pp. 652-53, dated 18th February 1933.

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as whipping. Consequently my view is this, that if we are to introduce this punishment of whipping, we ought to amend clause 2 in such a manner that it shall become applicable only to those riots which may be said to arise out of a communal fracas and not to any other riots. The clause as it is, I submit, is worded so broadly as to embrace almost any riot, which may be occasioned by anything which may be of a very passing character or which may be so normal in human affairs that we really ought not to extend this punishment to such cases. And the Indian Penal Code, I submit, has very wisely provided the ordinary forms of punishment for ordinary offences of rioting. If this Bill is a necessity it can be a necessity only for the special purpose of dealing with a communal riot and for no other purpose. If my honourable friend the Home Member is prepared to alter the wording of clause 2 in such a manner that this punishment can be made applicable only to offences arising specially out of communal riots, he will have my support. That is all that I have to say on this occasion.

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**\*ON MINISTERS' SALARIES BILL**

*Dr. B. R. Ambedkar (Bombay City, Byculla and Parel):* Mr. Speaker, I rise to make a statement, and I use the word "statement" very advisedly. I am not moving an amendment to the Bill which has been proposed by my honourable friend the Prime Minister, nor do I propose to carry this matter to a division. The Ministers' Salaries Bill, I think, ought to have been an agreed measure, and it need not have been carried through, as the Ministry proposes to do, by a purely party vote. That course the Ministry has not chosen to take, and I am therefore bound to make this statement with the simple object of lodging a protest against the principle of the Bill. Notwithstanding what the Prime Minister has said in moving this Bill—and no doubt every member of this House will feel a greater degree of respect for him for the sincerity with which he spoke and for the high principles he has enunciated regarding the conduct of Ministers—taking the view of the situation as a practical man, looking at things from a practical point of view, I do not think that I can accept the standard salary for Ministers which has been laid down in this Bill.

Sir, before I explain the reasons why I think that this should not be a standard salary for the Ministers, I would like to place before the House some figures relating to the salaries which are paid to Ministers outside India and also to Ministers in India, so that the House may at the outset be able to realize what a great departure we are making from the standard that exists today. I have here with me a few figures which I have collected. In the Irish Free State there are 11 Ministers; every one of them is paid a salary of £ 1,700 per annum, which according to my calculation comes approximately to Rs. 2,000 a month. In South Africa there are 13 Ministers, 2 without portfolio. The Prime Minister is paid £3,500 per annum; the other Ministers are paid £ 2,500 per annum, which according to my calculation comes to Rs. 2,900 per month. I have not been able to get the figures for Australia, but the figures for Canada are as follows: The Prime Minister gets \$ 19,000 per annum; there are 16 Ministers in Canada altogether, and the Ministers get \$ 14,000 per annum, which includes \$ 4,000 for sessional allowance. In New Zealand there are 12 Ministers. The Prime

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\*B.L.A. Debates, Vol. 1, pp. 247-54, dated 23rd August 1937.

Minister there gets £ 1,800 plus a residence, and a Minister gets £ 1,370 per annum which includes £ 200 for house allowance, so that the salary for the Minister comes to Rs. 1,500 per month.

Coming to India and leaving aside for a moment the salaries that were paid before the new Government of India Act came into operation, and taking the salaries that were fixed for the interim Ministers—and nobody could say that the interim Ministries were not Ministries which were, to some extent at any rate, responsible to public opinion—these are the figures which I find from a table submitted to Parliament. In Madras, the Prime Minister was paid a salary of Rs. 3,000, and each of the Ministers was paid Rs. 2,500 plus a house. In Bombay the salary was Rs. 4,000 for the Prime Minister, and for the Ministers Rs. 3,500 each. In the United Provinces each Minister including the Prime Minister was paid Rs. 2,500. In the Central Provinces the Prime Minister was paid Rs. 3,000, and each Minister was paid Rs. 2,250. In Bihar the Prime Minister was paid Rs. 2,500 and a Minister was paid Rs. 2,000. In Orissa the Ministers were paid Rs. 1,000 each.

Now, Sir, compare these figures with the figures proposed in the Ministers' Salaries Bill. There can be no doubt that there is a great departure from the prevailing standard. It seems to me that the difference is not merely a difference of degree but is a difference of kind, and I submit a difference of kind is a difference of principle. What are the considerations that ought to prevail in the fixing of the salary of a Minister? In my judgment, Sir, there are four considerations which ought to prevail. The first is the consideration of the social standard of the Ministers, who are undoubtedly the social leaders of the community; secondly, considerations of competency; thirdly considerations of democracy; and, fourthly, considerations of integrity and purity of administration. I am not prepared to push the first consideration to any unreasonable length. Personally, I should have thought myself that the Ministers of the country, who are the first citizens of the country, should lead a life which is cultured, which cares for art, which cares for learning, and which ought to be a model for the rest. But if our friends do not care to consider that aspect of the case, as I say, I am prepared to leave it out of consideration altogether. But surely the consideration of competency, the consideration of democracy and the consideration of integrity could never be overlooked in fixing the salaries of Ministers. I do not know what view the Honourable the Prime Minister takes of the duties and functions of the Ministers. If the view is that the Ministers are to do nothing more than go about and unfurl flags and receive salutes from crimson clad ladies forming guards of honour, then that is a different proposition. In my view, and I want to emphasise it with all the emphasis I am capable of, if there is anything we expect from the Ministry, it is competency. I have no doubt in my mind that of the three organs of the State, the legislature, the executive and the judiciary, the executive is the

main spring of action. It is the executive which is to study the problems that are facing the country ; it is the executive which is to show what solutions can be proposed for solving those problems ; in short, Sir, it is the executive that must be the brain trust, if we are to solve the various problems with which we are faced and to get the best out of this constitution.

The question that arises in my mind is this, whether the salary that is proposed is a salary which is capable of inviting men who are capable and who have the necessary competence to face the problems and suggest remedies. Looking at the question dispassionately in the light of the circumstances which I see prevalent in this country, I cannot give, Sir, an affirmative answer. First of all, there is this fact to be considered, namely, that there are other walks of life in which the prizes are far greater than the prizes which have been provided for the Ministry. Many people who have competence, who have ambitions, will seek other walks of life rather than come to the Ministry and have the responsibility of the Ministry. I could have understood if the ministry was legislating that nobody should receive a salary of more than five hundred in any walk of life. If they had done so, things would have been otherwise. But they are not doing so. They are driving away competent men in other walks of life. This is one aspect of the matter. The second aspect to be considered is this. Looking at the situation in India, I cannot help saying that the intellectual class from which you can draw men who are competent enough to undertake the responsibility is very very small. Sir, in this country, on account of the social system which has been prevalent and which the British regime has not been able to damage very much, education was confined to a small class. Education has never been the privilege and the opportunity of many. In fact, under the Chatur Varna it is only one class who could take education and the rest were debarred. Consequently, a large mass of the people are absolutely so situated that they cannot throw forth leaders who can be taken in the Ministry to carry on the administration. Therefore, my submission is that the salary is not a salary which can invite competent people to carry on the administration.

Now, Sir, coming to the question of democracy, what will be the effect of the salary ? I would not mince matters. I would straightway say that the consequence of this salary will be this : Either there would be people who do not care for money, who have private means but who want to capture political power in order that they may use that political power for the advancement of their own class or their own community. That would be one consequence. The other consequence would be that men who cannot make any money in other walks of life will get into the Ministry. There can be no other consequence. (Laughter.) My friends may laugh, but I have no hesitation in saying that that will be the consequence of this Bill. There can be no greater disaster if what I apprehend comes true. We want that the

political power which is given under the Government of India Act should not be cornered or monopolised by a few who have money and who do not care for salary. Nor do we want in the interest of the masses that the power should go into the hands of incompetent people.

Coming to the other question, namely, the integrity and purity of administration, a friend of mine who is Congress-minded said one thing which I would like to repeat on the floor of this House. He said that if the Governor were to give him a contract for the supply of Ministers, he would very readily undertake the contract and also give something to the Presidency of Bombay for giving him that contract. I think, Sir, that remark is very pregnant. There are hotels in Europe who pay to the managers to allow them to wait. That shows what possibilities there are open to people who are not kept above temptation to pick something which they cannot get by way of pay. I am not saying anything in regard to the present Ministry, because we are discussing the principle of the Bill, not at all personalities involved. Even with higher salaries I admit, and readily admit, that you can never buy the dishonesty of a dishonest man. Pay him any salary you like, if he is dishonest, he will be dishonest. That is, however, not the consideration. The consideration is whether you cannot fix your salary in such a way that the Minister will be kept beyond temptation. Sir, we have had in this province a salary of Rs. 4,000 and a salary of Rs. 3,000, and yet there were scandals relating to the administration. If even with salaries of Rs. 3,000 and Rs. 4,000 it is not possible to avoid scandals. I fear very much a salary of Rs. 500 may produce far greater scandals than have been produced in the past. In this, the question that arises for consideration is not merely whether the salary is adequate. But my view is that it is not the close of the argument. The problem of salary has to be considered from two points of view. From the standpoint of the individual the consideration is one of adequacy. From the standpoint of the State the consideration is a consideration of safety and purity of administration. A man may say that a particular salary is an adequate salary for him. But it does not follow that you should not consider whether from the public point of view it is a safe salary. Lowest standard is not necessarily a safe standard. I believe my friends opposite will have, when they give contracts, to enter a clause that contracts shall not be given merely because the tenders are the lowest. Just as we do not give contracts to persons simply because their standards are the lowest, similarly we cannot allow persons to serve as ministers merely because they are prepared to accept the lowest salary. We have to consider the other side of the question whether the contractor who is offering the lowest tender is capable of discharging the obligations of his task. Therefore, I am suggesting that, though the Honourable Minister may say that Rs. 500 salary is good enough, it does not dispose of the argument. The House has to consider whether on this basis it can expect and hope to have an administration which is free from corruption may possibly arise.

Now, Sir, I should like to read to the House a small extract from the report that was made by the committee appointed by the House of Commons in the year 1920 in order to suggest the principles on which the salaries of the Ministers ought to be fixed. This is what the committee observe :

“There are probably few subjects open to more varieties of opinion than the precise amount of salary suited to any given office of Government ; and the Committee disclaiming all pretensions to any infallible rule on a question necessarily so vague, will nevertheless submit some preliminary observations upon the general principles by which they have been governed in the conscientious discharge of an ungracious duty.

“It is impossible not to recognise in its fullest extent the principle, that the people have a right to have their service done at the smallest possible, consistent with its efficient performance. Whether public servants sit in Parliament or not, the principle is the same. The only justification for taxes of any sort, is either necessity or evident public utility. If, notwithstanding the consecutive gleanings of different committees of the House, any sinecures are still existing no time should be lost in abolishing them ; and it will be seen in the course of this report, that the Committee have not failed to do their duty by more than one case of this description.

“If any offices are overpaid they should be reformed. If any can be united with others with benefit to the public this useful species of economy should not be neglected and several suggestions of this sort will be found in the evidence which it is not within the powers given to the Committee to follow up. In short, all departments of Government should be watched with the same view to economy in general which any individual would apply to the management of his own affairs.

“It is almost unnecessary to observe that these general principles do not lead to the absurd conclusion, sometimes imputed to them, that a willingness to accept low pay is any qualification for office. Economy, to deserve the name must be rational; and no consideration of more money can be set in competition with the paramount evident necessity of securing for offices of great trust and confidence the highest class of Intelligence and Integrity. It has been frequently observed, and the observation being founded on truth and reason should never be lost sight of that offices in a free country should not be put beyond the reach of men of moderate fortune. If salaries should be fixed too low a monopoly would be created in the hands of the wealthy, the power of selection by the Crown would be most injuriously restricted, and the public would be deprived of the services of men of limited means, educated with a view to the pursuit of liberal professions, a class furnishing more than any other the talents and industry suited to official life.

“It should be further considered, that the higher offices of Government require an entire devotion of the whole time and attention of those who fill them ; that their own private affairs must necessarily be neglected ; and that if care should be taken on the one hand to avoid the scandal of private fortunes amassed at the public expense, it is neither for the interest nor for



the honour of the country, on the other hand that they should be ruined in its service."

I submit, Sir, that these are principles which any ministry who cares for the service of the country and for the purity of the administration, ought to bear in mind. And I do not think that the present ministry in fixing the salary of Rs. 500 has shown any regard to the principles which I have read out

Now, Sir, what are the principles that have been suggested for the salary that has been fixed in the Bill? The one thing I have heard often said is that the salaries ought to be in accord with the income of the people. I ask the question, if that is so, can it be said that Rs. 500 salary is in accord with the income of the people? What is the income of the people? I have here figures given in the "Harijan"—I suppose a standard authority—from which I may quote.

*The Honourable Mr. B. G. Kher:* I am glad you read it.

*Dr. B. R. Ambedkar:* I do always read it. According to the figures given here, the income per head in the United Kingdom is £ 50 per annum; in the United States of America, £ 100; in France, £ 40; in Australia, £ 70; in Canada, £ 75; in India, £ 4. (*The Honourable Mr. B. G. Kher:* Hear, hear.) Now, Sir, if all this is done on the principle that the salaries ought to be in accord with the income of the people, then I do not understand how it can be suggested that the salary of Rs. 500 a month is in accord with the £4 income of the people of this country. Surely, if my honourable friend is basing the Bill which he has placed before us, on this principle, namely, that the salary should be in accord with the income of the people, then Rs. 500, I submit, is a most extravagant sum to take for the ministry; it ought to be less than Rs. 100; it ought to be Rs. 75, as was suggested. If they are honest, if they want to fix this sum as a matter of justice and not to placate the people, then why not be logical in your honesty? Why fix a sum which is out of all proportion to the income of the people?

The second thing that has been suggested in justification of the low salary is that the ministers ought to live in such a manner that they should look as though they were of the people, that there should be no distinction between ministers on the one hand and the private citizens on the other. Sir, if this is the object of the ministry, that all distinctions should be abolished, that they should look as though they were of the people, that the people should have full confidence in them as though they belong to the people, then, my submission is that this is not the method of winning the confidence of the people. Sir, in this country, the cleavages, social and religious, are far greater than they exist anywhere else in the world. We have here—I am speaking of this presidency for the moment—we have the division of Brahmins and non-Brahmins; the division of the touchables and the untouchables—I am confining myself again to the Hindus—we have the division of Maharashtrians *versus* Gujaratis; we have the division of Gujaratis *versus* Kanarese. And add to all that the difference between the Hindus and the Mahomedans. If you want to create confidence

in the administration, then, I submit that the proper way of doing it is not for the ministers to go about in the streets half clad, showing their anatomy ; or smoking bidis in place of cigarettes ; or going in third class or in bullock carts. Nobody is going to be deceived by these things. If you want to gain the confidence of the people, then, I submit that the only way of doing it is to constitute your Government, your ministry, your civil services, in such a way that it does not become the monopoly of any particular class or any particular community. (Cheers.) We shall watch what the ministry is going to do about it. But if they want to pretend that they are going to create confidence by doing these, what I might call, puerile things, then, I submit it is an attempt that is doomed to failure.

Then, Sir, the ministry has come forward with what might be called an act of renunciation on their part. It reminds me of the conduct and the way of life of medieval monks. The medieval monks when they started their careers as monks were required to take the three vows—the vow of celibacy, the vow of chastity, and the vow of poverty.

I do not know whether my honourable friends have taken the vow of celibacy. (Laughter) I suppose it is too late for them now to do it. I do not know whether they have taken the vow of chastity. But if they have and if they break it, it is certainly not a matter of grievance for this House. But they certainly have taken the vow of poverty, as I see from this Bill. Can they keep this vow ? The medieval monks very seldom succeeded in maintaining their vow of chastity, but they always succeeded in maintaining their vow of poverty. Why was it so ? That was because the monks had no families ; they were single, solitary individuals, with no obligations to any one. The ministers in this respect stand in a different situation altogether. They have certainly large responsibilities arising out of their families and their children. I cannot see how they can succeed in keeping up to their vow of poverty. I wish them success, but I doubt very much whether they will be able to do it.

*Mr. A. V. Chitre:* They will be drawing their dividends ?

*Dr. B. R. Ambedkar:* Now, Sir, there is one other matter which I would like to speak about. Is there any necessity for this Bill ? Personally myself, I do not think that the Bill is a necessary Bill. Nobody can compel the Honourable Ministers to take more than what they desire. And surely, without bringing in the Bill, and allowing the salaries fixed by the Governor to remain at the figure at which they are fixed, they could take Rs. 500 and return the rest either to the State or to the Party chest, whichever they liked ? Why is it they do not do that ? Why is it that they are bringing in this Bill ? And that is where the catch comes in. I venture to say that this Bill is not put forth out of any pious motive : there is a strategy behind it. That strategy is this, that they should always remain in the saddle and nobody else should take their places.

*The Honourable Mr. K. M. Munshi:* You are welcome !

*Dr. B. R. Ambedkar:* This reminds me of how at the Round Table Conference the Conservative Party was trying to strengthen its provision by introducing certain clauses in the Government of India Bill which could have no other purpose except to restrict the freedom of action of the Labour Party. Many of us used to question them as to why they wanted certain clauses to be introduced into the Government of India Act which apparently had no justification. They could give no reply, but everybody knew that what they were doing was really to forestall the Labour Government should it ever come into power, and prevent it from undoing what the Conservative Party wanted to do. If my learned friends want to adopt that policy, they are welcome to do so. We cannot prevent them. All I want to say is that this is a misuse of their power.

Let me at this stage make it clear, because I am likely to be misunderstood, that when I am protesting at the salary of Rs. 500 as being too low. I am not at all suggesting that the salary of Rs. 4,000 or Rs. 3,000 which was suggested by the Interim Ministry was a standard salary. Nobody need draw that conclusion, because I am not going to say that Rs. 4,000 or Rs. 3,000 is a proper salary. I bind myself to no figure. All I say is that Rs. 500 is not a proper salary for a Minister. The statement I have made will no doubt leave me open to the criticism that I am suggesting an extravagance. But I do not feel any embarrassment in making the suggestion that the salary ought to be more than that fixed in the Bill. I am certainly not a recipient of the salary, if it was increased; and, so far as I can see the future, I do not think that I shall ever be a recipient of it.

*The Honourable Mr. B. G. Kher:* Do not despair.

*Dr. B. R. Ambedkar:* Well, I need not answer my learned friend. But his policy is what it is; he certainly has deliberately excluded members of the Scheduled Classes from his Cabinet.

*The Honourable Mr. K. M. Munshi:* They may not like Rs. 500 !

*The Honourable the Speaker:* Order, order.

*Dr. B. R. Ambedkar:* I do not feel any embarrassment in making this proposal, because I am not going to be a recipient of this salary. My motives are motives purely of public policy. Dr. Johnson said that patriotism was the last refuge of scoundrels. He could very well have said that politics also was the last refuge of scoundrels. And it is because I do not want that politics in India should become the last refuge of the scoundrel that I have risen to speak.

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†*Dr. B. R. Ambedkar (Bombay City):* Sir, I would just like to say a word to my honourable friend the Prime Minister, whether the whole of the difficulty could not be solved by putting in a lump sum rather than putting in all these different items. I am only suggesting it to him whether we could not then say that a consolidated salary of so much—Rs 750 per

†B.L.A. Debates, Vol. I, p. 279-80, dated 23rd August 1937.

month should be paid to a Minister. I am only suggesting for his consideration whether that would not solve the difficulty.

*The Honourable Mr. B. G. Kher:* Sir, I thought I had made clear what we had done in Poona, where there were four Government residences available. In Bombay also there will be Government residences available. Those Ministers as also the Speaker and the President who will get accommodation in Government bungalows will not need and will not be paid any allowances. There is no question of consolidating the allowances with salary. For residences which are available from the Government and which they occupy they do not get an allowance. If they have their own houses, whether they choose to occupy them or not is entirely left to them. But for the purposes of a house allowance, we consider that Rs. 100 per month is a reasonable provision. That being the position, I do not think it will be possible to consolidate the salary with the allowance. The arrangement that we have followed in Poona seems to have worked well; the arrangement in Poona was to divide the Government residences available, and I can assure the honourable member Dr. Ambedkar that we are now accommodating in one Government bungalow two or three Ministers where including the out-houses formerly only one Minister used to occupy it in solitary dignity. If we do the same thing in Bombay, after providing residences for the Ministers as also for the Honourable the Speaker and President, there will be some Government residences perhaps available for letting. Therefore, more retrenchment will follow as a result of the arrangement that we have in view.

*Dr. B. R. Ambedkar:* I am only trying to point out a way out of the difficulty which has been raised, namely, that the word "allowance" does not occur in the section of the Government of India Act which refers to the salaries of the Ministers. In order, therefore, not to give rise to any contention that an allowance has been fixed in addition to salary which may not be permissible under the Act, what I am suggesting to my honourable friend is that he might consolidate the whole thing and call it salary and drop the word "allowance" and thereby get out of the difficulty. Of course, we have yet to know from the Advocate-General whether the point raised has any substance in it.

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**\*ON PROBATION OF OFFENDERS BILL**

*Dr. B. R. Ambedkar (Bombay City):* Mr. Speaker, Sir, one notices that there is not much enthusiasm for this Bill because one does not see the same competition that is observable when other Bills are before the House, and when I rise, although I am desirous of making reference to only one section, I also confess that I do not feel any very great enthusiasm for this Bill, and that, I submit, is very natural, because the Bill does not touch any problem which can be said to be either grave or urgent. It touches a very small problem. The Bill, I am told, follows very closely an English statute. I do not know whether the English people who are made subject to the statute which is taken as a model for this Bill have derived any benefit which may be called to be considerable, but I trust that the Honourable the Home Minister has examined the position carefully and has evidently come to the conclusion that the benefit arising from this Act in the country in which it is now prevailing, is certainly so considerable that we ought also to follow it by similar legislation in our province.

Sir, I have nothing to say with regard to the detailed provisions contained in the Bill, and I say at the outset that reading the Bill as it is, I think there are principles embodied in this Bill to which I can lend my support. There is only one clause about which I feel some trouble and which I would like to place before the Honourable the Home Minister for his consideration, and that clause is clause 6. Clause 6 seems to me to embody a principle which may become in its operation somewhat oppressive, to use a very mild expression. The latter part of clause 6 says :

“and if the offender is under the age of sixteen years, and it appears to the Court that the parent or guardian of the offender has conduced by his neglect or in any other way to the commission of the offence, the Court may order payment of such damages or compensation and costs by such parent or guardian.”

It seems to me that this may rightly involve a great deal of oppression as against the parent or guardian. My learned friend the Honourable the Home Minister will agree that the words “neglect” and “negligence” are

\*B.L.A. Debates, Vol. 2, pp. 425-26, dated 20th January 1938.

the vaguest of the vague words, and it is very difficult to give any positive definition of what is negligence and what is not negligence. If I may refer to what happened during the course of the Civil Disobedience Movement, I think it will give an analogy by which it might be possible for my honourable friend to realise the difficulty which I feel. I believe it is true—I will stand corrected if I am told that I am wrong—that during the Civil Disobedience Movement many civil servants who were in the service of the State and whose children had taken to the Civil Disobedience Movement, were brought under disciplinary action on the ground that they had not justified their duty to the State by seeing that the children did not follow the movement which was subversive of the Government of the day. I think I am right in saying that members who are now sitting opposite did take great objection to that principle, because, if I understand them correctly, their contention was that no parents could be responsible for the conduct of their children, especially if the conduct involved the holding of a certain opinion which may differ very legitimately from the opinion of their parents. My submission is that a child may develop criminal proclivities notwithstanding the fact that the parent has been as careful and as dutiful as ordinarily parents are; and unless the word “neglect” or “connivance” or “conducting” is properly defined, it seems to me that this Bill may lead to consequences which would be far greater than those which probably the Honourable the Home Member himself intends.

My honourable friend Mr. Bramble, who undoubtedly, as one sees from the speech that he made, has devoted special attention to the study of this problem, has pointed out that the English law contains certain anomalies, and that if the English law is to be taken as our model, we ought to take this occasion in order to see that the anomalies which are found in the English law are not introduced in the legislation that we are passing. I have every reason to believe that the statement that he has made is based upon the deepest study, and if that is so and the prestige of the Government does not come in the way, I would join in the request made by the honourable member Mr. Bramble that this Bill could very well be referred to a select committee, where all the points that may be raised either in favour of certain principles or against may be threshed out, so that the Bill may become as perfect as we in this House can make it. With these remarks, I support the first reading of the Bill.



**\*ON TOBACCO DUTY ACT  
AMENDMENT BILL**

*Dr. B. R. Ambedkar (Bombay City):* Sir, I should like to submit in reply to what the Honourable Leader of the House has suggested, that unless you uphold the principle that there is such a thing as waiver or estoppel, the discussion that my honourable friend Mr. Jamnadas Mehta wants to raise will be quite relevant under the rules of the House. With regard to the point raised by the Honourable Leader of the House, what I should like to submit is this, that the House may easily take the view that they have granted sufficient funds and more shall not be granted. I submit that would be a complete answer to the point raised by the Leader of the House. Therefore, there can be no estoppel or waiver on the ground that the House has granted supplies by adopting the other taxes which were discussed previously under the head "Finance Bill".

Then, Sir, the point I should like to raise is this. I think the issue is whether this is a Finance Bill or a Bill which merely regulates the administrative machinery for raising the tax. If this were a Bill merely providing for the machinery for raising the tax and laying down the mode and method of raising the tax, then I could quite understand the relevancy of the ruling to which you have referred. But it seems to me, looking to the statement of objects and reasons which is appended to the Bill, that this Bill is from beginning to end treated by the Government as a Finance Bill. The main object of the Bill is to raise additional revenue. The change in the machinery is merely secondary—to provide an instrument for raising the additional revenue. Additional revenue for the purpose of meeting the deficit caused by the prohibition policy of Government is the principal aim of this Bill. I shall just refer to one or two passages in the statement of objects and reasons:

"Tobacco is subject to substantial taxation in most countries. It is absolutely essential to develop this source of revenue in order to meet part of the loss caused by the new prohibition or anti-drink policy. In Bombay City duty on tobacco is levied under the Tobacco Duty (Town of Bombay) Act, 1857. Under the said Act there is already a substantial

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\*B.L.A. Debates, Vol. 3, pp. 336-37, dated 5th March 1938.

maundage fee; but the licence fee is nominal, and there is a great demand for licences which are frequently sublet. The Bill provides for raising the licence fee in Bombay from Re. 1 to Rs. 25 or Rs. 50, .....

That of course, leaves no doubt that this Bill is fundamentally a Finance Bill and not a Bill for the purpose of laying down a machinery for raising the tax. That is my submission. If it is a Finance Bill, then I submit, that the House has the right to discuss whether they should grant the supply to Government or not. With regard to the other point raised by the Honourable Leader of the House in regard to waiver, my submission is that it is perfectly open to the House to say : "Part of the supply we shall grant ; the rest we shall not."

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## \*ON INDEPENDENCE OF JUDICIARY

*Dr. B. R. Ambedkar (Bombay City):* Mr. Speaker, Sir, I rise to support this motion. Speaking as I do on this motion at almost the fag end of the debate and realising the fact that some time must be left for the Honourable the Home Minister to make his reply, I propose to be very brief in the statements that I want to make to this House.

Sir, the first thing that I should like to state, speaking for myself, is that the act which is the foundation of this censure motion certainly does not come to me as any matter of surprise. I look upon this as the culmination of a series of activities, which undoubtedly amount to law-breaking activities which the Government is guilty of ever since it has taken office. It is only part of a series, one act in the drama that is proceeding: we do not know when it will come to an end. The first act to which I should like to make a reference is certainly the act undertaken by the present Government of restoring the lands that were confiscated from the Bardoli peasants. (Interruption.) I suppose I shall have a hearing, because my time is limited.

*The Honourable the Speaker:* Order, order. Will the honourable member resume his seat?

I am afraid if the discussion is to be carried on these lines, it would be opening up an interminable field. The point at issue is not whether the Government does or does not deserve condemnation for any of their past acts, but whether the particular act which is the subject-matter of the present motion is or is not deserving of condemnation. The motion is taken as relating to a definite matter of urgent public importance, and the definiteness, which has been the reason for the motion being allowed, has to be followed in the course of the debate also. Otherwise, the very object of the discussion will be frustrated. I would, therefore, request the honourable member to confine himself to the definite act that is before the House.

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\*B.L.A. Debates, Vol. 3, pp. 420-24, dated 7th March 1938.

Mr. Jamnadas M. Mehta of Railway Unions moved an adjournment motion seeking adjournment of the House to draw public attention to the Government interference with the independence of Bombay High Court. The Government had suspended the sentences of two prisoners named Jadhavji and Dhirajlal after the High Court had rejected the application of prisoners.

*Dr. B. R. Ambedkar:* May I make this submission. Sir, there is a distinction between a reference by way of analogy and argument and going into the merits. If I were going into the merits of the restoration of the Bardoli lands, I would certainly be subject to the objection you have taken. But I do say, subject to your ruling, that I am not out of order in saying that this act is the culmination of a series of activities of the Government and in referring to one of the past acts of Government without going into the pros and cons of it. I agree to finish by 5-30.

*The Honourable the Speaker:* It is not a matter of the honourable member agreeing to finish it by a certain time. What I feel is that, there being a definite matter and the honourable member having been given leave of the House for discussing a certain definite matter, even a reference to other matters may tend to introduce other subjects. I, therefore, feel that I would not be right in permitting references to other subjects even in general terms. I have no desire to curtail the liberty of any member ; I do want all the points that can be urged in this matter to be brought out but I do not want to allow any references to other matters, which may be sins of commission or omission. It is not that I am anxious to finish earlier and therefore wish to exclude reference to those matters. The Honourable member is entitled to have his full say on the point before the House.

*Dr. B. R. Ambedkar:* In view of that, I am bound to confine my remarks to the matter before the House.

Now, Sir, with regard to the matter before the House, what I should like to state is this, that, first of all, we are not in possession of the facts of the case, except what we have learnt from the newspapers. We have no definite data, and I am informed that although an appeal was made to the Honourable the Home Minister, to let the House know exactly what the facts were, he has not done so. Therefore, I, along with other members of the House, am certainly suffering under a handicap. It may be that in the end, when the facts are disclosed, it will be found that this debate was either unnecessary or premature. But if the debate turns out to be futile and unnecessary, the blame for that must necessarily fall upon the shoulders of the Honourable the Home Minister, because it is he who has declined to take the House into his confidence and to state exactly what has happened. If he had done so, probably the honourable mover of the motion might have taken it back, probably other members might have said that they did not want to take any part in the debate. But, as I said, if this debate turns out ultimately to be a futility, the fault will be his.

Relying upon the facts as we have come to know from newspaper reports, what is the point that arises for consideration? It is said that the High Court had rejected the application of these men. The question is, why did the Minister allow it? The point it seems to me is a very narrow point,

namely, whether there was any justification which the House could accept as reasonable for suspending the sentence passed upon the two convicts. The Honourable the Home Minister might say that the High Court does not possess the powers of suspension and therefore it is quite irrelevant to urge whether the High Court wisely or unwisely refused to suspend the sentence. That is not the question. The question is whether the authority, the prerogative, vested in the Government for suspending, commuting or reducing sentences on prisoners who have been lawfully convicted has been properly exercised. The question is whether the discretion has been properly exercised. Now, Sir, in order to find out whether the exercise on the part of the Honourable the Home Minister of this prerogative has been properly exercised, it is necessary to eliminate certain probabilities. First of all, on the facts as they appear from newspaper reports, it is clear that these people, who indulged in this act of gambling on a vast and a colossal scale, were certainly not poverty-stricken people who were driven to these nefarious acts of gambling for the purpose of earning their bread. That certainly is not the case. From the facts as reported, these people were rich Banias. They possessed enormous capital; they had several companies or head offices in different parts of the city, in different parts of India, and they were carrying on their trade on a colossal scale. There could be, therefore, no justification in this particular case that they were unfortunate people who, by reason of their poverty, by reason of their adverse circumstances, were compelled to resort to acts of gambling. That is not the excuse that one can find, because the facts are totally opposed to that kind of inference. Secondly, there has been nothing suggested, at any rate in the reports that have appeared and in the application that was made in the High Court, that there was any other ground for this suspension. There is nothing to show that these two convicts were ill or suffering from any disease; there is nothing to show that there was any domestic calamity befalling their families which needed their freedom. That also we do not know from the facts before us, and that inference, again, has to be eliminated. Thirdly, the possibility that might be suggested was that they wanted to make an appeal to a higher tribunal. As against that hypothesis, it is quite well known, and the Home Minister knows it far better than I do—he is a much greater lawyer than I can pretend to be—that the Privy Council has laid down in hundreds of cases that they shall not admit any appeal from a criminal court in India unless it is shown that in the course of the trial, not the ordinary provisions of the Criminal Procedure Code, but the principles of natural justice have been violated. They have, in their own judicious way, absolutely limited the scope and the authority for entertaining criminal appeals. And there is not the ghost of a suggestion in this case that either the Chief Presidency Magistrate or the High Court, before whom the trial and the appeal respectively were conducted, was in

any sense guilty of violating the provisions of the Criminal Procedure Code or the principles of natural justice. I do not see any other circumstance which *prima facie* could make me believe that there was a reasonable cause which could have induced the Home Minister to suspend the sentence passed upon these people.

Then, Sir, I submit that there has never been a precedent at any rate to my knowledge, of ordinary convicts having their sentences suspended for any reason by any of the Home Members who have preceded the present Home Minister. And certainly no Government has ever accepted illness or a private difficulty as sufficient cause for the suspension of sentences which have been judicially passed by the highest tribunal in the province. It is, therefore, I submit, a most scandalous affair, unless some reasonable explanation is coming forth, that a Home Minister should have gone over the head of the High Court and suspended the sentence. He well knows—at any rate we know from facts that have appeared in the papers—that an application was made by the advocate who appeared on behalf of these accused in the High Court. The advocate made an application for the grant of special consideration for these people while they were in jail, namely, that they should be treated as B class prisoners. I am also told that an application was made by the advocate who appeared on behalf of the appellants that their sentences should be suspended for the time being. Both these applications were rejected. The very same applications—at any rate, one of those applications has been granted by the Home Minister. Sir, there could be no surer way of bringing law and order into contempt than the act of which the Home Minister is guilty. I have no hesitation in pronouncing that opinion. I would like to ask the Honourable the Home Minister whether an act of this kind which *prima facie*, on its very face, does not bear a satisfactory explanation which could carry conviction to the mind of the people, is not likely to create a suspicion about the integrity and honesty of the administration of this Province. Sir, I would also like to ask a further question in this connection and that question I want to put to the Honourable the Prime Minister. The question is this : Was this order passed with the knowledge of the Prime Minister ? Was this order passed with the knowledge of the Cabinet or was it passed only by the Honourable the Home Minister ? Sir, I ask these questions for a very great reason. We are entitled to suppose, although we have no positive evidence on this point that under the new Act the Congress Cabinet is working as a collective body with a collective responsibility; and, therefore, I am entitled to presume that this matter was placed before the whole of the Cabinet and if not before the whole of the Cabinet, at any rate, before the Prime Minister who, in the eye of the people, is the person who is solely responsible for the administration of this Province. I am particularly bound to make this

reference and ask these questions because I treat this as a very grave matter. Suspension of sentence passed upon a convicted person is certainly a violation of the law and I submit that so grave an act involving such serious consequences to the administration of justice, to the welfare of the people of this Province, could not have been carried out without the knowledge of the Prime Minister. I am presuming this and I would like to know whether my presumption is correct and I hope I will receive an answer to my questions. (Applause.).

*Mr. W. S. Mukadam:* May I know, Sir, whether any drink is allowed in the House? I bring to your notice one fact that when the Town Planning Act was being discussed, I raised a point of order when Mr. Mirams was speaking and Sir Ibrahim Rahimtulla gave a ruling that no drink was allowed in the House. Then Mr. Mirams asked whether water was allowed, and the President said that even water was not allowed.

*The Honourable the Speaker:* I think it is better to have the convention of having nothing in the House by way of a drink, by which I mean pure water and nothing else. (Laughter.).

*Mr. W. S. Mukadam:* Mr. Mirams asked the question whether water was allowed in the House or not, and the President said that even water was not allowed.

*The Honourable the Speaker:* The Honourable member (Mr. Mukadam) raised a point of order with reference to “drink” which is capable of many meanings and therefore I restrict myself to the meaning of the word “drink” in the sense of drinking water. I believe the honourable member (Mr. Mukadam) raised the point with reference to the honourable member Dr. Ambedkar who had just a sip, before his speech, to keep him up.

*Dr. B. R. Ambedkar:* Sir, may I explain? I am suffering from indigestion. Under medical instructions, I do not take any food for two days—Saturday and Sunday, and on these I am not allowed to drink water even. My condition on Monday is, therefore, of great exhaustion, and, unless I had taken a sip of water, I could not have made a speech. If I have offended against the rules of etiquette of the House and against decency, I apologise to the House.

*The Honourable the Speaker:* Now that the honourable member Dr. Ambedkar has given an explanation, I do not think anything more remains to be done in this matter, except the removal of glass from the table. (Laughter).

## \*ON CREATION OF A SEPARATE KARNATAK PROVINCE

*Dr. B. R. Ambedkar (Bombay City, Byculla and Parel):* Sir, I am entirely in agreement with what has been stated by my honourable friend Sir Ali Mahomed Khan Dehlavi and I think the view that you have come to on this point, if I may say so with respect, is correct. I should like to draw your attention to Rule 22, sub-rule (2), which reads :—

“The Speaker may disallow any Resolution or part of a Resolution on the ground that it relates to a matter which is not primarily the concern of the Provincial Government, and if he does so, the resolution or part of the resolution shall not be placed on the list of business.”

I submit, therefore, that this resolution deals with a problem which is not primarily the concern of this provincial Government in so far as it recommends that certain areas which are now a part of the Madras Presidency shall be separated, which I submit is beyond the jurisdiction of a Provincial Government. But, Sir, coming to section 290, to which reference has been made by my honourable friend Mr. Jog, I should like to draw your attention to the fact that that section 290 of the present Government of India Act is analogous to section 52A of the Government of India Act of 1919. Comparing section 52A of the Government of India Act, 1919, with section 290, one finds a very radical and a very deliberate change made. Under the old Act, section 52A laid down that if any new Province was to be created, it was permissible for the local Legislature to pass a resolution to that effect and to communicate it to the Governor-General, because, Sir, as you will recall, under the old Act of 1919, the authority to create new Provinces was vested in the Governor-General, and before the Governor-General could take any initiative under section 52A, it was open to the Provincial Legislature to pass resolutions conveying their sentiments on this matter. Section 290, as I stated, involves a deliberate change. It takes away the power from the Governor-General of constituting new Provinces from the old. It gives the power to the Secretary of State, practically to His Majesty in Council Secondly, it takes away the power of initiative from the local Legislature. The power of initiation, as I see under section 290, is given to

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\*B.L.A. Debates, Vol. 3, pp. 1692-93, dated 4th April 1938.

the Secretary of State. After the Secretary of State decides to constitute new Provinces, then before tabling an Order in Council to that effect, he is required, an obligation is imposed upon him by section 290, to consult the Legislatures affected by the order. It is then only that it would be permissible for any Provincial Legislature to discuss a resolution of that sort, notwithstanding the fact that the resolution affected areas which were not included within the Province. If this resolution was referred by the Secretary of State to this House, I submit then and then only it would be permissible for this Legislature to consider whether Karnatak should be separated and certain areas which are not part and parcel of this Province should be incorporated in it or not. Unless that step has taken place, unless the matter has been approached by the Secretary of State, I submit this Provincial Government, the Provincial Legislature cannot deal with a resolution which evidently deals with a problem which is beyond the scope and authority of this Legislature and beyond the scope and authority of this Provincial Government I submit therefore that the view which you have taken is a perfectly proper view both under the rules and also under section 290 of the Government of India Act.

*The Honourable the Speaker:* I would like to have one point made clear. I dropped the suggestion so far as the inclusion of the words "Madras and Coorg" are concerned. The argument advanced by the honourable member Dr. Ambedkar seems to go further and says that any resolution dealing with the creation of any new Province or changing the boundaries of any Province cannot be taken up at all in any Provincial Legislature, because the Legislature has not got the power to take the initiative in that respect. That is what I understand the argument comes to.

*Dr. B. R. Ambedkar:* Yes, Sir.

*The Honourable the Speaker:* His point of order then really makes no difference between the inclusion of Madras and Coorg. If nothing can be discussed, then the inclusion of Madras or Coorg makes no difference. His point goes to the very root of it. There is one difficulty in that connection: the power of initiation is given under certain limitations or rather it is to be exercised under certain limitations. But a Legislature expresses its opinion with a view to move the Government which has got the power to initiate proceedings. Is there anything in section 290 which debar a Legislature from making a request for taking the initiative? It is not that this Legislature by its resolution or its action is going to initiate proceedings in the sense of an actual separation. If the word "initiative" is used, in another sense, it will initiate by making a request. But is it debarred even from making a representation under the terms of section 290? On that point, I am afraid I am not inclined to agree with the learned Doctor.

*Dr. B. R. Ambedkar:* I take exactly the same view, that this House is debarred. The fact that explicitly or expressly the power to take the initiative has been given to the Secretary of State in itself would show that the initiation has been taken out from the Legislature, and I say, comparing

section 52A of the old Act with section 290 of the present Act, the situation seems to be absolutely clear. This fact was considered at the time by the Simon Commission and by the Round Table Conference, and they came to the conclusion that the only Provinces which satisfied the conditions for separation were Orissa, Sind and North-West Frontier Province. They did not leave the initiative to the Provincial Legislature.

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†*Dr. B. R. Ambedkar (Bombay City)*: Mr. Speaker, Sir, I rise to oppose the resolution moved by my honourable friend Mr. Jog. The subject of this resolution is undoubtedly a matter of great moment. I wonder how many members of this House will be prepared to consider this resolution, without importing into the discussion any sentiment or feeling. I think I, as representing the Scheduled Classes, probably have an advantage over other members of the House. If I may say so, I do not say figuratively but as a matter of most genuine feeling, that we representing the Scheduled Castes take no pride either in being Maharashtrians or Gujaratis or Karnatakis. For reasons which I need not enter into on this particular occasion, there are very many reasons why we think that this is not our land. However, I am using the argument in order to show to the House that by circumstances, I am capable of taking a dispassionate view, at any rate I am making a very serious attempt to take a dispassionate view, of the situation that has been presented to us by this resolution. Sir, it would be necessary and desirable for members of this House to bear in mind one fact which I think is of supreme importance. This Presidency of Bombay was, before the Act came into operation, composed of four different units—Gujarat, Maharashtra, Karnatak and Sind. This joint family has not been of recent origin. Karnatak, Maharashtra and Gujarat have been together for the last 115 years. Sind was with us for nearly 90 years. Sind has been separated. It is a matter past which we need not dig up now. I mention this fact that we have been living together for the last 115 years only to emphasise the fact that those who want that this unity be sundered, that these three parts which are together be now separated, must consider this matter in a much more serious way and not on grounds which are purely sentimental.

The first thing I propose to consider is this. Our friend who has moved this resolution has given expression to the view that the proposition is only a part of the larger whole, the ideal being the unification of all Karnatak people, that this resolution is merely a step in that direction. Now, Sir, the question that I would like to ask on this aspect is this. Is it likely that this ideal, if my honourable friends will allow me to say this dream, could be realised, the ideal of all the Kanarese speaking people coming together? I have no doubt that this is a dream which can never come true, and the reason for my saying so is this. In a book which has been circulated, at

†B.L.A. Debates, Vol. 3, pp. 1717-23, dated 4th April 1938.



any rate I have been fortunate in securing a copy of it, and which is called "A case for the unification of Karnatak"—I take it that it is a publication of the association which is responsible for this move—I find a statement on page 22 from which it is quite clear that a portion of the Kanarese-speaking people are included within the boundaries of Indian States. Having regard to this fact, the question I would like to ask my honourable friends who are supporting this motion is this : Is it possible to get out from the jurisdiction and sovereignty of the Indian States the Kanarese-speaking people so that they can become part of the autonomous Kanarese-speaking Province ? I agree and grant that it is possible for the authorities who are responsible for the administration of British India to persuade the Madras Presidency or other administrations which are subject to British law to part with such territories which consist of Kanarese-speaking people, so that all of them will be consolidated together under one common administration. But I fail to understand how it would be possible for any body to get Kanarese-speaking people who are now living in Indian States, as it is, to have their allegiance transferred from the States to any British Indian Province. The only conceivable situation in which I think that issue can be successfully thought out would be the transfer of some territory from British India to the Indian States in exchange for the territory occupied by the Kanarese-speaking people. Now, I wonder whether any body of people who are living under the constitution given by the Government of India Act would be prepared to go within the jurisdiction of the Indian States, so that the Indian States may agree to transfer the Kanarese-speaking people from their domain ? I see no prospect and, therefore, I ask those of the honourable members who are in charge of this resolution to consider if my submission is correct, namely, that it would be only possible for them to fully realise their ideal, namely, to have all the Kanarese-speaking people included in one common autonomous Government : Is it worth-while for them to separate a few Kanarese-speaking people occupying a few districts in British India and constitute it into an autonomous Province ? If I may say so what is the use of taking a step, if we know before hand that the step is not going to lead to the ultimate goal ?

Therefore, I will now turn to the second consideration. If it is not possible to realise the ideal of unifying all the Kanarese-speaking people by bringing them under one common autonomous rule, the question that arises in my judgment is this : Has there been any handicap, has there been any difficulty. in the matter of Kanarese-speaking people recouping or having all the advantages which justice can give them in this what I may call, the polyglot administration ? I personally do not see that the Kanarese-speaking people are suffering any handicap in the matter of administration in this polyglot province.

Now, Sir, I have examined this question from two different points of view. First of all, I take the question of the distribution of offices under the new Government. Have they suffered in that way ? Have they obtained less than what was due to them ? The second thing that I take by way of test is this : Have they obtained less representation in this House than what they are

entitled to? Now, Sir, I take these figures, and, in taking these figures, I am leaving out of consideration composite territories, such as, for instance, the City of Bombay, which is really neither wholly Marathi-speaking nor wholly Gujarati, nor wholly Kanarese. I am leaving such areas aside; I am also leaving out of consideration the seats that are assigned to special interests, and I find these figures. So far as population is concerned, the Marathi-speaking population numbers 9,868,795—in Marathi-speaking, of course I include everybody, Hindus, Mussalmans and Scheduled Castes; I am only taking the linguistic basis—the Gujarati-speaking population number, 3,422,139; and the Kanarese-speaking people number 3,266,223. Now, the position regarding seats in this House is this. On a purely population basis, taking that the 81 seats which have gone to the Marathi-speaking people as the standard, as the norm, by which to judge, I find that the Gujarati-speaking people should have got 27 seats. The Kanarese-speaking population, according to the book that is circulated, is 12 per cent. of the total, and on that basis, they were entitled to 21 seats. How many seats have been obtained by them in fact? The Gujarati-speaking people have obtained 31 seats, when, as a matter of fact, they were entitled only to 27 seats. The Kanarese-speaking people have received 28 seats, when, as a matter of fact, they were entitled only to 21.

Now, coming to the offices. Taking the two Houses together there are 16 places. Now, on the basis of the ideal number of seats which each section was entitled to on the basis of its actual population, the Marathi-speaking people were entitled to 196, the Gujarati-speaking people were entitled to 3.3, and the Kanarese-speaking people were entitled to 3.1. Taking the distribution of offices on the basis of the actual number of seats obtained, irrespective of the question whether that was the right quota or not, the Marathi-speaking people's quota was 9.3, the Gujarati-speaking people's quota was 3.6, and the quota of the Kanarese-speaking people was 3.1. As a matter of fact, what has been the distribution of offices? Six have gone to the Marathi-speaking people; 6 have gone to the Gujarati-speaking people. and 4 have gone to the Kanarese-speaking people.

Sir, as I said, I take no pride in being a Maharashtrian, but the fact remains—and when I use it, I do want to caution the House that I am not citing it by way of complaint, that is not my object; I am citing it merely to point out a fact—the fact remains that the minority people, namely, the Gujarati-speaking and the Kanarese-speaking people, have not been done any injustice either in the matter of seats or in the matter of offices. Before this matter was discussed in this House, I told my honourable friend Mr. Jog quite plainly that if he proved to my knowledge and to my conviction that the Karnatak people suffered in any way—either they did not receive adequate and just representation in this House or that they did not receive sufficient representation in the Cabinet—they could always depend upon my support. I am always prepared to do this. But, Sir, taking these figures—I have devoted the greatest care to the study of this subject; these are figures

quoted from official data—speaking for myself at any rate, I do not see that the Karnatak people have suffered in any way by their remaining within the presidency of Bombay.

Now, Sir, coming to the other argument, the question, which, I think is important, and which not only I on this side but those friends who are responsible for this resolution are bound to consider, is the financial question. Is it possible for this newly constituted Kanarese-speaking province to maintain financially the standard of expenditure which is accepted in modern times by every civilized Government? That, I think, is a very important question. Friends on the other side who have spoken in support of the resolution have drawn the attention of the House to a complaint that in the past Karnatak has suffered enormously by negligence on the part of the Government of this province.

*The Honourable the Speaker:* I would only just invite the attention of the honourable member to the time-limit

*Dr. B. R. Ambedkar:* If you, Sir, ask me .....

*The Honourable the Speaker:* I do not like to interrupt the honourable member in the middle of an argument, but I would only remind him of the time limit for speeches, so that he might put forward his arguments in a nutshell.

*Dr. B. R. Ambedkar:* With regard to this question of finance, what I should like to say is this. In the book which has been circulated, we have been given certain figures. In Appendix B we are told that the total expenditure of the new Kanarese-speaking province would be about 2 crores, and the total revenue would be 2,57 lakhs. Now, I do not know how far the figures given in this appendix include what are called the overhead expenses of carrying on the administration of a province. What I find here are merely sums under certain heads of revenue and expenditure. I do not find anywhere here the expenditure that would be necessary to be incurred on paying a salary to a Governor; to his private staff; to the Secretaries; to the Ministers, to a Director of Public Instruction, who would be necessary; to an Inspector-General of Police; to a health officer—all those superior officers who are necessary for keeping the administration on the run.

*Mr. V. N. Jog:* You will find these figures in Appendix B in the other book.

*Dr. B. R. Ambedkar:* May be But, Sir, assuming now for a moment that this is going to be the budget, and as framed here there is to be a surplus of some 5 or odd lakhs, the question that I would like to ask is this: Is this revenue going to be sufficient for providing all that a modern administration must provide? If my honourable friend were to acquaint himself as to what the revenue of the Bombay Municipality is, he will find that the revenue of the new Province will not be even half the revenue of the Bombay Municipality. The revenue of the Bombay Municipality is Rs. 4 crores, and even with the 4 crores the Bombay Municipality is not able to do all that a modern Government should. I really ask—and I am very serious

in saying this—whether this is no consideration which ought to prevail. My learned friend has quoted in the course of this debate a speech delivered by the Prime Minister of Orissa where he has stated that he was very glad that all the limbs have been brought together. I wonder what my honourable friend would say if I stated to him that it is not quite so important to bring limbs together as to provide food for them. This is a question which has to be considered. Sir, I do say and I say that with, all the emphasis, it is a most heart-rendering thing in this country to see these people cut up into small bodies with revenue no more than that of an ordinary local board. The separation of the Province might satisfy the ambitions of a few people who want to figure as the heads of the Province but what about the rest of the population who need to be fed, who need to be clothed, who need to be housed? None of us can tolerate this kind of thing. I do say that with all emphasis. Sir, after all, what are these districts? Two of these districts are famine-stricken. The whole of Bijapur is a famine-stricken district The whole of Bellary also I am told is famine-stricken. What revenue does he expect to get from the famine-stricken area? Merely by separating from the Bombay Presidency is that going to be a milch cow?

Then there is another question to which I advert and it is this: I being a member of a minority, I am bound to consider these things from the standpoint of the minority. I am very glad that several members who spoke in favour of the resolution did give us an assurance that the interests of the Muhammadans and the interests of the Harijans will be looked after. But I do want to say this, that along with dismemberment of these Provincial areas there is going to be a dismemberment of the minorities. I cannot forget the fact that in the Karnatak we have only two seats. I am sure that those members of the Scheduled Classes who come from the Karnatak must be feeling that their strength lies in the fact that there are 13 members from other parts of the Presidency to look after them. What is to happen to them? I am sure, for instance, the Muhammadan community has got about 8 seats from the Karnatak.

*Sir Ali Mahomed Khan Dehlavi:* Only four.

*Dr. B. R. Ambedkar:* Very well. I won't argue as I am rather pressed for time. But we cannot allow this kind of dismemberment. It is very good for the members of the majority community to say that they will be generous and they will be kind. We cannot depend upon their generosity and upon their kindness. We want rights and rights cannot be given in a generous way. To a community which after all on a purely population basis forms only a microscopic minority, even supposing they were prepared to give weightage, what weightage could they give to a population which is about a few lakhs? This is one of the points on which I oppose this resolution. This dismemberment I am not prepared to accept Our strength lies in a polyglot administration. I do not want to say, but I have my fears that if Karnatak is created as a separate Province, it would be a Province of all the Lingayats against everybody else. I am not mincing matters, but if, for instance, there

was separation there would be a combination of the Marathas against the Kanarese, we don't want this kind of thing—and there cannot be a common front which we at present enjoy.

Then there is one other thing I would like to draw the attention of the House to—and with this I want to close—and that is I know there are people probably who would not agree with me but that is my conviction that the British, whatever they may have done in the course of history, whatever they may have failed to do—and there are many things which they have failed to do, which their self-interest probably did not permit them to do—have done two things which I am generous enough to admit as being two monuments of their rule in this country which will survive even when they go away. The one thing that they have done for us is a common code of law. You can travel from Kashmir down to South India and know that murder is the same thing whether you commit it in Kashmir, Punjab and the North-West Frontier Province, or whether you commit it in Rajah-mundry in Madras. You know what Transfer of Property means ; you know what evidence means wherever you go. Sir, I say such a thing we did not have. The other thing that the British have done is that they have given us a common Central Government Such a thing we did not have before. The importance of this fact of having a common Central Government is not probably realised by all But I think it is a very crucial fact If today we are on the way of building a common nation, a spirit of nationality, a feeling that we are all one, it is due to the fact that we have a common Government ; it is due to the fact that we realise that we are citizens of a common Government.

Sir, I would plead with the members of this House that they should do nothing whereby they would impair these two advantages which we have secured. Personally myself I say openly that I do not believe that there is any place in this country for any particular culture, whether it is Hindu culture, or a Muhammadan culture, or a Kanarese culture or a Gujarati culture. There are things we cannot deny, but they are not to be cultivated as advantages, they are to be treated as disadvantages as something which divides our loyalty and takes away from us our common goal. That common goal is the building up of a feeling that We are all Indians. I do not like what some people say, that we are Indians first and Hindus afterwards or Muslims afterwards. I am not satisfied with that, I frankly say that I am not satisfied with that. I do not want that our loyalty as Indians should be in the slightest way affected by any competitive loyalty whether that loyalty arises out of our religion, out of our culture or out of our language. I want all people to be Indian first, Indian last and nothing else but Indians and therefore, I say, that this is a resolution which directly runs counter to this ideal. Sir, this is an ideal which we ought to cherish very zealously. I can quite understand that in a country like America, in a country like Germany, in a country like Europe, where the feeling of oneness is solidified, where there is no need to make anybody feel that he is not

a German to tolerate anything that is of a separatistic character, but where the feeling that we are Indians is still in its embryo, is only beginning to ripen, to allow other loyalties, feeling of culture, feelings of nationality to grow simultaneously—I say deliberately—is the greatest crime that we can commit and I, for myself, will not be a party to it and I strongly, very strongly, oppose this resolution. (Applause.)

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**\*ON THE ASSEMBLY PROCEDURE**

*Dr. B. R. Ambedkar (Bombay City):* Sir, with regard to this amendment I would like to draw your attention, first of all, to section 73, sub-clause (2), in the Government of India Act and my first submission is that this rule, in view of section 73 sub-clause (2) would be *ultra vires* of this House. Section 73 says thus :

“(1) Subject to the special provisions of this Part of this Act with respect to finance Bills, a Bill may originate in either Chamber of the Legislature of a Province which has a Legislative Council.

(2) A Bill pending in the Legislature of a Province shall not lapse by reason of the prorogation of the Chamber or Chambers thereof.”

I submit, therefore, in view of the provision contained in sub-clause (2) of section 73, it is not competent for this House to make a rule that a Bill shall lapse after two Sessions or even after the lapse of one year, as has been suggested by the amendment suggested by my honourable friend Mr. Gupte. That is my first submission with regard to this rule.

My second submission with regard to this rule is that this rule is inconsistent with rule 19 already passed by this House. Rule 19 says : —

“On the prorogation of a Session, all pending notices shall lapse except those in respect of questions, statutory motions, motions for amendment of Rules, motions the consideration of which has been adjourned to the next Session, under Rule 34, and Bills which have been introduced.”

Therefore, motions with regard to Bills have been saved by rule 19, Rule 19 does not apply and my submission is that in view of the fact that the House has already passed rule 19, it cannot now proceed to adopt either rule 103 or the amendment that has been suggested.

My third submission is that assuming that this House has the authority to pass this rule and the amendment proposed, notwithstanding the fact that there is a clear provision of sub-clause (2) of section 73 of the Government of India Act and notwithstanding the fact that this House has already passed rule 19, it seems to me that this rule is really unnecessary. This rule says that “if no motion is made”; I find no definition of the word

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\*B.L.A. Debates, Vol. 4, pp. 1062-65, dated 10th September 1938.

“motion” anywhere here. What I would like to submit is that no person would be in a position to make another motion unless the Bill is called on by the Secretary. That means that the Bill must be on the agenda. Secondly, it must be on the order paper; and thirdly, it must be called on by the Secretary. My submission is that no member who is in charge of a Bill should be penalised by this motion as he would be unless the Bill has been called on by the Secretary; otherwise my submission is that there would be no default.

*The Honourable the Speaker:* That would be more or less an argument upon the merits of the rule.

*Dr. B. R. Ambedkar:* That is what I said. This was the third consideration. The first two were .....

*The Honourable the Speaker:* I think I may first dispose of the first two and then the honourable member may address his argument with regard to the difficulties as an argument on merits.

Two points have been raised, the first of which is that it is not competent for this House to frame a rule of this type in view of the provisions of section 73 of the Government of India Act. I had considered this aspect because this objection was suggested by the Honourable the Prime Minister when rule 103 was taken up for consideration last time. Sub-clause (2) of section 73 provides that a Bill pending in the Legislature shall not lapse by reason of the prorogation of the Chamber or Chambers. It is undoubtedly provided that it shall not lapse by reason of prorogation, but it does not mean, therefore, that a Bill can never lapse for reasons other than prorogation. What the rule purports to provide is that after a certain period, irrespective of prorogation or otherwise, a Bill shall lapse. There may have been possibly some room for doubt if the phraseology had been “two complete Sessions”. But when a specific period is sought to be provided, namely, a period of one year, as under this rule, as is now proposed, a Bill may lapse even while the Session is going on. So prorogation of a Session is not the reason for the lapsing of a Bill under the rule as proposed.

I am not dealing with the merits. I am only dealing with the constitutional aspect. The rule as proposed requires that although a Bill may be shown on the agenda and the House may be in Session, still the moment the period of one year is completed, it will automatically lapse without the Session being prorogued. Therefore, to my mind, sub-clause (2) of section 73 of the Government of India Act, is not a bar to the making of a rule as proposed by the amendment.

Then the second objection is raised as regards—

*Dr. B. R. Ambedkar:* May I draw your attention to one fact, Sir? My submission is, if the word “only” was there, then the construction you propose to put upon it would be proper.

*Dr. B. R. Ambedkar:* Sir, with regard to the amendment proposed, what I would like to submit is this. I have not heard any particular reason



as to why there is a necessity of making this rule 103. What harm would there be if a Bill did remain on the agenda without it having been discussed? If it could be shown that some harm or some inconvenience would be caused by the Bill remaining on the books of the House without it being discussed, then I can quite understand that some necessity was there for a provision such as the one that is contained in rule 103, but I have not heard anything as to what harm and inconvenience would be caused. And my second submission is that this rule as it is framed, and also the amendment, takes away the right of a member to continue the Bill although there is no default on his behalf. The wording is "if no motion is made". That is what the wording is. But my submission is that a member may not be in a position to make a motion because the Bill has not been reached, because the Bill has not been on the agenda or because it has not been called out or for various other reasons, and I think it would be a great hardship if a member was deprived of moving a particular piece of legislation simply because by reason of other exigencies and other reasons he has not been able to make a motion with regard to the Bill. And, therefore, I think that unless some such further amendment is added such as "even though called on by the Secretary", I think this rule would involve a great deal of hardship and I, therefore, oppose the amendment in the terms in which it has been moved.

*The Honourable Mr., B. G. Kher:* Sir, the situation is rather complicated because the honourable member was not here either when the rule was moved or when the amendments, including the one which he now wishes should be adopted, were fully discussed in a committee. Before, therefore, I apply myself to reply to his objections, I should like to know what those who have discussed this rule with me have to say because only last night the amendment was agreed upon by all. The honourable member Mr. Ali Bahadur Khan was there and he had put before the House an identical amendment, namely, add the words "though called upon to do so". That is the honourable member Ali Bahadur Khan's amendment and we all discussed the merits of the several proposals and came to the conclusion that ultimately this was the best solution. The constitutional objection which the honourable member pointed out was also present to our minds. Our misfortune is that the honourable member comes to the House only occasionally and then not knowing of the situation he is not in a position to take up the thread of the events that have happened before. I do not, therefore, propose to address myself to the merits of what he has suggested by way of adding to the amendment that has been moved. I would only give him the principle which has made it necessary to include this rule in the present rules and also point out that, in the old rules as they stand, we had a similar provision. It says :

"If the member in charge makes no motion with regard to the same

during two complete sessions, the Bill shall lapse, unless the Assembly on a motion by that member in the next session makes a special order for the continuance of the Bill.”.

*Dr. B. R. Ambedkar:* Does the Honourable the Prime Minister remember that that was consistent at the time, because there was no such provision as I have pointed out in the old Government of India Act ?

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**\*ON THE INDUSTRIAL DISPUTES BILL**

*Dr. B. R. Ambedkar (Bombay City):* Mr. Speaker, Sir, I rise to oppose the first reading of this Bill. In rising to speak I am very much conscious of the handicaps under which I am labouring. I regret I have not been here to listen to the speeches that have been made by my predecessors who have spoken on the Bill. It is a misfortune which unfortunately I have not been able to escape. My work elsewhere has not permitted me to be here and to benefit myself by listening to points made by the previous speakers. I am also labouring under the handicap that so many speakers have preceded me and the debate has gone on for such a long time that I am wondering whether there is anything left for me to say at this fag end. But I take courage, if I may say so, that in a Bill of such a character, so vast, so extensive—it has 84 clauses—there might be much on which even a member rising to speak at the fag end may find something to say. My honourable friend Mr. Jamnadas Mehta, I think, very correctly described that this Bill was of such a vast character that even if Sheshashayi were to undertake to write about it and even if the ocean was available as ink and the earth as paper to write upon, he would probably not find it sufficient to cover the whole Bill. Knowing these limitations I propose to be very concise.

In order that this Bill may be understood, I think it is necessary to read its provisions in the light of the previous legislation. I believe and I think it will be readily agreed that the importance of the clauses of this Bill will not be apparent unless we compare and contrast its provisions with the provisions of the previous legislation. The last clause of the Bill makes it amply clear that this Bill is intended to replace the Bombay Trade Disputes Conciliation Act of 1934, and the question therefore that primarily arises for consideration is whether any case has been made out by the Prime Minister, who is in charge of this measure, for the change which he is now introducing by this Bill. The Act of 1934 was intended to provide a machinery for conciliation. The principle of the Act of 1934 was voluntary conciliation. Now this Bill introduces a change, namely,

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\*B.L.A. Debates, Vol. 4, pp. 1330-59, dated 15th September 1938.

that the conciliation shall be compulsory, and the question, I submit, that arises for the consideration of the House is whether any case has been made out for altering the voluntary provision of the Act of 1934 and giving it a compulsory character.

Now, taking the year 1934 and the conditions as they were in that year as the standard by which to measure the necessity for introducing compulsion, I desire to refer to certain facts which are relevant and important. The first fact that I would like to draw the attention of the House to is this, that the original Bill introduced by the Honourable Sir Robert Bell in 1934, which subsequently became the Act, contained provisions for compulsory conciliation. But at the time of the introduction of the Bill, at its very initial stage, the mover of that Bill was impressed by the fact that the circumstances existing in the year 1934 did not require compulsion in the matter of conciliation, and consequently, he of his own accord, at the very outset, at the first reading of the Bill, in his opening speech made a proposal that he was going to bring forward an amendment in order to substitute the word "may" for the word "shall". That, I submit, is proof of the fact that in 1934 the Honourable Sir Robert Bell did not feel any necessity for introducing compulsion in the matter of conciliation. There was in the House at the time when that Bill was introduced my honourable friend Mr. Saklatvala, who represented the Bombay Millowners. He too in the year 1934 did not demand compulsion in the matter of conciliation. On the other hand, in the speech which he delivered at the first reading of the Bill, he was lukewarm in his support of the Bill, for he went to the length of saying that the Bill normally was unnecessary. That was the view point that he had taken, and with regard to conciliation, he did not certainly press or demand any compulsion in the matter at all. What was happened between the year 1934 and the year 1938 which compels this House to alter the provisions of that Act, changing voluntary conciliation into compulsory conciliation ?

Now, in order to make out a case for compulsion, the Prime Minister started by giving us certain figures of strikes that have taken place in this country, in order to make out that the strikes that have taken place in this country, were so frequent and of such a grave character that the necessity had now arisen for changing the voluntary provision into a compulsory one. Now I have examined the figures of the strikes, the number of work-people involved and the number of working days lost. I have no hesitation in saying that I stand unconvinced by what the Honourable the Prime Minister seemed to say as a result of the figures relating to strikes. Turning our attention to the strikes that have taken place in the City of Bombay, I have here the March number of the *Labour Gazette* published by the Labour Office. On page 541 this number gives the figures of the strikes that have taken place in the Province of Bombay. From 1921 to 1937, it gives in column one the number of trade disputes. Secondly, it

gives the number of work-people involved ; and, thirdly, it gives the number of working days lost. Running one's eyes over these figures, I am sure any one would be able to see for himself that the industrial disputes far from increasing are diminishing year after year. For instance, in the year 1921, the industrial disputes in Bombay were 103 ; in 1922, there were 143 ; in 1923, there were 109 ; and between 1924 and 1927, they had fallen to 50, a drop of 50 per cent. Then, you get 1928 and the figure rises to 144. From 1929 to practically 1937, it varies between 88 and 53. I admit that the number of strikes that have taken place is no criterion for judging the amount of disturbance and dislocation that might have taken place in the industry. I find from the figures which are given in this table that there are cases in which although the number of strikes is small, the number of people involved is comparatively great and the number of hours lost are also comparatively great. But then taking the number of working days lost as the criterion, which is the only criterion, I find that the worst year was the year 1928 which resulted in 24 million working days being lost. The second worse year was 1925 when 11 million working days were lost ; and the third one was 1929 when 8 million working days were lost. But once you proceed further, beyond the year 1929, it will be found that the number of work-people involved and the number of working days lost and the number of strikes that have taken place after 1934, there is certainly nothing in the situation, so far as I am able to see, which can be said to create a situation which would cause anxiety to any Member of Government. The only bad year seems to be 1937 when 897 working days were lost. That is nothing as compared to the previous year. I am told that this happened because there was a general strike in the City of Ahmedabad which lasted for 15 days. My first submission, therefore, is this. No case has been made out by Government and by the Honourable the Prime Minister which would induce, at any rate, this part of the House, at any rate induce me to consent to so radical a change in the provisions of the Act of 1934. So much for the necessity of introducing compulsory conciliation.

Turning to the other provisions of the Bill, the provision to which I wish to advert are the provisions relating to strikes which undoubtedly are the most important, which this part of the House, at any rate the party I represent, stoutly oppose. Now, the Bill makes strikes under certain circumstances illegal. The provisions declaring strikes illegal are contained in clause 62 of the Bill which is the most important clause in it. It says :

“62. (1) A strike shall be illegal if it is commenced or continued—

(a) in cases where it relates to any industrial matter mentioned in Schedule I, before the standing orders relating to such matter and submitted to the Commissioner of Labour under section 26 are settled by him or by the Industrial Court, as the case may be, or before the

expiry of one year from the date on which such standing orders come into operation under section 26 ;

(b) without giving notice in accordance with the provisions of section 28 ;

(c) only for the reason that the employer has not carried out the provisions of any standing order or has made an illegal change ;

(d) in cases where notice of the change is given in accordance with the provisions of section 28 and where no agreement in regard to such change is arrived at, before the statement of the case referred to in section 34 is received by the Registrar ;

(e) in cases where conciliation proceedings in regard to the industrial dispute to which the strike relates have commenced, before the completion of such proceedings ;

(f) in cases where a submission relating to such dispute or such kinds of dispute is registered under section 43, until such submission is lawfully revoked ; or

(g) in contravention of the terms of a registered agreement, settlement or award.

(2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a strike relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the completion of such proceedings”.

Then, in order to make this clause effective, the Bill prescribes certain penalties for indulging in illegal strikes. These clauses are 66 and 67. Clause 66 says :

“Any employee who has gone on strike or who joins a strike which has been held by the Industrial Court to be illegal shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both.”.

Section 67 says :

“If any person instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which has been held to be illegal by the Industrial Court, whether such strike or lock-out has commenced or not, shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months, or with fine or with both.

*Explanation.*—For the purposes of this section, a person who contributes, collects or solicits funds for the purpose of any strike or lock-out shall be deemed to act in furtherance of such strike or lock-out”.

Now, Sir, it has been said that these clauses are justifiable, because there is no such thing as a right to strike, and the Bill, therefore, in penalising what the labourers call the right to strike is certainly not contravening any rules of ethics or any rules of jurisprudence. Sir, my first

concern in this speech will be to refute that argument and repudiate that position. Now in order that I may make my position clear, I will begin from some very elementary propositions. First of all, let me make clear what we understand by the word "strike". What does it mean? It is better, I think, to understand the meaning of the term "strike". In plain, popular language, a strike is nothing more than a breach of contract of service. When a worker strikes, all that it means is that he commits a breach of contract of service: there is nothing more in it, and nothing less in it. And the next question that I propose to raise is this: how is this breach of contract of service dealt with by the law as it stands today on the Indian Statute Book? Does the Indian law recognise this right to strike or not? And, if it does, in what way; and, if it punishes, in what way does it punish it? Sir, here again, I will begin with an elementary proposition, and that elementary proposition is this: that an act or an omission may be a civil wrong, or it may be a crime. And the first question that I propose to raise—I really wish to deal with this matter exhaustively, because I do not want to leave any doubt at all as regards my position in this matter—the first question I propose to raise is: is breach of contract of service a civil wrong? The answer that the law gives is: Yes, it is a civil wrong. What are the remedies for an aggrieved person who has suffered this civil wrong? That would be the next question to follow on. There again the answer is that the present law provides two remedies for an aggrieved person whose contract has been broken by a workman, and those are damages and specific relief. Now, although the law does provide these two remedies, namely, damages and specific performance wherever there is a civil wrong, there is one provision which applies particularly to contracts of service. Whenever a man breaks a contract of service all that the aggrieved party is entitled to is damages; he can never seek specific relief, and the court can never give relief whereby it can compel a man to perform the contract of service which he has entered upon. All that the aggrieved party would be entitled to is damages. Sir, that is the position as far as breach of contract of service is concerned as a civil wrong. For this civil wrong the employer can get nothing more than damages.

Looking at this breach of contract of service as a crime, the question is: Is it a crime? What has been the provision of the Indian law so far as breach of contract of service is concerned? Sir, it is necessary, in the interest of clarification, to give to the House a little bit of history as to how this matter has been treated by our Indian law. The Indian law which first dealt with breach of contract of service was Act XIII of 1859; it was called the Workmen's Breach of Contract Act. This was passed in 1859, soon after the Mutiny or during the course of the Mutiny. I shall presently give to the House the reasons why this legislation was passed. Then, there

are provisions in the Indian Penal Code which also deal with this matter, namely, breach of contract of service as a crime, and those sections are 490, 491 and 492. With regard to Act XIII of 1859, that Act was of a limited application. It applied to artificers and artisans ; it applied to cases where artificers and artisans had taken advances from their employers and had subsequently refused to perform the obligations they had undertaken. It was dictated by the necessity of the circumstances. The British Government was faced with the Mutiny. During the period the Mutiny continued, the military engaged many artificers and many artisans to whom monies had been advanced in the expectation that they would render the service which they had undertaken to do, but by reason of fear or by reason of some other circumstances, those artificers and artisans went back to their native places and consequently were not in a position to perform the obligations that they had undertaken, although they had received an advance. It was to cover such cases that this Act of 1859 was passed. It is on record that although this Act was passed, which did make breach of service of contract a crime, it was very rarely put into operation ; it was really not a law which people were brought to suffer under. Sir, the subsequent history of this Act is also interesting. This Act, which stood as a formal statute from 1859, but which, as I said, was never put into operation, was amended in 1920 by Act XII of the Government of India. The amending Act introduced two very salutary principles in this Act One salutary principle that was introduced in this Act was that a magistrate, before punishing an artisan who had committed a breach of contract of service, was authorised to enquire into the equity of the contract, so that, if the magistrate came to the conclusion that the contract was inequitable, men, he was not authorised to punish the recalcitrant workman, notwithstanding the fact that he had taken an advance from his employer. That was the first change that was introduced by the Act of 1920. Then, the second salutary provision that was introduced by the Act of 1920 was that the magistrate was given the power to punish an employer who brought a frivolous complaint,—a provision which was not in the original Act.

Coming to the sections of the Indian Penal Code, the three sections to which I referred have an interesting history. Section 490 dealt with a breach of contract of service during a voyage or journey. It was a section of a very limited application. It did not apply to all breaches of contract of service ; it applied only to seamen who went on a voyage or a journey. Obviously, it was very necessary to make an exception of this kind in the case of service of seamen, on whose continued service the success and safety of the voyage depended. The other section, section 491, related to breach of contract on the part of an attendant in supplying the wants of helpless persons. It applied, for instance, to an ayah who had contracted to take care of a helpless child ; it applied to a servant who had undertaken to supply he needs of a man who was lame and who could not look after



himself. That was section 491. Then, section 492 covered a case of breach of contract of service at a distant place to which the servant was conveyed at the expense of the master. These were the three provisions that were enacted when the Indian Penal Code came into operation. Now, Sir, what has been the history of these three sections ever since they were enacted? The history is this, that by Act III of 1925 the Central Legislature has repealed section 490 and section 492. Those sections no longer apply, and the breaches of service which were crimes under them are no longer crimes at all. The only section, therefore, that remains is section 491 of the Indian Penal Code. So that, so far as the law now stands in India, the only breach of contract of service that can involve penal consequences, as distinguished from damages, is section 491 ; and I do not think that any member of the House would cavil at this provision if he knows that it is really intended to cover the case of a person who is a helpless person and who cannot look after himself.

Now, Sir, taking stock of all that I have stated so far relating to the legal position involved as a result of breach of contract of service, which, I say, is merely a popular description of that forbidding word "strike", what is the position ? The position is this. A breach of contract of service is not a crime, and is not punishable under the Indian Law except when the case falls under section 491. That means it is only a civil wrong ; it is not a crime. And, further, it is a civil wrong for which the remedy can only be damages and never a specific performance. I want to emphasise that. Now, the question which I am sure the House would like to consider with all the seriousness that it can command is this : Why is it that the Indian law does not make a breach of contract of service a crime ? And why is it that the Indian law does not provide for a specific performance ? Whatever answer other members of the House would choose to give, my answer is very simple. My answer is this, that the Indian Legislature does not make a breach of contract of service a crime because it thinks that to make it a crime is to compel a man to serve against his will ; [and making him a slave (Hear, hear.)] To penalise a strike, therefore, I contend, is nothing short of making the worker a slave. For what is slavery ? As defined in the constitution of the United States, slavery is nothing else but involuntary servitude. And this is involuntary servitude. This is contrary to ethics ; this is contrary to jurisprudence. Sir, the framers of the Indian Penal Code were very much concerned, when they drafted the provisions to which I have just referred, namely, sections 490, 491 and 492, as I see from the head-note here ; they evidently had great qualms of conscience, and they were wondering whether they would be right in enacting even the small provisions contained in sections 490, 491 and 492. This is what the framers of the Indian Penal Code said with regard to Chapter XIX, which is headed "Of the Criminal Breach of Contract of Service":

“We agree with the great body of jurists in thinking that, in general, a mere breach of contract ought not to be an offence, but only to be the subject of a civil action. To this general rule there are, however, some exceptions. Some breaches of contract are very likely to cause evil such as no damages or only very high damages can repair, and are also very likely to be committed by persons from whom it is exceedingly improbable that any damages can be obtained. Such breaches of contract are, we conceive, proper subjects for penal legislation.”

With all the great survey that they had made of the different kinds of acts of omission which could be penalised, they found that the only acts of omission which could be penalised, consistently with the provisions of ethics and jurisprudence, were these three provisions, and nothing more.

Now, Sir, it has been said that there is no such thing as the right to strike. My reply is that this statement can come from a man who really does not understand what a strike is. If members are prepared to accept my meaning of the word “strike” as being nothing more than a breach of contract, then I submit that a strike is simply another name for the right to freedom ; it is nothing else than the right to the freedom of one’s services on any terms that one wants to obtain. And once you concede the right to freedom, you necessarily concede the right to strike, because, as I have said, the right to strike is simply another name for the right to freedom. A sort of ridicule is sought to be poured upon it by saying that this is something like the divine right of kings. Sir, I would only say in reply that a poetic phrase or a picturesque description does not dispose of an argument ; I have never seen that result anywhere—certainly not in courts of law. If you accept that the right to freedom is a divine right, then I contend that the right to strike is a divine right (Hear, hear.) I go further and say that because ten people or twenty people or two hundred people simultaneously declare a strike, that cannot make any difference in the situation so far as the law is concerned.

I know, Sir, that some will point out section 120A of the Indian Penal Code and I am going to deal with that matter before I leave this subject Now, Sir, section 120A of the Indian Penal Code is a section which deals with conspiracy. I wonder if members opposite wish to argue from it that there is no right to strike because a strike by a body of workers is a conspiracy. If they do, I would like those gentlemen opposite who rely on section 120A as a ground for submitting that there is no right to strike for a body of workers, to prove that a strike is a conspiracy. Unless they prove that a strike is a conspiracy section 120A will not apply, and I contend that a strike is not a conspiracy.

*An Honourable Member* : Who says it is applicable ? It is a matter of public utility.

*Dr. B. R. Ambedkar* : I am coming to the question of public utility later on.

Sir, unfortunately we have no decided cases in India. My research is not rewarded with a case where strikers have been hauled up under section 120A

on the ground that it was a conspiracy. But I find some support from the English law on the subject, which also deals with strike in its aspect of conspiracy, and I will read to the House a short passage from a book called "The Legal Position of Trade Unions" by Schollosser. I read the passage at p. 76 : —

"Strikes, therefore, and similar combinations to better the conditions of labour, are not in themselves unlawful at common law. There is no foundation for the proposition that strikes are *per se* illegal or unlawful by the law of England. It is true that occasional dicta are to be found to the effect that combinations to better the conditions of labour are unlawful at common law, but the courts have never accepted the law thus laid down, and eminent judges have expressed views to the contrary. Throughout the seventeenth and eighteenth centuries no court treated combinations to better the conditions of labour as being contrary to common law, and none of the series of legislative enactments, resisting attempts of workmen to better the conditions of labour, purported to declare or rest upon the common law. If we accept an *obiter dictum* by Grose, J., in *Rex v. Mawbey*, there were no judicial dicta in support of the suggested proposition until after the Legislature swept away all those statutes by the Combination Act of 1925. Conclusions as to the common law which first appear in recent times, and are based upon an accepted principle of earlier date, are to be looked upon with great suspicion. Ever since 1824 the weight of authority is against this doctrine. Strikes *per se* are combinations"

This is an important part of the judgment :

"neither for accomplishing an unlawful end, nor for accomplishing a lawful end by unlawful means. The law is clear that workmen have a right to combine for their own protection, while the combination is to obtain a benefit which by law they can claim. The power of choice in respect of labour and terms, which one may exercise"

This is the point I was trying to emphasise :

"and declare singly, many, after consultation, may exercise jointly, and they may make simultaneously declaration of their choice, and may lawfully act thereon for the immediate purpose of obtaining the required terms.

The maintenance of a strike is not necessarily illegal, and if a strike has taken place, in breach of contract, but the broken contracts have expired, those who help to maintain the strike by supporting the workmen after their current contracts have expired in a refusal to enter into new contracts of service on new terms, are not doing anything illegal.

Thus combinations"

This is the point to which I wish to draw the attention of the House, because it has a direct bearing on section 120A of the Indian Penal Code, "which result in injury to another may be unlawful, when the object of the

combination is injury” the words are “when the object of the combination is injury”:

“and if the injury is effected, an action may lie for conspiracy. The question to be decided in each individual case is, how far the resulting injury is ancillary to a legitimate combination and how far the combination exists for the purpose of injury.”

Therefore, my submission is that in order to bring strikes under section 120A what would be necessary for the prosecution to prove is that the purpose of the strike was to cause injury. If injury merely resulted from the strike, that would not make the strike an unlawful combination within the meaning of section 120A. Therefore, my first contention is this that this Bill, by penalising a strike, is reducing the workers to a state of slavery and nothing else.

The Bill really, in my judgment ought to be called “The Workers’ Civil Liberties Suspension Act”. That would be the proper title for it. Some have got the impression that, after all, the suspension is only for two months—until the conciliation proceedings are terminated—and after that the workers would be at liberty to strike if they wish. Sir, I would like to say that this would be a very wrong impression. My contention is that the provisions of this Bill, when they are set in operation, will bring about perpetual slavery and the workers will never be able to strike. Let us look at the provisions. First of all, the Bill provides that when the Act comes into operation, there is not to be any strike at all for one year. Whether conditions are such that a reasonable worker would accept them or whether conditions are such that no reasonable worker would accept them, for one year there is complete slavery. The workers are bound down to the terms mentioned in the Second Schedule. There is no escape, there is no going away from that position. What happens after the first year is over? What happens is this. You have got to give notice; that takes away a part of the time during which you cannot strike. Then after notice is given, time is allowed for reply. During the period of reply you cannot strike. Then, conciliation proceedings commence. They may last for two months, if the parties are fortunate, if the parties are reasonable; but the Bill provides that the term may extend to four months. Therefore, from the date of the origin of the grievance of the workers, for four months and practically 25 days—I will stand corrected if my calculation is wrong because I have not gone into the details—the worker must do nothing. He must not talk, he must not deliver a speech, he must not organise, he must do nothing. All mobilisation, included a word or a speech or an action is penalised during this period. Suppose that no conciliation is effected during this long period of four months and 25 days—I submit a long period of gestation—what is to happen? The worker is allowed only two months to strike after the conciliation period is over. I do not know whether my honourable friend the mover of the Bill thinks that two months is a sufficiently long period for the demobilised forces of labourers to mobilise for action. I have been an active worker in the

labour field. I cannot say that I am a fieldman and I therefore do not know what are the difficulties which a person who is organising the workers for strike will have to meet. But looking at the situation from such experience as I possess as an observer in the City of Bombay, I have not the slightest hesitation that two months would be the most inadequate period for a body of labourers who have been held at bay so to say, for four months and 25 days to mobilise their forces in order to strike. If they do not strike within two months, what happens? What happens is this that they are deemed in law to have accepted the situation. If they again raise their head and find out new grievances, the law says you shall again wait for four months and 25 days and allow conciliation to go on. Wait and see what we do. Wait and see, for four months and 25 days. Again if nothing happens at the end of four months and 25 days, if you think you can strike, do so within two months. If you do not and after two months you raise another grievance, you shall have to wait again for four months and 25 days. Sir, I would like to know whether such an endless cycle of don'ts would not produce complete slavery, perpetual slavery, of the workers for all time. If this is not a Bill for introducing slavery amongst workers, I would like to know what sort of Bill would introduce slavery. So much with regard to the provisions of the Bill which relate to strike.

Now, Sir, it will be necessary and I say very instructive to compare the provisions of this Bill, in so far as they relate to strike, with the provisions contained in Trade Disputes Act of 1929. That is an Act which also imposes certain limitations upon the right to strike and it would be, therefore, very instructive to compare the provisions contained in that Act with the provisions contained in this Bill, so that the House may be in a position to realise in what direction we are moving, whether we are moving in the direction of slavery. Sir, the Act of 1929 imposes certain limitations upon the right of the workers to strike and it would be enough if I refer to two of its sections. That Act of 1929 penalises a general strike for political purposes. That is section 16 of the Act and the other section which is more relevant for my purpose is section 15 which penalises a strike without notice. Apparently there does appear to be some sort of similarity between the Act of 1929 and the present Bill in so far as this Bill also penalises a strike without notice. But, Sir, beyond that the one Bill is as different from the other as chalk is from cheese. The one has nothing to do with the other and, comparatively speaking, I have not the slightest hesitation in saying that this Bill is reactionary and retrograde, and that the author of this Bill is a far greater Tory than the author of the Act of 1929.

Sir, let us compare the provisions of section 15 of the Act of 1929. As everyone who is acquainted with the subject knows, that section 15 of the Act of 1929 is restricted to public utilities. What that Act penalises is not all strikes, but strikes in what are called public utility services and this, I submit, is a fundamental difference between this Bill and the Act of 1929.

Now, Sir, the question that I would like to ask is, is this departure from the position taken in 1929 any way justifiable? And I think it would be desirable if I begin by stating what was the position of the Congress Party in 1929 when this Bill was placed before the Central Assembly. Now, Sir, I have taken the trouble to hunt up and read the report of the Select Committee which was appointed by the Central Legislature to consider the provisions of the Bill which ultimately became the Act of 1929 and confining my attention to the two contestants, if I may say so, the bureaucracy, I use the terms which are familiar on the other side, the bureaucracy, on the one hand and the Congress Party on the other, what were the points of contention there when this Act of 1929 was on the anvil? I find that the points of difference were these two. Government wanted that public utility services should be left to be defined by them at their discretion. They did not want to give in the Act itself a definition of what was a public utility nor were they prepared at the time to enumerate what, in their opinion, were the public utility services. They said that a public utility and its importance depended upon the circumstances of the case. It may vary according to times and circumstances. A service which may not be a public utility at one time may be a public utility at another time and they felt that in the interests of society as was conceived and understood by them it was necessary that the situation should be left in a flux undefined to be defined at the discretion of the Government. Now the Congress stood for two things at the time. The one thing it stood for was that nothing should be left to the discretion of the bureaucracy, that it could not be persuaded to bureaucratic purposes and therefore the Congress Party took the attitude that no discretion ought to be left with the Government. Whatever public utility was to be brought within the purview of section 15 ought to be stated clearly in the Act itself. The second position which the Congress Party took in the year 1929 when the Bill came up was this. They said that the category of a public utility was too large and that a strike should not be made illegal only because it related to a public utility service. The position that they took was that it should be confined to what is called "social security services". That was the position in 1929. In this contest Government gave up on one point. They agreed that a public utility should be defined in the Act and therefore you will find, Sir, that section 2 of the Act, which is an interpretation clause, has got a definition of what is a public utility and you have got there a public utility enumerated, Government not having any discretion to add to it or to take anything out of it. With regard to the other position, namely, narrowing the category of service to which the illegality of the strike was to be confined, Government did not yield. Government said that their formula that it should be extended to public utility services must stand and the Congress Party did not succeed, but that does not really matter for my argument, because my argument is this that in 1929 the Congress Party stood for restricting the illegality of the strike to social security services. Sir, I want to read from the report of the select

committee some of the minutes which members of the Congress wrote. I believe the honourable member Mr. Jamnadas Mehta was a member of the Congress then, but I am not sure.

*Mr. Jamnadas M. Mehta* : I have maintained that attitude even today.

*Dr. B. R. Ambedkar* : This is, Sir, from a minute written by Mr. Jamnadas Mehta, Mr. M. S. Sessa Aiyangar, Mr. S. C. Mitra and Mr. V. V. Jogiah :

“The fundamental objections to the Bill as it emerges from the Select Committee remain unaffected. We feel that clauses 15 and onwards, far from settling trade disputes, will only multiply them ; they will embitter relations between the employer and the employed and will, as all experience of similar legislation testifies, be utilised by the authorities for crushing political propaganda unpleasant to the bureaucracy. If the object of the Bill is to develop and foster genuine trade union movement in the country, clause 15 and onwards will surely defeat that object.”

That was the position that they took that no strike ought to be penalised even though it was applied to public utility services. The minute of dissent proceeds :

“..... . But having failed in that object we are obliged to append this minute of dissent. Up to clause 14 the Bill is a genuine attempt towards settlement of trade disputes by means of courts of inquiry and boards of conciliation. We believe that so far as that portion of the Bill is concerned, it emerges from the Select Committee considerably improved and strengthened. Almost all the changes that have been made in the Bill up to that clause have served to make it more equitable and just. Of course we leave out of account the definition of the ‘public utility services’ in clause 2(g). That definition is consequential to clause 15 and should therefore be considered along with it. We believe that this clause is a great danger to friendly relations between the employers and the employed. A public service may be a ‘utility service’, but it does not therefore follow that a strike in such services without notice ought to be visited with criminal prosecution. It is true that a lock-out in such services has been made an offence also, but that does not affect the argument against making a strike a penal offence. We cannot understand why a strike in a postal, telegraph or telephone service or for the matter of that in any Railway service should be made a crime. No doubt such a strike is inconvenient and interferes with our ordinary comforts, but it is monstrous to claim that if any body of men refuses to minister to our comforts if any to claim that body as criminals especially when the strikers feel that these comforts and conveniences can only be satisfied by their own degradation and misery. Can it be seriously contended that the Frontier Mail and similar luxurious services are so vital to society that strikes thereon should be made illegal ?”

I commend these last few lines to my honourable friends opposite. Then the quotation goes on :

“For the Legislature to give sanction to so iniquitous a doctrine as the one which is embodied in clause 15 is to proclaim to the world that the

mass of mankind ought to remain wage slaves and that they would strike only on the pain of being clapped into jail. We are most anxious to promote the industrial advancement of our country but not by methods of coercion as proposed under this clause. We grant that services like the supply of water, light and sanitation are absolutely essential to the very existence of society and that any strike in such services should be discouraged by all legitimate means, not because they are 'public utility services' but because they are 'social security services'; and as no man could be permitted to have interest against the very existence of society, we are not opposed to any legislation against making strikes in the 'social security services' illegal ....."

Sir, that was the position the Congress members took then. Sir, I would also like to read an extract from the minute of dissent appended by Mr. Kunzru. He is a Liberal. I emphasize that because you would be able to know what even moderate men who did not profess the principles and policies of Congress said in 1929. This is what he says :

"Clause 15 which deals with strikes in public utility services renders a strike in violation of the terms of services without previous notice illegal. If it was attempted to make sudden strike penal only in services where stoppage of work without adequate notice would endanger human health or life, the case for such action would theoretically be clear, however difficult the enforcement of the law might be in practice. But the definition of a public utility service in spite of the deletion of that provision by the Select Committee which would have vested Government with a discretionary power to declare any service a public utility service still includes services sudden strikes in which, whatever the inconvenience they may cause, cannot involve danger to life. However undesirable sudden strikes may be in any undertaking, there is no ground for making them penal where they do not affect the safety of the community. It may further be pointed out that sudden strikes in services which affect the existence of the community have been remedied by the provinces. Besides strikes, if resorted to in breach of contract, can be severely dealt with under the Indian Penal Code ....."

That was the attitude of Mr. Kunzru. I too agree in the proposition, that the right to strike without notice should be restricted, but it should be restricted only in case of service which are not public utility services but social security services. Now, Sir, that is in perfect consonance with the English legislation. In this connection, I would like to draw the attention of the House to what is called the Emergency Powers Act of 1920. It was passed by the British Parliament a year or two after the War was over. There too Government was given power to make regulations to deal with emergencies. I will just read one or two sections from that Act. Section 1 says :

"If at any time it appears to His Majesty that any action has been taken or immediately threatened by any person or body of persons of



such a nature and on so extensive a scale as to be calculated to be interfering with the supply and distribution .....

I desire to draw the attention of the House to these particular words :

“of food, water, fuel or light or with means of locomotion, to deprive the community or any single portion of the community of the essential services .....

“His Majesty may, by proclamation declare that a state of emergency exists.”

Then section 2 says :

“Where a proclamation of emergency has been made, and so long as the proclamation is in force, it shall be lawful for His Majesty’s Court, to make regulations for securing the essentials of life to the community, and these regulations may confer or impose on a ..... Government ..... such powers and duties as His Majesty may deem necessary .....

The point to bear in mind is that all this is confined to cases of essential to public safety and life of the community. This has always been the view taken, that if you want to restrict the right to strike and to make it illegal, then you must do it only in relation to services on which the sustenance of the life of the community depends. Now, it is obvious that this Bill extends to every trade and every industry. I do not wish to say anything with the object of making fun, but I should like to illustrate my point by saying that, supposing tomorrow the Indian women—I hope they do not—adopt the fashion of painting their lips and some manufacturer who had a nose for money started an industry for making lip-sticks for supplying their needs, and if under this Act the workers went on strike, its provisions would fall upon their head like the sword of Damocles. Can anybody seriously maintain that the lip-stick industry is essential to life, that the right to strike should be curtailed because some women are deprived of the pleasure of having the usual paint on their lips? Sir, this Government has not only let go by the board the attitude that it took in 1929, of restricting the penalty to strikes in social security services, but they have beaten the bureaucracy by going beyond the provisions of the Act of 1929. The bureaucracy had at least the sense, if I may say so, the responsibility, to realise that the right to strike was so important that it should not be penalised beyond the four corners of what was covered by public security; and here is a Bill which, I would like to repeat, would make a strike in the lip-stick industry penal.

All this, for what? What are we to gain by all these trials and tribulations which they are trying to impose upon these poor workmen? The result, as I see, is to wait at the table of some gentlemen, whom the Bill calls the conciliator, for 4 months and 25 days. Beyond that I see nothing. The Honourable the Home Minister said that one of the reasons why this Bill has been introduced was because the State was taking upon its own shoulders to collective bargaining. I think he said something to that effect. If I am wrong, I hope he will correct me.

*The Honourable Mr. K. M. Munshi* : No ; not taking upon its shoulders collective bargaining, but regulating collective bargaining.

*Dr. B. R. Ambedkar* : Regulating collective bargaining. I shall be very candid. What is the use of these regulations ? There are heaps of regulations in the Civil Procedure Code. Is the litigant interested in them ? The litigant is interested in the result of his suit. With all the formalities, with all the provisions and procedure, who is to give notice, what is to happen after notice, who is to draft the written statement and all other things—the hungry workman is not interested in them in the least.

*The Honourable Mr. K. M. Munshi* : Therefore, repeal the Civil Procedure Code ?

*Dr. B. R. Ambedkar* : I do not say anything of the kind. What I am saying is, with all the provisions that they have got, they should have bucked up, they should have had the courage and said “we shall compulsorily arbitrate, whether you agree to it or not”. (Interruption.) It is another matter whether I agree or not. If you had taken up that attitude, I could have certainly understood it, because the position then would have been this, that at the end of 4 months and 25 days you would have been certain of some tangible result.

*An Honourable Member* : That would have been slavery to the wage earner.

*Dr. B. R. Ambedkar* : You have enough, and you need not have been abashed for going a step further in this Bill. (Interruption).

*The Honourable the Speaker* : Order, order.

*Dr. B. R. Ambedkar* : Therefore, Sir, what is all this for ? You have to go through several stages—a Registrar, a Conciliator, and a Board of Conciliators if both parties agree. It is only a case of securing appearances before certain amiable gentlemen who will talk sweetly to different people and bring about probably a good temper, if a hungry man who wants some thing can be said to be in a good temper. I do not see anything in it. This is, in my judgment, absolutely a futility, an utter futility which can have no tangible result at all. The only tangible result of this will be that this delaying process for 4 months and 25 days will disable the worker from going on strike ultimately. Here again, I would like to draw the attention of the House to the contrast that exists between the Bombay Act of 1934 and the present Bill. Sir, when the Bill of 1934 was on the anvil, it was suggested that a strike should be prohibited during the period of conciliation. There was a proposal to that effect. But that proposal was rejected by the Honourable Sir Robert Bell. It was even pressed upon him that if a strike was not prohibited, at least picketing ought to be prohibited, but he refused even to be a party to that. (An Honourable Member : No, no.) As there is a challenge, I will read a portion of his speech. This is what he says on page 180, Vol. XL, of the Bombay Legislative Council Debates :

“I wish to refer to one matter connected with the subject of picketing. In clause 15 you will see that provision is made for preventing picketing

of conciliation proceedings and also for preventing molestation of any individuals in order to prevent them 'from carrying on their usual work or business during a conciliation proceeding connected with such work or business'. In other words, it was the intention of Government that after conciliation proceedings began, picketing at the mill should not be allowed. Even if a strike is already in progress, it was intended that picketing in the mill premises should be stopped. If the two parties intend to come to a settlement, it was considered that this would be a desirable measure. On the other hand, we have no prohibition against the employees locking out the mill hands. It is considered in some quarters that the right of picketing is something like a sacred right and, after full and careful consideration, we have decided to move an amendment to omit the words in clause 15 which prevent picketing at the mill gate."

That was the position that he took, and, Sir, I do seriously contend that if a strike was permitted conciliation would be more probable. That is an aspect which I think has not been considered at all. Why should an employer be ready to conciliate when he knows that he has got 4 months and 25 days to mobilise his forces, when he knows that within the 4 months and 25 days no worker can mobilise, no worker can prepare, and when he knows further that the time within which to go on strike is limited only to two months? There is no incentive, there is no pressure, there is no urge on the employer, in circumstances of this kind, to come to terms; and if the honourable mover of the Bill is of opinion, and his object is, that this conciliation machinery should fructify, should result in some sort of tangible good which would be acceptable to both the parties, then I submit that the proper procedure to adopt is the procedure adopted by Sir Robert Bell, namely, to permit the strike to go on, in other words, to continue the provisions of the present Act. But, Sir, here the Government is not even prepared to take the position which a bureaucrat took. The position that was taken up by a bureaucrat was that a strike need not be prevented while a popular Government, which claims to be elected on Labour votes, which does not stand by the position taken by one whom they always regarded as a bureaucrat, with no interest for Labour and no interest in the welfare of the country. If this democracy—well, it might be, but I do not say it is democracy—a democracy which enslaves the working class, a class which is devoid of education, which is devoid of the means of life, which is devoid of any power of organisation, which is devoid of intelligence, I submit, is no democracy but a mockery of democracy. So much for the main provisions of the Bill.

Then, Sir, there are certain other provisions of the Bill to which I wish to advert, and these provisions are contained in clauses 4 to 20. Looking at the clauses, they refer to four different topics. They refer to different clauses of unions,—qualified unions, registered unions, representative unions. Sir, I had the opportunity of reading the previous draft of this Bill. That previous draft had a different phraseology, such as horizontal unions, vertical

unions, diagonal unions and perpendicular unions. I am glad that that phraseology has been dropped. I was never strong in mathematics, and certainly knew very little geometry, and I think for the small mercy that we have got for the change of phraseology it would be proper if I rendered my thanks to the honourable mover and those who have prepared the present Bill. The second thing with which these clauses deal is the terms and conditions and the procedure with regard to the registration of the different classes of unions. Thirdly, the terms and conditions and the procedure for these recognised unions or registered unions to be declared representative unions, and fourthly, the conditions for the registration of a union and for the cancellation of its declaration as a representative union. Now, Sir, I have been considerably at a loss to understand what practical connection these clauses have with the main provisions of the Bill. The main provisions of the Bill are, firstly, compulsory conciliation and, secondly, penalty for strikes during conciliation proceedings. To my mind, I do not see any organic connection between these clauses and the other clauses in dealing with these two topics which are the main purposes of the Bill. And, referring to the title of the Bill, I found that rather than disclosing the purpose it tries to conceal it. The Bill has a title which says "A Bill to make provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration and for certain other purposes". Sir, what are the other purposes? And why have they not been specified in the title of the Bill? Is it something of which one need feel ashamed? I do not know. Either there is some practical connection between the two parts of the Bill or there is not; if there is, that ought to have been disclosed, and if there is no organic connection, then the logical conclusion is that these sections ought to be deleted from the Bill. But, Sir, my search has been rewarded by the discovery that there is an organic connection between the two. What that organic connection is, will be readily seen by reference to clause 75 of the Bill. Clause 75 of the Bill says :

"No employee shall be entitled to appear in any proceedings under this Act except through the representative of employees."

Sir, this clause is the most fundamental and I say this is the most destructive clause of all trade unionism in India. Who is a representative of employees who is entitled to represent labour in conciliation proceedings? No one will have any *locus standi* in any negotiations for the settlement of an industrial dispute, no matter what his qualifications may be, unless he falls within the definition of what is called by this Bill as a representative of employees, and it is for the purpose of defining who is a representative of labour my honourable friend has introduced clauses 4 to 20 in the Bill. They all hang on this section. The important question, therefore, is who is a representative of employees under this Bill?

Now, Sir, under this Bill, there are two categories of unions which will have the right to represent labour. The first is a union which has 20 per cent. of the workers as its members, or rather not less than 20 per cent of

the workers as its members, and recognised by the employer. Secondly, a union whose membership is more than 50 per cent. can represent labour in the conciliation proceedings. These are, therefore, the two categories of unions which alone have the right to represent labour. Now, Sir, my honourable friend the Minister chooses to call them “representative unions”—both of them. I disagree with his terminology. I think a spade ought to be called a spade. Calling a spade a spade, what I submit is this: there are, no doubt, two kinds of representative unions under this Bill, but the important point to note is that one is a slave union and the other a free union. Sir, there is no exaggeration and there is no violence done to language if I say that a union which can have *locus standi*, a legal existence, a right to represent and a right to speak, only if it secures the prior approval of the employer is a slave union and not a union of freemen. I wish he had used the word “approval”; the word “recognised” is very inappropriate; the proper definition should have been “a union approved by the employer”, as we would then have seen in plain term what we are asked to give our sanction to.

Now, Sir, what I do not understand—and my honourable friend will explain it to me—is why he has made registration under this Bill a condition precedent for a union to obtain a representative character. I find great difficulty in understanding these provisions in the Bill. Sir, the provision as it stands today is this. There is a Trade Unions Act passed by the Government of India in 1926. It is called the Trade Unions Act. The Bill does not repeal that Act; in fact, that Act remains, and further this Bill insists that any union before it can be registered under the provisions of this Bill must be registered under that Act. That is clear from the definition of a union given in this Bill. I will presently tell the House why this has been done. I find that there is some design behind it. The position is, therefore, this: a union has to have two-fold registration, registration under the Act of 1926 and registration, under the new Act. It seems to me that it would be better if I adverted to the advantages which registration under the Act of 1926 gives to a union which is registered under it, so that we may know what is it that this Bill gives in addition or whether there is anything which this Bill takes away. Applying my mind to the effect of registration of a union under the Act of 1926, these are the results that follow. The union becomes a corporation with a right to sue and to be sued. As a corporation it has certainly a right to represent its members; otherwise, a corporate entity has no meaning. Secondly, as the House will realise, under the Government of India Act, 1935, a union registered under the Act of 1926 gets the right of political representation, that is to say, a union registered under the Act of 1926 can elect members to this House, and there are honourable members in this House who will bear testimony to that fact. Similarly, members of unions which are registered under the Act of 1926 have the right also to send representatives to the Bombay Municipal Corporation. Now, Sir, the question that arises is this.

If registration under the Act of 1926 gives the unions the right to represent, where is the necessity of requiring further registration under this Bill? If a union registered under the Act of 1926 is competent to send members as representatives of the whole labour body to speak in this House, to vote in this House, where is the necessity of requiring registration under this Bill? I should like to have an answer to that question later on. What the Bill does is a very queer thing, which again I am not able to understand. A union registered under the Act of 1926 will not have, under the House to realise the anomaly of the position. A union registered under the Act of 1926, while it is competent enough to represent workers in the Legislature, is not competent under this Bill to represent labour before the Conciliator. Why is this anomaly? The Bill does not merely create an anomaly. I say it takes away a privilege from the unions which are registered under the Act of 1926.

In this connection, I should like to draw the attention of the House to what used to take place under the provisions of the Bombay Act of 1934. When conciliation proceedings started, members who know the provisions of that Act will remember, under section 9 the labourers were represented by delegates. That was the provision in that Act. This is the wording of section 9 :

“On receipt of notice under section 8, the parties to a trade dispute shall within the time specified in the notice or within such time as may be fixed by the Conciliator in this behalf, appoint delegates in such manner as the Conciliator may direct.”

Therefore, labour, in conciliation proceedings under the Act of 1934, was represented by delegates. How were these delegates chosen? Who were the parties who were entitled to choose those delegates to represent labour before the Conciliator, under the Act of 1934? Sir, I have gone to the rules made under this Act, and a reference to the rules will show that the parties who were entitled to elect delegates were the registered trade unions, the unions registered under the Trade Disputes Act of 1926. That is provided by rule 3 of the rules made under the Bombay Act of 1934. It is, therefore, clearly established that up to this moment a union which was registered under the 1926 Act of the Central Legislature, by reason of the fact that it was a corporation, had the right to represent workers in all places and at all junctions. Constitutionally, by the Government of India Act of 1935, they have been given the right to represent labour in the Legislatures, and the Bombay Act of 1934 specifically recognised that the trade unions registered under that Act, namely, the Bombay Act of 1934, were the only bodies entitled to send delegates before a conciliator. Sir, my first complaint is that this Bill takes away a valuable right which the unions had and gives it to whom? It gives it to slave unions, as I am going presently to show. If it was given to free unions, I would not mind at all. Then, Sir, why is it—this is an important point to understand—why is it that the unions registered under this Bill are also required to be registered under the Central

Act of 1926 ? Sir, it is nothing else but a piece of carpet—bagging, as the Americans say. My honourable friend wants that the unions which will be formed under this Bill should not only get the right to represent before a conciliator but should also walk away with the political representation which the unions registered under the Act of 1926 now possess. It is a snatching policy.

And all this endowment of political and economic power, for whose benefit is it ? I repeat again that it is for the benefit of the slave unions. Of course, if my honourable friend thinks that there is nothing wrong in having unionism based upon the principle of approval of the master, I have no quarrel. It is his philosophy of life ; it is not mine. If he thinks that a man who is enslaved is a free man, it is his view ; if he thinks that in order that we may have peace in industry the worker ought to be chained to his master, as he will be, it is for him ; I have no quarrel. But, for myself, I am not prepared to accept that position. We do not want mere peace, and I repudiate the peace, the kind of peace that we are asked to have. (Mr. S. V. Parulekar : Hear, hear !) Certainly, it is the peace of a man who has a contended belly and whose stomach, touches his buttons. I do not want that kind of peace.

The question that I am interested in is this. I am prepared to take a charitable view of the matter, and I want to know whether this charitable view will fructify and produce anything. It may be, as my honourable friend says, that there is no unionism in India ; it may be that there are people who are spoiling the growth of unions. I am surprised that he should still entertain the fear of members of the communist party, who were a thorn in the side of the Congress before, but who have now walked in—they avow peace, they avow truth, they avow non-violence, and they have even paid four annas, as I understand,—why, I ask, should he have any fear now of anybody spoiling the game of peaceful development of labour ? Supposing it to be so, let us see how all this will end. If my honourable friend can satisfy me that there will come a time when what I call the slave unions will ripen into free unions, I probably might reconsider my attitude again. But I have not the slightest hesitation in saying that there will never be free unions at all ; and that is because the conditions that he has imposed upon free unions are so impossible that they could never be fulfilled. What is the condition for a free union ? The condition is that you must at all times show that on your roll you have got 50.1 per cent. membership ; that is the condition. Twenty per cent., not enough ; 25 per cent., not enough ; you must always show the mathematical proportion of 50.1 per cent. if you want to be free. Sir, the question I should like to ask is this : Is this a reasonable condition ? The laws of the Romans, if I may use the analogy, began with enslavement. There was a provision for manumission, as we technically say. The slave ultimately became emancipated and became a free man, a *civis*. Applying the same analogy, I say that we begin with slavery, because the approval and the recognition are nothing

less than slavery. But is there any provision for manumission? And if there is such a provision, is it a reasonable and a possible condition which workers can be expected to satisfy? The condition is that you must show 50.1 per cent. membership of the total number of workers then and then alone you can escape the chains and the throes and the punishment of your master. Is that a possible condition?

Now, Sir, we, who have been what my honourable friend probably likes to call misguided fellows, have been asked to turn our attention to the ideal situation that exists in Ahmedabad. We are asked to take a leaf out of that Ahmedabad book and to follow that ideal. I am prepared to do that. As I study the example it becomes necessary to ask this question: is there any possibility, under this Bill, of even the Ahmedabad Majoor Mahajan becoming a free union? I cannot see any hope of that union becoming a union of free workers. Ahmedabad is certainly a most ideal place; as the Royal Commission has pointed out, there does not exist anywhere in India such an ideal institution. There, there are employers who belong to the same religion as the employees, barring a few Mahomedans, who are weavers, and who are outside the union; the workers speak the same language as their masters. Cultural unity there exists in abundance. Therefore, whatever fissiparous tendencies, whatever recalcitrant tendencies, that one might expect in other situations do not exist there. On top of that, there is the great personality of the Mahatma, to whom every recalcitrant may refer and bow, and fall in line no matter what his personal grievances may be. The Ahmedabad Majoor Mahajan has grown under such auspices. It has had a life of more than two decades; I am told it has been in existence for eighteen years. What is the state of that union? I have got figures here in this book, called the Labour Gazette for May 1938, and on Analysis I find this to be the situation at Ahmedabad. I am taking only the textile industry. The total number employed in the Ahmedabad textile industry is 90,000. What is the total number of workers who are included in the union? The Majoor Mahajan, as everybody knows, is a federation of five different unions; and the total number is 22,000. That is on the first of May 1938. Sir, that works out—I am a poor mathematician, I will stand corrected if somebody rectifies my figures—that works out, according to me, at 21 per cent. of the total; that is to say, the union membership is 21 per cent. of the total number of workers in the textile industry. Applying that test, as I said, even to Ahmedabad, can anybody say that the Ahmedabad Majoor Mahajan, if it were to apply for registration today, could do without the approval of the employers? No.

(The House re-assembled after recess at 2-30 p.m.)

*Dr. B. R. Ambedkar:* Mr. Speaker, Sir, before recess I was trying to emphasise that under the conditions prescribed in this Bill there is no possibility of any free union growing up in this country and I illustrated what I wanted to say by reference to the position of the Ahmedabad mill workers' union, and I showed that even under the most propitious conditions



that exist in Ahmedabad, it would not be possible for the Majoor Mahajan there to be a free union, entitled to recognition under the Act without securing the approval of the employer. Sir, this is really such an impossible condition that it would be impossible to realize it even in such an industrially organised country as England. Unfortunately, in all the books to which I had access, we get a set of figures showing the total membership of different unions in the country, but we do not get anywhere, along with it, figures showing the total number of persons employed in the different industries in the country : and, consequently, it is not quite easy to find out what is the total percentage of the workers in England who can be said to be members of the unions in the country. But I have here a small book by Mr. Walter Citrine published in the year 1926. Every one who is familiar with the trade union movement in England, will know that he occupies a very important position in the trade union movement and his book, therefore, may be taken to be an authoritative statement on the issue with which we are concerned. He has shown that at the end of the year 1924—the figures are unfortunately not very recent—the position in England was this that the total number of persons employed in the different industries was 18 millions, while the total number of persons who were members of the unions, both males and females, was only 3,531,000. That means that it certainly was not more than about 30 per cent. Now, if that is the state of affairs in a country like England where labour is so well organised, where the industry is so widespread, what can we expect in a country like India ? I therefore submit, Sir, that this condition, which the Bill imposes, is an impossible condition and no kind of an organisation of labour, which I am able to visualise even for 10 or 20 years, will be able to muster itself so strong as to show at all times on its record a membership which would be as much as 51 per cent. Consequently, the conclusion is irresistible that the only kind of labour union that will be representing labour in the conciliation proceedings in the strike will be none other than the slave union recognised by the masters.

Now, Sir, there are two other questions, to which I wish to draw the attention of the House, and they are also very important questions. The first question is this. What is to be the effect of the Bill on the growth of the trade union movement in India ? From that point of view, I submit that the most important section in the Bill is clause 8, sub-clause (a). Now, that clause lays down a principle, which, as I will try and show, is of the most unusual character. The clause says “the Registrar shall not register more than one union in any local area in respect of any industry or occupation, as the case may be”. In other words, what the Bill provides is this. It says to the workers that if they want to organise into a trade union they can have only one union in one industry or occupation, as the case may be. In other words, what the Bill provides is this. It says to the workers that if they want to organise into a trade union they can have only one union in one industry or in one occupation in a certain defined local

area. Now, Sir, my contention is that is a provision in the Bill which, I am sure, will prevent unions growing up in this country. First of all, what I would like from the Honourable the Mover of the Bill to know is this. Is this principle applied anywhere in any other part of the world? Now, Sir, I have studied the conditions of trade union organisation in so far as Great Britain is concerned, and I am prepared to cite an authority of a person who is eminently versed in this field to prove that certainly in Great Britain the law makes no such provision at all. In fact, the English law has left it to the workers to organise on any lines that they choose to adopt. There is no rule as such that the union must be confined to one industry, that the union must be confined to one occupation. There is no rule that the union must cover a particular area. On this point I would like to draw the attention of the House to a passage in a recent book called "The Employment Exchange Service of Great Britain" by Chegwiddden and Myrddin Evans, and this is their conclusion. I am reading from page 30 :

"All the workers in a particular industry are not necessarily organised in the same union but may belong to several different unions : in some cases organisation is on a district basis, in others on an occupational basis, and a section of workers in a particular industry may even belong to the union which normally caters for workers in another industry or to a general labour union. In a number of cases sectional unions are federated either in a federation or union covering the whole or the greater part of the particular industry concerned, or in a federation or union covering members of the same or similar occupations in different industries, or any federations of general labour unions."

This shows that in England there can be general labour unions. That is to say, workers working in different industries may join together and form a union. That is what is meant by general labour union. One labourer may have no connection with another so far as the industry or so far as the occupation is concerned. There may be a general union. This author also says that in England persons belonging to different industries may form one union. A man may be, for instance, a miner. He may become a member of some other union which has nothing to do with mines. Therefore, in England, the law has left entirely to the workers to decide in what manner, under what circumstances, they will organise. All that the law has taken care of is to see that the union does not become an unlawful body. All that the law has taken care to see is that the union before it is registered has certain objects which the law regards as lawful. Beyond examining the objects of the union, the English law certainly does not see whether the union is organised in a particular way or is not organised in a particular way and I do not understand why this principle should not be imported in this country. I have not seen the justification and I do not know what is the reason for the principle that is being introduced now in this Bill.

Sir, is it possible to have a union of all labourers in one industry or in

one occupation? Now I am sure that it is not possible and for this reason. As everyone knows, a trade union may have three different purposes or three different objects. A trade union may have purely what are called trade union purposes, that is to say, purposes connected with the promotion of their particular interests as workers, wages, hours of work, promotions in industry and so on. Those are called purely trade union objects. In addition to that a trade union may have what are called social objects conferring certain benefits, giving old age pension, giving unemployment benefit to these members, providing pensions for their widows. These are recognised in England as social purposes. In addition to that a trade union may have a political purpose. A purpose, the object of which is to promote a particular line of politics, which the union thinks is best suited for the protection of its economic and its social position. Now, Sir, the question that I want to ask is this. Is it possible for all persons who are employed in a particular industry to be agreed upon all these three purposes? I cannot see that in all cases it would be possible to give an affirmative answer and I propose to discuss the matter in some detail in order to show why we cannot have an affirmative answer. Let me take a case like this. There is a body of people working, say for instance, in the textile industry in Bombay and I shall be very particular in this matter because I want to emphasise my point. There are certain Mahomedan members, workers in a mill industry. They are anxious to become members of a trade union. But the other persons who are non-Muslims desire that the workers of the union should follow the Congress line of politics. There are Muslim members who are prepared to join the union but who prefer to follow the politics of the Muslim League. How are they, the two bodies of people, to unite together unless one of the two parties is prepared to drop its political programme? Take another illustration. There are certain workers belonging to the untouchable community. They are prepared to be members of a certain union, but they also insist that the union ought to promote certain social objects and social purposes for the benefit of the community from which they are drawn. They desire that certain ether facilities may be provided and the workers from other classes do not agree with them. How is a union to be formed? I do not understand. I do not understand why, therefore, you should impose a condition which makes things so impossible of achievement I should have thought that the proposal which is included in this Bill is as wise or as prudent as it would be if a Health Officer were to lay down that you shall build a house of a particular kind, you shall have a door only facing the south, no door facing the north, you shall have only a particular kind of window, a house not higher than a particular height, a house which has only a particular kind of elevation. Either you build a house which conforms to these rules or you live on the street. That is the kind of alternative that this Bill presents to the workers. What would be the evil if the matter of the organisation of labour is left to the will of the worker? Why are you concerned with it?

I do not understand. Why is it and what is it that you will get by bringing all persons working in one industry in one particular union? I fail to understand. On the other hand, my view is, as I submitted, that if you make these impossible conditions, people will not care to form unions at all. The Mahomedans who prefer, and I think we must all agree to allow them the liberty to choose their politics, if they prefer that there will be no use in having a trade union if their trade union is not able to follow the policy laid down by the Muslim League, they may not have any union at all. In the same way if the untouchables feel that if they are not allowed to make some provision for the education of their children and other amenities pertaining to their classes, they would rather not have it, what is the situation that you are creating thereby? The situation that you are creating is you are compelling people not to have any union at all and I submit therefore, that this is a provision which is fraught with great mischief.

Then, Sir, the second point that arises out of the provisions 4 to 20 is this. What is going to be the effect of this Bill on the stability of the trade union movement? Supposing that some kind of trade union which could ultimately aspire to be free from the control of the master does grow up, is there any guarantee under the provisions contained in this Bill that that union will remain as a functioning union? So far as I have been able to study the provisions of this Bill that a union once registered will continue to enjoy that registration. Clause 10 is the most dangerous clause. That clause will always be hanging like a sword upon a union : Though registered, its life will always be in jeopardy and it can never be certain that while it has a legal existence today, it will not continue to have a legal existence tomorrow, because under the provisions of this clause its registration may be cancelled at any time provided certain circumstances happen, and once a registration is cancelled, the whole structure which might have been built up with enormous industry, with enormous energy, will simply have been washed away. Now, Sir, there is a further mischief, if I may say so, which is contained in this Bill. It is this that the cancellation of the registration of a union is left to a rival union or to an employer, which means that there will be mutual rivalry, mutual jealousy and a cut-throat competition, if I may say so, between the different trade union men in order to destroy a rival union. A trade union therefore which is once registered under this Bill, in order that it may enjoy a perpetual existence, shall have to show at all times that it had 51 per cent. membership of the total number of workers. Sir, I again ask the question : Is it possible for any union to show that it will have 51 per cent. membership of the total number of workers employed? It will be interesting. I believe, if I show to the House how trade union membership fluctuates from year to year and I give these figures which I have taken from the figures of Great Britain. In the year 1892 the total membership of trade unions was 1,576,000. In 1910 it was 2,565,000. In 1920 it was 8,346,000 but in 1934 it fell to 4,441,000. There was a drop in ten years of 50 per cent. of the membership of trade unions.

Take the figures of the particular industry. In agriculture in the year 1920 the total membership was 210,000. In 1932 it was only 33,000. It fell from 210,000 to 33,000. In the coal-mining industry in 1920 the membership was 1,115,000. In 1932 it fell to 554,000. In the metal industry the figures in 1920 were 1,172,000. In 1932 the membership was 527,000. In the building trade the number of members in 1920 was 563,000. In 1932 it fell to 275,000. In the transport and general labour the total membership was 1,685,000 in 1920 while in 1932 it fell to 660,000. Taking the membership of the trade union congress in 1920, the total membership was 6,505,000 while in 1932 it was only 3,613,000 members. Sir, if in a country like England, where trade unionism may be said to be like the breath of the nostrils to a workman, the trade union membership fluctuates by 50 per cent. within a decade, I cannot understand how any man can expect any body of organisers of trade unions in this country of ours to maintain on its rolls at all times a membership of 51 per cent. If the membership falls by 1 per cent., the union stands to have its registration cancelled. The whole show will have to be wound up. I ask is this a reasonable condition, is this a condition which could ensure the growth of the trade union movement? If every trade union which is registered stands to have its registration cancelled and stands in fear of it from day to day, what prospect is there of trade unionism growing in this country?

Then, Sir, another regrettable feature which is a matter of serious consideration. Under this Bill, a person who is given the right to have the registration of a union cancelled may not apply for the registration of his own union. I can quite understand the reasonableness of the proposal if the right to have the registration cancelled was given to members of a union who were in a position to get themselves registered by reason of the fact that they had a larger membership. I could quite understand that position, but a reference to clause 10 of the Bill will show that a person need not be in a position to have his own union registered, that is to say he may not have at his command 51 per cent. membership of the members employed in the industry. All that is necessary for this mischief-monger is to prove that having regard to the roll of the employer and having regard to the roll of the union the percentage has fallen below 50 per cent. As I said, under industrial conditions where work fluctuates, labour fluctuates, it is impossible to fulfil this condition.

Then, Sir, there is another provision to which I think it is necessary to draw the attention of the House. What is to happen to a union whose registration has been cancelled? Can it again apply for registration? The answer is No. Clause 54 of the Bill gives power to the Industrial Court to declare under certain circumstances that the union had forfeited its registration. It says:

“If in any proceeding under this Act, the Industrial Court finds that the registration of any union or the declaration of any union as a qualified union or as a representative union was obtained under a mistake,

misrepresentation or fraud, or that such union has contravened any of the provisions of this Act, the Industrial Court may direct that the registration of such union or the declaration of such union as a qualified union or as a representative union shall be cancelled.”

Now, turn to clause 8, which contains a direction to the Registrar as to what rules he has to observe in the matter of registration the House will see that what I am stating is absolutely correct. Clause 8 reads thus :

“On receipt of an application from a union for registration under section 7 and on payment of the fee prescribed, the Registrar shall hold such enquiry as he thinks fit and if he is satisfied that such union fulfils the conditions necessary for registration specified in section 7 and is not disqualified from registration under the Act.”

That is also one of the conditions prescribed by clause 8, that a union must not have been disqualified under clause 54. Now the question that I would like to ask is this. Why is it that there should be this perpetual disqualification ? I can quite agree that there may be a disqualification for a temporary period. It may be possible to argue that persons who have obtained a registration by reason of fraud, by reason of misrepresentation, should be on probation for some time. I can quite understand the reasonableness of a proposal of that sort But I do not understand the reasonableness of a provision which says that because a man was guilty of fraud or misrepresentation, he should be perpetually debarred from even coming before the Registrar and obtaining the registration of his union. Sir, let me refer in this connection to the provisions which we have in the Government of India Act 1935. We, the members of the House, have to face certain disqualifications which are enacted in the Government of India Act. We know that persons cannot stand for election because they suffer from disqualification, that certain persons even though they are elected cannot become members of the Legislature because they are disqualified. I was one of those who were about to be disqualified, but the Government, it is said, came to my rescue and managed to save my seat for me ; otherwise, I would have been disqualified. But the point that I am seeking to make is this, that the disqualifications contained in the Government of India Act are certainly not perpetual. Those disqualifications are temporary. Once the disqualification passes off by efflux of time the member becomes qualified to seek election and become a member of this House. If this is the principle that is embodied in the Government of India Act, if the disqualification of members who are supposed to be free from all moral taint, to have no kind of moral turpitude in them so that they may exercise their rights, their privileges and duties in an honest manner in this House, are not permanent, I ask why the disqualification of persons who are organising labour should be permanent I see no answer to it As a matter of fact, I would say that this provision really nullifies the decision of the Full Bench of the Calcutta High Court. I am sorry, as I came in a hurry, I am not in a position to lay my hands exactly on the report. But there is a case. It may be within

the knowledge of many members, at any rate of those who are dabbling in labour politics, that in Calcutta when the Emergency Powers Act was brought into operation a certain union was declared to be illegal by the Registrar because it was managed by communists. That was perfectly legal so far as the Emergency Powers Act was concerned, but those gentlemen, the communists, who were in charge of the union were not going to be defeated in that way. They devised another plan and that plan was to present another application for registration under a new name. The Registrar who smelt a rat in it, because he found that the man whose registration was cancelled was the same man who brought this application, said, "I must wait and make an enquiry." So, he made an enquiry into the personnel and composition of the management of this new union which had brought forth the application for registration and found that the gentlemen whose union was cancelled by him were the same gentlemen who had brought this application for registration. He said, "You are the same gentlemen. I will not grant you registration." They went to the Calcutta High Court, and the Calcutta High Court held that it was none of the business of the Registrar to enquire into the personnel of the management. What all the Registrar was entitled to do was to examine the object for which the union was formed and to examine whether seven persons have signed the application, but beyond that he had no concern. That was the position under the old law, that is to say, that persons who were once disqualified could go and obtain registration without there being any hitch by the law placed in their way. This Bill puts a perpetual hindrance in the way of people who want to organise labour, simply because they happen to have committed some kind of misrepresentation or fraud. This is all that I really wanted to say on the provisions of this Bill.

Of course, it may be pointed out that this Bill introduces equality of treatment between the labourers and the employers, because, just as this Bill penalises the strike of workmen, it also penalises the lockout by employers. I do not think that this position can be substantiated, because I do certainly find one or two cases where there is a differentiation made between the employer and the employee. For instance, I refer to the question of notice under clause 28. The employer is required to give notice for any change (1) in standing orders, (2) in regard to industrial matters mentioned in Schedule II. When you come to the employee, the employee is required to give notice of any change in the standing orders and in any industrial matters, not necessarily confined to Schedule II. That is certainly not an equality of position. With regard to the appearance, the employer is certainly not penalised if he does not appear. But the worker can be compulsorily represented if the union does not appear. If there is nobody there is the labour officer, who can represent labour and the agreement made after conciliation may bind labour also, although labour has repudiated the conciliation and was not prepared to have its interests represented by that officer. These are trifling things. Apart from this, what I am trying to urge

is this. Sir, what we want is not equality, what we want is equity. What I want to urge before this House is this. Equality is not necessarily equity. (Interruption). I am going to prove it. In order that it may produce equity in society, in order that it may produce justice in society, different people have to be treated unequally. Why go far? Take the case of income-tax. I am a student of finance and so this illustration comes to my mind readily. Why do we have progressive income-tax? Why don't we tax all people alike? The reason why we tax the rich at a higher rate and the poor at a lower rate is because the taxable capacity of the two is different. In a case like that equality would produce the greatest inequity. Take an ordinary case. Suppose, in a household, there are several persons of whom one is sick. In order that the sick person may get out of sickness and in order that he may become better, we give chicken soup to him, but we do not give chicken soup to the others. No one would blame the mother of the household if she gave chicken soup to the sick member and denied it to the other adult members who are enjoying robust health. What we want is equity. This equity cannot be produced, if we propose to treat the strong and the weak, the rich and the poor, the ignorant and the intelligent on the same footing. If my honourable friend wishes to treat the two classes equitably, then this Bill will not suffice. He will have to introduce some other provisions into the Bill and I would like to ask whether he is prepared to introduce such provisions in the Bill.

What is happening today in this industry of ours? I am sorry I have to make a plain breast of what I feel on this occasion. We have mills in Bombay City managed by Parsis. There are mills there managed by Gujaratis. There are mills in Bombay which are managed by Jews or by Europeans. I visited all these mills in my younger days when some members of my family were working there. I used to carry their bread to the mills where they were working. Recently also I visited some of the mills though not often times. The most surprising thing about all these mills is that they have been made the heaven for the cousins of the Managers. Hundreds of useless people are employed in higher grades simply because they are related to the managing agents in some way. You go to a Parsi mill, you will see hundreds of Parsis employed whether they are wanted or not. Go to a mill managed by Gujaratis. You will see hundreds of Gujaratis employed whether they are wanted or not. Go to a mill managed by Jews. You will see hundreds of Jews employed, whether they are wanted or not. The best part of the earning of the workers are taken away by the managers in order to feed these people who are employed in the mills, whether they are efficient or not, or whether they are wanted or not. All these people who are controlling the industry float the capital and bloat it up by all sorts of paper transactions. When the worker says that he gets less wages, the man controlling the industry says. "It is my capital". All this is bogus capital, stock exchange capital, bolstered up by speculators. A good part of the earning of the industry is swallowed by these people. From the little



balance that is left, the workers are asked to eke out their existence. If the Honourable the Prime Minister wants to introduce equity, let him make the workers' wages the first charge on the profits of industry. I do not understand why the mill owners or, for the matter of that, any owner of any industry, should not be required by law to present his budget annually. Government is required to present its budget every year ; annually we get a budget of Government in which Government say how many Ministers are employed, how many chaprasis are allowed to the Ministers, how many superintendents are there in departments, how many clerks, this, that and the other. This House is in a position to understand whether the establishment is excessive or not. This House gets to know whether the money is spent properly or not. Why is it that a millowner or, for the matter of that, the owner of an industry, who gets his earning, not entirely by his capital but also by the sweat of another man, be not compelled to give the details of his management ? This is a very fair demand to make. The advantage would be this. Once a budget of that kind is presented by the owner of an industry, the workers would be in a position to realise and scrutinise whether the balance that is left to be divisible among the labourers is fair or whether the employer has taken an undue portion of the total profit. What is the use of having a conciliation board and asking the employers to produce their account books when the employee is not placed in a position to scrutinise what is really the state of affairs ? If the procedure I suggest is adopted, I am sure about it that there will be less labour troubles, the conciliation would be more effective and there will be more industrial peace. If the Honourable the Prime Minister wants to treat labour and capital on a footing of equality in the sense in which I have suggested, namely, that there should be equity, then there is no basis for equity in the provisions of this Bill. Secondly, there is no basis for equality between capital and labour because the Government in any dispute is always on the side of employers. This is clear from the use of the police Government makes in strikes. The police force is maintained out of public fund, out of the taxes we all bear. It is intended for the benefit of all. Surely, no Government is entitled to use this police force merely because a strike by the workers results in a breach of peace. What is further necessary is to show that the breach of peace, has been caused by one particular section of the industry. If the breach of peace is caused by some unreasonable demand made by labour, you may be justified in using police force against them. If on the other hand the breach of peace is broken by something which has been done by the employer which does not stand to reason, and which is contrary to justice and equity, then Government have no right to use the police force against the workers. Real equality between employers and employees can be brought about only by incorporating these two provisions. The employer must be compelled to disclose his budget and the Government must cease to use the police force against the workers merely because there is breach of peace. Without this there can be no equality between capital and labour

as to bargaining power. Will you do it? If you do this, you will lose case with the employers. If you don't, you cannot be the friend of labour. The Bill as it is, I am sure about it, should not be passed. It only handicaps labour. Labour may not now know what this Bill does. But when the Bill comes into operation and the labourer stands face to face with the Bill he will say that this Bill is bad, bloody and a brutal Bill. Sir I cannot be a party to it. (Applause).

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## \*ON DISTURBANCES ENQUIRY COMMITTEE'S REPORT

*Dr. B. R. Ambedkar (Bombay City)* : I will try to finish within five minutes because I have not much to say. Mr. Speaker, Sir, if I rise to speak on this cut motion it is not because I think I am called upon to meet what the Committee has been pleased to say about myself. There is neither the time nor, in my judgment, any necessity for me to advance any pleading in respect of the position that I took with regard to this strike and I will, therefore, leave that matter aside. If I rise to speak, it is because I think that the speeches which have been delivered by the two honourable members of this House who preceded me gave me the impression that they would result in side-tracking the attention from the principal issues with which we are concerned as a result of this report. In my judgment, there are three questions that we have to consider—certainly two. It is to ask these three questions to the Home Minister that I have risen to speak. I accept for what it is worth the finding of this Committee that there were disturbances, for the sake of argument.

*Mr. Jamnadas M. Mehta* : They were not findings but they were found for the Committee.

*Dr. B. R. Ambedkar* : Whatever it may be, what the Committee has reported is this and it is reported in very definite terms. Paragraph 84 says :—

“The attitude and actions of the crowd were solely responsible for the firing. We are of opinion that the ultimate responsibility for the disturbance at the Elphinstone Mill, which resulted in firing and consequent casualties, must rest on the members of the Council of Action, who, by their intensive propaganda, invited the illiterate workers to resort to violence to make the strike a success.”.

As I said, I am not going to examine the correctness of this finding. I think if one wanted to examine the correctness of the finding, one could say a great deal, because speaking for myself I certainly find that the evidence on which this finding has been based and the number of the speeches alleged to have been delivered by the persons who were members

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\*B.L.A. Debates, Vol. 5, pp. 1724-27, dated 17th March 1939.

of the Council of Action and they have all been given in the body of this report practically from page 10 onwards, do not in my judgment support this finding. As I stated, I am taking this as a finding of fact for the sake of argument and the question that I am going to ask to the Honourable the Home Minister is this : Does he believe that this report is true ? If he says that this report is true, is he prepared to prosecute the members of the Council of Action for having aided and abetted this violence ? Speaking for myself, inasmuch as I was connected with this Council of Action, I am prepared to take my trial. Let any man who has the courage, who has the confidence, who believes in this evidence, come forward and prosecute me. I am prepared to take my trial and suffer what punishment the law might inflict upon me. That is my first question. The second question that I am going to ask the Honourable the Home Minister is this, and that is again based upon a finding of the Enquiry Committee which, as I said, I am going to accept for the sake of argument. I thought that the principal question with which this Committee was concerned was the question of justification of the firing. The Committee has stated that the firing was justified, that there were reasons for the firing. The Committee, I believe, has also reported that without firing the violence could not have been curbed, in other words, that the firing was just sufficient for the purpose. As I said, I am taking that finding as true for the purpose of my argument. I am also asking therefore another question to the Honourable the Home Minister. Is he prepared to prosecute the police officers who indulged in this firing in an ordinary court of law and get the finding given by this Committee sustained by a Judge and a Jury? Sir, I like to point out to this House that so far as the law is concerned, there is no difference between an ordinary citizen and a police officer or a military officer, and I would like to read for the benefit of the House a short paragraph from a very classical document which I am sure my honourable friend the Home Minister knows, namely, the Report of the Featherstone Riots Committee. In one passage it says :—

“Officers and soldiers are under no special privileges and subject to no special responsibility as regards the principle of the law. A soldier for the purpose of establishing civil order is only a citizen armed in a particular manner. He cannot, because he is a soldier, excuse himself if, without necessity, he takes human life. The duty of magistrates and police officers to summon or abstain from summoning the assistance of the military depends in like manner in this case. A soldier can only act by using his arms. The weapons he carries are deadly. They cannot be employed at all without danger to life and limb, and in these days of improved rites and perfected ammunition without some risk and endangering distant and possibly innocent bystanders. To call for assistance against rioters from those who can only interpose under such grave conditions

ought, of course, to be the last expedient of the civil authority.”

And so far as the law of this country is concerned, this is the law. To put it very briefly, to put it in the language of that great writer on constitutional law Professor Dicey, the law is this that if a police officer or if a military officer does not obey the command of his officer when he is told to fire, he may be hanged by a court martial and if he obeys it and kills an innocent man, he will be hanged by a judge and a jury. His case must stand by the necessity of the circumstances. His case must stand on whether he has used excess of force. What I want to argue is this. Here is a committee which has justified the conduct of the police. The only thing that I am asking my honourable friend is this : If he believes in this document which has been written by three able and honourable men, if he has confidence in it, why does he not sanction prosecution against those people if that is true ? If there is a jury which can accept that there was a necessity and if there is a jury which can accept that there was no excess, well and good. Let us have a verdict of a judge and jury, and I put it this way that if he does not do this, if he does not prosecute the members of the Council of Action, if he does not prosecute the police officers, then this report has no greater value than a fiction or a novel written by the Three Tailors of Tooley Street. (Laughter).

And, Sir, there is the third question I want to ask, namely, and this is for information. Sir, I am informed and very reliably informed and I put this information to the Honourable the Home Minister that the Manager of the Spring Mill in the vicinity of which the firing took place at 6-30 or so on that day sent a sum of Rs. 200 to be distributed as reward among the police officers who took part in this firing. I do not know whether the Honourable the Home Minister is aware of this fact, but I know this is a fact and if he calls for information from his department, I am sure he will know that this is a fact. Now, Sir, if this is a fact that Rs. 200 were sent by the Manager of the Spring Mill to the Government with a specific direction that the amount was to be distributed as rewards among the police officers who took part in the riot or in the firing on that particular day, that took place in the vicinity of the mill, Sir, I like to ask whether it is not justifiable to say that the firing was resorted to not because there was violence but because the Mill Manager told the police officers to do their job thoroughly. This is a very scandalous state of affairs, and I want the Honourable the Home Minister to take this fact very seriously, because if this is a fact, this police force is a police force maintained by the State not to do justice between classes but it is a police force to side with hirelings and side with assassins to be used by the capitalist class for the purpose of putting down the agitation of workers.

Sir, this affair fills me with horror, and it reminds me of what was

told by a very able civilian in the course of his evidence before the Joint Parliamentary Committee. I refer to the evidence of the late Sir, Edward Thompson, who was for some time Governor of the Punjab and for some time a member of the Viceroy's Executive Council. On his retirement he started an organisation in England in order to support the cause of Indian home rule. As everybody in this House knows, at the time when the Round Table Conference met, the civilians who had gone back—from here were divided into two groups—one group opposed to Indian home rule, and the other supporting Indian home rule. Sir Edward Thompson was one of those who led the group in support of the Indian claim. As a member of that group, he came before the Joint Parliamentary Committee to give evidence and to support his point of view, namely, as to why India should be given home rule. We were all very pleased that at any rate a section of the Indian civilians should come forward honestly and wholeheartedly to support the Indian cause. But I frankly say that I was horrified by the argument that he advanced. What was the argument that he advanced? The argument that he advanced was this. He said, "I am an Irishman. I live in Southern Ireland. I have witnessed the rebellion that took place in Southern Ireland during 1916 and onwards". The one thing that convinced him, he said, in favour of Irish home rule was this : So long as the rebellion was going on, no Englishman could shoot an Irishman, however violent his action was, because if an Englishman shot an Irishman, the whole Irish country went up in arms. He said that as soon as home rule was granted, it was possible for Cosgrave to shoot Irishmen, and nobody rose in rebellion against it. He said that one advantage that the Englishman would have from home rule to India would be that the Indian Ministers would be able to shoot Indians without any qualms. This is exactly what is happening. This is not the only occasion when disturbances have taken place.

*The Honourable the Speaker* : I would remind the honourable member of the time-limit.

*Dr. B. R. Ambedkar* : I am much obliged to you, Sir ; I will finish in a minute.

As I said, this is not the only occasion when disturbances have taken place. If my honourable friend will search the official files, he will find that there have been plenty of occasions prior to this when the disturbances were far greater. Take a single illustration—the occasion when the Prince of Wales visited this country. What was the magnitude of the disturbances that took place then? Take the riots that took place in 1928-29 ; what was the magnitude of the disturbances that took place then? Disturbances are no doubt very unfortunate, but they could never be otherwise. The only question is this : Whether, in maintaining peace and order, we shall not have regard for freedom and for liberty. And if home rule means nothing

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else—as I am thinking, it can mean nothing else—than that our own Minister can shoot our own people, and the rest of us merely laugh at the whole show or rise to support him because he happens to belong to a particular party, then I say home rule has been a curse and not a benefit to all India. (Applause).

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**\*ON PARTICIPATION IN THE WAR : 1**

*Dr. B. R. Ambedkar* : Sir, I rise on a point of order. My point of order relates to the last part of the resolution which reads as follows : —

“This Assembly regrets that the situation in India has not been rightly understood by His Majesty’s Government when authorising the statement that has been made on their behalf in regard to India.”

Sir, I rely on rule 75 of the Bombay Legislative Assembly Rules which deals with the form and contents of resolutions. The rule reads as under : —

“Subject to the restrictions contained in these Rules, a resolution may be moved on a matter of general public interest :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

(a) it shall be clearly and precisely expressed and shall raise one definite issue.....”.

My submission is that the last part of the resolution is not only not definite, but is certainly most ambiguous. The part of the resolution which I refer to says that “the situation in India has not been rightly understood by His Majesty’s Government”. My submission is that the House is entitled to know in what respect the Government of India has not rightly understood the situation in India. In that respect this part of the resolution is ambiguous. One of the fundamental principles which govern all decisions of the House is that the House ought not to leave the interpretation of any part of the decision that it takes to anybody outside it. The House ought definitely to say what it decides, and on that point I rely upon a precedent which has been referred to in the Digest of Rulings of the Presidents, Bombay Legislative Council, at page 148. Ruling No. 24 reads as follows : —

“A resolution must be definite and not ambiguous. Neither the Council nor the Government ought to be a party to an ambiguous resolution which makes its meaning not quite clear.”

I made a reference to Volume IV (1921), page 772 in connection with this ruling, and I find that this ruling arose out of an amendment moved by the honourable member Sir Dhanjishah Cooper to a resolution which referred

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\*B.L.A. Debates, Vol. 7, pp. 1968-69, dated 25th October 1939.



to the distribution of irrigation water, and his amendment suggested certain remedies to be applied "as far as practicable". A point of order was raised that this was an ambiguous amendment and it was disallowed. My submission is that the case I am referring to, so far as this resolution is concerned, is governed by this ruling and, therefore, should be declared out of order.

*The Honourable Mr. B. G. Kher* : I submit that the rule to which my honourable friend referred has no application at all here. The rule only says that the resolution should be clearly and precisely expressed. My resolution says that "this Assembly regrets that the situation in India has not been rightly understood by His Majesty's Government when authorising the statement that has been made on their behalf in regard to India." The question, therefore, is and the definite issue is : does the statement which has been made on His Majesty's behalf correctly represent the situation in India ? That is the definite and precise issue, and there is no vagueness in it. I submit further that it is one definite issue as is contemplated by Rule 75(a). Therefore, the objection raised by the honourable member has no application here. I can quite understand the ruling given about "as far as practicable", because that may mean anything. Here we are referring to the statement—that statement is not an unknown matter, that statement is before the House—and—

*Dr. B. R. Ambedkar* : I might invite the attention of the Honourable the Prime Minister to the fact that the wording is that "the situation in India has not been rightly understood" ; and my submission is that the House is entitled to know in what respect the Government of India has not rightly understood the situation.

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†*Dr. B. R. Ambedkar (Bombay City)* : Sir, I beg to move the following four amendments. My first amendment is this :

*The Honourable the Speaker* : I am taking it as one amendment.

*Dr. B. R. Ambedkar* : Sir, I beg to move—

Delete the words—

"and have further in complete disregard of Indian opinion passed laws and adopted measures curtailing the powers and activities of the Provincial Governments".

*The Honourable Mr. K. M. Munshi* : Sir, on a point of order, with regard to your last ruling that the four amendments of the honourable member Dr. Ambedkar should be treated as one amendment. It may be possible for the House to accept one part of this amendment and not the others. Then, difficulty will be created if it is taken as one.

*The Honourable the Speaker* : Even though it is taken as one amendment, when putting it to the vote it may be divided in two parts. If that is the desire of the House, I shall certainly do so.

†B.L.A. Debates, Vol. 7, p. 1972, dated 25th October 1939.

*Dr. B. R. Ambedkar* : Further—

After the words “entitled to frame her own constitution” add the following :—

“and that the British Government will agree to give effect to such constitution on being satisfied through the representatives appointed by the minor communities, that the constitution so framed safeguards the life and liberty of these communities”.

After the words “governance of India” add the following : —

“it being premised that such action shall not be in derogation of the fundamental right of the said communities to have a voice through their accredited representatives in the machinery established for the governance of the country”.

Delete the whole portion beginning with “including arrangements” and ending with “in regard to India”.

Question proposed.

*The Honourable the Speaker* : The resolution as it is sought to be amended will read thus :—

“This Assembly regrets that the British Government have made India a participant in the War between Great Britain and Germany without the consent of the people of India. This Assembly recommends to the Government to convey to the Government of India and through them to the British Government that in consonance with the avowed aims of the present war, it is essential in order to secure the co-operation of the Indian people that the principles of democracy be applied to India and her policy be guided by her people ; and that India should be regarded as an independent nation entitled to frame her own constitution and that the British Government will agree to give effect to such constitution on being satisfied through the representatives appointed by the minor communities, that the constitution so framed safe guards the life and liberty of these communities, and further that suitable action should be taken in so far as it is possible in the immediate present to give effect to that principle in regard to present governance of India, it being premised that such action shall not be in derogation of the fundamental right of the said communities to have a voice through their accredited representatives in the machinery established for the governance of the country.”.

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†*Dr. B. R. Ambedkar* : Sir, I rise to a point of order. My submission is that this amendment is out of order, and I again rely upon sub-clause (a) of rule 75 at page 20. Sub-clause (a) says that a resolution shall be clearly and precisely expressed and shall raise one definite issue. I emphasise the words “one definite issue”. My submission is that if this amendment becomes a part of the resolution, then the whole resolution will offend against sub-clause (a) of rule 75, because in that event the resolution

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†B.L.A. Debates, Vol. 7, p. 1976, dated 25th October 1939.

will be covering more than one definite issue. Although the resolution, as it is, deals with, as has been pointed out by speakers before me, four or five different matters, it might be conceded that all these four or five different matters arise out of one issue and that issue is with regard to the war policy and the declaration demanded by this country ; but the question raised by this amendment, which relates to a matter of confidence in the Ministry, I submit, is a definite, distinct and separate issue and cannot be validly held to be a part of the resolution so as to be in conformity with the provisions of sub-clause (a) of rule 75. Sir, I will also invite your attention to the ruling given on this point which is reported at the page 148 and which is No. 23. It is as follows :—

“A resolution must not suffer from the vice of involving two definite issues totally different and distinct from each other.”

This is a ruling which is reported from Volume II of 1921, page 1425. In that case, a resolution was moved with regard to the women’s franchise, and on a point of order it was contended that although the resolution was one it raised two definite issues. One was the right of women to vote and the other was the right of women to sit in the House, and the President at that time ruled that as the resolution involved two definite issues it was out of order. My submission is that for the same reason this amendment, if adopted, would make the resolution out of order.

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†*Dr. B. R. Ambedkar* : No. The question of resignation of the Ministry is a matter for the party. It is not a matter for the House. It is just a matter for the party whether they should stick to office or should not. It would be quite another matter if the Ministry state that the people of this country should not participate in the war. On that point the House can express its opinion. My submission is that the suggestion made by my honourable friend is not before the House—I do not know whether such an amendment to delete the words “while recording its fullest confidence in the Ministry” is coming or not. I am speaking on the amendment as it is now, and my submission is that in the terms in which the amendment stands now, it offends against sub-clause (a) of Rule 75. I will make my submission when the other amendment is before the House.

*The Honourable the Speaker* : The point of order was that by this amendment more issues than one are sought to be raised in the resolution as it originally stands. Therefore, the honourable member’s objection is not restricted to those words only “while recording its fullest confidence in the Ministry”.

*Dr. B. R. Ambedkar* : That is what I stated. It is to the whole of the thing.

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†B.L.A. Debates, Vol. 7, p. 1978, dated 25th October 1939.

**\*ON PARTICIPATION IN THE WAR : 2**

*Dr. B. R. Ambedkar (Bombay City)*: Mr. Speaker, Sir, at the outset I must mention that I am somewhat chilled at the decision that you have taken that you will not allow more than 45 minutes for any particular member who happens to be in the position of a leader. You also repeated the same just now ; and having regard to the notes that I have before me, I am afraid that I must begin by asking your indulgence for some extension of time. I might tell you that my request is not of an extraordinary character. There is a precedent. We all know the story in *Mahabharata* about king Yayati. He happened to marry in his old age a young girl by name Devyani. After marriage he found that there was so much discrepancy between the ages of the couple that unless some period was added to his youthful life, the marriage would be of no use at all. Turning round he began to find out whether there was any charitable soul who would consent to deduct a part of his life and add the period to his own. He could find no one. Fortunately, his son Pururava who was a very dutiful son, much younger and who needed all his youth to himself, came forward and offered a part of his life to that of his father. Sir, I would assure, you that those who are sitting behind me—and, if I may say, my relations with them are those of sons and father—have all agreed to have some deduction made from their time in order that that may be added to mine. But I know that unless you bless the bargain and sanction it, the addition cannot be made. It may be that this addition may not be necessary, but should the events turn out that the addition is necessary, I will proceed in the hope that you will sanction it ultimately.

Sir, turning to the resolution which the Honourable the Prime Minister has moved, I cannot help saying that this resolution to my mind, seems to be improper and inopportune. This resolution asks the House to demand a certain declaration, and further proceeds to invite the House to sanction a certain procedure in case those demands are not met. First of all, I want to know who made these demands ? Obviously, the demands which have been made to His Excellency the Viceroy were not made by this House.

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\*B.L.A. Debates, Vol. 7, pp. 2018-35, dated 26th October 1939.

The Honourable the Prime Minister did not think this House to be a worthwhile place for him to table the demands in the name of the country and to have the backing of this House before they were sent to His Excellency the Viceroy. The demands, as we know now, were presented by what the Honourable the Prime Minister will call his "High Command" and which I say is nothing but a vigilance committee appointed to check the bold actions of the ministers. (Laughter). My submission is, that this was the proper place where the demands ought to have been placed. He did not choose to do so. If they were tabled they were passed at the back of this House by somebody unknown to the constitution and unrecognised by this House, and after having done that, he now quietly comes to the House and says : "Well, the thing has been bungled ; come to our rescue." I submit that this is a most insulting procedure.

The second thing which I have to say about this resolution is, that this resolution asks for a declaration in certain terms. Now, Sir, it seems to me that a certain kind of declaration has been made by His Excellency the Viceroy. That declaration was known to the people of India on the 18th of this month ; some seven clear days have now elapsed after that. Now all that the House, in all propriety, could do is to express its opinion that that declaration is not a satisfactory declaration ; but the resolution does not do that. Although there is a declaration ; the Honourable the Prime Minister has worded his resolution without in any way expressing whether that declaration is acceptable or not, or whether some other declaration ought to be made or not. The whole thing seems to sound trivial. Sir, I do not wish to proceed in that strain, because my honourable friend the Prime Minister has requested the members of the Opposition to treat this resolution as though it was a non-contentious matter. But I would say that it is very seldom that a dog gets a chance to eat a dog, and such a resolution is one which shows that a dog can eat a dog. However, I am prepared to respond to the invitation of the Honourable the Prime Minister and treat the resolution and the amendments which have been tabled in a non-contentious manner.

Sir, as I am going to make some comments upon the resolution as such, and also upon the amendments, I would like at the outset to show to the House in what respect I agree with the resolution. In so far as the resolution says that India has been made a participant in the war between Great Britain and Germany without the consent of the people of India, I am in wholehearted agreement with it. In fact, I would have gone a step further because the position is really very anomalous. Here we are tied down to the chariot wheel of the British Cabinet. The British Cabinet controls the foreign policy of the Empire. In the making of the foreign policy this country has no voice. In the declaration of war this country has no voice. In the settling of peace terms this country has no voice.

Probably an invitation might be extended to some members from the public to go to Versailles or to some other place, where the peace is signed, in order to sign their names on the document. Beyond that, this country, I am sure, will not have any place. That is certainly a most anomalous position. I say that India has a greater right to participate in the foreign policy of Great Britain, a far greater right than the Dominions have. As the Honourable the Prime Minister referred in the course of his speech, under the Statute of Westminster it is open to a Dominion to declare herself to be neutral and to exempt herself from the consequences of a war for the outbreak of which she was not responsible. Unfortunately, we have at present no Dominion Status. We have no right to declare ourselves to be neutral. Without our will and without our consent we are dragged in this slaughter ; and I say that, if this is the case, we have a far greater right than any Dominion possesses in order to insist that we shall be consulted all along. Therefore, so far as that portion of the resolution is concerned, I give my full support.

There is one other matter also to which I would like to make a brief reference. Although this country has been involved in the war without her consent, as the resolution rightly says, this country from the standpoint of defence, is in a most defenceless condition. Supposing the question of defence of this country arose, then where is the army? Where is the navy? Where are the aeroplanes that can protect this country? As a member of the Round Table Conference, I remember we fought for one principle, and that principle was that the defence of India should be recognised as the responsibility of Great Britain and Indians should be taught to defend themselves. I am sorry to say that so far as I have been able to observe the defence policy of the Government of India, they have not taken any satisfactory measures along that line. I see nothing in their policy so far as the fulfilment of that principle is concerned. Therefore, I think that also is a legitimate part of the complaint which India could make. Now these are the points on which I agree with the Government ; but I am sorry to say that there my agreement ends.

Sir, as you know, I have tabled in all four amendments. They are three, but they are in fact four. I propose to take together the two amendments which deal with the rights of the minorities, and I will take the other amendments separately. I do not propose to read the amendments again to the House, because I want to economise time. The House fully knows what the amendments are. The Honourable the Prime Minister ended by drawing the attention of the House to the principle embodied in the constitution of the United States. He read a passage from the constitution of the United States which referred to democracy, to life and liberty and to pursuit of happiness. And he commended that those of us who are sitting on the Opposition benches should have a regard for that ancient and

very human document which embodied the principles of democracy. Sir, I would on my part, take the liberty to remind the Honourable the Prime Minister of the condition of affairs relating to South America. He referred to North America, and I shall be referring to South America—they are countries which are very near each other. My honourable friend the Prime Minister, I am sure, will recall the fact that when the Spanish American colonies such as Brazil and others separated from the Spanish empire, they also thought of framing their own constitutions. They did not know how to frame their own constitutions. Consequently, they sought the assistance of a man whom I am sure the Honourable the Prime Minister is familiar with. What they did was this—they referred the matter to Jeremy Bentham. Jeremy Bentham must be known to every lawyer, if not to the outside world. Jeremy Bentham was a great legislator; he was a man who indulged in formularies; he was a man who indulged in symmetrical classification of things; he wanted to reform the English law on the basis of pure rationalism. The South American colonies thought that a man who believed in nothing but applying reason and who believed in doing things a priori was a proper person who would be asked to frame a constitution for themselves. They sent emissaries with briefs, I believe, marked, as they usually are for counsel, to draft the constitution. There were innumerable colonies in South America, all spilt out of the old Spanish empire. Jeremy Bentham jumped at the opportunity of drafting constitutions for these new countries in South America. He took great pains and framed the most elaborate documents. I see the Prime Minister laughing, because he knows the facts. And, Sir, they were shipped all these documents, constitutional documents framed by Jeremy Bentham, were shipped over to South America, for the protection of the life and liberty of the people and for the intonement, if I may say so, of the democratic principle. When they went there, they were tried by the South American people for a few years. And afterwards every constitution that was framed by Jeremy Bentham broke to pieces, and they did not know what to do with the surplus copies that had arrived; and all the South American people decided that they should be burnt publicly.

Sir, the point that I want to emphasise is this, that a constitution, like a suit, must fit. A constitution which does not fit is no constitution—it cannot be a constitution. For instance, the coat which the Honourable the Home Minister, with his slim body, is wearing could not fit on the corpulent structure that I carry. (Laughter). Could it? Would a suit made for a man with a hunch-back fit a normal man's back? (Laughter). Can a shoe which fits a man who can place his feet firmly and straight on the ground fit a man who has a crooked leg? It cannot. Therefore, in talking about democracy, we must talk about fitting theories to facts. Now, the point that I am going to elaborate is this: Would the principle of democracy suit the

people of India ? My honourable friend the Prime Minister has not enlightened us by enunciating what he regards as the principles of democracy. But I take of that what he means by democracy is majority rule, because unless we all accept majority rule as the fundamental working principle, there can be no political democracy. Obviously that is the root, that is the basis, that is the line from which we must proceed to discuss this question.

Now, Sir, I think everybody will agree with one observation that the Leader of the Opposition made, namely, that in this country, the facts being what they are, there is one thing which is unalterable ; and that one thing which is unalterable is this, that the Hindus will remain in a majority, and the Muslims and the Scheduled Castes will remain in a minority, that, I submit, is an incontrovertible fact, a fact which whether we believe in one thing or other, we must all accept. Now the question, to my mind, is a very simple question, and I am going to deal with it purely from the standpoint of what are called the untouchable people of this country. To begin with, I will ask the House to note the relative position that we shall occupy under this democracy. Under this democracy which the Prime Minister wishes to be established in this country one thing, as I said, will be unalterable, namely, that there will be a Hindu majority, and, scattered all throughout this land, scattered all throughout every village there will be a small appendix, if I may use that expression a few clusters of huts, a few mud-houses of people who are called untouchables. In every village you will have in juxtaposition a colony consisting of Hindus, and a Maharwada or a Chambharwada or a Bhangiwada or whatever you like to call it attached to that colony. That will be the unalterable fact.

Now, my honourable friend asks me to submit to democracy. Well, I think he will allow me to say that my answer to this question would depend upon how this majority behaves towards me. Is this majority a tolerant majority ? Does this majority recognise equality, liberty and fraternity ? Will this majority permit me to live, to breathe, to grow ?

*The Honourable Mr. B. G. Kher* : Of course, it will.

*Dr. B. R. Ambedkar* : What is the attitude of the majority ? That is the only question that will have to be considered. My honourable friend said "Yes". But let us look to the facts. I am not going to travel into past and ancient history ; I propose to begin with the year 1929. The House knows that in the year 1929 the Bombay Legislative Council, by a resolution, appointed a committee to enquire into the grievances of what are called the Depressed Classes and the Aboriginal Tribes. That committee was presided over by an officer, named Mr. Starte, who was in charge of the criminal tribes. I was a member of that committee ; my colleague, Dr. Solanki, was a member ; the rest were Hindus. I would mention particularly one person, who happened to be a member of this



committee, and that was Mr. Thakkar, because I know that my honourable friend the Prime Minister will far more readily accept the testimony of Dr. Thakkar than of myself. Now, Sir, what was the attitude of the majority of the Hindus towards the depressed classes in the year 1928 ? I will just take your permission to read one paragraph from this report. Para. 102 of this report says :

“Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land and boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence, sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.”

That was the condition in 1928. The question I should like to ask is this : Has there been any change since 1928? Now, Sir, so far as evidence is available to me, I have no hesitation in saying that the situation has not only not changed, but has worsened. I will give a few illustrations in order to support my contention.

The first thing I would refer to is the election of 1932 that took place

to the Legislative Council. As my honourable friend the Prime Minister would recall, in 1932 the Congress boycotted the legislature. They refused to fight the elections. Now, Sir, the Congress in 1932—I stand to be corrected if the date is wrong; I quote it from memory—

*An Honourable Member* : It was 1930.

*Dr. B. R. Ambedkar* : 1930 ; the Congress in 1930 adopted various devices to scare away people, to persuade people not to participate in the elections. Sir, I should like to remind the House that that was the year in which the civil disobedience movement had also begun. And, if I mistake not, according to Congressmen, that is a momentous year, because it was the year in which the Dandi March took place. Sir, what were the slogans that were used by Congressmen in 1930 in order to prevent the people from joining the legislature ? One slogan used by these people was this, so far as I remember : Council may jana haram hay. But that was not all. The other slogan was this : Council may kon jayaga ? Dhed jayaga ; Chamar jayaga. These were the slogans that Congressmen had used. (Interruption). Please. If my honourable friends want evidence, I will produce unimpeachable evidence. And I may say in this House that the slogan was so insulting that even the *Times of India* felt it necessary to write an editorial about it. Now, Sir, the point that I was illustrating was this : that Hindus, even of the Congress persuasion,—who say that they have forgotten caste, who say that they have forgotten religion, who say that they have forgotten untouchability—, Hindus even of the Congress persuasion used that slogan. If, Sir, the pick of the nation as I see here, the best informed, the most enlightened part of the Hindu community, is capable of expressing this kind of abomination towards a community so helpless, so downtrodden, what can you expect from the orthodox to whom the law of Manu is far greater than the law passed by my honourable friend the Prime Minister ?

Sir, let me take another case. I am taking mostly cases from Gujarat, for a very deliberate reason, because I am told that that is the most enlightened part of our presidency. The instance I am speaking of now comes from a village called Kavita in Dholka taluka in the Ahmedabad district. Let us all be particular about it. In this case, the facts were these. On a certain day, a certain Brahmin of the village had assaulted certain members of the untouchable community resident in Kavita. My honourable friend may note that these facts are taken from the *Harijan*, the last word on it.

*The Honourable Mr. B. G. Kher* : I had been to that place ; I know the incident. The honourable member need not quote it.

*Dr. B. R. Ambedkar* : The facts were these. A certain Brahmin assaulted certain members of the untouchable community in that village. Thinking in their impudence, if I may say so, that it was possible for these untouchables to have a Brahmin prosecuted and punished, they took it into their heads to go to the District Police to lodge a complaint against

the assailant. In the meantime, what had happened was this. On the day on which the male members of the untouchable quarters had gone out, an invasion of the quarters of these untouchables took place by caste Hindus of the village. Their houses were demolished, their roofs were thrown out. Finding that the male members were not present to receive blows, all these gentlemen lay in wait till evening thinking that these people would return at night. Some women who had come to know their plan sneaked out of the village and met the male members half way at night and told them that it was most dangerous to come to the village, because their life was not safe. These people spent the night outside the village and did not return. The next day, they came back in a scattered manner without being noticed, and managed to come to the village. They found that all their huts were demolished. Subsequently, they came to know that the village had declared a boycott. They were not allowed to purchase anything from the village Bania. Not only that, the villagers went further, purchased tins of kerosine oil and poured it into the watering place from where these people used to get their water. Then, they felt that something ought to be done. They thought, ill-advised as they were, they should have recourse to law. They went again and lodged a complaint. Some Congress friends of theirs intervened. What did they do? Did they help these poor untouchables to vindicate their rights? No. They persuaded them to withdraw the complaint and submit quietly. The distressing part of the whole business is here. What wrong have these untouchables of Kavita done? Why were they persecuted in this manner? For no other reason but this. The untouchables of Kavita persisted in sending four of their children and admitting them in the school where they should be admitted according to the orders of Government.

The next case to which I am coming is the case of a Bhangi boy who had the misfortune to be appointed a talati. His name is Parmar Kalidas Shivram. With your indulgence, I propose to read what Parmar Kalidas Shivram said at a public meeting in Bombay under the chairmanship of Mr. Indulal Yagnik at which I was also present. I was tremendously moved on hearing the story. I asked him to give me in writing the whole thing. I have merely translated what he has given to me in writing. This is the story:

“I passed the vernacular final examination in 1933. I have studied English up to the 4th Standard. I applied to the Schools Committee of the Bombay Municipality for employment as a teacher but I failed as there was no vacancy. Then I applied to the Backward Class Officer, Ahmedabad, for the job of a Talati and I succeeded. On the 19th February 1938, I was appointed a Talati in the office of the Mamlatdar of the Borsad taluka in the Kaira district.

Although my family originally came from Gujarat I had never been in Gujarat before. This was my first occasion to go there. Similarly, I did

not know that untouchability would be observed in Government offices. Besides, in my application the fact of my being a Harijan was mentioned, and so I expected that my colleagues in the office would know before hand who I was. That being so, I was surprised to find the attitude of the clerk in the Mamlatdar's office when I presented myself to take charge of the post of Talati.

The Karkun contemptuously asked, "Who are you?" I replied, "Sir, I am a Harijan." He said, "Go away, stand at a distance. How dare you stand so near me. You are in office, if you were outside I would have given you six kicks. What is this audacity to come here for service!" Thereafter he asked me to drop on the ground my certificate and the order of appointment as Talati. He then picked them up.

While I was working in the Mamlatdar's office at Borsad I experienced great difficulty in the matter of getting water to drink. In the verandah of the office there were kept cans containing drinking water. There was a waterman in charge of these water cans. His duty was to pour out water to clerks in office whenever they needed it. In the absence of the waterman they could themselves take water out of the cans and drink it. That was impossible in my case. I could not touch the cans for my touch would pollute the water. I had, therefore, to depend upon the mercy of the Waterman. For my use there was kept a small rusty pot. No one would touch it or wash it except myself. It was in this tin that the waterman would dole out water to me. I could get water only if the waterman was present. This waterman did not like the idea of supplying me with water. Seeing that I was coming for it he would manage to slip away with the result that I had to go without water and the days on which I had nothing to drink were by no means few.

I had the same difficulties regarding my residence. I was a stranger in Borsad. No caste Hindu would rent a house to me. The untouchables of Borsad were not ready to give me lodgings for the fear of displeasing the Hindus who did not like my attempt to live as a clerk. Far greater difficulties were in regard to food. There was no place or person from where I could get my meals. I used to buy 'bhajias' morning and evening, eat them in some solitary place outside the village and come and sleep at night on the payment of the verandah of the Mamlatdar's office. In this way I passed four days. All this became unbearable to me. Then I went to live at Jentral, my ancestral village. It was six miles from Borsad. Everyday I had to walk twelve miles. This I did for a month and a half.

Thereafter the Mamlatdar sent me to a Talati to learn the work. This Talati was in charge of three villages, Jentral, Kanpur and Saijpur. Jentral was his headquarters. I was in Jentral with the Talati for two months. The headman of the village was particularly hostile and offensive. Once he said, "You fellow, your father, your brother are sweepers who sweep

the village office and you want to sit in the office as our equal ! Take care, better give up this job.”

One day the Talati called me to Saijpur to prepare the population table of the village. From Jentral I went to Saijpur. I found the headman and the Talati in the village office doing some work. I went, stood near the door of the office and wished them good morning, but they took no notice of me. I stood outside for about 15 minutes. I was already tired of life and felt enraged at being thus ignored and insulted. I sat down on a chair that was lying there. Seeing me seated on the chair the headman and the talati quietly went away without saying anything to me. A short while after, some people began to come to the village library. I could not understand why an educated person should have led this mob. I subsequently learnt that the chair was his. He started abusing me in the worst terms. Addressing the Ravania, that is, the village servant, he said, “Who allowed this dirty dog of a bhangi to sit on the chair ?” The Ravania unseated me and took away the chair from me. I sat on the ground. Thereupon the crowd entered the village office and surrounded me. It was a furious crowd ranging with anger, some abusing me, some threatening to cut me to pieces with a dharia and I implored them to excuse me and to have mercy upon me. That did not have any effect upon the crowd. I did not know how to save myself. But an idea came to me of writing to the Mamlatdar about the fate that had befallen me and telling him how to dispose of my body in case I was killed by the crowd. Incidentally, it was my hope that if the crowd came to know that I was practically reporting against them to the Mamlatdar they might hold their hand. I asked the Ravania to give me a piece of paper which he did. Then with my fountain pen I wrote the following on it in big bold letters so that everybody could read it :—

“To the Mamlatdar,

Taluka Borsad.

Sir,

Be pleased to accept the humble salutations of Parmar Kalidas Shivram. This is to humbly inform you that the hand of a mean death is falling upon me today. It would not have been so if I had listened to the words of my parents. Be so good as to inform my parents of my death.”

Now, I will refer to certain instances showing the behaviour of the majority towards the Scheduled Castes. One is the case from the Kekatnim-bhore village, taluka Jamner. It is as follows :—

“The Depressed Class people of this village have given up observance of any Hindu festival and have adopted a clean mode of living. One holiday they were asked by the caste Hindu to provide for their Holi cowdung from the fields. The Depressed Class people did so. But they did not have Holi and hence they did not provide for fire to the caste Hindus. Therefore the Hindus rushed into their colony, beat them in

their homes and have declared severe boycott on them and have made their life miserable.”.

Another case is a case from Vadali village in Jamner taluka. In that village a marriage procession of the Depressed Class people was not allowed to pass through the common gate of the village. The procession was broken and the caste Hindus did not allow the marriage ceremony to be performed on the same day. The Depressed Class people were socially boycotted.

Then there is another case from Manded in Amalner Taluka. In Manded the Depressed Class people held a conference and passed a resolution supporting abandonment of bad habits and to take to a clean mode of life. Some of the caste Hindus did not like the idea. They killed one small pig and put it into the drinking water of the Depressed Class people. This process was repeated twice. The Depressed Class people are now socially boycotted and harassed. Many of the Depressed Class people have vacated their places due to harassment.

Sir, I do not wish to repeat *ad infinitum* cases which show how intolerant this Hindu majority is so far as the untouchables are concerned. I may say that I will take not only a day but probably a month in order to recount all the material that I possess.

Now, the next question that I ask is this: What protection do the Scheduled Castes get as against this harassment? On that point before I make my submission to the House, I would like to draw the attention of the House to the composition of the administration of this country. I have only figures for the Bombay Presidency with me but, in my judgment, these figures are the typical ones; they would be true not only of this province but they would be true of any part of India. How is the administration of this presidency manned? This is how it is manned. I am taking the figures given by the Government themselves; they are not my own figures. I am taking, first of all, the Scheduled Castes and the Revenue Department. So far as the District Deputy Collectors are concerned, they are 33 and there is only one person belonging to the Scheduled Castes. There are hundred mamlatdars in this province; out of these hundred mamlatdars there is only one from the Scheduled Castes. There are 34 Mahalkaris, but there is none from the Scheduled Castes. There are 246 Head Karknns, but there is none from the Scheduled Castes and, coming to the number of clerks in the Revenue Department, they total 2,444. Of them, persons belonging to the Scheduled Castes are just 30.

Now let us take the Public Works Department. In the Public Works Department there are 829 clerks. In this number of 829 clerks the Scheduled Caste people are just seven.

In the Excise Department there are 189 clerks. Of them, the Scheduled Castes can claim not more than three.

Coming to the Police Department, according to the figures given, the

total number of sub-inspectors is 538. In this number of 538 the untouchables are only two. It is, therefore, obvious that the composition of the administration is entirely Hindu. No question on that point at all.

I would further draw the attention of the House as to how the position of the Scheduled Castes stands in comparison with the other minorities in this province. In the Revenue Department, so far as the district deputy collectors are concerned, out of 33, 8 are Muslims, 3 are Christians and only 1 belongs to the Scheduled Castes. Out of the 100 mamlatdars, 30 are Muslims, 3 Christians and 1 belonging to the Scheduled Castes. Out of 34 Mahalkaris there are 4 Mohomedans, 3 Christians but no man from the Scheduled Castes. Out of 246 Head Karkuns, 17 are Mohomedans, 7 are Christians but no one from the Scheduled Castes. Out of the total number of 2,444 clerks, there are 283 Mohomedans, 61 Christians, 58 backward class people and 30 Scheduled Caste people. In the Police Department, out of 538 sub-inspectors, 106 are Mohomedans, 17 are Christians, 6 are backward class people and only 2 are untouchables. In the Public Works Department out of 829 clerks, 41 are Mohomedans, 28 Christians, 7 Backward Classes and 7 untouchables. In the Excise Department out of 189, 13 are Mohomedans, 19 Christians and 3 untouchables.

Therefore, Sir, the position with which we must start at the outset is that the Hindus are not only in a majority so far as the population is concerned, but the Hindus are in a majority so far as the administration is concerned. And the question that I want to ask the Honourable the Prime Minister is this. I think I have shown, I trust to his satisfaction, that the Hindu majority must undoubtedly be reckoned as a hostile majority. He nods his head. He is welcome to his own conclusions. I shall not quarrel with him. But that is the position. How do the untouchables fare in the matter of protection against this harassment? I want to take again a few cases to show that the whole of the administration, manned as it is by the caste Hindus, is certainly hostile to the untouchables; that they do not wish, that they do not desire, and they do not care for justice when the parties to the quarrels are the caste Hindus on the one side and the untouchables on the other.

Now, the first case to which I want to refer is this. I am giving the number, so that my honourable friend may make inquiries. It is a judgment in Criminal Case No. 191 of 1938 on the file of the Magistrate of the First Class, Sangamner. In this case 7 Hindus were charged under offences falling under section 147, i.e., rioting, 323, 341, 452, 454 and 149 of the Indian Penal Code. The facts were briefly these. The complainant was an untouchable coming from the village which is called Vadgaon Langda. His case was that on a certain day, the villagers in a body of 200, armed with sticks, lathis and other instruments invaded the Mahar quarters and assaulted not only men but also the women. The hurts were grievous hurts.

They were in hospital for several days. Fortunately for them the police took up the case as a cognizable case, which they were bound to do on account of the fact that the hurt was a grievous hurt. These nine people were prosecuted in the court of the First Class Magistrate of Sangamner. The evidence was led by the Police. There was ample medical evidence to show that hurt was caused, and yet what happened? And, if I may say, these nine accused felt so convinced of their guilt that they had actually sent word to me that they were prepared to compromise the matter by paying Rs. 300 to the Mahar men and women who were assaulted. In my poor judgment, I advised the Mahars not to compromise, but to allow the law to take its course. And what did the law do? What did the Magistrate do? To the surprise of everyone, what the Magistrate did was that he acquitted all the accused.

*Dr. K. B. Antrolikar* : Sir, is it competent to the honourable member to offer comments on the judgment of a Magistrate?

*Dr. B. R. Ambedkar* : Certainly. I am stating facts.

*The Honourable the Speaker* : I was just considering the point. But I wanted to hear the facts which the honourable member, was stating. I do not think it will be proper on his part to criticise the judgment of the Magistrate?

*Dr. B. R. Ambedkar* : Sir, I am not criticising. I am only stating the facts. I am stating how much protection we get. It is to give a notion as to the protection that the untouchables get, that I am submitting this to the House. I am not challenging the judgment in any way. What I am saying is this : that these people, who felt in their heart of hearts that they were guilty, and were prepared to compromise by paying Rs. 300 by way of compensation, were ultimately acquitted by the Magistrate. And the point that I want to emphasise is this : Why was this assault committed? Why? The reason why the assault was committed was simply this, that the untouchables had the audacity to make an application to the Magistrate that some forest lands should be given to them. That was the offence that these poor people had committed. Another case to which—

*The Honourable the Speaker* : I would not like to “chill” the honourable member, to use the honourable member’s own expression, but I may only remind him that he has already taken one hour. He will take some more time, I am sure. But if he goes into the minor details of the cases which he is citing then I think another hour would not suffice, and I am anxious to see that the debate comes to a conclusion much sooner.

*Dr. B. R. Ambedkar* : Sir, I just want to refer to two other matters in order just to complete my argument. Another case where the untouchables feel that the officers of the State have failed in giving them the protection to which they are entitled, is the case which comes from a village called



Akushi. Now, in this village what had happened was this. This village is in the Wai taluka in the Satara district. The facts are very simple. In that village there was some trouble between the untouchables and the touchable Hindus. The untouchables and the caste Hindus were at loggerheads. But the untouchables decided that on the *Ekadashi day* they should go for what is called *deo darshan*. The caste Hindus, who had proclaimed a boycott against them, did not want the untouchables to go for *deo darshan*. Notwithstanding this, the untouchables went. The result was that the Patel of the village, in combination with the other villagers, assaulted the untouchables who went to *deo darshan*. As usual, the untouchables filed a complaint against the Patel of the village. The position was this: The Patel knew that he was guilty. A summons was issued. He went away and would not take the summons. Then the summons was pasted on his door. He absconded for three months. Ultimately he came back and the law took its course. Even in this case the learned Magistrate, who tried the case, thought it fit to acquit the accused person who had absconded for three months knowing full well that he was guilty.

The other case to which I would make a brief reference is a case which comes from the Poona district from the village of Thatwadi in the Mulshi Peta. In that case what had happened was this. This is an inam village. Somebody had cut some two or three trees of the inamdar. The inamdar lodged a complaint with the police saying that some Mahars, without mentioning anybody, had cut his trees and had stolen the wood. The police officer who made the investigation prosecuted four persons in the court of the magistrate. Now what happened was, that in the course of the prosecution, the pleader who appeared for the accused persons called for the Public Prosecutor to produce the fabricated first information and entered the names of the four Mahars as accused persons although originally no mention of any name was there. Fortunately, the Mahars were acquitted, but the fact remains that even the police officers who are supposed to give protection to these untouchables go to the length of fabricating evidence in order to involve them in such cases.

Sir, I will not mention any more instances now. I think this story is a sickening one; it certainly sickens me. I know that the Hindus as a whole care nothing. They laugh at it. They only think that the problem in this country is the problem between the Hindus and the Muslims. I want to tell them that this is a far more serious problem and not only the Hindus, but even the State has not taken sufficient care of these people. If any argument was needed in support of the two amendments which I have tabled, namely, that in any constitution that is going to be framed the untouchables must have adequate safeguards, I think the arguments that I have now submitted to the House would be more than sufficient. I know that there is a certain amount of response on the other side. Two amendments have been tabled

by the Honourable the Home Minister. I must tell him frankly that I am not in a position to accept those amendments, and I shall tell the House presently why I cannot accept his amendments in preference to mine.

The first amendment of the Honourable the Home Minister is to the effect that the constitution shall provide adequate safeguards for the protection of the minorities. The position that I take is very simple and it is this : Not only we must have safeguards, but the safeguards must be to our satisfaction. That is the fundamental point. The Honourable the Home Minister evidently supposes that he is a trustee for the untouchables and that as a trustee he could enact certain provisions in the constitution which according to him, must suffice for the protection of the rights of the minorities. Now, I at once want to say that I repudiate that position. Nobody is my trustee ; I am my own trustee. They may make their constitution, but we shall claim our right. Whatever provisions they may make relating to our safeguards must be certified by the accredited representatives of the Depressed Classes that they are adequate. Their definition of adequacy will not satisfy me, and that is why I am not in a position to accept the first amendment moved by my learned friend.

With regard to the other amendment, no doubt the Honourable the Home Minister is prepared to meet half way. He is prepared to recognise that the minorities should have a voice in the governance of the country. There again I find that there is a certain amount of difference between him and me. My second amendment has been most deliberately worded. I have taken particular care to use the words “fundamental right,” and I want to explain my position to some extent as to why I have used the expression “fundamental right”. The one thing that I have realised in the course of the working of the constitution is this : Whether we admit it or not, the political system of this country is reflective of what we call the *chatur varna*. In that system, the theory was this : that the *Kshatriya* must rule ; that the Brahmin must advise ; that the Vaishya must trade but the Sudras or the Adi Sudras must serve. That was the position in olden times. I find in politics the position has changed to some extent. The Vaishya no longer trades. If he trades he trades in politics only. (Laughter). One thing has, however, remained unalterable, and it is that the Sudras shall have no part in the governance of this country. As I observe conditions in this country, as I observe the political constitution of the different cabinets that have been formed all throughout India, I notice that while we untouchables are Sudras or Adi Sudras socially, the Congress Government—if not the Congress Government, the exigencies of the situation—are such that it will ultimately lead us to become political Sudras. I will not tolerate it. I will shed the last drop of my blood to uproot that position. (Loud cries of “hear, hear”). I will not tolerate it if to the social dominance, the economic dominance and the religious

dominance which the Hindu exercises over me, is added the political dominance also. I will certainly not tolerate it. I repeat again that I will never allow it. We shall fight tooth and nail against politics being perverted for the purpose of establishing an oligarchy of a ruling class. I will not allow that. I repeat, I cannot allow a constitution which will mean liberty for them and empire over me. I will not allow a constitution in which I am not free and I am not an equal partner. Never will I allow that. Sir, I know these are strong words. But I want to remind the Honourable the Prime Minister that these words are not stronger than the words that were used by Ulstermen in connection with Ireland. I know that in this country when a man belonging to a minority community stands up to fight for the rights of his community, the whole crowd comes out against him, dubs him as communal, dubs him as an anti-Indian and dubs him as a tool acting in the hands of some bureaucrat working for the destruction of this country. Sir, I want to caution this crowd which is taking this attitude ; I say that the attitude that the minorities in this country are taking is far better, far nobler, than the attitude that Ulstermen took. What was the attitude of Ulstermen ? I remember reading the proceedings of a conference which was held at the instance of the late King Edward VII at Buckingham Palace in order to bring together the Southern Irish Nationalists and Ulstermen. The question was whether Ulster should be brought under the majority rule of the Southern Irishmen. What were the proposals made by the Nationalists in Southern Ireland to Ulstermen ? Many people probably might not be aware of that history. Those who are will know that Mr. John Redmond, who was the leader of the Irish Nationalist Party, did his level best in order to induce the Carsonites to come under the constitution. He said : "You can have any amount of weightage you like ; I do not mind." Let us not live under the belief that weightage is being talked of only in India ; weightage was talked of a great deal in Ireland, and Redmond was prepared to give weightage to Ulstermen. He was prepared to give power in the constitution to some officer to prevent any kind of discrimination being made against Ulstermen. A further provision that the Irish Nationalists were prepared to make for Ulstermen was this, that if after 10 years the Ulster people found that the Southern Irishmen—who undoubtedly would be in a majority—abused their powers and maltreated and persecuted the Protestants of Ulster County, the Ulstermen had the right to go out of the constitution. Sir, they were tremendous provisions. What was the reply of the Ulstermen to this offer? The reply that the Ulstermen gave to Redmond was this : "Damn your safeguards. We do not want to be ruled by you." Are we saying that? Would I not be entitled to say, in view of the stories that I have recounted, "Damn your safeguards. I do not want to be ruled by you?" I am not saying that. What I am saying is this : "Give me my safeguards, which I think are necessary ;

and you can have your democracy." I am sure that is a position which no man can quarrel with.

I would say one word in the end. I know my position has not been understood properly in the country. It has often been misunderstood. Let me, therefore, take this opportunity to clarify my position. Sir, I say this, that whenever there has been a conflict between my personal interests and the interests of the country as a whole, I have always placed the claim of the country above my own personal claims. (Hear, hear). I have never pursued the path of private gain. If I had played my cards well, as other do, I might have been in some other place. I do not want to say anything about it, but I did not do it. There were colleagues with me at the Round Table Conference who, I am sure, would support what I say—that so far as the demands of the country are concerned, I have never lagged behind. Many European members who were at the Conference rather felt embarrassed that I was the enfant terrible of the Conference. But I will also leave no doubt in the minds of the people of this country that I have another loyalty to which I am bound and which I can never forsake. That loyalty is the community of untouchables, in which I am born, to which I belong, and which I hope I shall never desert. And I say this to this House as strongly as I possibly can, that whenever there is any conflict of interest between the country and the untouchables, so far as I am concerned, the untouchables' interests will take precedence over the interests of the country. I am not going to support a tyrannising majority simply because it happens to speak in the name of the country. I am not going to support a party because it happens to speak in the name of the country. I shall not do that. Let everybody here and everywhere understand that that is my position. As between the country and myself, the country will have precedence ; as between the country and the Depressed Classes, the Depressed Classes will have precedence—the country will not have precedence. That is all that I would say with regard to these two amendments of mine.

Now, with regard to the other amendments, I do not propose to detain the House at all. I was rather surprised at the remarks made by the Honourable the Prime Minister with regard to a part of the resolution which says that whatever arrangements are to be made they should be made with the consent of the Provincial Governments. I knew that he was not aware of the amendment which is being moved by my honourable friend Mr. Mukadam, because, I see, those parts are to be deleted. Therefore, I will not make any comments upon that part of the resolution, although I must say that on principle I do not agree with this part of the resolution.

Now, Sir, before sitting down I would like to say one or two words with regard to the other amendments that are before the House. In doing so, I would advert first to the amendment moved by the honourable member the Leader of the Opposition. With regard to that amendment, I would

request the Prime Minister to note one thing which I think he has failed to note. It is true that the Leader of the Opposition in his amendment says that democracy has failed. But, Sir, the point that I wish the Prime Minister to note in making his comment upon the amendment of the Leader of the Opposition is this. We see now that he is opposed to democracy ; but, Sir, he may not be opposed to self-government. After all, democracy, autocracy, republicanism—these are all forms of government ; they all come under self-government. So long as the honourable member the Leader of the Opposition does not take the view that this country is not entitled to self-government, I think too much blame ought not to be attached to the unfortunate language that has been used. After all, he is with us.

And I do not understand my honourable friend the Prime Minister insisting upon democracy as the only solution. I remember reading the speeches of the leaders of the Honourable the Prime Minister at the Tripuri Congress. Unfortunately, the volume which I had with me I forgot to bring today. So much the better, because I could save time. But I think at the Tripuri Congress the friends of the Honourable the Prime Minister, Pandit Govind Vallabh Pant, Mr. Rajgopalachari, Pandit Jawaharlal Nehru and all of them were singing the praises of Mussolini and Hitler—

*The Honourable Mr. Morarji R. Desai :* When ?

*Dr. B. R. Ambedkar :* I will quote chapter and verse if it is wanted. In fact I wanted to bring the book, but I forgot to bring it.

*The Honourable Mr. B. G. Kher :* I was present there, and I heard the speeches. What the honourable member says is not correct.

*Dr. B. R. Ambedkar :* I am sorry, I have not got the volume with me now. If I had it, we could have decided the issue right now.

*The Honourable the Speaker :* There is no time for that now.

*Dr. B. R. Ambedkar :* All that I am saying is this, that so long as people in India have self-Government, whether the self-Government takes the form of democracy, whether it takes the form of autocracy, or whether it takes some other form, it is a matter of detail, about which there ought to be no quarrel. And, therefore, my submission is this : that in judging of the resolution, which, as I said, is somewhat unfortunately worded, his intention should not be misconstrued.

With regard to the amendment moved by the Congress Party, join with the Prime Minister in saying that they ought to be felicitated on the amendment that they have moved, and I agree with the main basis of their resolution. There is one amendment, however, to which I cannot lend any support, and that is the one which is to the effect that the House approves of the intention of the ministry resigning—or something like that. Now, Sir, what I should like to say is this. My honourable friend the Prime Minister would agree—he is as good a politician as any politician can be—that this is really a matter for their party caucus. It is not a matter for

the House to decide. Whether the ministry should go out or should not go out is entirely a matter for their party to decide. Why does he want my sanction for his going out?

*The Honourable Mr. B. G. Kher* : I do not want it.

*Dr. B. R. Ambedkar* : Why does he need it? I put to him another conundrum. Suppose I bring an amendment to say that the ministry shall not come back unless I invite them, will he accept it? I am sure he would not tie himself down in that manner. If you want my sanction for going out, it will be some honour to me if you will also make your re-entry dependent on my sanction. But you will not do that, and I feel bound in conscience to oppose that amendment.

Sir, I thank you for the indulgence you have given me. (Applause).

*The Honourable the Speaker* : I would repeat my appeal to curtail the time. The honourable member Dr. Ambedkar has taken an hour and a half. I hope other honourable members will now curtail their time.

*Dr. B. R. Ambedkar* : I apologise, Sir.

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**\*ON PARTICIPATION IN THE WAR : 3**

*The Honourable Mr. B. G. Kher* : I shall try and finish as soon as you like.

Sir, I will not go over the entire ground which the honourable Doctor has covered. I agree with him : I concede the correctness of what he says about the wrongs done to Harijans, because it is not necessary for my purpose to deny all those instances of wrongs which are done to the members of his community in this country. Those indeed are the wrongs which we have tried to remedy to the best of our ability for a long, long time.

The honourable member did not say what the remedy was ; in that his long speech was lacking. As has been pointed out by other speakers, whether it is the judgment in the Sangamner case or the hundred and one cases which he has read out here, the only remedy is that we must have a proper form of government, and that form of government can only be democracy in this country with due safe-guards for the minorities—a point which we concede. Sir, we are thankful to the honourable member for pointing out to us that he did not say, like the Ulstermen, “Damn your safe-guards ; I do not want to be governed by you.” He was not going to say that, and I appreciate it. But I cannot appreciate the statement which he made—and which he believes in—in all sincerity. He said : “As between me and the country, the country has precedence.” I support him in this and I shall quote every word of what he has said. I have known the honourable member’s life and career intimately, and I can say that this is absolutely correct. He has always been willing to subordinate his personal advancement for the cause of the country. He goes on to say, “as between the depressed classes and the country, the depressed classes have precedence with him.”

*Dr. B. R. Ambedkar* : Certainly.

*The Honourable Mr. B. G. Kher* : He said that ; he does not deny that. My quarrel is with that statement of his. Because the part can never be greater than the whole. The whole must contain the part.

*Dr. B. R. Ambedkar* : I am not a part of the whole ; I am a part apart.

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\*B.L.A. Debates, Vol. 7, p. 2130, dated 27th October 1939.





## APPENDIX I

### \*ON MEASURES FOR BIRTH-CONTROL

*Mr. P. J. Roham (Ahmednagar South)* : Sir, I beg to move—

“This Assembly recommends to Government that in view of the urgent need of limiting the family units, Government should carry on an intensive propaganda in favour of birth-control among the masses of this Province and should provide adequate facilities for the practice of bith-control.”

Question proposed.

*Mr. P. J. Roham (Addressed the House in Marathi)* : The educated class has, by this time, fully realized the necessity of birth-control and fortunately the leaders in our country also are unanimous on this point. Pandit Jawaharlal Nehru, Sir Ravindranath Tagore and Mrs. Sarojini Naidu, know very well the importance and the urgency of the movement for birth-control and are in favour of contraceptives. Babu Subhash Chandra Bose, the President of the Indian National Congress, said in his presidential speech :

“If the population goes up by leaps and bounds, as it has done in the recent past, our plans are likely to fall through.”

Even Mahatma Gandhi has written long ago as follows :

“I must not conceal from the reader the sorrow I feel when I hear of births in this land.”

Very few have an adequate idea of the immense loss sustained by children born of persons who are handicapped either physically, mentally or financially. The parents as well as the society also suffer very much. The prevention of the births of such children would considerably reduce the death-rate among mothers who succumb to child-birth and its concomitant diseases, lower infantile mortality, improve public health by removing the many diseases due to want of even the prime necessities of life felt by many persons, check the offences perpetrated by persons suffering from intense poverty and would bring about an all-round uplift of society by affording full scope to its spiritual advancement.

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\*Speech delivered by Shri P. J. Roham. He has expressly stated that the speech was based in all respects on the points drawn by Dr. Ambedkar for his own speech and that Dr. Ambedkar is the father of this speech. Shri Roham further states that he was complimented by Dr. Ambedkar for almost reproducing the speech which, he had contemplated to deliver in the Assembly, but he could not do so owing to his inability to attend the Assembly on that day, i.e. on 10th November 1938.

The present keen struggle of life renders timely marriage impossible for many and thus exposes them to various diseases and habits. Many women become invalid for life and some even lose their lives by the birth of children in their diseased condition or in too great numbers or in too rapid succession. Attempts at abortion, resorted to for the prevention of unwanted progeny, exact a heavy toll of female lives. Unwanted children are often neglected by their mothers and hence they become nothing but a burden to society which is further deteriorated by the addition of defective progeny from diseased persons. Birth-control is the only sovereign specific that can do away with all these calamities. Whenever a woman is disinclined to bear a child for any reason whatsoever, she must be in a position to prevent conception and bringing forth progeny which should be entirely dependent on the choice of women. Society would in no way profit by the addition of unwanted progeny. Only those children who are welcomed by their parents, can be of social benefit and hence every woman must be enabled to resort to prevention of conception quite easily.

Poverty is the root-cause of immorality. The following passage from the essay read by Prof. Dr. Tondler before the Congress at Vienna in 1933 would show the evil consequences of insufficiency of living accommodation. The professor said, "On the average every family gets one room in Germany, two and a half rooms in France and three rooms in England. Seventy-five thousand families had no tenements of their own in Berlin in 1925. The result is that children sleep with the adults not only in the same room but also in the same bed. Many children lose their lives by the overcrowding in insanitary dwellings. Whole families are stricken with venereal diseases. Girls have to succumb to sexual intercourse even before they are mature. Sexual connections often take place between parents and their children and brothers and sisters. The boys learn to commit thefts and the girls become prostitutes. The same condition prevails at Vienna. In 1919, out of the tenements let out, 10 per cent. had only one small room ; 37 per cent. had one big room and 23 per cent. had one small room and one big room. Out of the children between the ages of fourteen and eighteen who maintained themselves, twenty per cent. had no separate beds of their own. Towns and villages fare even worse."

In our country, the same condition prevails in cities like Bombay. A few exceptions apart, it is observed that virtue is palsied where poverty prevails. Further on it will be shown how it is well-nigh impossible to uproot poverty without the aid of birth-control. The aphorism, बुभुक्षितः किम् न करोती पापम्, is well known.

When we have thus realised that birth-control is the *sine qua-non* for every progress, we must consider the means to attain that end. To be satisfied with only that much of sexual enjoyment that is necessary for getting the desired number of children and to banish sexual thoughts from one's mind when progeny is not required, is one of the ways. The use of modern contraceptives is the other way. As for the first way, it must be

remembered that while continence in the unmarried state may be possible, it is nothing but displaying ignorance about human nature to expect that young and healthy married couples, living together and fond of each other, can observe continence for years together. The cases of strong-willed persons, whose minds are not affected in the presence of objects of enjoyment, apart, there is no doubt that ordinary human beings are bound to fall a prey to the influence of enticements. Is it not strange, therefore, that this fact, which is as clear as daylight, is denied by some.

Self-control has been proved to be absolutely useless for birth-control from the experience of several countries and ages. Even the advocates of continence cannot claim that ordinary persons will be able to eschew sexual intercourse altogether throughout their lives. The laying aside of continence even for a single day every year may lead to an annual conception. Even, if we assume that self-control enables certain persons to bring about birth-control, we cannot draw the conclusion that others will be able to follow them. It is necessary to remember that just as appetite for food differs in the case of different persons, so sexual appetite also varies from person to person.

Strict observance of certain rules laid down in Hindu scriptures necessitates the neglect of the ideal of family-limitation. For instance, verse 8, Chapter 54, of "Vishnu Smriti" enjoins sexual intercourse on certain specified days.

Sir, honourable members have received a pamphlet written by Mrs. Sarojini Mehta, M.A., I am not going to read the whole pamphlet, but will quote only a few passages from it :

"Whenever the subject of birth-control is broached, the burden of our opponents' song is that continence (Brahmacharya) is the sovereign specific for our country and that it is better to leave Westerners to be blessed by their own artificial remedies. I humbly supplicate these honourable persons to state the grounds upon which they hold this view. It is stated that our people are spiritualistic, while Westerners are materialistic. It has now become well-nigh nauseating to hear this parrot cry repeated. In what way are our people spiritualistic? Have our people renounced the world and become ascetics? Can mere repetition of certain catch-phrases like "All this is delusion." "One must abandon attachment to worldly life", turn people into spiritualistic? Does not every one of our villages possess Shylocks ready to demand their pound of flesh from poor and innocent debtors? Are there not bankers mean enough to devour the deposits of widows? Have we not scoundrels who are debased enough to leave stranded helpless widows whom they themselves have misled? Can we claim that our society is without men who have discarded their chaste and devoted wives and taken to prostitutes? I am completely at a loss to understand how a society can be called spiritualistic, in which many are ruined by matrimonial transactions that amount to virtual sales of brides and bridegrooms, in which a person refusing to give an absenquial feast to his

caste-people is out-casted, in which men are planning their second marriages while their first wives are burning on funeral pyres, in which even old fogies of sixty years can marry girls of twelve on the strength of monetary bribes and in which the treatment offered to widows is worse than that given even to the beasts. Western materialism cannot be held responsible for the rotten state of our society discribed above. On the contrary it is those who have come into contact with western materialism who are trying their best to remedy these evils, though their efforts are proving nothing but a cry in the wilderness.”

Further on, in another paragraph, she says :

“The conduct of Indraraj towards Ahilya, of Parashar Rishi towards Satyawati and of Suryadev towards Kunti would make those perpetrators liable for rigorous imprisonment in this age of Kali but that being considered to be Satya Yug, we not only connive at these delinquencies but raise books containing such descriptions to the status of ‘Sacred Books’ and insist that they must be prescribed as test-books in the curriculum for children. How many lessons on continence can pupils find in the Mahabharat, the Bhagwat and the Puranas ? How can an age, that never knew what continence was, inspire us to observe that virtue ? How is it possible to consider that age to have observed continence in which there were incidents like the story of King Dushyanta, who first misled an innocent and guileless girl living in the hermitage of a sage and then discarded her when she was pregnant ? When one considers the number of children born to certain persons mentioned in very ancient narratives, a doubt naturally arises in one’s mind as to whether the people in those days ever dreamt what continence was. How can one believe that continence was observed in those times when one considers that Sagar begot sixty thousand sons and that there were a hundred Kowrawas, twenty-seven daughters of Daksha Prajapati and several other such instances ? Continence was paid scant respect in bygone days. It can actually be seen that in these days it is kept at a distance everywhere. The birth-rate of our country is not falling lower than that of any ‘materialistic’ country. Brahmacharya cannot be observed even where the life of a woman, already the mother of many children, is jeopardised by an additional delivery. It is neglected even in the families of paupers, dying of hunger, where the addition of even a single individual to the family would be nothing short of a calamity. Even in these days of unemployment, when it is practically impossible to find outlets for sons, additional children are born even in middle class families every year or year and a half. In castes, in which the usage of dowry prevails, parents express much grief at the birth of a daughter, kill her at the very outset or bring her up most negligently so that she may die a natural death. They, however, never resort to continence to avoid the chances of girls being born. In spite of all these instances we go on proclaiming that continence alone is the ideal for our country ! Of what

earthly use is such conduct? We have to take into account the state of things actually existing before our eyes. There are no chances of making any improvement in our condition by mere talk of ideals."

*Dr. K. B. Antrolikar* : Sir, all that may be taken as read, because every member has received it.

*Mr. P. J. Roham* : Sir, I have made it clear that I am not going to read the whole of it. I request my honourable friend Dr. Antrolikar to have patience.

*Mr. P. J. Roham* : She continues :

"If, therefore, they have got the country's welfare at heart, they ought to try their level best to popularise continence by founding associations for the purpose of carrying on the work systematically, just as the birth-controllers are doing to popularise contraceptives. If, however, they are either unwilling or unable to do anything in this matter, the hands of the champions of contraception will be strengthened."

As a doctor has wisely remarked, if men had to bear the pangs which women have to undergo during child-birth none of them would ever consent to bear more than a single child in his life.

It is wrong to hold that because the ideal of large families is before society up to this time nobody wishes to limit his family. Human beings, who earnestly desire to be saddled with large families, are rare. Ordinary persons do want to limit their families and do not even flinch to have recourse to diabolical methods such as abortion, infanticide, etc. Such attempts are witnessed everywhere. From an account published by "The People's Tribune" in 1934 it is found that in 1933 over 24,000 dead bodies of little infants were picked up in the street of Shanghai alone and the same state prevails throughout most of China. It is bitter and terrible poverty that makes the parents expose their infants. In the light of such instances, it is futile to hope that ordinary persons will be able to avoid progeny merely through self-control. It is, therefore, established that there is no go without recourse to modern contraceptives. To deny the necessity of those remedies is to show one's preference for abortions, infanticides, etc.

Some people think that they would be losers if the numbers in their particular race, religion, or region are lessened. They are afraid that their adversaries would thereby be enabled to gain ground over them. In the first place, it is necessary to remember in this connection that the rate of increase of a population does not necessarily dwindle down as soon as family limitation is resorted to. That rate is dependent not merely on the birth-rate but chiefly on the survival-rate. The experience of several scientists from different places has proved that the higher the birth-rate, the higher is the death-rate also and no sooner the birth goes down, the death-rate also declines. The result is that not only is the survival-rate not adversely affected but very often it even rises. Dr. Maria Stopes has found from the experience gained in "The Mothers' Clinic" that the

greater the number of conceptions the higher is the rate of maternal and infantile mortality. Similar is the experience of other scientists. Dr. J. M. Munro, M.D., F.R.F.P.S., says in his book "Maternal Mortality and Morbidity" :

"The strongest argument in favour of limiting the family is that by the fourth birth the mortality-rate very nearly approaches that of the first birth, looked upon generally as the most serious and dangerous. After the fourth birth, the mortality rate steadily and markedly rises with each successive pregnancy and parturition. The same applies to still-births and neo-natal deaths."

Due to excessive child-mortality, the rate of growth of the population of Countries like India is not equal to that of countries like England though the birth-rates in countries of the former type are higher than those in the latter type. The birth-rate of England is nearly half that of India. Yet we find that the population in England increased by nearly 23 per cent. between 1901 and 1931, while the population in India rose by only 17 per cent. in the same period. This will show that even for a rapid growth of numbers, the better way is to adopt the practice of birth-control and thus cut down infantile mortality.

It must also be remembered that for modern wars comparatively few persons are necessary. An army, well-equipped with modern materials for warfare, can route an army much greater in number than itself, if the latter one is not so well-equipped. In the former world war, countries of low birth-rates vanquished those with high birth-rates.

In the world, we can witness many societies that are small in numbers but distinguished in respect of wealth, culture etc. In our country, the Parsee community is an illustration on this point. To hanker after quantity is, therefore, not a very profitable ideal. The aphorism, वरमेको गुणीपुत्रो न च मुखशतान्यपि, is well known.

After this, it is worth while keeping in mind that it is principally poverty that is at the root of the animosity between different races, societies and countries. When poverty will be uprooted, the root-cause of much of such hatred will be eradicated and then nobody need be afraid of molestation from others.

The example of Western nations shows us that modern contraception is utilised by persons of all races, religions and strata. For instance, it is found that the notion that the Roman Catholics are against birth-control is unfounded. France is a Roman Catholic country and still it is notorious that the birth-rate in that country is quite low. The following ten countries had the lowest birth-rates in 1932 : —

Sweden	...	...	...	14.5
Germany	...	...	...	15.1
Austria	...	...	...	15.2
England and Wales	...	...	...	15.3

Norway	...	...	...	16.3
Australia	...	...	...	16.4
Switzerland	...	...	...	16.7
New Zealand	...	...	...	17.1
United States	...	...	...	17.3
France	...	...	...	17.3

Among the three lowest countries are Austria, which is entirely Catholic, and Germany, which is one-third Catholic.

The following figures, the birth-rates of important cities, illustrate the very point. They are all for 1927 or 1928 : —

London	...	...	...	16.1
Cologne	...	...	...	16.0
Geneva	...	...	...	14.6
Milan	...	...	...	14.5
Turin	...	...	...	13.2
Prague	...	...	...	12.5
Munich	...	...	...	12.0
Vienna	...	...	...	10.6

With the exception of London, all the above towns are solidly Roman Catholic, yet they all have a lower birth-rate than London. Three of them are in Mussolini's Italy.

It will be thus seen that the fear, that other communities will neglect birth-control and will thus become stronger in numbers, is altogether a baseless one.

Speeches of statesmen, who are responsible for wars, clearly show that economic difficulties, due to pressure of population, are at the root of most of the modern wars, Bernhardt, the Kaiser, Hitler, Mussolini and Gooring have often stressed this point in no ambiguous words. For instance, Adolf Hitler says in his book, *Mein Kampf* :

“Through the mad multiplication of the German people before the war, the question of providing the necessary daily bread came in an ever sharper manner into the foreground of all political and economic thought and action.”

Further on he says :

“Only an adequate amount of room upon this earth secures to a nation the freedom of its existence—The National Socialist movement must endeavour to do away with the disproportion between our numbers and our territory ..... Ground and territory must be the object of our foreign politics.” (pp. 728-35).

In his recent historic speech, delivered on the 12th of September 1938, Hitler says :

“They expect Germany, where 140 persons are squeezed into a square kilometre, to keep her Jews, whereas the powers with only a few persons per kilometre do not want them .....”

Similarly Mussolini has said :

“We are hungry for land, because we are prolific and intend to remain so.”  
(From “Foreign Affairs”, October 1926).

“Italy demands that her indisputable need of sun and land shall be recognised by all other nations. Should they fail to do so. Italy will be forced to take matters into her own hand.” (From “Sunday Times”, November 14, 1926).

*The Deputy Speaker* : The honourable member has exceeded the time-limit.

*Mr. B. K. Gaikwad* : Sir, may I know what is the time-limit ?

*The Deputy Speaker* : Half-an-hour.

*Mr. B. K. Gaikwad* : On a point of information, Sir. The honourable member who moved the last resolution (Mr. Shrikant) spoke, I believe, for more than an hour.

*The Deputy Speaker* : Extension of the time is within the discretion of the Chair.

*Mr. B. K. Gaikwad* : Can that indulgence not be given to other resolutions ?

*Mr. P. J. Roham* : Sir, I do not wish to take much time of the House, but I have still some more points to make and request you to kindly allow me some more minutes.

It is, therefore, obvious that all those who stand for permanent world-brotherhood, must discountenance every attempt at increase of numbers and must try their best to limit populations by means of birth-control.

The fear that birth-control propaganda will fail to filter down to the masses and the result of the movement will thus be dysgenic instead of eugenic, is also groundless. The experience gained in Western countries establishes the fact that the lower classes do take advantage of contraceptives as soon as they are made cognizant of them, the need being greater in their cases. The masses in our country, though illiterate, are intelligent enough to know in what their own interest lies and hence there is no doubt that they will fully utilise this invention also as soon as they are made aware of its existence. Vasectomy would be found to be useful in the case of such persons and hence Government and municipalities must provide facilities in this respect in their hospitals, etc.

The late principal Gole has clearly shown in his book “हिंदु धर्म आणि सुधारणा” that even villagers have many virtues and it is really they that replenish the supply of good citizens.

The opponents of this movement try to show its futility by pointing out the examples of France, Germany and Italy but they forget that we cannot follow these countries unless it is proved that their attempts at the increase of their populations are justified. In the first place, it must be kept in mind that the birth-rates of these nations are much lower than the birth-rate of our country. Our birth-rate is 35 whereas in 1936 the birth-rates of Italy,



France and Germany were 22.2, 15 and 19 respectively. In 1900 the birth-rate in Germany was 35.6 but in 1933 it came down to 14.7. Italy and France also have their birth-rates much reduced since that time. In England the birth-rate was 33.9 in 1851-55 but in 1931 it was lowered to 15.3. Our birth-rate is practically stationary for the last fifty years and hence it would be unwise for us to imitate the efforts of other countries towards raising that rate.

It is quite natural for imperialists to lament the slackening of the rate of increase of the people of their race and it is not surprising that they should raise cries like "Renew or Die". It is, however, strange to see that those cries should make even some educated persons suspicious about the benefits of birth-control. An article, "Renew or Die", by Sir Leo Chiozza Money in "The Nineteenth Century and After" for February 1938 will illustrate the point. This writer has assumed that white leadership is necessary for the good of all humanity and has raised a cry to arrest the decline in the number of the white people. Now, in the first place, many will refuse to admit that white supremacy has benefitted the world and secondly few educated persons will be prepared to go to the length of maintaining that the decline in the number of white people will bring down any calamity upon humanity. Besides this, the postulates of this person are all wrong. He has taken it for granted that the birth-rate in England will gradually become lower and lower and that in the year 2,035 the population of England will be reduced to 4,400,000 (44 lacs). But the facts are that the birth-rate in England is increasing instead of going down. In 1933 it was 14.4 but in July 1938 it becomes 15.3. Similarly whereas the writer has estimated that the population of England and Wales in 1940 would be only 40,700,000, the actual figure for 1937 there was already 41,031,000 and it is increasing at the rate of 190,000 people per year. These facts will show that one must take the precaution of not being misled by such articles.

Emigration is sometimes suggested as a remedy for finding an outlet to over-population but that remedy also is not very promising. Compulsion in emigration, amounting to transportation is out of question. Very few persons have the courage and the inclination necessary for leaving one's own country, endeared to one's heart by reminiscences of childhood and the presence of relatives and friends and made agreeable by a suitable climate and other factors and to repair to a distant land in which there is the danger of the climate being found to be an unsuitable one and in which the inhabitants are different from oneself in language, customs and manners. Generally, people willing to emigrate are those who are fit to be good citizens and who are able and energetic. It is really a loss to the motherland that such people should emigrate. These persons can easily maintain themselves in their own country but ambition impels them to try to better their lot by going to distant lands. Emigration is practically useless in the case of persons who are handicapped either physically or mentally or

financially and it is really these people that stand in need of help. Considered from the point of the necessary capital alone, this remedy cannot afford relief to many persons.

Besides this, it must be kept in mind that sparsely populated countries are unwilling to accommodate others because they require elbow-room for their own increasing progeny. Canada is a colony in the British Empire mainly inhabited by Englishmen but it is notorious that the Canadians refused to allow English labourers, who had gone there for seasonal work, to settle in their land. Wars are occasioned by the attempts of populous countries to force their entrance in sparse regions. An illustration on the point, which is quite recent and near to us, is afforded by Burma. The cause underlying the recent communal riots there was mainly the suspicion in the minds of the Burmans that Indian marred their material progress. Compared to over-populated countries, regions of sparse populations are very few, Japan, Italy, Germany, China, India and many other countries are over-populated. It is not possible to find adequate room for emigrants from all these lands.

One more point in this connection is also worth mentioning. Emigration cannot solve the population problem of a country permanently. Like air, expanding population has a tendency to fill up vacuum immediately, leading to the recurrence of the former condition and hence it is obvious that there is no go without birth-control.

Some think that as soon as child-marriages are given up and late marriages are introduced, the increase in population will be checked. But this belief also is an unfounded one. In the first place, years must elapse before the ages at which girls are married would be sufficiently raised in our country. The years of greatest fertility in the case of girls are those between 18 and 22. In Western countries, women marry after this period. That is, they marry when their time of greatest fertility is over. When we notice the difficulties in the enforcement of the Sarda Act, fixing the minimum age of marriage of a girl at 14, we can easily see that it is almost useless to hope that in the near future women in our country will postpone their marriages up to 22 and population will be checked thereby. Mr. P. K. Wattal has drawn the following conclusions from the fertility-enquiry conducted specially in connection with the 1931 census.

(1) That girls married at ages below twenty give birth to a smaller number of children than girls married at ages above twenty.

(2) That the survival-rate of children born to mothers married at ages below twenty is much less than that of children born to mothers married at ages above twenty.

These conclusions show us that even when late marriages would come into vogue generally, there is no chance of population being appreciably checked thereby. More children would live upto mature ages and hence there is a chance of an increase and not a decrease in the rate of growth of our population.

Dr. G. S. Ghurye, Ph.D., University Professor of Sociology, Bombay, says in his article, "Fertility Data of the Indian Census of 1931" in the "Journal of the University of Bombay" (Vol. III, May 1934) : —

"If the above tentative conclusion about the co-relation between fertility and the age of woman at marriage should prove to be correct, then with the increase in woman's age at marriage which is quite essential, there would be an increase in the fertility or marriage. As it is, I believe our population is very large and Our increase undesirable and to help its increase at a greater rate would be suicidal. With our efforts to raise the women's age at marriage, therefore, there must also be carried on an intensive campaign for control of birth."

It must not, moreover, be forgotten that prostitution is encouraged by people being unable to marry at proper ages and other evil consequences also follow thereby. It is, therefore, necessary to resort to birth-control if marriage at a proper age is aimed at.

The view is held that economic independence of women will lessen the growth of population but it also does not hold water. Economic independence has no power to free a person from the clutches of Eros. Few women can observe perfect continence throughout their lives and hence this remedy would be found to be fruitless. Even now, women of the lower classes are actually helping their families with their own earnings but that fact does not seem to help family-limitation to any extent.

Some persons hold the view that though birth-control may be necessarily on medical and hygienic grounds, still it is not required for solving economic difficulties. They maintain that our country has got much scope for economic and agricultural development and efforts in these directions would raise the standard of life of our people appreciably. On close examination, however, this view also is found to be quite untenable. Want of sufficient capital and rich customers would prevent any material development of our industries. Similarly, insufficiency of fertile lands, rain-fall and manures stand in the way of any substantial increase in our agricultural production. Except in Assam, there is very little fertile land that has not yet been brought under cultivation. In Burma, there is even now sufficient suitable land awaiting cultivation and it was the figure of such land from that province that misled certain people into the belief that India has even yet sufficient fertile virgin land. In our province, 86.4 per cent. of the cultivable land has already been brought under the plough and it is doubtful whether even a fraction of the rest of the land is of any value. According to the Report of the Royal Commission on Indian Agriculture much of such land is worthless. A great portion of the agricultural land in our country has become barren through incessant cropping and want of sufficient manures.

Through the excessive growth of population, our country suffers from deficiency of forests and pasture-lands. In Canada 34.3 per cent. of cultivable land is reserved for pasturage. This proportion is 21.5 in France,

18.3 in Italy, 14.3 in Germany but in our country it is only 1.6. These figures will show to what strait our cattle is forced. Cast our glance in whatever direction we may come across mere skeletons of cattle. Though our people pride themselves upon their humanitarianism, they have, in their struggle for land, unjustly deprived the dumb creatures of much of their pasturage and brought it under tillage. Our agriculture, therefore, is suffering from insufficiency of useful cattle and organic manures like cow-dung, and hence it is very difficult to effect many appreciable improvements in it. Some persons point out the large produce per acre of rice in Japan and China and hold out the hope that there is scope for materially increasing our produce of that crop. There are grounds, however, to doubt the correctness of the figures of the production of rice in those countries. Count Karlo Sforra, former Minister for Foreign Affairs for Italy, contributed an article styled "The conflict between China and Japan" to a recent number of the "International Conciliation," a monthly published from New York. It is stated therein that from 1900, there is an appreciable decrease in the rice production per acre in Japan. There is considerable evidence to show that figures about agriculture in Japan are not reliable. Besides this, notice also must be taken of the facts that Japan is blessed with plenty of timely and all-the-year round rainfall and abundance of manures due to her extensive forests and also with a climate ideally suited to her rice crops ; combination of advantages rarely witnessed anywhere else. Although it may be admitted that self-rule may effect some betterment of the lot of our masses, no lasting and appreciable improvement in the economic condition of our people can be hoped for unless the growth of our population is deliberately checked. As has been already explained, with every opportunity afforded for its expansion, population begins to grow rapidly and thus nullifies all the advantages secured through great efforts. Hence, experience has made many scientists to hold the view that unless precaution is taken to regulate population growth by means of birth-control along with efforts to improve the economic condition of the people there cannot be any substantial and permanent rise in the standard of life of the masses.

The fact, that mere self-rule is powerless to effect an all-round improvement in the condition of a people, is demonstrated to the hilt by the examples of many independent nations. Although, through various reasons, including a low birth-rate, the economic condition of the inhabitants of countries like England and America is superior to that obtaining in this country—poverty prevents many of our countrymen from obtaining a nourishing food—still it is far from satisfactory. Even there, many find it difficult to maintain a standard of life necessary for perfect health. According to President Roosevelt one-third of the inhabitants of America do not get sufficient nourishing food. One of the reasons for this is that even there birth-control is not practised to the extent to which it is necessary. There is plenty of fertile land per head in countries that are newly settled and hence the

people there get more nourishing food than that obtained by persons in thickly populated nations. Here are the figures of consumption per head per annum in Australia and Italy :

		<i>Australia</i>	<i>Italy</i>
Milk and its products (gals.)	...	102	23
Meat (lbs.)	... ..	202	35
Fruit (lbs.)	... ..	104	40
Sugar (lbs.)	... ..	107	18
Wheat (lbs.)	... ..	297	351

Every article of food except wheat is consumed in far greater quantities in Australia than in Italy.

Out of the nations of the old world, countries like Holland that have their birth-rates much reduced through birth-control, are much happier than the rest.

In the Bombay Presidency, the amount of milk available per head per day is only one and a quarter "tolas". According to authorities on nutrition, every individual must get on an average at least one pint of milk per day.

The main object of the movement for birth-control is to bring about a state of things wherein every country will have its birth-rate suitably reduced so that it would thus be able to maintain its population decently with the aid of its own produce.

Some are under the impression that modern scientific discoveries have solved the problems of food for mankind and that it is only mal-distribution that is at the root of the present economic difficulties. Fair distribution of property would, in their opinion, bring about plenty everywhere. There is no doubt that in many places injustice prevails in the division of property and every impartial public worker must take all steps to secure justice for wronged persons in this respect. It is, however, necessary to remember that mere equal distribution will never be able to bring about a permanent and material amelioration of the condition of the masses unless growth of population is controlled by means of family-limitation.

Land being the chief source of all wealth, there cannot be plenty for all unless plenty of fertile land falls to the share of each individual. Agricultural experts like Sir Damiel Hall and Prof. East have pointed out that about two and a half acres of cultivable land are needed to support one individual on the western European standard. But in all old countries, people have to maintain themselves on land much less than this. In India, there is only three quarters of an acre of cultivable land for each individual and, as has been already pointed out, according to the opinion of the Royal Commission on Agriculture, much of the uncultivated land in this country is practically useless.

The view that the advent of chemical fertilisers has solved the problem of manures is also not a sound one. Artificial manures cannot be used at each and every place.

Rao Bahadur D. L. Sahastrabudhe, M.Ag., M.Sc, retired Agricultural

Chemist to the Government of Bombay, wrote in his article in "Sahyadri" for October 1936 as follows : —

"Experience has shown that artificial manures cannot be utilised everywhere. Organic manures like cow-dung must accompany the use of chemical fertilisers. Otherwise, artificial manures do not prove to be congenial to the crops. Similarly the crop that is to be manured with chemical fertilisers must have plentiful supply of water to prevent an injury to it.

Besides this, it must be noted that the two chief fertilisers are nitrates and phosphates and neither is of much use without the other. The supply of phosphates, however, is very limited. Sir Federick Keeble says :

'Nearly all the soil of the world are famishing for phosphates. (Fertilisers and Food Production) (1932), p. 221. Professor Armstrong says :

'The solution of the nitrogen problem by Crookes has brought us nearer to destruction rather than saved us, by hastening the depletion of irreplaceable phosphatic stores.'

Almost all places are suffering from inadequacy of forests and as a result thereof there is also a shortage of water and manures.

The present Congress Government are trying to uplift the masses of this Bombay Presidency (hear, hear). But all their efforts will go in vain if the population-problem is not tackled by means of birth-control.

*The Deputy Speaker* : The Honourable Member may now bring his remarks to a close.

*Mr. P. J. Roham* : Yes, Sir. Dr. Radhakamal Mukerjee has in his book, "Food Planning for 400 Millions", states :

"Unless some check is placed upon population-growth, any other remedy tends to be only temporary, as in the latter country (China), for population will rapidly rise again to the maximum number of persons the land will support. As population outruns faster the educational facilities that may be provided, while the taxable capacity hardly increases, it is clear that the pressure of population cannot be viewed merely in relation to the food-supply. An expanding population makes readjustments more and more difficult. A rational family planning and education of the masses in birth-control, must be accepted as the most effective means of combating population-increase."

Bombay is the gateway of India and this movement also entered this country through that very gate. It would be in the fitness of things, therefore, that it should also be nurtured in this very province. Few people get an opportunity for doing acts that would immortalize their names. Birth-control movement has afforded such an opportunity to our provincial government and it is hoped that they will not let it slip but will fully utilize it to the benefit of themselves and the people.

APPENDIX II

**QUESTIONS ASKED BY Dr. B. R.  
AMBEDKAR AND  
REPLIES GIVEN BY THE GOVERNMENT**

**Government Service : Selection Board**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether there is any selection board constituted for the purpose of selecting candidates applying for the vacancies in the Provincial and Subordinate Services of the Government of Bombay ;

(b) if so, the names of the members who constitute that Board ?

*The Honourable Sir Chunilal Mehta* : No single Board exists for selecting candidates for the Provincial and Subordinate Services of the Government of Bombay. For certain of the Provincial Services selection committees have been constituted. Appointments to the Subordinate Services are made by the heads of offices under powers delegated to them or by the Local Government.

*Dr. B. R. Ambedkar* : Will the Honourable Member state whether he can give the names of the members of the Committees constituted for the Provincial Services ? He says that for certain of the Provincial Services selection committees have been formed.

*The Honourable Sir Chunilal Mehta* : I am afraid I cannot carry the names of the members in my head. If the honourable member gives notice, I shall supply the names. But I think there is not a fixed list of members of these committees ; they change, I believe, every year or from time to time.

(B.L.C. Debates, Vol. XIX, p. 325, dated 28th February 1927)

**Acquisition and Improvement of Land for Village Sites**

*Dr. B. R. Ambedkar* : Sir, I rise to a point of information. I do not exactly understand the object for which this amount is provided in the present budget. I should like to know from the Honourable Member in-charge whether it is expended for the purposes of establishing new settlements of villagers who are dissatisfied with their own village sites, or whether the amount is spent for providing amenities to the villagers, or for what purpose. There is certainly no information given either in the

Blue Book or the White Book to enable new members like myself understand the exact purpose of this amount. I, therefore, hope that some enlightenment will be thrown on this subject.

(B.L.C. Debates, Vol. XIX, p. 421, dated 1st March 1927)

### Superintendents of Land Records

*Dr. B. R. Ambedkar* : Sir, I do not think that much argument need be wasted on this motion. The motion is based upon the ground that these superintendents who are provided in the budget at a cost of Rs. 35,800 do work which ordinarily in the course of things can be done and discharged by the deputy collectors. The only answer to this argument is that the deputy collectors are not in a position to do this work. The reply given by the honourable member, the Settlement Commissioner, does not seem to me to touch on that aspect of the question. Nobody here in this House disputes that the work done by them is useful work necessary in the interest of society, but, Sir, the point and the important point is whether such work cannot be done by deputy collectors. If the reply to that is in the affirmative, then Government has no case at all, and I should like Government to clear that point in order to enable new members like me to decide one way or the other.

(B.L.C. Debates, Vol. XIX, p. 453, dated 3rd March 1927)

### Deputy Collectorship : Application of Mr. M. K. Jadhav

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(i) Whether Mr. M. K. Jadhav, B.A. (Hons.), Bombay, applied for one of the three posts of Deputy Collector recently filled up by the Revenue Department of the Government of Bombay ?

(ii) Whether they were aware that he belonged to the depressed classes ?

(iii) The reasons why his application was rejected ?

*Honourable Mr. J. L. Rieu* : (i) Yes.

(ii) Yes.

(iii) Government regret that they are not prepared to state the reasons why Mr. Jadhav or any other individual candidate was not selected.

*Dr. B. R. Ambedkar* : Did Government apply the rule of 50 per cent. reserved posts for depressed classes in Government service when filling up the appointments ?

*The Honourable Mr. J. L. Rieu* : The rule does not apply at all. It applies to clerical staff only.

*Mr. W. S. Mukadam* : Will Government be pleased to give us the names of the candidates selected ?

*The Honourable Mr. J. L. Rieu* : The honourable member will find it from records.

*Dr. B. R. Ambedkar* : Is the exclusion of Mr. Jadhav consistent with



the policy of Government of encouraging the depressed classes ?

*The Honourable Mr. J. L. Rieu* : It is not inconsistent with it.

(B.L.C. Debates, Vol. XIX, p. 545, dated 5th March 1927)

### **Admission of Depressed Classes to Public Places**

*Dr. B. R. Ambedkar* : Will Government be pleased to state what steps they have taken to carry into effect Mr. Bole's resolution to throw open to the depressed classes all public places in this presidency ?

*The Honourable Sir Ghulam Hussain* : Attention is invited to the Press Note No. P-117, dated the 29th September 1923 (copy below for ready reference) issued by the Director of Information.

*Press Note No. P-117, dated the 29th September 1923*

(With the Compliments of the Director of Information, Bombay)

#### THE UNTOUCHABLE CLASSES

#### GOVERNMENT AND COUNCIL RESOLUTIONS

At the last session of the Bombay Legislative Council, on the motion of Mr. S. K. Bole, a resolution was passed recommending that "the untouchable classes be allowed to use all public watering places, wells and dharamshalas which are built and maintained out of public funds or are administered by bodies appointed by Government or erected by Statutes as well as public schools, courts, offices and dispensaries."

In pursuance of this resolution Government have directed their officers to give effect to it as far as it relates to the public places and institutions belonging to and maintained by Government. The Collectors have been requested to advise the local public bodies to consider the desirability of accepting the recommendation made in the resolution. The Bombay and Karachi Port Trusts, the Bombay City Improvement Trust and the Municipal Corporation have also been requested to give effect to the resolution with regard to the places under their control.

*Dr. B. R. Ambedkar* : Is the honourable member aware that the depressed classes in several places are prevented from taking advantage of the public places provided by the public bodies, by the ordinary villagers in the villages ?

*The Honourable Sir Ghulam Hussain* : Not to my knowledge.

(B.L.C. Debates, Vol. XIX, p. 546, dated 5th March 1927)

### **Assistant Educational Inspector for Depressed Classes**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(i) Why Mr. G. G. Kamble was reduced from his post of Extra Assistant Educational Inspector for the Depressed Classes ?

(ii) Whether the said post has been abolished ?

(iii) If so, why ?

*The Honourable Dewan Bahadur Harilal D. Desai* : (i) Mr. Kamble was reverted because he failed to justify his existence, there being no real improvement in the schools placed under his charge.

(ii) Yes.

(iii) The post was abolished because the control of primary schools having been transferred to the local authorities under the Bombay Primary Education Act, 1923, there was no longer any necessity for Government to continue to maintain it.

*Dr. B. R. Ambedkar* : Does not Government think it necessary that the benefit of a special assistant educational inspector should be extended to the depressed classes schools ?

*The Honourable Dewan Bahadur Harilal D. Desai* : In the first instance, Government created the special post. The schools have now been transferred to the local bodies, and if Government find it necessary to make such an appointment, they will consider the matter.

(B.L.C. Debates, Vol. XIX, p. 604, dated 7th March 1927)

#### **Judgments of Mr. Fleming, City Magistrate**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether their attention has been drawn to the judgments delivered by Mr. Fleming, City Magistrate, Poona, in the two recent criminal cases (i) *Emperor v. Baburao Fule* and (ii) *Emperor v. Javalkar* and others in both of which the accused were charged under section 500 of the Indian Penal Code ;

(b) whether they are aware that Mr. Fleming has delivered contradictory judgments on a common point of law involved in both the cases, viz., whether the complainant is an aggrieved person within the meaning of section 198 of the Criminal Procedure Code ;

(c) whether they have called for an explanation from Mr. Fleming as to why he delivered such contradictory judgments ;

(d) whether they propose to take any steps against Mr. Fleming in this connection ?

*The Honourable Mr. J. E. B. Hotson* : (a) to (d) The remedies provided by the law are open to any person who considers himself aggrieved by a magistrate's judgment. Government could not without gross impropriety express an opinion in this House on the points to which this question refers.

*Mr. S. K. Bole* : The answer is given only to (b) and not to (a), (c) or (d).

*The Honourable Mr. J. E. B. Hotson* : The answer is to all four parts of the question.

*Mr. S. K. Bole* : The question in (a) is "whether their attention is drawn to the judgments delivered by Mr. Fleming" but there is no answer to that.

*The Honourable Mr. J. E. B. Hotson* : I think, it is implied. The attention of Government has been drawn to them.

*Mr. S. K. Bole* : Again, in (b) the question is “whether they are aware that Mr. Fleming has delivered contradictory judgments” but there is no answer to that.

*The Honourable Mr. J. E. B. Hotson* : Yes, the reply is there, “Government could not without gross impropriety express an opinion in this House” etc.

*Mr. S. K. Bole* : What is asked is whether they are aware.

*The Honourable the President* : The word “contradictory” implies and asks for opinion, and therefore that reply.

(B.L.C. Debates, Vol. XIX, p. 1147, dated 16th March 1927)

### **Assault by Mulki Patil on a Mahar (Chikhardi)**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether it is a fact that the Mulki Patil of the village Chikhardi in the Sholapur District committed an assault on Arjuna Lala Mahar for refusing to do his private work and fractured his skull ;

(b) whether it is a fact that Arjuna is now being treated for his injury at the Civil Hospital, Barsi ;

(c) if so, what steps they have taken against the Patil ?

*The Honourable Mr. J. L. Rieu* : The information has been called for.

(B.L.C. Debates, Vol. XIX, p. 1147, dated 16th March 1927)

### **Harassment of Mahars (Sholapur)**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether it is a fact that the Gaonkaris of the villages of (i) Ralerass, (ii) Pangaon, (iii) Pangri, (iv) Uple Dumala, (v) Ambegaon and (vi) Surdi in the District of Sholapur have been acting in conspiracy to stop the ryots and shop-keepers of their respective villages from having any dealings with the Mahars of their villages and have assaulted the Mahars of their villages and have in some cases outraged the modesty of the Mahar women and have gone to the length of throwing filth in the water-courses used by the Mahars because the Mahars in these villages have in their efforts at self-improvement given up the carrying of the carcasses of dead animals ;

(b) what steps they propose to take to protect the Mahars from such tyranny.

*The Honourable Mr. J. E. B. Hotson* : The information is being obtained.

(B.L.C. Debates, Vol. XIX, p. 1298, dated 17th March 1927)

### **Accident on the Ulhas River**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether their attention has been drawn to the leading article published in the *Pratiyogi*, dated the 13th February 1926, and the extracts of statements

of the people of Badlapur published in the *Pratiyogi*, dated the 12th June 1926 ;

(b) if so, whether they still withhold the permission to prosecute as asked for ?

*The Honourable Sir Cowasji Jehangir :* (a) Government have noticed a summary of the article published in the *Pratiyogi*, dated the 13th February 1926, but not the extracts of statements of the people of Badlapur published in the issue of the paper of 12th June 1926.

(b) Yes.

(B.L.C. Debates, Vol. XX, p. 759, dated 27th July 1927)

### Public Service : Depressed Classes

*Dr. B. R. Ambedkar :* Will Government be pleased to give the following information regarding the strength of the depressed classes in the public service :—

District	Department	Number of depressed classes employed	
		As peons	On the staff

*The Honourable Sir Chunilal Mehta :* The information has been called for.

(B.L.C. Debates, Vol. XX, p. 847, dated 27th July 1927)

### Watandar Mahars : Remuneration

*Dr. B. R. Ambedkar :* Will Government be pleased to give the following information for each village in the Presidency :—

Village	Total population	No. of officiating mahars	Remuneration to officiating mahars estimated from all sources, in rupees			Total remuneration
			From inami and	From Baluta	Government salary	

*The Honourable Mr. J. L. Rieu :* As the time and trouble involved in obtaining the information would be out of all proportions to its possible utility from the public point of view. Government regret that they are not prepared to collect it. If the Honourable Member will select a small number of typical villages for this enquiry, Government will consider whether it is practicable to supply the information he desires in regard to them.

*Dr. B. R. Ambedkar :* It is not a fact that the information asked for in this question is obtainable from the watan proceedings of every village ?

*The Honourable Mr. J. L. Rieu :* In any case I would call the honourable member's attention to the fact that this question would have to be sent to

every village in the Bombay Presidency. The labour and time involved in collecting this information would be enormous.

(B.L.C. Debates, Vol. XX, p. 1065, dated 27th July 1927)

### **Officiating Watandar Mahars**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether there are any rules governing the number of the officiating Watandar Mahars in the villages in the different parts of the presidency ?

(b) if so, whether they will publish them or refer to them ?

*The Honourable Mr. J. L. Rieu* : (a) and (b) There are no rules on the subject. The appointment of officiating Watandar Mahars is governed by the provisions of section 64 of the Bombay Hereditary Offices Act.

*Dr. B. R. Ambedkar* : Is the Honourable Member aware that discretion is left to the Collector under section 64 in exercise of which he can make rules regarding officiating Watandar Mahars ?

*The Honourable Mr. J. L. Rieu* : I am aware of that.

*Dr. B. R. Ambedkar* : Is the honourable member aware that in a certain village 16 Mahars are officiating as Watandars ?

*The Honourable Mr. J. L. Rieu* : If the honourable member gives notice I will make enquiries.

(B.L.C. Debates, Vol. XX, p. 1207, dated 27th July 1927)

### **Bridge on the Ulhas River at Badlapur**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether the consideration of the question of constructing a low level causeway on the river Ulhas at Badlapur in the Thana District has not yet been finished ;

(b) whether the whole correspondence including the Commissioner's and the Collector's reports thereon would be placed on the Council Table ;

(c) whether they are aware that a high level bridge instead of a low level causeway is absolutely necessary ?

*The Honourable Mr. J. L. Rieu* : (a) No. But it is hoped that a conclusion will soon be reached.

(b) Government are not prepared to place the correspondence on the table.

(c) No.

(B.L.C. Debates, Vol. XX, p. 1472, dated 27th July 1927)

### **Forest Land for Cultivation : Grants to Depressed Classes**

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) the total extent of forest land given for cultivation in each district of this Presidency in the years 1923, 1924, 1925 and 1926 ;

(b) how much of this was given to the Depressed Classes in each district in the years mentioned ?

*The Honourable Mr. G. B. Pradhan :* (a) and (b) A statement furnishing the required information is placed on the Council Table. The area shown in the statement is for each forest division of the Presidency.

*Statement of forest land given out for cultivation  
during 1923, 1924, 1925 and 1926*

Forest Division		Total extent of forest land given out for cultivation			
		1923	1924	1925	1926
<i>Northern Circle</i>		Acres	Acres	Acres	Acres
1	Panch Mahals .. ..	660	7,536	....	9
2	Surat .. ..	1,175	1,152	3,558	....
3	North Thana .. ..	191	171	....	5
4	West Thana .. ..	339	330	295	....
5	East Thana .. ..	21,463	2,237	2,810	3,733
6	West Nasik .. ..	3,080	432	1,817	256
7	East Nasik .. ..	8,493	2,714	2,100	2,482
<i>Central Circle</i>					
1	East Khandesh .. ..	186	401	1,756	1,872
2	North Khandesh .. ..	....	1,325	1,660	1,815
3	West Khandesh .. ..	90	51	235	560
4	Poona .. ..	1	1	70	36
5	Ahmednagar .. ..	4,254	55	86	88
6	Satara .. ..	3,516	252	473	285
<i>Southern Circle</i>					
1	Northern Division, Kanara ..	22	....	....	7
2	Eastern Division, Kanara ..	105	137	33	7
3	Southern Division, Kanara ..	26	40	31	37
4	Western Division, Kanara ..	133	70	59	5
5	Central Division, Kanara ..	13	6	1	....
6	Belgaum .. ..	668	719	2,006	2,717
7	Dharwar .. ..	346	25	154	132
<i>Sind Circle</i>					
1	Sukkur .. ..	1,841	2,577	1,330	1,888
2	Shikapur .. ..	1,399	1,256	1,066	928
3	Larkana .. ..	4,321	3,143	4,838	5,300
4	Hyderabad . .	549	1,782	2,071	2,396
5	Karachi .. ..	92	1,093	1,789	3,084

*Statement of forest land given out for cultivation during 1923, 1924, 1925 and 1926—contd.*

Forest Division	Land given to the Depressed Classes				Remarks
	1923	1924	1925	1926	
<i>Northern Circle</i>					
	Acres	Acres	Acres	Acres	
1 Panch Mahals .. ..	227	1,446	..	9	
2 Surat .. ..	1,175	1,152	3,558	..	
3 North Thana .. ..	191	171	..	5	
4 West Thana .. ..	339	330	295	..	
5 East Thana .. ..	21,463	2,237	2,810	3,733	
6 West Nasik .. ..	2,927	411	1,727	243	
7 East Nasik .. ..	8,493	2,714	2,100	2,482	
<i>Central Circle</i>					
1 East Khandesh .. ..	..	30	91	101	
2 North Khandesh .. ..	..	1,325	1,660	1,815	
3 West Khandesh .. ..	40	37	90	340	
4 Poona .. ..	..	..	..	..	
5 Ahmednagar .. ..	55	..	..	..	
6 Satara .. ..	..	..	..	..	
<i>Southern Circle</i>					
1 Northern Division, .. ..	..	..	..	..	No applications were received from persons of Depressed Classes during these years.
2 Kanara .. ..	..	..	..	..	
Eastern Division, Kanara	..	..	..	..	
3 Southern Division, Kanara ..	20	38	28	36	
4 Western Division, Kanara ..	..	..	..	..	No applications were received from persons of Depressed Classes during these years.
5 Central Division, Kanara ..	..	..	..	..	
6 Belgaum .. ..	45	104	23	664	
7 Dharwar .. ..	..	..	..	..	Do.
<i>Sind Cir</i>					
1 Sukkur .. ..	..	..	..	..	There are no Depressed Classes in Sind who do agricultural work.
2 Shikapur .. ..	..	..	..	..	
3 Larkana .. ..	..	..	..	..	
4 Hyderabad .. ..	..	..	..	..	
5 Karachi .. ..	..	..	..	..	

### Tobacco Licence

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether one Narayan Sakharam had applied to the Superintendent of Excise, Tobacco Department, for licence to sell tobacco ;

(b) whether his application was refused although the applicant was a military pensioner and was recommended for licence by the Officer Commanding the 117th Rajputs ;

(c) the reasons why his application was refused ;

(d) whether the application was refused on account of the fact that the applicant belonged to the depressed classes ;

(e) whether they make any caste discrimination in the matter of issuing licences ?

*The Honourable Mr. J. L. Rieu* : (a) Yes.

(b) Yes.

(c) Tobacco licences are only granted to persons in really indigent circumstances who are unable to earn a livelihood by any other means. The person referred to by the honourable member was reported to be quite fit to earn his livelihood in other ways. He was therefore refused a licence.

(d) No.

(e) No.

*Dr. B. R. Ambedkar* : Is this in accordance with the rules laid down by the department in the matter of tobacco licences ?

*The Honourable Mr. J. L. Rieu* : I do not think that there are any specific rules on the subject, but that is the practice.

*Dr. B. R. Ambedkar* : May I know whether this particular question refers to the honourable member's department or to the department under the Excise Minister ?

*The Honourable Mr. J. L. Rieu* : This refers to the Revenue Department. Tobacco licences are given out by the Collector of Bombay.

(B.L.C. Debates, Vol. XXI. p. 57. dated 29th September 1927)

### Forest Lands, Nasik : Applications of Mahars

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether they are aware that the Mahars of the village of Pimplad in taluka Nasik had applied to the Collector for forest land ;

(b) whether they had asked for survey number 220 in the village of Pimplad ;

(c) whether, that being refused, they had asked for survey number 202 in the village of Rajur-Babula ;

(d) whether, that being refused they had asked for survey number 71 in the village of Rajur-Babula ;

(e) whether it is a fact that even this last application has been rejected ;

(f) the reasons for this persistent refusal to consider favourably the applications of these Mahars ?



*The Honourable Mr. G. B. Pradhan :* (a), (b), (c), (d) and (e) Yes, as it had already been granted to another individual.

(2) Survey No. 202 of Rajur is pasture forest incharge of the Revenue Department. It is sold annually for grazing to the villagers, and it cannot be granted for any other purpose, as the remaining grazing area available in the village is not sufficient for their requirements.

(3) For the same reason Survey No. 71 of Rajur-Babula which is assigned for Kuran (grazing ground) could not be granted to the Mahars.

I may add that 11 survey numbers of Pimplad and Rajur-Babula comprising of nearly 200 acres of land were the only lands available for being given out for cultivation. They were therefore put to sale at an upset price 12 times the assessment and it was ordered that none but the Mahars, Bhils and Kolis should bid. The condition was imposed specially to exclude unfair competition by moneyed people. The papers of the sales recently sanctioned show that two Kolis and three Mahars of Pimplad and one Koli and three Mahars of Rajur-Babula are the purchasers.

(B.L.C. Debates, Vol. XXI, p. 219, dated 1st October 1927)

#### **Grazing Grounds, Thana District**

*Dr. P. G. Solanki on behalf of Dr. B. R. Ambedkar :* Will Government be pleased to state—

(a) whether their attention has been drawn to the information published on pages 372 and 417 of the Vividha Jnana Vistar of the year 1926 ;

(b) if so, whether they intend to take steps to order such varkas or grass lands to be free from assessment ;

(c) whether they intend to let open the forest lands of the village of Badlapur in the Thana District for agricultural and grazing purposes as the income from those forest lands is comparatively very small ?

*The Honourable Mr. J. L. Rieu :* (a) Only when the Honourable Member gave notice of this question.

(b) No.

(c) No.

(B.L.C. Debates, Vol. XXI, pp. 269-70, dated 1st October 1927)

#### **Forest Lands for Depressed Classes**

*Dr. P. G. Solanki on behalf of Dr. B. R. Ambedkar :* Will Government be pleased to state—

(a) whether they are aware of the enormous extent of unemployment prevailing among the depressed classes ;

(b) whether in view of the fact that many occupations are closed to the depressed classes owing to the system of untouchability, they intend to consider the question of forming settlements of the depressed classes wherever tracts of forests lands are available as has been done by the Mysore Government ;

(c) whether they intend to give preferential treatment to applicants from the depressed classes for forest lands ?

*The Honourable Mr. G. B. Pradhan :* (a) No.

(b) Such settlements have already been formed in the three Khandesh Divisions, and the feasibility of forming further settlements will be considered if applications are made and suitable lands in forests are available.

(c) Application from depressed classes for forest lands will be favourably considered, but no promise of preferential treatment can be held out.

(B.L.C. Debates, Vol. XXI, pp. 269-70, dated 1st October 1927)

### **Deccan Agriculturists' Relief Act : Repeal**

*Dr. B. R. Ambedkar :* Will Government be pleased to state—

(a) whether it is a fact that they are contemplating the introduction of a bill to repeal the Deccan Agriculturists' Relief Act ;

(b) if so, whether they have ascertained the views of the agricultural population whose interests are bound to be affected by such a step ;

(c) whether they are aware that the Royal Commission on Agriculture has expressed the opinion that the operation of the Usurious Loans Act, 1918. has not been successful ?

*The Honourable Mr. J. R. Martin :* (a) and (b) The question of amending or repealing the Deccan Agriculturists' Relief Act has been postponed till the question of legislation in connection with agricultural indebtedness recommended by the Royal Agricultural Commission can be taken up as a whole.

(c) Yes.

(B.L.C. Debates, Vol. XXIV, p. 287, dated 29th September 1928)

### **Government Servants : Salaries and Pensions**

*Dr. B. R. Ambedkar :* Will Government be pleased to state the total amount they paid out in 1927-28 (or any other year previous to it for which figures are available)—

(i) as salaries to their permanent servant in the subordinate and clerical services ;

(ii) as pensions to servants who were in their subordinate and clerical services ?

*The Honourable Mr. G. B. Pradhan :* (i) Figures of the cost of permanent and temporary establishments are not separately available. The total amount expended by the Provincial Government during 1925-26 on the salaries of their subordinate establishments was Rs. 296 lakhs excluding the cost (amounting to about Rs. 25 lakhs) of the menial establishments.

(ii) Government regret that they are unable to furnish the information asked for as separate figures for different classes of establishments are not readily available.

(B.L.C. Debates, Vol. XXIV, p. 287, dated 29th September 1928)

**Government Servants : Starting Pay of Graduates**

*Dr. P. G. Solanki on behalf of Dr. B. R. Ambedkar :* Will Government be pleased to state—

(a) whether it is a fact that Mr. S. K. Bole had put a question in the Council asking for information about the starting pay of Graduates in the City of Bombay ;

(b) whether it is a fact that Government replied that Graduates were started on Rs. 90 except those serving in the Lower Grade in those offices, where the establishments are divided into “Upper and Lower Grades,” and that Government issued Government Resolution, Finance Department, No. 1140, dated 25th March 1925 directing the Heads of Departments accordingly ;

(c) whether it is a fact that inspite of the abovementioned Government Resolution directing the Heads of Departments to start Graduates on Rs. 90 in the City of Bombay, the Collector of Bombay starts Graduates on Rs. 60 only in the departments under him, even though there are no Upper and Lower Grades in those departments ;

(d) whether Government are aware that Graduates start on Rs. 70 in the mofussil ?

*The Honourable Mr. G. B. Pradhan :* (a) Yes.

(b) Government replied that all Heads of Offices in Bombay were authorised to pay an initial salary of Rs. 90 to all graduates except those in the Lower Division in those offices in which the establishment is divided into Upper and Lower Divisions. Orders to the above effect were issued in Government Resolution, Finance Department, No. 1140, dated 25th March 1925.

(c) Under the orders referred to by the Honourable Member Government have authorised their Heads of Offices to start graduates, except those in the Lower Division in those offices in which the establishment is divided into Upper and Lower Divisions, on an initial pay of Rs. 90 per mensem in the revised time scale. According to the above orders the Collector of Bombay gives an initial pay of Rs. 90 per mensem to a graduate where he thinks that a graduate clerk is absolutely necessary whereas in other cases graduates are given rates of pay ranging from Rs. 60 to Rs. 90 according to the importance of the work assigned to them.

(d) Yes.

(B.L.C. Debates, Vol. XXV, p. 685, dated 28th February 1929)

**Land Acquisition : Mulshi Dam**

*Dr. P. G. Solanki on behalf of Dr. B. R. Ambedkar :* Will Government be pleased to state—

(a) whether the lands of the Mahars of Mohari and Wadgaon, taluka Haveli, district Poona, were acquired by Government on account of the Mulshi dam ;

(b) the rates at which the lands were acquired ;

(c) whether the price of the lands was paid to the Mahars of these villages ?

*The Honourable Mr. J. L. Rieu* : (a) Yes.

(b) Rs. 50 per acre for Jirait land and Rs. 550 per acre for Gadi (rice) lands.

(c) The lands being service inam, the sums awarded were credited to Government and an annual cash allowance calculated at 5 per cent. of the total amount of the compensation was sanctioned for the watandar Mahars.

(B.L.C. Debates, Vol. XXV, p. 767, dated 1st March 1927)

### Grants-in-aid to Local Boards

*Dr. P. G. Solanki on behalf of Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether it is a fact that the question of grants to Local Boards has been kept pending for nearly 3 years by the Director of Public Instruction ;

(b) if so, who is responsible for the delay ;

(c) what steps, if any, Government propose to take in the matter ?

*The Honourable Moulvi Rafiuddin Ahmed* : (a) If the honourable member refers to grants by Government on account of primary education the provisional grants made yearly to district local boards or local authorities are often in excess of the actual amount shown to be due after audit. The final adjustment of these yearly grants are made later when audit objections have been met.

(b) Does not arise.

(c) No alteration of the existing procedure is contemplated.

(B.L.C. Debates, Vol. XXV, p. 1092, dated 7th March 1929)

### Bombay Municipal Corporation—Morland Road

*Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) whether it is a fact that the Bombay Municipal Corporation has not completely re-constructed Morland Road even once during the last 15 years, and, if so, the reasons therefor ;

(b) whether Government intend to take any steps in the matter ;

(c) whether it is a fact that the matter was represented to the Police Authorities and to the Municipal Corporation through representations and in the Press ?

*The Honourable Dewan Bahadur Harilal D. Desai* : (a) It is not a fact that the road has not been repaired during the last 15 years. During the period 1914 to 1921 the whole road was repaired regularly and in 1920-21 the entire length was repaired and the surface dressed with a paint coat of tar at a cost of Rs. 11,640-15-3. Since 1922 substantial repairs have not been carried out, but extensive patching of the road surface has been frequently done. The Corporation has given its consent to the re-construction of the road with sheet asphalt on cement concrete foundations and the work will be taken in hand in due course.

(b) No.

(c) Complaints have been made to the Corporation.

(B.L.C. Debates, Vol. XXV, p. 1092, dated 7th March 1929)

**Secondary Schools : Grants-in-aid**

*Dr. P. G. Solanki for Dr. B. R. Ambedkar* : Will Government be pleased to state—

(a) the reasons why the question of reorganising the basis of assessing annual grants to Secondary Schools was not considered last year ;

(b) whether there are any schools in the Presidency that have deserved special consideration from Government in point of receiving regular grants-in-aid ;

(c) whether in assessing grants to Secondary Schools the Director of Public Instruction is invariably guided by the inspection reports of the Educational Inspectors ? If not, what is generally his standard of distributing annual grants to Secondary Schools ;

(d) whether the Educational Department observe, in order to maintain the departmental standard of efficiency, some basis on which the aided Schools are' expected to spend per capita annually, and the Government on the other hand are expected to share the corresponding cost ? If so, what is the minimum ratio between the cost to the Government and the institution according to the basis ;

(e) the minimum number of years after which a Secondary School is given registration by the Education Department ;

(f) the number of Secondary Schools of over 5 years' standing that have not yet been permanently registered for grant-in-aid ?

*The Honourable Moulvi Rafiuddin Ahmed* : (a) Government were generally satisfied that the basis on which grants to Secondary Schools are assessed is sound.

(b) Yes.

(c) Grants are assessed according to the principles laid down in the Grant-in-aid Code. In framing his estimate of the extent to which a particular school satisfies the requirements of the Grant-in-aid Code, the Director of Public Instruction is invariably guided by the reports of the Inspecting staff. The question in the latter portion does not therefore arise.

(d) No definite standard of expenditure per capita is observed in assessing expenditure for grant. The system laid down in the Grant-in-aid Code provides for grants at the rate of one-third of the admitted expenditure being given to all schools which satisfy the requirements, subject to the funds allotted for the purpose permitting.

(e) No minimum number of years is prescribed. Owing to lack of funds the registration of additional schools has been suspended.

(f) About 110 schools.

(B.L.C. Debates, Vol. XXVIII, pp. 585-86, dated 27th February 1980)

APPENDIX III  
**UNIVERSITY REFORMS COMMITTEE**  
(Refer Chapter 7. page 48)

\*QUESTIONNAIRE

OF UNIVERSITY REFORM IN BOMBAY PRESIDENCY

(The Bombay Government appointed a Committee to look into the problem of reform of the Bombay University. This Committee consisted of 13 members with Sir Chimanlal H. Setalvad, Kt. as its Chairman. Dr. Ambedkar was not a member of this committee but he was one of the 321 persons to whom the committee sent its questionnaire of 54 questions. Dr. Ambedkar replied only some of the questions which he considered worth replying. The questions replied by Dr. Ambedkar are alone reproduced here to be followed by his evidence.—*Editor.*)

1. What in your opinion should be the aim and function of University education in the Bombay Presidency? Do you consider that the existing system of University education in this Presidency affords the young Indians of this Presidency adequate opportunities of attaining this aim? If not, in what main respects do you consider the existing system deficient?

2. Do you consider that the defects pointed out by you mainly lie in or spring from (a) the spirit and methods of instructor or pupil; (b) the conditions of education, antecedent to the students' entrance of the University; or (c) the administrative or educational machinery of the University?

3. How far in your opinion has the University promoted knowledge of, and mutual interest in and sympathy for, the history and culture of the different communities in this Presidency? Can you suggest means by which this can be further promoted?

**II. Secondary and Intermediate Education**

(Questions 4-7)

4. Do you consider the training and attainments of students coming out of our High Schools sufficient preparation for entering upon University

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\*Report of the Committee on University Reform appointed by Government, 1925-26, pp. 226-31.

education? If you consider this preparation inadequate, have you any suggestions for the improvement of the present conditions?

5. Do you consider the creation in this Presidency of (a) a new set of institutions in intermediate between High Schools and University; (b) a new Board of Secondary and Intermediate Education such as was proposed by the Calcutta University Commission necessary or desirable? If so, how should such institutions and such a Board be constituted and financed?

6. If you consider intermediate institutions, with or without an Intermediate Board, unnecessary or undesirable, how without them could the level, range and effectiveness of existing High School education in this Presidency be improved?

7. How may the University best secure the maintenance of efficiency in the institutions that send students to it for admission?

### III. Functions of the University of Bombay

(Questions 8-24)

(a) *Teaching* (Questions 8-13)

8. In what directions is it necessary and practicable as well as advisable, in your judgment, to extend the function of the University of Bombay so as to make it predominantly a teaching University?

9. Do you consider that the University should, in addition to postgraduate teaching take any direct part in under-graduate teaching? If so, how would you reconcile and co-ordinate the teaching functions of the University with those of the existing teaching institutions?

10. If you do not consider the University should take any direct part in under-graduate teaching, how by proper co-ordination would you utilise to the best advantage the existing facilities for under-graduate study?

### IV. Additional University in Bombay Presidency

(Questions 25-30)

25. Is it desirable to constitute any additional Universities within the Bombay Presidency? What Centres of higher education in the Presidency do you consider—

(a) ripe for immediate expansion into Universities,

(b) likely to be ripe in the near future, and on what grounds?

28. How would the institution of additional Universities affect the existing University of Bombay? How would you secure co-operation, co-ordination, and reciprocity between the University of Bombay and the new University? What arrangement do you suggest for the period of transition?

### VII. Constitution

(Questions 36-40)

36. What defects do you find in the constitutional machinery of the University of Bombay?

37. What should be the strength, composition, duration of office, method

of constituting and powers and functions of the Senate ? Who, if any, should be *ex-officio*, life, and nominated members of the Senate ? How does your method of constituting the Senate secure the representation of all interests and communities ?

38. Do you consider that it is necessary or desirable to decentralise the powers and functions hitherto exercised by the Syndicate of the Bombay University ? If so, what powers or functions would you remove from the Syndicate and to what new or existing bodies of the University would you assign them ? How should the Syndicate so reorganised and any new bodies you may propose be composed ?

39. What functions and powers would you assign to the Faculties and Boards of Studies ? How should these bodies be constituted and appointed ?

### III. Functions of the University of Bombay

(Questions 8-24)

(c) *Prescribing Courses and Examining* (Questions 16-19)

16. How in your opinion has the University been discharging the functions of (a) conducting examinations, (b) prescribing courses of study, and (c) appointing text-books ? Would you suggest any modifications in the exercise of these functions ?

17. How far can University examinations be profitably replaced or supplemented by other means of testing proficiency, intelligence and competence ?

18. On what branches of study should the Bombay University undertake the teaching immediately and in the near future ?

19. In considering the extension of the teaching functions of the University of Bombay and bearing in mind the special requirements of the people of Bombay, would you suggest the institution of any more faculties e.g. of Fine Arts or Technology so as to make the scope of the University broader, more liberal and more comprehensive ?

(d) *Post-Graduate Courses and Degrees* (Questions 20-21)

20. When the Bombay University further develops its teaching functions, what should be the duration of studies for post-graduate degrees ? How would you award such degrees, whether by examination, thesis, original research or a combination of one or more of these ?

21. Do you wish to institute any new degrees *honoris causa* and, if so, on what grounds would you have them awarded ?

(e) *Promoting Research* (Questions 22-23)

22. How Can the University best encourage and guide independent investigation of Indian and especially Bombay's problems, whether historical, economic, sociological, industrial, or other ?

23. Is there any need for the creation of a University Press and Publication Department ? How might such Department be organised and financed ?

(f) *Appointing University Teachers* (Question 24)

24. In a Bombay Teaching University what should be the method of



selecting and appointing University Professors, Readers, Lecturers etc.? What qualifications are requisite in them? What range of salaries do they require? What should be the conditions regulating their appointment and tenure of office?

#### **IV. Additional Universities in Bombay Presidency**

(Questions 25-30)

30. What principles or policy should be followed by (a) the Bombay University, (b) any new University within this Presidency in permitting the opening of any new College or Institution, constituent or affiliated?

#### **V. Relation of the University and the Public**

(Questions 31-34)

31. How far do you consider the curricula of the Bombay University satisfy the needs of Agricultural, Industrial, Professional and Public-life in the Presidency, and especially in the City of Bombay?

32. Can you suggest method of promoting cordial relation and co-operation between the University and other public bodies whether industrial, commercial, professional, municipal or Government?

33. What measures should be taken to bring the University and its working into closer relation with the industrial and commercial life and interests of the City?

34. What should be the extent and purpose of the University's contribution to the education of the adult non-collegiate population? How should the University organise extension lectures, vacation terms and other measures to this end?

#### **VI. Relation of University and Government**

(Question 35)

35. What should be the relation of the Government of India and of the Government of Bombay to the University of Bombay and to any new Universities that may be created? What modifications, if any, do you think necessary in the existing powers of the Chancellor and of Government to control University finance, legislation, appointments of University Officers and Teachers and membership of University bodies? What should be the relation, if any, of the Director of Public Instruction and the Minister in charge of Education to the University?

#### **VIII. Curricula**

(Questions 41-44)

41. Are you generally satisfied with the subject and curricula at present prescribed for the various University Examinations? If not, can you indicate the changes you desire?

42. Are you in favour of establishing (a) an absolute or (b) a greater differentiation of the pass and honours courses? How would such differentiation affect the Colleges and Students?

43. Would you approve of an absolute exclusion of science from the Arts Courses ? Do you approve of the present dissociation of Literature and Arts from the study of science ?

44. Do you consider the existing courses for the Bachelor's and Master's degree provide a sufficient variety of options and satisfactory combinations and correlations of Courses of Study ?

### IX. Use of the Vernacular

(Questions 45-46)

45. To what stage and to what extent do you consider the vernacular, can and should be used to replace English as the medium of instruction and examination (a) in Bombay, (b) in any newly constituted University ? What safeguards do you suggest to secure that the standard of English required by students does not suffer from such replacement ?

46. What do you consider the best method of promoting the scientific study of the Vernaculars of this Presidency and for encouraging the production of good vernacular literature of all kinds ?

### XIII. Special Communities

(Question 52)

52. Do you consider any special measures are required for the promotion of University education in any particular community ?

\*WRITTEN EVIDENCE BY DR. B. R. AMBEDKAR

Question 1: I agree with the Inspectors of the Board of Education in England that the aim and functions of University Education should be to see that the teaching carried on there is suited to adults ; that it is scientific, detached and impartial in character; that it aims not so much at filling the mind of the student with fact or theories as at calling forth his own individuality, and stimulating him to mental effort; that it accustoms him to the critical study of the leading authorities, with perhaps, occasional reference to first hand sources of information, and that it implants in his mind a standard of thoroughness, and gives him a sense of the difficulty as well as the value of reaching at truth. The student so trained should learn to distinguish between what may fairly be called matter of fact and what is certainly mere matter of opinion. He should be accustomed to distinguish issues, and to look at separate questions each on its own merits and without an eye to their bearing on some cherished theory. He should learn to state fairly, and even sympathetically, the position of those to whose practical conclusions he is most stoutly opposed. He should become able to examine a suggested idea, and see what comes of it, before accepting it or rejecting it. Without necessarily becoming an original student he should gain an insight into the conditions under which original research is carried on. He

\*University Reforms Committee-Written Evidence No. 103, pp. 1-17, dated 15th August 1924.

should be able to weigh evidence, to follow and criticise argument and put his own value on authorities.

I see no reason why the aim and functions of the University Education in the Bombay Presidency should be different. Judged by the quality of the students it turns out it must be said that the existing system of University Education in this Presidency has totally failed to realize the aim and functions of University Education.

**Question 2 :** It is possible that this failure springs partly from the spirit and methods of the instructor, partly of the pupils and partly from the conditions of education antecedent to the students' entrance to the University. In my opinion, however, the failure springs mainly from the administrative and educational machinery of the University. Before a University can be in a position to fulfil the aims and functions of University Education it must be so organized that it becomes essentially a place of learning, where a Corporation of Scholars labour in comradeship for the training of men and the advancement and diffusion of knowledge. In the light of these remarks it will be obvious that the Bombay University in the first place is no true University. It is not a Corporation of Scholars. It does not undertake the training of men and it is not directly interested in the advancement and diffusion of knowledge. On the other hand, the Bombay University in respect of its administration and educational machinery is what a University ought not to be. It is a Corporation of Administrators. It is only concerned with the examination of candidates while the advancement and diffusion of knowledge is outside the ambit of its interests.

**Question 3 :** The University of Bombay has not promoted knowledge of and mutual interest in and sympathy for the history and culture of the different communities in this Presidency. A purely examining University that does not concern itself with inculcating the love of learning cannot achieve this object. And it seems to me that the only way of success along this line is first of all to convert the University into a Teaching University.

**Questions 4-7 :** I do not feel I am competent to answer these questions satisfactorily. I agree that a great deal depends upon what kind of "stuff" the University gets from the high schools. How to get the right kind of stuff is a problem with every University. But I cannot understand why a University should be required to enter upon the control of high schools in order to compel them to produce the required kind of stuff. I know of no University that has undertaken this responsibility. All that the Universities do is to hold their own entrance examination whereby they select the kind of stuff they want by their test papers. I do not see why the Bombay University should be called upon to do more.

**Questions 8-10 :** There are in my opinion two distinct problems that must arise in any attempt that may be made for converting the University of Bombay into a Teaching University. They are (i) how to convert it into a Teaching University and (ii) how to organize its teaching. With the first

problem I will deal when I come to questions 36-40. Here I will deal with the second problem. In the Incorporation Act of 1857 no provision was made for allowing the University to undertake teaching functions. The Act of 1904 for the first time described the University as being incorporated for the purpose (among others) of "making provision for the instruction of students", a phrase which might seem to have been intended to include undergraduates in putting into practice this clause all the older Universities have followed the University Commission which recommended that the Universities might justify their existence as teaching bodies by making further provision for advanced courses of study. As a result of this we find today that the undergraduate teaching has been separated from the postgraduate teaching, the former being taken up by the University and the latter left to the colleges.

I am totally opposed to any such sharp division between post-graduate and undergraduate training. My reasons are as follows : —

(1) The separation of post-graduate work from undergraduate work means the separation of teaching from research. But it is obvious that that where research is divorced from teaching research must suffer. As has been well observed by the Commissioners of 1911 on University Education in London.

"69. Teaching will, of course, predominate in the earlier work, and research will predominate in the advance work ; but it is in the best interests of the University that the most distinguished of its professors should take part in the teaching of the undergraduates from the beginning of their University career. It is only by coming into contact with the junior students that a teacher can direct their minds to his own conception of his subject, and train them in his own methods and hence obtain the double advantage of selecting the best men for research, and getting the best work out of them. Again it is the personal influence of the man doing original work in his subject which inspires belief in it, awakens enthusiasm, gains disciples. His personality is the selective power by which those who are fittest for his special work are voluntarily enlisted in its services and his individual influence is reproduced and extended by the spirit which actuates his staff. Neither is it the few alone who gain ; all honest students gain inestimably from association with teachers who show them something of the working of the thought of independent and original minds. 'Any one', says Helmholtz, who has once come into contact with one or more men of the first rank must have had his whole mental standard altered for the rest of his life'. Lectures have not lost their use and books can never fully take the place of the living spoken word. Still less can they take the place of the more intimate teaching in laboratory and seminar, which ought not to be beyond the range of the ordinary course of a university education, and in which the student learns, not only conclusions and the reasons supporting them, all of which he might get from books but the actual process of developing thought, the working of the highly trained and original mind."

“70. If it is thus to be desired that the highest university teachers should take their part in undergraduate work and that their spirit dominate it all, it follows for the same reasons that they should not be deprived of the best of their students when they reach the stage of post-graduate work. This work should not be separated from the rest of the work of the University, and conducted by different teachers in separate institutions. As far as the teacher is concerned it is necessary that he should have post-graduate students under, him. He must be doing original work himself, and he often obtains material assistance from the co-operation of advanced students. Their very difficulties are full of suggestions, and their faith and enthusiasm are a pay source of refreshment and strength. He escapes the flagging spirit and the moods of lethargy which are apt to overtake the solitary worker. There can be no question of a higher class of teachers than the professors of the University, or the whole position of the University will be degraded. On the other hand, a university teacher of the highest rank will naturally desire to have as his post-graduate students those students whom he has already begun to train in his own methods, though his laboratory or seminar will, of course, be open to students who come from other universities, and to some perhaps who come from no university at all, as well as to some who come from other teachers of the University of London. There must be a great deal of give and take, and students may often gain by studying under more than one teacher of the same subject ; but that is an entirely different thing from separating the higher work from the lower. We do not think it would be possible to get the best men for University Professorship if they were in any way restricted from doing the highest work or prevented from spreading their net wide to catch the best students.”

“71. It is also a great disadvantage to the undergraduate students of the University that post-graduate students should be removed to separate institutions. They ought to be in constant contact with those who are doing more advanced work than themselves, and who are not too far beyond them, but stimulate and encourage them by the familiar presence of an attainable ideal.”

The disastrous consequences which follow to advanced research work where it is separated from teaching have become patent at least to me. It is a notorious fact that many Indian students who have returned with post-graduate degrees from the University of London and other universities have been failures in the sense that they have failed to master their subjects although some of them occupy the highest posts in the educational line. The reason for this is to be found in the fact that their under-graduate training was utterly insufficient for advanced research work. The Committee will remember that post-graduate training is very modern in its origin and conception. There were men at Cambridge and Oxford who did a great deal of excellent work although those universities did not have post-graduate departments. Even now the men at the head of post-graduate departments

at Oxford, Cambridge and London are only graduates and yet they are doing their work of directing post-graduate research remarkably well so as to attract students from all parts of the world. The reason is that their undergraduate training was of a high order. I am, therefore, bound to emphasise that the University must undertake the training of the undergraduates if it intends to rear a structure of a sound system of post-graduate work.

(2) Secondly, the assumption by the University of direct responsibility for teaching in the post-graduate sphere by its own staff which is regarded as a great reform tends to produce the unhappy effect of placing the university staff in antithesis and in opposition to the college staff which feels that its status is unreasonably reduced by the formal and practically permanent limitation of the colleges to an inferior sphere of work.

(3) Thirdly, the establishment of a distinct University Professoriate for post-graduate work is a sheer waste of the resources of the University and can be easily avoided by a proper husbanding of the resources of the colleges. In our system of University education the colleges are the only places of learning. But they are at present the property of separate bodies and the management of each college is vested in a separate governing body. The income derive from a college goes to its own fund. If there is any surplus after the necessary expenses it only serves to swell this fund. Each college teaches the same subjects as the rest and is so to say a 'pocket' university obliged to maintain a competent staff to teach all the subjects and to provide separate libraries and laboratories for their own use. Autonomous as these colleges are none of them is financially a wealthy institution to be able to engage a first class and adequate staff and to provide a first class and adequate equipment in the form of libraries and laboratories. Owing to their slender resources the college staff is handicapped and overburdened. Being obliged to teach too many subjects specialization becomes impossible and a college professor under these circumstances has neither the inducement nor the opportunity to become the master of a small branch of a great-subject. As an inevitable result of this system of autonomous self-sufficing colleges we have scattered here and there poor professoriates, poor libraries and poor laboratories. But because the existing resources seem insufficient when looked upon as attached to or dissipated among the different colleges it does not follow that the resources of the colleges in the aggregate are not great enough to cope with the teaching of the post-graduate and undergraduate work of the Bombay University. Take for instance the resources of the colleges situated in the City of Bombay for the purpose of teaching economics.

We have in the City of Bombay the following colleges providing training in Economics for the B.A. Course of the Bombay University :—(1) Elphinstone College, (2) Wilson College, (3) St. Xavier's College and (4) Sydenham College, There are two men teaching economics at the Elphinstone, two at the Wilson, two at the St. Xavier's and some six or so at the Sydenham

College. Together there are about 12 men in the City of Bombay engaged in the teaching of economics. I know of no university in the world which has such a large number of men engaged in the teaching of one subject and yet all this plethora of professors is running to waste merely for the want of a better organization. And the University instead of attempting to stop, this waste had added to it by the appointing of two more professors of its own to the existing lot.

It is however obvious that if these colleges could be induced to pool their teaching and library resources it would not only produce a strong specialized professoriate but it will produce a professoriate adequate to deal with both undergraduate and post-graduate work and thus obviate the waste of university resources on the two university chairs of economics. To bring this about one has only to arrange that these twelve men do combine together to distribute among themselves the work of carrying out the economics curriculum of the University and agree to lecture to all students taking that course irrespective of the colleges in which they are enrolled. The same plan could be easily adopted in organizing the teaching of other subjects in the colleges in the City of Bombay. The only difficulty probably in the way of this plan is of the students having to run from college to college to attend these lectures. This difficulty can be easily met. I should say that all lectures on Political Science shall be delivered at the Sydenham College. All lectures on Philosophy and Psychology shall be delivered at the Wilson College and all lectures on Literature and languages shall be delivered at the Elphinstone College. By this arrangement the frequent run of students between colleges will be entirely obviated. The colleges should be declared to be halls of lectures on a particular subject and the lectures while remaining on the foundations of their respective colleges will coalesce together so as to form a homogeneous group and will have rooms at the college which is assigned for the subject they will be dealing with, and which will contain the portions of the libraries of the colleges on that particular subject.

I agree that University should be a centralized institution and if the plan of a new University were to be laid down *ab integro* it would be better to rule out the type in which a university was to be composed of affiliated colleges. But it must be recognized that universities cannot be sown broadcast and that where a number of institutions of collegiate status have come into being they cannot be lightly abolished in order to promote the success of centralizing institution. Under the plan I have outlined neither the standard of university education nor the independence of colleges is sacrificed. Administratively the colleges remain independent. Educationally they become integral parts of the University. In short the position becomes somewhat like the position at Oxford and Cambridge where the university is the colleges and the colleges form the university. Such an organization makes the most of the existing colleges and eliminates the waste.

**Question 25 :** My scheme of organizing University Education applies only

to those centres where the colleges are situated in close proximity. If this scheme is to be utilized on a large scale the first thing to do is to control the location of colleges so that they shall be established in close proximity. In other words it is necessary to prevent adventurous educationists from opening individual autonomous colleges in all sorts of unseemly and unpromising towns. When one recalls the waste, duplication and dissipation of resources involved in the existence of such separate and scattered colleges one is surprised to see that such anarchical situation should have been tolerated so far. I regard it a great piece of good fortune for the Bombay Presidency that the growth of these isolated colleges has not as yet become so rank and wild as in Bengal. But steps must be taken at once to counteract the establishment of scattered colleges at random if the standard of University Education is to be maintained. For this purpose I should lay down the centres of University Education in this Presidency and should not allow any college to be started at any other place. In my opinion the following places should be marked as actual or potential centres of University Education : —

I—Bombay.

VI—Hyderabad (potential).

II—Poona.

VII—Dharwar (potential).

III—Ahmedabad.

VIII—Sangli (potential).

IV—Surat (potential).

IX—Nasik (potential).

V—Karachi

X—Amalner (potential).

Having defined the centres of University education the next thing to do is to organize the teaching at those places. At most of the above University centres there is as yet only a single college providing education in Arts. Only in Bombay and Poona are there groups of colleges in close proximity. There the problem of University teaching can be easily solved by permutation and combination of the various college staffs into departments. At those centres where there are as yet only a single isolated college the problem of providing education of the university type can be solved in two ways (1) by allowing the foundation of new colleges in close proximity of the existing ones for the purpose of teaching one particular subject or (2) by recognizing the existing college as a university and to allow it to expand by starting new departments of study. The former plan seems to be easier of success. But the latter would be better from the standpoint of efficiency. By adopting this policy, instead of having a number of colleges scattered through the different parts of the Presidency to meet the educational demands in those parts of the Presidency we would be able to have other universities in other parts of the Presidency to meet the educational demands in those parts. By this we may not have achieved the ideal of a centralized university. But we may at least be achieving the next best, of having all the colleges which are affiliated to a university situated in the university town in close proximity of one another to combine together in intellectual co-operation and make the university so to say a living personality.



**Question 28 :** Bombay and Poona are the only places ripe for immediate expansion into universities and I suggest that these be at once incorporated into separate universities. Ahmedabad is likely to be ripe in the near future. It has already an Arts College and a Science Institute and may be converted into a University.

Pending the establishment of universities in the centres marked above the three universities of Bombay, Poona and Ahmedabad should have an external side like the University of London whereby arrangements could be made to grant degrees to students of the other colleges appearing at their examinations.

If the future universities to be established in this Presidency shape themselves into centralized institutions then the problems raised in these questions will not arise. For, then, the university will be in full control of its staff and teaching arrangements. But I will assume that our future universities will be a cluster or constituent colleges independent in their organization. At any rate it will be so of the new universities of Bombay and Poona. Under the scheme of having constituent colleges, the colleges will still continue to be places licensed by the university to provide University education. The plan of inter-collegiate teaching will remove the waste duplication and dissipation of resources by the constituent colleges. But will that arrangements be sufficient to ensure that the standard of university education will be maintained at a high level. That depends upon the standing of the teaching staff engaged in imparting University education. At present the teachers are attached to the colleges and their pay and status are regulated by the authorities governing the colleges. But the colleges do not seem to be making the appointments solely from the sense of obtaining the most qualified persons nor regulating their grades, tenure, pay and promotion in such a manner as to open a career to the best and most qualified member of the staff. The whole educational work carried on by Government is entrusted to the educational services in the three grades of which are included all the administrative and inspecting officers, and all the teachers in Government colleges and schools from the most responsible to the most junior. As in all services the principle of seniority is so deeply rooted that it has become a sacred convention that all superior posts should go by seniority. The principal drawback of this system so far as the work of University education is concerned is that rewards are regulated not by depth of scholarship but by the length of service. Teachers of a college who are subject to be transferred from place to place as is the case with the members of the Government service cannot but feel that the body corporate which claims their loyalty and obedience is not the college but the service and more often than not their ambition is directed to securing service promotions than that of creating a school of learning with which their names will be identified. The invidious distinction drawn between the I.E.S.

and P.E.S. is another weakness of the service system in that it tempts even the very junior members of the former to regard themselves as the superior of the most senior and distinguished members of the latter. This introduces an element of friction among the members of the college staff rendering difficult that free and friendly co-operation which is so indispensable to promote the intellectual life of any educational institution. Last but by no means the least in importance is the fact that under the present circumstances the professors in the Government colleges by reason of their being servants of the Government have lost the confidence of their students. The students instead of regarding their professors as their intellectual leaders regard them as the agents of Government and the professors receiving no response from their students drudge on without kindling their interest and winning their allegiance. In the colleges maintained by Missionary bodies the leading members of the staff are European Missionaries. The rest of the staff consists of Indian teachers. The distinction between the I.E.S. and P.E.S. is reproduced there on a small scale though it is not quite so emphasized as to produce open friction. In the private colleges maintained by Societies, such as the Deccan Education Society all the members of the staff are the members of the Society. The staff here is therefore more homogeneous and has nothing in its organization to lead to any cleavage. But the constitution of these colleges restricts them to the appointment of men who care to become life members of the Societies which control them. I cannot speak very definitely about the prospects offered by these private colleges but it is certain that they are very poor even when compared with the lowest grades in the Government colleges and indeed they are so poor that they cannot attract men of moderate attainments unless the same can afford to maintain a large margin of disinterestedness. But it is not the private colleges alone that fail to procure proper persons to fill their vacant posts. Even Government colleges with the best of prospects seldom succeed in hitting upon the right sort of a person. The reason is that neither have any proper machinery for making a judicious selection. In the case of Government colleges it is the Director of Public Instruction or the Secretary to Government that makes the choice. But as a matter of fact they are the most inexpert people for this task. Similarly the appointments in the private colleges are mostly in the hands of the heads of the colleges and they too are incapable of making proper choices. The fault lies in not recognizing that to assess the merits of a person one must belong to his kind. It will take an economist to judge an economist.

Quite apart however from these difficulties and drawback there is no possible means of bringing a University staff thus recruited by the different colleges into a due relation, as regards either its members or its distribution, to University needs. The University might find itself supplied with half a dozen professors of one subject and without a single in another equally

important branch of knowledge. University organization cannot proceed on these lines, and the difficulties described above can be removed only by placing the appointments of all teachers of the University in the hands of the University itself acting through the Academic Council (*see* constitution of the new University) or at least by giving the University an effective voice in their appointment.

I therefore propose that the collegiate branch of the Educational Service should be separated from the Administrative branch and should be placed under the University with proper safeguards. In other words the teachers' posts at the different colleges should be converted into chairs attached to and supported by certain foundations in the present case by the private colleges and Government. But the appointments to these chairs should be controlled by the University.

I attach the greatest importance to the control of the University over the appointment of its teaching staff. Hitherto the University of Bombay has attempted to maintain the standard of University education by means of its power to test it by a rigid system of examination. The result has been a gradual lowering of the calibre of its graduates. This is principally to be attributed to the egregious error committed by the fathers of our University education in not at all recognizing that the only means of maintaining the standard of University education are the rigid exclusion of students who are unfit for University studies and the existence of a body of highly qualified and productive teachers, organized in departments adequately equipped. In other words they attempted to maintain the standard of the University degrees without attempting to maintain the standard of the teachers and the taught. When events are moving us in the direction of making the University of Bombay a teaching University, it must be clearly realized that "the power to control teaching is of more importance than the power to test it by granting degrees". A University cannot become a teaching University unless its academic affairs, i.e., teaching and examination are left to the uncontrolled discretion of those engaged in teaching. But it will be fatal to the standard of a University degree if the University reposed such a large trust in a body of teachers in whose calibre it has no confidence. I therefore propose that the University should have the power of purse over the colleges. All Government grants to the colleges should be made through the University, so that the University will have a voice in the appointment of the staff of teachers and their equipment in the matter of libraries and laboratories.

**Questions 36-39 :** If a University as a corporation of learning is to serve the community, then its constitution must provide (a) for a body which will keep it in touch with all varied requirements of the community ; (b) for a body which will give the University a statesman-like guidance in the provision and also in accommodation of means to ends so as to bring about

a working compromise between the possible misconceptions of the public and the possibly too narrow outlook of the scholar ; and (c) for a body of scholars engaged in the work of teaching to give an authoritative direction to the academic business of the University.

I want to impress upon the Committee that a University does not become a teaching University merely by engaging in the work of teaching through the agency of its own staff. That is not the criterion of a teaching University. A University may undertake teaching and yet may not be a teaching University. Whether or not a University is a teaching University depends upon whether or not the scholars engaged in the work of teaching have the authoritative direction of the academic business of the University in their hands. If it is in their hands then the University is a teaching University. If it is not in their hands then the University is not) a teaching University. A teaching University is a teachers' University.

I am led to make these preliminary remarks because I feel that the Committee in inviting answers to its questions on the constitution is motivated by the desire to obtain such suggestions as will help to make the University of Bombay a teaching University. The existing constitution of the University of Bombay does not provide in any adequate or clear cut manner any of the three bodies I have said to be necessary for a University to function properly. The Senate of the University is not sufficiently representative of the life and interests of Bombay. The Syndicate has not the responsibilities and powers which should devolve upon the Executive Council of a great University and often has devolved upon it duties which it is absolutely unfit to perform. While the teaching staff which is really the heart of the University has practically no voice, let alone authoritative direction, in the academic affairs of the University.

To make the University of Bombay a teaching University I would first of all proceed to the constitution of faculties. For this purpose I will take it that my scheme of inter-collegiate teaching between the colleges situated in the City of Bombay is adopted. Under that scheme the several studies pursued in the colleges will naturally have to be grouped into Departments, e.g., Economics, History, Politics, Administration, Law, Literature, Languages, Chemistry, Physics, etc. It will be admitted that students are receiving at a University their final systematic preparation for one or other of the several occupations of life for which a University education is necessary at any rate, the most advantageous preliminary.

To succeed in this it is necessary to group together certain branches of knowledge which students pursue. Not only do the needs of students require such a grouping but the needs of the teachers point in the same direction, for it is obvious that certain studies have a closer relation between them and there is a greater similarity in the point of view from which they are approached. These forces emanating from the teachers and the taught have

led everywhere the grouping of the several departments of study into what are called Faculties. I suggest therefore that the Departments in the new University of Bombay should be grouped into Faculties and the Faculties should be made the basis of the University organisation if our University is to be a teaching University. A faculty should consist, either wholly or mainly of the Professors and Assistant Professors of the subjects comprised within the Faculty ; and of such other teachers and officers appointed by the University as the Faculty may co-opt. The Vice-Chancellor should *ex-officio* be a member of every faculty. A Faculty should have the power to make Regulations—

(i) to appoint Committees consisting of the Faculty together with other persons to act as Board of Studies and for other purposes ;

(ii) to determine generally the conditions for the award of degrees, diplomas, and other distinctions within the purview of the Faculty ;

(iii) to determine generally the course of study to be pursued by students of the University in the subjects within the purview of the Faculty ;

(iv) to determine generally the method and manner of teaching and examination with regard to the subjects within the purview of the Faculty.

I must say again that if the Faculties are to be entrusted with the powers set out above and the teachers are to be freed from the restrictions imposed by a common syllabus of instruction and a general quasi-external examination, it is necessary to make sure that the teachers are worthy of the trust imposed in them.

The Faculties should be the constituent bodies of the University. Having constituted our Faculties to take charge of the academic and educational work of the University, we must constitute a Central Governing Body to take charge of the administrative work of the University. This body should correspond to the existing Senate of the Bombay University but should be entirely different in character and composition. In my opinion the Senate as a supreme governing body should be comparatively a large body mainly non-professional in character but including representatives of graduates and the teachers. The advantages of such a mode of government are obvious. By mean of a large Senate a number of influential citizens, chosen because of their individual capacity, and of representatives of the great interests of the town, municipal, administrative, commercial, legal, scientific, etc., and of members of Legislative Council, the Assembly and the Council of State are brought into touch with the University and serve as channels between the University and the community as a whole. Such a Senate will be able to ask for support to the University with greater authority and success and the whole city will feel interested in the success of the University.

But the Universities Commission of 1902 regarded it as a fault of the system and reported that the Senates of the Universities were too bulky in

numbers (in 1900 the Senate of the Bombay University consisted of 305 fellows) and incapable of exercising proper control in educational matters. That Commission did not understand that the proper function of the Senate was not to control the education but to keep the University in touch with all the varied requirements of the community. That being the function of the Senate it must necessarily be large and varied in its composition. I propose that the Senate of the University of Bombay should be composed of 150 members. One of the most important changes effected under the Universities Act of 1904 was the provision that two-fifths of the Ordinary Fellows should be associated with the profession of teaching. As a preventive of the system in which Fellowships were bestowed by way of compliment without due regard to the qualifications of the recipient this proviso was a salutary proviso. But in view of the proposal I advocate of giving greatly increased statutory powers to the Faculties, I do not think that the teachers in the University need more representation on the Senate than is sufficient to enable each of the Faculties to have a spokesman. I, therefore, propose to restrict the representation of the teachers to the Deans of the Faculties. The rest of the Senate should be composed of persons in the political or commercial world and interest in education may be able to render the University substantial service.

The chief function of the Senate would be legislation—

- (1) to make statutes affecting the Government of the University and pass resolutions,
- (2) to confer all honorary degrees,
- (3) to approve of the admission of constituent colleges or University departments,
- (4) to institute any new degree, diploma, or certificate,
- (5) to decide disputes between Faculties.

Having provided for the two bodies one to look after the Government of the University and the other to take charge of the academic business of the University, we have now to provide for third body charged with the provision and also the accommodation of means to ends. In other words there must be a Central Executive of the University. This body should correspond to the existing Syndicate of the Bombay University but should be entirely different in character and composition. The Syndicate appears, both as to its composition and the conditions of its work, the least satisfactory of all the University bodies. As a supreme executive the Syndicate should have the custody and use of the Common Seal, the management of the whole revenue and property of the University and (except as otherwise provided) the conduct of all the affairs of the University. But instead of this the work of the Syndicate has been extended over a wide field of business much of which might be conveniently entrusted to other and more appropriate bodies. The existing system concentrates in a so-called executive

the work rather of discussion than of deliberate decision. I, therefore, propose to abolish the Board of Accounts and transfer its functions to the Syndicate which shall have power to determine—

- (1) The finance, investments and accounts of the University.
- (2) The amount and payment of fees to be exacted within the University, or in relation to the enjoyment of privileges therefrom.
- (3) The terms and mode of appointment, tenure of and removal from office, duties, emoluments, allowances, salaries and superannuation allowances of the officers of the University, including its professors, teachers, registrars, librarians and permanent servants.
- (4) The tenure of office and terms and manner of appointment and the duties of the Assessors, Examiners and Examining Board.
- (5) The provisions and tenure of fellowships, scholarships, prizes, rewards, and pecuniary and other aids.
- (6) The provision, maintenance, and supervision of halls, hostels or other premises for the residence of students.
- (7) The admission of students as under-graduates of the University.
- (8) To deal with the real and personal property of the University.
- (9) To provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University.
- (10) To borrow money for the University and to mortgage University property if necessary.
- (11) To enter into, vary, carry out and cancel contracts on behalf of the University.
- (12) To entertain, adjudicate upon and if thought fit redress any grievances of the officers of the University, the professors, the teaching staff, the graduates, under-graduates and the University servants who may feel aggrieved otherwise than by an act of the Senate.
- (13) To regulate the Government grants to the constituent colleges.

These three bodies, the Senate, the Syndicate and the Faculties should be constituted by the Act of Incorporation and together they are enough to supply all the necessary organs of a great teaching University. But there seems to be a want for one more body for the new University of Bombay, particularly for the transition period that is bound to be very long before the mother colleges at the centre of University education ripen into Universities pending which they must remain affiliated to one or other of the newly organized teaching Universities in this Presidency. But even if this problem of making provision for the transition period was not there, the need for a fourth body in the management of a great teaching University would be felt nonetheless.

The plan of organization I have proposed is based more or less on the principle of separation of powers. The centre of legislative power is the Senate. The centre of executive power is the Syndicate and the centre of

academic power is the Faculty. But if these separate powers are exercised independently and without any co-ordination, the result is bound to be injurious to the best interest of the University. A Faculty is here taken as the basis of University organization and is given complete autonomy in prescribing courses of study and arranging the teaching of and the examining work. But provision must be made for the control of all matters not expressly assigned to the Faculties, the settlement of matters affecting more than one Faculty, and for a final decision when differences arise between one Faculty and another. There is not only a need for a body for co-ordinating the Faculties but there is also a need for a body for co-ordinating the Faculties and the Syndicate, otherwise the Syndicate by the exercise of its executive powers may seriously interfere in the academic freedom of the Faculties. The control of the purse must ultimately mean the control of all else and it is therefore necessary to ensure that the Syndicate shall not take any action having a direct educational bearing on the University as a whole without consultation with a body representative of the teaching staff as a whole. Thus whether as a feature of the transition period or as a permanent feature of University organization there is a clear necessity for the establishment of a fourth body in the act of incorporation. That body I propose to call the Academic Council. Its functions will be partly advisory and partly executive.

Its executive functions would include the determination by regulation or otherwise of all matters relating to—

(1) The quorum to be required at meetings of the Faculties or at meetings of any Committees appointed by the Faculties.

(2) The duties and powers of Advisory and other Boards, including Boards and Committees to be appointed by the University jointly with any other University or Body touching any educational matter.

(3) The qualifications for honorary degrees and distinctions to be awarded by the University and the means and steps to be taken relative to the granting of the same.

(4) The visitation of affiliated colleges.

(5) The affiliation and disaffiliation of colleges.

(6) The tenure of fellowships, scholarships, exhibitions and pecuniary and other aids.

(7) The discipline to be enforced in regard to the graduates and undergraduates in so far as they come within the jurisdiction of the University.

(8) The removal from membership of the University of graduates and under-graduates and the withdrawal of degrees, diplomas, certificates and distinctions, subject to an appeal to the Senate. The advisory functions of the Academic Council shall be as follows :

(i) The Syndicate shall not make any decision in regard to any matter relating to the organisation, improvement, and extension of University



education, both under-graduate and post-graduate without first inviting and receiving a report thereon from the Academic Council.

(ii) The Syndicate shall not issue general directions to the Faculties, or review any act of any Faculty or of any Committee or Board of a Faculty, other than the election of an officer or representative of such body, upon the appeal of any other Faculty or give directions for their future action without first inviting and receiving a report thereon from the Academic Council.

(iii) The Syndicate shall not make any appointment to the teaching staff without first inviting and receiving a report from the Academic Council.

The composition and strength of the Senate, the Syndicate and the Academic Council should be the same as proposed by the Calcutta University Commission for the new Calcutta University. I think it might be better to change as well the nomenclature and call the Senate, the Court and the Syndicate the State of the new University. I also propose that the Viceroy should be the Visitor of the University.

**Question 16 :** The University of Bombay may have been discharging the functions of (a) conducting examinations, (b) prescribing course of study, and (c) appointing text-books very well. But the University never seems to have paid attention to the pernicious effect of all this on the teacher and the taught. How to secure freedom for the University teacher to teach as he thinks best and not to restrict him by a hard and fast syllabus is a problem which should be in the forefront of the problems to be solved by this Committee. If freedom for the teacher can be obtained then freedom for the learner will follow. For this purpose the teachers of the University ought under proper safeguards to have entire control of the education and examination of their students and the University ought to be so constituted as to make this possible.

**Question 17 :** Besides examination, students' work in colleges ought to be taken into account. For the higher degrees there should be thesis and oral examinations.

**Questions 18 and 19 :** The University of Bombay should have the Faculties of Engineering, Agriculture, Fine Arts, Technology and Music to make it a complete University.

**Question 20 :** The duration of studies for post-graduate degrees should be four years (I am speaking only for social sciences). There should be two stages of two years each. At the end of the first stage the candidate should be entitled to the M.A. degree. He should specialize in one subject only which should be the subject of his major interest. The test should consist of a written examination accompanied by an essay of some 75 type-written pages showing his familiarity with the art of using original sources and commenting upon them. At the end of the second stage the candidate should be entitled to the Ph.D. degree. There the test would include an oral

examination and a thesis of a respectable size fit for publication. The thesis will embody the investigations of the candidate in a particular field lying within the scope of the subject he had taken at the M.A. as being of major interest to him. Beside this the candidate will present himself for an oral examination in two subjects to be known as subjects of minor interest which will be allied to the subjects of his major interest. This arrangement will allow specialization with a broad base.

**Question 21 :** It may be well to have a few such degrees.

**Question 22 :** By means of subventions, studentships and fellowships.

**Question 23 :** Most essential to have a University press and publication department. Without this the post-graduate work will be considerably hampered.

**Question 24 :** See answer to questions Nos. 11-13.

**Question 30 :** Bombay University should confine itself to Bombay. New Universities should open their own departments. But if the new University is to be composed of colleges, then each college must confine itself to the teaching of one subject only.

**Questions 31-33 :** See answer to questions Nos. 36-39.

**Question 34 :** Spread of education should be a proper function of the University. But this cannot be achieved unless the University adopts vernacular as the medium of instruction which in the present circumstances is a far cry.

**Question 35 :** Government should have no control over the academic affairs of the University which must be entirely entrusted to the Faculties. But Government should have some control over the legislative and administrative affairs of the University. This they should have by means of nominations to the Court and the Senate of the University.

**Questions 41-44 :** I should leave these questions to the newly constituted Faculties. My opinion is that the curriculum even of the Honours Course provides a poor fare to the students.

**Questions 45-46 :** I hold a very strong affirmative view on the use of vernacular as a medium of instruction. But I feel that the problem cannot be solved unless Indian public opinion decides which vernacular it selects for common intercourse.

**Question 52 :** I think special measures are required for the promotion of University education among the Backward Classes and particularly the Depressed Classes.

Before closing my replies to the questionnaire I beg to express my surprise at the absolute disregard the Committee has shown in the matter of organizing a good Library. I cannot see how any University can function without a first rate library attached to it.

15th August 1924.