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The Situation in India

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the motion :

“That the situation in India be taken into consideration.”

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*** The Honourable Dr. B. R. Ambedkar** (Labour Member): Sir, the debate on the motion that has been going on for the last two or three days reveals that there are two definite points of view presented by the Members of this House. There is one point of view which holds that the action taken by the Government by arresting the members of the Congress and in suppressing the violent movement that has sprung up was not justified. There is one section of the House which holds that the action taken by the Government is perfectly justified. In a situation like this it might be well for Government to say that it is unnecessary for them to intervene in this debate for the simple reason that one side of the House cancels the other, but it seems to me, from what my Honourable colleague, the Member for Law, has said, that it would not be proper for Government Members and, particularly, the Indian Members of the Executive Council to allow this matter to rest there. Rather than let the burden remain on the shoulders of one section of the House, I think it is very necessary that the Members should take the burden upon themselves, and I, therefore, propose to deal with some of the points that have been made by that section of the House which thinks that the action was not justified.

The points that have been raised evidently fall into two categories; some points are particular in their significance and in their nature; some points are of general importance and although it might be desirable for some of us not only to deal with the particular points but also with the general points, time, I am afraid, is so short that one has to make his

* Legislative Assembly Debates (Central), Vol. III, 18th September 1942, pp. 281-87.

selection in meeting some of the charges that have been levelled. I, therefore, propose to offer my remarks only on two charges which have been levelled by the party opposed against the Government.

Sir, the critics of Government have said that the Government were not justified in arresting the members of the Congress and if I understand the argument correctly, the argument seems to be that Congress is a body which believes in non-violence and that if the Congress had been allowed to be free they certainly would have controlled the situation in such a manner that they would have prevented violence from emerging. It seems to me that the Members who take that line have not correctly read what has happened to the Congress and the members of the Working Committee during the last two years with regard to the principle of non-violence. Sir, as I read the proceedings of the Congress during the last two or three years, the impression that has been left upon my mind is that there has been a terrible landslide in the principle of non-violence as has been proclaimed by the Congress. The non-violence has been deeply buried—I have no hesitation on that point at all.

Let me give the House a few facts. Sir, on the 22nd of December, 1939, the Congress first gave the threat of civil disobedience. On the 19th March, 1940, the Congress had its Annual Session at Ramgarh. At the Annual Session Mr. Gandhi was made the dictator and given sole charge to lead the struggle. Mr. Gandhi became the Commander-in-Chief under that resolution. But on the 22nd of June, 1940, barely within three months, Mr. Gandhi was deposed from his place as a Commander-in-Chief. The Working Committee refused to accept the principle of non-violence as a guiding principle for its action, and Mr. Gandhi had to tender his resignation.

Dr. P. N. Banerjea (Calcutta Suburbs : Non-Muhammadan Urban): That was with regard to the war.

The Honourable Dr. B. R. Ambedkar : Please do not disturb me.

On the 15th December, 1940, the All-India Congress Committee met in Bombay and there a resolution was passed by which Mr. Gandhi was again made the Commander-in-Chief and requested to carry on the struggle. Mr. Gandhi continued to be the Commander till December 1941. In December 1941, a Working Committee meeting was held in Bardoli and a resolution was passed again deposing Mr. Gandhi.

The important feature of the incident that took place in December 1941 is, I think, not quite well-known to the Members of this House. There was a great schism at Bardoli between Mr. Gandhi and his followers who believed in non-violence out and out, and the other members of the Working Committee who did not believe in non-violence. The matter was put to issue at Wardha at a meeting of the All-India Congress Committee. Everybody in India, certainly the members of the Working Committee, expected that Mr. Gandhi would push the issue to a decision and either have the Working Committee's resolution passed at Bardoli rescinded or, if it was not possible for him to do so, tender his resignation. One of the most astounding things that Mr. Gandhi did at Wardha when the resolution came up for ratification before the All-India Congress Committee was that the apostle of non-violence instructed his followers not to carry the matter to a division. Not only that, he continued to associate himself with the Working Committee and continued to be its Commander-in-Chief. Sir, if that is not evidence that the Congress was saturated with a spirit of violence, right under the very nose of the Congress—Mr. Gandhi—I do not know what better evidence one could offer on that point.

There is another point which, I think, Honourable Members are not aware of and about which I would like to make some reference. It is not only a fact that almost all members of the Congress Working Committee—at any rate a great many of them—had ceased to have any faith in non-violence, a great many of them had become indifferent to the principle, but there is enough body of evidence to indicate that inside the Congress there was an attempt being made for a planned campaign of violence.

Sardar Sant Singh : So far as the war is concerned

The Honourable Dr. B. R. Ambedkar : Please do not interrupt me.

Sardar Sant Singh : You are making mis-statements.

Some Honourable Members : It is not correct. There is no evidence.

The Honourable Dr. B. R. Ambedkar : I am not making any inaccurate statement. I think there is one piece of evidence to which no reference has so far been made in the House, and I would like to make a reference to it.

An incident occurred at Deoli Detention Camp where Mr. Jai Prakash Narain was kept. The House probably is aware that the Jail

Superintendent in charge of the Camp succeeded in getting hold of some papers which Mr. Jai Prakash Narain was surreptitiously trying to pass out of the Jail to his wife. That incident occurred in December 1941 and anyone who wants to understand what was happening within the Congress—within the Working Committee—I submit, ought to pay the greatest attention to that document. What does that document reveal? That document, if I read it correctly, reveals four or five points. First of all—and I am using the words of Mr. Jai Prakash Narain himself—the Satyagraha which Mr. Gandhi was carrying on was held by a majority of Congressmen as a stupid farce; it had no sense, it had no meaning. Secondly, Mr. Jai Prakash Narain maintained that if the Congress wanted to achieve its goal it had better give up the task of attending to moral victories and should try to achieve political victories. That was again a hit against Mr. Gandhi. The second fact which the document revealed was that there were in existence in India certain parties who were not only not believing in non-violence but were pledged to violence and the parties that are referred to in that document, I find, are these, which are said to be within the Congress : The Communist Party of India, the Revolutionary Socialist Party in Bengal, the Congress Socialist Party, the Hindustan Socialist Republican Association. It was the project of Mr. Jai Prakash Narain that all these bodies, except perhaps the Communist Party, should be amalgamated into one single organisation which should be a secret party, working within the Congress and working below ground, subterranean—to use the exact technical terminology. Mr. Jai Prakash Narain also suggested that this secret party should not only be within the Congress but should resort to political dacoities for the purpose of getting funds to carry on its own policy. If these two matters to which I have made reference do not convince reasonable people that the Congress was not to be trusted in the lip service which it rendered to the principle of non-violence, I do not know that there can be any better evidence by which a reasonable man can be convinced. That, Sir, is at any rate one of the circumstances on which Government relied in taking action at the stage it took.

Then I come to the second point which I have selected in offering my remarks in this maiden speech. It has been said by the Members of the Opposition that, although repression may be justifiable by the

circumstances of the moment, it should not be the duty of the Government merely to stop with repression but that Government must take some constructive step. When one begins to examine the constructive steps to which reference has been made from different sections of the House, one cannot but be surprised at the bewildering medley of suggestions that have been made. I, therefore, pick upon only one which appears to me something definite and something which you can put your teeth in and examine. The suggestion has been made that the Government of the day should be recast, refashioned, and should work as a national government. Now, in order that I may be able to present to the House the point of view which I am urging with regard to this suggestion, it would be better if I begin by stating what the present Government is, what is its nature. As Honourable Members are aware, section 33 of the Government of India Act says, that the superintendence, direction and control of the civil and military government of India is vested in the Governor General in Council. I am a bit of a constitutional lawyer. I do not claim to be an expert, but I do claim to be a student; and examining this section 33 and comparing it with the constitutions that exist elsewhere and taking as a measure the wishes of the Indian people as to the nature of the government they want, I have no hesitation in saying that this section 33 provides a government which has two characteristics which are of infinite importance. The one characteristic which this government has got is that it excludes autocracy completely. The second characteristic which this government has got is that it imposes collective responsibility, a matter which is so much after the heart of the Indian people

An Honourable Member : Is it practised ?

The Honourable Dr. B. R. Ambedkar : I will come to that. There is ample provision in the Act. The government is vested not in the Governor General, not in a single authority, but it is vested in the Governor General in Council.....

Mr. Jamnadas M. Mehta (Bombay Central Division: Non-Muhammadan Rural): Subject to the orders of the Secretary of State.

The Honourable Dr. B. R. Ambedkar : I am coming to that; I am dealing with all that. The position is this, that every Member of the Executive Council is a colleague of the Governor General. That fact can never be forgotten and ought never to be forgotten; and my

submission, therefore, is that if Indians are wanting a government which is democratic, which excludes autocracy, and which by law—not by convention only—imposes upon those who are in charge of the administration a collective responsibility, then my submission to the House is this : that you cannot devise a better form of government than the one we have. I know it has been said against this government that although that may be so, this government is subject to the veto of the Viceroy and of the Secretary of State.....

Mr. Jamnadas M. Mehta : No merely veto-orders.

The Honourable Dr. B. R. Ambedkar : I call it veto ; you can call it orders. I would like to use a constitutional phrase as I am a constitutional man.....

An Honourable Member : The master's voice from Whitehall.

The Honourable Dr. B. R. Ambedkar : What I said is that this government is not a free government; it is a government that is subject to the veto of the Viceroy, it is also subject to the veto of the Secretary of State. With regard to the veto of the Viceroy I would like to point out that the veto is confined to matters which relate to the safety and tranquility of India. It is not a general veto. It is not a veto which applies to the day to day administration of the country.....

Sardar Sant Singh : May I ask one question.

The Honourable Dr. B. R. Ambedkar : You must not ask any question now, I have got a very short time, I am going to admit for the sake of argument that there is a veto. I have read a lot of constitutions, not to be afraid of a veto.....

Sardar Sant Singh : I am asking a legal question.

The Honourable Dr. B. R. Ambedkar : You can ask me later. I have no time to give a lecture now.

I am perfectly prepared to admit that there is a veto and that the veto exists. My question to Honourable Members who are so much disturbed by the veto is this : what is the significance of the veto ? What does the veto mean ? Let me state it in the most categorical terms, because I find there is a lot of confusion in the minds of many Honourable Members who wish to talk about the constitutional question. What is the difference between an autocratic government and a responsible government ? What is the difference that exists in Germany under

Hitler and the Government that exists in Great Britain? The answer simply is this Interruption).

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Honourable members must not go on interrupting like this.

The Honourable Dr. B. R. Ambedkar: The answer is simply this and I want to put it in the most categorical form—the difference between autocracy and responsible government—I repeat it, I emphasise it,—lies in the fact that in autocracy there is no veto, in responsible government there is a veto. That is the simple fact about it. Let all those who want to understand the constitution and who want to frame constitutions bear that fact in mind.

Sir, the only question, the only quarrel that can arise—I can perfectly understand that sort of quarrel—is where should the veto lie? Should it lie with the Secretary of State, should it lie with the Viceroy, or should it lie at any other place or in some other organisation? That can be the only point of quarrel. As to the existence of the veto, I submit that there can be no quarrel among those who believe in responsibility, among those who believe in democratic government. The question, therefore, that arises is this: If we are not to have the veto with the Secretary of State, where are we to have it? It seems to me that if you want to transfer the veto from the Secretary of State, the only place where I can see it can be rightly placed is the Legislature. There is no other place for the veto.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): I am glad that my Honourable friend has at last thought of the Legislature!

The Honourable Dr. B. R. Ambedkar: The question, therefore, is this, and I think it is a simple question. Can we transfer the veto to the legislature as it exists today? (Interruption by Pandit Lakshmi Kanta Maitra). I cannot teach you constitutional law. I am afraid I shall have to open a class. I spent five years in the Law College teaching constitutional law. The question to my mind is this. Can we transfer this veto to the Legislature? And I must consider the question from the stand-point of the present Legislature because the demand is that the British Government should abdicate at once. The question is, is this Legislature suited as a receptacle in which we can place this veto?

What is the composition, what is the character of this Legislature? Now, Sir, it is quite true and I do not think I am saying anything derogatory to this House, that, having regard to the efflux of time, this House is almost in a deceased state.

Sardar Sant Singh : It is always.

The Honourable Dr. B. R. Ambedkar : It was elected for three years, but it has been sitting for almost nearly nine years. I do not know to what extent the present Members of this House can be said to derive a mandate from their constituencies which can be regarded as direct and fresh, if it has not become stale by the efflux of time. I won't say anything about it, but let us proceed further and examine the composition of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time.

Pandit Lakshmi Kanta Maitra (Presidency Division): Non-Muhammadan Rural): What my Honourable friend says has nothing to do with the motion before the House.

The Honourable Dr. B. R. Ambedkar : If you think, Sir, that my time is up

Mr. President (The Honourable Sir Abdur Rahim) : The time limit was arrived at by agreement of all Parties and I have got to enforce it.

The Honourable Dr. B. R. Ambedkar : Then I will close my speech. Examine the Legislature from any point of view you like, examine it from the point of view of the mandate, examine it from the point of view of the composition of the legislature, its representative character, examine it also from the point of view of the electorate which is represented, and I have no doubt about it that this House cannot be regarded as sufficiently representative to impose a veto on a national government.

Mr. Jamnadas M. Mehta : Why did you call the Session ?

(There were some more interruptions.)

The Honourable Dr. B. R. Ambedkar : The point, therefore, is this, Either you must acknowledge the fact that this House is not representative enough to have the veto deposited in it, or you must consider whether during the period of the war it is possible for us to enter upon re-fashioning this legislative Assembly in such a manner that it will contain within itself a sufficient number of Hindus,

a sufficient number of Mussulmans, a sufficient number of Depressed Classes, and all the other elements which go to make up the national life of the country. Therefore, my submission is that this demand which has been made for a national government is certainly the result of confused thinking, is the result of the desire of most people, to avoid what I regard as the most crucial question, namely, a communal settlement, because until we get a communal settlement, it is quite impossible to re-fashion this House in a manner in which it would be regarded as fit to receive the veto powers over the Executive that may be fashioned under the new Constitution. Sir, I cannot carry the matter further as my time is up and I resume my seat.

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