

An Hon. Member: Closure, Sir.

Shri Bharati : I move that the question be now put.

Several Hon. Members : No ; no.

Mr. Deputy Speaker: The hon. Members will kindly take their seats. I will put the question to the House.

Shri Naziruddin Ahmad : Before that, Sir, I beg to state that we have submitted amendments. We have a right to speak on them. We have something to say upon them. The merits of our amendments should be discussed.

Mr. Deputy Speaker: I agree.

Shri Syamnandan Sahaya : One more submission Sir. You had just now announced that after Mr. Jhunjhunwala, Mr. Bhatt would speak and that after that, you would decide as to what should happen.

Mr. Deputy Speaker: I least expected that the Hon. Member Mr. Jhunjhunwala would take up so much time. His amendment is a very small one. He has taken too much time. I thought that within that time two Hon. Members might speak. We have had a discussion on this particular clause since yesterday. So far as this clause is concerned, if it had stood alone, I would not have come to any conclusion. We have discussed this to a large extent on the definition clause, what custom is, what its ingredients are, and so on. Taking both of them together, I feel that there has been sufficient discussion on this. Therefore, I shall put the motion to the House. Let the House accept it or reject it.

Shri Bhatt: There is an amendment in my name also.

Shri Syamnandan Sahaya : As Mr. Naziruddin Ahmad stated, we have tabled amendments. We wanted to speak on clause 2 also. After all, even if you pass this clause today, this matter is not finished. There are 50 or 55 clauses to be gone through. Therefore, I wish to make this submission. This is a very important clause because it is here that we lay down that the texts will not be taken into consideration. It is a matter of very primary importance. It will be another matter if we are dealing with clauses about procedural matter, clauses laying down the procedure for marriage and divorce. You may accept a closure or proceed comparatively quickly. But the question whether the texts should be abrogated, whether custom should be abrogated, that is a very vital matter. Therefore, I will again submit most respectfully this. If you are going to finish the Bill today and

the Act is going to be passed, then, it is a different matter and we will submit to the closure. That is not the case and therefore we should allow time to the movers of the amendments.

Mr. Deputy Speaker : How can you say that ?

Shri Syamnandan Sahaya : We have to go through 55 clauses. So far as this clause is concerned, you should allow some more discussion. I think in this matter I have the opinion of a good number of Members on my side.

Pandit Thakur Das Bhargava : May I submit in all humility, Sir, that sometimes when amendments are moved in this House by a large number of members and the real intention of the mover is to get a chance to speak, the situation is quite different. When, on a Bill particular amendments are given, I beg of you kindly to see if the amendment is one of substance. Then, the person moving the amendments should be allowed to speak ordinarily.

Shri Bharati: It is left to the discretion of the Chair.

Pandit Malaviya (Uttar Pradesh): There are still many people who wish to speak on this point, and even though the House may pass the thing, I feel that in a matter of this nature, the least that we can do is to listen to them and then come to any decision. I feel therefore, that we should allow people an opportunity to speak. And indeed, if there is an opportunity, I myself would like to say something about this clause. I hope, sir, we will have the opportunity at least to have our say. The House may not agree with our view; but I feel it will be tyranny if we are not allowed an opportunity even to have our say. There might have been a good deal of discussion on any point, but that does not mean that we should not give an opportunity to those who have not been able to have their say. Therefore, I humbly request that you may kindly allow the discussion on this to go on.

Shri Bharati : Sir, it is absolutely within your discretion to decide, after taking into consideration the totality of the circumstances. We cannot

Shri Syamnandan Sahaya : I can only appeal to the Chair that since there are many who have yet to

Dr. Ambedkar : There has been sufficient debate already and (*Interruptions*) Sir, I would like to submit that in deciding whether closure should be applied or not, the issue is not whether every Member who wants to speak has spoken. The issue is whether there has been sufficient discussion or not.

Shri Syamnadan Sahaya : But every Member who ought to speak should have been allowed to speak. And, sir, you yourself said that you would allow me to move my amendment to make this provision consistent with the clause.

Pandit Malaviya : While a Member is actually in the midst of his speech, I think, the question is even a little different from what it is when normally the question for closure is put. There is some difference.

Mr. Deputy Speaker: But no Member is now speaking.

Pandit Malaviya : This is a matter of sufficient importance. You will find that those who want to speak have not spoken on this point at all. For instance, I have not spoken a word on this point.

Mr. Deputy Speaker : Hon. members must remember this point—and it has also been referred to by the Hon. Law Minister—that it is not as if every Member who wants to speak on an amendment or a motion, should be given an opportunity.

Shri Naziruddin Ahmad : But those who have given amendments ?

Mr. Deputy Speaker: Then every Hon. Member will submit an amendment so that he may be allowed to speak. That cannot be the criterion. The Chair can be expected to weigh the pros and cons and come to the conclusion whether there has been sufficient debate or not on a particular view-point. It may be that the particular Hon. Member who has tabled the amendment has not pressed it; but some other Hon. Member may have done it, perhaps much more eloquently and forcibly.

Shri Naziruddin Ahmad: No, sir.

Mr. Deputy Speaker : It is a question to be judged by a third person, and I feel that there has been sufficient discussion over this matter.

Shri Syamnandan Sahaya : The points raised in these amendments are different. It is a quite different matter if the same type of amendments are discussed together. But there are particular aspects of these amendments which have not been pressed and those aspects must be considered. That is one submission as this. We are to decide here and now and once and for all, that texts, customs and usages will be given the go-by. Therefore, the importance of this clause

is far more than that of any other that you might discuss in the whole of this Bill.

Mr. Deputy Speaker : Now that this point has been raised. I would like to ask the Hon. Law Minister whether in view of what has been said, it is possible to use the word “ inconsistent” in both the parts.

Dr. Ambedkar : That is another matter. I do not propose to make the change and if you will give me a chance. I will explain why.

Pandit Malaviya : Sir, now that the Leader of the House is here, can we make an appeal to him ?

Mr. Deputy Speaker: No. I feel that there has been sufficient discussion.

The question is :

“That the question be now put.”

The House divided : Ayes, 63 : Noes, 34.

Division No. 3.	Ayes	12-54 p.m.
Alagesan, Shri	Das, Shri B. K.	Guha, Shri G. S.
Ambedkar, Dr.	Das, Shri Ram Dhani	Hasan, Shri M. A.
Ansari, Shri	Devi Singh,	Dr. Hazarika, Shri J. N.
Baldev Singh, Sardar	Durgabai, Shrimati	Hazarika, Shri M.
Barman, Shri	Gadgil, Shri	Himatsinghji, Major-
Bharati, Shri	Ghalib, Shri	General.
Borooah, Shri	Gandhi, Shri Feroz	Iyyunni, Shri
Brajeshwar Prasad, Shri	Ghose, Shri S. M.	Jaggivan Ram, Shri
Chaudhuri, Shrimati	Ghule, Shri	Jain, Shri A. P.
Kaimala.	Gopalaswami, Shri	Jajoo, Shri
Jangde, Shri	Moidu Moulavi	Satish Chandra, Shri
Jayashri, Shrimati	Nehru, Shri Jawaharlal	Sharma, Pandit
Kanaka Sabai, Shri	Obaidullah, Shri	Chandra.
Kesar, Dr.	Pant, Shri D. D.	Shi Charan Lal, Shri
Krishnamachari, Shri	Pillay, Shri Shivan	Shukla, Shri S, N.
T. T.	Poonacha, Shri	Sidhva Shri
Kunzru, Pandit	Pustake, Shri	Subbiah, Shri
Lakshmanan, Shri	Raj Bahadur, Shri	Subramaniam, Dr. V.
Mirza, Shri		Venkataraman, Shri

NOES

Achint Rm, Lala	Indra Vidyavachas-	Sahaya, Shri Shyam
Bhargava, Pandit M. B.	pathi Shri	nandan
Bhargava, Pandit	Jhunjhunwala, Shri	Shah, Prof. K. T.
Thakur Das.	Maitra, Pandit	Sharma Pandit
Bhatt, Shri	Malaviya, Pandit	Balkrishna.
Chandrika Ram, Shri	Man, Sardar B. S.	Shukla, Shri A. C.
Das, Shri Nandkishore	Naziruddin Ahmad, Shri	Singh, Capt. A. P.
Das, Shri Sarangdhar	Oraon, Shri	Snatak, Shri N.
Das, Shri S. N.	Pannalal Bansilal, Shri	Sondhi, Shri
Dholakia, Shri	Ramnarayan Singh, Babu	Tek Chand, Dr.
Gupta, Shri V. J.	Ranbir Singh Ch.	Vaidya, Shri V. B.
Hukam Singh, Sardar	Raut, Shri	Yashwant Rai, Prof.

***Dr. Ambedkar:** I have already explained, when I intervened earlier, as to what exactly is the position of custom under clause 4 which is the subject matter of discussion. At that time I explained that so far as clause 4 is concerned, it does not say that no custom shall be recognised. My amendment to clause 4 is "Save as otherwise expressly provided in this Code", which means that if Parliament agrees to save any particular custom from the operation of any particular clause it is still open to Parliament to do so. Therefore, it is quite wrong on the part of Members of Parliament who have dilated on the question of custom to suggest that this clause is so worded as not to leave any room or place for custom. All that has been said that this Code is trying to abrogate custom altogether is to my mind based upon a complete misunderstanding. As I have already said, it is still open to members of Parliament who are interested in a particular custom to raise that question under the appropriate clause of this Bill when it will be open to discussion and I shall be able to express my opinion whether I am in a position to accept that custom or I am not in a position to accept that custom. Therefore, that position is perfectly safeguarded even if clause 4 is passed in the form in which I have suggested it should be passed.

The only other point to which I wish to make reference is the point made by my friend coming from one of the tribes, Mr. Theble Oragon. It seems to me that he has not read the provisions of clause 2 which this House has already passed. Sub-clause (2) of clause 2 says to what

persons it shall not apply. To that there is a proviso. My submission is that in the case of persons who belong to certain tribes which are not altogether Hinduised completely—so that with regard to them we could say that the Hindu Law as such applies to them in the same way as it applies to those who are in fact and in law, *de jure and de facto*, Hindus—it is only those parts of the Hindu Law which they have adopted that will be regarded as applicable to them and not the whole of the Code. Consequently there need be no fear in the minds of members of those communities which are still in a tribal condition and which follow different ways and different modes and different laws with regard to their marriage and divorce. They are still safeguarded except that if it is proved that they have adopted any particular part of the Hindu Law, it is only to that extent that they will be governed by this Code and not otherwise. My submission is that we have taken every precaution by adding the proviso to sub-clause (2) not to impose the whole of the Hindu Law which will be enacted in Part II upon them. They have still the freedom to go their way except to the extent which has been provided in this proviso.

One other point to which I would like to make a passing reference is the point made by my friend Dr. Pande and my friend Mr. T. N. Singh. They have said, I believe in almost unequivocal terms, that customs which exist today must be safeguarded and nothing should be done to abrogate them. My friend, Dr. Pande, I believe, is a young graduate; I do not wish to say a raw but a young graduate from the University who probably has yet to study what the institution of Parliament means

An hon. Member : He is a professor and a secretary.

Dr. Ambedkar : I am very sorry, but he is still ignorant on certain aspects. People talk about customs in the country. Well, why have customs grown ? Why do the *Smritikaras* allow custom to continue ? I think the answer to that question is to be found in the fact that so far as this country is concerned, there never was such a thing as a Parliament representing the people, coming here and legislating about their social relationship; there never has been such a thing at all. (*Interruption*). I do not know whether we are better or not. The reason, and the principal reason, why custom has been allowed to govern the life of the people in this country and in a manner much more rigorous than is to be found in any other part of the world.....

Shri Syamnandan Sahaya : If I am not mistaken the common law in England still prevails although there has been a Parliament for ages.

Dr. Ambedkar : I know that he is much more informed on certain subjects than I am.

Shri Syamnandan Sahaya : Dr. Ambedkar, I have never accepted that you are omniscient and that you have all the knowledge. It may be that in certain matters I may have better information.....

Dr. Ambedkar: I agree that you are. My point is that in view of the fact

Shri Bhatt: I would like to remind the Hon. Dr. as to wherefrom we got the word *parishad* and how the word *Rajya-parishad* has come into being.

Dr. Ambedkar: That *parishad* is another thing.

Shri Bhatt: That *Parishad* is another thing.

Shri Bhatt: That was nothing but a form of *Parishad*.

Dr. Ambedkar : *Parishad* is only a Council; it is not a Parliament. it has never been. What other way was left open to the people to regulate their life except to make their own custom, because there' was no Parliament, there was no Legislature and nothing of the kind ? But when we have got a Parliament, the function of which is to make law, the question that we have to consider and very seriously consider is whether we are going to allow the people as such who are outside the Parliament to have a parallel authority to make their customary laws and the Parliament should have no right to interfere in them. I think, that is a very serious question that we have to consider. It is quite one thing to say that where custom have grown and they are valid customs, in the way in which a valid custom has been defined in clause 2 of this Bill, they should be retained. That is a very different question. But to say that nowhere custom should be altered, amended, changed is really to abrogate the authority of Parliament and I am very doubtful that any such proposition would be accepted by Parliament and that is a matter about which I have considerable doubt and I also go further and say whether Parliament could continue to be that necessary and useful instrument for changing the ways of life for which it has been designed, if the proposition which had been supported by Messrs. Pande and T. N. Singh was accepted, that Parliament should have no jurisdiction with regard to customary laws.....

Mr. Deputy Speaker: Will the Hon. Law Minister take a long time ?

Dr. Ambedkar: I am just closing.

Shri Naziruddin Ahmad : All our points have not been dealt by the Hon. Minister. What becomes of those amendments which we have moved? Would they be expunged

Shri T. N. Singh : On a point of personal explanation, The Hon. Law Minister says that I urged that each and every one of the customs should be scrupulously observed. I think that he did not probably understand my Hindi

Dr. Ambedkar: It is quite possible.

Shri T. N. Singh : What I said was that all customs should not be lightly abrogated by a law. What I want

Dr. Ambedkar: On that point, I am in agreement.

Shri T. N. Singh: I want to ask if the Hon. Law Minister has got any detailed list of the customs prevalent in the country. In the ignorance of all the customs of the country to say that all customs shall not be applicable, is not proper. That is exactly what I said.

Dr. C. D. Pande : One thing has been said, Sir

Dr. Ambedkar: You can come to my room and say that.

Dr. C. D. Pande : Dr. Ambedkar has said this in Parliament and I wish it should be clarified in Parliament. I did not say that Parliament had no authority to make laws for the customary things. I appealed to Parliament not to touch their laws. That is a quite different position than what the Law Minister makes out.

Mr. Deputy Speaker : I shall put the clause and the amendments in this order.

Shri Syamnandan Sahaya: Before you put them, Sir I submit it is 1-15 already. As I said, this is a very vital clause where the texts, customs and usages are being abrogated. Therefore, we desire to divide on the amendments that have been moved. It will take a long time. Therefore, I submit that the actual motion may be put on another day whatever it.

Some hon. Members : Yes, yes.

Some hon. Members : No, no.

Dr. Ambedkar: It will not take more than five minutes.

Some hon. Members : No, no.

Capt. A. P. Singh : There are so many amendments ; it will take four hours (*Interruption*).

Mr. Deputy Speaker: Order, order. What is going to be gained

Shri Sondhi (Punjab) : There may be division, Sir.

Shri Naziruddin Ahmad : We will ask for division at every stage. We want to go by justice and not by arbitrary rules.

Mr. Deputy Speaker : The Hon. Member may be certain that justice will be rendered. But, the question is, the House had accepted the closure; the debate is over; the Hon. Law Minister has replied.

Pandit Malaviya: The House would have accepted the closure if you had put it five minutes after the debate began. It is the tyranny of the majority that is being forced on us (*Interruption*).

Shrimati Durgabai (Madras): It is the tyranny of the minority over the majority : not the tyranny of the majority.

Shri Naziruddin Ahmad: Tyranny of women.

The Minister of State for Transport and Railways (Shri Santhanam): The hon. Member should withdraw his word ; I think it is contempt of Parliament.

Some Hon. Members : No, no, no contempt.

Mr. Deputy Speaker: Let us not be too sentimental over these matters. After all, Parliament has to go by language and no doubt, it must be moderate. There are in all about eleven amendments.

Shri Syamnandan Sahaya: It will take an hour at least.

Mr. Deputy Speaker : In view of what has happened, I thought we could get through these amendments quickly.

Some hon. Members: No, no.

The House then adjourned till half Past Eight of the Clock on Monday, the 24th September, 1951.

HINDU CODE—*contd.*

Clause 4.—(*Overriding effect of Code*).

***The Minister of Law (Dr. Ambedkar):** May I submit, Sir, that my motion with respect to clause 4 of the Hindu Code, which was held over, may be put and then the other business may be taken up ?

Mr. Deputy Speaker : The Hon. Minister wants preference to be given to that Bill with respect to that part of it. The other day the discussion and reply on the clause was over, but just as I was about to put it to the House Hon. Members said it might take a long time and as it was 1-15 p.m. we had to adjourn. We will now finish it.

I will now put the amendment of Pandit Thakur Das Bhargava.

The question is :

That for clause 4, the following be substituted:

“4. Any text rule or interpretation of Hindu Law or any customary usage in force immediately before the commencement of this Code shall have effect with respect to any of the matters not dealt with in this Code.”

The motion was negatived.

Mr. Deputy Speaker: Now we come to amendment No. 449.

Pandit Thakur Das Bhargava (Punjab): I beg to withdraw it. The amendment was, by leave, withdrawn.

Mr. Deputy Speaker: The question is :

That in the amendment proposed by the Hon. Dr. Ambedkar, in part (a) of the proposed clause 4, the words “or any custom or usage” be omitted.

The motion was negatived

Mr. Deputy Speaker : The question is :

That in the amendment proposed by the Hon. Dr. Ambedkar, in the proposed new clause 4,—

(i) in part (a), after the words “dealt with in this Code” the words “after ten years from the commencement of this code” be inserted ; and

(ii) after part (b) the following *Explanation* be added :

“*Explanation.*—Notwithstanding anything contained in subsection (a), for a period of ten years from the commencement of this Code, any text, rule or any custom or usage in force, shall have effect.”

The motion was negatived.

Mr. Deputy Speaker : The question is:

That in the amendment proposed by the Hon. Dr. Ambedkar, in part (a) of the proposed clause 4, after the words ‘this Code’, where they occur for the second time, the words “in so far as it is inconsistent with any of the provisions contained in this code” be inserted. The motion was negatived.

Mr. Deputy Speaker : We pass on to the next amendment now. The question is :

That in the amendment proposed by the Hon. Dr. Ambedkar, to the proposed clause 4, the following proviso be added :

“Provided that this Code shall not override such existing usage, custom and law as form part of the distinct culture of any section of the people to whom this Code applies.”

The motion was negatived.

Mr. Deputy Speaker : The next amendment is 380. The question is :

That for clause 4, the following be substituted :

“4. All texts, rules or interpretations of Hindu Law or all customs and usages and all other law in force immediately before the commencement of this Act, in so far as they may be inconsistent with this Act, shall, to the extent of the inconsistency, cease to have effect.”

The motion was negatived.

Mr. Deputy Speaker : The question is:

That for clause 4, the following be substituted :

“4. All texts relating to, and all rules of interpretation of Hindu Law in the sacred books or in judicial pronouncement of superior courts in India or of the Judicial Committee of the Privy Council or in the text books and commentaries of learned writers and authors or otherwise, and all customs and usages in force immediately before the commencement of this Code, in so far as they are inconsistent with this code, shall, to the extent of the inconsistency, cease to have effect.”

The motion was negatived.

Mr. Deputy Speaker: The next one is 420.

Pandit Thakur Das Bhargava : I beg to, withdraw it.

The amendment was, be leave, withdrawn.

Mr. Deputy Speaker : The amendment No. 129 by Sardar hukam Singh is barred. Now 130.

The question is :

That to clause 4, the following proviso be added :

“Provided, however, that this Code shall not override any text, rule or interpretation of Hindu Law, or any custom or usage or any other law in force immediately prior to the commencement of this Code which has the sanction of Hindu religion or any other religion to the followers of which religion or religions this Code will apply :

Provided further that this Code shall not override such existing text, rule or interpretation of Hindu Law, or any custom or usage or any other law in force which has sanction fo morality behind it.”

The motion was negative.

Mr. Deputy Speaker : I shall now put Dr. ambedkar’s amendment No. 6.

The question is :

for clause 4, substitute :

“4. *Overriding effect of Code*, —Save as otherwise expressly provided in this Code :—

(a) any text, rule or interpretation of Hindu Law or any custom or usage in force immediately before the commencement of this Code shall cease to have effect with respect to any of the matters dealt with in this Code ; and

(b) any other law in force immediately before the commencement of this Code shall cease to have effect, in so far as it is inconsistent with any of the provisions contained in this Code.”

The motion was adopted.

Mr. Deputy Speaker : The question is :

“That clause 4, as amended, stand part of the bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. Deputy Speaker: The House will now proceed with other legislative business.

Pandit Maitra (West Bengal): What about the further clauses ?

Mr. Deputy Speaker : The other business is on the order paper. After that is disposed of, this will be taken up.

Annexures and Index

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Annexure I

STATEMENT
BY
DR. B. R. AMBEDKAR
IN PARLIAMENT IN EXPLANATION OF HIS RESIGNATION
FROM THE CABINET

New Delhi,
10th October 1951

(Reprinted from a copy issued to the Press by Dr. Ambedkar found in Ambedkar papers received from the Bombay High Court by the Government of Maharashtra. Dr. Ambedkar was not allowed to present his statement in the Lok Sabha by the Speaker. He, therefore, quit the House and distributed the copies of statement to the members of Parliament and the Press—*Ed.*)

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Statement

by

Dr. B. R. Ambedkar in explanation of his

RESIGNATION

The House I am sure knows, unofficially if not officially, that I have ceased to be a Member of the Cabinet. I tendered my resignation on Thursday the 27th September to the Prime Minister and asked him to relieve me immediately. The Prime Minister was good enough to accept the same on the very next day. If I have continued to be a Minister after Friday the 28th, it is because the Prime Minister had requested me to continue till the end of the Session—a request to which I was, in obedience to constitutional convention, bound to assent.

Our Rules of Procedure permit a Minister who has resigned his office, to make a personal statement in explanation of his resignation. Many members of Cabinet have resigned during my tenure of office. There has been however no uniform practice in the matter of Ministers who have resigned making a statement. Some have gone without making a statement and others have gone after making a statement. For a few days I was hesitant what course to follow. After taking all circumstances into consideration I came to the conclusion that the making of a statement was not merely necessary, but it was a duty which a member who has resigned owes to the House.

The House has no opportunity to know how the Cabinet works from within, whether there is harmony or whether there is a conflict, for the simple reason that there is a joint responsibility under which a member who is in a minority is not entitled to disclose his differences. Consequently the House continues to think that there is no conflict among members of Cabinet even when as a matter of fact a conflict exists. It is, therefore, a duty of a retiring Minister to make a statement informing the House why he wants to go and why he is not able to continue to take further joint responsibility.

Secondly, if a Minister goes without making a statement, people may suspect that there is something wrong with the conduct of the Minister, either in his public capacity or in his private capacity. No Minister should, I think, leave room for such suspicion and the only safe way out is a statement.

Thirdly we have our newspapers. They have their age-old bias in favour of some and against others. Their judgements are seldom based on merits. Wherever they find an empty space, they are prone to fill the vacuum by supplying grounds for resignation which are not the real grounds but which put those whom they favour in a better light and those not in their favour in a bad light. Some such thing I see has happened even in my case.

It is for these reasons that I decided to make a statement before going out.

It is now 4 years, 1 month and 26 days since I was called by the Prime Minister to accept the office of Law Minister in his Cabinet. The offer came as a great surprise to me. I was in the opposite camp and had already been condemned as unworthy of association when the interim Government was formed in August 1946. I was left to speculate as to what could have happened to bring about this change in the attitude of the Prime Minister. I had my doubts. I did not know how I could carry on with those who had never been my friends. I had doubts as to whether I could, as a Law Member, maintain the standard of legal knowledge and acumen which had been maintained by those who had preceded me as Law Ministers of the Government of India. But I kept my doubts at rest and accepted the offer of the Prime Minister on the ground that I should not deny my cooperation when it was asked for in the building up of our nation. The quality of my performance as a Member of the Cabinet and as Law Minister, I must leave it to others to judge.

I will now refer to matters which have led me to sever my connection with my colleagues. The urge to go has been growing from long past due to variety of reasons.

I will first refer to matters purely of a personal character and which are the least of the grounds which have led me to tender my resignation. As a result of my being a member of the Viceroy's Executive Council, I knew the Law Ministry to be administratively of no importance. It gave no opportunity for shaping the policy of the Government of India. We used to call it an empty soap box only good for old lawyers to play with. When the Prime Minister made me the offer, I told him that besides being a lawyer by my education and experience, I was competent to run any administrative Department and that in the old Viceroy's Executive Council I held two administrative portfolios, that of Labour and C.P.W.D., where a great deal of planning projects were dealt with by me and would

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like to have some administrative portfolio. The Prime Minister agreed and said he would give me in addition to Law the Planning Department which, he said, he was intending to create. Unfortunately the Planning Department came very late in the day and when it did come I was left out. During my time, there have been many transfers of portfolios from one Minister to another. I thought I might be considered for any one of them. But I have always been left out of consideration. Many Ministers have been given two or three portfolios so that they have been overburdened. Others like me have been wanting more work. I have not even been considered for holding a portfolio temporarily when a Minister in charge has gone abroad for a few days. It is difficult to understand what is the principle underlying the distribution of Government work among Ministers which the Prime Minister follows. Is it capacity ? Is it trust ? Is it friendship ? Is it pliability ? I was not even appointed to be a member of main Committees of the Cabinet such as the Foreign Affairs Committee or the Defence Committee. When the Economic Affairs Committee was formed, I expected, in view of the fact that I was primarily a student of Economics and Finance, to be appointed to this Committee. But I was left out. I was appointed to it by the Cabinet, when the Prime Minister had gone to England. But when he returned, in one of his many essays in the reconstruction of the Cabinet, he left me out. In a subsequent reconstruction my name was added to the Committee, but that was as a result of my protest.

The Prime Minister, I am sure, will agree that I have never complained to him in this connection. I have never been a party to the game of power politics inside the Cabinet or the game of snatching portfolios which goes on when there is a vacancy. I believe in service, service in the post which the Prime Minister, who as the head of the Cabinet, thought fit to assign to me. It would have, however, been quite unhuman for me not to have felt that a wrong was being done to me.

I will now refer to another matter that had made me dissatisfied with the Government. It relates to the treatment accorded to the Backward Classes and the Scheduled Castes. I was very sorry that the Constitution did not embody any safeguards for the Backward Classes. It was left to be done by the Executive Government on the basis of the recommendations of a Commission to be appointed by the President. More than a year has elapsed since we passed the Constitution. But the Government has not even thought of appointing the Commission. The year 1946 during which I was out

of office, was a year of great anxiety to me and to the leading members of the Scheduled Castes. The British had resiled from the commitments they had made in the matter of constitutional safeguards for the Scheduled Castes and the Scheduled Castes had no knowing as to what the Constituent Assembly would do in that behalf. In this period of anxiety I had prepared a report* on the condition of the Scheduled Castes for submission to the United Nations. But I did not submit it. I felt that it would be better to wait until the Constituent Assembly and the future Parliament was given a chance to deal with the matter. The provisions made in the Constitution for safeguarding the position of the Scheduled Castes were not to my satisfaction. However, I accepted them for what they were worth, hoping that the Government will show some determination to make them effective. What is the position of the Scheduled Castes to-day? So far as I see, it is the same as before. The same old tyranny, the same old oppression, the same old discrimination which existed before, exists now, and perhaps in a worst form. I can refer to hundreds of cases where people from the Scheduled Castes round about Delhi and adjoining places have come to me with their tales of woes against the Caste Hindus and against the Police who have refused to register their complaints and render them any help. I have been wondering whether there is any other parallel in the world to the condition of the Scheduled Castes in India. I cannot find any. And yet why is no relief granted to the Scheduled Castes? Compare the concern the Government shows over safeguarding the Muslims. The Prime Minister's whole time and attention is devoted for the protection of the Muslims. I yield to none, not even to the Prime Minister, in my desire to give the Muslims of India the utmost protection wherever and whenever they stand in need of it. But what I want to know is, are the Muslims the only people who need protection? Are the Scheduled Castes, the Scheduled Tribes and the Indian Christians not in need of protection? What concern has he shown for these communities? So far as I know, none and yet these are the communities which need far more care and attention than the Muslims.

I could not contain within myself the indignation I have felt over the neglect of the Scheduled Castes by the Government and on one occasion I gave vent to my feelings at a public meeting of the Scheduled Castes. A question was asked, from the Hon'ble the Home Minister, whether my charge that the Scheduled Castes had not

*Editor regrets his inability to trace out this report and will welcome any assistance in this regard—*Ed.*