

Mr. M. K. Acharya: The formula I suggested was this : Before a measure affecting religion is introduced the Governor or the Governor-General should refer it to the opinion of the recognised religious heads of organisations in that Province, and after getting their opinions, and probably after modifying them so as to bring it in accordance with their opinions, it might be introduced, and all that it is for the Governor or the Governor-General to decide.

10,761. *Dr. B. R. Ambedkar:* May I take from you that whether a certain piece of legislation affects the fundamentals of your religion or not is a matter which is to be decided by the heads of the religious institutions ?

Mr. M. K. Acharya: Certainly so. They are the competent judges to decide.

10,762. *Dr. B. R. Ambedkar:* Mr. Acharya, you are a Brahmin by caste ?

Mr. M. K. Acharya: Yes.

10,763. *Dr. B. R. Ambedkar:* Mr. Deshpande, you are a Brahmin by caste ?

Mr. Deshpande: Yes.

10,764. *Dr. B. R. Ambedkar:* Mr. Bannerjee, are you a Brahmin by caste ?

Mr. J. Bannerjee : Yes.

10,765. *Dr. B. R. Ambedkar:* Mr. Acharya, is not it a fact that in the Hindu religion nobody can be a priest unless he is a Brahmin by birth ?

Mr. M. K. Acharya: It is not a fact.

10,766. *Dr. B. R. Ambedkar:* You mean any Hindu in practice can officiate as a priest at any Hindu ceremony ?

Mr. M. K. Acharya: No, it does not mean that.

10,767. *Dr. B. R. Ambedkar:* That is my question?

Mr. M. K. Acharya: Please put it properly.

10,768. *Dr. B. R. Ambedkar:* Whether anyone who is not a Brahmin can officiate and perform any religious ceremony ?

Mr. M. K. Acharya: A very simple question. Every community, sub-community or class has got its priest from that community or sub-community. A Brahmin will not go to certain communities.

10,769. *Dr. B. R. Ambedkar:* I am telling you most respectfully that that is not a correct statement ?

Mr. M. K. Acharya: That is the truth, as far as I know.

10,770. *Dr. B. R. Ambedkar:* Does Mr. Deshpande know ?

Mr. Deshpande: It is so now.

Mr. M. K. Acharya: A Brahmin will not officiate for certain things.

10,771. *Dr. B. R. Ambedkar:* The heads of all religious institutions are Brahmins, are they not ?

Mr. Deshpande: No. In Bombay Presidency there is a very huge Mutt

which has property and all that is purely non-Brahmin.

10,772. *Dr. B. R. Ambedkar*: In the main?

Mr. Deshpande: Some are Brahmins ; some are non-Brahmins.

10,773. *Dr. B. R. Ambedkar*: Is it not a fact in Bombay Presidency?

Mr. Deshpande: There are others also, Lingayats.

10,774. *Dr. B. R. Ambedkar*: I do not want to confuse the issue. My question is this : As distinct from the Lingayats, the Jains, or the Buddhists (I am talking purely of the Hindus) is it not a fact that all these institutions are controlled by Brahmins ?

Mr. Deshpande: There are some which are controlled by non-Brahmins even in Bombay Presidency.

10,775. *Dr. B. R. Ambedkar* : There are very few ?

Mr. Deshpande : Yes, that would be accepted; but not that the whole of them belong to Brahmins.

10,776. *Dr. B. R. Ambedkar*: Now if your proposition was accepted, that the heads of these institutions should have the right to give previous sanction, it would simply mean that the whole of the destiny of the Hindu community would be in the hands of the Brahmins in charge of these institutions ?

Mr. M. K. Acharya: It will not mean that at all.

10,777. *Dr. B. R. Ambedkar*: Let me ask you a question or two about your representative character. Mr. Deshpande, in the Satara district there is a non-Brahmin party, is there not ?

Mr. Deshpande: Yes.

10,778. *Dr. B. JR. Ambedkar*: The non-Brahmins of Satara district would cover almost 90 per cent. of the population ?

Mr. Deshpande: Yes.

10,779. *Dr. B. R. Ambedkar*: There is a very strong antagonism between the Brahmins and the non-Brahmins in the Satara district ?

Mr. Deshpande: On certain points ; not on all.

10,780. *Dr. B. R. Ambedkar*: But on points of politics and social reform ?

Mr. Deshpande: On points of politics.

10,781. *Dr. B. R. Ambedkar*: On point of social reform ?

Mr. Deshpande: Not so much.

10,782. *Dr. B. R. Ambedkar*: Is it not true that the Brahmins and non-Brahmins have been struggling as to the equality in temples, so far as officiating is concerned?

Mr. Deshpande: In some districts they may have, but not in all.

10,783. *Dr. B. R. Ambedkar*: But is there not a strong cleavage between the two ?

Mr. Deshpande: Not so far as I know.

10,784. *Dr. B. R. Ambedkar*: But they are, anyhow, a separate entity, carrying on a separate political life ?

Mr. Deshpande: Yes, everybody has his own.

10,785. *Dr. B. R. Ambedkar:* And you still think a few Brahmins in the Satara district would represent the non-Brahmins ?

Mr. Deshpande: So far as I am concerned.

10,786. *Dr. B. R. Ambedkar:* Do you think that you and Mr. Jadhav, the leader of the non-Brahmins, would go together on most of these points in the Memorandum ?

Mr. Deshpande: I do not know about Mr. Jadhav; I know about mine.

10,787. *Dr. B. R. Ambedkar:* Do you dine together ?

Mr. Deshpande: Mr. Jadhav and myself, no.

10,788. *Dr. B. R. Ambedkar:* In the Madras Presidency there is a Justice party consisting of the non-Brahmins ?

Mr. M. K. Acharya: There was a party some years ago. I do not know if it is as active now.

10,789. *Dr. B. R. Ambedkar:* But it did exist for a year or two ?

Mr. M. K. Acharya: It existed for seven or eight years.

10,790. *Dr. B. R. Ambedkar:* There is again a very strong cleavage between the Brahmins and the non-Brahmins in the Madras Presidency ?

Mr. M. K. Acharya: Not a very strong cleavage upon what might be called religious questions at all.

10,791. *Dr. B. R. Ambedkar:* They have a separate organisation of their own ?

Mr. M. K. Acharya: I believe in the Justice party Brahmins are being admitted now.

10,792. *Dr. B. R. Ambedkar:* But hitherto they were not admitted ?

Mr. M. K. Acharya: They are admitting even Brahmins now and, therefore, they are changing.

10,793. *Dr. B. R. Ambedkar:* Would it be correct to say that you are only representing the views of the Brahmins ?

Mr. M. K. Acharya: Quite incorrect

10,794. *Dr. B. R. Ambedkar:* Now I want to ask you a question, Mr. Deshpande. In your Memorandum No. 64, I do not find any comment on the Poona Pact : Is that so ?

Mr. Deshpande: There is none.

10,795. *Dr. B. R. Ambedkar:* Is that true ?

Mr. Deshpande: It is true.

10,796. *Dr. B. R. Ambedkar:* Mr. Acharya, in your Memorandum No. 65, apart from this one line on page 3 : "It is upon its merits we condemn the Poona Pact," there is no reference to it ?

Mr. M. K. Acharya: That was quite enough, I thought.

10,797. *Dr. B. R. Ambedkar:* This joint production of yours is the latest thought, is it not ?

Mr. M. K. Acharya: Yes, it has come later than the others.

10,798. *Dr. B. R. Ambedkar:* After the evidence of the Hindu Mahasabha was given ?

Mr. M. K. Acharya: No, much before that.

10,799. *Dr. B. R. Ambedkar:* Why did not Mr. Deshpande put it before in your Memorandum, if as it is stated here, you had a mandate from your clients to condemn it ?

Mr. Deshpande: I did not think that it was necessary.

10,800. *Dr. B. R. Ambedkar:* There is just one other question I want to ask. You ask in your joint production, No. 72, full Provincial autonomy and Central responsibility ; I need not read that. Now, under paragraph 4. Franchise for Lower Chambers, you say : "The bulk of our countrymen are yet untrained in the habit of working representative institutions." The question that I want to ask you is this : For whose benefit do you ask for Provincial autonomy and Central responsibility, if you say your "countrymen are yet untrained in the habit of working representative institutions" ?

Mr. M. K. Acharya: I would ask the Honourable Gentleman to read the paragraph more carefully. The answer is there already.

10,801. *Dr. B. R. Ambedkar:* What is the answer?

Mr. M. K. Acharya: The answer is there, if you read it.

10,802. *Dr. B. R. Ambedkar:* What is the answer ?

Mr. M. K. Acharya: We say we are against the indiscriminate lowering of the franchise in the immediate future ; the indiscriminate lowering we condemn ; but making the lowering more discriminate, we are taking the next step immediately to urge Provincial autonomy and Central responsibility.

10,803. *Dr. B. R. Ambedkar:* But how can indiscriminate lowering of the franchise make your countrymen trained in the habit of working representative institutions ?

Mr. M. K. Acharya: That is what we say. Indiscriminate lowering will not train them.

10,804. *Dr. B. R. Ambedkar:* Therefore, raise it higher up ?

Mr. M. K. Acharya: No, the opposite of indiscriminate lowering is discriminate lowering.

10,805. *Dr. B. R. Ambedkar:* Confining it only to the Brahmins and the higher classes ?

Mr. M. K. Acharya: Discriminate lowering does not mean that. The White Paper says 38,000,000, I would be content with 20,000,000 or 28,000,000. That is not for confining them to this class and that class.

10,806. *Dr. B. R. Ambedkar:* You know in Malabar, there is a community called the Naiyadis ?

Mr. M. K. Acharya: Yes.

10,807. *Dr. B. R. Ambedkar :* I understand that under the social customs

prevailing there a Naiyadi cannot walk along the road ?

Mr. M. K. Acharya: He can walk along the public roads today.

10,808. *Dr. B. R. Ambedkar:* And if he wants to sell anything, or buy anything, he has to place his goods or articles that he wants to sell some 60 yards away from the street and call out from there ?

Mr. M. K. Acharya: That is not correct information, so far as I know.

10,809. *Dr. B. R. Ambedkar:* I give you that information?

Mr. M. K. Acharya: That is not correct; I may deny it. I have been for many years in Malabar, and I know Malabar better than my honourable friend.

10,810. *Dr. B. R. Ambedkar:* The point I am going to ask you is something further. Assume my facts are correct ?

Mr. M. K. Acharya: When they are incorrect, how can I assume that ?

10,811. *Dr. B. R. Ambedkar:* The question is this : Supposing a law was passed making it a crime for any Hindu to prevent a Naiyadi from walking along the public street in Malabar, would you say that would affect the fundamentals of your religion ?

Mr. M. K. Acharya: As the honourable gentleman presumes on wrong facts, there is no such custom and there is no such law. If there were such a custom and if there were any need for such a law, then that law would not conflict with any fundamental of religion.

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110,899. *Dr. B. R. Ambedkar:* I would like to clear up a matter. Mr. Acharya, you stated that Pandit Malaviya has repudiated the implications of the Poona Pact. I want to ask you a question on that : Is not it a fact that Mr. Gandhi says that the Poona Pact, apart from settling the political problem, imposed a certain obligation on the Hindus to abolish untouchability and to open the doors of the Hindu temples to the untouchables ?

Mr. M. K. Acharya: That is what Mr. Gandhi says, I think.

10,900. *Dr. B. R. Ambedkar:* Pandit Malaviya says that is not the case : that the Poona Pact does not impose any obligation on the Hindus to do that and it is therefore that he says he does not agree with the implications of the Poona Pact. Is not that the case ?

Mr. M. K. Acharya: Yes. That is so

10,901. *Dr. B. R. Ambedkar:* It does not touch the political side of the matter. Mr. Gandhi says the Poona Pact imposes an obligation on the Hindus to open the doors of the temples. Pandit Malaviya says there is no such implication at all ?

Mr. M. K. Acharya: Yes.

†Minutes of Evidence, Vol. II-C, 2nd August 1933, p. 1720.

(15)

Lieut.-Colonel C. E. Bruce, C.S.I., CLE., C.B.E., Lieut.-General Sir George Macmunn, K.C.B., K.C.S.L, D.S.O., Mr. F. F. Lyall CLE., Mr. Waris Ameer Ali I.C.S., Mr. O. C. G. Hayter, and Hon. Mr. Justice W. A. Le Rossignol.

‡12,465. *Dr. B. R. Ambedkar*: Were there Ministers in India at the time when you were District Judge ?

Lt. Col. C. E. Bruce: There were, but they were not concerned with me ; I should say, not elected Ministers, but I am referring now to the future in this Memorandum when, as I understand, the proposed Constitution—

12,466. *Dr. B. R. Ambedkar*: I thought you were speaking from your experience ?

Lt. Col. C. E. Bruce: May I explain to you ? This refers to the future when the proposal is to place Ministers under elected Legislatures and responsible to elected Legislatures and liable to stand or fall with their Cabinets.

Sir Hart Singh Gour: Your words are prophetic.

(16)

Wing Commander A. W. H. James, M.P., and Dr. J. H. Hutton, C.I.E., I.C.S.

‡D29. *Dr. B. R. Ambedkar*: Cannot they plead tribal law as their customary law ?

Wg. Comdr. A.W.H. James: No, it is not recognised by the High Court

Dr. B. R. Ambedkar: The High Court would recognise any custom ?

Wg. Comdr. A. W. H. James: It is not necessary to establish that it is a Hindu or Muhammadan custom. If there is no law laid down in that sense, the custom would govern. Ordinarily, that would be the thing. I am not speaking with first hand knowledge.

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§D222. *Dr. B. R. Ambedkar*: Dr. Hutton, in reply to a question by Major Attlee, I think you stated that you would prefer that the administration of the excluded areas should be a Central subject, rather than a Provincial subject ?

Dr. J. H. Hutton: That is my own feeling.

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D224. *Dr. B. R. Ambedkar*: I just want to turn to some other matters which have been discussed in your paper, I think you are proceeding upon the basis that these people should under no circumstances come within the purview of the new constitution ?

Dr. J. H. Hutton: That is so.

D225. *Dr. B. R. Ambedkar*: That is the hypothesis and the basis upon which you are proceeding ?

‡Minutes of Evidence, Vol. II-C, 6th October 1933, p. 1612.

‡*Ibid.*, Vol. II-D, 16th October 1933, p. 2376.

§*Ibid.*, pp. 2388-90.

Dr. J. H. Hutton: I admitted that in some circumstances where they are very scattered living among other populations, it would be otherwise.

D226. *Dr. B. R. Ambedkar:* But in the main, that is the hypothesis upon which you are proceeding?

Dr. J. H. Hutton: Yes, in the main.

D227. *Dr. B. R. Ambedkar:* What is the ideal that you have before you for these people? I will crystallise my question so that you may answer it better.

Dr. J. H. Hutton: The minimum of interference by anybody.

D228. *Dr. B. R. Ambedkar:* Let me put it in the way I visualise the question. Is it your ideal that these primitive people should continue to remain primitive people without having anything to do with the affairs of the rest of India, or do you propose that the destinies of these people should be so regulated that in course of time they should cease to be an isolated part of humanity and take part in the public affairs of their country as the rest of Indians are doing now?

Dr. J. H. Hutton: I think that the second is my ideal.

D229. *Dr. B. R. Ambedkar:* That they should not continue permanently as primitive people?

Dr. J. H. Hutton: The question would have to be that, if possible, ultimately they should take a part in the life of their country.

D230. *Dr. B. R. Ambedkar:* That is what I say?

Dr. J. H. Hutton: But it is possible that in some cases you might never be able to achieve that ideal.

D231. *Dr. B. R. Ambedkar:* Let us, first of all, ascertain what the ideals are?

Dr. J. H. Hutton: Yes.

D232. *Dr. B. R. Ambedkar:* I am not introducing the religious question at all, whether they should be this or that?

Dr. J. H. Hutton: No.

D233. *Dr. B. R. Ambedkar:* What you do point out is this: You do say, and I think it is your ideal, that they should become part and parcel of the civil society?

Dr. J. H. Hutton: Yes.

D234. *Dr. B. R. Ambedkar:* And outgrow their tribal condition?

Dr. J. H. Hutton: Yes, I think that is necessary.

D235. *Dr. B. R. Ambedkar:* Let me therefore proceed further. If that is the view, is it not desirable that there should be a common cycle of participation both for the civilised people of India and for these primitive people?

Dr. J. H. Hutton: Not yet.

D236. *Dr. B. R. Ambedkar:* So that there may be a percolation of the ideas which are agitating the minds of the civilised part of Indian society into this primitive class of people?

Dr. J. H. Hutton: I think the ideas will percolate without any difficulty.

D237. *Dr. B. R. Ambedkar:* How?

Dr. J. H. Hutton: What troubles me is that unless they are separated they are likely to be destroyed by too abrupt contact. That is what has happened nearly everywhere else in the world.

D238. *Dr. B. R. Ambedkar:* I do not know but I do want to submit to you for your consideration whether if, as you have admitted, that is your ideal, namely, that they shall some day become part of the Indian society, segregation, and so complete and so rigid a segregation as you propose, is the proper way for the realisation of that ideal?

Dr. J. H. Hutton: I think it is the only possible one myself.

D239. *Sir Reginald Craddock:* Might I put a question? There are various educational agencies going on in some of those tribes. Is not that the case?

Dr. J. H. Hutton: Yes, certainly....

D240. *Sir Reginald Craddock:* Are they chiefly missions, or has the Government any schools?

Dr. J. H. Hutton: The Government has a number of schools.

D241. *Sir Reginald Craddock:* That would be one of the points that you would refer to in connection with the improvement of these classes would not you?

Dr. J. H. Hutton: I should.

D242. *Dr. B. R. Ambedkar:* I want to proceed a little further. I see from your paper (correct me if I am wrong) that you are troubled about two things. You think that a contact or incorporation, if I may use that term, of the educated or the advanced or the civilised Indians, and of the primitive people in one constitution is likely to result, first of all, in their exploitation by the advanced classes or shall I say, the civilised part of the Indian society?

Dr. J. H. Hutton: Yes.

D243. *Dr. B. R. Ambedkar:* Secondly, I suppose I am right in summarising it thus, that you are afraid that sufficient attention will not be paid to them in the new Council?

Dr. J. H. Hutton: Yes.

D244. *Dr. B. R. Ambedkar:* Let me put to you one question. I will take the case of their land. Is it not a fact that this question, namely, of keeping the land in, the hands of the primitive people as far as possible that they may not be rendered a class of landless labourers, is also the problem which is before many of the agricultural classes in India and that even for their protection it has become necessary to pass Acts like the Deccan Agricultural Relief Act in Bombay and the Alienation of Land Act in the Punjab and several other cases?

Dr. J. H. Hutton: I believe such Acts have been passed.

D245. *Dr. B. R. Ambedkar:* My suggestion is this, that if these primitive

people are brought under the same constitution as the rest of India they would not be quite alone in their demand for keeping the moneylender out and seeing that the land remains in the hands of those who cultivate it. There would be many others who would have a similar demand to make in the Legislature. The point I want to make is that they would not be isolated ?

Dr. J. H. Hutton: The point which I should be inclined to answer was that the proof of the pudding was in the eating, and, as far as experience went, it has shown that they always have been done out of their land.

D246. *Dr. B. R. Ambedkar:* But, Dr. Hutton, would you mind making this distinction, that the Legislatures, as they are composed today, and as they were composed some time ago, are not going to be the same as the Legislatures that will be composed under the White Paper ?

Dr. J. H. Hutton: Yes.

D247. *Dr. B. R. Ambedkar:* You would have a certain amount of representation drawn from the general electorate who would favour the poorer classes. The experience of the last Legislatures would be no safe guide in a matter of this kind ?

Dr. J. H. Hutton: I would sooner be on the safe side and exclude them.

D248. *Dr. B. R. Ambedkar :* I do not know, but you are not prepared to deny the fact that they would have many friends in the Legislature ?

Dr. J. H. Hutton: I would not admit that. I should like to be convinced first that they would have many friends. There may be others with similar interests, but they would have very little in common with them individually.

D249. *Dr. B. R. Ambedkar:* Yes, but I mean so far as the general question of protection for a class similarly situated is concerned ?

Dr. J. H. Hutton: I can conceive that a Musselman cultivator in Sihar would demand the maximum of protection for himself and the maximum of non-protection for his neighbours.

D250. *Dr. B. R. Ambedkar:* Do you think the Legislature would go to the length of saying that certain laws which are necessary in the interests of Indians are not to be extended, and that the protection of those laws is not to be given to the primitive classes ?

Dr. J. H. Hutton: No, I do not think they would go as far as that.

D251. *Dr. B. R. Ambedkar:* How would the discrimination arise?

Dr. J. H. Hutton: I think the primitive classes might have extreme difficulty in obtaining the necessary protection. There is no guarantee with the depressed classes that the cultivator will obtain the necessary protection under the new constitution.

D252. *Dr. B. R. Ambedkar:* Quite true; I agree with you. There can be no protection that the other classes probably would not club together and prevent protection being given to some other minorities ? The fear is legitimate, but taking into calculation all the forces on the one side and all the forces on the other, the point I want to make to you is that the fear, that

one or two, or a few representatives of the primitive classes in the Provincial Council will feel that they are overwhelmed by the forces on the other side, is not quite justified by an analysis as I am presenting it to you of the composition of the future Legislatures as it will be under the White Paper proposal ?

Dr. J. H. Hutton: In view of the difference of race, I think it is possibly justified, at any rate in certain places.

D253. *Dr. B. R. Ambedkar:* Take the question again of education. I happen to know something about these primitive people in the Bombay Presidency. We have a backward classes ?

Dr. J. H. Hutton: Yes, I know.

D254. *Dr. B. R. Ambedkar:* We ourselves are not very far divided from them ?

Dr. J. H. Hutton: I know.

D255. *Dr. B. R. Ambedkar:* Educationally speaking, one could not really say that a good many people in India are in less need of education than the primitive or the backward people ?

Dr. J. H. Hutton: You could not say what ?

D256. *Dr. B. R. Ambedkar:* You could not say (take, for instance, the depressed classes) that bare educational need is less ?

Dr. J. H. Hutton: You could not say that it was less.

D257. *Dr. B. R. Ambedkar:* One could not say it ?

Dr. J. H. Hutton: No.

D258. *Dr. B. R. Ambedkar:* I have been sitting on the backward class board in Bombay, which is a composite board for the depressed classes and these primitive people ?

Dr. J. H. Hutton: Yes, in certain cases the primitive people are very much more educated.

D259. *Dr. B. R. Ambedkar:* Therefore, as I say, taking their educational need, in the Legislative Council, they would not find themselves isolated ?

Dr. J. H. Hutton: They might do.

D260. *Dr. B. R. Ambedkar:* You would desire that they should be completely excluded, and their need, such as education, which I think is the greatest need of these people should be met entirely by revenues supplied by the Governor under his special responsibilities ?

Dr. J. H. Hutton: Yes.

D261. *Dr. B. R. Ambedkar:* I want to put this to you : whether a Governor would at all go to the length of providing what he thought was a sufficient amount of funds for the education of the primitive classes if his Ministers did not support him ?

Dr. J. H. Hutton: That is a serious difficulty.

D262. *Dr. B. R. Ambedkar:* If there is something in the point that I have put to you, would not it be desirable that some representatives of these people should be in the Legislative Council so that a Minister may be

dependent upon their votes, and may be amenable to their wants ?

Dr. J. H. Hutton: An odd vote or two would not be likely to affect a Minister.

D263. *Dr. B. R. Ambedkar:* I do not say one or two. You may have a small number, but, assuming they have adequate representation in the Legislature, would not the Minister be dependent upon their votes, and, therefore, he might be more amenable to their wants ?

Dr. J. H. Hutton : Theoretically, but not in practice. Their numbers would be so small.

Dr. B. R. Ambedkar: In politics a single vote might turn the balance.

D264. *Lord Eustace Percy:* I thought Dr. Hutton's recommendation was that they should be excluded from the purview not only of the Province but of the Governor also, and that they should be administered from the centre. Is not that so?

Dr. J. H. Hutton: That is what I should, on the whole, prefer. I have stated in my memorandum that in the case of the proposals of the White Paper for the totally excluded areas in which the Governor acts as the agent of the Governor-General, the White Paper proposal is satisfactory. I do not say I should prefer it.

D265. *Lord Eustace Percy:* I thought from your proposals for setting up petty States that you intended that it should as far as possible be a central function ?

Dr. J. H. Hutton: My intention was that it should be central as far as possible, certainly.

D266. *Dr. B. R. Ambedkar:* Even in that case, the criticism I have offered would be equally applicable even if the subject was made central, because the Governor would have to certify the amount necessary for the administration of the subject and, if the Ministers in the Central Government objected to spending that amount of money, the conflict would still be there; it would only be transferred from the Provincial Field to the Central Field ?

Dr. J. H. Hutton: I am assuming the Minister would not have a word in it.

Dr. B. R. Ambedkar: But my point is that the Minister would have a word, because there would be other rival claims for the expenditure, and a Minister cannot be expected to be interested in primitive peoples who are not part of the Legislature.

Dr. Shafa'at Ahmad Khan: Would not the representatives of the primitive people in the Legislature generally combine with the depressed classes ?

D267. *Dr. B. R. Ambedkar:* That is what I am visualising, and, therefore, they would have many friends.

Dr. J. H. Hutton: I do not think the representation would be affected.

D268. *Dr. B. R. Ambedkar:* If I felt as pessimistic as you feel I should

at once say : “I do not want this constitution at all” ?

Dr. J. H. Hutton: But I do not, for the primitive tribes.

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D284. *Major Attlee:* I do not think the Simon Commission recommended the forests from your point of view at all. The forests were recommended by the Simon Commission to be transferred ?

Dr. J. H. Hutton: No. I put that forward as a suggestion for the economical administration of an excluded area.

Lord Eustace Percy: Perhaps Dr. Hutton will deal with this difficulty, because I do not understand what a totally excluded area is in which the provincial forest official and the provincial forest policy prevails.

D285. *Dr. B. R. Ambedkar:* If I may say so, the area is not excluded, it is the people who are excluded ?

Dr. J. H. Hutton : No, the area is excluded, as I read the White Paper. Is there any definition of a totally excluded area in the White Paper ?

(17)

**The Right Honourable Sir Winston Spencer Churchill, C.H.
Member of the House of Commons**

†14,681. *Dr. B. R. Ambedkar:* Mr. Churchill, the White Paper does not propose to establish Dominion Constitution ?

Sir Winston Churchill: No.

14,682. *Dr. B. R. Ambedkar:* Therefore I do not propose to trouble you with any questions with regard to the logical and metaphysical position, whether one could draw a distinction between Dominion Status as a ceremonial affair and Dominion Status as a Dominion Constitution. I propose to ask you just one or two questions with regard to the White Paper itself without confusing the issue by bringing in anything with regard to the distinction that you propose to make. May I draw your attention, therefore, to the debate that took place in Parliament on December 1st, 1931, when the Prime Minister moved the resolution; it was in these terms : “That this House approves the Indian policy of His Majesty’s Government as set out in Command Paper No. 3972 — Indian Round Table Conference — presented in Parliament on the 1st December, 1931.” That is the first White Paper-not the full scheme ?

Sir Winston Churchill: You mean the Prime Minister’s speech ?

14,683. *Dr. B. R. Ambedkar:* The Prime Minister’s speech.

Sir Winston Churchill : Quite.

14,684. *Dr. B. R. Ambedkar:* The Constitution adumbrated in the White Paper which was presented to the House included in the main the proposals which are contained in the White Paper as it is presented to the Joint Select Committee. There was to be Provincial responsible government

†Minutes of Evidence, Vol. II-C, 24th October 1933, pp. 1807-08.

in the Provinces with the transfer of Law and Order, and there was to be a sort of dyarchy at the Centre, in which Defence and Foreign Relations were to be reserved subjects. Is that right?

Sir Winston Churchill: I find no need to interrupt you at this point.

14,685. *Dr. B. R. Ambedkar:* Then the next point I wish to ask about this. The Prime Minister made his object clear in moving this resolution in the House of Commons. I am reading his words: "the statement which I made to the Round Table Conference yesterday had the full authority of the Cabinet, and we now wish, having communicated that statement to the House, to ask the House by its vote to associate itself with that policy." That was the object of the Prime Minister in moving this resolution in the House of Commons. Now, as you know you moved an amendment to the resolution. That amendment was in these terms: "Mr. Churchill: I beg to move in line 3 at end to add the words, provided that nothing in the said policy shall commit this House to the establishment in India of Dominion Constitution as denned by the Statute of Westminster; provided also that the same policy shall effectively safeguard the British trade in and with India from adverse or prejudicial discrimination, and provided further that no extensions of self-government in India at this juncture shall impair the ultimate responsibility of Parliament for the peace, order and good Government of the Indian Empire."

14,686. *Dr. B. R. Ambedkar:* The impression that I have formed, after reading this debate that took place in the House of Commons on the 3rd December 1931, was this, that if the Prime Minister had accepted your amendment you were willing to vote with the Government in support of the resolution moved by the Prime Minister. Is that correct?

Sir Winston Churchill: I think it very difficult to say what would have happened in these hypothetical circumstances, but, undoubtedly it would have been a very great relief to the great mass of Conservative Members in the House of Commons if the Government had seen eye to eye with those who supported me in that amendment—a very great relief, and altogether more agreeable atmosphere would have followed immediately and would have been created.

14,687. *Dr. B. R. Ambedkar:* Fortunately for me, I do not think the matter is really hypothetical because I find you have taken a very definite attitude with regard to your amendment in the course of that debate and I want to call your attention to one or two statements you made in the course of your speech. I think the one fact which has puzzled me, I must admit, is that, first of all, according to the impression of most Members then present in the House, there was really no distinction between what the Government was asserting and what you proposed to state in your amendment. Is it not so? Let me read a passage of yours. The point I want to make is this: A subject which has always puzzled me is this, that having read the statement of the Prime Minister and the amendment which you proposed to move on

that day in the House of Commons, I, at any rate, did not see any distinction, and that, I say, was your position as well, because I propose to read a passage which will make it clear. You say at column 234 : “I have finished and I am most grateful to the House for permitting me to intrude for so long upon their attention. What can we do but to preserve with our amendment. It is not a vote of confidence in His Majesty’s Government” and this is the important point, “On the contrary, it merely asserts the principles which they themselves affirm and which both the Prime Minister and the Secretary of State have affirmed.” So you yourself really saw no distinction between the proposals as put forth in the statement of the Prime Minister and the substance of your amendment ?

Sir Winston Churchill: Of course, I thought it was unfortunate that the Government did not take proper view of the proposal. I should have been very glad to get that amendment on the paper.

14,688. *Dr. B. R. Ambedkar:* Let me quote another passage of what you said on the same day. You said your second alternative to the Government on that day was that if your amendment was not accepted you would be content to vote with the Government provided the pronouncement of the Prime Minister was accompanied by the speech of the Secretary of State that was made on that day in the House of Commons ?

Sir Winston Churchill: Yes.

14,689. *Dr. B. R. Ambedkar:* My point is this : If that is your position, namely, that you were content to vote with the Government on that particular debate, provided the Prime Minister’s announcement was accompanied by the speech made by the Secretary of State in the House of Commons, what I wish to understand from you is this : What is the difference between the White Paper as it is presented to this Committee and the statement of the Prime Minister combined with the speech of the Secretary of State ? Could you give us any difference that you see between the White Paper as presented to the Committee and the pronouncement of the Prime Minister as interpreted by the Secretary of State in the House of Commons ?

Sir Winston Churchill: In the case of a difference which arises in a Parliament or in a House of Commons between two sides of a debate, it is difficult for outsiders to appreciate what the difference was unless they understand all the circumstances which influence and affect our debates, but that there was a great and real difference between the amendment which I sought to have put upon the paper and the resolution which the Government passed over our heads is indisputable. There was a sharp difference. Each side naturally presents its case in the manner least likely to deter support, but the difference is there all the same and remains quite clear, and I do not suggest to Dr. Ambedkar that in justice to our Parliamentary institutions, he should remember that we still have a bica-

meral Parliament and that the debates in the House of Lords must be read in conjunction with those in the House of Commons.

14,690. *Dr. B. R. Ambedkar*: If I may say so respectfully, I wish to understand your position alone, irrespective of the position of the House of Lords or other members of the Party. You stated definitely that you would vote with the Government, provided the Prime Minister's statement was issued in conjunction with the speech made by the Secretary of State. The point which I wish to submit to you respectfully is this: Do you see any difference in the White Paper as presented to the Joint Parliamentary Committee, and the statement by the Prime Minister as interpreted that day by the Secretary of State in the House of Commons? If there is, of course, you have every ground to differ?

Sir Winston Churchill: I can assure Dr. Ambedkar that I have never been in favour of a federal system being erected at this time at the Centre of India nor of transferring law and order in the Provinces, and nothing that I have ever said in this controversy is in conflict with that. *Dr. B. R. Ambedkar*: I have no more questions to ask.

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†14,945. *Dr. B. R. Ambedkar*: My Lord Chairman, may I ask a question with your permission?

Chairman: If you please.

14,946. *Dr. B. R. Ambedkar*: I just want to ask you one question, Mr. Churchill. Do you make any distinction between responsible government and Dominion Status?

Sir Winston Churchill: Oh, yes. Responsible government has many interpretations, many that we know in practice and we have seen. Responsible government may mean serious, real, important functions transferred to the discretion of a Provincial, or local body, or it may mean the various degrees of responsible government which have a technical understanding in the language of the Dominions and Colonial Offices, namely, Ministers responsible to the Assembly and so forth, but there are very considerable gradations in the history of our outlying Dominions and Empire in the exact form of institutions, which would be covered by the term "responsible government".

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‡15,147. *Dr. B. R. Ambedkar*: Would you agree that the masses should be given adult suffrage?

Sir Winston Churchill: No.

15,148. *Dr. B. R. Ambedkar*: Why not?

Sir Winston Churchill: Because I think it quite impracticable.

†Minutes of Evidence, Vol. II-C, 25th October 1933, p. 1833.

‡*Ibid.*, p. 1849.

(18)

**Lieut.-Colonel Sir Henry Gidney, M.L.A., I.M.S. (Retired), on
behalf of the Anglo-Indian and Domiciled European
Association of India**

*16,241. *Dr. B. R. Ambedkar*: I realise from your Memorandum that you are very apprehensive of what may happen to your community under the new Constitution. I believe your apprehensions are shared by many other minorities. Therefore, the question I want to put to you is this: Would it serve any purpose which you have in view if a provision was made in the Constitution that there should be some officer or some Department in the future Central Government of India which was charged with the statutory duty of presenting to Parliament annually a Report on the moral and material condition of the various communities in India? Do you think that proposal would be of any use to your community in drawing the attention of Parliament to anything that may have occurred in the course of the administration of various provinces affecting your material interests?

Sir Henry Gidney: That proposal meets with my entire approval as the *ultima thule* of what would be the protection of minorities, but, as a preliminary canter to that the minorities, in my humble submission, demand protection not in so far as someone can report to the Houses of Parliament annually, but a practical protection.

16,242. *Dr. B. R. Ambedkar*: Let me make myself clear. What I am suggesting is not in substitution of what you are asking; it may be supplemental to what you are asking?

Sir Henry Gidney: Yes.

16,243 *Dr. B. R. Ambedkar*: Do you agree with me that this opportunity, or this method of exposing possible abuses of power in itself serve as a check against any possible abuse?

Sir Henry Gidney: I certainly think it would be a means of bringing to the Houses of Parliament anything in the way of a prejudicial effect on Communities.

16,244. *Dr. B. R. Ambedkar*: Not merely yours, but of many others?

Sir Henry Gidney: Of all minorities.

Mr. Zafrulla Khan: What would Parliament be expected to do thereupon?

Dr. B. R. Ambedkar: It would lie there. Parliament would take note of the various Governments. Not only should the Governor-General know, but Parliament should know how the various Governments are executing their responsibilities to the various minorities which are placed under their charge.

Sir Hari Singh Gour: And you would call that Provincial autonomy?

Dr. B. R. Ambedkar: Yes; I certainly would.

*Minutes of Evidence, Vol. II-C, 10th November 1933, p. 1996.

(19)

Mr. J. C. French and Mr. S. H. Mills on behalf of Indian Police

*16,904. *Dr. B. R. Ambedkar*: Mr. Mills, there is just one question I should like to ask you, because I am rather interested in getting your view of this matter. You stated somewhat emphatically that under the proposed Constitution in Bengal, Muslims and the Depressed Classes would be under the influence of the Congress ?

Mr. S. H. Mills: I think there is every chance of their being under the influence of the Congress — a percentage of them.

16,905. *Dr. B. R. Ambedkar*: You said about 20 of the Depressed Classes ?

Mr. S. H. Mills: Yes.

16,906. *Dr. B. R. Ambedkar*: I suppose it is not your suggestion that as it is today there are any Depressed Classes or there are any Muhammadans who are in sympathy with the terrorist movement ?

Mr. S. H. Mills: We have quite a large number of Depressed Classes who have been arrested as terrorists.

16,907. *Dr. B. R. Ambedkar*: From what community ?

Mr. S. H. Mills: We have had some from peculiar communities and there have been a number of Shahas ; then from Midnapore quite a number of the Depressed Classes have been arrested — particularly Midnapore.

16,908. *Dr. B. R. Ambedkar*: Shaha is not a scheduled caste of the Depressed Classes ?

Mr. S. H. Mills: No. In the Midnapore district there have been quite a number of the Depressed Classes who have been arrested.

16,909. *Dr. B. R. Ambedkar*: Now the next point that I want to draw your attention to is this : May I just put it ? Is it your experience, for instance, that a large community like the Namasudras in Bengal are in any way connected with the terrorist movement ?

Mr. S. H. Mills : Yes, they are.

16,910. *Dr. B. R. Ambedkar*: The next question that I want to ask you is this : You know that under the White Paper proposals the minorities of Bengal have separate electorates ?

Mr. S. H. Mills: Yes.

16,911. *Dr. B. R. Ambedkar*: Do you still think that, notwithstanding the separate electorates, the Congress will have any influence in the election of the members of these communities ?

Mr. S. H. Mills: I think it is highly probable.

16,912. *Dr. B. R. Ambedkar*: How would that influence be felt ?

Mr. S. H. Mills: Because the Congress having the terrorists behind them is very greatly feared in the Province, and that fear would tend to dominate them.

*Minutes of Evidence, Vol. II-C, 13th November 1933, p. 2043.

(20)

**Secretary of state for India's Evidence before the Joint Committee
on Indian Constitutional Reform**

†The Right Hon. Sir Samuel Hoare, Bt., G.B.E., C.M.G., M.P.,
Sir Malcolm Hailey, G.C.S.L., G.C.L.E., and Sir Findlater
Stewart, K.C.B., K.C.I.E., C.S.I.

‡6394. *Dr. B. R. Ambedkar*: I have not followed it I think even under Proposals 92 and 95, although the Legislature may be in Session, the Governor will not be bound to put his legislation before the Legislature if he so thinks?

Sir Samuel Hoare: That is perfectly true. The Governor has full discretion.

6395. *Dr. B. R. Ambedkar*: The Governor has full discretion?

Sir Samuel Hoare: Whether for ordinances or for legislation, on his own initiative.

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§6440. *Dr. B. R. Ambedkar*: I want to pursue this point a stage further. You said that would depend on the circumstances of the case. That was not the question of Sir Tej Sapru. The question is, is this Clause wide enough to give the power to intervene and say: "No, this will interfere with peace and tranquillity, and I will not allow you to introduce this legislation"?

Sir Tej Bahadur Sapru: The Clause is merely wide enough to allow the Governor to take action if he is convinced that it will lead to a grave menace to the peace and tranquillity of the Province, not mere that he thinks such legislation is undesirable in the interests of one class or another.

6441. *Dr. B. R. Ambedkar*: If he comes to that conclusion this clause is wide enough for him to say: "I will not allow you to proceed with such legislation"?

Sir Samuel Hoare: I can only say we have had in the United Provinces within the last two years the menace of very grave trouble indeed arising out of the agrarian situation, and dealing with the rental question. There was a stage then when, in my opinion, this clause would undoubtedly have applied, but it would have applied because there was threatening of actual risings of tenants in certain parts of the Province. I would not have held that it would have applied if it had been merely the case that one class or other would have been prejudicially affected by the Legislature.

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¶6533. *Dr. B. R. Ambedkar*: I want to know whether the Secretary of

†Sir Samuel Hoare was the Secretary of State for India, Sir Malcolm Hailey was the Governor of United Province, and Sir Findlater Stewart was the Permanent Under Secretary of India Office, London.

‡Minutes of Evidence, Vol. II-B, 14th July 1933, p. 729.

§*Ibid.*, p. 735.

¶*Ibid.*, p. 747.

State desires me to reserve any questions upon Second Chambers for the Provinces ?

Sir Samuel Hoare: I would suggest, so far as the Constitution of the Second Chambers goes (the membership), perhaps it would be better to take that with the franchise generally.

6534. *Dr. B. R. Ambedkar:* This franchise question ought to be excluded at this stage ?

Sir Samuel Hoare: Whatever the Committee thinks, I should have thought it came better into the franchise.

Dr. B. R. Ambedkar: I will not ask any questions of the Secretary of State.

Chairman: I think the Secretary of State's suggestion is a practical one. I hope you will not put questions at this stage.

6535. *Dr. B. R. Ambedkar:* I was going to ask the composition of the Second Chamber. Would it be better to reserve it ?

Sir Samuel Hoare: Yes, I think perhaps that would be better.

6536. *Dr. B. R. Ambedkar:* You said in the course of a reply to a question put last time, that you contemplated that in the Provinces the Ministers could be drawn from either Chamber, both the Lower and the Upper ?

Sir Samuel Hoare: Yes.

6537. *Dr. B. R. Ambedkar:* You remember that in the Second Chamber, as suggested in the White Paper, there are to be 10 nominated Members ?

Sir Samuel Hoare: Yes.

6538. *Dr. B. R. Ambedkar:* Is it the proposal that these 10 nominated members who will sit in the Upper Chamber will also be eligible for being Ministers ?

Sir Samuel Hoare: Yes, I would not draw any distinction between them and the others.

6539. *Dr. B. R. Ambedkar:* The nominated members would be eligible for being Ministers ?

Sir Samuel Hoare: Yes, certainly; that is how I conceive it to be.

6540. *Dr. B. R. Ambedkar:* In the present Government of India Act there is a distinct provision that any member who is a nominated member of the Provincial Legislature is not eligible for being a Minister ?

Sir Samuel Hoare: I take it from Dr. Ambedkar that is so.

6541. *Dr. B. R. Ambedkar:* I stand subject to correction, but I believe that is the position ?

Sir Samuel Hoare: Yes.

6542. *Dr. B. R. Ambedkar:* So you are really introducing the very important change by allowing nominated members in the Upper Chambers to be Ministers in the new Government ?

Sir Samuel Hoare: It is, of course, a very different kind of Government.

6543. *Dr. B. R. Ambedkar:* I am not going into the reasons, but I am only stating the facts ?

Sir Samuel Hoare : Yes. I think there is a great deal to be said for giving the Governor a free choice, always assuming, Dr. Ambedkar, that the Cabinet is collectively responsible and there would be no intention of imposing a Minister against the wish of the Cabinet in case of this kind.

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‡6549. *Sir Tej Bahadur Sapru* : Is Sir Samuel right in conceding that the present Government of India Act makes a distinction between elected and nominated members for appointment as Ministers ?

Sir Malcolm Hailey: It was new to me, but I took it from Dr. Ambedkar.

Dr. B. R. Ambedkar: I used it in the sense that it must be an elected member within six months.

Sir Tej Bahadur Sapru : So far as I can see the Government of India Act makes no distinction between elected and nominated members for the purpose of appointment as Ministers. The Section which deals with that matter is Section 52.

Dr. B. R. Ambedkar: He has to get himself elected.

6550. *Sir Tej Bahadur Sapru*: I thought Dr. Ambedkar put it to Sir Samuel, and suggested that the Government of India Act makes a distinction between elected and nominated members in the matter of being Minister ?

Sir Malcolm Hailey: It only does so to the extent of laying down that a Minister shall not hold office for a longer period than six months unless he becomes an elected member.

6551. *Sir Tej Bahadur Sapru* : But if there is a nominated member there already, there is nothing to prevent you from appointing him Minister ?

Sir Malcolm Hailey: That is so.

6552. *Sir Tej Bahadur Sapru* : And that has been done ?

Sir Malcolm Hailey : Yes.

Sir Tej Bahadur Sapru: The law, as I understand it, is this: It is open to the Governor to appoint any outsider a Minister, provided that outsider gets elected to the Legislative Council within a period of six months. Similarly, it is open to the Governor to appoint a Minister from the block of nominated members who are already there. The Act does not make any distinction.

6553. *Mr. Zafrulla Khan* : Once a nominated member is appointed, does he continue to be nominated member all the time or must he seek election ?

Sir Samuel Hoare: No, I thought that was quite clear. A nominated member is treated just like anyone else.

Dr. B. R. Ambedkar: He cannot continue to be a Minister after six months unless he gets elected.

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‡6558. *Dr. B. R. Ambedkar*: May I read the section ?

Sir Samuel Hoare: Does it really very much matter with what the

‡Minutes of Evidence, Vol. II-B, 14th July 1933, p. 748.

‡Ibid., pp. 749-50.