

Dr. B. R. Ambedkar: But, all the same, the issue in both cases would be the same, namely, the interpretation of the Constitution Act. I can quite understand the distinction being based upon different causes of action, but where the cause of action is the same, or rather the plea is the same, namely, that there is a breach of the constitution, I do not see any justification in making this distinction based upon units and parties.

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†14,380. *Dr. B. R. Ambedkar*: Now there is another question which I wish to ask the Secretary of State, and it is this. I do not find any provision in the White Paper about it. Do not you think, Secretary of State, it is desirable that there should be provision made allowing private individuals to sue for a declaration that a particular act is unconstitutional, although he is not seeking any specific relief? I mean, all the cases that you have provided for I find are cases in which some specific relief is asked for. It may be desirable that a private party, in order to safeguard his future, may like to test at once if he has any doubts whether the particular proposal made by the Federation or by a Province is unconstitutional so that he may safeguard his position for the future, although, at the moment, when he is filing the suit for the proceedings, he has no reason to seek any specific relief?

Sir Samuel Hoare: I have some hesitation, not being a lawyer, in answering a question of that kind, but if I may give offhand the answer of a layman I would have said that it was extraordinarily difficult to allow a general right of that kind without any specific issue affecting the individual.

Marquess of Reading: May I make the observation that what you have said is really the law as it is applied in this country? We do not allow these applications of what are called *Qia timet*, that is to say, merely a case of difficulty hereafter to get a declaration when there is no substantial dispute and the moment there is a dispute it can be done. We never allow it, and I do not think they do in India.

Sir Hari Singh Gour: No cause of action ; no right of suit.

Mr. Zafrulla Khan: Indeed there would be very great difficulties if such a provision were inserted in the Constitution. You would start a million suits being instituted in India the moment the Act was passed.

14,381. *Dr. B. R. Ambedkar:* I do not know whether everybody will exercise his right?

Sir Samuel Hoare: It would be an excellent affair for the legal profession in India.

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‡15,741. *Dr. B. R. Ambedkar*: Just one question, Secretary of State, dealing with the exceptions in (c), “Special Powers” (Special powers of the Governor-General) as I understand, the position is this: Generally

† Minutes of Evidence, Vol. II-B, 20th October 1933, p. 1293.

‡ *Ibid.*, 7th November 1933 p. 1344.

speaking, the Legislature cannot pass a discriminatory Act. I am speaking quite generally ?

Sir Samuel Hoare : Yes.

15,742. *Dr. B. R. Ambedkar*: Administratively the Government of the day cannot discriminate unless it satisfies the Governor that there is no discrimination in fact ?

Sir Samuel Hoare: No.

Mr. M. R. Jayakar: The Governor-General.

15,743. *Dr. B. R. Ambedkar*: The Governor-General or the Governor, because the proviso refers to both. That is theoretically and generally the position, is it not ?

Sir Samuel Hoare: Yes.

15,744. *Dr. B. R. Ambedkar*: Now under sub-clause (c) the Governor-General will have the power to pass a legislative enactment making a discrimination if it came within the terms of this proviso. I mean, this power you give to the Governor not only for administrative purposes, but also for legislative purposes ?

Sir Samuel Hoare: It is the general power under Proposal 18 of the White Paper.

15,745. *Dr. B. R. Ambedkar*: Governing both ; so that the Governor may discriminate although the Government may not ?

Sir Samuel Hoare: For the prevention of any grave menace to peace and tranquillity.

15,746. *Dr. B. R. Ambedkar*: Yes ; Now I want to ask what is the import of this. I will put one or two specific illustrations to see if that is what you mean. I suppose under (his clause it would be possible for the Governor-General, by way of prevention of any grave menace, to say that certain persons shall not be employed in the Army. Would it be open to the Governor to do so under this ?

Sir Samuel Hoare: I suppose theoretically it would be, but the case would be very remote in connection with a grave menace to peace and tranquillity. I cannot, for instance, imagine putting the concrete case which is perhaps in Dr. Ambedkar's mind, a Governor-General saying that a proposal to start a unit endangered the peace and tranquillity of India.

15,747. *Dr. B. R. Ambedkar*: I am glad to hear that. That is what rather disturbed me ?

Sir Samuel Hoare: I am not saying whether from a military point of view it would be a good or a bad plan but I cannot see that this would come within the scope of this safeguard.

15,748. *Dr. B. R. Ambedkar*: Nor would it come within the special powers of the Governor in this clause to say that the Depressed Classes shall not be employed in the Police ?

Sir Samuel Hoare: No.

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- Struggle for Human Rights

Part Two

- Socio-Political, Religious Activities

Part Three

- Speeches



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Director

Dr. BABASAHEB AMBEDKAR WRITINGS AND SPEECHES

HERO AND HERO-WORSHIP

Hero-worship in the sense of expressing our unbounded admiration is one thing. To obey the hero is a totally different kind of hero-worship. There is nothing wrong in the former while the latter is no doubt a most pernicious thing. The former is only man's respect of everything which is noble and of which the great man is only an embodiment. The latter is the villain's fealty to his lord. The former is consistent with respect, but the latter is a sign of debasement. The former does not take away one's intelligence to think and independence to act. The latter makes one a perfect fool. The former involves no disaster to the State. The latter is the source of positive danger to it. In short in celebrating Ranade's birthday we are not worshipping a boss who is elected by no one, accountable to no one and removable by no one, but paying our tribute of admiration to a leader who led and did not drive people, who sought to give effect to their deliberate judgment and did not try to impose his own will upon them by trickery or by violence.

- Dr. B. R. Ambedkar
In 'Ranade, Gandhi and Jinnah'

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