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

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

The Honourable the Speaker: Do not be too long.

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

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

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

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

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

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

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

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

***Discussion resumed**

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

The Honourable the Speaker: Is it a different one ?

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

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

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

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

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

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

The amendment will then read—

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

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

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

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

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

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

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

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

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