

*ON VILLAGE PANCHAYATS BILL : 2

NOMINATION OF DEPRESSED CLASSES ON PANCHAYAT

Dr. B. R. Ambedkar: Mr. President, I must congratulate the Honourable Minister in charge of this Bill for having brought this amendment, belated as it is, which seeks to do some justice to the two great minorities of this province. Grateful as I am to the Minister I feel I must support the amendment of my honourable friend Mr. Mitha. I do not know what has passed on the floor of this House before I came in between the Honourable Minister for Local Self-Government and my honourable friends who are sitting on the front opposition bench. But I understand that they have no objection to the amendment as worded by the Honourable Minister for Local Self-Government that if the amendment stood in the terms in which he had proposed it, the opposition, without much lament would accept it.

Now Sir, if that is the position, then I do not understand what difficulty can the honourable members of the opposition have in order to accept the amendment proposed by my honourable friend Mr. Mitha. Sir, as I understand the position of the Honourable Minister and my friend Mr. Mitha the difference seems to me to be of a very minor character. The Honourable Minister for Local Self-Government has stated his amendment in general terms. He wants to impose an obligation upon the Collector in the matter of exercising his discretion in making provision for the appointment to the village bench of members of minority communities. That obligation he chooses to state in the general terms in the name of minorities whoever they may be. My honourable friend Mr. Mitha has gone a step further and stated that in doing so, the Collector should specifically bear in mind the

*B.L.C. Debates, Vol. XXXVII, pp. 323-24, dated 10th February 1933.

Honourable Sir Rustom J. Vakil moved an amendment to clause 37(2) of the Village Panchayats Act, seeking just and proper representation of minority communities in the village on a village bench.

To this amendment, Mr. Mahomed Suleman Cassum Mitha moved another amendment which reads as under :—

“Provided that when any such class consists of Mahomedans or members of the depressed classes the Collector shall appoint at least one Mahomedan or one member of the depressed classes, as the case may be, a member of the village bench.”.

Dr. Ambedkar rose to support this amendment of Mr. Mitha.

Mahomedans and the Depressed Classes. Sir, I do not understand why the Honourable members who accept the amendment in general terms should object to the particularisation of that amendment. Do they think or do they not think there are minorities in this province, and the Honourable Minister's proviso is intended to safeguard the interests of these minorities? If the minorities are there, then what is the harm if those minorities are specifically named in a clause? If the general amendment is accepted that the minorities ought to be protected and if we, by our common knowledge of affairs in this Presidency, know that in every village if there are no other minorities, there are certainly the depressed classes and the Mahomedans. I do not quite understand what objection there can be if these particular minorities were mentioned in the clause itself. Either let us be honest and say that we do not see why any such clause giving special rights and special protection is necessary, or admit that there are communities which need special protection, and, if we mean business, let us specify the community that needs protection.

Rao Bahadur G. K. Chitale: What is that protection?

Dr. B. R. Ambedkar: There ought to be no half-way halting house if we are honest in meeting the situation as it is.

Sir, the last speaker, honourable member Rao Bahadur Chitale, urged two propositions. First of all, he said that in accepting the amendment proposed by my honourable friend Mr. Mitha we shall be disfiguring the statute. Well, Sir, I would like to remind my honourable friend that this is a cry which is too late. We shall have a constitution not for this province, nor for that province, but a constitution for every province, a constitution for the whole of India, which will have recognised this principle in as clear terms as we can think of.

Honourable Members: "Hear!"

Dr. B. R. Ambedkar: It is too late. The plea which has been urged by my honourable friend in this House is a plea which has been urged by many stalwarts in the Round Table Conference, and we know, Sir, that they all came to grief, not only they came to grief but they almost ended in wrecking the constitution. If I may speak from personal experience, if there is anything that brought disaster on the Round Table Conference, it is the academic attitude of these stalwarts.

Sir, India is not Europe. England is not India. England does not know caste system. We do. Consequently the political arrangement that may suit England can never suit us. Let us recognise that fact And I would go one step further, Sir in saying that, whatever other students of Indian politics may say, I maintain the proposition that if there is any good in the Indian Constitution that is going to come, it is the recognition of the principle of communal representation.

Honourable Members: "Hear, hear!"

Dr. B. R. Ambedkar: I am not ashamed of what I am saying. I know, and I am saying, that it is going to be one of the best parts of the Indian

Constitution. We do not want, I do not want, the mere right to go to the ballot box and not knowing who is my representative, or if there is going to be any representative to represent me at all. I want a system in which not only I will have a right to go to the ballot box, but I will have a right to have a body of people belonging to my own class who will be inside the House, not only discuss matters but take part in deciding issues. I say, therefore, that communal representation is not a vicious thing, it is not a poison, it is the best arrangement that can be made for the safety and security of the different classes in this country. I do not call it a disfiguring of the constitution. I call it.....

Dr. M. K. Dixit: Decoration.

Dr. B. R. Ambedkar: Yes, decoration of the constitution. Then my honourable friend asks, should we admit this principle in the judiciary? Well, if my honourable friend can assure me that the existing judiciary is not without its communal bias, that, the Brahmin judge, when he sits to adjudicate upon issues between a Brahmin defendant and a Brahmin plaintiff, he decides as a mere judge I perhaps would be inclined to consider his proposition favourably. But I know what sort of judiciary we have. If my honourable friend and if this House had the patience, I could reel off heaps of stories where I know to my knowledge that the judiciary has abused and prostituted its position.

(Honourable Members Oh ! Oh!)

It is because we are not certain that what they call the village folk, the folk who are bound together by ties of blood, by ties of kith and kin, will not make a conspiracy to utilise the political and judicial power that they will get to put down the other classes that we want this provision. Sir, I have no doubt at all that this is one of the best provisions that we can have in the constitution, and I whole heartedly support the amendment of my honourable friend Mr. Mitha.

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†*Rao Bahadur R. R. Kale:* Then Sir, I do object to the remarks of my honourable friend Dr. Ambedkar with regard to the judiciary of this presidency. It pained me certainly to hear him say that he questioned the *bona fides* and straightforwardness of our judiciary, which has been proclaimed even by the Privy Council to be second to none, when matters went to that Tribunal It has been held by the highest tribunal in the land, namely, the Privy Council in its judgments from time to time, as being the best judiciary in the whole of the World.

An Honourable Member: In the whole world ?

Rao Bahadur R. R. Kale: Yes, in the whole world. My point is that it is certainly a serious slander to say that the judiciary is influenced by communal considerations. It pained me very much when I heard my

†B.L.C. Debates, Vol. XXXVII, pp. 326-27, dated 10th February 1933.

honourable friend Dr. Ambedkar say "I know what sort of a judiciary we have, they are guided by communal considerations in disposing of cases.

Moulavi Sir Rafiuddin Ahmed: By whom is it uttered ?

Rao Bahadur R. R. Kale: By the Honourable member Dr. Ambedkar.

Moulavi Sir Rafiuddin Ahmed: Your brother-in-law, and a Hindu.

Rao Bahadur R. R. Kale: What do you mean by "brother-in-law" ? He may be even my father or my son. I certainly would detest such an accusation coming from any one in this House. He may be my brother-in-law, or my father, or my son. I say I do not care. I do really feel for such an aspersion being thrown on the whole body of the judiciary in this privileged place, when they are not here to defend themselves. I do not know what judicial experience my honourable friend Dr. Ambedkar has. He may have some experience, but over 40 years' experience stands to my credit, and I can and do say that from the lowest to the highest tribunal, including the High Court, including the sub-courts, I have not been able to come across any communal bias in the decision of a case when the case comes before a judge. Therefore, I do demur to the proposition put forward by my honourable friend. I can understand the mentality of men of Dr. Ambedkar's persuasion—why they want even on the village bench a particulars community to be represented. That shows their mental attitude.

Mr. L. R. Gokhale (Poona City): The honourable member Dr. Ambedkar was here and I am sorry he has gone I am surprised to find that the honourable members on the opposite benches who belong to the judiciary did not speak a word of protest when the sub-judges are maligned to their very face in this Honourable House.

Mr. B. S. Kamat: Before I come to his point, Sir, I must say that whether his services on this afternoon were requisitioned for a specific purpose for the occasion, or whether it was by a very happy coincidence that he came in this House,—I am not concerned which was the fact,—I do think that, taking Parliamentary practice as it is, it is not fair for a speaker to disappear from the House, to fit across like a comet from the horizon without listening to the other side of the House. This is entirely contrary to Parliamentary etiquette and unsportsman-like in spirit

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Saturday, 11th February, 1933

†*Rao Bahadur G. K. Chitale (Ahmadnagar District):* (While raising a point of order) Sir, yesterday's attack of my Honourable friend Dr. Ambedkar on the Brahmin judiciary as a class is an instance which I have not yet met within any of these Councils though they have been exercising those rights for about 12 years. Under these circumstances, if it is open to slander a class, I should think that this side—the other side may note—it will make it a point to launch an attack on individual officers coming out of the minorities. I should therefore think, Sir, that an authoritative ruling

†B.L.C. Debates, Vol. XXXVII, pp. 339-40, dated 11th February 1933.

is absolutely necessary in this respect because I was really pained to see the treasury benches or the Government benches, in whose hands the honour of their own servants is concerned, were mute absolutely.

The Honourable Mr. R. D. Bell: Sir, Before therefore, the discussion goes any further, if there is to be any discussion, I think the House should know the exact words which the honourable member Dr. Ambedkar said.

Moulavi Sir Rafiuddin Ahmed: Sir, as this discussion will have a bearing on the presence of the honourable member Dr. Ambedkar, if this debate takes place when he is present here, that would be very relevant.

The Honourable the President: The suggestion made by the honourable member Sir Rafiuddin Ahmed cannot be accepted and the House cannot wait till the honourable member Dr. Ambedkar is in the House, which is very uncertain factor. So that cannot be ; but in the meanwhile I think it would be preferable that we should go by the exact words of the speech and then the House will be in a better position to decide one way or the other.

Reads, 'what is reported to have said yesterday'.

The Honourable Mr. R. D. Bell: Mr. President, it must be the case that the Honourable Member Dr. Ambedkar has not yet seen the typescript of his speech and therefore fully share the regret expressed by the honourable member Mr. Kamat and yourself that he was present neither yesterday nor this morning in order to give himself, in fairness to himself the opportunity of explaining these words.

Then he defends how 'the Government have full and complete confidence in the Judiciary.'

The Honourable the President: I am glad that the Honourable the Home Member has made the statement. After the fullest statement made by the Honourable the Home Member the House has nothing further to take cognizance of.

I now add that it is certainly very objectionable and unparliamentary and unfair to any Department or service. I personally believe that honourable members who have the command of language, or believe that they have the gift of delivery may, in the flourish of the moment, go very much further than they should go, and regret afterwards at leisure. As the Honourable the Home Member pointed out evidently the honourable Member Dr. Ambedkar has not read the transcript of his statement yet. If he reads it, he would, I am sure feel, or ought to feel, as the whole House does. I myself would warn honourable members of this House that it is "highly unparliamentary to make a general condemnation, a wholesale of a highly respected service like the judiciary. I think the honourable member was wrong, and the point raised will be of considerable utility to the House for its guidance in future. I share the opinions expressed both on the Government side and the other side of the House (Applause).