

***ON VILLAGE PANCHAYATS BILL : 3**

STATEMENT BY DR. AMBEDKAR RE : His SPEECH

Dr. B. R. Ambedkar: Mr. President, I crave your permission to offer my explanation with regard to the point of order that was raised by my Honourable friend Rao Bahadur Chitale on Saturday last as to the propriety of certain remarks that were alleged to have been made by me in the course of my speech on Friday last in connection with the amendment moved by my honourable friend Mr. Mitha. Sir, I was very anxious to offer this explanation on Saturday when the point was raised. But I could not obtain from the office, copies of the transcript of my speech and the statements made by honourable members in connection with the point of order. I was told by the office that it would not be possible for them to hand over the transcript to me before the Council rose. Consequently I was obliged to postpone my explanation till this hour.

I regret very much that this point of order should have been raised without first ascertaining whether I accepted the transcript as a correct record of what I said. It is one of the elementary principles of justice, I submit, Sir, in all humility, that no conclusion should be drawn, unless the facts on which it is going to be founded, are first ascertained. I am sorry I was not allowed the benefit of this rule. It was stated, on the basis of the argument urged by my honourable friend Mr. Kamat, that I was not entitled to this courtesy on the ground that my sudden departure on Friday, after making a speech, was a violation of the rules of Parliamentary etiquette. With regard to the rules of etiquette one must ever be ready to learn from the honourable member Mr. Kamat who as we all know belongs to that most ancient and honourable order of Indian politicians, the Liberals, and who has grown grey in Parliamentary life. In this particular case, I venture to say that the rule of etiquette relied upon cannot apply. If I have understood the rule correctly, it lays down that a member should not leave the House after his speech but should wait to hear the reply and it applies only when the member has in the course of his speech attacked another member of the House individually and personally. It does not extend in my opinion, to a case where a member has urged general arguments based on generally known facts.

*B.L.C. Debates, Vol. XXXVII, pp. 400-03, dated 13th February 1933.

So extended, I submit, Sir, that the rule would require that every member who has taken part in the debate must continue to be present at all times till the question is put and listen to every speech in the debate. I had not questioned the honourable member Mr. Kamat, or for the matter of that, any other honourable member of the House and as I had nothing to hear in reply I did not feel bound to sit, because I had an important engagement to fulfil. Another reason why I was not allowed the benefit of the rule of not condemning without hearing was that I was not a full-time member and that no body would be certain when I would be present. I bow to the opinion expressed therein. I must confess perhaps that I am more regular in my irregularity in attendance, although measured in terms of utility I do say that whatever work I have been able to do as a member of this House either inside or outside it will not fall below parity. Whether I am regular or irregular, that is not the point. The point is, in my opinion, why did not the honourable member raise the issue immediately while I was speaking? If I understand the procedure correctly for raising a point of order, the procedure must be that a member who wants to complain must draw the attention of the President at the moment when the alleged violation of the order occurs. It is therefore strange to my mind that the aggrieved party should do nothing at the moment, sleep over the night, give vent to his grievances the next morning without notice, and then complain that the delinquent is not present in the box. A fair and correct procedure for the honourable member was to have immediately raised the point of order just when I was speaking or in fairness he was bound to give notice.

With regard to the substance of the point of order, I must state at once that I do not accept the transcript as a correct record of what I said. The transcript as it stands reads as if I was accusing the whole judiciary wholesale, which certainly was not my intention nor my purpose. The transcript reads—

“The Brahmin Judge, when he sits to adjudicate upon issues between a Brahmin plaintiff and a Brahmin defendant, he decides as a mere Judge” etc.

This is incorrect, I was not referring to the case in which the Brahmins were parties to a dispute. I was referring to the cases in which the parties were Brahmins and non-Brahmins. Again the words “without a communal bias” after the words “decides as a mere judge” are left out Secondly, my important words of limitation have been left out from the sentence—

“The judiciary has abused and prostituted its position.”

What I said was that the judiciary has in such matters abused and prostituted its position. From these corrections it would be evident that I had no intention to pass any censure on the judiciary enbloc, nor did I intend to pass judgment on its conduct wholesale. Secondly I had no intention to pass any adverse remarks on Brahmins as such in the judicial service. Indeed, I go further and say that, when I referred to the Brahmin judiciary, it was not with a view to single them out for special condemnation. I was dealing with the issue generally and I used the Brahmins by way of illustration. That is evident from the fact that in the last of my speech, I speak of the judiciary in general without particularising any single

element in its composition. What is therefore important is for the purpose of the argument I was making, it was quite unnecessary for me to condemn the judiciary as a whole or to single out any particular element in it for special notice. I was replying to the point raised by the honourable member Rao Bahadur Chitale whether the judiciary has or has not communal bias. My reply to him was that as a consequence of the social system we were living under communal bias was a necessary consequence, I spoke of the Brahmin judge by way of illustration, because I was replying to an opponent who happened to be a Brahmin. If my opponent was a non-Brahmin or a Mahomedan, I would not have hesitated to refer to them. I do not know, Sir, whether you think that a statement alleging that the judiciary exhibits communal bias in communal cases is an unfair statement. I leave it to you and this House. All that I would say is that it is a premise which is recognised even by the Criminal Procedure Code. We have a section in the Criminal Procedure Code which permits parties to ask for a transfer on the ground that the judge has bias. We have a provision in the Criminal Procedure Code which prohibits a judge from entertaining a case in which he has interest. Secondly, this view, namely, that the judiciary has bias, may exhibit a communal bias in the issues of a communal character is recognised in the Bill itself. Most of the honourable members will remember that the Bill was originally based on the principle that the whole of the village bench should be the elected panchayat. It was in the course of the first reading I urged that it was not a proper principle to base the constitution of a judiciary and in response to that I believe a change was made in that part of the judiciary should be nominated. I regard that, Sir, as an evidence of the fact that communal bias is there. Lastly even the honourable member who raised the point of order seems to recognise what I am saying in his speech on the point of order. He threatened the Honourable the Home Member in these ominous words : "If the Honourable Home Member did not repudiate me," the honourable member would make it a point to launch an attack on individual officers coming out of the minority communities—a performance which he could not enact, unless he was certain of the existence of the facts I have referred to. The thing that pained my honourable friend is not the point I was making but the particular illustration I gave. If I had illustrated my point by citing a Mussalman or a non-Brahmin, the point of order would not have been raised. Probably I would have been lavishly praised. That is all I have to say.

After the statement on 13th February 1933 by Dr. Ambedkar, the Honourable the President explained the criticism in Ambedkar's speech, discussed etiquettes in the Council, the merits of the speech, and concluded : —

"I have nothing further to say. The explanation given by the honourable member must be accepted, that it was not a general condemnation of the whole of the judiciary that he meant, but that it was an attempt to point out that there were instances in which communal bias had appeared in judicial courts also."