

## \*ON DISTURBANCES ENQUIRY COMMITTEE'S REPORT

*Dr. B. R. Ambedkar (Bombay City)* : I will try to finish within five minutes because I have not much to say. Mr. Speaker, Sir, if I rise to speak on this cut motion it is not because I think I am called upon to meet what the Committee has been pleased to say about myself. There is neither the time nor, in my judgment, any necessity for me to advance any pleading in respect of the position that I took with regard to this strike and I will, therefore, leave that matter aside. If I rise to speak, it is because I think that the speeches which have been delivered by the two honourable members of this House who preceded me gave me the impression that they would result in side-tracking the attention from the principal issues with which we are concerned as a result of this report. In my judgment, there are three questions that we have to consider—certainly two. It is to ask these three questions to the Home Minister that I have risen to speak. I accept for what it is worth the finding of this Committee that there were disturbances, for the sake of argument.

*Mr. Jamnadas M. Mehta* : They were not findings but they were found for the Committee.

*Dr. B. R. Ambedkar* : Whatever it may be, what the Committee has reported is this and it is reported in very definite terms. Paragraph 84 says :—

“The attitude and actions of the crowd were solely responsible for the firing. We are of opinion that the ultimate responsibility for the disturbance at the Elphinstone Mill, which resulted in firing and consequent casualties, must rest on the members of the Council of Action, who, by their intensive propaganda, invited the illiterate workers to resort to violence to make the strike a success.”.

As I said, I am not going to examine the correctness of this finding. I think if one wanted to examine the correctness of the finding, one could say a great deal, because speaking for myself I certainly find that the evidence on which this finding has been based and the number of the speeches alleged to have been delivered by the persons who were members

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\*B.L.A. Debates, Vol. 5, pp. 1724-27, dated 17th March 1939.

of the Council of Action and they have all been given in the body of this report practically from page 10 onwards, do not in my judgment support this finding. As I stated, I am taking this as a finding of fact for the sake of argument and the question that I am going to ask to the Honourable the Home Minister is this : Does he believe that this report is true ? If he says that this report is true, is he prepared to prosecute the members of the Council of Action for having aided and abetted this violence ? Speaking for myself, inasmuch as I was connected with this Council of Action, I am prepared to take my trial. Let any man who has the courage, who has the confidence, who believes in this evidence, come forward and prosecute me. I am prepared to take my trial and suffer what punishment the law might inflict upon me. That is my first question. The second question that I am going to ask the Honourable the Home Minister is this, and that is again based upon a finding of the Enquiry Committee which, as I said, I am going to accept for the sake of argument. I thought that the principal question with which this Committee was concerned was the question of justification of the firing. The Committee has stated that the firing was justified, that there were reasons for the firing. The Committee, I believe, has also reported that without firing the violence could not have been curbed, in other words, that the firing was just sufficient for the purpose. As I said, I am taking that finding as true for the purpose of my argument. I am also asking therefore another question to the Honourable the Home Minister. Is he prepared to prosecute the police officers who indulged in this firing in an ordinary court of law and get the finding given by this Committee sustained by a Judge and a Jury? Sir, I like to point out to this House that so far as the law is concerned, there is no difference between an ordinary citizen and a police officer or a military officer, and I would like to read for the benefit of the House a short paragraph from a very classical document which I am sure my honourable friend the Home Minister knows, namely, the Report of the Featherstone Riots Commitee. In one passage it says :—

“Officers and soldiers are under no special privileges and subject to no special responsibility as regards the principle of the law. A soldier for the purpose of establishing civil order is only a citizen armed in a particular manner. He cannot, because he is a soldier, excuse himself if, without necessity, he takes human life. The duty of magistrates and police officers to summon or abstain from summoning the assistance of the military depends in like manner in this case. A soldier can only act by using his arms. The weapons he carries are deadly. They cannot be employed at all without danger to life and limb, and in these days of improved rites and perfected ammunition without some risk and endangering distant and possibly innocent bystanders. To call for assistance against rioters from those who can only interpose under such grave conditions

ought, of course, to be the last expedient of the civil authority."

And so far as the law of this country is concerned, this is the law. To put it very briefly, to put it in the language of that great writer on constitutional law Professor Dicey, the law is this that if a police officer or if a military officer does not obey the command of his officer when he is told to fire, he may be hanged by a court martial and if he obeys it and kills an innocent man, he will be hanged by a judge and a jury. His case must stand by the necessity of the circumstances. His case must stand on whether he has used excess of force. What I want to argue is this. Here is a committee which has justified the conduct of the police. The only thing that I am asking my honourable friend is this : If he believes in this document which has been written by three able and honourable men, if he has confidence in it, why does he not sanction prosecution against those people if that is true ? If there is a jury which can accept that there was a necessity and if there is a jury which can accept that there was no excess, well and good. Let us have a verdict of a judge and jury, and I put it this way that if he does not do this, if he does not prosecute the members of the Council of Action, if he does not prosecute the police officers, then this report has no greater value than a fiction or a novel written by the Three Tailors of Tooley Street. (Laughter).

And, Sir, there is the third question I want to ask, namely, and this is for information. Sir, I am informed and very reliably informed and I put this information to the Honourable the Home Minister that the Manager of the Spring Mill in the vicinity of which the firing took place at 6-30 or so on that day sent a sum of Rs. 200 to be distributed as reward among the police officers who took part in this firing. I do not know whether the Honourable the Home Minister is aware of this fact, but I know this is a fact and if he calls for information from his department, I am sure he will know that this is a fact. Now, Sir, if this is a fact that Rs. 200 were sent by the Manager of the Spring Mill to the Government with a specific direction that the amount was to be distributed as rewards among the police officers who took part in the riot or in the firing on that particular day, that took place in the vicinity of the mill, Sir, I like to ask whether it is not justifiable to say that the firing was resorted to not because there was violence but because the Mill Manager told the police officers to do their job thoroughly. This is a very scandalous state of affairs, and I want the Honourable the Home Minister to take this fact very seriously, because if this is a fact, this police force is a police force maintained by the State not to do justice between classes but it is a police force to side with hirelings and side with assassins to be used by the capitalist class for the purpose of putting down the agitation of workers.

Sir, this affair fills me with horror, and it reminds me of what was

told by a very able civilian in the course of his evidence before the Joint Parliamentary Committee. I refer to the evidence of the late Sir, Edward Thompson, who was for some time Governor of the Punjab and for some time a member of the Viceroy's Executive Council. On his retirement he started an organisation in England in order to support the cause of Indian home rule. As everybody in this House knows, at the time when the Round Table Conference met, the civilians who had gone back—from here were divided into two groups—one group opposed to Indian home rule, and the other supporting Indian home rule. Sir Edward Thompson was one of those who led the group in support of the Indian claim. As a member of that group, he came before the Joint Parliamentary Committee to give evidence and to support his point of view, namely, as to why India should be given home rule. We were all very pleased that at any rate a section of the Indian civilians should come forward honestly and wholeheartedly to support the Indian cause. But I frankly say that I was horrified by the argument that he advanced. What was the argument that he advanced? The argument that he advanced was this. He said, "I am an Irishman. I live in Southern Ireland. I have witnessed the rebellion that took place in Southern Ireland during 1916 and onwards". The one thing that convinced him, he said, in favour of Irish home rule was this: So long as the rebellion was going on, no Englishman could shoot an Irishman, however violent his action was, because if an Englishman shot an Irishman, the whole Irish country went up in arms. He said that as soon as home rule was granted, it was possible for Cosgrave to shoot Irishmen, and nobody rose in rebellion against it. He said that one advantage that the Englishman would have from home rule to India would be that the Indian Ministers would be able to shoot Indians without any qualms. This is exactly what is happening. This is not the only occasion when disturbances have taken place.

*The Honourable the Speaker*: I would remind the honourable member of the time-limit.

*Dr. B. R. Ambedkar*: I am much obliged to you, Sir; I will finish in a minute.

As I said, this is not the only occasion when disturbances have taken place. If my honourable friend will search the official files, he will find that there have been plenty of occasions prior to this when the disturbances were far greater. Take a single illustration—the occasion when the Prince of Wales visited this country. What was the magnitude of the disturbances that took place then? Take the riots that took place in 1928-29; what was the magnitude of the disturbances that took place then? Disturbances are no doubt very unfortunate, but they could never be otherwise. The only question is this: Whether, in maintaining peace and order, we shall not have regard for freedom and for liberty. And if home rule means nothing

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else—as I am thinking, it can mean nothing else—than that our own Minister can shoot our own people, and the rest of us merely laugh at the whole show or rise to support him because he happens to belong to a particular party, then I say home rule has been a curse and not a benefit to all India. (Applause).

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