

*ON PARTICIPATION IN THE WAR : 1

Dr. B. R. Ambedkar : Sir, I rise on a point of order. My point of order relates to the last part of the resolution which reads as follows : —

“This Assembly regrets that the situation in India has not been rightly understood by His Majesty’s Government when authorising the statement that has been made on their behalf in regard to India.”

Sir, I rely on rule 75 of the Bombay Legislative Assembly Rules which deals with the form and contents of resolutions. The rule reads as under : —

“Subject to the restrictions contained in these Rules, a resolution may be moved on a matter of general public interest :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

(a) it shall be clearly and precisely expressed and shall raise one definite issue.....”.

My submission is that the last part of the resolution is not only not definite, but is certainly most ambiguous. The part of the resolution which I refer to says that “the situation in India has not been rightly understood by His Majesty’s Government”. My submission is that the House is entitled to know in what respect the Government of India has not rightly understood the situation in India. In that respect this part of the resolution is ambiguous. One of the fundamental principles which govern all decisions of the House is that the House ought not to leave the interpretation of any part of the decision that it takes to anybody outside it. The House ought definitely to say what it decides, and on that point I rely upon a precedent which has been referred to in the Digest of Rulings of the Presidents, Bombay Legislative Council, at page 148. Ruling No. 24 reads as follows : —

“A resolution must be definite and not ambiguous. Neither the Council nor the Government ought to be a party to an ambiguous resolution which makes its meaning not quite clear.”

I made a reference to Volume IV (1921), page 772 in connection with this ruling, and I find that this ruling arose out of an amendment moved by the honourable member Sir Dhanjishah Cooper to a resolution which referred

*B.L.A. Debates, Vol. 7, pp. 1968-69, dated 25th October 1939.

to the distribution of irrigation water, and his amendment suggested certain remedies to be applied “as far as practicable”. A point of order was raised that this was an ambiguous amendment and it was disallowed. My submission is that the case I am referring to, so far as this resolution is concerned, is governed by this ruling and, therefore, should be declared out of order.

The Honourable Mr. B. G. Kher : I submit that the rule to which my honourable friend referred has no application at all here. The rule only says that the resolution should be clearly and precisely expressed. My resolution says that “this Assembly regrets that the situation in India has not been rightly understood by His Majesty’s Government when authorising the statement that has been made on their behalf in regard to India.” The question, therefore, is and the definite issue is : does the statement which has been made on His Majesty’s behalf correctly represent the situation in India ? That is the definite and precise issue, and there is no vagueness in it. I submit further that it is one definite issue as is contemplated by Rule 75(a). Therefore, the objection raised by the honourable member has no application here. I can quite understand the ruling given about “as far as practicable”, because that may mean anything. Here we are referring to the statement—that statement is not an unknown matter, that statement is before the House—and—

Dr. B. R. Ambedkar : I might invite the attention of the Honourable the Prime Minister to the fact that the wording is that “the situation in India has not been rightly understood” ; and my submission is that the House is entitled to know in what respect the Government of India has not rightly understood the situation.

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†*Dr. B. R. Ambedkar (Bombay City)* : Sir, I beg to move the following four amendments. My first amendment is this :

The Honourable the Speaker : I am taking it as one amendment.

Dr. B. R. Ambedkar : Sir, I beg to move—

Delete the words—

“and have further in complete disregard of Indian opinion passed laws and adopted measures curtailing the powers and activities of the Provincial Governments”.

The Honourable Mr. K. M. Munshi : Sir, on a point of order, with regard to your last ruling that the four amendments of the honourable member Dr. Ambedkar should be treated as one amendment. It may be possible for the House to accept one part of this amendment and not the others. Then, difficulty will be created if it is taken as one.

The Honourable the Speaker : Even though it is taken as one amendment, when putting it to the vote it may be divided in two parts. If that is the desire of the House, I shall certainly do so.

†B.L.A. Debates, Vol. 7, p. 1972, dated 25th October 1939.

Dr. B. R. Ambedkar : Further—

After the words “entitled to frame her own constitution” add the following :—

“and that the British Government will agree to give effect to such constitution on being satisfied through the representatives appointed by the minor communities, that the constitution so framed safeguards the life and liberty of these communities”.

After the words “governance of India” add the following : —

“it being premised that such action shall not be in derogation of the fundamental right of the said communities to have a voice through their accredited representatives in the machinery established for the governance of the country”.

Delete the whole portion beginning with “including arrangements” and ending with “in regard to India”.

Question proposed.

The Honourable the Speaker : The resolution as it is sought to be amended will read thus :—

“This Assembly regrets that the British Government have made India a participant in the War between Great Britain and Germany without the consent of the people of India. This Assembly recommends to the Government to convey to the Government of India and through them to the British Government that in consonance with the avowed aims of the present war, it is essential in order to secure the co-operation of the Indian people that the principles of democracy be applied to India and her policy be guided by her people ; and that India should be regarded as an independent nation entitled to frame her own constitution and that the British Government will agree to give effect to such constitution on being satisfied through the representatives appointed by the minor communities, that the constitution so framed safe guards the life and liberty of these communities, and further that suitable action should be taken in so far as it is possible in the immediate present to give effect to that principle in regard to present governance of India, it being premised that such action shall not be in derogation of the fundamental right of the said communities to have a voice through their accredited representatives in the machinery established for the governance of the country.”.

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†*Dr. B. R. Ambedkar* : Sir, I rise to a point of order. My submission is that this amendment is out of order, and I again rely upon sub-clause (a) of rule 75 at page 20. Sub-clause (a) says that a resolution shall be clearly and precisely expressed and shall raise one definite issue. I emphasise the words “one definite issue”. My submission is that if this amendment becomes a part of the resolution, then the whole resolution will offend against sub-clause (a) of rule 75, because in that event the resolution

†B.L.A. Debates, Vol. 7, p. 1976, dated 25th October 1939.

will be covering more than one definite issue. Although the resolution, as it is, deals with, as has been pointed out by speakers before me, four or five different matters, it might be conceded that all these four or five different matters arise out of one issue and that issue is with regard to the war policy and the declaration demanded by this country ; but the question raised by this amendment, which relates to a matter of confidence in the Ministry, I submit, is a definite, distinct and separate issue and cannot be validly held to be a part of the resolution so as to be in conformity with the provisions of sub-clause (a) of rule 75. Sir, I will also invite your attention to the ruling given on this point which is reported at the page 148 and which is No. 23. It is as follows :—

“A resolution must not suffer from the vice of involving two definite issues totally different and distinct from each other.”

This is a ruling which is reported from Volume II of 1921, page 1425. In that case, a resolution was moved with regard to the women’s franchise, and on a point of order it was contended that although the resolution was one it raised two definite issues. One was the right of women to vote and the other was the right of women to sit in the House, and the President at that time ruled that as the resolution involved two definite issues it was out of order. My submission is that for the same reason this amendment, if adopted, would make the resolution out of order.

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†*Dr. B. R. Ambedkar* : No. The question of resignation of the Ministry is a matter for the party. It is not a matter for the House. It is just a matter for the party whether they should stick to office or should not. It would be quite another matter if the Ministry state that the people of this country should not participate in the war. On that point the House can express its opinion. My submission is that the suggestion made by my honourable friend is not before the House—I do not know whether such an amendment to delete the words “while recording its fullest confidence in the Ministry” is coming or not. I am speaking on the amendment as it is now, and my submission is that in the terms in which the amendment stands now, it offends against sub-clause (a) of Rule 75. I will make my submission when the other amendment is before the House.

The Honourable the Speaker : The point of order was that by this amendment more issues than one are sought to be raised in the resolution as it originally stands. Therefore, the honourable member’s objection is not restricted to those words only “while recording its fullest confidence in the Ministry”.

Dr. B. R. Ambedkar : That is what I stated. It is to the whole of the thing.

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†B.L.A. Debates, Vol. 7, p. 1978, dated 25th October 1939.