

Sir P. C. Mitter: I should like to join, Sir, in those discussions.

Dr. Ambedkar: We have heard just now these proposals and percentages being disposed of, but really it strikes me that if you add up all these they not only go over 100 per cent but they practically take no notice of many other communities that are existing in the Punjab and Bengal and in other places. If these communities, the Sikhs, the Muhammadans, the Hindus are going to appropriate 49 and 20 and so on, what is left for the other people? Are they to be taken into account or not? That is a very serious question, Mr. Prime Minister.

Lt. Col. Gidney: May I just raise my humble voice—it is a very small voice. I know—in this conflict? I support what Dr. Ambedkar has just said. Surely you are not going to take the political rupee and give 15 annas and 9 pies to the major communities, leaving 3 pies to be scrambled for by the other minorities. On behalf of the smaller communities I maintain we should have some say in this distribution.

Chairman: That is just the point. I think that we had better discuss this matter with a smaller body and a little but more informally.

Mr. Foot: And no notes taken?

Chairman: And I shall remain in the Chair, you being agreeable, and see what can be done to straighten out the situation that has been opened up by the very hopeful suggestion made by Sir Muhammad Shafi.

Sixth Sitting— 16th January 1931

†*Chairman:* “The inclusion in the Constitution of declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without distinction of race,” and so on, “the free exercise,” and so on.

Raja Narendra Nath: I propose we say “the free and equal exercise”.

Chairman: of his or her economic, social and civil rights”.

Raja Narendra Nath: I do not think we want the “his or her”. Cannot we say “the free and equal exercise of economic, social and civil rights by citizens”? I do not insist on it.

Chairman: “equal” is of substance, but I do not think the other matters very much.

Raja Narendra Nath: I suggest we should say “free and equal exercise”.

Chairman: As a matter of fact, that is a question from Dr. Ambedkar.

Raja Narendra Nath: The word “equal” was used in Dr. Ambedkar’s speech.

Sir M. Shaft: I think “free” covers it.

Dr. Shafa’at Ahmad Khan: I think it should remain as it is.

Chairman: It says “and securing to every individual.....the free

† Proceedings of the Sub-Committee No. III (Minorities), pp, 129-31.

exercise". You cannot secure the equal exercise, because equal is an attribute of the individual who uses the rights.

Raja Narendra Nath: I mean equality in rights; equal rights.

Mr. Chintamani: I do not see the particular propriety of that objective "equal".

Raja Narendra Nath: It is used in Dr. Ambedkar's draft.

Chairman: You can secure to each individual the Free exercise of his rights, but if he does not exercise them in terms of equality that is his lookout, not the Government's.

Raja Narendra Nath: Very well.

Chairman: "his or her" can come out, I think.

Dr. Ambedkar: After the word "rights" at the end of the paragraph I should like the words "without discrimination" added.

Chairman: It says already "without distinction of race, caste, creed or sex".

Dr. Ambedkar: I should like the word "untouchability". You included there !

Chairman :..... "untouchability ! " you already have race and caste.

Dr. Moonje: I think it is all right.

Dr. Ambedkar: In order to explain things better I think that word might be included.

Chairman : Do not let us produce a document which people will laugh at on account of the way it is worded.

Dr. Ambedkar: I think we ought to make a distinction between caste and untouchability. Many people who have caste do not suffer from the difficulties of untouchability.

Raja Narendra Nath: Even the Muslims have caste.

Diwan Bahadur Ramachandra Rao: There is caste among the untouchables. "Caste" is a wider expression.

Mr. Foot: Unless an alteration which is substantial is proposed, I understand it is rather late to make an alteration at this stage.

Dr. Ambedkar: I should like to say "social and civil rights on account of untouchability or otherwise".

Chairman : Untouchability is a violation of social rights, and if you pile on words instead of making it more precise it has, as a matter of fact, an exclusive tendency ; it narrows the thing if you give a specific application to a general principle. If you keep your general principle sound you are much safer so far as its application is concerned than if you quote it as applying to the one particular grievance.

Dr. Ambedkar: That is true, but I do maintain that the question of interpretation will come in, and I should like whoever is going to handle this Report to understand that the Sub-Committee did mean not to impose any disability on account of untouchability.

Chairman : In a case like that, if there is any doubt about it, I will take the opinion of the Committee and settle it. Do you persist, Dr. Ambedkar ?

Dr. Ambedkar : I am afraid, Sir, I shall have to. My dissent might be noted, that I do wish that this should be made clear.

Chairman : There is a suggestion made that the word "distinction" should be substituted by the word "discrimination", so that it will read "without discrimination as to race, caste" and so on.

Dr. Ambedkar : Yes, that would do it.

Chairman : That will be all right ?

Dr. Ambedkar : That will be all right. I suggest at the end it should be "without discrimination".

Chairman : Quite then would you make that alteration please. Then it will read without discrimination.

Dr. Ambedkar : Yes.

Chairman : That is a good amendment: the other, I think, would have been a bad one.

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†*Dr. Ambedkar :* Sir, as I understand, paragraph 3 summarises the demand put by the different communities before this Committee.

Chairman : Yes.

Dr. Ambedkar : In view of that, I should like to suggest that the other demands made by the Depressed Classes specifically in their own interests, on account of the fact that their position differs somewhat from the position of the other minorities, should be added. I do not mean to say that they should be added as an accepted proposition by this Conference, but for the sake of completeness those demands should be put in. I would therefore suggest the addition of the following paragraph to this paragraph after the word "rights" : "The Depressed Classes also urged that untouchability, with all its consequent disabilities, should be abolished by law, and that they should be guaranteed free and unfettered enjoyment of their rights ; and they also claim the right of appeal to the Governor-General and the Secretary of State in cases of prejudices or neglect of their interests."

Chairman : But you see, in so far as these suggestions can be made workable, they will come in in the details that will have to be worked out.

Dr. Ambedkar : I quite see that.

Chairman : Partly legislative and partly administrative.

Dr. Ambedkar : But what I would like to say is this, that in view of the fact that the paragraph tries to summarise what was put before this Committee by the different communities, what was put by the Depressed Classes, as something specifically for themselves, apart from what other communities needed, ought to come in by way of completion.

Chairman : But it says "without discrimination" and so on.

† Proceedings of the Sub-Committee No. III (Minorities), pp. 133-35.

Dr. Ambedkar: Mr. Prime Minister, you will excuse me ; it is one thing for the constitution to say that no man shall be discriminated against, and that every man shall be guaranteed the free enjoyment, and so on; but I know as a matter of fact that we are hard up against facts, and that people will not allow us to enjoy the rights which are given to us by the constitution. I am as certain of that as I am certain of my existence. I do not want merely a paper guarantee. The whole community will be against us, and we shall certainly never enjoy one-tenth of what is given to us. I therefore desire that the constitution should not only declare that we shall have specific rights that every community will have, but that the constitution should also provide ways and means by which we shall be protected in the exercise of those rights.

Chairman: The point is, supposing a legislature does not pass a law which will suit you, then the constitution has been broken.

Dr. Ambedkar: No. What I suggest is this: That in the memorandum which I have circulated I have suggested certain ways and means by which we think our rights could be protected in the matter of their exercise. The Committee here, for instance, may not agree that that is an appropriate way of doing it; the Committee may suggest that there are some other means of doing it. I am quite prepared and open for consideration of these other ways and means ; but what I want to submit is this, that this draft ought to report that the Depressed Classes did suggest that they were not satisfied with the mere declaration that they were placed on an equal footing with other communities : but they pressed in that rights be given to them by the constitution. I am not asking for anything more than that. That is by way of completion of the report. In the memorandum which I submitted, you will see I do recommend a certain procedure for that.

Mr. Foot: The only difficulty which occurred to me, with every sympathy for Dr. Ambedkar, was that if you begin to put in a statement of your position, it would have to be a very full statement. Already we have upon the notes the claim that has been made, and the sympathetic adoption of it here referred to again at the end of paragraph.

16. It seems to me perhaps there may be the risk that if you are going to put in any claim at all, you will not have it fully stated in this memorandum.

Dr. Ambedkar: I would just like to say as regards paragraph 16, the last two sentences refer to the Depressed Classes, and they are confined to the seats that are to be allotted to them. That is a different matter altogether. What I am stating is this, that the constitution may give me certain rights, but I know that 99 per cent of the people in India are not going to allow me to exercise those rights. What is the use of those paper rights to me unless the constitution provides that if anyone infringes my rights he is liable to certain penalties? What I say is this. I do not press that the meeting should adopt my proposal. What I want is that the constitution should be made to complete as to cover what I have said on behalf of the

Depressed Classes on this Sub-Committee.

Chairman: We have every sympathy with your position, and are prepared to support it; but the difference between putting a paragraph in the constitution declaring for fundamental rights and the drafting of laws carrying out those fundamental rights is a real one. You cannot get into a constitutional declaration any details of a law which is going to enforce it. What you have got to do is, when you get your representation, when you get your declaration of rights, not in detail, in your constitution, then, as a representative of your people co-operating with the other people in the Legislature you have to produce the law which you think carries out the declaration in the constitution, because if you put anything more by way of detail into your constitution and the constitution is not carried out in that respect, then the constitution is not carried out at all. So you will never get on in that way.

Dr. Ambedkar: My submission is this. I perfectly agree with you that this declaration of fundamental rights is of no consequence. I attach no importance to it myself personally, because after all, what is important to an individual is not that his rights should be declared but that he should have the remedy in order to enforce those rights. That is the effective guarantee of the rights in the declaration, and therefore I want that the constitution should give me some means whereby I can get redress when I am wrong. It is no use merely saying that there is no "untouchability" and so on.

Chairman: As a matter of fact we have got the point clearly in our minds, so it need not be reiterated; but what Dr. Ambedkar says is that a declaration in the constitution is not good enough for him unless it is enforceable by law. That is so. In order to make it enforceable by law, laws must be passed creating the penalties and the crimes—the crimes first of all, and the penalties. You cannot create a crime of this kind. I think, not safely—I am in the hands of Lord Reading; he is a lawyer, I am not—you cannot, in drafting a general introductory clause to your constitution, create by that a crime which gives you more rights than those that you can claim under the constitution. Under the constitution you have got certain rights given to you, and I am not at all sure what is the position. Supposing a Depressed Class person was actually persecuted in violation of this declaration, could he not move for some redress in the Courts?

Lord Reading: Well, you have got to give him some remedy for it, of course. You must make it a misdemeanour.

Chairman: Can you do that in the constitution?

Lord Reading: No, I do not think so. If you will forgive me for a moment I do not think Dr. Ambedkar was pressing for that. As I understand it, he wants us to make a definite statement that he had put the claim forward, that he was not satisfied merely with the declaration of

“free exercise” etc. What he wants also is that he drew special attention to the fact that that was no use to him unless he also had protection for an infringement of these rights, and he leaves it there. Then you have to consider what the remedy is hereafter. That is as I understood him.

Dr. Ambedkar: That is my position.

Discussion on paragraph 4 of the Report

Dr. Ambedkar: I wish to suggest an amendment to the second subparagraph of paragraph 4. After the words “Depressed Classes” I should like to have the words added “barring a short initial period”. It would read “and would be acceptable to the Depressed Classes barring a short initial period”.

Chairman: I understood you accepted it provided there was adult suffrage ?

Dr. Ambedkar: I said that for ten years we should have separate electorate whether there was adult suffrage or not.

Chairman: “And would be acceptable to the Depressed Classes after a transition period” ?

Dr. Ambedkar: Yes.

Chairman: Do you agree that makes it more accurate ?

Mr. Chintamani: Are we to delete the proviso “provided the franchise was based on adult suffrage” ?

Chairman: No, we cannot alter the speeches that were made. But what Dr. Ambedkar said—he will correct me if I am wrong—was that if there is to be no adult suffrage then they must claim separate electorates, but if there is adult suffrage then, after a transition period, they would abandon them. I cannot allow the accuracy to be altered.

Discussion on paragraph 12 of the Report

Dr. Ambedkar: Sir, I should like to have the following words added to paragraph 12 in the beginning : “The minorities and the Depressed Classes were definite in their assertion that they would not consent to any self-governing constitution for India unless their demands were accepted.” And then you can proceed : “There was general agreement with respect to recommendations,” and so on. Speaking for myself, I think I made it very clear at the time when I delivered my speech in this Committee that unless we were assured that we were safe in the new constitution, we could give no consent to any constitution involving the principle of responsibility. If other communities do not care to join in this, it would go as my own statement on behalf of the Depressed Classes.

Lt. Col. Gidney: I join in that statement too, Sir.

Chairman: Of course, the statement as a matter of fact was made, and it was made in a representative way, not merely as an individual statement. But if that is put in in this report, you will observe the effect of it, that one or two of you will be able to say : “Our claims have not been satisfied.” It is not a decision of this Committee, but it does put obstacles

in the way of anything being done unless everybody says they are satisfied with what is being done. Whether you think it is wise to take that statement, undoubtedly made to the Committee, and put it in such a position as to make it necessary to record it in the report which the Committee sends to the Conference, is for you to say. I do not object at all, as a matter of record.

Lord Reading: It is rather difficult to see what part it plays in this particular paragraph ; this is dealing with the Executive, and the only point which is mentioned about the new constitution is in regard to the successful working of it.

Dr. Ambedkar: My position is this, Sir, that speaking for myself, I do not merely make a statement, and I do not want the record merely to say that I made certain demands ; I want the report also to record the strength of feeling that is in my mind behind this ; that it is not merely a demand which I made merely to be accepted or rejected, but I said that the acceptance of these demands was conditional on the acceptance of this.

Lord Reading: I do not see how it can come in this paragraph at all.

Dr. Ambedkar: It may come in anywhere. As it was dealing with general agreements, I thought these few lines might come in appropriately at the top of this paragraph. If you do not think it is suitable, I have no objection.

Chairman: I do not think it can come in here ; I do not see how you can work that in here. You could raise it again. It is really what we should call in a Bill before the House of Commons a new clause and not an amendment to a clause 12.

Dr. Ambedkar: In the third line it reads in this way : “that the representation on the Provincial Executives of important minority communities, i.e. Hindus, Muhammadans and Sikhs, was a matter of the greatest practical importance.....” My amendment is this, that we should delete the word “important”, because I do not want any discriminations made between minorities and minorities, but you should not mention any minority by name, and that if you are going to do so, then you must mention all the minorities.

Dr. Moonje: That is exactly what I was going to say.

Chairman: As a matter of fact, the reason why these words were put in is that they are in the report to which reference is made. What is the amendment ? We are not going to put in anything that you do not agree with. “That the representation on the Provincial Executive of minority communities” ?

Dr. Ambedkar: Leave it there. Delete “Hindus, Muhammadans and Sikhs”.

Chairman: Let us see what it means. It would then read : “that the representation on the Provincial Executives of minority communities was a matter of the greatest practical importance for the successful working”, and so on.

Dr. Ambedkar: Yes.

Chairman : That means that every minority community, if it is 8, 9, 10 or 12, must have a representative upon the Executive.

Dr. Ambedkar: No; I would then add : “as far as possible leaving discretion to the Governor”. I should not like any community to be specifically mentioned.

Lord Reading: Surely you must look and see what this says : “There was general agreement with the recommendation of Sub-Committee No. II (Provincial Constitution).” Then it goes on to quote it.

Dr. Ambedkar: It should not.

Dr. Moonje: My suggestion was a small one, but perhaps it might meet Dr. Ambedkar’s point of view. It was on the same lines : “important minority communities, i.e. Muhammadans, Sikhs, Depressed Classes,”. That was my small amendment.

Lord Reading: Then the others will have to come in.

Sir A. P. Patro: The Depressed Classes are not Hindus? Will you cut off the Depressed Classes ? With due respect, I say there are Depressed Classes who would simply revolt at the suggestion that they are not Hindus. In Southern India, if Dr. Ambedkar comes and says they are not Hindus, then I do not know what position Dr. Ambedkar will have in Southern India.

Dr. Ambedkar: We are not discussing that here.

Sir A. P. Patro: Therefore I say representation consistent with facts and experiences.

Chairman: I have referred to the report to which reference is made. “Hindus, Muhammadans and others” I am told was put in by way of illustration, and these words do not appear in the report.

Sir Muhammad Shafi: That is what I was going to say.

Chairman: Just one minute. The word “important” docs “that the representation on the Provincial Executives of important minority communities”. Therefore “important” will have to stand.

Members: Yes.

Chairman : But “Hindus, Muhammadans and Sikhs” will have to go out; they have no business to be there.

Dr. Ambedkar: Just before you go from that. Sir, I should like to draw attention to the words “working of the new constitution and it was also agreed that on the same grounds Muhammadans should be represented on the Federal Executive”. The words “important minorities” should replace the word “Muhammadans” there I mean, in keeping with what we are saying in the beginning.

Chairman: Oh, yes ! “It was also agreed on the same grounds”—

Dr. Ambedkar: “they should be represented also on the Federal Executive”.

Chairman: “That important minorities should be represented on the

Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives or that, failing this, in each cabinet, there should be a Minister specially charged," and so on. That is exactly what was put forward.

Lord Reading: Yes.

Chairman: Officially.

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**Chairman:* As a matter of accurate recording, the use of the word "Muhammadans" is perfectly right.

Sir Muhammad Shafi: Federal stands on a special footing.

Chairman: "Muhammadans" stands.

Mr. Joshi: Yes, I agree to that.

Dr. Ambedkar: Then you must add to "Muhammadans", "and other important minorities".

Chairman: No, you cannot. That was the claim.

Dr. Ambedkar: May I not say so for myself? Speaking for myself, I speak on behalf of the Depressed Classes as well.

Mr. Joshi: It is not agreed. You did not make the claim.

Dr. Ambedkar: It is not a question of whether I did or not.

Chairman: Now, we are doing business, and it is two minutes to eleven.

Dr. Moonje: I would ask, instead of the word "agreed," that we should say, "it was also claimed that on the same grounds," and so on.

Sir Muhammad Shafi: No, no, it was agreed. That is a matter of fact.

Dr. Moonje: I do not know what took place in the Federal Structure Committee.

Sir Muhammad Shafi: The record shows it.

Dr. Moonje: But here, of course, I do not agree with that point.

Sir A. P. Patro: That is accepted, and it goes to the next paragraph.

Dr. Moonje: A claim was put in.

Chairman: The statement was made that the Muhammadans should be recognised, and to that, according to the minutes, there was an agreement, and that has just been lifted out of the records.

Mr. Joshi: The records of this Committee?

Lt. Col. Gidney: I made a distinct statement on this matter when we had this before the plenary session, and I made statement to this effect—that it is all very well for the larger communities to demand certain things, but the minorities wanted some representation.

Chairman: That is in.

Lt. Col. Gidney: This is only an alternative.

Chairman: Oh, no, it is not. The sentence gives an alternative, but it says the claim was made that there should be either representation of the

* Proceedings of the Sub-Committee No. III (Minorities), pp. 144-46.

minorities direct, or, failing that that is, if that is impossible then.

Lt. Col. Gidney: That is all we want.

Rao Bahadur Pannir Selvam: "Failing this" might be replaced by "if this should be found impossible".

Chairman: Yes, instead of "failing this", "if that should be found impossible". There is no reason why that should not be substituted, "if this should be found impossible".

Lord Reading: What is the difference? We are spending time over interchangeable phrases, that is all.

Sardar Ujjal Singh: Make provision for any other communities in the Federal Executive, and insert the words "important minorities" there. We might make some provision, somehow or other, not necessarily, but provision must be there.

Chairman: May I bring you up against the hard facts of the situation. You cannot, on a Federal Executive, have every minority.

Dr. Ambedkar: Let me make my position clear. In the Provincial Constitution, what we have done is, we have placed an obligation upon the Governor to endeavour to do it. He is not tied down, but in the endeavour he should certainly be allowed the freedom to select even from other important minorities. We are not tying him hand and foot in the making of the Constitution. All we have done is that we place an obligation on him not to select, but we place an obligation upon him merely to make an endeavour. Surely that is not tying him down hard and fast, and I submit that after the word "Muhammadans" the words "other important minority communities" should come.

Chairman: No, we have passed that point. We are now at the second point.

Sir A. P. Patro: May I refer to paragraph 13?

Dr. Ambedkar: I would suggest that my dissent be recorded from paragraph 12.

Sardar Ujjal Singh: After the word "Muhammadans", "other important minorities" should be added.

Lt. Col. Gidney: Why close it to the other minorities?

Chairman: I really must rule. As I have said already, we are not closing it to the other minorities. I am quite willing to discuss amendments on the words as they are, but really you must not raise false issues. This makes a claim that the other minorities shall also be represented, but if this should be found impossible—that alteration has been made—then there will be a Minister. That is an accurate record of the claims which were made. Paragraph 12 agreed.

Dr. Ambedkar: I think our dissent should be recorded.

Chairman: Very well.

[Paragraph No. 12 as adopted finally by the Sub-Committee No. III (Minorities).]

12. There was general agreement with the recommendation of Sub-

Committee No. II (Provincial Constitution) that the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution, and it was also agreed that, on the same grounds, Muhammadans should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives, or that, if this should be found impossible, in each Cabinet there should be a Minister specially charged with the duty of protecting minority interests.

†(Dr. Ambedkar and Sardar Ujjal Singh would add the words “and other important minorities” after the word “Muhammadans” in line 6.)

Discussion on paragraph 18 of the Report

‡*Chairman* : 17 is deleted. Now 18, which will then become 17. That this Report be presented to the Committee of the Whole Conference. Those in favour ? On the contrary ? That is carried. Then it will go to the Committee of the Whole Conference.

Dr. Ambedkar: Sir, there is my amendment.

Chairman: I beg your pardon; I am so sorry.

Dr. Ambedkar: I should like to have this amendment put in as a separate paragraph after 16.

Chairman: Make it the last paragraph ?

Dr. Ambedkar: Yes.

Chairman: Then that is the over-riding paragraph.

Dr. Ambedkar: My amendment is this : “That the minorities and the Depressed Classes were definite in their assertion that they would not consent to any self-Government constitution for India unless their demands were accepted.”

Chairman : As a matter of fact that was said, and it was said in a responsible way ; it was not merely an individual expression of opinion.

Dr. Ambedkar: I think it should be in.

Mr. Joshi: I think labour cannot be regarded as a minority for that statement.

Chairman: I cannot rule it out.

Dr. Ambedkar: I would accept the words : “unless their demands are accepted in a reasonable manner”.

Chairman: That makes it meaningless.

Dr. Ambedkar: Or “their reasonable demands are accepted”.

Mr. Zafrullah Khan: Does anybody suppose that if the demands are met in a reasonable way they are going to be pleased ?

Mr. Foot: It is only the record of a claim.

Chairman: It is only the record of a claim. That paragraph should be added as paragraph 18, a new paragraph.

† Paragraph No. 12 as adopted after discussion in the Sub-Committee No. III.

‡ Proceedings of the Sub-Committee No. III (Minorities), p. 153.