

with regard to specialisation. I do not understand how the passing of an examination like that of the I.C.S. can give any man the competence to serve in certain specialised Department. A man was passed his I.C.S. examination, with mathematics as a special subject, may be placed in the Department of Agriculture or in that of Indian currency. We ought to have a Service which not merely assures a certain standard of education in those who participate, but also allow for a certain degree of specialisation. It is necessary, in my view, that the All-India character of some of these Services should now cease, and the Provinces should be allowed liberty to cut their coats according to their cloth.

Sir A. P. Patro: The objection which has been raised by Dr. Ambedkar is a very relevant one.

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†*Chairman:* Mr. Basu's point of view on Dr. Ambedkar's remarks should clearly be considered. We should be careful to make it plain that in recommending recruitment for the I.C.S. we do not regard the I.C.S. as perfect, good though it is, or as a thing which must be continued for ever on exactly the same basis. It will be necessary to do whatever is possible to remould and recast it. Those of Dr. Ambedkar's school of thought suggest that the All-India Services should be done away with and small Provincial Services set up in their stead.

Dr. Ambedkar: I think that I should make my position clear. I hold, with the rest of the members of this Committee, that it is very necessary to have a European element in the Service, but I do not share the view of the noble Lord, Lord Zetland, when he said that if you make the Service provincial it will dry up the source of recruitment.

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‡*Chairman:* The suggestion is that we should fix 1939, or any other date you like. There is no magic in a date. The suggestion is that we should fix some date, and make it plain that thereafter it is a matter for the Government of India to consider. That is the suggestion which I make in order to try to meet everybody.

Dr. Ambedkar: My view is that your recommendations should be applicable only to the Indian Civil Service and the Indian Police Service.

Chairman: I would agree to that, and I will make that plain.

Third Sitting—8th January 1931

§*Dr. Ambedkar:* Sir, I must say that I do not hold a very strong opinion on the question as to whether there should be a Committee appointed or not, in order to give guidance to the future Government of India, but there are two matters upon which I do hold a very strong opinion. The first is that

†Proceedings of Sub-Committee No. VIII (Services), pp. 57-58.

‡*Ibid.*, p. 85.

§*Ibid.*, pp. 91-93.

I think the time has arrived when instead of having one common Indian Civil Service to men of all departments, we should have hereafter some provision made for the specialisation of Services in order that efficiency may be more greatly secured than it is now. I am not going to say anything as regards the capacity of the Indian Civil Service, because I think that it is generally admitted that it is a capable Civil Service, but, notwithstanding that, I do maintain that the kind of training that one gets in the Indian Civil Service is not sufficient for the discharge of certain duties in certain technical, or otherwise specialised, departments. Consequently it is necessary, that some reorganisation should take place in the Indian Civil Service in order that we may get greater efficiency in the Service. That is one thing upon which I feel very strongly. The second point upon which I feel even more strongly is that, although we are all agreed that there must be Indianisation in the Indian Civil Service and that there must be more rapid Indianisation in the Indian Civil Service than has been contemplated hitherto my submission to the Committee is that, looking at the problem from the standpoint of the Indian tax-payer, it is far more necessary that this Indianisation should not merely be a change in the personnel of the Service, but the Indianisation must be accompanied by some lowering of the burden on the Indian tax-payer. There must be some differentiation in the remuneration, the salary, the pay and the pensions, and other privileges of the Indian element of the Indian Civil Service as compared with what is granted to the European element of the Indian Civil Service. In this connection I should like to draw the attention of the Committee to the recommendations made by the Donoughmore Commission for the Constitution of Ceylon. At page 133, they recommend that the Ceylon Government should hereafter appoint a Salaries Commission, and with regard to that Salaries Commission they make a definite recommendation that there shall be a differentiation in the remuneration of the European element in the Ceylon Civil Service and the Ceylonese element in the Ceylon Civil Service. This is how they justify it: "On the merits of the case it is clear that there is no logical justification for remunerating both classes of public servants on the same basis. In one class are a body of men exiled from the temperate climate which is their birth-right and posted in a tropical country thousands of miles from their homes; a country in which it is impossible for them to bring up their children and from which it is essential for the sake of their own health that they should proceed on leave of absence at regular intervals; a country in whose service they are compelled, not only to face all the difficulties involved in the maintenance of dual establishments, the risks to their health and the personal sacrifice of family ties, but also to preserve at considerable cost a standard of living and hospitality in keeping with their own traditions and those of a Service which, for over 125 years, has represented a great Imperial Power. Side by side with them are men living and working in

their native country, with their homes at hand, subjected to none of the climatic difficulties and to only a part of the financial burden imposed on their European colleagues. It is obvious that the former class of public servants must be paid a salary sufficient to compensate them, over and above the actual value of the work performed, for the personal risks and sacrifices involved in its performance. There can be no logical justification for extending to the latter the compensation necessarily paid to the former.” I think that these observations apply with equal force to conditions in India. If this Subcommittee accepts the two points that I am placing before them, namely, the necessity for diversification in the Indian Civil Service, and also the necessity for differentiation in the remuneration between the two elements in the Indian Civil Service, then I think that it is a necessary corollary that there ought to be somebody set up to advise the Government of India to carry into effect these recommendations. It is for those reasons that I support the suggestion that, after the new Constitution is brought into effect, the Government of India should be empowered to set up such a Committee as is recommended in head 6.

Chairman: May I say for the guidance of the Sub-Committee that, as our terms of reference are the relations of the Services to the new political structures, obviously we cannot go at great length into the question of salaries? At present there is a differentiation in the pay of officials based upon what is called non-Asiatic domicile. I expect that you all know about this. The difference comes to this that those who have a non-Asiatic domicile get what is called overseas pay, which is an addition of about £ 300.

Dr. Ambedkar: I think that that really hardly touches the point. You can create differentiation by adding something to the European salary. That is no relief to the Indian.

Sir A. P. Patro: I think that the reasons given by Dr. Ambedkar necessitate a reply in the affirmative to the two questions propounded in head 6. I think that he has very strongly put the case of enquiry in the matter of Indianisation. The reference as it goes is, what conditions will be required to attract the right recruits? That is a very important thing. If the Committee thinks that the present conditions should be altered and changed in order to attract the best men, then the Committee will consider that aspect of the matter, and, therefore, it will be necessary to have a Committee. The other feature is, that it is said that the future Government of India should have the right of looking into the matter, and considering what would be necessary according to the circumstances which may arise then, I fear that there is a notion that the future Government of India will be so radically altered that the Ministers would do everything that they could to revolutionize the existing system. The sooner that we forget that, the better for us, and then we would be more reasonable in our conception of these conditions of service.

After all, we know there is to be only a limited responsibility in the Centre. The responsibility of Ministers will be restricted. Therefore we

should consider from past experience that there should be some guidance to the future Government of India, which must not be allowed to start with a blank cheque. It is purely a business matter, and my reply would be in the affirmative to both parts of Item No. 6.

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†*Dr. Ambedkar*: I would point out a difficulty that will arise in the question of fundamental rights in the words which you are trying to introduce. The point is this. You are giving the Public Services a direction to recruit the Services so as to give due and adequate representation—whatever the words are. That means this: the Commission will have the right to choose between the different communities in order to make up the quota of the community which does not otherwise get into the Services. That means that they would have to exclude members of other communities in order to make good the claim of fair and adequate representation of other communities which have not hitherto been recruited in the Public Service and if you have this fundamental right given to every individual of every community, that certainly would embarrass the Public Services Commission, because a person who had a fundamental right of this sort may say : You are prejudicing me by preferring some other member of some other community. There seems to me to be the difficulty.

Sir Chimanlal Setalvad: May I point out that this enunciation of fundamental rights, about there being no disability by reason of religion, caste, or creed, is merely repeating the proclamation of Queen Victoria when the Crown took over the Government of India. It was incorporated in the proclamation then made.

Raja Narendra Nath: It does not solve the practical difficulty.

Chairman: May I suggest that as it seems to be that the fundamental right is already there, is it necessary to repeat the fundamental rights ? Would the Sub-Committee be satisfied if we accepted in our report the first two propositions which Sir Chimanlal has read, and not put in the declaration as to fundamental rights ?

Dr. Ambedkar: I would point out that we have not only to guard against the Public Services Commission being influenced by the local Government in the matter of making appointments. It seems to me that we have also to guard against the Public Services Commission abusing its own powers. I feel somewhat strongly on this point. The Public Services Commission is bound to be very limited in its personnel; we therefore cannot provide that the Public Services Commission in its personnel shall represent the different communities in the country. The Public Services Commission will have to be drawn from some communities, and human nature being as it is I fear the Public Services Commission might abuse its own powers.

Mr. Mody: What will be the remedy ?

Dr. Ambedkar: The remedy would be that the Legislative Council should

†Proceedings of Sub-Committee No. VIII (Services), pp. 111-13.

have the power to pass a resolution of want of confidence in the Public Services Commission, just as, for instance —

Sir Chimanlal Setalvad: That would defeat the whole object.

Dr. Ambedkar: If this means is not desirable, I shall welcome some other means and some other method on this point, but I do feel very strongly that it is no use having a Public Services Commission which may be interested in their own community and not in others.

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†*Sir Chimanlal Setalvad:*Having laid it down that the Public Services Commission shall secure a fair representation to the various communities, we would give power to the Governor, in his Instrument of Instructions, to see that such fair representation was secured.

Dr. Ambedkar: You might provide in clause 2 that this should be subject to such directions as may be given them by the Governor.

Sir Chimanlal Setalvad: That is giving too much power to the Governor. All you want to secure is a fair representation for the various communities ; you want to see that the fair representation which we have provided that the Public Services Commission shall allot is in fact secured.

Mr. Zafrullah Khan: How will the Governor see to that ?

Chairman : Major Stanley has been good enough to make this suggestion, which may be a *via media*. He suggests some words to this effect, that at the end of clause 2 we might insert : “This part of the duty of the Public Services Commissions shall be subject in the case of the Provincial Public Services Commissions to the periodic review of the Governor, and, in the case of the Central Public Services Commission, of the Governor-General, who shall be empowered to issue any necessary instructions to secure the desired result.”

Dr. Ambedkar: Yes.

Sir Chimanlal Setalvad: That is all right; I am prepared to accept that.

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‡*Mr. Shiva Rao:* I want to suggest that we say that every member of the Public Services Commissions shall hold office during his good behaviour, and that the Chairman and other members of the Public Services Commissions shall not be removed from office except by the Governor-General on an address by the Central Legislature, and in the case of the Provincial Public Services Commissions by the Governor of the Province concerned on an address by the Provincial Legislature.

Chairman: Mr. Shiva Rao has suggested a new clause, and he puts the point quite clearly. We do not tie ourselves to language but the substance of it is that we should state as a new clause that office is to be held during good behaviour and that a member of the Public Services Commissions, whether Chairman or an ordinary member, is to be removable on an address of the

†Proceedings of Sub-Committee No. VIII (Services), pp. 121-22.

‡*Ibid.*, p. 124.

Legislature to the Governor or Governor-General as the case may be. Let us put that

Dr. Ambedkar: I support that.

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†*Dr. Ambedkar:* The position taken by Mr. Shiva Rao is that discretion in the matter of removal of members of the Public Services Commissions is to be vested entirely in the Governor or Governor-General. The fact the Legislature has passed a resolution by a majority will not *ipso facto* lead to removal, but the Governor or Governor-General will consider whether action should be taken or not

Raja Narendra Nath: I would not allow the Legislature to interfere at all in respect of appointments.

Dr. Ambedkar: A man may be corrupt, just as judges may be corrupt. Should there be no remedy at all? Should there be no way of removing such persons? We are removing patronage from the Ministers because we feel they may be corrupt, but the Public Services Commissions may be corrupt, and if we have no chance of removing any of their members what will the position be?

Dr. Shafa'at Ahmad Khan: Dr. Ambedkar has admitted that a member of a Public Services Commission can be removed by the Governor, and if that is so what is the use of the address by the House? It is very dangerous to have a Legislative body interfering in executive matters. We must keep the deliberative function of the Legislatures completely apart from the function of the Executive, and if we mix the two functions in a matter of this kind, where thousands of appointments may be at stake. I think we shall be inviting trouble and making the whole of the regulations regarding the Public Services Commissions completely useless and utterly futile.

Chairman: Would it be in accordance with the desire of the Sub-Committee—I think the criticism made is rather cogent—that we should insert a clause to the effect that any member of a Public Services Commission holds office during good behaviour and is removable by the Governor or Governor-General as the case may be? (Agreed).

Sir Provash Chunder Mitter: So long as the Legislature is not specifically brought in, I am satisfied.

Chairman: Would that further amendment be in accordance with the wishes of the Sub-Committee? (Agreed). We shall consider it at the report stage; we are considering it provisionally now. Now we get to Colonel Gidney's point

Dr. Ambedkar: Before you proceed to Colonel Gidney's proposal when the draft was first read out there was a clause stating that a member of a Public Services Commission after he had ceased to hold office as a member of such a Commission should not be eligible for service under the Crown.

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