

†*Chairman*: At present I want to put before you what the suggestion is. Will you therefore please strike out the words “be placed under Provincial management”, and insert instead the words “no longer be recruited on an All-India basis”?

“and we do not think it necessary to make any special recommendation with regard to these two services.

“ we recommend that recruitment on an All-India basis should continue for the Indian Civil Service and the Indian Police Service (Mr. Shiva Rao dissents—)” I do not know whether he is alone or whether there is anyone with him.

Dr. Ambedkar: My resolution is that except for the European element in these two Services, the rest should be provincialised.

Chairman: I think that will have to be separately put in.

“(Mr. Shiva Rao dissent from this conclusion, and would desire that all Services be provincialised forthwith).” I suggest that we add here this: “some members are of opinion that recruitment for judicial offices should no longer be made from the Indian Civil Service.”

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‡*Dr. Ambedkar*: I am in favour of both the Services being on a Provincial basis, but I am prepared to make an exception in favour of the European element in those two Services.

Mr. Zafrullah Khan: I agree with Dr. Ambedkar.

Sardar Sampuran Singh: I endorse the same view.

Chairman: I am much obliged. That will certainly go in.

Dr. Ambedkar: On page 2, in the paragraph beginning “No doubt such government if it requires”, and so on, you have mentioned the question of the reorganisation and readjustment of the departments of Public Services, etc. May I know whether you will add also the question of the basis of salary, in view of the discussions that took place this morning?

Chairman: That comes within those words, I think.

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§*Lord Zetland*: No. You cannot withdraw the jurisdiction of the local Government, because the local Government admittedly must be supreme over its officers, but it could be laid down that that should be the practice which it is desirable to pursue. That, Sir, I think covers what I want to put before the Sub-Committee. The main point is to secure that the powers now vested in the Inspector-General by the Police Act of 1861 should be retained, and I put forward various other suggestions, such as the formation of a Police Council in a Province for the consideration of the Sub-Committee.

†Proceedings of Sub-Committee No. VIII (Services), p. 128.

‡*Ibid.*, p. 132.

¶Indian Civil Service and Indian Police Service.

§Proceedings of Sub-Committee No. VIII (Services), pp. 181-82.

Dr. Ambedkar: I want to ask one question for information, if you will permit me to do so. Does the noble Marquess desire that the position of the Inspector-General should be recognised by statute, or does he want the position as it now is under the Police Act to be maintained? Does he want them to be recognised by statute as officers having certain statutory rights and obligations?

Lord Zetland: Yes.

Sir Provash Chunder Mitter: By Parliamentary statute?

Lord Zetland: That is right. The Inspector-General now has these powers by statute, namely the Police Act.

Dr. Ambedkar: That is a different thing to the Police Act, which of course would be subject to amendment by the local Legislature. The question is whether you want the position of the Inspector-General to be recognised as that of an officer performing certain duties, and as an officer not liable to interference by the Minister or by the local Government?

Lord Zetland: That is the effect of it. That is my proposal. I think that the powers which are now vested in the Inspector-General should be retained.

Sir Cowasji Jehangir: By what authority—by the Police Act or by the Government of India Act?

Sir Chimanlal Setalvad: It should be beyond the vote of the local Legislature or of any Legislature to alter the provisions of the Police Act.

Lord Zetland: Yes. I think that it should be the Act of the Federal Government.

Mr. Zafrullah Khan: That can be done by placing the Police Act in the list as one of the Acts which cannot be repealed, altered, or modified, by a Provincial Government without the consent of the Governor-General.

Dr. Ambedkar: That would be the position today, because the Act can not be amended with the previous sanction of the Central Government.

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†*Mr. Zafrullah Khan:* If I may add just this. Perhaps the members of this Committee are not all aware that both the Federal Structure Sub-Committee and the Joint Sub-Committee set up by Sub-Committees Nos. I and II have suggested quite a large number of enactments on comparatively unimportant subjects to be placed in that list under Section 80(3)(h) and if we put the Police Act under that it will not contravene any principles whatever.

Dr. Ambedkar: I am in general agreement with Mr. Zafrullah Khan. The reason why the Police Act is not placed in the Schedule today is that the subject is a reserved subject, therefore as a matter of fact the Government of India has a complete control over the Department of Law and Order; and when the Department of Law and Order comes to be transferred the position will be altogether different. I think it will be necessary to consider whether we should not at least for the transitional period, consider the necessity of certain safeguards at least for keeping such as they exist at the

†Proceedings of Sub-Committee No. VIII (Services), pp. 186-88.