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EVIDENCE TAKEN BEFORE THE JOINT COMMITTEE ON INDIAN CONSTITUTIONAL REFORM

Witnesses examined by Dr. B. R. Ambedkar

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Sir Patrick James Fagan, K.C.I.E., C.S.I., F.R.A.S.. Mr. E. B. Loveluck, Mr. Wilfred Harold Shoobert, Mr. Eustace Arthur Cecil King, Mr. Henry Robert Harrop, Mr. Frederick Wynne Robertson, Sir Evans Cottan, Mr. Harold Lancelot Newman and Mr. Sale, on behalf of European Government Servants, Indian Police Association and Civil Engineers' Association.

*382. *Dr. B. R. Ambedkar* : You stated a little while ago that there is a great deal of hostility shown to the Indian Public Service by the Indian Press and by the politicians in India ?

Sir P. J. Fagan : Yes.

*383. *Dr. B. R. Ambedkar* : I would like to read to you a small extract from the Minute written by Sir Reginald Craddock, which is appended to the Lee Commission Report, on page 132, paragraph 10, a few lines from the bottom. This is the paragraph to which I want to draw your attention : "Several of those who have given evidence before us believe that the hostility from time to time shown by the new legislatures is entirely occasioned by the fact that the members of the All-India Services are imposed on them from outside, and that fresh recruitment for those Services will indefinitely prolong these vested interests ; but that, once control passes from the Secretary of State to the Government of India or to the Local Government in the transferred field as the case may be, all bias and animus will disappear." I want to know whether you agree with that statement ?

Sir P. J. Fagan : No ; I do not think we have sufficient grounds for agreeing with that statement. Of course, if it should turn out so, it would be good, but I am afraid the Associations have not sufficient grounds for agreeing with the statement that there would be a sudden change of attitude.

384. *Dr. B. R. Ambedkar* : Do not you think the very fact that you want to remain outside the control of the Indian Legislature, and the new

*Minutes of Evidence, Vol. II-A, 13th June 1933, pp. 69-70.

Government will itself be provocative enough to arouse public opinion against you ?

Mr. W. H. Shoovert : Sir, we do not want to remain outside the control. We only want our existing accruing rights, our pensions and our family pensions secured. We do not wish to be outside the control in the very least.

385. *Dr. B. R. Ambedkar :* Supposing, for instance, all the rights that may be agreed upon in this Conference as being legitimate rights of the Indian Civil Servants were guaranteed to you by Indian Legislatures by Acts passed by the Local and Central Legislatures. Would that give you sufficient protection ?

Sir P. J. Fagan : We are afraid of the financial situation.

386. *Dr. B. R. Ambedkar :* That is another matter : whether the Indian Legislature will be able to find the moneys on account of your services and other matters is another matter ?

Sir P. J. Fagan : Quite.

387. *Dr. B. R. Ambedkar :* But with regard to your conditions of service, what I want to press is, suppose they were regulated by the Acts of Indian Legislatures (by rules made by the Secretary of State in Council). Do you think that would give you adequate protection or not?

Sir P. J. Fagan : No.

Mr. W. H. Shoovert : Such Acts could be repealed by future extremist Governments.

388. *Dr. B. R. Ambedkar :* Supposing some provision were made for that, that there would be no sudden repeal of an Act ?

Sir P. J. Fagan : I think I may say that the Associations would certainly not regard that as sufficient protection.

389. *Dr. B. R. Ambedkar :* I want to make this point which you have made so much of, that there is so much hostility against you in India both on the part of the Press and the politician. Is not it the fact that you are asking for safeguards the result of which is to keep you entirely out of the purview of legitimate public opinion expressed in the Press as well as in the Legislature ?

Sir P. J. Fagan : No, I do not think it keeps us outside the purview. I should say certainly not. I certainly do not think that it would keep them out of the purview of healthy public opinion.

390. *Dr. B. R. Ambedkar :* I want to put this question to you again : Do not you think that if you were under the control of laws made by the Indian Legislature with the consent of the Indian Ministers you would get far better protection from the Indian Ministers themselves when you are attacked in the Press or by the public than you are likely to get if you remain outside ?

Sir P. J. Fagan : No ; I do not think the Associations would take that view.

391. *Dr. B. R. Ambedkar :* You just now read some extracts from the

Simon Commission Report in support of the statement you made just now. Is it not a fact that Sir John Simon was driven almost against his will to recommend the transfer of law and order simply because he came to the conclusion that to keep that as a reserved subject would expose the services operating in that Department to extreme criticism ?

Sir P. J. Fagan : That is again, I think, a subject that we would rather avoid. It is a very debatable subject and I believe there are very diverse opinions on the subject. I am not responsible for what Sir John Simon may have thought.

Dr. B. R. Ambedkar : Do you agree that that was the reason for its prevailing with the Simon Commission Report ?

Sir Austen Chamberlain : The witness has already asked to be excused from answering that question.

Dr. B. R. Ambedkar : I do not wish to press it if he does not wish to answer.

Sir Austen Chamberlain : Surely it is not a proper question to press the representatives of the Civil Service on, who come to speak to their own special position and claims, and not to take part in a discussion about general reform in India.

Dr. B. R. Ambedkar : The reason Sir John Simon cites for the transfer of law and order was that reserving that Department outside the control of the Legislature and the Minister would expose the Department to far greater criticism from the Press and the public.

Viscount Burnham : As a member of the Statutory Commission, what Dr. Ambedkar has said is a most misleading account.

Dr. B. R. Ambedkar : Possibly I may have misread it.

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Mr. Sachchidananda Sinha, Barrister-at-Law, M.I.C.

*1985. *Dr. B. R. Ambedkar :* I want to ask you, first of all, a question about the special powers of the Governor, especially his power to take action in order to prevent a menace to peace and tranquillity. I want to draw your attention, if I may, to the position as it exists today with regard to the administration of the transferred subjects. Have you got the Government of India Act before you ?

Mr. Sachchidananda Sinha : Yes.

1986. *Dr. B. R. Ambedkar :* Will you just refer to Section 52 of the Government of India Act ?

Mr. Sachchidananda Sinha : Yes.

1987. *Dr. B. R. Ambedkar :* I do not want to take you to Section 45 of the Government of India Act which provides for the classification of subjects transferred and reserved ; that we know. I am dealing only with the question

*Minutes of Evidence, Vol. II-A, 22nd June 1933, pp. 256-58.