

of control. If you take Section 52, sub-section (1) says : “The Governor of a Governor’s Province may, by notification, appoint Ministers, not being members of his Executive Council”, and so on ?

Mr. Sachchidananda Sinha : Yes.

1988. *Dr. B. R. Ambedkar :* Then we come to sub-section (3)—this is what it says : “In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken other wise than in accordance with that advice” ?

Mr. Sachchidananda Sinha : Yes.

1989. *Dr. B. R. Ambedkar :* What I call your attention to is that this section does not say that wherever the Governor thinks there is a menace to peace and tranquillity, he shall overrule his Ministers ?

Mr. Sachchidananda Sinha : No.

1990. *Dr. B. R. Ambedkar :* Specific provision is not made in this section as it is now made in the White Paper ?

Mr. Sachchidananda Sinha : No, that is so.

1991. *Dr. B. R. Ambedkar :* If you refer to the Instrument of Instructions, which is issued to the Governor, in which he is told in what cases he should not Act upon the advice of the Ministers ?

Mr. Sachchidananda Sinha : I have not got a copy here.

1992. *Dr. B. R. Ambedkar :* You will find it in that book at page 269 ?

Mr. Sachchidananda Sinha : Yes, I have it.

1993. *Dr. B. R. Ambedkar :* On page 270, clause VI of the Instrument of Instructions says : “In considering a Minister’s advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of the Presidency as expressed by their representatives therein.” In other words, the Governor, under the present circumstances, can over-rule the Minister and not accept his advice in the matter of transferred Departments, only if he came to the conclusion that the Minister had not the support of the Legislature or of the constituencies ?

Mr. Sachchidananda Sinha : That is so, I suppose.

1994. *Dr. B. R. Ambedkar :* What I want to say is this, if I may, for the sake of clarity : Under the existing system of administering transferred Departments, the Governor has not got his special veto which is now given under clause (a) of the powers given to the Governor, namely, to maintain peace and tranquillity ?

Mr. Sachchidananda Sinha : That is so.

1995. *Dr. B. R. Ambedkar :* Today, having regard to the fact that the Department of Law and Order is a reserved subject, he, of course, can take any action that he likes within the scope of that Department ?

Mr. Sachchidananda Sinha : Yes

1996. *Dr. B. R. Ambedkar :* But he cannot come to the Minister and

say : “I will not accept your advice, although you are dealing with a transferred Department, because the action that you propose to take will be a menace to peace and tranquillity” ?

Mr. Sachchidananda Sinha : No.

1907. *Dr. B. R. Ambedkar* : So, consequently, this is a retrograde provision ?

Mr. Sachchidananda Sinha : Undoubtedly.

1998. *Dr. B. R. Ambedkar* : Today the Minister can take any action he likes in his Department. Under the new scheme of the White Paper (assuming the White Paper goes through) every Department would be a transferred Department. The veto of the Governor arising out of his special power to maintain peace and tranquillity instead of being confined to one particular Department of Law and Order will spread itself over to every Department ?

Mr. Sachchidananda Sinha : Yes.

1999. *Dr. B. R. Ambedkar* : It would be, to that extent, a diminution of responsibility in every Department, although every Department would be a transferred Department ?

Mr. Sachchidananda Sinha : That is so.

Dr. B. R. Ambedkar : Now let me come to the question of the Services. You will see the Appendix 7 which enumerates them —

Viscount Burnham : On a point of order, my Lord Chairman, we have had this explanation of what are the present powers of the Governors of Provinces, but we are not told where it is laid down.

Dr. B. R. Ambedkar : I drew attention to Section 52(1) of the Government of India Act.

Viscount Burnham : On whose authority is this explanation given ?

Dr. B. R. Ambedkar : I do not know.

Viscount Burnham : Who authorises the explanation which you have given ?

2000. *Dr. B. R. Ambedkar* : That is my own interpretation of the Act and the Witness agrees with it. I refer to Section 52, and the Instrument of Instructions, which is part of the Act. Now coming to the question of the Services, Appendix 7, you will see there in that Appendix—I do not want to refer specifically to each point, that provision is made that the Secretary of State in Council shall retain all powers regarding classification and the regulation of the conditions of service ?

Mr. Sachchidananda Sinha : Yes.

2001. *Dr. B. R. Ambedkar* : May I refer you now to Section 96B, sub-section (2) ? This is how it reads : “The Secretary of State in Council may make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct.” And further “such rules may, to such extent and in respect of such matters as may be prescribed, delegate the power of making rules to the Governor-General in Council or

to local Governments, or authorise the Indian Legislature or local Legislatures to make laws regulating the Public Services.”

Mr. Sachchidananda Sinha : Yes.

2002. *Dr. B. R. Ambedkar :* So, under the Government of India Act as enacted, the intention was to transfer this power of making rules with regard to the emoluments and the conditions of service, to the Governor-General or to the Indian Legislatures ?

Mr. Sachchidananda Sinha : Or the Local Governments.

2003. *Dr. B. R. Ambedkar :* And the intention was that the conditions of service should be such as to be assimilated to the new system of government that was to be introduced in India ?

Mr. Sachchidananda Sinha : That seems to be the implication.

2004. *Dr. B. R. Ambedkar :* If, for instance, these provisions as they are laid down in Appendix 7 were enacted, the whole tendency which emanated from the Government of India Act of developing control over the Indian authorities would be arrested ?

Mr. Sachchidananda Sinha : That is why I say in my Memorandum that the proposals relating to the Public Services do not give satisfaction to India.

2005. *Dr. B. R. Ambedkar :* It is quite necessary, and it is in fact provided in the Government of India Act itself, that these powers are being exercised by the Secretary of State in Council, and may be delegated, under proper conditions, to the Indian Legislature ?

Mr. Sachchidananda Sinha : Yes.

2006. *Dr. B. R. Ambedkar :* If the White Paper proposals were enacted, this process of devolution would be arrested ?

Mr. Sachchidananda Sinha : Clearly.

2007. *Dr. B. R. Ambedkar :* Take, again, certain specific items in the Services' rights. Take, for instance, 14 on page 121, “Personal concurrence of the Governor, formal censure,” and so on ; 15 : “Personal concurrence of the Governor with regard to posting ; 16 : Right of complaint to the Governor against any order of an official superior,” and so on. Now these rights, as conditions of service, are really not final ; they are in their evolutionary stage. These were enacted because nobody was certain how the Minister would react ?

Mr. Sachchidananda Sinha : What is your question, Dr. Ambedkar ?

2008. *Dr. B. R. Ambedkar :* My question is this : Some of these Service conditions which are laid down, and to which I have drawn your attention, were enacted as an experimental thing in order to find out what exactly would be the ultimate result of the experiment between a popular Minister and the Civil Service ?

Mr. Sachchidananda Sinha : Yes.

2009. *Dr. B. R. Ambedkar :* They were not intended to be final ?

Mr. Sachchidananda Sinha : No, I suppose not.

2010. *Dr. B. R. Ambedkar :* And if they were enacted as they are, I again

say that the process of assimilating the conditions of the Civil Service to the responsible system of Government would be arrested ?

Mr. Sachchidananda Sinha : Yes.

2011. *Dr. B. R. Ambedkar :* I just want to ask you one question about this Central responsibility. You said in reply to a question by Sir Henry Gidney, that you were very keen on a date being fixed for the inauguration of the Federation ?

Mr. Sachchidananda Sinha : Yes.

2012. *Dr. B. R. Ambedkar :* On the other hand, as you are aware, it is urged that it is impossible to fix any specific date, because there are so many elements of uncertainty, namely, that the Princes may not come in, within the time prescribed, and you know also that in order to avoid that there are certain transitory provisions enacted in the White Paper. Now what I want to suggest is this, because I am anxious to get your opinion upon this point : Suppose the Federation were started immediately with a nominated bloc in the Central Legislature, partly of officials and partly of non-officials, pending the admission or the entry of the requisite number of Princes, so that the Federation may not keep on hanging until the requisite number of Princes come, would you have objection to that sort of system ?

Mr. Sachchidananda Sinha : I can express no opinion offhand, but the matter may be considered and examined. It is worth examining.

2013. *Dr. B. R. Ambedkar :* I want to get this point clear. I suppose you do not agree with the position that Federation of British India with the Indian Princes is a condition precedent to responsibility at the Centre ?

Mr. Sachchidananda Sinha : I do not desire to express any opinion. because I understand the proposals outlined in the White Paper were agreed to at the Round Table Conference.

2014. *Dr. B. R. Ambedkar :* What I am putting is this : Speaking apart from the White Paper, you do not say, or you do not agree, that British India can have Central responsibility only on one condition, that there shall be Federation ?

Mr. Sachchidananda Sinha : No, not apart from the White Paper.

Mr. Butler : Before we proceed further, my Lord Chairman, may I say that we cannot accept the interpretations given in these questions and answers of the present Government of India Act, in particular the limitations which have been assumed under the Instructions of the present Government, Clause VI and Section 52 of the present Government of India Act ?

(3)

**Mir Maqbool Mahmood, Dr. P. K. Sen, Mr. K. M. Panikkar and
Mr. B. Kak, on behalf of Chamber of Princes**

*3000. *Dr. B. R. Ambedkar :* Arising out of these questions, I want to put