4661. *Sir Tej Bahadur Sapru :* May I point out that in point of fact Land Revenue is not raised by Executive Order ? What he is probably thinking of is that Land Revenue settlements are effected by Executive Order ?

Sir John P. Thompson : Yes.

4662. *Dr. B. R. Ambedkar :* Yes ; and a recommendation was made that all these finances which are raised by Executive Order should no longer be raised by Executive Order but by legislation ?

Sir John P. Thompson : I do not know that.

Dr. B. R. Ambedkar : That has not been carried into effect.

(7)

Sir Charles Innes, K.C.S.L. C.L.E.

*5161. *Dr. B. R. Ambedkar :* Sir Charles, you laid considerable emphasis on Second Chamoers ?

Sir Charles Innes : Yes.

5162. *Dr. B. R Ambedkar :* The reason that you gave was that it would mitigate the necessity of the constant use of the special powers ?

Sir Charles Innes : No. I do not know that I said it would mitigate the necessity. I said that it would reinforce the special powers, and I hoped that the existence of the Second Chamber would make it unnecessary, or make it necessary very rarely, to use the special powers which nobody wants to be used.

5163. *Dr. B. R. Ambedkar :* It is not your position that you would substitute Second Chambers for the special powers ?

Sir Charles Innes : No.

5164. *Dr. B. R. Ambedkar :* The second question I want to ask you is this : I think this morning you stated that there was nothing unusual in these special responsibilities, and that you found them in some of the Constitutions of the Dominions ?

Sir Charles Innes : I said there was nothing new in safeguards. I think those were my exact words.

5165. *Dr. B. R. Ambedkar :* I want to put to you this : Is not there this difference between whatever safeguards there might be in the Constitutions of the Dominions and the provisions in the White Paper ? I am sorry I cannot put the question in a short form, because I have to give some explanation of the position as I understand it before I can put this question. I think under responsible government it is never understood (at least, I do not understand) that the Governor is absolutely bound by the advice given by the Ministry. He can refuse to take their advice if he thinks that he need not take it, but when I think the next step that he can take is to form another Ministry which will support him in the particular view which he takes. If that Ministry does not take the view that he takes he can dissolve the Legislative Council and have a new Legislature elected, and if he then

*Minutes of Evidence, Vol. II-A, 6th July 1933, pp. 573-74

finds that there cannot be a Ministry constituted from the new Legislature he must yield. Is not that so ?

Sir Charles Innes : Yes, that would, ordinarily, be the case, unless he thought it was so important that he should not do it.

5166. *Dr. B. R. Ambedkar :* Under the proposals in the White Paper is not there this vital difference, that under the White Paper proposal the Governor will be in a position to overrule any and every Ministry ?

Sir Charles Innes : Only in the exercise of his special responsibility.

5167. *Dr. B. R. Ambedkar :* He will never be bound by the advice of any Ministry ?

Sir Charles Innes : Just as on our side we are assuming that the Indian is going to work the constitution in a spirit of reasonable co-operation, so also I think you have to assume that the Governor is going to do his best to work the constitution in the spirit in which it was conceived.

5168. *Dr. B. R. Ambedkar :* Yes ?

Sir Charles Innes : I do not see why you should assume that the Governor will try to exercise these powers. I think every Governor will try to avoid exercising them as much as he possibly can.

5169. *Dr. B. R. Ambedkar :* I am trying to bring out the difference between the two positions as I see it : the special powers do not give the Governor the power to overrule a particular Ministry with whose advice he disagrees ?

Sir Charles Innes : I really do not know what you are driving at.

5170. *Dr. B. R. Ambedkar :* The point I want to put to you is this, that the special powers which are to be given to the Governor are not given in order that he may overrule a particular Ministry whose advice he does not accept ; but the powers are given so that he may overrule any Ministry ?

Sir Charles Innes : Exactly, because what he has got to do is to discharge certain special responsibilities. It is not a question of overruling a particular Ministry or not : it is a question of whether or not he has got to preserve that special responsibility.

5171. *Dr. B. R. Ambedkar :* That is a vital difference between the safe guards ?

Sir Charles Innes : That is exactly what I said : that the safeguards in India may have to be more precise and more defined because of certain facts. For instance, this communal trouble necessitates safeguards.

5172. *Dr. B. R. Ambedkar :* I am not asking whether there are any grounds for it. I am trying to point out that there is a difference ?

Sir Charles Innes : Yes.

(8)

Sir Edward Benthall, Sir Thomas Catto and Mr. G. L. Winterbotham, on behalf of Associated Chambers of Commerce of India

*6214. *Dr. B. R. Ambedkar :* Sir Edward, I want to ask you, first of all,

*Minutes of Evidence, Vol. II-A, 13th July 1933, pp. 640-42.